



INSTITUTE FOR WOMEN'S POLICY RESEARCH

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Welfare Reform Network News

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WORK AND WELFARE REFORM

One of the key objectives of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), the new welfare reform legislation which was signed into law on August 22, 1996) is to move welfare recipients off the rolls and into work. The PRWORA is designed to lower the monetary costs of welfare implementation by eliminating the federal entitlement to each poor parent meeting eligibility criteria; to transfer more responsibility for welfare to the states; to end dependency on government benefits by promoting job preparation, work, and marriage; and to encourage the formation and maintenance of two-parent families. To achieve these goals, the PRWORA implements time limits and sanctions both the states and welfare recipients if they fail to comply with requirements.

Several organizations have produced summaries of the new federal and state welfare guidelines (see the box below for more information). This newsletter contains highlights, based on a review of these summaries, of key provisions regarding work requirements. The PRWORA also contains provisions regarding child support, out-of-wedlock births, legal immigrants, Medicaid, and food stamps; however, these important issues are beyond the scope of this newsletter.

As the "policy questions" in this newsletter indicate, the PRWORA is often unclear on what the states must do. States must prepare and submit plans, which many of them have done; many of the submitted plans are fairly broad in their descriptions and leave many of the aspects of reform unclear or unaddressed. If you have any questions about the new welfare legislation, we encourage you to let us know and to contact the organizations below. We also encourage you to call your state welfare office for a copy of the state's welfare plan.

The Center for Law and Social Policy (CLASP)/Tel. (202) 328-5140

- "A Brief Summary of Key Provisions of the Temporary Assistance for Needy Families Block Grant of H.R. 3734," by Mark Greenberg and Steve Savner. August 13, 1996. \$4.00
- "Waivers and the New Welfare Law: Initial Approaches in State Plans," by Mark Greenberg and Steve Savner. November 11, 1996. \$3.00
- *website for CLASP and CBPP: <http://www.epn.org>*

Center on Budget and Policy Priorities (CBPP)/Tel. (202) 408-1080

- "The Time Line for Implementing the New Welfare Law," by Jocelyn Guyer, Cindy Mann, and David A. Super, November 8, 1996. \$4.00 plus \$2.00 shipping & handling.
- "The New Welfare Law," by David A. Super, Sharon Parrott, Susan Steinmetz, and Cindy Mann. August 14, 1996. \$8.00 plus \$2.00 shipping & handling.

Children's Defense Fund (CDF)/Tel. (202) 628-8787

- "Selected Features of State Welfare Plans," by Christina Firvida. December 17, 1996. CDF will update this information periodically. Please contact Christina Firvida at (202) 662-3556 or Deborah Weinstein at (202) 662-3565 for information on state plans or on CDF's welfare monitoring project.

Telephone: (202) 785-5100



Fax: (202) 833-4362

NOW Legal Defense and Education Fund/Tel. (202) 544-4470 in DC or (212) 925-6635 in NYC

- "The Wellstone/Murray Family Violence Amendment to the New Welfare Law," September 27, 1996. There is no charge for this paper. Please contact Pat Reuss at NOW LDEF's DC office or Martha Davis at the NY office.

American Public Welfare Association (APWA)/Tel. (202) 682-0100, National Conference of State Legislatures (NCSL)/Tel. (202) 624-5400, National Governors' Association (NGA)/Tel. (202) 624-5300

- "The Work Requirements in the TANF Block Grant," September 1996. This document was prepared jointly by the APWA, the NCSL, and the NGA, and is available on the web at the NCSL web site.

- *websites: <http://www.apwa.org>, <http://www.ncsl.org>, <http://www.nga.org>*

American Federation of State, County, and Municipal Employees (AFSCME)/Tel. (202) 452-4800

- "Summary of State Plans," November 20, 1996. An updated summary will be available from AFSCME in February. Please contact Cecilia Perry at AFSCME for more information. At this time, no charge is currently listed.

U.S. Department of Health and Human Services (DHHS)/(202)690-7409

- The Department of Health and Human Services makes most of its guidances and welfare related documents available on the web. Please visit <http://ASPE.OS.DHHS.gov>. For other information on DHHS and the PRWORA, please call DHHS at number listed above.

Background on TANF

The new welfare law differs from the old one in that the federal government funds state welfare programs through block grants (fixed amounts of funds determined by a formula outlined in the PRWORA) and state governments bear more responsibility for implementing and defining welfare requirements.¹ Under the PRWORA, which replaced AFDC with Temporary Assistance for Needy Families (TANF), states must submit a TANF plan to the Secretary of Health and Human Services (HHS) by July 1, 1997. The Secretary must determine whether or not a state's plan is complete (includes all required components) before that state can receive TANF funds, but the Secretary has no authority to reject a state's plan if the plan has the required elements. States are not required to describe all details of their welfare program in the plans they submit to HHS and can amend these plans after submission. Generally, the date of submission of a plan is its effective date, but states must certify in their plans that they have consulted local governments and private sector organizations about the plan and have allowed them at least 45 days to submit comments (states can, however, simultaneously submit a plan to HHS for approval and to local governments and private sector organizations for comment). To maximize their fiscal year 1997 block grant dollars, states will submit their plans as quickly as possible. For a description of the required elements for a state plan and information on how the federal government determines the amount of funding a given state will receive, contact CLASP OR CBPP (see the box on pages 1-2 for contact information). As of January 6, 1997, 39 states had submitted plans, and 26 of these plans had been certified as complete.

Five Year Lifetime Limit on the Receipt of Benefits

Under the PRWORA, states cannot provide any aid funded by federal block grants to families that have been on the rolls for a total of five years (whether or not the months of aid receipt were

¹ Under the former welfare law (AFDC), the federal government reimbursed the states for a percentage of the state's welfare expenditures on children and families. There was essentially no ceiling on funds, as long as eligibility criteria were met. Federal eligibility criteria and program components could be changed through federal legislation and frequently were, most recently in the Family Support Act of 1988.

consecutive).² States can exempt up to 20 percent of their caseload from this 60 month time limit under the hardship exemption. The state must start the clock on the day the family enters the new system, therefore the state cannot count a family's months on welfare that occurred prior to the effective date of the state's new law. States that fail to comply with the 60 month time limit will have their basic block grant cut by five percent.

Policy Questions

- Will states be permitted to use **state** funds to aid families beyond the 60 month limit?
- Will the federal government keep sufficiently accurate records on state programs in order to enforce the 60 month limit and other requirements? Will states have sufficient infrastructure and funds to keep detailed records on their recipients?

Research and Advocacy Questions

- Will there be any effort to track families whose support is cut off after 60 months? What will the consequences be of setting a lifetime limit on receipt for families whose caretaker(s) subsequently cannot support the family?

Community Service Required after Two Months

The new welfare law requires parent or caretaker recipients who are nonexempt and not working to participate in community service employment after two months. The minimum hours per week and acceptable community service tasks are to be determined by the state. Unless a state opts out (which is done by the Governor notifying the Secretary of HHS), the state must implement this component of their welfare plan within one year of the date of enactment of the PRWORA (8/22/96).

Work Required after Two Years

A parent or caretaker receiving TANF assistance must engage in work (as defined by the state) once the state determines that the individual is ready to engage in work or after the individual has received assistance for 24 months, whichever is earlier. If an adult in a family receiving assistance refuses to engage in work, the state must either reduce the family's assistance pro rata (or more, at state option) for any period of the month that the adult refuses to work or terminate aid (subject to exemptions). A state may terminate Medicaid coverage for adults whose benefits are terminated due to refusal to work. Children in the family would remain eligible for Medicaid.

Policy Questions

- Does **failure** to work constitute **refusal** to work?
- Although there is no explicit penalty for states which do not comply with the individual work requirement, will states be penalized for "spending funds in violation of the Act" if they give benefits to nonexempt individuals who are not working after 24 months of welfare receipt?

Research and Advocacy Questions

- Will TANF recipients be given adequate training, transportation, and child care in order to allow them to work? Will families' well-being increase or decrease as a result of the work requirements?

² More specifically, states cannot provide cash aid, work slots, and noncash aid using block grant money to nonexempt families that include an adult who has received any form of assistance for 60 months.

Work Participation Rates Required for States

There is both an all-families and a two-parent families work participation rate requirement that states must meet. The all-families rate is the number of families with an adult or minor parent head who is engaged in work and receiving assistance³ divided by the total number of families receiving assistance in the state⁴ minus the number of families whose assistance has been reduced due to refusal to engage in work.⁵ A similar calculation is used for the two-parent families rate. The work participation rate may (at the state's option) exclude single parents of a child under age one, although a parent can be granted this exemption for a total of only 12 months.⁶ The PRWORA does not state that recipients exempt from the five year lifetime limit are exempt from the work requirement.

$$\text{Work Participation Rate} = (\text{"working" families}) / (\text{total recipients} - \text{sanctioned "nonworking" families})$$

Policy Questions

- Will families granted hardship exemptions be counted in the calculation of the participation rate?

Research and Advocacy Questions

- Are there enough jobs available to employ these welfare recipients? What will be the effect of work requirements on involuntary unemployment? How will state administrators address involuntary unemployment?

Required Rates and Hours per Week

The hours per week (averaged over a month) that an individual must work to count for the work participation rate and the percentage of recipient families that must be working these hours increases with each fiscal year (see Table 1). If a state has failed to satisfy the PRWORA's work participation rates for a given fiscal year, the Secretary will reduce the state's family assistance grant for the next year by up to 5 percent, adding up to 2 percentage points of reduction for subsequent years of noncompliance, up to a 21 percent total reduction of the state's block grant.

A state's work participation requirement for a given fiscal year may be reduced by the amount (in percentage points) its net caseload for that year is below the fiscal year 1995 level, except if the caseload reduction is determined by the Secretary to be due to federal requirements or to the program's new eligibility criteria.

Research and Advocacy Questions

- Because the PRWORA provides no new resources to pay for a substantial expansion of work programs, will states reduce their caseloads by altering their rules for eligibility or creating barriers to the receipt of aid rather than creating effective work programs?
- Will states end up absorbing the impact of federal unemployment policies (e.g. when the federal government keeps unemployment rates high to combat inflation)? How will states

³ It is unclear if this means only cash assistance or all forms of assistance.

⁴ This includes families who are not working because they have not reached the 24 month limit.

⁵ These families can only count toward reducing the state's denominator for three months in a 12 month period.

⁶ The 12 months need not be consecutive and can be divided among more than one child.

deal with these adjustments in unemployment rates?⁷

Fiscal Year	Required All-Families Rate	Required hrs./wk. to count as participant for all-families rate	Required Two-Parent Families Rate	Required hrs./wk. to count as participant for two-parent families rate**
1997	25%	20	75%	35
1998	30%	20	75%	35
1999	35%	25*	90%	35
2000	40%	30*	90%	35
2001	45%	30*	90%	35
2002 and after	50%	30*	90%	35

Source: Greenberg, Mark and Steve Savner. 1996. *A Brief Summary of Key Provisions of the Temporary Assistance for Needy Families Block Grant of H.R. 3734*. Washington, DC: Center for Law and Social Policy, August 13, 1996.

* States have the option to limit the required hours per week of work for every fiscal year to 20 hours for single parents of a child under age six.

** In a two-parent family receiving assistance, both parents must work. One parent must work 35 hours per week and the other parent must work at least 20 hours per week. Exceptions are allowed for parents of disabled children or couples in which one parent is disabled.

Countable Work Activities for the First 20 Hours

To count toward the work participation rate, at least 20 hours per week (or 30 hours for two-parent families) must be spent in the following:

- unsubsidized employment;
- subsidized private sector employment;
- subsidized public sector employment;
- work experience, if sufficient private sector employment is not available;
- on-the-job training;
- community service programs;
- child care services to an individual in a community service program;
- vocational educational training (not to exceed 12 months for any individual, and not more than 20 percent of those persons who count toward the total work participation rate for a given month can satisfy the work requirement by either vocational education or by being a teen parent head of household attending school -- this applies to the "teen parent" section below as well).
- job search and job readiness (recipients engaging in job search and job readiness may be counted as participating in work activities for the work participation rate, but only for a total of six weeks and not for one week after four consecutive weeks. Job search will be countable

⁷ A total of \$2 billion dollars in a contingency fund is available to states that meet either a food stamp trigger or an unemployment rate trigger (and have also maintained 100 percent of its historic state expenditures during the fiscal year in which funds are sought). States that meet either trigger can receive matching funds of up to 20 percent of its block grant if funds are available. In any given month, no state can receive more than 1/12th of this 20 percent.

for 12 weeks if the state's unemployment rate is at least 50 percent greater than the national rate).

Countable Work Activities after 20 Hours

After 20 hours per week (30 hours for two-parent families) have been spent in any of the above activities, additional required hours per week (Table 1 shows in which years additional hours would be required) can be spent in:

- job skills training directly related to employment;
- education directly related to employment, in the case of a recipient who does not have a high school diploma or equivalent;
- satisfactory attendance at secondary school or a course of study leading to a GED in the case of a recipient who has not completed secondary school or received a GED;
- job search and job readiness once the individual has reached the six-week limit.

Teen Parents

For the all-families work participation rate, a single head of household under 20 years of age is counted as working if the recipient maintains satisfactory attendance at secondary school or the equivalent or participates in education directly related to employment for at least the required number of hours per week. TANF funds cannot be used by states to assist an unmarried parent under age 18 who has a child at least 12 weeks old and has not completed high school or the equivalent unless the individual is participating in an educational program directed toward receiving a high school diploma or the equivalent. A minor parent must also be in an adult-supervised setting in order to receive funds.

Policy Questions

- Will the state help situate minor parents in suitable adult-supervised settings? If so, will it cut off aid to a parent for whom it could not find a suitable setting?

Research and Advocacy Questions

- How many minor parents on welfare live in an adult-supervised setting? How many of these living situations are bad ones (e.g. involve domestic violence, alcoholism)? Will all minor welfare recipients be able to find suitable adult-supervised settings? Will the well-being of teen parent families increase or decrease as a result of these new requirements?

State Waivers

If a state has a waiver in effect prior to the effective date of the PRWORA (8/22/96), the state may elect to continue its waiver (subject to TANF funding limitations), and the state will not be required to comply with provisions of the PRWORA that are inconsistent with the waiver. HHS's draft State Plan Guidance states, "Future legislative or regulatory action may limit which provisions of TANF may be considered inconsistent with waivers for purposes of determining penalties. If this happens, states will have an opportunity to submit a new plan in order to come into compliance with the requirements." As of November 20, 1996, HHS had approved 12 state plans, some of which stated the intention to continue pre-existing waivers (see the table on pages 9 and 10).

If a state has waivers that were pending as of August 22, 1996, but are approved on or before July 1, 1997, the state must still comply with the PRWORA's work participation requirements, but does not have to comply with other provisions of the PRWORA that are inconsistent with the waiver, so long as the Secretary finds the waiver to be cost-neutral to the federal government.

Policy Questions

- The PRWORA offers no way to determine "inconsistencies." What will happen when the state and federal governments disagree on what is and is not consistent?

Research and Advocacy Questions

- What about waivers such as Indiana's which place a two year time limit on the receipt of aid? Will these severe time limits create a domino effect in which other states will, out of fear of recipients moving to their state to avoid these harsh time limits, impose equally or more harsh time limits?

Exemptions from Work Requirements

Individuals who are incapacitated or of advanced age, individuals needed in the home to care for an incapacitated household member, pregnant or postpartum women who are unable to work, and individuals who are determined to be unemployable are exempt from work requirements. However, the PRWORA does not state that these individuals are to be excluded from the calculation of the work participation rate. A state **may opt** to exempt an individual who is a single custodial parent caring for a child under 12 months old from the work requirements and may disregard such an individual in determining the work participation rates for up to 12 months.

Child Care

States are prohibited from reducing or terminating aid to a single parent with a child under age six who has refused to comply with work requirements due to a lack of child care and face a penalty of up to a five percent reduction in their block grant for violating this prohibition. However, the recipient must prove that he/she has a demonstrated inability (as determined by the state) to obtain needed child care.

Policy Questions

- Is the state obligated to provide child care?

Family Violence Amendment

The Wellstone/Murray Family Violence Amendment is a **state option** to increase services and waive requirements in cases of domestic violence and sexual abuse. The Amendment invites states to: screen applicants for domestic violence while maintaining confidentiality, provide referrals to counseling and support services, and make good cause waivers for certain welfare program requirements (including the 24 month and 60 month time limits for as long as necessary, residency requirements, child support cooperation requirements, and child exclusion provisions). Exemptions are to be granted where any requirement would make it harder for welfare recipients to escape domestic violence or where requirements would unfairly penalize past, present, or potential further victims of physical or sexual violence. Provisions apply to cases of "battering and extreme cruelty," which is defined as including acts of physical and sexual violence (including marital rape) as well as threats and attempts of physical and sexual violence, child sexual abuse, mental abuse, and deprivation of medical care.

It is not clear how the Family Violence Amendment's provisions will be treated under the PRWORA. The PRWORA allows hardship exemptions in cases of "battering and extreme cruelty;" however, these exemptions apply only to the 60 month time limit and can comprise only 20 percent of a state's caseload. The Amendment serves to broaden these exemptions to more than just the 60 month requirement and to more than just 20 percent of a state's caseload. It is, however, unclear if states will be penalized if they fail to meet the work participation requirements because of granting

these exemptions.

Policy Questions

- Although this amendment allows states to waive work requirements in cases of family violence, will these exemptions still be used in the calculation of the work participation rate, thus essentially punishing states that adopt and enforce this amendment?

Research and Advocacy Questions

- How can states be convinced to adopt and properly enforce this amendment? What is the extent of domestic violence in the lives of welfare recipients? What policies and programs are most successful and cost effective in reducing or eliminating domestic violence?

Other Welfare Research Resources

The U.S. Department of Health and Human Services (DHHS), has released a report entitled **Indicators of Welfare Dependence and Well-Being: Interim Report to Congress**. This lengthy and comprehensive report can be obtained by calling the Office of the Assistant Secretary for Human Service Policy at ASPE, DHHS, at (202) 690-7409. A number of resources and technical assistance documents regarding TANF are also available on their web site as well as through their departmental office. For information on TANF requirements, please visit <http://ASPE.OS.DHHS.gov>. Other links to DHHS web sites can be found through the Welfare Information Network (WIN); <http://www.welfareinfo.org>. WIN also has links to web sites where you can access copies of the PRWORA. A paper copy of the PRWORA is also available through the Government Printing Office for \$12.00. Please call (202) 512-1800.

IWPR's Welfare Monitoring Listserv

As part of the project to coordinate welfare research, IWPR has set up a listserv (electronic bulletin board) which is devoted to the discussion of welfare reform. You can subscribe to the list by sending the following command to the listserv address, at listserv@american.edu:

SUBSCRIBE WELFAREM-L Full Name

(Use your full name, not your e-mail address. The listserv software can read your e-mail address automatically.) When you sign up you will receive a welcome message which will provide further instructions for the listserv. IWPR's welfare reform newsletters will be disseminated through the listserv as well as by mail and stored in the archive files of the WELFAREM-L listserv. This listserv offers the opportunity to share with other interested, like-minded scholars your research and questions on welfare and welfare reform in individual states and at the national level. Discussion can also be related to other issues, such as domestic violence or health. Other information such as calls for papers, conference information, fact sheets, and legislative updates are also welcome. For more information on the listserv, please contact Jackie Chu at jchu08@aol.com.

SUMMARY OF WORK-RELATED WAIVERS, IF ANY, IN STATE PLANS APPROVED BY HHS AS OF NOVEMBER 20, 1996*

SOURCES: CLASP, 1996. "Waivers & the New Welfare Law"
 AFSCME, 1996. "Summary of State Plans"
 CDF, 1996. "Selected Features of State Welfare

* These are pre-existing waivers which states intend to continue under the new welfare legislation.
 (States are not required to describe all details of their welfare programs in the plans they submit to HHS, and they can amend these plans after submission.)

STATE	DATE APPROVED	EFFECTIVE DATE	WAIVER EXPIRATION DATE	DESCRIPTION OF WAIVER(S)
AZ	11/1/96	11/1/96	9/2002	(Note: States w/no mention below of time limits for receipt of benefits will follow TANF's 60 mo. lifetime limit) (1) Adult household members can only receive cash assistance for 24 mos. of a 60 mo. period, and only 60 mos. of assistance for lifetime. (2) Exemptions from these time limits granted due to being physically or mentally unable to go to work or training, being the only member of an assistance unit who can stay home to care for a physically or mentally disabled household member, or being a participant in JOBSTART. (3) Up to two 4-mo. extensions can be allowed for completing educ. or training, and an extension of up to 6 mos. can be allowed for good cause.
FL	10/8/96	10/8/96	12/2001	(1) State Plan does not identify inconsistencies in its waivers, but notes 3 waiver packages and does not opt to terminate them. (2) State wishes to further consult with the Administration for Families & Children regarding the usefulness of continuation of these activities. (3) Waiver involves receipt of assistance for only 24 mos. in 60 mo. period or for 36 mos. in a 72 mo. period for specified cases, and a 48 mo. life
IN	11/1/96	11/1/96	3/2002	(1) State intends to continue its IMPACT waiver. (2) State does not identify inconsistencies but does note that provisions of the Act which are inconsistent w/the State's waivers will not apply. (3) State waiver includes a 24 mo. time limit on the receipt of aid. (4) An extra month of benefits is earned for every 6 mos. of work, w/a 24 mo. cap on the extra mos. of benefits.
KY	11/18/96	9/30/96		(1) No Waivers
MA	11/18/96	9/23/96	9/2005	(1) Nonexempt (as defined by MA) recipients whose youngest child is of school age must work and/or perform community service for 20 hrs/wk. (2) In 2-parent households, both parents are subject to above requirement unless exempt. (3) Parent or caretaker who fails to comply w/work requirements w/o good cause will be ineligible for cash assistance. (4) Failure to comply w/work requirements on more than one occasion will result in termination of assistance for household. (5) In two-parent household, both parents may be sanctioned for noncompliance w/work requirements. (4) Job search may be required w/o a limit on the # of wks. Not clear if State intends to include job search in work participation rate. (5) Aid limited to 24 mos. out of 60 mo. period for nonexempt recipients; no mention of lifetime limit.
MI	9/30/96	10/1/96	9/1999	(1) State will reduce cash assistance by 25% for noncompliance w/work requirements w/o good cause (TANF'S reduction is pro rata).
NH	9/12/96	10/1/96	8/2002	(1) State will define work activities as: job search, unsubsidized work, a subsidized job, on-the-job training, community service, alternative work experience programs, work supplementation, adult basic ed. services, job readiness programs, community services & resources, training programs post secondary ed. activities, work for benefits programs, and any other employment related activity as determined by the state agency. (2) State (unlike the Act) does not limit the duration of job search activities that will count toward work participation rates. (3) State does not limit # of indivs. treated as working as a result of participating in Voc. Ed. or being head of household. w/satisfactory school atten

(4) Exemption from work is consistent w/prior JOBS exemptions, and there is also exemption based on an agency determination that an indiv. has "significant employment related barriers" (the Act specifies that for the purposes of calculating work participation rates & for the 24-mo. work requirement, the only exemption is for those caring for a child under one year old).
 (5) No time limits on benefits is specified.

NJ	11/12/96	10/15/96	(1) State will discontinue its waivers.
OH	11/1/96	9/19/96	12/2001 (1) Not clear whether State will defer to TANF provisions which may be in conflict w/its waivers; no mention of time limits in State Plan. (2) One State waiver provision limits aid to 36 mos. in any 60 mo. period.
OK	11/1/96	9/30/96	3/2001 (1) State will continue its two-county learnfare waiver until its completion
OR	11/1/96	9/27/96	6/2002 (1) Limits aid to 24 mos. within any 84 mo. period; with exemptions. No mention of lifetime limit.
WI	9/30/96	8/22/96	12/2000 (1) Does not identify any inconsistencies in its waivers, but it does intend to continue its waivers. (2) Time limits not mentioned in State Plan.