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# Impact of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) on Family Functions

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## Introduction

According to the National Council on Family Relations (NCFR), family policy broadly encompasses everything the government does to promote individual and family well-being through policies that seek to improve the quality of life for individuals and their families. A policy brief is a document that seeks to educate and raise awareness of social issues and the potential impact of a policy. Briefs also help make informed decisions on how a policy can affect families at the federal, state, and local levels (NCFR, 2022). As such, the purpose of this brief is to educate and inform the impact non-violent drug offenses have on the well-being of individuals and their families.

An individual who has been convicted of a non-violent drug offense does not have a right to receive assistance through the Supplemental Nutrition Assistance Program (SNAP) or Temporary Assistance for Needy Families (TANF). SNAP and TANF are federally funded assistance programs that are designed to aid those who are experiencing need. SNAP provides monthly benefits that help low-income households buy the food they need for good nutrition and health. The SNAP program was designed to address the public health concerns caused by food insecurity and poor nutrition. The United States Department of Agriculture (USDA) defines food security as “access by all people at all times to enough food for an active healthy life. Food insecure adults are 21% more likely to have hypertension and approximately 50% more likely to have diabetes. Food insecurity also correlates with being overweight and obese” (Payne et al., 2020). Recipients may use SNAP benefits to purchase any grocery item or food planting seeds and excludes hot food, alcohol, cigarettes, or household items. In 2019, the program provided \$55.6 million worth of nutritional assistance to 35.7 million people (Payne et al., 2020).

## Personal Responsibility and Work Opportunity Reconciliation Act of 1996

On August 22, President Clinton signed into law “The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 (P.L. 104-193). The bipartisan act was intended to reform the nation’s welfare system. The act requires work in exchange for time-limited assistance and a performance bonus to reward states for moving welfare recipients into a job. States were asked to enforce child support payments to move families from welfare to self-sufficiency. The bill includes a little-known provision known as Section 115 that imposes a lifetime ban on federal food and cash assistance for people with drug felony convictions. This ban means those with a previous drug felony conviction receive a lifetime ban on SNAP and TANF regardless of whether they have completed their time in prison or not. Section 115 does not apply to individuals convicted of any other type of felony. It is speculated that due to the “war on drugs” during the 1990s, policymakers sought to reduce welfare assistance for individuals with histories of drug activity. Because a family policy can be seen as an investment of public resources to achieve societal goals, policymakers during the 1990s sought to reduce

drug-related criminal activity by imposing these guidelines without consideration of the long-term effects of one poor decision.

While some states have removed the restriction or modified the qualifications for aid, others have kept this restriction in place. Since 1996, 24 states and Washington D.C. have completely removed the restriction, 25 states still have a modified version of the original bill and only one state (South Carolina) still had the full ban. But any version of a restriction places barriers on people with drug felony convictions trying to apply for benefits (Payne et al., 2020). In some states, an individual can be permanently disqualified from receiving benefits after multiple separate convictions. Other states make a distinction between possession and distribution crimes as they deny benefits to an individual convicted of a distribution felony, and most states set an ineligibility period of benefits ranging from six months to one year (Payne et al., 2020). For example, a survey conducted within each state that modified or lifted the ban found that benefits could be extended if a person was enrolled in a drug treatment program, agreed to drug testing, and was parole compliant (Payne et al., 2020). African Americans are more likely to be convicted of drug offenses at much higher rates than Whites; thus, Section 115 can have a disproportionate impact on African American families (Payne et al., 2020).

### **Social Issues related to PRWORA**

For individuals who have been convicted of a non-violent drug offense, successful reentry into society includes being able to meet basic needs such as food and shelter. Studies have shown that individuals recently released from prison lack consistent and reliable access to food; therefore, denying their access to food stamps based solely on the category of their crime can drive those individuals back into a life of crime and poverty (Paresky, 2017). Currently, non-violent drug offenders account for 45.9% of the Federal Bureau of Prisons inmate population (Federal Bureau of Prisons, 2022). There are over 67,000 non-violent drug offenders serving time in the federal prison system (Federal Bureau of Prisons, 2022). Gaining employment and receiving job training are not always easy for those who have been convicted of a non-violent drug offense. Formerly incarcerated people are unemployed at a rate over 27% higher than the total U.S. employment rate during any historical period, including the Great Depression (Couloute & Kopf, 2018). If the goal of PRWORA is to end dependence on public assistance by encouraging employment, those who have been incarcerated for non-violent drug offenses may not receive the preparation needed to help with job readiness training, job skills training, vocational training, or other educational training programs that can assist in finding and keeping a job.

Unemployment is highest in the first two years of release from prison, and it is strongly associated with food insecurity (Payne et al., 2020). Currently, 37 states either fully or partially enforce the TANF ban, with 34 states either fully or partially enforcing the SNAP ban. Of these states, 25 have modified the ban to allow individuals with felony drug convictions to receive TANF benefits under specific guidelines. For example, Arkansas, Florida, and North Dakota allow people to receive TANF if they were convicted of possessing drugs but not manufacturing or distributing drugs. Other states such as North Carolina allow receipt of TANF benefits for individuals who take part in or complete drug treatment, submit to drug testing, or have completed a specified waiting period (Mauer, 2013). When a policy prevents access to basic needs, it is difficult for people with drug convictions to properly reenter society. Each year, approximately 700,000 individuals return home from state prisons in the United States, and an additional 9 million are released from county jails. More than 10% of those coming in and out of

prisons and jails are homeless in the months preceding and following their incarceration (Council of State Governments, 2016). The lack of accessibility to much-needed programs can also prompt these individuals to repeat their previous mistakes. Nationally, 76% of all inmates end up back in jail within five years. Mississippi's five-year recidivism rate is 77% (World Population Review).

This is a topic of interest to policymakers and society because of the long-term implication of such a policy on individual and family well-being. This topic has sparked debate over the past few years as the understanding of the impact substance abuse (drug addiction) can have on a person's ability to make sound decisions has become clear. Policymakers in several states have either modified the ban or opted out to address a relapse to drugs or a life of crime. However, some policymakers and communities continue to argue that the punishment fits the crime, and therefore, SNAP and TANF benefits should not be extended to people who violate the law. Additionally, there are those who believe that access to social service programs does little to deter crime and can worsen the quality of life of individuals, as access to social services gives little incentive for people to "get clean." Yet, research from Harvard University's Olin Center for Law, Economics, and Business in 2017 found that recently released felons who are provided full public benefits access, including nutrition services, are less likely to return to prison within a year.

### **Family Function**

As previously mentioned, PRWORA affects both individuals and families. However, the effects of a policy on family can be more substantial for someone who has been convicted of a non-violent drug offense. Substance abuse, non-violent drug convictions, or incarceration can hinder a person's ability to financially provide for his or her family. In the United States, our society relies on the family to perform certain basic functions such as childrearing, caregiving, economic support, developing partner relationships, and family formation. Therefore, PRWORA Section 115 can have an impact on a family's ability to function.

A family can suffer when social welfare benefits are withheld due to a prior drug conviction. Section 115 of this policy can prevent someone from fulfilling family function responsibilities. PRWORA seeks to promote financial responsibility for children through comprehensive child support enforcement and includes child support through wage garnishment, paternity tests, and an effort to increase noncustodial parents' involvement in their children's lives (Mauer & McCalmont, 2013). However, a parent who has been convicted for certain drug-related offenses is left without the ability to provide for his or her kids. This conviction not only prevents them from feeding their kids but also causes them to make decisions based on necessity. In general, most parents will do anything to ensure their kids receive proper care. When social welfare programs such as TANF and SNAP are denied, the consequences of PRWORA Section 115 could restrict parents' ability to support their kids through gainful employment and because the parents want to provide for their children in any way necessary, they may break the law to keep their children in good health.

Families are the basis for which children are initially exposed to "relationships." When families are having to deal with the constant strain of not being able to provide for their family members, this strain affects not only their ability to provide economic support but also the partner relationships that make up a family. Partner relationships focus on the relationship between the parents and other members of the household. The negative effects of drug-related convictions or incarceration on child well-being are not limited to financial issues; family

relationships are also negatively impacted during and after incarceration (Western & Smith, 2018). While PRWORA attempts to increase parents' involvement through programs that enable access to children during and after incarceration, access can depend on the custodial parent. Custodial and non-custodial parent relationships are important for the development of children (Western & Smith, 2018), and healthy parental relationships provide the family with the comfort of having support during tough times, thus helping the family manage stress (Kalpana, 2021). Families are the basic units that teach children about relationships. Children brought up in a safe and supportive family will be able to form better bonds outside their homes. When a mother or father is unable to provide examples of healthy relationships, children are more likely to experience fear and anxiety (Bogenschneider, 2014). When children live in multi-partner households, biological parents can experience difficulty maintaining contact with their children, and their relationships may depend on several parental figures (Western & Smith, 2018). Thus, children and custodial parents may be unable to focus on developing relationships with the parent that was incarcerated. Additionally, custodial parents may not be interested in providing access to children because they have entered other romantic relationships, or they feel they need to protect the child from that parent. Western and Smith (2018) noted that because some men and women go to prison due to drug or alcohol use, a custodial parent may limit contact with a parent after incarceration. When an individual is discouraged from forming positive relationships with his or her children and re-establishing families, it can hinder their ability to love and receive love. It can also lead children to believe that their parent is rejecting them. Western & Smith (2018) further noted that parents who were incarcerated due to drug-related crimes were more likely to be housed in shelters, transitional housing, or become homeless due to substance abuse problems, thus, making them poor role models for children and less likely to be a financial provider. It is also possible that their addiction is a source of shame that hinders their desire to re-establish family ties. Formerly incarcerated parents, especially those with several partners, are less likely to live with their children. The quality of the parents' relationships also indicated the quality of the parent-child relationship after incarceration (Western & Smith, 2018). Thus, custodial parents act as gatekeepers for their children and examples of parent-parent relationships.

Another family function that is impacted by this policy is family formation. Trends in family formation since the 1960s include the delay and decline in marriage and childbearing, alongside an increase in cohabitation, divorce, separation, remarriage, and extra-marital births (Simpson, 2012). Family formation is based upon a society's acceptance of various family circumstances such as joined by blood, marriage, cohabitation, or adoption. Our society teaches the next generation what behavior is acceptable and considered the norm. In America, the society's expectations of the roles of the father include but are not limited to providing the household income and protector. The majority of convicted drug offenders are men. Therefore, when a man feels that he is not sufficient and not able to provide for his family, he may begin to question his role as the father of the house or as a provider. Preventing individuals from receiving benefits such as TANF and SNAP can make them feel inadequate.

When SNAP or TANF benefits are withheld due to prior drug convictions, problems arise in caregiving as well. A caregiver is a person who provides direct care for children, elderly people, or the chronically ill (Merriam-Webster, n.d.). If the parent/parents have any prior convictions, they can face difficulties in getting employment. Recent data indicates that 24.8% of women in state prison were incarcerated for a drug offense, compared to 14% of men. Similarly, 56.8% of women in federal prison were convicted of a drug offense, compared to 46.6% of men

(Payne et al., 2020). Therefore, women who have been previously incarcerated for a felony charge are more likely than men to be denied SNAP benefits. In some instances when the father is unable to gain employment due to his criminal record, the mother is forced to go to work to provide for the family. While this may appear to be a good solution, the mother is more likely to be the parent who is the primary caregiver of the children. When the mother goes to work, then the father must take on the caregiver role. However, if parents are not working together for the well-being of the child, that can place children at a higher risk of deviant behaviors or substance abuse (Western & Smith, 2018).

PRWORA's impact on families has been widespread. The lack of SNAP or TANF benefits due to prior drug convictions places individuals in families at risk due to lower economic opportunities and the ability to provide for family members. A parent may not be financially able to provide for his or her children. A parent may be physically separated from the life of the child due to jail time, and upon release, the lack of employment opportunities may prevent them from earning wages to financially support his or her children. Parents may not be able to care for their child when breaking the law is a viable alternative to providing for their families. Non-violent drug convictions prevent active co-parenting before and after prison. Partner relationships may be strained due to the lack of contact with the family during incarceration. After the incarceration period, co-parenting may not be possible. These are just a few of the ways that this policy can hinder or prevent a man or woman's ability to fulfill his or her designated family functions within the family. However, in both cases, each state can make its own decision concerning the eligibility requirements for these benefits. In the United States, the majority of the states have made changes to this restriction, and some have lifted the ban to allow drug offenders full benefits if eligible. This issue seems like it could be resolved very easily but that is not the case. When looking at this issue from a pros and cons standpoint, it becomes very one-sided.

### **Perspectives**

There are many benefits in terms of reentry into society by lifting this ban. Some of the pros include prior drug offenders being able to provide for their families, children not having to suffer or go hungry due to no fault of their own, and lifting the mental and emotional strain from the parent by enabling them to provide for their families. All these benefits would certainly help a convicted drug offender reenter society. Without this limitation, they would have a chance to feed their family without having to take part in criminal activity. Rehner, an MCJ policy associate said, "Lifting the SNAP/TANF drug felony ban will help put food on the table for thousands of children and families in the state of Mississippi while increasing access to workforce training and help reentering citizens find work and stability (Gates, 2019). When an individual feels he or she has no other choice but to rob or steal to be able to feed his or her family, the community also suffers. The federal ban on SNAP benefits for persons with felony drug convictions is one of the many civil consequences of criminal convictions that can hinder reentry into the community (Payne et al., 2020).

When focusing on the cons there is one glaring thought that comes to mind: who is responsible to fund these benefits with the ban lifted? Policies such as these are already funded by our state and federal taxes. By lifting this ban there would be many more people eligible to receive these benefits. Therefore, if the government had to increase the amount of money spent due to an increase of eligible participants, they would be looking to raise taxes to supplement this cost. Society must make the conscious decision that convicted drug offenders should be eligible

to receive these benefits; however, they must also realize that they are accepting a tax increase. There are many more factors to consider. Another concern is that many drug offenders that still struggle with addiction can use their benefits such as SNAP or TANF to barter for drugs. Today, benefits such as these carry a street value of \$.50 on a \$1.00. This means that \$50 worth of benefits will buy you \$25 worth of drugs. As Senator Phil Gramm (R-TX), the sponsor of the amendment, argued, “if we are serious about our drug laws, we ought not to give people welfare benefits who are violating the Nation’s drug laws” (Mauer & McCalmont, 2013). It is also important that there are other factors to consider when addressing the lack of ability many parents face in attempting to provide for their families. Clearly, the Federal Ban is not the sole cause of nutritional deficits for African Americans or any other population. Food insecurity is caused by several interrelated factors (Payne et al., 2020).

### **Conclusion**

Family policy is specifically aimed to protect, promote, and strengthen families by addressing one or more of the five family functions. In this paper, I have discussed how four of these functions have been affected by this policy. I have shown that family formation, caregiving, economic support, and partner relationships are all involved in this policy preventing non-violent drug offenders from receiving SNAP and/or TANF benefits. Due to social injustice in the United States, PRWORA’s Section 115 impacts more African Americans than it does any other race. Overall, African Americans are twice as likely to be eligible for government assistance such as SNAP or TANF. African American households experience food insecurity at a rate of 21.1%, white households experience food insecurity at a rate of 8.1%, and the national average for food insecurity is 11.1% (Payne et al., 2020). African Americans are 10 times as likely to go to prison for a drug conviction. As the cost of living continues to rise during the current administration, it is vital that policies such as the one discussed can be revised. Working families in America today are often struggling to provide for their families. It is imperative that we don’t hinder non-violent drug offenders from being able to receive the assistance they are eligible to receive. There are many jobs available that could be filled by an adequate workforce if this workforce were not overlooked due to a prior drug conviction. A final thought: currently, there is not a designated time frame in which a person does not have to report their prior non-violent drug felony conviction. This means that someone may have been arrested in 2005 for drug possession, yet they still must report it on an application in 2021. The policy mentioned in this paper, PRWORA has no mandated time lapse either. Therefore, the same individual that committed drug possession in 2005 would never be able to receive government assistance. So, my question is, when is an individual who has previously been convicted of a non-violent felony drug possession no longer suffering from a past mistake?

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