

CENTER FOR FAMILY POLICY AND PRACTICE

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POLICY BRIEFING

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Federal Budget Bill for DC Contains Marriage Incentive Funding

A bill before Congress that makes appropriations for the District of Columbia for FY 2006 contains a controversial marriage initiative. Sponsored by Senator Sam Brownback (R-KS), the *Marriage Development and Improvement Program* would match \$3 for every \$1, up to a lifetime maximum of \$9,000 in "marriage development" savings accounts held by District couples for the purchase of a home, the payment of tuition or for starting a business. Couples would have to withdraw the money within three years and be married by that time. Couples earning up to \$50,000 would be eligible for the matching funds. Also eligible would be single *childless* District residents ages 16-22. These residents would receive a \$200 bonus for getting married. Couples would receive a \$300 bonus for participating in marriage counseling.

A total of \$3 million would be appropriated for the program. Of this, \$1.5 million would be set aside for the marriage development accounts, and another \$1.5 million would be designated to two groups, the East Capital Center for Change, located in the District, and the National Center for Fathering of Kansas City, Missouri. These organizations would work with churches to provide marriage counseling and couples mentoring.

In a letter to Senator Brownback and DC Delegate Eleanor Holmes Norton, Legal Momentum and other advocacy groups state:

While we strongly support government assistance for low income parents, we feel that such assistance should be available to *all* families, regardless of marital status. To do otherwise is to engage in discrimination against single parents and their children, and to further disadvantage a group of children who, through no fault of their own, have only one parent, or whose parents are unmarried. Due to divorce, separation, death, abandonment or because their parent never married, more than half of all children growing up today will spend some of their childhood in a single parent family. But single parent families are no less worthy than married parent families and they should not be treated as second class citizens. Indeed, the Supreme Court held more than thirty years ago that discrimination against unmarried families is an unconstitutional denial of the equal protection of the laws. New Jersey Welfare Rights Organization v. Cahill, 411 U.S. 619 (1973).

The bill passed the Senate Committee on Appropriations on July 21, and has been placed on the Senate legislative calendar.

Missouri Bill Would Charge Birth Costs to Father

A bill introduced in the Missouri State Senate would require fathers to repay the state for the costs associated with the birth of their child when the mother receives Medicaid benefits at the time of birth. If enacted, the bill would add Missouri to an existing pool of ten states whose child

support agencies actively require repayment of Medicaid paid birth costs. The average cost of a birth covered by Medicaid in Missouri is \$3,286. The proposal is part of an overhaul of the Medicaid program being considered by the state Medicaid Reform Commission in which the entitlement to benefits is being questioned.

Although recovering birth costs has been shown to discourage mothers from receiving prenatal medical care and reduce the financial resources available to poor families, the policy is viewed by some as a means to hold the father responsible for the birth of his child. The policy, however, creates a dilemma for anti-abortion activists who favored a recent increase in income eligibility limits for Medicaid in order to encourage women to carry their pregnancies to term.

Wisconsin currently has a birth-cost recovery policy and last year collected \$20.8 million to repay the state for Medicaid birth costs. The state's policy has been opposed by many advocates for low-income families and a recent Wisconsin Court of Appeals decision struck down the policy when applied to persons who can demonstrate an inability to pay. The impact of the decision is not yet known.

Virginia Child Support Enforcement Subpoenas Cell Phone Records

The Virginia Department of Social Services has subpoenaed major private cell phone companies for addresses and telephone numbers of customers in order to enforce their child support order. The state has issued subpoenas for 48 cases and, according to Virginia Director of Child Support Enforcement Nick Young, has had approximately a 20% rate of success in finding individuals through their cell phone information. Young plans to continue to pursue the strategy aggressively, subpoenaing information from the companies twice monthly. Cell phone company representatives expressed concerns with customer privacy, but were complying with the subpoenas. For more information, see <http://www.roanoke.com/news/roanoke%5C27830.html>.

New York Child Care Assistance Child Support Cooperation Requirement Raises Legal Issues

The state of New York passed legislation requiring recipients of child care subsidies to cooperate with child support enforcement in order to allow the state to seek reimbursement for the subsidy in May 2004. The requirement applies to all subsidy recipients who are not also TANF participants. The child care subsidy applicant or recipient must pursue support through child support enforcement or proceed on her own through the courts to obtain an "add-on" to the current child support order for child care costs in order to satisfy the cooperation requirement.

A review of the requirement and its implications, recently issued by the Greater Upstate Law Project, Inc., raises the following issues:

- Refusing to cooperate with child support enforcement without good cause results in denial of transitional child care subsidies. A "good cause" exception is granted when it can be demonstrated that cooperating would cause "an adverse effect on the health, safety or welfare of the child or other persons in the child's household." Child care services workers make the determination instead of the more skilled domestic violence liaisons because the funding does not allow for the payment of domestic violence personnel who are TANF employees to be paid out of the Child Care Block Grant.
- If the noncustodial parent fails to make a payment for the child care add-on, the custodial parent will have to wait one month before filing a violation petition in order to have the social services district resume payment for the noncustodial parent's share. In the

meantime, the custodial parent will be held responsible for the payment of both her share and the noncustodial parent's share. After one month, the custodial parent will need to go to court to enforce the add-on, in spite of the fact that the add-on will benefit the state and not the custodial parent.

- There is no state statutory authority for the child support requirement.
- It will be difficult to determine the proper "add-on" amount. There is no clear directive on whether the noncustodial parent is to be charged when the order is set. The state Office of Child and Family Services wants the amount to be the equivalent of the total cost of care, but Family Court Magistrates have been setting the amount by looking only at the custodial parent's co-payment.
- It will also be difficult for the noncustodial parent to know how much is owed in any given month. The state subsidy is dependant on the amount of time a child spends in care each month and so is variable. Thus, the parents will not be aware of the amount owed by the noncustodial parent unless they seek out the information each month from the child care worker or provider. The unpredictable monthly amount will rule out the use of wage garnishment and discourage regular payments.
- Although the state is the beneficiary of the ordered child support, the custodial parent will be held responsible for paying a fee to the child support agency for enforcement services.

The report, *Child Support Cooperation: New Condition of Eligibility for Child Care Assistance Raises Practical and Legal Issues*, is available at www.gulpony.org.

CFFPP Conference on Collaboration Between Domestic Violence Advocates And Fatherhood Groups Planned for October

The *Center for Family Policy and Practice*, together with the *Family Violence Prevention Fund* and the *Institute on Domestic Violence in the African American Community* invite you to join us in beautiful San Antonio, Texas during the Domestic Violence Awareness Month of October for a one-of-a-kind conference, *Collaboration between Fatherhood and Domestic Violence Programs in Communities of Color: A Focus on Prevention*. The conference will be held October 11-13, 2005 and is supported by the U.S. Department of Justice Office on Violence Against Women.

Why should you attend this conference?

The conference is designed for domestic violence advocates and fatherhood practitioners who face such challenges as:

- Understanding the barriers and issues faced by low-income men of color
- Finding new allies in gender violence prevention efforts
- Keeping up with policy and legal developments that will affect low-income families
- Finding trustworthy groups that work with fathers and seeking out ways to collaborate that will benefit families
- Helping a victim achieve safety and stability when she remains committed to the perpetrator
- Providing services to keep low-income families safe while at the same time confronting the poverty and racism that affect all family members
- Exploring domestic violence prevention with non-traditional groups
- Meeting and networking with others who share an interest in advocating for low-income families

- Sharing first-hand experiences from your work related to race, class and gender with a broad spectrum of advocates and experts
- Working with fathers while recognizing the need to collaborate with domestic violence advocates to create violence prevention initiatives
- Learning to distinguish between different types of father-centered advocacy

Planned Conference Outline

We are fortunate to have a wide range of national leaders assisting with the conference as presenters, panelists and keynote speakers. Presentations will include:

- Economic barriers faced by clients of fatherhood programs and domestic violence programs
- Domestic violence and communities of color
- Examples of collaborations between domestic violence programs and fatherhood programs
- Public policy related to welfare, fatherhood and domestic violence
- Community-based domestic violence prevention efforts
- Involving men in domestic violence prevention

*****First Opportunity to Apply for Targeted Technical Assistance Services!***

Over the coming year, we will have the opportunity to provide technical assistance to selected community organizations seeking to forge relationships between father-centered work and domestic violence prevention. These services will be provided free of charge. Applications, and further details, will be available to interested organizations at the conference, the first such opportunity to apply to become a recipient of our technical assistance services.

Registration is limited and there is a deadline to guarantee hotel room availability and rates, so you are encouraged to register soon. A registration form is available at www.cffpp.org.

Update on Faith-Based Programming and Prisons

- A lawsuit filed in the U.S. District Court of Iowa against a faith-based ministry program will proceed to trial following a federal judge's ruling. U.S. District Judge Robert Pratt ruled that Americans United for Separation of Church and State had produced sufficient documentation to support its claim that the Iowa Department of Corrections (IDOC) was violating the separation of church and state by promoting an evangelical Christian prison ministry program called the InnerChange Freedom Initiative (ICFI).

ICFI was created by the Prison Fellowship Ministries (PFM) in Texas in 1997 with the goal of reducing recidivism through the acceptance of "the life-transforming power of Jesus Christ." Inmates follow a continual "Christ-based" agenda of bible studies, counseling and job training. President Bush, then governor of Texas, agreed to provide a prison, guards and basic operating services at taxpayer expense. The ministry was to pay for all prisoner programs and religious training. ICFI has since expanded to Iowa, Kansas and Minnesota, serving a total of about 1,200 inmates. Each of these states pays about a third of program costs, approximately \$250,000 each. Current PFM President Mark Earley hopes to expand to five new states over the next two years and eventually spread across the nation. Although inmates of any faith are eligible for the program, the stated goal is to spread Christianity. (See CFFPP Policy Brief November 2003 for further details on the Inner Change program).

- Prison Fellowship Ministries, founded by evangelist Charles Colson and home to ICFI (see above) received a personal invitation from the White House to participate in a round-table discussion on April 1st with President Bush and First-Lady Laura Bush as part of her Helping America's Youth Initiative which has been created to address the needs of the most disadvantaged children. At an earlier White House event in June 2003, President Bush proclaimed the ministry a model for his efforts to allow faith-based groups to compete for public money to provide social services.
- According to a Harvard University Kennedy School of Government Case Report, 27 of the 52 grants awarded in 2002 under the President's Mentoring Children of Prisoners Program were to faith-based projects or projects that partnered with faith-based programs.
- In Tom Green County, Texas, county officials have approved plans for the construction of a private Christian jail that would house more than 500 inmates. The jail is said to be the first with a mission to bring Christianity to all of its inmates. While the Texas Department of Criminal Justice has said that it will not send state prison inmates to the jail, county officials have confirmed their confidence in the plan because it will be funded through the issuance of county bonds and inmates would volunteer to be housed in the jail. The jail is planned to have many features not available in typical correctional institutions, such as jobs for inmates that pay no less than minimum wage, a set-aside of 15% of salary as a 'nest egg' available upon release, and a courtyard surrounded by the jail's buildings to protect the perimeters rather than a barbed-wire fence. Inmates would be allowed to wear personal clothing rather than prison uniforms. For more information, see http://www.interfaithalliance.org/atf/cf/%7B05044A38-9516-4831-9AA2-E10AFAB8886A%7D/meetuptia_resource_prison_reentry_05242005.pdf
- In a related vein, Kentucky District Judge Michael Caperton has been offering some drug and alcohol offenders the option of attending "worship services" instead of going to either jail or a treatment program. Judge Caperton has offered the alternative approximately 50 times. A lawyer for the Kentucky ACLU, David Friedman, noted the serious constitutional problems with the alternative sentences because, "the judge is saying that those willing to go to worship services can avoid jail in the same way that those who decline to go cannot." See *Judge lets some defendants attend worship as sentencing option*, May 31, 2005, www.courier-journal.com.

Journal Articles Focus On Race, Class and Marriage

The August 2005 issue of the Journal of Marriage and Family has a number of articles of interest to those working on behalf of low-income families of color:

- *Explaining Black-White Disparity in Maltreatment: Poverty, Female-Headed Families, and Urbanization*, Amie M. Schuck
- *The Risk of Partner Violence Among Low-Income Hispanic Subgroups*, Sonia M. Frias and Ronald J. Angel
- *In-Hospital Paternity Establishment and Father Involvement in Fragile Families*, Ronald Mincy, Irwin Garfinkel, Lenna Nepomnyaschy
- *Parental Involvement Promotes Rural African American Youths' Self-Pride and Sexual Self-Concepts*, Velma McBride Murry, Gene H. Brody, Lily D. McNair, Zupei Luo, Frederick X. Gibbons, Meg Gerrard, Thomas Ashby Wills
- *"Everything's There Except Money": How Money Shapes Decisions to Marry Among Cohabiters*, Pamela J. Smock, Wendy D. Manning, Meredith Porter

- *Race/Ethnic Differences in the Marital Expectations of Adolescents: The Role of Romantic Relationships*, Sarah R. Crissey
- *Incarceration and the Formation and Stability of Marital Unions*, Leonard M. Lopoo, Bruce Western

Abstracts from the journal articles are accessible at <http://www.blackwell-synergy.com/toc/jomf/67/3>, where the journal issue can also be purchased.

Conference to Enlist Men in the Prevention of Violence against Women

A Call to Men: National Association of Men and Women Committed to Ending Violence Against Women will hold its first national conference at the John Jay College of Criminal Justice in New York City September 22-23, 2005. The conference, *Becoming Part of the Solution to End Violence Against Women*, will feature presentations on:

- Redefining manhood
- Pornography and the sexual objectification of women
- What faith communities can do to end violence against women
- The correlation between racism, sexism and violence against women
- Concepts and principals of community organizing
- Violence against women and the hip-hop culture

A Call to Men, according to its website, “believes that violence against women is not a women's issue. Although historically it has been almost entirely women who have been at the forefront addressing this subject, we think it is essential that men play a primary role in the solution to end it. To do that, well-meaning men ... men who, for the most part don't see themselves as part of the problem ... need to get involved.”

For more information and to register, see www.acalltomen.com.