



CHILDREN'S ADVOCACY INSTITUTE

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September 15, 2023

The Honorable Gavin Newsom
Governor of the State of California
State Capitol, Suite 1173
Sacramento, CA 95814

Re: AB 1512 (Bryan) Preserving Social Security Administration Benefits for Foster Youth – CO-SPONSORSHIP AND REQUEST FOR SIGNATURE

Dear Governor Newsom:

The Children's Advocacy Institute at the University of San Diego School of Law, which for over 30 years has sought to advance the well-being of California's children, respectfully supports and is honored to be among the co-sponsors of AB 1512 (Bryan). We ask respectfully for your signature on this important measure ensuring basic fairness to our foster youth when it comes to how we handle their personal funds, when they happen to have such funds.

BACKGROUND

Few child welfare issues in recent years have been the subject of as much press coverage as the issue addressed by AB 1512. The issue is whether it is right 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.¹

Around 4,000 young people "age out" of the California foster care system each year. Many 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. Consequently, 25% of young adults who age out of foster care end up homeless or incarcerated within 18 months of exiting care. By definition separated from their parents and their support, often without contact to broader family members, functionally alone, more than any other category of children, they could use financial resources.

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

¹ For examples of the press coverage, see Exhibit A, attached.

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 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 1512

AB 1512 would ensure basic fairness for foster youth when it comes to how counties treat what is, after all, the youth's private property. CAI believes the requirements of this bill represent the bare minimum of what is legally and morally required of us when it comes to these children and their personal funds. Many states and localities have already taken action to cease the harmful practices addressed by this bill.² 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 entirely at the hands and mercy of the State by signing AB 1512 (Bryan).

Sincerely,



Ed Howard
Senior Counsel, Children's Advocacy Institute

² [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

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