

**Testimony Regarding the
“TANF Child Benefit Protection Amendment Act of 2017” and the “Temporary Assistance
for Needy Families Assistance Level Increase Amendment Act of 2017”
District of Columbia Council Committee for Human Services
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As the Legal Aid Society of the District of Columbia,¹ D.C.’s oldest and largest general civil legal services program, we represent some of the most vulnerable individuals in the District. We write today on behalf of our clients – many of whom are caretakers, children, survivors of domestic violence, or disabled and rely on Temporary Assistance for Needy Families (TANF) to meet their critical needs.

As this committee is well aware, TANF is a critical safety net for District families struggling toward sustained employment in an economy that often does not have room for them, and it is a lifeline for District families facing insurmountable barriers to self-sufficiency. Over 5,000 District families, including over 13,000 of the District’s children, are in danger of losing this safety net if the council and Mayor do not act by October 1, 2017 to fund a sustainable solution to the “TANF Cliff.” That is why Legal Aid strongly supports Bill 22-0227, the TANF Child Benefit Protection Amendment Act of 2017, which would eliminate the strict 60-month time limits on TANF benefits and split a family’s TANF grant into two separate TANF payments, one designated for children and the other for adult caretakers.

The Bill’s elimination of draconian lifetime limits on cash assistance and the creation of a separate adult and child grant would work in tandem to provide a critical safety net for District families while giving parents an opportunity to take advantage of the District’s recent and continuing improvements to its employment programs. We commend Chairwoman Nadeau, Mayor Bowser, and DHS Director Zeilinger for their leadership on this issue. However, Legal Aid recommends that the Council amend the Bill to clarify that the three-tiered sanction system should not result in complete termination of a family’s TANF grant.

Legal Aid feels strongly that protecting parents from the TANF cliff should be this Committee’s top priority. We also support expediting TANF benefits level increases, as proposed in Bill 22-52, the Temporary Assistance for Needy Families Assistance Level Increase Amendment Act of 2017 and thank Councilmember Gray for continuing his efforts to provide these much needed benefit increases. However, Bill 22-52 should only be funded after sufficient funding has been appropriated for Bill 22-0227. Additionally, we urge Councilmember Gray to

¹ The Legal Aid Society of the District of Columbia was formed in 1932 to “provide legal aid and counsel to indigent persons in civil law matters and to encourage measures by which the law may better protect and serve their needs.” Over the last 80-plus years, tens of thousands of the District’s neediest residents have been served by Legal Aid staff and volunteers. Legal Aid has been practicing in the area of public benefits for a number of years, representing clients with TANF, SNAP, and Medicaid cases.

amend the Bill to include all TANF families, not just those who have received TANF for 60 months or less.

Bill 22-0227 reflects the consensus of a diverse coalition guided by research and experience.

Last year, the Council initiated a conversation about the future of the TANF program through the introduction of an important piece of legislation: the DC Public Assistance Amendment Act of 2015. The bill, introduced by (now Committee Chair) Brianne Nadeau and co-sponsored by five additional Council members, was designed to protect families from falling deeper into poverty by protecting families facing severe barriers to employment from arbitrary TANF time limits. The bill was comprehensive, addressing both short-term barriers that could be resolved through improved work supports, and long-term barriers, such as disability or domestic violence, that would likely preclude sustainable employment. The Public Assistance Amendment Act was informed by extensive research and best practices from states around the country.

But there were some concerns that the bill might be difficult to implement, requiring the Department of Human Services to screen and track families for different exemption or extension categories. Additionally, there were unanswered questions about how families who were still struggling to obtain sustained employment but did not meet any of the bill's criteria for exemptions and extensions to the time limits would survive without TANF benefits.

In response to these concerns, Mayor Bowser delayed last October's planned termination of benefits for these families and convened a Working Group to bring stakeholders together and create a sustainable solution for our most vulnerable residents. The Mayor's Working Group built on the strengths of the Public Assistance Amendment Act and worked to address its shortcomings. Over the course of several community listening sessions and three intensive strategy sessions, Working Group members heard from people with a broad array of backgrounds and experiences. Their stories highlighted the barriers to employment that TANF parents face, and the need for cash assistance to promote better outcomes for their children in times of economic hardship. The Working Group also heard from local and national policy experts about the potential consequences of terminating TANF benefits before parents can support themselves through employment. These consequences can include food insecurity, housing instability and homelessness, child endangerment, and poor school performance. For example, one study from Washington State saw an increase in homelessness, child maltreatment, and foster care placements after TANF time limits were more stringently enforced. *Recommendations for Development of a Hardship Extension Policy for Washington, DC*, pages 10-11. Other research suggests that low levels of income in early childhood can have detrimental effects on earnings and health in adulthood. *Id.*²

Ultimately, TANF parents, advocates, and representatives of the Department of Human Services all agreed that job training programs for employable TANF recipients needed to be better tailored to meet their individual needs. However, there was also widespread agreement

² See also Duncan and Magnuson, *The Long Reach of Early Childhood Poverty*, Winter 2011, available at: http://inequality.stanford.edu/media/pdf/pathways/winter_2011/PathwaysWinter11_Duncan.pdf; Dearing, McCartney, and Taylor, *Change in family income-to-needs matters more for children with less*, *Child Development*, November/December 2001, available at <http://onlinelibrary.wiley.com/doi/10.1111/1467-8624.00378/pdf>.

about the need for supports and continued assistance for families who cannot work or are temporarily unemployed.

Bill 22-0227 addresses many of the Working Group's concerns, particularly the elimination of the arbitrary, one-size-fits-all 60-month lifetime limit on TANF benefits under current law and replaces it with a program that responds to the needs of District families by creating a separate TANF payment structure for children and adult caretakers.

A draconian reduction in TANF benefits after sixty months hurts District families.

Under the current law, children and their parents receive severely reduced benefits after sixty months regardless of the adult caretaker's ability to work or support the family. This reduction in benefits greatly impedes the ability of caretakers and parents in the District to provide shelter and basic necessities for their families.

For example, Legal Aid worked with one client, Paul Johnson,³ who is the sole caretaker and provider for his six year old son, James. Mr. Johnson applied for TANF benefits when James was a year old. Mr. Johnson was not able to work because he has severe PTSD, suffers from bipolar disorder and schizophrenia, and has muscle spasms and serious pain in his leg after he was shot twelve years ago. In September 2016, after receiving TANF benefits for sixty months, Mr. Johnson received a notice that the monthly cash benefits would be reduced to only \$53 dollars a month. When he received the letter, Mr. Johnson contemplated putting James up for adoption. He could not afford to provide for his son with only \$53 in cash in a month. In February of this year, Legal Aid assisted Mr. Johnson in connecting with the POWER program because on his mental and physical health impairments prevent him from working or complying with TANF work requirements. James and Mr. Johnson now receive \$398 a month (the full TANF benefit). Mr. Johnson is relieved to know that he can pay the utility bills and buy school supplies and shoes for James again.

Sharice Coleman is a survivor of domestic violence and the sole provider for her nine-year old daughter, who was recently diagnosed with Type 1 diabetes. Ms. Coleman began receiving the reduced TANF amount of \$122 after sixty months. After the TANF reduction, Ms. Coleman was unable to pay her rent on time. She had to rely on assistance from relatives to take her daughter to and from school because she could not afford gas. Ms. Coleman had difficulty in keeping up with her daughter's numerous medical appointments. Fortunately, like Mr. Johnson, Ms. Coleman was eligible and approved for POWER. As a result, she was afforded with an opportunity that many low-income families who are struggling to make ends meet and provide for their children's basic needs do not have, the opportunity to receive the full monthly TANF grant through the POWER program.

³ Name changed to protect client's identity.

Rochelle Taylor⁴ is a twenty-six year old mother and survivor of domestic violence. Although Ms. Taylor had not received TANF for sixty months, in December 2016 for reasons unknown to her, she erroneously began receiving the reduced amount of \$154, rather than the full amount of \$508, for her family of three. Until the agency corrected the error, Ms. Taylor was unable to buy winter clothes for her young son and infant daughter. Ms. Taylor cannot seek child support from her estranged husband out of fear that he will retaliate with violence. The physical and emotional aftermath of the extreme violence he subjected her to make it difficult for Ms. Taylor to work. With the assistance of Legal Aid, Ms. Taylor's family was restored to the full TANF amount of \$508. These cash benefits are vital for the health, independence, and security of Ms. Taylor's family.

The Working Group's recommendation to have the Child Enrichment Grant make up 80 percent of the overall TANF grant strikes the right balance between child protection and parental engagement.

Legal Aid was proud to be a member of the Working Group and fully supports Bill 22-0227's recommendation to eliminate the draconian, one-size-fits-all 60-month lifetime limit on TANF benefits under current law (as proposed in section 2a), and replace it with a program that makes sense for District families. Under section 2b of the Bill, the traditional TANF grant would be divided into two separate grants: a Child Enrichment Grant, and a Parent TANF Grant.

The Child Enrichment Grant would ensure a base level of cash assistance to children. The Parent TANF Grant would provide more cash assistance to those families who comply with the Individual Responsibility Plans developed with agency staff – giving parents the opportunity to take advantage of improving employment and educational supports while promoting accountability by reducing the Parent Grant through “sanctions” for parents who do not provide a valid reason for failing to participate.

Legal Aid commends Mayor Bowser for supporting the Working Group's preference to protect part of the grant from sanction in her proposed budget. However, we believe that the Mayor's proposal to divide the grant into two equal portions rather than the 80/20 split (Child Enrichment/Parent grant respectively) strongly endorsed by the Working Group would provide insufficient support to District children.

For example, under an 80/20 scenario, a level 3 sanction would be about \$70. For families living on such thin margins, this amount is sufficient to signal to parents and caretakers that they must engage with DHS. But under a 50/50 split a level three sanction will be roughly \$100 more (\$172) than that of a level three sanction under an 80/20 split. That could be the difference between keeping the lights on and not.

The purpose of the separate Child Enrichment grant and Parent Grant is to ensure that cash assistance is always available to District families who need it most, even if a parent or caretaker is not complying with TANF work requirements for one reason or another. Although parental engagement is a goal of the TANF program, and is supported by the working group and the three-level sanction suggested in the Bill, the broad consensus from both community

⁴ Name changed to protect client's identity.

members and the Working Group is that protecting children from falling deeper into poverty is the highest priority. The 80/20 split reflected in the Bill captures that value.

The Bill's proposed sanction structure should be amended to prevent the complete termination of a family's TANF grant.

Section 3 of the Bill would amend the D.C. Municipal Regulations to implement the following sanction structure for non-compliance with TANF work requirements. For the first instance of non-compliance, the adult caretaker or parent's portion of the grant would be reduced by 20%. The second level sanction would reduce the adult's portion of the grant by 40%. For a third instance of non-compliance, the parent's grant would be sanctioned through a 60% reduction. Legal Aid believes that the tiered structure of sanctions of the parent grant will allow DHS to signal to parents (along with written notices) that they need to engage DHS to discuss why they are not meeting the expectations of their IRP's and whether their plan needs to be amended or if the agency can help remove barriers that would get the parent back on track.

However, Legal Aid is very concerned about the second portion of Section 3(c) of the Bill, which would terminate TANF benefits for the family if the adult caretaker or parent does not comply with TANF work requirements and their IRP within 12 months. Under the Bill, as written, the adult would have to complete an updated TANF assessment, re-negotiate their IRP, and comply with the work requirements delineated therein. Terminating the TANF grant for both the child(ren) and adult(s) within the family would not be in the spirit of the Working Group's preferred option.

Terminating the entire family's TANF grant for the adult caretaker's non-compliance is particularly harsh given that confusion can exist for adult TANF recipients regarding their IRP's and vendor requirements. For example, when Mr. Johnson came to Legal Aid, he did not know who his assigned vendor was and had not worked with a vendor for more than three years, because of his disabilities. Therefore, compliance with work requirements was an impossibility given that Mr. Johnson did not understand what those requirements were. Under the Bill as it is currently written, Mr. Johnson and James would have been completely cut off from benefits more than two years ago.

Because terminating an entire family from TANF flies in the face of the purpose of this legislation – ensuring a basic level of assistance for children – Legal Aid strongly recommends that the Council remove this provision.

Conclusion

Legal Aid is proud to have participated in the TANF Working Group and to support the efforts that Chairperson Nadeau and her colleagues have made to implement its recommendations. We thank Chairperson Nadeau, Mayor Bowser and Director Zeilinger for their leadership but strongly urge removal of the provision terminating a family's entire benefit.