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**Testimony before the Committee on Human Services  
March 22, 2012**

**TANF Time Limit Amendment Act of 2012  
B19-704  
And  
TANF Sanction Policy Approval Resolution of 2012  
PR19-593**

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Good morning Chairman Graham and members of the committee. My name is Sharra E. Greer. I am the Policy Director at Children’s Law Center<sup>1</sup> (CLC) and a resident of the District. I am testifying today on behalf of CLC, the largest non-profit legal services organization in the District and the only such organization devoted to a full spectrum of children’s legal services. Every year, we represent more than 1,200 low-income children and families, focusing on children who have been abused and neglected and children with special health and educational needs. Many of these children are living in homes that are currently receiving Temporary Assistance to Needy Families (TANF) through the Department of Human Services (DHS).

I appreciate the opportunity to testify at today’s hearing on both the proposed bill regarding time limits for TANF participants (B19-704) (“the Bill”) and the TANF sanction policy (PR19-593) (“the Policy”). The two proposals before the Council have the potential to do much good and much harm. CLC supports those sections of the Bill, introduced by Mr. Graham and Mr. Brown, which recognize that cuts and changes to TANF eligibility should reflect the fact that the program is in the process of being reformed and thus should be implemented responsibly and effectively. The Bill also recognizes that some circumstances warrant exemption from the District’s new limitations on the amount of time a family can participate in the TANF program. The Bill appropriately sets out certain categories and situations, for example periods of disability, which would not count for purposes of limiting the time of enrollment. The Policy before the Council addresses instances when a family is not compliant with the TANF program. Although it adds important specificity to when and how a person may be sanctioned, it takes the drastic step of extending those sanctions to entire families. CLC believes that cutting an entire family’s source of support because of the non-compliance of one individual is irresponsible, unnecessarily harsh and could have disastrous consequences for the children who are caught in the middle.

My testimony will address the Bill and the Proposal separately. However, before I address the specific proposals I would like to point out the important role that TANF plays in meeting the needs of the 31% of children living in DC below the poverty line.<sup>2</sup> As you know, TANF is available only to families and is therefore a targeted measure with the unique ability to help this very significant portion of our children. TANF is an important mechanism to help a family through hard times and unexpected circumstances. The economic times are still very tough. As of January 2012, TANF had 17,602 open cases that included 31,404 children – an increase of more than 1,000 cases from January 2009.<sup>3</sup> DC also has a city-wide unemployment rate of 9.9%.<sup>4</sup>

While, by definition, all families on TANF have children, 46% of TANF families in DC have at least one child under the age of three – a critical stage in a child’s development.<sup>5</sup> During the first three years of life, an important foundation is created for a lifetime of health and ability. What each child experiences during this period of rapid physical and mental growth --- both positive and negative --- will influence how and what he or she learns.<sup>6</sup> A wealth of research shows that stress and trauma during this time can have lifelong negative consequences.<sup>7</sup>

Cutting a family’s welfare benefits impacts more than their already low income. When a family’s benefits are lowered, or if a family is terminated from the program altogether without a likelihood of obtaining gainful employment, they are at risk to experience significant material hardships. These hardships include trouble paying for housing or utilities, health problems and hunger.<sup>8</sup> Young children have a significantly increased rate of hospitalizations and increased rates of food insecurity in these situations.<sup>9</sup> Children also do worse in several developmental areas and have lower scores on tests of quantitative and readings skills.<sup>10</sup>

More alarming is the link between the reduction in welfare benefits and an increase in child maltreatment as measured by contact with child protective services, substantiated cases of physical

abuse and neglect and by numbers of children in foster care.<sup>11</sup> Every year in DC, many children enter foster care simply because their parents do not have adequate housing.<sup>12</sup> If thousands of families are benefits are reduced or eliminated and parents are unable to pay their rent, it seems likely many of these families would be reported to CFSA for neglect and without any means to assist these families with housing, many of these children may enter the child welfare system.

There is no dispute that the local TANF program needs significant reform. In response, DHS has designed and, over the past year, begun to launch a redesign of the TANF program. The goal is for TANF to feature enhanced customer assessment and personalized referrals – focusing on actual job placements, work readiness, and barriers to both employment and financial stability.<sup>13</sup> DHS piloted a program in the spring of 2011 with 164 participants<sup>14</sup> and has begun the task of new individualized assessments and Individualized Responsibilities Plans [IRP's] for participants. So far, the pilot of this program and initial new assessments and IRP's has been a success. TANF participants dramatically increased participation in work activities, with the number of families participating in work activities jumping from 18% to 56%.<sup>15</sup> DHS is now working to expand the pilot to its whole TANF population.<sup>16</sup> This is an ambitious program with great potential, but it will take time to implement.

### **TANF Time Limit Amendment Act of 2012**

Legislation enacted last year made drastic cuts to TANF.<sup>17</sup> For the first time, families receiving this very critical support saw their benefits cut by 20% with the prospect of even greater cuts coming annually.<sup>18</sup> Any family who has been on TANF for at least 60 months was subject to the cuts. As a result of the first round of cuts in 2011,<sup>19</sup> 6,179 families are currently receiving a reduced payment and DHS expects approximately the same number to be cut again in October 2012.<sup>20</sup> If the caseloads remain constant this means that nearly 14,000 children will be affected.<sup>21</sup> The current law

would impose additional cuts in October 2012 and eventually eliminate all benefits after 60 months. This reduction would happen categorically with no exception for extenuating circumstances.<sup>22</sup>

The Bill makes several important changes to the law that will protect families from arbitrary, premature cuts. First, the Bill suspends the cuts for a year and a half – until October 2013 – allowing a reasonable timeframe for DHS to implement their TANF redesign. As the law is currently written, the next round of benefit cuts is scheduled to take place in October 2012. This means that thousands of families will see an additional 25% reduction in their principal source of income<sup>23</sup> – and the vast majority of them will not have benefited from the reforms yet, which means that in many cases they will not have the tools necessary to rejoin the workforce. DHS recently stated in its Performance Oversight answers to the Council that they will be able to complete new assessments and IRP's for the 3,000 TANF recipients currently participating with a vendor<sup>24</sup> by April 2012. However, they are not currently capable of serving the entire work-eligible population of 15,000 and do not expect to be able to within the year.<sup>25</sup> This mismatch puts not just the individual children and families who won't be served at risk – but it threatens to overwhelm our already stretched District wide human services agencies. This Bill could help to prevent that.

Second, the Bill would follow the lead of many other States and recognize that there may be periods of time during those 60 months where an individual's situation would reasonably warrant an exemption from TANF limitations.<sup>26</sup> For example, this Bill would wisely not include any months when an individual was a victim of domestic or family violence and receiving relevant support or counseling services. This would help to ensure that the time frame being considered is truly the time frame during which the individual in need is able to access and benefit from the training, resources and other supports that the reformed TANF program will provide.

Finally, in addition to addressing the limits themselves, this Bill also ensures that 12 months before an individual loses his or her benefits because of the time limits, the District must offer that

person an updated assessment and determine his or her exemption status, current barriers to employment and complete an updated IRP. While this provision addresses the need to ensure that families are not being prematurely cut off with a plan that is not tailored to their needs, it does not fully solve the problem. In order to be most effective, we suggest that the Bill also require that an individual would receive a minimum of 12 months of services after this assessment is completed. Given the pace at which DHS has stated they are completing assessments and enrolling participants in services, it is essential that individuals are not simply assessed but also provided services. We suggest the Bill include an additional exemption to the time limit requirements, similar to the exemption that currently exists under Maryland law, for any periods when DC does not provide the services that it identifies in the participant's IRP.<sup>27</sup> This exception could be very important as DHS will likely identify issues related to health, housing, and substance abuse for which services will not be immediately available.<sup>28</sup>

### **TANF Sanction Policy Approval Resolution of 2012**

The second consideration before this committee today relates to sanctions. As you know, DHS has submitted a proposed rulemaking outlining the procedure for sanctioning families when they are non-compliant with the TANF regulations. While CLC appreciates the steps that this regulation would take toward specificity and toward requiring DHS to make minimum efforts to contact a family before sanctioning them, the regulation is still problematic.

There are reasons to be skeptical of any kind of financial sanction for families who need the subsistence level support provided by TANF. These families are likely to face more barriers to compliance with the proposed regulations. In fact, the pre-employment and job readiness skills that many of these families are likely to need, as well as the additional barriers they face, prior to securing gainful employment are some of the same skills that they will require to comply with their own IRP's. As DHS has begun implementing their new assessments of TANF families they have found

the principal barriers among consumers include: homelessness or housing instability, little or poor work history, low job skills, very low education, mental health issues and poor health.<sup>29</sup>

Even more important than the likelihood of compliance is the research that demonstrates that sanctioning these families has the potential to be more expensive and do more harm than good. Sanctioning families at their time of greatest need will increase the pressures on the family and increase the likelihood of negative outcomes. Research has shown that these outcomes can include child food insecurity and drastically increased hospital emergency visits – both of which cost the families and our city in the long run.<sup>30</sup> We also know that sanctions do not simply provide a short-term punishment for the non-compliant person, but that they can have life-long consequences for the children in these families. Studies have demonstrated that both preschoolers and adolescents in sanctioned families were at a greater risk for behavioral problems and lower test scores than children in families that hadn't been sanctioned.<sup>31</sup>

This regulation provides for the harshest possible form of punishment on an entire family. The sanctions take a three step approach, but steps 2 and 3 require that the entire TANF benefit for a whole family could be cut off with no possibility of reinstatement until the entire term of the sanction is served. This means that a family, who is by definition, needy with children, could have their entire income cut off for between 3 and 6 months, leaving the family with no options to remedy the situation. CLC understands the need to find ways to ensure compliance with the program regulations; however this form of draconian punishment is directed at hurting the most vulnerable. It is not an individual sanction which removes the benefit of the adult non-compliant person; it is a full family sanction which could leave children with nothing for half of a calendar year.

### **Conclusion**

In conclusion, CLC understands that the Council and the Mayor are attempting to reform the TANF program. During this period of change it is important that the reforms match the reality.

If the TANF program redesign is to be a success, it must actually be implemented before more families see their benefit cut. CLC also supports the efforts to ensure that as the District begins to limit the amount of time a family can participate in the TANF program, it adds important exemptions, where families might have extenuating circumstances and increased need. Finally, we remain very concerned about the impact of full family sanctions.

Thank you for the opportunity to testify. I am happy to answer any questions you may have.

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<sup>1</sup> Children’s Law Center works to give every child in the District of Columbia a safe home, meaningful education and healthy life. As the largest nonprofit legal services provider in the District, our 80-person staff partners with hundreds of pro bono attorneys to serve 1,200 at-risk children each year. Applying the knowledge gained from this direct representation, we advocate for changes in the city’s laws, policies and programs. For more information, visit [www.childrenslawcenter.org](http://www.childrenslawcenter.org).

<sup>2</sup> Child Poverty in the United States 2009 and 2010: Selected Race Groups and Hispanic Origin; Number and Percentage of Children in Poverty in the Past 12 Months by State and Puerto Rico: 2009 and 2010; by Suzanne Macartney; US Census Bureau, US Department of Commerce, Table 1, pg 9, Issued November 2011 <http://www.census.gov/prod/2011pubs/acsbr10-05.pdf/>.

<sup>3</sup> Department of Human Services, Performance Oversight Answers, 2/27/2012, pg. 36 [http://www.dccouncil.us/files/user\\_uploads/budget\\_responses/fy11\\_12\\_agencyperformance\\_deptofhumanservices\\_responses.pdf](http://www.dccouncil.us/files/user_uploads/budget_responses/fy11_12_agencyperformance_deptofhumanservices_responses.pdf).

<sup>4</sup> United States Department of Labor, Bureau of Labor Statistic – Unemployment Rates, Seasonally Adjusted information as of January 2012. <http://www.bls.gov/lau/>.

<sup>5</sup> *District of Columbia’s Infants, Toddlers, & Families: Strong Families*, Zero to Three, National Center for Infants, Toddlers and Families; <http://www.zerotothree.org/public-policy/state-community-policy/baby-facts/district-of-columbia-baby-facts-with-citations.pdf> Citing to: U.S. Department of Health and Human Services, Administration for Children and Families, Office of Family Assistance, “Table 34: Temporary Assistance for Needy Families – Active Cases, Percent Distribution of TANF Youngest Child Recipient by Age Group.” U.S. Department of Health and Human Services, 2009, [www.acf.hhs.gov](http://www.acf.hhs.gov).

<sup>6</sup> See *Improving Part C Early Intervention: Using What We Know About Infants and Toddlers With Disabilities to Reauthorize Part C of IDEA*, Zero to Three Policy Center, February 2003. <http://main.zerotothree.org/site/DocServer/PartC.pdf?docID=567&AddInterest=1161>.

<sup>7</sup> In Brief: *The Impact of Early Adversity on Children’s Development*; Harvard University Center on the Developing Child; [http://developingchild.harvard.edu/resources/briefs/inbrief\\_series/inbrief\\_the\\_impact\\_of\\_early\\_adversity/](http://developingchild.harvard.edu/resources/briefs/inbrief_series/inbrief_the_impact_of_early_adversity/)

<sup>7</sup> West Coast Poverty Center, Review of Research on TANF Sanctions, Report to Washington State WorkFirst SubCabinet,(2006).

<sup>8</sup> West Coast Poverty Center, Review of Research on TANF Sanctions, Report to Washington State WorkFirst SubCabinet,(2006).

<sup>9</sup> Children’s Sentinel Nutrition Assessment Program, *The Impact of Welfare Sanctions on the Health of Infants and Toddlers*, 4 (July 2002). Infants and toddlers (up to the 3 years) in families who benefits had been terminated or reduced had a 30% higher risk of having been hospitalized, a 90% higher risk of being admitted to the hospital when visiting an emergency room and a 50% higher risk of being food insecure than children in families whose benefits had not been decreased.

<sup>10</sup> West Coast Poverty Center, *Review of Research on TANF Sanctions, Report to Washington State WorkFirst SubCabinet*, 36 (2006).

<sup>11</sup> The largest and most comprehensive study, which reviews data from all states from 1990-1998: Christina Paxson & Jane Waldfogel, *Welfare Reforms, Family Resources, and Child Maltreatment*, Journal of Policy Analysis and Management, Vol. 22, No. 1 (2003). Two other studies (of Michigan and Illinois) found a link between family sanctions and increased contact with child protective services or the increased odds of having a child maltreatment allegation. Although one



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- study (Milwaukee) found no link between family sanctions and child welfare involvement. West Coast Poverty Center, *Review of Research on TANF Sanctions, Report to Washington State WorkFirst SubCabinet*, 37 (2006).
- <sup>12</sup> Government of the District of Columbia, Child and Family Services Agency, Implementing the Adoption and Safe Families Amendment Act of 2000 in the District of Columbia (2009 Annual Report), 31.
- <sup>13</sup> District of Columbia Department of Human Services, *The Redesign of DC's Temporary Assistance for Needy Families (TANF) Program*, 2001.  
[http://newsroom.dc.gov/show.aspx?agency=dhs&section=2&release=22363&year=2011&file=file.aspx%2frelease%2f22363%2fTANF\\_RedesignWhitePaperFinal26Aug11.pdf](http://newsroom.dc.gov/show.aspx?agency=dhs&section=2&release=22363&year=2011&file=file.aspx%2frelease%2f22363%2fTANF_RedesignWhitePaperFinal26Aug11.pdf).
- <sup>14</sup> Coventry, Kate, *TANF Pilot Success Confirms that Program Moving in the Right Direction*, DC Fiscal Policy Institute, March 12, 2012, <http://www.dcfpi.org/tanf-pilot-success-confirms-that-program-moving-in-the-right-direction>.
- <sup>15</sup> Coventry, Kate, *TANF Pilot Success Confirms that Program Moving in the Right Direction*, DC Fiscal Policy Institute, March 12, 2012, <http://www.dcfpi.org/tanf-pilot-success-confirms-that-program-moving-in-the-right-direction>.
- <sup>16</sup> As of February 23, 2011 1830 new assessments were completed with 485 detailed IRP's completed. DHS Performance Oversight Questions 2/27/2012, pg 41  
[http://www.dccouncil.us/files/user\\_uploads/budget\\_responses/fy11\\_12\\_agencyperformance\\_deptofhumanservices\\_responses.pdf](http://www.dccouncil.us/files/user_uploads/budget_responses/fy11_12_agencyperformance_deptofhumanservices_responses.pdf).
- <sup>17</sup> See Fiscal Year 2011 Supplemental Budget Support Emergency Act of 2010 Legislation # B18-1098 Act # A18-0694, pg 15 Enacted January 19, 2011, Expires April 19, 2011.
- <sup>18</sup> See D.C. Code §4-205.52 (c-2) pursuant to DC Code §4-205.11b.
- <sup>19</sup> D.C. Codes 4-205.52(c-2).
- <sup>20</sup> See Department of Human Services, Performance Oversight Answers, 2/27/2012, pg. 37  
[http://www.dccouncil.us/files/user\\_uploads/budget\\_responses/fy11\\_12\\_agencyperformance\\_deptofhumanservices\\_responses.pdf](http://www.dccouncil.us/files/user_uploads/budget_responses/fy11_12_agencyperformance_deptofhumanservices_responses.pdf).
- <sup>21</sup> See *id.*
- <sup>22</sup> See D.C. code §4-205 et al (and specifically 4-205.11b).
- <sup>23</sup> See D.C. Code § 4-205.52 (c-3)(1).
- <sup>24</sup> According to DHS oversight answers— after a participant has been assessed DHS is referring them to an appropriate vendor and service provider in order to use the assessment to develop an IRP tht will address their goals, strengths and barriers. See Department of Human Services Performance Oversight Answers 2/27/2012 pg 41  
[http://www.dccouncil.us/files/user\\_uploads/budget\\_responses/fy11\\_12\\_agencyperformance\\_deptofhumanservices\\_responses.pdf](http://www.dccouncil.us/files/user_uploads/budget_responses/fy11_12_agencyperformance_deptofhumanservices_responses.pdf).
- <sup>25</sup> See Department of Human Services, Performance Oversight Answers, 2/27/2012, pg. 42  
[http://www.dccouncil.us/files/user\\_uploads/budget\\_responses/fy11\\_12\\_agencyperformance\\_deptofhumanservices\\_responses.pdf](http://www.dccouncil.us/files/user_uploads/budget_responses/fy11_12_agencyperformance_deptofhumanservices_responses.pdf).
- <sup>26</sup> Schott, Liz; "State Choices on Time Limit Policies in TANF-Funded Programs," Center on Budget and Policy Priorities, September 1, 1998. This article outlines exemptions and exceptions to TANF time limits and discusses examples of policy options states had enacted to address this. See Also COMAR 07.03.20 (B)(4)(2011) Time Limits .
- <sup>27</sup> See COMAR 07.03.20 (B)(2)(2011) Time Limits.
- <sup>28</sup> See Department of Human Services Performance Oversight Answers 2/27/2012 pg 42  
[http://www.dccouncil.us/files/user\\_uploads/budget\\_responses/fy11\\_12\\_agencyperformance\\_deptofhumanservices\\_responses.pdf](http://www.dccouncil.us/files/user_uploads/budget_responses/fy11_12_agencyperformance_deptofhumanservices_responses.pdf).
- <sup>29</sup> See Department of Human Services Performance Oversight Answers 2/27/2012 pg 42  
[http://www.dccouncil.us/files/user\\_uploads/budget\\_responses/fy11\\_12\\_agencyperformance\\_deptofhumanservices\\_responses.pdf](http://www.dccouncil.us/files/user_uploads/budget_responses/fy11_12_agencyperformance_deptofhumanservices_responses.pdf).
- <sup>30</sup> A 2002 study found that infants and toddlers in welfare sanctioned families had a 90% greater risk of being admitted to the hospital and a 50% greater risk of food insecurity than non sanctioned families. *The Impact of Welfare Sanctions on the Health of Infants and Toddlers: A report from the Children's Sentinel Nutrition Assessment Program*; July 2002.  
[http://www.childrenshealthwatch.org/upload/resource/welfare\\_7\\_02.pdf](http://www.childrenshealthwatch.org/upload/resource/welfare_7_02.pdf).
- <sup>31</sup> Meyers, et al. (2006) (citing P. Lindsey Chase-Lansdale, et al., *Welfare Reform: What About the Children*. Policy Brief 02-1. (Welfare Children, and Families: A Three State Study, Johns Hopkins University, 2002)).