

Overview of SB 187: Updates to Foster Youth Rights Regarding Supplemental Security Income (SSI)

A Fact Sheet Prepared by the Youth Law Center

General Overview

The Foster Care Social Security and Supplemental Security Income Assistance Program (created by [AB 1633 \(2005\)](#) and [AB 1331 \(2007\)](#)), and codified at [Welf. & Inst. Code Section 13750](#), *et seq.*, represents the California Legislature's attempts to maximize utilization of Social Security Administration benefits among foster youth, including probation-supervised foster youth, as they approach adulthood. These benefits can provide critical income support to foster youth with disabilities, and a successful linkage to Supplemental Security Income (SSI) benefits confers eligibility for many other vital resources, such as health insurance, housing, and supported employment opportunities, amongst others.

What is SSI?

Supplemental Security Income (SSI) is a needs-based federal assistance program administered by the Social Security Administration for those who are disabled, blind, or aged 65 and older. In order to qualify, an individual must be low-income and have low-assets (under \$2,000) and have a qualifying disability. There are different standards for disability for children (under age 18) and adults.¹

What obligations do county placing agencies have to foster youth around SSI (including the new provisions under [SB 187](#))?

Broadly, SB 187² and prior legislation require that county placing agencies:

- screen youth for eligibility for SSI,
- apply for SSI for youth that screen as likely to be eligible for SSI,
- appeal application denials,
- help youth choose an appropriate representative payee,

¹ The definition of disability for children can be found at [20 CFR Section 416.906](#) and for adults can be found at [20 CFR Section 404.1505](#) (Social Security Disability Insurance (SSDI) Program) and [20 CFR 416.920](#) (SSI program).

² These changes are codified at Welf. & Inst. Code Sections 13753, 13754 & 13757. SB 187, by its own provisions, would become effective on January 1, 2023 or 30 days after the California Department of Social Services (CDSS) issued appropriate guidance (whichever was later). CDSS published [All-County Letter \(ACL\) 23-28](#) on March 22, 2023; therefore, SB 187 becomes effective on April 21, 2023. The citations in this fact sheet are based on the updated code provisions.

- adhere to the legal requirements of a representative payee (if the county is the payee) or help the representative payee (if not the county) to fulfill these obligations,
- provide information and assistance to youth about their benefits,
- and help youth maintain eligibility so that SSI is in place when they transition from foster care.

Screen for Eligibility

County placing agencies, including the child welfare agency, juvenile probation department, or tribal organization (if the tribal organization requests the screening from the county), are required to screen foster youth for eligibility for SSI.³ SB 187 changes the original age of screening to 16-17 rather than 16.5-17.5 (though it does not preclude even earlier screening) and also requires screening of non-minor dependents (NMDs) under certain circumstances.⁴

Apply for SSI

County placing agencies are required to submit an SSI application to the Social Security Administration for youth who screen as likely to be eligible for such benefits⁵ and shall adhere to the authorized representative⁶ guidelines of the Social Security Administration, as specified in [20 CFR Section 416.1540](#).⁷ If an application for SSI is denied, SB 187 requires the county to file (or cause to be filed) a request for reconsideration and then appeal (if the request for reconsideration is denied) and file subsequent appeals, unless the county does not possess the information or evidence to support an appeal after making efforts to acquire that information, or other reasons that shall be documented in the case plan.⁸ The county may contract with legal services organizations or other entities, or may partner with other county agencies, to fulfill these duties.⁹

³ Welf. & Inst. Code § 13757(a)(1).

⁴ Welf. & Inst. Code § 13757(a)(2)-(3).

⁵ Welf. & Inst. Code § 13757(a)(2). Note: for an NMD, the NMD must consent to the application being filed. Welf. & Inst. Code § 13757(a)(4).

⁶ An *Authorized Representative* represents and provides competent assistance to the claimant in their claim and/or asserts their right under any Social Security Administration Program. This is different from a *Representative Payee* who is appointed on behalf of a beneficiary who can't manage or direct the management of their own benefits. The duties of a representative payee are to use the benefits to pay for the current and future needs of the beneficiary, properly save any benefits not needed to meet current needs, and keep records of expenses.

⁷ Welf. & Inst. Code § 13757(d).

⁸ Welf. & Inst. Code § 13757(c), (d).

⁹ Welf. & Inst. Code § 13757(d).

Maintain Eligibility: Age-18 Redeterminations and Ensuring Ongoing Financial Eligibility for Federally-Eligible (Title IV-E Eligible) Youth

SB 187 requires the county placing agency, at least six months before the youth's 18th birthday, to provide information to the youth about their benefits¹⁰, and assist the youth, as appropriate, in establishing continuing disability as an adult, including gathering and submitting records to the Social Security Administration and identifying an appropriate representative payee¹¹, which may include the NMD themselves, a trusted adult, or the county.¹² The county shall also provide information to the NMD on how to access any known legal representation and advocacy organizations or entities for further assistance and, if the nonminor dependent requests to obtain an SSI advocate, shall assist the nonminor dependent in communicating and coordinating with that SSI advocate.¹³

Additionally, SB 187 requires the county placing agency to assist the NMD (or representative payee if other than the county) to provide information to the Social Security Administration to ensure that the NMD receives the appropriate number of payments to maintain eligibility for SSI and to communicate any changes in the NMD's foster care case if those changes would affect the NMD's eligibility for, or the amount of, SSI benefits.^{14,15}

¹⁰ Including information regarding the federal requirement that the youth establish continuing disability as an adult in order for SSI benefits to continue beyond their 18th birthday, the process for becoming their own payee, or designating an appropriate representative payee if benefits continue beyond their 18th birthday, and regarding any SSI benefits that have accumulated on the youth's behalf.

¹¹ See Welf. & Inst. Code § 13754 (c)-(d), 20 CFR 404.2065 and 20 CFR 416.665 for more about the duties of a representative payee.

¹² Welf. & Inst. Code §§ 13753, 13754(c).

¹³ Welf. & Inst. Code § 13754(c)(1)(B), (c)(3).

¹⁴ Welf. & Inst. Code §§ 13754(a), (c), 13757(e)

¹⁵ If the child is eligible for federal AFDC-FC (federal foster care payments i.e. "Title IV-E"), the county also has an obligation to shift the youth's foster care payment to nonfederal AFDC-FC during the month of application for SSI, and for one month/year after SSI is granted to maintain eligibility for SSI. This is because SSI terminates if the payments are in suspense for 12 months straight. Advocates and attorneys often refer to this important step as "the workaround".

Additional Resources

Youth Law Center: [Template Letters for SSI/OASDI Advocacy for California Foster Youth](#)

Alliance for Children's Rights: [SB 187 Fact Sheet](#)

Alliance for Children's Rights: [Building a Strong SSI Application for Children in Foster Care Guide](#) and [Webinar Recording](#)

Alliance for Children's Rights: [Building a Strong SSI Application for Transition Age Youth Guide](#) and [Webinar Recording](#)

California Department of Social Services: [All-County Letter \(ACL\) 23-28](#)