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The Hon. Karen E. Spilka, Senate Chair
Committee on Children, Families and Persons with Disabilities
The State House, Rm. 511C
Boston, MA 02133

The Hon. Cheryl Coakley-Rivera, House Chair
Committee on Children, Families and Persons with Disabilities
The State House, Rm. 146
Boston, MA 02133

Re: S. 67, "An Act to Let Child Support Come Home"

Dear Chairwoman Spilka and Chairwoman Coakley-Rivera:

I write in support of S. 67, "An Act to Let Child Support Come Home," of which I am the lead sponsor. This proposal will capture federal dollars to bring more child support to very low-income children, while saving the Commonwealth money and increasing the likelihood that fathers will pay child support and stay involved with their children. I respectfully request that the Committee grant this legislation a favorable report.

Department of Transitional Assistance regulations for the state's Transitional Aid to Families with Dependent Children program mandate that a child be included in the assistance unit and receive TAFDC benefits if the child lives with a sibling or half-sibling who receives TAFDC benefits. The regulations are a hold-over from prior federal law which was repealed in 1996. Although federal law no longer requires all siblings to be in the assistance unit, it does require the state to send the federal government half of any child support collected for a child who receives assistance (the other half goes into the state's general fund). As a result, by requiring a child whose non-custodial parent pays child support to be in the assistance unit, the state *loses* money whenever the state's half

of the child support collection is less than the TAFDC benefit for the child, as is often the case. The family also *loses* money whenever the TAFDC benefit is less than the child support.

This legislation will would allow the custodial parent to choose not to receive welfare for a child and instead to support that child through child support paid by the other parent. Surely parents should have that choice. Federal law requires the state to pay child support to the child for whom it is collected once the child does not receive cash assistance. This bill would require the state to disregard the child support paid for a child who does *not* receive cash assistance in determining the amount of the TAFDC grant for other members of the family.

In 2003, the Department of Revenue estimated that the proposal would provide approximately \$1 million in additional income to about 1,500 very low-income children whose non-custodial parents are paying child support. The state would save money (about \$840,000 in net savings according to DOR) because the state would no longer be paying cash assistance for these children.

This bill would also allow children who are ineligible for cash assistance because of the family cap to keep all of the child support paid for them. Currently, the Department counts all but the first \$90 per month paid for a family cap child against the grant for the family. Even if the Legislature wishes to continue the policy of denying TAFDC to children born after their parents first receive welfare, it goes too far, in my view, to deprive these children of the full value of the child support paid for them.

We all agree that children should be supported by their parents wherever possible. This legislation will give non-custodial parents a real incentive to pay child support, because they will know that the money they pay will actually benefit their children.

Attached is a suggested re-draft of the bill which eliminates certain ambiguities and clarifies that the Department would retain authority to allow parents not to receive TAFDC for children with income from other sources, such as social security disability benefits or guardianship payments, and to disregard the child's income in determining their siblings' TAFDC benefits.

Thank you in advance for your kind consideration of this legislation. As always, should you have questions or require additional information, please do not hesitate to contact me.

Very truly yours,

Gale D. Candaras
State Senator

An Act to Let Child Support Come Home, S. 67
Redraft

SECTION 1. Section 21 of chapter 18 of the General Laws is hereby amended by inserting after the first paragraph the following paragraph:-

Notwithstanding the provisions of any general or special law to the contrary, a recipient shall not be required to include in the assistance unit a child for whom child support is collected or to assign that child's support to the department, and the department shall not count any child support collections paid on behalf of a child who is not in the assistance unit in determining the eligibility for benefits of other family members. Notwithstanding the provisions of this paragraph or any other general or special law, the department may allow recipients to exclude other children from the assistance unit and disregard income from other sources of any child excluded from the assistance unit in determining the eligibility of benefits of other family members.