

Martin O'Malley

Commissioner

United States Social Security Administration
6401 Security Blvd.
Baltimore, MD 21235

Rebecca Jones-Gatson

Commissioner

Administration for Children & Families
United States Department of Health & Human Services
Hubert H. Humphrey Building
200 Independence Ave, S.W.
Washington, D.C. 20201

Re: Docket No. SSA-2024-0038

Dear Commissioner O'Malley and Commissioner Jones-Gatson,

On behalf of the American Public Human Services Association (APHSA) and its affinity group, the National Association of Public Child Welfare Administrators (NAPCWA), we appreciate the opportunity to provide input on the *Request for Information: Use and Conservation of Social Security Benefits and Supplemental Security Income (SSI) Payments That Representative Payees Receive for Beneficiaries Residing in Foster Care*. APHSA and NAPCWA represent state and local health and human service agencies dedicated to advancing policies and practices that improve outcomes for children, youth, and families. We commend the Social Security Administration (SSA) and the Children's Bureau for addressing this critical issue and exploring how federal benefits can better support foster youth while ensuring alignment with the child welfare system's goals of permanency, safety, and well-being.

The questions raised in this RFI touch on fundamental challenges faced by child welfare agencies, including the balance between meeting immediate needs and planning for long-term stability, the risks of unintended consequences, and the broader systemic issues in child welfare financing. Our response highlights these key areas and offers recommendations to guide future policy development.

Balancing Immediate Needs and Long-Term Conservation

Child welfare agencies are deeply committed to ensuring that SSI and Social Security benefits are used in the best interests of children in foster care. However, the current funding landscape creates challenges in balancing immediate and long-term needs. SSI and Social Security benefits are often essential to meeting a child’s current needs, including foster care maintenance payments, medical care, and other critical supports. If agencies are required to conserve these benefits in full, they may lose access to federal Title IV-E reimbursement to avoid “double dipping,” significantly reducing the funding available to meet children’s day-to-day needs. This policy trade-off places agencies in a difficult position, forcing them to prioritize between vital services today and financial planning for the future.

Conserved benefits, while well-intentioned, may not always translate into better outcomes for youth, particularly if they are counted as income or assets when accessing other benefits. For example, conserved SSI payments could lead to the loss of eligibility for Medicaid, SNAP, or housing assistance, creating an unintended “benefits cliff” for youth aging out of care. This undermines efforts to support a stable transition to adulthood. We recommend policies that provide agencies with flexibility in managing SSI and Social Security benefits. Allowing agencies to balance conservation with immediate use for critical needs would better align with the realities of child welfare operations and the overarching goal of supporting positive outcomes for youth.

Coordination and Guidance with SSA

A consistent challenge raised by child welfare leaders is the lack of clear and uniform guidance from SSA on managing benefits for children in foster care. Local SSA offices often apply policies inconsistently, leading to confusion and delays in accessing benefits. For example, questions about the role of child welfare agencies as representative payees, appropriate use of benefits, and the requirements for conserving funds often result in divergent practices across jurisdictions. We strongly encourage SSA to:

1. Develop and disseminate standardized training for SSA staff that includes the unique needs of foster youth and the role of child welfare agencies.
2. Issue joint guidance with the Children’s Bureau on managing benefits for children in foster care, including clear rules on conservation and use.
3. Establish regular interagency collaboration through working groups or technical assistance efforts to ensure alignment between SSA and child welfare agencies.

Enhanced coordination and clarity in guidance will reduce administrative burdens, improve compliance, and ensure that benefits are managed in a way that supports the best interests of children and youth.

Systemic Challenges in Child Welfare Financing

The issues raised in this RFI also reflect broader systemic challenges in child welfare financing. Title IV-E funding, which provides critical support for foster care services, reimburses only a fraction of the actual costs, leaving agencies reliant on alternative funding sources like SSI benefits. This gap limits agencies' ability to provide comprehensive services and poses additional challenges if SSI benefits must be conserved. Additionally, the slow implementation of the Family First Prevention Services Act (FFPSA) has delayed efforts to shift resources toward prevention and family preservation services. Without these shifts, agencies remain heavily reliant on out-of-home placement funding, which further complicates efforts to conserve SSI benefits while meeting immediate needs. We urge federal agencies to address these systemic issues by increasing Title IV-E reimbursement rates and accelerating FFPSA implementation. Doing so would reduce financial pressures on child welfare agencies and create the conditions for effective conservation of SSI benefits.

Recommendations

To support child welfare agencies and improve outcomes for children in foster care, we recommend:

1. **Clarifying Conservation Policies:** Develop clear guidance on conserving benefits, ensuring conserved funds do not count as income or assets for other programs.
2. **Supporting Flexibility:** Allow agencies to use benefits for immediate needs without forfeiting Title IV-E funding, particularly for services that directly benefit children.
3. **Improving Coordination:** Enhance collaboration between SSA and child welfare agencies through joint guidance, training, and technical assistance.
4. **Addressing Financial Gaps:** Increase Title IV-E reimbursement rates and fully implement FFPSA to support agencies in balancing immediate and long-term needs.
5. **Promoting Youth-Centered Policies:** Ensure conserved benefits are accessible to youth aging out of care and directed toward critical needs like housing, education, and employment.

We commend SSA and the Children's Bureau for addressing this important issue and seeking input from stakeholders. By addressing systemic challenges, improving coordination, and prioritizing flexibility in benefit management, federal agencies can better support child welfare systems in achieving positive outcomes for foster youth. APHSA and NAPCWA remain committed to partnering with SSA, HHS, and other stakeholders to refine policies and ensure that SSI and Social Security benefits are leveraged effectively to improve the lives of children and youth in foster care.



Respectfully submitted,

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