

2026 -- S 2829 SUBSTITUTE A

LC005321/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF CHILDREN,
YOUTH AND FAMILIES

Introduced By: Senator Melissa A. Murray

Date Introduced: March 04, 2026

Referred To: Senate Finance

(Dept. of Human Services)

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 42-72 of the General Laws entitled "Department of Children, Youth
2 and Families" is hereby amended by adding thereto the following section:

3 **42-72-37. Application for social security benefits, supplemental security income, and**
4 **veterans benefits.**

5 (a) Definitions. For the purposes of this section:

6 (1) "Benefits" means social security benefits, supplemental security income, veterans
7 benefits, and railroad retirement benefits; and

8 (2) "Youth's attorney" and "guardian ad litem" means the person appointed as the youth's
9 attorney or guardian ad litem in the proceeding in which the department is appointed as the youth's
10 guardian or custodian.

11 (b) Application for benefits.

12 (1) Upon receiving temporary custody or guardianship of a youth in care, the department
13 shall assess the youth to determine whether the youth may be eligible for benefits. If, after the
14 assessment, the department determines that the youth may be eligible for benefits, the department
15 shall ensure that an application is filed on behalf of the youth. The department shall conserve the
16 youth's benefits, including SSDI, inheritance, pensions, life insurance, or other benefits. If the
17 department determines the youth is eligible for an ABLÉ account as authorized by Section 529A
18 of the Internal Revenue Code of 1986, it shall conserve the benefits in that account in a manner that

1 appropriately avoids any federal asset or resource limits, absent a compelling reason to conserve
2 benefits in another manner. The department shall prescribe by rules and regulations how it will
3 review cases of youth in care at regular intervals to determine whether the youth may have become
4 eligible for benefits after the initial assessment. The department shall make reasonable efforts to
5 encourage youth in care over the age of eighteen (18) who are likely eligible for benefits to
6 cooperate with the application process and to assist youth with the application process.

7 (2) When applying for benefits under this section for a youth in care the department shall
8 identify a representative payee in accordance with the requirements of 20 CFR 404.2021 and
9 416.621. If the department is seeking to be appointed as the youth's representative payee, the
10 department shall consider input, if provided, from the youth's attorney and guardian ad litem
11 regarding whether another representative payee, consistent with the requirements of 20 CFR
12 404.2021 and 416.621, is available. If the department serves as the representative payee for a youth
13 over the age of eighteen (18), the department shall request a court order.

14 (c) Notifications. The department shall immediately notify a youth over the age of sixteen
15 (16), the youth's attorney and guardian ad litem, and the youth's parent or legal guardian or another
16 responsible adult of:

17 (1) Any application for or any application to become representative payee for benefits on
18 behalf of a youth in care;

19 (2) Any communications from the Social Security Administration, the U.S. Department of
20 Veterans Affairs, or the Railroad Retirement Board pertaining to the acceptance or denial of
21 benefits or the selection of a representative payee; and

22 (3) Any appeal or other action requested by the department regarding an application for
23 benefits.

24 (d) Use of benefits. Consistent with federal law, when the department serves as the
25 representative payee for a youth receiving benefits and receives benefits on the youth's behalf, the
26 department shall:

27 (1) Beginning January 1, 2027, except as provided in a request for the disbursement of
28 funds, ensure that youth of any age in the care and custody of the department and until the
29 department no longer serves as the representative payee, the entirety of the youth's benefits are
30 conserved.

31 (2) Exercise discretion and seek advisement from the Office of the General Treasurer in
32 accordance with federal law and in the best interests of the youth when making decisions to use or
33 conserve the youth's benefits that are less than or not subject to asset or resource limits under federal
34 law, including using the benefits to address the youth's special needs and conserving the benefits

1 for the youth's reasonably foreseeable future needs.

2 (3) Appropriately monitor any federal asset or resource limits for the benefits and ensure
3 that the youth's best interest is served by using or conserving the benefits, including SSDI,
4 inheritance, pensions, life insurance, or other benefits in a way that avoids violating any federal
5 asset or resource limits that would affect the youth's eligibility to receive the benefits.

6 (e)(1) Annual accounting. The department shall provide an annual accounting to the youth's
7 attorney and guardian ad litem of how the youth's benefits have been used and conserved. In
8 addition, within ten (10) business days of a request from a youth or the youth's attorney and
9 guardian ad litem, the department shall provide an accounting to the youth of how the youth's
10 benefits have been used and conserved.

11 (2) Final accounting. When the department's guardianship of the youth is being terminated,
12 the department shall provide:

13 (i) A final accounting to the Social Security Administration, to the youth's attorney and
14 guardian ad litem, and to either the person or persons who will assume guardianship of the youth
15 or who is in the process of adopting the youth, if the youth is under eighteen (18), or to the youth,
16 if the youth is over eighteen (18); and

17 (ii) Information to the parent, guardian, or youth regarding how to apply to become the
18 representative payee. The department shall adopt rules and regulations to ensure that the
19 representative payee transitions occur in a timely and appropriate manner.

20 (f) Financial literacy. The department shall provide the youth with financial literacy
21 training and support, including specific information regarding the existence, availability, and use
22 of funds conserved for the youth in accordance with this subsection, beginning by age fourteen
23 (14). The literacy program and support services shall be developed in consultation with input from
24 the department's statewide speak advisory board and the office of the general treasurer.

25 (g) Adoption of rules and regulations. The department shall adopt rules and regulations to
26 implement the provisions of this section by October 1, 2026.

27 (h) Reporting. No later than January 1, 2029, the department shall file a report with the
28 general assembly providing the following information for state fiscal years 2027 and 2028 and
29 annually beginning January 1, 2030, for the preceding fiscal year:

30 (1) The number of youth entering care.

31 (2) The number of youth entering care receiving each of the following types of benefits:
32 social security benefits, supplemental security income, veterans benefits, and/or railroad retirement
33 benefits.

34 (3) The number of youth entering care for whom the department filed an application for

1 each of the following types of benefits: social security benefits, supplemental security income,
2 veterans benefits, and/or railroad retirement benefits.

3 (4) The number of youth entering care who were awarded each of the following types of
4 benefits based on an application filed by the department: social security benefits, supplemental
5 security income, veterans benefits, and/or railroad retirement benefits.

6 (i) Annually beginning January 1, 2029, the department shall file a report with the general
7 assembly with the following information regarding the preceding fiscal year:

8 (1) The number of conserved accounts established and maintained for youth in care;

9 (2) The average amount conserved by age group; and

10 (3) The total amount conserved by age group.

11 SECTION 2. This act shall take effect on July 1, 2026.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- DEPARTMENT OF CHILDREN,
YOUTH AND FAMILIES

1 This act would establish a procedure to permit the Department of Children, Youth and
2 Families (DCYF) to apply for benefits on behalf of children, who are eligible, that are within
3 temporary custody or guardianship of the department. DCYF would be responsible to conserve the
4 youth's benefits and determine whether the youth is eligible for an ABLE account. DCYF would
5 be required to identify a representative payee for the benefits and if DCYF is to serve as payee,
6 they shall seek a court order. DCYF would be required to provide an annual accounting to the
7 youth's attorney or guardian ad litem, and a final accounting upon termination of DCYF
8 involvement.

9 This act would take effect on July 1, 2026.

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