

# CENTER FOR FAMILY POLICY AND PRACTICE

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## POLICY BRIEFING

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### **3-Month Extension for TANF Again**

This summary is copied directly from the Coalition on Human Needs:

The House of Representatives passed another 3-month TANF extension on Wednesday morning (June 29). A controversy about paying for some of the costs of the bill slowed down the extension to within a day of TANF's expiration. However, the House Committee on Ways and Means secured the agreement of the Energy and Commerce Committee to bear the costs of extending Transitional Medical Assistance (TMA) for families leaving welfare for work and for abstinence-only programs, since both of those programs are under the jurisdiction of Energy and Commerce. Additional costs for TMA and abstinence-only programs that go beyond the funds allocated to Energy and Commerce in the budget resolution will be offset by savings they find, either in the reconciliation bill or in other legislation. According to CQ Today, TMA costs \$850 million annually, while abstinence-only programs cost \$50 million a year. We do not yet know where the Energy and Commerce Committee will seek savings. They have jurisdiction over Medicaid and other programs, with a net savings target of \$14.7 billion over 5 years that they are required to incorporate in a reconciliation bill by September 16.

The Senate must also act on extending TANF. If enacted, this will be TANF's 10th short-term extension.

For more information, see [www.democracyinaction.org/chn/index.html](http://www.democracyinaction.org/chn/index.html).

### **Update on Healthy Marriage Initiative**

Although Congress has yet to reauthorize TANF and contend with the addition of funding for marriage promotion using TANF funds, the administration has vigorously pursued marriage initiatives through other sources of funding, as described below:

- The Administration for Children and Families (ACF) has issued a report on President Bush's Healthy Marriage Initiative. The report provides information on funding for all of the Marriage Initiative demonstration projects and grants, as well as on research, partnerships, resources and lessons learned. It should be noted that this funding precedes and is in addition to any funding that would be made available under the President's TANF reauthorization proposal which includes \$1.5 billion in TANF funds over three years for marriage promotion activities.
- ◊ Beginning in Fiscal Year 2002 through Fiscal Year 2004, over 100 grants were awarded, totaling more than \$25 million, through six ACF program offices.
- ◊ The Office of Child Support Enforcement has funded more than \$6.8 million in marriage initiatives in fiscal years 2003 and 2004.

- ◇ The Office of Refugee Resettlement has funded \$8.35 million in marriage initiatives in fiscal years 2002 - 2004.
- ◇ More than \$6.6 million in grants have been made for marriage promotion through the Children's Bureau.

To view this report, go to

<http://www.acf.hhs.gov/healthymarriage/pdf/accomplishments2005.pdf>.

- New, additional marriage promotion funding and grant opportunities have been announced recently, including:
  - ◇ The U.S. Department of Health and Human Services (HHS) Administration on Children, Youth and Families, Children's Bureau will provide \$1.5 million over four years to up to 10 eligible organizations for *Demonstration Projects That Improve Child Well-Being by Fostering Healthy Marriages within Underserved Communities*. Projects will "explore and remove barriers to forming lasting families and healthy marriages as a means to promote the well-being of children and families who are at risk of entering, or are already in the child welfare system." Faith-based and community organizations that meet all eligibility requirements are eligible to apply. See [www.acf.hhs.gov/grants/open/HHS-2005-ACF-ACYF-CA-0089.html](http://www.acf.hhs.gov/grants/open/HHS-2005-ACF-ACYF-CA-0089.html) for more details.
  - ◇ On May 12, HHS Assistant Secretary for Children and Families Wade Horn announced a \$1,000,000 federal award for a demonstration project in Florida to promote improvements in child support enforcement. The grant brings to ten the number of such projects aimed at supporting marriages and parental relationships as a means to improve the effectiveness of the child support enforcement program. The grant is awarded under the authority of Section 1115 of the Social Security Act, which authorizes states to conduct experimental, pilot or demonstration projects likely to assist in promoting the objectives of the Act.
  - ◇ HHS Administration for Children and Families, Administration for Native Americans has announced grants for projects that include approaches to "improve child well-being by removing barriers associated with forming and sustaining healthy families and marriages in Native American communities." The grants are focused on strengthening children, families and communities through financial assistance to community-based organizations including faith-based organizations, tribes and village governments. The primary objectives are pre-marital education, marriage education, and relationship skills for youth, adults and couples. Approximately 8 grants of up to \$50,000 will be awarded. For more information, see <http://www.fedgrants.gov/Applicants/HHS/ACF/OA/HHS-2005-ACF-ANA-NA-0021/Grant.html>

### **Divorce Rates among Soldiers Up Sharply Since Beginning of Iraq War**

A recent report from the Defense Manpower Data Center, based in the Pentagon, found a growing rate of divorce among Army personnel:

- Divorce among Army officers rose 78%, to 6% of all Army officers, from 2003 to 2004. The divorce rate has increased by more than 3 \_ times since 2000, before U.S. troops were sent to Afghanistan.
- Among enlisted soldiers, divorce rates increased 28% since 2003 and 52% since 2001.

See *Divorce Rate among Active-Duty Army Officers, Enlisted Has Risen Dramatically*, at [www.military.com](http://www.military.com).

### **CFFPP Conference on Domestic Violence Prevention and Fatherhood – Save the Date**

The Center for Family Policy and Practice, together with the Institute on Domestic Violence in the African American Community (IDVAAC) and the Family Violence Prevention Fund (FVPPF), is sponsoring an institute on the intersection of domestic violence and fatherhood in low-income communities of color. The institute will focus on collaboration between fatherhood and domestic violence programs to address domestic violence prevention. The goal of this institute is to foster new alliances and explore new tools to enhance the safety of women and the well-being and success of communities.

The institute will be held at the Wyndham St. Anthony Hotel on the Riverwalk in San Antonio, Texas from October 11-13 2005.

Maximum attendance for the institute is 150 and registration is filling quickly. To ensure that you will be able to attend this important event, send your registration in quickly.

[Click here to access your registration form \(pdf\)](#).

### **Poverty and Marriage Examined in Recent Book**

In an examination of marriage and childbearing among poor families, authors Kathryn Edin and Maria Kefalas spent five years interviewing 162 white, African-American and Puerto Rican single mothers from the poorest neighborhoods of Philadelphia, Pennsylvania and Camden, New Jersey. The authors gained many useful insights on marriage that could be particularly relevant in light of the current federal emphasis on marriage promotion as a strategy to alleviate poverty.

- The dream of a stable marriage and a loving life partnership remains powerful for the Philadelphia women who were interviewed. The tendency for both parents was to view marriage with such respect and hope that it was felt necessary to wait until achieving an education and career before entering into a marriage. Most wanted a formal ceremony of some kind to signify the importance of the event, and just affording this was prohibitive. For others, it was felt best to wait until reaching a more mature age to make such a commitment. But foremost as a reason for not marrying was the perceived risk of divorce caused by financial hardship.
- While completing school and having a career and/or college education are valued and hoped for, they were out of reach for most of the women interviewed. Short of this outcome for a young woman, being a single mother who manages to finish school and work is a goal that is both honorable and achievable if not easy. So, single parenthood is viewed as a hardship but it does not put an end to the prospect and hope of achieving a respectable position in the community.
- The authors acknowledge that relationship skills as included in current marriage promotion efforts could benefit a limited number of the couples they interviewed. But far more important and powerful as a tool to promote marriage would be to improve access to education and training and to financial security.

The book, *Promises I Can Keep: Why Poor Women Put Motherhood Before Marriage*, is available from most major booksellers and is published by University of California Press, [www.ucpress.edu](http://www.ucpress.edu)

### **Supreme Court Denies Constitutional Right to Enforcement of Restraining Orders**

In a 7-2 decision, the U.S. Supreme Court ruled on June 27 that domestic restraining orders do not create a constitutional entitlement to prompt enforcement by police. The ruling was the first time that the Supreme Court has directly addressed the issue of restraining orders.

The case, *Gonzales v. City of Castle Rock, No. 011053*, involves a mother who sought police enforcement of a restraining order preventing her former husband and father of her three children from entering her property. The father took the children from the property, and Ms. Gonzales made five phone calls and paid a visit to the local police department urging them to find her daughters and arrest their father, but police declined to enforce the order. The three daughters were shot and killed by their father during this period.

Reversing a U.S. Circuit Court of Appeals ruling, a majority of Supreme Court justices ruled that a restraining order does not create a “property interest” to prompt police enforcement, but that government officials may deny or grant enforcement at their discretion. Ms. Gonzales’ attorneys had attempted to establish that the restraining order was property owned by Ms. Gonzales and that failure to enforce the order rendered the property useless, in violation of her constitutional right to due process as guaranteed by the 14th Amendment.

According to National Network to End Domestic Violence Executive Director Lynn Rosenthal, “The message from the court is that protective orders are meaningless—it’s just a piece of paper.” Richard Smith, a lawyer who filed a brief in support of Ms. Gonzales, urges advocates to take action at the state level to ensure enforcement through legislation.

The ruling is available at <http://wid.ap.org/documents/scotus/050627castlerock.pdf>.

### **Update on Funding for Faith-Based Initiatives**

According to a report from the White House Office of Faith-Based Initiatives that is based on a review of 151 competitive programs and 17 program areas at 7 federal agencies, the following shifts have occurred in funding in recent years:

- Faith-based organizations received more than \$2 billion, or 10.3%, of total competitive federal funding allocated by the select agencies (HHS, HUD, DOJ, DOL, ED, USAID, and USDA)\* in Fiscal Year 2004. More than 23% of HUD funding, and 19% of DOL funding went to faith-based organizations. In FY 2003, 8.1% of this funding went to faith-based organizations.
- The total number of grants made to faith-based organizations for HHS, HUD, DOJ, DOL, and ED increased by 20% from FY 2003 – FY 2004. Funding increased for these agencies by 14% during this period.
- Within HHS, the total number of grants made to faith-based organizations from FY 2002 – FY 2004 increased by 88%, from 483 to 908 grants. During this period, funding to faith-based organizations increased by 43%, from \$477 to \$681 million.

\*HHS – U.S. Department of Health and Human Services; HUD – U.S. Department of Housing and Urban Development; DOJ – U.S. Department of Justice; DOL – U.S. Department of Labor; ED – U.S. Department of Education; USAID – U.S. Agency for International Development; USDA – U.S. Department of Agriculture.

The report is available on-line at [www.whitehouse.gov/government/fbci/final-report.pdf](http://www.whitehouse.gov/government/fbci/final-report.pdf).

Other related news items:

- The Washington Post reports that President Bush's FY 2006 budget proposes increasing funding for faith-based programs by \$385 million, while cutting traditional services such as public housing subsidies, food stamps, energy assistance, community development, social services and block grants, all of which have constituted the federal government's anti-poverty efforts for decades. See *Bush Administration Shifts Funding from Anti-Poverty Programs to Religion-Based Groups*, <http://www.washingtonpost.com/>.
- There appears to be some momentum building among religious organizations to counter the direction of the Bush administration's faith-based funding and budget cuts for poverty programs. More than 600 people attended a four-day conference in Washington, DC last week designed to mobilize religious organizations to fight hunger and poverty. As part of the conference, members of Congress were lobbied to protect programs that fight poverty from proposed funding cuts. The conference was organized by Bread for the World, and participants in the actions included leaders of Christian, Evangelicals, Hindu, Muslim, and Jewish faiths. A focus of the conference and actions was also to support the *Hunger-Free Communities Act of 2005*. The bill, introduced last month by Sen. Richard Durbin, D-Ill., has bipartisan support and would, among other things, increase federal funding to local organizations working to reduce hunger in communities nationwide.

For more information, see [http://sltrib.com/lifestyle/ci\\_2795937](http://sltrib.com/lifestyle/ci_2795937).

### **Study Finds Correlation between Strict Child Support Enforcement and Decline in Unmarried Pregnancies**

Researchers have recently reported a correlation between states that are strict in enforcing child support and rates of unmarried births, citing up to 20 percent fewer unmarried births in states with strict child support enforcement than in states that have a poor record of collecting child support. The researchers acknowledged that they were unable to identify the reasons for the correlation, and suggested that further study is required.

Although the correlation does not provide enough information with which to determine causation, the press quickly reported the findings, attributing the lower out-of-wedlock births to child support enforcement tactics. A web search of news articles on the topic turned up 178 media outlets reporting the correlation, with many adding causation such as, *Child support laws halt unwed childbirth*, (Columbia Daily Tribune, June 18, 2005), and *Stiff child support laws cut out-of-wedlock births 20%* (Chicago Sun Times, June 19, 2005).

The as yet unpublished study sought to document the link by comparing the toughness of each state's child support enforcement to the chances that women living in that state had out-of-wedlock births. Using a national sample of 5,195 women of childbearing age, they found a significant correlation between tougher enforcement and less chance of having unmarried births.

Eight categories of child-support laws were tracked, including paternity testing, wage withholding, and the amount each state spent on child-support enforcement, divided by the number of single mothers. In addition, the amount of child support collected compared to the amount that was owed was calculated. The state-by-state measures of enforcement then got matched to national data on families from the Panel Study of Income Dynamics during 1980-93, the most recent period available.

The lead authors of the report are Robert Plotnick, professor at the University of Washington

Evans School of Public Affairs and Irwin Garfinkel of Columbia University.

### **Court to Consider Child Support Rights for Children of Sperm Donors**

The Pennsylvania Supreme Court is considering a case that has the potential to pit the rights of children to support from their biological fathers against the rights of infertile couples. The justices heard arguments in a case that forces them to weigh the right of children to obtain information that would enable them to receive child support from their biological parent against the right of men to provide sperm for in-vitro fertilization without being held responsible for supporting the resulting offspring.

In this case, ex-partners had agreed that the man would provide sperm for a pregnancy the woman wanted and she agreed to absolve him of responsibility for their offspring. Five years after the birth of twins, however, she sued for child support. Both the trial court and lower appellate court held that, although a binding verbal contract existed between the parents, it was invalidated by the fact that they could not contract away the resulting child's right to child support. The father was then ordered to pay \$1,500 per month to support the twins.

Estimates on infertility in the United States vary but the rate is often placed at about 15 percent of couples attempting pregnancy. There is concern that this case may affect the willingness of donors to help these infertile couples. "There is a lot of fear surrounding this court case because if the court extends this beyond support, to rights and obligations, then I think it will create a serious chilling effect," said Lawrence Kalikow, a Bucks County lawyer who is an expert in surrogacy, sperm and egg donation cases. More than a dozen states, including California, have laws protecting donors from support actions. Pennsylvania has no such law, however, and this case could create a precedent that would allow the nullification of a contract between a parent and sperm bank based on the denial of children's rights. Banks are required by law to maintain data identifying donors indefinitely.

To learn more about this case, see the Pittsburgh Post-Gazette at <http://www.post-gazette.com/pg/05140/507736.stm>.