

# WRN News

WELFARE REFORM NETWORK

MAY/JUNE 2008

## Shedding Light on Poverty Coverage in the Media

On April 1, 2008, the Welfare Reform Network (WRN) had a beautifully planned media panel to discuss how poverty is covered by the press. No "April Fools" on this panel!

Erica González, *El Diario*, was an inspired moderator and the panel included: Errol Louis, *Daily News*; Neil deMause, *Metro NY and FAIR*; Jarrett Murphy, *City Limits* and Fred Scaglione *NY Non-Profit Press*.

The panel kicked off with the frequency and nature of media coverage of poverty issues. It was offered that often poverty is treated like a hurricane or some other natural disaster, with an initial spike in coverage when something happens and then quickly dropping off. Hurricane Katrina was an example of intense news coverage of a catastrophe with the press dropping the ball on digging deeper into the issues of poverty.



Panelists (left to right): Erica Gonzalez, *El Diario*; Neil deMause, *Metro NY*; Jarrett Murphy, *City Limits*; Fred Scaglione, *NY Non-Profit Press*; Errol Louis, *NY Daily News*

deMause referred to his piece in METRO NY to illustrate what happened after Hurricane Katrina. He wrote, "A three-year study of national evening news coverage of poverty I helped conduct for the media watchdog Fairness and Accuracy in Reporting found that reports on the poor peak in November and December. And of the 57 total stories during the period of the study, 24 ran during Hurricane Katrina's aftermath — meaning that during normal, non-holiday times, barely one segment a month mentioned the needy. "

Nevertheless, it was noted that a recent report found that media coverage of politics and poverty increases around presidential elections. Discussion suggested that advocates and organizers may find an opportunity to bring poverty policy to the forefront in 2008.

However, not all poor are presented equally. There was a good discussion of "Deserving" vs. "Undeserving" poor and the way this translates into the use of coded words in media coverage. All agreed that coverage of the working poor is presented in a favorable light and welfare families less so, often through the use of coded words.



Panelists taking questions from the audi-

Errol Louis expanded on his recent editorial urging the State to increase the welfare grant. He suggested journalists need to challenge negative assumptions about people receiving welfare and get at the underpinning issue by connecting it to other hot topic issues being debated in the mainstream news; as he did by connecting the public assistance grant increase to legislator's salary hikes. Due to the limited space and interest of newspaper readers there was a consensus that poverty is usually covered as individual stories of hardship or deserved destitution without real connection to policy focus and role of government.

Louis noted that the editorial board is an excellent way to shape news coverage. Meeting with newspaper editorial boards can bring our view of issues to the press and even persuade a different approach by the paper. Louis is on the Daily News editorial board and said that he is open to meeting with groups. After this informative and lively panel, Welfare Rights Initiative (WRI), for one, will be calling him to make an appointment.

-Maureen Lane, *Welfare Rights Initiative, Hunter College*



## WRN IS NOW EWN

At the last meeting of the WRN Steering Committee in April 2008, the committee voted on an official name change as part of our strategic planning process started several years back. Soon, WRN will be known as the: "Economic Justice and Social Welfare Network" or EWN. The name change reflects our continued welfare work along with advocating for economic justice.

We will be rolling out our new name gradually with a new logo, in the next issue of the newsletter, at meetings and special events.

## State Agrees to Close Four Juvenile Facilities: A Partial Yet Significant Victory for New York's Youth

In January, New York's Office of Children and Family Services (OCFS) announced plans to close six youth correctional facilities as part of a larger effort to reform the state's juvenile justice system. The agency proposed closing the Adirondack Wilderness Challenge in Clinton County, Auburn Residential Center in Cayuga County, Brace Residential Center in Delaware County, Gloversville Group Home in Fulton County, Great Valley Residential Center in Cattaraugus County, and the Pyramid Reception Center in The Bronx.

The main reason for closing OCFS facilities is that they are ineffective. A New York State study found that nearly 80% of young people released from OCFS facilities are re-arrested within three years. In contrast, community-based alternative-to-incarceration programs, particularly those that use "evidence-based practices," such as family functional therapy and multi-systemic therapy, have proven much more successful in reducing recidivism rates among court-involved youth.

In proposing the closure of these facilities, OCFS Commissioner Gladys Carrión recognized that her agency could invest the \$16 million the state currently spends to operate these facilities in more effective community-based alternatives. "Instead of continuing to pour money into this broken system and confining these children to facilities hundreds of miles from their homes, OCFS has aggressively been moving toward more community-based alternatives to incarceration where these children can maintain and strengthen connections with their families and the significant adults in their lives," Commissioner Carrion stated in a January press release.

The six facilities slated for closure in January were operating well below capacity. For example, despite having 25 beds each, the Great Valley and

Brace facilities housed 11 children and 2 children, respectively. The Auburn facility and the Gloversville facility were both completely empty. The cost to operate one bed in an OCFS facility is \$140,000 to \$200,000 a year.

However, despite the fact that the OCFS facilities are underutilized, costly and ineffective, the New York State Senate fought hard to keep the facilities open. On March 12, the Senate's budget bill proposed keeping open three facilities: Great Valley, Brace and Auburn. In response, the Juvenile Justice Coalition coordinated an intense media and advocacy campaign to urge the closure of all six OCFS facilities. As a result of the Coalition's efforts, the issue received widespread news coverage and editorial support, including articles and editorials in the *New York Times*, the *Albany Times Union*, the *Buffalo News*, the *Rochester Democrat and Chronicle*, the *Syracuse Post-Standard*, NPR radio, and other media outlets across the state.

A few days before the state budget deadline, the Juvenile Justice Coalition organized an emergency Advocacy Day to urge the Legislature to close all six OCFS facilities. On March 26, over 50 young people and other advocates travelled to Albany to hold a press conference and meet with legislators and their aides. During the subsequent budget negotiations, the closures became a bargaining chip between the two houses, and after much wrangling, Governor Paterson and the Legislature restored budget funding for two of the facilities: Great Valley and Pyramid. While the Juvenile Justice Coalition strongly supported closing all six facilities, this resolution is nevertheless a victory for advocates, for youth involved in the juvenile justice system, and for an agency attempting to remake itself.

*-Mishi Faruqee, Children's Defense Fund*

***Do you have ideas for an article? Is there something you think we should cover? Let us know! Write it down and send it to the WRN News!***

Deadlines for articles:

July/August edition – June 4, 2008

September/October edition – September 4, 2008

Please send your submissions to Rachelle Rae House at [rhouse@fpwa.org](mailto:rhouse@fpwa.org)



## A Closer Look at Intensive Case Services Funding and Implementation

In 2007, HRA began implementing the Intensive Case Services (ICS) Grant Program for cases in sanction. See Policy Directive #07-037-EMP for more information. The WRN Policy and Advocacy Committee (PAC) has been researching this new program and has concerns regarding its implementation. The ICS program, initiated and funded at the state level, was intended to help sanctioned families address the issues that are impeding them from participating in the welfare to work program (and identifying barriers such as disabilities that would exempt them from work activities), so that they could get the sanction lifted and begin receiving their full welfare grant as well as supportive services (e.g. substance abuse treatment, child care, education and training, etc.).

Moreover, ICS was also intended to help avert sanctions from taking place by providing funding to local social services districts to set up the processes needed to address common problems that lead to sanctioning (e.g. missed appointments, double booked appointments, assisting participants with disabilities and other barriers).

Unfortunately, in New York City the implementation of ICS has led to a substantial closure of the welfare cases of sanctioned households:

- 720 participants - Were closed for: unable to locate, failure to respond, request by participant, or other reason (69% of total served; 29% of total targeted)
- 320 participants - In comparison, only 320 participants were "successfully engaged" (13% of total served; 31% of total targeted)

What this means is that 720 individuals are no longer receiving even a pro-rata reduced grant which they had received while under sanction. Unfortunately, this trend seems to be mirrored at the statewide level with large percentages of case closures. Note: this data only goes through December 31, 2007 so we do not know at this point how many cases have been closed since that date.

Go to OTDA's web page to view the NYC and NYS data: [http://www.otda.state.ny.us/main/pma/programs/ICS\\_2007-2008.asp](http://www.otda.state.ny.us/main/pma/programs/ICS_2007-2008.asp)

Another concern is that HRA has spent none of its ICS funds to serve families who are not fully engaged in countable work activities, including recipients who may be working part time. We believe this category also includes those families who are at risk of falling into sanction status per the legislative intent of the program. In other words, HRA spent none of its \$9.4 million allotment in ICS funding in 2007-08 to help families avert becoming sanctioned.

Instead, HRA used \$1 million of its \$9.4 million to fund fraud detection for these targeted cases. However, thanks to a letter from Assemblymember Glick (the former Chair of the Social Services Committee who led the fight for this program to receive funding initially) clarifying that the legislative intent was to fund services for these families and not punitive measures, language was adopted in the State FY 2008-09 enacted budget to restrict the use of ICS funds for fraud detection.

At the Intensive Services Center (which processes sanctioned cases), the Office of Revenue and Investigation's Bureau of Eligibility Verification (BEV) is located on site. A client receives a same-day referral to a BEV investigator if the HRA worker believes there is:

- Questionable maintenance
- Questionable household composition
- Questionable sources of income
- Questionable address
- Questionable documents
- Unresolved Resource File Integration (RFI) issues
- Failure to comply (FTC) with Office of Child Support Enforcement (OCSE) eligibility requirement
- Suspect spouse in-house
- Cases sanctioned more than three times
- Employed off the books

HRA workers ask participants, "How you have been managing on a reduced budget after your employment sanction was imposed?" Prior to the creation of the ICS program, HRA asked clients in sanctioned status to write down what they've spent in the past month on expenses. Then, if that amount is larger than their reduced welfare grant, they are asked what they used to pay for these *(continued on page 4)*

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expenses with an eye towards the potential outcome that clients will admit to working off the books, getting money from a grandparent or boyfriend, etc. - funds that could then possibly be used to calculate an overpayment or for the agency to take other administrative measures).

The WRN PAC is drafting a letter to OTDA and HRA voicing our concerns about how ICS has been implemented and the overall method of providing services to sanctioned clients. We believe that many of these clients have not deliberately failed to comply with work requirements. Rather, many families face significant barriers, such as lack of child care, undiagnosed disability, or competing demands of work, school and family. Often, there is a failure of communication between HRA and clients and administrative errors. Therefore, we are urging HRA to do more to ensure that families are not cut off from all assistance (basically using ICS as a back-door method to obtaining full-family sanctions). We are also concerned that clients with disabilities are losing benefits without the protections that they are entitled to under the Americans with Disabilities Act and other laws that protect their civil rights. Some things HRA could do instead of closing these cases are to wait until the families come in for their regular re-certifications to discuss the ICS process, or HRA could include in its initial letter to these families that the intent of the ICS program is to provide them with real services, including education and training, which would allow them to improve their life situation and begin receiving their full grant again. We also believe that HRA should put 20% of its ICS funding towards helping families to avert being sanctioned.

If you have a client or know someone who was under sanction and then had their cases closed due to the ICS program, WRN PAC would be interested in hearing more about their case. Please contact Bich Ha Pham at (212) 810-1311 or [bhpham@fpwa.org](mailto:bhpham@fpwa.org).

*-Bich Ha Pham, Federation of Protestant Welfare Agencies*

### *Recent Reports of Interest*

- *Education and Training for TANF Recipients: Opportunities and Challenges under the Final Rule.* March 2008. The Center for Law and Social Policy:  
[http://clasp.org/publications/ed\\_and\\_training\\_rules\\_for\\_tanf\\_2008.pdf](http://clasp.org/publications/ed_and_training_rules_for_tanf_2008.pdf)
- *Pulling Apart: A State by State Analysis of Income Trends.* April 2008. The Center on Budget Policy and Priorities and the Economic Policy Institute: <http://www.cbpp.org/4-9-08sfp.pdf>
- *Pulling Apart in New York: An Analysis of Income Trends in New York State.* April 2008. Fiscal Policy Institute: [http://www.fiscalpolicy.org/PullingApartInNewYork\\_April2008.pdf](http://www.fiscalpolicy.org/PullingApartInNewYork_April2008.pdf)
- *City Limits Investigates: Target of Opportunity: The Promise and Pitfalls of the Mayor's Poverty Plan* by Neil deMause. Spring 2008:  
<http://citylimits.org/content/investigates/investigatesContents.cfm?issuenum=111> (\$7.95)
- *Seizing the Moment: State Governments and the New Commitment to Reduce Poverty in America.* A joint report from CLASP and Spotlight on Poverty and Opportunity. April 2008:  
[http://www.spotlightonpoverty.com/users/spotlight\\_on\\_poverty/documents/CLASP%20Report\\_0414.pdf](http://www.spotlightonpoverty.com/users/spotlight_on_poverty/documents/CLASP%20Report_0414.pdf)

## LEGAL UPDATE



This article provides a brief update on several important welfare-rights cases that are pending in the New York courts.

**Brownley v. Doar**

Like *Jiggetts*, the *Brownley* case challenges the adequacy of the public assistance shelter allowance in New York City for families with minor children. However, *Brownley* is limited to families with minor children who reach their five-year time limit on Family Assistance and who transition to the Safety Net Assistance (SNA) category of assistance.

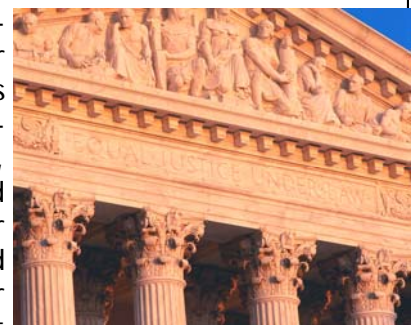
The trial court originally held, in January 2006, that these families are entitled to an adequate public assistance shelter allowance even after they transfer to the SNA program. However, in May 2006, in a case originating in Westchester, an intermediate appellate court in the Second Department held that families with minor children who transfer to the SNA category after reaching the five-year time limit do not have "standing" to seek an adequate shelter allowance. In response, in August 2006, the trial judge in *Brownley* found that, although it "disagrees with the conclusion of the Appellate Division, Second Department," it was "constrained" to follow that decision.

In October 2007, the Appellate Division, First Department affirmed the trial court's more recent decision in *Brownley*. Observing that the Legislature did not amend the Social Services law after the Second Department decisions were issued, the court reasoned: "That the Legislature has evidently chosen not to do so, suggests that the statute has been correctly construed." In December 2007, the Appellate Division denied the plaintiffs' request for permission to appeal to New York's highest court, the Court of Appeals. The plaintiffs intend to ask the Court of Appeals for permission to appeal. The plaintiffs are represented by The Legal Aid Society with pro bono assistance from the law firm of Weil Gotshal & Manges.

**Khrapunskiy v. Doar**

The *Khrapunskiy* case challenges New York State's failure to pay SSI-level benefits for poor elderly and disabled immigrants throughout New York State solely because they are ineligible for the federal SSI program based on their immigration status. The class includes refugees and asylees whose SSI is terminated after the seven-year period of eligibility; it also includes immigrants who never applied for federal SSI benefits but "would have been eligible for" them but for their immigration status, and who now receive a lower level of assistance than other disabled persons.

After certifying a State-wide plaintiff class, the trial court held that providing lower benefit levels for disabled immigrants solely on account of their immigration status violates Article XVII of the State Constitution and denies equal protection of the law to immigrants. In addition to requiring the provision of full benefits to immigrants throughout the State on an ongoing basis, the court directed the State to provide retroactive benefits to all disabled immigrants who fall into one of the two categories described above: either (1) they became ineligible for federal SSI benefits after the seven-year period of eligibility expired because of their immigration status, or (2) they never applied for federal SSI benefits but "would have been eligible for" them but for their immigration status, and now receive a lower level of assistance than other disabled persons.



On January 17, 2008, the Appellate Division, First Department affirmed the trial court's order in all respects. The Appellate Division held that New York State may not deny benefits to elderly or disabled immigrants whom the State "continues to classify as the needy aged, blind and disabled" "merely because the federal government, in 1996, chose to deny SSI benefits to [that] particular subgroup." This denial, held the Court, "violates the letter and spirit of article XVII" of the State Constitution "by imposing on plaintiffs an overly burdensome eligibility condition having nothing to do with need."

If the State appeals from the order, it will be held in abeyance ("stayed") pending ... (continued on p.6)

## Final State Enacted Budget - SFY 2008-09

After enormous turmoil and transition in the New York State government during the months of March and April, the State finally came to an agreement on the SFY 2008-09 Budget. The new Governor and the Legislature missed the April 1 deadline, but still completed the process before the end of the month. Many advocates were alarmed and deeply disappointed by the return to the "three men in a room" standard of conducting budget negotiations in Albany. The public budget conference committee process never fully took place, as agreements were made largely by policymakers behind closed doors. Regarding this lack of openness, Governor David Paterson said, "This is a decision I made and take responsibility for."

Although the final State budget does not include an increase in the public assistance grant, advocates should feel a sense of accomplishment in having elevated this issue to much higher levels of discussion between government officials, as well as educating legislators and the public through media coverage on this crucial issue. We should also be proud of maintaining staunch support from the NYS Assembly, with Speaker Sheldon Silver and Social Services Committee Chair Assemblyman Keith Wright leading the way as key allies in our fight. We may have a steep hill to climb, but each year our momentum continues to grow, empowering us to progress closer to the top.

In addition, we achieved several other critical victories in the final State budget: 1) The amount of child

support payments that can be passed through to custodial parents on public assistance will be increased from \$50 to a \$100 per month maximum for families with one child (effective 1/1/2008) and up to \$200 per month for families with two or more children (effective 1/1/2010); 2) Funding of \$2.5 million in TANF will create a new Career Pathways program to provide education, training, and job placement to low-income populations, with a focus on young adults ages 18 - 24 who are unemployed or underemployed; and 3) New language prohibits the use of Intensive Case Services funding for fraud detection, thus ensuring that these funds will be used exclusively for the intended purpose of providing supportive services to assist sanctioned families overcome barriers to employment.

Last, but certainly not least, we received \$10,000 in new member item funding in the budget to support activities for WRN! With this funding, we can continue to expand our membership, host special events and forums, produce high quality newsletters and other policy materials, expand the work of our WRN committees, and make a bigger impact as advocates for economic justice and social welfare in New York City.

*-Jill Poklemba, Federation of Protestant Welfare Agencies*

### LEGAL UPDATE *(CONT FROM P. 5)*

review by the New York Court of Appeals. In the past, the Appellate Division permitted emergency requests for higher benefits to go forward for individual clients who are facing eviction or utility shut-off notices because of the restrictions challenged in *Khrapunskiy*. Advocates who represent refugees and asylees whose SSI is terminated after the seven-year period of eligibility, and who are facing eviction or utility shut-off notices, should contact one of the attorneys for the plaintiffs, who will evaluate whether an emergency request for assistance can and should be made. The plaintiffs are represented by The Legal Aid Society, the New York Legal Assistance Group, and the Empire Justice Center, with pro bono assistance from the law firm of Weil Gotshal & Manges.

In *Khrapunskiy*, the State has appealed. Since only final orders can be appealed, the Court of Appeals is waiting for the parties to address the question whether the order is sufficiently 'final' for the appeal to be heard. At the State's request, the Court of Appeals extended the time to submit letters on this question.

*-Scott Rosenberg, Legal Aid Society*

## The Results are In: Child Care is Greatest Barrier for Welfare Recipients in Adult Literacy Programs

The Human Resources Administration (HRA) maintains a list of approved education and training providers, which includes some basic education, ESL, and GED preparation classes. These approved adult literacy programs should be considered countable work activities for welfare recipients as a “non-core” activity (15 hours above initial 20 “core” hours) defined as “Education or Job Skills Training directly related to Employment.”

Earlier this year, the WRN Policy & Advocacy Committee (PAC) initiated an informal online survey of adult literacy providers in NYC to assess the barriers faced by welfare recipients to enrolling, participating and completing these courses. A total of 17 adult literacy providers responded. The majority of respondents (13) indicated that fewer than 50% of their students were welfare recipients (those receiving either TANF or Safety Net Assistance). These individuals face a wide variety of barriers to success. Child care was the most widely reported barrier by respondents (14), followed by fulfilling other mandatory work activities (9), receiving approval from HRA (8), transportation (8), housing (7), physical health or disability (5), substance abuse or mental health issue (5), and domestic violence (2). Of those that responded, 6 reported that welfare recipients are less likely to complete the course than other students. Yet, 9 indicated that they are just as likely to complete as others in the class.



Respondents also wrote in the following specific reasons why welfare recipients do not complete the program: mental illness, unreliable housing, job concerns, fulfilling mandatory work requirements, being forced to choose between work and study, unstable living conditions, financial concerns, child care, and other requirements directed by HRA or other City agencies involved in their lives. Some respondents also provided more detailed comments, including the following (kept anonymous to protect confidentiality):

“Our students are now being told that they can only count 15 hours of their study here toward their core work activities. They are being told to work to fulfill the other 20 hours. Since our program is a full-time, intensive program, they are often forced to choose between improving their English skills and working.”

“Most of our parents must work in order to feed their children. We have had parents drop out because of illness and childbirth.”

“If young people are mandated to attend an HRA (adult) program, they must leave our program, even when they are on their way to achieving a GED and have demonstrated the ability to attach to our program and attend regularly.”

“Many clients on HRA have a lot of doctor’s appointments, court appointments, child care concerns, etc. which prevent them from attending classes. This slows down their progress considerably.”

**Adult Literacy Survey - You can still complete the survey!**

[http://www.surveymonkey.com/s.aspx?sm=DYCzJUhqj5vkhRS5HuAEjA\\_3d\\_3d](http://www.surveymonkey.com/s.aspx?sm=DYCzJUhqj5vkhRS5HuAEjA_3d_3d)

**HRA-Approved Education and Training Providers:**

<https://a069webapps1.nyc.gov/atp/search.cfm>

**New York State’s Work Verification Plan (includes definitions of work activities):**

[http://www.acf.hhs.gov/programs/ofa/verification/wvp/36\\_092507.pdf](http://www.acf.hhs.gov/programs/ofa/verification/wvp/36_092507.pdf)

*-Jill Poklemba, Federation of Protestant Welfare Agencies*

## Meeting Calendar

Meetings at the Federation of Protestant Welfare Agencies, 281 Park Avenue South (at 22nd St.), unless otherwise noted.

### WRN General Membership Meetings:

*June 3, 2008, 9:30 a.m.*

Guest speaker: *Anna Marie Smith*, Author "Welfare Reform and Sexual Regulation" and Professor of Government, Cornell University

*Sept. 9, 2008, 9:30 a.m.*

Guest speakers: *Don Friedman*, Empire Justice Center and *Lynn Lu*, National Center for Law and Economic Justice "Final TANF Rule and New Welfare Advocates Guide"

*There are no general meetings in July and August*

### WRN Committee Meetings May-June

#### Child Care:

*5/8/2008 and 6/12/2008, 2:00–4:00 pm at FPWA.*

*Contacts: Sandy Socolar, (212) 666-5925.*

#### Policy & Advocacy Committee (PAC):

*5/20/2008 and 6/17/2008, 3:00–5:00 pm at FPWA.*

*Contacts: (Chairs Rotate each month) Jill Poklemba, Federation of Protestant Welfare Agencies, (212) 801-1393 or jpoklemba@fpwa.org*

#### Task Force on Domestic Violence & Economic Justice:

*5/13/2008 and 6/10/2008, 3pm –4:30pm at Sanctuary for Families. Please RSVP to Diana Urquhart for location, (212) 349-6009, ext 308 or durquhart@sffny.org*

#### Education and Training Committee:

Call committee contact for information.

*Contact: Brooke Richie, Resilience Law and Advocacy Project, richie@resiliencelaw.org*

#### "Know Your Rights:" Client Empowerment trainings

*5/28/2008 and 6/25/2008 1:00 –3:00 pm at Hunter College.*

*Hunter East Rm 1413 Contact: Roxanna Henry, Welfare Rights Initiative, (212) 650-3592*

#### Queer Economic Justice Network:

Call committee contact for information.

*Contact: Joseph DeFilippis, (212) 564-3608.*

**About WRN.** WRN, the Welfare Reform Network, is a coalition of organizations and individuals that advocates for humane income security policies. WRN is sponsored by the Federation of Protestant Welfare Agencies (FPWA). All meetings are open to the public. For more information about WRN or if you would like to contribute an article, please contact Rachele Rae House at rhouse@fpwa.org or by phone at (212)-801-1316.

The WRN News is edited by Rachele Rae House.