

Protecting Foster Youth Resources to Promote Self-Sufficiency



CONGRESSMAN DANNY K. DAVIS (D-IL)



The Protecting Foster Youth Resources to Promote Self-Sufficiency Act will stop child welfare entities from taking foster youths' assets (e.g., death benefits, Supplemental Security Income (SSI) benefits, savings, property) for reimbursement of 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 orphaned and disabled youth. Unfortunately, the majority of states choose to bolster their own financial security rather than help meet the multiple needs of foster youth. The states' intentional secrecy related to the use of benefits reflected by the failure to inform the youth or their attorneys, GALs, 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.

Although 15 states and jurisdictions have championed reforms to stop or limit this harmful practice in the past two years and although the Biden Administration has reminded agencies of their responsibilities to foster youth, Congress must do its part requires State or local agencies acting as representative payees for foster youth to protect children's assets for current or future needs.

The Protecting Foster Youth Resources to Promote Self-Sufficiency Act would:

- Prohibit agencies from taking a foster youth's assets or benefits to reimburse foster care costs.
- Require agencies to screen foster youth for eligibility for Social Security or Supplemental Security Income benefits, apply for the benefits, and help youth apply for continued benefits prior to leaving care.
- Require child welfare entities notice the youth and/or their attorney or *guardian ad litem* that the state is the Rep Payee.

- Mandate that the agency, along with the rep payee and the child, develop a child-specific plan to help achieve self-sufficiency after leaving care, including conserving the funds in an account (e.g., a Chaffee Foster Care Independence Program account, an ABL account, or an Individual Development Account) for future needs.
- Require agencies to enter into information-sharing agreements with the SSA related to serving as rep payee.
- Require agencies to provide an accounting of all assets taken from foster youth in the 10 years prior to enactment of the bill (including the source of the asset, the amount used, and the purpose) and the annual updates subsequently.
- Protect foster youth from liability of overpayments from concurrent receipt of SSI and IV-E.
- 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 to cover 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.

This bill will help foster youth thrive by protecting their assets to meet their current and future needs. If you are interested in co-sponsoring, please contact Jill Hunter-Williams (Davis; 202-225-5006; Jill.Hunter-Williams@mail.house.gov).

ORGANIZATIONS SUPPORTING IN 116TH CONGRESS PROTECTING FOSTER YOUTH RESOURCES TO PROMOTE SELF SUFFICIENCY ACT

- **Advocates for Children and Youth**
- **Advokids**
- **Blessed Haven, Inc.**
- **CASA —Advocates for Children (18th Judicial District CO)**
- **Children's Action Alliance (Arizona)**
- **Children's Advocacy Institute**
- **Children Now**
- **Colorado Office of the Child's Representative**
- **Family Focused Treatment Association**
- **Forum for Youth Investment**
- **FosterAdopt Connect**
- **Generations United**
- **Healthy Teen Network**
- **The Law Offices of Nathaniel L. Smith, P.C.**
- **Lutheran Services in America**
- **National Association for Bilingual Education**
- **National Association of Counsel for Children**
- **National Center for Housing and Child Welfare**
- **The National Crittenton Foundation**
- **North American Council on Adoptable Children**
- **Ray E. Helfer Society**
- **San Francisco Children's Law**
- **SparkAction**
- **Voices for Ohio's Children**
- **Youth Villages**