

## **PRESS RELEASE**

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### **CHILDREN OF DISABLED MOTHERS GET THEIR DAY IN COURT**

Newborn babies of low-income disabled mothers across Nebraska are being denied necessary welfare benefits by the Nebraska Department of Health and Human Services. Of the roughly 10,000 families who receive welfare benefits in Nebraska, over 1000 families are affected by this denial. On June 11, the children's class action lawsuit demanding the receipt of their benefits will be heard by District Court Judge Paul D. Merritt Jr. The lawsuit, filed by attorneys working with the Nebraska Appleseed Center for Law in the Public Interest's Welfare Due Process Project, challenges the State of Nebraska's imposition of the so-called "Family Cap" on these children, and the causing of increased hardship for these very poor families.

The plaintiffs, from Omaha and Lincoln, are all children under the age of three born to low-income disabled mothers. Their mothers are unable to be employed due to their disabilities. Nevertheless, these are typical low-income families, with all the needs of families headed by working adults. Without access to ADC benefits for the children, their families are forced to struggle even harder to provide a healthy, safe, and nurturing environment for their children. The children are at risk, and the health and well-being of these families is being damaged. The State of Nebraska's improper decision to prohibit welfare benefits for new children in these households is only making very poor families even poorer.

In the mid-1990's, the Nebraska Legislature passed the Welfare Reform Act. The "Family Cap" is a part of Nebraska's Welfare Reform Act, and it prohibits cash welfare benefits (about \$71 per month) for children born into families already receiving welfare, if the child is born ten or more months after the family first received cash assistance. But, this "Family Cap" is only to be applied to those families required to participate in the welfare reform program and sign "Self-Sufficiency contracts." Low-income disabled mothers receiving Aid to Dependent Children (ADC) for their children are not participants in the

program and are not required to sign "Self-Sufficiency Contracts." Thus, the "Family Cap" cannot be applied to their children.

The Nebraska Legislature intended the Nebraska Welfare Reform Act to enable greater self-sufficiency for those families able to work. The Nebraska Legislature didnot intend to punish the newborns of poor disabled women without the "capacity to work" and who are unlikely to become self-sufficient.

The lawsuit demands that the Nebraska Department of Health and Human Services cease applying the "Family Cap" to children of low-income disabled mothers, and for full payment of benefits to these children.

"The Nebraska Legislature did not envision the welfare reform program refusing to help these children," said Sue Ellen Wall, staff attorney for the Welfare Due Process Project. "We see no legal justification for the welfare agency's wholesale application of the 'Family Cap' to all families. The State refuses to acknowledge that there is a difference between families whose adults are unable to work and those families whose adults are able to work. The State's decision in this instance brings a particularly harsh result to those who are already the poorest of the poor."

Nebraska Appleseed is the sponsor of the Welfare Due Process Project, which provides legal representation for families having difficulties with the implementation of welfare reform.

The Defendants are the State of Nebraska, the Nebraska Department of Health and Human Services, the state administrative agency charged with implementing the WRA, and Ron Ross, Director of Health and Human Services, who is responsible for the administration and supervision of the public assistance programs in Nebraska.