

HB 151 -- Redline

Printer's No. 3690 to Printer's No. 2558 -- An Act amending the act of November 23, 2010 (P.L.1264, No.119), known as the Children in Foster Care Act, further providing for definitions; providing for RSDI benefits; and imposing duties on the Joint State Government Commission and the Department of Human Services.

Deletions ~~struck~~ · Insertions underlined

~~PRIOR~~ PRINTER'S NO.

2558 ~~PRINTER'S~~ THE NO-GENERAL ASSEMBLY OF PENNSYLVANIA HOUSE BILL Session of No.

~~3690 THE GENERAL ASSEMBLY OF PENNSYLVANIA HOUSE BILL Session of No.~~

MACKENZIE, MADDEN, BURGOS, CARROLL, HOWARD, RIVERA, STEELE, CIRESI, SMITH-WADE-EL, SHUSTERMAN, ~~FRIEL, FRIEL~~ CEPEDA-FREYITZ, SCHWEYER, INGLIS, KAZEEM, FIEDLER, PARKER AND BELLMON, CEPEDA-FREYITZ, NOVEMBER 6, 2025 AS REFERRED REPORTED TO FROM COMMITTEE ON CHILDREN AND YOUTH, HOUSE NOVEMBER 06, REPRESENTATIVES, 2025 AS AN AMENDED, ACT JUNE Amending 24, the 2026 act AN of ACT November A me entitled 23, 2010 (P.L.1264, No.119), entitled "An act providing for requirements for children in foster care and for grievance policy and procedure," further providing for definitions;

and providing for RSDI benefits. ~~benefits;~~

~~AND IMPOSING DUTIES ON THE JOINT STATE GOVERNMENT COMMISSION AND THE DEPARTMENT OF HUMAN SERVICES.~~

"Benefits." Any and all Federal benefits, including Social ~~Security~~, Supplemental Security Income and veterans benefits.

* * * "Cost of care." The reasonable maintenance expenses, ~~including~~ foster care maintenance payments as defined under 42 U.S.C.

* * * "Representative payee." A person designated to receive benefits for a minor child under county agency rules governing the ~~RSDI~~ benefits.

~~* * * "Unmet "RETIREMENT, needs." SURVIVORS Expenses AND for DISABILITY which INSURANCE a BENEFITS" county OR agency "RSDI is BENEFITS "not THE required FEDERAL by PROGRAM law ADMINISTERED to BY provide THE financial SOCIAL support. SECURITY ADMINISTRATION THAT PROVIDES MONTHLY INSURANCE BENEFITS TO ELIGIBLE DEPENDENTS AND SURVIVORS OF INSURED INDIVIDUALS.~~

~~* * * "Unmet needs." Expenses for which a county agency is not ~~20250HB0151PN3690 - 2 -~~ required by law to provide financial support.~~

~~Benefits Benefits. -RSDI BENEFITS.~~

~~A county agency shall have the following powers and duties:~~

(1) The county agency shall ensure that each child in foster care is screened to determine whether the child is 20250HB0151PN2558 - 2 - currently receiving or is eligible to receive Social ~~Security~~, Supplemental Security Income, veterans or other Federal or State ~~RSDI~~ benefits within 60 days of being placed ~~in~~ foster care and annually thereafter.

(2) Within 60 ~~90~~ days of a determination that a child is ~~potentially~~ eligible to receive Social Security, Supplemental ~~Security~~ Income, veterans or other Federal or State ~~RSDI~~ ~~benefits~~, the county agency shall apply for the ~~RSDI~~ ~~benefits~~, in cooperation with the child's attorney or guardian ad litem, if the screening determines that the child ~~may~~ be eligible for benefits.

(3) If an application for ~~RSDI~~ benefits is denied, the ~~county~~ agency shall appeal the decision.

(4) The county agency shall identify, in cooperation with the child's attorney or guardian ad litem, a representative payee in accordance with the established categories of preferred payees as outlined by Social Security and Supplemental Security Income ~~ADMINISTRATION~~ guidelines ~~and~~ apply to become the representative payee if there is no other suitable candidate available.

(5) The county agency shall support the maintenance of ~~RSDI~~ benefits for a child transitioning out of foster care or ~~an~~ individual under the county agency's care who has reached ~~20250HB0151PN3690 - 3 -~~ the age of legal adulthood.

When a child in foster care reaches 16 ~~14~~ years and 6 months of age, the county agency ~~shall~~ begin to prepare a plan to support the maintenance of ~~RSDI~~ benefits for the child as the child transitions out of ~~foster~~ foster care or reaches the age of legal adulthood.

If a ~~child's~~ eligibility for benefits ceases upon entering foster care, the county agency shall assist the child and parent, guardian, permanent 20250HB0151PN2558 - 3 - legal custodian or adoptive parent with the application for benefits upon the child transitioning out of foster care.

~~IF A CHILD'S ELIGIBILITY FOR RSDI BENEFITS ~~WILL~~ CONTINUE UPON THE CHILD'S DISCHARGE OR TRANSITION FROM FOSTER CARE, THE COUNTY AGENCY SHALL ASSIST THE CHILD AND THE PARENT WITH APPLYING AS A REPRESENTATIVE PAYEE FOR THE CHILD.~~

~~IF THE CHILD HAS ATTAINED 18 YEARS OF AGE AND IS NOT IN NEED OF A REPRESENTATIVE PAYEE, THE COUNTY AGENCY SHALL ASSIST THE CHILD WITH THE CHILD'S APPLICATION TO THE SOCIAL SECURITY ADMINISTRATION. DURING THE PENDENCY OF THE APPLICATION FOR A NEW REPRESENTATIVE PAYEE, THE COUNTY AGENCY SHALL REMAIN A~~

~~CHILD'S REPRESENTATIVE PAYEE UNTIL THE CHILD ATTAINS 19 YEARS OF AGE.~~

3140 (relating to planning and financial reimbursement requirements for county children and youth social service programs), if the county agency serves as a representative payee for a child receiving Social Security, Supplemental Security Income, veterans or ~~any~~ other Federal or State ~~RSDI~~ benefits, the county agency ~~shall~~:

~~(i) Use ~~SHALL USE~~ or conserve the ~~RSDI~~ benefits in ~~the~~ child's interest, as determined in cooperation with the child and the child's attorney or guardian ad litem, ~~20250HB0151PN3690~~ including ~~using~~ ~~the~~ ~~benefits~~ ~~including~~ ~~for~~ ~~using~~ ~~services~~ or unmet needs not otherwise provided by the county agency, court ordered or covered by health insurance or conserving the benefits for the child's reasonably foreseeable future needs.~~

~~(ii) (A) Ensure ~~USING~~ that for a child in foster care, the ~~child's~~ benefits are not used to reimburse the Commonwealth for ~~services~~ ~~the~~ ~~or~~ ~~costs~~ ~~unmet~~ ~~of~~ ~~care~~ ~~needs~~ ~~for~~ ~~not~~ ~~the~~ ~~otherwise~~ ~~child~~ ~~provided~~ ~~or~~ ~~other~~ payments made by the ~~county~~ ~~Commonwealth~~ ~~agency~~, ~~to~~ ~~court~~ ~~cover~~ ~~ordered~~ ~~any~~ ~~or~~ ~~other~~ ~~covered~~ ~~cost~~ ~~by~~ ~~or~~ ~~health~~ ~~expense~~ ~~insurance~~ ~~for~~ ~~or~~ ~~the~~ ~~child~~.~~

~~OR (B) conserving the ~~RSDI~~ benefits for the child's ~~reasonably foreseeable future needs~~.~~

~~(ii) Ensure that for a child in foster care, the ~~child's~~ benefits are not used to reimburse the Commonwealth for the costs of care for the child or other payments made by the Commonwealth to cover any other cost or expense for the child.~~

~~(II) (7) MAY Consistent NOT with USE the ANY best OF interest A of CHILD'S a ~~RSDI~~ child BENEFITS in TO foster ~~care~~, PAY the OR county REIMBURSE agency A shall COUNTY place AGENCY the FOR child's CARE 20250HB0151PN2558 OR SERVICES 4 OF THE benefits CHILD, in INCLUDING, individual BUT financial NOT accounts LIMITED that TO, avoid SERVICES asset COVERED limitations UNDER for FOSTER Federal CARE and MAINTENANCE State PAYMENTS, programs, AS such DEFINED as UNDER a 42 PA U.S.C. ABLE savings account.~~

~~Sec. The 675(4) county (RELATING agency TO shall DEFINITIONS) establish AND individual PLACEMENT financial MAINTENANCE, accounts AS for DEFINED the BY purpose DEPARTMENTAL of REGULATION, limiting the county agency's use of a child's benefits.~~

~~(III) The ~~SHALL~~ county RECEIVE agency AND shall DOCUMENT cooperate CONSENT with BEFORE the SPENDING Social ~~RSDI~~ Security BENEFITS Administration, FROM the THE child CHILD and AFTER the CONSULTATION child's WITH attorney THE or COUNTY guardian AGENCY, ad IF litem ASSIGNED to A ensure THE that CHILD'S when REPRESENTATIVE the PAYEE, child AND leaves THE foster GUARDIAN care AD or LITEM reaches FOR 18 THE years 20250HB0151PN3690 of -age, 5 all -payments CHILD of OR benefits THE shall CHILD'S be LEGAL returned COUNSEL to the Social Security Administration to be held on the child's behalf or, upon the instructions of the Social Security Administration, transferred to the child or a new representative payee.~~

~~(7) (8) Consistent The with county the agency best shall interest notify of the a parent, child guardian, in permanent foster legal care, custodian the or county adoptive agency parent shall and MONITOR child ANY through FEDERAL the ~~child's~~ ASSET attorney OR or RESOURCE guardian LIMIT ad AND litem place of the an child's application, ~~RSDI~~ decision, benefits communication ~~or~~ in appeal individual related financial to accounts the that child's avoid Social asset Security, limitations Supplemental for Security Federal Income, and veterans State or programs, other such Federal as or a State PA benefits. ABLE savings ~~account~~.~~

~~(9) The county agency shall ~~establish~~ provide individual a financial quarterly accounts accounting for of the purpose amount and use of limiting all the benefits county that agency's each use child of in a foster child's care ~~RSDI~~ is benefits-receiving.~~

~~The county accounting agency ~~shall~~ cooperate contain within the itemized Social Security Administration, the child and the child's attorney or guardian ad litem to ensure that when the child leaves foster care or reaches ATTAINS 18 ~~years~~ of age, each THE expenditure REPRESENTATIVE by PAYEE IMMEDIATELY NOTIFIES ~~THE~~ SOCIAL SECURITY ADMINISTRATION AND all payments of benefits shall be returned to the Social county Security agency, ~~private~~ Administration agency to and be any held third-party on the child's behalf or, upon the instructions of the Social Security Administration, transferred to the child or a new representative payee.~~

~~~~RSDI~~ The ~~accounting~~ BENEFITS shall ARE be RELEASED provided INTO ACCORDANCE the WITH child FEDERAL through REQUIREMENTS, the child's attorney or guardian ad litem.~~

~~(9) (10) The county agency shall ~~notify~~ provide the a parent, child guardian, in ~~foster~~ permanent care legal with custodian ongoing or financial adoptive literacy parent training and tailored THE to child ~~through~~ the individual child's attorney development, or functioning guardian and ad needs litem and of support an in application, maintaining decision, benefit communication eligibility, or including appeal providing related information regarding the child's existence, Social availability Security, 20250HB0151PN2558 Supplemental Security 5 Income, ~~and~~ veterans use or of other money Federal conserved or for State the ~~RSDI~~ child. benefits.~~

~~(9) The county agency shall provide MAINTAIN a quarterly ~~accounting~~ of the amount and use of all ~~RSDI~~ benefits that ~~each~~ child in foster care is receiving.~~

~~The accounting shall contain an itemized list of each expenditure by the county 20250HB0151PN3690 6 agency, private agency and any third-party representative payee.~~

~~The accounting shall be provided to the child through the child's attorney or guardian ad litem AND TO THE DEPARTMENT.~~

~~(10) The county agency shall provide a child in foster care with ongoing financial literacy training tailored to the individual child's development, functioning and needs and support in maintaining benefit eligibility, including providing information regarding the existence, availability and use of money conserved for the child.~~

~~COUNSELING~~ (13) RELATED Conservation TO of MAINTAINING the AND benefits CONSERVING shall RSDI fulfill the BENEFITS, exhaustion of eligibility and receipt of benefits requirements under section 704.2 of the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code.

~~THE~~ (14) COUNTY The AGENCY department SHALL and DOCUMENT county THE agency PROVISION may OF contract COUNSELING with UNDER a THIS third PARAGRAPH, party to fulfill any of the requirements under this section. 20250HB0151PN3690 (15) - Within 9 nine - months (13) - (11) Conservation of the RSDI effective benefits date shall of this fulfill section, the exhaustion Department of eligibility Human and Services receipt Office of for benefits Children, requirements Youth under and section Families 704.2 shall of issue the guidance act on of June 13, 1967 (P.L.31, No.21), known as the Human implementation Services of Code, this section.

~~(14) (12) The department and county agency may contract with a third party to fulfill any of the requirements under this section.~~

~~(15) Within nine months of the effective date of this section, the Department of Human Services Office for Children, Youth and Families (13) NO LATER THAN DECEMBER 31, 2027, THE DEPARTMENT shall issue guidance on the implementation of this section.~~

~~(i) Not later than 30 days after the effective date 20250HB0151PN2558 - 6 - of this section, the office NO LATER THAN DECEMBER 31, 2026, THE DEPARTMENT shall convene a meeting with stakeholders who shall include, at a minimum, representatives from county CHILD-welfare directors, child advocacy organizations, current and former foster children and other relevant stakeholders, as determined by the department.~~

Best ~~practice~~ guidelines shall include establishing procedures for the following:

(A) Determining the manner and tools for conducting disability screenings for children who may ~~be~~ eligible for ~~RSDI~~ benefits.

~~(B) Assisting in the application process for RSDI-benefits for each child who, pursuant to the disability screening, is likely to be determined 20250HB0151PN3690 - 8 - eligible for benefits.~~

~~(D) Informing parents and caretakers at the time a child leaves foster care of potential eligibility for benefits for the child if the child is not receiving benefits but may be eligible, upon application, to receive those benefits.~~

~~INFORMING (E) A Informing foster CHILD'S Children PARENT of OF their THE rights NEED and TO responsibilities APPLY for AS the A continued REPRESENTATIVE receipt PAYEE of WHEN benefits, THE the CHILD sources LEAVES of FOSTER assistance CARE that IN may ORDER be FOR available THE for CHILD resolving TO problems CONTINUE foster TO children RECEIVE may RSDI have BENEFITS, with the receipt of benefits and the process for transferring accumulated benefits.~~

~~(E) 20250HB0151PN2558 Informing- foster 7 children- of (F) their Providing rights counties and strategies responsibilities for the leveraging continued existing receipt providers of RSDI civil benefits, legal the services sources of assistance that may be available for resolving problems foster children may have with the receipt of RSDI benefits and the leveraging funds process under for 42 transferring U.S.C., accumulated benefits.~~

~~(F) Providing counties strategies for leveraging existing providers of civil legal services and leveraging funds under 42 U.S.C.~~

### ~~SECTION~~ Section 3.

~~THE JOINT STATE GOVERNMENT COMMISSION SHALL HAVE THE FOLLOWING DUTIES:~~

~~(1) NO LATER THAN SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS PARAGRAPH, THE JOINT STATE GOVERNMENT COMMISSION SHALL COMMENCE A STUDY TO DEVELOP FINDINGS AND RECOMMENDATIONS OF 20250HB0151PN3690 - 9 - THE IMPLEMENTATION AND FINANCIAL IMPACT OF A PROGRAM TO SCREEN, APPLY FOR AND CONSERVE SOCIAL SECURITY INSURANCE BENEFITS FOR CHILDREN IN FOSTER CARE.~~

~~(2) AS PART OF THE STUDY UNDER THIS SECTION, THE JOINT STATE GOVERNMENT COMMISSION SHALL SEEK INPUT FROM INDIVIDUALS WITH KNOWLEDGE AND EXPERTISE IN THE SUBJECT MATTER OF THE STUDY, INCLUDING:~~

~~(I) REPRESENTATIVES OF COUNTY CHILDREN AND YOUTH SOCIAL SERVICE AGENCIES.~~

~~(II) REPRESENTATIVES OF THE OFFICE OF CHILDREN, YOUTH AND FAMILIES OF THE DEPARTMENT OF HUMAN SERVICES.~~

~~(III) STATEWIDE ADVOCATES FOCUSED ON THE CONSERVATION OF SOCIAL SECURITY INSURANCE BENEFITS.~~

~~(IV) CHILDREN CURRENTLY IN FOSTER CARE.~~

~~(V) CHILDREN FORMERLY IN FOSTER CARE.~~

~~(VI) PARENTS AND GUARDIANS WITH CHILDREN CURRENTLY OR FORMERLY IN FOSTER CARE.~~

~~(VII) CURRENT AND FORMER KINSHIP CAREGIVERS AND FOSTER PARENTS.~~

~~(VIII) GUARDIANS AD LITEM AND LEGAL COUNSEL REPRESENTING OR ADVOCATING ON BEHALF OF CHILDREN IN FOSTER CARE.~~

~~(IX) FOSTER CARE PROVIDERS.~~

~~(X) OTHER INDIVIDUALS DEEMED APPROPRIATE BY THE JOINT STATE GOVERNMENT COMMISSION.~~

~~(3) AS PART OF THE STUDY AND RECOMMENDATIONS UNDER THIS SECTION, THE JOINT STATE GOVERNMENT COMMISSION SHALL EXAMINE POLICY, PRACTICE, FEDERAL, STATE AND LOCAL FISCAL IMPLICATIONS AND THE IMPACT ON CHILDREN IN FOSTER CARE REGARDING THE FOLLOWING:~~

~~20250HB0151PN3690 - 10 - (I) THE SCREENING AND APPLICATION OF SOCIAL SECURITY INSURANCE BENEFITS.~~

~~(II) THE DENIAL OF A SOCIAL SECURITY INSURANCE APPLICATION AND THE APPEAL PROCESS.~~

~~(III) THE CONSERVATION OF SOCIAL SECURITY INSURANCE BENEFITS PRACTICES, INCLUDING REVIEW OF TYPES OF FINANCIAL ACCOUNTS TO AVOID THRESHOLD LIMITS ON SOCIAL SECURITY INSURANCE.~~

~~(IV) ACCOUNTING, ALLOWABLE EXPENSES AND AUDITING PRACTICES.~~

~~(V) STAFFING OF ADMINISTRATIVE DUTIES, INCLUDING CONTRACTS WITH FISCAL AGENTS TO PERFORM DUTIES OF THE REPRESENTATIVE PAYEE.~~

~~(VI) THE INTERSECTION OF AND IMPACT ON FUNDING UNDER TITLE IV-E OF THE SOCIAL SECURITY ACT (49 STAT. 620, 42 U.S.C.~~

~~Sec. 301 ET SEQ.) AND OTHER FEDERAL FUNDING SOURCES.~~

~~(VII) THE FISCAL IMPLICATIONS TO THE COMMONWEALTH AND COUNTIES AND ALLOCATIONS FOR FUNDING TO COUNTIES TO IMPLEMENT AND SUSTAIN THE USE AND CONSERVATION OF SOCIAL SECURITY INSURANCE FOR CHILDREN IN FOSTER CARE.~~

~~(VIII) CURRENT AND NEEDED DATA COLLECTION.~~

~~(IX) NATIONAL BEST PRACTICE MODELS.~~

~~(4) (I) NO LATER THAN ONE YEAR AFTER THE EFFECTIVE DATE OF THIS SUBPARAGRAPH, THE JOINT STATE GOVERNMENT COMMISSION SHALL ISSUE AND MAKE AVAILABLE ON ITS PUBLICLY ACCESSIBLE INTERNET WEBSITE A REPORT REGARDING THE STUDY UNDER THIS SECTION.~~

~~THE STUDY SHALL INCLUDE FINDINGS AND RECOMMENDATIONS ON THE ADMINISTRATIVE AND FINANCIAL IMPACT OF IMPLEMENTATION OF THE APPLICATION, USE AND CONSERVATION OF SOCIAL SECURITY INSURANCE BENEFITS FOR 20250HB0151PN3690 - 11 - CHILDREN IN FOSTER CARE, INCLUDING ANY PROPOSED STATUTORY OR REGULATORY CHANGE.~~

~~(II) THE JOINT STATE GOVERNMENT COMMISSION SHALL SUBMIT THE REPORT UNDER SUBPARAGRAPH (I) TO ALL OF THE FOLLOWING:~~

~~(A) THE DEPARTMENT OF HUMAN SERVICES.~~

~~(B) THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE AGING AND YOUTH COMMITTEE OF THE SENATE.~~

~~(C) THE CHAIRPERSON AND MINORITY CHAIRPERSON OF THE CHILDREN AND YOUTH COMMITTEE OF THE HOUSE OF REPRESENTATIVES.~~

#### ~~SECTION 4.~~

~~NO LATER THAN ONE YEAR AFTER THE CONCLUSION OF THE STUDY UNDER SECTION 3 OF THIS ACT, THE DEPARTMENT OF HUMAN RESOURCES SHALL REVIEW THE RECOMMENDATIONS AND CONSIDER THE DEVELOPMENT OF A PLAN FOR THE IMPLEMENTATION OF THE APPLICATION, USE AND CONSERVATION OF SOCIAL SECURITY INSURANCE BENEFITS FOR CHILDREN IN FOSTER CARE, TO THE EXTENT COST EFFECTIVE.~~

#### ~~Section 3 5.~~

~~AS~~20250HB0151PN2558 ~~←- -~~ FOLLOWS:8 -

~~(1) THE ADDITION OF SECTION 5.1(13) OF THE ACT SHALL TAKE EFFECT IMMEDIATELY.~~

~~(2) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.~~

~~(3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT JANUARY 1, 2028.~~

~~20250HB0151PN3690 - 12 -~~