1-1-1997

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VIRGINIA AS A MODEL FOR OTHER STATE WELFARE PLANS

VIRGINIA’S WELFARE REFORM:
CURRENT LAW AND EFFECTS

Laura Piper

In 1995, Virginia became the first state to submit a comprehensive statewide welfare reform plan to the federal government. The crusade for a more effective Virginia welfare system was led by Governor George Allen. The federal government granted Virginia numerous waivers from federal regulations enabling Virginia to implement the Virginia Independence Plan ("VIP") and the Virginia Initiative for Employment not Welfare ("VIEW") component. According to the Virginia Department of Health and Human Resource's 1996 annual report, because of VIP and VIEW the number of welfare recipients decreased, employment rates increased and taxpayers saved 24 million dollars.

On February 1, 1997, in response to passage of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Personal Responsibility Act), Virginia passed the Temporary Assistance to Needy Families program (TANF) which is a comprehensive welfare reform program incorporating VIEW and VIP. Upon federal approval, TANF will guide distribution of the federal block grants made possible by the Personal Responsibility Act.

I. THE NEED FOR CHANGE: HISTORICAL OVERVIEW

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496 Id.
497 Making Welfare Work, supra note 1, at xviii, x.
498 Id. at x-xi.
501 Making Welfare Work, supra note 1, at xviii.
During the 1993 gubernatorial campaign, George Allen promised to change Virginia's welfare system.\textsuperscript{502} At that time, Virginia's taxpayers felt that the system fostered dependency on state and federal aid.\textsuperscript{503} Many believed the remote federal government was problem-solving at the exclusion of the Virginia taxpayers.\textsuperscript{504} Single-parent households were increasing and minor parents were creating their own households aided by subsidies.\textsuperscript{505} The government was taking too much responsibility for welfare recipients without demanding a personal commitment in return.\textsuperscript{506}

Statistics showed that in 1994, 73,204 families equaling 188,486 individuals were receiving welfare for an average of two and a half years.\textsuperscript{507} Two-thirds of children on welfare were born out of wedlock, and forty-two percent of household heads started out as teen parents.\textsuperscript{508} From 1980 to 1992 out-of-wedlock births increased by 25% and one in twelve Virginians was receiving food stamps.\textsuperscript{509} From 1988 to 1994, the state welfare caseload grew 36% with 8% of recipient families headed by a teenager.\textsuperscript{510} During the same period, the number of Medicaid recipients grew by 82%.\textsuperscript{511}

After the election, Governor Allen appointed forty leaders from around Virginia to the newly formed Commission of Citizen Empowerment to develop proposals for a new welfare system.\textsuperscript{512} These proposals, some of which ultimately shaped TANF, included time-limitations for welfare benefits and earned-income disregards.\textsuperscript{513} Other proposals suggested educational programs, a cap on benefits to limit future pregnancies, and family residence for welfare teens.\textsuperscript{514} The Commission's proposals envisioned public assistance as a "temporary safety net" rather than a way of life.\textsuperscript{515}

Governor Allen submitted these proposals to the General Assembly. Based on these proposals, in 1995 the General Assembly passed the Virginia Independence Plan (VIP).\textsuperscript{516} The federal government granted a
waiver for the programs on July 1, 1995, pursuant to Section 1115 of the Social Security Act, thereby enabling Virginia to operate these plans independently. Ultimately more than eighty waivers were obtained including those for Aid to Families with Dependant Children (AFDC), Food Stamp, Day Care and Medicaid programs.

To ensure local citizen input and control of the new welfare system, the General Assembly allocated $50,000 for each economic development district in Virginia for planning purposes. Local social services, businesses, non-profit organizations and churches decided on the best ways to make welfare reform work in their respective areas and were free to use the planning grant in any way to accomplish this goal.

Governor Allen created an Advisory Commission on May 22, 1995, with three subcommittees: (1) citizen empowerment, choice and private sector involvement; (2) technology; and (3) service delivery and cost-efficiency. These subcommittees primarily focused on different components of job training and placement.

VIEW is a component of VIP. VIEW's goals include personal responsibility agreements between the state and recipient requiring work for all able-bodied recipients. Unlike the VIP plan which was implemented statewide, the VIEW plan was proposed to be implemented over a period of four years to allow time to meet and plan with each locality.

A VIEW Implementation Team met with local jurisdictions prior to phase-in of the VIEW requirements. The Implementation Team was charged with meeting community leaders, local businessmen, concerned citizens, and non-profit organizations to discuss their role and concerns in helping welfare recipients in their area meet the VIEW requirements.

Recognizing that "business involvement is the backbone of welfare reform," Chambers of Commerce encourage business participation and partnerships with local social service departments. Local business leaders

517 State Plan, supra note 6, at 5.
518 Making Welfare Work, supra note 1, at xiv.
519 Making Welfare Work, supra note 1, at viii.
520 Making Welfare Work, supra note 1, at xv.
521 Making Welfare Work, supra note 1, at xvi.
522 Making Welfare Work, supra note 1, at vii, xvi-ii.
523 Making Welfare Work, supra note 1, at viii, xi.
524 Making Welfare Work, supra note 1, at xvii.
525 Making Welfare Work, supra note 1, at xvii.
play a key part in encouraging fellow businessmen to find or create opportunities for welfare recipients.\textsuperscript{527}

State officials hope that the reform will help put most of Virginia's 57,120 able-bodied welfare recipients to work.\textsuperscript{528} Critics of VIEW challenge that work requirements will leave families that are unable to find jobs hungry and homeless.\textsuperscript{529}

II. CURRENT VIRGINIA WELFARE PLAN: AN OVERVIEW OF CHANGES

A. The Personal Responsibility Component

The personal responsibility component of VIP includes diversionary assistance, Learnfare, a Minor Parent Residency (MPR) requirement, two-parent family incentives, mandatory parent identification, a family cap, an immunization requirement and a savings initiative. Each is designed to help welfare recipients and their families improve their economic situations.

1. Diversionary assistance\textsuperscript{530}

Diversionary assistance is an election that allows an AFDC recipient a one-time cash advance of approximately four months' worth of AFDC benefits to get the family out of a "rut" created by an emergency (i.e., a housing, transportation, or child-care emergency).\textsuperscript{531} Election of the advance option is made solely by the welfare recipient, and the option is neither encouraged nor discouraged.\textsuperscript{532} If an emergency exists, caseworkers simply ask the recipient if the cash advance option would solve the financial problem.\textsuperscript{533}

This cash advance option puts financial responsibility and decision-making in the hands of the welfare family. Critics say this provision is "the devil's choice" because the "price" for immediate assistance is loss of future payments for five and a half months.\textsuperscript{534} However, recipients can only elect this option once every five years.\textsuperscript{535} Others commend the provision because it recognizes that "poor people can make wise decisions

\textsuperscript{527} Letter from George Allen, Governor, Commonwealth of Virginia, to Donna Shalala, Secretary, Dept' of Health and Human Services 1 (Dec. 6, 1996) (on file at the Va. Dep't Soc. Serv.).
\textsuperscript{528} Hawkins, supra note 32, at A15.
\textsuperscript{529} Hawkins, supra note 32, at A15.
\textsuperscript{530} Va. Code Ann. § 63.1-105.3 (Michie, 1995).
\textsuperscript{531} Id.
\textsuperscript{533} State Plan, supra note 6 at 3.
\textsuperscript{535} Va. Code Ann. § 63.1-105.3 (Michie, 1995).
about finances."\textsuperscript{536} Considering the education level of many welfare recipients, this contention seems unlikely. Nevertheless, a goal of Virginia welfare reform was to "promote self-reliance."\textsuperscript{537} Giving recipients economic choices is a step in that direction.

2. Learnfare

A high school education is a key factor in "breaking the cycle of dependance".\textsuperscript{538} Welfare children tend to "be ill-prepared for kindergarten, to fall behind in school...to drop out [of high school] before graduating, and to set off for the job market with no better prospects than the minimum wage."\textsuperscript{539} By the time these children become parents, they typically "qualify for only the lowest paid jobs."\textsuperscript{540}

Learnfare is designed to reach both welfare children and their minor welfare parents.\textsuperscript{541} Children and minor parents will not be eligible for aid unless they comply with the compulsory school attendance laws.\textsuperscript{542} There is a presumption that the child is completing this requirement until the local welfare office is notified that the child has not been attending school.\textsuperscript{543} A child is considered truant if they miss three consecutive school days in a row, five days per month, or seven days per quarter and if efforts for the school to contact the parent or guardian have failed.\textsuperscript{544}

Social services must send a written note to the parent or guardian who then has five days to cooperate in creating a compliance plan. If this compliance plan fails, the child loses benefits.\textsuperscript{545} This provision effects benefits of the entire "assistance unit" including the parents.\textsuperscript{546} The child and/or family may be reinstated if compliance is subsequently shown to the local welfare department.\textsuperscript{547}

3. Minor parent residency requirement

Since parents are legally obligated to care for their minor children, the state does not want to support a separate household for minors who have children. The state also has an interest in keeping family-unit support intact. The minor parent residency requirement "is intended to provide a safe, nurturing environment for minor welfare mothers and their

\textsuperscript{536} Littel, \textit{supra} note 38, at 326.
\textsuperscript{537} Littel, \textit{supra} note 38, at 316.
\textsuperscript{538} State Plan, \textit{supra} note 6 at 4.
\textsuperscript{540} \textit{Id.}
\textsuperscript{541} State Plan, \textit{supra} note 6, at 4.
\textsuperscript{543} State Plan, \textit{supra} note 6, at 4.
\textsuperscript{544} State Plan, \textit{supra} note 6, at 4.
\textsuperscript{545} State Plan, \textit{supra} note 6, at 4.
\textsuperscript{547} \textit{Id.}
babies. To receive benefits, single minor welfare parents must live with a parent or guardian. There are however, exceptions to the rule. For instance, the minor does not have to reside with the parent/guardian if the minor has no knowledge of his or her whereabouts, if the minor is married, if the health of the minor would be endangered, or if the minor can show other good cause. If the minor is not married and cannot live with the parent or guardian, social services finds an "appropriate adult supervised supportive living arrangement" and the minor is required to live there in order to receive benefits.

4. Parity between single and two-parent families

Before VIP implementation, single-parent families generally received assistance for a longer period of time than two-parent families. This encouraged single parenthood by providing more money if one parent was absent. To create a disincentive for single parenthood, the time limits on assistance for both single and two-parent families are now the same.

5. Mandatory paternity identification (MPI)

Nationwide, 41.5% of single-mother households live below the poverty line. Virginia designed the ("MPI") provision to "put the responsibility for providing for children back where it belongs - on the parents." Codified in section 63.1-105.1 (3) and (4), MPI provides that a recipient must identify the parents of the child on whose behalf the welfare is claimed in order to receive benefits. At a minimum, the recipient must cooperate in locating the parent, establishing paternity, and obtaining support or other payment owed to the child. If the parent does not cooperate in the first six-month period, the benefit payment will be reduced by the parent portion or 25%, whichever is greater. If paternity is not established after six months the entire grant or at least the adult portion of the grant may be revoked.

This provision may have had some success. Governor George Allen noted that "interestingly enough, the sanction apparently improved many clients' memories." However, critics say the law is unfair to victims of rape or incest who may not have reported the rape.

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548 State Plan, supra note 6, at 5.
549 State Plan, supra note 6, at 5.
550 §63.1-105.6.
551 Id.
552 State Plan, supra note 6, at 5.
553 State Plan, supra note 6, at 5.
554 Kilborn, supra note 45, at A10.
555 State Plan, supra note 6, at 5.
556 §63.1-105.1 (3) and (4).
557 State Plan, supra note 6, at 5.
558 §63.1-105.1 (3) and (4).
559 State Plan, supra note 6, at 5.
560 Wayland, supra note 40, at 249, 288.
6. The family cap provision

Codified in section 63.1-105.7, the family cap provision cuts off benefits to children born ten months after a family begins to receive aid. However, the custodial parent is still eligible for child support payments collected through the welfare office from the non-custodial parent. Critics claim this provision violates the procreation rights of poor families and cite empirical research showing that most welfare recipients do not have children to receive more welfare. The issue is whether this provision is a disincentive for the parents or a punishment to the child. "Those who have studied the effectiveness of a family cap provision in combating illegitimacy offer little support for the cap."

Others cite the positive aspects of increased responsibility in deciding whether to have children. "In determining family size, most parents generally consider their financial ability to support an additional child. AFDC families should also consider their financial resources when contemplating having additional children.... Poor people are as capable as their financially stable counterparts to engage in responsible family planning."

Virginia's plan differs from other state plans in that the entire support payment owed by the non-custodial parent is paid to the custodial parent to compensate for the loss of AFDC benefits for that child. The support payments made by the non-custodial parent often far exceed what AFDC would have paid to the custodial parent. Although welfare parents are, in essence, penalized for having additional children while on assistance, the children are still afforded Food Stamps, Medicaid, Housing Assistance, and other emergency aid programs.

7. Immunization Requirements

Under section 63.1-105.2, parents who fail to comply with immunization requirements will be penalized. The penalty is $50 for the first child out of compliance and $25 for each child thereafter. This requirement does not effect the child's receipt of Medicaid and other benefits.

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561 §63.1-105.7.
562 Id.
564 Wayland, supra note 40, at 295.
565 Littel, supra note 38, at 323.
566 Littel, supra note 38, at 323.
567 Littel, supra note 38, at 323.
8. Savings Initiative

A savings incentive is the final component of the personal responsibility prong of TANF. Families on welfare may now save up to $5000 without jeopardizing or decreasing any eligibility for aid.\(^{570}\) State workers are charged with advising recipients in financial planning.\(^{571}\)

B. The Work Component

The work component of the Virginia Interdependence Program (VIP) is the VIEW program. VIEW replaces the Job Opportunity and Basic Skills program (JOBS) which will be phased out over the next four years because it was ineffective and too expensive.\(^{572}\) VIEW is now the program by which AFDC recipients may find and keep work to become self-sufficient.\(^{573}\) VIEW has several components including: a personal responsibility contract; a work requirement for those meeting eligibility requirements; an earned income disregard which allows recipients to keep earned money; time-limitations on aid; day care, transportation and medical assistance; and penalties for failure to comply.\(^{574}\)

1. Personal Responsibility Contract

The personal responsibility contract portion of the new law sets forth the recipient's obligation to cooperate with the VIEW program and to find work within ninety days of receiving benefits.\(^{575}\) This contract does not create any cause of action against a person who does not comply except in cases of fraud or misrepresentation.\(^{576}\) The contract requires that welfare recipients accept any reasonable job offered.\(^{577}\) By signing the contract the recipients avail themselves of VIEW's "educational, training and employment opportunities."\(^{578}\) The case is closed until they sign the agreement and cooperate.\(^{579}\)

Certain recipients are not required to participate in VIEW, such as:

1. individuals under sixteen years of age (including minor parents);
2. individuals between sixteen and nineteen who are enrolled in full-time education (if an individual stops going to school and then subsequently returns they cannot re-qualify for this

\(^{570}\) Id.
\(^{571}\) State Plan, supra note 6, at 9.
\(^{572}\) Making Welfare Work, supra note 1, at 7.
\(^{573}\) State Plan, supra note 6, at 6; Virginia Dep't of Soc. Serv., JOBS State Plan 3 (Oct., 1994).
\(^{574}\) Making Welfare Work, supra note 1, at 9.
\(^{575}\) Va. Code Ann. §63.1-133.41-.42 (Michie, 1995). Id.
\(^{576}\) Id.
\(^{577}\) Id.
\(^{578}\) Making Welfare Work, supra note 1, at 5.
\(^{579}\) State Plan, supra note 6, at 7.
exemption), however all students should work during the summer months;
3. an individual incapacitated due to a temporary medical condition which prevents training or employment (ongoing verification of a medical condition must be provided to the local social services department);
4. individuals more than sixty years old;
5. the primary caregiver of an incapacitated person whose presence is essential for the care of that person (medical statement required);
6. a parent or caregiver of a child under eighteen months of age;
7. a parent who has given birth to a child after ten months of receiving benefits (until the child is six weeks old);
8. a female in her fourth to ninth month of pregnancy;
9. a child receiving AFDC-foster case benefits; or
10. legal guardians or relatives of children receiving benefits.\footnote{580}

2. Under VIEW, Virginia will provide day care, transportation and medical assistance for one year even if individuals are no longer eligible for aid because of the work requirement.\footnote{581} These exceptions released approximately 46\% of welfare recipients from the VIEW requirements.\footnote{582}

The goal of VIEW is to move welfare recipients from low-paying jobs to ones that enable self-sufficiency.\footnote{583} This on-the-job education is predicted to increase household earnings, teach new skills to recipients and, most importantly, create good work-ethic role models for the recipient's children.\footnote{584} Anecdotal support for this proposition is seen in "children who proudly told of their mothers' jobs."\footnote{585}

The assigned social worker will seek private, unsubsidized employment before subsidized employment. If both fail, the caseworker will try to secure either a part-time position or community work for the recipient. Private, subsidized or community employment satisfy the work requirement.\footnote{586} Because appropriations from various welfare programs go to employers who pay welfare worker's salary with these funds, both the recipient and the business benefit.\footnote{587} Recipients begin to become self-sufficient and businesses are able to secure a work force they otherwise would be financially unable to hire.\footnote{588}

\footnote{580} § 63.1-133.3.
\footnote{581} State Plan, supra note 6, at 7.
\footnote{582} State Plan, supra note 6, at 7.
\footnote{583} Littel, supra note 38, at 324.
\footnote{584} Making Welfare Work, supra note 1, at 4.
\footnote{585} State Plan, supra note 7, at 9.
\footnote{586} §63.1-133.49.
\footnote{587} Id.
\footnote{588} Littel, supra note 38, at 324.
3. VIEW time limits

Participants in VIEW may receive benefits up to two years and then are prohibited from reapplying again for the next three years.589 There are several hardship provisions that can extend benefits from three months to a year past the two year time limit.590 Hardship exceptions include individuals who are cooperating with the program but are unable to find employment, those who are laid off, involved in continued education and training related to employment, and those living in areas of Virginia where the unemployment rate is above 10%.591

Sanctions are strict. An individual who does not participate in the program, is uncooperative in the employment process, quits his job or does not comply in general with the terms of the personal responsibility obligation is "cut off" from benefits until compliance resumes, or for a fixed period of time, whichever is longer.592 The fixed time sanctions are one month for the first infraction, three months for the second, and six months for the third or any subsequent sanctions.593

Virginia welfare recipients are allowed to keep almost all of their earnings up to about $13,000.00 (the federal poverty line).594 This is accomplished through the earned income disregard which provides that no federal income taxes are taken out of earnings up to $13,000.00 provided in section 63.1-105 of the Virginia Code. This provision is a "fill in the gap provision" because families need more money than what they receive from welfare. Both welfare payments and minimum wage earnings are inadequate amounts to support an average sized family.595 Therefore, supporters see this provision as a "step in the right direction."596

C. The Administration

There are 123 local social service departments in Virginia responsible for the administration of the new welfare reform. The State Department of Social Services is responsible for overseeing these social service departments. Other state agencies are also responsible for this initiative; notably the Virginia Employment Commission, the Department of Housing and Community Development, the Department of Economic Development and various health-related departments.597 However, non-governmental input and support has been the linchpin of the VIEW program.
The Community Work Experience Program (CWEP) is for people unable to get paying jobs because of poor skills. CWEP was designed to ease entry into the workforce by giving recipients on-the-job training at no cost to the employer. Initially, public and non-profit entities will be subsidized to hire recipients until they acquire the skill to do entry level work in a paid position in the private sector. Since the "pay" in these public and non-profit entity jobs is welfare benefits, recipients have an added incentive to find paid employment in the private sector.

Local churches have helped by providing skills training through job-readiness programs which count toward the work requirement. For example, a group of sixty churches in Lynchburg, Virginia formed the "I'm Ready for Work" program where recipients gain skills, training and job placement advice. Volunteers there teach GED (General Equivalency Degree) and life skills classes. These programs have proven successful in preparing recipients for work.

D. Out-of-Wedlock Births, Teen Pregnancy and Statutory Rape

Teen pregnancy and out-of-wedlock births are of primary concern. Forty-one percent of female single parents live below the poverty line. In 1993, approximately 11% to 14% of all children in Virginia lived below the poverty line.

Virginia has created several programs to increase education and awareness of teen pregnancy and out-of-wedlock births children. For example, Virginia Fatherhood Campaign teaches young men to make responsible decisions about fatherhood. State and local law enforcement agencies, public schools and counseling services provide education on statutory rape and teen pregnancy. Teen pregnancy needs to be addressed to control the epidemic and to establish paternity so that child support payments can be collected.

E. Special Provisions

Non-citizens are not allowed to receive TANF benefits. However, children of non-citizens are eligible for Food Stamp Programs, Head Start Programs, Medicaid, emergency disaster relief, public health assistance,
HUD housing, and benefits under the Child Nutrition and National School Lunch Acts. In addition, all welfare recipients have the right to have adverse decisions and ineligibility determinations reviewed by the Department of Social Services.

F. Funding

Under Title I, section 403(a)(1), the state receives a federal block grant in an amount equal to the state family assistance grant. The bonuses and penalties on the federal funds received are based upon state compliance. High performing states can earn an additional 5% of their federal grant, which equates to approximately eight million dollars for Virginia. The five states with the greatest decrease in out-of-wedlock births receive an additional twenty million dollars. Penalties for failure to meet the work participation rates begin with 5% of the total grant and increases 2% each year thereafter (up to 21%) for non-compliance. Work participation requirements start at 25% for all eligible workers and increase to 50% by the year 2002. Failure to comply with child support enforcement provisions and the five year "clock" on welfare benefits can result in a penalty of 5% of the total grant for each. Also, a 5% penalty is levied on states who fail to maintain assistance to parents who cannot obtain child care for a child under the age of six.

The total federal block grant for fiscal year 1996-2003 is $16.4 billion to be distributed among the states based on need for fiscal year 1994 or the average of fiscal years 1992-1994, whichever is greater. States can carry over unused portions to later years. There is also a $2 billion supplemental fund for states whose unemployment rate increases by approximately 10% in a year or whose food stamp need increases by 10% in a year. Supplemental funds, however, will not exceed 20% of the state's original block grant.

Child care funding is $13.9 billion for fiscal years 1997-2002. The Personal Responsibility Act requires distribution of $1.2 billion to states

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608 Public Law, supra note 5, at §403(c).
610 Public Law, supra note 5, at §403(a)(1)(b).
611 Dep't of Health and Human Serv., Administration for Children and Families, Office of Family Assistance, Waiver Authority for Virginia 7 (Oct., 1996).
612 Virginia Dep't of Soc. Serv., Slide Presentation to State Welfare Board at TANF Public Hearing 7 (Jan. 17, 1997) (slide transcript available at the Virginia Dep't of Social Services).
613 Id.
614 Id. at 8-11.
616 Id. at 3.
617 Id. at 5.
618 Id. at 6.
on a need-basis with the remaining $12.7 billion to be distributed based on state-matching programs. The federal government expects states to spend as much toward child care as they did in 1994 and 1995 if they want to access additional funding. In 1998, $40 million will be distributed among the states to provide abstinence education and to promote other programs targeting teens at risk for pregnancy.

III. EFFECTS OF WELFARE REFORM IN VIRGINIA: FISCAL YEAR 1996

The 1996 state annual report shows positive effects from welfare reforms enacted in 1995. As of December 1996 AFDC recipients declined 14% statewide. In areas where VIEW was implemented the decrease was closer to 20%. More than one-third of all closed welfare cases were in VIEW localities. In areas where VIEW existed for twelve months, 74% of eligible recipients were involved in a work program and, of those, 69% were employed. As of December 1996, paternity was established for 1,472 AFDC children and $2,783,441 was collected for AFDC custodial parents (up 10% from 1995). Sixty-eight children were refused benefits due to the family cap provision. No information is available on child support collected for these "capped" children because of paternity establishment delay.

The average hourly wage of employed recipients enrolled in the VIEW plan was $5.43, and average monthly earnings were $703.00. Sixty-eight percent of participants were involved work programs within the ninety day period and held jobs for ninety days or more. Only .03% of working participants, were in fully subsidized employment. Most were involved in full-time, private sector work with an average of 30.9 hours per week. Twenty-five percent of employed VIEW participants no

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619 Id.
620 Id. at 7.
621 Id. at 10.
623 Id.
624 Id.
625 Id. at ii.
626 Id. at 15.
627 Id. at vi.
629 Id. at 8. VIP Monthly Report, supra note 128, at 5.
630 VIP Monthly Report, supra note 128, at 5.
longer receive AFDC benefits.\textsuperscript{633} Of the VIEW participants, 59% received earned income disregards and 30% received day care services.\textsuperscript{634} VIEW spending on transportation was $116,182.\textsuperscript{635}

The sanctions show that enforcement is being taken seriously. Failure to establish paternity resulted in 905 sanctions, and failure to immunize children resulted in reduction in benefits for 375 AFDC recipients.\textsuperscript{636} Failure to comply with school attendance resulted in 798 sanctioned cases, while failure to comply with VIEW policies constituted 390 sanctions.\textsuperscript{637} Another 191 were sanctioned for failing to sign the personal responsibility agreement.\textsuperscript{638} Only 37 of the 199 cases who opted for diversionary assistance went back to receiving welfare benefits after the ineligibility period ended.\textsuperscript{639} By the end of fiscal year 1996, only 92 VIEW cases received transitional Medicaid.\textsuperscript{640}

IV. WELFARE REFORM IN VIRGINIA: COMMENT AND CRITICISMS

There has been praise and criticism for Virginia's Welfare Reform. According to a report prepared for the House Subcommittee on Human Resources, compared to other states, "Virginia's provisions constitute an especially broad expansion of work incentives for clients."\textsuperscript{641} Virginia has received national commendation for its community-involvement approach to cultivating welfare reform ideas, its subsidized employment program and social service staff-client involvement.\textsuperscript{642} Virginia was also congratulated for creating an infant care center using state funds.\textsuperscript{643}

Critics, however, cite welfare "myths" as the basis for Virginia's reforms.\textsuperscript{644} These myths include perceptions that people are on welfare for a long time, that welfare mothers have children to get more aid, that most welfare clients are African-Americans living in city ghettos, and that welfare expenditures contribute significantly to the federal deficit.\textsuperscript{645} In fact, the typical welfare case involves a white family where the average

\begin{footnotesize}
\begin{enumerate}
\item Annual Report Appendix, supra note 134, at 10.
\item Annual Report Appendix, supra note 134, at 13.
\item Annual Report Appendix, supra note 134, at 14.
\item Annual Report Appendix, supra note 134, at 3.
\item Annual Report Appendix, supra note 134, at 3.
\item Annual Report Appendix, supra note 134, at 3.
\item Annual Report Appendix, supra note 134, at 3.
\item Annual Report Appendix, supra note 134, at 4.
\item Annual Report Appendix, supra note 134, at 14.
\item Id. at 33, 41, and 47.
\item Id. at 48.
\item Wayland, supra note 40, at 252.
\item Wayland, supra note 40, at 252.
\end{enumerate}
\end{footnotesize}
age of the mother is twenty-nine and the average age of the child is seven years old with one sibling. The highest percentage of welfare recipients live in the rural south or big cities. Twice as many white children receive aid as African-American children, however, only 16% of all white children receive aid compared to 42% of all African-American children.

Time limits on benefits are criticized because of the ill-conceived notion of what length of time recipients are actually on welfare. "In fact, a very high percentage of AFDC recipients receive benefits for relatively short periods of time." Earned income disregards have been criticized even though they have been received with great "excitement" by both caseworkers and welfare recipients alike. Critics point out that the earned income disregards could end up costing the taxpayers more in the end. The disregards increase the eligibility and expand the time limits of more families because their salaries are not counted toward the income threshold. The VIEW program, in general, will be costly to implement because of the administration and staffing necessary for work placement programs.

Edward Wayland, a critic of Learnfare, claims "[t]he reasons for implementing Learnfare are unclear and unsubstantiated." There is no proof that children on welfare attend school less frequently or value education less than non-welfare children. However, surveys show that "[welfare children] are labeled as the sad, bad, mad, can't add kids." Statistically, welfare children "tend" to become teen parents and drop out of high school more frequently than their non-welfare counterparts.

Critics of the family cap provision claim it is based on the misguided notion that welfare mothers have more children to receive more benefits. One critic points out that, on average, welfare mothers have the same number of children as non-welfare mothers. Also, high per-child-benefit states do not have larger families than low per-child-benefit states. However, when the family cap provision is looked at simultaneously with the new paternity support enforcement rules, a
welfare mother will be financially better off with child support than welfare benefits for the additional child. While the state may have appeased conservative voters with the family cap, administrative funding to establish and collect on paternity has increased.

CONCLUSION

The goals of welfare reform are and, probably always have been, two-fold: individual self-sufficiency at a minimum cost to taxpayers. The VIEW program is fostering self-sufficiency. However, the savings for the taxpayer are minimal. The plan is only projected to save about 10% over the next five years.659

There is no easy answer to welfare reform. Virginia is attempting to stop a Band-Aid approach to the welfare problem. While TANF, through the VIP and VIEW programs, may not initially save a lot of money, both have potential for positive long term effects. In the future, this approach should minimize welfare spending and dependency further. Only time will tell the outcome of Virginia's plan to solve this difficult and complex problem.

659 Wayland, supra note 40, at 306.