

Kansas Department of

# **Social and Rehabilitation Services**

Gary Daniels, Acting Secretary

**House Corrections and Juvenile Justice Committee**  
March 8, 2005

**SB 30 - Public Assistance for Persons Convicted of a  
Controlled Substance Felony**

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Felony**

Mr. Chairman and members of the Committee, my name is Candy Shively, Deputy Secretary of the Department of Social and Rehabilitation Services (SRS). Thank you for the opportunity to testify in support of SB 30, a Department of Corrections proposal to stabilize families and reduce prison recidivism by allowing former drug felons to receive public assistance upon release from prison, if they are otherwise eligible.

The federal *Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA)*, also known as federal welfare reform, prohibits persons convicted of a drug felony from receiving both Food Assistance and Temporary Assistance to Needy Families (TANF) cash and employment services. Medical Assistance is not prohibited. This lifetime ban applies only to persons convicted of drug offenses but not to felons convicted of other more violent types of offenses.

Federal law also contains a provision which allows states to override the ban against drug felons. Thirty-three states have already passed legislation to override the ban. Without some type of assistance to reunite and stabilize the family, children may not be reunited with their parent and recidivism to prison may be increased. States may specify the conditions under which they will provide TANF and food assistance. The Kansas proposal was crafted to limit assistance to drug felons who have completed or are participating in a licensed substance abuse program.

SRS supports this bill because women are the fastest growing prison population and much of this growth is due to nonviolent drug offenses, not involving manufacture or sale of drugs. Ninety-nine percent of single parent households receiving TANF are women. Often parents are released but do not have the resources to reunite with their children and obtain housing, food and utilities. By lifting the ban and providing TANF and food assistance when needed, parents leaving prison will be able to:

- Reestablish a home through receipt of a small cash grant for rent, utilities, and food
- Find a job, though job readiness, training, and job-seeking services
- Receive needed services such as substance abuse treatment, domestic violence services, and mental health counseling

There are currently 150 families in which children receive TANF assistance, but the parent is disqualified due to a drug felony in their past. Enactment of this bill would increase the benefit and help these mothers stabilize their families during the period following prison release. Qualifying for TANF will also provide employment services which will help move these families toward independence and self-sufficiency.

Unlike TANF which is limited to families with children, Food Assistance is available to households without children. Lifting the federal ban against providing Food Assistance to former drug felons will help this population with nutritional needs during the period after release from prison.

This population typically has trouble gaining employment upon release. Without food and the other basic necessities of life during this transition period, the likelihood of returning to drugs or other criminal activity is increased. While there will be some increase in state and federal costs, SRS supports this proposal because it is good public policy.

SB 30 was amended by the Senate to require individuals qualifying under the new provisions to be subject to an initial drug test upon application and random drug screening thereafter. SRS would be required to establish a referral procedure for regular and random drug screens statewide and establish a mechanism to review and process the results. The amendment also requires SRS caseworkers to take action to suspend benefits while awaiting confirmation of an initial positive screen. And, if benefits are denied, applicants would be eligible to apply again in thirty days.

While this bill potentially impacts about 150 individuals - even half of those times twelve - means staff may cycle through the process 840 times a year in the TANF caseload alone. Food assistance cases could double that number. Additional steps in the application and case maintenance process add to the workload of staff who are already burdened with high caseloads. This could affect the timeliness with which SRS processes cases and negatively impact on the error rate -- which staff have worked so hard to reduce. The provisions of the amendment would also duplicate effort as drug testing is currently required as part of the terms of the Department of Correction's probation program.

SRS agrees with the spirit of the Senate amendment, but suggests a revision to address procedural issues and simplify the process for everyone. SRS proposes language requiring the individual to cooperate with and successfully pass drug testing as required by the Community Corrections program, in order to continue to receive public assistance. This would remove SRS caseworkers out of the process and makes use of existing processes. Since the average length of time a person is on public assistance is less than 24 months, the time frames associated with probation and treatment programs are sufficient to cover that period. A balloon amendment is attached and has been approved by the Department of Corrections.

In summary, there are already so many barriers to successful reintegration, it makes sense to remove the barriers we can control. Children of incarcerated parents are reported to be six times more likely to become incarcerated themselves. Giving these children a better opportunity to succeed and break the cycles of poverty and incarceration are good reasons to make the change.

This concludes my testimony. I will be glad to respond to questions.