

2015-0442

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

In Case No. 2015-0442, Carrie Hendrick & a. v. New Hampshire Department of Health and Human Services, the court on February 3, 2016, issued the following order:

The plaintiffs, Carrie Hendrick and Jamie Birmingham, individually and on behalf of their children, sought a declaratory judgment against the defendant, the New Hampshire Department of Health and Human Services, that it was illegally including their children's Supplemental Security Income as countable household assistance group income for purposes of the defendant's Financial Assistance to Needy Families (FANF) program. The Superior Court ruled that the inclusion of the children's Supplemental Security Income in FANF assistance group income was lawful, that the defendant's Administrative Rule He-W 654.04, which allows it to include Supplemental Security Income benefits in its calculation, does not impair the plaintiffs' legal rights and privileges, and that the defendant was entitled to judgment as a matter of law.

The plaintiffs appeal the Superior Court's order granting summary judgment to the defendant on the plaintiffs' claim that New Hampshire Administrative Rule He-W 654.04(c) is invalid as a matter of federal law.

On appeal, the plaintiffs present the following questions of federal law:

1. Is it unlawful for the State to terminate, reduce, or deny a household's Temporary Assistance to Needy Families (TANF) because a child with disabilities in the household receives federal Supplemental Security Income (SSI)?
2. Does inclusion of the child's SSI as TANF assistance group income violate the federal Social Security Act and regulations?

The Supreme Court invites the Solicitor General to file an amicus brief setting forth his view on this issue. Copies of the notice of appeal, the parties' briefs, and the appendix are being provided to the Solicitor General with this order.

This order is entered by a single justice (Dalianis, C.J.). See Rule 21(7).

**Eileen Fox,
Clerk**

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