

**Testimony of Curt Campbell & Carolyn Rumer
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**Before the Committee for Human Services
Council of the District of Columbia**

Performance Oversight Hearing Regarding the Department of Human Services

March 1, 2019

The Legal Aid Society of the District of Columbia¹ submits the following testimony regarding the performance of the Department of Human Services (DHS), and in particular, the TANF, POWER, SNAP, and DC Healthcare Alliance programs.

While DHS has taken a number of positive steps to improve its operations over the course of FY18 and early FY19, overall, the Agency continues to fall short on the everyday challenges of meeting the needs of District residents. Too many District residents are unable to obtain critical benefits because of agency errors in service delivery, long wait times at the service centers, inadequate training of service center staff, and lack of communication to consumers regarding program requirements. While the agency will tell the Committee that the “Business Process Redesign” has been a success, resulting in “[f]ewer customers making repeat visits, staff hav[ing] more capacity to serve those who arrive for the first time, and more applications completed in a ‘one and done’ manner,”² this has not been the experience of many of Legal Aid clients. And when these problems occur, they have a significant negative impact on District families. For example:

One TANF recipient, Imani Smith,³ a mother of five, was assigned to work with UDC Paths as her TANF vendor beginning in the summer of 2018. Ms. Smith enjoyed working and was enrolled to begin classes at UDC for the spring semester of 2019.

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 87 years, tens of thousands of the District’s neediest residents have been served by Legal Aid staff and volunteers. Legal Aid currently works in the areas of housing, family law, public benefits, immigration, and consumer protection. More information about Legal Aid can be obtained from our website, www.LegalAidDC.org, and our blog, www.MakingJusticeReal.org.

² DHS FY18-FY19 Performance Oversight Responses, Q34.

³ Name changed for confidentiality purposes.

Ms. Smith received a notice from DHS that she needed to recertify for her TANF benefits by the end of December 2018. She completed a recertification and turned in the necessary paperwork on December 10 to the Fort Davis Service Center. At the end of the month, she called the DHS Call Center to ensure that her recertification had been processed. The Call Center representative told Ms. Smith that her recertification had not been processed and her paperwork had not been scanned in to the system by Fort Davis staff; therefore, the agency could not take any action and advised her to complete another recertification.

Ms. Smith completed a second TANF recertification on December 31, 2018. However, DHS staff did not process either recertification, and Ms. Smith was cut off from TANF in January.

Since she was cut off from TANF she also lost access to her vendor, meaning that she could not start classes for the spring semester at UDC. Only after Legal Aid contacted the agency on her behalf did Ms. Smith receive her January TANF benefits and reassignment to work with UDC Paths; however, she will not be able to enroll in classes at UDC until the fall semester, seven months after she should have been in class.

Our testimony today discusses a number of problems that the agency needs to address, including service delivery issues that affect District residents across multiple DHS programs, as well as concerns related to specific programs. Legal Aid urges the Committee to closely monitor the implementation of services. These are longstanding issues that, to date, have not been adequately addressed, and we urge the Committee to hold DHS accountable for addressing them.

Positive Actions DHS Has Taken in FY18 and FY19

Legal Aid commends the agency for its continuing implementation of reforms to TANF, including eliminating the TANF program's 60-month lifetime limit and reworking the individual responsibility plan system to be more responsive to the needs of consumers. Since April 2018 (the implementation of this programmatic change), we have found that Legal Aid clients are more aware of who their assigned vendor is and more engaged with their work vendors. Additionally, consumers have benefited from the agency's decision to open all service centers earlier beginning in July 2018.

We also appreciate DHS's successful delivery of February 2019 SNAP allotments two weeks early, under the threat of budget shortfalls related to the federal government shutdown, as well as the agency's communication with advocates and consumers, all on a very tight timeframe. DHS's responsiveness to the grave threat that the shutdown posed to struggling District residents, as well its accompanying outreach, were an example of the agency at its best.

Similarly, the Mayor, DHS, and its sister agencies have stood up for our immigrant neighbors by providing access to legal services and publicly opposing onerous changes to federal regulations governing "public charge" determinations which (if implemented) would result in immigrant families forgoing essential public benefits (to which they and/or their children are entitled) out of a fear of being unable to achieve legal permanent resident status. Legal Aid commends these efforts to defend communities that have been under constant attack in recent years.

Consumers Continue To Encounter Excessive Wait Times At ESA Service Centers

In spite of the positive steps noted above, however, there are a number of areas in which DHS continues to struggle, with perhaps the most prominent being its failure to effectively address long wait times at Economic Security Administration (ESA) service centers. For years, DHS has been telling this Committee that the agency understands that wait times are a problem and that they are working to address them. However, we are consistently seeing that these efforts have not been successful. ESA service centers continue to be plagued by long lines, presenting significant barriers for consumers to access the services and benefits that they need. We have numerous clients—including individuals who are elderly, living with disabilities, and/or caring for young children—whose benefits have been disrupted because the service center is “at capacity” within a couple of hours of opening.

Legal Aid has been monitoring the length of lines and wait times at the service centers since 2014, checking with those who are waiting to be seen to find out when they got in line and how long they’ve been there.⁴ In October and November of 2018, Legal Aid attorneys and volunteers visited the Taylor Street and H Street service centers before they opened (at about 7:00 a.m.) on 16 occasions.⁵ The pictures appended to this testimony reflect the lines prior to the doors opening at the H Street service center on October 5, 2018 and at the Taylor Street service center on October 10, 2018, respectively.

The chart below shows that the *latest* recorded arrival time for the first person in line was 4:30 a.m., and the *earliest* recorded arrival time was 2:45 a.m. In terms of the number of people waiting, the *shortest* line at the time that the doors opened was 27 people, and the *longest* line when the doors opened was 95 people.

Date	Service Center	Number of people in line when doors opened*	Time of arrival reported by first person in line
Oct. 5, 2018	Taylor Street	62	3:45 a.m.
Oct. 5, 2018	H Street	71	Not recorded
Oct. 9, 2018	Taylor Street	61	Approximately 3:45 a.m.
Oct. 10, 2018	Taylor Street	76	Not recorded

⁴ *Joint Testimony of Legal Aid Society of the District of Columbia and DC Fiscal Policy Institute for Public Oversight Hearing on the Performance of the Economic Security Administration of the Department of Human Services* (May 12, 2015), <https://www.legalaiddc.org/wp-content/uploads/2015/03/CSharon3.12.15.pdf>; Mosey, Sharon & Rivers, *Closing the Gap Between Policy and Reality: Preventing Wrongful Denials and Terminations of Public Benefits in the District of Columbia* (May 22, 2014), <https://www.legalaiddc.org/wp-content/uploads/2014/05/Closing-the-Gap-Final.pdf>.

⁵ In July 2018, DHS changed the hours that service centers opened from 8:30 a.m. to 7:30 a.m. in recognition that most customers visit during the morning.

Oct. 10, 2018	H Street	90	4:00 a.m.
Oct. 11, 2018	Taylor Street	58	3:45 a.m.
Oct. 15, 2018	H Street	71	Not recorded
Oct. 17, 2018	Taylor Street	60	4:00 a.m.
Oct. 17, 2018	H Street	54	4:30 a.m.
Oct. 18, 2018	Taylor Street	55	3:00 a.m.
Nov. 5, 2018	Taylor Street	55	4:30 a.m.
Nov. 7, 2018	Taylor Street	27	4:00 a.m.
Nov. 7, 2018	H Street	74	4:30 a.m.
Nov. 13, 2018	Taylor Street	52	2:45 a.m.
Nov. 13, 2018	H Street	95	Not recorded
Nov. 15, 2018	H Street	47	Not recorded

DHS responded in its oversight answers that the average wait times in the lobby were 120 minutes in the last quarter of FY18.⁶ However, as DHS has acknowledged, its data only take into account wait times *starting from the moment the customer reaches the front desk inside the service center*. DHS does not collect data regarding the length of lines outside of service centers.⁷ Thus, the agency’s estimated wait times do not consider how long the customer had to wait before they could enter the service center or make it to the front desk. To date, DHS has been unable to accurately capture the true time consumers spend waiting to receive service. Legal Aid supports the agency’s efforts, discussed at a recent meeting with advocates, to work with consultants to increase the accuracy of wait time measurements.

Additionally, the agency’s numbers do not account for consumers who never reach the front desk because they are turned away when the service center reaches capacity or because they cannot wait in excessively longlines. As Legal Aid has testified at DHS oversight hearings for the past two years, people seeking help at service centers continue to report that they are turned away when the centers reach capacity and told to come back another day.⁸ According to DHS, when the service centers reach “limited service” for the day, they no longer have the capacity to complete interviews so service center staff give consumers, apart from Alliance and TANF consumers, the option to drop off paperwork and complete a phone interview.⁹ In August 2018, three of the five service centers – Anacostia, Congress Height, and H Street – reached their capacity, thus triggering “limited service,” on average, *within two and a half hours of opening*.

⁶ DHS FY18-FY19 Performance Oversight Responses, Q27.

⁷ DHS FY18-FY19 Performance Oversight Responses, Q110(b).

⁸ See *Legal Aid Testimony Regarding Agency Performance Oversight for the Department of Human Services* (March 15, 2017), <https://www.legalaiddc.org/wp-content/uploads/2017/03/CRumer.3.15.17.pdf>; see also *Legal Aid Testimony Regarding Agency Performance Oversight for the Department of Human Services* (March 8, 2018), <https://www.legalaiddc.org/wp-content/uploads/2018/03/Legal-Aid-FY17-18-Performance-Oversight-Testimony-re-DHS-Service-Centers-Alliance-SNAP-FINAL.pdf>.

⁹ DHS FY18-FY19 Performance Oversight Responses, Q110(iv)-(v).

The agency acknowledged this issue at a recent meeting with advocates, admitting that service centers sometime reach capacity as early as 10:00 a.m. Additionally, DHS shared that their short term goal is for all service centers to have capacity to serve customers who arrive by 1:00 or 2:00 p.m. every day, which still means a significant number of consumers would not be able to receive same-day services considering that service centers do not close until 4:45 p.m.

This is the fifth year in a row that Legal Aid has documented and reported to the Council about these unconscionable wait times, and little has changed. The situation is nothing short of a crisis, and one that has gone largely ignored for much, much too long. It a shameful example of how the District's low-income residents experience government services, and this Committee should be outraged. We urge the Committee to engage in greater oversight during the remainder of FY19 to hold the District accountable for improving wait times in a meaningful way.

Further, we must acknowledge that, while staffing and service center hour changes are an important part of the solution, DHS and the Council cannot rely on these changes alone to solve the problem. We hope that DHS and the Committee will explore policy changes that will make it so that fewer people have to line up at service centers in order to conduct business with DHS. Chief among these policy solutions would be funding the DC Healthcare Alliance Re-Enrollment Reform Amendment Act, which the Council has already passed, and which would give Alliance enrollees (who must go down to the service centers twice a year to re-certify) more recertification options. We have noted repeatedly over the last year (and note again below) that funding this legislation would be greatly beneficial to Alliance enrollees, but it would also reduce the burden on the service centers by reducing the number of visits they would have to process.¹⁰ That, in turn, could potentially lower wait times for all District residents who ultimately do have to go to the service centers. DHS has had a number of years to attempt staffing and business process changes.

It is time for the Council to step in and consider policy reforms that would reduce the number of times District residents would have to visit service centers in the first place.

Overwhelmed Service Centers Continue To Lose Paperwork or Fail To Process Paperwork Timely, Resulting In Benefit Lapses Across ESA Programs

Addressing unacceptable wait times at services centers would go a long way to making it easier for struggling District residents to access (and maintain) public benefits. But this is only part of the battle. DHS must ensure that, once a consumer makes it in to the service center, they can rely on their paperwork being timely and accurately processed. We have testified in the past about

¹⁰ See *Legal Aid Testimony Regarding Agency Performance Oversight for the Department of Health Care Finance* (February 6, 2019), <https://www.legalaiddc.org/wp-content/uploads/2019/02/Legal-Aid-FY18-19-DCHF-Oversight-Testimony-Health-Care-Alliance-FINAL.pdf>; *Legal Aid Society Testimony Regarding Budget Oversight for the Department of Human Services* (April 12, 2018), <https://www.legalaiddc.org/wp-content/uploads/2018/04/Legal-Aid-Budget-Testimony-re-DHS-Public-Benefits-FINAL.pdf>

ESA's tendency to misplace documents.¹¹ Despite changes in its business processes, this remains a serious problem. Consumers do not feel comfortable leaving their paperwork with ESA workers because it may not be scanned in. What's worse, our clients report that service center employees are resistant to supplying a receipt, which is often vital to locating lost paperwork or addressing delayed benefits processing.

In Ms. Smith's case, discussed above, ESA's failure to timely process her paperwork set her back a whole semester in college. Ms. Smith's story demonstrates the high stakes our clients face when service centers misplace, or fail to timely process paperwork. Whether it's a missed school enrollment, missed rent, or a missed meal, the failure to adequately process "every day" paperwork can create personal crises for our clients.

Program-Specific Concerns

In addition to the concerns raised thus far, which impact District residents across multiple public benefits programs, Legal Aid also has a number of concerns related to specific programs. These include concerns related to Health Care Alliance, TANF, and POWER.

Health Care Alliance Beneficiaries Continue To Face Significant Barriers to Completing Recertification Requirements Due To Long Lines at the Service Centers

The Alliance's six month, in-person recertification requirement has been in place since 2012 and has proven to be extremely difficult for beneficiaries to satisfy. In order to participate in the in-person interview, enrollees typically go to ESA service centers every six months.¹²

As noted above, removing this requirement by funding the DC Healthcare Alliance Re-Enrollment Reform Amendment Act would significantly ease the burdens on vulnerable individuals attempting to recertify their coverage and likely lower the costs of the program in future years.¹³ But more than that, doing so is commensurate with the District's commitment to stand with its immigrant communities. By removing burdensome recertification requirements (that fall disproportionately on these communities and make it difficult for them to maintain essential health coverage) the Mayor and this Council can demonstrate that DC is not just a "Sanctuary City" but a city where all of its residents can thrive.

¹¹ See footnote 8, above.

¹² The Council has already taken significant steps towards protecting Alliance beneficiaries by unanimously passing the DC Healthcare Alliance Re-Enrollment Reform Amendment Act of 2017, which would repeal the current six-month, in-person recertification requirement and replace it with an annual certification schedule similar to what is already in place for Medicaid enrollees. The Act, however, was not funded during the FY19 budget process. Legal Aid urges the Mayor and the Committee to work together to fully fund the Act for FY20.

¹³ See footnote 11, above.

Alliance beneficiaries are particularly hard hit by the long lines at service centers. We have worked with clients who have made multiple unsuccessful attempts to recertify, only to be turned away at each visit and have their coverage terminated through no fault of their own. And the requirement that enrollees go through this process every six months (as opposed to the annual recertification schedule for Medicaid enrollees) doubles the opportunity to be dropped from coverage for failure to complete a difficult-to-obtain in-person interview.¹⁴

Legal Aid understands that DHS is piloting a new effort whereby Alliance beneficiaries can drop off their recertification paperwork when the service center is at capacity and complete the recertification process without having to return for a face-to-face interview. Legal Aid is eager to learn more about the implementation of these efforts and hopes they can serve as an important safeguard to prevent improper termination of coverage for Alliance beneficiaries attempting to complete the recertification requirements. However, care must be taken that ESA properly maintains and processes this paperwork, which, as we have noted above, is a problem that has plagued the agency across its programs.

The Agency Must Increase Communication With TANF Consumers and CSSD Regarding the “Good Cause” Exception to Cooperation in Child Support Cases

TANF recipients assign their right to receive child support to the District government while they are receiving TANF.¹⁵ This means that TANF recipients must cooperate with the District in identifying, locating, and establishing child support orders against the non-custodial parents of their children.¹⁶ If a TANF recipient does not cooperate with the government’s efforts to pursue child support from the non-custodial parent, the customer is subject to a TANF sanction equaling a 25% reduction in the family’s TANF grant.¹⁷

Under District law, it is well-established that a TANF recipient has “good cause” to avoid cooperation related to child support if “efforts to cooperate are reasonably anticipated to result in physical, sexual, or emotional harm”¹⁸ to either herself, her child, or her immediate family. However, when domestic violence survivors apply or recertify for TANF, they do not receive

¹⁴ DHCF’s oversight data show that during FY18, between 44% and 52% of Alliance enrollees up for recertification each month did not complete the recertification process. Over the opening months of FY19 (October, November, December, and January), these percentages ranged from 51% (October 2018) to nearly 66% (January 2019). DHCF FY18-FY19 Performance Oversight Responses, Q49. While the data does not include the reasons that Alliance beneficiaries failed to complete their recertification, we believe that lines outside of the service centers undoubtedly played a role.

¹⁵ D.C. CODE § 4-205.19(b).

¹⁶ D.C. CODE § 4-217.08(a).

¹⁷ 29 DCMR §§ 1715.2-.3.

¹⁸ 29 DCMR § 1709.1(a).

clear information from service center staff about how to obtain a “good cause” waiver for the child support cooperation requirements. As a result, many survivors’ benefits are sanctioned and their TANF is reduced. Further, in some cases, survivors turn over information about the non-custodial parent that could put their family at risk when the District pursues a child support case.

The Child Support Services Division (CSSD), a branch of the Office of the Attorney General, is the District entity responsible for pursuing support orders against non-custodial parents of TANF recipients. In order to obtain a “good cause” waiver, domestic violence survivors must go to CSSD in person and complete the necessary paperwork. However, caseworkers at ESA service centers do not clarify these instructions when they are working with survivors. Many consumers report that they have discussed the “good cause” waiver for child support cooperation when they completed their interview for a TANF application with service center staff. Clients often complete paperwork with the DHS caseworker to explain why they are requesting the waiver—because pursuing child support from their children’s parent could put their family at danger. These consumers, understandably, believe that they have obtained the “good cause” waiver because they have completed paperwork and formalized the request through DHS.

However, DHS does not tell consumers that the agency is only “flagging” cases for a potential waiver when they send CSSD information about TANF cases. This means that the burden still lies with the survivor to go to CSSD in person to complete a statement or submit related paperwork, such as a police report or Civil Protection Order, in order to obtain a “good cause” waiver.¹⁹ But because the parent doesn’t know about this extra step, CSSD requests that a sanction be imposed on the parent, which DHS will do *even if the agency has flagged the case as a potential good cause case*.

DHS should take two steps to ensure that domestic violence survivors, for whom TANF benefits are particularly critical, can obtain “good cause” waivers in order to prevent potential harm and/or the imposition of sanctions on the survivor’s TANF benefits.

First, the agency should take responsibility for better communications with CSSD to prevent survivors from being subject to inappropriate sanctions for non-cooperation with the child support sanction. As an initial matter, DHS should provide any paperwork that the TANF consumer provides, such as a statement explaining the request for the waiver or Civil Protection Order filings, to CSSD when DHS “flags” the case for CSSD. Additionally, when CSSD notifies DHS that the TANF consumer is not in compliance with the child support sanction, DHS should check its records to see if a case has been flagged before a sanction is imposed against a TANF recipient who has requested a “good cause” waiver. Before sending notice about child support non-compliance and imposing the sanction, DHS should send a letter explaining the steps the TANF recipient needs to take to obtain the “good cause” waiver from CSSD.

Second, the agency should conduct additional staff training around domestic violence for service center staff and instruct staff to provide clear, written instructions of necessary steps that the TANF recipient must take to obtain a waiver from CSSD. It is imperative that DHS caseworkers who complete TANF eligibility interviews explain the child support cooperation requirement,

¹⁹ 29 DCMR § 1712.

and the availability of a “good cause” waiver, to all consumers. Then, when a recipient requests a waiver, DHS staff should provide written instructions at the screening interview to explain the actions that the consumer needs to take to obtain a “good cause” waiver.

In the worst possible scenario, when DHS and CSSD do not communicate or take responsibility for administering the “good cause” waivers, then domestic violence survivors are placed at risk. For example:

OAG recently initiated a child support case against the abusive partner of one of our clients, a TANF recipient who had been the victim of abuse at the hands of her child’s father and had an active Civil Protection Order against him.

At that point, Legal Aid asked the OAG attorney not to pursue the case, given our client’s safety concerns and her request for a “good cause” waiver. The OAG attorney handling the support case initially denied the request, responding that the attorney had never heard of a “good cause” exception relating to domestic violence. It was only after Legal Aid’s active intervention that the OAG attorney agreed not to pursue the case.

Survivors of domestic violence in the District deserve better. They should not fear that pursuing critical financial assistance for their families will ultimately place their family at additional risk.

The Agency Continues to Experience Problems Administering the POWER Program

In addition to the child support cooperation requirement, TANF recipients are required to work with DHS to develop an individual responsibility plan and comply with TANF work requirements.²⁰ However, the Program on Work, Employment, and Responsibility (POWER) is available for TANF recipients who are experiencing long-term barriers to work participation, such as medical issues or domestic violence.²¹ As Legal Aid testified last year, DHS must improve its transparency in operating POWER and, in particular, POWER for domestic violence survivors.²²

When a TANF recipient is approved for POWER, he or she is assigned to a specific vendor to provide supportive services in addressing the recipient’s barriers to work. DC SAFE is the POWER vendor for survivors of domestic violence. SAFE was approved for a two year contract beginning in FY2018.

However, DHS stopped referring TANF recipients to DC SAFE for screening for POWER from the beginning of November 2018 until the end of January 2019 due to an unspecified problem

²⁰ D.C. CODE § 4-205.19d.

²¹ D.C. CODE §§ 4-205.72-.72a.

²² *Legal Aid Testimony Regarding Agency Performance Oversight for the Department of Human Services* (March 8, 2018), <https://www.legalaiddc.org/wp-content/uploads/2018/03/Legal-Aid-FY17-18-Performance-Oversight-Testimony-re-DHS-TANF-FINAL.pdf>.

with the contract. In mid-January, when advocates inquired about the reason that survivors were not being referred to POWER, the agency did not explain but stated that they were maintaining a waitlist for all FY19 domestic violence POWER referrals. DHS's inability to maintain active POWER referrals and screen individuals in a timely manner violates requirements under District law that the agency promptly screen individuals and make benefits determinations within 45 days. Additionally, any individuals whom DHS placed on a waitlist for a three-month period, without any explanation, were not receiving supportive services during that time. This is particularly problematic for survivors of domestic violence who require significant support in order to leave abusive situations. As a result, we believe that many survivors were left without the supportive services they need in order to preserve their safety.

Conclusion

The Committee needs to exercise on-going oversight, in the form of follow-up questions and, if necessary, further oversight hearings, to ensure that DHS takes affirmative steps to address what District residents are experiencing in regard to service center visits, excessive wait times, Alliance recertification requirements and implementation of the “good cause” waiver for child support cooperation and domestic violence POWER. We also hope that, as we move from performance oversight to the budget process, the Mayor and Council will work together to fund policy solutions that will address these problems. Improvements to service delivery would make a meaningful difference in the lives of many struggling District residents and strengthen the District’s safety net. We hope to see meaningful progress in the coming year.

LINE AT THE H STREET SERVICE CENTER ON OCTOBER 5, 2018
About 7:00 a.m. First person in line arrived at 3:00 a.m.



LINE AT THE TAYLOR STREET SERVICE CENTER ON OCTOBER 10, 2018
About 7:00 a.m.

