



# Children's Monitor

**Monday, 29 JULY 2019**

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## **Two-Year Budget Deal Looking for Final OK This Week**

On Monday, July 22, 2019, all parties agreed to a two-year budget deal for fiscal years 2020 and 2021. On Thursday of last week, the House of Representatives went first and gave the first approval. If all goes as planned, the Senate will follow this week and send the agreement to the President and Congress will be gone for the month of August.

The budget agreement suspends the debt ceiling until July of 2021 well into the next administration or this President's next term. In addition, the bargain will set higher spending levels for this upcoming fiscal year, 2020 (starting on October 1, 2019) and for the fiscal year 2021. The deal provides an increase in both defense spending and non-defense spending for each of the two years. Defense Department spending will increase to \$738 billion for 2020, and non-defense spending will increase to \$632 billion. The increases are \$22 billion and \$27 billion respectively. The total discretionary spending will increase by \$56 billion over two years of the package. The agreement largely negotiated by Secretary of Treasury Steve Mnuchin and Speaker Nancy Pelosi (D-CA) also includes some limited "offsets" or spending reductions, but they don't seem to raise controversy.

The agreement will be the last under the ten-year Budget Control Act of 2010, which President Obama and Speaker John Boehner (R-OH) negotiated with annual caps that tied a sort of parity in spending levels between the two broad categories. The next administration or this President will have to debate what the future budget landscape looks like after the 2020 elections with deficits hitting approximately \$1 trillion a year now.

Congress still must act on appropriations for FY 2020, which will start less than a month after they return from the summer break. The House has passed ten of their bills while the Senate had been in a holding pattern on all the 12 bills due to a lack of agreement. The month of August, however, will include a lot of work between the two sides to determine appropriations for all 12 bills. The deal struck included an agreement not to include “poison pill” amendments – amendments that have drawn a hard line in the sand by either side. It is very possible there will be some continuing resolution (CR) passed in September to add more time to finish the bills, but with a spending ceiling set, such a CR will likely be without controversy. The agreement also makes it likely that next year’s budget and appropriations will move without too much debate before the next presidential election.

## What Was in the House-Passed Labor-HHS-Education Appropriation

The two-year budget deal being approved by Congress provides important increases over the budget caps, but it will provide approximately \$10 billion less than the House had designated for their FY 2020 non-defense appropriations. The House-passed Labor-Health and Human Services-Education Appropriations bill provides dramatic increases in several CWLA priorities such as child care and some limited increases for the Child Abuse Prevention Treatment Act (CAPTA) and the Community-Based Child Abuse Prevention (CB-CAP) program.

CAPTA state grants received an increase to \$90 million (a \$5 million increase) and a historic \$35 million increase for the Community-Based Child Abuse Prevention (CB-CAP) to \$75 million. The increase in CB-CAP is the first increase since 2005. In 2005, CB-CAP was at \$42.8 million after an increase under President George W Bush proposed budget. It then suffered a decade of sequestration and across the board cuts down to \$39 million. Similarly, CAPTA state grants were increased to \$27.2 million and then it suffered a series of cuts down to \$25 million until the 2018 increase to \$85 million due to opioids concerns.

The bill maintains the Adoption-Kinship Incentive fund at \$75 million to cover the anticipated incentives. The Administration had proposed a cut to \$39 million despite acknowledging that the \$39 million would not be enough. The big winners under ACF are child care and Head Start. Child Care is increased by \$2.4 billion to \$7.6 billion. After the 2018-19 increases in child care, most states increased their child care supply, improved reimbursements and quality, eliminated waiting list, or made all those improvements. Head Start funding is increased by \$1.5 billion to \$11.5 billion.

Several other children and child welfare programs increased:

- Runaway and Homeless Youth increasing to \$125 million from \$102 million;
- Adoption Opportunities increased by \$3 million to \$42 million;
- the 21st Century Learning Centers increased to \$1.3 billion –a \$100 million increase; and
- the McKinney-Vento Homeless Children and Youth Education program increased by \$7 million to \$100 million.

With the need to significantly reduce domestic spending under the new agreement, there will be pressure to reduce some of these increases. There are several other high spending priority items in the Labor-HHS-Education bill, such as the National Institutes for Health (NIH) and a range of Education Department priorities.

All of these priorities mean it will be necessary for the child welfare community to protect the increases they have received. To see a chart on proposed funding levels for FY 2020 go to the CWLA [Policy Priorities](#) page and read the [budget chart](#).

## **CWLA Calls for Action on Immigration, Urging Caution on Child Welfare Role**

On Thursday, July 25, CWLA President & CEO Chris James-Brown issued a [position statement](#) regarding family separation and national immigration policy.

*“We are urging Congress and the President to strengthen protections for these families and, where protections don’t exist, to create them in an appropriate way that keeps families together. CWLA also urges great caution in relying on local child welfare courts to make determinations on separating families. Decisions related to the termination of the rights of the parent or legal guardians or to separate these children from their parents or guardians are complex and although they can rely on the goals of domestic child welfare policy and practice they require additional guidelines, training and accountability for the people making the decisions.”*

There are a number of bills under consideration in both the House and Senate and several include provisions that CWLA supports such as provisions that would enhance family protections including: directing Customs and Border Protection (CBP) to respect and meet certain minimum standards of care; ensure access to medical care, breathing space, and sunlight; directing authorities to establish facility requirements, and the prohibition of family separation. Another bill under consideration would establish an independent Ombudsman for Border and Immigration Related Concerns within the Department of Homeland Security, create a 12-member advisory committee of border community stakeholders to advise the Secretary of Homeland Security; require training for Border Patrol agents and other officers; institute unannounced inspections of detention facilities and new requirements in the reporting of migrant deaths.

One area of concern however is found in bills in both houses that would prohibit the separation of a child from his or her family at the border (defined as within 100 miles of the US border) unless a state court, authorized under child welfare law, terminates the rights of the parent or legal guardian, and determines that it is in the best interests of the child to be removed from the parent or legal guardian, in accordance with the Adoption and Safe Families Act of 1997 (Public Law 105-89).

As a result the [policy statement issued by CWLA](#) emphasizes: “ *Decisions related to the termination of the rights of the parent or legal guardians, or to separating these children from their parents or guardians, are complex, and although they can rely on the goals of domestic child welfare policy and practice, they require additional guidelines, training, and accountability for the people making the decisions.*”

CWLA recently endorsed the [Humane Enforcement and Legal Protections for Separated Children Act \(H.R. 3451\)](#) and the [Help Separated Families Act \(H.R. 3452\)](#) both bills that would enhance protection for families with the second bill making needed improvements in child welfare practices when a case involves a migrant family. The House has left through August with the Senate scheduled to depart this week. That likely means the only actions regarding immigration policies in the next month will be the result of presidential actions and the court reactions to those policies.

Due to the fact that CWLA has a wide and diverse membership, we are also taking this opportunity to provide a request and resource from our colleagues at the American Bar Association.

The Children’s Immigration Law Academy (CILA), an ABA program, has a website: [Pro Bono Matters for Children Facing Deportation](#) that allows lawyers to search for available pro bono cases representing a different population – children who cross the border unaccompanied. Most cases require foreign language ability from the attorney.

## **New Family First Clearinghouse Ratings Released**

On Wednesday, July 24, the Administration for Children and Families (ACF) released two more Title IV-E Prevention Services programs and services ratings for the Title IV-E Prevention Services in accordance with the Family First Prevention Services Act.

Healthy Families America (HFA) is a nationally accredited home visiting program that was developed by Prevent Child Abuse America. HFA received a rating as a well-supported practice. Methadone Maintenance Therapy (MMT) is a SAMSHA certified medication-assisted treatment program that has to be administered by clinicians in federally-certified and licensed treatment programs for individuals with an opioid use disorder. MMT received a rating as a promising practice.

Motivational Interviewing is still under review and the rating will be released soon. The Clearinghouse has rated 12 programs and services for mental health services, substance abuse prevention and treatment services, in-home parent skill-based programs, and kinship navigator programs. The Prevention Services Clearinghouse will continue to select additional programs and services for review and per guidance from the Children’s Bureau last week, states should continue to include in their state plans prevention services and programs that have not yet been listed.

For more information on the Title IV-E Prevention Services Clearinghouse visit <https://preventionservices.abtsites.com/>.

## How We Measure Poverty and Why it Matters

On July 23, the Population Association of America (PAA) congressional briefing “Drawing a Line: How We Measure Poverty and Why It Matters,” examined the “science” of measuring poverty by national experts in economics and statistics. Speakers included moderator Dr. Erica Groshen, former Commissioner at the Bureau of Labor Statistics, Dr. Constance Citro from the National Academy of Sciences, Dr. Robert Moffitt, professor at Johns Hopkins University, and Dr. Timothy Smeeding from the University of Wisconsin.

The focus of the briefing was to discuss the current Official Poverty Measure, implications of changes to the poverty measure, and recent report A Roadmap to Reducing Child Poverty. Robert Moffitt spoke about the current measurement system known as the Official Poverty Measure (OPM), originating in 1963. Although creating a poverty measure at the time was considered innovative, few adjustments have been made to the OPM. In 1963, the OPM was only calculated based on costs of a minimally nutritious diet. Dr. Citro continued to explain that we must adjust the absolute poverty measure since “poverty is always relative.” While the OPM has adjusted for inflation, it still neglects other relative expenditures such as clothing and housing. The OPM’s single inflation adjustment for poverty, according to Moffitt, has failed to create a truly accurate measure of poverty. Dr. Citro strongly advocates for a comprehensive review of the OPM, including an analysis of how inflation is measured.

Both Moffitt and Citro stated that the Supplemental Poverty Measure (SPM) is a much more accurate poverty measure since it includes many living costs and expenditures. The SPM was adopted by the Census Bureau in 2012 and is still heavily relied on despite its inadequacies. Tim Smeeding spoke about the poverty report and there being a clear link between child poverty and child well-being.

The report found two combinations of programs that would fulfill Congress’s request of decreasing child poverty by fifty percent in ten years:

1. Expand the Earned Income Tax Credit (EITC), expand the Child Care Tax Credit, expand the housing voucher program, expand the Supplemental Nutrition Program (SNAP). This program would cost 90.7 million dollars and create over 400,000 jobs.
2. Expand the Earned Income Tax Credit (EITC), expand the Child Care Tax Credit, create a child allowance, create child support assurance, increase immigrant program access. This program would cost 108.8 million dollars and create over 600,000 jobs.

Smeeding acknowledged that these combinations are costly; however, he stated that “child poverty will cost eight to ten times more in the long-run.” He continued that they were not asked to make any official recommendations to Congress, but to highlight plans to achieve their goal of decreasing child poverty by fifty percent in ten years such as the two combinations they



calculated. Finally, he explained that while other combinations they found and even increases in single programs do not decrease poverty by fifty percent in ten years, they still improve child poverty and child well-being.

## **The National Academies New Report: Vibrant and Healthy Kids: Aligning Science, Practice, and Policy to Advance Health Equity**

On Thursday, July 25, the National Academies of Sciences, Engineering, Medicine released their new report, [\*Vibrant and Healthy Kids: Aligning Science, Practice, and Policy to Advance Health Equity\*](#).

The report outlines steps needed to move all children toward positive health paths and reducing health gaps. Children are the foundation of the United States, and supporting them is a key component of building a successful future. However, millions of children face health inequities that significantly thwart their development, well-being, and long-term outcomes, despite substantial scientific evidence about how those adversities contribute to poor health outcomes.

Research shows that prevention and early intervention are effective for children living in circumstances that put them at risk (such as living in poverty or being exposed to chronic adversity). Practice, policy, and systems-level changes informed by science can reduce the odds of adverse exposures, narrow health disparities, and advance health equity.

The report provides a roadmap containing several short and long term recommendations to advance health equity to practice, policy, and systems:

- Intervene early
- Support the well-being of parents and primary caregivers
- Create supportive and stable early living conditions such as reduce barriers to food assistance and other economic benefits to meet families' basic needs
- Maximize the impact of early care and education to promote health outcomes
- Reform health care system services to promote healthy development
- Integrate and coordinate resources across systems

The report outlines practice, policy, and systems changes needed to support the well-being of children starting with supporting the well-being of their caregivers. The recommendations of how to reduce health disparities are aimed at the root causes including poverty and racism rather than the immediate needs of children and families. Visit <http://nationalacademies.org/VibrantHealthyKids> to access the full report.

## Bipartisan Bills to Protect Adopted Children

On Tuesday, July 23, Congressman Jim Langevin (D-RI), Karen Bass (D-CA), Brenda Lawrence (D-MI), Danny Davis (D-IL), Trent Franks (R-AZ), and Tom Marino (R-PA) introduced two bills, the Supporting Adopted Children and Families Act.

The Supporting Adopted Children and Families Act would require HHS to create competitive grants for the purpose of developing and implementing post-adoption mental health service programs, as well as requiring that HHS develop policy guidance on post-adoption services.

As lead sponsor, Congressman Langevin stated that *“Every child deserves to have a forever family, and I am incredibly grateful to the families in Rhode Island and across the country who have provided a child in need with that opportunity. However, the adoption process is not without challenges, and families need support even after the adoption or guardianship placement is finalized. The Supporting Adopted Children and Families Act helps adoptive families by providing the mental health services necessary to foster a successful long-term adoption. I thank Congressman Bacon and Congressmember Bass for joining me in introducing this bill to ensure vulnerable children find safe and permanent homes.”*

CWLA signed on in support of the bills. To read the press release from Congressman Langevin, click [here](#).

## Civil Rights Commission Report on School Discipline Policies

The U.S. Commission on Civil Rights released a new report on Tuesday, July 23 titled, "[Beyond Suspensions: Examining School Discipline Policies and Connections to the School-to-Prison Pipeline for Students of Color with Disabilities](#)" calling on the Trump Administration to replace the Obama Administration 2014 school discipline guidance.

The comprehensive 224-page report examines how federal laws and policies designed to protect students of color and students with disabilities from discrimination in school discipline practices and whether the federal enforcement of these laws is adequate. The Commission investigation of school discipline practices and policies impacting students of color with disabilities and the possible connections to the school-to-prison pipeline examined the rates of exclusionary discipline, researched whether discipline policies unlawfully target students of color with disabilities, and analyzed the federal government's responses and actions on the topic.

Catherine Lhamon, Chairwoman of the Commission, stated that *"As the Commission documents, discrimination based on race and disability in school discipline practices has plagued education across the United States for decades and can wreak significant harm on students and school communities. As the Commission urges, the nations' students deserve aggressive enforcement of federal civil rights laws designed to protect against these harms."*

Key findings from the report concluded that students with disabilities and of color are disproportionately disciplined compared to their peers. Data from the Department of Education indicates that a sworn law enforcement officer (SLEO) is more likely to be at in a school than a school counselor and that schools reported more than 27,000 school resource officers compared to 23,000 social workers in the 2015-16 academic year. The report offers recommendations based on expert and public input, as well as extensive research and analysis.

The U.S. Commission on Civil Rights is a federally funded independent body tasked with making recommendations to the president and Congress on civil rights issues. To access the report, click [here](#).

## **Proposed SNAP Rule Harmful to Low-Income Children and Families**

On Tuesday, July 23, the Trump Administration issued another proposed rule that would take the nation's largest food assistance program away from 3 million people by making them ineligible to participate in the Supplemental Nutrition Assistance Program (SNAP). The proposed rule was published in the [Federal Register](#) and there is a 60-day public comment period. All comments must be received by USDA's Food and Nutrition Service on or before September 23.

The proposed rule will particularly harm working families with children whose net incomes are below the poverty line, and families and seniors with even a small amount of savings. SNAP helps millions of Americans make ends meet. SNAP is the nation's first line of defense against hunger for low-income people. The Trump administration should be building on the successes of this extensive evidence that SNAP is critical to the well-being of low-income populations including children. Weakening SNAP only weakens our country.

CWLA is monitoring this issue and will follow up with information as they develop; in the meantime, our national partners, the Food Research & Action Center (FRAC) has released a [statement](#) and created a comment platform where individuals and organizations can [submit comments](#).



<p><b>UPCOMING CAPITOL HILL BRIEFINGS/EVENTS</b></p>
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- **Wednesday, July 31, 2019 from 2:00 pm to 3:00 pm (ET).** Children's Bureau Call: Transitional Payments for the Title IV-E Prevention and Family Services and Program. **Audio Dial in #: 888-469-0691; Participants Pass Code: 8667598.** **This call will be moderated by a live Operator.** **To connect via Adobe Connect click the link: <https://acf.adobeconnect.com/childrensbureau/> Participants should connect using First/Last Name.** For additional information contact Elizabeth Loevner at <mailto:elizabeth.loevner@acf.hhs.gov>.
- **Thursday, August 1, 2019 from 10:00 am to 2:00 pm.** The Promise of Adolescence: *Realizing Opportunity for All Youth Report Launch.* **Keck Center of the National Academies of Sciences, Engineering, and Medicine, 500 5<sup>th</sup> St NW, Room 100, Washington, DC.** Click [here](#) to Register.
- **August Recess, Saturday, August 3 – September 8**
- **Labor Day, Monday September 2**