



## SPOTLIGHT EXCLUSIVES

### Battle Over TANF Family Cap Intensifies



Kalena Thomhave, posted on October 3, 2018

One day in the spring of 2017, thousands of diapers filled the Massachusetts state house during the legislative session. Then that fall, hundreds of child-size winter hats and mittens made their way to the capital. The diapers and winter clothes would eventually be donated to nonprofit groups for children, but their ultimate purpose (<http://cambridge.wickedlocal.com/news/20170516/campaign-to-lift-cap-on-kids-hosts-diaper-day-at-state-house>) was to make a point: thousands of children were going without things like diapers and mittens because of a little-known welfare law known as the “family cap.”

In Massachusetts and 13 other states (<https://wrd.urban.org/wrd/tables.cfm>), this law restricts poor families from receiving additional benefits when they have additional children while receiving Temporary Assistance for Needy Families (TANF), commonly known as cash welfare. For example, in Massachusetts, a single parent with two children receives \$578 (<https://www.clasp.org/blog/beyond-welfare-queen-new-jersey-massachusetts-move-repeal-tanf-family-caps>) in TANF benefits each month. But if a second child is born while the family is already receiving TANF, that child is ineligible, and the family receives \$100 less, for a grant of \$478.

States were given the option to adopt this rule with 1996’s welfare reform, which drastically changed (<https://aspe.hhs.gov/report/personal-responsibility-and-work-opportunity-reconciliation-act-1996>) the benefits program to focus on, in the words of lawmakers, “personal responsibility.” As such, 22 states (<https://wrd.urban.org/wrd/Display/Wrddisplay.cfm?lVar=2697.0&lSt=%27.0%27,%272.0%27,%274.0%27,%275.0%27,%276.0%27,%278.0%27,%279.0%27,%2710.0%27,%2711.0%27>) implemented the family cap policy, with the reasoning that it would disincentivize poor women from having more children to receive extra TANF money.

The policy has sparked considerable debate ever since, not only about the ultimate consequences of capping benefits, but also about the thinking that inspired it, which many advocates say is based on stereotypes of women in poverty, especially women of color. That’s why seven states since 2002 have chosen to repeal their caps, often with bipartisan support. Most recently, anti-poverty advocates and lawmakers in Massachusetts and New Jersey launched repeal campaigns to allow thousands of poor children excluded from welfare to be eligible for benefits. While the outcome of Massachusetts’s campaign remains unclear, this summer New Jersey became the eighth state to repeal the cap.

In Massachusetts, the family cap rule currently denies benefits to 8,700 children. The “lift the cap on kids” campaign began in early 2017 and eventually grew to include 122 supporting organizations. Advocates from a wide variety of organizations, including child welfare groups, labor unions, reproductive organizations, and faith-based groups, met with state lawmakers, many of whom “didn’t know about the rule — and were shocked to find out” about it, according to Deborah Harris, senior staff attorney at the Massachusetts Law Reform Institute, one of the main sponsors of the campaign.

Because little is known about the cap — perhaps because just over a third (<https://www.cbpp.org/research/family-income-support/tanf-reaching-few-poor-families>) of families in poverty in Massachusetts receive TANF — women affected by the rule shared their stories at advocacy events to raise awareness, like at the “diaper day” at the state house. Harris spoke of one woman, Jessica F., who explained how she used the benefits she received for her toddler daughter to buy diapers and wipes for her baby son, which meant she couldn’t buy what her daughter needed, like boots. “Someone was always waiting,” Jessica F. said.

“Most parents try to spread their very low benefit to meet all of their family’s needs,” Harris tells *Spotlight*. As a result, “the rule causes all the family members to suffer — both the excluded child and the older sibling ... Children who live in such terrible poverty face increased risks of homelessness, food insecurity, and hospitalization.”

In a survey of families from 2010 to 2016, researchers (<https://childrenshealthwatch.org/about/who-we-are/>) with Children’s Health Watch (CHW), a nonpartisan group of researchers and pediatricians at Boston Medical Center, found (<https://www.masslegalservices.org/system/files/library/Childrens-HealthWatch-Family-Cap-Handout-REV.pdf>) that Massachusetts families subject to the rule, in comparison to other families on TANF, reported more food insecurity as well as poorer child health. Children subject to the cap also showed a higher likelihood for development delays.

Allison Bovell-Ammon, deputy director of policy strategy at CHW, says, “Because we are researchers, our view really hinges on this scientific piece. Our research shows that including all the children on the benefit has the potential to improve child health.” Bovell-Ammon says that CHW pediatricians testified in front of the state legislature in support of repealing the cap.

In 2016, California repealed its family cap after a long advocacy campaign. A California study ([https://www.law.berkeley.edu/wp-content/uploads/2015/04/2016-Caps\\_FA2.pdf](https://www.law.berkeley.edu/wp-content/uploads/2015/04/2016-Caps_FA2.pdf)) showed that the cap did not reduce births but that affected mothers reported increased hardship as well as difficulty paying for utilities, transportation, and basic necessities.

Advocates point to the myth of the “welfare queen (<https://www.newamerica.org/weekly/edition-135/rise-and-reign-welfare-queen/>)” to help demonstrate why this policy came into effect in the first place. Elizabeth Lower-Basch, director of income and work supports at the Center on Law and Social Policy (CLASP), says that these policies were enacted two decades ago “based on a stereotype and assumption about people who were receiving cash assistance.” No state has introduced a similar law since. The idea that women would have children simply to receive more welfare benefits is, according to a blog post (<https://www.clasp.org/blog/beyond-welfare-queen-new-jersey-massachusetts-move-repeal-tanf-family-caps>) by CLASP research assistant Darrel Thompson, rooted in “racist, sexist beliefs about women’s reproductive and economic decisions.”

Louis Kafka, Democratic Massachusetts state representative, told (<https://www.bostonglobe.com/metro/regionals/south/2017/06/02/should-massachusetts-lift-family-cap-welfare-benefits/QlOkqU8b3yXsfepTv6cs3L/story.html>) the *Boston Globe*, “No parent chooses to have a child to obtain the additional \$100 per month these benefits provide.”

Massachusetts Democratic State Senator Sal DiDomenico, one of the legislation’s main sponsors, said that he “had never seen so many groups supporting one issue.” He praised the network of 122 groups, saying that advocates “[did] a very good job of educating [my legislative] colleagues,” and that as a result, “detractors [were] few and far between ... we haven’t had many people speak out against us at all.”

But some opponents of repealing the family cap balked at the \$13 million price tag. Indeed, the Massachusetts Fiscal Alliance simply referred ([http://www.massfiscal.org/the\\_mad\\_scramble](http://www.massfiscal.org/the_mad_scramble)) to the repeal legislation as a “welfare expansion bill.” As told (<https://www.bostonglobe.com/metro/regionals/south/2017/06/02/should-massachusetts-lift-family-cap-welfare-benefits/QlOkqU8b3yXsfepTv6cs3L/story.html>) to *The Boston Globe*,

chairman of the Kingston Republican Town Committee Peter Boncek said that “with taxes continuing to rise here and in other towns, now is not the time for the state to take the family cap off welfare benefits ... I feel bad for the children, but the parents need to take responsibility.”

Many advocates, including Lower-Basch, highlight recent research (<https://www.theguardian.com/inequality/2017/jul/13/neuroscience-inequality-does-poverty-show-up-in-childrens-brains>) on brain development that reveals how restricting the income of poor families may have extreme negative effects on children. Researchers find that a vast amount of development happens when a child is very young — and poverty inhibits that process. Low-income kids tend to perform worse than middle- and upper-income kids on memory and reasoning tests — but studies show even a small increase in family income can help.

Both houses of the Massachusetts legislature included repeal language within their versions of the 2019 budget; the House and Senate agreed (<http://www.wbur.org/news/2018/07/18/massachusetts-compromise-budget-2>) on a budget plan in July, and the end of the family cap seemed to be in sight. Yet in lieu of a victory for advocates, Republican Governor Charlie Baker vetoed the repeal provision this August just as the state’s two-year, formal legislative session was closing (and it would be difficult to pass the bill during informal session). Baker wasn’t necessarily against removing the cap, but signaled that he would only sign the bill if lawmakers agreed to further restrict TANF eligibility by counting disability payments as income, which would have forced 7,200 children off of TANF assistance. “Eliminating the ‘family cap’ without other accompanying changes could have the perverse effect of reducing incentives for [TANF] recipients to get back to work, and cause existing inequities in the [TANF] program to persist and expand,” he wrote ([https://www.masslive.com/politics/index.ssf/2018/07/gov\\_charlie\\_baker\\_signs\\_budget\\_1.html](https://www.masslive.com/politics/index.ssf/2018/07/gov_charlie_baker_signs_budget_1.html)) in a letter accompanying his amendment.

Massachusetts state legislators didn’t take that deal. But the state’s lawmakers are confident that they’ll pass another bill to repeal the cap in January and if necessary, have enough votes to override a veto. “We’ll try to get this done first thing next session,” said DiDomenico. “I plan to file it again and we hope to get this passed through both bodies very quickly.”

According to Harris, Baker “hasn’t stopped repeal, he’s only delayed it — leaving the families of 8,700 children waiting for the basic assistance they need to buy diapers and winter clothes.”

Yet while families who receive TANF in Massachusetts will continue to be affected by the family cap, New Jersey TANF families — subject to the cap and otherwise — began receiving an increase in benefits September 1.

New Jersey was actually the first state to introduce a family cap law in 1992, but this past July it became the latest state to successfully get rid of it for good. The legislature, on a bipartisan basis, included funds in the 2019 state budget to add about 1,600 of once-ineligible children to the TANF rolls. Lawmakers in that state had attempted to repeal the cap for a number of years, but then-Governor Chris Christie always vetoed the legislation. (While funds for repeal were included in the 2019 budget, legislation will be necessary for the policy change to be permanent.)

New Jersey’s advocacy campaign was jumpstarted by a 2016 report (<https://www.njpp.org/reports/lost-opportunities-for-new-jerseys-children>) from New Jersey Policy Perspective (NJPP), which detailed that, since 1992, over 20,000 children had been denied assistance due to the family cap. Because TANF recipients are disproportionately people of color, the cap primarily affects children of color — according to the report, over 80 percent of children receiving TANF are black or Hispanic.

But New Jersey families who receive TANF are now getting a raise. The state will also soon raise the general welfare grant by 10 percent, as benefit levels are not tied to inflation and thus had remained stagnant for decades. A single parent with two children will now receive \$424 monthly, as opposed to the \$322 the family would have received if one child was subject to the cap — and soon, they will receive the 10 percent increase on top of that. According to Ray Castro, director of health policy at NJPP and author of the 2016 report, these changes mean some families will receive an approximately 30 percent increase in their monthly welfare benefit. “It’s going to make a huge difference in their lives,” he added.

The other states that cap assistance for children born after initial welfare receipt are Arizona, Arkansas, Connecticut, Delaware, Florida, Georgia, Indiana, Mississippi, North Carolina, North Dakota, South Carolina, Tennessee, and Virginia.

To advocates like Lower-Basch, ending the policy "is a common-sense solution for helping vulnerable families and fighting poverty."

*Kalena Thomhave is a writing fellow with the American Prospect.*

[« Back to Spotlight Exclusives](#)

©2018 Spotlight on Poverty and Opportunity. All Rights Reserved.