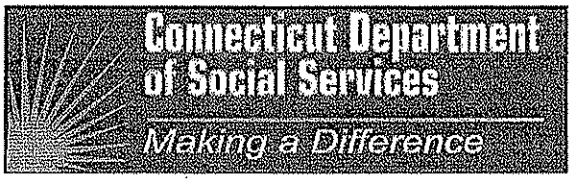

Written Testimony Before the Select Committee on Children

March 4, 2010

HOUSE BILL 5360 AN ACT CONCERNING CHILDREN IN THE RECESSION

The Department of Social Services appreciates the struggles facing so many of Connecticut's children and families every day to meet basic needs such as food, housing, and medical care. Those in need are the clients we serve everyday and who flood our regional offices throughout the state. In November 2009, in fact, the department showed an 18% increase from the previous year in enrollment across entitlement programs, with the greatest demand in the Supplemental Nutrition Assistance Program (SNAP), formerly known as food stamps, and in Medicaid, which includes the HUSKY plan.

However, while the bill's intentions may be well-meaning, DSS has serious concerns about the far-reaching mandates contained within it, as well as the ability of any state agency to achieve what are largely vague and immeasurable goals. Consequently, DSS opposes HB 5360.

Although the bill is written "within available appropriations," it is clear that its mandates would have significant fiscal impacts if fully implemented. Given the current budget crisis, there is no funding available to expand or grow existing programs beyond current levels. Without funding, we question the value of creating unachievable expectations in legislation.

Another concern is the potential for litigation we foresee if these provisions are enacted. Throughout the bill, there are broad pronouncements of the state's affirmative responsibility to assure the well-being of all children. Such statements in state law have in the past subjected the state to litigation in which plaintiffs have asserted that the state is legally responsible to provide the services that support the statement. In other words, plaintiffs have claimed that specific services are in fact "entitlements" that the state must fund regardless of available appropriations. House Bill 5360 may well support new claims of that nature.

We have additional concerns with particular provisions of the bill. Section 1 establishes a new "recession leadership team" to implement and coordinate the state's emergency response to children affected by the recession and creates a statewide planning process. This team would be duplicative of the work the Child Poverty and Prevention Council has been doing for several years to coordinate state efforts that address the needs of families in poverty. Given the state's current investment in this area, which has been upheld as a model for other states, there is no need to stretch limited state resources further on duplicative efforts.

Section 2 would require DSS to develop a plan for a comprehensive state service approach to enable low-income families to access state benefits and services. We are pleased to inform you that this effort is already well underway with the department's Modernization of Client Service Delivery (MCSD) initiative. The department is in the process of procuring the services of a vendor to develop a web-based online benefits screening and application system. The initial system will support these processes for DSS benefit programs administered through our regional offices, including Temporary Family Assistance (TFA), the Supplemental Nutrition Assistance Program (SNAP) and the HUSKY program. In our Request for Proposals the department asked for a system that could form a "Framework for the Future" to which additional programs could be added. This could include the Care 4 Kids child care assistance program, the Connecticut Energy Assistance Program, the WIC program and other programs that serve low-income families and adults. This effort is already well underway, and legislation is not needed to further this effort.

Section 2 also would mandate that the department develop a timeframe within which a family would not be required to resubmit an application if the family recently applied for services. One reason the department requires an application is to establish the date a client applied for services. This importantly serves as the basis for determining the beginning date of benefits and a timeframe against which to measure the standard of promptness for application processing. Although the department cannot support this provision as written, we would be willing to explore provisions that would permit a shorter application to be used if the family had recently applied for benefits. The web-based application system referenced earlier as part of our Modernization initiative will populate the online application form with information already known to the department, thus streamlining the process for those individuals reapplying for benefits. This will essentially accomplish the purpose of this provision by not requiring the family to replicate information and resubmit documentation previously provided.

Section 3 would require the department to accept applications from all eligible families for the Care 4 Kids program if the unemployment rate is 8% or higher, requires notice of program changes, and delays the effective date of such program changes to 60 days after notice. Under current program guidelines, the department accepts all applications regardless of the unemployment rate. Timely notices are currently provided when program changes are made, in particular when the program must close due to budget limitations. Delaying implementation of program changes for 60 days will result in additional costs to the program. Finally, all funds are already used to support parents who must work, as required by current statute.

Regarding Section 4, the department has provided and will continue to provide rental assistance within the levels supported by available appropriations, subject of course, to rescissions; therefore this provision only restates current agency practice. The remaining provisions this section appear to place a burden on the department to assure that the Connecticut Housing Finance Authority, the Connecticut Fair Housing Center and the Department of Economic and Community Development continue existing programs and policies. The Department of Social Services has no authority to dictate the policies or practices of these agencies and therefore these provisions are unwarranted. Likewise subsection (b)(1) appears to shift to from the Department of Education to DSS the responsibility for assuring that homeless children avoid school failure.

Section 5 would require the department to collaborate with other state agencies. Collaboration and coordination regularly occur among state agencies where appropriate, because agencies recognize the value to our programs and the clients we serve. However, we also understand that our programs and the populations they target have their own requirements (often federally mandated) and funding streams tied to those requirements. Thus, determining when and where collaboration is warranted and will achieve desired outcomes should be left to the administrating agencies to decide. One highly successful example of

interagency collaboration is the Connect-ability initiative, designed to increase competitive employment for people with disabilities. DSS, in partnership with the Department of Labor, Department of Mental Health & Addiction Services, Department of Developmental Services, the State Department of Education, along with advocacy organizations and consumers, are working to create the premier technical assistance center around employment disability.

Regarding provisions of Section 7 concerning accessing the Temporary Assistance for Needy Families (TANF) Emergency Contingency Funds, the department is already working closely with the United States Department of Health and Human Services, the Governor's Office, the Department of Labor, Office of Workforce Competitiveness, the regional Workforce Investment Boards, private foundations and other funders, non-profit agencies, the Community Technical College and State University systems, and municipalities to access this funding stream. Federal requirements for accessing these funds are stringent and difficult to navigate, but nevertheless we are making a concerted effort to apply for these funds. We have already filed an application for the "basic assistance" category of these funds to reflect caseload increases and anticipate receiving federal approval shortly. Furthermore, the Governor recognizes the importance of these funds to needy families in Connecticut and has sent a letter to the Congressional delegation requesting their support for the extension of TANF Emergency Contingency funds for an additional year. Legislation is not necessary to further encourage this effort.

Section 8 would require that the department make changes to the Jobs First Employment Services (JFES) program to permit and encourage participants to participate in two-year and four-year degree programs. Although the department is not opposed to applying this provision to JFES participants who are nearing completion of such programs, we are opposed to providing for such extended education and training programs for most JFES participants as they are inconsistent with the Jobs First program's 21-month time limit. Most importantly however, four-year college degree programs generally do not meet the federal TANF work participation requirements.

There are provisions in both Sections 7 and 8 for additional extensions to TFA time limits utilizing TANF Emergency Contingency funds. Such extension would require additional appropriations for the 20% state share of any such program expansion. In addition, this funding source is temporary. All of the cost of any ongoing extensions will then have to be borne by the state. This is contrary to the language of the bill that these additional extensions be provided within available appropriations.

Despite the goals this bill seeks to achieve, the department must oppose HB 5360 due to its duplicative efforts and unfunded initiatives that will only set unreachable objectives, and may subject the state to litigation.

Thank you for your consideration of the department's comments.