

HOUSE BILL REPORT

SSB 5286

As Reported by House Committee On:
Early Learning & Children's Services
Health & Human Services Appropriations

Title: An act relating to exemptions from the WorkFirst program.

Brief Description: Regarding exemptions from the WorkFirst program.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Regala, Hargrove and Kohl-Welles).

Brief History:

Committee Activity:

Early Learning & Children's Services: 3/17/09, 3/27/09 [DPA];
Health & Human Services Appropriations: 4/1/09, 4/3/09 [DPA(APPH w/o ELCS)].

**Brief Summary of Substitute Bill
(As Amended by House)**

- Revises elements of the good cause exemption from WorkFirst participation available to parents with a child under age 1 year.

HOUSE COMMITTEE ON EARLY LEARNING & CHILDREN'S SERVICES

Majority Report: Do pass as amended. Signed by 7 members: Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Angel, Goodman and Seaquist.

Staff: Sydney Forrester (786-7120)

Background:

WorkFirst is Washington's program of Temporary Assistance for Needy Families (TANF). Under WorkFirst, recipients of public assistance complete a comprehensive assessment prior to referral to job search activities. Information obtained through the assessment is used to develop an individual responsibility plan that includes an employment goal; a plan for obtaining employment as quickly as possible; and a description of services available to

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

enable the recipient to obtain and keep employment. Unless a good cause exemption applies, TANF recipients must be engaged in work or work activities as a condition of continued eligibility.

In cases where a recipient does not engage in work or work activities and is not eligible for a good cause exemption, the family's TANF grant eventually is reduced or terminated. Termination of the entire grant is commonly called a *full family sanction*. As a matter of practice, the Department of Social and Health Services (DSHS), although authorized several years prior, did not begin imposing full family sanctions until after the enactment of the federal Deficit Reduction Act of 2005 (DRA), which made significant modifications to how the Workfirst participation rate is calculated.

Under Washington law, a parent with a child under the age of 1 year may claim a good cause exemption from the Work First program up to a maximum total of 12 months over the parent's lifetime. During the exemption period, the parent may be required to participate in mental health or substance abuse treatment, domestic violence treatment services, or parenting education for up to 20 hours per week, if such treatment, services, or training is indicated by the WorkFirst comprehensive assessment.

In 2008 parents in three families claiming the good cause exemption for parenting a child under age 1 year failed for six consecutive months to engage in treatment indicated by their comprehensive assessments. These families ultimately lost their TANF grants, but remained eligible for Basic Food and Medical Assistance benefits.

Summary of Amended Bill:

A parent with a child under 1 year who is claiming a good cause exemption from participating in WorkFirst activities can not be required to participate in any activities during the first 90 days following the birth of the child. Following the 90-day period, the DSHS may not reduce the grant to the household of a parent who is eligible for and is claiming the exemption, even for noncompliance with requirements for treatment or services. The DSHS may, however, assign a protective payee when a parent claiming the exemption fails to participate in mental health or substance abuse treatment. The DSHS must continue its efforts to engage parents in needed treatment or services as indicated by a comprehensive assessment.

Amended Bill Compared to Original Bill:

The amended bill:

- preserves the 90-day grace period (created in the original bill) following the birth of a child during which a parent claiming a good cause exemption from participation in WorkFirst activities will not be required to participate in any activities;
- does not amend current authority to require a parent to participate in mental health or substance abuse treatment, domestic violence services, or parenting education, if indicated by a comprehensive assessment, but prohibits the DSHS from reducing the

- grant to the household of a noncompliant parent who is eligible for and claiming the exemption; and
- permits the DSHS to assign a protective payee if a parent refuses to participate in needed mental health or substance abuse treatment and directs the DSHS to continue efforts to engage parents in obtaining needed treatment and services.
-

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on March 28, 2009.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) We know that the most important job a parent has is being a good parent. We also know that children born into poverty are at high-risk for poor outcomes. When parents engage in behaviors that do not contribute to good parenting, this creates further complexities. We need to strike a balance between providing intervention when appropriate but we also should support positive bonding between parent and child. Reducing the grant to the household for the parent's noncompliance makes matters worse for the family and there are ways to get parents engaged in services without reducing the income to the home.

Most of these parents are part of the First Steps program, which has elements in it to address chemical dependency treatment, where needed. These programs do an excellent job of addressing the needs of children during the first year. First Steps has been very successful in getting mothers into treatment, but this is a process that requires very personal case management. Facilities for inpatient treatment where mom can have her baby with her are very limited and there may be a waiting period.

The highest risk children are those born to families on public assistance. They have reduced resilience and increased levels of stress. Two years ago, the Legislature expanded the good cause exemption from three months to a year, but the 90-day grace period was inadvertently omitted. Currently, the DSHS is sanctioning 23 families for failing to be assessed or for failing to engage in needed treatment. By further reducing the income available to the infant's household we are reducing the family's ability to care for that child.

Studies show that the sanction process increases the family's hardship and the family's use of emergency room care for children. Sanctioned families were not any better off after three years than families who had not been sanctioned. If a parent's substance abuse is so bad that it interferes with parenting, then it is probably appropriate to make a referral to Child Protective Services. For some families it will be enough to be told they have to participate, and they will.

A baby is a strong motivator to improve one's life. For mothers who are trying to extricate themselves from an abusive relationship while caring for an infant, requiring them to attend

meetings or complete an assessment during the first three months could be completely overwhelming. WorkFirst caseworkers are not all trained in social work and may not necessarily be professionals with the skills to engage parents. Sanction adds stress to an already stressful situation.

Counseling is part of the process of getting people into treatment and personal motivation makes the difference for success. We need to make sure the DSHS is working to engage families. This is really about interpersonal relationships.

(With concerns) The Office of the Governor has some concerns regarding the language on the limit of using the sanction as it appears to be written to apply to all WorkFirst families with a child under 1 year, rather than just those families where a parent is eligible for and is claiming the good cause exemption.

The DSHS does not use the sanction process during the first 90 days a parent is claiming the exemption. Caseworkers understand the importance of early bonding. The initial assessment usually doesn't occur until the child is about three months old.

The WorkFirst caseload includes about 8,500 parents with a child under age one year. Of these parents, about half claimed the exemption last year. Of those claiming the exemption, about 300 parents were assessed as needing treatment for chemical dependency or mental health. Almost all parents are participating, but in any given month there may be about 25 parents who are not participating in the needed treatment. We work hard to engage families, and to reengage those who drop out of treatment. The sanction process allows for reducing the grant, but we also do intensive case staffing and home visits to try and motivate parents. The sanction is there to provide a financial incentive for a parent to get the treatment needed. From the beginning of this program we have had a commitment to do everything possible to engage families. During 2008 the three families who lost their grant entirely, did so after six consecutive months of not participating and earnest efforts by the DSHS to engage these parents. One of those parents has reapplied and is active in the program.

(Opposed) None.

Persons Testifying: (In support) Senator Regala, prime sponsor; Lonnie Johns-Brown, Safe Babies and National Organization of Women; Robin Zukoski, Voices of Spokane and Columbia Legal Services; Laurie Lippold, Children's Home Society; Monica Peabody, Parents Organizing for Welfare and Economic Rights; and Donna Christensen, Washington State Catholic Conference.

(With concerns) Leslie Goldstein, Office of the Governor; and Leo Ribas, Department of Social and Health Services, Community Services Division.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON HEALTH & HUMAN SERVICES APPROPRIATIONS

Majority Report: Do pass as amended by Committee on Health & Human Services Appropriations and without amendment by Committee on Early Learning & Children's

Services. Signed by 10 members: Representatives Pettigrew, Chair; Seaquist, Vice Chair; Appleton, Cody, Dickerson, Miloscia, Morrell, O'Brien, Roberts and Wood.

Minority Report: Do not pass. Signed by 5 members: Representatives Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Ericksen, Johnson and Walsh.

Staff: Wendy Polzin (786-7137)

**Summary of Recommendation of Committee On Health & Human Services
Appropriations Compared to Recommendation of Committee On Early Learning &
Children's Services:**

The Health and Human Services Appropriations Committee amendment prohibits the Department of Social and Health Services (Department) from reducing the grant to a single-parent household claiming good cause exemption due to sanction for the parent's failure to participate in alternative activities. The amendment also permits the Department to assign or seek out a volunteer or responsible family member to serve as a protective payee.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The bill relates to legislation from two years ago, Substitute Senate Bill 6016. When the Legislature passed that bill many of the same assumptions were made in the fiscal note, in particular extending costs related to length of stay. There are questions around the assumptions made in the current bill's fiscal note.

(Opposed) None.

Persons Testifying: Senator Regala, prime sponsor; and Robin Zukoski, Columbia Legal Services.

Persons Signed In To Testify But Not Testifying: None.