

MYTH: A parent with a felony conviction cannot receive TANF (welfare) benefits.

FACT: The 1996 Welfare Reform law limited eligibility only for individuals convicted of *drug-related* felonies. Today, most states have modified or eliminated the ban altogether.

Section 115 of P.L. 104-193 (Personal Responsibility and Work Opportunity Reconciliation Act of 1996) imposes 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. In the following states an individual with a felony drug conviction currently cannot receive TANF benefits: Alabama, Delaware, Georgia, Mississippi, Nebraska, South Carolina, South Dakota, Texas, Virginia, and West Virginia. All other states have modified the ban or eliminated it entirely.

Twelve states and the District of Columbia have enacted laws to allow people with drug felony convictions to receive TANF: Alaska, Michigan, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma, Rhode Island, Vermont, Washington, and Wyoming.

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

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 and Florida).
- Restoring an individual's eligibility after a certain time period if they do not violate the terms of their supervision and are not convicted of a new crime (Illinois, Kansas, Louisiana, North Carolina, and North Dakota).
- Imposing successful completion of drug-testing requirements as a condition of eligibility (Maine, Minnesota, and Wisconsin).

Additionally, in 2013 HHS provided [guidance](#) clarifying that the TANF eligibility ban for individuals convicted of drug-related felonies does not apply to services such as counseling, case management, job retention, job advancement, and certain other employment-related services that do not provide basic income support.

For More Information

TANF Program Policy Q & A: Drug Convictions

<http://www.acf.hhs.gov/ofa/resource/q-a-drug-convictions>

Opting out of Federal Ban on Food Stamps and TANF

<https://lac.org/toolkits/TANF/TANF.htm>

After Prison: Roadblocks to Reentry

<http://www.lac.org/roadblocks-to-reentry/>

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 600,000 individuals are released from state and federal prisons. Another 11.4 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:

<https://csgjusticecenter.org/nrrc/projects/firc/>