



AB 1080 – Preserving Title II Benefits for Foster Youth

SUMMARY

Assembly Bill 1080 will require counties to use federal Social Security Administration Retirement, Survivors, Disability Insurance (Title II) benefits in the child’s best interest for unmet current needs or conserve the child’s benefits for future use.

BACKGROUND

The Congressional Research Service estimates that in any given year, about 27,000 children in foster care receive benefits from the Social Security Administration, which includes retirement, disability, or survivor benefits. An estimated 40,000 to 80,000 foster youth nationally, or 10 to 20%, may be eligible for these benefits. Members of Congress have expressed concern that children’s benefits are being used to help state budgets instead of children.

In California, 51% of foster youth come into contact with the justice system by the age of 23, close to 25% of transition-age foster youth experience homelessness, and about 20% report having a health condition or disability that limits their daily activities. About 60% complete their high school education, and less than 10% attain a college degree. California’s foster youth population is disproportionately Black and Brown. Los Angeles County is home to about a third of the state’s foster youth.

In 2024, Governor Newsom signed AB 2906, which stopped the process of collecting survivors benefits from eligible foster youth. Several states, including Nebraska, Maryland, Connecticut, Illinois, and the District of Columbia have recently enacted legislation to cease this practice for all Social Security benefits, with ongoing efforts taking place in Oregon, Washington, Arizona, Massachusetts, Texas, and others.

PROBLEM

Current and former foster youth may be eligible for one or more federal Social Security Administration (SSA) Benefits programs, including Supplemental Security Income (SSI) for individuals with disabilities or Social Security Retirement, Survivors, Disability Insurance (Title II) benefits based on a parent’s work history. Currently, many youth in foster care

who qualify for federal Social Security Administration Benefits have these funds managed by county placing agencies acting as their representative payee. However, these funds are too often used to offset foster care system costs rather than conserved for the youth’s personal needs and future financial security. Additionally, many county placing agencies allow SSA benefits eligibility to lapse while a child is in foster care. This practice undermines the intended purpose of these benefits, leaving many youth in foster care without financial resources when they age out of care.

SOLUTION

California has made significant efforts to link transition aged youth in foster care to SSA benefits and provide notice and information regarding an application for SSA benefits, and to preserve Social Security Administration Survivor Benefits through AB 2906 (2024).

AB 1080 builds on AB 2906 and expands protections for foster youth by:

- Expanding fiduciary guidelines to ensure all Title II RSDI benefits are managed in the youth’s best interest, rather than being redirected for system reimbursement.
- Enhancing oversight and accountability for county agencies acting as representative payees to ensure that benefits are properly managed and conserved and that youth and their child and family team are consulted on how the benefits should be used.
- Ensuring that county placing agencies maintain Social Security Administration benefits while a child is in foster care.

SUPPORT

Alliance for Children’s Rights (Co-sponsor)
Children’s Advocacy Institute (Co-sponsor)
Children’s Law Center (Co-sponsor)
Youth Law Center (Co-sponsor)
All of US or None Orange County
California Coalition for Youth
California Alliance of Child and Family services
California State PTA
Disability Rights California

Families Inspiring Reentry & Reunification 4 Everyone
(FIR4E)
Western Center on Law & Poverty
Public Counsel
John Burton Advocates for Youth

FOR MORE INFORMATION

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