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**Welfare Reform and Families
In the Child Welfare System**

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Abstract

We examine the relative pay of occupations involving care, such as teaching, counseling, providing health services, or supervising children. We use panel data from the National Longitudinal Survey of Youth. Care work pays less than other occupations, after controlling for the education and employment experience of the workers, many job characteristics, and (via individual fixed effects) unmeasured, stable characteristics of those who hold the jobs. Both men and women in care work pay this wage penalty. However, the penalty is paid disproportionately by women since more women than men do this kind of work.

Welfare Reform and Families in the Child Welfare System

Morgan B. Ward Doran¹ & Dorothy E. Roberts²**I. INTRODUCTION**

There is little question that the sweeping changes in welfare policy initiated by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) will have an impact on families involved in state child welfare systems. Past research establishes an association between welfare receipt and involvement with child protection services.³ Leaving welfare to enter the workforce, the primary goal of the PRWORA, holds the potential both to improve children's welfare by increasing poor families' income and to increase child maltreatment by throwing families into economic uncertainty.⁴ Many welfare recipient families have experienced a number of adverse life events, including economic strain, parental stress, and inadequate childcare, which make them more vulnerable to charges of child maltreatment.⁵ In

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³ See Robert Goerge et al., *New comparative insights into states and their foster children*, 12 PUBLIC WELFARE (1996); DUNCAN LINDSEY, *THE WELFARE OF CHILDREN* (1994); E Jones & K McCurdy, *The Links Between Types of Maltreatment and Demographic Characteristics of Children* (1992); LEROY PELTON, *FOR REASONS OF POVERTY: A CRITICAL ANALYSIS OF THE PUBLIC CHILD WELFARE SYSTEM IN THE UNITED STATES* (1989); H Bath & D Haapala, *Intensive family preservation services with abused and neglected children: An examination of group differences*, 17 CHILD ABUSE & NEGLECT 213-55 (1993); Kristi Shook, *Assessing the Consequences of Welfare Reform for Child Welfare*, 2 POVERTY RESEARCH NEWS 1, 8 (1998).

⁴ L Pavetti & N Wemmerus, *From a Welfare Check to a Paycheck: Creating a New Social Contract*, 20 JOURNAL OF LABOR RESEARCH 517, (1999); Christina Paxson & Jane Waldfogel, *Parental Resources and Child Abuse and Neglect*, 89 CHILD WELFARE 239, (1999).

⁵ Shook, *supra* note 1998, at ; Pamela Loprest, *Families Who Left Welfare: Who Are They and How Are They Doing?*, ASSESSING THE NEW FEDERALISM (Discussion Paper 99-02) (1999). S Brauner & Pamela Loprest, *Where Are They Now? What States' Studies of People Who Left Welfare Tell Us*, NEW FEDERALISM: ISSUES AND OPTIONS FOR STATES (Series A., No. A-32) (1999); M Zaslow & C Emig, *When Low-Income Mothers Go to Work: Implications for Children*, 7 THE FUTURE OF CHILDREN 110, (1997) Robert Geen, R et al., *Welfare Reform's Effect*

addition, the new behavioral requirements that welfare reform imposes as a condition of receiving benefits affect the parenting experiences of recipients who are concurrently involved with the child welfare system.⁶ These families are at the intersection of two state institutions that seek to modify the behavior of poor parents.

The welfare and child welfare systems share overlapping histories, philosophies, and client populations. The PRWORA eliminated the federal guarantee of a basic income support for all families and replaced it with Temporary Assistance to Needy Families (TANF), a programmatic combination of work requirements and sanctions for non-conforming behavior. TANF incorporates a system of financial punishments designed to deter disapproved behavior (e.g., out of wedlock childbearing, dependence of needy parents on government benefits) and to encourage approved behavior (e.g., marriage and economic independence). In addition, job-related programs seek to improve recipients' attitude about work. State child welfare agencies similarly use removal or the threat of removal of children to coerce parents charged with child maltreatment to comply with a set of requirements that typically focus on curing perceived parental deficits. Both the welfare and child welfare systems assume that poor families' problems are caused by internal deficiencies that can be remedied by improving parental behavior, rather than by external causes that require social change.

Each system is designed to effect change through a combination of rewards and punishments "that smacks of the behavioral science of B.F. Skinner."⁷ Parents involved with the child welfare system must attend parenting classes, enroll in drug-rehabilitation programs, provide drug samples, and participate in individual and family counseling in order to keep or regain custody of their children.⁸ Similarly, parents who receive welfare must find paid employment, attend job training courses, and report to caseworkers in order to maintain benefits.⁹ In each program, parents who fail to comply with the stated requirements face

on *Child Welfare Caseloads*, ASSESSING THE NEW FEDERALISM DISCUSSION PAPER (Discussion Paper 01-04) (2001).

⁶ Kristi Shook, *Does the Loss of Welfare Income Increase the Risk of Involvement with the Child Welfare System?*, 21 CHILDREN AND YOUTH SERVICES REVIEW (1999).

⁷ Paul Starobin, *The Daddy State*, NAT. J. 678, 679 (1998).

⁸ M Matthews, *Assessing the Effect of Welfare Reform on Child Welfare*, CLEARINGHOUSE REVIEW 395, (1999).

⁹ P.L. 104-193, 110 Stat. 2105 (1996) (codified throughout 42 U.S.C.).

financial and behavioral sanctions.¹⁰ These sanctions enforce the social control and punitive functions of both the welfare and child welfare systems.¹¹ Threats of benefit reductions are used to influence the work, childbearing and marital decisions of welfare recipients. Likewise, threats of child removal and termination of parental rights are used to rehabilitate parents charged with maltreating their children.

Despite the overlap in the populations served by the two programs, states have made little effort to coordinate their behavior-modifying requirements.¹² As a result, TANF and child protection services impose compound, and often conflicting, sets of requirements on parents involved in both systems. It may be physically impossible for parents to comply with the daily tasks that TANF and child welfare agencies require. More fundamentally, welfare reform and the child welfare system implement conflicting philosophies about ideal motherhood. While TANF sets up paid employment as the ultimate feature of respectable parenting, child welfare agencies require mothers primarily to nurture and protect their children. Parents involved in both systems may find that the demands of keeping a job conflict with their ability to care for their children, especially given the lack of adequate and affordable child care.

This article uses the findings of a qualitative study to explore the convergence of these two behavior modification programs in the lives of poor families. Our study focused on families who both received welfare and experienced involvement with the child welfare system -- so-called "dual-system families."¹³ We conducted in-depth, face-to-face interviews with a subset of sixteen dual-system parents drawn from the larger pool of families participating in the Illinois Families Study (IFS). The IFS tracks a random sample of 1,400 Illinois families who received welfare benefits in 1998 for a six-year period. Our goal was to examine the impact of welfare reform on the experiences of the families in the IFS who are also involved with the Illinois Department of Children and Family Services (DCFS). Our interviews confirmed that the

¹⁰ Laura Frame, *Suitable Homes Revisited: An Historical Look at Child Protection and Welfare Reform*, 21 CHILDREN AND YOUTH SERVICES REVIEW 719, (1999).

¹¹ Tonya Brito, *The Welfarization of Family Law*; Bernardine Dohrn, *Care & Adoption Reform Legislation: Implementing the Adoption and Safe Families Act of 1997*, 14 ST. JOHN'S J. LEGAL COMMENT. 419, 424 (2000).

¹² See Goerge et al., *supra* note , at . See also, Needell et al., *Transitions From AFDC to Child Welfare in California*, 21 CHILDREN AND YOUTH SERVICES REVIEW 815, (1999).

convergence of these two behavior modification programs places competing demands on poor parents, making it difficult to meet the expectations of either program. As a result, dual-system families are uniquely burdened by excessive and, at times, contradictory social welfare policies.

Part II of this article describes the use of behavior modification techniques in the welfare and child welfare systems. We examine the historical emphasis of poor support on enforcing morality and the modern trend toward using sanctions as a means of influencing welfare recipients' work and family decisions. We also point out the flawed stereotypes that fueled the recent changes in welfare law. Finally, this section describes the punitive approach of the child welfare system implemented through threats to remove children or terminate parental rights if parents do not comply with agencies' requirements. In Part III, we discuss the overlap and conflict between the welfare and child welfare systems. We argue that TANF's emphasis on sanctions and work requirements, coupled with the lack of adequate childcare, make many welfare recipients more vulnerable to involvement with the child welfare system. Moreover, the compounded and conflicting requirements that each system imposes make it more difficult for dual-system parents to comply with the expectations of either one. Part IV presents the methodology of our study and the characteristics of our sample. In Part V, we discuss how the parents we interviewed experience the competing demands of the welfare and child welfare systems. We conclude that the difficulty dual-system parents have in caring for their children supports the need for Congress to provide better support for struggling families and to re-examine TANF's behavior modification philosophy.

II. TWO BEHAVIOR MODIFICATION SYSTEMS

Both the welfare and child welfare systems use behavior modification techniques to coerce clients to conform to state-approved parenting norms. From its inception, US welfare law attempted to impose moral standards on recipients and to shape their behavior. In this Part, we examine the origins of welfare's behavior modification philosophy, as well as its contemporary manifestation in welfare reform. We also discuss the parallel punitive approach of the child welfare system.

¹³ See Geen et al., *supra* note , at .

A. Welfare's Morals Regulation in the Past

Behavior modification techniques are not new to welfare law. Welfare programs have historically sought to both provide support to needy families and encourage parental self-sufficiency and morality. The Mother's Pensions of the late 1800's and early 1900's explicitly proscribed immoral behavior and afforded administrators of the program wide latitude in judging recipients' compliance.¹⁴ This penchant for enforcing moral behavior was preserved in the Aid to Dependent Children (ADC) and Aid to Families with Dependent Children (AFDC) programs.¹⁵ While providing assistance to poor widows, orphans, and mothers was the primary goal of ADC and AFDC, both programs sought to promote the prevailing social ideals.

The Social Security Act of 1935 created ADC, a federal social welfare program designed to ensure that the children of widows and orphaned youth would not grow up in poverty. ADC provided short-term minimum income support to mothers who had no other means to provide for their children. However, as did the Mother's Pension statutes before it, ADC incorporated an implicit requirement of parental fitness into its eligibility requirements.¹⁶ Only mothers who were "deserving" of assistance were allowed to enroll in ADC.¹⁷

Determinations of deservingness were based on the moral framework of the era. Indeed, Congress explicitly enabled states to consider the "moral character" of the parent when determining aid for children under ADC. Women of color and women of "illegitimate" children were routinely denied support.¹⁸ These moral and racial requirements created an implicit "suitable home" restriction on ADC receipt that Congress formally enacted in 1940.¹⁹ Despite the assumptions of immorality and deviance that they were based upon, the suitable home provision had little overall impact on "sexual activity, illegitimacy, and marriage and family stability among ADC recipients."²⁰ Although the restriction was eventually repealed in 1945,

¹⁴ Theda Skocpol, LINDA GORDON, PITIED BUT NOT ENTITLED: SINGLE MOTHERS AND THE HISTORY OF WELFARE (1994); Mimi Abromovitz

¹⁵ Ronald J. Chilton, *Social Control Through Welfare Legislation*, L. & SOC. REV. 205, 206 (1970).

¹⁶ See Frame, *supra* note , at .

¹⁷ See Jill Duerr Berrick, *From Mother's Duty to Personal Responsibility: The Evolution of AFDC*, 7 HASTINGS WOMEN'S L.J. 257, 261 (1996). See also Gordon, *supra* note , at .

¹⁸ JILL QUDAGNO, THE COLOR OF WELFARE: HOW RACISM UNDERMINED THE WAR ON POVERTY (1994).

¹⁹ See Frame, *supra* note , at .

²⁰ See Chilton, *supra* note , at 215.

states continued to use birth status, moral character of the mother, and condition of the home as criteria for ADC grant decisions.²¹ ADC, though technically available to all children in single-parent households, was in practice an income support program exclusively for white widows.²² Because of the widespread denial of benefits to minority and non-widowed single-parent families, in 1960 the Secretary of Health Education and Welfare issued a policy statement directing states to abandon the suitable home criteria for ADC receipt.²³

In 1962 the “social service amendments” to the Social Security Act renamed the ADC program Aid to Families with Dependent Children.²⁴ The new AFDC incorporated work incentives and job training through the Work Incentive Program (WIN) designed to usher families off the welfare rolls.²⁵ WIN introduced a system of inducements to work and punishments for nonparticipation. However, the sanctions imposed under AFDC and the severely criticized WIN program were often ambiguous, largely discretionary, and seldom enforced.²⁶ The elimination of racial and moral requirements led to an increase in enrollment in the AFDC program from 3 million recipients in 1960 to 11 million in 1975.²⁷ As the number of Blacks in the welfare caseloads grew, “welfare dependency” became stigmatized, work requirements increased, and effective benefit levels were reduced.²⁸

B. Welfare Reform: Behavior Modification Through Work Requirements, Time Limits, and Sanctions

The Personal Responsibility and Work Opportunity Reconciliation Act reflects the government’s response to the public perception that welfare was too generous and eroded core American values. The PRWORA eliminated the federal guarantee of aid to poor children and

²¹ WINIFRED BELL, AID TO DEPENDENT CHILDREN (1965).

²² See JOEL F. HANDLER & YEHESEKEL HASENFELD, THE MORAL CONSTRUCTION OF POVERTY at 113 (1991).

²³ In 1968, the United States Supreme Court took the first step toward formally invalidating suitable homes provisions by nullifying “absent father” rules which denied benefits to AFDC recipient’s who cohabit with a non-parental male (*King v. Smith*, 1968). Subsequent case law reiterated and extended the *King* holding, effectively prohibiting states from assuming that non-legally responsible lodgers in an AFDC home contribute financially to the household (see e.g., *Lewis v. Martin*, 1970; *Van Lare v. Hurley*, 1975).

²⁴ See Handler & Hasenfeld, *supra* note , at 120.

²⁵ Handler & Hasenfeld, 120.

²⁶ Handler & Hasenfeld, *supra* note , at 135-45.

²⁷ Handler & Hasenfeld, *supra* note , at 113.

²⁸ Dorothy Roberts, *Killing the Black Body: Race, Reproduction, and the Meaning of Liberty*.

replaced it with TANF, a programmatic combination of work requirements and sanctions for recipients' non-conforming behavior. The new welfare law was specifically designed to employ punitive techniques as a means to modify parents' behavior.

The PRWORA dramatically alters the way that states dispense public assistance to the poor. At the administrative level, the PRWORA offers financial bounties for states that are able to reduce the number of families on welfare.²⁹ These financial rewards provide an incentive for state welfare administrators and street level caseworkers to discourage parents from initiating or continuing their welfare receipt. At the individual level, TANF incorporates a system of financial punishments that is designed to modify the behavior of recipients. Parents are subject to non-discretionary sanctions for failing to work or attend school,³⁰ or even for failing to meet with their caseworker.³¹

1. DETERRING DISAPPROVED BEHAVIORS

Like ADC and AFDC, TANF imposes a set of behavior requirements upon mothers as a condition of federal assistance. The current welfare program addresses issues of parental fitness and moral character through sanctions and benefit reductions to modify the behavior of recipients. "Both Democrats and Republicans emphasized the wrongs of mothers – their 'unwillingness to work,' their failure to marry (or stay married), their irresponsible sexuality and childbearing," writes welfare historian Gwendolyn Mink.³² Prior to 1996 approximately half of the states had applied for "waivers" to depart from AFDC funding requirements and allow for the use of behavior modification strategies. These states acted as early laboratories for federal welfare reform. Examples of state waiver plans that focused on modifying parental behavior and were incorporated into the federal legislation can be found in New Jersey (Wedfare, Family caps), Wisconsin (Workfare, Learnfare), and the laws of 20 other states.³³

²⁹ PRWORA section ----

³⁰ Pub. L. No. 104-193, § 401, 110 Stat. 2105, 2113 (1996) (codified at 42 U.S.C. § 601). *See also* Pavetti & Wemmerus, *supra* note , at .

³¹ Emily Brodtkin, *The State Side of the "Welfare Contract": Discretion and Accountability in State Welfare Administration*, 71 SOCIAL SERVICE REVIEW 1, (1997).

³² Gwendolyn Mink, *Welfare's End*.

³³ Lucy A. Williams, *The Ideology of Division: Behavior Modification Welfare Reform Proposals*, 102 YALE L.J. 719, 732 (1992). *See also*, Thomas J. Corbett, *Welfare Reform in Wisconsin: The Rhetoric and the Reality*, in 19 THE POLITICS OF WELFARE REFORM 42-43 (Donald F. Norris & Lyke Thompson eds., 1995); Donald F. Norris &

TANF permits states to implement child exclusion policies, or “family caps”, to reduce pregnancies among the recipient population. Somewhat akin to the ADC prohibition against single-mothers having sexual relations while receiving government assistance,³⁴ family caps function as a loosely controlled behavioral deterrent. Under child exclusion policies, mothers who currently receive welfare benefits and give birth to a child (or children) do not receive an increase in the amount of their grant. Thus, the family cap acts as a form of punishment for unwanted conduct – pregnancy – as a means to deter that behavior. Although the effectiveness of family caps at deterring pregnancy is under study,³⁵ it is clear that this policy reduces the amount of benefits for many children born to welfare-dependent families.

In addition, TANF attempts to curtail teenage recipients’ independence. Minors under the age of 18 may be denied cash assistance unless they agree to live with a parent, adult relative, or legal guardian.³⁶ If a responsible adult is not available, the minor must rely upon the welfare agency to locate one. TANF also targets drug use among recipients. Individuals who are convicted of drug-related felonies after 1997 suffer a lifetime prohibition from receiving both TANF and food-stamp benefits, although states may opt out of or modify this prohibition.³⁷

2. WORK REQUIREMENTS AND TIME LIMITS

The centerpiece of TANF is the requirement that all able parents work in return for the government’s financial support.³⁸ TANF is intended to provide only short-term assistance to families until the primary caregiver finds paid employment. In keeping with the emphasis on threatened punishment as a tool of behavior modification, work is mandatory under TANF: non-compliance generates sanctions.

Lyke Thompson, *Findings and Lessons From the Politics of Welfare Reform*, in *THE POLITICS OF WELFARE REFORM* 221, 224 (Donald F. Norris & Lyke Thompson eds., 1995).

³⁴ See Frame, *supra* note , at .

³⁵ M Camasso et al., *An Interim Report on the Impact of New Jersey’s Family Development Program*, (Submitted to the State of New Jersey, Department of Human Services), July 29,1996; V Lens, *Welfare Reform and the Family Cap: Rhetoric Versus Reality*, *J. OF CHILDREN AND POVERTY* 19, (1998); *Rutgers University Study on the (New Jersey) Family Development Program, A FINAL REPORT ON THE IMPACT OF NEW JERSEY’S FAMILY DEVELOPMENT PROGRAM EXPERIMENTAL-CONTROL GROUP ANALYSIS: RESULTS FROM A PRE-POST ANALYSIS OF AFDC CASE HEADS FROM 1990-1996* (1998).

³⁶ (42 U.S.C. § 608(a)(5)(A))

³⁷ (21 U.S.C. § 862a (1996))

³⁸ Pavetti & Wemmerus, *supra* note , at .

Welfare receipt under TANF is limited to a 5 year lifetime maximum. Further, all capable adults must find a job within twenty-four months of their initial receipt of federal aid or risk termination of benefits. To facilitate compliance, states may require recipients to engage in work-related activities or specific work-program mandates. The PRWORA allows states to modify federal requirements by obligating recipients to work within a shorter period of time. States may also exempt 20 percent of their caseloads from the time limits and work requirements for extreme hardship, battery, or cruelty.³⁹

Underlying TANF's work requirements and time limits are a set of assumptions regarding the financial and cognitive benefits associated with work as opposed to welfare receipt. This position considers welfare receipt, in and of itself – that is, independent of economic and socio-demographic factors – as a negative force on family functioning and child development. According to this theory, welfare undermines recipients' motivation and self-esteem by discouraging work and reinforcing recipients' negative perceptions about their ability to provide for their children.⁴⁰ In turn, this theory posits that the combined effects of less effective parenting and the absence of a positive parental role model harms the children of welfare recipients. Supporters of welfare reform contend that, by encouraging parents to work, TANF positively affects recipients' self-perception and confers cognitive and social benefits to their children.

3. SANCTIONS

Sanctions are used in TANF to facilitate compliance with work requirements.⁴¹ Recipients who do not fully participate in a given state's job assistance program, called "Work First" in most states,⁴² or who reach the 24-month limit for receipt without work, are subject to sanctions. In addition to these work-based sanctions, the PRWORA mandates that states institute a lifetime ban on all TANF and food stamp benefits to any individual who is convicted of a felony involving a controlled substance.⁴³ This mandatory sanction is especially significant

³⁹ Hardin, *supra* note , at .

⁴⁰ CHARLES M. MURRAY, *LOSING GROUND* (1984).

⁴¹ Frame, *supra* note , at .

⁴² Pavetti & Wemmerus, *supra* note , at .

⁴³ Rob Geen & Shelly Waters, *The Impact of Welfare Reform on Child Welfare Financing*, *NEW FEDERALISM: ISSUES AND OPTIONS FOR STATES* (Series A, No. A-16) (1997).

to the child welfare programs in states with major cities like Illinois, where 40 percent of all child maltreatment reports involve drugs.⁴⁴ Some states also require welfare recipients to enter into “personal responsibility agreements” that are used to generate sanctions even if the parent did not violate any formal welfare rules.⁴⁵ Failure to consent to the personal responsibility agreement is, in and of itself, a sanctionable offense.⁴⁶ Finally, sanctions may also be imposed by caseworkers for perceived uncooperativeness on the part of recipients.⁴⁷

According to 1999 figures, 36 states impose “full-family sanctions” (the elimination of a family’s entire cash assistance grant) for initial or continued non-compliance with work programs.⁴⁸ Fourteen of these states impose a full-family sanction as the initial penalty for noncompliance with state program requirements.⁴⁹ Most states, however, use partial sanctions first. These states reduce the family grant or eliminate the adult portion of the TANF award as a warning to families that compliance is necessary to continue receiving benefits.

Sanction rates reflect the economic and employment conditions that differ state by state. One study of post-TANF recipients in Maryland found that, after 9 months of the program, only 4 percent of clients received a full-family sanction.⁵⁰ In contrast, an examination of welfare reform in Delaware found that 50 percent of all recipients received some form of sanction after the implementation of TANF.⁵¹ Another study found that, during one three-month period just under “forty percent of recipients who left welfare nationally did so because of sanctions.”⁵²

C. Myths and Stereotypes: The Weak Factual Foundation for Welfare Policies

Welfare reform’s emphasis on behavior modification techniques is shaped by stereotypes about the typical welfare recipient rather than the goal of providing poor families with income

⁴⁴ Richard Barth, *The Juvenile Court and Dependency Cases*, 6 THE FUTURE OF CHILDREN 100, (1996).

⁴⁵ Matthew Diller, *The Revolution in Welfare Administration: Rules, Discretion, and Entrepreneurial Government*, 75 N.Y.U.L. REV. 1121, 1157 (2000)

⁴⁶ *Id.*

⁴⁷ Brodtkin, 1997)

⁴⁸ Pavetti & Wammerus, *supra* note , at .

⁴⁹ Pavetti & Wammerus, *supra* note , at .

⁵⁰ Born, et al., 1998)

⁵¹ (Pavetti & Wammerus, *supra* note , at .

⁵² See Diller, *supra* note , at 1159.

support.⁵³ Through the sanctions and time limits imposed under TANF, the PRWORA attempts to coerce recipients into what lawmakers consider the social mainstream. However, provisions like the Family Cap, Learnfare, and Bridefare carry clear assumptions about the morality and motivations of welfare recipients. These behavior modification provisions are premised upon a stereotyped understanding of the typical welfare family.⁵⁴ They stem from the view that welfare recipients are “dysfunctional and deviant members of society because they cannot support themselves.”⁵⁵ The PRWORA’s wholesale adoption of these stereotypes serves to “reinforce[] the myth that social problems...are caused by the deviant behavior of welfare recipients,”⁵⁶ rather than historical problems such as racial discrimination and socio-economic disadvantage.⁵⁷ Despite their prominence in the text and spirit of the PRWORA, little evidence exists to support these myths.⁵⁸

For example, child exclusion policies are based on the assumption that women receiving welfare are incapable of making responsible childbearing decisions and are enticed by the incremental increase in benefits to have additional children. Empirical studies demonstrate, however, that there is no significant correlation between welfare receipt and increased

⁵³ Robert D. Bomersbach, *New Jersey’s Bryant Amendment: Is This Welfare Reform?*, 15 WOMEN’S RTS. L. REP. 169 (1993-94).

⁵⁴ See Martha Albertson Fineman, *Cracking the Foundational Myths: Independence, Autonomy, and Self-Sufficiency*, 8 AM U.J. GENDER SOC. POL’Y & L. 13 (1999); Lucy A. Williams, *Race, Rat Bites and Unfit Mothers: How Media Discourse Informs Welfare Legislation Debate*, 22 FORDHAM URB. L.J. 1159, 1174 (1995).

⁵⁵ Laura M. Freidman, *Family Cap and the Unconstitutional Conditions Doctrine: Scrutinizing a Welfare Woman’s Right to Bear Children*, 56 OHIO ST. L.J. 637, 657 (1995).

⁵⁶ Lucy A. Williams, *The Ideology of Division: Behavior Modification Welfare Reform Proposals*, 102 YALE L.J. 719, 732??? (1992). See also, Lucie E. White, *No Exit: Rethinking “Welfare Dependency” From a Different Ground*, 81 GEO. L.J. 1961, 1963 (1993) (stating that there is a “long-standing, deeply-entrenched fear about the morally corrupting influence of outdoor relief, or a cash dole [that] is premised upon...a widely believed, culturally appealing, and normatively authoritative account about the origins of poverty in our society”).

⁵⁷ *Id.*

⁵⁸ Robert Moffitt, *Welfare Reform: An Economist’s Perspective*, 11 YALE L. & POL’Y REV. 126 (1993).

The following are “popular beliefs about the behavioral effects of the welfare system” under AFDC:

1. it serves as a severe disincentive to work
2. it encourages long-term dependency on welfare
3. it encourages marital breakup and illegitimacy
4. it encourages state-to-state migration to take advantage of higher benefits
5. welfare is “passed down” from generation to generation

However, “little evidence exists to support any of these beliefs, with the possible exception of the first.” 132

childbearing.⁵⁹ To the contrary, welfare mothers are less likely than other mothers to have more than two children and more likely to use contraception.⁶⁰ Welfare families have no more children than non-welfare families.⁶¹

Similarly invidious assumptions motivate so-called Bridefare program.⁶² Bridefare attempts to encourage two-parent marital families by increasing the cash benefit of welfare recipients if they marry.⁶³ This provision assumes that any two-parent family is better than a single-parent family, regardless of a parent's abilities and desires. It also sends a message to unmarried welfare recipients that their behavior is deviant and that the state does not consider them to be capable parents. Under welfare reform, decisions considered to be private, constitutionally protected choices for other citizens are the subject of government coercion for welfare recipients. Legislatures and courts treat welfare receipt as a waiver of basic privacy rights, permitting the state to penalize poor mothers for reproductive and parental behavior that violates prescribed norms.⁶⁴

These myths about welfare recipients' sexual and reproductive deviance were bolstered by powerful racial imagery. The stereotype of the shiftless "welfare queen," who deliberately becomes pregnant to fatten her welfare check and then squanders it on drugs, helped to garner support for welfare reform.⁶⁵ According to sociologists Noel Cazenave and Kenneth Neubeck, "Clinton and other politicians were able to successfully play the welfare 'race card' by exploiting popular welfare racist attitudes that were well documented by polling and other data."⁶⁶ The Black welfare queen embodies the reproductive irresponsibility and maternal neglect that welfare dependency was supposed to promote and legitimizes welfare's behavior-modifying role.

D. The Child Welfare System's Punitive Approach

⁵⁹ Williams, *supra* note , at 738. (1992); Gregory Acs, The Urban Inst., *The Impact of AFDC on Young Women's Childbearing Decisions* 17 (1993).

⁶⁰ JOEL F. HANDLER, *THE POVERTY OF WELFARE REFORM* 106 (1995). Under 10% of the families receiving welfare have more than 3 children. Williams, *supra* note at 738.

⁶¹ Pappas, *supra* note at 1318.

⁶² See generally, Lisa Pears, in Martha Fineman, *Mothers in Law*.

⁶³ Michele Estrin Gilman, *Legal Accountability In An Era Of Privatized Welfare*, 89 CALIF. L. REV. 569, 590 (2001); MICHAEL B. KATZ, *IN THE SHADOW OF THE POORHOUSE* 163-68 (10th ed. 1996).

⁶⁴ Roberts, *Killing the Black Body*; Tonya Brito, *The Welfarization of Family Law*.

⁶⁵ Roberts, *Killing the Black Body*.

⁶⁶ Noel A. Cazenave & Kenneth J. Neubeck, *Fighting Welfare Racism*, 10 *POVERTY & RACE* 1 (March-April 2001).

Like welfare reform, the child welfare system uses punishments and rewards to gain its clients' compliance with its behavioral rules. Child protection agencies focus on "fixing" parents' deficits rather than addressing the systemic causes of child maltreatment.⁶⁷ Parents are coerced into reforming their behavior through the threat of child removal and termination of parental rights. Child welfare agencies typically give parents a service plan that lists requirements they must complete to keep their children at home or regain custody of those placed in substitute care. Parents are often required to enroll in multiple services, such as drug treatment, psychological counseling, and parent training classes. Parents typically rely on public transportation to get to these mandated appointments. Moreover, a judge's requirement of particular services does not mean that they are readily available. Drug treatment programs, for example, especially those that allow children to reside with their mothers, have extensive waiting lists.⁶⁸

Like welfare reform, the child welfare system hides the systemic reasons for families' hardships by laying the blame on individual parents' deviant behavior. Sociologists Andrew Billingsley and Giovannoni explain, "The underlying philosophy of the present child welfare system is that *all* families *should* be able to function adequately without the assistance of society and that failure to perform the parental role without such assistance is indicative of individual pathology."⁶⁹ Because the system attributes child maltreatment to parental failings, state intervention to protect children is punitive in nature. Caseworkers take on a dualistic role of investigating, coercing, and penalizing the families they are supposed to help.⁷⁰ The caseworker, notes Duncan Lindsey, has been "unmistakably case in the role of inquisitor, prying into and judging the affairs of the family with predictably adverse effects on the family."⁷¹

⁶⁷ Pelton, *For Reasons of Poverty*; Billingsley & Giovannoni, *Children of the Storm*; Lindsey, *The Welfare of Children*.

⁶⁸ *See, e.g.,* Gordon, 1999; Herring, 2000.

⁶⁹ Billingsley & Giovannoni, *Children of the Storm*.

⁷⁰ Leroy Pelton.

⁷¹ Duncan Lindsey.

Recent developments in federal child welfare policy threaten to intensify this punitive approach. President Clinton signed the Adoption and Safe Families Act (ASFA) into law in November 1997.⁷² Based largely on a guttural response to the most egregious cases of child abuse reported in the popular media,⁷³ ASFA radically transformed the focus of federal child welfare policy. In contrast to the emphasis on family reunification that characterized its predecessor, the Adoption Assistance and Child Welfare Act of 1980 (AACWA),⁷⁴ ASFA elevates the health and safety of children above all other concerns. Indeed, ASFA's reform of federal child welfare policy reaches beyond its stated goal of protecting children and creates a legislatively mandated preference for adoption. The law institutes several measures to achieve this aim, including an expedited timeframe for termination of biological parents' rights and financial rewards to states that significantly increase the number of adoptions over previous years.⁷⁵

Under ASFA poor parents, already demonized because they are unable to financially support their family, must defend against intensified state efforts to terminate their parental rights.⁷⁶ Rather than increasing support for poor families, ASFA emphasizes punitive measures designed to effect behavioral change among parents. As legal scholar Naomi Cahn observes, "worse than simple monetary incentives, ASFA uses children as leverage to encourage a parent's behavioral change. ASFA's stick is the permanent removal of the child from the parent's home through adoption."⁷⁷

This punitive approach is unlikely to have an effect on the vast majority of child welfare cases, which involve parental neglect related to poverty.⁷⁸ Indeed, neglect is the most common

⁷² Pub. L. 105-89, 111 Stat. 2115 (1997).

⁷³ Roberts, *Shattered Bonds*.

⁷⁴ 94 Stat. 500, 42 U.S.C. §§ 620-628

⁷⁵ See 42 U.S.C. § 673b(d) (1997). States receive \$4,000 for each adoption (\$6,000 if the adopted child has "special needs") that exceeds a base level of adoptions the state previously completed.

⁷⁶ See, e.g., Kathleen A. Bailie, *The Other "Neglected" Parties in Child Protective Proceedings: Parents in Poverty and the Role of the Lawyers Who Represent Them*, 66 *FORDHAM L. REV.* 2285, 2293 (1998).

⁷⁶ *Id.* at 2294-96.

⁷⁷ Naomi R. Cahn. *Children's Interests in a Familial Context: Poverty, Foster Care, and Adoption*, 60 *OHIO ST. LJ.* 1189, 1207 (1999). CHECK THIS CITE FOR ACCURACY!!!

⁷⁸ Pelton 1989. Brooks-Gunn & Duncan, 1997 In 1997, 55.9 percent of the child welfare cases opened nationwide were for neglect, compared to 24.6 percent for physical abuse and 12.5 percent for sexual abuse. (U.S. Department of Health and Human Services, 1999)

form of child maltreatment.⁷⁹ Although this category is intended to capture only incidents where parents have the ability to provide for their children and fail to do so, neglect is difficult to disentangle from poverty.⁸⁰ Determinants of child neglect such as “environmental neglect, inadequate supervision, inadequate food, inadequate shelter, inadequate clothing”⁸¹ clearly entail the consequences of poverty.⁸² Critics of the child welfare system charge that poor parents are often subject to state intervention solely on account of their economic status.⁸³ For these parents, ASFA represents an undeserved reprimand for a condition that they are unable to change.

III. THE OVERLAP AND CONFLICT BETWEEN SYSTEMS

The welfare and child welfare systems share overlapping histories, philosophies, and client populations. Yet this overlap often turns into conflict in the lives of poor families involved in both systems. Dual-system parents face a double-load of demands and expectations. For these parents, the sanctions, work requirements, and time limits that the TANF program uses to coerce compliance among recipients are compounded by the requirements of child welfare agencies. Moreover, welfare reform enforces a standard of ideal motherhood based on work outside the home that contradicts the emphasis of child welfare on caring for children. As a result, many dual-system families find it more difficult to fulfill the requirements of either system.

A. OVERLAPPING HISTORIES

The history of poor support is intimately connected to the development of the child welfare system. The first state programs designed to provide financial support to poor families were intended, in part, to prevent child maltreatment and neglect and to avoid the need to remove children from their destitute mothers. In 1911, Illinois enacted the country’s first statewide

⁷⁹ *See id.*

⁸⁰ (Pelton, 1989)

⁸¹ (Illinois Department of Children and Family Services, 2000)

⁸² (Pelton, 1994)

⁸³ See, for example, Lindsey, *The Welfare of Children*; Pelton, *For Reasons of Poverty*; Roberts, *Shattered Bonds*.

poverty program, called the Fund to Parents Act.⁸⁴ The act provided public financial assistance to poor mothers in an effort to ease the burden of child-rearing and prevent child neglect among families without a male breadwinner.⁸⁵ Notably, the Fund to Parents Act was codified as an amendment to the landmark Illinois Juvenile Court Act.⁸⁶ The connection was an easy one to make, as the juvenile courts already held the responsibility to care for neglected and dependent children.⁸⁷ Still, the concept of public support to poor mothers became palatable to legislators only when the parent's poverty was not caused by immoral behavior and the assistance was explicitly tied to the care of children.

State courts around the country followed Illinois' lead and, by 1925, legislators in 40 other states had enacted similar "mother's pensions" legislation.⁸⁸ These laws gave juvenile court judges almost boundless control over the lives of poor mothers. Local judges determined whether a family deserved state assistance and whether the child should be removed from the parent's home.⁸⁹ Given the prevailing definition of deservingness, the vast majority of families receiving poor support were white widows.⁹⁰ The "undeserving poor", non-widowed, non-white single mothers, were generally denied aid.⁹¹

Control over poverty assistance and child welfare remained largely in the hands of local judges⁹² until 1935, when Congress passed the Social Security Act (SSA).⁹³ Title IV of the SSA created a joint federal-state welfare program and initiated the effort to distinguish between child

⁸⁴ Handler & Hasenfeld at 67.

⁸⁵ *Id.* President Theodore Roosevelt's 1909 White House Conference on the Care of Dependent Children recommended the creation of federal poor support. It read: "children of parents of worthy character, suffering from temporary misfortune, and children of reasonably efficient and deserving mothers who are without the support of the normal breadwinner should, as a rule be kept with their parents, such aid being given as may be necessary to maintain suitable homes for the rearing of children." Winifred Bell, AID TO DEPENDENT CHILDREN, 4 (1965).

⁸⁶ Handler & Hasenfeld at 67. Although commonly referred to as the Illinois Juvenile Court Act, the act was codified as the Act to Regulate the Treatment and Control of Dependent, Neglected and Delinquent Children. *See e.g.*, Sanford J. Fox, *The Early History of the Court*, 6 THE JUVENILE COURT 29, 32 (1996).

⁸⁷ Handler & Hasenfeld at 62-63.

⁸⁸ *Id.* at 67.

⁸⁹ Bell, at 6-7.

⁹⁰ Handler & Hasenfeld at 70.

⁹¹ Joel F. Handler, THE POVERTY OF WELFARE REFORM, 25 (1995).

⁹² A small number of states administered poor support separately through welfare office administrators. *See* Handler, at 24.

⁹³ Pub. L. No. 74-271, 49 Stat. 620 (codified at 42 U.S.C. §§ 601-617 (1935)).

poverty and child maltreatment.⁹⁴ Little, however, changed in the administration of the program. Congress enacted formal “suitable homes” provisions in 1940 that ensured the population of ADC recipients would remain primarily white widows.⁹⁵

The suitable home eligibility requirements also preserved the connection between child protection and welfare receipt by allowing welfare administrators to use child removal as an alternative to financial assistance.⁹⁶ Only mothers who were deemed fit to raise their children given support, while others – primarily minorities and mothers of “illegitimate” children – risked the denial of aid, the removal of their child, or both.⁹⁷ As a result of the suitable home and “suitable parent” provisions, ADC failed to promote child welfare or provide cash support for the majority of needy families.⁹⁸

Although legislatively repealed in 1945, the “suitable homes” criteria remained in effect through state-governed policies for another fifteen years.⁹⁹ In 1960, Arthur Flemming, then Secretary of Health Education and Welfare, issued a ruling (the “Flemming Rule”) that directed states to abandon the restrictions.¹⁰⁰ Because this shift in policy left children in truly neglectful homes at risk for continued maltreatment, Congress amended Title IV of the Social Security Act in 1961 to provide federal funds for children in homes of unemployed parents and in foster homes.¹⁰¹ These amendments established a conjunction between the funding of federal welfare programs and child protection programs that continues today.¹⁰² Although Congress created a

⁹⁴ Frame, at 721. The Children’s Bureau, funded under Title IV-B, provided limited funding for child welfare services. Title IV-A funded the Aid to Dependent Children program. *See*, Mark E. Courtney, *Welfare Reform and Child Welfare Services*, in Sheila B. Kamerman & Alfred J. Kahn, *CHILD WELFARE IN THE CONTEXT OF WELFARE “REFORM”*, 2 (1997).

⁹⁵ Bell, Handler at

⁹⁶ Frame at 724.

⁹⁷ *Id.* at 724-25.

⁹⁸ Bell at

⁹⁹ Frame at 728.

¹⁰⁰ *Id.*

¹⁰¹ (Frame, 1999)

¹⁰² In 1962 the “social service amendments” to the Social Security Act renamed the ADC program Aid to Families with Dependent Children. AFDC was funded through Title IV-A of the Social Security Act, which also provided the funding for the federal foster care program. Handler & Hasenfeld at 120.

separate foster care program in 1980 under Title IV-E of the Social Security Act,¹⁰³ these federal funds are restricted to families that meet AFDC eligibility requirements.¹⁰⁴

The PRWORA's replacement of AFDC with a large, free-standing block grant under TANF affected child welfare funding. For example, the Emergency Assistance Program that had existed under Title IV-A was eliminated and its funds (\$1.6 billion in 1995) were rolled into the TANF block grant. The PRWORA also reduced the size of the second largest source of child welfare services funding, the Social Services Block Grant (SSBG or Title XX), by 15 percent. The 1995 federal expenditure on the SSBG was \$2.8 billion. Prior to the reductions mandated under the PRWORA, the SSBG provided states with discretionary funds for child welfare. The portion spent on family preservation and child maltreatment prevention likely exceeded the \$450 million directly allocated to these services under Title IV-B.¹⁰⁵ Thus, the SSBG provided an important source of discretionary funding for child protection and family preservation. Under TANF, states may continue to use the reduced SSBG funds, as well as the block grant of federal funds, for these services. However, the creation of a large pool of undirected funds dictates that there will be an increase in the competition for federal dollars that previously were applied to child welfare services¹⁰⁶. Because the TANF block grant is capped and Title IV-E funds for foster care are not, it is also possible that states have an incentive to shift expenditures away from child-only grants (covered under the TANF block grant) to foster and kinship care grants (covered under Title IV-E).

B. OVERLAPPING CLIENT POPULATIONS

¹⁰³ Title IV-E provides states with funds for the bulk of child welfare services, including out-of-home care, casework services for child placement, adoption assistance, and caseworker training. In 1995, the federal government spent over \$3 billion on Title IV-E alone. Title IV-B of the Social Security Act provides funding for child welfare services that include family preservation and support. In contrast to the \$3 billion spent on child placement, the government spent under \$450 million on child welfare services in 1995. (U.S. House of Representatives, Ways and Means Committee, 1996).

¹⁰⁴ (Courtney, 1998); Cahn, *supra* note , at 1195. It is important to note that these funds, indexed to 1996 AFDC standards, are not adjusted for inflation. Given that both incomes and the price of consumer goods inevitably rise with inflation, it is possible that fewer families will meet these requirements. Families that fail to meet eligibility standards for TANF support may risk contact with the child welfare system.

¹⁰⁵ (Geen & Waters, 1997)

¹⁰⁶ (Geen & Waters, 1997)

Although there is no indication in the text or legislative history of the PRWORA or ASFA, these two laws affect overlapping populations of families.¹⁰⁷ This connection is rooted in poverty. Poor families are disproportionately represented among both the TANF and the state child welfare populations.¹⁰⁸

Children raised in poverty are more likely to be reported to child protective services,¹⁰⁹ more likely to have the report substantiated,¹¹⁰ more likely to be removed from the home,¹¹¹ and more likely to remain in substitute care for a longer period of time.¹¹² Reported cases of child abuse and neglect among poor children is almost 7 times as great as the incidence among non-poor children.¹¹³ In Illinois, families with incomes below 50 percent of the poverty threshold are more than twice as likely to become involved with the child welfare system when compared to all other families.¹¹⁴ The incidence of abuse and neglect is approximately 22 times as great for families with incomes under \$15,000, compared to families that earn over \$30,000.¹¹⁵ Poverty, rather than the type or severity of maltreatment, is the single most powerful predictor of a child's time spent in foster care.¹¹⁶ These statistics leave "no doubt that the children in foster care have come predominantly from impoverished families, and that child abuse and neglect are strongly related to poverty."¹¹⁷

The documented relationship between poverty and involvement in the child welfare system is even more pronounced for children receiving welfare. Children from families who receive welfare are at the greatest risk for involvement with the child welfare system due to the extreme poverty among this population.¹¹⁸ Researchers estimate that approximately 50 percent of the families referred to the child welfare system received welfare at the time of the referral.¹¹⁹ Neglect in particular is highly associated with past welfare receipt and significantly more so than

¹⁰⁷ (Cahn, 1999)

¹⁰⁸ (Brooks-Gunn & Duncan, 1997; Courtney, 1997)

¹⁰⁹ (Goerge et al., 1996; Pelton, 1997)

¹¹⁰ (Hampton, 1987; Zellman, 1992)

¹¹¹ (Lindsey, 1992)

¹¹² (Jenkins & Diamond, 1985)

¹¹³ (Brooks-Gunn & Duncan, 1997)

¹¹⁴ (Shook, 1999b)

¹¹⁵ (Courtney, 1997)

¹¹⁶ (Jenkins & Diamond, 1985; Lindsey, 1992)

¹¹⁷ (Pelton, 1978, p.546, 1989, 1994)

¹¹⁸ (Goerge et al., 1996)

other forms of maltreatment.¹²⁰ In Illinois, 40 percent of the children in foster care came from a family that received AFDC in the month of the initial case report.¹²¹ An additional 20 percent of the children in the Illinois foster care population came from families that had some active AFDC association, but did not receive an actual cash award.¹²² These findings leave little doubt that children from families receiving welfare are at an increased risk for child welfare involvement.

C. WELFARE REFORM'S IMPACT ON CHILD WELFARE INVOLVEMENT

Because of the strong association between welfare receipt and involvement with child protective services, welfare reform is likely to have an impact on state child welfare caseloads. There is no definitive evidence of welfare reform's effect on child welfare. State officials have pointed to the dramatic decline in welfare rolls nationally in the last five years as *prima facie* evidence of welfare reform's success. There has also been dramatic decline in many states over that same period in the number of children in foster care.¹²³ In Illinois, for example, welfare and foster care rolls declined by almost 50% in the last five years. There is evidence, however, that sanctions, work requirements, and time limits have increased the risk that the most vulnerable families will become involved with child protective services. Researchers caution, moreover, that the successes of welfare-to-work programs may be reversed as the economy worsens.

1. *Sanctions*

Because welfare benefits are negatively related to neglect (lower welfare benefits yield higher rates of neglect) and foster care involvement,¹²⁴ sanctions imposed under TANF may increase the chances of child welfare involvement.¹²⁵ Sanctioned families necessarily experience income loss, and are therefore more likely to encounter a constellation of problems that affect the care of children, including such the ability to provide food, clothing, and housing, and pay for basic utility services.¹²⁶ For example, in Illinois, families who had their welfare grant terminated or reduced by greater than \$75 and found no subsequent employment experienced a significantly

¹¹⁹ (Lindsey, 1994; Paxson & Waldfogel, 2000; Pelton, 1994)

¹²⁰ (Bath & Haapala, 1993)

¹²¹ (Shook, 1998)

¹²² (Shook, 1998)

¹²³ (US Department of Health and Human Services, 2000)

¹²⁴ (Paxson & Waldfogel, 2000; Pelton, 1999)

¹²⁵ (Shook, 1999, 1998)

¹²⁶ (Shook, 1999a)

greater likelihood of child welfare involvement.¹²⁷ Children with sanctioned grants were twice as likely to be placed in foster care.¹²⁸ Sanctioned families are also at an increased risk for allegations of neglect and risk of harm.¹²⁹ The overall odds of a family experiencing a case opening or child placement is 53 percent higher for sanctioned grants compared to full grants.¹³⁰

Child exclusion policies that limit the welfare income of recipients based on the number of children in the family at the time of initial TANF receipt may also foster child welfare involvement. Women who resist TANF's efforts to modify their childbirth decisions face the prospect of raising an additional child with the same welfare check. For these women, the Family Cap provision acts as a income sanction upon childbirth. Similarly, minor parents under the age of 18 may be denied cash assistance unless they agree to live with a parent, adult relative, or legal guardian.¹³¹ These sanctions may affect the quality of recipients' ability to provide adequate childcare.¹³² Thus, sanctions represent not just temporary income loss, but also a greater likelihood of involvement with the child welfare system.¹³³

Other aspects of TANF's behavior modification scheme are even more intimately connected to the child welfare system. For example, TANF terminates awards to parents whose children are removed from the home for more than 45 days for any reason, including child welfare involvement.¹³⁴ If reunification is not possible within this period, the resultant loss of benefits may lead to hardships such as eviction or termination of utilities that, in turn, interfere with the chances of reunification.¹³⁵ These families must simultaneously comply with new rules that TANF imposes while attempting to remedy the circumstances that led to their referral to child protective services. Parents may experience conflicts between compliance with work, training, and counseling requirements mandated under TANF by welfare caseworkers and the

¹²⁷ (Shook, 1999b)

¹²⁸ (Shook, 1998)

¹²⁹ (Shook, 1998)

¹³⁰ (Shook, 1998) [Lindsey Chase-Lansdale's study, finding that children in sanctioned families fared worse than those in non-sanctioned families, but concluding that the difference resulted from family characteristics that made these families vulnerable to sanctions.]

¹³¹ (42 U.S.C. § 608(a)(5)(A))

¹³² (Shook, 1999)

¹³³ *Id.*

¹³⁴ (42 U.S.C. § 602(a)(10))

¹³⁵ (Matthews, 1999; Hardin, 1996)

permanency plan implemented by child welfare caseworkers.¹³⁶ In sum, children from homes with sanctioned welfare grants are at a heightened risk for involvement with the child welfare system.

Other aspects of the welfare reform law are also likely to draw more families into the child welfare system. The provision requiring teenaged recipients to live with their parents or another guardian may have the unintended consequence of increasing contact between these recipients and the child welfare system.¹³⁷ Child welfare agencies are better able to place young parents in supervised living arrangements and may also be asked to act as outside assessors of private placements.¹³⁸ The prohibition on benefits for people convicted of drug offenses could also have a substantial impact on child welfare, given the large proportion of child welfare cases either directly or indirectly related to parental drug use.¹³⁹ Substance-abusing parents who are permanently cut from the welfare rolls will find it more difficult to care for their children. What was conceived as an attempt to curb drug use among welfare-reliant parents could, therefore, result in increases in foster care caseloads.

2. *Work Requirements*

Welfare reform's impact on child welfare will depend largely on the availability and quality of employment opportunities for recipients who leave the welfare rolls. Research shows that the type of work many welfare recipients are able to secure cannot raise their families above the poverty line.¹⁴⁰ Although 80 percent of the women who voluntarily leave welfare find employment, these jobs tend to be in the same types of industries, and with the same level of pay, as poor and low-income mothers.¹⁴¹ Involuntary welfare "leavers" -- those who reach time-limits or are sanctioned -- are at even greater risk for negative outcomes. Only 50 percent of the women forced to exit welfare find work.¹⁴²

Research also demonstrates that work-based requirements will significantly affect child welfare involvement. Families who leave welfare and do not find subsequent employment are 3 times more likely to become involved with the child protection system than unemployed families

¹³⁶ (Matthews, 1999).

¹³⁷ Mark Hardin, *Sizing Up Welfare Reform's Impact on Child Protection*, 15 CHILD LAW PRACTICE 104, (1996).

¹³⁸ *Id.* at .

¹³⁹ See Hardin, *supra* note , at ; Matthews, *supra* note , at .

¹⁴⁰ (see Danziger et al., 2000; Duncan & Leonard, 1998; Loprest, 1999)

¹⁴¹ (Loprest, 1999)

who receive welfare benefits.¹⁴³ Part-time employment is a likely effect of welfare reform that is also associated with an elevated risk of child welfare involvement. Families whose primary caregiver works part-time are 2.8 times as likely to have a child removed from the home compared to caregivers who work full-time.¹⁴⁴ Indeed, unstable family income is considered the best predictor of child removal and foster care placement.¹⁴⁵ By forcing recipients to work, welfare reform may exacerbate this problem by separating parents from their children for longer periods of time without adequate childcare. Alternatively, families that are forced off of welfare because of sanctions or time limits may face even more extreme poverty and an increased likelihood of child welfare involvement.

3. *Childcare*

As more mothers are required to work, a commensurate increase in demand for adequate childcare is likely to emerge. Access to childcare is considered one of the primary barriers to welfare-to-work transitions.¹⁴⁶ Welfare recipients have a special need for childcare assistance because they are significantly more likely to have children with at least one chronic health condition.¹⁴⁷ Coupled with the work demands imposed by TANF, the special characteristics of welfare families make the availability of childcare a crucial determinant of welfare reform's impact on children. Sanctions for non-compliance coupled with sparse childcare services for compliant mothers makes it likely that the TANF work requirements may increase the incidence of abuse and, particularly, neglect.¹⁴⁸ The increased need for childcare, then, further links child protective services to welfare reform.

The drafters of the PRWORA did not ignore the need for childcare; they incorporated programs into the law that provide childcare assistance to poor mothers. The new Child Care and Development Fund (CCDF) consolidates four federal childcare programs into a single block grant. Because the CCDF eliminates administrative requirements previously imposed by AFDC, states may be better able to cater their childcare programs according to the characteristics of their

¹⁴² (Brauner & Loprest, 1999)

¹⁴³ (Shook, 1999)

¹⁴⁴ (Lindsey, 1992)

¹⁴⁵ (Lindsey, 1992)

¹⁴⁶ (Gault et al., 1998)

¹⁴⁷ (Heymann & Earle, 1999)

population.¹⁴⁹ While the new funding structure gives states greater flexibility in allocating funds to both the welfare and non-welfare populations, at least 70 percent of CCDF funds must be disbursed to families currently receiving welfare, transitioning off of welfare, or at risk of welfare involvement.¹⁵⁰ Poor families who work also receive financial assistance in the form the Child and Dependent Care Tax Credit, which provides tax reductions for childcare expenses. In addition, the PRWORA does not allow states to impose TANF sanctions upon single parents with a child under the age of six who is unable to meet the work requirements due to a lack of available childcare.¹⁵¹

Despite these programs, the Congressional Budget Office projects a shortfall of over \$1.8 billion in childcare funds for low-income working families by 2002.¹⁵² Families in need of subsidized care far exceed the supply provided by federal reimbursement programs.¹⁵³ Approximately one-third of welfare recipients currently below the poverty line would escape poverty if their childcare costs were fully subsidized.¹⁵⁴ The dearth of adequate childcare funds means that many welfare recipients will have a difficult time during the initial transition to work and will likely find it infeasible to maintain continuous employment for extended periods. As a result, it is questionable whether the stated goal of the PRWORA, to assist families in achieving self-sufficiency, can succeed without increases in federal childcare funding.

TANF sends a contradictory message to women involved with the child welfare system. These parents are told that they must work in order to receive assistance and, at the same time, they must care for their children without adequate childcare services. Childcare, then, exemplifies the compound demands placed on dual-system families and illustrates how being involved with both TANF and the child welfare system makes it harder to comply with the requirements of each individually.

D. The Systems' Competing Demands

¹⁴⁸ (Shook, 1999a)

¹⁴⁹ (Long et al., 1998)

¹⁵⁰ (Long et al., 1998)

¹⁵¹ (P.L. 104-193)

¹⁵² (Courtney, 1997)

¹⁵³ (Gault et al., 1998)

¹⁵⁴ (Gault et al., 1998)

Parents involved in both the welfare system and the child welfare system face a double-load of demands. Dual-system parents must comply with two distinct sets of rules, expectations, and time-consuming requirements. Despite the overlap in the populations served by the two programs, states have made little effort to coordinate their behavior-modifying requirements. The combined demands of both TANF and DCFS have more than a cumulative effect; rather, they place conflicting pressures on these parents. For example, the meeting times of services required by child welfare agencies may conflict with parents' childcare or work schedules. More fundamentally, TANF's emphasis on paid employment often conflicts with the child welfare system's emphasis on parenting. According to child welfare scholar Mark Courtney, "The goals of welfare reform, which is focused on adult self-sufficiency, compete with the goals of the child welfare system, which focuses on safe, nurturant child rearing."¹⁵⁵

Stephanie Limoncelli, a sociology graduate student at UCLA, discovered striking evidence of the systems' contradictory goals when she observed a Southern California welfare-to-work program.¹⁵⁶ Limoncelli noted the tension between the importance staff placed on work outside the home and the importance participants placed on caring for their children. She found that the staff impressed upon participants the message that they should not let their children interfere with their efforts to find and keep a job.¹⁵⁷ The trainers stressed that maternal responsibilities were secondary to paid work, instructing the mothers not to interrupt their job search to care for sick children.¹⁵⁸ They also tried to persuade the mothers that taking care of children meant providing financial support rather than spending time with them.¹⁵⁹ One trainer suggested that participants impress potential employers by boasting, "I'm a workaholic. I often stay so late that I neglect my family!"¹⁶⁰

¹⁵⁵ Mark Courtney.

¹⁵⁶ Stephanie A. Limoncelli, "The Politics of Motherhood and Paid Work: Gender, Class, Race, and the Construction of Need in a Welfare-to-Work Program" (March 31, 2000) (unpublished paper on file with the authors).

¹⁵⁷ *Id.*, at ____.

¹⁵⁸ *Id.* at ____.

¹⁵⁹ *Id.* at ____.

¹⁶⁰ *Id.* at ____.

Welfare reform's very philosophy -- that paid employment is the test for good parenting and should take precedence over nurturing children -- contradicts the standards for parental rehabilitation set by child welfare agencies.

IV. A STUDY OF DUAL-SYSTEM FAMILIES: METHODOLOGY AND SAMPLE CHARACTERISTICS

The majority of studies that address the impact of welfare reform on the child welfare system employ a survey-based methodology.¹⁶¹ These inquiries tend to overlook the individual experiences of these families in favor of a broad assessment of the child welfare system. But these aggregate numbers tell us little about the low-income parents who have been under pressure to both work and improve their parenting. As a result, few studies are able to report findings that demonstrate whether or how the personal lives of families are affected by the new rules imposed under TANF. To understand how recent behavior modification policies have shaped the lives of dual-system families we must look closely at their administration by state workers and the experiences of the individuals subject to regulation. In particular, any valid appraisal of the implementation and impact of these policies must consider their combined effect on poor families.¹⁶²

While statistical analyses of the impact of welfare reform on child welfare caseloads and outcomes are important, only an in-depth study of the experiences of families managing both systems can shed light on the *reasons* for these outcomes. We therefore undertook a study designed to move beyond aggregate level welfare and child welfare statistics by focusing instead upon individual experiences. To accomplish this goal, we conducted in-depth interviews of a sample of dual-system families. This Part describes the selection of our sample, the methodology we used to collect our data, and the sample's characteristics.

A. The Sample

The sample for this study was drawn from the Illinois Families Study conducted by the University Consortium on Welfare Reform.¹⁶³ The IFS is a longitudinal panel study that will track, over the course of 6 years, a random sample of 1,400 Illinois families who received

¹⁶¹ (Loprest, 1999; Needell et al. 1999; Paxson & Waldfogel, 2000)

¹⁶² (Dohrn, 2000)

¹⁶³ (Lewis et al., 2000)

welfare benefits in July, 1998. In addition to an annual panel survey, the IFS utilizes a data-linking methodology to access information from a number of state administrative agencies. As a result, the IFS is capable of tracking family outcomes over time using both self-reports and archival state agency data. The goal of the IFS is to assess the impact of welfare reform in Illinois.

The IFS utilizes a stratified random sampling design. Stratification for the study is based on two geographic areas: Cook County (containing the Chicago metropolitan area) and the remainder of Illinois. Within each stratum, a systematic sample with a random start was selected from the grantee populations.¹⁶⁴ In addition, sample members were selected using a three-month “rolling” sample strategy that helped to correct for the potential under-representation of families that temporarily had their benefits suspended. Together, these sampling strategies identified 1,899 eligible TANF grantees. Overall the sample response rate was 72%,¹⁶⁵ resulting in a sample size of 1,363.

We conducted interviews with a subset of these parents who both received a cash assistance grant (TANF) and were involved in the child welfare system – dual-system families. Approximately ten percent of the 1,363 parents interviewed in the IFS had a child who was investigated for abuse or neglect subsequent to the sample date.¹⁶⁶ We focus specifically on the families who had an “indicated” allegation of abuse or neglect – an allegation that was substantiated by credible evidence. This group comprises five percent of all IFS cases, resulting in a potential sample of approximately 70 families. Our sample size fell to 40 cases because we could not include families who refused to grant the IFS access to their administrative data. Of these 40 cases, we were able to contact and interview 16 respondents and were unable to interview 24.¹⁶⁷ Our qualitative analysis focuses on this sample of 16 respondents who were involved with both DCFS and the welfare system.

¹⁶⁴ *Id.*

¹⁶⁵ *Id.*

¹⁶⁶ This study selected families based on their involvement with child protection services beginning in July 1998, the start date for IFS interviews. A total of 14% of the IFS families had child protection involvement prior to the sample selection in 1998.

¹⁶⁷ Although these families completed IFS surveys, their contact information had changed in the period between the survey and our interviews. As a result, they could not be located. All of the parents whom we were able to contact consented to be interviewed.

B. METHODOLOGY

The qualitative data for this study were obtained through in-depth, face-to-face interviews with these parents about their experiences with welfare reform and child protective services. Parents were asked open-ended questions about their perceptions of the two state agencies and the role the agencies play in their families' lives. Throughout the interviews, parents were encouraged to express their ideas and opinions about the two systems, particularly regarding any information that was not covered in the interview manual. The personal interviews allowed respondents to communicate information that extends beyond simple background characteristics, revealing a truly individual perspective on these two state-directed systems.¹⁶⁸ Coupled with the IFS survey, this qualitative research design provided detailed information about families' experiences and about the dynamics of the interaction of the child welfare and welfare systems in families' lives. Interviews began in the Summer of 1999 and were completed that Fall. Interviews lasted 45-60 minutes.

C. Sample Characteristics

Descriptive information for our sample ($n=16$) is presented in [Table 1](#). Because our sample is really a subset of all dual-system families, this table also gives descriptive characteristics for the total number of known dual-system cases ($n=40$)¹⁶⁹ and the IFS sample as a whole ($n=1,363$). [Table 1](#) displays the unweighted case counts, weighted means, and weighted standard deviations for the three groups.¹⁷⁰

As would be expected from a sample of families receiving welfare, almost all of the individuals in our sample were women ($n = 15$). A disproportionate number of our respondents were Black ($n=12$) due to large Black populations in two of the sampling locations, Chicago and East St. Louis. The remaining 4 respondents were white. We had no Hispanic families in our sample. The majority of respondents had never been married ($n=7$), though a large minority were either currently married ($n=4$) or divorced/widowed ($n=5$). The average weighted age for respondents was 29 years old ($sd=5.59$). Chicago residents made up 43.8% of the interview

¹⁶⁸ (Hochschild 1981)

¹⁶⁹ As noted above, the predicted number of dual-system families was 70. Approximately thirty of these families did not give consent to examine their administrative records, so we could not include them in the study.

¹⁷⁰ To determine whether the respondents we were able to interview differed significantly from the respondents who we could not interview, we conducted a series of bivariate analyses. Only two variables differed significantly

sample ($n=7$), with the remaining 56.2% ($n=9$) living in East Louis and Peoria. While most respondents had an educational attainment of high school/GED or beyond ($n=9$), 43.8% of the respondents ($n=7$) had neither graduated high school nor earned the GED. The families in our sample averaged 5 children ($sd=2.20$). Six families had 4 children or less and 10 families had 5 or more children. The number of children per family was one of the two demographic variables that differed significantly ($p<.05$) between the interview sample ($n=16$) and the non-interview sample ($n=24$). Families that were interviewed tended to have a greater number of children ($p<.05$).

In addition to the demographic characteristics of the interview sample, [Table 1](#) also presents information regarding the respondents' public assistance receipt. Almost all of the families in our sample received the three main benefits associated with welfare, measured as receipt in 1998. Specifically, 93.8% of the interview sample received Food Stamps ($n=15$), 81.3% of the sample received Medicaid ($n=13$), and 81.3% of the sample received cash assistance through TANF ($n=13$). Most respondents ($n=14$) had not been sanctioned by the TANF office in the year prior to their participation in the survey. We found no significant differences for public assistance receipt based on whether the respondent was interviewed or not.

Because all of the families in both the interview sample and the greater IFS sample are poor, we used homelessness and residential change to assess relative levels of poverty.¹⁷¹ As shown in [Table 1](#), 15% of the interview sample respondents ($n=6$) were homeless in the 12 months prior to their IFS survey. Homelessness did differ between the respondents who were interviewed and those who were not, with the interviewed parents significantly more likely to have been homeless ($p<.05$). In contrast, the number of times each respondent changed residences in the past year did not differ between the groups. In our sample of interviewed families, respondents tended to have moved less than 2 times ($n=14$), with 12.5% of the sample ($n=2$) having moved 3 times or more.

V. TRYING TO MEET THE COMPETING DEMANDS OF TWO SYSTEMS

between the two groups. The interview group had significantly more children ($p<.05$) and experienced homelessness more often than the non-interview group ($p<.05$).

¹⁷¹ Although the IFS does include several income variables, the response rate for these questions was very low. As a result, we could not use actual income as an indication of poverty.

Because we selected our sample of parents based on their dual-system status, we anticipated that they would provide unique insight into the connection between the welfare and child welfare systems. We found that parents' perceptions of the ties between the welfare system and the child welfare system were not at the forefront of their minds. Very few parents explicitly identified the overlap between the two systems. However, during the course of the interviews, parents identified several important connections and conflicts between these two systems.

Our study revealed three types of conflicts that dual-system parents experienced in trying to meet the expectations of both TANF and child protective services. First, TANF's expectation that parents work without adequate childcare made it difficult for parents to care for their children. Second, TANF's sanctions and time limits deprived parents of the resources needed to comply with the child welfare system's requirements. Third, parents found it logistically difficult to comply simultaneously with TANF requirements and their child welfare services case plan.

A. Childcare and Work Requirements

The availability of adequate childcare is critical for parents attempting to meet the demands of welfare reform. Parents without access to adequate childcare find it extremely difficult to simultaneously comply with the work requirements imposed under TANF and care for their children. They must secure satisfactory childcare or risk sanctions for missing work and possible involvement with the child welfare system. Indeed, the parents we interviewed indicated that a lack of childcare was the main reason why they were unable to exit the welfare rolls.

The initial problem that many parents have with childcare is locating a trusted provider. Christina recently found a job that she enjoyed and that helped her to leave public assistance. Because she was unable to find help caring for her children, however, Christina eventually missed several days of work. As a result, she lost her job and is again receiving welfare. Christina cites childcare as the principal deterrent to her ability to maintain employment. Her "consistent problem" with getting off of welfare has been "being able to hold down a job while raising kids." Like Christina, Kimberly was told by her public aid worker to find a job, but could not find a babysitter because "everyone works." As a result, she is only able to look for work while her children are at school.

Finding childcare is especially difficult for parents who have housing problems. Shelters, for example, often do not provide this service. Because families that lack adequate housing may be forced to relocate on a daily basis, they cannot secure a regular childcare arrangement. Angela she needs to hire a babysitter so she can increase the hours at her job. “But I just moved here. I don’t know many people [who would be available to baby-sit],” she reported. Angela now plans to wait until her oldest daughter is able to care for the younger children before she transitions to full-time employment.

Like many parents, Angela rejected the childcare workers provided by the public aid office. “I’m really not trusting in the Department of Public Aid’s babysitters so I have to find one,” she explained. “I just don’t trust the people that they pick. They have a list of people that they, like, want [you] to pick from, but I want to find my own sitter.”

Even if a parent is able to find a trustworthy childcare provider, there are often problems with the state’s payments for this care. Several parents mentioned that their TANF grant provided cash assistance for childcare. However, this money is not disbursed at the same time the service is provided. According to Kelly, the public assistance childcare program is problematic because it “takes so long to get [the babysitters] their money – like 2 or 3 months. They want their money right then and there.” Beverly also found that it was very difficult to obtain childcare because the public assistance system takes so long to pay the providers. She said that she had to pay out of her pocket until the system started paying. Further, Beverly explained that childcare providers must navigate an extensive application process to qualify for TANF funds. She believed this deters many providers from signing up with the public assistance program. Beverly experienced other delays with the public aid office, such as the time it sent a form back to her three times because they could not read her signature.

Respondents also reported that problems with transportation affect their ability to arrange adequate childcare and, therefore, to work. A number of parents indicated that their inability to transport caregivers to their home, or their children to the caregiver, has resulted in sporadic childcare for their children, causing them to miss work. When asked about her experiences finding childcare, Sally replied “it’s hard ‘cause I don’t have any way to get [my son] to [the childcare center].” Sally did try to find a private caregiver, but none she contacted provided their own transportation. As a result, Sally had trouble holding a job and currently is not working. Without the ability to transport themselves and their children to and from childcare, parents must

sometimes subordinate their need to work to the stronger need to secure their child's well-being. Sally stated that her son is "number one. But then my job's [also] number one, because I got to have a job to take care of him."

B. Sanctions, Time Limits, and Parent's Compliance with Child Welfare Requirements

Poverty binds the two welfare programs and affects parents' ability to comply with child welfare requirements. Parents without the resources to provide important necessities for their family face the risk of a child welfare report for neglect. As noted above, most child maltreatment cases stem from neglect, which is intimately connected to poverty. Not surprisingly, the parents we interviewed face tremendous financial pressures. Although the majority of the respondents reported some form of employment, the part-time nature of the work limits both the hours and the wages available. In addition, the types of retail and "pink collar" jobs that these parents secure are unlikely to provide important and costly benefits, such as medical care.¹⁷² Of the parents we interviewed who were working, most work as part-time cashiers at retail stores or as tele-marketers. Several parents either work, or were in training for work, in nursing homes. For those respondents not working and receiving cash assistance alone, the monthly benefits were often insufficient to pay both rent and utilities.

Brenda, a working single-mother who also receives supplementary cash assistance, finds that the money she receives from public aid is simply not enough to meet her own needs and those of her five children:

I just make do with what I have. The toughest part is paying the bills. When it comes to paying the bills and there's not enough money, you're looking at the kids and they want this and they want that and you can't get them what they want.

Paying bills and rent means that other needs go unmet. Brenda expressed deep concern with the costs associated with her children's schooling:

¹⁷² (Duncan et al., 2001; Needell et al., 1999).

Me and a couple people at my job was talking, and we didn't understand why come when school getting ready to start, why come they don't give people allowances to buy school clothes. Because that's a lot especially when women are single and they have to buy school clothes. 'Cause all of mine are sitting up wondering where their school clothes at. They won't get none.... By the time I get done paying bills, I don't have no money to buy school clothes.... One month you might have to let all the bills go to have enough money to buy school clothes.

Although Brenda has a job, her cash assistance is cut each time she receives a raise in salary. As a result, over the past four years Brenda's monthly grant has been reduced from \$529 to \$340 to its current level – \$100. Like many of the respondents we interviewed, Brenda has trouble paying both the rent and her bills. “Once I pay the rent,” she confided, “I'm broke. I can't pay the whole [electricity] bill.”

Financial problems of this sort are echoed by all of the respondents, those working and those who are not. While public aid benefits such as Food Stamps and Medicaid make an important contribution to their lives, the combined assistance – even coupled with paid employment – is not enough to raise these parents out of poverty. As a result, these parents face an ongoing struggle to provide for their children's basic daily needs. After paying for rent, most parents we interviewed found providing enough food to be a daunting task.

Cynthia is a working mother with two children who receives Food Stamps and Medicaid, but no cash grant. Because she works, these benefits alone do not provide the level of support that she needs to feed her family.

Try feeding a teenager on \$140 a month. I don't even make it through the month. I mean, they go through a gallon of milk every 2 days, a loaf of bread every day practically. Ya know. I mean I get [money on my link card¹⁷³] on the first, and I buy....I usually spend it all. I get all my meals and everything, 'cause I seem to get more if I do it that way than if I just get it everyday or whatever. Although I usually have enough meat and stuff to last me a month, but I run out of milk and bread and eggs and all that. There's no money. Then I beg and borrow off of everybody. I mean, it's terrible. I'm gonna get another job.

Like Cynthia, many of the respondents expressed concern about their ability to provide their children with adequate food. Other common child-rearing expenses, such as a trip to the movies, a bowling arena, or a skating rink, are considered prohibitive “luxuries” that “put a real damper on your pocket” (Beverly).

Paid employment, either current or anticipated, is a major component of these parents’ lives. Every respondent indicated a preference for earning an income. Those respondents who were already working emphasized getting a better job with higher pay. Those not working at the time of the interview expressed a desire for education and training in order to get a job. In addition to the financial benefits of employment, the parents we interviewed perceived work as a means to transition into the legitimate world. According to Angela, work represents normalcy. “And then I would see other people working and, you know, doing stuff like *normal* people do,” Angela said. “And I wanted to be a normal, productive member of society just like them.” On the other hand, many parents who indicated a preference for work also expressed a concomitant fear that earning income would affect their cash benefits, Food Stamps, and medical coverage.

They perceived work, while desirable, to have serious costs that make it difficult to provide food and medical care to her children. They also noted several impediments to finding and maintaining employment, including inadequate or unavailable housing, lack of access to transportation, and inaccessible child care.

The income strain associated with welfare sanctions and time limits can force parents into deeper levels of poverty.¹⁷⁴ Brenda had to meet only one requirement to close her DCFS case – pay her electricity bill. Though Brenda both works and receives a cash grant, she cannot afford to pay her utility bills, preventing her from complying with DCFS demands. As a result of her poverty, she risks further involvement with the child welfare system.

The threat of sanctions exerted a very real influence on the actions and behaviors of the parents we interviewed. All of the parents we interviewed identified the need to work as the principal message of welfare reform. The parents experienced this message in a variety of ways.

¹⁷³ Link card refers to the commonly used name for Illinois’ food stamp program.

¹⁷⁴ Shook, 1999.

Beverly is required to submit a “quarterly report form” to her public aid office. While this form may be mailed in to the aid office, Beverly hand delivers it for fear that “they will say it was lost in the mail.” She is also required to participate in the Illinois Job Search program, where she must turn in ten to twenty job applications per month, each signed by the potential employer. Justin was working eighteen hours a week, but his caseworker said that he needed to work forty hours or risk losing his benefits. Like other respondents, Justin explained that if he could not find a job with enough hours, he was required to work in the TANF office forty hours a week. Shirley has never been sanctioned and does her best to avoid the possibility. “I’ve did everything that they asked me. And I can’t really afford to be sanctioned by me having eight kids, you know.” To avoid sanctions she fills out job search forms, forwards copies of her rent receipts to the TANF office, and arrives on time for all of her TANF office appointments. “If you’re not there on time and stuff... don’t expect for the check or the stamps to be on your link card ‘cause they won’t. They hurry up and cut you fast!” Shirley continued, “say you probably just forgot about the appointment. They ain’t tryin’ ta hear that. They just cut you off.”

Dual-system parents must cope with even greater financial pressures from the welfare reform law than other recipients. The PRWORA mandates that children must live in the recipient’s home in order for the parent to receive TANF benefits. When children are removed from the home, for any reason, the TANF benefits terminate after 45 days. Although most parents involved with DCFS retain custody of their children,¹⁷⁵ parents whose children are removed from the home face the termination of their welfare benefits. The sudden end to welfare receipt can have devastating effects. Gloria lost all of her TANF benefits when her children were taken into DCFS custody. “I felt like my life fell apart when they took my kids,” she recalled. Gloria’s TANF termination raised substantial direct and indirect barriers to her ability to cope with the loss of her children. Because public aid terminated her cash grant, Gloria also lost her home and became homeless. In desperation, she turned to drugs for solace. Two years elapsed before Gloria was able to quit using drugs, find a new home, and regain custody of her children.

Like Gloria, Rhonda was receiving welfare at the time of the DCFS report. Although her children were placed in the custody of her father, the public aid office terminated her TANF

benefits. Her father had to contact the public aid office and have the children's grants transferred into him while he was taking care of the children. He did not begin to receive the children's cash assistance for two weeks. Rhonda lost benefits for one month. Justin also had all of his welfare benefits terminated after his children were removed and was unable to pay his medical bills.

The TANF rules often conflict with other aspects of recipients' lives that might improve their children's welfare. To keep receiving assistance, Shirley is required to attend GED classes. Although she would like to earn her GED, she is concerned that if she misses classes, "they will sanction me, you know." In addition to her school requirements, Shirley must obtain ten signatures from potential employers. "They give these lists where we gotta go out and look for jobs, and get the paper signed—like ten signatures saying that you was out there lookin' for one." Shirley is optimistic about her job opportunities once she completes her GED. However, she remains concerned that sanctions will delay this goal.

Despite its popularity among legislators, few respondents discussed the child exclusion policy, or "family cap", a behavior modification technique designed to discourage women from having additional children while on welfare.¹⁷⁶ Our interviews suggest that the decision to bear children is more complicated than the simple cost-benefit analysis family cap proponents assume.¹⁷⁷ Rhonda's description reflects the complexity of women's decision making:

And I don't think it's fair that...they don't give you cash benefits for newborn babies. I don't think that's fair. It's not stopping the problem of women having babies. See, because there's a lot of people in different situations. And there's a lot of times people have been down for so many years just by being in relationships, or just adjusting to living a certain type of way in poverty, or however you may put it, and then they don't have the self-esteem or the ability...or have enough pride to say that I want to change. You know... a lot of people have a lot of issues. You know, and they need to see that... like a lot of people need to be counseled from, you know, being raped for years, or

¹⁷⁵ (Illinois Department of Children and Family Services, 2000)

¹⁷⁶ (Barksdale, 1995; Williams, 1992)

¹⁷⁷ (Luker, 1996; Musick, 1993)

having loss or grievances, you know loss of a loved one—a baby, a husband, or whatever. It's a lot. People can have mental... incapability's. [Welfare reformers] don't know. And they need to find out first before they be quick to say 'well, you've been on this for this amount of time and we're gonna...' [cut you off]. They should really look into things like that. 'Cause there's a lot of people that need help that don't know how to get it!

Rhonda's observations are supported by empirical studies that find no relationship between the level of welfare benefits and out-of-wedlock births.¹⁷⁸ Moreover, the fact that Rhonda was the only respondent who mentioned family caps suggests that these provisions do not influence recipients' decisions about childbearing to the extent that legislators predicted.

C. Balancing the Requirements of TANF and DCFS

As we discussed in Part III, parents involved in both the welfare system and the child welfare must comply with two distinct sets of rules, expectations, and time-consuming requirements. They must balance the requirement to work or obtain schooling imposed by TANF, coupled with the requirement to attend parenting classes, family counseling, and drug treatment imposed by DCFS, against the demands of raising their children.

Many of the dual-system parents we interviewed felt overwhelmed by the time consuming nature of the combined requirements imposed by TANF and DCFS, and found it difficult to comply with both sets of requirements. In addition, parents indicated that the combination of DCFS and TANF requirements interfere with the demands of raising children. The conflict between DCFS requirements and TANF work requirements are evident in Brenda's response to her DCFS caseworker's request that she meet additional requirements: "I work five days a week, just like you do. What you want me to do -- take off from my job to do certain things? I told you I can only do it after hours."

Michelle believes that the services that DCFS requires make it difficult for her to both work and get her children back. She felt that she is being forced to choose between these two competing goals. Child welfare services seem to consume all of her time. DCFS requires her to participate in parenting classes, substance abuse classes, counseling -- "you name it. As you go,

they make up stuff [for you to take].” These service requirements demand so much time that Michelle has not been able to maintain employment.

Michelle’s experiences illustrate how the time demands of DCFS requirements can conflict with the work requirements imposed by TANF. She felt torn between the two systems because she must attend the DCFS meetings and services to regain custody of her children. “I have to go to the meetings with my kids and the services,” Michelle said. “They inhibit me from working. I have to go to the meeting with my kids rather than work because if I don’t, they (the caseworkers) will make it seem like I don’t love my kids. They can say anything they want....I have no say so, I’m just standing there [in court].” Although she makes her children her top priority, Michelle recognizes that this focus may have long-term implications for her TANF benefits. If she does not find employment because of her compliance with DCFS requirements, she risks reaching the time limit for receipt of her cash grant. Without this cash assistance, inadequate housing or her inability to provide adequate food and clothing could compromise Michelle’s reunification with her children.

Thus, the conflict between TANF requirements and DCFS requirements may create a cyclical pattern of failure. Each program’s requirements may force a behavioral compromise, such as forgoing work to attend parenting classes or vice versa, that could eventually result in the loss of TANF benefits or child custody. Despite this possibility, the emphasis on caring for their children over the potential loss of TANF benefits was common among the parents we interviewed. The desire to keep or regain custody of their children controls these parents’ decisions. Indeed, some parents failed to perceive clear conflicts between TANF and DCFS requirements because the drive to care for their children made the TANF requirements seem insignificant.¹⁷⁹

For example, Gloria responded to a question about the conflicts between the two systems by stating that there were none: “My children are most important.” This response was particularly surprising given that Gloria has had problems meeting her TANF requirements since she became involved with DCFS. The child welfare service requirements have forced her to miss several appointments with her TANF caseworker. She noted that “if you are late or miss an

¹⁷⁸ (Duncan & Hoffman, 1990; Luker, 1996)

appointment they take your whole benefits out. Then you be like late on rent and everything.” Gloria felt that this sanction was unfair because the only appointments that she ever missed were due to services required by DCFS. She was willing to sacrifice her welfare benefits to perform the tasks that the child welfare system required. This strategy, however, may have negative long-term consequences if the loss of TANF benefits reduces her ability to provide necessities to her children, thereby making her family vulnerable to further DCFS intervention.

In addition, parents living with their children indicated that it was difficult to balance the general demands of raising children with the TANF requirements. Shirley noted that she “doesn’t have much time for anything.” Angela also feels that she has too much to balance, especially since she has to ride the bus. She tries to coordinate her public aid appointments with her work schedule. Because she works in the evening, she tries to make all of her appointments with her caseworker in the late morning after she helps her children get to school. By default, the requirements end up “balanc[ing] [them]selves,” since she can only work during those times when she isn’t caring for her children or meeting with her caseworker. Sally also had difficulty balancing the demands of caring for her son and paid work. “I’ve got a lot of things to do. Like right now, getting [my son] involved in school, getting his school supplies, he’s got doctor’s appointments, and all that stuff. If I would be working right now, that would interfere in my work. So, yeah, sometimes [public aid] would help out.”

VII. Conclusion

Both the welfare and child welfare systems impose behavior modification requirements on poor parents, based on the assumption that family problems are caused by parental deficiencies. Although these two systems share overlapping histories, populations, and philosophies, they impose competing – and often conflicting – demands on the families that are involved in both. Our study revealed that families’ involvement in TANF and child protective services stemmed largely from external constraints, including barriers to well-paid jobs, lack of affordable childcare and housing, and transportation problems, that make it difficult for poor parents to care for their children. The two systems’ conflicting behavior-modification

¹⁷⁹ [Compare Kathy Edin’s study finding that mothers leaving welfare for work failed to express a tension between keeping a job and mothering, although they experienced many conflicts. One mother reported how she had to stay at work, despite her older daughter’s frantic calls that her younger daughter had a severe fever.]

requirements, moreover, further impede parents' ability to conform to the expectations of either system. The dual-system parents we interviewed reported that TANF's expectation that they keep a job without adequate childcare made it harder to take care of their children; that TANF's sanctions and time limits increased their financial insecurity; and that they found it extremely difficult to comply simultaneously with TANF requirements and their child protective services case plan. More fundamentally, despite their enthusiasm for finding paid employment, they experienced a conflict between TANF's rules and the general demands of raising children.

This study demonstrates that welfare reform has failed to provide sufficient services and supports needed to assist parents to meet the competing demands of keeping a job and caring for their children. The conflict dual-system families experience suggests a problem with TANF's behavior-modification philosophy, as well. By focusing on reforming parental deficiencies, the welfare and child welfare systems overlook the societal causes of child poverty and maltreatment. Together, they place unmanageable burdens on the most desperate parents to improve their children's welfare without the tools they need. As Gwendolyn Mink observes in *Welfare's End*, "Why we end welfare dictates *how* we end it – whether we end it by subordinating poor single mothers or by improving their prospects for equality."¹⁸⁰ The experiences of families in the child welfare system invite Congress to re-think behavior modification as the reason for reforming welfare.

¹⁸⁰ Mink, *Welfare's End*, at 134.