

# City of Philadelphia



September 29, 2022

CERTIFICATION: This is to certify that Bill No. 220239 was presented to the Mayor on the fifteenth day of September, 2022, and was not returned to the Council with his signature at a meeting held September 29, 2022 (being more than ten days after it had been presented to him).

THEREFORE, Pursuant to the provisions of Section 2-202 of the Philadelphia Home Rule Charter, the ordinance becomes effective as if the Mayor had approved it.

A handwritten signature in cursive script that reads "Michael A. Decker".

Michael A. Decker  
Chief Clerk of the City Council

(Bill No. 220239)

## AN ORDINANCE

Amending Chapter 21-1800 of The Philadelphia Code, entitled "Foster Care," to add new provisions related to screening and application for benefits for foster youth; limiting the use of Social Security, Supplemental Security Income, Veterans or other various benefits; and providing notice to the foster child for certain actions taken with respect to Social Security and other benefits; all under certain terms and conditions.

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. Chapter 21-1800 is hereby amended to read as follows:

### CHAPTER 21-1800. FOSTER CARE

\* \* \*

§ 21-1803. *Foster Youth Benefits.*

(1) *This section applies to children committed to the custody of the Philadelphia Department of Human Services.*

# City of Philadelphia

BILL NO. 220239 continued

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(2) *Screening and Application for Benefits. The Department of Human Services, or such other City department or office as the Mayor may designate, is authorized to develop and implement procedures to:*

- (a) *Ensure all children are screened for potential eligibility for Social Security, Supplemental Security Income, Veterans or other various benefits within 60 days of being committed to DHS custody;*
- (b) *Apply for the benefits, in cooperation with the child's attorney or guardian ad litem, if the screening results in a determination that the child is potentially eligible for any of such benefits;*
- (c) *Identify, in cooperation with the child's attorney or guardian ad litem, a representative payee of the beneficiary's highest priority in accordance with the established categories of preferred payees in 20 C.F.R. §§ 404.2021 and 416.621, and apply to become the representative payee if there is no other suitable candidate available;*
- (d) *Support the maintenance of benefits for youth who are transitioning out of foster care or reach the age of legal adulthood.*

(3) *Conservation and Use of Benefits. To the full extent of Council's legislative authority and provided compliance would not violate 55 Pa. Code Chapter 3140 or any other requirements for financial reimbursement of county services by the Pennsylvania Department of Human Services, when the Department serves as a representative payee for a child receiving Social Security, Supplemental Security Income, Veterans or other various benefits, the Department shall:*

- (a) *Use or conserve the benefits in the specific child's interest, as determined in cooperation with the child and the child's attorney or guardian ad litem, including using the benefits for services or needs not otherwise provided by the Department or covered by health insurance (e.g., disability aids, a car, or tools of the trade for employed youth) or conserving the benefits for the child's reasonably foreseeable future needs;*
- (b) *Ensure that for every child in the Department's custody, the child's benefits are not used to reimburse the City or County for the costs of care for the child or other payments made by the City or County to cover any other cost or expense for an individual in DHS custody;*
- (c) *Monitor any federal asset or resource limit for the benefits and ensure that the specific child's best interest is served by using or conserving the benefits in a way that avoids violating any federal asset or resource limit, including conserving*

# City of Philadelphia

BILL NO. 220239 continued

Certified Copy

*funds by establishing individual financial accounts in accordance with 20 C.F.R. § 416.645.*

- (4) *Notice. The Department is authorized to ensure notification to the child through the child's attorney or guardian ad litem of any application, decision, communication, or appeal related to the child's Social Security, Supplemental Security Income, Veterans or other various benefits.*
- (5) *Annual Reporting. The Department of Human Services, or such other City department or office as the Mayor may designate, shall collect, maintain, and provide data relating to the application, use, and conservation of federal benefits for foster youth in DHS custody in an annual report provided to the public.*

# City of Philadelphia

*BILL NO. 220239 continued*

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