

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 needy 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 1996 federal welfare reform act converted AFDC to a block grant – called Temporary Assistance to Needy Families (TANF) – with essentially fixed funding.

The 1996 federal welfare reform 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 needy family or category of families. The act expressly bars states from using federal funds to provide benefits to many lawful immigrants. With very limited exceptions, a state cannot use federal funds for families who have received assistance for five years, and a state can pick a shorter time limit if it wants. The act also subjects states to fiscal penalties unless a specified percentage of assistance recipients participate in federally defined work activities for a specified number of hours each month.

The Massachusetts TAFDC Program

In Massachusetts, the agency that runs the family cash assistance program is called the Department of Transitional Assistance (DTA). Massachusetts funds cash assistance primarily with state funds; most of the block grant pays for programs and services other than cash assistance.

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 to the program, imposing 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 other new restrictions. Massachusetts has also kept a number of rules and benefit restrictions that are no longer required by federal law, including assistance unit rules and rigid child support cooperation requirements.

Thousands of families have lost benefits because of the time limit and sanctions. Before welfare reform, about 95,000 families with children received welfare benefits. Now only about 40,000 families receive benefits.

Recent Welfare Changes

In the past few years, advocates have secured a number of improvements to cash assistance. In April 2019, the Massachusetts legislature repealed the welfare family cap, the rule that barred benefits for children conceived while the parent received TAFDC. The Legislature raised grants by 10 percent beginning January 1, 2021, by an additional 9.1 percent beginning July 1, 2021, and by an additional 10 percent beginning October 1, 2022. In April 2024, grants will go up another 10%. Effective July 1, 2021, the Legislature eliminated the asset test for cash assistance. Despite the grant increases, grants still pay less than 40% of the federal poverty level, about half of what the grants paid in 1988 after adjusting for inflation. Because of these very low grant levels our lowest- income and most vulnerable children suffer from a lack of basic necessities, resulting in health and emotional damage, toxic stress, and impaired school performance.

How to Keep Up with the Law

Look up the regulations. The first thing you need to do is look up the regulations. DTA's regulations covering TAFDC in Massachusetts are printed in Chapter 106 of the Code of Massachusetts Regulations (106 C.M.R.).

In this Guide, we refer to the regulation numbers, 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. You can find the latest regulations on DTA's website, <https://www.mass.gov/lists/department-of-transitional-assistance-regulations>.

You also need to look at DTA policy materials. DTA posts some policy materials in its Online Guide, available on the DTA website, https://eohhs.ehs.state.ma.us/DTA/PolicyOnline/BEACON5/!SSL!/WebHelp/userguide_test.htm. The TAFDC Advocacy Guide refers to specific pages in the DTA Online Guide. You can find the page by typing the information about the page into the Online Guide search box. Older policy materials we refer to in this Guide are available at masslegalservices.org. In some cases, you also need to look at state statutes. Sometimes you need to look at federal statutes 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 D**.

The online version of this Guide, available at www.masslegalservices.org under Legal Advocacy Guides, provides links to the regulations and older policy materials.

This Guide shows that the TAFDC program is complicated. As a result, DTA denies benefits to many eligible people. In addition, many eligible people don't apply because they don't know they are eligible and because the application process is daunting. You can help by learning the rules, explaining them to people in need, and advocating for their right to the benefits they need for themselves and their children.

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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 programs that meet families' needs and enable them to escape poverty.