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**SENATE BILL 5397**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Senators C. Wilson, Hasegawa, Nguyen, Randall, Saldaña, and Valdez

AN ACT Relating to preserving public benefit payments to people in the care of the department of children, youth, and families; adding a new section to chapter 43.216 RCW; creating new sections; and providing an expiration date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

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

(1) As of January 1, 2026, the department may not apply any benefits, payments, funds, or accrual paid to, or on behalf of, a person in the care of the department subject to chapter 13.34 or 13.40 RCW as reimbursement for the cost of care. The department shall conserve such payments and funds for the future use of the beneficiary.

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

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

(a) Over the age of 16;

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

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

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

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

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

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

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

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

(d) Preliminary cost estimates and a timeline for the department to discontinue applying benefits, payments, funds, or accrual paid against the cost of care and how to conserve those funds for the future use of people in the care of the department after January 1, 2026;

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

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

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

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

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

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

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

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

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

(5) The work group shall seek input from:

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

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

(c) The social security administration.

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

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

(8) This section expires December 31, 2026.

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