

PRESERVING FOSTER CHILDREN'S FEDERAL BENEFITS

Toolkit for Advocates and Legal Representatives

THE PROBLEM

Up to 80k

Foster youth who are disabled or have a deceased parent are either receiving or may be eligible for Social Security or other federal benefits

\$16,031

Average amount of benefits that accrue to each impacted foster youth beneficiary

Federal and state law require that these benefits – the private property of the child – be used to meet the child's unmet current needs or saved for their future needs. Yet most foster care agencies routinely apply for and then covertly intercept foster youth's benefits to supplant their own fiscal obligations, providing no additional benefit to the child. Most impacted foster youth will never know about their benefits or see a dollar of their money as they struggle to achieve self-sufficiency.

CURRENT OUTCOMES ARE DISMAL & COSTLY

In addition, disabled youth are projected to earn an additional 37% less than their non-disabled peers over their lifetimes.

40% face homelessness within 2 years of leaving care	<3% obtain a bachelor's degree	71% of young women will be pregnant by age 21	43% are unemployed at age 21* AECF
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Costs avoided if young people transitioning from foster care had outcomes similar to non-foster care peers: \$4.1 BILLION

POLICY REFORM CHANGES LIVES ONE CHILD'S BENEFITS (\$16K) AMOUNTS TO:



10.4 MONTHS RENT FOR A ONE BEDROOM¹



2.8 YEARS COST OF COMMUTING TO WORK²



1.6 YEARS TUITION AT PUBLIC STATE UNIVERSITY³



1.4 YEARS OF CHILDCARE⁴

¹ The average monthly rent in the United States for a one-bedroom as of October 2025 is \$1,630

² The average commuter pays \$5,748.50 annually to commute to work in 2023

³ The average annual cost of tuition and required fees for a first-year college student at a public in-state school in 2022-2023 is \$9,834

⁴ The national average price for childcare in July 2023 is \$11,582

THE SOLUTION

Advocates and legal representatives must take steps to protect foster youths' benefits, including:

- **CHECK** to see if your client is eligible for or receiving federal benefits, who is serving as Rep Payee, and whether agency has used or conserved benefits.
- **COUNSEL** your client about their benefits, their rights, and discuss their unmet current and future needs.
- **REQUEST** an accounting of all your client's benefits and regular meetings between rep payee and child w/attorney/GAL to discuss child's needs and interests.
- **IDENTIFY** an alternative representative payee who has your client's best interest at heart, apply for a change, and seek to establish an exempted account to conserve benefits if appropriate.
- **DEMAND** fiduciary accountability for agency payees and consider raising misuse of funds, breach of fiduciary duty, and violations of due process and equal protection. Request refund of client's benefits.
- **ADVOCATE** for your client's rights and for larger policy reform at the state and local levels.

LEARN MORE, GET STARTED

- ☑ **Check Where Your State Stands:**
 - **View** our [interactive map](#)
- ☑ **Take Action For Your Client:**
 - **Send** [sample letters to the child welfare agency](#) for information on your client's benefits, use of their funds, requesting notice, help establishing an ABLE account, etc. *Courtesy of Youth Law Center*
 - **Learn** more about the [Representative Payee Program](#), **Submit** a [change in Representative Payee request to SSA](#), if appropriate, and **View** [SSA's Foster Child Rep Payee Resource Hub](#)
 - **Research** [different account options to save or conserve your client's benefits](#)
 - **Consult** [these additional resources](#)
- ☑ **Advocate for Policy Reform:**
 - **Review** [Toolkit for Preservation of Youth Benefits](#) for templates, letters, sample op-eds, sample social media posts and other tips *Courtesy of the Center for the Rights of Abused Children*
 - **Contact** [your state representative or senator](#)
 - **Learn** [more about this issue and reform efforts](#)
 - **Keep Current:** view [national and local news](#) including coverage by the following outlets:



Children's Advocacy Institute
www.caichildlaw.org

