



Temporary Assistance for Needy Families (TANF)

Benefits Authorized by Law

Following welfare reform in 1996, the purpose of the federal program, now named the Temporary Assistance for Needy Families program, is to provide assistance to needy families:

- so children are cared for in their own home or the home of a relative;
- to end dependence of needy parents on government benefits by promoting work and marriage;
- to prevent and reduce out-of-wedlock pregnancies; and
- to encourage the formation and maintenance of two-parent families.

TANF authorizes:

- Cash assistance (funded with federal or state maintenance-of-effort funds);
- Services to families receiving cash assistance and other eligible families; and
- Wide discretion for states in their use of federal TANF funds and state maintenance of effort (MOE) funds.

Impact of Criminal Justice Contacts on Cash Assistance for TANF Families

TANF cash assistance is paid to a custodial parent with a child in the home. Once removed from the role of custodial parent, the adult is not eligible for cash assistance.

Many individuals (particularly women) who are arrested qualified for TANF when they were arrested, and can therefore be expected to be re-eligible upon release. For example:

- More than half of women in prison are mothers of children under 18 and thus are likely to have custody again when released.
- Over 40% of these women were unemployed before they were incarcerated in prison and are likely to meet financial eligibility criteria.

Since individuals in jail are no longer custodial parents, they are not eligible to receive TANF cash assistance. In addition to losing cash benefits while incarcerated, otherwise eligible custodial parents may lose benefits for other reasons:

- Individuals with drug felony convictions that occurred after August 22, 1996, are not eligible for TANF cash assistance for the rest of their lives, although states can either opt out of this provision of federal law or modify it.

- Individuals in violation of probation or parole are prohibited by federal law from receiving federally funded TANF assistance

However, there can be exceptions to these rules, because states have flexibility:

- For short incarcerations, there may be circumstances that permit continued benefits payable to the individual.
- For individuals with drug felony convictions, the state may waive or amend this rule.
- For those in violation of probation or parole, state rules are important because states define, within federal guidelines, the meaning of these terms.

Impact of Criminal Justice Contacts on Services to TANF Families

Rules regarding eligibility for TANF-funded services are different from the rules on eligibility for TANF cash assistance. Generally speaking, services are more available than cash benefits.

For those who are incarcerated, services may still be furnished, provided they meet the definition of federally funded TANF services. To meet this definition, services must be consistent with the goals of TANF and while they cannot include medical care, they may include:

- case management,
- vocational rehabilitation,
- mental health services (counseling, anger management, and non-medical substance abuse counseling, etc.), and
- literacy skills training.

Services may also be furnished to non-custodial parents if related to TANF goals including:

- job training, retraining, job search, job placement; and
- job preparation or job training for fathers as well as mothers.

Reinstatement of Benefits

Individuals need to re-apply upon release so they can be counted as a custodial parent with a child in the home. Individuals can submit their application while in jail, and their benefits will then be payable upon release and upon resumption of the role of custodial parent with a child living in the home.

A recent income history is required when applying for TANF, but this should be simpler for inmates than for others.

TANF is not automatically linked to Medicaid and often an individual must file a separate application for Medicaid.

Some people who are ineligible for TANF assistance may still be eligible for Medicaid (such as those who are ineligible due to a drug felony conviction). Or they may be eligible for transitional Medicaid, but not for cash TANF assistance because household income is considered too high.