

December 1, 2024

Office of Legislation and Congressional Affairs  
Regulations and Reports Clearance Staff  
Social Security Administration  
6401 Security Boulevard  
Baltimore, Maryland 21235-6401

**Re: Docket ID Number SSA-2024-0038**

To Whom It May Concern:

These comments are submitted on behalf of the National Organization of Social Security Claimants' Representatives (NOSSCR), a specialized bar association for attorneys and advocates who represent Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) claimants throughout the adjudication process and in federal court.

Thank you for the opportunity to comment on how federal agencies can support broader state and local efforts to improve the outcomes of children eligible for federal benefits in the child welfare system. Children in foster care disproportionately qualify for and rely on Social Security benefits, often due to the tragic loss of a parent or a life-altering disability. Their benefits should be properly protected and utilized for the benefit of the child in conjunction with and in addition to the benefits the child is otherwise entitled to through the foster care system.

In response to the questions posed in the request for information, we offer the following points:

- The Social Security Administration (SSA) should issue guidance and oversee state foster care programs to ensure that child Social Security benefits are not taken to cover the cost of foster care. States have an existing obligation to provide foster care and should meet this obligation instead of seizing the children's benefits. Social Security and SSI benefits are intended to pay for unmet needs and/or to be conserved for the child's future use.
- Child welfare agencies should automatically annually screen all children in their system for Social Security benefits eligibility and should assist the children in applying for any benefits to which they may be entitled.

- SSA and child welfare agencies must provide children in foster care with detailed guidance and assistance when aging out of the foster care system regarding their available benefits, how to potentially continue those benefits, any necessary additional programs like vocational and educational services, and how to access their benefits and transfer accounts. Information sessions should also be provided to the children as they approach 18 so they understand their upcoming transition and what is available to them.
- Data sharing agreements should be adopted in every state following federal law so that SSA can have the needed transparency into states' actions related to foster children's Social Security benefits.
- We encourage the agency to develop a streamlined pathway whereby parents / guardians / legal representatives / representative payees can all access online the Social Security accounts of children in foster care. Currently, this is not possible via mySocialSecurity, but we encourage the agency to add this increased functionality so that information can be clearly and quickly delivered to those who need it.
- Youth should be informed of and consulted regarding the use of their benefits to ensure that the benefits are being used for their sole use and in their best interest. Annual reporting should clearly indicate that these consultations with the youth and their guardians have occurred and that advice regarding available conservation of benefits was offered.
- Accounting and reporting requirements should be increased for representative payees so SSA can ensure the children are receiving the benefits to which they are entitled.
- SSA must provide guidance and best practices to state agencies on conserving foster youth's federal benefits in appropriate accounts that will not impact the youth's eligibility for federal benefits.

We are thankful to the agency for asking these questions and seeking to improve collaboration with state agencies to ensure the best outcome for youth in foster care.

Sincerely,



David Camp  
Chief Executive Officer