

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 [FOM1-1420.10](#) 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 alone 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 [FOM1-1420](#).

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 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 [FOM1 1415.5](#).

1410.15 Allegation Of Incompetence

Investigate every allegation of incompetence according to the guidelines set forth in [FOM1 1415](#). However, not every allegation will result in representative payee development and selection.