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Children's Advocacy Institute



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TO: General Assembly of Pennsylvania, Children & Youth Committee
RE: House Bill No. 2617, Children in Foster Care Act
FROM: Amy Harfeld, National Policy Director, Children's Advocacy Institute
DATE: October 4, 2024

Good morning. My name is Amy Harfeld and I serve as the National Policy Director for the Children's Advocacy Institute at the University of San Diego School of Law, where we work to strengthen the rights of children in and aging out of foster care. Thank you for allowing me to provide testimony in support of HB 2617, to preserve the property rights and federal benefits of foster children.

I am here as the director of a [national campaign](#), active in dozens of states as well as in Congress, to ensure that foster children receiving federal benefits have their rights protected to give them a fair shot at a bright future.

I have been engaged in efforts to preserve federal benefits and assets of foster youth since representing a 17-year-old client who I was helping emancipate early from foster care. She had come into care at the age of 14, when she lost her mother to a terminal illness. At 17, she was an ambitious student, already accepted into college, and with a savings account of \$13,000 from years of work at her uncle's deli. When she went to the bank to withdraw her tuition deposit, she learned that her account had been frozen, with only \$2000 of her savings available. She implored me to help her recover her savings.

After some research, I learned that the foster care agency had automatically applied for her Social Security survivor and disability benefits when she

entered care - without ever informing her or her attorney of having done so- had her checks addressed to them directly, and then deposited every last dollar of her benefits into their own state general funds to supplant their legal obligation to pay the cost of her care. To add insult to injury, they had indeed frozen all but \$2000 of her savings, supposedly in order to “preserve” her eligibility for disability benefits which she never knew about or saw a dollar of. She was shocked and devastated, both to learn that the agency acting to protect her had actually been stealing from her for years, and then that I would not be able to free up her hard-earned savings. She was not able to pay her tuition deposit. She was forced to defer her enrollment and scramble to find alternate housing. Talk about penny wise and pound foolish.

In Pennsylvania, this is unfortunately a routine practice. County agencies apply for and intercept federal benefits from eligible foster children and take the funds to offset their own fiscal duties, without any regard for the child’s individual circumstances, without consideration of the child’s foreseeable needs, and without ever consulting them or their attorney. This secretive and unjust practice earned the state a resounding [F grade in a recent 50-state report card](#) published by my organization. With SSI benefits for children amounting to over \$900/month, this valuable resource can accumulate to over \$15,000 per child. This is a trivial sum for the state, but can be life-changing for a foster child.

Charging disabled and orphaned youth for their own foster care- behind their backs- while the state pays the tab for all other children in care is not allowed for under federal law and policy. It is predatory, self-serving, and contrary to the best interests of the very children the agency exists to support. 100% of these funds- the undisputed personal property of the child or youth- must be used in the *child’s* best interest and used or conserved for supports which *exceed* the existing obligations of the agency.

In considering this bill, Pennsylvania joins a large and growing chorus of states across the country who have recognized the injustice of their policy or been taken to court. Since groundbreaking coverage by [NPR](#), and as covered by [CBS Sunday Morning](#), the [New York Times](#), and the [Philadelphia Inquirer](#), more

than 30 states and jurisdictions- red, blue and purple- have taken action to ensure proper access and use of foster youth's federal benefits. This includes states such as Pennsylvania where local action has been taken, spurring awareness and statewide reform.

State officials claim that they are required to exhaust children's benefits under federal law. They are not. The Social Security Administration has recently reinforced that states who have changed this policy have done so consistent with federal authority. They may also try to argue that they can't afford to stop the practice. I suggest they consult with (their conscience and) the numerous and growing number of states who have changed course. Any defense of this practice must be met with the threshold question- if this is above board, why are you doing it in secret?

This bill will ensure that Pennsylvania's disabled and orphaned foster youth actually benefit from their benefits as begin the already perilous journey to self-sufficiency. I urge you to advance HB 2617 and thank you for your time.

Sincerely,

A handwritten signature in cursive script that reads "Amy Harfeld".

Amy Harfeld