

**2SHB 1405** - S COMM AMD

By Committee on Human Services

**NOT CONSIDERED 05/17/2023**

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature recognizes that certain  
4 people in the care of the department of children, youth, and  
5 families, including youth experiencing foster care, may be eligible  
6 for federal supplemental security income or other public benefits,  
7 including instances where a parent is deceased or the youth is living  
8 with a physical or mental disability. The legislature finds that  
9 people in the care of the department represent an especially  
10 vulnerable population in need of supportive resources. The  
11 legislature finds that according to a 2022 study by the department of  
12 social and health services, 17 percent of youth leaving Washington's  
13 foster care system experience homelessness within a year of exiting.  
14 The legislature further finds that 33 percent of youth in foster care  
15 experience homelessness by age 21. The legislature recognizes that  
16 the state of Washington has utilized federal supplemental security  
17 income benefits to offset the cost of care, including in the foster  
18 care system. The legislature recognizes that utilization of these  
19 funds to support youth and young adults with their transition to  
20 independence would meet a pressing need by preventing and disrupting  
21 youth and young adult homelessness. Therefore, the legislature  
22 resolves to end the practice of diverting federal supplemental  
23 security income and other public benefits from people in the care of  
24 the department of children, youth, and families and to form a work  
25 group to recommend and implement a process to provide financial  
26 education and access to public benefits.

27 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.216  
28 RCW to read as follows:

29 (1) As of July 1, 2027, the department may not apply any  
30 benefits, payments, funds, or accrual paid to, or on behalf of, a

1 person in the care of the department subject to chapter 13.34 or  
2 13.40 RCW as reimbursement for the cost of care. The department shall  
3 conserve such payments and funds for the future use of the  
4 beneficiary.

5 (2) The department shall assess whether a person in the care of  
6 the department is eligible for public benefits.

7 (3) The department shall develop and implement a financial  
8 literacy training including information related to public benefits.  
9 This training shall be provided to persons exiting the care of the  
10 department when the person is:

11 (a) Over the age of 16;

12 (b) Receiving or may be eligible to receive benefit payments; and

13 (c) Likely to have the ability to participate in the management  
14 of their benefit payments in the future.

15 NEW SECTION. **Sec. 3.** (1) The cost of care work group is created  
16 within the department of children, youth, and families.

17 (2) The department of children, youth, and families shall convene  
18 the work group and hold its first meeting by September 1, 2023.

19 (3) The work group shall consider and analyze how other states  
20 and jurisdictions are addressing, and make recommendations regarding,  
21 the following:

22 (a) How the department can conserve funds from public benefits  
23 for the future use of people in the care of the department while  
24 maintaining eligibility for public benefits;

25 (b) How an appropriate representative payee can be established on  
26 behalf of a person eligible to receive benefits;

27 (c) The age at which a beneficiary may have access to their  
28 benefits;

29 (d) How to ensure that the benefit is used in the best interest  
30 of the beneficiary, both while in the care of the department and  
31 after exiting care, and that the parameters for expenditures as set  
32 forth by the social security administration and other specific  
33 accounts, including but not limited to the Washington achieving a  
34 better life experience program account, are followed;

35 (e) Preliminary cost estimates and a timeline for the department  
36 to discontinue applying benefits, payments, funds, or accrual paid  
37 against the cost of care and how to conserve those funds for the  
38 future use of people in the care of the department after July 1,  
39 2027;

1 (f) Who, if anyone beyond the beneficiary, should be notified  
2 when a person's eligibility is determined;

3 (g) How often the department shall assess whether a person in the  
4 care of the department is eligible for social security administration  
5 or other public benefits; and

6 (h) A process for ongoing monitoring of the department's  
7 compliance with the requirements of section 2 of this act.

8 (4) The work group shall include, but not be limited to, the  
9 following members:

10 (a) One or more experts familiar with social security survivor  
11 benefits, veteran survivor benefits, railroad retirement survivor  
12 benefits, or other similar cash benefits;

13 (b) One or more advocates for individuals with intellectual or  
14 developmental disabilities;

15 (c) Current or former youth with intellectual or developmental  
16 disabilities, who are in or have been in the care of the department,  
17 who receive or may be eligible to receive federal supplementary  
18 security income benefits;

19 (d) The secretary of the department of social and health  
20 services, or his or her designee; and

21 (e) The director of the health care authority and his or her  
22 designee.

23 (5) The work group shall seek input from:

24 (a) Individuals who are eligible for public benefits who have  
25 lived experience in the child welfare and juvenile rehabilitation  
26 systems;

27 (b) The parents and the caregivers of people who are eligible for  
28 supplemental security income benefits or other similar federal  
29 benefits and are involved with the child welfare system or juvenile  
30 rehabilitation; and

31 (c) The social security administration.

32 (6) The department of children, youth, and families has the  
33 authority to implement rules consistent with the recommendations of  
34 the cost of care work group.

35 (7) By December 1, 2024, the department shall, in compliance with  
36 RCW 43.01.036, submit a report to the relevant committees of the  
37 legislature and the governor, which includes recommendations from the  
38 work group. The report shall also provide information on the cost of  
39 implementing the change required in section 2 of this act, and  
40 whether statutory changes are needed.

1 (8) This section expires December 31, 2027.

2 NEW SECTION. **Sec. 4.** If specific funding for the purposes of  
3 this act, referencing this act by bill or chapter number, is not  
4 provided by June 30, 2023, in the omnibus appropriations act, this  
5 act is null and void."

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6 On page 1, line 2 of the title, after "families;" strike the  
7 remainder of the title and insert "adding a new section to chapter  
8 43.216 RCW; creating new sections; and providing an expiration date."

EFFECT: The Cost of Care work group is to include its recommendations on how to ensure that SSI and other public benefits are used in the best interest of the beneficiary, both while in care of the DCYF and after exiting care, and that the parameters for expenditures as set forth by the Social Security Administration and other specific accounts, including but not limited to the Washington Achieving a Better Life Experience account, are followed.

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