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Testimony in Support of S.F. 2464- Preserving Rights and Benefits of Foster Youth

TO: Minnesota Senate- Health & Human Services Finance and Policy Committee
FROM: Amy Harfeld, National Policy Director, Children's Advocacy Institute
DATE: March 21, 2023

Good morning and thank you for hearing my testimony.

My name is Amy Harfeld and I serve as the National Policy Director for the Children's Advocacy Institute, a national children's rights organization based at the University of San Diego School of Law. We work to strengthen the rights of vulnerable youth and children in and aging out of foster care and to increase accountability within child welfare systems. I have been a child welfare attorney and advocate for over 20 years, representing foster care agencies, children, parents, and advancing policy reform at the local, state, and federal levels.

I am here to express support for S.F. 2464.

I have been engaged in efforts to protect the rights and interests of foster youth receiving federal disability and survivors benefits since representing an impacted 17-year-old client at Legal Aid. When I uncovered this alarming practice and let her know that I would not be able to get her money back, she and I were both shocked. She was devastated to learn that the very agency that was supposed to protect had been taking her money behind her back. As an officer of the law, I was disgusted to uncover this ethically bankrupt practice.

Across the nation and in Minnesota, child welfare agencies routinely mine children for and intercept federal benefits and other assets from eligible foster children and use those benefits to reimburse themselves for the cost of foster care — a cost which is already an explicit obligation under federal and Minnesota law. This happens with no notice to

either the children or their attorney/GAL. This practice violates federal law and rules, and is contrary to the basic purpose of these benefits. Further, it decreases chances for foster youth to achieve economic self-sufficiency and increases the likelihood that impacted youth will require other forms of public support down the road. Charging just disabled and orphaned youth for their own care without notice while the state pays the tab for all other foster children offends our Constitution's most basic promises of due process and equal protection, and is contrary to the best interests of the very children the agency exists to support.

A group of bipartisan Congressional leaders emphasized that we must, “[...] *make sure all foster youth receive and benefit from all SSA benefits for which they qualify and that benefits follow the child. [] The data we have suggests that the SSA benefits are not always being used as intended, in the youth's best interest. We are specifically concerned [] about reports that benefits are being used to help state budgets instead of children*”

In introducing this bill, Minnesota joins a growing chorus of states across the country who have acknowledged that this practice is unjust, and promotes poor outcomes for youth and ultimately for the state itself. After a groundbreaking investigative series published by NPR and the Marshall Project, new law or policy has been adopted in states across the country including [Nebraska](#), [Connecticut](#), [Illinois](#), [Hawaii](#), [New York City](#), [Philadelphia](#), [Los Angeles](#) and [Washington D.C.](#) and is pending in [California](#), [Washington](#), [Massachusetts](#), [Texas](#), [Arizona](#), [Alaska](#), and [Oregon](#) (which has a bill preserving all benefits and other assets and a partner bill providing for a retroactive [refund](#) of benefits, as does the pending bill here. Several of these changes have been voluntarily proposed or endorsed by agencies who realize they have been acting contrary to their very mission.

[Litigation](#) is also underway in multiple states with Alaska ruling on behalf of children in one case on appeal in the state Supreme Court, and a case filed just recently in California. Several other states are contemplating litigation.

The average age of self-sufficiency in the U.S. is 26. One study revealed that the *average* American youth received \$47,500 in financial support from his or her parents between the ages of 18-26 — in the form of food, housing, education, health expenses, and direct cash assistance. Yet foster youth are expected to attain self-sufficiency with a tiny fraction of these resources and little to none of the adult support enjoyed by their peers.

Parents work hard to set their children up for success. When Minnesota acts as the legal parent of foster children, it should work towards, not undermine, that same goal. Please help advance this bill and help the state reclaim a slice of “Minnesota nice.”