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Of Disability Advocacy
1973-2013

**Hearing on Waiving Work Requirements in the
Temporary Assistance for Needy Families (TANF) Program
February 28, 2013**

Written Testimony

**Subcommittee on Human Resources
Committee on Ways and Means
U.S. House of Representatives**

On behalf of the Consortium of Citizens with Disabilities (CCD) Temporary Assistance for Needy Families (TANF) Ad Hoc Task Force, we thank you for holding this hearing and appreciate the opportunity to submit written testimony. This testimony is being submitted on behalf of the Task Force by Co-Chairs Sharon McDonald, National Alliance to End Homelessness and T.J. Sutcliffe, The Arc of the United States.

CCD is a coalition of national disability organizations working together to advocate for national public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society. Since 1973, the CCD has advocated on behalf of people of all ages with all types of disabilities. CCD has worked to achieve federal legislation and regulations that assure that the nearly 57 million children and adults with disabilities are fully integrated into the mainstream of society. The CCD TANF Ad Hoc Task Force works to promote the employment and employment-readiness of parents in families that include a parent or a child with a disability who receive, or are eligible to receive, TANF assistance.

CCD strongly supports TANF waiver authority or other approaches to provide additional flexibility to states to test work activities and other strategies to improve the employment outcomes and self-sufficiency of families that include a person with a disability.

In his opening remarks, Chairman Reichert stated, “Americans consistently believe welfare should primarily serve as a bridge to self-sufficiency, empowering able-bodied recipients with the tools to secure a job, lift oneself out of poverty, and provide for one’s families.” Like other citizens, people with disabilities also believe that welfare benefits should primarily serve as a bridge to self-sufficiency, empower recipients with the tools to secure employment and ability to meet their families’ needs. This should also be the goal for families that include persons with disabilities. The current structure of the TANF program does not provide the right tools to

achieve this and instead hinders the ability of states to appropriately serve families that include a person with a disability.

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) introduced significant shifts to the provision of assistance to poor families. PRWORA instituted work requirements, time limits, and additional supports for families transitioning from cash assistance to employment. In the years immediately following the passage of PRWORA, cash assistance caseloads declined dramatically and employment among single mothers, aided by a strong economy, the expansion of the earned income tax credit and welfare reform, increased. However the increased employment was short lived – employment among single mothers with children has been declining since 2000.

The reduction in the number of families receiving TANF assistance contributes to the widespread perception that welfare reform is a success. And yet evidence emerged quite early that a subset of families were not well served. While the number of single-parent families with employment rose, so too did the number of single-parent families without income from employment or any forms of government cash assistance. The number of families living in deep poverty, with incomes below one-half of the poverty level, began to increase and then sharply accelerated when the unemployment rate began to creep up.

TANF Work Participation Rate Structure Disadvantages People with Disabilities

Among the families not well served by welfare reform are families that include a person with a disability. In large part, this is due to the inflexibility in the work participation rate and the narrow array of activities that states can count toward the work participation rate. These activities, and the hours that are required in order for families to be counted toward the work participation rate, are too rigidly defined to match the needs and potential of many families that include a person with a disability. The rigidity of this approach does not allow states to use all available options to create bridges to self-sufficiency for families dealing with a disability.

There is an array of challenges persons with disabilities may experience when trying to access TANF services. Families that include a person with a disability are often subject to the same pre-application requirements (e.g. job search) for assistance as other applicants, which may make it hard for them to access TANF assistance in the first place. Once enrolled, if appropriate screening or assessment tools are not in place, parents with disabilities may not be identified or linked to services that could help them succeed. As a result, families that include a person with a disability may be subjected to work requirements they are simply unable to meet. These families are at risk of sanctions - a partial or full reduction of cash assistance benefits - because they were unable, not unwilling, to meet the work requirements.

It is not surprising, therefore, that research has demonstrated that families that include a person with a disability are disproportionately represented among families who have been sanctioned. The challenge in accessing, and maintaining, connections to the TANF program for persons with disabilities can mean that many of the families most at-risk of chronic poverty are disenfranchised from the very program that should help them increase their self-sufficiency.

Families that include persons with disabilities who are able to sustain a connection to TANF programs may not receive appropriate services and supports to help them achieve greater self-sufficiency because the services they require, or the numbers of hours they can participate in

work activities, cannot be counted toward the work participation rate. Families with multiple and severe barriers to work, including disabling conditions, may require services that cannot be counted toward the work participation rate, or can only be counted for a small amount of time – less than what the families may require to achieve greater self-sufficiency. An example is rehabilitative services, which can only be counted for up to six weeks, or the equivalent number of hours, a year. This is simply insufficient for many families.

In addition, families' engagement in work activities can only be counted toward the work participation rate if they fulfill **all** of the required number of hours in a work activity – 20 hours a week for single parents of children age 6 and under and 30 hours for single parents of children over the age of 6. Some families that include a person with a disability can meet the expected level of work hours in work activities appropriately tailored to their needs. Other families require accommodation. Due to their own health needs, or their child's, some parents may only be able to participate in work activities 5 or 10 hours a week. The effort of parents who meet some, but not all, of the required hours in work activity cannot be counted toward the state work participation rate.

States are required to appropriately serve and accommodate families that include a person with a disability under the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. This requirement can come into direct conflict with states' primary goal of meeting the federal work participation rate.

States that do not meet the federal work participation rate are subject to financial penalties. As a result, states are under enormous pressure to invest in work activities, and in families, that can be counted toward the work participation rate. Too often, the services and accommodations that families that include a person with a disability require to succeed are not countable. And yet, states are mandated to provide appropriate services and accommodations to people with disabilities.

This can become a no-win situation for states. States can choose to provide families that include a person with a disability "activities that matter" regardless of whether the activity or the family can be counted toward the work participation rate if it helps families transition to greater economic self-sufficiency. These states may place themselves at risk of financial penalties when they are subsequently unable to meet the work participation rate. In order to avoid the penalties, states might choose to focus exclusively on activities, and families, that can be counted toward the work participation rate, leaving families that include a person with a disability without access to opportunities to improve their self-sufficiency. These states may be found in violation of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act for failing to make appropriate accommodations to people with disabilities.

The true victims of the inflexible work participation rate are families who face challenges accessing appropriately tailored services that could help them achieve greater economic self-sufficiency. If eligible families that include a person with a disability are fortunate enough to receive TANF assistance, they often are exempted from work participation activities. While some exemptions are necessary, it can deny families who could benefit from appropriately tailored supports, such as rehabilitative services, the opportunity to realize their full potential. Exemptions may minimize the risk that the families will be sanctioned and lose access to income supports, but it can also mean they are at heightened risk of languishing on state caseloads without ever been afforded the services that can help them escape poverty and increase their

income from employment. These families are disproportionately likely to reach time limits and lose benefits at that point.

It is unfortunate that the work participation rate as it is currently structured emphasizes adherence to monitoring compliance with regards to the activities and hours performed as opposed to whether those activities and hours are having its intended effect of moving families to greater self-sufficiency. States receive credit toward the work participation rate when the number of families receiving assistance declines, whether they have transitioned from welfare to greater self-sufficiency or have simply transitioned off of assistance and sunk into deeper poverty. Similarly states are evaluated solely on whether they are engaging the required number of families in the required number of hours, in narrowly defined work activities. The important questions of whether these interventions matter and whether they make a difference in helping families move toward greater self-sufficiency, are viewed as irrelevant under programs that are largely designed to meet the federal work participation rate and take advantage of credits for caseload reductions.

Previous Bipartisan TANF Reauthorization Proposals Recognized Need for Reform

A “Tripartisan Agreement” crafted by Senators Hatch, Breaux, Rockefeller and Jeffords to reauthorize TANF in 2002 put forward reforms that would have greatly improved how the TANF program serves families that include persons with a disability. While increasing the proportion of families on TANF assistance expected to meet the work participation rate, the Tripartisan Agreement also proposed improving services to families that include a person with a disability by:

- Extending the amount of time that parents could engage in rehabilitative services and be counted toward the work participation rate to six months to help parents with disabilities combat barriers to employment;
- Requiring TANF agencies to review Individual Responsibility Plans prior to imposing sanctions to reduce inappropriate sanctions for families unable to comply with work requirements; and
- Providing partial credit toward the work participation rate for families who are able to meet some, but not all, of the required number of hours in approved work activities.

The Personal Responsibility and Individual Development for Everyone (PRIDE) bill, which received bipartisan support in the Senate Finance Committee in 2005, also increased the proportion of a state’s TANF caseload that was expected to engage in work activities, and slightly increased the number of hours parents were required to work. At the same time, the PRIDE bill also expanded the work activities families could participate in that could be counted toward the state’s work participation rate, including allowing families engaged in rehabilitative services to be counted toward the work participation rate for up to six months, with a possibility of extension, to combat barriers to employment. PRIDE also would have provided states with partial credit for families meeting some, but not all of the work hours in work activities. PRIDE also instituted mechanisms to prevent the inappropriate application of sanctions on families unable to meet work participation requirements. PRIDE further proposed providing credit to the work participation rate for states that showed gains in improving the *employment outcomes* of families on TANF as opposed to providing a credit for reducing the number of families TANF agencies serve.

Ultimately, the TANF program was reauthorized in the Deficit Reduction Act of 2005. This reauthorization provided none of the improvements to the TANF program identified above to make it easier for states to serve people with disabilities. Instead, reauthorization had the impact of reducing state flexibility to use TANF and MOE resources to assist people with disabilities. The recalculation of the state credit for caseload reductions required states to engage more families on the TANF caseload and the activities that could count as work were more narrowly defined by the U.S. Department of Health and Human Services. While some modifications have been adopted, including allowing some parents providing care to a disabled family member to be exempted from the work participation rate calculation, the program provides limited tools to states to appropriately serve, and receive credit for serving, families that include a person with a disability.

Improvements to TANF Are Needed

TANF does need to be reauthorized. A thoughtful reauthorization of TANF must involve careful consideration of what has and has not worked in helping families make the transition from welfare to work. It must include a thorough exploration of how well the program is functioning as a safety net when less than half of families believed to be eligible are accessing assistance – including less than half of homeless families seeking emergency shelter. This means families without the ability to take care of their most basic needs are not being helped by the TANF program. More evidence is needed about what are the most effective strategies to help particularly vulnerable subsets of families make the transition to work – including families that include a parent or a child with a disability.

The Information Memorandum released by the Administration for Children and Families provides an opportunity for states to test new approaches that can be used to assist families that many states are currently overlooking. Importantly, the Information Memorandum requires that states adopting a waiver collect evidence of the efficacy of the approaches used – which can provide valuable information for TANF reauthorization that can better serve all poor families with children in today's economy.

Congress can also take action and pass legislation that conveys to states the expectation, and the flexibility to meet that expectation, that all families will be provided the tools they require to achieve greater self-sufficiency through participation in the workforce and that all families with children are protected from deepening poverty.

Cover Sheet/Supplemental Contact Information

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