

The Lifetime Ban on TANF Cash Assistance and Food Stamps for Individuals with Felony Drug Convictions

Section 115 of the 1996 welfare law, the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), prohibits anyone convicted of a drug-related felony from receiving both federally-funded cash assistance through the Temporary Assistance for Needy Families (TANF) program and food stamps unless States opt out of or modify the ban. Currently, sixteen States completely deny benefits on the basis of this ban, twenty-one States have modified the ban, and sixteen other States have eliminated the ban. Almost 100,000 women and nearly 150,000 children in the States that are enforcing the ban have been affected due to ineligibility for cash assistance or food stamps.

- ❑ **The denial of welfare benefits and food stamps to anyone with a felony drug conviction for their entire lives is counterproductive.** Under the ban, individuals are barred for life from obtaining cash assistance and food stamps even after completing their sentence, and overcoming an addiction. Individuals with criminal convictions face considerable barriers to employment, often needing transitional services and support to improve their ability to acquire gainful employment. The ban is an additional barrier to addressing addiction and to reintegrating individuals with criminal histories into the community because it makes it more difficult for them to obtain treatment, food and to secure employment. Depriving people who are willing to work of the ability to support themselves and their families could increase the likelihood that they will resort to criminal activity. Furthermore, there is no evidence that it serves its apparent purpose of deterring criminal activity; in fact it likely has the opposite effect. The drug felon ban is ineffective and irrational and fails to serve a legitimate public policy end.

- ❑ **Many individuals with criminal records have alcohol and drug problems and need treatment to transition into recovery and employment. Without continued access to the TANF funding stream, many alcohol and drug treatment programs have had to reduce their services or caseloads.** Residential alcohol and drug treatment programs often rely on a family's welfare and food stamps to cover costs of room and board. The ban cuts off a crucial funding source for residential alcohol and drug and mental health treatment as well as funds for job readiness and other programs critical to successful reintegration. A study of eight women's residential programs in California found that some providers had lost 25 to 30 percent in monthly revenue as a result of the ban.

- **An increasing number of women, particularly low-income women and women of color, are being incarcerated, and a policy that denies individuals cash assistance and food stamps based solely on a criminal conviction disproportionately affects these women.** When a mother is denied cash assistance or food stamps her children suffer. A family's funds go toward caring for the entire family, not just the individuals who qualify for federal assistance. Food stamps and cash support are essential to the health and stability of families.
 - Currently, there are over 200,000 women incarcerated in prisons and jails in the United States. Women's incarceration has grown at nearly double the rate for men over the past two decades.
 - In addition, women in prison are more likely than men, 29 percent compared with 19 percent, to be serving a sentence for a drug charge.
 - In seven of the States which partially or fully implement the TANF drug felony ban, African American women and Latinas represent the majority of women subject to the ban.
 - Forty-eight percent of those women affected by the ban are African American and Latina. Currently, nearly 35,000 African American women and almost 10,000 Latinas are affected by the ban.

- **The lifetime denial of cash assistance and food stamps creates additional barriers for individuals who may have received public assistance before their incarceration and now are ineligible because of a felony drug conviction.** A significant number of individuals in State and federal prisons were either themselves receiving assistance from a public program, such as TANF, Medicaid, or WIC, before their incarceration or living with someone who was receiving assistance. A 2006 study of 36,000 women incarcerated in the Cook County system found that nearly 60 percent of these women had received Food Stamps at least once between 1990 and 2001 and that roughly 47 percent had received TANF/welfare assistance. Without access to basic financial supports during the transition back into the community, there is an increased risk of relapse for individuals with addictions and increased risk of re-arrest and re-incarceration.

The felony drug ban significantly impedes the ability of an individual to transition into the community, reintegrate into the family, and access and maintain sustainable employment. The federal lifetime ban on TANF and food stamp benefits must be repealed.