

MYTH: A parent with a felony conviction cannot receive TANF/welfare.

FACT: The 1996 Welfare ban applies only to convicted drug felons, and only eleven states have kept the ban in place in its entirety. Most states have modified or eliminated the ban.

Section 115 of P.L. 104-193 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996) imposed a lifetime ban on Temporary Assistance for Needy Families (known as TANF or cash/public assistance) benefits for people with felony drug convictions after August 22, 1996, unless their state passes legislation to opt out of the ban. States in which you currently cannot receive TANF if you have a felony drug conviction are Alabama, Alaska, Delaware, Georgia, Illinois, Mississippi, Nebraska, South Carolina, South Dakota, Texas, and West Virginia. All other states have modified the ban or eliminated it entirely.

Thirteen states have enacted laws that allow people with drug felony convictions to receive TANF: Kansas, Maine, Michigan, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Vermont, & Wyoming.

Nine states (California, Hawaii, Iowa, Kentucky, Maryland, Nevada, Oregon, Tennessee, and Utah) have amended the ban to allow individuals who are receiving or have completed drug or alcohol treatment to receive benefits.

Other examples of state modifications to the ban include:

- Providing assistance to individuals who have been convicted of drug possession, while banning those convicted of manufacturing, selling, or trafficking drugs (Arkansas, Florida, and North Dakota).
- Restoring an individual's eligibility after a certain time period if they do not violate the terms of their supervision or become convicted of a new crime (Louisiana and North Carolina).
- Imposing successful completion of drug-testing requirements as a condition of eligibility (Minnesota, Virginia, and Wisconsin).

For More Information

"State TANF Options—Drug Felon Ban"
http://bit.ly/HIRE_TANF

After Prison: Roadblocks to Reentry
<http://www.lac.org/roadblocks-to-reentry/>

This information was provided by the Legal Action Center based on the *After Prison: Roadblocks to Reentry* report funded by Open Society Institute and a 2010 state survey funded by the Public Welfare Foundation.

What is a REENTRY MYTH BUSTER?

This Myth Buster is one in a series of fact sheets intended to clarify existing federal policies that affect formerly incarcerated individuals and their families. Each year, more than 700,000 individuals are released from state and federal prisons. Another 9 million cycle through local jails. When reentry fails, the social and economic costs are high -- more crime, more victims, more family distress, and more pressure on already-strained state and municipal budgets.

Because reentry intersects with health and housing, education and employment, family, faith, and community well-being, many federal agencies are focusing on initiatives for the reentry population. Under the auspices of the Cabinet-level interagency Reentry Council, federal agencies are working together to enhance community safety and well-being, assist those returning from prison and jail in becoming productive citizens, and save taxpayer dollars by lowering the direct and collateral costs of incarceration.

For more information about the Reentry Council, go to:
www.nationalreentryresourcecenter.org/reentry-council