

Life Sentences: Denying Welfare Benefits To Women Convicted of Drug Offenses*

Our report, *Life Sentences: Denying Welfare Benefits to Women Convicted of Drug Offenses*, documented the harmful effects to women, children, and communities of the 1996 welfare reform provision imposing a lifetime welfare ban on people convicted for possessing or selling drugs. As this report documents, legislative action in the areas of welfare reform and the war on drugs has combined to produce negative consequences for many low-income women, with a disparate impact on African American women and Latinas. Since our report was issued, several states have reconsidered their ban. The attached table shows the situation in each state as of April 2006.

Report highlights:

Lifetime Welfare Ban Provision

- Section 115 of the welfare reform act provides that persons convicted of a state or federal felony offense for using or selling drugs are subject to a lifetime ban on receiving cash assistance and food stamps. No other offenses result in losing benefits.
- 35 states and the District of Columbia have eliminated or modified the lifetime ban, including California, Pennsylvania, Illinois, New York, North Carolina and South Carolina.
- The growing trend among states to modify or opt out of the ban reflects mounting recognition that a complete lifetime welfare ban is unsound public policy.

National Impact of the Lifetime Welfare Ban

- Over 92,000 women are currently affected by the lifetime welfare ban.
- The ban also currently places over 135,000 children at risk of coming in contact with child welfare services and the criminal justice system due to the prospect of reduced family income support.
- More than 44,000 white women, nearly 35,000 African American women and almost 10,000 Latinas are affected by the ban.
- In seven states which implement the ban in part or in full, African American women and Latinas represent the majority of women subject to the ban.

Impact of the Ban on Women and Children

- The loss of welfare benefits adversely affects the ability of women, especially women of color, to become self-sufficient, provide for their children, and be active participants in their communities.
- The ban endangers the basic needs of low-income women and their children, including housing, food, job training, education and drug treatment, which are all key ingredients to help poor families lift themselves out of poverty.
- The ban will lead to higher incidences of family dissolution and further increase child welfare caseloads.
- The lifetime welfare ban has a disproportionate impact on African American and Latino families.

Recommendations

- **Congress** should hold hearings to consider the immediate repeal of the lifetime welfare ban.
- **State governments** should opt out of the ban or at least modify it. For those states tying drug treatment to welfare assistance, additional programs, such as job training or GED programs, should be provided as an alternative to maintain welfare benefits.
- **The federal government** should shift its focus in the “war on drugs” and allocate a greater proportion of funds to prevention and treatment.

* State modifications updated April 2006

State Implementation of Lifetime Welfare Ban †

STATE	DENIES BENEFITS ENTIRELY	PARTIAL DENIAL/ TERM-DENIAL	BENEFITS DEPENDENT ON DRUG TREATMENT	OPTED OUT OF WELFARE BAN
Alabama	X			
Alaska	X			
Arizona	X			
Arkansas		X		
California		X		
Colorado		X		
Connecticut				X
Delaware			X	
District of Columbia				X
Florida		X		
Georgia	X			
Hawaii			X	
Idaho		X		
Illinois		X		
Indiana	X			
Iowa		X		
Kansas	X			
Kentucky			X	
Louisiana		X		
Maine				X
Maryland			X	
Massachusetts		X		
Michigan				X
Minnesota			X	
Mississippi	X			
Missouri	X			
Montana	X			
Nebraska	X			
Nevada			X	
New Hampshire				X
New Jersey			X	
New Mexico				X
New York				X
North Carolina		X		
North Dakota	X			
Ohio				X
Oklahoma				X
Oregon				X
Pennsylvania				X
Rhode Island		X		
South Carolina			X	
South Dakota	X			
Tennessee			X	
Texas	X			
Utah			X	
Vermont				X
Virginia	X			
Washington			X	
West Virginia	X			
Wisconsin			X	
Wyoming				X
U.S. Total	15	11	12	13

† The table offers a general overview of state implementation of the ban.

* State modifications updated April 2006