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POLICY BRIEFING

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Herger/Bush TANF Reauthorization Proposals Move Forward But Are Called into Question by Variety of Groups

On April 18, the House Ways and Means Subcommittee on Human Resources and the Education and the Workforce Subcommittee on 21st

Century Competitiveness met to consider the welfare reform bills introduced by Rep. Wally Herger (R-CA) and Rep. Buck McKeon (R-CA). The bills represent President Bush's plan for welfare reauthorization. After defeating all Democratic amendments, the bills were approved by both committees and will now work their way to consideration by the House. For a detailed description of the bills' provisions, see recent charts and analyses from the Center on Law and Social Policy (www.clasp.org) and the Center on Budget and Policy Priorities (www.cbpp.org). A summary of the recent committee debate on these bills is available at

<http://www.womenspolicy.org/thesource/issue.cfm?IssueID=35>.

Several organizations have raised serious issues with many of the provisions contained in these bills. Among the concerns:

- The work requirements for welfare recipients would become yet more stringent. The Institute for Women's Policy Research points out that, according to U.S. Census Data, only 36% of all mothers work year-round at 40 or more hours per week. The Herger/Bush proposed requirement that 70% of TANF recipients work 40 hours per week would unfairly require the poorest of mothers to work longer hours than most, with no increased funding for child care.
- The National Council of La Raza describes the legislation as notable for what it lacks, stating that the Republican proposals would "continue to bar legal immigrant parents from temporary assistance regardless of their demonstrated work history, contribution to the nation's economy, or the magnitude of their need, simply because they are immigrants."
- A survey of 44 states by the National Governor's Association and the American Public Human Services Association found that state officials fear that Bush's welfare proposals will force them to create community service jobs and expand workfare programs in order to satisfy the stringent work requirements, rather than placing participants into better-paying private jobs. The survey found that 39 of 44 states that replied felt the proposals would be counterproductive and would drain already stressed state budgets, particularly since there is no increased funding for child care contained in the proposals. It was also felt that many participants would be forced to work two part-time jobs to meet the requirement. Regarding the three months out of every 24 months limit on 'barrier-removal' activities, 34 out of 42 states were concerned that 3 months was not enough to complete such activities as vocational education programs or substance abuse treatment.
- The Center on Budget and Policy Priorities points out that the bill would:

- Create federal ‘super-waivers’ that would allow the Executive branch to make sweeping changes across any program under the jurisdiction of Health and Human Resources (with the exception of Medicaid), Labor and Education. The language allowing for the waivers is so vague that almost any proposal could be approved whether or not federal standards and statutory and regulatory requirements were met. The number of states that could be granted a super-waiver is not limited.
- Significantly restrict the allowable activities for 24 of the 40 required hours of work per week at a point when states are moving toward activities that help parents overcome significant work barriers such as physical, mental, or learning disabilities and targeted, intensive training programs.
- Devote significant TANF resources to narrow marriage-promotion activities (see below for a discussion of this).
- Double the number of required work hours from 20 to 40 for parents with children under age six.
- Reward states with a credit for caseload reduction instead of job placement, in spite of the increased work requirements. The caseload reduction credit would mean that when a state’s caseload increases, usually at a time of economic downturn, it would bear the additional burden of meeting strict work requirements for growing caseloads in a period of declining job growth.

Summaries of additional recent TANF Reauthorization bills introduced by Reps. Marge Roukema (R-NJ) and John Tierney (D-MA), and the first comprehensive Senate bill introduced by Sen. John D. Rockefeller (D-WV), along with summaries of several other TANF bills are available at www.workforcealliance.org. Senate Finance Committee Chairman Max Baucus (D-MT) and Senator Charles Grassley (R-IA) are expected to introduce the Senate’s core bipartisan TANF Reauthorization bill soon.

<p>Marriage Proposals Would Shift TANF Purposes and Funding</p>
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The Herger and McKeon bills (see above) would also make significant changes to the purpose of TANF and the use of TANF funds in

order to promote marriage. Specifically, the bill would:

- Amend the purpose of TANF to include the encouragement of “the formation and maintenance of healthy, 2-parent married families, and [to] encourage responsible fatherhood.”
- Allow states to count activities that promote marriage among non-TANF families toward their TANF maintenance-of-effort requirements.
- Replace the \$100 million per year “illegitimacy reduction bonus” with a “Healthy Marriage Promotion” grant program, and divert \$100 million per year in TANF funds for this program.
- Divert \$100 million per year from the high performance bonus to fund marriage promotion research, demonstrations and technical assistance.
- The bill specifies a limited number of activities that can be funded through the “Healthy Marriage Promotion” competitive state grants program. Among them:
 - Public advertising campaigns on the value of marriage and needed skills
 - High school education on the value of marriage, relationship skills and budgeting
 - Marriage enhancement and skills programs for married couples
 - Marriage mentoring programs that use married couples in at-risk communities.

The use of TANF funds to promote marriage does not appear to have public support. In a survey from the Pew Research Center for the People and the Press, questions on

religion and public life were asked of more than 2000 respondents. When asked if the government should start up programs that encourage people to get and stay married or should stay out of it, 79% said that the government should stay out. Only 18% felt that the government should start programs to encourage marriage. Three percent of respondents did not have an opinion.

For additional reading on marriage promotion and welfare reform, the following two resources are available:

- A special Spring 2002 supplement to *The American Prospect* on government and marriage titled *The Politics of Family* contains articles representing a range of viewpoints on the issues. Authors include Stephanie Coontz, Ron Mincy, E. Mavis Hetherington and Cara Feinberg.
- The NOW Legal Defense Fund has a fact sheet on TANF reauthorization, marriage statistics and poll data, available on their website at www.nowldef.org.

Child Support Provisions and Issues In TANF Reauthorization Clarified

With welfare reauthorization, changes to current child support distribution laws are under consideration. The February 2002 Policy Briefing (available at www.cffpp.org) summarized key child support provisions of current proposals in chart form. Many readers will understandably find the child support proposals difficult to fully understand, but it is important to be aware of the policies and their potential impact on noncustodial parents and their families. Below are brief explanations of some of the provisions that could have a significant impact on low-income fathers and families that are contained in the Republican proposals sponsored by Rep. Herger (H.R. 4090) and Rep. McKeon (H.R. 4092) and supported by President Bush, and those that have been introduced by Rep. Cardin (H.R. 3625) and by Rep. Mink (H.R. 3113).

The **assignment of child support rights** refers to the requirement that welfare recipients must sign over to the state all of their rights to child support. This means that the state, not the custodial parent:

- *Can retain as repayment for public assistance benefits any child support paid by the noncustodial parent up to an amount equal to cash welfare benefits received by the custodial parent.* Monthly payments of current child support made by the noncustodial parent can be retained for the period of time that the custodial parent receives welfare benefits. Only the **Mink bill** would result in a change to the assignment during welfare receipt.
- *Can retain child support paid by the noncustodial parent that was owed but unpaid prior to the custodial parent's receipt of welfare benefits.* The **Cardin (H.R. 3625)** and **Mink bills** would address this. The Cardin bill would give states the option to limit the child support assignment to the period during which the custodial parent receives assistance; the Mink bill would eliminate the assignment completely.
- *Can continue to retain child support paid on arrears (child support debt) after the custodial parent leaves welfare.* TANF requires states to shift the priority for receipt of current child support payments to the family once they leave TANF, but the child support arrears that accrued would continue to be owed to the state by the noncustodial parent. Regardless of payment of current support or arrears to the custodial parent, his debt to the state would not be diminished, and he would be responsible to make both payments under penalty of law, and (in some states) threat of incarceration. Again, the **Cardin** and **Mink** bills would address this

assignment issue through the provisions described above. The **Herger bill (H.R. 4090)** does not change the assignment statute. Under a statute created by this legislation any money owed to her (and assigned to the state) could be collected and retained by the state.

The terms ***pass-through and disregard*** refer to policies that states can adopt—despite the entitlement to child support payments created by the assignment—to distribute all or some portion of current child support payments to families while they are on welfare. The disregard is important because it requires the state TANF agency to disregard the child support income as to eligibility and welfare benefit calculation. Without this disregard, a family’s welfare benefits may be denied or reduced due to the inclusion of this income in the agency calculation. In some instances when there is no disregard, the extra child support income received as a result of a pass-through, will leave the family no better off financially.

- The **Herger bill** would give states the option to pass-through up to \$100 of child support. Also, states would be encouraged, but not required, to disregard the child support income because they would not be required to repay the federal government its share of collections that were disregarded.
- The **Cardin bill** would also give states the option to pass-through any amount of child support if the family has not received assistance for more than five years. It includes an incentive to pass-through as with the Herger bill but *the bill does not attach the incentive to a disregard of child support income with regard to TANF eligibility and benefit level.*
- The **Mink bill** would result in full distribution of child support payments and a disregard of such payments up to a cap of \$200 - \$400, depending on family size.

**Child Support Demonstration Evaluation
Releases Report on Fathers of Children in W-2.**

The Institute for Research on Poverty has released a second volume of reports from its

evaluation of the Wisconsin-to-Work (W-2) Child Support Demonstration Evaluation. This volume, released March 2002, stems from a “nonexperimental” analysis of fathers whose children are in W-2 families. The project has also completed an experimental evaluation of the state’s child support pass-through and its impact on noncustodial parents’ likelihood of paying child support, the first report of which was released FILL. This report used data from administrative sources, surveys of mothers and fathers, and an ethnographic study, completed by David Pate, of 36 fathers from Milwaukee who were randomly selected from the experimental sample for extensive interviews over the course of two years. Among the report’s findings:

- Fathers in the sample who had children receiving welfare benefits had few economic resources and many barriers to providing for themselves and their families. More than one-third of the fathers reported earnings of less than \$5,000 in 1998, and half had annual incomes less than \$10,000. About one third had less than a high school diploma, 17% had fair or poor health and almost 40% did not have their own residence but lived with friends or relatives, or on the street.
- Many of the interviewed fathers lacked basic knowledge of the child support system, such as the process of paternity establishment and its leading to a child support

order, the requirement of assignment and cooperation in welfare policy, and the procedure for modifying a child support order. They had a better understanding, however of child support enforcement tools such as criminal charges, license suspensions, liens and credit bureau reporting.

- 33 of the 36 interviewed fathers had a civil or criminal charge against them, ranging from traffic violations to assault and battery. Eleven of the 36 fathers had been incarcerated at some point for nonpayment of child support. In Milwaukee County as a whole in the year 2000, more than 3,000 people were booked into the county jail with nonpayment of child support listed as one of the offenses.
- Even if all child support orders were paid with the Wisconsin child support standard applied in setting orders, the average amount of child support paid by the fathers in the sample would be \$100 per month. The authors question the adequacy of this income for allowing low-wage single mothers to escape poverty.

The report is available at the IRP website: www.ssc.wisc.edu/irp/.

Study of Female Jail Inmates Reveals Failure of Systems

The following report summary was provided by the authors of this striking study:

On October 31, 2001, 60 members of the Chicago Coalition for the Homeless conducted in-depth, one-on-one surveys with 235 of the 1,117 women detained in Cook County Jail. The majority of women surveyed were homeless upon entering the system and only 8 percent report having a home to go to upon release. Women surveyed were survivors of child abuse, sexual assault and domestic violence at two and three times the national average. Many women have substance abuse histories or emotional and mental health problems, possibly linked to prior experiences of abuse, for which they could not access treatment and care.

Thirty-four percent of women surveyed were regularly involved in prostitution either for a survival need such as a place to stay and a meal, or to satisfy an untreated addiction. These women are even more likely to be survivors of violence and face increased rates of detention. Twenty-nine percent of women said they had an application denied or were cut-off from government assistance in the 12 months prior to entering jail. The most common reason for being denied or cut-off was missing an appointment with a caseworker. As one woman stated, "If I was getting the benefits that I needed, I wouldn't have been in the situation to commit the crimes."

A copy of this study, "Unlocking Options for Women: A Survey of Women in Cook County Jail," can be obtained at www.chicagohomeless.org or contact Samir Goswami at 312-435-4548.