

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 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. 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 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.

DTA began implementing the state’s two-year time limit on December 1, 1996. Thousands of families have lost benefits because of the time limit and sanctions. Nearly 9000 children are excluded from benefits because of the family cap.

Less than half as many needy families receive cash assistance as before welfare reform. Before welfare reform, for every 100 families in poverty, 92 received cash assistance. Now, for every 100 families in poverty, only 34 receive cash assistance. There are more families in *deep poverty* (income below about \$10,000 a year) than families receiving TAFDC.

TAFDC benefits have lost half their value since 1988. The maximum TAFDC grant for a family of 3 is barely a third of the federal poverty level. Massachusetts has also kept a number of rules and benefit restrictions that are no longer required by federal law, including asset limits and assistance unit rules.

Recent and Upcoming Welfare Changes

The Massachusetts legislature enacted another welfare bill in 2014. The bill imposed new limits on TAFDC and gave DTA the option to implement other limits. The bill also made some small improvements to the program. The legislature enacted some additional improvements in 2017 and 2017. DTA has implemented some but not all of the changes. The changes DTA has made are discussed in this edition of the Guide.

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.).

DTA plans to change the regulation numbers this year. Some of the content will also change. In this Guide, we refer to the current regulation numbers for each rule, 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 (with the latest numbering) on DTA's website, www.mass.gov/dta/regulations, and on the Massachusetts courts website, <http://www.mass.gov/courts/case-legal-res/law-lib/laws-by-source/cmr/100-199cmr/106cmr.html>.

You also need to look at DTA policy materials. DTA posts some policy materials in its Online Guide, available on the DTA website, www.mass.gov/dta. 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 www.masslegalservices.org/benefits. In some cases you also need to look at 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 E.

The online version of this Guide, available 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. 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.

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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 better serve the needs of low-income families and actually help families escape poverty.