

# Conserving Federal Benefits for Youth in DCFS Care

## Senate Bill 3470 -- Representative Lakesia Collins

Representatives Robyn Gabel, Suzanne Ness and Anna Moeller

### Senator Robert Peters

Senators Mattie Hunter, Doris Turner, John Connor, Patricia Van Pelt, Elgie R. Sims, Jr., Kimberly A. Lightford, David Koehler, Meg Loughran Cappel, Christopher Belt, Cristina Castro, Celina Villanueva and Laura M. Murphy

Currently, Illinois collects federal benefits on behalf of eligible youth in care and uses the money to reimburse the state for the costs of the youth's foster care, usually without informing the youth or family. Often, the youth is unaware of the existence of the funds. This practice was highlighted in recent articles, including [a 2021 report from The Marshall Project and NPR](#).

Several years ago, Maryland passed legislation that requires the state to conserve an increasing portion of a youth's federal benefits beginning when the youth turns 14, for the youth's later use and benefit. Senate Bill 3470 amends the Children and Family Services Act to ensure Illinois youth in care have similar protections regarding federal benefits received on their behalf.

**Senate Bill 3470 ensures that DCFS identify when youth entering care are eligible for federal benefits, such as Social Security disability benefits, and ensures that when older youth in care receive federal benefits, a portion of those benefits are set aside for their future use.**

#### **SB 3470 requires that DCFS:**

- Assess youth entering care for their eligibility for benefits (including Social Security, Supplemental Security Income, Veteran's Benefits, and Railroad Retirement benefits), and file applications on behalf of the youth.
- Notify the youth, if over age 16, appropriate family member(s) or other responsible adult(s), and the youth's attorney and guardian ad litem regarding applications for benefits, applications for representative payee status, appeals regarding benefits and certain communications regarding benefits.
- When serving as a youth in care's representative payee, save a portion of the youth's Supplemental Social Security Income benefits (effective 1/1/23) and all benefits (effective 1/1/24) for the youth at the following rate:
  - o at least 40% for youth ages 14 and 15
  - o at least 80% for youth ages 16 and 17
  - o 100% for youth ages 18 to 20 (with appropriate court order allowing DCFS to do so).
- Ensure that the youth's best interest is served when determining the type of plan to be established and when using or conserving the benefits.
- Provide financial literacy training to eligible youth regarding the existence of, accessibility to, and use of conserved funds beginning at age 14.
- Submit reports to the General Assembly regarding the number of applications the Department filed (including previous years and moving forward), as well as amounts conserved for youth in care under the new provisions;
- By 7/1/2024, submit a report to the General Assembly regarding a goal of expanding conservation of children's benefits to all benefits of all children of any age for whom DCFS serves as representative payee.
- Provide an annual accounting – and respond within 10 days of a request – to the youth or the youth's attorney and guardian ad litem on how the benefits have been used and conserved. Also requires DCFS to provide a final accounting when the department's guardianship of the youth is ending and to ensure that the representative payee status transitions smoothly.

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