

Welfare Bulletin



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SELECTED RECENT CASE DEVELOPMENTS

TX Court Blocks Medicaid Sanction for Failure to Comply with Personal Responsibility Requirements

Camacho et al. v. Texas Workforce Commission et al., (98th Judicial. Dist., Travis County Dist Ct., Texas, Dec. 11, 2003) (Temporary Restraining Order)

Plaintiffs challenge the state's recently adopted policy of terminating Medicaid for parents and other adult caretakers who are sanctioned under TANF for their inability to ensure that their children attend school and receive health check-ups and immunizations, and for their own inability to refrain from drug and alcohol abuse. Federal Medicaid law allows states to terminate Medicaid for adults whose TANF is terminated for failure to comply with work requirements under 42 U.S.C. 607. Texas' new policy redefines work to include compliance with non-work conduct requirements included in an individual's responsibility agreement. Plaintiffs claim that the new policy violates federal Medicaid law, 42 U.S.C. §1396u-1 (b)(3) and the Texas Human Resources Code provision which authorizes termination of Medicaid to the extent allowed by federal law. The court has granted a temporary restraining order barring the state from terminating Medicaid pursuant to the challenged rules.

Plaintiffs' attorneys: P.M. Schenkkan, Mary A. Keeney, Graves, Dougherty, Hearon & Moody; Bruce Bower, Texas Legal Services Center, Austin, Texas; Of Counsel: Marc Cohan, Mary R. Mannix, Rebecca L. Scharf, Welfare Law Ctr., 275 Seventh Ave., #1205, New York, NY 10001, tel. 212 633-6967.

NY Court Invalidates Certain State Food Assistance Program Immigrant Restrictions

Teytelman v. Wing, *Index No.* 402767/02 (Sup. Ct., N.Y. Co., Dec. 8, 2003)

On December 8, 2003, a New York state court held that certain immigration-related restrictions in the state Food Assistance Program (FAP) violate the Equal Protection clauses of the U.S. and New York Constitutions. In particular, in granting the plaintiffs' motion for a preliminary injunction on behalf of the named plaintiffs, the Court struck down provisions restricting FAP eligibility to immigrants who have been residing in the U.S. since August 22, 1996; and who have not been outside the U.S. for more than 90 days in the year preceding an application for benefits; and who have applied for citizenship or will do so within 30 days of becoming eligible to do so.

In practice, the decision is a big victory for domestic violence survivors who entered the U.S. after 1996, and who are either qualified aliens but in that status for less than 5 years, or who are identified by the social services district as DV survivors pursuant to the procedures in state Social Services Law 349-a. The other major beneficiaries include elderly (age 60 or over) non-disabled immigrants who entered the U.S. after 1996 and who have less than 5 years of qualified alien status. Both those groups are now eligible for State-funded FAP benefits under the reasoning of the decision.

Plaintiffs' attorneys: Rebecca L. Scharf, Welfare Law Center, 275 Seventh Avenue, Suite 1205, NY, NY 10001, tel. 212-438-8853; Jennifer Baum, The Legal Aid Society, 199 Water Street, New York, NY 10038, tel. 212-440-4232; Mary Ellen Burns, Northern

Manhattan Improvement Corp., 76 Wadsworth Avenue, New York, NY 10333, tel. 212-822-8346; Constance Carden, New York Legal Assistance Group, 130 East 59th Street, New York NY 10022, tel. 212-750-0800; Barbara Weiner, Greater Upstate Law Project, Greater Upstate Law Project, Inc 119 Washington Avenue Albany, New York 12210, tel. 518-462-6831.

NE Supreme Court Rules Family Cap Does Not Apply When Adult is Disabled

Mason v. State of Nebraska, 267 Neb. 44, 2003 Neb. LEXIS 181 (Dec. 5, 2003)

The Nebraska Supreme Court has ruled that the state's family cap provision, which denies a grant increase for a child born while the family is receiving cash assistance, cannot be applied to families whose adult is disabled and unable to work. Plaintiffs had argued that state law limits application of the family cap to families with a self-sufficiency contract who are participating in the Employment First work program. Since families whose adults are incapacitated and unable to work are not required to enter into self-sufficiency contracts and are placed into a non-time limited benefit group, plaintiffs argued that they cannot be subject to the family cap. Plaintiffs had prevailed in the lower court.

The Supreme Court concluded that the language of the state's family cap provision was ambiguous, and it therefore looked to the purposes of the law and the legislature's intent. The court found that the application of the family cap to the plaintiff class does not further the welfare act's purposes of promoting the transition to economic self-

sufficiency, providing continuous support to individuals and families with disabilities, and protecting children. The court cited legislative history indicating that the legislature intended that the family cap apply to families participating in the Employment First program through a self-sufficiency contract. The court declined to apply the family cap to families with a disabled adult, absent a clear expression of legislative intent. It easily rejected the state's argument that the family cap would be rendered unconstitutional if the court accepted plaintiff's argument. The state had argued that there would be an equal protection violation if the cap were not applied uniformly. The court noted that "[t]his argument is without merit, for which the Department should be thankful. The Department may be overlooking the implications of its advocacy in this particular appeal. The Department's equal protection analysis could, if adopted, result in the invalidation of the entire Act." It concluded that there is a rational basis for treating plaintiffs differently from others subject to the cap.

Plaintiffs' attorneys: Rebecca Gould, Milo Mumbaard, Sue Ellen Wall, Susan Koenig, Nebraska Appleseed Center, 941 O Street, Suite 105, Lincoln, NE 68508, tel. 402-438-8853; and NOW Legal Defense and Education Fund, New York, NY. The ACLU Women's Rights Project filed an amicus brief in support of plaintiffs.

Settlement Agreement Confers Prevailing Party Status on Plaintiffs for Attorney's Fees

Roberson et al. v. Giuliani et al.,
Docket No. 02-7306 (2d Cir., Sept. 30, 2003)

The Second Circuit Court of Appeals, reversing the district court, has held that plaintiffs are prevailing parties for purposes of 42 U.S.C. § 1988 in a lawsuit that was resolved by private settlement agreement over which the district court retained enforcement jurisdiction. Plaintiffs had brought a §1983 class action against New York City welfare officials challenging

policies regarding the disposition of Food Stamp, Medicaid, and public assistance applications based on recommendations of the Eligibility Verification Review Offices. After the court granted summary judgment to defendants on one of the claims, the parties entered into a settlement agreement concerning the remaining claims, in which defendants agreed to assume various obligations and plaintiffs agreed to voluntary dismissal of claims. The agreement provided, among other things, that the agreement would not become effective if the order of discontinuance did not include a provision retaining jurisdiction over enforcement. In considering plaintiffs' subsequent motion for attorney's fees, the district court concluded that they were not prevailing parties under **Buckhannon v. Bd. & Home Care, Inc. v. W. Va. Dept of Health & Human Resources**, 532 U.S. 598 (2001). The district court concluded that its continuing jurisdiction over the agreement was not the judicial sanctioning of the parties' altered legal relationship under **Buckhannon**. The Second Circuit disagreed, concluding that the lower court "did not fully appreciate the implications of its retention of jurisdiction over enforcement of the Agreement." Such retention of jurisdiction "is not significantly different from a consent decree and entails a level of judicial sanction sufficient to support an award of attorney's fees."

Attorneys for Plaintiffs-Appellants: Randal S. Jeffrey, New York Legal Assistance Group, 130 East 59th Street, 14th Floor, New York, NY 10022, tel. 212-750-0800, fax: 212-750-0820.

MA Court Enjoins Cuts in Emergency Assistance Program

Wilson v. Dep't of Transitional Assistance, No. 03-3944-E (*Suffolk Cy. Superior Court, August 21, 2003*)

According to a report from Massachusetts Law Reform Institute, the court has issued a preliminary injunction barring the welfare agency from reducing payments by 11.5% to recipients in the state's program of Emergency Aid to Elderly, Disabled, and Children in order to

respond to a projected FY 2004 funding shortfall. The agency cannot implement cuts until the appropriation approaches exhaustion and the legislature has failed to act.

Plaintiffs' attorney: Ruth Bourquin, Massachusetts Law Reform Institute, 99 Chauncy Street, Suite 500, Boston, MA 02111, tel. 617-357-0700, fax: 617-357-0777.

MA Court Rules that State Regulation Impermissibly Narrows TANF Exemption

Baynes v. Dep't of Transitional Assistance, No. 02-0068 (*Middlesex Cy. Superior Court, May 16, 2003*)

Plaintiff challenged the welfare agency's decision that she did not qualify for the exemption from various TANF rules (e.g. time limits and work requirements) allowed to caretaker parents with a disabled child. The state statutory provisions provide an exemption when the disability of the child requires the parent's presence at home. However, a state regulation requires a parent to provide medical verification that she is required to be at home during normal school hours to care for the disabled child if the disabled child is of mandatory full-time school age. Plaintiff is the parent of a child whose disability qualifies her for SSI. The child is of mandatory full-time school age. As a result of her disability, the child has more school absences than non-disabled children. The medical report indicated that while the parent was not needed full-time at home to provide care, she was needed at home when the child is ill. The court ruled that the statutory exemptions do not provide authority to the agency to limit the exemption to those who must care for a disabled child full-time during school hours.

Plaintiff's attorneys: Melanie Malherbe, Greater Boston Legal Services, 197 Friend Street, Boston, MA 02114, tel. 617-603-1602, fax: 617-371-1222; Ellen Schachter, Cambridge and Somerville Legal Services, 432 Columbia Street, Suite 16, Cambridge, MA 02141, tel. 617-494-1800, fax: 617-494-8222.

Court Upholds GA Child Support Assignment Requirement for Family Cap Children

Williams v. Martin, *Civ. Action No. 1:01-CV-3343-TWT (U.S. District Ct., N.D. Ga.) (Sept. 22, 2003)*

Plaintiffs are children subject to the state's "family cap" provision under which a TANF cash assistance increment is denied to children born while the family receives TANF assistance, whose rights to child support must be assigned to the state pursuant to TANF rules. Plaintiffs claim 1) that the assignment requirement violates 42 U.S.C. 608 (a)(3) which requires that states condition TANF eligibility on the assignment of support rights for anyone applying for or receiving assistance; and 2) that the mandatory assignment constitutes a taking in violation of the Fourteenth Amendment to the U.S. Constitution. The court has ruled against plaintiffs.

After concluding that plaintiffs have standing and that the case is ripe for adjudication, the court rejects the statutory claim on the grounds that while 608 (a)(3) does not expressly authorize the assignment for such children, it does not bar the state from imposing such a requirement. On the constitutional claim, the court reaches a conclusion contrary to that of the court in **Williams ex rel. Ricard v. Humphreys**, 125 F. Supp. 2d 881 (S.D. Ind. 2000) which found the assignment requirement for a family cap child unconstitutional. In reaching its conclusion, the court looked to **Bowen v. Guilliard**, 483 U.S. 587 (1987) (upholding the AFDC mandatory filing unit rule) which applied the three factor test in **Penn Central Transportation Co. v. City of New York**, 438 U.S. 104 (1978) to evaluate the taking claim. First, as to the economic impact of the regulation on the plaintiffs, the court found it significant that although the plaintiffs' TANF grants did not increase for the capped child, the addition of capped children to the family increased the potential of GAP payments made to the family when the state collected child support. Plaintiffs had received GAP payments (which were not a factor in the Indiana **Williams** case), and these GAP payments together with the state's use of its

resources to collect the support mitigated the adverse economic effect of the assignment.

As to the second **Penn Central** factor - the extent to which the regulation interferes with the plaintiffs' investment-backed expectation - the court found that a child's property interest in child support can be modified by the parent or by law and does not give the child a "vested expectation in continued identical child support payments." As to the third factor - the character of governmental action - the court, relying on **Bowen**, noted that the state faces difficult choices in allocating government resources. Plaintiffs received an overall increase in benefits through the GAP payments and assignment is voluntary insofar as the choice to apply for TANF is not mandatory. In concluding that there is no constitutional violation, the court cited the wide latitude that the state has in designing social programs.

Plaintiffs' attorneys: Nancy Lindbloom, Georgia Legal Services, Athens, GA 30605, tel. 706-369-5922, Lisa Krisher, Sheila Khrzan, Georgia Legal Services, Atlanta, GA.

NJ Supreme Court Upholds New Jersey Family Cap

Sojourner A. et al. v. New Jersey Dep't of Human Services, 828 A. 2d 306, 2003 N.J. Lexis 866 (August 4, 2003)

The New Jersey Supreme Court has upheld the constitutionality of the state law that denies, with limited exceptions, an increase in cash assistance benefits for a child born more than ten months after a family applies for and receives benefits. Plaintiffs had claimed that the "family cap" provision violates their rights to privacy and equal protection as guaranteed by the New Jersey Constitution. Relying on the approach established in prior decisions involving state constitutional claims, the court applied a balancing test that considers "the nature of the affected right, the extent to which the governmental restriction intrudes upon it, and the public need for the restriction." The court noted, however, that while its analysis varies from the tiered test for federal constitutional claims, it considers similar

factors and often reaches the same result.

As to the claim that the family cap infringes on a woman's right to make reproductive choices by penalizing her for the birth of a child and singles out poor children, the court rejects arguments that there is an undue or new burden on reproductive choice. Family income from whatever source is likely to influence reproductive choices. Working families do not receive automatic wage increases when a child is born and the family cap puts families on welfare "on a par with working families." The court finds the state has "ample justification" for the cap as "resources available as a result of the cap have been diverted to job training, child care, and other programs..." which should help improve the lives of welfare families. The court distinguished an earlier New Jersey Supreme Court decision finding an equal protection violation where the state denied Medicaid funding for abortions except where medically necessary to save the mother's life. Noting that the court had also held that the state could exclude from Medicaid funding elective, nontherapeutic abortions that did not involve the life or health of the mother, the court said that in this case the life or health of the mother is not at stake. The court discounted plaintiffs' contention of disparate treatment based on when a child is born - i.e. before a family receives welfare or after. It noted that families subject to the cap receive additional Food Stamps and Medicaid, and rejected arguments of amici that the statute violates international norms regarding birth-status discrimination. The court concluded that the case is "not about the right to choose whether and when to bear children, but rather, about whether the State must subsidize that choice."

Plaintiffs' attorneys: Lenora M. Lapidus, American Civil Liberties Union, 125 Broad Street, New York, NY 10004, tel. 212-549-2668, fax: 212-549-2651; Sherry Leiwant, NOW Legal Defense and Education Fund, 395 Hudson Street, New York, NY 10014, tel. 212-925-6635, fax: 212-226-1066; Gibbons, Del Deo, Dolan, Griffinger & Vecchione.

CA Court Upholds CalWORKS and Food Stamp Fingerprinting Requirement

Sheyko v. Saenz, 2003 Cal. App. LEXIS 1532 (Ct. of Appeal of Cal., 3rd App. District) (Oct. 9, 2003)

This case challenges aspects of California's fingerprinting system for CalWORKS and Food Stamps and asserts that the implementing regulations exceed the statute mandating such a system. On appeal from a trial court decision that ruled partly for plaintiff, the appellate court has ruled for the state defendant and upheld the fingerprinting system. The court's decision includes the following points. Claims about the effectiveness of the fingerprinting system are for the legislature, not the court, to decide. The court rejects assertions that the system interferes with plaintiffs' privacy rights and religious freedom and that using fingerprinting as an eligibility requirement impermissibly deters people from applying for assistance and undermines the agency's obligation to aid eligible individuals. The agency may require all parents, legal guardians, and caretaker relatives in a CalWORKS household to comply with the fingerprinting requirement, even if they are not eligible. The agency's fingerprinting system may require photographs of individuals subject to fingerprinting. The agency may find the entire household ineligible if an individual fails to comply with the fingerprinting requirement. The court rejects a distinction between "refusal" and "failure" to comply, finds that people have many chances to comply and that non-compliance means that an eligibility requirement has not been satisfied.

Plaintiffs' attorneys: Stephen E. Goldberg, John F. Gianola, Legal Services of Northern California, 517 12th Street, Sacramento, CA 95814, tel. 916-551-2150, fax: 916-551-2195; Grace A. Galligher and Cynthia Anderson-Barker, Coalition of California Welfare Rights Organizations.

NY Court Finds Due Process Violations in HEAP Program

Kapps v. Wing, 2003 U.S. Dist. LEXIS 17633 (E.D.N.Y., Sept 19, 2003)

Relying upon early Welfare Law Center due process victories in *Goldberg v. Kelly*, 397 U.S. 254, (1970) and *Escalera v. NYC Housing Authority*, 425 F. 2d 853 (2d Cir. 1970), the court held that despite the considerable discretion states have in establishing eligibility requirements for benefits under the federal Low Income Home Energy Assistance Program (HEAP) block grant, once eligibility standards are established, and so long as funds are available, eligible individuals have a constitutionally protected interest in HEAP benefits. This means that the state has violated due process when it (1) sends notices that do not provide the information necessary for the individual to determine whether eligibility and benefits were correctly determined, and (2) delays making determinations to a time when an appeal cannot be pursued. On the other hand, due process is not violated when the state takes more time to process a claim than state regulations permit.

The court also held that there was a private right of action under the federal HEAP statute, but that there was only one violation of those rights. The court also certified a class, rejecting arguments that such certification was unnecessary because all would benefit from a determination, noting that the defendants argued at the same time that resolution of the individual plaintiffs' claims would moot out the case. Finally, barred from ordering any retroactive money relief by the Eleventh Amendment, the court ordered *Quern* notice to the class of the fact that the defendants' past actions were unconstitutional.

At least one of the defendants has filed a notice of appeal to the Second Circuit.

Plaintiffs' attorney: Peter Vollmer, Vollmer & Tanck, 350 Jericho Tpke, Ste. 206, Jericho NY 11753, (516) 870-0355, Pvollmer96@aol.com.

NY Court Upholds Class Certification in Tax Intercept Case

Watts v. Wing, 765 NYS2d 18 (1st Dept., 2003)

Under New York state law, the welfare agency was allowed to intercept state tax refunds to recover welfare overpayments. Plaintiffs claimed that the failure to provide notice and an opportunity to contest the debt violated due process. The Appellate Division, by a 3-2 vote, upheld the class certification on the grounds that there were issues common to all members of the class (adequate notice and a meaningful opportunity for a hearing). The "government operations rule" invoked by the State, which presumes that the State will comply with the decision in an individual case in future situations affecting others, has no application here because the alleged due process violations occurred in the past. The majority rejected the dissenters' claim that class certification was inappropriate because individual hearings would be required for each member of the class who wanted to challenge the validity of a debt.

Plaintiffs' attorney: Jane Greengold Stevens, New York Legal Assistance Group, 130 East 59th Street, New York NY 10022, (212) 750-0800, jstevens@nylag.org.

Welfare Law Center Welfare Litigation Monitoring

The Center continues to monitor welfare and related litigation as part of Project Fair Play, our comprehensive effort to undertake, support, and promote critical litigation on public benefits issues. We encourage our readers to mail or e-mail us papers and updates in their significant cases so that we can disseminate this information to our network of litigators and other advocates. Send papers to Gina Mannix (mannix@welfarelaw.org) at the Center.

Lawsuit Claims New Texas Computer System Problems Result in Illegal Benefit Denials

DeLeon v. Hine, Cause No. 6N304045
(Travis County District Court, Texas)
(complaint, filed October 2003)

Plaintiffs are individuals who have not received TANF cash assistance, Food Stamps, and Medicaid for which they have

been found eligible. They claim that the loss of benefits results from implementation of a new computer system that has significant system-wide software and data processing errors and that the defendants have not established an alternative method of assuring issuance of benefits to those who have lost assistance as a result of the roll-out of the new computer system. Plaintiffs claim that the defendants have violated the federal Food Stamp and Medicaid Acts and that the denial of benefits without notice of the

reasons for denial and notice of the right to appeal violates the Texas and United States Constitutions. They seek declaratory and injunctive relief.

Plaintiffs' attorneys: Mario Caballero and Renee Trevino, *Texas Rural Legal Aid*, 434 S. Main, Suite 300, San Antonio, TX 78204, tel. 210-227-0111; James C. Harrington, *Texas Civil Rights Project*, Austin, TX (The Welfare Law Center is of counsel to Texas Rural Legal Aid).

RECENT NOTEWORTHY PUBLICATIONS

Minnesota Studies Examine Racial and Ethnic Disparities in Welfare Outcomes

Measuring Minnesota Family Investment Program Performance for Racial/Ethnic and Immigrant Groups, *Minnesota Department of Human Services, Study Brief #7 (November 2003)*

This briefing paper reports on an analysis of differences in welfare outcomes for different racial/ethnic groups and immigrants. It is part of a continuing series analyzing performance in the Minnesota Family Investment Program (MFIP), and the first to look at racial/ethnic differences. The methodology was developed in response to a directive from the legislature to control for individual and county economic differences of counties when measuring MFIP performance. The analysis finds that there are disparities in outcomes in MFIP. "African American, American Indian, Somali, and other black immigrant participant outcomes based on the "Self-support Index" were lower than those of other racial/ethnic and immigrant groups. When controlling for several individual demographic and county economic characteristics, the actual outcomes for these groups were lower than expected. Further analysis is necessary to determine how much

of the disparity can be explained by these factors and how much can be attributed to bias." The report noted that focus groups conducted as part of the analysis suggested that there might be differential treatment of various racial/ethnic/immigrant groups within and outside of the MFIP system. These results point to the need to reduce disparities and improve service delivery to black and American Indian welfare participants. Available on the web at: <http://edocs.dhs.state.mn.us/lfserver/Legacy/D M-0039G-ENG>.

Looking at Outcomes in Welfare by Race in Ramsey County, *Rahel Tekel, Larry Timmerman (Office of Performance Measurement and Evaluation, Ramsey County Human Services, January 2003)*

This report examines various welfare outcomes for different racial and ethnic groups, immigrant and non-immigrant families in Ramsey County, Minnesota, concluding overall that different groups have different experiences with the welfare system. The report examines caseload composition trends, employment while receiving cash assistance and case closure due to employment, duration of welfare receipt, extensions granted to those who reach welfare time limits, reasons for extensions, and sanctions, and sanctions. The authors identify a number of policy questions raised by the data. For example, how can the county make

its services flexible enough to respond to the challenges faced by different families? Should standards for success look beyond overall totals to similar outcomes for different populations? How does information about high sanction rates for those who get time limits extensions affect implementation of sanctions? What services are needed for long-term recipients who have significant needs? Available on the web at: http://www.co.ramsey.mn.us/hs/mfip/docs/racial_disparities_report.pdf

California Families' Experiences Reveal Failures of CalWORKS Policies and Practices

Falling Through the Cracks: How California's Welfare Policy Keeps Families Poor, *The Race and Public Policy Program, Applied Research Center (2003)*.

This report, based on in-depth interviews with 30 California families receiving CalWORKS assistance found the following recurring problems with the state's implementation of CalWORKS: 1) routine, unjust and illegal use of sanctions; 2) improper denial of exemptions; 3) denial of job training and education opportunities.

The report recommends that the state adopts approaches used elsewhere to protect families from unfair sanctions; 2) allow families to participate in meaningful education and training programs to help them move out of poverty; 3) institute statewide data collection and reporting requirements regarding translation and English as a Second language services, education and job attainment, barriers to employment, support services offered and received, and application of sanctions and exemptions; and 4) in light of the agency's failure to handle cases properly, review all cases scheduled for closure at the end of the time limit to assure that families have been treated fairly and extend benefits as appropriate to remedy improper treatment. Available on the web at www.arc.org.

Review of Issues in Welfare Privatization

Outsourcing the Delivery of

Human Services

Evelyn Bando
(*Welfare Information Network, September 2003*)

This issue note provides a brief overview of issues related to the privatization of welfare and human services programs and identifies related resources. It reviews issues such as ensuring fair and competitive contracting; criteria for deciding

to contract out; various approaches to payment structure; ensuring equal access, due process, and customer satisfaction; and ensuring opportunities for faith and community-based organizations. Available on the web at www.financeproject.org.

Analysis of State Medicaid Spending Cuts

States Respond to Fiscal Pressure: State Medicaid Spending Growth and Cost Containment in Fiscal Years 2003 and 2004 - Results from a 50-State Survey, *Vernon Smith et al.*
(*The Henry J. Kaiser Family Foundation, Sept. 2003*)

This report reviews states trends in Medicaid spending in response to budget crises and how states have sought to cut Medicaid expenditures. Major findings include the following: 1) Although Medicaid spending growth continues, the rate of growth declined significantly in FY 2003; 2) All states implemented cost saving measures in 2003 and planned additional measures in FY 2004; 3) The June 2003 \$20 billion federal fiscal

relief offered some temporary relief; 4) For many states, FY 2004 was the third consecutive year of Medicaid savings measures. Available on the web at www.kff.org

TANF Sanction Research Reviewed

Review of Sanction Policies and Research Studies, Final Literature Review, *LaDonna Pavetti, Michelle K. Derr, Heather Hesketh* (*Mathematica Policy Research, Inc., March 10, 2003*)

This report reviews the components of state TANF sanction policies and the research findings on sanctions, and identifies the outstanding gaps in what is known about sanctions and their effects. The authors examine the following issues: the incidence and duration of sanctions, characteristics and circumstances of sanctioned families, the effects of TANF sanctions recipients, and implementation of sanctions and local practices. Available on the web at www.Mathematica-mpr.com.

About The Welfare Law Center

The Welfare Law Center is a national legal and policy organization that works with and on behalf of poor people to ensure that adequate income support is available when necessary to meet basic needs and foster healthy individual and family development. The Center achieves its goals through legal and policy analysis, legal representation, public education, training, and aid and support to advocates. Contributions to the Center are tax deductible.

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cohan@welfarelaw.org

Cary LaCheen
Senior Attorney
lacheen@welfarelaw.org

Mary R. Mannix
Program Director
mannix@welfarelaw.org

Rebecca L. Scharf
Senior Attorney
scharf@welfarelaw.org

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Dirk Slater, *Senior Circuit Rider*
dirk@welfarelaw.org

Amanda Hickman, *Circuit Rider*
amanda@welfarelaw.org

Askia Foreman, *Circuit Rider*
askia@welfarelaw.org

DIRECTOR OF DEVELOPMENT

Nancy M. Yanofsky
yanofsky@welfarelaw.org

SUPPORT STAFF

Susanne Evarts
evarts@welfarelaw.org

Peter Kendall
kendall@welfarelaw.org

Kay Khan
khan@welfarelaw.org

Michelle Peoples
peoples@welfarelaw.org

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With the loss of federal funding, the Center relies upon contributions and publications sales to support its work. Tax-deductible contributions may be made by check or credit card (MasterCard, Visa, American Express - information can be faxed to the Center). Monthly or quarterly contributions can be scheduled. Bequests have been left to the Center in wills, and we would be pleased to discuss possible arrangements. For information about any of these options, contact Kay Khan at the Center.

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Welfare Law Center
275 Seventh Avenue, Suite 1205
New York, NY 10001-6708

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