



## When to Develop for a Representative Payee

### March 14, 2007

U.S. Railroad Retirement Board  
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## 1410.5 Children

To protect the rights of a minor child, someone should be selected to receive benefits on behalf of the child at the time an application is filed. The Railroad Retirement Board will not abandon development of a representative payee for a minor child.

### 1410.5.1 Under Age 16

The preferred payee for a minor is a parent, either natural, step or adoptive; or another representative who is legally vested with the care of the minor. If the child is not living with a parent, develop for a representative payee who will look after the child's interests. See FOM-I-1420.10 for help in determining who is best qualified to be payee for a child in lieu of a parent.

### 1410.5.2 Age 16-17

A parent is also the preferred payee for a child this age. However, payments can be made directly to the child if he is in military service or otherwise emancipated, i.e., freed from parental control and responsibility. A child in military service will be considered emancipated; no special development is needed.

Interview any child age 16-17 who is neither in military service nor in the care of a parent or legal representative. The interview should show if the child has the capacity and maturity to be self-sustaining. A child living on his own and supporting himself should be considered emancipated and will receive his annuity directly. Document your interview in a memorandum and attach a copy to the initial application package.

If a child shows that he is not self-supporting, develop for a representative payee as indicated in FOM-I-1420.

If payments are in force to a payee for a child and the child becomes emancipated, a new Form AA-19 is not needed. Secure a certification form from the child and prepare a memorandum to document your interview with the child. The memorandum should include your reasons for believing the child is able to manage his own payments.

## 1410.6 Student

Prior to September 15, 1981, a survivor student was given the option of receiving annuity payments directly or authorizing payment to a parent. Beginning that date, the Railroad Retirement Board pays survivor students directly. A student is an adult beneficiary and all development in a survivor case will ordinarily be directly with the student. If a parent objects to direct payment to a student, explain that students are



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considered and treated as all other adult beneficiaries, and that a representative payee will be appointed only if the student is incapable of handling his own funds. The student may have his payments credited to an account at a financial institution through direct deposit. If the student so desires, the account can be a joint account with his parent.

### **1410.10 Adult**

An adult will need a representative payee if he is incompetent, i.e., incapable of managing his annuity. In the absence of a legal representative, you should be able to determine the need for a representative payee at the time an application is filed. Factors like the nature of an individual's disability and his demeanor will indicate if representative payee development is necessary. See FOM-I-1415.5.

### **1410.15 Allegation Of Incompetence**

Investigate every allegation of incompetence according to the guidelines set forth in FOM-I-1415. However, not every allegation will result in representative payee development and selection.