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Judicial Proceedings Committee



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

February 26, 2026

The Maryland State Senate Judicial Proceedings Committee
The Honorable William C. Smith, Jr.
2 East Miller Senate Office Building
Annapolis, Maryland 21401

RE: Senate Bill 658 – Department of Human Services – Benefits for Children in Custody – Alterations

Chair Smith, Vice-Chair Waldstreicher, and Members of the Judicial Proceedings Committee,

I am here to introduce Senate Bill 658. This legislation makes targeted, child-centered changes to the responsibilities of the Department of Human Services when it serves as a representative payee or fiduciary for children committed to its custody. It is a highly technical 6-page bill, but the overall theme is to improve and enhance protection offered to children committed to custody of the Department. The need for stronger protection is urgent. 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. Among youth experiencing homelessness, those with foster care histories are disproportionately represented and face compounded challenges. Conserving and protecting children's federal benefits is both transformative for young people and fiscally prudent. Ensuring that youth leave care with more resources strengthens their transition to adulthood and reduces long-term reliance on public assistance.

Under current law, when a child in DHS custody receives federal benefits- such as Supplemental Security Income, Social Security benefits, or benefits from the Department of Veterans Affairs- the Department may serve as the representative payee. But for children up to the age of 14, the statute currently allows the Department to use all of a child's benefits to reimburse the state for the costs of care for the child. But for children 14 and older, the statute only requires that a portion of those benefits be used on behalf of the child. The rest of those benefits currently must be paid to the state.

While Maryland was the first state in the nation to partially protect these benefits from being paid to the state instead of being used or conserved to fulfill the unmet needs of the beneficiaries;

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our law currently stops short of fully protecting these benefits.

SB 658 clarifies and updates these provisions to ensure that all of these benefits are used or conserved in a way that reflects the child's current unmet needs and are managed in the best interests of the child.

The bill defines "unmet needs" to include essential items or services beyond those provided by the Department - such as needs related to a child's disability, housing expenses, transportation, tuition, tutoring or training costs.

SB 658 directs DHS to try to identify an appropriate representative payee of such federal benefits before the Department assumes that role, and it requires documentation of those efforts. The bill requires either the Department or the alternative representative payee to use the child's benefits for the child's current unmet needs that may not otherwise have been paid for as part of the child's care or covered under the child's health insurance or else to conserve the benefits. The bill also enhances transparency and accountability by requiring DHS to determine eligibility for federal benefits within 60 days of a child entering care and annually thereafter; to seek coverage for required eligibility screenings; and to notify the child, through counsel, of benefit applications, decisions, and appeals.

Importantly, Senate Bill 658 is designed to protect and support children in DHS custody by making sure federal benefits intended for them are used to address their current and meaningful needs, rather than for administrative processes or reimbursement. This bill ensures that benefits are used in ways that truly support the child's well-being and prospects for stability and success.

I appreciate the Committee's consideration of Senate Bill 658 and would be happy to answer any questions.