



Fact Sheet
Assembly Member Ricardo Lara
AB 1110 – Sunshine for Foster Youth

Summary:

AB 1110 ensures California’s disabled foster youth who qualify for Supplemental Security Income (SSI) are informed about the status of their SSI application, notified when the county has requested to be their representative payee, and given an account of how their SSI funds are spent. AB 1110 also ensures that California’s foster children are made aware of the financial support a deceased or disabled parent has left them through Social Security Survivor Benefits.

Background:

Many children in foster care suffer from serious physical or mental disabilities – often arising from the very abuse or neglect that landed them in care. Other foster children may end up in care because their parents suffer from a debilitating disability or are deceased. These children are among California’s most vulnerable citizens.

Foster youth with disabilities often qualify for financial and health care assistance from the Supplemental Security Income (SSI) program, a federal needs based program. Foster children whose parent(s) is disabled or deceased may qualify for Old-Age, Survivor, Disability Insurance (OASDI), a Social Security program set up to help provide financial support to those children whose parent(s) can no longer care for their children.

OASDI payments are available to a youth who qualifies until his/her 18th birthday. Youth who qualify for SSI may receive the benefits while in foster care and can also continue to receive assistance from SSI after their emancipation from care. As 40% of foster youth end up homeless soon after being forced from the system and only a fraction of foster youth graduate from college, the additional resources provided by such Social Security money could mean all the difference.

Problem:

Current California law requires that county child welfare workers screen youth for SSI eligibility and make an application on behalf of eligible youth. However, current law does not require a report to be made to the court in order to ensure that the SSI screening has occurred or to track the status of the SSI application. As a result, both the

court and the youth are often unaware of the status of the application, which could impact decisions regarding transition planning of the youth.

In addition, when a foster youth receives Supplemental Security Income (SSI) benefits or Old-Age, Survivor, Disability Insurance (OASDI) while in foster care, the county can apply with the Social Security Administration to become the youth’s representative payee. Often time, the county is appointed as the foster youth’s representative payee without the youth or youth’s counsel ever being notified. This is true even though they may be in the best position to recommend if another individual is appropriate to act as a representative payee and to assure that the foster youth’s best interests are being considered for the best use of the SSI or OASDI funds. This is particularly crucial for a foster child receiving OASDI funds because they are only eligible to receive these benefits until their 18th birthday.

When the county is appointed as the youth’s representative payee, the county is not required to provide an account to the youth’s counsel of how SSI or OASDI payments are being spent.

Solution:

Specifically, AB 1110 would:

- (1) Require social workers to include information about the status of a youth’s SSI applications in the six-month report to the court;
- (2) Ensure the foster youth’s counsel be notified when the county requests to become a youth’s representative payee;
- (3) Require an annual accounting by the county to the minor’s counsel of how the SSI or OASDI funds were spent

Sponsor:

The Alliance for Children’s Rights and the Children’s Advocacy Institute

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