

**The Sanction Epidemic
in the
Temporary Assistance
for Needy Families Program**

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INTRODUCTION¹

There are two types of people. There's welfare people and there's regular people. You are now welfare people. You do as we say, you work when we say work, you don't have the privileges you used to have.²

Financial penalties for rules violations are both common and harsh in the Temporary Assistance for Needy Families (TANF) program. These penalties are called “sanctions.” Some sanctions are “partial” meaning a withholding of some (but not all) of the aid that a family would otherwise receive. Some sanctions are “full family” meaning a withholding of all of the aid that a family would otherwise receive.

According to the official figures, 85,000 families a month -- 5.2% of the average monthly caseload -- received reduced benefits due to a partial sanction in 2008, with an average monthly reduction of \$146 or about 38% of the \$383 average monthly TANF grant.³

According to the official figures, there were 219,000 full family sanctions in 2008.⁴ However, the official figures understate the true number of full family sanctions which is probably much higher.

Federal TANF policy incentivizes states to impose full family sanctions. Full family sanctions have contributed to a decline in program participation from 84% of eligible families in 1995 to 40% of eligible families in 2005, the most recent year for which this information is available. Currently, only about two million families are receiving TANF although probably at least five million families are eligible.

Multiple studies show that many sanctions are erroneous and/or imposed for minor violations and that sanctions cause real hardship.

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² Lens (2007B) at 309 quoting a TANF recipient quoting a TANF case manager.

³ U.S. Department of Health and Human Services (2008A) at Tables 15 & 41.

⁴ Id. at Table 46.

THE TANF PROGRAM

I brought my son to Children's Hospital and Dr. Rudd discovered my son has CP [cerebral palsy]. While my son was in the hospital, I got sanctioned because I wasn't going to school for the mandatory 20 hours a week. They told me to get a doctor's note and I did, but they haven't taken my sanction off.⁵

TANF is the national social assistance program for families with children that was created by federal "welfare reform" legislation in 1996 to replace the Aid to Families with Dependent Children (AFDC) program. TANF is a joint federal and state program. The federal government provides funding to the states and each state then develops and administers its own TANF program.

The U.S. Department of Health and Human Services (HHS) is responsible for oversight of state compliance with federal TANF requirements. The central federal requirement is that states obligate adult recipients to participate in work programs. There are no federal requirements assuring adequate benefits or the right of eligible families actually to receive benefits.

As a program of last resort, TANF offers cash assistance only to families with little or no income who meet a strict test of financial need. The amount of assistance a needy family receives is based on the benefit level set by the state in which the family resides. Families with no income receive the benefit level amount, while families with some income receive lower amounts.

Though the TANF benefit theoretically covers all needs except medical care, in every state the benefit level is far below the official federal poverty level. In 2008 the monthly benefit level for a family of three was \$426 (29% of poverty) in Iowa, the state with the median TANF benefit.⁶

TANF recipients are a disadvantaged and vulnerable population for whom the consequences of sanctions are severe. All are extremely poor. About a third are African-American and about a quarter are Hispanic.⁷ Ninety percent of the parents receiving TANF are single mothers, over half with a child below age 6 and over a quarter with a child below age 2.⁸ A third of parent recipients have a disability,⁹ a substantial portion are domestic violence victims,¹⁰ 40% lack a high school

⁵ National Council on Disability at Case #6.

⁶ Legal Momentum (July 2009).

⁷ Committee on Ways and Means U.S. House of Representatives at 7-38 – 7-39.

⁸ Id. at 7-32.

⁹ Id. at 7-44

degree and only 3% have a college degree.¹¹ One quarter of TANF recipient families include a child who has at least one chronic health problem or disability.¹²

TANF SANCTION POLICIES

I found out that I had tumors in my breast so I had to go through the surgery, and I went through this whole ordeal because once they went in to do the surgery, they found more. So it was just really a medical issue. I did report it to [the TANF agency] that I could not participate because after the surgery, I was going through the healing process. I lost my hair. I just went through a lot of stuff, and they sanctioned me.¹³

The federal TANF statute specifies the minimum circumstances in which sanctions must be imposed, the minimum sanction amounts, and the minimum duration of a sanction. Most states go far beyond the minimum.

Federal TANF rules require parents to seek work, accept work, and/or train for work. Federal rules also require parents to cooperate with state efforts to collect child support as a means of reimbursing the state for the family's TANF benefits.

Federal rules require sanctions for violations of work or of child support cooperation requirements.¹⁴ Sanctions are also permitted for violations of any other requirements that a state opts to prescribe. Most states do impose additional sanctionable requirements. For example, 33 states impose sanctions for violations of state requirements related to a child's school attendance or grades.¹⁵

Federal rules require at least a pro rata grant reduction for a work requirement violation and a grant reduction of at least 25% for a violation of a child support cooperation requirement. States may impose harsher penalties, including a full family sanction, for violations of these requirements and for violations of any additional state-prescribed requirement.

¹⁰ Legal Momentum & National Resource Center on Domestic Violence.

¹¹ Committee on Ways and Means U.S. House of Representatives at 7-43 – 7-45.

¹² Id. at 7-44.

¹³ County Of Los Angeles Chief Administrative Office Service Integration Branch at 68.

¹⁴ 42 U.S.C § 607(e) (work); 42 U.S.C. § 608(a)(2) (child support).

¹⁵ Rowe at Table III.A.1, p. 104.

At least 32 states impose full family sanctions for work requirement violations by applicant parents, denying the application if an applicant parent fails to comply with application process work requirements such as “job search,” meaning the requirement to contact employers to seek work.¹⁶ Forty-five states impose full family sanctions for work requirement violations by recipient parents, about half immediately for an initial violation, and about half beginning with a partial sanction that escalates to a full family sanction if the violation continues beyond a specified period or if there is a subsequent violation.¹⁷

States continue a sanction at least until a parent demonstrates that she is willing to comply and may continue the sanction for a longer period. A majority of states impose minimum sanction periods generally ranging from 1 to 3 months for a first work requirement violation.¹⁸ Most states impose longer minimums generally ranging from 3 to 12 months for any subsequent work requirement violation.¹⁹ Four states authorize lifetime full family sanctions for repeated violations.²⁰

HOW TANF SANCTIONS AFFECT FOOD STAMP AND MEDICAID BENEFITS

[Barbara] was sanctioned after she did not have a doctor’s note for her son’s intestinal flu because she lacked the bus money to get him to a doctor’s appointment she did not think was necessary.²¹

TANF recipients are covered by Medicaid and Medicaid is almost always the only health insurance that recipients have. The Medicaid statute allows states to terminate a parent's Medicaid coverage when the parent is sanctioned for non-compliance with a TANF work requirement.²² A 2003 study funded by HHS reported that 13 states imposed this penalty in 2000.²³ HHS was unable to provide a more recent list of the states which impose this penalty.

¹⁶ Rosenberg at 29-30.

¹⁷ Rowe at Table III.B.3, p. 114.

¹⁸ Id.

¹⁹ Id.

²⁰ Id. The four states with lifetime bans are Idaho, Mississippi, Pennsylvania, and Wisconsin.

²¹ Lens (2007A) at 391.

²² 42 U.S.C. §1396u-1(b)(3).

²³ Pavetti (2003) at Appendix C-1.

Most TANF recipients also receive Food Stamps because TANF benefits are too little even by Food Stamp standards for a family to meet its needs. Under the Food Stamp statute, the effect of a TANF work requirement sanction on Food Stamp benefits can differ depending upon whether there is a child in the family below age six. If there is no child below age six, states generally must terminate the parent's share of the Food Stamp benefit and may impose a full family Food Stamp sanction.²⁴ Eleven states have opted to impose a full family Food Stamp sanction.²⁵ If there is a child below age six, states can terminate the parent's share of the Food Stamp benefit but are not required to do so.²⁶ Eighteen states have opted to terminate the parent's share of the benefit.²⁷

FULL FAMILY SANCTIONS ARE VERY COMMON

*Sanctioned for missing an orientation and job search class, she explained that she did not have daycare and could not bring her four children to such a class. She was told by the agency at the hearing that she could bring them with her to the location, but not into the job search room itself because of the expensive computers. The agency did not explain who would watch the children in the waiting room.*²⁸

The official count of full family sanctions is the number of cases closed due to a sanction as reported by the states to HHS. However, in 32 states full family sanctions are also imposed by application denials and in 24 states by payment suspensions. But HHS does not require states to count or report the number of full family sanctions imposed by an application denial or imposed by a payment suspension that is not converted to a case closing.

In FY 2008, 219,000 cases were officially reported as closed due to a sanction. This figure accounted for 12.8% of all case closings, the highest reported percentage in TANF's history, eclipsing the previous high of 11.6% in 2005.²⁹ The 219,000 official count was the second

²⁴ 7 U.S.C. § 2015(d).

²⁵ U.S. Department of Agriculture at 19.

²⁶ 7 U.S.C. § 2015(i).

²⁷ U.S. Department of Agriculture at 20.

²⁸ Lens (2006A) at 274.

²⁹ U.S. Department of Health and Human Services (2008A) at Table 46. Case closing data for FY 1998 is missing on the HHS web site.

highest reported in TANF's history, eclipsed only by the 228,000 reported case closings due to sanctions in FY 2004, when the TANF caseload was 28% higher than in 2008.

About two million TANF applications are denied each year.³⁰ Because HHS does not require states to report the reasons for an application denial, the number of full family sanction application denials is unknown. The Georgia study discussed later in this report suggests that full family sanctions may be responsible for many application denials.

In 24 of the 45 states that impose full family sanctions for work requirement violations by recipient parents, the sanction results in a payment suspension.³¹ (When payment is suspended, aid may be reinstated without a new application; when a case is closed, a new application is required.³²) The payment suspension is converted to a case closing only if the parent fails to come into compliance within the period specified by the state.

HHS does not require states to report payment suspensions unless and until they are converted to a case closing. An Illinois study found that over an eighteen month period, thirteen per cent of recipient families had payment suspended due to a full family sanction and 43% of these families came into compliance before the end of the three-month period after which the suspension would have been converted to a case closing.³³

The official figures may also understate the number of cases closed due to a full family sanction. Some states seem not to report such case closings accurately or fully. As one of many possible examples, the state of Maryland, after reporting 24.7% of its closings in 2007 as due to a sanction, reported zero closings due to a sanction and 99.8% of its closings as due to "other" in 2008.

³⁰ U.S. Department of Health and Human Services (2010A).

³¹ Rowe at Table III.B.3, pp. 114-115. Payment suspension states are the states in which the sanction is described as the "entire benefit" rather than as "case is closed."

³² General Accounting Office at 8.

³³ Pavetti (2004) at Tables III-1 & Table III-6 and n.6 p.39.

FULL FAMILY SANCTIONS HAVE REDUCED PROGRAM PARTICIPATION SUBSTANTIALLY

[Keesha] missed two days in her last week of Job Club because she did not have child care. In the focus group she said she had called her instructor who had told Job Club attendees to let her know if they could not come and thought the situation would be alright. But when she tried to return, she was told not to come back to Job Club and was sanctioned without receiving a Notice of Action.³⁴

The percentage of eligible families receiving benefits fell from 84% in the last full year of the AFDC program in 1995, to 40% of eligible families receiving TANF benefits in 2005, the most recent year for which HHS has reported estimates of the number of TANF-eligible families.³⁵ The eligible family participation rate has likely fallen significantly below 40% since 2005. Although the average monthly unemployment rate was almost twice as high in 2009 (9.3%) as in 2005 (5.1%), fewer families received TANF in 2009 (1.84 million a month) than in 2005 (2.06 million a month).³⁶

Based on the available data, it is impossible to know exactly how much of the TANF participation decline is due to sanctions. HHS recently acknowledged that full family sanctions were a contributing factor, stating that it is difficult to isolate the effect of any one factor, and expressing the hope that “additional work may help refine understanding of the sharp drop in participation among eligible families.”³⁷

Texas and Georgia case studies provide strong evidence that full family sanctions can lead to a sharp drop in TANF participation. In 2003, Texas shifted from partial to full family sanctions for work requirement violations by recipient parents. Over the next three years the state’s TANF caseload declined by almost half, from 118,927 to 61,333 families, with about 10% of families a month suffering a full family sanction.³⁸ An HHS-funded study by the social research organization Mathematica Policy Research, Inc. concluded that “[w]hile the advent of full-family

³⁴ County Of Los Angeles Chief Administrative Office Service Integration Branch at 72.

³⁵ Government Accountability Office at 15; Legal Momentum (June 2009).

³⁶ U.S. Department of Health and Human Services (2010B).

³⁷ Government Accountability Office at 61.

³⁸ Kauff (2007) at 18 & 88.

sanctions may not account for Texas's entire caseload decline, it likely accounts for a substantial portion of it.”³⁹

In 2004, Georgia significantly expanded the applicant work requirements, the violation of which results in an application denial in that state.⁴⁰ Georgia's application approval rate, which has been 51% in 2003, declined to 22% in 2006, and its caseload fell from 57,663 families in June 2003 to 29,237 families in June 2006.⁴¹ A Mathematica analysis found that “[i]ncreasingly, Georgia is denying TANF applications because applicants either cannot or do not want to comply with work requirements during the eligibility process.”⁴²

The conclusion that full family sanctions have contributed significantly to the fall in TANF participation is also supported by the “TANF leaver” studies (studies of families leaving or exiting the TANF program), and by the change over time in the events associated with case closings. In the late 1990's HHS funded fifteen state studies of families whose TANF cases had been closed. All fifteen studies found that many parent TANF leavers were unemployed, with the percent unemployed in the quarter after exit ranging from 32% to 53%.⁴³ Nationally, the percentage of AFDC/TANF case closings associated with increased maternal earnings decreased from 55% in the period 1993-1995 to 34% in the period 2001-2003.⁴⁴

Predictably, the sharp decline in TANF participation has led to a sharp increase in the number of single-mother families living in the most extreme poverty. One recent study found that in 2004 over 1.7 million single-mother families had a combined annual income from welfare and work of less than \$3,000, a 56% increase since 1995 in this measure of extreme poverty.⁴⁵

³⁹ Id. at 88.

⁴⁰ Kauff (2007) at 93-96; Schott.

⁴¹ Kauff (2007) at 94.

⁴² Id. at 96.

⁴³ Committee on Ways and Means U.S. House of Representatives at 7-85.

⁴⁴ U.S. Department of Health and Human Services (2008B) at Table IND 10a in Chapter II.

⁴⁵ Blank at 186.

MANY SANCTIONS ARE ERRONEOUS

*Ann was sanctioned when a worker at her job site confused her with another client and reported her absent.*⁴⁶

*They sanctioned me because...I got the notice [to come to the TANF work program office] one day after the appointment date.*⁴⁷

Multiple studies have found high error rates when sanctions are reviewed; higher sanction rates for parents with compliance barriers; race-based disparities, with African-American parents more likely to be sanctioned; initiation of the sanction process without inquiry as to whether there was good cause for an instance of non-compliance.

Unlike the federal rules in Food Stamps or the federal rules in the AFDC program that TANF replaced, the federal rules in TANF do not require that states establish a quality control system to measure error and prompt corrective action when error is excessive. The few studies that have sought directly to measure sanction error have all found high error rates. A study by the Tennessee TANF agency found that 30% of sanctions in that state were imposed erroneously.⁴⁸ A Wisconsin study found that about a third of sanctions administratively appealed to “Fact Finding” were reversed and that about three-quarters of sanctions administratively appealed to “Departmental Review” were reversed.⁴⁹ An analysis of administrative appeals of sanction decisions in Texas, Wisconsin, and New York found that sanctions were reversed in 52% of the Wisconsin appeals, 53% of the Tennessee appeals, 77% of the appeals in New York City, and 42% of the appeals in New York State exclusive of New York City.⁵⁰

More than a dozen studies have found sanctions to be associated with compliance barriers. Most of the studies involved only one or a few states and focused exclusively on recipients (and not applicants) sanctioned for work requirement (and not child support cooperation) violations. Some of the studies are now a decade old, and a sanction literature review in 2006 reported inconsistent

⁴⁶ Lens (2007B) at 325.

⁴⁷ County Of Los Angeles Chief Administrative Office Service Integration Branch at 73.

⁴⁸ Goldberg at 19.

⁴⁹ Wisconsin Department of Workforce Development at 28.

⁵⁰ Lens (2005) at 47-48.

findings with respect to several factors.⁵¹ Nevertheless, there are several generally consistent findings - on average, sanctioned parents typically have lower levels of high school completion, more children to care for, and less access to transportation than other TANF recipient parents.

Studies in thirteen states (Arizona, California, Delaware, Florida, Illinois, Massachusetts, Michigan, Minnesota, South Carolina, Tennessee, Texas, Washington, Wisconsin) have found that sanctioned parents are less likely than other TANF parents to be high school graduates.⁵² A study of TANF recipient mothers in twenty cities in fifteen states reported the same finding.⁵³

Studies in eight states (California, Delaware, Illinois, Iowa, Massachusetts, Michigan, Minnesota, Texas) have found that sanctioned parents are more likely than other TANF parents to report not owning a car and/or other transportation barriers.⁵⁴

Studies in five states (California, Delaware, Illinois, Maryland, South Carolina) have found that sanctioned parents on average have more children than other TANF parents.⁵⁵

There is also evidence that sanctions may be imposed in a racially discriminatory manner. Studies in ten states (Arizona, California, Delaware, Florida, Illinois, Michigan, Missouri, New Jersey, South Carolina, Wisconsin) have found that African-American parents are more likely to be sanctioned than other recipient parents.⁵⁶

TANF policies excuse non-compliance that would otherwise be sanctionable if there is good cause for the non-compliance, for example if a parent was unable to keep a work program appointment because her child was sick or because she did not receive notice of the appointment. A 2004 study of sanctions in three states (Illinois, New Jersey, South Carolina) found that some case managers impose a sanction without any effort to ascertain the reason for the reported instance of non-compliance.⁵⁷ Similarly, a 2007 study of sanctions in seven states (Arizona, California, Florida, Georgia, New York, Texas, Utah) found that case managers with large

⁵¹ Meyers at 20-22 reports inconsistent findings across state studies with respect to whether sanctioned parents are more likely to have health problems, more likely to have experienced domestic violence, more likely to report child care problems, more likely to be Hispanic, more likely not to speak English.

⁵² General Accounting Office at 33 (citing state studies in Arizona, Delaware, Michigan, Minnesota, Tennessee, Washington); Cherlin (2002) at 399 (combined data from Illinois, Massachusetts, Texas); Fording at Table 1 (Florida); Hasenfeld at 311 (California); Pavetti 2004 at 35 (Illinois); Fein at iii (Delaware); Koralek at 11 (South Carolina); Wu at 42 (Wisconsin); University Consortium on Welfare Reform at 82 (Illinois).

⁵³ Reichmann at 221.

⁵⁴ Fein at 19 (Delaware); General Accounting Office at 33 (citing studies in Iowa, Michigan, Minnesota); Kalil at 651 (Michigan); Cherlin (2002) at 399 (combined data from Illinois, Massachusetts, Texas); Hasenfeld at 311 (California).

⁵⁵ Fein at iii (Delaware); Hasenfeld at 311 (California); Pavetti (2003) at 12 (citing studies in California, Maryland, South Carolina); University Consortium on Welfare Reform at 82 (Illinois).

⁵⁶ Fein at 21 (Delaware); Hasenfeld at 316 (California); Kalil at 651 & 655 (Michigan, and citing Arizona study); Keiser (Missouri); Koralek at 12 (South Carolina); Ong at 9 (California); Pavetti (2004) at 33 (Illinois, New Jersey); Schramm at 413 (Florida); Wu at 42 (Wisconsin).

⁵⁷ Pavetti (2004) at 22.

caseloads typically impose a sanction without any effort to contact the parent to inquire about the reason for reported non-compliance.⁵⁸

MANY SANCTIONS ARE FOR MINOR VIOLATIONS

An illustrative case involves a 43-year-old black woman, living in an emergency shelter and suffering from both shingles and AIDS, who was sanctioned for failing to attend an appointment at the Department of Labor ... According to her, when she called the Department of Labor to say she would be 20 minutes late for her appointment she was told it was too late and was sanctioned.⁵⁹

A client was two minutes late for a required test. She rescheduled that day and had already taken the test when she then received the sanction notice.⁶⁰

Few sanction studies provide information about the specific nature of the acts of non-compliance that give rise to a sanction. Based on the limited information available, it appears that many sanctions are imposed for missing a single appointment or failing to file a document.

A study of sanctioned TANF recipients in three cities (Boston, Chicago, San Antonio) reported that 55% said that they had been sanctioned for missing an appointment (35%) or not filing a document (22%) and only a “few” for actually refusing work or not showing up at a work-related activity.⁶¹ A study of sanctioned TANF recipients in Texas reported that the “vast majority” were sanctioned for missing a single appointment.⁶² A Delaware study reported that only 5% of work requirement sanctions were for “Didn’t Go for Job Interview/Quit Job.”⁶³

⁵⁸ Kauff (2007) at 52.

⁵⁹ Lens (2009) at 576-77.

⁶⁰ Lens (2006A) at 275.

⁶¹ Cherlin (2002) at 396 & 401.

⁶² Lens (2006A) at 276.

⁶³ Fein at 12.

SANCTIONS CAUSE REAL HARDSHIP

*The mother faced another sanction when she was late for a job training program because the bus she needed to take was an hour late ... As a result, her entire family was terminated from assistance.*⁶⁴

Federal policy does not require states to assess the wellbeing of TANF recipient families or of the families who are sanctioned off TANF. Studies that examine the wellbeing of TANF recipients consistently find high rates of hardship with respect to basic needs such as housing, food, utilities, and medical care.⁶⁵ Studies also consistently find high hardship rates with respect to basic needs among sanctioned families. The studies that report hardship rates for both sanctioned and non-sanctioned families consistently report higher rates for sanctioned families.

A study in twenty cities in fifteen states of mothers who had received TANF in the prior twelve months found that 42% of those who had been sanctioned and 27% of those who had not been sanctioned reported experiencing one or more of the following four hardships: maternal or child hunger; eviction or homelessness; utility shutoff; unable to receive medical care due to cost.⁶⁶

A study of TANF caregivers seeking emergency room treatment for a child in six cities (Baltimore, Boston, Little Rock, Los Angeles, Minneapolis, Washington, D.C) found that compared to children in non-sanctioned families children in sanctioned families had a 30% greater risk of having been previously hospitalized, a 50% greater risk of food insecurity, and a 90% greater risk of being admitted to the hospital at the ER visit.⁶⁷

A study of TANF recipients in three cities (Boston, Chicago, San Antonio) reported that sanctioned families were twice as likely as non-sanctioned families to say they lacked adequate food, and five times as likely to borrow money to pay a bill; that a quarter of sanctioned families said they had used a food pantry (compared to 19% of non-sanctioned families); and that about a quarter of sanctioned families said that they had received emergency clothing (compared to 15% of non-sanctioned families).⁶⁸

⁶⁴ Goldberg at 3.

⁶⁵ Legal Momentum (July 2009).

⁶⁶ Reichmann at 223.

⁶⁷ Children's Sentinel Nutrition Assessment Program at 9.

⁶⁸ Pavetti (2003) at 17-18 describing findings in Cherlin (2001).

A California study found that 42% of sanctioned families had relied on emergency food programs and 33% had experienced residential instability (living in another person's home, in a shelter, homeless on the streets, or moved at least twice in the last 12 months).⁶⁹

An Iowa study found that 35% of sanctioned families had experienced food insecurity, 40% had had utilities cut off, 28% had at times been unable to pay rent or mortgage, and 7% had experienced homelessness.⁷⁰

An Illinois study found that 18% of sanctioned families and 13% of non-sanctioned families had been unable to pay full mortgage or rent, and that 46% of sanctioned families and 29% of non-sanctioned families had had phone service cut off.⁷¹

A Louisiana study found that 35% of sanctioned families and 34% of non-sanctioned families reported insufficient food, 44% of sanctioned families and 32% of non-sanctioned families reported housing problems, 20% of sanctioned families and 7% of non-sanctioned families reported being unable to obtain medical care for the parent, and 11% of sanctioned families and 3% of non-sanctioned families reported being unable to obtain medical care for a child.⁷²

A Michigan study found that 21% of sanctioned families and 9% of non-sanctioned families had had their utilities cut off, and that 34% of sanctioned families and 14% of non-sanctioned families had engaged in a hardship-mediating activity (pawning, stealing food, searching in trash cans, begging, selling or trading food stamps).⁷³

A South Carolina study found that 13% of sanctioned families had to move because they could not pay for housing, 52% fell behind on a utility bill, 15% went without heat, 43% had their telephone service cut off, and 6% sent the children to live with someone else because the parent could not afford to take care of them.⁷⁴

A Tennessee study reported that 34% of sanctioned families said that they were unable to pay rent and 32% that they were unable to pay utilities.⁷⁵

It should be noted that these studies may understate true hardship rates. Most used a survey of a sample of current and/or former recipients to measure hardship. Parents who have experienced hardships such as eviction or homelessness may be less likely to be located or to respond to a survey if located.

⁶⁹ Spiegelman at xi (combined data for sanctioned and time-limited parents).

⁷⁰ Kauff (2001) at Table B.7-5.

⁷¹ University Consortium on Welfare Reform at 84.

⁷² Lindhorst at 106 .

⁷³ Kalil at 652.

⁷⁴ Richardson at IV-6.

⁷⁵ Tweedie at 10.

It should also be noted that the direction of causality may be reversed in some instances. For example, rather than a sanction leading to homelessness, homelessness may lead to a sanction by making compliance more difficult. The sanction may, in turn, lead to still greater hardship.

FEDERAL POLICY INCENTIVIZES FULL FAMILY SANCTIONS

A common theme throughout [sanctioned parents'] testimony was their difficulty in contacting their worker to notify them of obstacles to complying with the work rules. As one client described, when her daughter became ill on the day of her work appointment she made repeated and unsuccessful attempts to call the agency.⁷⁶

TANF is funded as a “block grant.” Each state receives a fixed amount from the \$16.5 billion annual basic federal block grant. Each state must also spend a specified minimum amount of state funds on TANF, in the aggregate about \$10.4 billion a year.

Federal policy incentivizes full family sanctions by permitting states to use TANF funds for purposes other than direct assistance to the needy via cash grants or subsidized employment. States now use TANF funds for social services, child care, early childhood education, after school programs, and many other purposes other than direct assistance. Full family sanctions increase the funding available for purposes that typically have broader political support than direct assistance to needy families. From 1997 to 2006, the percentage of TANF funds used for direct cash assistance fell from 73% to 41%.⁷⁷

In addition, federal TANF work program policy also incentivizes full family sanctions. Federal rules reduce a state's federal funding unless a specified minimum percentage of recipient parents are participating in a work activity. State officials strive to avoid these penalties, as a penalty reduces federal funding and can create the politically unpopular perception that the state is “soft on work.”

Full family sanctions can help states avoid these penalties in two ways. If a state lowers its caseload below the level in a specified base year, the federal “caseload reduction credit” reduces the work program participation rate that the state must achieve to avoid a penalty. If a state imposes a full family (rather than a partial) sanction when a parent fails to participate in a work program, the family will not be counted as a non-participating family because it will no longer be receiving assistance.

⁷⁶ Lens (2006B) at 583.

⁷⁷ U.S. Department of Health and Human Services (2008C).

CONCLUSION

[The recipient] attended classes in the morning Monday through Thursday and in the afternoon did court-mandated community service and worked. She also cared for her two grandchildren. She was sanctioned for not having enough job search contacts during Christmas vacation.⁷⁸

Sanctions occur at epidemic rates in TANF. They are often imposed erroneously or for minor violations, they contribute to the sharp reduction in program participation by eligible families, and they inflict severe hardship on the nation's neediest families. While individual states can and should act to reduce sanctions within the state, so long as the federal statute incentivizes sanctions, a substantial reduction in sanctions is unlikely.

The Obama Administration has asked Congress to extend TANF's current legislative authorization until September 30, 2011. When TANF is considered for reauthorization, Congress must look closely at sanction issues. In an assistance program for America's neediest families, sanctions should be fair and rare.

(August 2010)

⁷⁸ Lens (2006B) at 584.

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