



Center on Reproductive  
Rights and Justice

# TANF Family Caps

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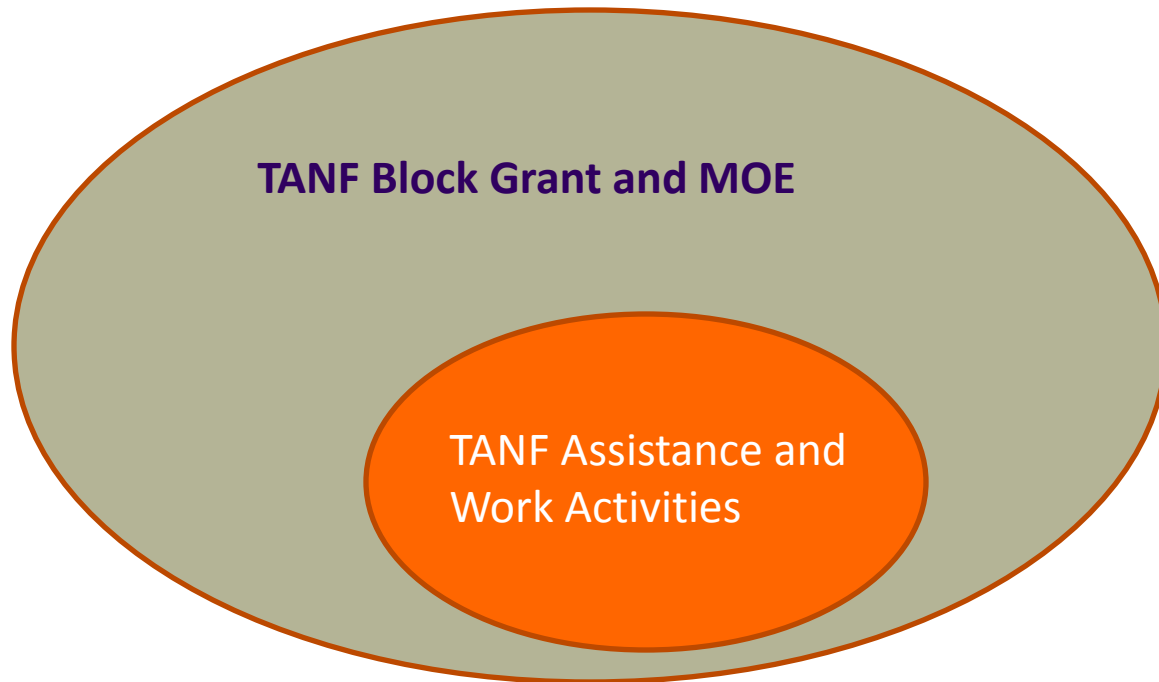


# BACKGROUND ON TANF

Center on Law and Social Policy

# What is TANF?

Temporary Assistance for Needy Families



# TANF is a Two-Generational Program

- Targeted to low income families with children
- Two-generational strategies take into account:
  - Parents' importance to children both as nurturers and as providers; and children's importance in parents' lives.
- Parents are essential in a child's earliest years.



# Opportunity to Make a Difference

**Cash Assistance**



**Work Activities**



**High Quality Child Care**



**Supportive Services**



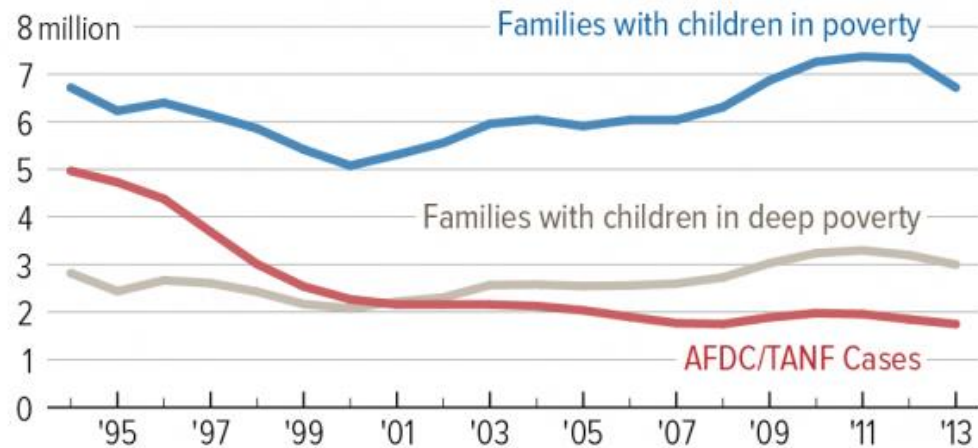
**More Money**

**Better Child  
Outcomes**

# TANF: A Missed Opportunity

Narrow eligibility criteria and burdensome requirements have combined to limit the share of poor children that TANF reaches

**TANF Cases Have Declined Dramatically, Including in Years When Poverty Has Increased**

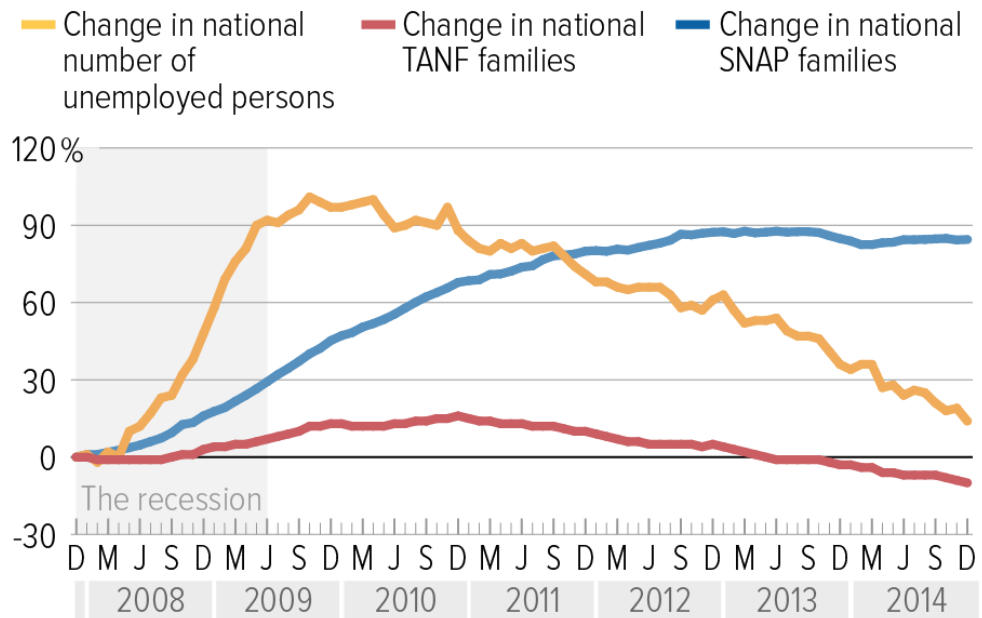


Source: CBPP analysis of poverty data from the Current Population Survey and AFDC/TANF caseload data from Health and Human Services and (since 2006) caseload data collected by CBPP from state agencies.

# Poor Countercyclical Response

- In a block grant, states bear full cost of increased caseload
- Thus, in the recession, many states were reluctant to allow TANF caseload to rise

## TANF Responded Only Modestly to Recession

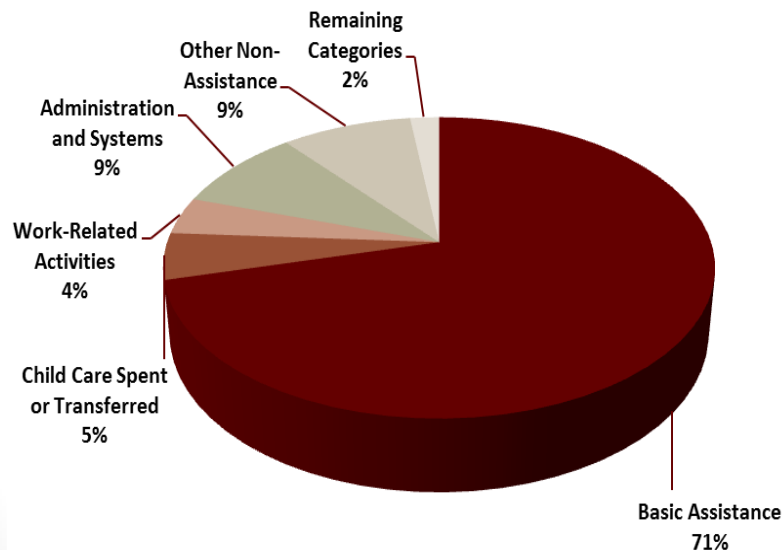


Note: Temporary Assistance for Needy Families

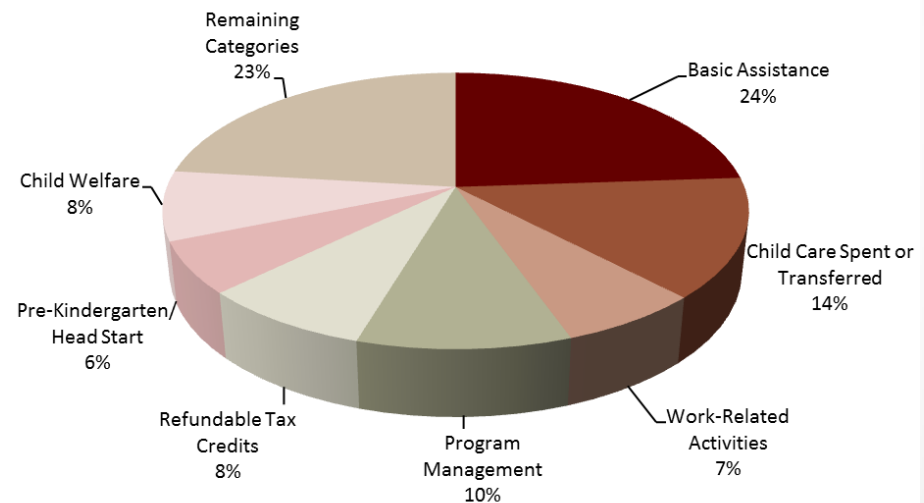
Source: Analysis of CBPP-collected TANF caseload data from state agencies, Agriculture Department SNAP household data, and the Bureau of Labor Statistics' unemployment data.

# Basic Assistance is a Smaller Part of TANF and MOE Spending

## FY 1997 TANF/MOE Spending



## FY 2015 TANF/MOE Spending



*Note:*

- Refundable tax credits includes EITC and non-EITC spending
- Child Welfare includes foster care spending from basic assistance, AUPL, and Non-AUPL

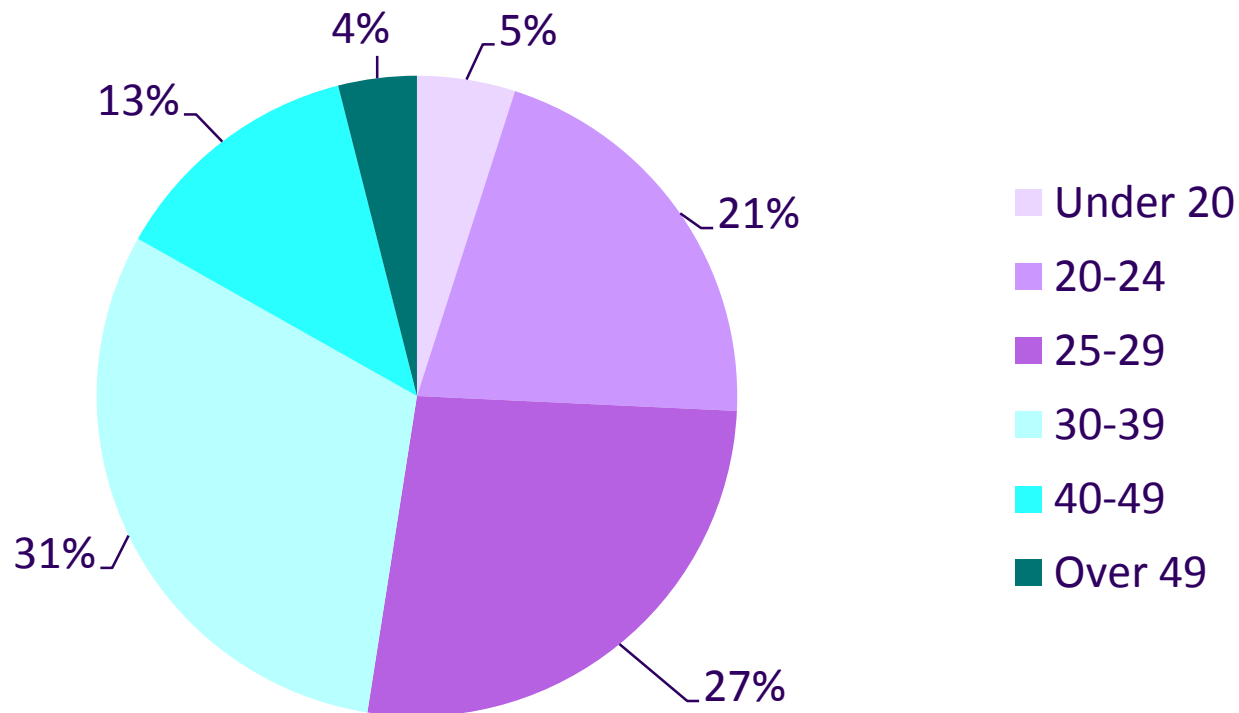


# TANF: A Missed Opportunity

- TANF Block Grant provides states with flexible funding, opportunity to provide individualized services.
- Families have limited access to high-quality child care, even with child care subsidies.
- TANF programs rarely look at the holistic needs of families and connect them to the full range of services.

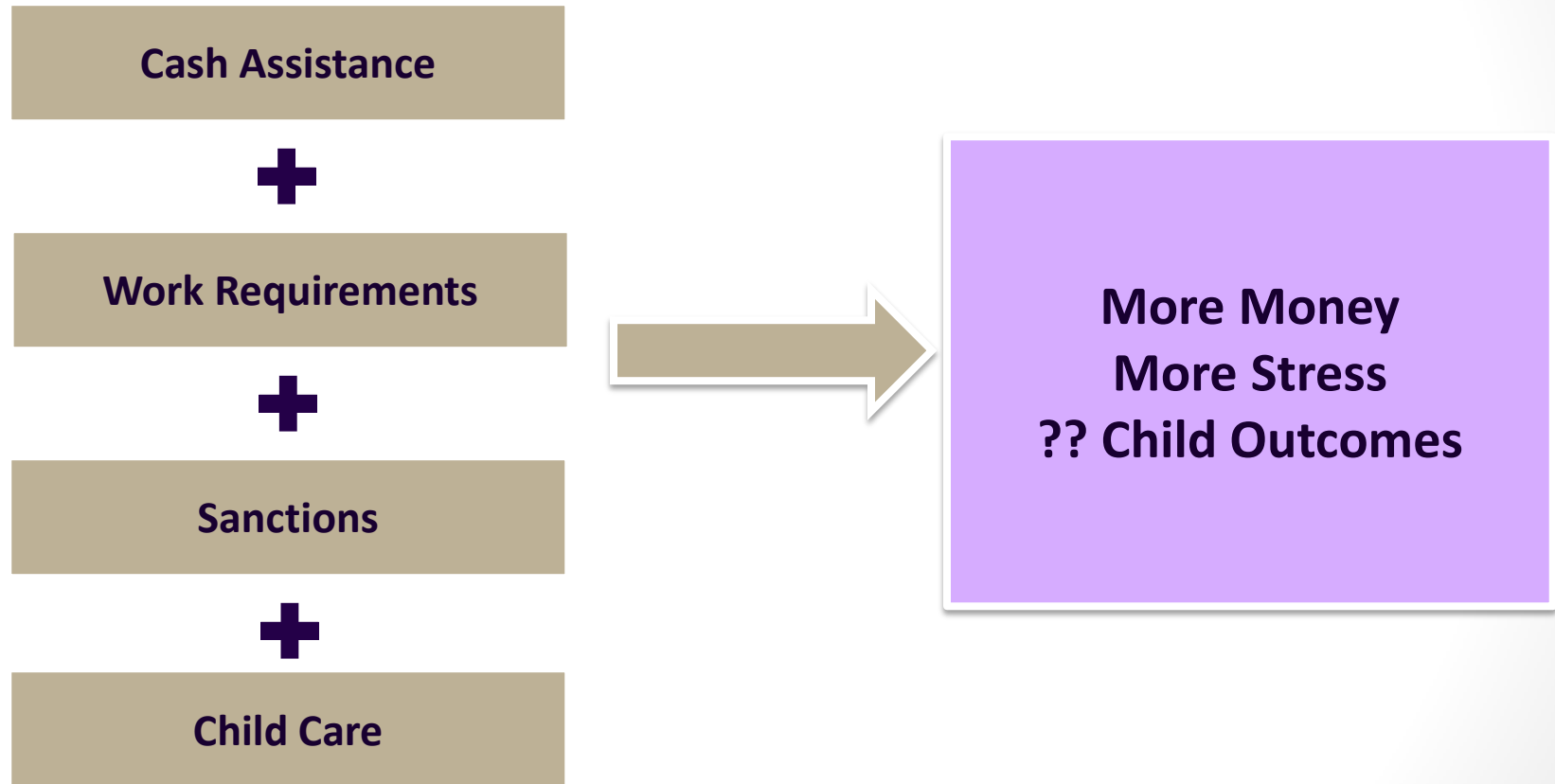
# More than Half of TANF Adults are Under Age 29

**TANF Adult Recipients by Age Group**



Source: CLASP,  
Young Adults and TANF,  
October 2016

# Mixed Effects Even for Families Who Receive Assistance



# State Policies Vary Widely

	TANF to Poverty Ratio	Max Grant for Family of Three	Time Limit	Family Cap	Sanctions for First Instance of Non-Compliance
Arizona	8	\$278	12 months	Yes	25% reduction in benefit, 1 month
California	65	\$704	48 months	No!	Adult portion of benefit, until compliance
New York	40	\$789	None	No	Pro rata portion of the benefit, until compliance
North Carolina	8	\$272	24 months	Yes	Case is closed, must reapply
Ohio	26	\$473	60 months	No	Entire benefit, 1 month
Pennsylvania	31	\$421	60 months	No	Adult portion of benefit, 30 days



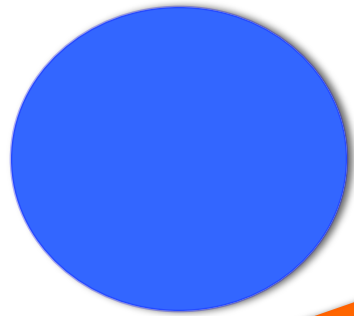
# MISTAKES

It is good to learn from your mistakes. It is better to learn from someone else's.

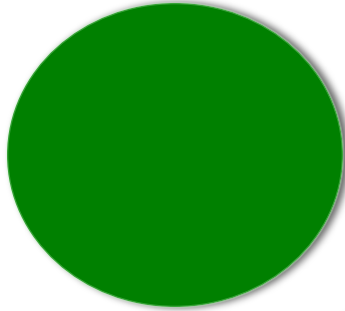
# HISTORY OF FAMILY CAPS

Center on Reproductive Rights and Justice

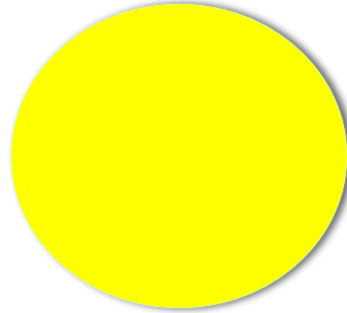
2002



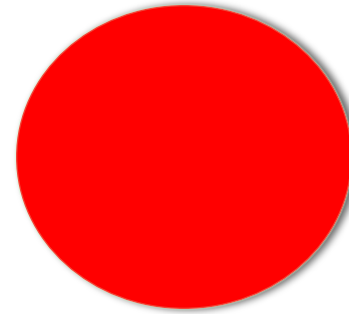
Policies Begin  
Regulating  
Repro Rights  
of Welfare  
Recipients



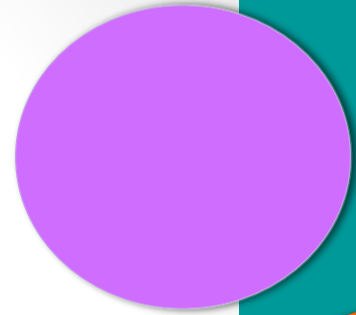
Welfare  
Queen  
Trobe  
Starts



New Jersey  
Adopts  
First  
Welfare  
Family Cap



Welfare  
"Reform"  
Enacted



Maryland  
Is First  
State to  
Repeal its  
Family Cap

## **FAULTY ASSUMPTIONS**

**Welfare recipients have  
large families**

**Cash aid incentivizes childbearing**

**Welfare disincentivizes  
marriage**

## **FACTS**

**Families who receive public assistance and those who do not have the same average number of children: 2.**

**Family caps have not lowered birth rates, namely because welfare recipients do not have additional children in order to collect slightly more cash aid.**

**States with more generous cash allowances do not have higher birth rates among unmarried people.**





The [Family Cap] rule evolved from America's eugenic laws that once forced sterilization upon its [presumed] inferior and, therefore, reproductively unfit population.

Eric F. McBurney



**Bringing Families out of  
'Cap'tivity: the Path Toward  
Abolishing Welfare Family Caps**

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Center on Reproductive  
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THE NATION

## Minnesota's Family Cap on Welfare Draws Fire

By Jennifer Friedman October 19, 2004

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(WOMENSENEWS) – When Tim Pawlenty was elected governor of Minnesota in 2002 he inherited a \$4.5 billion deficit. In order to reduce the gap, he introduced a budget that included significant reductions to Minnesota's welfare program.

Among the decisions he made was to stop making the birth of another child a criterion for increasing the payments to parents receiving cash aid under the Temporary Assistance for Needy Families.

Such "family cap" policies are not unusual; nearly half the states have them.

But what surprised critics was Minnesota's implementation of such a measure in 2003, at a time when doubts about the policy were growing and a few states were repealing it.

Jodie Levin-Epste

## Chris Christie Rejects Effort To Repeal Racist, Sexist Rule That Punishes Poor Children



## Growing number of states repeal family welfare caps

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BY TERESA WILTZ, STATELINE July 13, 2016 at 8:46 AM EST



# The Most Discriminatory Law in the Land

It was based on a racist stereotype of unfit black mothers. Today, family cap laws do nothing but punish the poor for being poor.

By Jamelle Bouie



Governor Jerry Brown, it's time to **#RepealMFG!** California can't continue subjecting women to this racist, sexist and classist policy - and neither should the state budget.

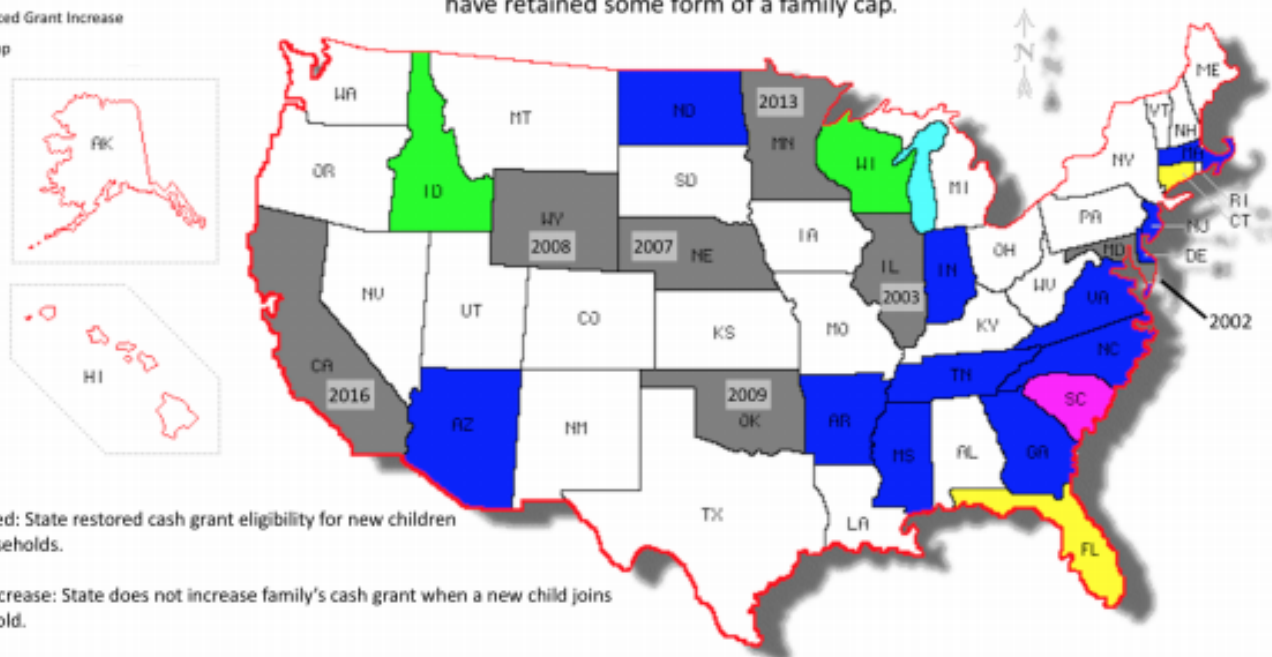




- - Cap Repealed
- - No Grant Increase
- - Flat Cap
- - Vouchers
- - Reduced Grant Increase
- - No Cap

## Welfare Family Caps By State

As of July 2016, 7 states have repealed and 17 states have retained some form of a family cap.



**Cap Repealed:** State restored cash grant eligibility for new children joining households.

**No Grant Increase:** State does not increase family's cash grant when a new child joins the household.

**Flat Cap:** State provides each family a cash grant of the same size, regardless of the number of children in the household.

**Vouchers:** State provides benefit vouchers and does not increase family's cash grant when a new child joins the household.

**Reduced Grant Increase:** State increases family's cash grant, albeit at a reduced rate, when a new child joins the household.

**No Cap:** State increases family's cash grant for each new child who joins the household.

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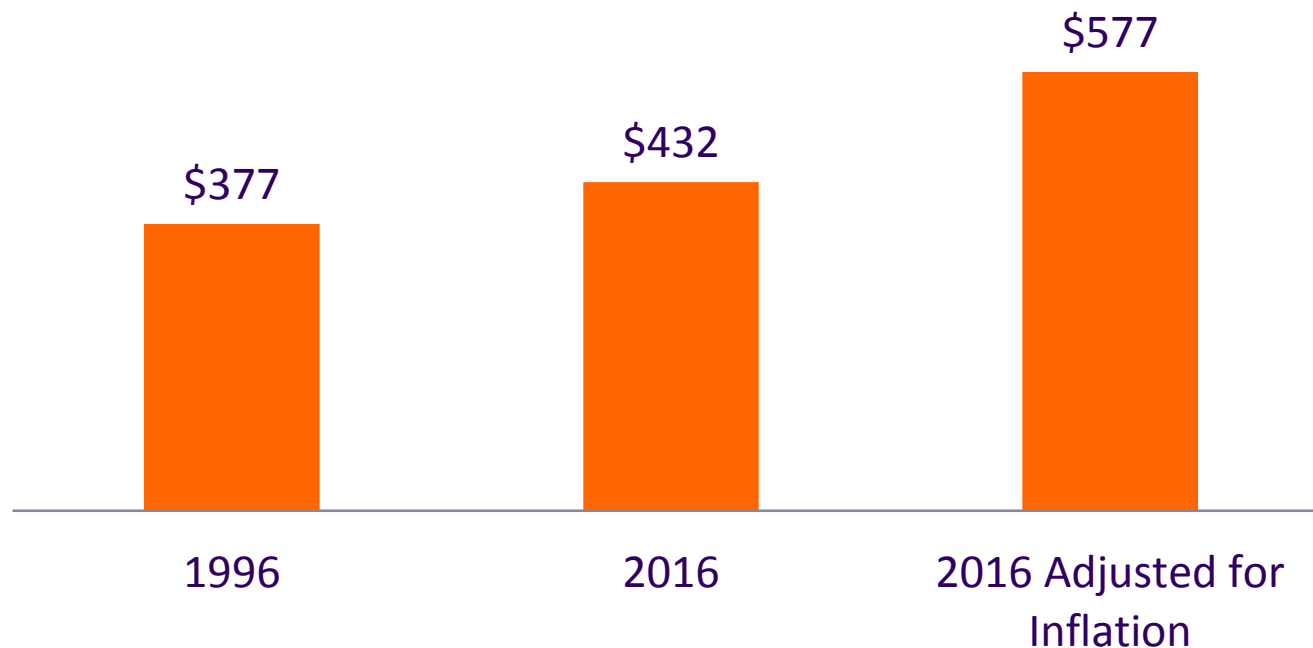
# HOW FAMILY CAPS HURT WOMEN AND FAMILIES

National Women's Law Center

National Diaper Bank Network

# Current TANF Benefits

■ TANF Monthly Cash Benefits for a Single Parent with 2 Children



If TANF benefits had kept up with inflation, benefits would be \$577--\$145 higher than current benefits.

# Expenses of a Newborn

- In states with family caps, families must pay for the same costs they had prior to a birth, as well as the expenses of a baby, with the same amount of TANF benefits they had previously.

Baby Supplies	Cost for a Year
Feeding <small>(Infant to solid foods)</small>	\$300- \$3,000
Diapering	\$500- \$1,000
Clothing	\$200- \$500
Nursery	\$300- \$2,500
Bathing	\$30- \$70
Baby Gear <small>(car seats, swings, play yards, seats, strollers, etc.)</small>	\$200- \$2,000
<b>TOTAL:</b>	<b>\$1500- \$9,000*</b>

\*Total depends on cost saving measures, brands, stores, baby shower gifts, etc.



# Diapers: Impact of Family Caps

- TANF is the only assistance program that can be used for diapers, but often is not enough even without a cap

State	AZ	AR	CT	DE	FL	GA	IN	MD	MA	MS	NJ	NC	ND	OK	SC	TN	VA
Cash for family of 3	278	204	698	338	303	280	288	636	618	170	424	272	486	292	282	185	409
% used for diapers for 1 kid*	29%	39%	11%	24%	26%	29%	28%	13%	13%	47%	19%	29%	16%	27%	28%	43%	20%
% used for diapers for 2 kids*	57%	78%	22%	47%	52%	57%	55%	26%	26%	94%	38%	59%	33%	55%	57%	86%	39%

\* Based on \$80 per month for diapers, answers rounded to 2 digits

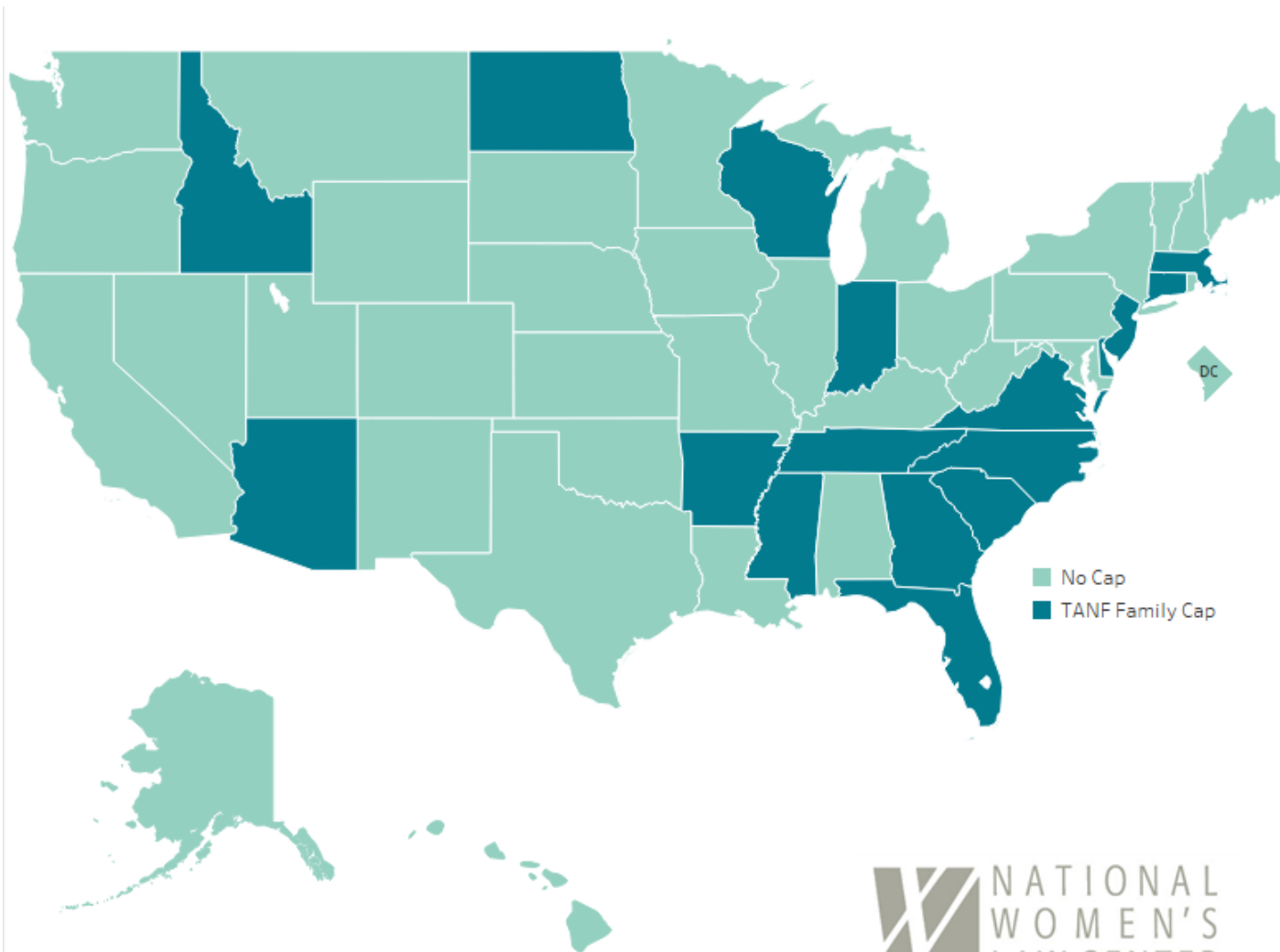
# Family Caps Exacerbate Poverty



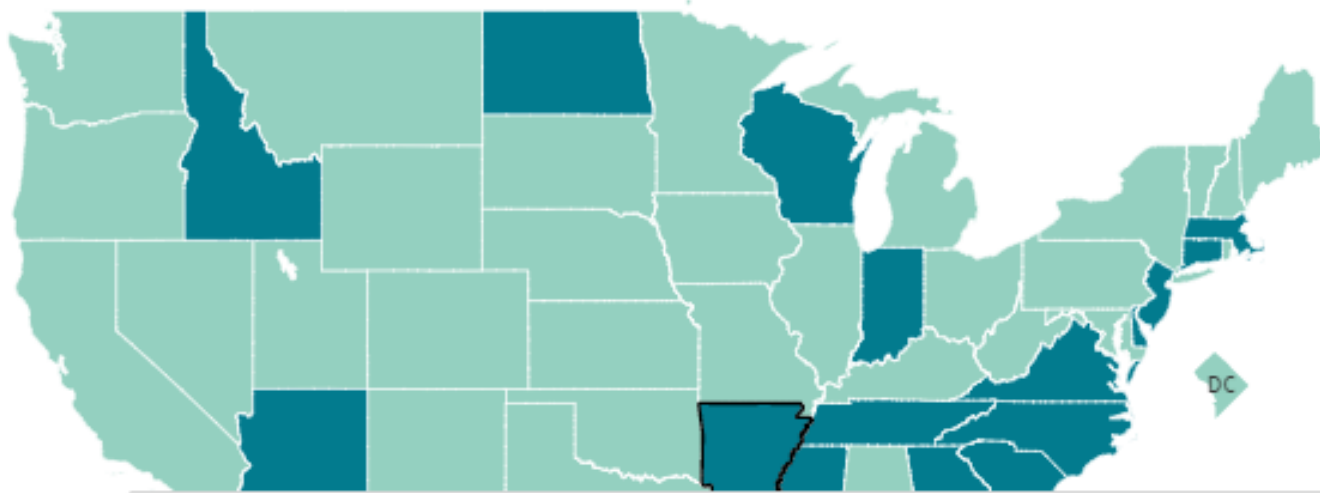
# Long-Term Effects of Poverty



# TANF Family Caps, Reproductive Health Care, and Workplace Policies State-by-State Map



# TANF Family Caps, Reproductive Health Care, and Workplace Policies State-by-State Map



## Arkansas -- No Increase in Cash Assistance

- ✓ Expanded Medicaid
- ✗ Has Expanded Eligibility Coverage of Family Planning Services Under Medicaid
- ✗ Permits Private Insurance Coverage of Abortion
- ✗ Has Pregnancy Accommodation Laws
- ✗ Has Fair Scheduling

\$8.50 Minimum Wage

18.6% Percentage of Women in Poverty

\$0.79 Amount a Woman Makes for Every \$1.00 a Man Makes

# LESSONS LEARNED FROM CALIFORNIA

Western Center on Law & Poverty

# The Maximum Family Grant Rule

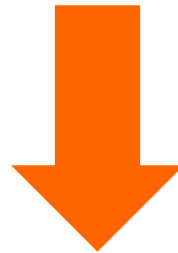
## California's Family Cap

**Denied \$130/Mo to Child Based on When Conceived**

**Increased Deep Poverty Among Children by Est. 13%**

**Interfered in Family Reproductive Decisions & Privacy**

**Undermined Poverty-Fighting Goals of TANF**



**California has more children in deep poverty than any other state!**

# Repeal MFG Success Story

## Step By Step

AB 271 (Mitchell) – Women's Policy Institute, EBCLC & WCLP

SB 899 (Mitchell) - WPI, EBCLC, WCLP, ACLU, CWDA

SB 23 (Mitchell) in 2015-2016 – Full Campaign

Full Budget Committees & Conference Passed in 2015 & 2016

Lost in Budget Negotiations in 2015 – finally passed 7/2016



**Repeal Implemented in January, 2017**





# TEAM #REPEAL MFG OVER 100 ORGANIZATIONS

Sponsors-----  
Western Center on Law and Poverty (co-sponsor)  
American Civil Liberties Union of California (ACLU) (co-sponsor)  
CA Welfare Directors Association (co-sponsor)  
ACCESS Women's Health Justice (co-sponsor)  
East Bay Community Law Center (co-sponsor)  
CA Latinas for Reproductive Justice (co-sponsor)

Other Support -----  
ACT for Women and Girls  
Alameda County Community Food Bank  
Alliance for Community Transformations  
American Federation of State, County & Municipal Employees (AFSCME)-California  
Asian Law Alliance  
Asian Pacific Policy & Planning Council  
Association of California Commissions for Women  
Black Women for Wellness  
California Black Health Network,

California Association of Food Banks  
California Alternative Payment Program Association  
California Catholic Conference  
California Community College CalWORKS Association  
California Food Policy Advocates  
California Hunger Action Coalition  
California Immigrant Policy Center  
California Labor Federation  
California NOW  
California Pan-Ethnic Health Network  
California Partnership  
California Partnership to End Domestic Violence  
California Reinvestment Coalition  
Californians United for a Responsible Budget  
California Women's Law Center  
California WIC Association  
Center for Law and Social Policy  
Center on Reproductive Rights & Justice - UC Berkeley

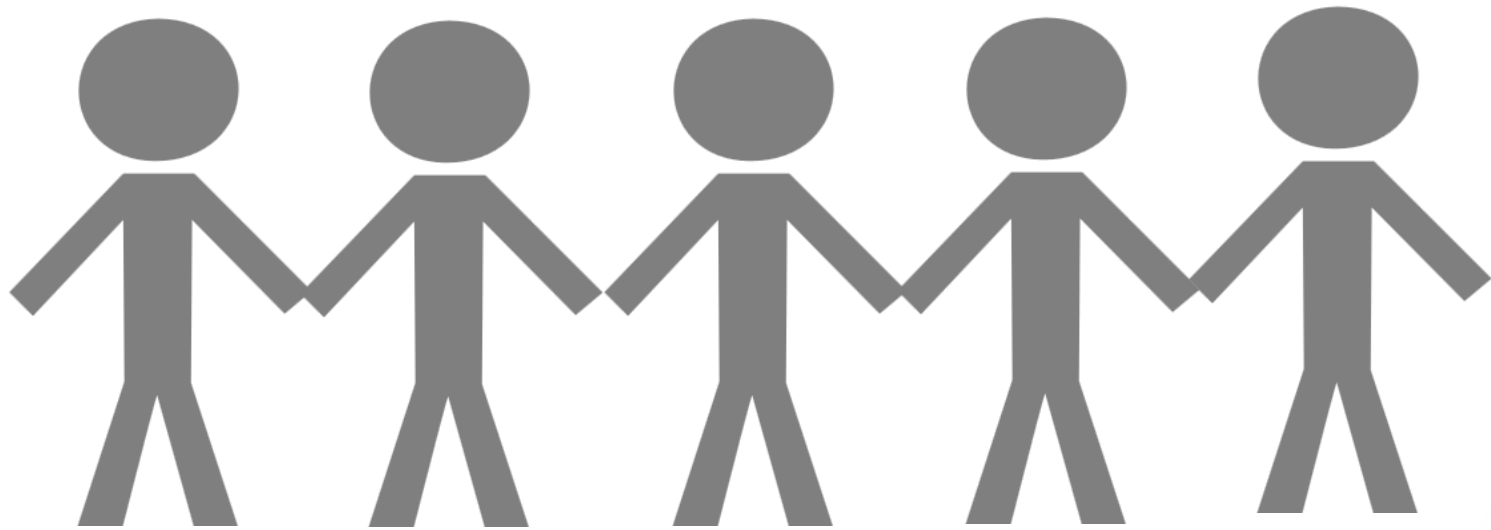
University of California Children Now  
Child Care Law Center  
Children's Defense Fund of CA  
Citizens for Choice  
Courage Campaign  
Coalition of CA Welfare Organizations  
Raising California Together  
Rights Organizations, Inc  
County of Los Angeles  
Having Our Say Coalition  
Health Access  
Health & Human Services Network  
Help A Mother Out  
Housing California  
Hunger Advocacy Network of San Diego County  
Interface Children & Family Svcs  
Guam Communications Network  
Feminist Democrats of Sacramento  
Friends Cmte on Legislation of CA  
Jewish Family Service of SD  
John Burton Foundation  
Legal Aid Society-Employment Law Center  
Los Angeles County Board of Supervisors

Laborers' Intl Union of North America Local 777  
Laborers' Intl Union of North America Local 792  
Law Students for Reproductive Justice  
Lutheran Office Public Policy CA  
NARAL Pro-Choice California  
National Council of Jewish Women California  
**National Association of Social Workers – CA Chapter**  
National Women's Political Caucus of California  
Nevada County Business and Professional Women  
Monterey County Board of Supervisors  
Rainbow Services, Ltd.  
Parent Voices California  
Peace Over Violence  
Physicians for Reproductive Health  
Planned Parenthood Affiliates of California  
Public Interest Law Project  
Public Counsel  
San Diego Hunger Coalition  
San Francisco Living Wage Coalition

Safe Alternatives to Violent Environments (SAVE)  
Service Employees International Union (SEIU)  
SEIU Local 721  
Strong Hearted Native Women's Coalition, Inc.  
St. Anthony's San Francisco  
Special Needs Network, Inc  
The Women's Foundation of CA  
United Ways of California  
Western Regional Advocacy Project (WRAP)  
Women's Health Specialists of CA  
YWCA of Glendale

@KDeLeon

Children no longer denied aid  
because they were conceived  
and born while poor.



130,000 CHILDREN NOW VALUED  
SAME AS ALL OTHER CHILDREN

# Contact Information

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- Jessica Bartholow, Policy Advocate, WCLP  
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# Additional Resources

- CLASP's TANF 101 series
  - <http://www.clasp.org/issues/temporary-assistance/pages/tanf-101-policy-briefs>
- CLASP's TANF and the First Year of Life
  - [http://www.clasp.org/resources-and-publications/body/TANF-and-the-First-Year-of-Life Making-a-Difference-at-a-Pivotal-Moment.pdf](http://www.clasp.org/resources-and-publications/body/TANF-and-the-First-Year-of-Life_Making-a-Difference-at-a-Pivotal-Moment.pdf)
- NWLC's TANF Family Caps Map
  - <http://nwlc.org/resources/tanf-family-caps-reproductive-health-care-and-workplace-policies-how-does-your-state-measure-up/>