



IDAHO DEPARTMENT OF HEALTH & WELFARE

BRAD LITTLE – Governor
ALEX J. ADAMS – Director

OFFICE OF THE DIRECTOR
450 West State Street, 10th Floor
P.O. Box 83720
Boise, Idaho 83720-0036
PHONE 208-334-5500
FAX 208-334-6558

May 21, 2025

Director's Bulletin: 2025-02

Protecting Social Security Survivor's Benefits for Children in Foster Care

A recent review has determined that child welfare agencies in nearly all states routinely apply for, and use, children's Social Security Survivor's Benefits to pay for costs associated with foster care. Children in foster care deserve the ability to have the same opportunities and privileges afforded to every other child in our state, including receiving the funds that they are federally entitled to for their own benefit, not the state's. As such, I am hereby directing the following on behalf of children in foster care with Social Security Survivor Benefits, no later than July 1, 2026:

- When serving as the representative payee, the Department shall not use the child's benefits for maintenance payments or special allowances as defined in 42 U.S.C.A. §675(4)(A).
- The Department, when serving as representative payee, shall use a child's funds for expenses necessary to satisfy the child's current, individual, and **unmet** needs and shall conserve all remaining benefits for the child's future needs. The Department shall not use the child's funds to offset state funds by simply covering items that are otherwise covered for other children in foster care who do not have Social Security Survivor's Benefits.
- Expenditure of a child's Social Security Survivor Benefits for otherwise unmet needs shall be made in consultation with the child for children over the age of 12.
- When serving as the representative payee, the Department shall explore opportunities to deposit a child's benefit payments in a special needs trust, a pooled special needs trust, an achieving a better life experience account (ABLE or 529A account), or other trust account that will not interfere with federal and state asset limitations, when applicable.
- The Department shall release the balance of money to the Social Security Administration for return to the child once the child leaves the care and custody of the Department.

Alex J. Adams, PharmD, MPH
Director