

## Recommendations on TANF Reauthorization from the Strengthening Fragile Families Initiative

### Statement before the U.S. House of Representatives Ways and Means Committee, Subcommittee on Human Resources

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This testimony is based on the collective knowledge of its signers who are individual service providers and researchers who have worked independently for decades on issues relevant to low-income fathers and their families. More recently, we have worked together as members of the Strengthening Fragile Families Initiative (SFFI), a multi-year initiative of the Ford Foundation. Our testimony today reflects our own opinions. It does not in any way represent those of our respective organizations or the Initiative.

SFFI was launched during the early 1990s, when welfare reform discussions were just beginning to take place. At that time, welfare reforms were focused on getting custodial parents to work and noncustodial parents to pay child support. The purpose of SFFI was to encourage research, policy development, and service delivery to move beyond this framework, with particular attention on unwed parents who are working together to raise their children, whom we refer to as fragile families. These families are at risk of being poor and in need of work supports, but our current income security system is not set up to serve these families.

After many years of work in this area, we make the following recommendations to Congress regarding TANF reauthorization.

- 1. Revise the Fourth Goal of TANF to Include Responsible Fatherhood.** The Administration has recommended that Congress add "responsible fatherhood" to the fourth goal of TANF, which promotes the formation and maintenance of two-parent families. We agree wholeheartedly with this idea. States are already using TANF funds to encourage nonresident fathers to pay child support and become more actively involved in their children's lives by offering them employment services and relationship-building services. Adding responsible fatherhood to this goal would simply affirm what states are already doing and possibly encourage more to act.
- 2. Establish a \$100 million Block Grant for Responsible Fatherhood Programs.** We recommend that Congress establish a \$100 million block grant program to states for the purpose of enhancing the abilities and commitment of low-income fathers to provide financial and emotional support to their children. As we discuss below, 2.5 million fathers could benefit from this program. We recommend establishing a block grant to states because many states have already begun to create innovative approaches to serving this population and a block grant would stimulate this creativity.
- 3. Establish a \$100 million per year Research and Development Fund to Better Understand How to Meet the Fourth Goal of TANF.** We recommend creating a \$100 million per year research and development fund to better understand how to achieve the fourth goal of TANF. The Administration has recommended such a research and development fund, but suggests that these funds be expended primarily on promoting marriage through non-economic activities, such as pre-marital education and relationship skills training for married couples. We think that these funds should be used to evaluate several different program models that help low-income families get married, stay married, and achieve responsible fatherhood. Some of these models could offer only non-economic services, but other approaches should also be tried. We especially recommend evaluating efforts to provide comprehensive

services to new unwed parents who are working together to raise their child. As we discuss below, these parents have high hopes for the future but are at risk of poverty and are likely to break up. Offering economic services, such as job training, as well as non-economic services, such as marriage counseling, could yield powerful gains to these families and society at large.

4. **Eliminate Separate Work Participation Rates for Two-Parent Families.** Given that higher work participation rates for two-parent families may be discouraging states from serving these families, Congress should consider eliminating this distinction. Indeed, it should revisit any distinction between one- and two-parent families in TANF.
5. **Give States Credit for Serving Noncustodial Parents with TANF funds.** We recommend that Congress encourage states to use their TANF funds to serve low-income noncustodial parents. One approach is to give states credit toward their TANF work participation requirement for each father served by these programs. Giving states credit for serving these fathers may result in more fathers being served.
6. **Prohibit the Use of the Minimum Basic Standard of Adequate Care when Determining Default Orders.** We recommend that Congress not allow states to use the minimum basic standard of adequate care when determining default orders. As we discuss below, these standards are designed to reflect a custodial family's basic needs, *not* the noncustodial parent's ability to pay. Yet, federal law states that child support orders should reflect the noncustodial parent's ability to pay. We fully understand the need for default orders, but when states use the minimum basic standard of adequate care in the determination of a default order, they establish orders that outstrip most noncustodial parents' ability to pay.
7. **Prohibit the Recovery of Birth-related Costs from Fathers in Medicaid Cases.** Consistent with the findings of the Congressionally established Medical Child Support Working Group, we recommend that Congress prohibit states from collecting pregnancy and birth-related costs from noncustodial fathers in Medicaid cases. Fathers of these children are likely to have low incomes and thus states are unlikely to collect the assessed amounts anyway, contributing to inflated arrears.
8. **Mandate a National Study to Investigate why Noncustodial Parents in the IV-D Program do not Appear Before Court and Recommend Alternative Methods of Determining a Default Order.** We urge Congress to ask the Federal Office of Child Support Enforcement (OCSE) to conduct a national study into the reasons why noncustodial parents do not show up in court and why states do not have earnings information from their automated child support systems to help set appropriate orders. Default orders are far too common in the child support program and child support offices do not appear to be using earnings information from their automated child support systems in these situations. These practices are contributing to child support orders that exceed noncustodial parents' ability to pay child support. We also recommend that Congress ask OCSE to develop alternative methods that states could use when a default order is needed and there is no earnings information available. States use the minimum basic standard of adequate care to set default orders, in part, because they do not have good alternatives.

In the following sections we summarize our research findings and that of others in three areas — Fathers Matter to their Children, Birth Represents a Magical Moment, and Deadbroke, Not Deadbeat. We end by describing efforts to serve fathers and their families since 1996 and the role of the SFFI in these endeavors.

### Fathers Matter to their Children, Irrespective of their Marital Status or Where They Live

SFFI partners have been at the forefront of collecting and summarizing the literature on father involvement and its impact on children.<sup>1</sup> This research clearly shows that fathers matter to their children. Although studies find that children fare better, on average, if they live with both of their biological, married parents, it also shows that other forms of father involvement benefit children and can obviate the negative consequences of living in a single-parent family.

Studies that focus on nonresident fathers and unwed fathers have tended to find that their involvement is associated with greater academic success, improved child well-being, and reduced behavioral problems.<sup>2</sup> Studies have not only documented a positive relationship between the provision of child support and the well being of children, but they have also linked father-child contact with improved child well-being. An important example of research is by the U.S. Department of Education, which reported that nonresident fathers' involvement increased children's academic success.<sup>3</sup> Other recent studies focusing on low-income, unwed fathers find young children benefit from father involvement.<sup>4</sup>

Moreover, most unwed and nonresident fathers want to be involved in their children's lives, and most children want their fathers to be involved. Nonresident fathers report high levels of father-child contact. In 1999, 79% of nonresident fathers said that they had seen their child(ren) living elsewhere in the last 12 months.<sup>5</sup> Even custodial mothers, who generally report less father-child contact than the fathers self-report, indicated that 71% of their children with a nonresident father had seen their father in the last 12 months. Children of divorce report that the most negative outcome of their parents' divorce is reduced contact with their fathers.<sup>6</sup> School-age children on welfare rank their fathers just after their mothers as the person in their life that they turn to for support, ranking fathers higher than other relatives, siblings, and friends.<sup>7</sup>

### Birth Represents a Magical Moment

It is well known that nonmarital childbearing has risen dramatically during the past forty years and that one third of all births and 69% of African American births now occur outside of marriage. Until recently, it was generally assumed that the fathers of children born outside of marriage were not involved. The new Fragile Families and Child Wellbeing Survey, which is being conducted by a SFFI partner, has challenged this

assumption<sup>8</sup> This survey is following a birth cohort of approximately 3,600 nonmarital births in 20 large cities throughout the U.S.<sup>9</sup> Mothers are interviewed in person at the hospital within 48 hours of having given birth, and fathers are interviewed in person either in the hospital or shortly thereafter. Follow-up interviews have already taken place when the children were 12 months old and two additional follow-up interviews are planned.

Contrary to popular belief, this survey finds that unmarried fathers are closely connected to the mothers of their child at the time of the birth. Over 80% of the mothers report being romantically involved with the baby's father at the child's birth — 48% of the couples are cohabiting; 34% are in romantic relationships but live separately. About 55% of the mothers think their chances of marrying the father are "pretty good" to "almost certain."<sup>10</sup> Nearly all of the fathers say they want to help raise their child, and the overwhelming majority of mothers say they want the fathers to be involved.

Although most new unmarried parents have high hopes for their relationship at the time of the child's birth, the Fragile Families data show that many of these new parents are ill equipped to support themselves and their children. Almost 30% percent of the fathers were out of work the week before their baby was born.<sup>11</sup> About 35% of the mothers and fathers have not completed high school. Moreover, 74% of the births were covered by Medicaid and 44% of the mothers had received welfare last year.<sup>12</sup>

Recent findings from the one-year follow-up survey show that less than 10% of these unwed couples have married each other. Furthermore, romantic involvement has declined from 80% to 50% of the unwed couples. Thus, the magic moment wanes with time.

Other research by SFFI partners reinforces this conclusion that, unfortunately, the magic moment wanes.<sup>13</sup> Most poor children eventually experience their families breaking up. Although fragile families are more likely to break up than marital families, the latter also have high break-up rates. Therefore, program efforts need to focus not only on encouraging marriage, but on keeping families together, and short of that, on keeping fathers involved.

## Deadbroke, not Deadbeat

The public perceives noncustodial fathers who do not pay child support as "deadbeat dads" who can afford to pay child support but choose not to, depriving their former families of desperately needed income. This image fits some noncustodial fathers, but ignores the diverse nature of this population. Research by SFFI partners shows that one third of noncustodial fathers, representing 3.5 million fathers, live in families that are poor or have a personal income below the poverty threshold for a single person.<sup>14</sup> These severe limits on their income make it difficult for them to support themselves and their children. The Initiative refers to poor nonresident fathers as "deadbroke dads."

Nearly all deadbroke fathers lack full-time, year-round work. One in six of these fathers are institutionalized, making it practically impossible to work. Among those not institutionalized, only 8% had full-time, year-round work in 1998. Two fifths did not work at all that year. Median earnings for those that worked were \$5,000 per year.

Deadbroke dads encounter many of the same employment barriers as poor custodial mothers. Low levels of education are a common barrier encountered by both groups of parents; 40% of deadbroke dads and 38% of poor mothers lack a high school degree. Lack of recent work experience is another large obstacle to work, and again these mothers and fathers are similarly affected. In 1999, 41% of deadbroke dads and 35% of poor custodial mothers had not held a job in the past 12 months. Furthermore, one quarter of deadbroke dads and one fifth of poor mothers have a health condition that limits their ability to work.

Although deadbroke dads could benefit from employment and training services, very few receive them. In 1999, only 6% of these fathers received job training or job placement services, compared to 20% of poor custodial mothers.

Despite facing severe income constraints, 30% of deadbroke dads paid child support in 1999. Moreover, one in four of those who paid child support spent more than 50% of their gross income on child support. This contrasts sharply with nonresident fathers who are not poor—only 2% of them spent over half of their gross income on child support. Several SFFI partners have documented policies and practices that tend to contribute to child support orders that outstrip low-income fathers' ability to pay.<sup>15</sup> Below, we discuss some of these policies.

According to federal law, child support orders must be set according to state child support guidelines, which must reflect the earnings capacity of noncustodial parents. However, if a father does not show up in court to establish his earnings capacity, many states allow courts to set a child support order, called a default order, at the minimum basic standard of adequate care in their state. In California, for example, if a noncustodial parents' income is unknown courts are instructed to presume an income in an amount that results in a support order that equals the minimum basic standard of adequate care, which was \$423 a month for a single child in 2001.<sup>16</sup> These orders far exceed deadbroke dads' ability to pay. If the father had shown up in court and had a net disposable income of \$1,000 per month, the California guidelines indicate that he should pay, at most, \$250 a month for a single child.<sup>17</sup> Unfortunately, default orders are all too common in the child support program. It is estimated that in California, for example, nearly 70% of child support orders are set by default.<sup>18</sup>

In addition, many states set child support orders for unmarried parents back to the date of the birth of the child, even if no action was taken to establish paternity until much later.<sup>19</sup> If states choose to backdate child support orders, federal law requires them to set orders according to the states' child support guidelines. But if

the father does not show up at his court hearing when the order is set, courts will impute an income for him back to the date of the child's birth and set the child support order accordingly.

States may also charge nonresident fathers the costs associated with the birth of their child if Medicaid paid for these expenses, yet these costs do not depend on the fathers' ability to pay. Moreover, Congress does not allow states to charge the mother for these costs. In 1998, Congress established an independent body, the Medical Child Support Working Group, to develop recommendations for effective enforcement of medical child support orders. They concluded that Congress should ban states from charging fathers for the birthing costs of their child if the child is covered by Medicaid.<sup>20</sup>

In sum, these practices are contributing to large arrears that deadbroke fathers cannot pay. Child support arrears now total over \$84 billion, averaging \$8,487 per case.<sup>21</sup>

### **Many Efforts Have Emerged to Serve Low-Income Fathers Since 1996**

Fatherhood programs that serve low-income fathers have been in existence for at least twenty years.<sup>22</sup> Community-based organizations (CBOs) have largely dominated the low-income father involvement arena. These programs serve diverse populations of low-income fathers, but share many components. Most work to foster a father's lifetime commitment to his children. This generally begins by recognizing and healing the pain that many feel because their own fathers were absent when they were growing up. Through this strengthened commitment to their children, programs try to encourage fathers to leave their "street life" behind and join mainstream society through regular employment, paying child support, and working with the mothers of their children. These programs tend to offer peer counseling, intensive case management, mentoring, employment, training, academic education, and parenting and relationship skills.

Since the passage of PRWORA, many new fatherhood initiatives have emerged. The Welfare-to-Work Grants Program, established in 1997, has been an important source of funding for many of these initiatives. In addition, a national demonstration is currently underway, called the Partners for Fragile Families Demonstration, which is being funded by the Federal Office of Child Support Enforcement and managed by the National Center for Strategic Nonprofit Planning and Community Leadership (NPCL), an SFFI partner.

The expansion of this field has led to the development of a national membership organization of fatherhood programs, called the National Practitioners Network for Fathers and Families (NPNFF), an SFFI partner. It was formed in 1995 and now has nearly 1000 members. Its mission is to strengthen families and communities by promoting the creation of opportunities for children to grow up free of poverty in strong and supportive families. The role of NPNFF is to ensure that the perspectives of community-based responsible fatherhood program practitioners, those individuals who are working on a day-to-day basis with low-income non-custodial fathers, are included in the consideration of federal and state policy.

#### **Welfare-to-Work Grants Program**

Under the Balanced Budget Act of 1997, Congress authorized the U.S. Department of Labor to provide \$3 billion in Welfare-to-Work (WtW) grants to states and communities to move long-term welfare recipients and noncustodial parents who meet certain eligibility criteria into lasting, unsubsidized employment. WtW grants represent a new and valuable source of funding for work-focused programs that serve noncustodial parents.

The Welfare-to-Work grants program has (re)taught us many lessons regarding how to recruit noncustodial parents. Many grantees had expected that child support enforcement programs would be a large source of referrals of noncustodial parents, but that has not been the case.<sup>23</sup> Local child support offices were often concerned about confidentiality issues and were unwilling to supply names of potential clients to WtW grantees. Thus, grantees have had to change their recruitment strategies. Many now emphasize their own outreach and customers' self-referrals as recruitment strategies. Because recruitment has been so difficult, only about 10% of the individuals served by the WtW grants program have been noncustodial parents; 20% had been the target.

#### **The Partners for Fragile Families Demonstration**

The Partners for Fragile Families Demonstration Project (PFF) is a three-year, ten-city demonstration project designed to:

1. Increase paternity establishment and child support payments among young unwed fathers by providing them employment training and placement services, case management, and parenting and relationship skills;
2. Test the viability of collaborations between community-based organizations (which provide the aforementioned services) and state/local child support enforcement agencies, which provides matching funds for the projects, via federal waivers;
3. Affect systemic and constructive change in the way in which child support programs work with young disadvantaged unwed fathers.

This demonstration is breaking new ground, primarily in its efforts to build private-public partnerships between community-based organizations (CBOs) and child support enforcement programs. In the past, most fatherhood programs and child support programs did not work together. Figuring out how to work together is not a simple matter as many WtW grantees and their respective child support programs can attest. But if this demonstration is successful, the payoff is potentially very substantial, both for the families involved as well as for the state and federal governments. Interventions that lead some of these parents to marry and others to remain closely engaged could reduce poverty, increase self-sufficiency, and enhance the quality of parenting

while at the same time lessening the demand for government services. Most important, these gains in family income and parental quality are likely to improve the long-term prospects of the children involved.

The fatherhood field has expanded and matured greatly in the past five years. Considerable research on fathers and their families has been completed, especially on unwed and nonresident fathers, filling a major gap in our understanding of fathers. The number of programs devoted to serving low-income fathers and their families has increased dramatically during this period, in all parts of the country. The primary issue that remains is whether Congress will help these efforts by funding fatherhood programs and additional research on how to strengthen low-income families.

## Notes

1. National Center on Fathers and Families (1997).
2. Amato and Gilbreth (1999).
3. U.S. Department of Education (2001).
4. Black, et al (1999).
5. Sorensen and Pomper (2002).
6. Kelly (1993).
7. Perloff and Buckner (1996).
8. <http://crcw.princeton.edu/fragilefamilies>
9. Reichman et al (2001).
10. Carlson and McLanahan (2001), which is based on data from the first 7 cities.
11. McLanahan, Garfinkel, and Mincy (2001).
12. Carlson and McLanahan (2001).
13. Sorensen, Mincy and Halpern (2000).
14. Sorensen and Oliver (2002). This citation is for all of the numbers in this section unless another citation is given.
15. Sorensen (1999), Cleveland and Ash (2001).
16. California Family Code, Section 17400 (d) (2).
17. Judicial Council of California (2001).
18. *ibid.*
19. U.S. Department of Health and Human Services, Office of Inspector General (2000).
20. Medical Child Support Working Group (2000).
21. U.S. Department of Health and Human Services, Office of Child Support Enforcement (2002).
22. Levine and Pitt (1995).
23. Perez-Johnson, Hershey, and Bellotti (2000).

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