



CHILDREN'S ADVOCACY INSTITUTE

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The Hon. William C. Smith, Jr.  
Chair, Senate Judicial Proceedings Committee  
2 East Miller Senate Office Building  
Annapolis, MD 21401

Feb. 26, 2026

Re: Support for SB 658 - Department of Human Services - Benefits for Children in Custody - Alterations

Dear Chair Smith and Members of the Committee,

The Children's Advocacy Institute (CAI), based at the University of San Diego School of Law, strongly supports SB 658. We are working diligently with the sponsor and Department on amendments to address some concerns.

For decades, CAI has led a multifaceted campaign to ensure that federal benefits for which some foster youth are eligible — such as Social Security survivor or disability benefits — are not used by state or county agencies to offset the agencies' obligation to pay for the beneficiary's cost of care, and are instead used or conserved in a manner that directly serves each beneficiary's best interest. Over the last several years, we have helped advocates, legislators, and youth advance legislative and policy reforms in states across the nation through advocacy, litigation, trainings, rule changes, and public education.

We are forever grateful that Maryland blazed the trail in 2018 and became the first state to establish protections for foster youths' federal benefits. However, Maryland's current law does not fully protect all foster youth benefits, and instead only requires the conservation of a percentage of the benefits starting at age 14. Since its groundbreaking 2018 enactment, Maryland has fallen behind as several states across the country — and across the political divide — have ended this practice in full. To date, ten states and jurisdictions ([Arizona](#), [Kansas](#), [Massachusetts](#), [Missouri](#), [Nevada](#), [New Jersey](#), [New Mexico](#), [Ohio](#), [Oregon](#), and [Washington D.C.](#)) have enacted protections that safeguard all federal benefits, for all kids, at all ages.

SB 658 would return Maryland to the top of the pack on this issue by ensuring that no federal benefits belonging to eligible foster youth are used to offset the state's obligations to pay for their care and are instead safeguarded for each beneficiary's current or future unmet needs. The bill would also make other important changes related to screening and application for these benefits, among other things. If enacted, the bill would convey a clear message that the practice of taking foster youth's benefits in any amount is antithetical to the best interests of these children.

This is a non-partisan issue, with red, blue, and purple states alike recognizing that these funds belong to the children — not the state. This issue is now squarely in the national spotlight, with support spanning the political spectrum, including conservative voices such as [The Federalist Society](#), the [America First Policy Institute](#), and most notably, recent support from the Trump Administration through the [Administration for Children and Families](#), which called directly upon states to take immediate action to protect earned benefits of vulnerable foster youth. Each entity emphasizes the moral and ethical imperative to end this practice, recognizing it as an unconscionable breach of states' fiduciary responsibilities.

Importantly, many states have already successfully navigated this transition, finding a variety of ways to fund these reforms and developing practical resources that are readily available to support Maryland in doing the same. Arizona, which implemented model legislation in 2023, has provided a [policy framework](#) along with a [webinar](#) outlining the process of reform. These materials offer clear, concrete steps for policy changes, funding mechanisms, and procedural adjustments.

Additionally, concerns about implementation costs should not stand in the way of this necessary reform. SB 658, for example, ties determinations regarding SSI and OASDI eligibility to the agency's already existing obligation under Early and Periodic Screening, Diagnostic and Treatment (EPSDT) to screen foster youth. Other states have included provisions that affirmatively require the department to use IV-E funds for its *implementation* of the bill to ensure that the state will actively use IV-E for the bill's costs as much as possible. And as Chapin Hall notes, many Title IV agencies are unaware that they can claim reimbursement for these and other administrative tasks related to accessing Social Security or Supplemental Security Income and other benefits. Moreover, Title IV-E can be used to support legal representation for children seeking to secure or appeal their benefits. These and other creative solutions have already been successfully leveraged by other states to cover costs while strengthening financial protections for foster youth.

When Maryland acts as the legal parent of foster children, it should set them up for success. However, young people aging out of foster care continue to face significantly poorer outcomes than their peers. They are less likely to earn a high school diploma or postsecondary degree and more likely to experience housing instability, unemployment, involvement with the justice system, and reliance on public assistance. Research underscores the broader impact of improving outcomes for this population. The [Annie E. Casey Foundation](#) estimates that closing gaps in education, housing, early parenting, and juvenile justice outcomes would reduce societal costs by \$4.1 billion for each annual cohort of youth aging out of foster care. Conserving and protecting children's own federal benefits is both transformative for young people and fiscally prudent. Ensuring that youth leave care with the resources intended for them would beneficially impact their transition to adulthood and reduce their long-term reliance on public systems.

Maryland has an opportunity to reclaim its leadership on this issue and reaffirm its commitment to protecting its most vulnerable young people. Comprehensive reform is both sound policy and a powerful statement about the state's priorities.

CAI is grateful to Senators West, James, and Muse for sponsoring this bill, as well as the other champions of justice who helped get this in front of you. Thank you for your consideration of SB 658, and please do not hesitate to contact me with any questions.

Sincerely,



JESSICA K. HELDMAN

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Executive Director, Children's Advocacy Institute