

TANF, Child Care Reauthorizations Stalled

Reauthorization of the Temporary Assistance for Needy Families (TANF) and child care programs is at a standstill—both issues are awaiting debate on the Senate floor. Consideration of the 13 FY 2003 appropriations bills, completion of debate over homeland security, a resolution authorizing military action against Iraq, pension reform legislation, and a state fiscal relief bill are all in front of TANF and child care on the Congressional calendar.

Fifty Senators (40 Democrats, 9 Republicans, and the Senate's lone Independent) have signed a letter requesting that the Senate consider TANF/child care this year. Senate Majority Leader Tom Daschle (D-SD) would like to restrict the number, and perhaps the type, of amendments that could be offered during debate on the Senate floor.

Although the legislation was not debated before the end of the 2002

fiscal year, both laws stay intact, but, technically, the funding levels expired September 30. TANF contains several expiring funds, including the main block grant, various bonus funds, and supplemental funds. Both the child care mandatory funds and authorization of discretionary funds also expire.

In the past, many programs have gone past their reauthorization dates and continued to operate at the same or higher funding levels. If Congress fails to act, short-term, one-year reauthorizations of TANF and child care are likely. Congress would then consider a longer-term reauthorization next year.

Although a short-term extension probably won't change much of the current law, it also means that TANF funds will stay at the same level. Advocates continue pushing Congress to, at the very least, increase child care funding this year, since it is unclear whether Congress will extend the program for one year or five. **CM**

Lame Duck Session Possible

Congress was scheduled to adjourn on October 4, but with none of the 13 appropriations bills passed and other significant legislation pending, a mid-October adjournment is possible. A post-election, or lame duck, session is more likely. During a lame duck session, Congress would probably focus on appropriations legislation, but TANF and child care could be addressed as well. The decision to hold a lame duck session may be made following the elections.

Both political parties hold narrow majorities in the Senate and House, and the upcoming election could drastically change the balance of power in one or both chambers. The election results and potential power shifts will likely affect a decision of what will be brought up in a lame duck session. This decision will also depend on whether the White House will want to finish up this year with the current Congress, or if the Administration prefers to work with the new Congress when it convenes in January. **CM**

ADVOCACY SPOTLIGHT

URGE YOUR MEMBERS OF CONGRESS TO:

- Restore Social Services Block Grant (SSBG) funding to \$2.8 billion.
- Increase child care funding by \$11.2 billion over the next five years.

TAKE ACTION!

Contact the President and your U.S. Senators and Representative about key children's issues. Tell them how their actions impact the vulnerable children and families in your state and local community. Your voice does make a difference!

PRESIDENT GEORGE W. BUSH

The President
The White House
1600 Pennsylvania Avenue NW
Washington DC 20500
Comment Line 202/456-1111
Fax 202/456-2461

YOUR U.S. SENATORS

The Honorable (insert name)
U.S. Senate
Washington DC 20510

YOUR U.S. REPRESENTATIVE

The Honorable (insert name)
U.S. House of Representatives
Washington DC 20515

CALL YOUR MEMBER OF CONGRESS

Call the U.S. Capitol switchboard at 202/244-3121 and ask for your senator's or representative's office.

CONTACT BY E-MAIL

Use CWLA Kids' Advocate Online to e-mail your senators and representative about key children's issues with a CWLA issue-specific letter, or write your own letter. Access Kids' Advocate Online via the advocacy page of CWLA's website at www.cwla.org/advocacy.

Senate Committee Approves CAPTA Reauthorization, Adopts Coalition Proposals

On September 25, the Senate Committee on Health, Education, Labor, and Pensions (HELP) approved S. 2998 to extend the Child Abuse Prevention and Treatment Act (CAPTA) through 2007. Like H.R. 3839, the Keeping Children and Families Safe Act of 2002, passed by the House of Representatives last April, the Senate measure represents a bipartisan agreement to provide slight increases in authorized funding levels for CAPTA programs and to focus CAPTA support on improving preventive and protective services.

The Senate measure, with the same title as the House bill, was introduced September 24 by Senators Christopher Dodd (D-CT), Susan M. Collins (R-ME), Michael DeWine (R-OH), Judd Gregg (R-NH), Edward M. Kennedy (D-MA), and Paul D. Wellstone (D-MN).

The House and Senate bills authorize CAPTA at levels slightly above current authorized funding and well above 2002 appropriations. CAPTA basic state grants and discretionary grants would have a combined authorization of \$120 million (FY02 appropriations total \$48 million); CAPTA Title II Community-Based grants would be authorized at \$80 million (FY02 appropriation is \$33 million).

The HELP Committee's CAPTA reauthorization proposal is based on the House bill, with additions and changes to some provisions adopted by the House, notably in an amendment by Rep. Jim Greenwood (R-PA) on protective services for infants born drug-addicted. While H.R. 3839 would

require hospitals to report to CPS any newborn exposed to drugs or alcohol, S. 2998 offers states more flexibility in developing procedures for addressing the needs of such infants, with referral to CPS where "appropriate."

Both the House and Senate bills, in addition to reauthorizing CAPTA, extend the authority for the Family Violence Prevention and Services Act, the Adoption Opportunities Act, and the Abandoned Infants Assistance Act.

The Senate sponsors of S. 2998 were hoping to take the bill to the Senate floor for passage by unanimous consent in October. A House-Senate conference committee would then work out the differences between the two bills. With Congress intending to recess by mid-October, time is short for a final resolution on CAPTA.

The Senate measure incorporates many provisions proposed by CWLA and the National Child Abuse Coalition. Both the House and Senate versions address themes of improving linkages between CPS and health care services, adding attention to the use of basic state grants for improving CPS infrastructure, and making prevention the focus of Title II community-based grants.

Both versions authorize funds to support linkages among CPS and health, mental health, and developmental services, through research, demonstration programs, information on best practices, evaluation of effective collaborations, training to enhance such linkages, and the use of basic state grant funds to promote CPS referrals to health, mental health, and developmental services.

Both bills expand on the uses of basic state grant funding, with a goal of improving the CPS system through

attention to case management; ongoing case monitoring; better information management; training of caseworkers; supervision, recruitment, and retention of caseworkers; and improved reporting of suspected child maltreatment.

In addressing the prevention focus of CAPTA's Title II community-based program, the Senate bill goes further than H.R. 3839 to make clear that the funds are to support community-based efforts "aimed at the prevention of child abuse and neglect" and to support networks of coordinated resources where appropriate. The current CAPTA law puts support of developing networks of services as the primary focus of CAPTA's community-based program.

Both the House and Senate bills adopt provisions suggested by the National Child Abuse Coalition to support longitudinal research, development of best practices for improving CPS, and an analysis of the redundancies and gaps in resources to prevent and treat child abuse and neglect. The two bills also call for a fourth National Incidence Study, including information on the relationship between child maltreatment and a variety of demographic and family information.

Besides shifting the focus of the Title II community-based grants to a more pronounced preventive purpose, the Senate bill differs from the House bill in other ways:

- The Senate bill would require states to report to HHS on how they use CAPTA funds, either alone or in combination with other federal funds, a provision proposed by the coalition.
- The Senate bill would allow states to conduct child and family proceedings in open court, consistent with state policies, an amendment suggested by the coalition.



- The measure would also require that the appointment of court-appointed special advocates and guardians ad litem be those who have received appropriate training, as advocated by the coalition.
- The Senate bill would require states to develop triage procedures for referring children not at risk of imminent harm to preventive services.
- The Senate measure would provide support for cross-training for CPS workers in areas of substance abuse and domestic violence.
- The Senate bill would leave to the discretion of the HHS Secretary the authority to appoint a U.S. Advisory Board on Child Abuse and Neglect. The House version eliminates entirely the now-defunct advisory board. The coalition advised retaining current law.
- The Senate version would authorize CAPTA demonstration grants to support safe, supervised visitation between children and abusive parents and to facilitate exchange of visits with noncustodial parents in domestic violence cases. The bill would also support demonstration grants for developing risk assessment tools, training mandated reporters, and prevention of child sexual abuse through school-based programs focusing on adolescent victims and victimizers.
- The Senate bill would create a new \$10 million authority in CAPTA to support “Opportunity Passports,” an initiative proposed by Sen. Hillary Rodham Clinton (D-NY) to develop partnerships in 10 states for providing electronic cards aimed at promoting the financial security of youth in and aging out of foster care.

FY 2003 Funding Decisions Await House Action

None of the 13 annual appropriations bills have been sent to the President for signature yet. With some of these appropriations bills still unresolved as of the new fiscal year October 1, Congress has passed two continuing resolutions to continue funding for federal programs and departments at current levels. A third continuing resolution may have to carry spending through the beginning of next year. House members, apparently, have little interest in coming back after Election Day for a lame-duck session, so the continuing resolution enacted in mid-October may be the final word until early 2003.

The Senate Appropriations Committee has approved all 13 appropriations bills, but since the appropriations process generally requires the House to act first, the full Senate has not yet considered these measures.

The major roadblock is the appropriations bill that funds the U.S. Departments of Labor, Health and Human Services, and Education. The Senate committee-passed bill would increase funding by nearly \$5 billion more than what the President submitted in his FY 2003 budget. Most of the increased funds are for education, health research, and restoring nearly \$1 billion in job training cuts the White House proposed.

The House has yet to agree on a strategy. Conservative Republicans want a bill that is funded at the White House levels, while more moderate Republicans want a bill closer to the Senate funding levels. The two factions have not been able to reach an agreement, so all action on appropriations in the House has been halted.

Congress Passes Juvenile Justice Bill

On October 3, the Senate overwhelmingly passed legislation for U.S. Department of Justice programs (H.R. 2215), which included reauthorization of the Juvenile Justice and Delinquency Prevention Act (H.R. 1900) and the Consequences for Juvenile Offenders Act (H.R. 863). The House passed the bill on September 26, and the package now goes to the White House, where President Bush is expected to sign it into law.

The provisions in H.R. 1900 closely reflect current law and represent a significant improvement over the earlier versions of the legislation and tremendous progress from proposals in the last Congress, which focused more on punishment and punitive measures.

Under the legislation, the core protections in juvenile justice law are maintained intact, with one major modification: Juveniles may now be held in an adult facility for up to 48 hours in certain rural areas. Current law allows for only 24 hours. CWLA supported the 24 hour limit under current law, as well as other protections—addressing disproportionate minority confinement, deinstitutionalizing status offenders, and separating juveniles from adults when they are in the same facility—which were preserved with only minor modifications.

The bill also maintains the Title V Juvenile Delinquency Prevention grant program. This program had been slated to be included in a larger block grant with no specific emphasis on primary prevention. By keeping Title V separate, primary prevention can continue as a major emphasis of the Office of Juvenile Justice and Delinquency Prevention.

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Replacing the Juvenile Accountability Incentive Block Grant, H.R. 863 provides grants to states to implement a system of graduated sanctions for crimes committed by juveniles. H.R. 863 will also make grants available to conduct need and risk assessments of juvenile offenders, to facilitate effective early intervention, and to provide comprehensive services, including mental health and substance abuse testing and treatment. This significantly improves the existing block grant program by emphasizing deterring youth from committing more serious offenses by addressing crime at more minor levels.

Restoring SSBG Funding Uncertain

Restoring funding for the Social Services Block Grant (SSBG) remains uncertain. The House has taken no action on SSBG, but the Senate has included a partial restoration of funding in several bills. The Senate Finance Committee passed the CARE Act, S. 1924, in July. This version of the White House proposal to promote faith-based providers of services includes limited tax deductions for charitable giving and increases

SSBG from the current \$1.7 billion to \$1.9 billion in 2003 and \$2.8 billion in 2004.

The Senate has also included a \$250 million increase in 2005 in the TANF reauthorization to complement the funding contained in the CARE Act. Finally, the Senate has passed a state fiscal relief package that would provide a one-time increase of \$3 billion to SSBG to be spent by states through June 2004—this in addition to the current \$1.7 billion. CWLA has supported all of these efforts.

Agreement Reached on Proposed Medicaid, SSBG Increase

Leaders of the Senate Finance Committee have reached agreement on a Medicare provider reimbursement package that includes increases in Medicaid and the Social Services Block Grant (SSBG).

The proposal, the Beneficiary Access to Care and Medicare Equity Act, would provide a 1.3% increase in Medicaid's Federal Medical Assistance Percentage (FMAP) for 12 months for

all states and for those states scheduled to have a lower FMAP in FY 2003. The cost is estimated at \$4 billion. SSBG would receive a \$1 billion increase for FY 2003. Other provisions include retaining State Children's Health Insurance Program (SCHIP) money that is scheduled to go back to the U.S. Treasury and a new redistribution formula to ensure these SCHIP funds get to the states and are used to continue covering the health care costs of children.

The bill is expected to go directly to the Senate floor for consideration, bypassing the usual committee process. The bill is most likely to have no amendments. The House, however, must consider the bill before Congress recesses for the year.

States have been severely affected by the recent economic downturn and need immediate and effective fiscal relief. This bill will provide states with a temporary increase to Medicaid and SSBG to help during the current fiscal crisis. With this additional funding, states may not be forced to make deeper cuts in health, social services, and education programs. **CM**



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