

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 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 poor family or category of poor 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 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 paid for with federal TANF funds or state funds counted towards the state's TANF maintenance of effort obligation. States can use state funds not counted towards required state expenditures 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.

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. Thousands of families have lost benefits because of the time limit and sanctions. And more than 13,000 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 federal block grant.

Congress reauthorized the federal welfare block grant in 2005, making it harder but not impossible for states to use state funds for families with barriers to employment. The federal rules also limit states’ ability to count education and training participation towards federal work requirements. 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 and Emergency Assistance 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 statutes, and 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 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 and EA programs are 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 and EA 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 better serve the needs of low-income families and actually helps families escape poverty.
