

ASSEMBLY BILL

No. 1331

Introduced by Assembly Member Evans

February 23, 2007

An act to repeal Section 13756 of, and to repeal and add Section 13752 of, the Welfare and Institutions Code, relating to foster youth.

LEGISLATIVE COUNSEL'S DIGEST

AB 1331, as introduced, Evans. Foster youth: federal benefits.

Existing law provides for the placement of certain children in foster care under the custody of the State Department of Social Services and county welfare departments. Existing law, the federal Social Security Act, provides for benefits for eligible beneficiaries, including survivorship and disability benefits and supplemental security income (SSI) benefits for, among others, blind and disabled children. The act authorizes a person or entity to be appointed as a representative payee for a beneficiary who cannot manage or direct the management of his or her money. Existing law also provides for the State Supplementary Program for Aged, Blind and Disabled under which state supplemental payments (SSP) are made in supplementation of SSI benefits.

Existing law requires a county to apply to become a child's representative payee for purposes of these federal benefits during the time the child is placed in foster care, and also requires the county to provide information regarding certain federal requirements when a foster youth who is receiving SSI payments is approaching his or her 18th birthday.

Existing law requires the State Department of Social Services to convene a workgroup to develop best practice guidelines for county welfare departments to assist eligible children who are in the state's or

a county’s custody and are qualified under the bill in obtaining federal social security and supplemental security income benefits. Existing law requires the workgroup to make recommendations to the department, by December 31, 2006, regarding the feasibility and cost-effectiveness of reserving a designated amount of foster children’s social security and SSI/SSP benefits in lieu of reimbursing the county and the state for care and maintenance, and, in making those recommendations, to consider that the reserved benefits would be for the purpose of assisting the foster child in the transfer to self-sufficient living in a manner consistent with federal law.

This bill would delete the provisions relating to the establishment of the workgroup and the recommendations regarding the reservation of social security and SSI/SSP benefits, and instead would require a county to screen each foster youth in its care when that youth reaches 16 ½ years of age, in order to determine whether the youth is eligible for federal social security or SSI/SSP benefits. Following this screening, the bill would require the county to make the application for benefits on the youth’s behalf, as specified. The bill would also require a county, commencing at least 90 days before a foster youth’s 18th birthday, to reserve the youth’s social security and SSI/SSP benefits, which would be used to assist the child in his or her transition to self-sufficient living upon leaving foster care.

By increasing county duties, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 13752 of the Welfare and Institutions
- 2 Code is repealed.
- 3 ~~13752. The State Department of Social Services shall convene~~
- 4 ~~a workgroup comprised of the County Welfare Directors~~

1 Association, county welfare directors, child advocacy
 2 organizations, current and former foster youth and other relevant
 3 stakeholders, as determined by the department, to develop best
 4 practice guidelines for county welfare departments to assist children
 5 residing in the state's or a county's custody who are eligible for
 6 benefits under Title II of the federal Social Security Act, pursuant
 7 to Section 402 et seq. of Title 42 of the United States Code (social
 8 security benefits) and Title XVI of the Social Security Act,
 9 pursuant to Section 1381 of Title 42 of the United States Code
 10 (supplemental security income benefits) in receiving all federal
 11 benefits for which they are eligible. The guidelines shall be
 12 established by December 31, 2006, and shall include, but not be
 13 limited to, establishing procedures for all of the following:

14 (a) Determining the time and manner for conducting disability
 15 screenings for children in the custody of the county who may be
 16 eligible for social security or Supplemental Security Income/State
 17 Supplementary Payment (SSI/SSP) benefits.

18 (b) Assisting in the application process for social security and
 19 SSI/SSP benefits for each child who, pursuant to the disability
 20 screening, is likely to be determined eligible for benefits.

21 (c) Requesting reconsideration and appealing adverse decisions
 22 where appropriate.

23 (d) Informing parents and caretakers, at the time the child leaves
 24 foster care, of potential eligibility for social security or SSI/SSP
 25 benefits for any child not receiving benefits but who may be
 26 eligible upon application for those benefits.

27 (e) Maximizing the amount of federal benefits received for the
 28 current maintenance of children in the county's custody.

29 (f) Informing foster youth of their rights and responsibilities for
 30 the continued receipt of SSI benefits, the sources of assistance that
 31 may be available for resolving problems youth may have with the
 32 receipt of SSI benefits, and the process for transferring accumulated
 33 SSI benefits.

34 SEC. 2. Section 13752 is added to the Welfare and Institutions
 35 Code, to read:

36 13752. (a) The county shall screen each foster youth in the
 37 county's care when that youth reaches 16 ½ years of age, in order
 38 to determine whether the youth is eligible for federal social security
 39 or Supplemental Security Income-State Supplementary Program
 40 for Aged, Blind and Disabled (SSI/SSP) disability benefits.

1 Following this screening, if the county determines that the youth
2 is likely to be eligible for social security or SSI/SSP benefits, or
3 both, the county shall make the application for benefits on the
4 youth’s behalf.

5 (b) Commencing at least 90 days before a foster youth’s 18th
6 birthday, the county shall reserve the youth’s social security or
7 SSI/SSP benefits, or both, as applicable, in an amount not to exceed
8 the federal SSI resource limit, in lieu of reimbursing the county
9 and state for care and maintenance. The reserved benefits shall be
10 transferred to the child to assist in his or her transition to
11 self-sufficient living upon leaving foster care.

12 SEC. 3. Section 13756 of the Welfare and Institutions Code is
13 repealed.

14 ~~13756. The workgroup convened pursuant to Section 13752~~
15 ~~shall also make recommendations, by December 31, 2006,~~
16 ~~regarding the feasibility and cost-effectiveness of reserving an~~
17 ~~amount, not to exceed the federal SSI resource limit, of foster~~
18 ~~children’s social security and SSI/SSP benefits in lieu of~~
19 ~~reimbursing the county and the state for care and maintenance. In~~
20 ~~making its recommendations, the workgroup shall consider that~~
21 ~~the reserved benefits are for the purpose of assisting the child in~~
22 ~~his or her transition to self-sufficient living upon leaving foster~~
23 ~~care in a manner consistent with federal law.~~

24 SEC. 4. If the Commission on State Mandates determines that
25 this act contains costs mandated by the state, reimbursement to
26 local agencies and school districts for those costs shall be made
27 pursuant to Part 7 (commencing with Section 17500) of Division
28 4 of Title 2 of the Government Code.