

May 20, 2025

The Honorable Robyn K. Kennedy
Senate Chair, Joint Committee on Children,
Families, and Persons with Disabilities

The Honorable Jay D. Livingstone
House Chair, Joint Committee on Children,
Families, and Persons with Disabilities

Dear Chair Kennedy, Chair Livingstone, and Committee members,

The Children's League of Massachusetts (CLM) is a statewide association of child and family services organizations that collectively advocate for the availability, accessibility, and quality of services that are in the best interest of the Commonwealth's children, youth, and families. As you know we testified in person in support of **"An Act Protecting benefits owed to foster children"** [S.105](#) / [H.227](#) and . Our members-- particularly those serving youth in foster care, Transition Age Youth, and members with lived experience -- agree this bill is critical to enhancing the rights of children in the child welfare system and to ensuring youth who are exiting state care without permanency have all the support they need for success.

Currently, almost 1,250 children and young adults in the Department of Children and Families' (DCF) custody receive Social Security Administration (SSA) benefits due to a disability or death of a loved one.¹ However, DCF, at the direction of the Executive Office of Administration and Finance, was siphoning about 90% of the children's benefits into the Commonwealth's General Fund.² The children's funds were used to pay for items or activities that the state was required to provide to all children in foster care. While it was a great loss to the children, it directed only about \$5.5 million into the General Fund annually (less than 1% of the state's annual budget).³

Then, in January 2023, DCF's regulation 110 CMR 4.05 changed from "shall" take 90% of benefits to "may" take 90%, thereby creating the window to right the wrong without contradicting a statute. DCF made strides creating related protective policies and practices that direct children's benefits into appropriate accounts to support their needs while in custody and for when they age out of the system. We applaud these efforts.

¹ Based on response provided by DCF, supplied in response to DLC public records request (on file with Disability Law Center, available upon request)

² See 110 C.M.R. 4.05 (2023).

³ Monthly reports furnished by DCF contractor PCG for Jan. 2022 - Nov. 2022, supplied in response to DLC public records request (on file with Disability Law Center, available upon request).

Now, we call for the passage of this bill to prevent the exploitative practice from ever being reinstated. The legislation accomplishes the following important goals: (1) prevent any reversion of our state from taking benefits from foster children; (2) support responsible caregivers to act as representative payees; (3) help youth leave foster care with financial support and literacy; and (4) ensure transparency for children, their guardians, and their legal representatives when their benefits are at stake. It also prohibits the Department from sending conserved funds back to the Social Security Administration after a placement ends, as had been done prior.

This legislation draws upon best practices adopted in other states. Connecticut, Hawaii and Washington, D.C have already prohibited their child protection agencies from using Social Security benefits to reimburse themselves for a child's care and require benefits be placed in a savings account for the child. New York City, Los Angeles County, and Philadelphia passed similar legislation or resolutions as well.

Details on the enhancements this legislation codifies include:

- Establishing personal needs accounts (savings or other) to conserve the balance of children's benefits to help with transitions into adulthood and independent living (sets bar at a minimum of 10% of benefits whereas 10% is the current maximum allowance with additional antiquated limits to the children's benefits).
 - *Illinois and Maryland require the child protection agency to conserve an increasing percentage of benefits for the child as they grow older.*
- Screening children for benefit eligibility within sixty days of the child being committed to custody – a practice that is not yet required.
 - *akin to Illinois and Washington, D.C. ensuring children in state custody have appropriately applied for and received any benefits they are entitled to in a timely fashion.*
- Notifying children, their legal representatives, and their guardians when DCF applies for benefits or to be the child's representative payee and to consider preferences for other representative payees per federal regulations.
 - *similar in Illinois, Maryland, Nebraska, and Washington, D.C.*
- Maintaining detailed accounting of a child's benefits and provide a quarterly report to the child and their representatives when DCF serves as representative payee.
 - *Nebraska, Illinois, and Washington D.C. require regular accounting of a child's benefits.*

Personal needs accounts are most critical to transition age youth who face a mountain of obstacles to stable entry into adulthood. The risks of poor educational opportunities, barriers to employment, homelessness, incarceration, substance abuse, and further trauma are staggering. For example:

- more than a quarter had not finished high school or gotten a GED at age 21;
- nearly half did not have full or part-time employment at age 21;
- 15 percent had been recently incarcerated at age 19; and
- 10 percent had been recently referred for substance use treatment at age 21.

These percentages amount to thousands of emerging adults suffering and not fulfilling their potential. Each year, approximately 670-900 young people turn 18 years old in the foster care system in Massachusetts without a permanency plan in place and 59% of young people exit the foster care system in Massachusetts without permanent, legal connections to family or caregivers.

The current housing crisis exacerbates the correlation between a history of foster care and becoming homeless at an earlier age and remaining homeless for a longer period.⁴ Youth experiencing homelessness are at higher risk of being victimized or arrested with much more difficulty trying to focus on education or employment. The National Law Center on Homelessness and Poverty estimates that 5,000 unaccompanied youth die each year because of assault, illness, or suicide⁵. The dire homelessness statistics for this population include:⁶

- within 18 months of emancipation 40-50% of foster youth become homeless;
- 30-50% of the homeless population aged 18 to 24-years-old spent time in foster care; and
- 65% of youth leaving foster care need immediate housing upon discharge.

The Commonwealth has assumed responsibility and care for youth and must do everything in its power to counterbalance the loss of their families and support a successful transition to adulthood, as we would want for any young person. Preservation of social security benefits for youth in DCF custody gives youth with disabilities and those who have lost their primary caretaker(s) a fighting chance at overcoming the great hurdles in their way. We ask that you protect our vulnerable, resilient, potential-filled children who have entered the foster care system by voting this bill out of committee and working diligently for its passage without delay.

Sincerely,

⁴ More Than Words, Our Issues, [website](#).

⁵ National Law Center on Homelessness and Poverty. "Legal Tools to End Homelessness." 2004, p. 3. Available: <http://www.nlchp.org/content/pubs/youth%20Legal%20Tools.pdf>

⁶ Foster Care and Homelessness, Fostering Change Network, Shaquita O'Neal, Foster Focus 2020, Volume 5 Issue 3



CHILDREN'S
LEAGUE
OF MASSACHUSETTS

PROMOTING THE WELFARE OF CHILDREN AND THEIR FAMILIES THROUGH PUBLIC POLICY

Rachel Gwaltney
Executive Director
Children's League of Massachusetts

Supporting Members of the Children's League

18 Degrees

Ascentria Care Alliance

Boys Town New England

Brandon Residential Treatment Center, Inc.

Bridges Homeward

Brien Center

Centerboard

Child & Family Services, Inc.

Communities for People

Citizens for Juvenile Justice

Cutchins Programs for Children and Families

Devereux Advanced Behavioral Health

Evergreen Center

Fall River Deaconess Home

Friends of Children, Inc.

Gandara Center

High Point

The Home for Little Wanderers, Inc.

HopeWell

Justice Resource Institute

Kennedy-Donvan Center

LUK, Inc.

Massachusetts Society for the Prevention of Cruelty to Children (MSPCC)

MARE (Massachusetts Adoption Resource Exchange)

More Than Words

NFI Massachusetts



CHILDREN'S
LEAGUE
OF MASSACHUSETTS

PROMOTING THE WELFARE OF CHILDREN AND THEIR FAMILIES THROUGH PUBLIC POLICY

North Suffolk Community Services
Open Sky Community Services
Plummer Youth Promise
RFK Community Alliance
Roxbury Youthworks, Inc.
Saint Vincent's Services, Inc.
Seven Hills Foundation
Stevens Treatment Programs
Treehouse Foundation
Wayside Youth & Family Support Network
Youth Villages New England