

PINE TREE LEGAL ASSISTANCE, INC.

Frank D'Alessandro ♦ Portland Area Office

88 Federal Street

P. O. Box 547

Portland, Maine 04112-0547

(207) 774-8211 ext. 400-3203 ♦ V/TTY: 711 ♦ 828-2300 FAX

www.ptla.org ♦ frank@ptla.org

Testimony of Frank D'Alessandro, Esq.

For Pine Tree Legal Assistance

In Opposition to LD 33, LD 1017, 1052, 1075 and LD 477

Before the Joint Standing Committee on Health and Human Services regarding testimony provided to the Committee on April 24, 2017.

Good afternoon Senator Brakey and Representative Hymanson and members of the Joint Standing Committee on Health and Human Services. My name is Frank D'Alessandro. I am the Southern Regional Directing Attorney for Pine Tree Legal Assistance. I am speaking today in opposition to LD 33, LD 1017, 1052, 1075 and LD 477.

I have asked to share the expertise of Pine Tree Legal Assistance on these issues and I am speaking today on behalf of Pine Tree Legal Assistance. Since 1967 Pine Tree Legal Assistance has provided free legal services to low-income people throughout the State of Maine. In 2016, Pine Tree Legal Assistance provided legal services to Maine families and individuals in over 7,363 cases, of which 642 involved public assistance, including TANF cases.

Description of TANF Program

TANF is a cash assistance program for children who have been deprived of parental care and support as a result of parental absence, unemployment, or disability. TANF participants are required to participate in the ASPIRE work program that is designed to result in employment. TANF participants are sanctioned for not complying with program rules.

In reviewing the TANF program it is important to focus on the individuals that the TANF program is meant to assist. Attached as exhibit A is a copy of the TANF maximums that apply in the State of Maine. For a single parent who lives with two children the maximum benefit amount is \$485 per month. For purposes of comparison, the poverty level for a three person household is \$1,674 per month.

In addition, families who apply for TANF benefits are subject to a gross income test. This means that if a person's income exceeds this amount the household cannot receive TANF benefits. The gross income test for a parent and two minor children is \$1,023 per month.

Obviously, anyone who is eligible for benefits for this program is desperately poor. As set forth above, there are protections already in place that ensure that only people who truly need assistance receive TANF benefits.

Why TANF is so Important

All TANF households contain minor children who are incapable of supporting themselves. The poorest demographic in Maine are children. According to the 2016 Maine KIDS Count survey, currently 19% of Maine children live in poverty (nearly one in five children in the State of Maine). This number has increased from 16% in 2008. (Nearly one in six children in the State of Maine). Living in poverty has a severe and long standing negative impact on children:

Children who live in poverty, especially those who live in poverty for long periods of time, are at an increased risk for poor health, cognitive, social and educational outcomes. They are more likely to have physical, behavioral and emotional health problems; to have difficulty in school; to become teen parents; and, as adults, to earn less.

MAINE KIDS COUNT 2012, Social and Economic Status, p. 23.

TANF provides a critical safety net for our state's most vulnerable citizens. The proposed changes to the TANF program will have the effect of deepening the level of poverty among children and increasing the risk of homelessness experienced by children. Children are not only the most vulnerable segment of our population, they had no choice in creating their situation or ability to change their circumstance.

What LD 33 Will Do

This bill would reduce the maximum number of months that a family may receive TANF benefits from 60 months to 36 months.

Why We Oppose LD 33

We oppose this bill because it threatens to further weaken the already fragile safety net available to help low-income children and the inevitable negative impact that this will have upon the state's most vulnerable residents. Whatever problems the state currently faces, they are not the result of poor children having too much.

To make low-income Mainers in households with minor children, who otherwise meet the requirements of the TANF program, ineligible simply because they have received benefits for a period of 36 months would mean that this State will fail in its obligation to protect our most vulnerable residents, our children.

Finally, TANF recipients who may be losing their benefits for exceeding any new 36 month time limit received no notice of this time limit when they applied for TANF benefits. At the very least, those people should be entitled to the same protections available to new TANF recipients who have received actual notice that their TANF benefits will be time-limited so that the 36 month time limit does not apply retroactively to those households.

What LD 1017 Would Do

This bill would remove all good cause exceptions except domestic violence.

Current Good Cause Exceptions that apply to TANF-ASPIRE

As part of the TANF-ASPIRE program, TANF participants are required to enter into a contract designed to make the participant work ready. The TANF participant can be sanctioned for failure to comply with the TANF-ASPIRE contract. Under current law a TANF participant will not be sanctioned if there is good cause for the participant's failure to comply with a TANF-ASPIRE contract.

Good cause is currently defined as:

The need to care for a family member with special needs.

A physical or mental health problem.

Illness, accident or death.

A serious family problem.

You had to appear in court or you were in jail.

The lack of support services like child care or transportation that you need to participate.

Bad weather that also causes others not to participate.

The activity required that you travel more than two hours round trip (1 hour each way).

You are unable to participate because of domestic violence, including:

Physical or emotional injuries caused by abuse,

Legal proceedings, counseling or other activities related to the abuse,

The abuser actively interferes with your participation, or

The location or other aspect of participation puts you or your child at risk.

Any other crisis or special circumstances that you have told ASPIRE about in advance that causes you to be absent or unable to participate.

Any other reason beyond your control that a reasonable person would think should be good cause.

CMS 10-144, Chp. 607, p. 4-4.

Why We Oppose LD 1017

The purpose of the ASPIRE program is to assist TANF participants in acquiring the skills they need to become self sufficient and to insure that only people who are not able to

support themselves receive TANF benefits. This goal is not more likely to happen if TANF participants who are not able to comply with contract requirements due to good reasons are terminated from the TANF program. Rather this bill would simply unfairly punish Maine's most vulnerable residents for conditions that are by definition beyond their control.

What LD 1052 and 1074 would Do

This bill would require all TANF participants to submit to a drug test and make ineligible for TANF benefits those participants who fail a drug test.

Why We Oppose LD 1052 and 1075

These bills are unnecessarily punitive. Currently, TANF participants who fail to comply with their ASPIRE contract are subject to sanction and can have their TANF benefits terminated. Good cause for a participant's failure to comply with ASPIRE program requirements does not include substance abuse.

In addition, as the evidence of the State's current Opioid epidemic make clear, a critical part of dealing with this epidemic is treatment. There is a growing recognition in all segments of society that treatment must be the principal response to the Opioid epidemic. The same compassion and treatment options need to be afforded to TANF participants as are afforded to college students and other Maine Citizens of means.

Denying TANF benefits to the children of parents who may use illegal drugs but who otherwise comply with TANF program requirements is simply not sound policy. Rather, TANF program policies should be changed so that the ASPIRE program provide treatment, not punishment, to any participant who suffers from an addictive disorder so that the participant can become self-sufficient. These bills only make a bad situation worse by deepening the poverty faced by TANF participants who suffer from addictive disorders.

What LD 477 Would Do

LD 477 would subject individuals who receive Alternative Aid to comply with ASPIRE-TANF program requirements.

Why We Opposed LD 477

Unlike the TANF program which is designed to provide assistance over several months while assisting the participant in the development of work skills, the Alternative Aid provides assistance to families who do not receive TANF on an emergency and temporary basis no more than one time a year. This is usually an immediate crisis or emergency such need for a car repair, help in an eviction, or loss of child care that prevents a parent from working or looking for work. As a result of the emergency and short-term nature of this program the rationale of the ASPIRE program is simply not

applicable and the expenditure of scarce state resources is not a wise expenditure of funds.

We also oppose these bills because they are likely to increase homelessness

By limiting the assistance provided by TANF to Maine's most vulnerable populations these bills will severely limit the ability of low-income individuals to maintain current housing or arrange for alternative housing, thereby increasing the likelihood that these individuals will become homeless. As we all know the consequences of homelessness are severe, to children, their families and to society as a whole. They include the exacerbation of problems which may have caused homelessness. Homeless people have less access to housing, jobs, health care, and basic needs like food and clothing. Isolation and lack of social support are well-documented aspects of homelessness, particularly for people living with mental health or substance abuse disorders. Homeless women and men have significantly less family support and this often limits opportunities for recovery and prevention. Once an individual becomes homeless, it is likely that she will need additional government assistance to return to stable housing. In addition, children who experience homelessness are at greater risk of not being able to attend school regularly and of experiencing a host of negative consequences that will follow them throughout their lives.

**DEPARTMENT OF HEALTH AND HUMAN SERVICES
MAINE PUBLIC ASSISTANCE MANUAL
CHARTS**

**TANF and PaS Program Income Tests, Standard of Need, and Maximum Payment Charts for
Applicants:**

ADULT INCLUDED

BASIC					SPECIAL NEED						
Number in filing unit	Gross Income Test	Second Income Test	SON	Maximum Grant	Gross Income Test	Second Income Test	SON	Maximum Grant +	Special Need	= Total	Max. Gap
1	485	283	294	230	578	333	394	494	200	430	64
2	762	445	463	363	855	495	563	663	200	563	100
3	1,023	596	620	485	1,116	646	720	820	200	685	135
4	1,286	750	780	611	1,379	800	880	980	200	811	169
5	1,548	903	938	733	1,641	953	1038	1138	200	933	205
6	1,811	1,055	1,096	856	1,904	1,105	1196	1296	200	1,056	240
7	2,072	1,208	1,255	981	2,165	1,258	1355	1455	200	1,181	274
8	2,335	1,361	1,414	1,105	2,427	1,411	1514	1614	200	1,305	309
Additional Member	+262	+153	+159	+124	+262	+153	+159	+159	+200	+124	

- EXHIBIT A -