

H-5H3

## Research Summary

### Preserving Federal Benefits for Youth in Foster Care

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#### BACKGROUND INFORMATION

Approximately 5% of children in foster care receive Supplemental Security Income program or the Social Security program benefits due to their own disability or the death of a parent. When a foster child is eligible for these benefits, the Social Security Administration appoints a representative payee to manage the child's benefits. In most situations, the administration appoints the child welfare agency as the child's payee.

Federal law allows child welfare agencies to use a child's federal benefits to pay for the child's food, housing, medical needs or other services the child needs. The payee must conserve any unused benefits for the child's future needs. Child welfare agencies reported using about \$165 million in disability and survivor benefits to cover foster care costs in FY2020.

For more information about social security benefits for foster youth and how child welfare agencies manage these benefits, refer to the following external publications:

- [Special Savings Accounts Can Help Child Welfare Agencies Conserve Social Security Benefits](#), Child Trends
- [Reminders to State and Tribal Title IV-E agencies about the Social Security Representative Payee Program and the Title IV-E Federal Foster Care Program](#), Administration for Children and Families
- [Children in Foster Care and Social Security Administration Benefits: Frequently Asked Questions](#), Congressional Research Service

#### STATE EFFORTS TO PRESERVE FEDERAL BENEFITS

Several states require child welfare agencies to conserve some or all the federal benefits youth receive, allowing the youth to access the funds when they reach adulthood and/or exit foster care. At least eight states and the District of Columbia address foster youth's access to federal benefits in statute (see chart starting page 4), and at least 17 states and the District of Columbia (see chart starting on page 1) have introduced legislation on federal foster youth benefits since 2022.

In addition, some state child welfare agencies address this issue through department policy. For example, New Mexico's [Children, Youth and Family Department](#) announced that they will not use certain federal benefits received on behalf of children to pay for foster care maintenance of child incidental payments. Some cities ([Los Angeles](#), [New York City](#) and [Philadelphia](#), for example) have also enacted or considered relevant policies.

#### STATE LEGISLATION

Below is a chart of examples of recent state legislation related to conserving federal benefits for youth in foster care.

State	State Legislation
Arizona	<a href="#">H 2559</a> , Enacted, 2023

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	Prohibits the department from using the child's federal benefits, savings or assets to pay for or reimburse the department of child safety or this state for any of the costs of the child's care.
California	<a href="#">A 1080, Pending, 2025</a> Revises requirements for counties to screen foster youth eligibility for benefits to include the federal Social Security Administration (SSA), regardless of age, and requires counties to ensure the child's survivor benefits are not used to pay for, or to reimburse, the placing agency for any costs of the child's care. This bill requires the placing agency to promptly notify the child, the child's attorney, and the child's parents or guardians, of any application for federal SSA survivor benefits made by the agency on the child's behalf.
Colorado	<a href="#">HB 1017, Enacted, 2024</a> The act establishes a statutory bill of rights for children and youth (youth) in foster care in Colorado, including youth participating in the foster youth in transition program but excluding youth detained by or committed to the care and physical custody of the division of youth services. The office of the child's representative shall develop a written notice of the rights, and a county department of human or social services shall provide each youth who is 5 years of age or older with the written notice in the youth's primary language at the time of the youth's initial placement in foster care, at each placement change, and at least annually.
District of Columbia	<a href="#">B24-0857, Enacted, 2023</a> 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 requires CFSA to conserve children's benefits in accounts that avoid transgressing federal resource limitations, creating a nest egg for when children leave care. (Note: Fully funded by Bill 25-202).
Hawaii	<a href="#">HR 46, Enacted, 2023</a> Requests the Department of Human Services to immediately cease intercepting Social Security Payments for children in foster care.
Maine	<a href="#">H 1337, Failed – Adjourned, 2024</a> Requires the Department of Health and Human Services to determine whether a child in the custody of the department is eligible for benefits administered by the United States Social Security Administration or the United States Department of Veterans Affairs. If the department determines the child is eligible for a federal benefit, the department is required to apply for the federal benefit on behalf of the child. It also requires the department to provide training to children receiving a federal benefit, department staff and representative payees who receive the federal benefit on behalf of a child.
Massachusetts	<a href="#">H 4704, Failed – Adjourned, 2024</a> Protects benefits owed to foster children.
Michigan	<a href="#">H 4694, Failed – Adjourned, 2023</a> Requires certain percentage of benefits for a foster youth deposited into an account until youth becomes 18 years of age.
Minnesota	<a href="#">H 588, Pending, 2025</a> Relates to foster children; establishes a trust for foster children receiving Supplemental Security Income benefits; requires a report; appropriates money.  <a href="#">S 1025, Pending, 2025</a> Relates to foster children; establishes a trust for foster children receiving Supplemental Security Income benefits; requires a report; appropriates money.
Missouri	<a href="#">H 737, To Governor, 2025</a>

	Requires the department to establish a financial account for children in foster care. Allows the department to apply for federal benefits a child in state custody may be eligible for and provides such payments must be maintained in the account established for the child. Prohibits the state from using money in a child's account for payment of the cost of care or services for the child.
New Hampshire	<a href="#">NH H 1598, Enacted, 2024</a> Relates to the Department of Health and Human Services management of social security payments and veterans benefits for children in foster care; requires the department to prepare a report for the legislature and governor regarding budget requirements associated with management of social security and veterans benefits for children in placement through the department; makes an appropriation to the department to hire a consultant to assist with the report and its implementation.
New Jersey	<a href="#">A 3980, Enacted, 2023</a> Grants child placed in resource family care and resource family parents the right to be notified when case manager or supervisor is assigned to child; grants child in resource family care right to be notified of certain property and benefits.
Oregon	<a href="#">S 556, Enacted, 2023</a> Provides that the department may not use any funds, benefits, payments, proceeds, settlements, awards, inheritances, wages or any other moneys received by the department on behalf of a child for the purpose of maintenance costs, except for moneys received pursuant to a child support order or as otherwise specifically required by federal or state law, court order or other legal instrument.
Rhode Island	<a href="#">RI H 8241, Failed - Adjourned, 2024</a> This act would require the department of children, youth and families (DCYF) to establish segregated savings accounts for a foster care child receiving social security benefits, supplemental security income, veterans benefits or railroad retirement benefits, which payments would be exempt from the asset limits in order to manage the accounts and keep the child eligible for future benefits.
Tennessee	<a href="#">S 1262, Failed – Adjourned, 2024</a> Prohibits the department from collecting or expending moneys that are received as survivor benefits, disability benefits, or otherwise from the social security administration on behalf of a child in the custody of the department; requires the department to receive and hold such moneys in a trust account for the child to be released to the child without condition upon the child's eighteenth birthday.
Texas	<a href="#">HB 336, Failed - Adjourned, 2023</a> Relating to notice regarding certain benefits for which a representative payee or fiduciary has been appointed for a child in the conservatorship of the Department of Family and Protective Services.
Virginia	<a href="#">S 40, Failed, 2024</a> Relates to State Board of Social Services; relates to regulations; relates to application for and use of foster care benefits; directs the State Board of Social Services to amend its regulations; requires local departments of social services to apply for federal benefits on behalf of children in foster care that they may be eligible for; prohibits the use of federal benefits to pay for the care and support of children in foster care that the Commonwealth is otherwise obligated to pay.
Washington	<a href="#">SB 5397, Failed - Adjourned, 2023-2024</a> Preserving public benefit payments to people in the care of the department of children, youth, and families.

## STATE STATUTES

Below is a chart of state statutes that address federal benefit payments for youth in foster care.

State	State Statute
Arizona	<p><b>A.R.S. § 8-468</b></p> <p>A. For all children in the care of the department of child safety, the department of child safety shall determine whether each child is receiving or eligible for benefits administered by the social security administration or the veterans administration within sixty days after the child enters the department's care. If the department of child safety determines that a child is eligible or may be eligible for federal benefits, the department of child safety shall apply for the benefits on behalf of the child.</p> <p>B. If a child is already receiving benefits before entering the department's care or if the department applies for benefits on behalf of the child, the department shall identify, in consultation with the child and the child's attorney, a representative payee in accordance with 20 Code of Federal Regulations sections 404.2021 and 416.621 and shall apply to become the representative payee only if no other suitable candidate is available. If the department of child safety is appointed to serve as the representative payee, the department:</p> <ol style="list-style-type: none"> <li>1. May not use the child's federal benefits, other benefits, savings or assets to pay for or to reimburse the department of child safety or this state for any of the costs of the child's care.</li> <li>2. May use the child's federal benefits for the child's unmet needs beyond what the department of child safety is obligated, required or agrees to pay.</li> <li>3. Shall establish an appropriate account to use and conserve the child's benefits in the child's best interest for current unmet needs and future needs in a manner consistent with federal and state asset and resource limits. The account may include any of the following: <ol style="list-style-type: none"> <li>(a) A special needs trust.</li> <li>(b) A pooled special needs trust.</li> <li>(c) An achieving a better life experience account established pursuant to section 529a of the internal revenue code.<sup>1</sup></li> <li>(d) Any other trust account determined not to interfere with social security or asset limitations for any other benefit program.</li> </ol> </li> <li>4. In addition to the requirements of § 14-9115, shall provide an annual accounting as to the use, application or conservation of the child's federal benefits to the child, the child's attorney and the child's parents or guardians.</li> <li>5. Shall periodically review if someone other than the department is available to apply to assume the role of representative payee and could better serve in that role in the child's best interests.</li> </ol> <p>C. The department of child safety shall notify the child, the child's parents, unless parental rights have been terminated, the child's guardian, the child's current placement and the child's attorney of any application, decision or appeal related to a child's federal benefits. In providing notice of any denial of benefits, the department shall consult with the child's attorney and appeal the denial if it is in the child's best interests.</p> <p>D. The department shall annually review cases of children in the department's care to determine whether a child may have become eligible for benefits after the department's initial assessment.</p> <p>E. Notwithstanding any other law, on termination of the department's responsibility for the child, the department shall release any monies remaining to the child's credit</p>

	<p>pursuant to the requirements of the funding source or, in the absence of any requirements, shall release the remaining monies to:</p> <ol style="list-style-type: none"> <li>1. The child, if the child is at least eighteen years of age or is emancipated.</li> <li>2. The person who is responsible for the child if the child is a minor and not emancipated.</li> </ol>
Colorado	<p><b>C.R.S.A. § 19-7-101 [Effective August 7, 2024]</b></p> <p>(1) The general assembly finds and declares that youth in foster care, excluding those in the custody of the division of youth services or a state hospital for persons with mental health disorders, should enjoy the following:</p> <p>...</p> <p>(XI) A requirement that the representative payee for the child or youth, including the department of human services if it is acting as the representative payee, use any benefits the child or youth receives to meet the child's or youth's individual needs after the representative payee meets with the child or youth to ascertain the child's or youth's current and foreseeable needs; and</p> <p>(XII) Timely notification to the social security administration to initiate the transfer of benefits from a representative payee when a child or youth who is receiving benefits leaves the custody of the department of human services;</p> <p>...</p> <p>(VII) Assisting a youth in applying for benefits the youth is eligible for or currently receiving, to ensure that benefits continue once the youth turns eighteen years of age or transitions out of foster care, including redetermination for the purposes of social security benefits</p>
Connecticut	<p><b>C.G.S.A. § 17a-15d</b></p> <p>(a) Not later than January 1, 2023, the Department of Children and Families shall establish a policy concerning the management and expenditure of Social Security disability insurance benefit payments received by, or on behalf of, children and youths in the care and custody of the Commissioner of Children and Families. Such policy shall include, but not be limited to, (1) a requirement that any such payments be deposited into a trust account maintained for the purpose of receiving such deposits, (2) a requirement that records be maintained concerning the total sum and remaining balance of such payments deposited on behalf of each child or youth receiving such payments, and (3) guidelines concerning the management and oversight of such account and permissible and impermissible withdrawals from such account by children or youths or the guardians of such children or youths.</p> <p>(b) The Department of Children and Families may employ personnel to implement the provisions of subsection (a) of this section.</p> <p>(c) No Social Security disability insurance benefit received by a child or youth in the care and custody of the Commissioner of Children and Families shall be utilized by the Department of Children and Families to offset the cost of such child or youth's care.</p>
District of Columbia	<p><b>DC ST § 4-1303.12</b></p> <p>(a) Upon a child's removal under § 4-1301.07 or § 4-1303.04(c), or within 90 days of the effective date of this section if the child is in the care of the Agency at the time, the Agency shall ascertain whether the child may be eligible for benefits administered by the Social Security Administration ("Social Security benefits"). If the Agency ascertains that a child may be eligible for Social Security benefits, the Agency shall apply for the benefits on behalf of the child.</p> <p>(b) The Agency shall immediately notify the child, the child's guardian ad litem, and the child's parents or guardians of:</p> <p>(1) Any application for Social Security benefits made by the Agency on the child's behalf;</p>



	<p>(2) Any application by the Agency to become the child's Social Security benefits representative payee;</p> <p>(3) Any decisions or communications from the Social Security Administration regarding the child's benefits application; and</p> <p>(4) Any appeal by the Agency regarding the child's benefits application.</p> <p>(c) When the Agency serves as the representative payee or in another fiduciary capacity for a child receiving Social Security benefits, the Agency shall:</p> <p>(1) Be prohibited from reimbursing the District for any costs associated with the child's care using the child's Social Security benefits;</p> <p>(2) Monitor federal asset or resource limits that would affect the child's eligibility to continue to receive benefits and conserve the benefits in a way to avoid violating or exceeding those limits, including by:</p> <p>(A) Applying to the Social Security Administration for a Plan for Achieving Self-Support ("PASS") account for the child and determining the amount of benefits to deposit in the PASS account that would be in the best interests of the child;</p> <p>(B) Establishing a 529A plan account for the child;</p> <p>(C) Establishing an individual development account for the child;</p> <p>(D) Establishing a special needs trust for the child or joining a pooled special needs trust on behalf of the child;</p> <p>(E) If federal law requires certain back payments of benefits to be deposited into a dedicated account, opening a dedicated account for the child and complying with the requirements under 20 C.F.R. § 416.640(e); or</p> <p>(F) Applying any other exclusions from federal asset or resource limits available under federal law; and</p> <p>(3) Provide, at least once every 6 months, an accounting to the child, the child's guardian ad litem, and the child's parents or guardians of the child's resources, including of any Social Security benefits.</p> <p>(d) Upon the child's exit from foster care, the Agency shall develop a written plan in collaboration with the child, the child's guardian ad litem, and any individual with parental rights regarding the future use and control of the child's resources conserved under this section that would be in the best interest of the child. The following party's preferences shall be considered in the best interest of the child if there is disagreement on the use and control of the child's resources:</p> <p>(1) The child, if the child is or will be an aged-out youth, as that term is defined in § 4-1303.03g;</p> <p>(2) The adoptive parent, if the child is or will be adopted; or</p> <p>(3) The child's parent or guardian if the child is or will be reunited with the parent or guardian.</p> <p>(e) The Agency shall timely effectuate portions of the written plan within its control or designated responsibilities. If the Social Security Administration takes any action inconsistent with the realization of the written plan, the Agency shall develop a revised written plan consistent with subsection (d) of this section.</p> <p>(f) The Agency shall avoid overpayment of Social Security benefits while serving as the representative payee and shall pay any discovered overpayment to the appropriate federal entity. The Agency may request a waiver of adjustment or recovery of an overpayment, including filing an appeal; provided, that the Agency shall pay any overpayment amount deemed final.</p> <p>(g) The Agency shall provide at least 5 hours of financial literacy education, financial management training, and financial skills building to any individual gaining access for the first time to the child's resources conserved by the Agency; except, that an individual's</p>
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	<p>failure to attend or receive Agency-sponsored training shall not constitute Agency non-compliance with the written plan regarding the future use and control of conserved resources developed under this section.</p> <p>(h)(1) The Agency may execute any contracts, grants, or agreements necessary to implement the provisions of this section.</p> <p>(2) The Agency's duties under this section may be delegated to an Agency contractee or grantee.</p> <p>(i) Beginning on February 28 of the year after the applicability date of this section, and no later than February 28 of each year thereafter, the Mayor shall submit a report to the Council on the Agency's efforts to conserve the Social Security benefits of children under its care, which shall include:</p> <p>(1) The number of children receiving Social Security benefits;</p> <p>(2) Without divulging identifiable information, for each child receiving benefits, the type of benefits, the amount conserved, and the type of account in which the benefits are being conserved;</p> <p>(3) The total amount of federal benefits being conserved by the Agency;</p> <p>(4) The total number of accounts established each month; and</p> <p>(5) A summary of the Agency's efforts to educate children, their parents or guardians, and their guardians ad litem on financial literacy and the requirements of this section.</p> <p>(j) The Mayor, pursuant to subchapter I of Chapter 5 of Title 2, may issue rules to implement the provisions of this section. The proposed rules shall be submitted to the Council for a 30-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 30-day review period, the proposed rules shall be deemed approved.</p>
Illinois	<p><b>20 ILCS 505/5</b></p> <p>...</p> <p>(q) The Department may receive and use, in their entirety, for the benefit of children any gift, donation, or bequest of money or other property which is received on behalf of such children, or any financial benefits to which such children are or may become entitled while under the jurisdiction or care of the Department, except that the benefits described in Section 5.46 must be used and conserved consistent with the provisions under Section 5.46.</p> <p>The Department shall set up and administer no-cost, interest-bearing accounts in appropriate financial institutions for children for whom the Department is legally responsible and who have been determined eligible for Veterans' Benefits, Social Security benefits, assistance allotments from the armed forces, court ordered payments, parental voluntary payments, Supplemental Security Income, Railroad Retirement payments, Black Lung benefits, or other miscellaneous payments. Interest earned by each account shall be credited to the account, unless disbursed in accordance with this subsection.</p> <p>In disbursing funds from children's accounts, the Department shall:</p> <p>(1) Establish standards in accordance with State and federal laws for disbursing money from children's accounts. In all circumstances, the Department's Guardianship Administrator or the Guardianship Administrator's designee must approve disbursements from children's accounts. The Department shall be responsible for keeping complete records of all disbursements for each account for any purpose.</p> <p>(2) Calculate on a monthly basis the amounts paid from State funds for the child's board and care, medical care not covered under Medicaid, and social services; and utilize funds from the child's account, as covered by regulation, to reimburse those costs. Monthly,</p>

	<p>disbursements from all children's accounts, up to 1/12 of \$13,000,000, shall be deposited by the Department into the General Revenue Fund and the balance over 1/12 of \$13,000,000 into the DCFS Children's Services Fund.</p> <p>(3) Maintain any balance remaining after reimbursing for the child's costs of care, as specified in item (2). The balance shall accumulate in accordance with relevant State and federal laws and shall be disbursed to the child or the child's guardian or to the issuing agency.</p>
Maryland	<p><b>MD Code, Family Law, § 5-527.1</b></p> <p><b>Application of section</b></p> <p>(a) This section applies to children committed to the custody of the Department.</p> <p><b>Representative payee or fiduciary</b></p> <p>(b) When applying for benefits under this section for a child in the Department's custody, the Department shall, in cooperation with the child's attorney, identify a representative payee or fiduciary in accordance with the requirements of 20 C.F.R. §§ 404.2021 and 416.621.</p> <p><b>Requirements of representative payee or fiduciary</b></p> <p>(c) Consistent with federal law, when the Department serves as the representative payee or in any other fiduciary capacity for a child receiving Veterans Administration benefits, Supplemental Security Income, or Social Security benefits, the Department shall:</p> <p>(1) use or conserve the benefits in the child's best interest, including using the benefits for services for special needs not otherwise provided by the Department or conserving the benefits for the child's reasonably foreseeable future needs;</p> <p>(2) ensure that when the child attains the age of 14 years and until the Department no longer serves as the representative payee or fiduciary, a minimum percentage of the child's benefits are not used to reimburse the State for the costs of care for the child and are used or conserved in accordance with items (3) and (4) of this subsection, as follows:</p> <p>(i) from age 14 through age 15, at least 40%;</p> <p>(ii) from age 16 through age 17, at least 80%; and</p> <p>(iii) from age 18 through age 20, 100%;</p> <p>(3) for the child's benefits or resources that are below or not subject to any federal asset or resource limit, exercise discretion in accordance with federal law and in the best interest of the child to conserve the funds or use the funds for services for special needs not otherwise provided by the Department, including choosing one or more of the options listed under item (4) of this subsection;</p> <p>(4) appropriately monitor any federal asset or resource limits for the benefits and ensure that the child's best interest is served by using or conserving the benefits in a way that avoids violating any federal asset or resource limits that would affect the child's eligibility to receive the benefits, including:</p> <p>(i) applying to the Social Security Administration to establish a Plan for Achieving Self-Support (PASS) account for the child under the Social Security Act and determining whether it is in the best interest of the child to conserve all or part of the benefits in the PASS account;</p> <p>(ii) establishing a 529A plan for the child and conserving the child's benefits in that account in a manner that appropriately avoids any federal asset or resource limits;</p> <p>(iii) establishing an individual development account for the child and conserving the child's benefits in that account in a manner that appropriately avoids any federal asset or resource limits;</p>



	<p>(iv) establishing a special needs trust for the child and conserving the child's benefits in the trust in a manner that is consistent with federal requirements for special needs trusts and that appropriately avoids any federal asset or resource limits;</p> <p>(v) if the Department determines that using the benefits for services for current special needs not already provided by the Department is in the best interests of the child, using the benefits for those services;</p> <p>(vi) if federal law requires certain back payments of benefits to be placed in a dedicated account, complying with the requirements for dedicated accounts under 20 C.F.R. § 416.640(e); and</p> <p>(vii) applying any other exclusions from federal asset or resource limits available under federal law and using or conserving the child's benefits in a manner that appropriately avoids any federal asset or resource limits;</p> <p>(5) provide an annual accounting to the child and the child's attorney of how the child's resources, including Veterans Administration benefits, Supplemental Security Income, and Social Security benefits, have been used or conserved in accordance with this section; and</p> <p>(6) provide the child with financial literacy training when the child has attained the age of 14 years.</p> <p><b>Notification of application for or receiving of benefits</b></p> <p>(d)(1) The Department shall immediately notify the child through the child's attorney of:</p> <p>(i) any application for Veterans Administration benefits, Supplemental Security Income, or Social Security benefits made on the child's behalf or any application to become representative payee for those benefits on the child's behalf;</p> <p>(ii) any decisions or communications from the Veterans Administration or the Social Security Administration regarding an application for benefits described under item (i) of this paragraph; and</p> <p>(iii) any appeal or other action requested by the Department regarding an application for benefits described under item (i) of this paragraph.</p> <p>(2) When the Department serves as the representative payee or otherwise receives Veterans Administration benefits, Supplemental Security Income, or Social Security benefits on the child's behalf, the Department shall provide notice to the child through the child's attorney of the following before each juvenile court hearing regarding the child:</p> <p>(i) the dates and the amount of benefit funds received on the child's behalf since any prior notification to the child's attorney; and</p> <p>(ii) information regarding all the child's assets and resources, including the child's benefits, insurance, cash assets, trust accounts, earnings, and other resources.</p> <p><b>Limitation</b></p> <p>(e) This section may not be construed to affect any additional notice required by a State court.</p>
Nebraska	<p><b>Neb.Rev.St. § 43-907</b></p> <p>(1) Unless a guardian shall have been appointed by a court of competent jurisdiction, the Department of Health and Human Services shall take custody of and exercise general control over assets owned by children under the charge of the department. Children owning assets shall at all times pay for personal items. Assets over and above a maximum of one thousand dollars and current income shall be available for reimbursement to the state for the cost of care. Assets may be deposited in a checking account, invested in United States bonds, or deposited in a savings account insured by the United States Government. All income received from the investment or deposit of assets shall be credited to the individual child whose assets were invested or deposited.</p>

	<p>The department shall make and maintain detailed records showing all receipts, investments, and expenditures of assets owned by children under the charge of the department.</p> <p>(2) When the Department of Health and Human Services serves as representative payee for a child beneficiary of social security benefits, the department shall provide:</p> <p>(a) Notice to the child beneficiary, in an age-appropriate manner, and the child's guardian ad litem, that the department is acting as the child's representative payee for the purposes of receiving social security benefits, within thirty days after receiving the first social security benefit payment on behalf of the child;</p> <p>(b) Notice to the juvenile court, at every review hearing regarding the child beneficiary after January 1, 2023, regarding the department's receipt and conservation of the child's social security benefits, that shall include:</p> <p>(i) The total amount of social security benefit funds the department has received on behalf of the child beneficiary as of the review hearing; and</p> <p>(ii) The total amount of social security benefit funds received on behalf of the child beneficiary that are currently conserved or unspent as of the review hearing; and</p> <p>(c) All accounting records regarding the department's receipt, use, and conservation of the child's social security benefits, to the child beneficiary, the child's guardian ad litem or attorney, or the child's parent upon:</p> <p>(i) Request from the child beneficiary, the child's guardian ad litem or attorney, or the child's parent; and</p> <p>(ii) Termination of the department's role as the child beneficiary's representative payee.</p> <p>(3) On or before October 1, 2023, the Department of Health and Human Services shall adopt and promulgate rules and regulations to carry out subsection (2) of this section consistent with federal requirements regarding representative payees for social security beneficiaries.</p>
New Jersey	<p><b>N.J.S.A. 9:6B-4</b></p> <p>Rights of child placed outside the home.</p> <p>...</p> <p>z. To be notified of property and benefits to which the child is the owner or beneficiary at the time of the child's placement outside of the child's home, if known by the Department of Children and Families at the time of the child's placement, or to be promptly notified upon the Department of Children and Families becoming aware of such property and benefits, including, but not limited to, federal Social Security benefits; to be informed of the department's intent to file for federal benefits on the child's behalf; and to have an opportunity to review the contents of any application form for federal benefits filed on the child's behalf prior to submission.</p>
Oregon	<p><b>O.R.S. § 409.265</b></p> <p>(1) As used in this section:</p> <p>(a) "Child" means a ward, as defined in ORS 419A.004, in the custody of the Department of Human Services under ORS 419B.337.</p> <p>(b) "Maintenance cost" means a payment to a foster parent or relative caregiver for the costs of providing a child with food, clothing, housing, daily supervision, personal incidentals and transportation.</p> <p>(2) Except for moneys received pursuant to a child support order or as otherwise specifically required by federal or state law, court order or other legal instrument, the department may not use any funds, benefits, payments, proceeds, settlements, awards, inheritances, wages or any other moneys received by the department on behalf of a child for the purpose of maintenance costs.</p>

	<p>(3)(a) The department shall establish separate accounts for each child for whom the department will receive any funds, benefits, payments, proceeds, settlements, awards, inheritances, wages or any other moneys.</p> <p>(b) The department shall, in collaboration with the State Treasurer, administer each separate account established under this subsection consistent with the department's fiduciary duties, in the best interest of the child for whom the separate account is established and in compliance with any applicable state or federal law, court order or other legal instrument.</p> <p>(c) The department may make distributions from a separate account for expenditures related to the personal needs of the child, including:</p> <p>(A) Tuition, tutoring and training, including the costs of application fees, books, equipment and testing;</p> <p>(B) Transportation to work or training or to maintain family connections;</p> <p>(C) Travel for educational purposes;</p> <p>(D) Expenses related to the child's transition into adulthood, including first and last months' rent, housing application fees and one-time purchases by the child of essential household supplies, including furniture, kitchen equipment, linens and cleaning supplies;</p> <p>(E) Technology, including the purchase of a computer, needed to advance the child's skills in school, work or independence or to maintain connections with siblings;</p> <p>(F) Clothing or supplies for special events typical for a person of the child's age and culture; and</p> <p>(G) Instruments, books, supplies, fees and equipment to support the child in pursuing hobbies, sports, the arts and other special skills.</p> <p>(d) Except as required by state or federal law or as specifically provided in paragraph (c) of this subsection, the department may not make distributions from a child's separate account for expenses related to the duties of a legal custodian as described in ORS 419B.373 (1), (2) or (3).</p> <p>(4) Unless otherwise prohibited by state or federal law, at the request of the child or the child's attorney or representative, the department may:</p> <p>(a) Direct that any moneys described in subsection (3) of this section that would be received by the department on behalf of the child instead be paid directly into a trust account, or subaccount of a trust account, that is established by the department under ORS 430.195 for the purpose of receiving moneys payable to the child and that earns interest for the benefit of the child; or</p> <p>(b) Distribute any moneys described in subsection (3) of this section that are held by the department for the child to any of the following privately held accounts established for the sole benefit of the child:</p> <p>(A) An Oregon Uniform Transfers to Minors Act account under ORS 126.805 to 126.886 that delays transfer of the custodial property until the child attains 25 years of age;</p> <p>(B) An account established under ORS 178.335 within the Oregon 529 Savings Network in the name of the child;</p> <p>(C) An ABLE account established under ORS 178.380 with the child named as the designated beneficiary;</p> <p>(D) A trust established under ORS chapter 130, if the trust names the child as the sole beneficiary and appoints an independent, qualified trustee; or</p> <p>(E) Any other privately held account described by the department by rule.</p> <p>(5) Nothing in this section requires the department or the State Treasurer to establish or coordinate the establishment of, or, except as required by state or federal law, monitor or verify the viability of an account described in subsection (4)(b) of this section.</p> <p>(6) The department shall adopt rules to carry out the provisions of this section.</p>
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