

Second Report:

**A CLOSER LOOK
at the Thousands of Families
Losing Benefits under the
Massachusetts Time Limit**



April 7, 1999

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

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Introduction

As of March 3, 1999, 6,328 Massachusetts families hit the TAFDC time limit, which—unless they receive an extension—restricts assistance to 24 months in a five-year period. Although the legislature gave the Department of Transitional Assistance (DTA) the authority to grant extensions to needy families, of these 6,328 families, only 265 TAFDC time limit extension requests were approved by DTA. 1,955 families were denied extensions and 1588 families' requests were pending. Another approximately 2,600 families who hit their two year time limit did not request extensions. **Fewer than 12% of extension requests that have been decided have been approved, and only 4% of Massachusetts TAFDC families reaching the time limit are receiving extensions, notwithstanding that these families are still living in deep poverty.**

According to the national Center on Budget and Policy Priorities and MLRI, Massachusetts has the highest rate of denial of extensions of any state. (See chart in Appendix A for a state-by-state comparison.) This is what the “safety net” for Massachusetts families looks like:

What reasons did DTA give to the almost 2000 families whose extension requests it denied? Over 40% are working poor families denied for financial reasons, 35% for alleged failure to meet DTA's new job search requirements, 9% for failure to provide proof of their need for an extension. Here's a breakdown of the denial reasons:

What does this mean for families? **8,400 children have already lost all of their TAFDC benefits.** Of these children, 5,400 are in families where the parent is working but earning so little that the family qualified for a small supplemental welfare grant before the time limit. Most of the rest have no income at all. All of these children were poor before the time limit hit, and they are even poorer now.

It's time for a closer look. Over the past few months of researching and recording the stories of dozens of families, the Massachusetts Law Reform Institute's Documentation Project and the Family Economic Initiative have found the following patterns emerging among families near or at the end of their 24 months:

- A. Most working poor families are automatically denied extensions of the time limit.
- B. Families victimized by domestic violence are routinely denied time limit waivers where the victim is trying to attend school to make up for opportunities lost.
- C. Needy families are routinely denied and/or discouraged from seeking TAFDC time limit extensions needed to complete approved training programs.
- D. Families struggling to become job ready are denied TAFDC extensions for alleged failure to cooperate with "Structured Job Search" activities—programs that often have little to offer families with serious barriers to employment.
- E. DTA does not assess parents' long-term barriers to employment, and discourages them from obtaining the education and training they need to become economically self-sufficient.
- F. The end of assistance is devastating the state's most vulnerable families.

A CLOSER LOOK at the Thousands of Families Losing Benefits under the Massachusetts Time Limit is the second report by the Massachusetts Law Reform Institute Documentation Project and the Family Economic Initiative. 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. The families in this report are in many ways the lucky ones—they have legal advocates actively working to help them. Thousands more families are attempting to negotiate this process alone.

For More Information:

Patricia Baker, Massachusetts Law Reform Institute
617/357-0700 x 328

Shari Zimble, Massachusetts Law Reform Institute
Documentation Project, 617/357-0700 x 329

Mac D'Alessandro, Family Economic Initiative
617/371-1270 x 272

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A. Most working poor families are automatically denied extensions of the time limit.

Over 40% of the TAFDC families denied time limit extensions as of March 8, 1999 were denied solely for financial reasons. Under Chapter 5, the legislature expanded support for working families by creating enhanced earnings disregards, which increased the amount that a family can earn and still qualify for a partial TAFDC grant. In September of 1998, without any legislative authority, DTA issued a regulation effectively eliminating this earned income disregard for most working poor families who reach their 24 months of benefits. 106 CMR 203.210.¹ See also Appendix B. Furthermore, new regulations prevent a hearing officer from overturning DTA's decision on time limit extension requests.²

As a result, most families with minimum wage jobs who are working 30 or more hours a week are automatically denied extended supplemental benefits - regardless of how little they earn, how much they work, or what it costs them to earn wages. Working poor families with low wages who have done what DTA asked of them - found a job, any job - are left substantially below poverty. "The Administration says over and over that welfare reform is about putting people to work. But the welfare department's policy discriminates against working families," said Mass. AFL-CIO president Robert Haynes.

Here's a closer look at some of the working poor families being denied extensions:

A-1: An Eastern Massachusetts mother of three children who works as a part-time traffic control officer in a city outside Boston was denied an extension of her TAFDC benefits in January due to her income. Her take-home pay is only \$650 a month, less than half the federal poverty level. She has been trying to increase her hours and to get other jobs without success. She has received no child support from the children's father in many years. Before she reached her 24th month of benefits, this mother was receiving a partial welfare grant of \$315 a month to help her support her children. But now that she has reached the two-year time limit, her partial benefits have been cut off, even though other families with no earnings are receiving full grants at the two-year point if they have fully cooperated with welfare work requirements. This has left the family without money to buy basic necessities such as shampoo, toothpaste and toilet paper.

A-2: A Boston-area mother of one child works part-time as a dietary aide and also works nights as a waitress with a take home pay of about \$680 a month. She has been receiving a partial TAFDC grant of \$200 a month. Her rent is \$600 a month. This mother reached the time limit and applied for an extension, but the welfare department is planning to deny it because of her earnings.

¹Based on a requirement in Chapter 5, TAFDC families generally are allowed a \$90/month deduction from gross earnings (before taxes or other payroll deductions) and then a "\$30 and ½ disregard" of their earnings. This means that families in very low wage jobs can qualify for a TAFDC grant to supplement their low earnings. However, once the family reaches their 24th month, under DTA's regulations the family loses the \$30 and ½ disregard completely. Using DTA calculations, only a family of 6 persons in unsubsidized housing with a minimum wage job of 5.25 an hour working 40 hours/week would be able to qualify for a small supplemental TAFDC benefit. Families with 5 members or less get nothing.

² DTA's appeals regulation at 106 CMR §34.3.610(D), amended in September of 1998, states: "When the subject of an appeal is an adverse action regarding a request for a family cap waiver, a domestic violence waiver or an extension of benefits beyond the 24-month period, the hearing officer shall not substitute his or her judgment for that of the Commissioner." (Cites omitted)

She has worked hard to find and keep two jobs, and to look for other jobs that will pay more. Even with the welfare grant, she is having a hard time making ends meet. Without the grant, the chances of being able to support her family are very slim.

B. Families victimized by domestic violence are routinely denied time limit waivers where the victim is trying to attend school to make up for opportunities lost.

As allowed under the federal family violence option, Massachusetts elected to waive certain of the welfare rules for families where adults and/or children are victims of domestic violence, including the work rule and two year time limit. A family can apply for a waiver if, according to DTA regulations, “compliance with the specific requirements for which the waiver is requested may: a) make it more difficult for the family to escape domestic violence; or b) unfairly penalize the applicant or recipient or his or her child as a current or former victim of domestic violence or as a person who is at risk of further domestic violence.” 106 CMR 203.110(C)(2).

As of March 19, 1999 only 49 domestic violence time limit waivers had been approved in Massachusetts - a shockingly low figure given the prevalence of domestic violence among families receiving TAFDC. A recent study documented that 19.5% of women receiving assistance were experiencing current physical violence from a partner, and 64% experienced violence by a partner in their adult lives.³ The dissonance between the high rate of violence and the low number of waivers approved and requested is attributable in part to DTA’s application process, which is difficult, invasive and all too often traumatizing for the victimized custodial parent.

DTA’s overarching goal of “work first” and caseload reduction has placed the domestic violence waiver process in fundamental conflict with identifying and protecting the many and varied needs of these families. This is exemplified by its consistent denial of domestic violence waivers to any recipient engaged in an education or training activity. DTA takes the erroneous position that if a parent can go to school, she can necessarily work. This fails to recognize the critical flexibility and support provided by many education and training programs, and the incremental and overwhelming stress for many women recovering from domestic violence that would make it impossible for them to pursue an education in addition to employment. It also ignores the well-documented and frequent strategy of abusers to isolate the victim and restrict her access to opportunities that could increase her independence and self-sufficiency – especially education and training.⁴ Denying waivers to these women seeking educational training now “unfairly penalizes” them for past domestic violence. In spite of rulings by its own administrative hearing officers that the policy is unlawful, DTA refuses to consider any suspension of the time limit for victims of domestic violence (even while the family is in hiding or a battered women’s shelter) until they reach the 22nd month. Families victimized by domestic violence are further traumatized by the uncertainty and insecurity of the process which, as with extensions of the TAFDC time limit, lacks concrete standards for qualification.

Here’s a closer look at the families denied time limit domestic violence waivers:

³ Allard, M., R. Albelda, M. Colten, and C. Cosenza, *In Harms’ Way? Domestic Violence, AFDC Receipt and Welfare Reform in Massachusetts*, McCormack Institute of Public Affairs, February 1997, cited also by Rafael, J., *Domestic Violence as a Barrier to Employment*, Poverty and Race, July/August 1997, Vol. 6. No. 4.

⁴ See, for example: Rafael, J., *Domestic Violence as a Barrier to Employment*, Poverty and Race, July/August 1997, Vol. 6. No. 4.; Soloman, et. al.; *Patterns of Welfare Use Among Poor and Homeless Women*, American Journal of Orthopsychiatry, 66(4), October 1996.

B-1: A Merrimack Valley area mother of three children sought a waiver of the time limit and work rule based on domestic violence. *The DTA Central Office denied her request because she is in school - despite the support of her local DTA case worker and a letter from her therapist.* Her therapist documented that attending school is a much safer and more supportive environment for her than the workplace and provides the level of flexibility that she needs as she and her children recover from the violence. Over a period of seven years, her husband inflicted extreme physical, verbal and emotional abuse. For years, as part of his abuse and control, he refused to complete the paperwork necessary for her to get legal immigration status or let her take classes to learn English. Her husband would not let her leave the house and would often set booby traps to see if she opened the doors. When he took her to work at his restaurant, he beat her in front of co-workers and customers. She finally was able to leave her husband in 1996, got a divorce and became a U.S. citizen. She applied for TAFDC because she got so little child support. A DTA local office worker helped her to develop an employment plan, and she began attending school to learn English and earn an Associate's degree in computer training. She reached the 24-month time limit in December 1998. New regulations prevent a hearing officer from overturning denials of domestic violence waivers,⁵ and TAFDC benefits for this family are due to terminate imminently. The loss of financial stability may have devastating consequences for this family's health and safety.

B-2: A Western Mass mother was denied a waiver of the time limit due to domestic violence. *DTA again stated that if she could go to school, she could work.* DTA reached this conclusion despite extensive documentation that even in the relatively safe environment of school she has needed accommodation because of the abuse and documentation that her attempt to meet the pressures of finishing school, working part-time and preparing to get a job are coming at the expense of her recovery. This mother applied for public assistance in 1995, after a 12-year marriage to a batterer left her with little work experience. He had even denied her the right to leave the home. On the advice of her DTA worker, she completed an evaluation at the local employment and training program, during which she expressed her desire to go to school. This was the program's recommendation, and she enrolled the next semester. Her continued depression, trouble concentrating and remembering, anxiety and flashbacks – all legacies of the violence – slowed her progress. A teacher noted that at times these memories “brought her to a functional stop,” as did the behavioral problems of her children.

C. Needy families are routinely denied and discouraged from seeking TAFDC time limit extensions needed to complete approved training programs.

Recognizing that not every family receiving TAFDC will achieve self-sufficiency within two years, the Massachusetts Legislature specifically authorized DTA to establish criteria by which a recipient could request an extension of benefits (Section 110(f) of Chapter 5 of the Acts of 1995). While every recipient facing the time limit technically has the option to request an extension of benefits, no family has any guarantee they will receive one, primarily because there are no clear, enforceable standards for receiving an extension - no matter how cooperative a family has been under the welfare rules or how needy the family is at the time of their extension request.

Using its broad discretion under Chapter 5, DTA has declared that NO family will be allowed an

⁵ 106 CMR §343.610(D). See also footnote 2.

extension of its TAFDC benefits for any vocational training or educational activity, regardless of whether it would improve their chances of employment per 106 CMR 203.210(B). Families are denied an extension to complete a program - even if they have fully cooperated with the required 20 weekly hours of work or community service. Families are denied an extension even if they have just a few months left to complete the training program.⁶ They are denied an extension even in cases where DTA local office staff initially referred the family to the education or training activity.

Here is a closer look at some of these families denied and discouraged from seeking TAFDC extensions of the time limit:

C-1: A 42-year-old mother from Central Massachusetts was *denied a three month extension of TAFDC benefits that she needs to support herself and her one son until she graduates from a community college in May*. In denying her request, DTA rejected the recommendation of the dean of her college and refused to consider her personal history. This mother worked in the furniture industry from the time she was 16 until she developed an eye disease from the chemicals used. Her illness was exacerbated by the stress of divorcing an abusive husband, the deaths of her father and sister, and the loss of her home - all within a short period of time. She concluded that her only option was to return to school, and has used her time on TAFDC for the past two years to study for her degree. She is also working 20 hours/week, but at \$6.00 an hour she does not make enough to cover rent and utilities. This mother gets no child support. Based on the domestic violence she suffered, DTA agrees that pursuing her former husband for support could endanger her and her son. It is already extremely difficult for this family to meet their expenses. They live in a region of the state that has poor transportation, and repairs to her ten-year-old car are expensive. Because of her eye disease, she will again need surgery this spring, which will disable her for at least two weeks. She appealed DTA's denial of her extension request and is awaiting a decision. At the appeal hearing, she was told by the referee that her eye problems are not relevant to her request for an extension, and that Department regulations preclude an extension to finish school.

C-2: Because of DTA's regulations denying extensions for education or training, this 39-year-old Boston-area mother faces *a denial of the three-month extension she needs to complete a training program in office work, a program that her DTA case worker referred her to in January*. The training program is her only hope of obtaining a job that pays enough to support her six minor children and disabled husband. A homemaker since her marriage, she has never worked outside the home. To complicate matters, this mother suffers from diabetes that is poorly controlled by insulin and requires her to rest for several hours daily after her 4-hour training sessions. She was recently diagnosed with myatonic dystrophy, which has caused cataracts in both her eyes. However, when she applied for a disability exemption, it was rejected. One of her daughters has a more severe form of myatonic dystrophy, which includes severe muscle cramping and makes it difficult to do things such as pick up a cup, and several of her children are in special education, with limited reading and other skills that may also be related to this disease. The mother will need a job with the flexibility to attend to the family's medical needs. She is hopeful that this training program -- which includes on-the-job training, and focuses on the development of clerical, computer, and other job skills -- will lead to one. She is considered by her teachers to be an excellent and very motivated student, but is simply not yet job-ready. She has not learned the skills to be a receptionist, for instance, and is being trained on how to use a business phone. "Without these skills," worried the director of her program, "there is no way that she will be able to get a job flexible enough to meet her

⁶ The only exception to this rule is families who were receiving TAFDC and were in an approved MassJOBS educational activity as of January 1, 1995. By statute, these families were allowed to finish their program, but no others. This is a tiny portion of the TAFDC population, as many families either were never offered educational opportunities or were not recipients on that date. Section 110(f) of Chapter 5, of the Acts of 1995.

obligations to her family, or with the salary that she needs to support them.”

C-3: The director of a skills training program funded by DTA reported to the Documentation Project that they regularly turn away parents whose time limit will expire during the course of the training, accepting only three students per course who are facing the loss of their TAFDC benefits, and trying to prioritize them for jobs. She said that she “can’t run a program where they may lose half the students in the middle, but what we are doing -- turning away families imminently facing the time limit -- isn’t right either.”

C-4: DTA terminated assistance to a Boston-area mother of two children. This mother is close to completing her GED, has been actively looking for a job, and was also doing community service while on TAFDC. DTA denied her extension request was denied for failure to participate in a DTA structured job search program. *When this mother’s legal advocate asked the DTA case worker about how she had weighted all the mother’s activities, the DTA worker said that they amounted to “doing nothing” in her opinion.* When the advocate pointed out that the mother was attempting to complete her Employment Services Plan approved by DTA, the worker retorted: “That’s not how the system works any more. GED and community service don’t count for anything.”

C-5: A mother from Central Massachusetts entered a drug treatment and rehabilitation program shortly after the birth of her child. She has been drug-free for 4 1/2 years, graduated from the program and is now on the dean’s list at a community college, where she is studying to become an occupational therapist. She had an internship lined up when her TAFDC benefits were terminated due to the time limit. *Her DTA case worker told her that any extension request she made would be denied because she was in school, so she shouldn’t even bother to submit one.* She did request a readjustment of her 24 month clock for the period of time that she had been disabled and should have been considered exempt from the time limit. She had ruptured diverticulitis, which involved having two surgeries -- a colostomy, complete hysterectomy, and reconstructive colon surgery. DTA denied this request, and the mother appealed. At the hearing, DTA didn’t dispute the extensive evidence of her disability, but said that because she hadn’t filled out the right form at the time, she couldn’t now get an adjustment in her clock for the five months that she was disabled. Lacking legal representation, she lost the hearing. When she read in the decision that she could appeal to court, she said that she had “had enough and is getting nowhere” with DTA.

D. Families struggling to become job ready are denied TAFDC extensions for alleged failure to cooperate with “Structured Job Search” activities - programs that often have little to offer families with serious barriers to employment.

Over 33% of the families denied extensions by DTA as of March 8, 1999 had allegedly failed to cooperate with the new work search rules imposed on recipients facing the time limit. Taking a closer look, however, reveals that many of these “work-first” programs are unable to meet these families’ needs. In September of 1999, DTA initiated contracts with a number of one-stop career centers to provide a service called “structured job search” or SJS. These require the career centers to assess parents’ employability; offer short sessions on how to dress, conduct a job interview and write a resume; and monitor the parents’ search for paid work. The career centers are not contracted to provide TAFDC recipients with any training that addresses serious barriers to employment.⁷ SJS

⁷ A case manager at a local SJS program lamented that they can not provide the services – such as English as a Second Language – that many clients need most.

contractors get paid \$1500 when the recipient completes SJS without a placement and \$3,000 total with a placement. According to the contracts with DTA, a successful placement means only that the job pays minimum wage and lasts at least 30 days. This “work-first” model provides incentives for creaming off more employable parents, and then under-serving and/or sanctioning those families who face more serious barriers to economic self-sufficiency such as literacy, limited English abilities and learning disabilities.⁸

While Chapter 5 requires non-exempt families with school age children to engage in 20 hours/week of work or community service and non-exempt families with younger children to participate in educational and training activities where offered, DTA has instructed its local office workers that a parent’s failure to drop all other activities and participate in SJS could adversely affect the family’s chance to get an extension.⁹ DTA workers have further insisted in some cases that only DTA-contracted SJS activities would meet this sub-regulatory requirement and have denied extensions for families who have participated in other job readiness programs. Without any legislative authorization, DTA is also requiring families who reach the time limit and actually get a extension to participate in 35 hours a week of SJS, community service and/or job search activities per 106 CMR 203.210(E).

Here’s a closer look at the families being denied TAFDC extensions for alleged failure to cooperate with work search:

D-1: A Boston-area mother of 4 who speaks only Spanish was denied an extension of her time limit for failure to attend structured job search (SJS) prior to her termination of benefits. Her DTA worker speaks only English - there is virtually no oral communication between them. *This mother went to the program as required by her DTA worker, even though she found herself among a group of Spanish speaking recipients clustered in the back of the classroom unable to understand what was being said. All of the presentations were in English and the program did not provide any interpreters.* Twice when this happened, she left. A staff member of a non-profit social services agency who was in the same building stumbled upon this woman and the group of other Spanish speaking parents and observed them completely bewildered by the SJS program. She referred them to Legal Services. In addition to being required to attend an SJS program unable to provide services in her own language, the mother was never properly screened by her DTA worker for an exemption based on the disabilities of her young child.

D-2: A case manager in a DTA funded structured job search program who asked not to be identified confirmed that even though 30-40% of the TAFDC recipients in that program do not speak English, all the workshops there and at and most structured job search sites are in English. Nor can case managers speak to or obtain translation to talk with many clients -- in these cases the extent of their communication is to

⁸ Holcomb, Patricia, et, al., *Building an Employment Focused Welfare System: Work First and Other Work- Oriented Strategies in Five States*, June 1998, Urban Institute. Funded by the U.S. Department of Health and Human Services, the Urban Institute reviewed five states in 1997, including Massachusetts, which employ a “work first” focus on employment. According to the Urban Institute, “Work First works best for those who are already fairly employable. But it falls short of helping those with significant and multiple barriers to employment or of helping recipients stay employed. In fact, by tracking a sample of recipients over a one-year period, the study found that 31-44 percent of the participants at the end of the year were still receiving cash assistance or were back on welfare, with or without a job. ‘It’s a strategy that gets a lot of people off the rolls quickly,’ says Holcomb, ‘but that’s not the same as keeping them off welfare or moving families out of poverty.’” See also, Children’s Defense Fund and National Coalition for the Homeless, *Welfare to What: Early Findings on Family Hardship and Well-Being*, December 1998, “Forcing families off the rolls before they can fend for themselves is not necessarily a sign of success; in fact, it may undermine the long-term employability at least as much as it hurts family well-being.”

⁹ TAFDC Procedural Guide, Chapter 19, Page 1-1, revised December 1998. The policies included in this procedural guide do not go through the normal public notice and comment period for agency rulemaking otherwise required by MGL c. 30A s.3.

give parents a list of employers to contact. “The even bigger problem is not what we speak here, but what happens when you refer them to a job. Employers are very, very reluctant to hire any one who does not speak English. The first question they ask me is, do they speak English.”

D-3: A Massachusetts mother of one seven-year-old son is waiting for a formal decision on her request for an extension. She is participating in a federally financed welfare-to-work program that allows her to study for her GED, receive training in licensed child care and do volunteer work that meets the TAFDC work rules. *Her DTA worker has informed her that if she continues in this program, she likely will be denied an extension, and if by some chance it is approved, she will need to do 35 hours a week of structured job search (SJS).* As a teen, this woman left high school without finishing because of problems she experienced in her foster care placement. She held a number of paid jobs before her son was born, and then worked temporary jobs in his Head Start program and volunteered on the Head Start policy board. The Head Start staff told her that she couldn’t qualify for a permanent job without her GED. However, she cannot get her GED if she is required to spend 35 hours a week in an SJS activity. There is no child care available at night, and she spends her evenings helping her son with his homework. She is determined to give him the support he needs to do well in school, and drills him on his weekly spelling words, helps him with math assignments, and does her homework in front of him.

D-4: This Boston- area mother was denied an extension of her time limit. The notice stated that she had refused repeated offers to participate in the DTA contracted structured job search program (SJS) or a program which could have reasonably been expected to lead to employment in the months before her time-limited benefits ended. However, this mother entered a Labor Ready job training program in early October - two months before the end of her time limit, and after a DTA sponsored program told her and her DTA worker that it could not find her a job. The DTA caseworker noted in the mother’s file that this Labor Ready program was likely to lead to employment. *When the legal advocate contacted the local DTA office to resolve this case, she was told that the mother could not get an extension because the Labor Ready program was not a Department-sponsored job search program and that to qualify for an extension, a recipient needs to attend a Department-sponsored program.* No other program would suffice, even if it is acknowledged as likely to lead to employment.

D-5: DTA terminated assistance to a Boston-area mother of four children, two of whom are not yet school age, for failing to comply with structured job search requirements. She had just lost an evening job because her child care fell through. She asked for help finding either nighttime child care, or training to find a job with better daytime hours. Instead, her DTA worker sent her to the local structured job search program. She reported to her advocate, *“The job search worker told me to put ‘computer training’ down on job applications, even though I don’t have any. They told me to dress better, when I had no money for new clothes. They told me to go places, but didn’t give me any real help.”*

E. DTA does not assess parents’ long-term barriers to employment, and discourages them from obtaining the education and training they need to become economically self-sufficient.

Section 110(h) of Chapter 5 authorizes the Department, subject to appropriation, to develop for each recipient an employment plan to enable the family to achieve economic self-sufficiency. Since DTA first

implemented Chapter 5 in November 1995, DTA has never established a process for an in-depth assessment of the long-term barriers to economic self-sufficiency, notwithstanding \$2M of funding in the FY99 budget for this purpose. (Line item 4401-1001 of Chapter 194 of the Acts of 1998). There is no meaningful assessment when a family first begins receiving welfare, when they are determined subject to the work rules and get an Employment Development Plan or when DTA evaluates them for an extension of their time limit. DTA workers are given neither instructions nor incentive to identify or make referrals to assess literacy, language barriers, learning disabilities, work history, educational level or other functional limitations.¹⁰

Jobs that support families require basic skills that many parents hitting the TAFDC time limit lack – such as basic reading, writing and math skills. A 1996 study of women receiving TAFDC in Massachusetts documented that 36% had not finished high school.¹¹ This is likely to be considerably higher today. Parents with the education and skill to obtain jobs that support their families have, where there were no other obstacles to employment, done so, and the families that remain on TAFDC include those with the greatest educational and training deficits. By shifting resources from job training, DTA has ensured that there will be no expansion of the basic skills training so desperately needed by these parents. This has profound consequences for their ability to support their families.¹²

The Administration's response that these parents should simply do it all -- low wage work and education and training around the edges -- defies reality. Single parents with minor children are too often unable to juggle full-time work, intensive education or training, and their parenting responsibilities.¹³ The lowest wage jobs -- the only ones available to them -- often do not have predictable work hours and so cannot be combined with an education or training program. And because the jobs pay so little, parents must spend many hours negotiating daily subsistence, standing in line at food pantries, going to thrift stores, washing clothes by hand at home because they cannot afford a laundromat, and spending long hours getting to and from work and to and from child care without

¹⁰At the final exit interview for time-limited families, DTA case workers ask whether the recipient is willing to participate in structured job search, how she thinks she can increase her income or find a job, how she will support her family when time limit benefits end, whether she has a substance abuse problem. (Final Transition Plan, TAFDC-FTP, 9/98). The only time a TAFDC applicant or recipient is asked any in-depth questions about his or her vocational history and physical/mental functional limitations by DTA is if he or she has self-identified a mental or physical impairment severe enough to pursue a disability exemption under 106 CMR 203.540, and then completes a lengthy TAFDC Disability Supplement form. Only when a parent is facing the end of her time limit and is referred for intensive job search services does a structured job search (SJS) provider even ask about educational and work history - and then solely for the purpose of job referral, not training or educational services.

¹¹ Allard, M., et. al., *Over the Edge: Cuts and Changes in Housing, Income Support, and Homeless Assistance Programs in Massachusetts*, McCormack Institute of Public Affairs, January 1997. See also Kates, E., *Closing Doors: Declining Opportunities in Education for Low-Income Women*, Welfare Education and Training Access Coalition, Heller School, Brandeis University, 1998.

¹² According to DTA Central, they are proposing for FY2000 to modify its contracts with regional employment boards to require them to allocate 50% of the training funds they receive from DTA to post-employment services. Last year's contracts originally required only 10%. This change will dramatically erode the availability of education and training programs and most adversely affect parents with disabilities and other barriers to employment. The poverty rate for families where the parent does not have a high school diploma is 24%, compared to 11% for families with a high school diploma, and 7% for families with some college. Massachusetts' 15 community colleges recorded an average drop of almost 50% in the enrollment rate of welfare recipients between 1995 and 1997. Kates, E., *Closing Doors: Declining Opportunities in Education for Low-Income Women*, *id.* Employers are increasingly insisting that new employees have a high school diploma or GED or that they pass reading and math tests at an 8th or 10th grade level. Job training and other education programs frequently require *applicants to have mastered* these basic skills.

¹³ An Eastern Massachusetts job training provider (who asked to remain anonymous) stated that it was impossible for most families in their training program to also do community service. "Their lives are so full, that this would make it impossible for them to complete the program."

reliable transportation. Most important, single parents -- who are most likely to be the parents with family incomes below poverty and with few support systems -- have responsibilities for supervising their children that frequently make it impossible to attend night classes, even if they were available and did not conflict with their work schedules.

Here's a closer look at the families being forced off of TAFDC:

E-1: A Boston-area mother of 3 attended school for the first time when she came to the United States from Cape Verde at age 17. She had previously cared for her 6 younger brothers and sisters while her mother worked, and was soon required to leave school to do this again. She taught herself a little English, but never learned to read or write well. When her own children were young, she sewed curtains and washed windows to supplement her husband's low wages as a dishwasher. She was forced to stop this work to care for their children when the family could no longer afford to pay for child care and rent. Her husband started beating her, and three years ago she divorced him. She applied for TAFDC after her youngest son became very ill with lead poisoning and required her support. *The DTA local office never asked her about the education or training that she would need to support her family.* When her benefits were due to end, DTA referred her to a structured job search (SJS) program. When the SJS program found out that she could not read or write English, they said that they couldn't help her, and she should come back after she'd learned! She tried applying for jobs at Mass General Hospital and Children's Hospital, but they wouldn't hire her because she could not answer the application questions without help. She eventually found a community service placement that provides limited help in English. She recently wrote the alphabet for the first time, but is still unable to read and write English. She is afraid that, because she is doing community service instead of taking formal English classes, she will be unable to learn to read and write English in time to get a job.

E-2: A mother of 3 children in Western Massachusetts was *instructed by her DTA caseworker to stop participating in an adult education program that was helping her learn to read, and go instead to a structured job search program.* This mother failed her GED test and, after three years of attending adult education programs, had only begun to sound out words. When she attended the SJS activities, she asked "with my reading so low, what can I put on a resume?" She has no prior work experience, dropped out of school in 8th grade and had reading and memorization problems throughout school. She was even fired from a job training program because they found her too slow. Since finding her way to a legal advocate, she is now looking into a disability exemption based on cognitive impairments.

E-3: A Boston-area mother with one child applied for TAFDC a year ago when she was unable to continue working as a home health aide after a patient she was trying to pick up fell on her. While partially recovered, she can no longer meet the physical demands and stresses of her prior work. She told her DTA case worker that she wants to get her GED because without one, and without additional help with reading and spelling -- which have always been difficult for her -- she fears she won't be able to get a job that will support her daughter. Her case worker has required her to do Structured Job Search instead, where she was frustrated and insulted by lessons in how to dress, talk, and smell good. She said that she knows how to dress professionally and use proper hygiene; what she needs and wants is a GED. Her DTA case worker just keeps insisting that she do SJS, and telling her that it's better for her to work.

E-4: This Massachusetts homemaker and mother of two teenagers never expected to end up on TAFDC. Her marriage dissolved after she discovered her husband's long term affair and he left home. She had worked as a bank clerk before her children were born, but this was more than fifteen years earlier, and she requested the training in computers that she needs to get even an entry-level job in today's market. Her DTA worker refused, saying she could only do community service or structured job search. When the mother asked whether she could go to school in addition to community service, her worker said no, she could not do it at all, and directed her to a SJS program. *When she asked her SJS case manager for*

training, the woman asked why she had “wasted her life by staying at home with her children.” She was required to FAX out countless resumes which, without this training, were rejected.

E-5: Fear for the physical safety of her two youngest children – who were previously kidnaped by their father - prevented one mother of three from Northeastern Massachusetts from participating in training programs outside of school hours. *She was facing the time limit, and felt that training was essential for her to support her family, but DTA also required her to do community service.* Most important, she had to assure the safety of her children when she had no other secure care-giver. Each of these three things was critical to the maintenance of her family -- but she could do no more than two.

F. The end of assistance is devastating the state’s most vulnerable families.

DTA’s stated goal of substituting a pay check for a welfare check has failed for the families profiled in this report, and thousands more like them throughout Massachusetts. Their stories are representative because the problems they have encountered are systemic. They result from conscious choices that are enforced through regulations that call for the denial of partial benefits to working poor families, contracts that require make-work of parents who desperately need real skills training, and policies that punish the families of parents who seek to provide a financially and emotionally secure home for their children.

Here is a closer look at some of these many families:

F-1: DTA denied an extension to the family of a child in Head Start who is having severe behavior problems after being abused recently and witnessing violence against his mother. The consensus of his Head Start program, DSS, and MSPCC is that his development depends on the consistent implementation of a plan that requires his mother to be available at all times. *DTA said the mother must work, and denied her request to extend benefits until she can stabilize her family.* She is appealing.

F-2: A Boston-area mother and her three children lost their only income in December when their DTA case worker failed to act on their extension request. *When the mother tried to reapply for TAFDC, the case worker refused to take an application, saying that DTA first had to act on her extension request which, she told the mother “I promise you will be denied.”* The mother, who has a 10th grade education, has had great difficulty working or participating in training because of the care needs of her 8-year-old daughter, who has chronic asthma. She frequently misses school – and the mother was told that due to the severity of her attacks, some one must be available to get her at all times. When the mother asked DTA for help finding appropriate child care, her DTA worker told her to look in the paper! DTA not only failed to take into consideration the child’s significant health problems, but it previously sanctioned the family when she missed school. This family is still without any source of income, and is relying on family and friends to meet their most basic needs.

F-3: “Why am I being punished for going out there and finding my own job?” asked a Western Massachusetts mother of two minor children who was denied an extension of the time limit because DTA said that she had not participated in Structured Job Search. She attended through the summer, spending hours on the assignment she was given – combing through notebooks and writing down jobs she might be interested in. *She got no assessment, no counseling, and no results.* Deciding that, “instead of sitting here, I could be doing something,” she got two part-time

jobs as lunch mother and bus monitor in the local school system. When the lunch job ended for administrative reasons, she requested more bus routes. She makes less than \$300 per month. She has appealed the termination.

F-4: A mother of three children who sought a domestic violence waiver of the time limit is again being victimized by the abuser after the end of her TAFDC benefits left the family without income. *When she applied for the waiver, her DTA worker told her that she needed current police reports of abuse --documents that are neither available nor required under DTA's own regulations.* When the mother couldn't get them, the worker said she was ineligible for a waiver. There was no extension request taken. This family has been without income since December. DTA also erroneously denied the whole family food stamps because the youngest child doesn't have a social security number. The family has lived off food brought intermittently by the man whose abuse created the mother's need for a waiver of the time limit. When he enters the house, he throws the mother's belongings out the window, goes through the cabinets and her mail, and screams in front of the children. Many times, she cowers from him in the children's room. She doesn't have the \$60 that the landlord is demanding to change the lock against the abuser, who took a key from the ring of one of the children. The mother has left her GED program, and the family has become increasingly isolated and frightened.

APPENDIX A:

COMPARISON OF EXTENSION APPROVAL RATES AMONG STATES HITTING THEIR AFDC TIME LIMITS**

Florida: as of 10/98, when Florida's time limit first hit, 925 families faced cut off, 97 were cut off, 521 were granted extensions, and 327 closed their cases. (Florida extension rate of those hitting time limit=56%).

Nebraska: 6 families reached time limit, no one cut off.

Oregon: Time limit clock stops when family is cooperating (and family is sanctioned off if not cooperating) so no family has hit a time limit.

South Carolina: Time limit hit in 9/98. About 25% are getting extensions.

Virginia: about 1100 cases have lost benefits with only 25 extensions.

Louisiana: 4,591 families reached the time limit in 1/99; 2,171 were terminated and 2,420 extended (53% extension rate).

North Carolina: Of roughly 700 cases that hit the time limit, 119 requests for extensions, 37 approved, 67 denied, 11 pending, 5 withdrawn. Approval rate is 5% of cases hitting time limit, and 36% of decided extension requests.

Connecticut: About 55%-60% of cases hitting the time limit have requested extensions, and about 60% of extension requests are being approved, so about 33% of families reaching the time limit are getting extensions. Most of the rest are ineligible because Conn. does not allow the disregards to families reaching the time limit. Very few families who are financially eligible are being denied for failing to make a good faith effort (the Conn. standard for extensions). Clients are considered to have made a good faith effort if they do not have any sanctions in the 6 months before the time limit hits, and if they don't have two sanctions at any time. Clients with too many sanctions are given an opportunity to come into compliance and cure the sanctions before they hit the time limit. Clients denied extensions who are financially eligible are eligible for "safety net services" (including clothing, food, eviction prevention, and tasty items like case management and employment services). Families not financially eligible for extensions may get 12 months of rental assistance.

Other states with time limits that have hit include several states with reduction time limits (adult-only) such as Texas, Arizona, and Indiana. In these states, extension approvals are low, but the family is still receiving the majority of the benefit.

** Data provided by the Center on Budget and Policy Priorities and the Massachusetts Law Reform Institute, March 1999.

APPENDIX B

Loss of the TAFDC Earnings Disregard for Working Poor Families

Under Chapter 5 of the Acts of 1995, TAFDC families are allowed a \$90/month deduction from gross earnings (before taxes or other payroll deductions) and then a “\$30 and ½ disregard” of their earnings. There are no independent deductions for taxes or other mandatory payroll deductions, uniforms, transportation or other costs of working. With the \$30 and ½ disregard, families in very low wage jobs can qualify for a TAFDC grant to supplement their low earnings. However, under DTA’s time limit regulations, 106 CMR 203.210, once the family reaches their 24th month, they lose the \$30 and ½ disregard completely - regardless of how little they earn, how much they work, or what it costs them to earn the wages.

The following represents a benefits calculation for a non-exempt family of three (one mother and two children). The mother is working 35 hours a week in a minimum wage job, \$5.25 an hour. The family lives in private, unsubsidized housing.

TAFDC before 24 month clock	TAFDC after 24 month clock
\$ 796 gross income	\$796 gross income
- \$90 standard deduction	-\$90 standard deduction
\$706 “net” income	\$706 “net” income
- <u>\$30</u> disregard	No \$30 disregard
\$676	
- <u>338</u> ½ disregard of \$676	No ½ disregard
\$338 = Countable income	\$706 = Countable income
\$565 full grant for 3 persons	\$565 full grant for 3 persons
- <u>338</u> countable income	- <u>706</u> countable income
\$227 TAFDC supplement	NO TAFDC

Under DTA’s current regulations, any family with less than five (5) persons with a wage earner working a minimum wage job at \$5.25 for 35 hours a week will NOT qualify for a TAFDC supplement once they hit the time limit. Only a tiny fraction of families receiving TAFDC have five or more family members.

