



CONSORTIUM FOR CITIZENS
WITH DISABILITIES

JUSTICE IN AGING

FIGHTING SENIOR POVERTY THROUGH LAW

Why the Proposal to Stop SSI Benefits for Those with Outstanding Warrants is so Harmful

Dara Baldwin, National Disability Rights Network

Tracey Gronniger, Justice in Aging

TJ Sutcliffe, The Arc of the United States

November 20, 2017



The Consortium for Citizens with Disabilities, headquartered in Washington DC, is the largest coalition of national organizations working together to advocate for federal public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society. Since 1973, CCD has advocated on behalf of people of all ages with physical and mental disabilities and their families. The CCD Social Security Task Force focuses on disability policy issues in the Title II disability programs and the Title XVI Supplemental Security Income (SSI) program.

Facebook: www.facebook.com/ConsortiumforCitizenswithDisabilities/

Twitter: @ccd4pwd

JUSTICE IN AGING

FIGHTING SENIOR POVERTY THROUGH LAW

Justice in Aging is a national organization that uses the power of law to fight senior poverty by securing access to affordable health care, economic security, and the courts for older adults with limited resources.

Since 1972 we've focused our efforts primarily on populations that have traditionally lacked legal protection such as women, people of color, LGBT individuals, and people with limited English proficiency.

JUSTICE IN AGING

FIGHTING SENIOR POVERTY THROUGH LAW

- All on mute. Use Questions function for substantive questions and for technical concerns.
- Problems with getting on to the webinar? Send an e-mail to trainings@justiceinaging.org.
- Slides and a recording are available at Justice in Aging – Advocates Resources – Trainings: justiceinaging.org/resources-for-advocates/webinars. See also the chat box for this web address.

Topics of Discussion

- History of Outstanding Warrants Legislation
- Current Proposal
- Harmful Impact
- Criminal Justice Implications
- What You Can Do

History of Outstanding Warrants Legislation

How Did We Get Here?

Federal Legislation on “Fleeing” Individuals

No SSI benefits for a person who is:

- 1) “fleeing to avoid prosecution, or custody or confinement after conviction” of a felony; or
- 2) violating a condition of probation or parole

1996 Personal Responsibility and Work Opportunity
Reconciliation Act (PRWORA) 42 USC §1382(e)(4)

SSA (Faulty) Interpretation

- *outstanding warrant* for alleged felony or probation/parole violation = no benefits!
 - Policy later extended to Title II (Social Security) beneficiaries and Special Veterans Benefits (SVB) Program

Class Action Lawsuits

- Clark v. Astrue, 1:06-CV-15521 (SHS) SDNY (2006)
- Martinez v. Astrue, 08-CV-4735 CW (2008)

Current Proposals

Congressional attempts to make bad policy into law

(Bad) Legislative Proposals

- HR 2504 (2015) and HR 2792 (2017)
 - Mislabeled and misleading name
 - Would change the law so that SSA *could legally* suspend the benefits of people with outstanding warrants
 - Currently HR 2792 only applies to SSI recipients, but original legislation applied to Social Security and certain Veterans' benefits as well

No Help to Law Enforcement

- Sharing information about SSI recipients who are matched in the federal, state, and local criminal information databases already happens
- Recipients with certain codes in the database that involve “escape” or “flight” are still suspended

The Harmful Impact of HR 2792

T.J. Sutcliffe

Director, Income & Housing Policy

The Arc of the U.S.

Rosa Martinez: Mistaken Identity

In 2008, Rosa Martinez was 52 years old and living in California.

SSA notified Ms. Martinez that she was losing her disability benefits because of a 1980 arrest warrant for a drug offense in Miami, FL.

However...

Rosa Martinez: Mistaken Identity

Ms. Martinez had:

- never been to Miami,
- never been arrested,
- never used illegal drugs, and
- is eight inches shorter than the person identified in the warrant.

Juvenile Survivor of Childhood Abuse

In 2001, a 12-year-old, 4'7" tall, 85-pound boy with intellectual disability and other mental impairments in Ohio ran away from home to escape an abusive stepfather.

He was charged with assault for kicking a staff member at a detention center where he was being held until his mother could pick him up.

Juvenile Survivor of Childhood Abuse

Several weeks later, his mother broke up with his stepfather and took him to California.

Many years later, he had no recollection of the incident at the detention facility – but in 2008, at age 19, his SSI benefits were stopped because of the Ohio warrant.

Suicide Attempt Led to Warrant

In July 2000, a man attempted suicide in Ohio by trying to jump off a railroad bridge. The police stopped train traffic while they talked him down. Several days later, they issued a warrant for his arrest for interruption of public services—a felony in Ohio—but never served the warrant, despite having his address.

Suicide Attempt Lead to Warrant

He moved to Minnesota, and successfully stabilized his mental health and life.

Two years later, in 2002, he received a notice from SSA terminating his benefits because of the outstanding warrant from Ohio.

Examples Highlight:

- People often unaware of existing warrants
- Warrants often old
- Clearing warrants: difficult or impossible
- Mistaken identity

**Many of the same people would be
hurt by H.R. 2792.**

Proposed Pay-For in House Bill

- H.R. 2792 has been proposed to pay for reauthorizing the Maternal, Infant, and Early Childhood Home Visiting Program
 - “MIECHV” or “home visiting”
 - H.R. 2824
- Passed the House in Sept. 2017
- Senate MIECHV bill does not include this bad pay-for

Harmful Pay-For Proposal

- MIECHV: A beneficial program that should be reauthorized, but not by cutting SSI
- Cutting SSI could harm children who get home visiting through MIECHV
- ~2.7 million children live with a SSI recipient

Source: Center on Budget & Policy Priorities, calculations.

NDRN Presenter:



L. Dara Baldwin, MPA

- Senior Public Policy Analyst, National Disability Rights Network (NDRN)
- Based in Washington, D.C.
- Follow Personal Twitter & IG: @NJDC07
- [Biography](#)



NDRN

NDRN – National Office for the P&A Network

To Learn about the P&A Network go to: See video
<http://www.ndrn.org/en/about/paacap-network.html>

- P&A's Federally funded program – Labor/HHS – DHHS - Administration on Community Living (ACL)
- 57 P&A's – 1 in every state = 50; 1 in every territory = 6; and 1 specifically for the Native American community
- Eight programs – to assist with civil and human rights of PWD – PADDs; CAP; PAIMI; PAIR; PAAT; PABBS; PATBI & PAVA
<http://www.ndrn.org/en/about/paacap-network.html>



NDRN

- P&A serve all as long as they have a disability – not CJ, divorce, real estate lawyers but Civil Rights
- NDRN and P&A network use social justice practice of *Intersectionality* in their work (Kimerlé Crenshaw)
- People with disabilities are ***ALL parts of life*** and so we use this in our work – race, religions, multiple social economic statuses, sexual-orientation (LGBTQIA), incarcerated, formerly incarcerated, immigrants, refugees etc.
- The multi-marginalization and discrimination of this community – AA, Trans woman, Muslim, refugee with a disability





Policy Issues

Issue Areas: (a few)

ADA/Civil Rights

LTSS

Education

Social Security

Emergency Preparedness

Technology

Employment

Transportation

Fiscal Policy

Veterans & Mil Family

Health

Criminal Justice

Housing

Juvenile Justice

Restraint & Seclusion

Disaster Relief



NDRN

- Criminal Justice/Juvenile Justice – People with disabilities
ADA/Rehab 504
- NDRN & P&A – Civil Rights work of CJ
- P&A's doing work on this around the country
- NDRN – federal policy working with multiple coalitions

NDRN

- Criminal Justice/People with disabilities framework – disenfranchised in this system through:
 - Citizen/regular person in the community
 - Victims – not credible & not believed
 - Witness – not credible & not used
 - Arrest — death in custody
 - Court System – due process – reasonable accommodations
 - Sentencing – jail and or prison
 - Re-entry – process – lack of services physical & other



H.R. 2792 –Harmful

- Criminal Justice System – the US incarcerates 2.3 Million people – across the spectrum of Detention – ***the highest incarceration rate in the world*** (Prison Policy Initiative - [Mass Incarceration the Whole Pie: 2017](#))
- Documented racial & ethnic disparities in the US CJ system (Prison Policy Initiative)
- Criminalization – turning someone and/or activity into a criminal by making their activities illegal – arresting people of color & the poor
- Implicit Bias/Structural Racism – CJ system built on this (historically done)



H.R. 2792 –Harmful

- [Fair Sentencing Act of 2010](#) – reduced sentencing disparity between crack & powder cocaine 100:1 to 18:1 (ACLU)
- 114th Congress – bipartisan support for working on ending criminalization & creating sentencing reform
- [Federal Sentencing and Prison Reform](#) – in both the House and Senate – this continues in the 115th with re-introduction of bills
- Many in the country are working collectively to end mass incarceration & decriminalize a discriminatory system for all people including people with disabilities – Social Security
- H.R. 2792 is the opposite of this work/advocacy

Disability Rights Issues

Issues of relevance – currently in the 115th Congress

- Saving the ADA (H.R. 620) – other Notification bills – Please sign on petition & send others: **Don't Tread on My ADA Change.org Petition** <https://www.change.org/p/dara-baldwin-don-t-tread-on-my-ada-oppose-ada-education-reform-act-of-2017-h-r-620>
- Eliminating Restraint & Seclusion and SRO's in schools
- Saving the ACA (Affordable Care Act) – Medicaid – HCBS Rule
- Appropriations – funding our programs & those services used by PWD
- Housing – funding for Accessible Affordable
- Social Security – protection & funding
- Criminal and Juvenile Justice Reform



Resources

Intersectionality – see information sheet

- The term was identified in 1989 by Kimberlé Crenshaw who is an American civil rights advocate and a leading scholar of the field known as [critical race theory](#). She is a full professor at UCLA Law School and Columbia Law School and she is the Executive Director of the African American Policy Forum - <http://www.aapf.org>
- In September 2015 – Prof. Crenshaw wrote Washington Post article [“Why Intersectionality can’t wait”](#)
- (one of my mentors/who has become a friend) – NDRN works closely with the Professor Crenshaw & AAPF since 2014 – on multiple issue areas – but started through the #SayHerName campaign

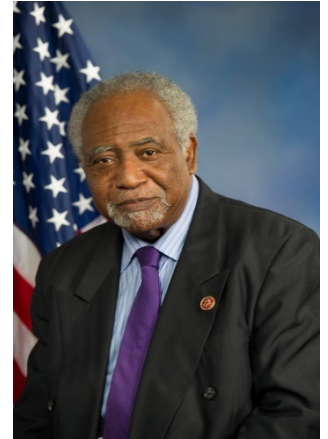
THANK YOU

Merci beaucoup
Thank You
お疲れ様
Danke
Gracias
Grazie
Danke u
Obrigado
谢谢你
Thanks

Representative Danny Davis

Danny K. Davis was chosen by the people of the 7th Congressional District of Illinois as their Representative in Congress on November 5, 1996. He has been re-elected by large majorities to succeeding Congresses.

In the 115th Congress, Congressman Davis serves on the House Ways and Means Committee: Ranking Member of the Subcommittee on Human Resources and a member of the Subcommittee on Oversight and Trade. Congressman Davis is a member of several Congressional Caucuses including the Congressional Black Caucus, the Progressive Caucus, the Urban Caucus, and the Community Health Center's Caucus.



What You Can Do

- Sign up for listservs to stay up to date on proposed legislation
- Be ready to act quickly to contact legislators
- Make clear that no modification of the policy to exempt certain groups of people would “fix” it

JUSTICE IN AGING

FIGHTING SENIOR POVERTY THROUGH LAW

justiceinaging.org

Interested in joining our network?

Sign up to receive Justice in Aging alerts.



Text 51555 with the message “4justice”

NDRN –www.ndrn.org



The Arc – www.thearc.org/joinourfight



Contact Us

- Dara Baldwin - dara.baldwin@ndrn.org
- Tracey Gronniger – tgronniger@justiceinaging.org
- TJ Sutcliffe - sutcliffe@TheArc.org