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Ensuring Supplemental Security Income (SSI) Payments for California's Foster Youth

Background

In the United States, each year more than 24,000 children exit the nation's foster care system and have not been adopted or found a permanent home. Many studies have documented the negative outcomes for these "emancipating" or "aging out" youths. In California, approximately 4,200 foster youth emancipate out of the foster care system each year without a permanent home or source of support. The California Department of Social Services (CDSS) has undertaken a number of initiatives to reduce the number of foster youth aging out of foster care annually without permanent family connections and to ensure greater access to supports for those who do emancipate from foster care.

An estimated 15-20 percent of youths aging out of foster care are eligible for federal disability benefits, called Supplemental Security Income (SSI). SSI benefits are a potentially significant source of income for eligible foster youths who are about to leave foster care and have no other income. Unfortunately, policies governing the foster care system and the SSI disability determination process left most of these youth, potentially eligible for SSI, exiting foster care without this important benefit. Working with legislative sponsors of AB 1331, including The John Burton Foundation and Public Interest Law Project, CDSS convened a workgroup with the Social Security Administration (SSA), which oversees the federal SSI benefit program. Through this workgroup the State has successfully negotiated an improved process wherein foster youths can apply for SSI benefits.

CDSS Secures Unprecedented Federal Approval to Change SSI Process

In a historic shift in federal policy, CDSS received federal approval in January 2008 from the SSA to allow disabled foster youth to apply for SSI benefits before they turn 18 years of age and emancipate out of the foster care system. This approval is enabling California to move forward with implementing the provisions mandated by AB 1331 (Evans). Under AB 1331, the State's 58 counties can transfer a foster youth's case from federal foster care benefits to state foster care benefits for one month to allow the SSA to accept and process a SSI application before a foster youth turns 18 years of age and exits foster care.¹

Together, CDSS and SSA found a workable solution that will better serve the foster youth population in California. In coordination with the counties and federal officials, CDSS has provided instructions and guidelines to the counties on the implementation of AB 1331, which technically became effective January 1, 2008. Counties are being encouraged to implement provisions of AB 1331 within the limits of their existing allocations in 2007. The Governor's Budget for 2008-09 contains funding to begin full implementation in July 2008, pending enactment of the budget.

¹ SSI determination takes into account both income and medical standards in determining eligibility for federal SSI disability benefits. Youth receiving federal foster care payments which are above the SSI benefit level are deemed ineligible for SSI while in foster care. On the other hand, state foster care payments in any amount are not counted as income and these youth are eligible to receive SSI benefits. Previous policy only allowed a foster youth to apply for SSI one month before his/her 18th birthday. Because the typical application process takes 6-9 months to determine eligibility, these youths would "age-out" of foster care without this important benefit. Under California's approach, approved by the federal SSA, this application process can now begin much sooner, guaranteeing an important source of benefits to those leaving foster care and transitioning into adulthood.