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**DEPARTMENT OF HUMAN SERVICES**  
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March 21, 2024

To: The Honorable Senator Joy A. San Buenaventura, Chair  
Senate Committee on Health & Human Services

FROM: Cathy Betts, Director

SUBJECT: **SCR 188 -REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO  
IMMEDIATELY CEASE INTERCEPTING SOCIAL SECURITY PAYMENTS FOR  
CHILDREN IN FOSTER CARE.**

Hearing: March 22, 2024, 1:00 PM  
Conference Room 225 & Videoconferencing, State Capitol

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) appreciates the intent of the resolution and offers comments.

**PURPOSE:** These resolutions request the Department of Human Services to immediately cease intercepting Social Security Administration (SSA) payments for children in foster care and deposit Social Security payments for foster children into savings accounts that may be accessed by foster children when they return to their families, are adopted, or age out of foster care.

DHS is required by federal law to apply for benefits on a child's behalf and request to be appointed as payee once the child enters foster custody. Ultimately, the Social Security Administration (SSA) will make the final decision of selecting the representative payee. Last session, the Legislature provided funding for foster board payments for children in foster care who are ineligible for IV-E reimbursement due to being beneficiaries of SSA. Thus, effective July 1, 2023, DHS ceased using all forms of SSA payments (Supplemental Security Income (SSI) and

Retirement, Survivors, and Disability Insurance (RSDI) benefits) received on behalf of children in foster care for foster board reimbursement to the state.

For the committee's information, although reimbursement for foster board payments has ceased, SSA benefits are to be used for the child's current maintenance needs, such as food, clothing, shelter, medical care, and personal comfort items. Additionally, the benefits can be used to meet education or medical-related costs of beneficiary children in care. So, SSA payments can continue to be used for those reasons.

All money received on behalf of a child is kept in a child specific trust account with the Fiscal Management Office (FMO) until the child exits foster care. As required by federal regulation, when a child exits foster care, any money in the child's trust account must be returned by the representative payee to the local SSA Office. The SSA then redistributes the funds to the next representative payee, if required, so that the child has access to these conserved funds when the child is returned to their family, is adopted, or ages out of foster care. If the child is an adult, the SSA distributes the conserved funds to the individual.

If the child is a minor when they exit foster care or if the existing individual is an adult with a disability requiring a representative payee, the family or responsible adult resume payments from the SSA. The new responsible adult (e.g., adoptive parent, legal guardian, or biological parent) must apply to become the new representative payee for the child or disabled adult to access the funds.

Thank you for the opportunity to provide additional comments.

**SCR-188**

Submitted on: 3/19/2024 2:26:28 PM

Testimony for HHS on 3/22/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Michael Golojuch Jr	Testifying for Stonewall Caucus of the Democratic Party of Hawai'i	Support	Remotely Via Zoom

Comments:

Aloha Senators,

The Stonewall Caucus of the Democratic Party of Hawai'i; Hawai'i's oldest and largest policy and political LGBTQIA+ focused organization fully supports SCR 188.

We hope you all will support this important resolution.

Mahalo nui loa,

Michael Golojuch, Jr. (he/him)  
Chair and SCC Representative  
Stonewall Caucus of the Democratic Party of Hawai'i

**SCR-188**

Submitted on: 3/20/2024 7:10:37 AM

Testimony for HHS on 3/22/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Marilyn Yamamoto	Individual	Support	Written Testimony Only

Comments:

Senator San Buenaventura and committee,

I am appalled to find that it is necessary to request that DHS cease taking foster child SS funds to support their care. The article Purpose v. Power by Daniel Hatcher in 2012 cites that DHS in Hawai'i was notified to cease taking these funds owed to children in. Last year Representative Branco brought up the same issue with testimonies of children who aged out of the system to find that their money was gone.

My understanding is that the state has used these funds to a tune of about \$500,000 per year, a small percentage of the total children in foster care. It's time for the legislature to fund foster care for these children rather than leave them with nothing to provide themselves with a life to build upon.

Marilyn Yamamoto

**SCR-188**

Submitted on: 3/20/2024 9:45:54 AM

Testimony for HHS on 3/22/2024 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dara Carlin, M.A.	Individual	Support	Written Testimony Only

Comments:

STRONGLY SUPPORT & applaude this proposal!