



Securing today
and tomorrow

On April 13, 2018, the President signed into law the Strengthening Protections for Social Security Beneficiaries Act of 2018, Public Law No. 115-165. The Social Security Administration (SSA) and the Administration for Children & Families at the Department of Health and Human Services (HHS) want to share with you how the law changed SSA's overpayment liability rules under Titles II and XVI of the Social Security Act.

[Section 104, "Clarifying overpayment liability for child in child welfare system,"](#) of Public Law No. 115-165 changes SSA's overpayment liability rules for minors in foster care.

Effective April 13, 2018, States are liable to repay minor beneficiaries' Title II and Title XVI overpayments if the overpayments were:

- Established on or after April 13, 2018; and
- Incurred while the State acted as representative payee and the minor beneficiaries were in foster care under the responsibility of the State.

States may not use the minor's benefits or any conserved funds to repay these overpayments.

States are also liable to repay minor beneficiaries' outstanding Title II overpayments if the overpayments were:

- Not fully recovered as of April 13, 2018; and
- Incurred while the State acted as the minor's representative payee and the minor was in foster care under the responsibility of the State.

States may not use the minor's benefits or any conserved funds to repay these overpayments.

SSA is currently developing processes for the recovery of overpayments from States responsible for foster children receiving benefits.

If you have any questions, please feel free to contact Diandra Taylor at the Social Security Administration, Office of Communications at oea.net.post@ssa.gov.