

**Testimony of Curt D. Campbell Jr.  
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**Before the Committee on Human Services  
Council of the District of Columbia**

**Performance Oversight Hearing Regarding the Department of Human Services**

**March 8, 2018**

The Legal Aid Society of the District of Columbia<sup>1</sup> submits the following testimony regarding the performance of the Department of Human Services (DHS), and in particular, the TANF and POWER programs. Legal Aid looks forward to the implementation of exciting changes to the TANF program, including the repeal of the program's 60-month lifetime limit on participation. Further, we understand that DHS plans to make several internal reforms to the TANF program, which if fully implemented, would allow TANF families to build toward long-term economic stability. These changes are an example of how the Council and the Department can effectively make adjustments to the structure, policies, and customer engagement component of programming in response to the needs, circumstances, and goals of families who are struggling.

While Legal Aid supports these policy and programmatic changes, we urge the Committee to closely monitor the implementation process, including ensuring that the Department has everything in place to fully implement the time limit repeal as promised on April 1. As part of that implementation process, the Department needs to ensure that families receive accurate information about programming. Additionally, the Committee should clarify with the Department what its plans are for the POWER program, as it is important that survivors of domestic violence and families with significant health needs receive appropriate support. Finally, the Committee should request that DHS share its timeline for implementing further reforms to the program which will be essential parts of the District's efforts to combat the poverty and inequality that are the root of many of its most longstanding challenges.

**OVERVIEW OF PLANNED TANF REFORMS**

We cannot emphasize enough how proud we are to have been a part of the process of formulating much needed policy changes to TANF in the District. We would like to reiterate our thanks to Chairperson Nadeau, Director Zeilinger, Mayor Bowser, and the many advocates,

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<sup>1</sup> The Legal Aid Society of the District of Columbia was formed in 1932 to "provide legal aid and counsel to indigent persons in civil law matters and to encourage measures by which the law may better protect and serve their needs." Over the last 85 years, tens of thousands of the District's neediest residents have been served by Legal Aid staff and volunteers. Legal Aid currently works in the areas of housing, family law, public benefits, and consumer protection. More information about Legal Aid can be obtained from our website, [www.LegalAidDC.org](http://www.LegalAidDC.org), and our blog, [www.MakingJusticeReal.org](http://www.MakingJusticeReal.org).

government representatives, and community members who came together to strengthen the District's safety net.

Starting April 1, 2018, TANF families will no longer be subject to the draconian time limits which have undercut the program for nearly a decade. This means cash assistance will be there for families when they face hardship, regardless of whether they have utilized this safety net in the past. Research shows how important this safety net is, particularly for vulnerable children. For example, a study by the University of Minnesota suggests that children from TANF families facing sanction are more likely to have school disruptions than TANF families receiving the full TANF benefit.<sup>2</sup>

But the TANF program is about much more than cash assistance. In the most recent meeting of the TANF working group last December, Director Zeilinger and her staff discussed their ideas for developing meaningful responsibility plans for parents including: diversifying the types of services TANF Employment Plan vendors will offer (education and occupational training in addition to job placement); making caseloads more manageable so that TANF customers get more face to face time with their case managers; enhancing DHS's performance-based incentive structure to promote not only job placement but career building as well by rewarding skills development; and expanding the District's definition of TANF services to include mentoring, parenting supports, and mental health resources. These plans are on the cutting edge of poverty remediation programs and reflect an agency that is thinking creatively about how best to serve families who have been overlooked for too long.

## **IMPLEMENTATION REMAINS A CHALLENGE**

Having good ideas and favorable laws on the books are only part of the battle. To truly reform the TANF program, we also need effective implementation of those policies.

### **Ensuring DHS Staff Provide Clear, Consistent, and Accurate Information About TANF Reform**

Over the last six months, our clients have encountered a disturbing amount of misinformation from frontline staff surrounding TANF and POWER. One mother reported to us that she was told that she was no longer eligible for TANF/POWER because "Trump cut the budget until April." Another reported that she was incorrectly told that the POWER program, the program designed to help support TANF eligible-families facing particularly high barriers to employment (such as domestic violence or disability), no longer exists. Successful implementation of the TANF reforms discussed above will require frontline staff to provide accurate information about DHS policies to families so that they can comply with program requirements and benefit from opportunities.

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<sup>2</sup> See Larson, A. M., Singh, S., & Lewis, C. (2011). Sanctions and education outcomes for children in TANF families. *Child & Youth Services*, 32(3), 180-199 <https://cascw.umn.edu/wp-content/uploads/2014/02/No.10.pdf>. See also Greg J. Duncan and Katherine Magnuson, "The Long Reach of Early Childhood Poverty," *Pathways*, Winter 2011, [http://www.stanford.edu/group/scspi/media/pdf/pathways/winter\\_2011/PathwaysWinter11\\_Duncan.pdf](http://www.stanford.edu/group/scspi/media/pdf/pathways/winter_2011/PathwaysWinter11_Duncan.pdf), discussing links between children in poverty, modest income boosts, and future earnings in adulthood.

TANF vendors will also play a vital role in successful implementation. Currently, however, vendors convey information or take actions that are inconsistent with TANF regulations and DHS policy. For example, our clients have reported that vendors have tried to sanction them for failure to participate in TANF work requirements even though they have received work exemptions from DHS. One vendor took the position that it is the client's duty to inform the vendor of DHS's exemption determination rather than the vendor's duty to get that information from DHS (or DHS's duty to convey the information to its agent, the vendor). Another vendor told clients that TANF benefits were ending on October 1, 2017 for anyone who had received these benefits for 60 months or more.

**We urge DHS to train and monitor its own frontline staff and the staff of vendors to ensure that clients are being provided with accurate information and are not being wrongfully sanctioned or penalized.** As part of its current implementation efforts, the Department recently reconvened the TANF Working Group that originally designed the time-limit repeal policy, tasking stakeholders with developing ways to effectively communicate to a variety of audiences about the coming changes. However, ultimately, disseminating policies and ensuring compliance with these policies by staff and contractors is the responsibility of DHS. To the extent that it would be helpful to have additional written materials about TANF and POWER, Legal Aid would be happy to help develop and disseminate these materials.

### **The Committee Must Hold DHS to Implementation Timelines**

Beyond communication, there are other steps that the agency needs to take to ensure that reforms in last year's legislation will take effect in a timely and orderly way. For example, the TANF legislation re-wrote the District's TANF sanction policy, setting a new, uniform sanction level as well as a cap on benefit reductions. The agency acknowledges in its oversight responses that it needs to publish new proposed regulations regarding sanctions to reflect the change in law without providing a clear timeframe for doing so. It is important that the agency move quickly to avoid an extended period in which regulations are inconsistent with statute and share its timeline and work product with stakeholders...

**The Committee should use this hearing to ask the agency to lay out a detailed timeline of all remaining steps that are necessary for full implementation, including detailed deadlines.** Further, the Committee must monitor the agency's progress in meeting these deadlines, particularly in the period leading up to and during the first few months of the post-time-limit TANF program.

### **THE FUTURE OF POWER**

Legal Aid is also concerned about the current and future state of the POWER program. Even without time limits, the POWER program is an important vehicle for providing families with significant barriers to employment the means to obtain supports while the attempt to achieve self-sufficiency. However, based on the performance of the agency in operating the POWER program this past fiscal year, Legal Aid is concerned about the program's future.

First, the POWER program did not have a vendor for domestic violence survivors for nearly six months, starting last October. During this time period, despite repeated requests, DHS

did not communicate with advocates or survivors about the status of the domestic violence exemption, who the new vendor was or what, if any, changes were being made to the screening process. As a result, we believe that many survivors were left without the services and supports they need in order to preserve their safety. We recently learned that the organization, DC SAFE is now the preferred POWER vendor for domestic violence survivors. Legal Aid is familiar with SAFE's work and we commend the agency for choosing them as its DV services vendor. But this sort of delay in service delivery cannot happen again. DV survivors deserve better. TANF families deserve better.

Second, in FY 2017, POWER medical reviews seemed to take an unusually long time to process. We urge the Committee to inquire about the reason for these delays and the steps the agency is taking if any, to ensure that determinations are made more quickly.

Third, we are still encountering many families who do not know that POWER is an option if the head of the household cannot work because he or she is caring for a child with disabilities. The agency must take steps to communicate this option to parents of children with disabilities, particularly children who the agency knows are disabled because they receive SSI.

Fourth, we are not confident that families are being systemically screened for employment barriers and referred to services rather than just being sent to TEP vendors where they are set up for failure. Legal Aid believes that, eventually, the improved IRP process should include services to address significant barriers to work stemming from domestic violence or disabilities. However, until the agency has fully implemented its new IRP processes, it is crucial that families with these barriers are properly screened and connected to appropriate services rather than be sent to TEP vendors. Therefore, we urge DHS to train agency staff in identifying these barriers so that TANF applicants and recipients can be referred to Office of Work Opportunity rather than to a vendor.

Fifth, the agency must improve its transparency in operating the POWER program. DHS must update its policy manual to include all of the POWER criteria, not just those related to disability, as well as the April 1 changes to the time limit policy.

Finally, the agency should provide advocates with periodic updates so we have a sense of the agency's progress in implementing new TANF changes. Such communication will better enable us to help our clients understand how their benefits and rights are changing which in turn lessens the burden on agency and vendor staff.

**Therefore, Legal Aid urges the Committee to determine how the District will continue to operate the POWER program and enhance its effectiveness in providing services to families who need its additional supports.** We then urge the Committee to ensure that the agency follows through on the steps we suggest above.

## **CONCLUSION**

We look forward to continuing our work with DHS and other stakeholders to make the improved policy we envisioned together a reality. The changes that the Council, the Department, and stakeholders have worked together to enact have the potential to fundamentally

change how the District serves and works with families struggling with poverty. However, policy changes are only as effective as the implementation and, for the Department and this Committee, there remains much work to be done to ensure effective implementation.