



**Interim Report**

**A CLOSER LOOK  
at the Massachusetts Families  
Hitting the TAFDC  
Two-Year Clock**

**February 9, 1999**

**Prepared by the Family Economic Initiative and the  
Massachusetts Law Reform Institute Time Limit  
Documentation Project**

# A CLOSER LOOK

## Introduction

As the first 5,100 Massachusetts families are hitting the two-year time limit on TAFDC benefits, a very disquieting pattern is emerging. Families who should not even be subject to the time limit are receiving termination notices from the Department of Transitional Assistance (DTA). Families who need special assistance to overcome barriers to their employment are receiving sanctions instead. These persons - for whom the Legislature intended special care be taken - are being sacrificed to the Administration's single-minded goal of reducing the TAFDC caseload.

Massachusetts implemented most of its state welfare reform law, Chapter 5 of the Acts of 1995, on November 1, 1995—ten months before the federal welfare reform law was enacted. The state had been granted a federal waiver in 1995 to implement, with some modifications, virtually every provision in the state welfare law with the notable exception of the 2 year time limit—a provision considered too harsh and too lacking in standards by the U.S. Department of Health and Human Services. In August of 1996, the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) was enacted. PRWORA replaced the federal AFDC program with a block grant and provided states with increased flexibility and design over their welfare programs. No longer constrained by HHS, Massachusetts then implemented the two-year time limit.

Since December of 1996, the Massachusetts TAFDC caseload has dropped by roughly 30,000 cases—from 91,300 in November of 1996 to 59,000 the end of December of 1998. Of those receiving benefits as of December 1, 1998, over 5,100 reached the end of their 24 months of benefits and were scheduled for termination unless the family made an extension request. Thousands of other families who left TAFDC have yet to be accounted for. Do they have income above the poverty level? Are they housed, are their children in safe child care? Do they have enough food on the table? DTA does not track these families or contact them after terminating their assistance. We do know that many have very few months of their 24 month clock of benefits—maybe two, three, four months—saved for the next three years. According to the last known data publically issued by DTA that details the reasons for TAFDC case closings, *only 24% percent were closed for increased income*<sup>1</sup>. Over 36% were closed for procedural reasons such as lack of a verification, a monthly income report or inability to attend a meeting with a DTA worker.

It's time for a closer look. Over the past few months of researching and recording the stories of dozens of families who have surfaced among the social services, legal services and charitable programs—the Family Economic Initiative and the Massachusetts Law Reform Institute's Time Limit Documentation Project have found the following patterns emerge among families near the end of their 24 months:

- Families who the Massachusetts Legislature specifically exempted from the Chapter 5 time limit, work rules and grant cut are not being uniformly screened for exemptions. Families on the clock are now surfacing with disabled children, disabled parents, a pregnant parent, hidden grandchildren. Ill-informed and erroneously denied exemptions, they are facing work sanctions, time clock ticking and loss of benefits.
- Families victimized by domestic violence who should be offered waivers from the work rule

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<sup>1</sup>McCormack Institute, "Analysis of Massachusetts (T)AFDC Case Closing Data, October 1993 - August 1997", dated 2-26-98. Percentages cited are from the 10/96 to 8/97 period.

and time limits are not being properly screened or assisted with seeking waivers—a trend complicated by the difficulty of building relationships of trust with DTA workers necessary to confide a family crisis and the cumbersome nature of the waiver application itself. And those families that do succeed in filing a time limit waiver have their request denied by DTA unless they are in their last two months of the 2-year time limit.

❑ Families not exempt but with long standing barriers to employment—lack of English capacity, illiteracy, learning disabilities—barriers that never have been consistently addressed by DTA—are getting sanctioned or terminated rather than assessed for appropriate services to address these needs.

❑ Well meaning DTA workers are given neither the time, clinical training nor leadership to screen for and assist families who should otherwise be exempt from these rules or who face serious unaddressed barriers to employment. Front line DTA workers are finding themselves under enormous pressure to quickly administer a complex set of rules with no clinical experience or training sufficient to recognize, elicit or diagnose serious mental impairments, domestic violence or other family crises. In many cases, services are simply not in place for needy families, yet DTA workers are pressured to terminate or sanction because the rules offer no flexibility.

**A Closer Look** is a preliminary report by the Family Economic Initiative and Massachusetts Law Reform Institute Documentation Project of the families left behind—families who never should have been on the clock or whose barriers to employment have not adequately been addressed by this Administration since Chapter 5 was implemented. It is a snap shot of some of the families that have contacted us—the very tip of the iceberg. All of the cases in this report are real families who contacted local legal services, social services or charitable agencies, or—in a few cases—families whose stories were reported in print media. **A Closer Look** does not include stories of the families who have requested and been denied extensions from the time clock. It is too soon to tell what has happened to those families and whether the manner in which the Department has responded to their needs is appropriate or sufficient. These stories will be discussed in future reports by the Family Economic Initiative and the Massachusetts Law Reform Institute Time Limit Documentation Project.

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## **A. DTA failure to screen and exempt families with disabled children who need parental care and attention**

The Massachusetts Legislature specifically exempted certain families from the two-year time limit, work requirement and grant cut—families whose individual circumstances prevent them from working. One of those exemptions under Chapter 5 includes families in which a parent needs to care for a disabled child. Further, the TAFDC state law predating Chapter 5 affirms that no family shall be “considered ineligible for aid because of failure to comply with the provisions of this chapter if such failure is due to illness or disability.” MGL c. 118, Section 3.

Notwithstanding these provisions, we are now seeing a pattern of local DTA offices failing to thoroughly screen families unable to work because the parent is needed to care for a disabled child<sup>2</sup>. DTA has imposed by regulation additional, unauthorized requirements for claiming this exemption. These include the prerequisite that a disabled child receive SSI—even though it can take 12 to 18 months to get an SSI approval, and even though some seriously disabled children are not eligible for SSI for other reasons. DTA has further conditioned this exemption on the parent being required to care for the child 24 hours a day, as opposed to whether the child’s disability and needs for care seriously undermine the parent’s ability to find and keep regular employment.

*Here’s a closer look at some of these families:*

**A-1:** As told by a reporter writing on 12-26-98 in the Fall River Standard-Times, Kimberly Gonzales of Fall River was scheduled to lose her TAFDC benefits the end January 1999. Yet according to the Standard-Times, while the welfare clock was ticking toward its newly imposed two-year limit, Ms. Gonzales was aboard a horrific journey that started on 2/2/98 when doctors said that her then 4 year old son Jiovonne had 24 hours to live.<sup>@</sup> He was diagnosed with the life threatening disease of bacterial meningitis, which devoured parts of his legs and backs. After three months of surgeries including the amputation of part of his leg, the family moved into the Ronald McDonald House for a recovery period. All this while, the family’s TAFDC 24 month clock was ticking. According to the Standard-Times, “Last month (November), Ms. Gonzales social worker reminded her that her benefits will soon end.”<sup>@</sup> DTA appears never to have suggested to Ms. Gonzales that the time limit should stop for her family while her son was hospitalized and in recovery and she was providing him the care and reassurance that helped him to survive this normally fatal illness.

**A-2:** Another Massachusetts single parent, whose nine year old daughter has severe cerebral palsy and required 24 hour care, tried to work as a cleaner from midnight to 5 a.m. while her mother stayed with the child. The parent was needed so frequently during the day to take her child to medical appointments or meet with teachers that she couldn’t sustain this work. The family lost assistance when the parent couldn’t go to a closing meeting with her DTA worker.

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<sup>2</sup>A 1998 study of the impact of welfare reform on Massachusetts families by the Radcliffe Public Policy Institute, *Welfare In Transition: Consequences for Women, Families and Communities*, found that 50% of the families reported they had children with clinical health conditions and diagnosed mental health disorders. Over 75% of the parents were found to have children who required special care and supervision. “For example, a parent with two health children and a third who suffered from acute asthma and significant attention deficit/hyperactivity disorder (ADHD) reported spending most of her parenting time coping with that child’s needs both at home and at the child’s school.”

**A-3:** A Boston-area mother who DTA scheduled to terminate from TAFDC because of the time limit has a 6-year-old son with asthma so severe that he missed more than 10 days of school between Labor Day and early November—at least a day almost every week. Her DTA worker told her that she was not eligible for an exemption. She wonders how employers will react to her missing 10 days of work in two months to care for a sick child.

**A-4:** A DTA worker required a Greater Boston area mother of two to do a 35-hour per week structured job search (a prelude to benefit termination) despite knowing that her 9 year old son receives SSI based on ADHD and severe learning disabilities, has serious behavior problems and has recently become incontinent. The mother is frequently called to school to address his behavioral problems, bring additional medications and take him home mid-day because of his incontinence.

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## **B. DTA failure to screen and exempt families with parents too disabled to work:**

Chapter 5 of the Acts of 1995 expressly provides for an exemption from the time limit, grant cut and work rules for single parent families where the parent is too disabled to work. In two parent families, both parents must meet the disability or other exemption to excuse the family from the time limit and other rules. And, again, MGL c. 118 sec. 3, further provides that no family shall be sanctioned or terminated from benefits because of the illness or disability of a member of the family.

TAFDC parents seeking an exemption must navigate through a complex thicket of procedural requirements and disability standards. 106 CMR 205.530. The parents who need this exemption are often the least able to secure it; DTA terminates many of these families even before their time limit ends for failing to meet work requirements—even though this non-compliance is due to their disability or illness. These families are frequently overwhelmed, and are the most poorly equipped to deal with the loss of TAFDC and secure alternate income. Disabled parents who lose their sole source of income are most likely to return to abusive relationships, to end up in homeless shelters, to seek jobs they cannot perform and be fired over and over again.

The reasons for DTA’s failure to thoroughly screen and assist families for a disability exemption are multiple and complex. These failures include systemic and lingering problems with the cursory reviews of medical information by the former disability determination contractor<sup>3</sup>, pressure on local DTA workers to promote work and reduce caseloads rather than carefully screening for possible physical or mental impairments, lack of DTA worker clinical training to recognize and elicit information from recipients about potential mental impairments, lack of instruction from DTA Central to flag a recipient’s

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<sup>3</sup>On December 30, 1998, Suffolk Superior Judge Cratsley issued a Preliminary Injunction in Thibault v. DTA (C.A. 97-04760C) enjoining the Department from terminating TAFDC benefits to families who were previously denied disability exemptions for failure to respond to a particular letter characterized by the judge as “*confusing, difficult to understand, complete and return; and technical in nature. Furthermore, using it successfully likely requires an educational level and/or language skill often not found among those who most frequently apply for this program.*” More than half of the disability claims denied by the former private-for-profit disability review agency, HealthPro, were denied based on bureaucratic reasons alone. The court will be hearing further argument on class certification as well as granting relief to families who have since been sanctioned under the work rules or who were unfairly evaluated for disabilities by HealthPro.

inability to comply with work requirements as a signal to explore a disability exemption.

*Here's a closer look at some of these families:*

**B-1:** A Malden mother with a 14 year-old daughter was diagnosed with the HIV virus in 1996. Her worker persisted in requiring her to comply with the work rules or lose benefits, even though she documented her severe health problems—including constant fatigue, vision problems and frequent sensations of vertigo and, as her illness progressed, depression, frequent panic attacks and constant yeast infections and sinus problems. The worker required her to work while her application for a disability exemption was pending, even after a hearing officer ruled that DTA had erroneously failed to consider her exemption request when it did not receive back forms that it mailed to her at the wrong address.

**B-2:** A 34 year old single mother from Medford with a young son suffers from bi-polar disorder manifest as chronic fatigue syndrome, with severe migraines and bouts of depression. Hospitalization and intense medical psychiatric treatment helped her survive a suicide attempt in 1995, but left her with little more than the resources to provide the very basics of care for herself and her son. Her request for a disability exemption was denied after a cursory review. Her DTA worker advised her not to appeal it and required her to work. When she was unable to do so, DTA reduced and then terminated the family's TAFDC benefits—its only income. Eventually, a legal advocate was able to get the family assistance again, with a disability exemption for the mother.

**B-3:** DTA terminated TAFDC assistance for over two months to the family of an East Boston woman with an anxiety disorder, depression, bulimia, and several physical ailments. Ten days before the termination date, the mother went to the DTA office and told her caseworker in writing about all of the health problems that prevented her from working. The caseworker never explained anything to her about good cause or a disability exemption and proceeded to terminate her grant. She first heard about an exemption when she sought help from Greater Boston Legal Services to divorce her abusive husband. With the help of a lawyer, her family is now getting benefits again.

**B-4:** A Springfield area Vietnamese father was denied a TAFDC disability exemption because his doctor couldn't schedule an appointment within the 10 days required by the agency reviewing claims for DTA. Without an exemption, the family is scheduled to lose its benefits. The father suffers from severe depression and PTSD due to his experiences in the Vietnam War. His DTA worker insisted he do community service although he is unable to go to the site regularly because of his impairments.

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### **C. DTA failure to screen for and grant exemptions to women in their last trimester of pregnancy.**

Recognizing the importance of assistance during the last few months of a pregnancy, the Massachusetts Legislature included a provision in Chapter 5 which exempts from the TAFDC time limit, grant cut and work rules families where the a woman is in her last 120 days of pregnancy.

While local DTA workers are instructed to consistently tell pregnant women that they cannot receive TAFDC for a child falling under the TAFDC Family Cap rule, they neither advise women about the pregnancy exemption, nor routinely record this information in the case record. This results in the family's clock ticking during months when Chapter 5 expressly provides for an exemption. Although this is an ongoing problem, it is especially acute for families who—because they were not given the 120 day exemption—are scheduled to lose their TAFDC benefits within the next month. Although DTA has documentation of the actual date of birth of these children through their own records and those of MassHealth, DTA has refused to extend the clock of these families.

*Here's a closer look at some of these families:*

**C-1:** A New Bedford mother has two children, ages 2 and 4. The youngest falls under the family cap, and the mother will never receive TAFDC benefits for her. But the family's 24 month clock should have stopped during the last 120 days of the mother's pregnancy. She was not told about this exemption when she met with her DTA case worker, visibly pregnant—and DTA has since refused to adjust her clock. If she received the full 120 day exemption authorized under Chapter 5, her clock would not stop running until this summer and she could take the last of the tests she needs to get her GED and pursue the medical training she has been planning to undertake.

**C-2:** Another Southeastern Massachusetts family—the father is disabled—has three children, one of whom is 3 months old and subject to the family cap. When the mother told her case worker last summer that she was pregnant, the case worker made clear to her that she would not receive any benefits for the child—and failed to tell her that she was eligible for the 120 day exemption. Although aware of the birth of the child, the local DTA office has refused to grant an exemption from the time clock for the last 120 days this mother was pregnant with her child, despite an affirmative request to do so.

**C-3:** A mother from Western Massachusetts whose family is about to lose assistance received a notice from DTA denying her request to set her clock back to reflect her exempt status during the last 120 days of her pregnancy. The reason on the notice was that there was no verification of pregnancy. Besides clear proof that the baby was born—which should certainly be sufficient to credit the family these months—there were notations by the mother and her DTA caseworker on three separate transition plans that she was pregnant. The case worker had noted that the child would fall within the family cap and be ineligible for TAFDC—but never noted the mother's eligibility for the exemption from the time limit.

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## **D. DTA failure to screen for—“invisible kids”—the grandchildren, nieces and nephews of recipients who remain eligible for assistance.**

Chapter 5 specifically exempts from the TAFDC grant cut and time limit grandchildren, nieces, nephews—any related children who are taken in by a family but have not been adopted. Relatives often take in children to avoid placing them in foster homes while the biological parents are struggling with domestic violence, recovery from substance abuse or other family crises. Many of these children are “hidden” in the TAFDC grant of their adult relatives who may be also getting TAFDC for themselves or for their own children. Related children are not systematically tagged and tracked by DTA as needy

children who remain independently eligible for TAFDC. A grandparent, for example, may well lose TAFDC for the entire family and not know the grandchild has a right to continued benefits. Most TAFDC time limit termination notices do not advise adult caretakers that these children remain eligible for benefits nor are these families told that their earnings don't affect the TAFDC eligibility of children they are caring for but not legally obligated to support.

While the Department has recently issued sub-regulatory information reminding local workers that these children remain eligible, the lack of automated flagging and tracking of these children, as well as the DTA time limit notices that fail to alert the family to the children's eligibility, is creating enormous confusion for recipients and DTA workers alike. Children living with caretakers on the clock are at risk of loss of all their assistance. Ultimately, a grandparent, aunt, uncle or other relative may simply turn to DSS to remove the child because they are no longer able to support the child.

*Here's a closer look at some of these families:*

**D.1:** A Boston area family was recently sent a notice terminating the entire TAFDC case, even though the head of household is caring for her granddaughter in addition to her own children. She was never informed by her worker that her granddaughter was not subject to the 2 year time limit or that, if the client were to get a job, the earnings would not affect eligibility for her granddaughter.

**D.2:** Joe Fitzgerald of the Boston Herald received two calls the first week of December from TAFDC recipients potentially subject to the TAFDC time limit. On 12/7/98 he reported that one call was from an elderly couple caring for their five grandchildren. "We have a daughter who's had problems with abusive relationships and one day I got a call from a social worker: "Will you take her five kids?" Of course we said yes. These kids didn't ask to be poor." This couple is receiving TAFDC, waiting for the other shoe to drop. "The second caller cares for her granddaughter, 7, while her own daughter, now in recovery from years of substance abuse, crams to complete a stenography course." She too appears to be on the clock. DTA's failure to identify these families and notify them of their exempt status has caused needless panic and fear.

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## **E. DTA has failed to screen for families traumatized by domestic violence or assist them with waiver requests.**

Under the discretion of the TANF block grant and with the encouragement of the federal family violence option, Massachusetts elected to waive certain of the welfare rules for families whose adults and/or children are victims of domestic violence. 106 CMR 203.110. A domestic violence waiver can be granted for the work requirement, family cap, teen parent school rule and the two-year time limit once the family reaches reaches the 22nd month of benefits. While national and Massachusetts studies have documented the high incidence of battering and other abuse among families receiving TAFDC assistance,<sup>4</sup>

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<sup>4</sup> M. Allard, R. Albeida, M. Colten, and C. Cosenza, In Harms's Way? Domestic Violence, AFDC Receipt, and Welfare Reform in Massachusetts, The McCormack Institute of Public Affairs, February 1997; J. Rafael, Prisoners of Abuse: Domestic Violence and Welfare Receipt, Clearinghouse, No. 51, April 1996; J. Rafael, Domestic Violence: Telling the Untold Welfare-to-Work Story, Clearinghouse, No. 51, January, 1995; AFDC Working group of the Massachusetts Commission on Domestic Violence. 1997; FY1999 Budget Hearings



the low number of domestic violence waiver applications alone indicated serious questions in how the domestic violence waiver process is understood and implemented at the local DTA level. *As of December, 1998 only 164 domestic violence time limit waivers had been filed, and only 26 of these had been approved—less than 20 percent.*

Applying for a domestic violence waiver is a difficult and potentially retraumatizing process for the victimized custodial parent. DTA has made the process more complex by devising a long and invasive application. Applicants are required to process the application through local welfare office workers who lack specialized training in domestic violence. Decisions are made by DTA officials who do not know the families, and whose overarching goal of reducing the welfare caseload across the board fundamentally conflicts with the right of these families to decision makers who are attuned to their numerous, varied, and pressing needs.

Exacerbating the low approval rate is the fact that DTA Central continues to refuse to consider requests for waiver of the TAFDC time limit until parents have reached the 22nd month of their 24 month clock. This unauthorized practice adds additional and completely unnecessary stress to families who need the certainty of knowing that they will have additional time to participate in work activities once their lives are stabilized. Families in DSS funded battered women's shelters, safe homes or other shelters for the homeless need the certainty that stopping the clock provides.

*Here's a closer look at some of these families:*

**E.1:** A Worcester mother of two was denied an application for a domestic violence waiver by her DTA caseworker. The caseworker had only two questions—was the abuse continuing or the mother in danger. She discounted the mother's report that she left the abuser seven months earlier, but her young son was experiencing severe trauma and needed her to be accessible. The son saw his mother repeatedly beaten so badly that she required hospitalization. He has been hitting, kicking, and biting, and screams when he is separated from her. He clings to her when they are together. His teacher calls her regularly to take him home. The abuser controlled the family by isolating it, and the mother and children have few supports. The DTA worker later justified to an advocate for the mother her refusal to provide the waiver application by stating that she "hadn't wanted to raise the mother's expectations because I didn't think she'd get one." The application is still pending.

**E-2:** A Boston area mother provided detailed information about her domestic violence situation to DTA when her child was born. When DTA later included a reference to domestic violence waivers in a mailing, she brought it to her local office. The Director told her that a domestic violence waiver was not appropriate for her and she shouldn't bother pursuing it. When help for the mother was sought from the Director's superiors, she responded by hauling the mother into her office and wrongfully accusing her of committing fraud. The mother described feeling "ambushed" and now fears any interaction with DTA. In addition to denying her request for a waiver application, DTA failed to tell her that she could claim good cause for noncooperation with child support enforcement. As a result, her abuser learned her where she lived, which she had carefully kept secret.

**E-3:** One DTA worker told a mother that she had never heard of a domestic violence waiver from the family cap rule and, even when the mother told her the specific form that she needed,

could not find it. Although with outside assistance this mother was ultimately granted a waiver of the family cap rule, the process was arduous. She was in great fear that her abuser would learn what she had revealed about her relationship because of the nature of his employment, a concern she explained to DTA. DTA nevertheless pushed for more documentation, despite having ample evidence of the domestic violence and her resultant inability to make choices about whether to have sexual intercourse or use birth control.

**E-4:** A Cape Cod mother with one elementary school age son tried for months to find and keep employment without success. Her husband used to beat her severely in front of their child. Although she had managed to escape the violence and work toward recovery, the impact on her son was devastating. He started to have serious emotional and behavioral problems in school, which called her constantly to remove him. She lost her job. Her son was so convinced that his father would kill her that he needed to be with her constantly. Even though the mother discussed all of this with her DTA worker, the worker refused to offer her a domestic violence waiver, claiming that she was not currently threatened by the violence. He refused to discuss an exemption from the work rules and time limits because the son was not on SSI. It was only with the help of an advocate that the family was able to gain an exemption from the time limit based on the son's disability.

**E-5:** One Greater Boston family was denied a waiver of the time limit at the same time DTA agreed that the family was so traumatized that a waiver of the work requirement was necessary. The DTA representative rationalized at an appeal hearing that some change—such as the death of the abuser – might occur in the future to make the waiver of the time limit unnecessary. The mother's therapist testified that the mother's fear of losing her income was so strong, that without the current certainty of a waiver from the time limit, she could not utilize pharmacology or other resources to heal.

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## **F. DTA failure to meet its legal obligations to provide services to families with language barriers.**

Title VI of the Civil Rights Act states: “No person in the United States shall, on ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” 42 U.S.C. sec.2000d. The U.S. Department of Health and Human Services (HHS) has long recognized that Title VI requires linguistic accessibility to federal cash and medical assistance. In September of 1994, DTA (then the Department of Public Welfare) signed a Resolution Agreement with the HHS Office of Civil Rights settling the Title VI complaints filed by the Haitian Multi-Service Center and several other groups and individuals. The Resolution called for “effective communication with limited English proficiency persons, in their primary language in (DPWs) programs and activities, during all hours of their operation throughout the Commonwealth.” Massachusetts remains under this Resolution Agreement even though AFDC has been replaced with TANF.

Despite the clear requirements under Title VI to ensure that federally funded programs are linguistically and culturally accessible, our experience demonstrates that DTA and its contractors continue to muddle through its contacts with limited-English speakers. Too often, these practices reflect local offices lack of familiarity with their legal obligations under federal law. In the past few months the

Department has entered into an interdepartmental service agreement (ISA) with the Office of Refugees and Immigrants to conduct a pilot project in a small number of welfare offices to provide structured job search and employment related services to the immigrant community facing the time limits. However, this ISA does not cover all welfare offices, does not cover Spanish speaking recipients and does not address the language needs of recipients who are seeking DTA services beyond employment services.

*Here's a closer look at some of these families:*

**F-1:** A Southeast Asian TAFDC mother facing the end of her 24 months of benefits was sent to a local structured job search program where no one speaks her language. The mother speaks no English. Because they could not communicate, the structured job search program sent her home and the DTA office terminated the TAFDC benefits for her family, apparently for failure to cooperate with the TAFDC work activities.

**F-2:** The Family Advocacy Program at Boston Medical Center reports that, in response to a question from an Emergency Room worker about serving non-English speaking families, a DTA representative conducting a recent training said that families who do not speak English or Spanish must have someone else call in advance for an appointment, and can not obtain assistance on the day they contact the Department. The DTA representative did not offer or know about the ATT language line or other immediate translation services.

**F-3:** A Cambodian TAFDC recipient whose 24 months of benefits terminated recently contacted an advocate through her bi-lingual therapist at a mental health center. The mother, who speaks only Khmer, suffers from severe depression. Because one member of her family has special circumstances, the DTA office insists that the entire case be handled by a designated worker—does not speak Khmer—and has refused to transfer it to a worker who does, or even to provide a translator.

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## **G. DTA failure to meet its legal obligations to provide services to recipients with learning disabilities.**

Like other people with disabilities, TAFDC recipients with learning disabilities are protected by the Americans with Disabilities Act (ADA), a federal law signed by President Bush in 1990. 42 USC 12101. Under the ADA, all state agencies, including DTA, are prohibited from operating their programs in a way that denies people with disabilities meaningful access to them, and are required to make reasonable modifications to their programs to address the special needs of people with disabilities.

While numerous government studies show that at least 25-35% of adults receiving welfare benefits may have learning disabilities that substantially impair their ability to read, write, do math, or process or remember information,<sup>5</sup> the Department has failed to adapt its education and training program

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<sup>5</sup> See, e.g., U.S. Dept. of Labor, "The Learning Disabled in Employment and Training Programs" (1991), p. 22.; U.S. Dept. of Health and Human Services, Office of the Inspector General, "Functional Impairments of AFDC Clients" (OEI-02-90-00400)(1992), p. 4; Kansas Dept. of Social & Rehabilitation Services, "The State of Kansas Learning Disabilities (July 1998), pp. 9-10.; U.S. Dept. of Health and Human Services and the National Institute for Literacy, "Evaluation of the Learning Disabilities Initiative: The Learning Needs of AFDC and JOBS

to meet the needs of these recipients. DTA has taken no steps whatsoever to ensure that the education and training programs in which TAFDC recipients may enroll, or the workplaces in which they are required to work, are equipped to address the special needs of persons with learning disabilities. Because of this failure—which violates both its obligations under the ADA and its responsibilities under Chapter 5 to provide education and training services—parents with learning disabilities have not had the same opportunity as other TAFDC recipients to gain the education and develop the skills they need to support their families.

*Here's a closer look at some of these families:*

**G-1** A Boston-area mother is scheduled to lose TAFDC benefits for her family in the next few weeks. She has diagnosed learning disabilities and, despite many attempts, has been unable to obtain her GED. She repeatedly told DTA about her learning disabilities and asked her caseworker to help her obtain education or job training. DTA never referred her to a program that could assist adults with learning disabilities. On her own and desperate, she finally located a program which—though it wasn't specially equipped to serve adults with learning disabilities—would accept her without a GED. The program did not have an opening until September 1998. She started then, and hopes that she will be able to complete the course by June 1999. Almost a year ago, she applied for a disability exemption from the time limit based on her learning disabilities. No action was taken on the application until in November of 1998, when she was finally scheduled to attend a medical appointment. In December, at the end of her time limit, DTA acknowledged her learning disabilities and attention deficit hyperactivity disorder, but denied her a disability exemption.

**G-2** This Boston-area woman is a 20-year old mother of 1 child. Prior to giving birth to her child, she was diagnosed with a learning disability. Until she turned 20, she was required under the welfare reform law to attend either high school or a GED program. She told her DTA worker that she had a learning disability, but DTA made no effort to find her a program that was able to address her learning disability. After trying approximately 3 programs in 2 years, she gave up. She was subsequently sanctioned by DTA, and had her benefits cut off. Since then, because of the intervention by legal services, her benefits have been restored. However, DTA still has not helped her to find a program that can address her learning needs. She has only one more year before her time limit hits

**G-3** A 30-year old mother of two children, ages 8 and 3, lives in Southeastern Mass. She came to Massachusetts to escape domestic violence. She has been diagnosed with mild mental retardation and a learning disability that substantially interferes with her ability to read and write. She attended school in New York through the 9<sup>th</sup> grade, when the principal of her high school told her that she should not bother returning to school, because she could not read and write well enough to continue. Because of her disability, she reads and writes at or below a 3<sup>rd</sup> grade level. Since 1996, when this mother first learned about the Massachusetts welfare reform law, she has diligently sought to find a program in which she can be taught to read and write. DTA has not referred her to a program with staff trained to teach persons with learning disabilities. At least one program that she tried told her that there was nothing they could do for her. She continues to attend an adult education program in the hopes that she will learn something, but her teacher admits that no one at that program is trained to address her needs. With the help of a legal advocate, she was granted an exemption from the time limit based on her various disabilities. Her first response to this was, "But I still want to learn to read."

**G-4** A Boston-area mother of three was recently diagnosed with learning disabilities. She attended special classes as a child, leaving school in the 9<sup>th</sup> grade when these services were no longer available. She has attended adult education classes for three years, and can only read very, very slowly. Math is even more of a problem for her, and she can not do any work that would involve even the simplest calculation. DTA was aware that, after three years of study, she was unable to pass the GED test. She never received an offer of help to obtain testing for learning disabilities, or education or training that could address her special needs. Her family is scheduled to lose TAFDC because of the time limit. She has tried without success to come up with a plan to support her family. She loves animals and would like to work for a vet. She can't answer phones

because of her difficulty with numbers and letters. She would be happy to work cleaning, but does not know how—even if she were to find such a job—she could ever support her family of four on its wages.

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