



**CONSORTIUM FOR CITIZENS  
WITH DISABILITIES**

September 15, 2009

The Honorable Kathleen Sebelius  
Secretary of Health and Human Services  
200 Independence Avenue, SW  
Washington, DC 20201

Dear Secretary Sebelius:

The Temporary Assistance for Needy Families (TANF) program administered by the Office of Family Assistance is scheduled to be reauthorized in 2010. As HHS begins work to reauthorize this program that provides critical cash assistance and work supports to low income families with children, we believe that the needs of parents and children with disabilities should be at the forefront of consideration. We would like to meet with you to discuss how families can be better accommodated in the TANF program.

The Consortium for Citizens with Disabilities (CCD) is a coalition of national consumer, advocacy, provider, and professional organizations headquartered in Washington, DC. We work together to advocate for federal policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society. The CCD TANF Task Force is a subgroup of organizations that is committed to ensuring that families that include persons with disabilities are afforded equal opportunities to engage in TANF programs – including both basic assistance programs and employment-related services that can help parents find and retain jobs – and appropriate accommodations in those programs and TANF-related requirements.

We would like to suggest the following principles for TANF reauthorization for your consideration.

**The TANF program must offer states *incentives* to engage individuals with disabilities in activities that will allow them to achieve greater economic self-sufficiency and provide adequate *flexibility* to ensure that work activities are tailored to the unique needs of families.**

Since the passage of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) in 1996, we have learned a great deal about the presence of people with disabilities on TANF caseloads. The Government Accountability Office estimated that up to 44 percent of families on the TANF caseload include a person with a disability. Persons with disabilities and their families are also disproportionately represented among those living in poverty in the United States.

The Center for Economic and Policy Research reports that 40 percent of all families living in poverty include a person with a disability, and nearly half of working age adults who have been poor for 12 or more months have one or more disabilities. Those living with disabilities in poverty are also much more likely to be impacted by material hardship, with higher rates of food insecurity, poor access to medical and dental care, and an inability to pay rent, mortgage, or utilities. Despite the high numbers of individuals with disabilities on TANF caseloads and among those living in protracted poverty, providing appropriate support to people with disabilities in TANF programs has not emerged as a federal priority.

The Deficit Reduction Act, which reauthorized TANF, and the regulations issued by HHS shortly thereafter made it more difficult for states to receive credit for engaging families that include a person with a disability in activities tailored to their unique needs. It reduced states' flexibility by increasing the proportion of families who must meet a minimum number of hours in prescribed work activities that are very narrowly defined. Many of the activities that could help a family that include a person with a disability achieve greater self-sufficiency can no longer be counted toward the work participation rate. Often the amount of time that is allowed in appropriate countable activities (such as rehabilitative services) is insufficient to meet the needs of the families. In some instances, parents are unable to engage in the required minimum number of hours for the state to count their effort toward the work participation rate.

In some cases, states have nonetheless implemented or maintained policies or practices that allow parents with disabilities to maximize their potential to achieve greater economic self-sufficiency and improve the well-being of their families. Examples include partnerships with vocational rehabilitation programs to offer tailored work plans, customized employment initiatives, and referrals for mental health or substance abuse treatment services.

In too many other cases, states have imposed "one-size-fits-all" work requirements on all families, without providing the accommodations that would allow families that include a person with a disability to succeed. This has led to many families losing cash assistance through sanctions. Alternatively, some states have provided blanket exemptions to families that include a person with a disability. While full exemptions may be appropriate in some cases, many families that include a person with a disability would like to enhance their integration in the community and economic security through participation in the workforce. The appropriate supports and flexibility should be provided to assist them in meeting these goals.

Parents raising a child with a disability may have difficulty meeting the work requirements because of the time demands of addressing disability-related issues. Children with disabilities may need a wide variety of therapy services (physical, occupational, speech and language, mental health) to mitigate the effects of their disability. Children may experience more frequent hospitalizations or other interactions with the health care system. Program requirements must provide flexibility to allow those who are caring for a child or an adult family member who are living with a disability to continue to participate in the program and meet their caregiving responsibilities. The current regulations allow states to exempt parents who are required for full-time caregiving, but do not recognize the intermittent absences from work that are often required of parents of children with disabilities.

In an environment in which states are failing to meet the work participation rate, and one in which state budgets are overstretched, there is an inherent disincentive to engage families that include a person with a disability in activities that are both costly and cannot be counted toward the work participation rate. This is true even though such accommodations are required under the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. TANF reauthorization must reverse this disincentive and instead encourage engagement of families in activities that will promote their economic stability and overall well-being.

To ensure that individuals with disabilities receive appropriate accommodations and services, households that include persons with disabilities must be identified. Screenings used to identify families with significant barriers to employment should indicate when an in depth assessment by trained and qualified staff and development of a tailored services plan is appropriate. TANF staff should connect these families to services and supports available in the community.

**States should take measures to ensure that needy, eligible low-income families, particularly families that include a person with a disability, receive the benefits they are eligible for and do not fall into deeper poverty.**

Recent analysis indicates that only 40 percent of eligible families, and less than one in three poor children, are receiving TANF assistance. Moreover, even in a period of rising unemployment—which has led to increased reliance on food stamps and shelter programs for homeless families—there has not been a corresponding increase in TANF caseloads. States should be encouraged to take proactive steps to enroll eligible families. This can include reviewing Medicaid or Food Stamp caseloads to identify eligible families or through outreach to community- and faith-based organizations serving low-income families.

The low coverage of eligible families by TANF programs and the federal policies that have rewarded declines in caseloads, regardless of outcomes for families, cannot be presumed to be coincidental. States also face financial penalties for failure to meet the work participation rate. States that provide appropriate, but not countable, opportunities to families may have greater difficulties achieving the work participation rate. States

should not be penalized, but instead rewarded, for reaching a higher proportion of families experiencing poverty, especially those living in extreme poverty with significant barriers to economic self-sufficiency.

Contributing to the poor program coverage of eligible families are sanctions. Studies have found that families that include a person with a disability are disproportionately sanctioned and remain outside of the labor market. Communities that have piloted sanction reconciliation programs, providing outreach and in-depth family assessments to help families become compliant with program rules, often find parents with previously undetected barriers to employment, such as a developmental or mental health disability that impeded program compliance. With appropriate supports, families' cash assistance benefits are reinstated and more intensive services may be offered to help parents transition to work, receive appropriate treatment or rehabilitative services, or, if appropriate, apply for Supplemental Security Income (SSI) benefits.

Unfortunately, receipt of TANF assistance alone does not protect families from living in extreme poverty. In most cases, states are providing cash assistance benefits to needy families far below the cost of living in their community. Because families that include parents or children with disabilities may rely on TANF assistance for a longer period of time before transitioning into the workforce, they may be disproportionately impacted. States should be incentivized to lift families out of deep poverty and provide adequate resources so that parents can care for their children.

CCD organizations collectively offer a wealth of information designed to promote the full inclusion of individuals with disabilities in the workplace and in the broader community. The CCD TANF Task Force welcomes the opportunity to work closely with HHS to formulate program and policy strategies to promote broader participation of families that include a person with a disability in activities that will lead to greater economic security and overall well-being. For more information, please contact Sharon McDonald at (202) 942-8253 or by email at [smcdonald@naeh.org](mailto:smcdonald@naeh.org).

Sincerely,

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cc: Sharon Parrott, Counselor to the Secretary  
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