



National Association of Public
Child Welfare Administrators

an affiliate of the American Public Human Services Association

Legislative Summary

Foster Children Self-Support Act (H.R. 1104) (110th Congress)

During the 110th Congress, Rep. Pete Stark (D-Calif.), a member of the Ways and Means Committee, introduced the Foster Children Self-Support Act (H.R. 1104). The goal of the legislation is to provide financial resources to youth who exit care. Stark plans to reintroduce the legislation with a few minor adjustments.

H.R. 1104 prohibits child welfare agencies from using foster children's Supplemental Security Income or Social Security benefits for foster care maintenance payments. Approximately 30,000 foster children and youth receive these benefits while in care.

State Plan Requirements

As part of the IV-E plan, states must develop and implement procedures for screening all foster children for SSI and Social Security benefits. Children must be screened for at least six months. If a child is eligible, the state is required to help them apply and appeal for benefits. The state must also provide assistance in locating a representative payee. If no other suitable candidate can be identified, the state may then act of the representative. These requirements will go into effect on the first quarter after three years of the bill's enactment.

States must also develop a plan on how the money would be spent or saved to meet the immediate and long-term needs of the child. The child would need to participate in the planning process on an age-appropriate basis along with the social worker, representative payee, and attorney or guardian *ad litem*. If the foster child leave care prior to his or her 18th birthday, a plan must be in place to save and distribute the money once age of majority is reached.

State as Representative Payee

The state may retain the lesser sum of \$25 or 10 percent of the foster child's monthly benefit as an administrative fee.

Notice to Attorneys and GALs

The Social Security Administration is required to notify the child's attorney or guardian *ad litem* when a representative payee has been appointed.

GAO Study

The Government Accountability Office must conduct a study on how states have successfully implemented the new requirements and submit this report to Congress.

NAPCWA Position

NAPCWA has not taken a position on the legislation.

Contact Information

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