

TO: Senate Committee on Human Services
FROM: Benjamin Funkhouser & Marc Nethercote, Disability Rights Oregon
DATE: February 6, 2025
RE: SB 740, Support

Chair Gelser Blouin, Vice-Chair Linthicum, and Members of the Committee,

Seizure of Social Security benefits (including SSI and Old Age, Survivor, and Disability Insurance) by state and county child welfare agencies to cover costs of care and maintenance needs is, unfortunately, a somewhat commonplace practice across our country. During Oregon's 2023 Regular Session, SB 556 ostensibly put an end to this practice within our state. While great progress was undoubtedly made, more work needs to be done.

In August of 2018, Social Security provided grants to Protection & Advocacy (P&A) organizations to do Representative Payee monitoring through the Strengthening Protections for Social Security Beneficiaries Act 2018 (SPSSBA). The program funds P&As to conduct all periodic onsite reviews and additional discretionary reviews of organizational and individual payees, among other things. We monitor the fiduciary performance of payees through site reviews, and ensure representative payees understand and carry out their duties and responsibilities. Nationwide, "there are approximately 5.7 million payees serving 7.7 million beneficiaries."¹ "Payees manage \$81.4 billion in annual benefits. Fifty-one percent of the beneficiaries with payees are minor children...family members, primarily parents or spouses, serve 85.9 percent of the beneficiaries who have payees."²

Disability Rights Oregon supports SB 740 because it provides the State of Oregon with an opportunity to further, and retroactively, correct the injustices which occurred toward minor recipients of Social Security benefits as previously laid out in SB 556 (2023). We believe the state did not act in accordance with their fiduciary obligation when it, as SB 740 states, "seized funds or resources to pay for services that were provided to the person and that the person would otherwise have been entitled to or eligible for through any state or federal agency or public or private program."

Through the establishment of this grant program, adults will be able to receive funds which should have been theirs by right all along. In many cases, these funds will provide crucial assets towards building a life of independence and opportunity, which should have been conserved or invested on behalf of the beneficiaries during their youth and/or transition out of the state welfare system.

¹ Electronic Representative Payee System (eRPS) – October 7, 2024.

² Office of Research, Evaluation & Statistics (ORES) – December 2023.

About Disability Rights Oregon

Since 1977 Disability Rights Oregon has been the State's Protection and Advocacy System.³ We are authorized by Congress to protect, advocate, and enforce the rights of people with disabilities under the U.S. Constitution and Federal and State laws, investigate abuse and neglect of people with disabilities, and "pursue administrative, legal, and other appropriate remedies."⁴ We are also mandated to "educate policymakers" on matters related to people with disabilities.⁵

If you have any questions regarding DRO's position on this legislation, please call Ben Gurewitz at 971-806-7908 or email him at bgureiwtz@droregon.org.

³ See ORS 192.517.

⁴ See 42 U.S.C. § 15041 et seq; 42 U.S.C. § 10801 et seq.

⁵ See 42 U.S. Code § 15043(a)(2)(L).