

Legislative Health and Human Services Committee Hearing

September 12, 2012

**Consumer Experience with the New Mexico Works/Temporary Aid for Needy Families Program (TANF)**

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- Prior to 2012 the TANF Regulations allowed the following waiver:  
8.102.460.11 D (4) PARTICIPATION WAIVERD-  
Complete disability: A participant may be considered completely disabled and waived from meeting work program participation requirements if the participant:  
(a) has a physical or mental impairment that is expected to last at least thirty days; and (b) cannot reasonably be expected to participate in any of the approved work program activities for the NMW work program due to the severity of the physical or mental impairment; and (c) cannot be expected to meet applicable work program participation standards.
- In 2012 the TANF regulations were revised and there is no longer a waiver from full participation of the work program due to disability, domestic violence or the 60 month TANF extension.
- The 2012 changes in the TANF regulations requiring all participants to complete an assessment, individual responsibility plan, work participation agreement and applicable work hours is onerous to our clients who are suffering from disabling mental or physical health issues.
- Even though the program changes are supposed to be explained to the participants of the program, caseworkers are not adequately trained to explain the new program requirements to participants who are suffering from disabling mental health issues or assist those participants who have physical disabilities or are victims of domestic violence.
- The 2012 program changes will ultimately lead to greater costs for the State of New Mexico because of the requirement of periodic re-evaluation of a participant's limited work participation status. Increased cost will also be realized by the number of fair hearings being requested by participants who either cannot understand the new reporting requirements or cannot comply with the new requirements due to mental or physical disabilities.

- The following amendment is therefore recommended:

The 2012 program changes should be amended to allow a waiver from full participation of the work program due to disability, domestic violence or the 60 month TANF extension and to provide written information to people regarding how to request a work waiver and their appeal rights. The case workers and work contractor (s) should be trained on the new program requirements so that they are better able to explain the program to participants who are suffering from disabling mental health issues or assist those participants who have physical disabilities or are victims of domestic violence.