

MASSACHUSETTS CATHOLIC CONFERENCE
WEST END PLACE

150 Staniford Street, Boston, MA 02114-2511
Phone (617) 367-6060
FAX (617) 367-2767

LEGISLATIVE TESTIMONY

To: Members of the Joint Committee on Children, Families and Persons with Disabilities
From: Edward F. Saunders, Jr., Esq., Executive Director
Re: Senate 29, “An Act to Let Child Support Come Home” & Senate 36/House 3423, “An Act to Bring Child Support Home”
Date: September 15, 2009

The Massachusetts Catholic Conference (“Conference”) respectfully submits this testimony in support of Senate 29, “An Act to Let the Child Support Come Home” and Senate 36/House 3423, “An Act to Bring Child Support Home.”

These bills would amend certain provisions imposing a “family cap” on cash assistance offered under the Commonwealth’s Transitional Aid to Families with Dependent Children (“TAFDC”). Instituted as part of comprehensive welfare reform at the federal and state levels in the mid-1990s, the family cap mechanism denies additional child-related benefits to women giving birth to additional children (referred to individually as a “cap child”) while on public assistance. See 1995 Mass. Acts c. 5, § 110 (a) & (c).

Under current state law, child support payments otherwise payable to a so-called “cap child” must be paid directly to the state, and all of the amount collected beyond \$90.00 a month is to be counted as a public benefit.¹ The portion of child support payments counted as a public benefit cannot be passed on to the child’s family if the transfer of these funds would cause the family’s cap on public benefits to be exceeded. Instead, such funds must be diverted to the Department of Transitional Assistance (“DTA”) and the Federal Government for general use.²

These bills would change current law by allowing those children deemed ineligible for TAFDC assistance under the family cap to receive the full amount of child support collected on their behalf. Senate 29 would add a new paragraph to M.G.L. c. 8, § 21, applying globally and “notwithstanding the provisions of any general or special law to the contrary,” to create a new restriction barring the DTA from counting child support funds towards the family cap. Senate 36/House 3423 would achieve the same result by amending specific provisions of the Chapters 18, 118, and 119A dealing with the same subject. Senate 36/House 3423 would also require the Massachusetts Department of Revenue to issue future reports to the chairs of the Senate and House Committees on Ways and Means and Revenue detailing progress and identifying timetables for remaining action.

The Roman Catholic Church at the national and state levels has supported positive changes in the way that welfare is administered but has also vigorously opposed the use of family caps.

In 1995, when Congress was debating legislation proposing fundamental changes in national welfare policy, the Catholic Bishops of the United States expressed support for “genuine welfare reform that strengthens families, encourages productive work, and protects vulnerable children,” and explained that “[w]e are not defenders of the welfare status quo, which sometimes relies on bureaucratic approaches, discourages work, and breaks up

¹ See Testimony of Catholic Charities Before the Joint Committee on Children, Families, and Persons with Disabilities on behalf of Senate 36/House 3423 (submitted Sept. 15, 2009).

² See M.G.L. c. 18, § 21.

families.”³ The Bishops warned however that “[g]enuine welfare reform should rely on incentives more than harsh penalties; for example, denying needed benefits for children born to mothers on welfare can hurt the children and pressure their mothers toward abortion and sterilization.”⁴

In 1994, the Roman Catholic Bishops in Massachusetts acknowledged that “[i]t cannot be denied that the public welfare system needs reform” but emphasized that “we must remind ourselves of our responsibilities one to another. The disease here is child poverty, not welfare.”⁵ The Massachusetts Bishops urged the repeal of the family cap due to their concern that it could “lead to exacerbated levels of child poverty, family homelessness, and increased destabilization of family life among the poor.”⁶

A 2007 article reviewing numerous studies on the ten-year impact of national welfare changes observed that “welfare reform may reflect more of a short-term ‘patch’ than a long-term solution.”⁷ The research review found that while some success has been achieved “in moving more single-mothers off the welfare rolls and into jobs,” the resulting “employment remains unstable, offering few readily accessible opportunities for advancement or significant increase in wages.”⁸ Furthermore, “[w]hile a subset of children may be doing better, there is little evidence to suggest that outcomes have improved for most, and qualitative accounts highlight that some women think their children are suffering as they struggle to balance low-wage, unstable work and the demands of their families.”⁹ This comprehensive review provides important evidence that the Bishops’ concerns are becoming an unfortunate reality.

None of the aforementioned bills would dismantle the family cap mechanism in its entirety. Nonetheless, the bills would ameliorate the harsh consequences of imposing a family cap in situations involving child support payments by permitting such payments to be passed through for the benefit of children.

For these reasons, the Conference urges the Committee to report favorably a bill based upon the provisions of Senate 29 and Senate 36/House 3423.

The Massachusetts Catholic Conference is the public policy office of the Roman Catholic Bishops in the Commonwealth, representing the Archdiocese of Boston and the Dioceses of Fall River, Springfield, and Worcester.

³ Administrative Board, United States Catholic Conference, “Moral Principles and Policy Priorities for Welfare Reform” (March 1995), reprinted in Vol. IV, Pastoral Letters and Statements of the United States Catholic Bishops 661, 662 (1998).

⁴ Id. at 663.

⁵ Massachusetts Catholic Conference, “We Are Responsible for One Another” (May 1994) (available at <http://www.macathconf.org/Archives1994BishopsStatementWelfareIssuesMay11.pdf>), at 3 & 5.

⁶ Id. at 6. See also the Massachusetts Bishops’ most recent statement on welfare reform and family caps, “Pastoral Statement on the State Budget” (April 25, 2003), (available at <http://www.macathconf.org/03-Bishops%20Budget%20Cuts%20Statement%204-25.pdf>).

⁷ Rebecca Joyce Kissane and Richard Krebs, “Assessing Welfare Reform, Over A Decade Later,” 1 *Sociology Compass* 1, 18 (Sept. 2007) (an online-only peer-reviewed journal available at <http://www.blackwell-synergy.com/doi/pdf/10.1111/j.1751-9020.2007.00029.x>).

⁸ Id. at 18.

⁹ Id. at 17.