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**Testimony Before the Council of the District of Columbia
Committee on Human Services**

**Public Hearing:
Budget Oversight Hearing
Department of Human Services
March 31, 2022**

**Marla Spindel
Executive Director, DC KinCare Alliance**

Good morning, Chairperson Nadeau and Members of the Committee on Human Services. My name is Marla Spindel and I am the Executive Director of DC KinCare Alliance. I am pleased to testify today regarding the budget for administration of TANF benefits by the Department of Human Services (DHS). DC KinCare Alliance is a member of the Fair Budget Coalition and we support budget priorities and policies that alleviate poverty in the District of Columbia.

The mission of DC KinCare Alliance is to support the legal, financial, and related service needs of relative caregivers who step up to raise children in their extended families in times of crisis when the children's parents are not able to care for them due to mental health and substance use disorders, incarceration, death, abuse and neglect, and/or deportation. DC KinCare Alliance is the only organization in DC focused solely on serving relative caregivers raising DC's at-risk children. In the four years since our founding, we have helped over 500 relative caregivers raising more than 650 DC children.

According to the Annie E. Casey Foundation's Kids Count Data Center, in 2019, 7,000 District children younger than age 18 were living in grandparent-led households and an additional 9,000 were living in households led by a relative caregiver. These relatives are primarily Black women who live in Wards 7 and 8. They often live at the economic margins of our society, even before they are called upon to raise a relative child. Many also report a significant disability.

The children who come into their care often have serious mental health or medical needs and suffer from trauma. These relative caregivers need financial help and stable housing to raise these children. However, the established systems are set up for traditional families, not kinship families, resulting in severe barriers to access TANF and other benefits by relative caregivers. We discuss these barriers and recommendations to eliminate them below.

A. Onerous Documentation Requirements for Relatives to Obtain TANF

As we have testified previously, our most pressing concern continues to be that, in order for a relative caregiver to obtain TANF benefits in DC, they must prove they are related to the child and that they are living with the child. Typically, relatedness is established by a relative caregiver providing his or her own birth certificate, the parent's birth certificate, and the child(ren)'s birth certificate. However, requiring relatives to provide all of these birth certificates is not practical as they typically do not have the parents' or child(ren)'s birth certificates. For instance, a grandparent can only obtain the birth certificate of his or her grandchild(ren) if the information in DC Vital Records shows that the grandparent is related to the parent and the grandchild(ren). In addition, the only way for other relatives to obtain a child's birth certificate in DC is to have a certified court order granting the relative custody. Moreover, the cost to obtain a birth certificate is \$23 each, which is often prohibitive, especially when a relative takes in a group of siblings. Notably, paternal relatives may not be able to prove relatedness at all because fathers frequently are not listed on birth certificates. While the ESA Policy Manual provides a list of other documents to establish relatedness, most are either: (a) not accessible to relative caregivers, or (b) only relevant to prove relatedness between a parent to his or her own child (*i.e.*, would not prove relatedness between the relative and the child).¹

Further, with respect to the "living with" requirement, the ESA Policy Manual provides a list of the types of documentation required to prove this; however again, many of these documents are

¹ Primary documents include adoption records (these are sealed), marriage license/certificate, divorce papers, hospital records of birth (subject to HIPAA), vital statistics records, court records of parentage (these are sealed), baptismal records, juvenile court records (these are sealed), child support records, and SSA records indicating relationship (requires a court order if you are not the parent). Secondary documents include a statement from a priest, minister, or rabbi; family bible; health records maintained by a hospital, clinic, or physician (subject to HIPAA); child care records; social service agency records; insurance records; school records; and Census records (all of which require a court order if you are not the parent). *See* ESA Policy Manual at Part IV, § 5.8.1.

not accessible or relevant to relative caregivers.² In addition, the Manual is silent on whether a statement from a landlord, child care provider, school official, or health care provider can be provided verbally or if it must be in writing.

Finally, even when our clients are able to submit the required documentation, they are often wrongly denied benefits, told they need to provide documentation not required by law or policy, and/or terminated from the receipt of benefits before their annual recertification. These issues appear to be unique to caregivers, and not traditional parent-child families. This in turn results in our clients not receiving benefits to which they are entitled, and DC KinCare Alliance staff expending a substantial number of hours to rectify the wrongful denial or termination of benefits. Moreover, many of our clients have reported that before they were connected with our services, they had given up on obtaining any benefits at all.

Bottom line: ESA's TANF documentation requirements for relative caregivers are onerous and burdensome, are not uniformly applied, and result in unnecessary barriers to access these benefits by nonparent caregivers. **(Please see the attached testimony from a DC relative caregiver describing her difficult experiences getting these benefits).**

B. Proposal to Reduce Barriers to Access TANF by Relative Caregivers

Like last year, we are still awaiting promised revisions to the ESA Policy Manual to address our concerns. We submitted the attached recommended revisions to the ESA Policy Manual to DHS in August of 2020. While we have been told that revisions to the Policy Manual are forthcoming to address some of our concerns, we have not seen a draft of those revisions nor are we aware of any timeline for their release.

² For instance, child welfare agency records (these are confidential), health records (subject to HIPAA), or juvenile court records (these are sealed).

In general, our recommendations are as follows:

Similar to other jurisdictions, DHS should permit relatives to provide **additional types of evidence to prove “relatedness to” and “living with” a child.** Specifically, **a court custody order** identifying the relationship of the relative to the child(ren) and that the child is in the physical custody of the relative should be acceptable. Other options for relatedness could include **a written acknowledgement of paternity, an affidavit from the caregiver, DNA tests, and written or verbal statements not only from religious leaders but also from community members.** For example, Maryland does not require proof of relatedness at all unless it is determined to be questionable.³ In the absence of primary documentation of the relationship, New York permits two forms of secondary documentation, including school records, attestation of the caretaker, or signed statements from community members such as a clergy member, landlord, doctor, neighbor, day care worker, or scout leader.⁴ For living with, verbal statements from a landlord, child care provider, school official, or health care provider should be permitted.

C. Recommendations for DHS FY 2023 Budget Priorities

In order to reduce barriers to access benefits for this special and particularly vulnerable population of relative caregivers, we recommend that DC’s DHS FY 2023 budget include funding for the following: (a) a targeted grant to one or more legal services providers to support kinship caregivers struggling to access social welfare benefits like SNAP and TANF; (b) a specialized training for ESA staff on the unique issues raised by kinship families applying for benefits; and (c) an independent DHS Ombudsperson that can address individual concerns as well as systemic

³ Maryland Department of Human Resources Family Investment Administration, Temporary Cash Assistance Manual, Section 303.2E (December 2008), available at <http://dhs.maryland.gov/documents/Manuals/Temporary-Cash-Assistance-Manual/0300-Technical-Eligibility/303-Caretaker-Relatives.pdf>.

⁴ New York Office of Temporary and Disability Assistance Informational Letter, Transmittal 00 INF-6 (March 13, 2000), available at https://otda.ny.gov/policy/directives/2000/INF/00_INF-06.pdf.

issues with accessing essential benefits. We would be happy to be a resource to DHS with training or other technical assistance to better address the needs of kinship caregivers in the District.

* * *

Thank you for your consideration of these important matters. The effective administration of DHS benefits lays the groundwork for families to maintain their homes, obtain education and employment, and have the opportunity to build wealth and power. This, in turn, will result in fewer individuals needing these services as they are lifted up out of poverty.

MARCIA MOORE, PUBLIC WITNESS
Testimony Before the Committee on Human Services
Budget Hearing Department of Human Services

March 31, 2021

Good morning. My name is Marcia Moore. I am a DC resident and I have been taking care of my 3-year-old great niece, L.E., since she was born. Neither of L.E.'s parents are willing or able to care for her. I started caring for L.E. because her mom left her in my care after her birth and ran away. Her father was incarcerated for domestic violence against her mother. I am also the mom to 5 of my own children, the guardian of 2 other children, and I take care of my grandson. So, I have 9 children in my household.

I am testifying today because, for many years, I have had problems with getting benefits for my family. Every year in the Fall, my SNAP is cut off, even though I recertify every year. When I call, they always tell me that everything is fine, but they still do not refill my card. This happened again this past Fall. I was finally reinstated last month, but now they cut me off again for this month.

I also was not able to get TANF for my great-niece because I can't prove that she is related to me. I am related to her because my sister is her grandmother. I have my great niece's birth certificate, her mom's birth certificate, my birth certificate, and my sister's birth certificate. The problem is I can't prove that my sister and I are related because we are related through our father who is not listed on my sister's birth certificate. My father is now deceased, and so there is no way for me to prove he is our dad. I do have a court custody order that says that I am my great niece's great aunt, but the TANF office won't accept it to prove I am related. They also won't accept a signed document from me or my sister stating that I am related. So, I am only able to get General Assistance and not TANF, which means hundreds of dollars I miss out on receiving each month. I also received a letter in the Fall saying I was terminated from General Assistance because my great niece no longer lives with me. When my lawyers called about this, they were told it was a mistake and to ignore the letter and my benefits were reinstated. But then, this month, there is nothing on my card for General

Assistance along with nothing for SNAP. I don't know why this keeps happening to me.

Thank you for the opportunity to submit this testimony. I hope this will help to make sure families like mine won't have to go through the same troubles I have had get benefits.