



H.R. 10478, Protecting Foster Youth Resources Act

CONGRESSMAN DANNY K. DAVIS (D-IL)



The Protecting Foster Youth Resources Act will protect the benefits of foster youth to improve their well-being by stopping child welfare entities from taking foster youths' assets (e.g., death benefits, Supplemental Security Income or SSI benefits, savings, property) to pay for their costs of care.

When child welfare entities serve as Social Security Representative Payees for foster youth, they are supposed to act as fiduciaries and use funds in the best interests of the youth. Unfortunately, the majority of states choose to bolster their own financial security rather than help meet the multiple needs of orphaned and disabled youth. The states' failure to inform the youth, their attorneys, or other caring adults further demonstrates that States are acting in their own financial interests rather than the youths' interests.

Data from the Social Security Administration (SSA) indicate that 20 states and DC had access to approximately \$180 million in Social Security and SSI benefits received on behalf of foster youth in the 12-month period ending November 2022.

Importantly, states can stop this practice without any action by the federal government. Four states and jurisdictions (AZ, OR, MA, DC) have enacted comprehensive reform, and an additional six states or jurisdictions (CA, CT, IL, MD, NM, NYC) have adopted substantial reforms to protect some of the assets and benefits of orphaned and disabled foster youth. Nine more (AK, CO, FL, HI, MN, NE, NH, NJ, WA) have adopted more limited reform ranging from legislation, executive order, resolution, agency policy, state trust, or litigation. Further, the Biden-Harris Administration has reminded agencies of their responsibilities to foster youth and published a Request for Information on how to use benefits to improve foster youth outcomes.

Congress must do its part to help states do the right thing by requiring State or local agencies acting as representative payees for foster youth to protect youth assets and benefits and by helping cover the costs of applying for benefits and protecting funds. This bill will help foster youth thrive by protecting their assets to meet their current and future needs.

The Protecting Foster Youth Resources Act would:

- Prohibit agencies from taking a foster youth's assets or benefits for foster care costs.
- Require agencies to screen foster youth for eligibility for Social Security or SSI benefits, apply for the benefits while in and prior to leaving care.
- Require child welfare entities to notice the youth if age 14 or older and/or their attorney, *guardian ad litem*, parent, and relative with custody or guardianship that the state is the Rep Payee and benefit updates.
- Mandate that the agency, along with the rep payee and the child, develop a plan to best meet the youth's current and future unmet needs.
- Require agencies to enter into information-sharing agreements with the Social Security Administration related to serving as Rep Payee.
- Require agencies to provide an accounting of all assets of foster youth annually to youth in care and upon request to youth who were in care.
- Authorize \$4.5 million in year 1 to the Department of Health and Human Services for technical assistance to State agencies for such activities.

To help cover the new costs to states, the bill would:

- Expand the current 50% federal reimbursement of administrative expenses only for IV-E-eligible foster youth to 75 percent of administrative activities required by the bill for all foster youth regardless of IV-E-eligibility.
- Simplify the current 75% federal reimbursement for state costs to train providers/caregivers to cover all foster youth regardless of IV-E-eligibility.

If you are interested in co-sponsoring, please contact Jill Hunter-Williams (Davis: 202-225-5006; Jill.Hunter-Williams@mail.house.gov).

Organizations Supporting the Protecting Foster Youth Resources Act

- **CARES, a Center for the Study of Social Policy Initiative**
- **Center for the Rights of Abused Children**
- **Center for the Study of Social Policy**
- **Children's Advocacy Institute**
- **Children's Defense Fund**
- **Children's Law Center of California**
- **Defender Association of Philadelphia**
- **Foster Care Alumni of America, Illinois Chapter**
- **Foster Forward**
- **iFoster**
- **National Association of Counsel for Children**
- **National Center for Housing & Child Welfare**
- **National Disability Institute**
- **National Foster Care Alumni of America**
- **Nebraska Appleseed**
- **New Mexico Child First Network**
- **Office of the Cook County Public Guardian (Chicago)**
- **Partners for Our Children, Washington State**
- **Support Center for Child Advocates**
- **University of Baltimore School of Law Civil Advocacy Clinic**
- **Voices for Children Coalition**