

May 23, 2025

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 25-27

The purpose of this All County Letter is to inform county placing agencies of the enactment of California Assembly Bill 2906 (Chapter 623, Statutes of 2024) which amends several sections of the Welfare and Institutions Code, specifically sections 13753, 13754, 13756, and 13757. It introduces significant changes regarding the management of federal Social Security Administration Survivors Benefits for foster children.



JENNIFER TROIA
DIRECTOR

CALIFORNIA HEALTH & HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



GAVIN NEWSOM
GOVERNOR

May 23, 2025

ALL COUNTY LETTER NO. 25-27

TO: ALL COUNTY WELFARE DIRECTORS
ALL CHILD WELFARE SERVICES PROGRAM MANAGERS
ALL CHIEF PROBATION OFFICERS
ALL CALIFORNIA TITLE IV-E AGREEMENT TRIBES
ALL FOSTER CARE ELIGIBILITY MANAGERS

SUBJECT: UPDATED GUIDELINES FOR MANAGEMENT OF THE FEDERAL
SOCIAL SECURITY ADMINISTRATION BENEFITS FOR FOSTER
CHILDREN AND NONMINOR DEPENDENTS AS A RESULT OF
ASSEMBLY BILL 2906

REFERENCES: [ASSEMBLY BILL \(AB\) 2906 \(CHAPTER 623, STATUTES OF 2024\)](#),
[WELFARE AND INSTITUTION CODE \(WIC\) SECTION 13753](#),
[WIC 13754](#), [WIC 13756](#), AND [WIC 13757](#),
[ALL COUNTY LETTER \(ACL\) 07-10](#), [ACL 08-12](#), [ACL 20-17](#), AND
[ACL 23-28](#), [SOCIAL SECURITY ACT SECTION 472 \(a\)\(3\)\(B\)](#),
[MANUAL OF POLICIES AND PROCEDURES \(MPP\) 44-101](#),
[MPP 44-102.14](#), AND [MPP 45-302.4](#), [42 U.S. CODE \(USC\) 401](#),
[USC 402](#), [USC 1381](#), AND [USC 1382](#)

The purpose of this All County Letter (ACL) is to inform county placing agencies of the enactment of [Assembly Bill \(AB\) 2906 \(Chapter 623, Statutes of 2024\)](#) which amends several sections of the Welfare and Institutions Code (WIC), specifically [WIC 13753](#), [WIC 13754](#), [WIC 13756](#) and [WIC 13757](#). By introducing significant changes to the administration of Survivors Benefits paid under Title II of the Federal Social Security Act by the Social Security Administration (SSA), this bill clarifies the responsibilities of county placing agencies when acting as representative payees or in any other fiduciary capacity for a child receiving federal SSA Survivors Benefits. It ensures that these benefits are not used to cover costs associated with the foster child's or nonminor dependent's (NMD) care and supervision.

BACKGROUND

Counties must ensure that foster children and NMDs with whom they have placement and care responsibility receive all federal SSA benefits to which they are entitled while in care. Prior to the passage of [AB 2906](#), the law required counties to screen all foster children who were between 16 to 17 years of age, and NMDs under certain circumstances, for eligibility for Supplemental Security Income (SSI) benefits. When the screening determined they may be eligible for SSI benefits, the county had to file an application for the SSI benefits and a request for reconsideration if the initial application was denied. A NMD must consent to an application being filed on their behalf.

Additionally, existing laws describe the process of becoming a representative payee and how the benefits are to be utilized or conserved. Counties are also required to assist children and NMDs and their families in understanding any rights and responsibilities related to maintaining their SSI benefits as they transition from care. Children in foster care and NMDs may be eligible for many different benefits administered by the federal SSA. These programs included but are not limited to [SSI Benefits](#) and [SSA Benefits](#).

With the passage of AB 2906, many areas in WIC sections 13753, 13754, 13756 and 13757 have expanded to include all federal SSA benefits. It further requires that a child's or NMD's federal SSA Survivor Benefits not be used to pay for or to reimburse the placing agency for any costs associated with their care and supervision.

The effective date for the requirements laid out in this ACL are indicated below. This ACL shall supersede the guidance found in [ACL 07-10](#), [ACL 08-12](#), [ACL 20-17](#) as it relates to the statutory requirements of WIC sections 13753, 13754, 13756, and 13757. The ACL 07-10 and 20-17 may continue to be used to inform county practice to the extent they do not conflict with information in this ACL or other federal or state law. A forthcoming ACL will provide updated SSA benefits best practice guidelines.

EXPANSION OF SOCIAL SECURITY ADMINISTRATION BENEFIT REQUIREMENTS

The effective date for the requirements laid out in these sections is January 1, 2025. All requirements related to screening and application for eligibility for SSI remain the same. However, new notice requirements have been added for county placing agency actions related to all SSA benefits, and the following areas have been expanded to include not only SSI but all SSA benefits.

- [WIC 13753](#):
 - Counties must do all the following for foster children receiving any type of SSA benefit at least six months prior to the child's 18th birthday:
 - Provide information to the child on how to become their own payee and steps necessary to maintain their SSA benefits, or to designate

a payee and assist the child with making the change with SSA.

- Provide information regarding any benefits that have accumulated on their behalf.
- Provide information to the youth regarding the federal requirement to establish a continuing disability as an adult for SSI benefits to continue beyond their 18th birthday.
- [WIC 13754:](#)
 - Before applying to be appointed as the child's representative payee for SSA benefits, the county must send a written notice of the intent to be appointed to the child's attorney and parents or legal guardians.
 - If the NMD requests a representative payee that is not the county, the county shall assist the NMD in requesting a change of payee to the federal SSA. The county shall assist them or their representative payee to understand the restrictions on use of federal SSA funds and communicating any changes in the NMD's foster care case to the federal SSA if those changes would affect the NMD's eligibility for, or the amount of, benefits received from the federal SSA.
 - The county shall provide the NMD with any information maintained in the NMD's case file that may assist them in establishing and maintaining federal SSA benefits, upon request of the NMD. The county shall also provide information to the NMD on how to access any known legal representation and advocacy organizations or entities for further assistance and, if the NMD requests to obtain a federal SSA advocate, shall assist the NMD in communicating and coordinating with that advocate.
- [WIC 13757:](#)
 - Every child in foster care under the supervision of the county child welfare department, juvenile probation department, or tribal organization, if the tribal organization requests screening from the county, must be screened between the ages of 16 to 17 for potential eligibility for federal SSA benefits. This does not preclude counties from screening earlier. Counties must also screen NMDs under the circumstances outlined in WIC 13757(a)(3).
 - If the screening determines the child may be eligible for federal SSA benefits, the county must submit an application. If the screening determines an NMD may be eligible they must consent to the application being filed.

- Requirements related to application denials, reconsiderations, and appeals as detailed in [ACL 23-28](#) now apply to all SSA benefits

WELFARE AND INSTITUTIONS CODE 13756

The effective date for the new requirements under WIC 13756 will be 30 days from the date of this letter.

Pursuant to [WIC 13756](#) counties must conform to the following requirements:

Social Security Survivor Benefits

- When the county is the representative payee or in any other fiduciary capacity for a child receiving federal SSA Survivors Benefits, they must act in accordance with the [Guide for Organizational Representative Payees](#) published by the SSA.
- Counties shall ensure that a child's or NMD's federal SSA Survivors Benefits are not used to pay for, or to reimburse the placing agency for any costs related to their care and supervision.
 - These benefits must be conserved and maintained in a dedicated account as described in [42 USC 401 et seq.](#) The county must monitor the account to ensure the benefits are conserved in such a way that avoids termination because of exceeding any federal resource or income limits.
 - Provide upon request to any child 12 years of age or older and their attorney information about the account as described in [WIC 13756\(b\)\(3\)](#).

All Federal Social Security Administration Benefits, Including SSI and Child Benefits Under Title II

- The county shall notify the child, their attorney, and their parents or legal guardians before, or concurrent with, all the following:
 - Any application for federal SSA benefits made by the county placing agency on the child's or NMD's behalf.
 - Any decisions or communications from SSA related to an application for benefits administered by the federal SSA and the action taken by the county.
 - Any application by the county placing agency to become the representative payee for benefits administered by the federal SSA on the child's behalf.
- The placing agency shall also provide the information in WIC 13756(d)(1)(A)-(D), as described above, to the child, the child's attorney, and the child's parents or

guardians upon request.

- At least 30 days before the child will exit foster care to permanency, the county, if they are the representative payee must collaborate with the child, the child's attorney, the parents or guardians (if the child is returning to their care), Indian custodians or the guardians or adoptive parents (when exiting to legal guardianship or adoption) to begin the process of transferring control and responsibility for the conserved funds to the appropriate parent, guardian, adoptive parent, or the child if they are exiting from foster care after age 18, unless the child chooses to select another representative payee. (Please refer to [ACL 23-28](#) for duties of representative payees and requirements for identifying an appropriate payee.)

If you have any questions or need additional guidance regarding the information in this letter, contact the Funding and Eligibility Unit at FC-KGEligibility@dss.ca.gov.

Sincerely,

Original Document Signed by

ANGIE SCHWARTZ
Deputy Director
Children and Family Services Division

cc All Federally Recognized Tribes