
SENATE COMMITTEE ON HUMAN SERVICES

Senator Becker, Chair

2025 - 2026 Regular

Bill No: AB 1080
Author: Bryan
Version: January 22, 2026
Urgency: No
Consultant: Heather Hopkins

Hearing Date: June 1, 2026
Fiscal: Yes

Subject: Foster care payments

SUMMARY

This bill prohibits a county serving as the representative payee for a foster youth receiving federal Social Security Administration (SSA) benefits from using those funds to offset the cost of foster care placement and expands the types of maintenance accounts the county may establish on behalf of the youth to conserve benefits.

ABSTRACT

Existing Law:

- 1) Establishes in federal law the Supplemental Security Income (SSI) for the Aged, Blind, and Disabled Program to provide cash assistance to meet the basic needs of aged and blind individuals and individuals with disabilities. (*42 United States Code [U.S.C.] 1381-1383(f)*)
- 2) Provides that if payments are not needed for the beneficiary's current maintenance or reasonably foreseeable needs, they shall be conserved or invested on behalf of the beneficiary. (*20 Code of Federal Regulations [CFR] 416.645*)
- 3) Establishes the State Supplementary Payment (SSP) for people who are aged, blind, or disabled, which is intended to supplement federal SSI and provide persons whose results from age, blindness or disability with assistance and services that help them meet basic needs and maintain or increase independence. Further provides that eligibility requirements for SSP match federal SSI criteria and requires a minimum level of SSP benefits to be provided in order to maintain federal Medicaid funding, as specified. (*Welfare and Institutions Code [WIC] 12000 et seq.*)
- 4) Provides that a child who has suffered, or is at substantial risk of suffering, abuse or neglect, as defined, by the child's parent or guardian is within the jurisdiction of the juvenile court, which may adjudge the child a dependent child. (*WIC 300*)

- 5) States that the purpose of foster care law is to provide maximum safety and protection for children who are currently being physically, sexually, emotionally abused, neglected, or exploited, and to ensure the safety, protection, and physical and emotional well-being of children who are at risk of harm. *(WIC 300.2)*
- 6) Defines “nonminor dependent” (NMD) as a current or former foster youth who is a current dependent child or ward of the juvenile court, or who is a nonminor under transition jurisdiction of the juvenile court, who is between 18 and 21 years of age, in foster care under the responsibility of the county welfare department, county probation department, or Indian tribe, and participating in a transitional independent living plan, as specified. *(WIC 11400(v))*
- 7) Requires the county to apply to be the appointed representative payee on behalf of a child beneficiary in its custody when no other appropriate party is available to serve. Further requires the county to provide information to NMDs and assist NMDs with becoming their own payee or finding and designating an appropriate representative. *(WIC 13754(b)(1)-(2))*
- 8) Requires counties serving as representative payees for a foster child or youth’s SSI benefits to follow certain best practices, including the creation of no-cost, interest bearing maintenance accounts for each child the county serves as representative payee for, itemized expenditures from the account, creation of procedures for disbursing money from the account, limitations on the purposes for which deductions may be made from the accounts, as provided. *(WIC 13754(c))*
- 9) Requires the county to screen every youth in foster care who is nearing emancipation for potential eligibility for the federal SSI program, utilizing best practice guidelines, as provided. *(WIC 13757(a)(1))*
- 10) Requires the county SSI screening only to occur when the foster youth is at 16 to 17 years of age and requires an application be submitted to the SSA on behalf of a youth who is screened as being likely to be eligible for SSI. Further requires, to the extent possible, the application be timed to allow for a determination of eligibility by the SSA prior to the youth’s emancipation from care including, if appropriate, the suspension of SSI benefits for no more than 12 months. *(WIC 13757(a)(2))*

This Bill:

- 1) Expands the requirement that a county, in its capacity as representative payee, must use (SSI/SSP) benefits for the purposes determined by the county to be in the child’s or nonminor dependent’s (NMD) best interest, to also require input from the youth’s Child and Family Team.
- 2) Expands the requirement that a county ensure federal survivors’ benefits are not used to pay for, or to reimburse the placing agency for, any costs of the foster youth’s care and supervision, to include all federal SSA Title II benefits.
- 3) Expands the list of accounts a county acting as a representative payee may establish and maintain on behalf of a foster youth.

- 4) Requires a county placing agency to also provide information and documentation, upon request, to the child, the child's attorney, and the child's parents or guardians regarding whether the child is currently receiving, entitled to receive, or has established eligibility for, any federal SSA benefits.
- 5) Requires a county placing agency to file a request for reconsideration for a foster youth for whom eligibility for federal SSA benefits has been terminated.
- 6) Expands provisions related to NMDs receiving SSI and the associated requirements for counties to also apply to minor foster youth.

FISCAL IMPACT

According to the Assembly Appropriations Committee:

The California Department of Social Services (CDSS) estimates total General Fund costs ranging from \$11.6 million to multiple tens of millions of dollars annually to reimburse counties for the loss of SSI benefit payments and for administrative and automation costs of expanding current survivor benefit protections and services to all foster youth who are federal SSA beneficiaries, including those receiving SSI.

Specifically:

- 1) Estimated ongoing General Fund (GF) costs of approximately \$9.2 million annually to offset the loss of SSA/SSI benefit reimbursement to counties, and approximately \$700,000 annually for increased county social worker duties, including applying for reconsideration when SSA benefits are terminated, maintaining specified dedicated accounts for recipients, providing an accounting of resources upon request, and documenting and providing information on whether the child is currently receiving, entitled to receive, or has established eligibility for SSA benefits.

Although these county costs are mandated by the state, they are not reimbursable but instead must be paid by the state pursuant to Proposition 30 of 2012. Proposition 30 requires legislation enacted after September 30, 2012, that has an overall effect of increasing the costs already borne by a local agency for programs or levels of service mandated by realignment (including child welfare services and foster care) applies to local agencies only to the extent the state provides annual funding for the cost increase.

- 2) One-time costs of \$1.6 million (GF) in fiscal year 2027-28 for automation updates to the Child Welfare Services California Automated Response and Engagement System (CWS-CARES), and for an intergovernmental MOU with tribal governments to establish tribal participation.

BACKGROUND AND DISCUSSION

Purpose of the Bill:

According to the author, “AB 1080 continues years of progress away from the archaic practice of recouping the costs of a child's time in foster care through collecting their federal Social Security Administration Title II benefits. Federal law explicitly places the financial responsibility for care on foster care agencies, but for decades, agencies have used survivors' benefits and Title II benefits to reimburse themselves. California stopped this practice for survivors' benefits, but agencies can continue to use a child's Title II benefits as a way to backfill their costs. AB 1080 will end this practice for federal Social Security Administration Title II benefits and ensure they are used in the best interest of a foster youth, or conserved for the youth to access once they have exited the system.”

Child Welfare System

The Child Welfare System is the system of intervention of child abuse and neglect. This system provides services to children who have been abused or neglected and their families. The goal of this system is to keep children in their home when it is safe, and when the child is at risk, to develop an alternative plan as quickly as possible¹. Social workers in each county receive reports of abuse or neglect, and work to investigate and resolve those reports. When the investigation substantiates the allegations of abuse or neglect, a family is either provided with services to ensure a child's wellbeing and avoid court involvement, or a child is removed from the family and placed into foster care. In 2025, the state's child welfare agencies received 398,861 reports of abuse or neglect. Of these, 45,856 reports contained substantiated allegations, and 17,886 children were removed from their homes and placed into foster care via the CWS system.

Social Security Income/State Supplementary Payments (SSI/SSP)

SSI is a federally funded federal assistance program designed to provide financial support to the elderly, blind, and disabled individuals with limited income and resources, and to help recipients meet basic needs such as food, shelter, and clothing. SSP is a supplemental payment added to the SSI benefit and is funded by the state General Fund.

Title II of the Social Security Act authorizes the Old-Age, Survivors, and Disability Insurance program. These benefits are not need-based, so there is no income or asset restrictions, and the program is funded through payroll taxes. Title II benefits act as “insurance” to replace income lost to a family due to the worker's retirement, disability, or death. A child in foster care may be eligible to receive Title II benefits if they have a parent that has earned enough income, as determined by the Social Security Act, and is disabled, deceased, or entitled to old-age insurance benefits.

Under current law, California's counties are required to screen foster youth over the age of 16 for potential eligibility for SSI benefits. Foster youth may be eligible for federal benefits under the Social Security Act, including SSI benefits, survivor benefits and disability benefits. Typically foster youth under 18 do not receive their benefits directly, instead having a representative payee receive the checks. A representative payee can be the county, though the law suggests they should be the payee of last resort. The representative payee must use the money to pay for the

¹ <https://www.cdss.ca.gov/inforesources/child-welfare-protection/policies>

basic needs of the youth. If all of the money is not needed for the youth’s basic needs, the remaining money must be deposited into a “maintenance account” which the youth cannot access until the are 18. AB 2906 (*Bryan, Chapter 623, Statutes of 2024*) requires when a county serves as the representative payee for a foster youth receiving federal SSA survivors’ benefits, to ensure that their benefits are not used to pay for, or to reimburse the county for, any costs of the child’s care and supervision. This bill extends this prohibition to all SSA Title II benefits.

Related/Prior Legislation:

AB 2906 (Bryan, Chapter 623, Statutes of 2024) requires, when a county serves as the representative payee for a foster youth receiving federal SSA survivors’ benefits, to ensure that their benefits are not used to pay for, or to reimburse the county for, any costs of the child’s care and supervision. Requires counties to notify the child, their attorney, and parents or guardians, if an application for survivors’ benefits has been made on the child’s behalf.

AB 1512 (Bryan, 2023) would have expanded the information counties are required to provide to foster youth receiving SSI benefits who are approaching their 18th birthday, to include information regarding all federal SSA benefits, and required counties to ensure that the child’s benefits are not used to pay for, or to reimburse the placing agency for, any costs of the child’s care and supervision. The bill would have required the county, prior to applying to be appointed representative payee, to send a written notice of the intent to be appointed to the child’s counsel and parents or legal guardians. AB 1512 was vetoed by Governor Newsom.

COMMENTS

This bill builds on previous legislation, AB 2906 (Bryan, 2024) which prohibits survivor benefits from being used to pay for the cost of a child’s care or to reimburse the county for the cost of a child’s care. This bill extends that prohibition to all Title II payments, which includes retirement benefits, disability, in addition to survivor benefits—all programs that the parent would have paid into. Children in foster care often face many challenges when they emancipate, including heightened rates of homelessness, struggles to stay in college and other financial challenges. By prohibiting Title II payments from being used for the cost of a child’s care, this bill could result in more children exiting foster care with more money in savings.

PRIOR VOTES

Assembly Floor:	75 - 0
Assembly Appropriations Committee:	11 - 0
Assembly Human Services Committee:	7 - 0

POSITIONS

Support:

Alliance for Children's Rights (Co-Sponsor)
Center for Public Interest Law/Children's Advocacy Institute/University of San Diego (Co-Sponsor)
Children's Law Center of California (Co-Sponsor)
Youth Law Center (Co-Sponsor)
Aspiranet
California Alliance of Child and Family Services
California Coalition for Youth
Coalition of California Welfare Rights Organizations
Dependency Legal Services
Public Counsel

Oppose:

None received

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