



**CENTER FOR THE RIGHTS  
OF ABUSED CHILDREN**



Children's Advocacy Institute  
UNIVERSITY OF SAN DIEGO SCHOOL OF LAW

**FOR IMMEDIATE RELEASE  
March 25, 2024**

**Federal Lawmakers Demand Social Security Commissioner Martin O'Malley  
Stop States from Taking Federal Benefits from Children in Foster Care**

**Washington, DC** - A bipartisan coalition of federal lawmakers on both the U.S. Senate Committee on Finance and the U.S. House Ways and Means Committee called on Social Security Administration Commissioner Martin O'Malley to hold states accountable and ensure that the benefits of approximately 40,000 to 80,000 of our nation's most vulnerable foster youth are used in the child's, rather than in the States', best interest. In response, Commissioner O'Malley committed to taking swift action.

A report by Marshall Fund/NPR in 2021 found that states were taking \$165 million from children in foster care. In response, last year, with backing from the Center for the Rights of Abused Children, Arizona pioneered the first statewide law to stop the practice of child welfare agencies taking children's benefits and instead preserve those benefits for the children.

Members, including Representatives LaHood (R-IL), Randy Feenstra (R-IA) and Danny Davis (D-IL) and Senators Warren (D-MA), Wyden (D-OR), and Casey (D-PA) raised concerns that states are spending foster children's benefits rather than preserving those benefits for the children's later use. Commissioner O'Malley agreed that this "doesn't sound like the sort of policy outcome that any of us would like for kids in foster care" and indicated that he will take a strong stance to ensure, "we, in essence, say to states . . . you've got to assure us that you're going to conserve something so that kid can at least make a down payment on an apartment instead of living under a bridge." He later said, "If I can create a rule, I will," and he called on Congress to assist him if he needs congressional authority.

Both the Center for the Rights of Abused Children and the Children's Advocacy Institute applaud the bipartisan coalition of federal lawmakers for raising awareness of how states are taking federal benefits from children in foster care to fill state coffers rather than preserving those funds for the children. We urge Commissioner O'Malley to follow through on his call for new rules with the expediency children in foster care require.

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**About the Center for the Rights of Abused Children:** The Center for the Rights of Abused Children fights for better futures for America's abused children with a pro bono Children's Law Clinic, common-sense reforms, and public interest litigation. Join our life-saving work to end violence against children today, [thecenterforchildren.org](http://thecenterforchildren.org).

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**About the Children's Advocacy Institute:** The Children's Advocacy Institute, based at the University of San Diego School of Law, is an academic, research, and advocacy organization that works to strengthen the rights and improve the health, safety, and well-being of all children and youth. For more information, visit [www.sandiego.edu/cai](http://www.sandiego.edu/cai).

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