

IMPROVING THE FEDERAL SAFETY NET FOR WOMEN AND CHILDREN: AN AGENDA FOR TANF REFORM

Congress must reauthorize the Temporary Assistance for Needy Families or “TANF” program by September 30, 2010. Most of the nation’s poorest families are headed by single mothers and TANF is the principal federal safety net for impoverished women and children. The denial of TANF benefits can deprive destitute families of the only income available and deprive mothers who head these families of services that could provide a pathway to employment and out of poverty. This paper articulates an advocacy agenda aimed at rendering the program more responsive to the income and employment needs of the women and families TANF is intended to serve.

Reduce Access Barriers

When TANF was created in 1996 to replace the AFDC program, Congress deregulated federal oversight of state administration. Deregulation spawned a significant increase in state access barriers making it more difficult for eligible families to enroll and stay enrolled in the program. The proportion of all eligible families actually receiving benefits fell from 84% in 1995 to 40% in 2005 – a drop in enrollment that is likely higher for persons with disabilities, limited English proficiency, or limited literacy – groups for which access barriers can be particularly challenging, and often insurmountable.

No reauthorization issue is more important than new measures to reduce access barriers and create accountability. Congress should enact new protections to reduce erroneous application denials, case closings, and sanctions. Congress should also broaden federal TANF agency authority to regulate state administration, and institute bonuses for states that reduce access barriers.

Protect Domestic Violence Victims By Assuring Access and Safety

Many women seeking TANF are fleeing domestic abuse in the home and may be forced to return to the abuser if they can’t access TANF. Any new measures to reduce access barriers must assure that victims are promptly aided and not turned away. To protect victims’ safety, a reauthorized TANF program should eliminate the mandatory child support cooperation requirement and require (not just allow) waivers of program requirements whenever compliance would make it difficult to escape domestic violence or unfairly penalize victims.

Make Employment and Earnings the Work Program Goal

Current TANF rules measure work-program performance by the number of participants, with financial penalties for states who don’t meet the extremely high participation quotas. Performance should instead be measured by how much the programs increase employment rates and earnings.

Federal rules also define training-for-work too narrowly. TANF should count as training-for-work all activities that have a proven benefit to employability, including secondary school, GED preparation, ESL, literacy, higher education, and vocational job-skills training including for non-traditional employment. Recipients should be informed about the options and supported in their choices.

Offer Subsidized Employment Opportunities When Unsubsidized Employment is Unavailable

Particularly in these times of high unemployment, many TANF recipients will be unable to find jobs. The TANF program should require and provide funding for states to provide subsidized employment opportunities to those who can not find unsubsidized employment.

Continue Aid As Needed for Unemployed, Underemployed, or Disabled Parents

Current federal rules set a 60-month lifetime limit (and allow states to set a shorter limit) after which benefits are automatically terminated despite the fact that the parent is in compliance with work requirements. Each year thousands of families lose their benefits solely because they reach the limit.

Strengthen Child Care Protections

Most TANF parents need child care in order to work – nine out of ten have a child below age 13, two thirds have a child below age 6, and one third have a child below age 1. While the current TANF statute prohibits sanctioning mothers for not working if “appropriate” child care is unavailable, the statute doesn’t specify standards for what care is “appropriate,” and requires child care only for children below age six. There should be specific “appropriateness” standards, and child care should be required for all school-age children when school is out, and for disabled children of any age when necessary.

Ban the Denial of Benefits to Children Based on Circumstances of Birth or Maternal Conduct

A reauthorized TANF should ban so called child exclusion/family cap policies that deny benefits to a child born into a family that is receiving TANF, and “full family sanction” policies which deny benefits to everyone in the family, including children, if the mother is found to have failed to comply with a program requirement.

Raise Benefits to An Adequate Level

Benefits are inadequate in every state even judged by the *federal* poverty guideline, which most advocates agree understates the *real* poverty line. (The 2009 monthly poverty guideline for a family of 3 is \$1,526). In July 2006, the TANF benefit for a family of 3 was less than half the official poverty line in all but three states, and the combined TANF and Food Stamp benefit was less than 69% of poverty in every state. The TANF program should require and provide funding for states to raise benefits to an adequate level.

Cover Immigrant Victims of Violence and All Immigrants Who Are Legally Present

A meaningful safety net program would not have restrictions on the eligibility of legally present immigrants, such as the current five-year waiting period that applies to many recent legal immigrants. The TANF program should also require states to make benefits available to immigrant victims of domestic violence, sexual assault, trafficking and other crimes.

Eliminate Discrimination Based on Family Structure

Currently, the TANF program funds “marriage promotion” projects that do not offer services to parents who do not want to marry or to same sex couples who are not permitted to marry. TANF “marriage promotion” funding should be transferred into proven anti-poverty measures that will be equally available to both marital and non-marital families. TANF should also eliminate policies that deny benefits for financially eligible two-parent families if one parent is employed full time.

Take Action: Legal Momentum has established the EndPovertyNow coalition and list serve to support, refine, and promote its TANF advocacy agenda during the reauthorization process. Join the EndPovertyNow list serve by sending an email with “join” in the subject line to tcasey@legalmomentum.org. (April 30, 2009).