

Introduction

In 1935, the United States Congress created the Aid to Dependent Children (ADC) program as part of the original Social Security Act. The goal was to help states make it possible for poor children without a parent's support to live at home rather than in an orphanage. The program became Aid to *Families* with Dependent Children (AFDC) when Congress extended coverage to the child's parent or other caretaking relative.

For 61 years, states ran the AFDC program in partnership with the federal government. States had to comply with federal laws and regulations. In particular, states had to provide benefits to everyone who met federal eligibility rules.

The Federal Welfare Block Grant

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (sometimes called the federal welfare reform act) became law on August 22, 1996. The act slashed a broad range of federal safety net programs for children and families, the disabled, the elderly, and the unemployed, and denied federal benefits to many immigrants.

The 1996 federal welfare reform act converted AFDC to a block grant—called Temporary Assistance to Needy Families (TANF)—with essentially fixed funding. The act deleted the 61-year guarantee that all children meeting federal eligibility standards will get assistance, and instead allows states to deny aid to any poor family or category of poor families. With very limited exceptions, a state cannot use federal funds for families that have received assistance for five years, and a state can pick a shorter time limit if it wants. The act also imposes strict work requirements on families receiving cash assistance in a program that uses federal TANF funds.

To qualify for the federal block grant, states must spend state funds on programs for needy families. States can use the required state expenditures to provide benefits for families that are not eligible for benefits under the federal block grant, for example, families that have reached the federal five-year time limit and

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immigrants. States can also use state funds to cover families the state wants to exempt from strict federal work requirements.

The Massachusetts TAFDC Program

In Massachusetts, the agency that runs the family cash assistance program is called the Department of Transitional Assistance (DTA). In February 1995 the Massachusetts legislature enacted a “welfare reform” plan called Chapter 5. Chapter 5 renamed the state’s welfare program Transitional Aid to Families with Dependent Children (TAFDC). Chapter 5 also made sweeping changes in the program, including a two-year time limit on benefits and a work requirement for many recipients, a family cap, sanctions for not documenting immunization and for children not attending school, living arrangement requirements for teen parents, and others.

Because many of these provisions did not comply with the old federal law, Massachusetts had to get permission from the federal government to implement them. In October 1995 the federal department of Health and Human Services (HHS) approved Massachusetts’ application for waivers for most of the Chapter 5 provisions. These waivers expire on September 30, 2005.

DTA began implementing the state’s two-year time limit on December 1, 1996. Thousands of families reached their time limit in December 1998 with more families hitting the time limit each month after that. About a thousand families a month lose part or all of their benefits because of sanctions. And 11,000 children are excluded from benefits because of the family cap.

After the federal welfare law was enacted, Massachusetts used state funds to cover families who are exempt from the state’s work requirements and time limit because of barriers to employment such as the parent’s disability or need to care for a disabled family member. Until 2002, the state also used state funds to cover lawful immigrants who were not eligible for benefits paid with the welfare block grant.

Congress will reauthorize the federal welfare block grant in 2005 and will likely increase the work requirement for families receiving cash benefits in a program that uses federal TANF funds. Continued advocacy is essential to protect families

from unrealistic requirements and to restore critical subsistence for federally-ineligible lawful immigrants.

How to Keep up with the Law

Look up the regulations. The first thing you need to do is look up the regulations. In this Guide, we refer to the DTA regulation numbers for each rule to help you find them, but this Guide does not include *all* the rules. And no one can remember all of them—you have to look them up. Also, the rules change faster than we can reissue the Guide.

DTA's regulations covering TAFDC in Massachusetts are printed in Chapter 106 of the Code of Massachusetts Regulations (106 C.M.R.). Legal services offices, local welfare offices and law libraries have copies of the DTA regulations. The regulations are also available on DTA's website, www.mass.gov/dta.

In some cases, you also need to look at DTA policy materials, state laws, and federal law and regulations. If you do not have access to these materials, you should check with someone who does. Legal services programs have most of the state and federal materials and have trained advocates who may be able to answer your questions. A list of these programs is in **Appendix B**.

Most DTA policy materials we refer to in this Guide are available at <http://www.masslegalservices.org/cat/242>.

This Guide shows that the TAFDC program is complicated. As a result, DTA denies benefits to many eligible people. You can help by learning the rules and explaining them to people in need. You can work with other people to make sure DTA offices follow the rules so that people get the benefits they need for themselves and their children.

This Guide also shows that TAFDC rules often hinder the goal of aiding children and families. By joining together, we can change state and federal welfare laws to

create a program that better serves the needs of low-income families and actually helps families escape poverty.
