

# Introduction

EAEDC stands for Emergency Aid to Elders, Disabled and Children. EAEDC replaced the former General Relief program, which was abolished in October of 1991.

EAEDC provides cash and limited medical benefits to needy individuals who are either disabled, elderly, Mass. Rehabilitation Commission (MRC) participants, persons caring for a disabled household member, and to needy children and their caretakers where the family does not qualify for TAFDC.

The Massachusetts Department of Transitional Assistance (DTA) administers the EAEDC program in Massachusetts.

## **History of the EAEDC Program**

The EAEDC program, Emergency Aid to Elders, Disabled and Children, is a 100% state-funded program providing cash and medical assistance to certain categories of needy persons residing in Massachusetts. EAEDC was created in October of 1991 and enacted under Chapter 255 of the Acts of 1991, replacing the long-standing General Relief program.

In October of 1991, there were over 37,000 individuals and families receiving General Relief benefits, including persons over the age of 45 with little or no recent work history, persons receiving treatment from substance abuse halfway houses, and families ineligible for TAFDC due to the "grandparent" and "stepparent" deeming rules (such as families with babies of teen parents and stepchildren). These and other categories of persons were cut from benefits. In addition, the new program used a more stringent disability standard, resulting in thousands of disabled persons losing their basic cash and medical assistance. In 1992, the caseload dropped from 37,000 under General Relief to 20,100 under EAEDC. The EAEDC caseload has remained steady at roughly 20,000 cases for many years .

Due to successful litigation and legislative efforts, the EAEDC disability process was substantially improved in the 1990's. Filed by Merrimack Valley Legal Services and the Disability Law Center, the decision in the Correia lawsuit required the Department of Transitional Assistance (DTA) to establish a "fair, just and equitable" standard for the Department and the agency under contract to do disability reviews. Legislative efforts by the Mass. Coalition for the Homeless,

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local Legal Services offices, community agencies and the Mass. Law Reform Institute (MLRI) resulted in a new and fairer disability definition within the EAEDC state budget line item. In addition, advocates have continued to persuade the state Legislature of the importance of the EAEDC program and have successfully fought off efforts to cut categories of recipients.

### EAEDC Today

The EAEDC program remains fragile. The program continues to absorb individuals cut off federal benefits due to the 1996 Personal Responsibility and Work Opportunity Reconciliation Act, especially legal immigrants who lost SSI eligibility and individuals waiting months for SSI disability determinations.

The program benefits have been frozen since 1987 at a maximum grant level of \$303/month with no cost of living increase in 30 years. In fact, the meager \$35 per month rental allowance for recipients in private housing was eliminated in 2003. Ongoing advocacy will be needed to protect these meager state benefits for elders, persons with disabilities and the few children who remain on the program. The Mass. Coalition for the Homeless, the Mass. Immigrant and Refugee Advocacy Coalition, Legal Services and community groups have played a vital role in maintaining this safety net and continue to seek grant increases and other improvements.

### Sources of Law

The basic *statutory* authority for the EAEDC program is found under the Massachusetts General Laws (G.L.), chapter 117A.

The EAEDC program is also legislated through the EAEDC *line item* included in the annual state budget. The line item number is 4408-1000—and it contains both an "appropriation" (money) for the year as well as language describing the categories of persons who are eligible. In some cases, it is necessary to look at the state laws and the budget language.

The *regulations* covering the EAEDC program are set by the Department of Transitional Assistance and published in chapter 106 of the Code of Massachusetts Regulations (106 C.M.R.).

In each section of this *Guide* there will be a set of numbers with a section sign (§), such as § 320.100. These numbers are sections of the EAEDC or other DTA regulations which set forth the rules concerning the eligibility conditions and

benefits listed. But this *Guide* does not include all the rules. And no one can remember all of them. ***You have to look them up.***

Every DTA office must make available a copy of their regulations for you to look at. 106 C.M.R. § 701.240.

The regulations are also available on the Internet at:

<http://www.mass.gov/eohhs/gov/laws-regs/dta/> or

<http://www.mass.gov/courts/case-legal-res/law-lib/laws-by-source/cmr/100-199cmr/106cmr.html>

DTA issues a wide range of ***policy guidance*** to instruct DTA staff on how the eligibility rules work, what to input into the computer system, when to send notices, and how to calculate benefits.

- Until 2014, most field instructions were contained in Field Operations Memos or Operations Memos. You can find most of them here:  
<https://www.masslegalservices.org/library/directory/benefits/dta-policies-materials>
- Since October 2014, DTA began releasing policy updates through the DTA Online Guide. You can find the guide here:  
<http://www.mass.gov/eohhs/gov/departments/dta/online-guide.html>

The online guide has links to regulations, many Operations Memos and other policy guidance.

- DTA also issues policy guidance and reminders to staff through emails called Operations Bulletins and a monthly Transitions Magazine that includes policy Hotline Q&As and other clarifications. You can find most of them here:  
<https://www.masslegalservices.org/library/directory/benefits/dta-policies-materials>

For disability cases, you can also find helpful information in the Disability Evaluation Service Procedural Standards. You can find most at:

<http://www.masslegalservices.org/library/directory/benefits/dta-policies-materials/dta-disability-procedures>

Although these sub-regulatory materials do not have the force of regulation or statute, we have cited some of these materials in this *Guide*. These procedural

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materials tell you how workers are instructed to handle EAEDC cases. For the DTA Online Guide, you will find the current path to the Online Guide because DTA has not created separate webpages or a numbering system for each section. It is possible DTA's Online Guide format will change in the future. There is also a "search" function on the Online Guide you can use to find topics.

The online version of this Guide is available at [www.masslegalservices.org](http://www.masslegalservices.org) under Legal Advocacy Guides.

To get *legal advice and representation on your individual case*, contact your local Legal Services program by going to:

<https://www.masslegalservices.org/findlegalaid>

MLRI and the Disability Law Center are also available to answer your questions and to work with you to make EAEDC a better program.

# Part 1      Categorical Eligibility

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## 1      Who can get EAEDC?

EAEDC covers low-income persons who are:

- Disabled and have **an impairment or combination of impairments** which will last at least 60 days and which substantially reduces their capacity to work;
- Persons caring **for** someone who is disabled;
- **Elders** 65 years of age or older;
- Persons participating in a **Massachusetts Rehabilitation Commission (MRC)** training program; *or*
- Certain children **and their caretakers** who are not eligible for TAFDC because they do not meet the TAFDC relationship requirement.

The following sections of Part I describe these five categories and the rules which apply to them in more detail. You also need to meet other eligibility conditions (see **Part 2** of this *Guide*) and financial requirements (see **Part 3** of this *Guide*).

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## 2      How disabled do I have to be to receive benefits?

Under the EAEDC rules you are disabled if:

- you have one or more impairments;
- that substantially reduce your ability to support yourself; **and**
- that will last at least 60 days.

See 106 C.M.R. § 320.200.