

2026 Regular Session

SENATE BILL NO. 33

BY SENATOR MCMATH

CHILDREN/FAMILY SERVICES DEPT. Provides relative to children in foster care.
(8/1/26)

1 AN ACT

2 To enact R.S. 46:51.1.2, relative to benefits for children in foster care; to provide for earned
3 federal benefits; to provide for the duties and responsibilities of the Department of
4 Children and Family Services; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 46:51.1.2 is hereby enacted to read as follows:

§51.1.2. Earned benefits for children in foster care

14 **B. If the department determines that a child is eligible or may be eligible**
15 **for such earned benefits, the department shall apply for the benefits on behalf**
16 **of the child in accordance with federal law.**

C. If a child is already receiving earned federal benefits before entering

1 the department's care, or if the department applies for benefits on behalf of the
2 child, the department shall, in consultation with the child and the child's
3 attorney, identify an appropriate representative payee consistent with 20 CFR
4 Sections 404.2021 and 416.621 and apply to become the representative payee if
5 no other suitable candidate is available.

6 D. If the department is appointed to serve as the representative payee,
7 the department shall:

8 (1) Not use any of the child's earned federal benefits, savings, or assets
9 to pay for or reimburse the department or the state for any cost of the child's
10 care, maintenance, supervision, or services.

11 (2) Establish and maintain an account to conserve the child's earned
12 benefits without interfering with the child's eligibility for public benefits.

13 (3) Provide an annual accounting of the use, application, or conservation
14 of the child's earned benefits to the child and the child's attorney.

15 E. The department shall provide written notice to the child and the
16 child's attorney of any application for benefits, decision, appeal, or appellate
17 determination related to the child's earned benefits.

18 F. If benefits are denied, the department shall consult with the child's
19 attorney and appeal the denial.

20 G. The department shall review each case annually to determine whether
21 a child in care has become newly eligible for earned federal benefits after the
22 department's initial determination.

23 H. Upon termination of the department's custody or legal responsibility
24 for the child, the department shall release any conserved funds as follows:

25 (1) To the child, if the child is at least eighteen years of age or
26 emancipated.

27 (2) To the person responsible for the child, if the child remains a minor
28 and is not emancipated.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

DIGEST

SB 33 Original

2026 Regular Session

McMath

Proposed law requires the Dept. of Children and Family Services to determine whether a child in custody of the department is receiving or is eligible to receive earned federal benefits. Proposed law further requires the determination to be made within 60 days of the child's entry into care.

Proposed law requires the department to apply for benefits on behalf of the child if the child is eligible and not receiving benefits.

Proposed law requires the department to consult with the child and the child's attorney to identify an appropriate representative payee and for the department to apply to serve as the representative payee if no other suitable candidate is available.

Proposed law requires the department to set up an account to conserve the child's benefits if the department is appointed as the representative payee and prohibits the department from using the child's benefits to pay or reimburse itself for the cost of the child's foster care.

Proposed law provides for annual accounting of the funds and notification to the child and the child's attorney.

Proposed law requires the department to notify the child and the child's attorney of any action taken by the department related to the child's benefits.

Proposed law requires the department to consult with the child's attorney and appeal if benefits are denied.

Proposed law requires the department to review each case annually to determine whether a child in care has become newly eligible for earned federal benefits after the department's initial determination.

Proposed law requires the department to release any conserved funds to the child or person responsible for the child upon the termination of the department's custody or legal responsibility of the child.

Effective August 1, 2026.

(Adds R.S. 46:51.1.2)