
SUBSTITUTE SENATE BILL 5397

State of Washington

68th Legislature

2023 Regular Session

By Senate Human Services (originally sponsored by Senators C. Wilson, Hasegawa, Nguyen, Randall, Saldaña, and Valdez)

READ FIRST TIME 02/01/23.

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

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

6 NEW SECTION. **Sec. 1.** The legislature recognizes that certain
7 people in the care of the department of children, youth, and
8 families, including youth experiencing foster care, may be eligible
9 for federal supplemental security income or other public benefits,
10 including instances where a parent is deceased or the youth is living
11 with a physical or mental disability. The legislature finds that
12 people in the care of the department represent an especially
13 vulnerable population in need of supportive resources. The
14 legislature finds that according to a 2022 study by the department of
15 social and health services, 17 percent of youth leaving Washington's
16 foster care system experience homelessness within a year of exiting.
17 The legislature further finds that 33 percent of youth in foster care
18 experience homelessness by age 21. The legislature recognizes that
19 the state of Washington has utilized federal supplemental security
20 income benefits to offset the cost of care, including in the foster
21 care system. The legislature recognizes that utilization of these

1 funds to support youth and young adults with their transition to
2 independence would meet a pressing need by preventing and disrupting
3 youth and young adult homelessness. Therefore, the legislature
4 resolves to end the practice of diverting federal supplemental
5 security income and other public benefits from people in the care of
6 the department of children, youth, and families and to form a work
7 group to recommend and implement a process to provide financial
8 education and access to public benefits.

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

11 (1) As of July 1, 2026, the department may not apply any
12 benefits, payments, funds, or accrual paid to, or on behalf of, a
13 person in the care of the department subject to chapter 13.34 or
14 13.40 RCW as reimbursement for the cost of care. The department shall
15 conserve such payments and funds for the future use of the
16 beneficiary.

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

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

- 23 (a) Over the age of 16;
24 (b) Receiving or may be eligible to receive benefit payments; and
25 (c) Likely to have the ability to participate in the management
26 of their benefit payments in the future.

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

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

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

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

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

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

3 (d) Preliminary cost estimates and a timeline for the department
4 to discontinue applying benefits, payments, funds, or accrual paid
5 against the cost of care and how to conserve those funds for the
6 future use of people in the care of the department after January 1,
7 2026;

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

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

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

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

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

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

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

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

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

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

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

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

38 (c) The social security administration.

1 (6) The department of children, youth, and families has the
2 authority to implement rules consistent with the recommendations of
3 the cost of care work group.
4 (7) By December 1, 2024, the department shall, in compliance with
5 RCW 43.01.036, submit a report to the relevant committees of the
6 legislature and the governor, which includes recommendations from the
7 work group. The report shall also provide information on the cost of
8 implementing the change required in section 2 of this act, and
9 whether statutory changes are needed.
10 (8) This section expires December 31, 2026.

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