

MINUTES
of the
SIXTH MEETING
of the
WELFARE REFORM OVERSIGHT COMMITTEE
November 25, 2008
State Capitol, Santa Fe

The sixth meeting of the Welfare Reform Oversight Committee (WROC) was called to order by Representative Luciano "Lucky" Varela, chair, on Tuesday, November 25, 2008, at 10:20 a.m. in Room 307 of the State Capitol.

Present

Rep. Luciano "Lucky" Varela, Chair
Sen. Linda M. Lopez, Vice Chair
Sen. Sue Wilson Beffort
Sen. Dianna J. Duran
Sen. Clinton D. Harden, Jr.
Rep. Antonio Lujan
Sen. Gerald Ortiz y Pino
Sen. John Pinto
Rep. Nick L. Salazar
Rep. Jim R. Trujillo
Rep. Gloria C. Vaughn

Absent

Rep. Shirley A. Tyler

Advisory Members

Rep. Nathan P. Cote
Rep. Candy Spence Ezzell
Rep. Miguel P. Garcia
Rep. Edward C. Sandoval

Rep. Daniel R. Foley
Rep. Larry A. Larrañaga
Sen. Steven P. Neville
Sen. John C. Ryan

Staff

Jennie Lusk
Carrie McGovern
Karen Wells

Guests

The guest list is in the meeting file.

Tuesday, November 25

Treating Guardians As Parents Under TANF

Ruth Hoffman, director, Lutheran Advocacy Ministry, explained to the committee that New Mexico is the only state in the country that counts the income of a legal guardian against a

child who would otherwise be eligible for public assistance and suggested that the committee endorse a bill to fix the problem.

Counting a caregiver's income against a child for eligibility purposes is especially unfair to grandparents, she said, noting that a person who goes through the trouble to get legal custody of a child who needs care probably has an investment in the child's well-being. Making it impossible for a child who lives with a caregiver to receive assistance the child would receive if not formally under the guardianship of a caregiver discourages making more permanent relationships.

Ms. Hoffman said that the cost could be as high as \$6 million to \$7 million to allow benefits for children who reside with a legal guardian, but there is money within the Temporary Assistance for Needy Families (TANF) budget to do so, she said.

The organization is supporting the Human Services Department's (HSD) \$45 million request for an improved computer system, without which it could be more difficult to institute the eligibility changes.

Business Education in Rural Communities

Amy Wohlert, interim dean of the Anderson School of Management at the University of New Mexico (UNM), presented a request to the committee for funding for a pilot project that would make business courses available to business people who are not enrolled in colleges. The courses would be established as a set designed to give a businessperson skills to stay in business without having to enroll in a college course. The plan would be similar to that offered on the UNM main campus, but tailored to individual communities where UNM has a branch college. The request is for state funds for a pilot program that would include development of materials and payment of facilitators and instructors. Once a program is established, however, the university would expect the course to become self-sustaining.

Domestic Violence Needs

Lynn Rosenthal, the new director of the New Mexico Coalition Against Domestic Violence, and lobbyist Linda Siegel told the committee that it is essential that the coalition receive at least \$1 million in recurring TANF funds for the state, which includes 35 providers of domestic violence services for 17,000 men, women and children in New Mexico in 2007. The amount of the appropriation is the same as that in the current year, but the coalition hopes to get its funding built into the budget as a recurring item. In Alamogordo, there was a 30 percent increase in the demand for services last year, she said, and noted that all shelters are experiencing increases as food and utility costs rise and that the need for services is expanding in these stressful, economically difficult times. The rates of felony domestic violence in Rhode Island increased by 25 percent in data collected during the financial crisis; Ms. Rosenthal does not expect an altogether different situation in New Mexico.

Ms. Rosenthal explained that money the legislature allotted for domestic violence programs was returned to the HSD last year primarily because of problems with data collection,

new billing and training systems. In several discussions remaining throughout the day's meeting, committee members sought and received clarification on the treatment of funds reverted. The upshot of the questions and answers is this: the funding reverted to the HSD, where it can be used as cash assistance, but it did not revert to the federal government; hence, the state has lost no money. The legislature could address the situation and make the coalition whole by appropriating an equivalent amount of TANF funds to services in the coming year.

Bill Dunbar, deputy secretary of the Children, Youth and Families Department (CYFD) program that funds domestic violence, stated that the department does not anticipate reverting money in the coming fiscal year. He also plans to move a \$600,000 recurring amount for FY10 rather than retaining it in the budget balance of \$1 million for domestic violence funds. Therefore, more money should be available for domestic violence programming. The department budget makes the domestic violence item recurring.

Senator Beffort expressed concern that judges are not following the law with regard to referrals for domestic violence offenders. Committee members agreed to have staff write the state supreme court to express concern on the matter, after doing some research. The decision was made on motion of Senator Beffort and seconded by Representative Vaughn. Senator Lopez noted that the committee should also be concerned with sexual assault funding in addition to domestic violence funding. Staff was instructed to write the supreme court on behalf of the committee in order to express concern that some judges are not properly referring perpetrators to treatment.

Senator Harden asked that a Legislative Finance Committee (LFC) analyst inform the committee about how the bills considered by the WROC will work with the Courts, Corrections and Justice Committee (CCJ) legislation already endorsed. Staff indicated that the CCJ endorsed only substantive legislation and no appropriation for domestic violence.

Fostering Connections

Maryellen Bearzi, CYFD deputy director of protective services, reviewed provisions of the new federal "fostering connections" bill, which became law on October 7 of this year. The new bill changes the entirety of the picture, she said, in terms of TANF, child welfare, child support and foster programs. The federal bill is extremely restricted and, for instance, it includes only persons who meet the 1996 Aid to Families with Dependent Children (AFDC) standards, thus decreasing the number of families able to participate in state programs. Additional federal requirements include requirements to place siblings together, meet educational needs and ensure that there is adequate physical and behavioral health care. The federal law moves money directly to tribal governments. All children under the federal statute must meet mandatory school attendance requirements.

The CYFD will propose amendments to the Children's Code to bring the state into requirements for the new federal law. In addition, the state is moving its Native American programs to Indian tribes for Title IV-E requirements. Staff was instructed to write a letter to the New Mexico Supreme Court requesting that it be more attentive to adoption and foster care

proceedings. Senator Lopez encouraged all committee members to attend a juvenile training session just before the opening of the upcoming session.

Follow-Up from HSD and CYFD Concerning Morning Session

Cathy Sisneros from the HSD and Mr. Dunbar appeared at the committee's request in the afternoon to explain the flow of funds for child care subsidies. Ms. Sisneros suggested that the legislature appropriate the amount it wants from TANF or domestic violence funds in the coming year to make the domestic violence programs whole.

Mr. Dunbar said that the CYFD has built domestic violence program funds into its budget for the coming year.

Pre-Apprenticeship Report

Catherine Cross-Maple, deputy secretary, Public Education Department, told the committee about the pre-apprenticeship report now issued in response to Senator Ortiz y Pino's memorial. The committee, she reported, is on target. Soon the department will publish its high school assessment in the pre-apprenticeship area. Dr. Cross-Maple said that apprenticeship programs would be highlighted in the Capitol Rotunda on March 17, demonstrating career technical and industrial applications.

Housing First

Marisol Atkins reported that the Housing First Task Force could not ask for more funds to address the shift to making a broader array of housing available to homeless persons in the current financial climate. However, between 2005 and 2007, the number of homeless persons decreased.

Graduate Student Funding

Dick Minzner and UNM graduate student Lisa Knudsen reported that under current CYFD rule, graduate students are ineligible for subsidies for child care. According to Mr. Minzner, the secretary of children, youth and families, stated that she will not change the regulation to be more inclusive unless the legislature appropriates more money since including graduate students in the TANF program will have a financial impact on those already receiving benefits. Discussion ensued and the committee expressed support for including the graduate students.

Minutes

On unanimous voice vote of the members in attendance, on motion of Representatives Varela and Vaughn, the minutes of the previous meeting were approved.

Endorsements

The committee endorsed the following substantive bills, sponsored by legislators as follows:

- (1) creating an interim human services committee, Senator Lopez;
- (2) paying health care benefits for private pre-k, Senator Beffort;
- (3) consolidating eligibility for public assistance benefits, Senator Harden;
- (4) maintaining the half-public and half-private funding mechanism for pre-k, Senator

- Beffort; and
- (5) exempting the income of a legal guardian who is not a parent from consideration when determining eligibility for state assistance, Senator Ortiz y Pino.

It endorsed the following appropriations, with sponsors as follows:

- (1) adult basic education for \$4 million, Representatives Vaughn and Salazar;
- (2) teen pregnancy prevention for \$80,000, Senator Lopez;
- (3) maintaining child care assistance eligibility at 200 percent of the federal poverty level for \$13.2 million, Representative Varela;
- (4) making graduate students eligible for state child care subsidies, if otherwise eligible, Representative Sandoval; and
- (5) supporting the sexual assault coalition for \$1 million, Senator Lopez.

A proposal by the UNM Anderson School of Management to expand its business education programming did not receive the committee's endorsement.

Memorials

The committee endorsed the following memorials with the following sponsors:

- (1) forming a working group for parity for pre-k wages in private provider settings, Senator Beffort;
- (2) using a telehealth model for veterans, Representatives Trujillo and Sandoval;
- (3) increasing food stamp enrollment, Speaker Lujan; and
- (4) adopting the recommendations of the CYFD Housing Task Force, Representative Garcia.

Adjournment

The committee adjourned at 5:30 p.m.