



STATE *of* NEBRASKA
OFFICE OF THE GOVERNOR
LINCOLN

EXECUTIVE ORDER NO. 26-03

Preserving Federal Survivor Benefits for Eligible Youth in Care

WHEREAS, The State of Nebraska is committed to fostering the future for American children and families;

WHEREAS, some children in the care and custody of the Department Health and Human Services, Children and Family Services are eligible to receive federal survivor benefits administered by the United States Social Security Administration (“SSA”), the United States Department of Veterans Affairs (“VA”), or the United States Railroad Retirement Board (“RRB”);

WHEREAS, these federal survivor benefits are the legal property of the child;

WHEREAS, it is in the best interest of children who are eligible for such federal survivor benefits that those funds be conserved, used for unmet needs, and made available to them as they transition to adulthood;

WHEREAS, Neb. Rev. Stat. § 43-907(6)(b) provides the child beneficiaries the right to request through the juvenile court, that the child beneficiary's social security benefit payments be used or conserved for current or reasonably foreseeable future needs in a manner that is different from the Nebraska Department of Health and Human Services’ (“DHHS”) use and conservation of such payments.

NOW, THEREFORE, I, Jim Pillen, Governor of the State of Nebraska, by virtue of the authority vested in me by the Constitution and laws of this State, do hereby order and direct:


1. DHHS shall screen every child currently in care and every child entering care to determine whether the child is receiving or may be eligible for federal survivor benefits administered by SSA, VA, or RRB.

2. DHHS shall provide written notification to the child, the child's guardian ad litem or legal representative, and the child's caseworker of any application for or entitlement to federal survivor benefits, determination, appeal, or appellate decision.
3. DHHS shall develop policies and procedures to identify a representative payee who is independent of DHHS or when appropriate DHHS should apply to be the payee.
4. In managing the child's survivor benefits, DHHS shall select an account type that best preserves the funds and eligibility for other supports. Appropriate account types may include, but are not limited to, ABLE accounts, Personal Needs Accounts, or trust-style savings vehicles.
5. DHHS shall not use any portion of a child's federal survivor benefits to reimburse itself or any contractor for the cost of the child's care or maintenance while in custody.
6. DHHS shall provide training to all relevant DHHS personnel concerning fiduciary obligations, proper use of representative payee status, and compliance with federal and state law regarding management of beneficiary funds.
7. Each child receiving federal survivor benefits shall be provided with an annual accounting detailing the use, conservation, and balance of those funds.
8. DHHS shall provide financial literacy education beginning no later than age 14, including instruction on budgeting, saving, and accessing conserved funds. Representative payees shall also receive appropriate training.
9. Upon the youth's exit from the custody of DHHS, the balance of the conserved funds shall be released to the youth or to the youth's lawful representative payee, as appropriate while remaining in compliance with applicable SSA policies and Neb. Rev. Stat. § 43-907(7).
10. DHHS shall promulgate necessary policies, procedures, and training to fully implement this Executive Order.
11. If any provision of this Order, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this Order and the application of its other provisions to any other persons or circumstances shall not be affected thereby.

Executive state agencies shall cooperate in the implementation of this Order to the fullest extent possible under Nebraska law.

This Executive Order shall take effect immediately. Agencies will be fully compliant with this Executive Order as soon as practicable.

IN WITNESS THEREOF, I hereunto set my hand and cause the Seal of the State of Nebraska to be affixed this 27th day of January 2026.



Governor Jim Pillen
State of Nebraska



Colleen Byelick, Acting Secretary of State
State of Nebraska

Attest:

