

WHAT WELFARE REFORM MEANS TO YOU

In the last few years, many changes were made to State and Federal welfare laws that can affect you and your family. These changes include: time limits on some benefits, new work rules and steps to identify and treat people on welfare with alcohol and drug problems. In New York State, there are two welfare programs, **Family Assistance** and **Safety Net Assistance**. In general, families receive Family Assistance and single adults receive Safety Net Assistance.

FAMILY ASSISTANCE

Most families who meet income requirements can get Family Assistance, including:

- families with children under the age of 18;
- families with children under the age of 19 (if the child is in school); and
- pregnant women.

But there are some families who cannot get Family Assistance. These include: immigrants, families who have already received welfare benefits for five years, and families with a household member who has an alcohol or substance abuse problem.

If you are eligible for Family Assistance, your family will receive your welfare benefits in the form of cash payments.

SAFETY NET ASSISTANCE

If you cannot get Family Assistance, you may be able to get **Safety Net Assistance**. In the past, this was called “Home Relief.” This program is

for single adults and those families who cannot get Family Assistance.

Safety Net Assistance benefits come in the form of cash and/or non-cash benefits. If you have already received Family Assistance for five years or Safety Net Assistance for two years, or have a family member with an alcohol or drug problem, then you will get non-cash benefits. If you are receiving non-cash benefits, you will get a card you can use in some stores and the welfare office will directly pay the landlord and gas and electric companies. A very small part will come to you as cash.

WHAT YOU NEED TO KNOW ABOUT TIME LIMITS

One major change in the new laws is how long you can get benefits.

Family Assistance and Time Limits

You may only get Family Assistance for up to five years or 60 months during your life. Once you have been on Family Assistance for five years, you can apply for non-cash benefits under Safety Net Assistance. However, if you move to another state after you have used up your 60 months of Family Assistance, you may not be eligible for public assistance benefits there.

When figuring out whether you have reached the five-year time limit, the government will consider any month you received welfare benefits, including Safety Net Assistance, even if they were from another state; any month when your benefits were cut off; and any month you received benefits even if you only received them in the last part of the month.

Safety Net Assistance and Time Limits

There is a two-year limit on how long you can

receive Safety Net Assistance in the form of cash benefits. After the two years of receiving cash benefits, you can only receive non-cash Safety Net Assistance.

There is no time limit on the receipt of non-cash Safety Net Assistance.

WHAT YOU NEED TO KNOW ABOUT WORK REQUIREMENTS

Under the new laws, virtually everyone may be asked to work to get welfare. Your welfare case worker can require you to work anywhere between 25-35 hours per week.

There are different kinds of activities that count as work under the new laws depending on whether you are single or married and whether you have children. If you have children, you may be able to count time spent taking education classes as some of your work requirement. Workfare is not the only activity that counts as work. You should talk to your welfare worker about all of the options available to you.

Who Does Not Need to Work?

The only people who do not have to work are:

- children under the age of 16;
- children under the age of 19 if they are going to school full-time;
- people who are staying home to take care of sick relatives;
- pregnant women beginning 30 days before the date of delivery;
- people who are sick, handicapped or over the age of 60; and

- people who are considered disabled.
What Happens If You Do Not Go to Work?

If you do not make it to your work assignment and you do not have a good excuse, like being sick or not having child care, you can have your welfare benefits cut off for a period of time. How long your benefits will be cut off depends on how many other times you missed a work assignment and whether you have children.

What If You Need Child Care?

If you have children under the age of 13, you are eligible to receive child care if you need it so you can go to work. Your welfare worker must give you at least two appropriate child care choices and one must be licensed or registered child care. If you miss work because you cannot find child care, even though you have tried, you should be excused from working without having your benefits cut.

WHAT YOU NEED TO KNOW IF YOU ARE DISABLED OR HAVE HIV/AIDS

Receipt of Cash Benefits

If you are disabled or have HIV/AIDS, you will receive your welfare benefits in the form of cash benefits without any time limits.

“Work Limited” Status

If you have HIV/AIDS, you are not automatically excused from working. You can be considered either disabled or “work limited.” If you are considered to be disabled, you will not need to work. **If you are considered to be work limited, you can be required to work, but your work assignment must take into account your physical limitations.**

Sanctions

If you have HIV/AIDS and you miss or are late to a work assignment, your welfare benefits may be cut off for a period of time (depending on whether your benefits have been cut before). To prevent your benefits from being cut, you must be able to prove that you did not make it to your work assignment because of a good reason such as a health problem. If you have any paperwork that shows this to be true, you should be prepared to present it to the welfare office.

Even if the welfare office cuts your welfare benefits because you did not make it to a work assignment, you will still be able to get Medicaid. The welfare office is not allowed to cut off your Medicaid benefits because you failed to do a work assignment.

WHAT YOU NEED TO KNOW IF YOU HAVE A CRIMINAL RECORD

People With a Drug Felony Conviction

In many states, but not New York, people who have a drug felony conviction (sale or possession) after August 5, 1996 are not eligible to receive welfare benefits or food stamps for the rest of their lives. Even though New York did not put this ban into place, many states did. If you plan to move to one of these states and you have a drug conviction, you should be aware that you will not be able to receive welfare or food stamps.

Sanctions for Parole or Probation Violators

If you are violating probation or parole, you are not eligible to receive welfare benefits, Medicaid or food stamps during the time you are in violation. Once you return to compliance, however, you can reapply for assistance.

WHAT YOU NEED TO KNOW IF YOU HAVE AN ALCOHOL OR SUBSTANCE ABUSE PROBLEM

Drug and Alcohol Screening and Assessment

Everyone in New York who applies for welfare benefits will be asked about their alcohol and drug use. If the worker thinks you need it, he or she can require you to go to a formal drug or alcohol abuse assessment.

Drug and Alcohol Treatment

If you have a drug or alcohol problem that affects your ability to work, the welfare office can require you to go to treatment as a condition of receiving your benefits. If you refuse to be questioned or do not finish treatment, you will have your welfare and Medicaid benefits cut. Also, you should know that even if the welfare office says you must go into treatment in order to get your welfare benefits, they may also require you to work at the same time.

IMPORTANT NUMBERS YOU SHOULD KNOW

Organizations that Provide Information on Welfare:

- Community Service Society
(212) 614-5552
- Community Food Resource Center
(212) 344-0195
- Federation of Protestant Welfare Agencies
(212) 777-4800
- Greater Upstate Law Project
(518) 462-6831
- Welfare Reform Network
(212) 777-4800 ext. 357
- Western New York Law Center
(716) 855-0203

KNOW YOUR RIGHTS!

For more information on your rights or assistance with fair hearing trials, contact any of the agencies listed on the previous page of this pamphlet.

You have the right to:

- request a fair hearing
- continue receiving benefits while waiting for your fair hearing
- see all documents in your file as well as documents welfare officials intend to use at your hearing
- have an interpreter at the hearing
- bring a lawyer
- be reimbursed for transportation, child care and other expenses related to your fair hearing

To request a fair hearing, call:

NYS Department of Family Assistance
Fair Hearing Section

(212) 417-6550, (212) 417-3614, or
(800) 342-3334

Office of Administrative Hearings
NYS Department of Family Assistance
P.O. Box 1930
Albany, NY 11201

FAX: (518) 473-6735

It is very important that you keep copies of any letters you make regarding your fair hearing request, including any letters requesting the hearing and all documents you include to support your claim.

**LEGAL
ACTION
CENTER**

**Welfare As We
Know It Now**

**WHAT THE NEW WELFARE LAWS
MEAN TO YOU AND
YOUR FAMILY**

or write

153 Waverly Place, 8th Floor
New York, NY 10014
(212) 243-1313
Fax: (212) 675-0286