

EXTENDING WELFARE REFORM TO EX-OFFENDERS: REPORT ON TANF GRANT RECIPIENTS' FOCUS GROUP

I. Introduction

In 2000 the New York Office of Temporary and Disability Assistance (OTDA), the state agency that administers Temporary Assistance to Needy Families (TANF) funds, entered into an interagency agreement with the New York State Division of Probation and Correctional Alternatives (DPCA) for \$1 million. These funds were appropriated by the New York State Legislature and are intended to provide services to offenders. Program services permitted under TANF funding include employment assistance, substance abuse services, and family reunification and parenting skills assistance to offenders with children. Following a request for proposals, DPCA selected seven agencies to receive funding in March 2000. The following year the New York State legislature allocated an additional \$4 million and DPCA then awarded an additional seven grants. These two groups of agencies are hereafter referred to as “first rounders” and “second rounders.”

In December, 2000, DPCA conducted site visits with the first rounders and identified several issues and barriers to program implementation common to all service providers. As a result of these preliminary discussions, the Center for Community Alternatives (CCA), in conjunction with the Legal Action Center, convened a focus group on February 8, 2001 at CCA to discuss first- and second- rounders' experiences to date in providing services to the TANF-eligible criminal justice population. The discussion was facilitated by Debbie Mukamal and Anita Marton of the Legal Action Center. Marsha Weissman (Executive Director) and Elaine Wolf (Senior Research Associate) of CCA took notes and prepared this report which summarizes the results of the focus group discussion.

II. Background

In 1996, President Clinton signed the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) intended to “end welfare as we know it.” The key provisions of PRWORA established clear time limits on the receipt of TANF benefits, mandatory work requirements, and the ability of states to impose sanctions on individuals who do not comply with the new regulations. States were granted latitude and flexibility defining time limits (up to the five-year ceiling), eligibility for persons convicted of drug felonies, persons in violation of probation and parole, the extent to which substance abuse treatment could be mandated, the sanctioning system, and the services that could be supported through the TANF block grant funds.

New York State has been among the most willing of states to use PRWORA creatively to promote self sufficiency among people who face substantial challenges in this regard. It was, for example, one of only eight states (plus Washington, D.C.) that chose not to impose a lifetime ban on TANF for persons convicted of drug felonies. It has permitted flexibility in work requirements for chemically dependent individuals who engage in treatment. It is the only state thus far that has recognized that persons in the criminal justice system have specific and unique needs that must be addressed in order to achieve welfare reform goals, most notably efforts to provide assistance to needy families so that children may be cared for in their own homes and to provide job preparation training to end dependence of needy parents on government benefits.

The wisdom in this approach is confirmed by recent research that identifies the subgroups within the TANF population that are most unlikely to shift from dependence on public assistance to the world of work successfully (Kramer, 1998). Those least likely to make a smooth transition have substance abuse problems, mental health problems, domestic violence problems, low literacy, limited prior work history, and legal problems (Kramer, 1998; Sachs, 1999; Hirsch, 1999). Non-custodial parents (particularly fathers) often face substantial arrears and/or unrealistic child support payments that become a deterrent to their seeking full time, taxable employment (Center on Budget and Policy Priorities, 1998). Single parents (often mothers) face enormous challenges in balancing low paid work and family responsibilities.

Individuals involved in the criminal justice system are especially likely to experience one or more of these barriers. Not only is a criminal history in and of itself a barrier to employment by virtue of employers' reluctance to hire people who have been convicted of a felony, but criminal-justice-involved populations tend to exhibit a greater number of other problems than the general population of TANF recipients.¹ The advantages of helping ex-offenders achieve the TANF goals of self sufficiency and family reunification are twofold. First, these initiatives can help reduce the number of people remaining dependent upon public support. Second, employment helps to reduce recidivism and promotes family formation that also plays a stabilizing role in individuals' lives.

III. The Attendees

The focus group was limited to organizations located in New York City who received TANF grants in Round 1 and Round 2. Round 1 and Round 2 grantees are primarily distinguished by the eligibility requirements that govern client participation. Those agencies that received grants

¹For example, all of the women enrolled in CCA's Crossroads program fit two or more of these characteristics: 100 percent are chemically dependent and, of course, all have legal difficulties by virtue of their criminal justice system involvement. Many have histories of domestic violence, 60 percent did not complete high school and most were unemployed in the year prior to their arrest.

in Round 1 are subject to rules that limited client eligibility to custodial or non-custodial parents with children under the age of 18 receiving TANF assistance. Proof of parentage and verification of TANF eligibility, must be documented and verified by the local Department of Social Services. Those organizations that received grants in Round 2 can serve clients who are custodial and non-custodial parents of a minor child², do not have incomes exceeding 200 percent of the federal poverty level, and are U.S. citizens or TANF qualified non-citizens.

Focus Group Participants from Round 1 Grant Awards:

- ☐ Center for Community Alternatives (CCA) represented by Kathy O’Boyle, Deputy Director, Kathy Brooks, Director of ATI Services and Beverly Madar, Employment Specialist
- ☐ Fortune Society represented by Ken Bloomfield, Senior Director and Peggy Arroyo, Director of ATI programs (providing women and children who receive TANF and men, primarily non-custodial fathers, with help with life skills and parenting skills)
- ☐ Project Greenhope represented by Ilia Lopez, Program Services Director and Jennifer Sutton, Fiscal Officer (assisting women in getting work and reuniting with their children)
- ☐ Women’s Prison Association (WPA) represented by Georgia Lerner, Director of Operations and Thomas Phillips, HIV Prevention Services Manager (“Moving on Up Program” for women whose children receive TANF and who want to work);

Focus Group Participants from Round 2 Grant Awards:

- ☐ Center for Employment Opportunities (CEO) represented by Mindy Tarlow, Executive Director and Brad Dudding, Director of Finance, Planning & Administration (industry specific skills training , personal skills and responsible father program)
- ☐ Project Return represented by Juliette Palmer, Program Associate, (case management, counseling and life skills services to assist non-custodial fathers in strengthening their relationship with their children).
- ☐ Steps to End Family Violence (Steps) represented by Olivia Quick, Supervisor, TANF programs(employment readiness services for women)
- ☐ Wildcat Corporation represented by Richard Mandor, Senior Vice President of Personnel Administration and Juan Torres, Vice President of Criminal Justice (employment development and placement)

Observers from State and Local Agencies

- ☐ New York City Human Resource Administration represented by Kathleen Kelly, Acting Director of Placement Assessment, Client Tracking Unit
- ☐ New York State Division of Probation and Correctional Alternatives represented by Pam Derrick, Community Corrections Representative and Bernard Wilson, Associate Auditor

²A minor child is a child under the age of 18 or under the age of 19 if attending a secondary school or equivalent vocational or training school.

- New York State Office of Alcoholism and Substance Abuse Services represented by Frank Corgliano, Addiction Program Specialist
- New York State Office of Temporary and Disability Assistance represented by Dale Peterson, Director, Bureau of Transitional Programs and Patricia Monks, Assistant Director, Bureau of Transitional Programs

IV. Summary of Focus Group Discussion

The discussion focused on several key issues that had been identified during the site visits. The major issues identified centered around five broad categories: eligibility criteria; acquiring verifying documentation; recruitment and retention; barriers to successful client outcomes; and reporting and data collection. The experiences of Round 1 grantees dominated the discussion because Round 2 grantees were only just beginning to implement their programs.

This section contains a summary of points raised during the discussion of each issue. Program management issues arose occasionally throughout the course of the discussion as well and are summarized following the summaries of the questions. Finally, at the conclusion of the formal questions, the discussion was opened to additional comments from participants and observer/experts. We have summarized these comments at the end of this section.

Q.1: Eligibility: We want to know whether the clients you serve are eligible to benefit from the services being funded through TANF. In the first round of grants, eligibility was determined by the client’s being the custodial or non-custodial parent to a child receiving TANF benefits. In the second round of grants, eligibility will be determined based on a client’s having a minor child and being part of a household that is below 200% of the poverty level.

Although “round one” and “round two” distinctions were clear for grantees, there was confusion about other elements of eligibility. Programs were uncertain about the eligibility of the following categories of clients:

Program Uncertainty Regarding Individual-Level Criteria

- women with children in kinship or foster care
- safety net recipients
- women recently released from prison without any definite, formal reunification plans
- women released from jail who do not know where their children are
- clients (women) under 21 living with their mothers who have custody of the client’s child
- TANF-eligible clients living in a household where another person is the identified head of household for TANF: i.e., who is the resident of record for the household budget
- noncustodial fathers who are in arrears for child support
- fathers with de facto but not de jure custody of their children.

- the client who is a grandmother with custody of a child
- clients who have been sanctioned
- two applicants in one household where the mother and father live together.

In addition to raising questions about individual eligibility criteria, focus group participants also identified system-level barriers and discussed proposed solutions, including some already undertaken by individual programs.

Systemic Barriers to Establishing Eligibility

- lack of a specific linkage with HRA
- conflicts between TANF eligibility requirements such as WEP; criminal justice requirements of Probation, Parole, and the courts; and expectations of drug treatment

Current Program-level Solutions to Eligibility Clarification

- new eligibility requirements (i.e., 200% of the poverty line) are/will be more viable for programs serving criminal justice clients, especially those serving persons just released from prison
- establishing a linkage with HRA

Q.2 Documentation: We want to know what kinds of challenges you may be facing in terms of getting the required documentation to verify clients' eligibility to receive TANF-funded services. I recognize that your answers will differ depending on whether your program has been funded in the first round of funding since the second round grantees are governed by the new guidelines providing for self-attestation.

Individual-Level Barriers

- many noncustodial parents, especially fathers, face difficulties in obtaining documentation because of poor relationships between the noncustodial parent and the custodial parent or caregiver
- noncustodial mothers, especially those recently released from jail or prison, have difficulty in locating their children, determining their TANF status, and the status (if any) of permanency planning/family reunification
- clients living with their mothers have difficulty in documenting eligibility for clients living with their mothers (the child's grandmother) as the household budgets so that the client herself is not the resident of record (women often don't know whose name the budget is in)
- forms and requirements for noncustodial parents vis á vis child support are described as overwhelming

Program-Level Problems

- uncertainty about how programs will identify and collect documentation to verify client eligibility even under the 200% rule; some staff/programs are unfamiliar with the standard state form, “the 200% form”
- forms are difficult for program staff to use; staff are not trained in how to obtain some of the required information

Current Program-level Solutions to Documentation Problems

- one program provides employment so that making documentation (of income levels) an easy task

Q.3 Recruitment and Retention: We want to understand better how the TANF funding stream is able to meet the needs of your clients.

Individual-Level Factors

- due to their criminal justice experience, clients are often fearful of “system” requirements and potential penalties
- financial impact (including significant arrears) of child support requirements discourage some noncustodial parents from participating
- clients’ criminal justice status is a barrier to placing clients in jobs.
- lack of personal stabilization, notably homelessness and relapse, stand in the way of placing and retaining clients on jobs.
- childcare needs (day care and parental responsibilities) make it difficult for women to participate

System-Level Factors

- culture of drug treatment may cause counselors to resist moving clients to employment
- multiple reporting requirements
- the length and complexity of TANF forms deter clients from participating

Current Program-Level Solutions to Recruitment and Retention Problems

- assertive recruitment of eligible clients throughout an agency
- some agencies have integrated their TANF services into existing court-mandated programs
- “hard sell” - informing noncustodial parents of the variety of negative consequences that can result from not reporting income and paying client support
- “soft sell” - building on clients’ desire to be good, involved parents

Q.4 Moving From Welfare to Work: We want to know how clients are responding to the enhanced services being offered through these new grants.

Individual-Level Problems

- women generally require longer time (6 to 12 months) to find work because of limited to no prior work experience and lack of a high school diploma
- women generally need education or a job training program before they are ready to work.
- physical (including HIV) and mental health problems, as well as histories of abuse and domestic violence, are especially debilitating for women
- the conflicts between work and raising a family - attending to children’s schedules, health and dental care, etc.
- the population served by the programs have high rates of homelessness that affect clients’ ability to find and retain work

System-Level Barriers

- the kinds of work that women are likely to obtain are insufficient to support their children.
- the kinds of jobs available to clients generally do not include health insurance for the children
- reluctance of employers to hire individuals with criminal justice histories
- threat of a recession makes job finding for low skilled employees even more difficult
- inability of typical workplace to accommodate people with few resources and many needs (e.g., medical and dental appointments for children)
- competing and conflicting work and criminal justice system requirements (e.g., required meetings with probation or parole officers)
- lack of affordable child care

Current Program-Level Solutions That Facilitate Welfare to Work

- on-site clinical services

- on-site case management services
- on-site educational services
- criminal justice agencies (e.g., probation) permit evening reporting so as not to conflict with work requirements

Q.5 Reporting and Data Collection: We want to know how your programs have experienced the reporting requirements connected with these grants.

System-Level Barriers

- additional reporting and stricter eligibility require a higher level of documentation than programs are accustomed and equipped to handle
- uncertainty about how funders define outcomes for different programs
- lack of program experience with cost analysis; programs have defined cost analysis as measures of progress in meeting program objectives (e.g., numbers of clients served, what types of services are provided, and possibly prison or jail displacement)
- concern about when and how to undertake cost analysis - premature to do this analysis if measured as jail and prison displacement
- lack of verifiable information from HRA to do cost analysis

Current Program-Level Solutions

- one agency has on-site researchers who identified appropriate cost-related questions to be included on the client intake form
- obtaining consent from participants to do follow-ups at 3, 6, and 12 months.

Program Management Issues

During the course of discussion of each question, issues and concerns related to program management were raised. We have summarized these issues below as they cut across the specific focus group topic areas.

- staff burnout associated with working with a very challenging client population
- program culture that resists excluding clients or subjecting clients to additional sanctions
- treatment culture that has not yet embraced the value of integrating employment (and other ancillary services) as part of recovery
- potential management problems that might come from having to limit the valuable TANF supported services such as employment readiness, that are likely needed by most agency clients, to only those clients who meet the restrictive program eligibility requirements
- inadequate management information system resources (electronic and staff resources)
- lack of research capacity to undertake sophisticated program evaluation including cost analysis

Open Discussion

A. Clarification; Answers to Questions

- An OTDA representative said there can be more than one TANF recipient in the household, but that it would affect the TANF income for the mother. (The mom is always required to report if the dad is in the home.)
- Mothers with child(ren) in foster care are eligible for TANF Services if they meet the other TANF Services criteria and the child's service plan is for the child to be returned home.
- Clients under sanctions can get services. A positive outcome for these programs is that sanctioned clients are restored to good standing.
- Grandmothers and blood relatives who have custody, living with TANF-eligible children are eligible for TANF-funded services.

B. Other Issues Raised

- There was a general discussion about the extent to which the reporting requirements are a disincentive to men's participation or whether reporting a father in the household might actually increase the family's case grant as an unemployed father is another person to support.
- This also included a discussion of what information that is gained would actually be shared with HRA.
- There was generally agreement that negotiating multiple systems is difficult for clients and programs.
- HRA's Office of Health and Mental Health Services is concerned with these programs as they reflect policies that involve cross system issues.
- Managed care is an issue and causes problems for women getting health care after getting out of jail.
- There was a general recognition that the clients served by this TANF funding are the most difficult cases, facing the greatest personal challenges that are exacerbated by criminal justice system involvement.
- Clients have multiple issues including HIV, substance abuse, and mental health problems that cross systems, and clients have also had unpleasant experiences with these systems, making it difficult to attract and retain them.
- Mental health and physical health issues are barriers to getting services.

V. Recommendations

The following recommendations grew out of the discussion of each of the topic areas.

(1) **Eligibility**

- adapt the 200% eligibility rule for all programs³
- clarify and make accessible definitions of who is and who is not eligible for TANF-funded programs services based on the complicated family and custodial relationships that are present among the target population.
- assign a designated and resource a unit at HRA to work with programs to verify eligibility
- develop or adapt a form and procedures to make it simple for HRA to verify eligibility

(2) **Documentation**

- streamline paper work and documentation requirements
- make available staffing training in proper documentation
- create a standard protocol for agencies funded to deliver TANF services
- create a system whereby information can flow freely

(3) **Recruitment and Retention**

- provide legal assistance (attorneys and/or family court advocates) to help noncustodial fathers attain realistic support payments and manage their arrears
- provide training opportunities for treatment staff to gain understanding about how to integrate substance abuse treatment and employment
- create a “firewall” between eligibility for TANF-services benefits and eligibility for TANF cash benefits so that clients can be assured that information collected in order to receive services is confidential to the program
- support research and program evaluation to gain a better understanding of the factors that encourage clients to use TANF-funded services

(4) **Social, Economic, and Individual Challenges**

- establish cross-system collaboration to minimize and/or eliminate contradictory criminal justice, family court, child welfare, TANF, and treatment requirements
- create a system whereby information can flow freely

³As of July 1, 2001, all programs that receive TANF funding will be subject to new eligibility criteria, including those programs funded in Round 1.

- extend the pre-employment phase to allow people sufficient time to “reinvent themselves” (e.g., dressing appropriately for work and being on time)
- enhance funding and/or establish linkages for educational, job training, and clinical resources

(5) Data Collection

- create a standardized method for collecting and analyzing the information needed for a cost-benefit analysis so that all programs can calculate its displacement the same way (and thus can be compared)
- keep outcome measures simple and straightforward (e.g., number of sanctions imposed, number of rearrests, numbers of people employed, numbers of people reunited with children)
- designate and resource a HRA unit to work with programs so that they can verify information needed to undertake cost analysis
- provide additional resources (staff and electronic) that include a standardized protocol and case tracking system for an effective management information system
- provide funding for research and evaluation that will keep agencies informed about the effect of new eligibility requirements on program operations; factors associated with client recruitment and retention; and the experiences of clients as they move from welfare to work to illuminate TANF objectives of economic self sufficiency and family reunification

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