

April 23, 2024

The Honorable Buffy Wicks
Chair, Assembly Appropriations Committee
Hon. Committee Members
1021 O Street, Suite 8220
Sacramento, CA 95814

RE: AB 2906 (Bryan) – Co-sponsorship and Support

Dear Chair Wicks and Honorable Committee Members:

Should we purposefully and secretly take the money of abused and neglected children under our care without even telling them we are doing so, when such traumatized children will inevitably and urgently need the money to avoid homelessness while still in their teens or early twenties?

No, we should not. This is abhorrent. Preventing this immoral breach of trust we perpetrate against our own children – uniformly traumatized, too often destined for destitution under our care – has the highest possible moral claim on our state money.

The Children's Advocacy Institute at the University of San Diego School of Law, which has sought to advance the well-being of California's children through legal education, advocacy, and litigation for over 30 years, is honored to co-sponsor AB 2906 (Bryan) and respectfully asks for your support for this measure; one that corrects a glaring and entirely self-inflicted injustice perpetrated against our own, trusting children.

COVERTLY TAKING THE MONEY OF FOSTER CHILDREN MAKES HOMELESSNESS WORSE.

The issue posed is by this measure is whether it is moral for states to take the personal money of abused and neglected children under their care, without the child's knowledge or assent, to pay for services already covered by state and federal appropriations, when such funds could (for example) be preserved to support the child when they age out of the system and must navigate the world alone.

It is not moral to do this. As a *Newsweek* headline in December of 2023 rightly observed:

Government Taking Social Security Payments From Children Sparks Fury¹

¹ <https://www.newsweek.com/government-taking-social-security-payments-children-sparks-fury-1856100> Few child welfare issues in recent years have been the subject of as much press coverage as the issue addressed by AB 2906. For examples of the press coverage, see Exhibit A, attached.

In fact, not only is it immoral. When the state is spending vast sums –billions -- to address homelessness², it is senseless to do this.

Around 4,000 young people “age out” of the California foster care system each year. Most of these youth lack family or other support networks to assist them, and many have not yet acquired the life skills necessary to become self-sufficient. According to one study, between 31 and 46% of former foster youth had been homeless at least once by the age of 26.”³ As the most recent Chapin Hall survey of California youth concluded:

Among all [survey] participants, more than a quarter of youth reported being homeless (i.e., slept in a homeless shelter or in a place where people were not meant to sleep, because they had no place to stay) for at least one night since their last interview. Among youth who had been homeless since their last interview, about a third had only been homeless one time, while about a third had been homeless five times or more. More than half of youth who had been homeless said their longest episode of homelessness since their last interview was longer than a month. Among those who had been homeless, close to three-fifths were homeless for more than 30 days in total since their last interview.⁴

These are the children we are taking money from -- secretly. Neither logic nor morality supports such a policy, *especially when we are spending fantastic amounts of money to address the very homelessness this immoral policy exacerbates.*

LEGAL BACKGROUND

Current and former foster youth may be eligible for one or more federal Social Security Administration (SSA) Benefits programs, including Supplemental Security Income for individuals with disabilities and Social Security Survivor benefits for children and youth with a deceased parent. For these particularly vulnerable youth, SSA benefits could offer an economic safety net during and after their time in foster care.

Although California has made significant efforts to link transition aged youth in foster care to SSA benefits, there is no requirement in state law for counties to regularly update the court, the youth themselves, or court-appointed counsel about the status of an SSA benefits application or how SSA benefits — the youth’s personal funds — are used. In practice, youth may never learn that they were eligible for SSA benefits during or after their time in foster care, that the county was actually receiving benefits on their behalf, or how their benefits were spent. Although there are several different types of savings accounts and trusts that could be established to ensure that SSA benefits are spent or conserved to address a youth’s current unmet needs or future needs, youth in foster care typically are not informed about these options. As a result of that lack of knowledge

² “Governor Newsom has advanced a multi-year \$15.3 billion plan to address homelessness – more than ever before in state history”
<https://www.gov.ca.gov/2024/01/10/2024-25-state-budget-proposal-protects-core-priorities-and-ensures-fiscal-stability/#:~:text=This%20budget%20proposal%20maintains%20billions,KEEPING%20CALIFORNIANS%20SAFE.>

³ <https://pubmed.ncbi.nlm.nih.gov/24148065/>

⁴ Findings from the California Youth Transitions to Adulthood Study (CalYOUTH): Conditions of Youth at Age 23 chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.chapinhall.org/wp-content/uploads/CY_YT_RE0518_1.pdf

and information sharing, this critical avenue of long-term support may be lost, all, possibly, without the knowledge or consent of the child, the judge, or the child's attorney.

AB 2906 (Bryan)

Streamlined from last year's AB 1512, AB 2906 would do three main things:

1. Require that the attorney for the child be notified if there is an effort to take the child's money.
2. Require counties to abide by representative payee best practices if they are appointed a representative payee instead of, for example, a relative or mentor.
3. Require that such money be conserved for the benefit of the child.

Many states and localities have already taken or are taking action to cease the harmful practices addressed by this bill.⁵ It is, respectfully, time for California to join their ranks. For these reasons, we respectfully request your support for fair treatment of abused and neglected children who are entirely at the hands and mercy of the State by voting for AB 2906 (Bryan).

Sincerely,



Ed Howard
Senior Counsel, Children's Advocacy Institute

⁵ [Arizona](#) law, passed in June 19, 2023, requires prompt screening/application for benefits; adequate notice to the child, parent/guardian, and attorney; establishment of proper accounts to use and conserve the child's benefits; requirement to use the child's federal benefits only for the child's unmet needs beyond what DCS is obligated; and financial literacy training. [Washington DC](#)'s, Preserving Our Kids' Equity Through Trusts (POKETT) Act, effective March 2023, provides local funding for the cost of care of foster and disabled children to enable these children to leave care with their Social Security benefits still available. It also requires the Child and Family Services Agency to conserve children's benefits in accounts that avoid transgressing federal resource limitations, creating a nest egg for when children leave care. [Oregon](#) On July 31, 2023, Oregon enacted legislation which prohibits public bodies from seizing foster children's benefits, or any other assets, to offset maintenance costs. The Department must establish appropriate accounts to conserve benefits, and fulfill all fiduciary obligations in administering them. [New Mexico](#) announced new policy on July 21, 2023 to halt the long-standing agency policy of tapping federal benefits owed to children in state custody to offset the cost of foster care, promising instead to keep the benefits in trust for the intended recipients. This new policy will be in place as of Sept. 1, 2023. [Connecticut](#) enacted a bill in 2022 providing that no foster youth's SSI benefits shall be utilized by the Department of Children and Families to offset the cost of such child or youth's care. [Illinois](#) reform, enacted in 2022, requires screening/application for Social Security and Veterans benefits, requires notice to a child (over 16) as well as their parent and attorney/GAL, accounting reports to the child's GAL/attorney, and provides financial literacy training for youth beneficiaries. [Maryland](#) passed the first state reform bill in 2018, which requires notice, accounting, progressive conservation of benefits in exempt accounts when appropriate starting when a child is 14, for services for special needs not otherwise provided by the Department. [Nebraska](#) enacted a new law in April 2022, requiring notice to child and child's guardian ad litem, regular accounting for benefits, and adherence to SSA representative payee requirements. However, the measure also retains state law requiring that a foster child's assets over \$1,000 and current income be available for reimbursement to the state for the cost of care, and contains no provision about screening/application, or conservation of benefits. [Hawaii](#) passed a Resolution in April, 2023 requesting DHS to immediately cease intercepting Social Security payments for children in foster care and declaring that intercepting Social Security payments meant for foster children limits their financial well-being as they pursue higher education or achieve financial independence. The Resolution requests DHS to deposit Social Security payments for foster children into savings accounts that may be accessed by foster children when they return to their families, are adopted, or age out of foster care. [New York City](#)'s Administration for Children's Services (ACS) announced the Child-Centric Social Security Benefits Plan in December 2021, acknowledging the harm caused by taking foster children's benefits and committing to ending the practice. They stopped taking RSDI survivor benefits in 2022 and are expected to begin conserving SSI benefits shortly. They will also offer financial literacy training to older youth and their families/personal representative payees to facilitate understanding [Philadelphia](#). In Sept. 2022, the Philadelphia City Council enacted new provisions authorizing the Department to promptly screen and apply for benefits, provide notice and annual reporting to the child and child's attorney, conserve and use benefits in accordance with asset limits for unmet current and future needs, and ensure benefits are *not* used to offset the cost of care.

Exhibit A

<https://www.npr.org/2023/09/12/1197610205/foster-care-social-security-benefits>
[https://www.kunm.org/local-news/2023-08-11/cyfd-working out new systems after deciding to allow foster children to keep benefits?utm_medium=email&utm_source=govdelivery](https://www.kunm.org/local-news/2023-08-11/cyfd-working-out new systems after deciding to allow foster children to keep benefits?utm_medium=email&utm_source=govdelivery)
<https://www.bridgemi.com/guest-commentary/opinion-set-michigan-foster-children-success-when-they-age-out>
https://www.abqjournal.com/news/unprecedented-new-mexico-foster-children-will-now-be-allowed-to-keep-federal-benefits-owed-to/article_a8eba052-2fef-11ee-8edb-736b67563b4a.html
<https://www.wgbh.org/news/local-news/2023/07/12/former-public-safety-secretary-shocked-by-reports-that-dcf-puts-foster-youths-funds-into-state-coffers>
<https://www.bostonglobe.com/2023/07/11/metro/state-has-long-collected-federal-benefits-meant-children-its-care-some-lawmakers-want-change-that/>
<https://www.villagenews.com/story/2023/07/06/opinion/supporting-foster-youth/73506.html>
<https://spectrumfocus.com/section/in-focus/in-focus/2023/06/26/reforming-california-s-foster-care-system---protecting-victims-of-human-trafficking>
https://prescottnews.com/index.php/2023/06/26/arizona-gov-katie-hobbs-signs-comprehensive-state-law-protect-foster-childrens-federal-social-security-disability-and-veteran-survivor-benefits/?utm_medium=email&utm_source=govdelivery
<https://www.loveblackgirls.org/post/unveiling-the-financial-exploitation-of-black-and-brown-children-in-the-foster-care-system>
<https://azbigmedia.com/business/politics/hobbs-signs-hb-2559-to-protect-foster-childrens-social-security-benefits/>
<https://azcapitoltimes.com/news/2023/06/20/arizona-becomes-first-state-to-stop-agencies-from-taking-foster-childrens-federal-benefits/>
<https://www.cbs8.com/article/news/investigations/san-diego-supervisors-support-putting-stop-to-taking-foster-children-benefits/509-4d545de3-8ba7-49bb-a7cb-24cf06f90574>
<https://bosagenda.sandiegocounty.gov/cobservice/cosd/cob/content?id=0901127e80fd8420>
<https://timesofsandiego.com/opinion/2023/06/10/supervisors-must-vote-to-back-survivor-disability-aid-for-foster-youths/>
https://www.cbsnews.com/chicago/news/dcf-used-girls-inheritance/?utm_medium=email&utm_source=govdelivery
<https://www.cbs8.com/article/news/investigations/san-diego-has-collected-over-3-million-in-social-security-payouts-from-foster-children/509-24dcea25-ff7a-4192-bb78-f5ff2de6e42d>
<https://thedcline.org/2023/04/24/as-vouchers-go-unused-dcs-former-foster-youth-struggle-to-find-housing/>
https://www.hawaiinewsnow.com/2023/04/14/state-does-about-face-policy-that-strips-foster-kids-benefits-says-funding-needed-fill-gap/?utm_medium=email&utm_source=govdelivery
<https://calmatters.org/california-divide/2023/04/social-security-foster-benefits/>
<http://www.commonnews.org/site/sitenext/story.php?artid=37124>
<https://imprintnews.org/top-stories/a-growing-number-of-states-vow-to-stop-seizing-benefits-owed-to-foster-youth/239438>
https://www.bizjournals.com/phoenix/news/2023/03/14/hobbs-arizona-foster-children-benefits.html?cx_testId=40&cx_testVariant=cx_9&cx_artPos=6
<https://www.cbs8.com/article/news/local/san-diego-has-taken-thousands-of-dollars-from-orphans-social-security-benefits/509-8ca4d919-dce5-4ed3-936a-7b7fc5489e03>
<https://www.bollyinside.com/news/business-news/san-diego-county-embezzled-funds-from-foster-children/>
<https://www.10news.com/news/team-10/lawsuit-san-diego-county-took-money-from-foster-kids>
[https://www.oregonlive.com/politics/2023/03/foster care-agencies-across-the-country-pocket-money-owed-to-kids-in-their-care-oregon-lawmakers-want-to-ban-the-practice.html](https://www.oregonlive.com/politics/2023/03/foster-care-agencies-across-the-country-pocket-money-owed-to-kids-in-their-care-oregon-lawmakers-want-to-ban-the-practice.html)
<https://vtdigger.org/2023/03/01/lindsey-britt-why-is-vermont-stealing-from-vulnerable-children/>
<https://www.pdx.edu/social-work/news/bsw-student-oulu-noonan-protects-legal-rights-foster-care-youth>
<https://www.audacy.com/wccoradio/news/local/minnesota-counties-stealing-social-security-from-foster-kids>
<https://www.startribune.com/minnesota-counties-take-millions-in-federal-benefits-meant-for-children-in-foster-care/600230227/>
[https://www.adn.com/alaska-news/anchorage/2022/11/06/aging-out-of-alaskas-foster care-system-on-his-own-terms/](https://www.adn.com/alaska-news/anchorage/2022/11/06/aging-out-of-alaskas-foster-care-system-on-his-own-terms/)
[https://www.mprnews.org/episode/2022/10/26/what-local-foster care-advocates-are-doing-to-change-protocols-involving-hospital-stays](https://www.mprnews.org/episode/2022/10/26/what-local-foster-care-advocates-are-doing-to-change-protocols-involving-hospital-stays)
<https://perma.cc/BT8S-UXYQ>
[https://blog.freopp.org/state-lawmakers-must-help-youth-aging-out-of-foster care/](https://blog.freopp.org/state-lawmakers-must-help-youth-aging-out-of-foster-care/)
[https://www.bloggingbigblue.com/2022/07/25/some-children-placed-in-foster care-in-california-are-used-for-financial-gain-by-the-state/](https://www.bloggingbigblue.com/2022/07/25/some-children-placed-in-foster-care-in-california-are-used-for-financial-gain-by-the-state/)
<https://community99.com/ca-counties-increase-social-security-benefits-from-some-foster-children/>
[https://calmatters.org/california-divide/2022/07/foster care-youth-california/?utm_source=CalMatters+Newsletters&utm_campaign=50b30532f7-WHATMATTERS&utm_medium=email&utm_term=0_faa7be558d-50b30532f7-150306603&mc_cid=50b30532f7&mc_eid=08342a25e1](https://calmatters.org/california-divide/2022/07/foster-care-youth-california/?utm_source=CalMatters+Newsletters&utm_campaign=50b30532f7-WHATMATTERS&utm_medium=email&utm_term=0_faa7be558d-50b30532f7-150306603&mc_cid=50b30532f7&mc_eid=08342a25e1)
<https://imprintnews.org/news-briefs/bill-would-protect-foster-youth-benefits-in-dc/66211>
[https://www.wfae.org/united-states-world/2022-07-22/decades-after-foster care-she-learned-she-was-owed-benefits-where-did-the-money-go](https://www.wfae.org/united-states-world/2022-07-22/decades-after-foster-care-she-learned-she-was-owed-benefits-where-did-the-money-go)
[https://www.audacy.com/kywnewsradio/news/local/philadelphia-city-council-benefits-foster families?utm_medium=email&utm_source=govdelivery](https://www.audacy.com/kywnewsradio/news/local/philadelphia-city-council-benefits-foster-families?utm_medium=email&utm_source=govdelivery)
<https://www.brianneknadeau.com/updates/press-release/nadeau-introduces-bill-preventing-government-seizing-foster-childrens-federal>
<https://www.bu.edu/articles/2022/us-child-welfare-system-is-falling-short-because-of-persistent-child-poverty/>
<https://www.alaskapublic.org/2022/06/07/national-advocates-push-against-alaska-ocs-spending-foster-youth-social-security-benefits-in-new-legal-filing/>

<https://www.ktoo.org/2022/06/07/national-advocates-support-alaska-foster-childrens-appeal-over-state-taking-their-social-security-benefits/>
http://www.caichildlaw.org/Misc/CAI_PressRelease_Alaska.Amicus2.pdf
<https://imprintnews.org/foster-care/minnesota-other-states-aim-to-curb-benefit-seizure/65167>
https://www.hawaiinewsnow.com/2022/04/29/push-underway-prevent-state-taking-millions-benefits-foster-kids/?utm_medium=email&utm_source=govdelivery
https://thehill.com/blogs/congress-blog/politics/598722-congress-should-protect-foster-childrens-social-security?utm_medium=email&utm_source=govdelivery
<https://phlcouncil.com/councilmember-gym-announces-legislation-to-give-back-more-than-1-million-annually-to-youth-in-foster-care/>
<https://www.inquirer.com/news/foster-parenting-philadelphia-social-security-payments-20220315.html>
<https://www.npr.org/2022/03/09/1084620883/new-york-city-will-stop-collecting-social-security-money-from-children-in-foster>
<https://www.themarshallproject.org/2022/01/13/paying-for-their-own-foster-care>
<https://www1.nyc.gov/assets/acs/pdf/PressReleases/2021/SocialSecurityIncome.pdf>
<https://www.inquirer.com/news/foster-parenting-philadelphia-social-security-payments-20211215.html>
<https://www.npr.org/2021/07/16/1016996802/los-angeles-county-moves-to-get-more-money-into-the-hands-of-foster-youth>
https://omaha.com/opinion/editorial/editorial-nebraska-must-stop-seizing-foster-childrens-social-security-benefits/article_40bfd176-c555-11eb-a7fa-0763a5843df4.html?utm_medium=email&utm_source=govdelivery
https://www.cbsnews.com/chicago/news/dafs-benefits-money-illinois/?fbclid=IwAR057C28ALBIqPk9NRs058k6SezoLRb__RUYrRujSQzYnVjurf8cS93gL1o
<https://lasvegassun.com/news/2021/may/20/nevada-must-close-loophole-that-allows-government/>
<https://www.themarshallproject.org/2021/05/17/these-states-take-money-meant-for-foster-children>
<https://www.npr.org/2021/05/03/992993650/movement-grows-for-states-to-give-back-federal-funds-owed-to-foster-children>
<https://www.npr.org/2021/04/28/991503850/consultants-help-states-find-and-keep-money-that-should-go-to-foster-kids>
<https://www.themarshallproject.org/2021/04/22/were-you-ever-in-foster-care-here-s-how-to-find-out-if-the-government-took-your-money>
<https://www.npr.org/2021/04/22/988806806/state-foster-care-agencies-take-millions-of-dollars-owed-to-children-in-their-ca>
<https://www.alaskanewsresource.com/content/news/Court-finds-OCS-Alaska-foster-kids-Social-Security-monies-559405261.html>
<https://www.dailykos.com/stories/2018/10/23/1806541/-Florida-Gov-Rick-Scott-s-Abuse-of-Trust-Confiscating-Millions-from-Foster-Children>
<https://www.badgerinstitute.org/WI-Magazine/Diggings1/Fall-2017/The-shameless-chase-for-federal-money.htm>
<https://thejoonnamdishow.org/audio/#/shows/2016-06-28/when-poverty-becomes-an-industry/91883/%4000:00>
<https://talkpoverty.org/2016/06/24/poverty-industry-foster-care-agencies-exploit-children-care/>
https://www.washingtonpost.com/politics/social-security-continuing-to-pursue-claims-against-family-members-for-old-debts/2014/12/13/4fbdc1f4-7fc7-11e4-81fd-8c4814dfa9d7_story.html
<https://www.baltimoresun.com/opinion/op-ed/bs-ed-foster-care-maryland-20131013-story.html>
<https://www.nytimes.com/2006/02/17/us/welfare-agencies-look-for-foster-childrens-assets.html>
<https://spectrumlocalnews.com/mo/st-louis/news/2024/03/27/missouri-foster-children-seizing-benefits>
<https://www.yourvalley.net/stories/this-phoenix-organization-has-been-at-the-forefront-of-fighting-for-foster-childrens-rights,478087>
<https://www.cohousedems.com/news/bill-of-rights-for-foster-youth-passes-house>
<https://mainemorningstar.com/2024/02/06/legislation-would-stop-dhhs-from-using-a-childs-federal-benefits-to-pay-for-foster-care/>