

# **AmyHarfeldMDFosterYouthBenefits Testimony SB 658 F**

Uploaded by: Amy Harfeld

Position: FAV



## Children's Advocacy Institute

February 26, 2026

Good afternoon Chairman and Committee,

My name is Amy Harfeld and I serve as the National Policy Director for the Children's Advocacy Institute (CAI) at the University of San Diego School of Law. I am writing in support of SB 658 which would protect assets of and improve outcomes for foster youth receiving federal benefits. For decades, CAI has led a multifaceted campaign to ensure that foster youth who are eligible for federal benefits such as Social Security Survivor's or Disability are promptly secured, and used or conserved according to federal law and always in the child's best interests. Over the last several years, we have helped advocates, legislators, and youth advance legislative and policy reforms from across 37 states, in the courts, through trainings, rule changes, and education.

Maryland blazed the trail in 2018 as the first state to establish partial protections of foster youths' federal benefits. Currently, however, Maryland is falling behind as states across the country and across the political divide move swiftly to end 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 followed suit with even stronger protections. These states are currently protecting all benefits, for all kids, at all ages.

This is now a bipartisan issue, with red, blue, and purple states lining up to do right and recognize that these funds belong to the children – not to the state. Maryland must convey a clear and consistent message that the practice of taking foster youth's benefits – in any amount – is antithetical to the best interests of the children in their care. This issue is now squarely in the national spotlight, with support spanning the political spectrum. Progressives have framed this as a violation of these children's civil rights, fiscal conservatives such as [The Federalist Society](#) have deemed this fiscal overreach, the [America First Policy Institute](#), has eviscerated the practice as waste fraud and abuse. The newly appointed Assistant Secretary at ACF Alex Adams has called directly for states and Governors to take action to preserve these benefits. [Administration for Children](#)

### Children's Advocacy Institute

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[and Families](#), that called directly upon states to take immediate action to protect the 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.

Parents work hard to set their children up for success. When Maryland acts as the legal parent of foster children, it should work towards that same goal. The benefits belong to these youth and this particularly vulnerable subset deserve the biggest safety net we can provide to give them the best chance at self sufficiency and success. I want to express gratitude to Senator Chris West for sponsoring this bill, and the other champions of innovation and justice who helped get this in front of you. Thank you for your consideration of SB 658, and please contact me with any questions.

Amy Harfeld  
National Policy Director  
Children's Advocacy Institute  
University of San Diego School of Law (917-371-5191)

# **NASW Maryland - 2026 SB 658 FAV - Benefits for Chi**

Uploaded by: Ann Ciekot

Position: FAV



**Testimony Before the Senate Judicial Proceedings Committee  
February 26, 2026**

**Senate Bill 658:  
Department of Human Services - Benefits for Children in Custody - Alterations  
\*\*SUPPORT\*\***

The National Association of Social Workers – Maryland Chapter represents over 3,000 social workers statewide. We support Senate Bill 658 as it would help ensure that youth exiting care do not face these preventable barriers without the financial resources intended for their protection.

We are grateful that Maryland led the country in 2018 and became the first state to establish protections for foster youths' federal benefits. Current law, however, 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, including Arizona, Kansas, Massachusetts, Missouri, Nevada, New Jersey, New Mexico, Ohio, Oregon, and Washington DC, have ended this practice in full.

SB 658 would put Maryland back on top 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. 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.

As a person who spent most of my youth in foster care, I know first hand how this will benefit you people in this system. SB 658 is not merely a policy adjustment—it is a moral correction. Like many foster youths, I was expected to overcome documented trauma, mental health challenges, and systemic instability entirely on my own. I cannot help but ask: How much suffering could have been prevented if those resources had followed me into adulthood?

Transitioning out of foster care is often marked by isolation, instability, and complexity. The moment youth exit care, the paid supports disappear. During college, I experienced homelessness because I had nowhere to go during academic breaks. I nearly did not complete my undergraduate degree due to profound depression and isolation. I needed stability and support—someone to help hold me up—but instead, I felt discarded and left to navigate adulthood alone. I incurred significant debt to secure housing, a burden I continue to carry today. That debt became yet another barrier to long-term stability.

I entered foster care at three years old due to abuse, and aged out at twenty-one. I moved through multiple placements and experienced more abuse while in care. As a young child, I was placed in “treatment foster care” due to the severity of my trauma. I was required to attend therapy, prescribed

psychotropic medications, and received special education services. Despite this extensive system involvement, the responsibility for a successful transition rested entirely on me.

Access to federal benefits for which many foster youth qualify—such as Supplemental Security Income (SSI)—could have meaningfully changed my trajectory. Under the Social Security Administration’s definition, a child under 18 is considered disabled if they have a medically determinable physical or mental impairment (including emotional or learning problems) that results in marked and severe functional limitations and is expected to last at least 12 months or result in death. This definition applies to a significant number of foster youth. It applied to me. Yet, I exited care without the benefit of financial resources that my documented trauma and diagnoses could have generated to support my well-being and transition.

Had those funds been preserved for my benefit, I could have accessed opportunities that were financially out of reach—certain extracurricular activities, enrichment experiences, and milestone experiences. More importantly, those resources could have provided housing stability, educational support, and a financial cushion during the vulnerable years of early adulthood.

If the child welfare system assumes the authority to determine whether families are fit to care for their children—if it takes on the responsibility to ensure safety, permanency, and well-being—then it must also assume responsibility for ensuring healthy development, ongoing wellness, and a supported transition into adulthood. To do otherwise is neglectful and irresponsible. We cannot continue to document poor outcomes for former foster youth while declining to implement available, federally supported solutions.

SB658 represents such a solution. It aligns with Maryland’s broader commitments to improving outcomes for youth in out-of-home care and strengthening reunification efforts by ensuring families and young people have access to critical financial supports. For youth who have lost a parent and must navigate both grief and the compounded trauma of foster care, the least we can do is ensure that financial resources intended for their support are preserved to stabilize and empower them as they matriculate through life without parental backing.

As a person with lived-experience and a licensed clinical social worker, I strongly support SB 658 and its potential benefits for current foster youth, transitioning youth, and alumni of care. The effects of foster care do not disappear upon exit; they leave a lasting imprint. Through SB 658, Maryland has an opportunity to shape that imprint into one of dignity, stability, and intentional investment rather than prolonged hardship.

On behalf of NASW Maryland, I respectfully urge a favorable report.

Respectfully submitted,  
Arielle Skinner, LCSW-C

# **SB658.pdf**

Uploaded by: Christopher West

Position: FAV

CHRIS WEST  
Legislative District 42  
Baltimore and Carroll Counties

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;

**CHRIS WEST**  
*Legislative District 42*  
Baltimore and Carroll Counties

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**THE SENATE OF MARYLAND**  
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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.

# **Testimony SB 658 - 2026 - Daniel Hatcher.pdf**

Uploaded by: Dan Hatcher

Position: FAV

**TESTIMONY IN SUPPORT OF SB 658:****Department of Human Services – Benefits for Children in Custody – Alterations**

TO: Hon. William C. Smith, Jr., Chair, and members of the Senate Judicial Proceedings Committee

FROM: Daniel L. Hatcher, Professor of Law, University of Baltimore School of Law

DATE: February 26, 2026

RE: SB 658 – Support

**Dear Chairman Smith and members of the Committee:**

Thank you for the opportunity to present testimony in support of SB 658. I have been a law professor at the University of Baltimore since 2004, including teaching the Civil Advocacy Clinic where students represent low-income clients. My research has received national attention, focusing on improving programs and policies for vulnerable children and impoverished adults—including extensive research regarding foster children’s Social Security Benefits. Prior to UB, I was an assistant director of advocacy and also staff attorney at the Legal Aid Bureau, representing adults in all areas of poverty law and representing children in foster care. I was also a senior staff attorney for the Children’s Defense Fund.

**SB 658 is needed to protect foster children’s resources.** My scholarship first exposed the harmful practice of foster care agencies taking children’s resources, and I have conducted [research regarding the issues addressed in this bill for over twenty years.](#)<sup>1</sup> Maryland’s foster care agencies (overseen by DHS) were created to serve and protect the best interests of vulnerable children. Unfortunately, the agencies have been subverting that purpose, taking foster children’s resources and requiring the children to pay for their own care. For help in taking the children’s funds, the agencies have worked with a private contractor, Maximus, Inc., who in a contract document referred to foster youth as a [“revenue generating mechanism.”](#)

**SB 658 will help stop the harm to foster children.** Foster care agencies have been searching for children who may be disabled or have deceased parents and therefore potentially eligible for SSI or survivor benefits. The agencies apply on the children’s behalf and then take control of the funds

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<sup>1</sup> E.g., Daniel L. Hatcher, [Foster Children Paying for Foster Care](#), 27 Cardozo L. Rev. 1797 (2006); [Purpose vs. Power: Parens Patriae and Agency Self-Interest](#), 42 N. Mex. L. Rev. 159 (2012); [Stop Foster Care Agencies from Taking Children’s Resources](#), 71 Florida Law Rev. Forum 104 (2019).; Daniel L. Hatcher, *THE POVERTY INDUSTRY: THE EXPLOITATION OF AMERICA’S MOST VULNERABLE CITIZENS* (NYU Press, 2016); Daniel L. Hatcher, *INJUSTICE, INC: HOW AMERICA’S JUSTICE SYSTEM COMMODOFIES CHILDREN AND THE POOR* (UC Press, 2023).

by applying to become the children's representative payee. Then, although the agencies' core purpose is to serve and promote the welfare of children, the agencies divert the children's money to government revenue rather than using the funds for the children's individualized needs and best interests as intended. The agency rationale is to pay back the cost of foster care, but children have no legal obligation to pay for their own care. Disabled children desperately needing more help are denied assistance from their own funds. Foster children traumatized by their parents' deaths are then deprived of their survivor benefits, stopping the children from using their own money to help themselves and stripping the children of the invaluable emotional connection the benefits could have provided to their deceased parents.

**Despite years of agency opposition to stopping the practice, Maryland became the first state to begin protecting foster children's Social Security and VA benefits through 2018 legislation, but the legislation unfortunately only protected benefits starting at age 14.** Although DHS has always had the authority to protect all children's resources, the agency has continued to take part of the benefits of children over 14, and all the benefits of children under 14.

Now, most other states have taken steps towards protecting all foster children's resources through legislation—and [Kansas](#) stopped the takings through executive order. *Also, at the federal level, the encouragement of states to protect foster children's benefits has been bipartisan—by both the [last administration](#) and the [current administration](#).*

**SB 658 should have a zero fiscal note and result in state savings.** Foster children's Social Security and VA benefits belong to the children. Thus, if the state agency intended to protect children stops inappropriately taking the children's resources, such corrective action should not result in a fiscal note because the money never belonged to the state agency. Further, by foster children having access to their own funds to help in the transition out of care, state savings will result because the children will be more likely to succeed in the transition to adulthood—working and paying more taxes, and with reduced need for public assistance and reduced interaction with the criminal justice system.

**I therefore submit this testimony in support of SB 658 and respectfully request a favorable report.**

**SB0658 CPMC FAV JPR.pdf**

Uploaded by: Diana Philip

Position: FAV

## THE COALITION TO PROTECT MARYLAND'S CHILDREN

*Our Mission: To combine and amplify the power of organizations and citizens working together to keep children safe from abuse and neglect. We strive to secure budgetary and public policy resources to make meaningful and measurable improvements in safety, permanence, and wellbeing.*



**HB0658 - Department of Human Services - Benefits for Children in Custody - Alterations**  
**Senate Judicial Proceedings Committee**  
**February 26, 2026**

**Position: SUPPORT**

The Coalition to Protect Maryland's Children is a consortium of organizations and individuals formed in 1992 who are concerned about the care of Maryland's most vulnerable children and work together to educate and promote meaningful child welfare reform. **CPMC urges a favorable report on HB0658 - Department of Human Services - Benefits for Children in Custody – Alterations.**

As many of our coalition members have dedicated their careers to safeguarding the rights of children, we are familiar with the growing concern of how best to safeguard all eligible federal benefits for foster care children in Maryland's system. Although our state was the first one in 2018 to establish protections for foster youths' federal benefits, our 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.

SB 658 will ensure 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 and the conservation and/or use of the funds to meet the beneficiary's unmet needs, 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.

Ensuring that foster youth leave Maryland's care with the resources intended for them would beneficially impact their transition to adulthood and set them up for success. We look forward to the passage of this legislation and its forthcoming implementation. It is for these reasons that the Coalition to Protect Maryland's Children **urges a favorable report on HB0658 - Department of Human Services - Benefits for Children in Custody – Alterations.**<sup>1</sup>

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<sup>1</sup> Members of CPMC represented by this written testimony include – the American Academy of Pediatrics - Maryland Chapter, Child Justice, Center for Hope, Citizen's Review Board for Children, Court Appointed Special Advocates (CASA - Baltimore County), The Family Tree, Maryland Association of Resources for Families and Youth (MARFY), Maryland Coalition Against Sexual Assault, Maryland Legal Aid, Maryland Network Against Domestic Violence, National Association of Social Workers – MD (NASW), the State Council on Child Abuse & Neglect (SCCAN), and individual members of the coalition.

**CAI Support Letter\_SB 658.pdf**

Uploaded by: Elisa Weichel

Position: FAV



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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

Fellmeth-Peterson Associate Professor in Child Rights  
Executive Director, Children's Advocacy Institute

**SB658\_DHSBenes\_KennedyKrieger\_support.pdf**

Uploaded by: Emily Arneson

Position: FAV



DATE: February 26, 2026      COMMITTEE: Senate Judicial Proceedings  
BILL NO: Senate Bill 658  
BILL TITLE: Department of Human Services - Benefits for Children in Custody - Alterations  
POSITION: Support

Kennedy Krieger supports Senate Bill 658 - Department of Human Services - Benefits for Children in Custody – Alterations.

**Bill Summary:**

This bill alters provisions relating to the responsibilities of the Department of Human Services as representative and fiduciary for certain children in their custody. Disability and survivor benefits would be safeguarded for use on current or future unmet needs.

**Background:**

Kennedy Krieger Institute is dedicated to improving the lives of children and young adults with developmental, behavioral, cognitive and physical challenges. Kennedy Krieger’s services include inpatient, outpatient, school-based and community-based programs.

Since 1986, Kennedy Krieger’s Therapeutic Foster Care (TFC) program has provided a continuum of services for children with specialized needs who require temporary or permanent out-of-home placements. Kennedy Krieger is uniquely equipped to provide these services, drawing on nearly 90 years of experience helping children who have experienced trauma and who have emotional/behavioral challenges, developmental disabilities, or medically complex conditions. Our interdisciplinary teams are experts in diagnosis, evaluation, treatment, and research across a wide range of cognitive, physical, and emotional needs.

Our Therapeutic Foster Care Program offers domestic foster care and pre-adoption services, primarily funded through the Maryland Department of Human Services (DHS).

**Rationale:**

Under federal law, some foster youth are eligible for federal benefits under the Social Security Administration, including Supplemental Security Income benefits, survivor benefits, and disability benefits. Many states, including Maryland, apply the monthly benefits to provision of care to the foster youth. This bill ensures that federal benefits belonging to an eligible foster youth are protected and not used to offset the State’s financial obligations for their care.

A young person transitioning out of foster care faces significant challenges in preparing to live independently. Without the safety net of permanent family support, they must secure housing, transportation, employment, and necessities on their own. Setting aside a portion of their benefits in a dedicated savings account can provide meaningful stability and a financial cushion as they enter adulthood.

For a child with disabilities, the need for financial security is even greater. Additional expenses often accumulate, including adaptive equipment, ongoing therapy and medical services, specialized transportation, assistive technology, and other disability-related supports. While programs such as Medicaid provide important coverage, they do not always meet every need. Savings can help bridge those gaps, ensuring continuity of care, greater independence, and an improved quality of life.

**Kennedy Krieger requests a favorable report on Senate Bill 658.**

# **SB658- Maryland Legal Aid - FAV260226 Written Test**

Uploaded by: Erica LeMon

Position: FAV



**SB0658 - Family Law - Department of Human Services - Benefits for Children in Custody -  
Alterations**  
**February 26, 2026**  
**Position: FAVORABLE**

*Maryland Legal Aid submits written and oral testimony on SB0658 at the request of its sponsor,  
Senator Chris West.*

Maryland Legal Aid asks that the Committee report **favorably** on SB0658, which alters the Department of Human Services (DHS)'s responsibilities as representative payee and fiduciary for certain children in foster care. It also requires the Department to use children's benefits in a manner consistent with the best interests of the child and their unmet, uncovered needs. Maryland Legal Aid serves residents in each of Maryland's 24 jurisdictions, providing free legal services to the State's low-income and vulnerable residents in a range of civil legal matters. Maryland Legal Aid is Maryland's largest civil non-profit law firm, representing vulnerable young people in Child in Need of Assistance (CINA) matters across the State. This proposed legislation is an important measure to provide financial support and stability to children and young people exiting foster care to adulthood.

Maryland Legal Aid's staff represent thousands of children in CINA and Guardianship ("TPR") proceedings throughout the state. Our attorneys represent children from infancy to young adulthood continuously, while under the jurisdiction of the juvenile court, including when the youth transitions from foster care to adulthood. As a result of its extensive work in the field, Maryland Legal Aid has expertise in matters concerning child welfare, children in foster care, and particularly, youth who are aging out of foster care.

The proposed legislation appropriately amends Family Law § 5-527.1 to further codify the decision in *Ryan W.* and clarify the obligations of the Department to the child and to child's counsel.<sup>1</sup> These proposed amendments are particularly important for children receiving U.S. Department of Veterans' Affairs benefits, Supplemental Security Income, or Social Security. For these federal benefits, the legislation obligates the Department to consult with the child's guardian ad litem or attorney to identify an appropriate representative payee or, where necessary, to seek appointment as payee itself. The Department must also monitor the designated payee and replace them if doing so serves the child's best interests.

This bill requires consultation with the child's attorney in selecting a representative payee, limits the use of a child's funds exclusively to unmet needs beyond what the Department or medical insurance must provide, and ensures that any remaining funds are conserved until the child exits foster care.

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<sup>1</sup> *In re Ryan W.*, ("Ryan W."), 434 Md. 577 (2013).

Under previous practices, the conservation of children's funds varied by age. The legislation strengthens financial protections by ensuring that children's benefits cannot be used to reimburse the State for the cost of care. Instead, the funds must be directed toward unmet needs or conserved for the child to support their successful transition into adulthood.

The challenges facing youth who exit foster care without permanent family connections are well-documented. Studies show that 22% to 30% of former foster youth experience homelessness during their transition to adulthood, compared to an estimated 4% lifetime prevalence among the general population. Additionally, one in five youth formerly in foster care have not earned a high-school diploma, vocational certificate, or license by age 21, according to the KIDS COUNT® Data Center.<sup>2</sup> By age 26, the earnings of youth aging out of foster care are 50% lower, and their employment rates 20% lower, than similarly educated peers.<sup>3</sup> These statistics highlight the significant barriers confronting these young adults and underscore the importance of preserving and appropriately using their financial resources.

Given these substantial challenges, ensuring that foster youth's benefits are used for their present unmet needs, or conserved for their future, is not only fiscally responsible but essential to supporting their long-term stability, development, and success as independent adults.

Maryland Legal Aid urges the Committee to issue a FAVORABLE report on Senate Bill 658 and urge its ultimate passage. If you have any questions, please contact: Erica I. LeMon, Advocacy Director for Children's Rights at [elemon@mdlabor.org](mailto:elemon@mdlabor.org) (410) 951-7648 or (410) 935-0937.

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<sup>2</sup> Annie E. Casey Found., What Happens to Youth Aging Out of Foster Care (Feb. 25, 2025), <https://www.aecf.org/blog/what-happens-to-youth-aging-out-of-foster-care>.

<sup>3</sup> Anthony Bald, Joseph J. Doyle Jr., Max Gross & Brian A. Jacob, Economics of Foster Care, 36 J. Econ. Persp. 223 (2022).

**SB 658 FAV.docx.pdf**

Uploaded by: Hayley Lichterman

Position: FAV



**NATASHA M. DARTIGUE**  
PUBLIC DEFENDER

**KEITH A. LOTRIDGE**  
DEPUTY PUBLIC DEFENDER

**ELIZABETH HILLIARD**  
DIRECTOR OF GOVERNMENT RELATIONS

## POSITION ON PROPOSED LEGISLATION

**BILL: Senate Bill 658 -  
Department of Human Services - Benefits for Children in Custody - Alterations  
FROM: Maryland Office of the Public Defender  
POSITION: Favorable  
DATE: 2/26/26**

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The Maryland Office of the Public Defender (OPD) respectfully requests that the Committee issue a favorable report on **Senate Bill 658** which revises the responsibilities of the Department of Human Services (DHS or “the Department”) when serving as representative payee and fiduciary for children committed to its custody. **It requires DHS to use those benefits in the child’s best interests to meet current unmet needs.**

This testimony is provided by OPD’s Parental Defense Division (PDD) which represents parents and legal guardians from all 24 counties in Maryland who have experienced, or are at risk of, having their children separated from their parents by an arm of the government. Our multidisciplinary legal team—composed of dedicated attorneys, experienced social workers, and parent advocates with lived-experience in the DHS system—ensures that families receive high-quality legal representation during their Child in Need of Assistance (CINA) and Termination of Parental Rights (TPR) cases.

Under current Maryland practice, when a child in foster care is eligible for Social Security or survivor benefits, the Department may apply to serve as the child’s representative payee. In that role, the Department can use the child’s federal benefits to reimburse itself for foster care costs, rather than reserving those funds to address the individual child’s needs. Senate Bill 658 addresses several significant concerns arising from that practice.

### **Ending the “Foster Care Tax.”**

As noted in national reporting and Congressional Research Service analysis, children who receive Social Security or survivor benefits are often the only children required to contribute their own income toward the cost of their foster care. In effect, orphaned children and children with significant disabilities subsidize the system responsible for their protection. Senate Bill 658 ends that inequitable practice.

### **Prioritizing Unmet Needs.**

The bill defines “unmet needs” to include specialized medical equipment, assistive technology,

educational supports, extracurricular activities, and tuition. These are not luxuries; they are critical supports that allow children to develop academically, socially, and emotionally. Directing benefits toward these needs ensures that the funds are used to enhance the child's well-being, not merely to offset governmental expenditures.

**Building a Financial Foundation for Independence.**

Youth aging out of foster care frequently face a steep financial cliff. Conserving benefits for the child's best interest creates a modest but meaningful financial cushion, funds that can be used for a security deposit, transportation, tools for employment, or post-secondary training. Preserving these resources reduces the risk of homelessness and instability during the transition to adulthood.

**Strengthening Fiduciary Accountability.**

Senate Bill 658 reinforces the Department's fiduciary obligations. It requires the Department to first consider whether a suitable relative or trusted adult can serve as representative payee before the Department assumes that role itself. This reduces the inherent conflict that arises when the same entity responsible for a child's care also controls and expends the child's income.

**Conclusion**

Social Security and survivor benefits are earned entitlements that belong to the child. SB 658 ensures those funds are used for the child's present well-being and future stability. It is a measured reform grounded in fairness, fiduciary integrity, and Maryland's commitment to protecting its most vulnerable children.

**For these reasons we urge the Committee to issue a favorable report as amended for Senate Bill 658.**

**Submitted by:** Maryland Office of the Public Defender, Government Relations Division.

**Authored by:** Hayley Lichterman, [hayley.lichterman@maryland.gov](mailto:hayley.lichterman@maryland.gov)

**DRMtestimony2026.SB658.pdf**

Uploaded by: Leslie Margolis

Position: FAV

**SENATE JUDICIAL PROCEEDINGS COMMITTEE****SENATE BILL 658: Department of Human Services—Benefits for Children in Custody—  
Alterations****February 26, 2026****POSITION: SUPPORT**

Disability Rights Maryland (DRM), a non-profit legal advocacy organization, is the federally-mandated Protection and Advocacy agency for the State of Maryland, charged with defending and advancing the rights of persons with disabilities. For more than 40 years, DRM has represented Maryland children, youth, and adults with disabilities, including, for approximately 15 years, children with disabilities in Child in Need of Assistance (CINA) proceedings in juvenile courts throughout the state. DRM continues to represent foster children in individual education cases and systemic litigation and provides support to CINA attorneys who seek DRM's expertise in complex disability-related matters. We are pleased to support Senate Bill 658, which will ensure that foster children who receive federal benefits such as Supplemental Security Income (SSI), will no longer have to give up a portion of their benefits to offset the cost of their care.

In 2018, Maryland became the first state in the country to take steps to protect federal benefits that belong to eligible children in foster care, requiring that benefits be conserved for the future or used to pay for unmet needs the local department of social services was not required to pay for. However, the 2018 law did not fully prohibit the practice of using a child's benefits to offset the cost of their care; the law required the Department of Human Services to save a certain percentage of the funds belonging to foster youth aged 14 and older. In the time since the law was enacted, other states have surpassed Maryland by prohibiting the use of benefits to offset costs of care and by implementing other protections.

SB658 will move Maryland to the forefront again by prohibiting use of federal benefits—benefits that belong to the child—to pay for their foster care and by requiring the local department of social services to frequently try to find an individual who can serve as the child's representative payee so the department does not serve in that role. These protections are especially important for children with disabilities, many of whom will have a lifelong need for care, equipment, or supports and services funded in part or in whole by their benefits. Prohibiting the Department of Human Services from taking any benefits and instead allowing the complete benefits payment to be used for otherwise unmet needs while children are in foster care, and/or to conserve benefits through an ABLE account or a special needs trust is

Disability Rights Maryland Testimony: Senate Bill 658, Page Two

consistent with the duty of the Department of Human Services to appropriately care for and protect the children in its care. Children, particularly those with disabilities, do not choose to enter the foster care system, and they should not be required to pay for any part of the care provided to them by their local department of social services. Senate Bill 658 rights a longstanding wrong, and for these reasons, DRM strongly supports the bill and urges a favorable report.

Contact: Leslie Seid Margolis at [lesliem@disabilityrightsmd.org](mailto:lesliem@disabilityrightsmd.org) or 443-692-2505.

**SB658.DDCouncil. Support.pdf**

Uploaded by: Rachel London

Position: FAV



## Maryland Developmental Disabilities Council

CREATING CHANGE • IMPROVING LIVES

### Senate Judicial Proceedings Committee

**SB 658: Department of Human Services – Benefits for Children in Custody - Alterations**

**February 26, 2026**

**Position: Support**

The Maryland Developmental Disabilities Council (Council) creates change to make it possible for people with developmental disabilities to live the lives they want with the support they need. As such, we support SB 658 as a critical step forward to improve the lives of children and youth with disabilities.

#### **WHAT does this legislation do?**

- Prohibits the Maryland Department of Human Services from using disability and survivor benefits of children in foster care to reimburse itself for the costs of care.
- Only allows the funds to be used for the child's current unmet needs or saved for their future needs.
- Requires DHS to frequently try to find someone who can serve as the child's representative payee so the Department does not service in that role.

#### **WHY is this legislation important?**

- **Protects children with disabilities who are in foster care.** Many children with disabilities have lifelong needs for care, equipment, or supports and services funded in part or in whole by their benefits. Allowing the complete benefits payment to be used for otherwise unmet needs while children are in foster care, and conserving benefits through an ABLE Account or special needs trust helps the DHS care for the child currently and set them up for success after foster care.
- **Supports a smooth transition, and improves lives.** Every year a handful of children with developmental disabilities age out of foster care and move directly into services provided by the Developmental Disabilities Administration. Having their benefits saved in an ABLE Account helps ensure access to things they need in their day-to-day lives, and increases their access to meaningful activities in their communities.

Contact: Rachel London, Executive Director, [RLondon@md-council.org](mailto:RLondon@md-council.org)

**SB 658 - SWASC - FY Benefits - FAV.pdf**

Uploaded by: UM SWASC

Position: FAV

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## **TESTIMONY IN SUPPORT OF SENATE BILL 658**

### **Department of Human Services - Benefits for Children in Custody - Alterations**

#### *Senate Judicial Proceedings Committee*

**February 26, 2026**

**Social Work Advocates for Social Change supports SB 658**, which will support children in foster care by ensuring that federal entitlements from the Veterans Administration and the Social Security Administration are used for their intended purpose, meeting the needs of the recipient, and aiding their transition to living independently as young adults. SB 658 will prevent the Maryland Department of Human Services (DHS) from using these benefits to reimburse itself for foster care costs.

**Youth exiting foster care are highly vulnerable and more likely to experience homelessness, incarceration, and challenges with education and employment.** Nearly a third of young people who age out of the foster care system experience homelessness by age 21.<sup>1</sup> Young people who have been in foster care are far less likely to graduate high school by age 21 than members of the general population. Foster youth are more than 25 times more likely to be incarcerated by age 21.<sup>2</sup> Those with disabilities face challenges that go well beyond their medical needs, such as 37% lower earning potential for disabled individuals with a high school education compared to their non-disabled peers.<sup>3</sup> Without stable employment, adequate income, and opportunities for higher education, former foster youth are more likely to need state-funded safety-net programs to meet their basic needs.<sup>4</sup>

**SB 658 supports the best interests of youth in our care by allocating all the resources that belong to them to their unmet needs and to assist their transitions out of state custody.** Current Maryland law places some limits on diverting children's disability and survivor benefits for foster care expenses – but there are no protections for children under age 14, and the state can take as much as 60% from many older foster children.<sup>5</sup> SB 658 provides that all foster children are entitled to keep their full benefits for needs that DHS is not already legally obligated to cover. The bill also helps children who aren't aware they are eligible for benefits to apply for them, reduces the practice of DHS serving as children's legal representative for these payments – a problematic conflict of interest – and helps children plan and save for future needs. Moving towards providing youth full access to their benefits will increase their ability to afford housing, education, and other necessities as they transition out of foster care, bolstering their economic security and the economic security of our State.

**SB 658 rectifies a long-standing backwards practice that allows the state to "charge" some children who have survivor or disability benefits for their foster care services, whereas foster children who do not have access to these benefits aren't required to "pay".** Our vulnerable young people need resources to navigate challenges arising from



For more information, please contact

Kate Rhudy

[umswasc@gmail.com](mailto:umswasc@gmail.com)

trauma and mental health struggles caused by abuse, neglect, or a parent's death, and those arising from other disabilities. It is Maryland's obligation as a state to cover the full cost of our foster care system without relying on syphoning federal benefits away from vulnerable youth to fill gaps in our state's budget.

**Maryland is falling behind other states that have moved to protect the benefits of foster youth.** Although Maryland was an early leader in this area, enacting the nation's first restrictions on taking disability and survivor benefits from foster children in 2018, nine states and the District of Columbia have since enacted comprehensive protections.<sup>6</sup> It is time for Maryland to implement further reforms to protect some of our state's most vulnerable individuals. These benefits are for the individuals who have been deemed eligible and therefore entitled, not for the state.

**Social Work Advocates for Social Change urges a favorable report on SB 658.**

*Social Work Advocates for Social Change is a coalition of MSW students at the University of Maryland School of Social Work that seeks to promote equity and justice through public policy and to engage the communities impacted by public policy in the policymaking process.*

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<sup>1</sup> Kelly, P. (2020). Risk and protective factors contributing to homelessness among foster care youth: An analysis of the National Youth in Transition Database. Child Welfare League of America, p. 4. <https://doi.org/10.1016/j.chilyouth.2019.104589>

<sup>2</sup> The Annie E. Casey Foundation (2019) Future savings: The economic potential of successful transitions from foster care to adulthood, pp. 8,11. <https://assets.aecf.org/m/resourcedoc/aecf-futuresavings-2019.pdf>

<sup>3</sup> Yin, M., Shaewitz, D., & Megra, M. (2014). *An uneven playing field: The lack of equal pay for people with disabilities*. American Institutes for Research, p.4. <https://www.air.org/resource/report/uneven-playing-field-lack-equal-pay-people-disabilities>

<sup>4</sup> Dworsky, A., Gitlow, E., Horwitz, B., & Samuels, G. M. (2019). Missed opportunities: Pathways from foster care to youth homelessness in America. Chicago, IL: Chapin Hall at the University of Chicago.

<sup>5</sup> Md. Code, Fam. Law § 5-527.

<sup>6</sup> Child Civil Advocacy Institute. (2024). *Foster care or foster con? Preserving the federal benefits of America's most vulnerable children: An evaluation of all 50 states and the District of Columbia*. University of San Diego School of Law, p.3; updated state legislative details at <https://www.sandiego.edu/cai/advocacy/youth-benefits/>

# **Letter to Senate Judicial Proceedings Committee re**

Uploaded by: Mitchell Mirviss

Position: FWA

February 24, 2026

t 410.244.7412  
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MYMirviss@Venable.com

Senator William Smith  
Chair, Senate Judicial Proceedings Committee  
2 East Miller Senate Office Building  
Annapolis, MD 21401

Re: **SB 658 (2026) FWA: SUPPORT WITH AMENDMENT**

Dear Chairman Smith and Members of the Committee:

I strongly support SB 658 and urge the Committee to issue a favorable report. The bill would end a terrible injustice: the longstanding practice and policy by the Department of Human Services of taking foster children's federal benefits for the agency's own self-reimbursement: Social Security ("OASDI") survivors' benefits accruing due to the deaths of their parents; Supplemental Security Income ("SSI") benefits accruing due to the children's disabilities; or Veteran's benefits due to the death of a parent who served in the U.S. armed forces. DHS takes these benefits to repay itself for the cost of foster care in its fiduciary capacity as the children's representative payee, ostensibly acting in the children's best interest. In reality, DHS is acting in its own self-interest, essentially profiting from the foster children's assets. Orphaned foster children and foster children with disabilities thus are singled out for appropriation of their assets.

These benefits are the property of the foster children. *See In re: Ryan W.*, 434 Md. 577, 610 (2013) (affirming that, even though he was a CINA and foster child in DSS custody, "Ryan, like all OASDI beneficiaries, has a property interest in his benefit").<sup>1</sup> Nevertheless, DHS takes some or all of the children's federal benefits to reimburse itself for the cost of foster care, rather than apply the funds to meet children's needs or to conserve them for future needs, such as when youth age out of the system.

Two months ago, the federal government came out forcefully against this outrageous practice, writing to 39 governors, including Governor Moore, to stop pocketing the children's money. DHHS Assistant Secretary Alex Adams, who heads the Administration for Children and Families ("ACF"), told National Public Radio, "'There is ***no moral justification*** for why orphans should have to pay their own way'.... 'They are not in foster care by any fault of their own. And they certainly should not be asked to pay their own bill.'" Joseph Shapiro, *Trump administration tells states to end 'orphan tax' on foster kids* (NPR, Jan. 12, 2026) (emphasis added) (discussing

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<sup>1</sup> *See also Alaska v. Z.C.*, 569 P.3d 1153, 1169 (Alaska 2025) (holding that, although a state's "self-reimbursing [representative] payee scheme does not directly risk the deprivation of children's Social Security benefits themselves, it does create a risk of deprivation of the intangible rights and privileges that foster children have by virtue of the intersection between their property interests in SSA benefits and the state foster care stipend.").

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ACF's recognition that taking benefits "stack[s] the deck against children"); U.S. Dep't of Health & Human Servs., *ACF Notifies 39 Governors That States Are Diverting Foster Youths' Earned Social Security Survivor Benefits* (Dec. 11, 2025). He explained, these "might be the last resources that your deceased parents could leave behind for their children. To have those taken from that child and applied to state agency costs — that's why I call it an orphan tax. ***It's morally shocking to me and it's morally corrupt.***" Shapiro, *supra* (emphasis added). He added, "Charles Dickens couldn't have conceived of a plot this cynical." *Id.* Although the federal pronouncement specifies OASDI survivor's benefits, its logic applies to all federal benefits.

Moreover, in most cases, DHS should not even be serving as the representative payee. Federal regulations and guidelines make clear that states are the payees of last resort, as relatives and other caring competent adults have higher priority status. 20 C.F.R. §§ 404.2021(c), 416.621(c); DHHS Soc. Sec. Admin. POMS 00502.159. Local DSS agencies are required to report relatives to the Social Security Administration in federal Form SSA-BK-11, but this typically does not occur. As a result, DHS often gets control over the children's money when federal law says it should not, and it then takes the funds for its own financial benefit, when it is supposed to be acting in the children's best interest.

At one point, Maryland led the way in trying to curb this practice. Following the Maryland Court of Appeals' 2013 decision in *Ryan W.*, which held that taking the benefits without notice violated due process but further held that juvenile courts lacked jurisdiction over the actual funds, legislation was introduced to prohibit the practice. Led by then-Delegate Dumais, a compromise was reached on a sliding scale with children aged 14-15 allowed to keep 40% of their benefits; 16-17 to keep 60%, and 18-20 to keep 100%. Nevertheless, DHS and the Attorney General's Office maintained that federal policy *required* self-reimbursement, that SSI eligibility would be forfeited if a resource limit was exceeded, and that federal policy superseded state policy. SSA rejected Maryland's view, and eventually, after several attempts, the legislation was enacted in 2018—the first of its kind in the country.

Though Maryland was the leader in 2018, it is now back in the pack. Nine states (Arizona, Kansas, Massachusetts, Missouri, Nevada, New Mexico, New Jersey, Ohio, and Oregon) and the District of Columbia prohibit state agencies from taking any of the foster children's federal benefits. Idaho, California, and Nebraska prohibit taking orphans' OASDI benefits.

The children's need for the money should not be in serious question. Outcomes for children who age out of foster care typically are poor. Nationally, an estimated 5% of foster children receive federal SSI or OASDI benefits.<sup>2</sup> Approximately 20,000 youth "age out" of foster care to

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<sup>2</sup> Cong. Res. Serv., *Children in Foster Care: Frequently Asked Questions* 1 (Nov. 23, 2021), <https://sgp.fas.org/crs/misc/R46975.pdf>.

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“independence” every year without finding a permanent family or home,<sup>3</sup> and having endured multiple changes of placement, school, and friends.<sup>4</sup>

Foster children face uniquely daunting risks. They “have much higher rates of serious emotional and behavioral problems, chronic physical disabilities, birth defects, developmental delays, and poor school achievement.”<sup>5</sup> For example:

- An estimated 40-80% experience chronic physical health problems, 43% show growth abnormalities, and 33% have untreated health problems.<sup>6</sup>
- Up to 80% of foster children suffer from moderate to severe mental health problems, compared with 18%-22% of their peers.<sup>7</sup>
- A shocking 30% of foster care alumni meet lifetime diagnostic criteria for PTSD based upon trauma experienced before or during foster care, compared with 7.6% of their demographic peers and *double* the PTSD level of war veterans.<sup>8</sup>

National longitudinal studies and federal statistics demonstrate that foster children aging out of care face an uphill battle to achieve self-sufficiency and have high risks for undesirable outcomes:

- Within 5-7 years after leaving state care, large percentages (12%-30%) of former foster youth find themselves homeless.<sup>9</sup>

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<sup>3</sup> Children’s Bureau, U.S. Dep’t of Health & Hum. Servs., *What supports and resources are in place for youth transitioning from foster care?* (July 15, 2021), <https://www.acf.hhs.gov/cb/faq/foster-care7#:~:text=There%20are%20more%20than%2040%2C000,need%20to%20become%20self%2Dsufficient>.

<sup>4</sup> Three quarters (74.3%) of Maryland children in foster care for 24 months or longer experience three or more placements, a significant increase from 2021 and 2022 (59%). See Children’s Bureau, DHHS, Maryland, <https://cwoutcomes.acf.hhs.gov/cwodatasite/byState/maryland/>.

<sup>5</sup> Am. Acad. of Pediatrics, *Health Care of Young Children in Foster Care*, 109 *Pediatrics* 536, 536 (2002).

<sup>6</sup> Sarah McCue Horwitz et al., *Specialized Assessments for Children in Foster Care*, 106 *Pediatrics* 59, 59 (2000). See also Sandra H. Jee et al., *Factors Associated with Chronic Conditions Among Children in Foster Care*, 17 *J. Health Care for Poor and Underserved*, 328, 336 (2006).

<sup>7</sup> Nat’l Conf. of State Legislatures, *Mental Health and Foster Care* (Nov. 1, 2019), <https://www.ncsl.org/research/human-services/mental-health-and-foster-care.aspx>; see also J. Curtis McMillen et al., *Prevalence of psychiatric disorders among older youth in the foster care system*, 44 *J. Am. Acad. Child. Adolesc. Psychiatry* 88 (2005); Susan dos Reis et al., *Mental Health Services for Youths in Foster Care and Disabled Youths*, 91 *Am. J. of Pub. Health* 1094, 1099 (2001)).

<sup>8</sup> Peter Pecora et al., *Mental health of current and former recipients of foster care: A review of recent studies in the USA*, 14 *Child & Family Social Work* 132, 139 (2009).

<sup>9</sup> Amy Dworsky et al., *Assessing the Impact of Extending Care Beyond Age 18 on Homelessness: Emerging Findings*

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- Transition-aged foster youth have elevated risks of depression, suicidal ideation, and other mental health disorders, as well as chronic physical health conditions including asthma, hypertension, tuberculosis, diabetes, hepatitis, and substance abuse disorders.<sup>10</sup>
- A recent of former foster youth found that 15% had no high school diploma or GED, and only 5% and 6%, respectively, obtained two or four-year post-secondary degrees.<sup>11</sup>
- Youth aging out of care face high unemployment and earn little income.<sup>12</sup> One-fifth to one-third have “very low probabilities of employment and hardly any earnings at any time between ages 18 and 24,” and an additional one-fifth to one half are not likely to be employed during their early and mid-twenties.<sup>13</sup>
- Up to 75% of former foster youth rely on means-tested benefits.<sup>14</sup>

The average age of self-sufficiency in the United States is 26, and the average youth receives \$62,000 in support from parents between ages 18-34,<sup>15</sup> yet foster youth are expected to attain self-sufficiency with scant resources and little or none of the adult support enjoyed by their peers. By continuing this myopic policy to protect a tiny fraction of the state child-welfare budget, the state ultimately incurs exponentially greater costs.<sup>16</sup> This Committee should not doubt for a

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from the *Midwest Study* 3 (2010), [http://chapinhall.org/sites/default/files/publications/Midwest\\_IB2\\_Homelessness.pdf](http://chapinhall.org/sites/default/files/publications/Midwest_IB2_Homelessness.pdf); Children’s Aid Soc., *Youth Aging Out of Foster Care Face Poverty, Homelessness, and the Criminal Justice System* 3 (2006), <http://www.childrensaidsociety.org/files/upload-docs/FosterCare.pdf>; Mark E. Courtney et al., *Findings from the California Youth Transitions to Adulthood Study (CalYOUTH): Conditions of Youth at Age 23*, at 19 (2020), [https://www.chapinhall.org/wp-content/uploads/CY\\_YT\\_RE1020.pdf](https://www.chapinhall.org/wp-content/uploads/CY_YT_RE1020.pdf).

<sup>10</sup> Md. Dep’t of Legis. Servs., *Overview of Homelessness and Homeless Services in Maryland* 15 (Sept. 2015) (compiling research); cf. Courtney et al., *supra* note 9, at 74.

<sup>11</sup> Courtney et al., *supra* note 9, at 31.

<sup>12</sup> Jennifer Earle Macomber, et al., *Coming of Age: Employment Outcomes for Youth Who Age Out of Foster Care Through Their Middle Twenties*, i (2008), <https://www.urban.org/research/publication/coming-age-employment-outcomes-youth-who-age-out-foster-care-through-their-middle-twenties>.

<sup>13</sup> *Id.* at ii; see also Children’s Aid Soc., *supra* note 11, at 2; Carol Brandford et al., *Foster Youth Transition to Independence Study: Final Report*, 4 (2004) (less than half of aged-out foster youth in study were employed).

<sup>14</sup> Mark E. Courtney et al., *Midwest Evaluation of the Adult Functioning of Former Foster Youth: Outcomes at Age 26* (2011), <https://www.chapinhall.org/wp-content/uploads/Midwest-Eval-Outcomes-at-Age-26.pdf>.

<sup>15</sup> This number is derived by applying the annual CPI to data in Robert F. Schoeni et al., *Material Assistance Received From Families During Transition to Adulthood* in “On the Frontier to Adulthood: Theory, Research and Public Policy” 405 (2005) (Richard A. Settersten, Jr. et al., eds.).

<sup>16</sup> Pew Charitable Trusts reports that each national cohort of young people leaving foster care costs taxpayers \$8 billion in the long term from lost revenues due to lost earnings and costs including homelessness, substance abuse treatment, criminal justice involvement, unplanned pregnancies, medical expenses, mental health treatment, Food Stamps, and other public benefits. See Teresa Wiltz, *States Tackle ‘Aging Out’ of Foster Care* (Mar. 25, 2015),

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moment that these benefits will make a profoundly positive difference.<sup>17</sup>

**AMENDMENT:** SB 658 does not address one small shortcoming of the existing law. In 2018, Maryland had not yet had much experience with “ABLE” accounts, which were established by the Maryland ABLE Act of 2016 (codified at Md. Code Ann., Educ. § 18-19C–01, et seq.). DHS opposed using ABLE accounts, so the current law does not mention them in its enumerated examples. Other jurisdictions do use ABLE accounts, and there is no reason not to use them in Maryland. The statute should be amended to include ABLE accounts as an option: *i.e.*, on pg. 3 after line 35, adding “5. ESTABLISHING AN “ABLE” ACCOUNT FOR THE CHILD AND CONSERVING THE CHILD’S BENEFITS IN THAT ACCOUNT IN A MANNER THAT APPROPRIATELY AVOIDS ANY FEDERAL ASSET OR RESOURCE LIMITS.”

**CONCLUSION:** SB 658 fixes a major injustice in Maryland’s foster-care system. The existing law, with a sliding-scale for some but not all federal benefits, was intended as a starting point, not the final determination. Eight years later, multiple other jurisdictions have caught up and passed Maryland and now provide full relief. The federal government now favors full relief. Having initiated this movement, Maryland needs to do the same and let foster children benefit from their benefits. It will make a lifetime of difference for abused, neglected, and abandoned children in foster care committed to state custody—*our* custody.

I have a longstanding interest in this issue. Professor Dan Hatcher (University of Baltimore Law School) and I co-authored an amicus brief in *Ryan W.* Afterwards, I co-drafted and advocated for the bill that ultimately was enacted; worked with DHS to implement the legislation; and monitored implementation. More recently, I co-argued the issue in the Alaska Supreme Court and co-authored amici briefs in New Jersey. I am, since 1988, lead counsel for Baltimore City foster children in the federal *L.J. v. López* case and, with Disability Rights Maryland, represent the foster children in the federal *T.G. v. DHS* case challenging hospital overstays. I also represented hundreds of foster children while at Maryland Legal Aid. Based on this cumulative experience, I believe that SB 658 would have lifelong positive impact on Maryland’s most vulnerable children. I urge the Committee to issue a favorable report.

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<https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2015/3/25/states-tackle-aging-out-of-foster-care#:~:text=Each%20cohort%20of%20young%20people%20leaving%20foster%20care,the%20Jim%20Casey%20initiative.%20Signs%20of%20Good%20Results.>

<sup>17</sup> The North Carolina case of John G. is illustrative. Abandoned at age 3 and abused by multiple guardians, John arrived in foster care with nothing but survivor benefits and title to an old house facing foreclosure due to default by his last guardian. Instead of paying his mortgage, the local DSS pocketed his OASDI until a court intervened and ordered it to use the benefits to save and repair the house. Erick Eckholm, *Child Welfare Agencies Seek Foster Children’s Assets*, N.Y. Times (Feb. 17, 2006).

February 24, 2026  
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Thank you for your consideration.

Respectfully submitted,

/s/ Mitchell Y. Mirviss