On June 26, the Senate Finance Committee agreed to its version of a welfare reform package. The bill, known as the *Work, Opportunity and Responsibility for Kids Act of 2002*, will now go to the full Senate floor for consideration. Senate Majority Leader Tom Daschle (D-SD) has not stated when he will schedule a vote on the bill, but an aide has said that it will likely be in September, after the August recess. Congress must reauthorize TANF by October, but both President Bush and Secretary of Health and Human Services Tommy Thompson, who are unhappy with many of the provisions in the Senate Finance bill, have stated that they would prefer to put off a vote on reauthorization until the following year if the Senate does not bring its version closer to the President’s, which is equivalent to the House bill passed last month. In that case, the current TANF program would be extended through a temporary spending bill for a year.

The Senate Finance bill as a whole does not differ in concept from the House bill, increasing work requirements, maintaining level funding, and increasing the percentage of the caseload that must be engaged in work from 50 to 70% (except that the Senate Finance bill would allow some reduction in this percentage based on a state’s success in employment of welfare recipients) and providing $200 million per year in funds for marriage initiatives. Among the key differences are:

- Maintains the current 30-hour work requirement (compared to 40 hours in the House bill), but, as with the House bill, increases to 24 hours the actual work required out of the 30. A broader range of activities could count toward work, however.
- Reinstatement of benefits, at state option, for legal immigrants who have been in the country 1996, and a state option to provide Medicaid benefits for immigrant children and pregnant women.
- The bill as passed contains $5.8 billion over 5 years in new funds for child care, compared to $2 billion in the House bill. Senator Jeff Bingaman (D-NM) attempted to insert $7 billion for child care, but then withdrew his amendment when promised a debate over child care spending on the Senate floor. Child care funding is likely to be one of the most contentious issues. Sen. Daschle voted against the bill based on it’s inadequate child care funding, while the President is likely to veto a bill with significantly more funding than the House bill. Sen. Daschle’s timing of the Senate vote will likely depend in part on whether or not enough Republicans are willing to increase child care funding.
- The bill allows for two years of vocational education to count as work, while the House bill allows only 4 months out of every 24.
• The bill provides for work programs for noncustodial parents behind in child support, which the Congressional Budget Office has estimated would cost $25 million per year.
• According to the Chairman’s Mark (an outline of the bill on which Finance Committee debate was based), the bill would: limit the period of child support assignment to the period in which a family receives benefits; provide a state option and incentive to pass through and disregard up to $400 per month in child support collected for families with less than two children who currently receive TANF benefits, and up to $600 per month for families with two or more children; and prohibit states from using the child support enforcement agency to recoup birth costs from noncustodial parents.

Wyoming State Law Allows for Adoption Without Consent if Parent Fails to Pay Child Support

A Wyoming statute (Wyo. Stat. Ann. §1-22-11(a)(ix)), enacted in 1992, provides for the adoption of a child over the objection of the child’s biological parent if the parent is found to have willfully failed to pay 70% of court-ordered child support for a period of two or more years prior to the filing of the petition to adopt, and failed to pay 100% of the obligation within 60 days of the petition to adopt.

The statute led to a District Court’s recent order (TOC v. TND and DLD, No. 2002 WY 76), granting the adoption of an incarcerated father’s biological child without his consent. The case involved a father who had resided with his daughter for periods of time since birth, had at one point purchased a home with the mother, and had seen his daughter approximately 20 times when separated from the mother. He had purchased gifts, and while in prison had written 3 letters and made monthly calls to her. The District Court dismissed the contact as incidental, and found the nonpayment of child support to be willful based on a determination that the incarceration was willful.

The order was subsequently rejected by the Wyoming Supreme Court on May 21, 2002. In its opinion, the Court did not invalidate the statute described above, but instead found that the District Court erred in determining that nonpayment of child support while incarcerated constituted willful nonpayment, and in its determination of willful abandonment.

Adoption and Safe Families Act Leading To Increase in Parental Rights Relinquishment for Mothers in Prison

A two-part series in Women’s E-news (www.womensenews.org) makes several points regarding the shortened time frame and increased pressure to relinquish parental rights that is being placed on incarcerated mothers as a result of the Adoption and Safe Families Act of 1997. The Act requires states to begin terminating a parent’s right to her child after the child has been in foster care for just 15 months. Once parental rights are terminated, the decision is usually final and no contact is permitted between the birth mother and child. The article points out that:

• Since incarcerated mothers tend to have been the child’s sole custodial parent, their children are likely to end up in foster care during their period of incarceration.
• Incarcerated mothers have little control over the actions needed to make a persuasive case for reunification: regular contact with her caseworker, frequent visits with her child and access to a judge.
• One advocate is quoted in the article as having known cases in which incarcerated mothers have lost parental rights even when there is no adoptive parent for the child.

New Reports Provide Insight on Impact of Welfare Reform

The impact of welfare reform on low-income families, teen parents and families in the Midwest has been analyzed in three recent reports. The first, Knocking on the Door: Barriers to Welfare and Other Assistance for Teen Parents, from the Center for Impact Research, looked at the reasons for a decrease in the number of teen parents receiving TANF that was greater than the relative decrease for the general TANF population. Approximately 1,500 young mothers in Atlanta, Boston and Chicago were surveyed for the study, which found the following:

• Between 16 and 46% of those teen parents not receiving TANF who had tried to apply were turned away by caseworkers and did not complete applications. An additional 12-19% completed applications but were never contacted by the TANF agency. 35% of respondents in Chicago and 58% in Atlanta reported that they were either not given an application or not contacted after submitting an application.
• The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 requires that teen parents under age 18 participate in school or approved training until obtaining a GED or high school diploma. This appeared to inadvertently contribute to a decrease in the receipt of TANF assistance on the part of teen parents who either did not apply or were found ineligible because of the difficulty of complying with this requirement.
• Thirty-one percent of respondents in one city (Atlanta) reported that they had never applied for TANF benefits because it was “too much hassle.”
The report is available at www.impactresearch.org.

The Joyce Foundation has released a report, Welfare to Work: What Have We Learned?, that summarizes the results of research on the effects of welfare reform in Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio and Wisconsin. The report finds that:

• While most Midwest families leaving welfare did go to work, substantial numbers of them did not. Of those who did work, many moved in and out of work and were unlikely to find full-time work.
• The work-first philosophy of welfare reform prevented families from obtaining education and skills training, and resulted in many families not earning enough from wages to escape poverty.
• Increasing numbers of people who leave welfare do so because they are either sanctioned for noncompliance with program requirements or because they reach time limits. In Wisconsin, over 36% of those who had left said the reason was failure to comply with program rules.

The report is available at www.joycefdn.org.

A recent report from the Institute for Women’s Policy Research (IWPR), Life After Welfare Reform: Low-Income Single Parent Families, Pre- and Post-TANF, compared characteristics of low-income single parent families just prior to passage of welfare reform in 1996 and 3 years after the inception of TANF. Findings include:

• Although work participation increased for low-income single mothers over the 3-year period, from 59% to 68%, no concurrent increase was found in health insurance.
Former welfare recipients experienced a decline in access to employer-based health insurance (from 21% to 14%).

- Over the 3-year time period, single mother families experienced: no change in the proportion that received child support income (24%); a decline in the proportion who received welfare income (from 28% to 15%), and a decrease in average monthly income from $664 to $647 per month.
- Over the 3-year study period, there were several striking demographic changes that occurred:
  - The share of white welfare recipients declined from 34 to 24%, while the Hispanic share rose from 20% to 29% and the black proportion of the welfare caseload was unchanged. Blacks were the only racial group to experience an increase in the share of non-welfare recipients who are low-income (from 29% to 34%) from the pre- to the post-TANF period.
  - The share of low-income single parents with some college education decreased over the 3-year period form 24% to 17%.
  - The percentage of low-income single parents living in urban areas increased from 70% to 82%.

The report is available at [www.iwpr.org](http://www.iwpr.org).

Another recent publication from IWPR, *Marriage Promotion and Low-Income Communities: an Examination of Real Needs and Real Solutions*, makes the following points:

- An often-cited benefit of marriage is an increased income. The authors point out that the difference in income between married and single parents is attributable to factors not related to marriage per se but to educational attainment, labor market experience, and access to labor supply.
- For low-income single parents, marriage is no less valued and respected than for any other group, but this must be balanced with daily survival needs for themselves and their children. For parents struggling to survive, marriage to a partner who is also poor could even reduce an already fragile economic viability.

A third IWPR report, *Disabilities among Children and Mothers in Low-Income Families*, analyzed state policies and caseloads, arriving at the following findings:

- Low-income families are almost 50 percent more likely to have a disabled child than higher income (above twice the poverty line) families. Among welfare families, nearly 20 percent have at least one child with a disability.
- Approximately 29 percent of low-income single mothers have a disability (compared with 17 percent for higher income).
- Forty-six percent of all single-mother families receiving welfare include either a disabled mother or a disabled child. Participation in work was significantly constrained for these families, but current welfare laws allow for only 20% of a state’s caseload to be exempt from work requirements and time limits.
- Only a small proportion of families with disabled family members received Supplemental Security Income (SSI) benefits.

The reports are available on-line at [www.iwpr.org](http://www.iwpr.org).