



616 H Street, NW · Suite 300
Washington, DC 20001
T 202.467.4900 · F 202.467.4949
www.childrenslawcenter.org

**Testimony before the Committee on Human Services
December 11, 2012**

**TANF Sanction Policy Approval Resolution of 2012
PR19-1072**

**Sarah King
Policy Attorney
Children's Law Center**

Good morning Chairman Graham and members of the committee. My name is Sarah King. I am a Policy Attorney at Children's Law Center¹ (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 2,000 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 for Needy Families (TANF) through the Department of Human Services (DHS).

I appreciate the opportunity to testify at today's hearing on the proposed TANF sanction policy (PR19-1072) ("the Policy"). Before I begin, I would first like to take the opportunity to thank DHS for being so willing to meet with the advocacy community on the proposed rules and regulations throughout the TANF redesign process. CLC looks forward to an on-going partnership with DHS as they continue this redesign, making the District's TANF program one that is able to truly assist families in addressing the barriers to employment so that they may join the workforce and become self sufficient.

While we acknowledge and appreciate the time that DHS has spent working with us during this process, CLC still has significant concerns regarding the Policy before the Council today. As you know, this Policy addresses instances when a family is not compliant with the TANF program. I will address the specifics of our concerns in detail; however before I do that it is important to point out that although this Policy does provide for a tiered approach to sanctions, it also includes the drastic step of ultimately extending those sanctions to entire families and their children. CLC is opposed to this approach and firmly believes that cutting an entire family's source of support because of the non-compliance of one individual is unnecessarily harsh and could have disastrous consequences for the children who are caught in the middle.

While, by definition, all families on TANF have children, 47% of families receiving TANF in DC have at least one child under the age of three – a critical stage in a child’s development.² 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.³ A wealth of research shows that stress and trauma during this time can have lifelong negative consequences.⁴ We are very concerned that full family sanctions have the potential to significantly increase the stress and trauma that the children in these families experience.

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.⁵ Young children have a significantly increased rate of hospitalizations and increased rates of food insecurity in these situations.⁶ Children also do worse in several developmental areas and have lower scores on tests of quantitative and readings skills.⁷

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.⁸ We are additionally concerned with how housing instability will be affected if families lose their benefits and the parents are unable to pay their rent. We know that children have entered foster care in DC when they did not have adequate housing and we are concerned that this Policy could exacerbate that problem.⁹

TANF Sanction Policy Approval Resolution of 2012

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 this Policy is an improvement from prior versions, significant concerns remain. After reviewing the Policy, a coalition of advocates proposed several deletions for the Committee to consider as possible ways to address many of the concerns. CLC supports these recommendations and has attached them to our testimony today.

DHS presents the TANF reforms and corresponding sanction Policy as one focused on participant engagement however, our two largest concerns about the Policy focus on barriers to exactly the kind of engagement that DHS hopes to encourage. I will focus today specifically on the requirement for families under a Level 3 or Level 4 sanction to reapply for TANF benefits altogether and for the type of outreach that DHS is mandating to families from their vendors prior to the start of the sanction process.

Reapplication Requirement

As currently written, if a TANF customer receives a Level 3 or Level 4 sanction, that individual's entire family is dropped from the TANF program, and would be required to reapply before the benefits would be reinstated.¹⁰ This is problematic for several reasons.

First, it does not appear that this will actually encourage compliance with the customers Individual Responsibility Plan (IRP)¹¹. If a customer has not been able to comply to this point with their IRP, we are concerned that severing his or her ties to the TANF program will only make compliance more difficult and less likely. We understand that DHS wants to impose strong sanctions on these families, not as punitive measures, but to send a message that would bring them back into the program. However dropping these families from the program completely will instead put additional barriers in their way to compliance, and ultimately work participation. While it is our

understanding that DHS plans, at some point, to create a system where these former TANF customers can go to DHS, or to a different vendor, to continue working on their IRP's, we have seen no indication of what such a system would look like. We have no details about how DHS would actually facilitate customer participation after severing their enrollment. Until DHS actually develops and implements such a solution we are left with what they have written into the Policy before us. CLC believes that, as written, this measure will be a barrier, not an aid, to customer engagement.

Second, if Level 3 and 4 sanctions mean that the family is dropped from TANF, it may also mean that the family will lose its child care voucher. As it stands currently, when a family is enrolled in the TANF program, they are eligible to receive a voucher for subsidized child care.¹² These vouchers are an important piece of the family engagement, work participation picture. As we know that these are families whose resources are already stretched very thin, if they lose their entire TANF financial assistance and their child care voucher at the same time, obtaining child care may be far too great of a challenge to manage. If the parents have nowhere for their children to go during the day, complying with their IRP's and getting back to work will become virtually impossible. This is a vicious cycle from which the family may never emerge.

In addition to creating a cycle of poverty that the TANF program is supposed to help break and not perpetuate, there is some evidence that instability in child care may harm child development, particularly in young children and children from low income families.¹³ Connections have been established between child care stability and social competence, behavior outcomes, cognitive outcomes, language development and other outcomes.¹⁴ If this Policy puts families in a situation where their child care voucher is terminated, children will experience the instability of having no regular care giver, or at a minimum, a disruption in care givers.

We do not support including provisions in this Policy that would be unnecessarily destabilizing to children and that would create even higher bars to parental work participation. While there might be a middle ground where even in the event a participant is sanctioned in a way that they are removed from the TANF program, they do not lose their eligibility for a subsidy, we have not seen DHS propose a solution addressing this point. Absent a formal written plan to address retention of the subsidies, the Policy could cause potentially harmful disruptions to child care in these families.

We are further concerned that the logistics of removing a family from the TANF system entirely, and forcing them to reapply from scratch before reinstating their benefits, would result in administrative challenges that would ultimately be additionally punitive to children and families. Our understanding is that a family would not immediately begin receiving their benefits the day that they demonstrated compliance for the required period, but that they would have to reapply and then wait for the next payment cycle, which could result in several weeks of unnecessary delay.

All of these factors mean that a family, who is by definition, needy with children, could have their entire income cut off for multiple months, leaving the family without the ability to remedy the situation and the children with no form of support.

Outreach Requirement

DHS has suggested to the community that they hope TANF customers will never reach the final levels of the sanction Policy because there are so many interventions along the way. While DHS has created a Policy that it hopes will foster customer engagement, the provision surrounding outreach when families are struggling to comply falls short. The effectiveness of the entire Policy is based around the premise that a customer will be in such close and constant contact with his or her provider and will have so many chances to comply that they will never reach the harshest elements

of the sanction Policy. However, as it is currently written, many customers may never know that they are at risk for a sanction in the first place. Under this proposal, when DHS determines that a customer is at risk of non-compliance, the provider is only required to attempt to reach out to the family three times, using two different methods of contact before the sanction process begins. These methods of contact are not defined, so this outreach could be as simple as two phone calls and a letter. While this might sound like a thorough approach, upon closer inspection, it is troubling.

These families are among the most vulnerable in our city. As DHS has begun the assessment process, as part of the redesigned TANF program, they have found the barriers to employment faced by TANF participants include homelessness, very low education, mental health issues and poor physical health.¹⁵ Those findings make it clear that the very reason many of these individuals need the assistance of the TANF program is because they do not have one stable address, or they have a low literacy level or mental health challenges that make participating in the traditional work force very difficult.

If this is the case, vendors could likely find themselves calling a phone number that is disconnected or sending a letter to an invalid address, or to a person who may not be able to read it, making this outreach unreliable and ineffective. This approach has the potential to undermine the entire process to engage families before they reach the point of sanction. If the family is experiencing increased difficulties and is never made actually aware that they are in danger of sanction, we may as well skip to the very last step of the sanction process as it is highly unlikely that anything will change to assist with compliance.

We encourage DHS to consider other options, such as a home visit, when telephone and mail outreach proves unsuccessful. CLC supports the DHS efforts to work with families and find

the IRP that is best for them, but if families are never effectively contacted to come in and negotiate that plan in their time of need, we may never have the chance to see it succeed.

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

¹ 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.

² 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, 2010, <http://www.acf.hhs.gov/programs/ofa/resource/character/fy2010/fy2010-chap10-ys-final> , Appendix Table 34, line 19.

³ 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>.

⁴ 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/

⁴ West Coast Poverty Center, Review of Research on TANF Sanctions, Report to Washington State WorkFirst SubCabinet,(2006).

⁵ West Coast Poverty Center, Review of Research on TANF Sanctions, Report to Washington State WorkFirst SubCabinet,(2006).

⁶ 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.

⁷ West Coast Poverty Center, *Review of Research on TANF Sanctions, Report to Washington State WorkFirst SubCabinet*, 36 (2006).

⁸ 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 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).

⁹ 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.

¹⁰ Third Proposed Rulemaking TANF Sanction Policy 5812.8 (c) (d)

¹¹ The IRP is the plan developed between the individual and the agency which outlines what the individual is expected to do in order to address barriers to employment.

¹² DCMR 29-380 District Subsidized Child Care Services 380.6(a) A family receiving subsidized child care services on October 1, 2009, with an income equal to or below three hundred percent (300%) of the federal poverty guidelines or eighty five percent (85%) of the District of Columbia median income, whichever is lower, shall continue to be eligible to participate in the District of Columbia child care subsidy program if: (a)Each parent living in the same household with a child or children enrolled in subsidized child care, must either be employed or participating in a qualifying program in conformance with federal guidelines for subsidized child care during child care hours; See also Office of the State Superintendent of Education Eligibility Determination Policies for Subsidized Child Care September 2009, listing TANF recipients in countable activities as a priority group for subsidized child care.

¹³ Adams, Gina and Rohacek, Monica, with assistance from Anna Danziger, “Child Care Instability; Definitions, Context, and Policy Implications,” The Urban Institute, page 6, October 2010. Referring to the literature from

Goldstein, Hamm, and Schumacher (2007); Hayes, Palmer, and Zaslow (1990); Howes, Hamilton, and Philipson (1998); Weber (2005); and Whitebook, Howes, and Phillips (1990). Other studies on stability and attachment include Howes and Stewart (1987); O'Brien Caughy, DiPietro, and Strobino (1994); Fuller et al. (2002); and Suwalsky et al. (1986).

¹⁴ Adams, Gina and Rohacek, Monica, with assistance from Anna Danziger, "Child Care Instability; Definitions, Context, and Policy Implications," The Urban Institute, page 6, October 2010. Citing to studies from (NICHD Early Child Care Research Network 2003; Huston, Chang, and Gennetia 2002, Loeb et al. 2003 and Tran and Weinraub's 2006 reanalysis of NICHD.

¹⁵Committee on Human Services, Department of Human Services Performance Oversight Hearing Questions, 2/16/2012 Pg 42

http://www.dccouncil.us/files/user_uploads/budget_responses/fy11_12_agencyperformance_deptofhumanservices_responses.pdf