

Kansas Department of

Social and Rehabilitation Services

Gary Daniels, Secretary

House Social Service Budget Committee

**HB 2861 - Public Assistance for Persons Convicted of a
Controlled Substance Felony**

Integrated Service Delivery

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Representative Landwehr and members of the committee, thank you for the opportunity to testify in support of HB 2861. I am Candy Shively, Deputy Secretary of SRS. HB 2861 will help 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-eight 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. The provisions of this bill would disqualify individuals receiving assistance under this program for at least 30 days if illegal drug use was confirmed while the individual is on probation, parole, conditional release or post-release supervision or during required substance abuse treatment.

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 with their children 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 about 150 families in which children receive TANF assistance, but the parent is disqualified due to a drug felony in their past. 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.

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.