



# HOPELESS

**Report:** How the “HOPE Act” created barriers to SNAP in Kansas

March 2020

The Supplemental Nutrition Assistance Program (SNAP) is a food assistance program that reduces hunger, improves dietary intake, bolsters local economies, and lifts people out of poverty.

Kansas created barriers making the program difficult for people to access and exacerbating racial disparities. These barriers are unfair and unjust, making it harder for Kansans who may be struggling to make ends meet.

This report examines SNAP's purpose and history. The primary focus is identifying barriers created by the so-called "HOPE Act" legislation passed in 2015 and 2016 in Kansas. Ultimately, this report makes clear that these barriers must be removed so all Kansans can thrive.

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# What is SNAP?

The Supplemental Nutrition Assistance Program (SNAP), formerly known as “food stamps,” is the largest nutrition assistance program administered by the U.S. Department of Agriculture (USDA). SNAP is one of the primary policy methods used in the United States to address hunger, malnutrition, and poverty. SNAP plays an essential role in reducing food insecurity and improving health outcomes among the most vulnerable populations. In Kansas, SNAP is administered by the Department for Children and Families.



Research has consistently shown SNAP to be “highly effective at reducing food insecurity, and in turn has important short-run and long-run benefits for low-income families. SNAP’s benefits are especially evident and wide-ranging for those who receive food assistance as children; they extend beyond the immediate goal of alleviating hunger and include improvements in short-run health and academic performance as well as in long-run health, educational attainment, and economic self-sufficiency.”<sup>1</sup>

Federal SNAP eligibility allows SNAP to serve a wide range of qualifying households, including families with children, elderly people, and people with disabilities.<sup>2</sup>

SNAP has been demonstrated to be an extremely useful tool in responding to economic downturns because of its broad reach among those experiencing poverty and its high levels of efficiency.<sup>3</sup>

SNAP reduces stress and frees up income for households to buy healthier food and spend more on health. SNAP is a path toward better health outcomes on numerous fronts.<sup>4</sup>



**SNAP reduces hunger, improves dietary intake, bolsters local economies, and lifts millions of people out of poverty.**<sup>5</sup>

## **SNAP benefits are modest**

SNAP benefits average only about \$1.20 per person per meal.<sup>6</sup> They are based on need. Very poor households receive larger benefits than households with more income. The formula assumes that families will spend 30% of their net income on food. SNAP provides enough additional benefits to meet the estimated cost of the market basket determined by the Thrifty Food Plan (the USDA's estimate of a bare-bones, nutritionally adequate diet). Most households spend their benefits toward the beginning of the month and often reduce food consumption by the end of the month.<sup>7</sup>

## **SNAP is efficient.**

About 92% of federal SNAP expenditures go directly to food purchase benefits. SNAP has one of the most rigorous payment error measurement systems of any public benefit program.<sup>8</sup> The fraud rate identified in 2016 was less than 1% of the total benefit dollars dispersed.<sup>9</sup>

## **SNAP is great for local economies.**

Most households redeem benefits quickly, making it an extremely effective form of economic stimulus. USDA studies have shown that every dollar spent in SNAP benefits during an economic slowdown increases the overall economy by between \$1.54 and \$1.80. These benefits get spent in local economies. They impact job growth in industries including manufacturing, trade, and transportation. Every \$10,000 in benefits has been shown to result in one additional job in rural counties and 0.4 jobs in urban counties. During the 2008 recession, SNAP benefits had a greater impact on employment than payments from all the other federal and state government transfer programs combined.<sup>10</sup>

The USDA estimates 36.2 million (excluding North Carolina) Americans participated in SNAP in November 2019.<sup>11</sup> The USDA estimates that at least 1.3 times as many people receive SNAP at some point during the year as they do during an average month. This suggests that in fiscal year 2020, at least 47.1 million Americans will receive SNAP benefits for at least one month.<sup>12</sup> In Kansas, 197,186 people in 93,635 households received \$21,962,538 in SNAP benefits in November 2019.<sup>13</sup>



## **Kansas needs SNAP**

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# SNAP

## BY THE NUMBERS

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At least 47.1 million Americans will receive SNAP benefits for one or more months in FY 2020

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Every dollar spent in SNAP benefits during an economic slowdown increases the overall economy by \$1.54-\$1.80

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The fraud rate identified in 2016 was less than 1% of the total benefit dollars dispersed

**\$10,000**

Every \$10,000 in benefits has been shown to result in one additional job in rural counties and 0.4 jobs in urban counties

# History of SNAP

1933

1933: The Federal Surplus Relief Corporation was created as part of President Franklin Roosevelt's New Deal. This Corporation purchased commodities and distributed them in local communities to encourage domestic consumption of surplus food as a source of unemployment relief.<sup>14</sup>

1935

1935: The name was changed to the Federal Surplus Commodities Corporation and eventually grew into the Food Stamp Program of 1939. The original Food Stamp Program was created to match growing concerns for the needs of those in poverty with the growing food surpluses that existed in the United States as it emerged from the Great Depression. At its peak, this program was operating in half of the counties in the United States and was serving about 4 million people.<sup>15</sup>

1943

1943: Though popular, the program was terminated due to reduced availability of surplus because of World War II.<sup>16</sup>

1961

1961: President John F. Kennedy's first executive order expanded food distribution programs, and he soon followed that up with the introduction of food stamp pilot programs throughout the country.<sup>17</sup>

1964

1964: The pilot programs had expanded from eight areas to 43 in 22 states with 380,000 participants.<sup>18</sup> President Lyndon B. Johnson signed a permanent Food Stamp Program into law in 1964 as part of his "War on Poverty" initiatives. In this iteration, the stamps were placed with coupons but were still expected to be purchased by recipients. State welfare agencies would determine eligibility, and any food for home consumption, so long as it was produced domestically, could be purchased. (Exceptions for foreign-produced coffee, tea, and bananas were made.)

1971

1971: 10 million people were participating in the program. Additionally, state-by-state rules were replaced with national eligibility standards.<sup>19</sup>

1974

1974: The program was expanded across the nation.<sup>20</sup>

1977

1977: The Food and Agriculture Act of 1977 eliminated the purchase requirement, but participants were expected to continue to buy a healthy diet by supplementing their coupons with 30 percent of their net income. This law was implemented in 1979 and resulted in a one month increase of 1.5 million participants. Several laws adjusting the program and limiting participation have been implemented since by legislators expressing concern over the size and cost of the Food Stamp Program.<sup>21</sup>

1996

1996: The Personal Responsibility and Work Opportunity Reconciliation Act signed by President Bill Clinton made a number of changes to the program, including giving states more administrative control, eliminating eligibility for legal noncitizen residents, limiting eligibility for so-called “able-bodied adults without dependents” (ABAWDs) to three out of 36 months, and fully implementing the EBT card system—which went nationwide in 2002.<sup>22</sup>

2018

2018: The reauthorized Farm Bill protected SNAP. After contentious negotiations, the finalized Farm Bill rejected what would have resulted in cuts of nearly \$20 billion over 10 years and millions of people losing eligibility. After negotiations, the Farm Bill reinforced the program and made small changes that included:

- Enhanced SNAP Employment and Training (E&T) operations
- Increased E&T funding
- Mandated a simplified homeless housing deduction
- Required a re-evaluation of the Thrifty Food Plan every five years
- Required guidelines around incentives for purchasing SNAP-eligible staple foods<sup>23</sup>

# Racism & SNAP

It is important to put the history of food assistance in the context of the racial disparities it has furthered and reinforced.

The philosophy of food assistance as a safety net is embedded in the 1935 Social Security Act, but from the beginning, this policy had two tiers:

- Tier One: Contributory social insurance programs
- Tier Two: Means-tested public assistance programs including the Aid to Dependent Children program, later renamed to the Aid to Families with Dependent Children program<sup>24</sup>

Black Americans have faced pervasive employment discrimination, which often included “off the books” payments in cash, making them ineligible for Tier One—social insurance programs instituted through payroll taxes.<sup>25</sup>

Tier Two programs were primarily focused on white women (widows in particular). Because the criteria for eligibility and need were determined by states until 1971, black people were barred from participation due to the “Separate but equal” doctrine enshrined in the Supreme Court’s 1896 Plessy v. Ferguson decision.<sup>26</sup>

While politicians have pushed racist narratives like the “welfare queen,” creating and reinforcing stereotypes about black people, the reality is that **white people have always been the largest users of welfare**. The disproportionate use of welfare programs by black people, when they haven’t been barred from benefits, has been a product of policies that systemically prevented black people from accessing the programs and loans that white people have used. Nevertheless, the Welfare Reform Act of 1996 was fueled by prejudicial concerns that higher taxes and the national debt were the product of welfare being paid out to black people who were not “carrying their weight.”<sup>27</sup>

“While politicians have pushed racist narratives like the ‘welfare queen,’ creating and reinforcing stereotypes about black people, the reality is that **white people have always been the largest users of welfare.**”

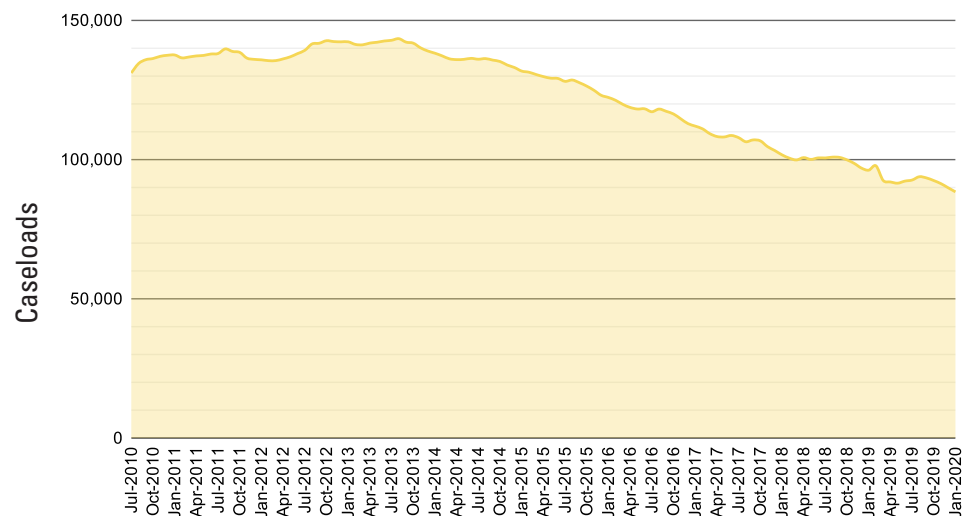


# HOPELESS

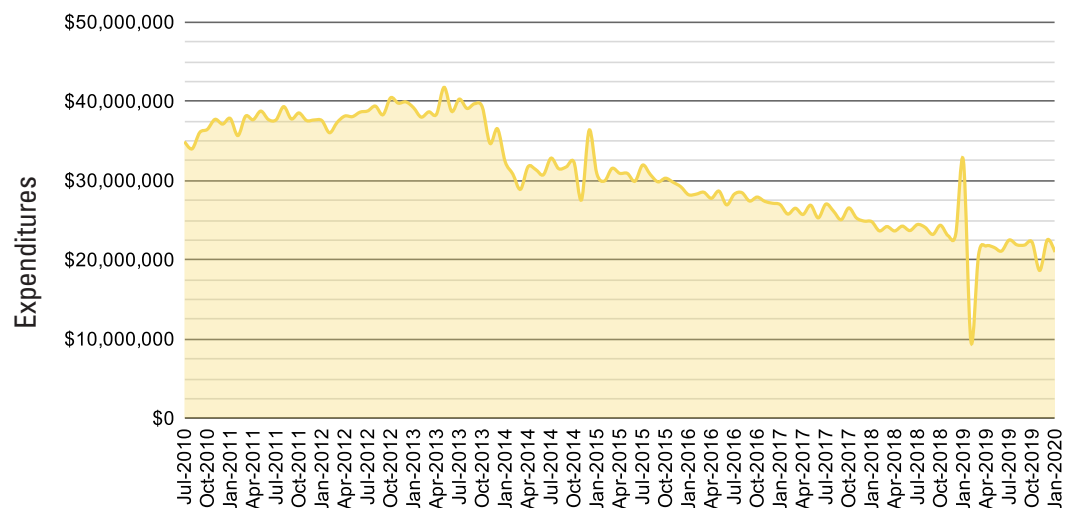
## How the “HOPE Act” created barriers to SNAP in Kansas

In 2015, Kansas passed SNAP restrictions through Senate Substitute for House Bill No. 2258.<sup>28</sup> This bill, informally referred to by its proponents as the “HOPE Act,” put in place numerous barriers that make it harder for Kansans to access SNAP. This bill was followed up in 2016 by the passage of House Substitute for Senate Bill No. 402.<sup>29</sup> This bill was referred to as “HOPE Act 2.0” and erected even more barriers. As a result of the policies codified by these two bills, Kansas has made it significantly more difficult to reap the proven benefits of SNAP that include a reduction in hunger, improved dietary intake, improved local economies, and one of the best-demonstrated means of lifting people out of poverty.<sup>30</sup>

### SNAP Caseloads



### SNAP Expenditures vs. Month



## Work Requirements

The evidence from a wide variety of research about work requirements, “does not support the view that work requirements are highly effective, as their proponents often claim.”<sup>31</sup> Instead, the evidence regarding federal work requirements shows:

- Employment increases were modest and faded over time
- Stable employment was not a typical outcome for recipients subject to work requirements
- Most recipients with significant barriers to employment never found work
- A large majority of those subject to work requirements remained poor and some became poorer

Voluntary employment programs were more likely to significantly increase employment without the negative impacts of ending basic assistance for individuals who can’t meet mandatory work requirements.<sup>32</sup> The most successful employment programs supported efforts to boost education and skills rather than requiring a search for work.

**Kansas moved ahead with extreme work requirement reforms despite this evidence.** One of the harshest provisions in the 1996 federal welfare legislation limited adults without children to only three months of SNAP benefits during any 36-month period in which they were not employed at least half-time or in a qualifying work or training program. The federal law gave states the option to request that this time limit be waived in areas with high unemployment. During the recession in 2008, most states, including Kansas, requested the time limit be waived statewide. Kansas then reimposed the time limit administratively in October 2013 and codified it with the Hope Act. More than 30,000 Kansans were suddenly dropped from SNAP participation between the end of 2013 through the Spring of 2014.<sup>33</sup>

Though the average work rates and average earnings for those who remained SNAP participants increased, it is only because those who were not working at least 20 hours a week were no longer receiving SNAP. The characteristics of those who remained were better, not because the individuals were more likely to have a job, but because they were individually already better off and were the only ones still eligible to participate in SNAP. Kansans who needed help the most were left behind.<sup>34</sup> At the end of 2014, 79% of Kansans who had lost access to SNAP still had incomes below the poverty line, and 71% were in severe poverty with an annual income below \$5,885.<sup>35</sup> Forty-one percent of the Kansans in the first group removed from food assistance at the end of 2013 were still unemployed a year after receiving their last SNAP benefit.<sup>36</sup>





## Drug felony convictions

The HOPE Act also exacerbates disparities experienced by racial and ethnic minorities. The lifetime ban on food assistance for a second drug conviction is particularly problematic in this regard. Data on illicit drug use behaviors collected by the Department of Health and Human Services has consistently shown that white, black, and Latinx populations use drugs at roughly equal rates.<sup>37</sup> Despite this, Latinx people, and particularly black people are significantly more likely to be in jail or prison for drug-related crimes.<sup>38</sup> Because of the disparities in the criminal justice system, people of color are more likely to face the repercussions of this drug conviction provision.<sup>39</sup>

The evidence strongly suggests that public assistance bans for drug convictions are simply bad policy. The federal ban initially imposed by the 1996 Welfare Act has not been shown to decrease drug use. But by raising a substantial barrier to those struggling against the effects of poverty, drug conviction bans may harm public safety and public health but cutting off support to those with addiction, leaving them less avenues toward recovery.

## Treatment of non-citizens

Other provisions in the Hope Act are patently unfair. The treatment of families with non-citizens is particularly egregious. Non-citizen individuals who are unable to provide documentation proving qualifying immigrant status are not included when determining the size of a household for purposes of assigning benefits. However, DCF is required to count the gross income and resources of any non-citizen in a household when determining benefit eligibility. This double standard unfairly discriminates against non-citizens and harms citizens, including children who have no choice in the matter.

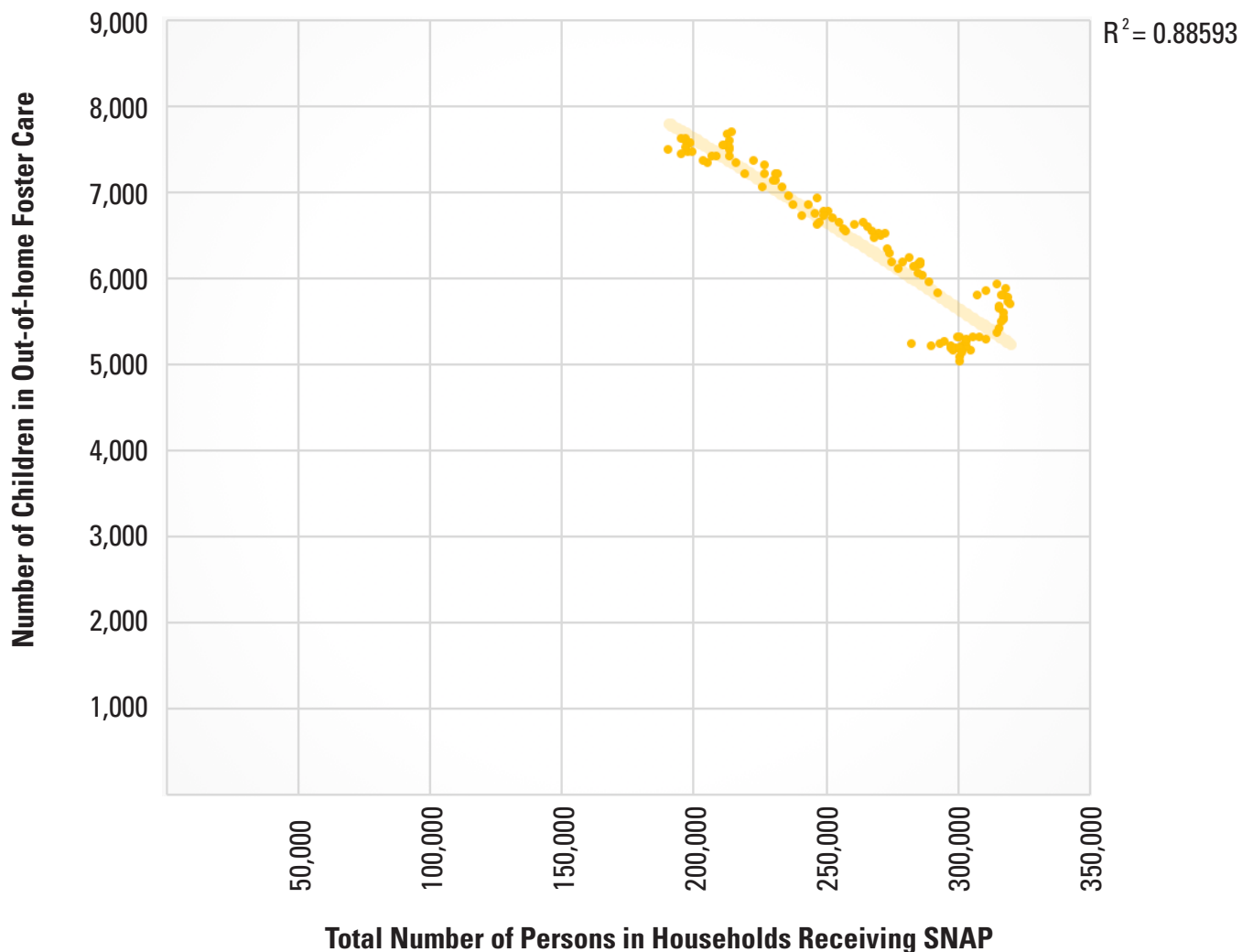
## Outreach

The Hope Act bans DCF from spending any time or money on SNAP outreach. This provision keeps people in the dark about food assistance and its benefits. It's only apparent purpose is to make it more difficult for the Kansans who would most benefit from the program to access it.

## Impact on foster care

The Hope Act barriers have also played a significant role in the foster crisis in Kansas.<sup>40</sup> Research by Dr. Donna Ginther of the University of Kansas and Dr. Michelle Johnson-Motoyama of Ohio State University found that limits in the Hope Act on cash payments through the Temporary Assistance for Needy Families program led to thousands of children entering foster care. Analysis by Kansas Appleseed shows a very strong correlation between SNAP barriers and kids entering foster care.<sup>41</sup> The graph below demonstrates that as less Kansans access SNAP, more children may be entering foster care. (See Appendix for additional data.)

**Number of Children in Out-of-home Foster Care vs. Persons Served by SNAP**





# Individual SNAP Barriers: Kansas Statute

## **K.S.A. 39-709 (b) (13): Drug felony convictions**

Food assistance shall not be provided to any person convicted of a state or federal felony on or after July 1, 2015 if the felony involves the manufacture, cultivation, distribution, possession, or use of a controlled substance or controlled substance analog. After the first such conviction, an individual shall be eligible for food assistance if they enroll and participate in an approved drug treatment program, they submit to and pass a drug test, and agree to submit to and pass any required drug testing plan. A second drug felony conviction results in permanent disqualification from food assistance.

## **K.S.A. 39-709 (b) (17) (A): Able-bodied Adults without Dependents (ABAWDs)**

DCF is prohibited from requesting or implementing a waiver or program from the United States Department of Agriculture (USDA) for the time limited assistance provisions for able-bodied adults aged 18-49 without dependents in a household under the food assistance program. The time on food assistance for able-bodied adults aged 18 through 49 without dependents in the household shall be limited to 3 months in a 36-month period if such adults are not meeting the requirements imposed by the U.S. department of agriculture that they must work for at least 20 hours per week or participate in a federally approved work program or its equivalent.

## **K.S.A. 39-709 (b) (17) (B),(C): Work Requirements**

Food assistance household members who are not otherwise exempt shall register for work, participate in an employment and training program if assigned, accept a suitable employment offer, and not voluntarily quit a job of at least 30 hours per week. Any recipient who does not comply with these requirements will lose assistance for 3 months for a first penalty, 6 months for a second penalty, and a year for any subsequent penalty.

## **K.S.A. 39-709 (b) (18): Treatment of Non-citizens**

Non-citizen individuals who are unable to provide documentation proving qualifying immigrant status shall not be included when determining the size of a household for purposes of assigning benefits. However, DCF is required to count the gross income and resources of any non-citizen in a household when determining benefit eligibility.

# Individual SNAP Barriers: Kansas Statute

## **K.S.A. 39-709 (b) (19): Broad Based Categorical Eligibility**

DCF is prohibited from adopting this policy, in which households may become categorically eligible for SNAP because they qualify for a non-cash Temporary Assistance for Needy Families (TANF) or State maintenance of effort (MOE) funded benefit.

## **K.S.A. 39-709 (b) (20): Outreach**

DCF is prohibited from using federal or state funds for television, radio or billboard advertisements that are designed to promote SNAP and enrollment. This includes a prohibition on any agreements with foreign governments designed to promote food assistance.

## **K.S.A. 39-709 (i): Probation Condition Violation**

No person who is a fugitive by reason of a violation of a condition of probation or parole is eligible to receive public assistance.

## **K.S.A. 39-709 (k): Child support**

Individuals that have not cooperated with child support services shall be ineligible to participate in the food assistance program. The period of disqualification ends once it has been determined that such individual is cooperating with child support services. Applying for food assistance deems the applicant to have assigned any present or future support rights to the DCF secretary, and to have appointed the secretary or their designee as an attorney in fact to negotiate and endorse all drafts, checks, money orders, or other instruments representing support payments on behalf of any person applying for or receiving food assistance.

# Conclusion

**SNAP is an effective tool that can be used to improve the lives of Kansans experiencing hardship. Unfortunately, Kansas makes it too difficult for many to access the benefits this program provides.**

From 2012 to 2017, the Department for Children and Families and the Kansas Legislature created barriers to SNAP through the HOPE Act and administrative changes—including a lengthened SNAP application—with devastating effects on the wellbeing of Kansans. While many of these decisions are being corrected with administrative policy and process change, the HOPE Act codified into state law the worst obstacles which have undermined anti-hunger policy in Kansas for nearly a decade. It will take legislative leadership to undo these mistakes.

**Removing these barriers is necessary for all Kansans to have the chance to thrive.**

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Kansas Appleseed would also like to acknowledge the following organizations for supporting our anti-hunger work over the years:

- Kansas Health Foundation
- Food Research and Action Center
- MAZON: A Jewish Response to Hunger
- American Heart Association
- Sunflower Foundation
- National League of Cities
- Tides Foundation
- Walmart Foundation
- Retirement Research Foundation

### **About Kansas Appleseed:**

Kansas Appleseed is a statewide organization that believes Kansans, working together, can build a state full of thriving, inclusive, and just communities. We conduct policy research and analysis and work with community partners to understand the root causes of problems, support grassroots coalitions, and advocate for comprehensive solutions so we can all reach our full potential. When necessary, Kansas Appleseed pursues impact litigation to protect Kansans' rights and wellbeing. For more info, visit [KansasAppleseed.org](https://KansasAppleseed.org)

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# Appendix

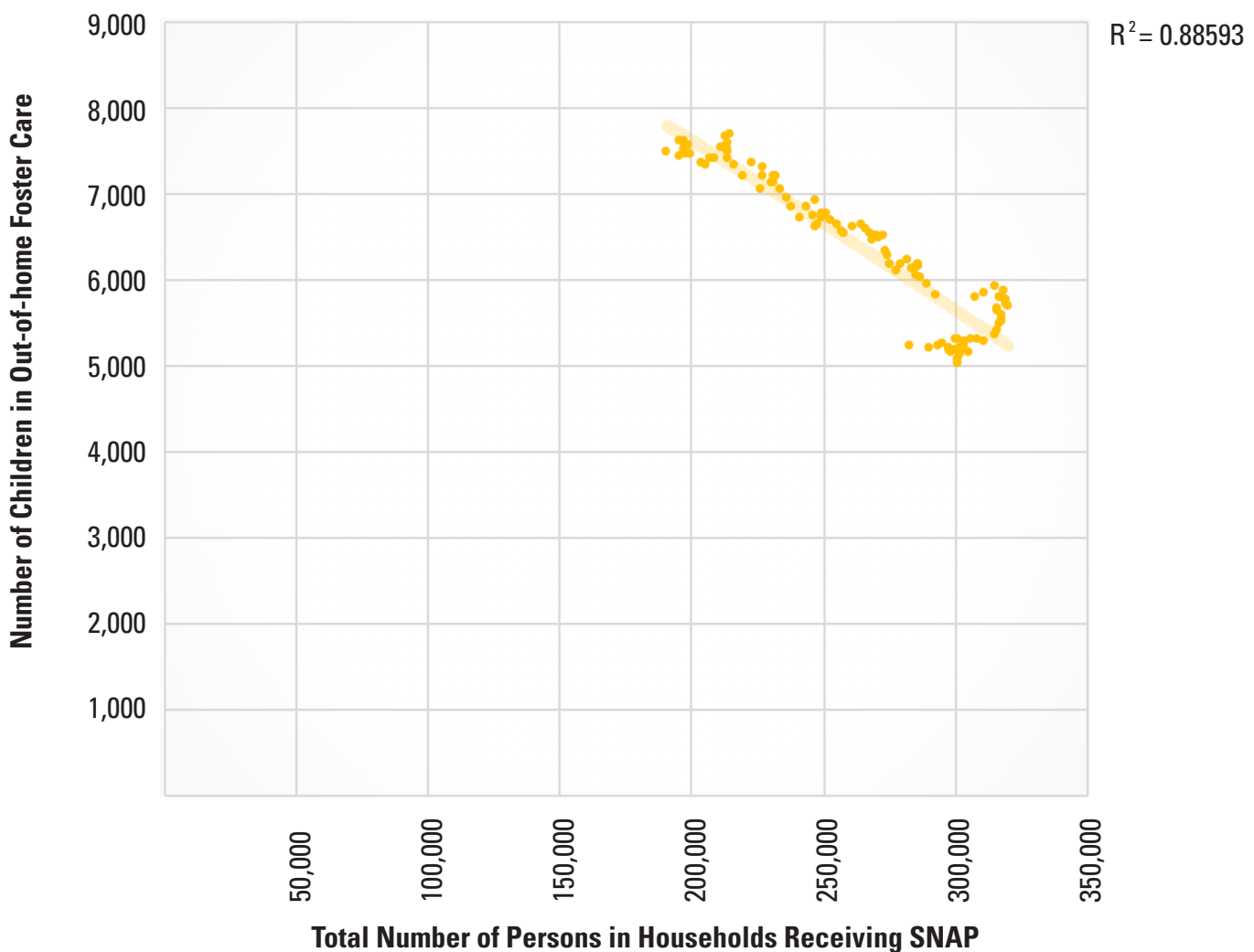
The following graphs show the data points for SNAP and foster care for every month from July 2010 through January 2020. The clustering at the bottom right of these graphs shows there's a point in the number of SNAP cases where there is not a huge effect on foster care. The number of kids in care remains somewhat steady. But when the SNAP caseload drops below 130,000, the relationship becomes very strong, and the number of kids in foster care begins to take off. One can see the breaking point in the data where families who may be struggling financially lose that support provided by SNAP. Then, it manifests itself in the form of more kids entering foster care. This same pattern holds whether looking at SNAP caseloads, the number of children served by SNAP, the number of persons served by SNAP, or SNAP expenditures. In each case, the breaking point is clear: Once the support for Kansas families drops below a certain level, the number of kids in foster care begins to rise.

Source: Kansas Department of Children and Families.

(<http://www.dcf.ks.gov/services/PPS/Pages/FosterCareDemographicReports.aspx> &

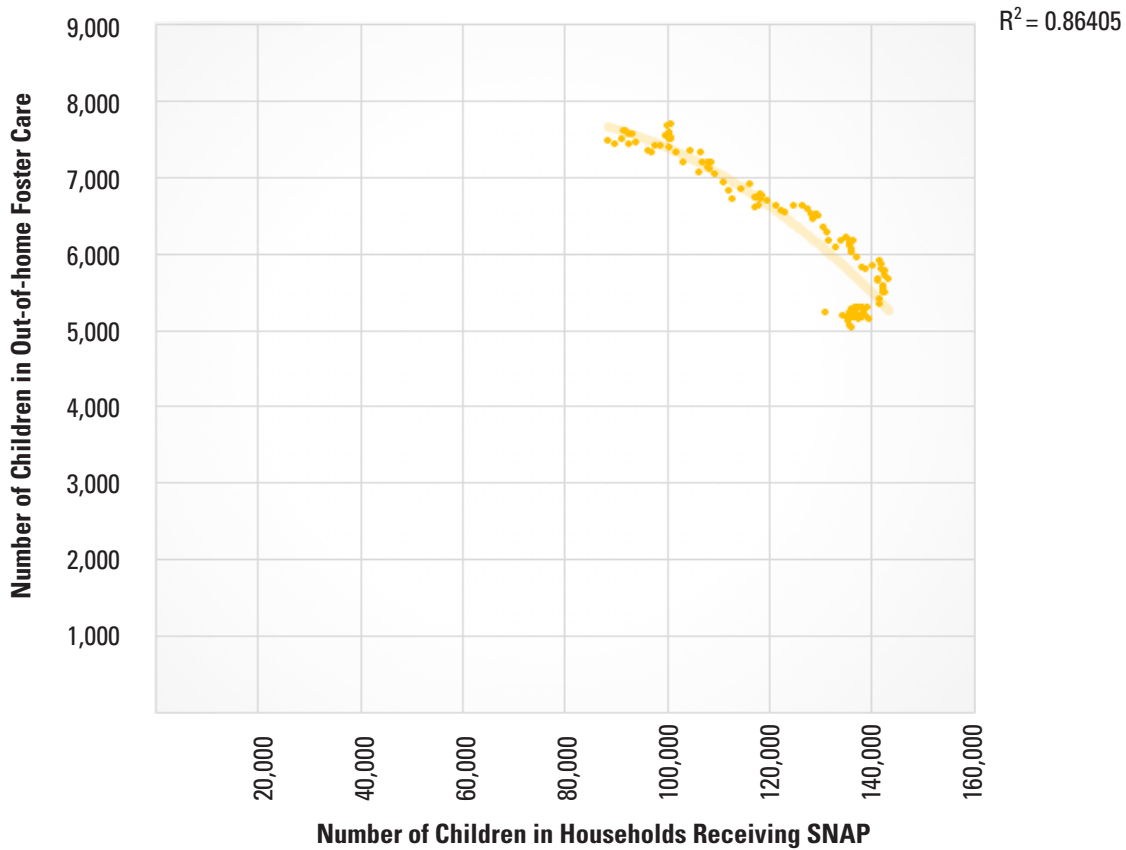
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## Number of Children in Out-of-home Foster Care vs. Persons Served by SNAP

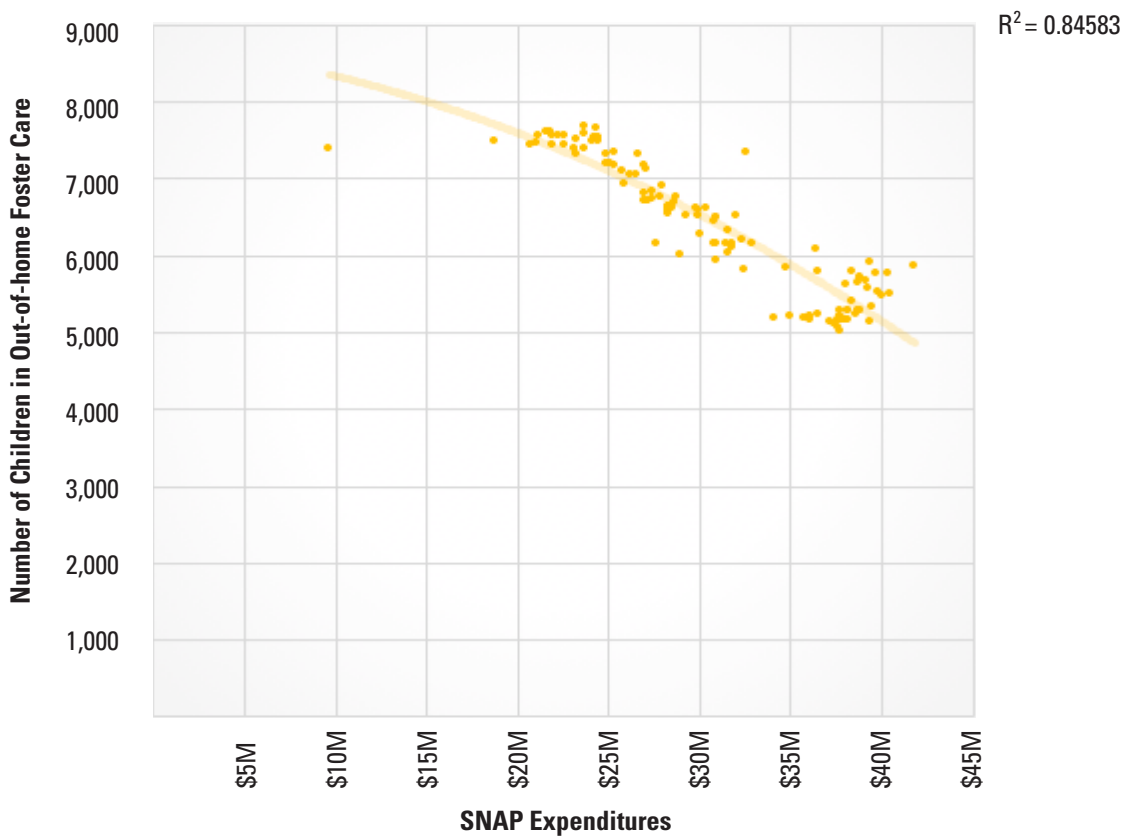


## Appendix

### Number of Children in Out-of-home Foster Care vs. Children Served by SNAP



### Number of Children in Out-of-home Foster Care vs. SNAP Expenditures



## Number of Children in Out-of-home Foster Care vs. SNAP Cases

