

**Economic Justice and Social Welfare Network  
Policy and Advocacy Committee**

**Access to Assistance Campaign**

**PROTECT PUBLIC ASSISTANCE RECIPIENTS WITH DISABILITIES**

**Barrier:** Many public assistance recipients have disabilities, and among the most common are mental health and learning disabilities. When these disabilities are not recognized and appropriate accommodations are not made, clients inevitably fall through the cracks, fail to comply with some requirement, and face a denial, termination or reduction of benefits, resulting in crises in housing, hunger and health.

**Impact:** The State Office of Temporary and Disability Assistance fails to take urgently needed action to guard against such outcomes. As a result, screening for disabilities is extremely uneven from one local district to the next, with too many counties doing little, if anything, to identify and accommodate mental and physical disabilities, particularly conditions that have not previously been diagnosed.

People with disabilities may not be able to navigate the complex and demanding applications process – indeed they may never even manage to file a completed application or to comply with the multiple document and appointment prerequisites of the process. If they are somehow able to have their application accepted, there is a high probability that they will be tripped up on the various steps they must take to retain their benefits, such as recertification and compliance with the work rules. Indeed, research has repeatedly confirmed that people with disabilities are disproportionately sanctioned for alleged non-compliance with the work rules.<sup>1</sup> Clearly, this is because too often their disabilities have not been identified and accommodated.

**Proposed Solution:** We urge you to support action to protect of some of the most vulnerable New Yorkers by ensuring that the local districts screen public assistance clients for disabilities and, where indicated, offer a more in-depth evaluation of physical and mental health. This action is needed because:

- Screening welfare recipients for disabilities is required by Federal law, including the Americans with Disabilities Act.
- Screening can help ensure that clients engage in work-related activities that take their needs, barriers and strengths into account.
- OTDA has made disability screening optional for districts
- OTDA’s screening tool ignores conditions that have not been diagnosed already and inadequately screens for mental health problems and learning disabilities

We therefore support a proposal in which:

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<sup>1</sup> See Nadel, Wamhoff, and Wiseman, “Disability, Welfare Reform, and Supplemental Security Income,” Social Security Bulletin, Vol. 65 No. 3, 2003/2004.

- Districts must offer clients an initial screening for disability, using a State-designated tool or an approved tool that is a reasonable equivalent;
- The State-approved screening tool must ask the client about known conditions and help to detect undiagnosed conditions; it must also include screening for mental health and learning disabilities
- Where the preliminary screening indicates the likelihood of a disability, the client must then be offered a more thorough evaluation, conducted by qualified professionals;
- If a client is found to have a substantial disability, the district must determine what accommodations are appropriate and necessary to enable the client to participate in the program and to continue to receive benefits and then offer the client these accommodations.
- If a clients demonstrate difficulty in complying with activities or actions assigned by the district, the district must offer a new screening, whether or not one has been conducted in the past, to determine if the failure to comply might have been related to a disability.

We believe that these measures would go a long way toward enabling districts to recognize clients' disabilities, ensuring that appropriate responses and accommodations are made when disabilities are identified, and avoiding the imposition of unwarranted, punitive actions against individuals with disabilities.