

Colette Brashears
Northeastern University School of Law
Summer 2019 EJA Fellow
Greater Boston Legal Services

This summer I worked at Greater Boston Legal Services in the Welfare Law Unit. Poverty law is an area mostly unknown to people looking from the outside in. First of all, what is welfare? What most people think of as welfare - i.e. a monthly check from the government to very poor people - is funded by a federal grant called Transitional Assistance to Needy Families (TANF). It is called “transitional assistance” because the benefit is only temporary and meant for people who are between jobs or make very low wages.

Different states decide how temporary welfare is; in Massachusetts where I work, people can only qualify for 24 consecutive months out of a 60 month period, while back home in Arkansas, people can only get welfare for a total of 60 months for their whole lifetime. The last part of the name of TANF, “needy families,” is because welfare is only available to adults who are caring for a child under the age of 18.

For the families that qualify, welfare is a financial safety net, but it unfortunately barely keeps families above rock bottom. In Massachusetts a family of three can receive at most \$633 a month. In Arkansas, the same family is only entitled to \$204, which is the second lowest in the country. Unlike food stamps which can only be redeemed for particular goods at the grocery store, welfare is a cash benefit that is loaded onto a debit card called an EBT card, and it is meant for every other expense in life. That includes rent, new shoes for school, transportation costs, toiletries, diapers, clothes.

The federal government sets the federal poverty line which is meant to indicate when a household is in financial crisis and measures the need for financial assistance. The federal poverty line for a family of 3 is \$21,330. Compare that number to the yearly welfare benefit to a family of three in Massachusetts (about \$7600) and in Arkansas (about \$2450) and you’ll see just how dismal welfare assistance truly is.

The welfare system does not require applicants to have a lawyer, but the tangled rules and opaque communication from welfare offices bring clients to our door.

Sometimes it feels that the state agencies responsible for helping these clients are battling them at every step. Our services are free, and we in the Welfare Law Unit advocate for clients with the more complex cases.

For example, a client was approved for welfare two years ago and received benefits for 6 months. Then, the welfare office discovered a life insurance policy in his name and claimed he committed fraud by not reporting it to them when he applied, and they are demanding he pay back the \$2000 in benefits he received. The client is severely mentally disabled and was not aware that he needed to claim the insurance policy. You might think that the welfare office would take the client's disability into account, but without a lawyer, this client would lose against the state agency every time.

The Welfare Law Unit filed for an emergency motion this week in Superior Court against the state agency that is responsible for providing low-income families with childcare vouchers so their children can attend childcare at free or reduced cost. The motion was to stop the agency from removing the childcare benefit from a single mother whose severe disability after her military service left her unable to work and unable to care for her daughter full-time.

The 24-month time limit on her benefit had expired, and the state agency was not willing to provide the mother a fair hearing to petition an extension on her benefit. Fortunately, the superior court judge granted our motion and required the agency to provide her a fair hearing and to keep her childcare voucher in place in the meantime.

I feel very fortunate to be working this summer alongside legal advocates who feel a responsibility to our legal system's promise "justice for all." Justice for the poor and sick, justice for the indigent. Justice for those who cannot work, and for those who are working every job they can to provide for their children.