

Welfare Reform: Employing Ex-Offender Parents

The nation's welfare system changed significantly on August 22, 1996, with the signing of the "Personal Responsibility and Work Opportunity Reconciliation Act" (Public Law 104-193). Welfare became a block grant to States – called Temporary Assistance for Needy Families (TANF) – instead of an entitlement to individuals. TANF recipients must work as a condition of receiving benefits and are limited to a total of five years of federal assistance in their lifetime.

Individuals with criminal justice histories – many of whom are in recovery from or need treatment for alcohol and drug dependence – must overcome many barriers to reintegrate in the community. Welfare reform created additional hurdles for these individuals, but also presented state and local governments opportunities to provide services that are essential for reintegration. This article describes how TANF can be used to help ex-offender parents make the transition from prison and jail to self-sufficiency in the community.

Welfare and Ex-Offender Parents

Few studies have examined the relationship between welfare and criminal justice histories. National data would suggest a relationship between those with criminal records and recipients of welfare. Most adults in state and federal prison, according to the U.S. Department of Justice, are parents of children under the age of 18. Almost half lived with their children before being incarcerated. About one-quarter to one-third were unemployed before their incarceration, with significantly more mothers unemployed. In addition, about one-third of incarcerated mothers received welfare before being arrested and incarcerated.

Several studies have examined the issue. One found that 20 percent of adult TANF recipients in Alameda County, California, had been convicted of a crime, 9.8% had been convicted of two or more crimes, and 10.2% had been convicted of a felony since the age of 18. Another found that between 9% and 12 % of child-only TANF cases in three counties (Alameda County, California; Duval County, Florida; and Jackson County, Missouri) resulted from a parent's incarceration.

Criminal records affect TANF families in several ways:

- Adult TANF recipients have difficulty finding employment and leaving welfare because employers are reluctant to hire ex-offenders and state laws bar some ex-offenders from certain jobs.
- Non-custodial parents of TANF children, who cannot secure employment, cannot pay child support.
- In states that implement the welfare law's ban on TANF and food stamps for individuals with drug felony convictions, custodial parents, who are reuniting with their children after returning from prison or jail or mandated drug treatment, are denied subsistence benefits.
- Conditions of parole or probation, such as drug treatment requirements, may conflict with work requirements imposed by the welfare, child support, and child welfare systems.

Opportunities Under TANF

The welfare law increased State and local flexibility to meet the needs of parents with multiple barriers to employment, including criminal records. The TANF program, unlike its predecessor Aid to Families with Dependent Children (AFDC), can offer eligible individuals “assistance” as well as “non-assistance.” Under TANF, individuals who are not eligible for income support (assistance) may still be eligible for “non-assistance,” primarily in the form of services.

A range of services – including education, job training, job placement, job retention, and alcohol and drug treatment – are essential to help ex-offender parents obtain work, pay their child support, and avoid recidivism. Several States and localities have taken advantage of TANF’s flexibility to fund services for these vulnerable families:

- North Carolina has used TANF funds to co-locate alcohol and drug clinicians in county welfare agencies to screen and assess adult welfare recipients for alcohol and drug problems and connect them with treatment.
- New York has allocated TANF funds in a first-in-the-nation program to help criminal offenders diverted from prison obtain alcohol and drug treatment, parenting skills, employment assistance and reunification assistance.

To meet the needs of ex-offender parents involved in TANF, State and local policy makers and advocates should consider adopting policies in three areas:

Eligibility. State and local welfare agencies can ensure that families remain eligible for benefits by:

- Suspending rather than terminating eligibility upon incarceration, and then conducting pre-release screening and application processing of incarcerated parents of TANF children to determine eligibility for TANF, food stamps, and Medicaid so that their families can receive income support as soon as possible after their release.
- Opting out of or narrowing the ban on benefits for individuals with drug felony convictions to ensure access to subsistence benefits as well as support for room and board in residential treatment programs.
- Adopting a narrow definition of those individuals who can be denied benefits based on a violation of their parole or probation by limiting the ban to violations that are adjudicated by a court or through an administrative hearing.
- Ensuring continued access to Medicaid-funded services for ex-offenders and their families if they meet State Medicaid eligibility criteria, regardless of their eligibility for TANF.
- Screening ex-offender parents for Supplemental Security Income (SSI) and enrolling

those who have qualifying disabilities.

Pre-employment services. State and local welfare agencies should consider:

- Investing federal TANF and State Maintenance of Effort (MOE) funds (including those expended in separate State programs) in services needed by ex-offender parents, such as job training, drug and alcohol treatment, and child care.
- Defining currently incarcerated parents as non-custodial parents who are eligible for TANF-funded services, which increases their access to job training and placement prior to release.
- Maximize TANF funding for health services that address alcohol, drug, mental health, disability, and related problems by adopting a narrow definition of “medical services,” which cannot be funded with TANF.
- Improving coordination among the multiple agencies – including welfare, child welfare, parole and probation, and alcohol and drug treatment – that are involved in the lives of these families so criminal justice, welfare and child welfare requirements do not conflict with each other.

Job placement and retention services. State and local welfare agencies can take steps to support employment for ex-offender parents of TANF children by:

- Working with employers to address their specific concerns about hiring ex-offenders.
- Helping ex-offenders prepare for job interviews and learn to address their records and efforts at rehabilitation.
- Adjusting child support orders so they are manageable for ex-offender parents of TANF children, while still providing necessary financial support to their children.
- Providing job retention services to help support employers that hire ex-offenders and help link ex-offenders to needed services.
- Studying the effectiveness of different policy approaches to address the needs of ex-offender parents of TANF children and replicate best practices.

*This article is adapted from **Getting To Work: How TANF Can Support Ex-Offender Parents in the Transition to Self-Sufficiency**, a report released in April 2001 by the Legal Action Center and funded by The Annie E. Casey Foundation. To order a free copy of the report, fax your request to (202) 544-5712.*