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## Testimony of Jean Mills Aranha, Connecticut Legal Services, Inc.

### In Support of RB 895 An Act Concerning Temporary Family Assistance and In Opposition to RB 896 An Act Concerning Protective Services for Suspected Elderly Abuse Victims

February 19, 2015

My name is Jean Mills Aranha. I am an attorney working for Connecticut Legal Services, Inc., in both our Public Benefits and Elder Law Units. I support RB 895, An Act Concerning Temporary Family Assistance, on behalf of the legal services programs in Connecticut and the low income individuals we serve.

The purpose of this bill is "to improve outcomes for needy families receiving family assistance." The bill contains several components, and all of them are positive changes to Connecticut's Temporary Family Assistance (TFA) program. You will hear from several members of the legal services community about various aspects of this bill, and I support the testimony of all of them.

I am here to speak particularly about the so-called "family cap" provisions of Connecticut's TFA program. Connecticut is one of a minority of states where children conceived while the family is receiving TFA benefits are treated less favorably than other children in the family. The Connecticut TFA program imposes two harsh consequences on such a child. First, the additional grant of assistance for such a child is reduced by half. Second, the mother of such a child does not receive an exemption from the program's work requirements while the child is less than one year of age, as the mothers of other newborn infants do. RB 895 eliminates both these provisions from the TFA program.

The idea behind these family cap provisions was to deter poor women from having children. The thinking was that poor women were having additional children in order to increase their cash assistance grants, and that the family cap provisions would stop them from doing so. This line of thinking assumes that women know about the family cap provisions, have access to safe and effective family planning methods, and are nonetheless going through nine months of



pregnancy, the risk and pain of childbirth and eighteen years of raising a child, to gain a benefit of about \$50 per month for, at most, somewhere between 21 and 60 months. This benefit is not even enough to cover the cost of diapers, formula and clothing for a new child. Realistically, there is no financial incentive for a mother to have a child to get this benefit.

Not surprisingly, social science research has consistently concluded that women on welfare do not have additional children to get increased benefits. Furthermore, children born to women on TFA are born to very poor families already living below the poverty line. The family cap denies an innocent and needy child some minimal financial support and the consistent presence of its mother for the first year of its life. This is likely to result in poorer mental and physical health outcomes for these children, who will ultimately need more support from the safety net throughout life. Excluding poor children from receiving necessary assistance is not in the best interests of those children, or our state.

Only about a third of the states follow some type of family cap policy presently. Since the early 1990's, several states have abandoned these policies. Over the past nineteen years there have been multiple studies done, yet no one has been able to confirm that this policy has any correlation to a person's decision whether to have a child.

It is time for Connecticut to abandon this punitive policy. A child conceived while his mother receives TFA benefits would benefit from having his mother home for the first year of life just as any other child would. The small amount of additional cash could provide basic necessities for an infant. Numerous studies have been done to evaluate the efficacy of these family cap policies and there has been no finding to date that supports this tactic or its savings. Connecticut should join the overwhelming majority of other states that have chosen the more enlightened policy of putting the needs of their children first.

I urge you to support this improvement to the lives of Connecticut's vulnerable children and families.

Briefly, I also want to state my opposition to RB 896, An Act Concerning Protective Services for Suspected Elderly Abuse Victims, as currently drafted. We naturally support improved protections for elders who are abused, neglected or exploited. However, Connecticut Legal Services has several concerns about the breadth of some of the provisions of this bill. There should be reasonable limits on any state agency before it is given the power to take drastic steps that may impinge on someone's civil rights.

For example, Section 2 (d) of this bill allows Protective Services to disclose confidential records of an elder without the permission of either the elderly person or his or her legal representative. Such a decision should be made by the Superior Court, not Protective Services. In addition, the "best interests" standard used in this provision is appropriate for children, but not for adults.

Section 9 of the bill is also problematic. It allows access to a senior's home without his permission, and upon only a showing of reasonable cause to the Probate Court. We believe that a higher standard should be imposed upon this significant deprivation of civil rights, and that the decision to allow unauthorized entry to a home should be made by the Superior Court.

This bill is well intentioned in its desire to protect elders from abuse, but Connecticut Legal Services believes many of its provisions need further consideration and revision.

Thank you for your time and attention to these important matters for some of our most vulnerable citizens, young and old.