

<http://www2.tbo.com/news/politics/2011/jun/15/menewso1-welfare-tests-effects-feared-ar-237463/>



Published: June 15, 2011

[Home](#) / [news](#) / [local](#) /

## Welfare drug test's effects feared

By CATHERINE WHITTENBURG

Welfare applicants who fail a new mandatory drug test might not only lose their claim to government assistance — they may also be investigated for child abuse.

That's according to a draft of a state agency's rules for implementing the new drug screening law, which takes effect July 1.

The law requires that anyone applying for Temporary Cash Assistance for Needy Families take a drug test. Those who fail the test will become ineligible to receive those benefits for one year. Gov. Rick Scott signed the law May 31, saying it safeguards tax dollars from being spent on drugs instead of families.

Not included in the law, but appearing in a draft of the state Department of Children & Families' rules for enforcing it, is another mandate, concerning child welfare.

DCF, the agency that handles the welfare benefits, states in its draft rules that any applicant testing positive for drugs must be referred to the Florida Abuse Hotline, the state's "central reporting center for allegations of abuse, neglect, and/or exploitation for all children and vulnerable adults," as described on its website.

Anyone applying for the benefits who is referred to the hotline may face "a child protective services investigation," according to DCF's draft rules.

"It was my understanding through DCF that the information does not get forwarded," Rep. Jimmie Smith, House sponsor of the drug screening law, said Tuesday upon first hearing of the abuse hotline provision. "I feel that they should not forward that information anywhere. We're not trying to go out and actively seek someone (using drugs) with a urinalysis."

After consulting DCF, however, Smith said he was satisfied. Since the child abuse hotline is also housed within that agency, the information is not really being "forwarded" beyond DCF, he said.

Smith, R-Inverness, said he's confident the policy will not cause benefits applicants to lose their children. The state removes children from their homes only in serious cases when there is "imminent danger" present, he said, and one failed drug test doesn't meet that criteria.

But Robin Rosenberg, deputy director of Florida's Children First, said the policy could wind up costing children their benefits.

The new law includes a mechanism for children of Temporary Cash Assistance for Needy Families applicants to receive government assistance even if their parent tests positive for drugs. But if parents fear losing their children, they may not apply to the program at all, Rosenberg said.

DCF spokesman Joe Follick emphasized that the draft of the drug-test rules is just that — a draft, on which agency staff are still working this month.

Follick said he "could not envision any scenario" in which a failed drug test alone would result in a child being removed from a home. The question DCF is now contemplating, he said, is whether a failed test should trigger a child protection probe.

Such investigations can respond to concerns not just about abuse, but about sanitation, neglect and other possible threats to a child's well-being, Follick said. "Clearly, our priority in every case is to make sure that every child in the state is in a safe and secure situation."

Referring every applicant who fails that test to the abuse hotline only adds pressure on a child protection system straining to handle its caseload now, Rosenberg said. "It just seems like it's creating more work where no additional work is needed," she said.

The new law takes effect at the same time as the new state budget, which is forcing DCF to shed 500 employees and eliminate more than 200 vacant positions because of funding cuts. Follick said those cuts do not include any "frontline" workers, however, such as child protection investigators.

It's hard to say how much the drug-test results might increase DCF's workload, he said.

A 1999-2001 state pilot program to test Temporary Cash Assistance for Needy Families applicants for drugs yielded a fail rate of roughly 20 percent, Follick said. DCF anticipates drug-testing about 4,000 TANF applicants a month, once the program starts. A 20 percent fail rate would mean about 800 referrals monthly to the abuse hotline.

Senate Minority Leader Nan Rich called both the law and DCF's draft rule for implementing it "punitive" measures against the poor.

"It's distressing that we're just singling out this population with indiscriminate testing, and in the process we may end up making children's lives more difficult by ending up with more of them in the child welfare system," said Rich, D-Sunrise.

The American Civil Liberties Union of Florida slammed the draft rule as an example of government overreach.

"It's exactly the type of thing we worry about — that when it comes to the government invading your privacy, you give them an inch and they take everything," said Derek Newton, spokesman for the group.

---

www2.tbo.com © Copyright 2011 Media General Communications Holdings, LLC. A Media General company.