

Council For Children
Gary F. Redenbacher, Chair
Gary Richwald, M.D., M.P.H., Vice-Chair
Bill Bentley
Denise Moreno Ducheny
Anne Fragasso
John M. Goldenring, M.D., M.P.H., J.D.
Hon. Leon S. Kaplan (Ret.)
David Meyers
Thomas A. Papageorge
Gloria Perez Samson
Ann Segal
John Thelan

Emeritus Members
Robert L. Black, M.D.⁺
Birt Harvey, M.D.
Louise Horvitz, M.S.W., Psy.D.
James B. McKenna⁺
Paul A. Peterson
Blair L. Sadler
Alan Shumacher, M.D.
Owen Smith

Executive Director
Robert C. Fellmeth *Price Professor of Public Interest Law, USD School of Law*



Children's Advocacy Institute



University of San Diego School of Law
5998 Alcalá Park / San Diego, CA 92110
(619) 260-4806 / (619) 260-4753 (Fax)

1043 57th Street
Sacramento, CA 95819 / (916) 844-5646

727 15th Street, NW, 12th Floor
Washington, DC 20005 / (917) 371-5191

Reply to: San Diego Sacramento Washington
info@cachildlaw.org / www.cachildlaw.org

Testimony in Support of Oregon SB 556 and 557

TO: Oregon Senate Committee on Human Services
FROM: Amy Harfeld, National Policy Director, Children's Advocacy Institute
DATE: February 22, 2023

Good afternoon and thank you for having me here today.

My name is Amy Harfeld and I serve as the National Policy Director for a children's rights nonprofit, the Children's Advocacy Institute, based at the University of San Diego School of Law. We work to strengthen the rights of vulnerable youth, children in and aging out of foster care and to increase accountability within child welfare systems both in California and nationally. I have been a child welfare attorney and advocate for over 20 years.

I am here to express support for SB 556 and 557.

I have been engaged in efforts to preserve the federal benefits and assets of foster youth for close to 20 years, when I had a 17-year-old client at Legal Aid, Jasmine, who I was helping emancipate early from foster care. She had already been accepted into college with a partial scholarship and had worked at her uncle's deli for several years, saving nearly \$13,000 for school. When she went to withdraw her tuition deposit, she was told by the bank that her account had been frozen, and emptied of all but \$2000 of her savings. She wanted my help getting it back. After some research, I learned that the foster care agency had applied for disability benefits on Jasmine's behalf when she entered care- without ever informing her or her attorney- had appointed itself to receive the checks, and had deposited every last dollar of her benefits in their own account to supplant their own obligation to pay the cost of her care. To add insult to injury, they had indeed seized all but \$2000 of her savings in order to preserve her eligibility for these SSI

benefits which she never knew about or benefitted from. She was shocked and devastated to learn that the very agency that was supposed to protect and look out for her had been taking her money behind her back, and that I would not be able to get it back for her. She was not able to make her tuition deposit. She deferred enrollment in college and began looking for alternate housing, as she would not be able to move into the dorms as planned.

As the Senator has explained, child welfare agencies across the nation routinely apply for and intercept Social Security benefits, Veteran's survivor benefits and other assets from eligible foster children and use those benefits to reimburse themselves for the cost of foster care — a cost which is already their duty to bear under federal and state law. According to federal reporting, this amounts to at least \$257 million of benefits seized per year. This taking of children's benefits and assets almost always happens with no notice to either the children or their attorneys. As Oregon has already acknowledged, charging disabled and orphaned youth for their care while the state pays the tab for all other foster children is not only contrary to state and federal law and policy, it is contrary to the best interests of the very children the agency exists to support.

These funds should be conserved and used for services or supports which exceed the existing obligations of the agency to cover, as the Social Security Administration phrases it, "unmet needs." For children receiving disability benefits this could be a unique therapy or piece of medical equipment not covered under Medicaid or by the agency. For recipients of survivor benefits conserved funds could be drawn down for participation in a school trip or competitive sports league, the purchase of a car or computer, or other items beyond the means of the agency. The conserved funds not needed during the duration of foster care could then help youth attain stable housing, food security, quality child care, and education.

The average age of self-sufficiency in the U.S. is 26. One study revealed that the *average* American youth receives \$47,500 in financial support from his or her parents between the ages of 18-26 in the form of food, housing, education, health expenses, and direct cash assistance. Yet foster youth are expected to attain self-sufficiency with a tiny fraction of these resources and little to none of the adult support enjoyed by their peers. As is well established, outcomes for these young people have been dismal. Adoption of these bills will begin to close at least the economic portion of this gap for some of the most vulnerable foster youth as they launch from foster care, often with families of their own.

Oregon admirably adopted voluntary policy reform last year to address this and now has the opportunity to enshrine that policy into law, and to provide relief for the former foster youth who have had their assets seized. This is no small feat. Although many states-

including [Nebraska](#), [Connecticut](#), [Illinois](#), [California](#), [New York City](#), [Philadelphia](#), [Los Angeles](#), and [Washington D.C.](#) have recently adopted various policy or legislative reforms on this issue, Oregon is the first to propose a path to economic justice for impacted youth, setting up a new gold standard.

Parents work hard to set their children up for success. When Oregon acts as the legal parent of foster children, it should settle for no less. Not only will passing these two bills help to better set up Oregon's current and former foster youth up for success — it will mark the most ambitious and comprehensive solution to the problem yet, and serve as an example for states around the country and ultimately for Congress to follow.

I want to commend our brave and committed champion, and my fellow allies for strategically crafting such strong bills, and for helping to create more stable futures and brighter opportunities for Oregon's foster youth today and into the future.

Thank you for your time.