

Overview of AB 2906: Updates to Foster Youth Rights Regarding Social Security Administration (SSA) Benefits

A Fact Sheet Prepared by the Youth Law Center

General Overview

This fact sheet addresses the enactment of Assembly Bill (AB) 2906 (Chapter 623, Statutes of 2024), updating foster youth rights regarding Social Security Administration benefits by amending Welfare and Institutions Code (WIC) §§ 13753, 13754, 13756, and 13757.¹ AB 2906 affects both Retirement, Survivors, and Disability Insurance benefits (“RSDI,” “OASDI,” or “Title II” benefits) and Supplemental Security Income (“SSI”)/State Supplementary Payment (“SSP”) benefits (jointly called the “SSI/SSP” program).² One of the key changes enacted by AB 2906 is the requirement that counties not use a youth’s social security “survivors benefits” to pay for the cost of the youth’s foster care placement, but rather must conserve these benefits for the youth.³

For a more comprehensive overview of foster youth rights regarding Supplemental Security Income (SSI) prior to the enactment of AB 2906, see the Youth Law Center’s fact sheet, [Overview of SB 187: Updates to Foster Youth Rights Regarding Supplemental Security Income \(SSI\)](#).

The California Department of Social Services (CDSS) issued All County Letter (ACL) 25-27 on May 23, 2025, alerting county placing agencies of updated guidelines for the management of federal Social Security Administration (SSA) benefits for youth in foster care and nonminor dependents (NMDs) as a result of the passage of AB 2906.⁴

What kinds of Social Security Administration (SSA) benefits might a youth in foster care be eligible to receive?

Youth in foster care may be eligible for Retirement, Survivors, and Disability Insurance Benefits (RSDI) and/or Supplemental Security Income (SSI). Explanations of these two

¹ Assembly Bill (AB) 2906 (Chapter 623, Statutes of 2024): https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB2906.

² Title II of the Social Security Act; 42 U.S.C. § 402(d); Title XVI of the Social Security Act; 42 U.S.C. § 1382(a).

³ Welf. & Inst. Code § 13756(a).

⁴ CAL. DEP’T OF SOC. SERVS., All County Letter No. 25-27 (2025): <https://www.cdss.ca.gov/Portals/9/Additional-Resources/Letters-and-Notices/ACLs/2025/25-27.pdf?ver=qGvA1bDuHxuigjxiInlxTQ%3d%3d>; Assembly Bill (AB) 2906 (Chapter 623, Statutes of 2024): https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB2906. To the extent that the information contained in this Fact Sheet conflicts with the guidance in ACL 25-27, this fact sheet is based on the language in the amended statutes (Welf. & Inst. Code §§ 13753, 13754, 13756, and 13757).

kinds of Social Security Administration benefits and a table noting differences between the two categories of benefits is below.

Retirement, Survivors, and Disability Insurance Benefits: (“RSDI”, “OASDI”, or “Title II” benefits) (Title II of the Social Security Act; 42 U.S.C. § 402(d)): A youth may be eligible to receive RSDI benefits if they have a parent who has worked enough quarters to become insured for Title II purposes, and the parent is disabled, deceased, or entitled to retirement benefits. These benefits are sometimes colloquially called “survivors benefits” if the parent is deceased, and “auxiliary benefits” or “dependent benefits” if the parent is disabled or retired, but are collectively called “children’s insurance benefits” under 42 U.S.C. 402(d).⁵ The youth themselves does not need to have a disability to be eligible for Title II benefits. However, if the youth has a disability, they may be eligible to continue receiving Title II benefits into adulthood.⁶

Supplemental Security Income and the and the State Supplementary Payment Program (SSI/SSP): (Title XVI of the Social Security Act; 42 U.S.C. § 1382(a)): The SSI program is a federally funded program which provides income support to eligible individuals who are 65 or older, blind, or have a qualifying disability. The individual must have low-income and low assets (under \$2,000) to be eligible. The SSP Program is the state program which augments SSI. Both SSI and SSP benefits are administered by the Social Security Administration (SSA). Eligibility for both programs is determined by SSA using federal criteria. If an eligible individual qualifies for SSI, they qualify for SSP. The program is thus referred to as “SSI/SSP.” For SSI/SSP benefits, the youth themselves must meet disability criteria.

Comparison of SSI and RSDI Benefits

	Supplemental Security Income/State Supplementary Payment (SSI/SSP)	Children’s Insurance Benefits in Retirement, Survivors, Disability Insurance Benefits (RSDI)
Beneficiaries	<ul style="list-style-type: none"> Individuals with low income who are disabled, blind, or elderly 	<ul style="list-style-type: none"> Insured individuals/workers and eligible family members/children of a worker who is disabled or

⁵ The new provisions in Welf. & Inst. Code § 13756 refer to them as “federal survivors’ benefits” or “Social Security Administration survivors’ benefits.”

⁶ Title II Child Benefits normally require the youth to be (1) under age 18, or (2) under age 19 and attending high school. A youth with a disability may continue to receive a version of Title II Child Benefits into adulthood, known as “Disabled Adult Child benefits” if their disability began before the age of 22.

		blind, deceased, or retired
Non-Medical Eligibility	Based on need: Need is a complete picture of income, living arrangement, and personal resources.	Based on earnings: Employees and employers pay into the Social Security Trust Fund.
Medical Eligibility (as applicable)	<p>Minors: Has a medically determinable physical or mental impairment (or combination of impairments); and the impairment(s) results in marked and severe functional limitations; and the impairment(s) has lasted (or is expected to last) for at least one year or to result in death.</p> <p>Adults: Inability to engage in any substantial gainful activity (SGA) by reason of any medically determinable physical or mental impairment(s) which can result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months.</p>	No medical eligibility required for children's benefits under the RSDI program, except for Disabled Adult Child benefits when applicants must meet the SSA disability criteria for adults.
Date of Eligibility	Based on the protective filing date (PFD). PFD = the date the county placing agency or its contractor contacts SSA to indicate intent to file an application.	Eligibility for RSDI benefits begins in the month of application, assuming the other criteria under 42 U.S.C. § 402(d)(1)(A)-(C) are met.
Benefit Amount	The monthly benefit amount for the federal portion of an SSI payment is set each year by Congress. California also augments this payment with additional funds under the State	Based on employee and employer contributions.

	Supplementary Payment Program (SSP), resulting in a combined SSI/SSP payment. The rates for 2025 can be found here .	
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What updates did AB 2906 make to foster youth rights regarding SSA benefits, including RSDI and SSI?

New Requirements Regarding Representative Payees

AB 2906 requires that before a county submits a request to the Social Security Administration to be appointed as a foster youth's representative payee, the county placing agency must send a written notice of intent to be appointed as such to the foster youth's counsel and parents or legal guardians.⁷ These and other provisions within WIC § 13754 became effective January 1, 2025.⁸

It also remains the case that counties appointed as representative payees must establish a no-cost, interest-bearing maintenance account for each youth in its care and custody and each NMD in the department's placement and care responsibility, for whom the department serves as a representative payee.⁹ Interest earned on these accounts shall be credited to the account.¹⁰ The county must also keep an itemized current account, in the manner required by federal law, of all income and expense items for each child's and NMD's maintenance account.¹¹ The county must also establish procedures for disbursing money from the accounts, including disbursing the net balance to the beneficiary upon release from care.¹²

The county shall continue to follow existing law on the use and maintenance of dedicated accounts in accordance with federal law. AB 2906 now conforms language in WIC § 13754 with changes to §§ 13753 and 13757 that the county must use all SSA benefits only for the use and benefit of the child/NMD or for purposes determined by the county to be in the child/NMD's best interest.¹³ This language change in WIC 13754(d)(2) from "social security and SSI/SSP" to "federal Social Security

⁷ Welf. & Inst. Code § 13754(b)(2).

⁸ Welf. & Inst. Code § 13754(c)(3).

⁹ Welf. & Inst. Code § 13754(d)(1).

¹⁰ *Id.*

¹¹ *Id.*

¹² Welf. & Inst. Code § 13754(d)(2).

¹³ *Id.*

Administration funds” is a technical, nonsubstantive change that provides language consistency across the chapter.

New Conservation Requirements

Effective June 22, 2025, the county placing agency must also ensure that the youth’s survivor benefits are not used to pay for, or reimburse the placing agency for, any costs of the child’s “care and supervision,” as defined in WIC § 11460(b).¹⁴ “Care and supervision” includes but is not limited to food, clothing, shelter, daily supervision, school supplies, a child’s personal incidentals, liability insurance with respect to a child, reasonable travel to the child’s home for visitation, and reasonable travel for the child to remain in the school in which the child is enrolled at the time of placement.¹⁵ Prior to the effective date of AB 2906, counties often used youths’ Title II survivor benefits to pay for such costs.

Placing agencies must also monitor any applicable asset, resource or income limits to ensure that the youth’s best interest is served by conserving the benefits in a way that avoids termination of benefits.¹⁶ Note that WIC § 13756(b)(2) does not require that benefits be maintained in a dedicated account.¹⁷ Rather, the maintenance of a dedicated account is just one possible way in which the best interests of the youth might be served in conserving their benefits.¹⁸

Updated Accounting Requirement

Effective June 22, 2025, county placing agencies must provide an accounting, upon request, to the child if the child is 12 years of age or older, and the child’s attorney of how and in what amount the youth’s resources, including SSA benefits, have been conserved.¹⁹ Per 20 C.F.R. §§ 404.2065 (RSDI) and 416.665 (SSI), this accounting must be a detailed report of the financial state of the youth’s resources, including transactions, taking into consideration the youth’s best interests.²⁰

What are the new county placing agency notification requirements?

¹⁴ Welf. & Inst. Code §§ 13756(b)(1), 11460(b). Per WIC § 13756(f), all of the provisions in WIC § 13756 became effective on January 1, 2025, or 30 days after the department issued the necessary all-county letters—i.e., ACL 25-27—and informing materials to county placing agencies, whichever is later. Therefore, because ACL 25-27 was issued May 23, 2025, WIC § 13756 became effective June 22, 2025.

¹⁵ Welf. & Inst. Code § 11460(b).

¹⁶ Welf. & Inst. Code § 13756(b)(2).

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Welf. & Inst. Code § 13756(b)(3). Note: the youth’s attorney should be able to make the accounting request on behalf of their client regardless of the child’s age.

²⁰ 20 C.F.R. §§ 404.2065 and 416.665; Welf. & Inst. Code § 13756(b)(3).

New Requirements Regarding Representative Payees

AB 2906 requires that before a county submits a request to the Social Security Administration to be appointed as a foster youth's representative payee, the county placing agency must send a written notice of intent to be appointed to the foster youth's counsel and parents or legal guardians.²¹ These and other provisions within WIC § 13754 became effective January 1, 2025.²²

New Requirements on Placing Agencies Before Youth Exit Foster Care

As of June 22, 2025, AB 2906 newly requires that placing agencies begin transfer of control of any conserved funds at least 30 days before a youth's exit from foster care.²³ The transfer of these conserved funds must be made in accordance with the SSA's rules for changes of representative payee contained in its [Guide for Organizational Representative Payees](#).²⁴

Additional Notification Requirements

AB 2906 newly requires that placing agencies notify the youth, the youth's attorney, and the youth's parents or guardians, that they are taking any of the following actions *before, or concurrently with*, taking the action:

- (A) Applying for benefits administered by the federal SSA on the youth's behalf pursuant to WIC § 13757(a).²⁵
- (B) Applying to become a representative payee on the youth's behalf for benefits administered by the federal SSA.²⁶
- (C) Receiving any decisions or communications from the federal SSA regarding an application for benefits on a youth's behalf, as described in WIC § 13756(d)(1)(A).²⁷
- (D) Taking any action regarding an application for benefits described in WIC § 13757(c).²⁸

²¹ Welf. & Inst. Code § 13754(b)(2).

²² Welf. & Inst. Code § 13754(c)(3).

²³ Welf. & Inst. Code § 13756(e).

²⁴ Social Security Administration. "A Guide for Organizational Representative Payees." <https://www.ssa.gov/payee/NewGuide/toc.htm>.

²⁵ Welf. & Inst. Code § 13756(d)(1)(A).

²⁶ Welf. & Inst. Code § 13756(d)(1)(B).

²⁷ Welf. & Inst. Code § 13756(d)(1)(C).

²⁸ Welf. & Inst. Code § 13756(d)(1)(D).

Placing agencies must also provide any of the above information to the youth, the youth's attorney, and the youth's parents or guardians upon request.²⁹

What additional requirements are there to provide information to youth approaching age 18?

Effective January 1, 2025, county placing agencies have expanded obligations to provide benefit information not just to youth receiving SSI benefits, but youth receiving *any* type of SSA benefit.³⁰ Specifically, at least six months prior to the youth's 18th birthday, placing agencies must do the following for youth in foster care receiving any SSA benefit:

- (1) provide information to the youth on how they can become their own payee and what steps they must take to maintain their SSA benefits, or how to designate a payee and assist the youth with making the change with SSA; and
- (2) provide information to the youth regarding any benefits that have accumulated on their behalf; and
- (3) assist the youth, as appropriate, in fulfilling the requirements of (1) and (2).³¹

Additionally, the notification and assistance requirements in WIC Section 13754(c) regarding choosing a representative payee and establishing and maintaining benefits now apply to all SSA benefits rather than just SSI.

What are the updated screening requirements?

AB 2906 requires that youth in foster care receive their first screening to determine their eligibility for any Social Security Administration benefits between the ages of 16 and 17.³² This does not preclude counties from screening youth prior to their 16th birthdays.³³ Applications must be submitted to the SSA on behalf of any youth who is screened as likely being eligible for any SSA benefits.³⁴ And as much as possible, these applications should be timed to allow for an eligibility determination by the SSA before the youth's 18th birthday.³⁵ NMDs must also be screened under certain circumstances and must consent to an application being filed.³⁶

²⁹ Welf. & Inst. Code § 13756(d)(2).

³⁰ Welf. & Inst. Code § 13753.

³¹ Welf. & Inst. Code § 13753(a).

³² Welf. & Inst. Code § 13757(a). Note, this is an expanded requirement because AB 2906 requires screening and application for all SSA benefits, including SSI and RSDI, instead of just SSI.

³³ Welf. & Inst. Code § 13757(a)(2).

³⁴ *Id.*

³⁵ *Id.*

³⁶ Welf. & Inst. Code § 13757(a)(3), (4).

With respect to best practices in screening youth for RSDI benefits eligibility, see ACL 20-17 to the extent that its guidelines are not in conflict with AB 2906.³⁷ As discussed in ACL 20-17, at a minimum, every child should be screened for RSDI benefits at intake and at adoption placement.³⁸ And nothing in the guidelines of ACL 20-17 should discourage counties from screening for RSDI eligibility more often, including but not limited to when the county learns that a parent has died, has reached 62 years of age, or has become disabled.³⁹

What are the updated appeals requirements?

If an application for any SSA benefit is denied, AB 2906 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.⁴⁰ The county may contract with legal services organizations or other entities, or may partner with other county agencies, to fulfill these duties.⁴¹

Additional Resources

California Department of Social Services, ALL COUNTY LETTERS
<http://www.cdss.ca.gov/inforesources/Letters-Regulations/Letters-and-Notices/All-CountyLetters>

Youth Law Center and Bay Area Legal Aid, CALIFORNIA FOSTER YOUTH RIGHTS REGARDING SUPPLEMENTAL SECURITY INCOME ADVOCACY
https://drive.google.com/drive/folders/1huLBUWR9p4hoiGDBGGEuzk3CkWyHo_9V (slides) and <https://youtu.be/gAfdcxpymxc> (webinar recording).

Youth Law Center, OVERVIEW OF SB 187: UPDATES TO FOSTER YOUTH RIGHTS REGARDING SUPPLEMENTAL SECURITY INCOME

³⁷ CAL. DEP'T OF SOC. SERVS., All County Letter No. 20-17 (2020): <https://www.cdss.ca.gov/Portals/9/Additional-Resources/Letters-and-Notices/ACLs/2020/20-17.pdf>. Note: CDSS is in the process of updating the best practice guidelines for counties regarding Social Security Administration benefits for children, youth and NMDs in foster care and will release an ACL and/or other guidance materials once the guidelines are finalized.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ Welf. & Inst. Code § 13757(c), (d).

⁴¹ Welf. & Inst. Code § 13757(d).

<https://www.ylc.org/resource/fact-sheet-overview-of-sb-187-updates-to-foster-youth-rights-regarding-supplemental-security-income-ssi/>.

Youth Law Center, TEMPLATE LETTERS FOR SSI/OASDI ADVOCACY FOR CALIFORNIA FOSTER YOUTH:

<https://www.ylc.org/resource/template-letters-for-ssi-oasdi-%20%20advocacy-for-california-foster-youth/>.