

PRESS RELEASE

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CLASS ACTION LAWSUIT FILED

**CHALLENGING STATE OF NEBRASKA'S DENIAL OF WELFARE
BENEFITS TO CHILDREN OF DISABLED MOTHERS**

Newborn babies of low-income disabled mothers across Nebraska are being denied necessary welfare benefits by the Nebraska Department of Health and Human Services. Today, these children filed a class action lawsuit demanding the return of these benefits. 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 of low-income disabled mothers. Their mothers are not able to be employed at this time 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 these children, these families are forced to struggle even harder to provide a healthy, safe, and nurturing environment for their children. These 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 be involved in the time-limited welfare reform program and sign "Self-Sufficiency contracts." Low-income disabled

mothers receiving Aid to Dependent Children (ADC) for their children are not part of the time-limited program or 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 did not intend to punish the newborns of poor disabled women without the "capacity to work" and not, at least in the near future, likely 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. We have tried to negotiate this issue with the department, but they have refused to change this illegal practice. We now hope they will move to stop punishing these children."

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.