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PARENTS, CHILDREN, AND WORK-FIRST WELFARE REFORM: WHERE IS THE C IN TANF?

KAREN SYMA CZAPANSKIY*

One of these mornin's, you're goin' to rise up singin',
Then you'll spread yo' wings an' you'll take to the sky.
But till that mornin', ther's a-nuttin' can harm you
With Daddy & Mammy standin' by.¹

Jan and Pat were born in the same hospital in January 1997. Jan's mother, Jean, a single twenty-one-year-old woman who had finished two years of community college, was on maternity leave when Jan was born. Her secretarial job pays \$30,000 a year and provides group health insurance for employees and their family members at a reasonable premium. When Jan was six months old, Jean placed him in a child care center close to their home. The center receives subsidies from local employers and the town, and it provides excellent care for children ranging in age from two months to thirteen years. Over the last five years, Jean has paid approximately ten percent of her paycheck for child care.

Jan experienced childhood illnesses in the usual number and for the usual duration. Jean's employer allows employees to use paid time off when caring for a sick child, so Jean could usually stay home to care for Jan. She generally schedules one week of vacation each year during Christmas, when the child care center is closed. Jan spends a week each summer with Jean's mother, who lives nearby.

Jean's earnings have increased modestly over the last five years. She and Jan have remained in the same neighborhood, and Jan started school last fall with other children from the child care center. A staff member from the child care center meets the children after school and walks them to the center. Unless Jean's office is also closed, Jan usually spends the day at the center when school is closed.

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1. GEORGE GERSHWIN, *Summertime*, in *PORGY AND BESS* (1935).

Pat was born under very different circumstances. Pat's mother, Pamela, was a twenty-one-year-old high school graduate when Pat was born. She had held a series of low-wage jobs in retail and service businesses. When she told her manager at the cleaning service that she was pregnant and would need some time off for maternity leave, she was fired. She applied for and received Medicaid, food stamps, and cash assistance for two months prior to Pat's birth. When Pat was six months old, she met with a caseworker at the local social services agency to discuss her future. She told the caseworker that she was interested in a keyboarding course that would take about eight weeks. The caseworker said that Pamela's work history was strong and indicated no need for additional training. Pamela explained that she had never made more than \$6.15 per hour, and that she needed to make more money now that she had a child. The caseworker said that \$6.15 per hour was "pretty good money" and that Pamela should work more hours. She told Pamela that she had to begin looking for a job to qualify for cash assistance. Pamela knew she would need child care for Pat when she returned to work. She asked the caseworker how to obtain and pay for child care. The caseworker advised her to look for a neighbor or family member who could watch Pat.

Pamela was concerned about imposing on her mother and sister because Pat had frequent colds. Pamela decided she had no choice, however, so she asked her mother to watch Pat. Her mother and sister agreed to help, depending on when Pamela was working. Pamela went back to the cleaning company and was rehired for thirty hours a week, at \$6.15 per hour. Her earnings were enough to make her ineligible for cash assistance. Pat was still covered by Medicaid, however, and they received a small amount of food stamps.

Over the next five years, Pamela earned an average of \$1000 per month. She and Pat moved several times when Pamela could not pay the rent. When Pamela was at work, Pat was sometimes with Pamela's mother, sometimes with her sister, and sometimes with a neighbor. The cleaning company provided no health insurance or paid leave. Whenever Pamela missed work because Pat was ill or because she had to go to the social services office about food stamps or Medicaid, she was not paid. The cleaning company frequently laid people off, so Pamela often went weeks without a paycheck. Sometimes she qualified for unemployment insurance, but other times she had not worked enough weeks or enough hours to be eligible. She was never found eligible for cash assistance because she could always find work, although the work never paid more than \$6.15 per hour. She lost food stamp eligibility about three times a year because she could not make appointments when she was at work or because the paystubs she presented were deemed inadequate to verify her fluctuating

*income. With some effort, she qualified for a child care subsidy, which meant that her mother was paid \$60 a week to watch Pat.*²

INTRODUCTION

It is not common to make a connection between welfare reform's impacts on parents and child well-being. Indeed, the word "child" was deleted from the title of the program when it was changed from "Aid to Families with Dependent Children" to "Temporary Assistance for Needy Families" in 1996.³ Welfare reform is viewed as the story of getting single women to become self-sufficient, whether by work, marriage, or child support, or through some combination of the three.⁴ It has been viewed as a success story in which women have left welfare for work by the thousands as the welfare rolls dropped by at least twenty-five percent in state after state.⁵ The story has been about women as workers. It has not been about women as parents or about the children for whom they care.

2. Although these accounts are fictional, they are based on knowledge gained through the author's experiences advocating for impoverished families.

3. Section 116 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) officially terminated entitlement to benefits under the "Aid to Families with Dependent Children" (AFDC) program. Pub. L. No. 104-193, § 116(c), 110 Stat. 2105, 2184 (codified as amended at 42 U.S.C. § 601 note (Supp. V 1999)). The "Temporary Assistance for Needy Families" (TANF) terminology derives from the name of Title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, "Block Grants to States for Temporary Assistance for Needy Families."

4. Katherine Kost and Frank Munger provide an explanation of how this attitude toward welfare reform developed:

As the character of American poverty changed in the 1960s, an increasingly visible minority of recipients were African-American and unmarried, and images of these welfare mothers began to dominate the rhetoric of reform, linking welfare to teen pregnancy, illegitimacy, and ghetto poverty. As a result, widespread assumptions about ghetto poverty governed reform discussions.

Kathleen A. Kost & Frank W. Munger, *Fooling All of the People Some of the Time: 1990's Welfare Reform and the Exploitation of American Values*, 4 VA. J. SOC. POL'Y & L. 3, 29 (1996) (footnote omitted). By the late 1980s, major reforms were underway "that made transition to work a primary goal of welfare." *Id.* at 23-24; see also Mary Jo Bane, *Increasing Self-Sufficiency by Reforming Welfare*, in WELFARE REALITIES, 124, 124-25 (Mary Jo Bane & David T. Ellwood eds., 1994) (explaining that a goal of American welfare is the elimination of the system itself, and that elimination would be accomplished by promoting self-sufficiency).

5. John F. Harris & Judith Havemann, *Welfare Rolls Continue Sharp Decline*, WASH. POST, Aug. 13, 1997, at A1. However, this data may be unreliable. The welfare reform movement pressured states to lower the number of people on the welfare rolls, and "[i]n order to avoid failure, high-level administrators defined the category of 'non-compliant' very broadly," which "allowed for unproblematic benefit termination." Robin H. Rogers-Dillon & John David Skrentny, *Administering Success: The Legitimacy Imperative and the Implementation of Welfare Reform*, 46 SOC. PROBS. 13, 25 (1999). Additionally, media attention threatens the legitimacy of welfare reform, and it "can act as a pressure on administrators to implement policies bluntly." *Id.*

For many welfare-leavers, the standard story has indeed been a success. In many states, welfare reform has been the occasion for bringing together resources, innovations, and opportunities that have opened doors to employment and kept them open.⁶ For many who remain on the welfare rolls and for many who have left, however, the story is not so simple. One reason is that welfare reform has meant putting work first and connections between mothers and children last, as if parent-child connections are nearly irrelevant.⁷

Mothers and children cannot be disconnected so easily. Children are dependent on their parents for physical and emotional care. They also need parents to manage their relationships with people and institutions outside the home, such as teachers, doctors, child care providers, grandparents, and so on. A baby cannot survive unless an adult provides food and clothing. A toddler cannot learn to love unless an adult gives the child love and support. A school-age child cannot learn to read unless someone enrolls the child in school and pays attention to the child's academic progress. A teenager cannot make the transition to adulthood unless an adult is attentive to the teen's emotional development and provides support during hard times.⁸

6. See LAWRENCE MISHEL ET AL., *THE STATE OF WORKING AMERICA 2000-2001*, at 313 (2001) ("Due to their increased work effort . . . female-headed families with children had a significantly lower rate of market poverty in 1999 than in 1989 . . .").

7. For example, many states have identified "barriers to work" that prevent TANF recipients from making successful transitions from welfare to work. Parenting responsibilities are generally omitted from the list of barriers. See, e.g., Arizona Department of Economic Security, TANF-Funded Programs and Services, available at <http://www.de.state.az.us/links/reports/TANF-fund.html> (last visited Nov. 24, 2001) (defining "barriers that make the transition from welfare to work difficult" as including "domestic violence, limited education or work experience, and substance abuse"); Colorado Department of Human Services, Colorado Office of Field Services, A Model Work Program Gears Up for TANF (July 3, 2001), available at <http://www.cdhs.state.co.us/ofs/mdl-tanf.html> (defining barriers to success to include "physical, emotional, or sexual abuse; substance abuse; very low math and reading skills; learning disabilities; depression; and no work history or experience"); Press Release, Missouri Department of Economic Development, Breaking the Welfare Cycle (Nov. 2, 1998), available at <http://www.ecodev.state.mo.us/mediastorage/column/welfaretowork.html> (defining barriers to employment as "limited education, little job experience or a long history of welfare dependence").

Furthermore, many of the government-funded studies of welfare reform have focused solely on employment and benefit usage; only recently have these studies begun to focus on child well-being. See, e.g., PAMELA A. MORRIS ET AL., *MANPOWER DEMONSTRATION RESEARCH CORPORATION, HOW WELFARE AND WORK POLICIES AFFECT CHILDREN: A SYNTHESIS OF RESEARCH*, at ES-1 (2001) (explaining that the report synthesized the results of five studies that "examine[d] the effects on children of 11 different employment-based welfare and antipoverty programs aimed primarily at single-parent families").

8. See generally T. BERRY BRAZELTON & STANLEY I. GREENSPAN, *THE IRREDUCIBLE NEEDS OF CHILDREN* (2000) (identifying the basic needs of children, and explaining that when these needs are not met, children's later behavior is detrimentally affected).

The adult to whom our society has entrusted these tasks is usually the child's parent. In the case of very poor children, that parent is almost always the child's mother.⁹ Unless she has adequate material resources and respect for the work she is doing as a parent, she will not be able to do the best job she can for her children. The predictable outcomes for her children are poor in every realm: emotional, physical, and cognitive.¹⁰ The pain does not stop there, however. When those children become adults and enter society, they are likely to lack the capacity to be the best citizens they could have been.¹¹

Work-first welfare reform assumes that everyone can achieve self-sufficiency through employment.¹² Most women can achieve that goal, at least during the times in their lives when they are not also mothering a child. When they are combining paid work with parenthood, however, a more nuanced analysis is necessary. Not every mother can work enough hours to be economically self-sufficient while providing her child with physical and emotional care and interacting with other people and with institutions that affect the child.

A more nuanced work-readiness analysis should proceed along five axes. The first considers the parent's characteristics: is the parent ready for employment in terms of his or her education, skills, support systems, and mental and physical health? The second axis considers the child's situation: is the child fragile or strong in terms of mental and physical health, development, educational requirements, and self-sufficiency? The third axis examines the parent-child connection: is the relationship between them put at risk or strengthened by the parent's labor force participation? The fourth axis considers the nature of employment available to the parent: are the conditions of employment family-friendly or family-hostile? Finally, the fifth axis examines the nature of the community in which the family lives: does the community provide supportive institutions, services, and practices, including child care providers, after-school programs, and safe streets?

9. GWENDOLYN MINK, WELFARE'S END 106 (1998).

10. See SARA McLANAHAN & GARY SANDEFUR, GROWING UP WITH A SINGLE PARENT 1-2 (1994) (arguing that children raised in single-parent homes are consistently worse off than children raised in two-parent homes, and that low income is the most important determinant of lower achievement in single-parent homes).

11. *Id.*

12. See 42 U.S.C. § 601(a)(2) (Supp. V 1999) (stating that one of the purposes of the TANF program is to "end the dependence of needy parents on government benefits by promoting job preparation, work, and marriage").

Work-first welfare reform, for most states and most families, has focused only on the first axis.¹³ It has not involved a particularized analysis of the child's condition, the strength of the parent-child bond, or of the family-friendliness of employers and the community.¹⁴ Under work-first welfare programs, benefits are dependent on women looking for work and taking the first job offered.¹⁵ Those who cannot find work or who need some help other than getting a job may be denied benefits, or they may be sanctioned or placed in training programs that target immediate placement in subsidized or, preferably, unsubsidized employment.¹⁶ Only a few people are allowed to engage in training or education, and those opportunities are time-limited.¹⁷ Supportive services, to the extent they are offered, are largely organized around work. Those who cannot meet the work requirements, and even some who can, may be forced to make the transition from welfare to work with few supportive services.¹⁸ Self-sufficiency is de-

13. The Greater Avenues to Independence (GAIN) program in California is considered by many to be "the forerunner of workfare-style welfare reform planned in the Clinton administration." Robert J. Waste, *From Workfare to the Poor to Warfare on the Poor in California*, in *THE POLITICS OF WELFARE REFORM* 55, 57-58 (Donald F. Norris & Lyke Thompson eds., 1995). As such, GAIN is a prominent example of a program designed to focus only on the first axis. GAIN provides "generous subsidiary components, including job search workshops, adult basic education, GED classes, English [classes], job clubs, training, and work experience" to participants to help achieve the underlying goal of reducing welfare dependency by putting welfare recipients into the workplace. *Id.* at 59. Joel Handler has also commented on the emphasis of many welfare reform programs on individual behavior rather than the economic or environmental causes of poverty. See generally JOEL F. HANDLER, *THE POVERTY OF WELFARE REFORM* 89-109 (1995) (discussing the various programs instituted by the states that are designed to change social behavior).

14. In California, this is starkly apparent when considering GAIN's "subsidiary components" which focus on improving participants' skills in the workplace, but do not address child care needs in any great depth. The statement of legislative intent is limited in scope to "provid[e] increased employment opportunities and upgrad[e] . . . employment skills." CAL. UNEMP. INS. CODE § 5001 (Deering 2001), See *id.* §§ 5001-5313 for California's welfare program.

15. See Matthew Diller, *The Revolution in Welfare Administration: Rules, Discretion, and Entrepreneurial Government*, 75 N.Y.U. L. REV. 1121, 1167 (2000) (explaining that one of the primary goals of welfare reform was to send the message that those on welfare have the responsibility to get a job and the state has a responsibility to help them find a job).

16. See 42 U.S.C. §§ 607(c)-(e) (Supp. V 1999).

17. For example, § 607(c)(2) sets out restrictions limiting the number of weeks for which job search counts as "work activities" for purposes of fulfilling the requirements for receipt of welfare funds.

18. Services such as Medicaid, food stamps, child nutrition and meals programs, and family day care programs have been altered to make receipt of these services more difficult, or have been eliminated altogether under PRWORA. See Joel F. Handler, "Ending Welfare As We Know It." *The Win/Win Spin or the Stench of Victory*, 5 J. GENDER RACE & JUST. 131, 133 (2001).

financed as merely earning more than the cash assistance benefit, rather than some version of economic security or exit from poverty.¹⁹

Work-first welfare reform is a problem for parent-child relationships. It demands that parents dichotomize: either they become self-sufficient by putting work first and children last, or they suffer extreme poverty.²⁰ What many working parents have been demanding for decades, however, is an abandonment of dichotomous thinking about work and family life.²¹ Instead, parents have been seeking a balance—an opportunity to be responsible at home and responsible at work simultaneously.²² Parents do not want to sacrifice or even put at risk their deep connection with their children in order to make a living. And society at large should not want parents to make that sacrifice because the key to a child's long-term success as an adult is having a deep connection with his or her parent right from the start.²³

Work-first welfare reform rejects balance as an objective. Single mothers must demonstrate personal responsibility by working for pay. They must stop being economically dependent, at least on public benefits. It is as if parenthood does not exist for people on welfare. Indeed, it is possible to look at state after state, at welfare reform program after welfare reform program, and hear no mention of children at all, except as a "barrier" to work, a barrier that is fully resolved once child care is arranged.²⁴ Those who fail to comply with work

19. *Cf. id.* at 162 (noting that "success" in the modern welfare system means simply "not being on welfare," rather than achieving some measure of economic security).

20. *See infra* Part II.B.1.c (describing the financial consequences of failing to comply with the TANF work requirement). Feminists have long been suspicious of dichotomous thinking because of its power to subordinate women and women's understandings of the world, particularly when it comes to home and work. *See* Dorothy E. Roberts, *Spiritual and Menial Housework*, 9 *YALE J.L. & FEMINISM* 51, 52-55 (1997) (arguing that the separation of work in the home from wage labor has contributed to women's dependency on their husbands).

21. *See* ELLEN GALINSKY, *ASK THE CHILDREN* 223-25 (1999) (discussing the need for a new term to refer to the connection between work and family).

22. *See* Terry Arendell, *Conceiving and Investigating Motherhood: The Decade's Scholarship*, 62 *J. MARRIAGE & FAM.* 1192, 1198 (2000) (arguing that the structuring of mothering and paid work as distinct spheres in the United States has led parents to "pay a high personal price trying to balance work and family demands"); *see also* ANITA ILITA GAREY, *WEAVING WORK AND MOTHERHOOD* 32-33 (1999) (noting that mothers act on the concept of "being there" for their children by arranging employment schedules in ways that enable them to maximize their physical presence); *id.* at 52-55 (explaining that mothers must consider their access to various resources when balancing responsibilities at home and at work).

23. *See* BRAZELTON & GREENSPAN, *supra* note 8, at x (arguing that early childhood is the most critical time in any child's development).

24. *See supra* note 7 (providing examples of state listings of barriers).

requirements are irresponsible, even if their “failure” occurred because, in their view, they needed to meet the needs of a child.²⁵

Outside of work-first welfare reform, dichotomous thinking about work and family life is declining. Most mothers have responsibilities both at home and at work.²⁶ They spend time, energy, and resources making sure that they can meet their responsibilities in both places without risking the deep connection on which their children’s eventual well-being depends.²⁷ Most do not make a lifelong choice to work or be an active parent. Instead, most mothers see their lives go in waves.²⁸ Some days, weeks, months, or years, they spend more time

25. See JOEL F. HANDLER & YEHESEKEL HASENFELD, *THE MORAL CONSTRUCTION OF POVERTY* 137 (1991) (describing the “profound change in the domestic code” that made it acceptable for married women with young children to work, and that heightened “the perceived deviance and moral depravity of single mothers, especially those with children born out of wedlock, who are on welfare rather than working”); MINK, *supra* note 9, at 113-14 (arguing that welfare reform’s “stinginess” with respect to child care burdens single-mother families and deprives mothers of their right to parent); see also Sherrilyn A. Ifill, *Weaving a Safety Net: Poor Women, Welfare, and Work in the Chicken and Catfish Industries*, 1 MARGINS 23, 28, 45-46 (2001) (noting that at the time of welfare reform, poor women’s societal value was measured by the work they did, while affluent and middle-class working women who gave up careers to care for children were praised by society).

26. See JOAN WILLIAMS, *UNBENDING GENDER* 1-3 (2000) (describing how domestic work has been ascribed to women, and noting that 90% of women become mothers during their working lives). Williams observes that “despite our self-image of gender equality, American women still do 80 percent of the child care and two-thirds of the housework.” *Id.* at 2. Domesticity, argues Williams, is a “gender system” that links masculinity with “breadwinning” and femininity with “homemaking.” See *id.* at 14-39; see also NANCY E. DOWD, *IN DEFENSE OF SINGLE-PARENT FAMILIES* 21 (1997) (stating that 80% of single mothers with children under age thirteen work full time).

27. STEWART D. FRIEDMAN & JEFFREY H. GREENHAUS, *WORK AND FAMILY—ALLIES OR ENEMIES?* 19-40 (2000) (surveying how business professionals—especially women—successfully balance work and family responsibilities).

28. See GALINSKY, *supra* note 21, at 223-25 (describing the relationship between work and family life as “navigating” because there are “fluid interchanges among individual, work, family, and community”); see also Arendell, *supra* note 22, at 1199 (stating that “[m]others alter their strategies for coordinating work and family in accord with their perceptions of children’s developmental trajectories and well-being”); Donna St. George, *Life After Birth*, WASH. POST, Sept. 10, 1999, at C1 (detailing experiences of professional women as they adjusted to motherhood and changes in employment status, and noting that many women had to adjust their careers and families to meet the demands of each on the other). “Many have grown more confident in their decisions. But their overall sense is that there is no road map and the ideal varies according to a family’s means and aspirations. Also: What is right now may not be right tomorrow.” *Id.*

Mothers on welfare also experience waves in their lives. For example, most recipients receive welfare for a relatively short time, “not because the women eventually acquire the work ethic they lacked, but because child bearing and child rearing constitute only one phase in a life cycle that includes other phases.” Frank Munger, *Dependency by Law: Welfare and Identity in the Lives of Poor Women* 21 (Dec. 1999) (unpublished manuscript, on file with author); see GAREY, *supra* note 22, at 165-90 (describing the changes in work and family patterns made by working mothers); Tracey A. Reeves, *Trading Suits for Sweats*, WASH.

at home and less at work. Other days, weeks, months, or years, they spend more time at work and less at home. The waves come and go depending on many things affecting a parent's life: the requirements of her job; whether he has a partner; the ages of her children and whether the children are sick or well, or are having problems in school; whether he lives in a neighborhood that joins together to care for children; whether her job allows flexibility; and how much he can earn. Work-first welfare reform too often ignores the complexities of making paid employment compatible with responsible parenthood.

The dichotomous thinking of work-first welfare reform leads to the assumption that parenthood has no impact on work and work has no impact on parenthood. This claim has little pertinence for parents who agonize over managing the connections and disconnections in the lives of people who act responsibly at home and at work. It also denies the reality that most of the world of paid work and many communities have not created institutions or practices that support parents to act responsibly at home and at work.²⁹

Most low-income workers with children, like most other workers with children, have a tough time fulfilling their concurrent responsibilities at home and at work.³⁰ In a recent national poll, fifty-six per-

Post, Nov. 12, 2000, at C1 (highlighting some concerns of African-American mothers who choose to stay at home with their children, and describing historical and cultural challenges they face in so doing).

29. WILLIAMS, *supra* note 26, at 63-113 (arguing that the current structure of market work discriminates against mothers because it does not permit accommodation of the demands of family life); Vicki Schultz, *Life's Work*, 100 COLUM. L. REV. 1881, 1952-55 (2000) (noting that "productionist" and gender-biased "accommodationist" models of work and family and civic life do not recognize the "deep connections" between these various aspects of life); see DOWD, *supra* note 26, at 162-64 (discussing the necessity of changing the relationship between family and community from an individualistic one to a communal one, where community ensures parents have the resources they need to parent). *But cf.* Marion Crain, "Where Have All the Cowboys Gone?" *Marriage and Breadwinning in Postindustrial Society*, 60 OHIO ST. L.J. 1877, 1921-25 (1999) (observing that "family-friendly" workplace policies that allow workers to spend more time with their families and less time at work are not frequently utilized).

30. Indeed, their struggles may be more difficult because most of the movement toward reducing work-family conflict has focused on relatively higher-income parents. For example, the Family and Medical Leave Act requires employers to provide family leave, but does not require that leave to be paid leave, so few low-income workers can afford to take full advantage of its protections. 29 U.S.C. § 2612(c) (1999). Although states are permitted to make unemployment compensation available to parents taking family leave, no state has done so. 20 C.F.R. § 604 (2001); Robert Kenyon, Jr. & Loryn Lancaster, *Changes in Unemployment Insurance Legislation in 2000*, MONTHLY LAB. REV., Jan. 2001, at 29, 29 (stating that fifteen states had addressed the Birth and Adoption-Unemployment Compensation regulation in 2000, but none had enacted any measure by the end of the year). Few of the employers adopting family-friendly employment practices are in the retail sales or service industries, where most former welfare recipients have found employment. Marlene Kim,

cent of respondents said one of their top ten worries is that “[b]ecause of work and other pressures, parents don’t have enough time to spend with their children.”³¹ When faced with a conflict between work and children, most people would choose to put their responsibilities to their children first. Sometimes that means reducing work effort, seeking new schedules, changing jobs, or even leaving paid work altogether for a time.³² As a society, we normally would support those choices because we understand that caring for children is also caring for our collective future. When “personal responsibility” is defined largely in terms of what adults must do to get a paycheck, however, we require people to respond inadequately to the needs of their children. We somehow envision parents to be adults living separately from their children, and children to be self-sufficient and self-reliant.

In writing about family law, I have argued that policies affecting children should be measured by the terms of interdependency theory.³³ Under this theory, the child’s well-being is addressed in the context of the child’s daily life. Children live with parents and with

Women Paid Low Wages: Who They Are and Where They Work, MONTHLY LAB. REV., Sept. 2000, at 26, 26-29 (noting that low-wage women workers are usually clustered in retail trade, agriculture, forestry, and fisheries).

31. David S. Broder, *A Skeptical Electorate in Search of Leadership*, WASH. POST, Nov. 7, 1999, at A1; see also Crain, *supra* note 29, at 1952 (stating that a recent poll indicates work-family balance issues are an important concern for most employees). Some research has indicated that working mothers spend as much time with their children today as stay-at-home mothers of the past; mothers gain this time by sleeping less, having less free time, and doing less around the house. Jacqueline L. Salmon, *Study Sees No Change in Mothering Time*, WASH. POST, Mar. 26, 2000, at C8.

32. In 1999, for example, 29% of white women and 22% of African-American women with children under eighteen were not engaged in paid work. Reeves, *supra* note 28. Mothers often adjust work participation according to the presence and age of their children. In 2000, a majority (61%) of women with children under age three were participating in the labor force. U.S. DEP’T OF LABOR, REPORT ON THE AMERICAN WORKFORCE 127 tbl.2 (2001). Many workers engage in nonstandard work (i.e., part-time, temporary, self-employment) because they need flexibility in order to care for children and other family members, despite the fact that nonstandard work tends to pay less and provide fewer benefits, such as medical insurance. See KEN HUDSON, ECONOMIC POLICY INSTITUTE, NO SHORTAGE OF ‘NONSTANDARD’ JOBS 10-12 (1999); see also GAREY, *supra* note 22, at 106-07 (examining voluntary or involuntary part-time employment status as a strategy for balancing work and family, and finding that for voluntary part-time workers work is a way to further income and family goals, but for other workers part-time employment is a barrier preventing them from adequately providing for their families); cf. David E. Rosenbaum, *Going Easy on Parents Isn’t So Easy*, N.Y. TIMES, May 7, 2000, § 4, at 6 (arguing that an executive order giving federal workers protection from discrimination based on parental status is unworkable because employers can still reject workers who cannot perform certain duties as a result of parental responsibilities).

33. See generally Karen Czapan斯基, *Interdependencies, Families, and Children*, 39 SANTA CLARA L. REV. 957 (1999) (defining and exploring “interdependency theory”).

other caretakers. As a society, we have decided that parents are responsible for rearing their children; our collective role is usually limited. Rather than putting children in institutions, we depend on parents to do the child-rearing job as well as they can. When parents do the best they can, their children usually grow up to become responsible and productive adults. When they do not, their children are at risk of growing up poorly—of becoming adults who cannot themselves raise families, participate politically, or contribute economically to our society.³⁴

Parents cannot do their best job of raising children without help from the rest of us. They need access to educational resources, to medical help, and to child care. They need economic resources and respect for their parenting work. In short, they are dependent on the rest of us, just as we are dependent on them.

Under interdependency theory, public policies affecting children need to be examined in light of the child's connections to and dependence on parents and other caretakers in the child's life.³⁵ In this Article, I examine work-first welfare reform against this principle. I conclude that work-first welfare reform too often requires parents to ignore their parenting role and imperils the connections children need to have with a parent.

Dichotomous thinking that separates parents from children and children from parents is a mistake that characterizes work-first welfare reform, but it does not stop there. It affects the relationship of family life and work life in many contexts. Interdependency theory is offered in this Article as an antidote to the dichotomous assumptions of welfare reform. My ambitious hope is that this analysis will lead in two directions.

First, I hope that welfare reauthorization, a process due to occur in the 107th Congress,³⁶ will be informed by an appreciation of efforts of low-income parents to be responsible concurrently at home and at work. Changes in the work requirement and the five-year time limit,³⁷ while politically difficult, are critical for all parents whose capacity to earn a good living is limited. Mothers who are low-wage workers and

34. The importance of understanding caretaking as promoting the general social good has been a theme for several feminist critics of welfare reform. See, e.g., Martha Albertson Fineman, *Cracking the Foundational Myths: Independence, Autonomy, and Self-Sufficiency*, 8 AM. U. J. GENDER SOC. POL'Y & L. 13, 17-19 (2000) (arguing that caretaking work is an unrecognized subsidy to society).

35. Czapanskiy, *supra* note 33, at 957-58.

36. The PRWORA provided for block TANF grants to the states from 1997 to 2002. 42 U.S.C. § 603(a)(1)(A) (Supp. V 1999).

37. See *id.* § 608(a)(7) (establishing the five-year limit).

mothers who are welfare recipients are actually the same group of people in most communities; they switch places depending on their ability to find and keep a job at the particular moment.³⁸ When employers know that welfare benefits are dependent on people taking any job under any circumstances, no matter the cost to their family responsibilities, they know they will find employees regardless of whether they offer family-friendly working conditions.³⁹ So the conditions of welfare affect all workers, and especially women workers throughout the low-wage sectors, including, most prominently, the retail sales and service industries.⁴⁰

Second, I hope that this critique of the ideology animating work-first welfare reform will act as an alarm. Work-first welfare reform puts at risk the fragile progress that has been made to ease the work-family conflict. It does this by supporting a claim that work, and work alone, is what defines personal responsibility. Taking care of dependent family members, such as children, is not considered evidence of personal responsibility in a work-first welfare system. Furthermore, work-first welfare reform gives physical reality to a social claim that family matters are private. Work-first welfare policies imply that no one outside of the family needs to be concerned about whether parents can meet their responsibilities at home and at work, or whether they can maintain deep connections with their children while earning an adequate living.

Ultimately, the claims that support work-first welfare policies will have implications for all families, not only those that are poor. The price that will be paid for failing to make work life more compatible with family life is that none of us will be able to meet our concurrent responsibilities at home and at work. Inevitably, the children we try to raise will suffer.

This Article is divided into three parts. The first part describes some of the studies that have addressed the effects on child well-being

38. See Judith R. Smith et al., *Welfare and Work: Complementary Strategies for Low-Income Women?*, 62 J. MARRIAGE & FAM. 808, 810 (2000) ("Many women find jobs and stop receiving welfare, yet do not develop a secure attachment to the labor force . . . and recycle back onto public assistance for a period of time.").

39. FRANCE FOX PIVEN & RICHARD A. CLOWARD, REGULATING THE POOR 343-45 (2d ed. 1993) ("Employers have always understood that by shielding working people from some of the hazards of the market, relief reduces the power of employers over workers."); see also Frances Fox Piven, *Comment on Interstate Competition and Welfare Policy*, in WELFARE REFORM: A RACE TO THE BOTTOM? 43, 46-47 (Sanford F. Schram & Samuel H. Beer eds., 1999) (noting that harsher welfare rules make workers compliant with employer demands).

40. See STEPHEN A. HERZENBERG ET AL., NEW RULES FOR A NEW ECONOMY 25-29 (1998) (stating that women outnumber men in service industries, and that the median real wage in service industries has dropped steadily in the last twenty years).

of welfare reform experiments over the last decade. The second describes the impact of work-first welfare reform on parent-child connections. The third proposes changes to welfare reform that will put a parent's connection to her child back on the agenda.

Jan and Pat will have different futures because of work-first welfare reform. With her higher level of education, family-friendly employer, and supportive community and family, Jean can balance work and family life to a reasonable degree. While she struggles, she normally can find time for Jan's needs and enough resources to keep their lives stable and secure. To the extent that Jan's future depends on having a solid relationship with a parent who can give a child attention, energy, and time, that future is quite promising.

With a high school diploma, family-hostile employment conditions, and a government program intent on pushing her away from assistance and into employment, Pamela has to put work first. The jobs available to her pay little, provide few benefits, and offer few accommodations for parents. Her neighborhood lacks supportive programs and institutions. Making ends meet means many more than forty hours at work each week and an irregular schedule for nurturing Pat. But if the government will not help Pamela, she has to put making a living ahead of Pat's need for a close and secure relationship with her. To the extent that a child needs the time and attention of a parent in order to succeed as an adult, Pat's future holds far less promise than does Jan's.

I. HOW ARE THE CHILDREN?

A significant part of the story about the economic successes of the 1990s is the reduction in child poverty that occurred. By 1999, sixteen percent of children lived below the poverty line, down two percent from 1998.⁴¹ Much of that change was due to the increased earnings of parents. Nearly eighty percent of children lived in households with at least one working parent in 1999, compared with seventy-two per-

41. FEDERAL INTERAGENCY FORUM ON CHILDREN AND FAMILY STATISTICS, AMERICA'S CHILDREN: KEY NATIONAL INDICATORS OF WELL-BEING 2001, at iii (2001). The "poverty line" is the official federal statistical definition of poverty. See Office of Management and Budget, Statistical Policy Directive No. 14, Definition of Poverty for Statistical Purposes, available at <http://www.census.gov/hhes/poverty/povmeas/ombdir14.html> (last visited Dec. 1, 2001) (explaining that statistics contained in the U.S. Census Bureau's Current Population Reports "shall be used by all executive departments and establishments for . . . [determining] the number of persons and families in poverty, and their characteristics, in analytical and program planning work"). In 2000, the poverty line for a single-parent family with two children was \$13,874. U.S. Census Bureau, Poverty 2000, available at <http://www.census.gov/hhes/poverty/threshld/thresh00.html> (last visited Dec. 1, 2001).

cent in 1994.⁴² Much of the change occurred in mother-headed households.⁴³

The good news about the improved economic well-being of children has limits, however. Nearly a third of children in poverty had an employed parent in 1999, compared with a little over a fifth in 1980.⁴⁴ After counting government benefits, poverty rates did not decline between 1995 and 1999 for people living in families headed by single mothers who worked.⁴⁵

Children living in poverty in 1999 were more likely to have a parent working full-time year-round than were children living in poverty in 1980.⁴⁶ A high percentage of children in poverty live in extreme poverty—below fifty percent of the poverty line.⁴⁷ Further, a smaller percentage of children in poverty received government assistance in 1998 than in 1993.⁴⁸

What the economic information suggests is that children increasingly rely on parental earnings to sustain them, and that government

42. Tamar Lewin, *Child Well-Being Improves*, N.Y. TIMES, July 19, 2001, at A14.

43. *Id.*

44. *Id.*

45. KATHRYN H. PORTER & ALLEN DUPREE, CENTER ON BUDGET & POLICY PRIORITIES, POVERTY TRENDS FOR FAMILIES HEADED BY WORKING SINGLE MOTHERS, 1993 TO 1999, at 9 (2001).

46. FEDERAL INTERAGENCY FORUM ON CHILDREN AND FAMILY STATISTICS, *supra* note 41, at iii.

47. CHILDREN'S DEFENSE FUND, THE STATE OF AMERICA'S CHILDREN 5 (2001). According to CDF's analysis of Census Bureau data, in 1996 the percentage of children considered extremely poor—with family incomes below half of the poverty line—was 22%. *Id.* That figure rose to 26% in 1998-1999. *Id.* Between 1995 and 1997, the average incomes of the poorest 10% of female-headed households with children fell an average of \$814, from 35% to 30% of the poverty line. WENDELL PRIMUS ET AL., CENTER ON BUDGET & POLICY PRIORITIES, THE INITIAL IMPACTS OF WELFARE REFORM ON THE INCOMES OF SINGLE MOTHER FAMILIES 15-16 (1999). Most of the loss in income was due to a reduction in the amount of benefits received from various governmental programs. *Id.* at 17.

In 1999, overall child poverty reached its lowest level since 1979, but the results are averages that mask the extreme scores. Ron Haskins et al., *Welfare Reform: An Overview of Effects to Date*, WELFARE REFORM & BEYOND (The Brookings Institute, Washington, D.C.), Jan. 2001, at 4. Deborah Weinstein of the Children's Defense Fund has noted, "Yes, kids are better off, . . . [b]ut if, in the best of times, we have not been able to keep nearly one in six children from poverty (and one in three black children), then we need to be very fearful of what happens when the best times cease." Glenda Cooper, *Child Welfare Improving*, *Study Says*, WASH. POST, July 19, 2001, at A3.

48. KATHRYN PORTER & WENDELL PRIMUS, CENTER ON BUDGET & POLICY PRIORITIES, RECENT CHANGES IN THE IMPACT OF THE SAFETY NET ON CHILD POVERTY, at vii, 17-19 (1999) (noting that between 1996 and 1998, the number of children receiving cash assistance and food stamps fell faster than the number of poor children during that period).

assistance is playing an ever smaller role.⁴⁹ Where parental earnings are sufficient, children are moving out of poverty. For many children, however, parental earnings are insufficient even when a parent is working full-time year-round. And in households where no parent is working full-time year-round, the economic situation is even more desperate.⁵⁰

What has brought single mothers into the labor force in record numbers over the last decade is a subject of sharp debate. Some analysts attribute the change to the pull of rising wages generated by the improved economy,⁵¹ some to the pull of the earned income tax credit,⁵² and some to the push of work-first welfare reform.⁵³ All three explanations are plausible to some degree. Working together, they could have an impact on single mothers who have been on welfare in the past, single mothers whose exceptionally low income makes them financially eligible for welfare, and single mothers whose income fluctuates near and below the poverty line. In short, all single mothers with relatively low earnings capacities are likely to have felt the impact of welfare reform working together with the other changes in the labor market.

As low-income single mothers increase their rate of labor force participation and the number of hours they work, it is inevitable that they will encounter the same issues that middle-income single and married mothers have encountered over the last few decades as they increased their labor force participation. The issues fall into five cate-

49. See PORTER & DUPREE, *supra* note 45, at vii (“The impact of cash assistance and food stamps in shrinking the child poverty gap declined markedly among children in married and single-parent families alike . . .”).

50. A 1999 study of the incomes of low-income single-mother families revealed that the top quintile (or highest earning) of the single-mother families studied experienced an income gain between 1995 and 1997. PRIMUS ET AL., *supra* note 47, at ix. However, the bottom quintile (or poorest families) saw their average income decline significantly due to “sizeable decreases in assistance from means-tested programs.” *Id.* at viii. These families experienced a 6.7% decline in total income, 80% of which was due to reduced government assistance. *Id.* Low-income families falling between the top and bottom quintiles experienced increases in earnings that were offset by loss of benefits, resulting in a stagnant net income. *Id.* at viii-ix.

51. See JARED BERNSTEIN & JOHN SCHMITT, ECONOMIC POLICY INSTITUTE, THE IMPACT OF THE MINIMUM WAGE 7-8 (2000) (stating that increases in the minimum wage have the greatest benefit for workers in households in the bottom 40% of the income distribution, most likely single parents).

52. NICHOLAS JOHNSON, CENTER ON BUDGET & POLICY PRIORITIES, A HAND UP: HOW STATE EARNED INCOME TAX CREDITS HELP WORKING FAMILIES ESCAPE POVERTY IN 2000: AN OVERVIEW, at viii (2001).

53. See Jason DeParle & Steven A. Holmes, *A War on Poverty Subtly Linked to Race*, N.Y. TIMES, Dec. 26, 2000, at A1 (stating that welfare reform has caused a flood of single mothers into the labor market).

gories: (1) What are the mother's capacities to combine work and parenthood? (2) Where is the employer along the continuum from family-friendly to family-hostile? (3) Where is the community along the continuum from supportive to brittle? (4) Where is the child along the continuum of fragile to strong? (5) What is the strength and depth of the parent-child connection?

Every child needs a strong parent-child connection. As a committee of the National Research Council found recently in its summary of research on early child development:

Children grow and thrive in the context of close and dependable relationships that provide love and nurturance, security, responsive interaction, and encouragement for exploration. Without at least one such relationship, development is disrupted and the consequences can be severe and long-lasting. . . .

Children's early development depends on the health and well-being of their parents.⁵⁴

A parent's employment does not diminish the need of a child for a strong parent-child connection, but it does have an impact on the way in which the connection is built and maintained. Where a parent can count on family-friendly employment conditions, supportive community institutions and practices, and a resilient child, the parent is more likely to be able to meet the employer's needs while also meeting the child's needs. Where a parent faces hostile employment conditions, lives in an unsupportive or dangerous community, and is caring for a fragile child, on the other hand, the parent is less likely to be able to meet the employer's needs while also maintaining the deep connection that the child needs. The more the parent is stressed, the less likely she will be able to connect with the child while also handling the demands of full employment.⁵⁵

54. COMMITTEE ON INTEGRATING THE SCIENCE OF EARLY CHILDHOOD DEVELOPMENT, FROM NEURONS TO NEIGHBORHOODS: THE SCIENCE OF EARLY CHILDHOOD DEVELOPMENT 7 (Jack P. Shonkoff & Deborah A. Phillips eds., 2000) [hereinafter FROM NEURONS TO NEIGHBORHOODS].

55. See KATHRYN EDIN & LAURA LEIN, MAKING ENDS MEET: HOW SINGLE MOTHERS SURVIVE WELFARE AND LOW-WAGE WORK 5 (1997) (explaining that low-income mothers must struggle constantly to keep their children out of danger and to provide housing, food, child care, and medical care); FROM NEURONS TO NEIGHBORHOODS, *supra* note 54, at 289-92 (stating that poor mental health, including stress caused by poor economic circumstances, "is related to harsh, inconsistent, and detached parenting"); Ariel Kalil et al., *When Single Mothers Work—Effects on Child Development*, POVERTY RES. NEWS, July-Aug. 2001, at 9, 9-10 (finding higher levels of parenting stress increased children's antisocial behavior and lowered positive behavior).

Perhaps because welfare reform policy has not been about the connection between welfare reform's impacts on parents and child well-being, relatively few studies measure the impact of work-first welfare reform on children. The messages of the available studies, although preliminary, are fairly clear. First, children experience life differently when there are changes in what their mothers must do to qualify for welfare and to satisfy welfare requirements.⁵⁶ Some types of welfare reform that result in greater employment of mothers have positively impacted school-age children.⁵⁷ The closer the changes come to resembling work-first welfare reform, however, the worse the impacts on the children.⁵⁸ Simply getting women into jobs and off welfare, therefore, may be harmful to children.

Studies on the impact of welfare reforms on children were begun in the early 1990s, when numerous states obtained waivers to implement all or part of their AFDC programs in experimental ways. A number of the experimental programs were evaluated by researchers at the Manpower Demonstration Research Corporation (MDRC).⁵⁹ In these programs, parents applying for welfare were randomly assigned to receive either AFDC or benefits subject to different rules.⁶⁰

States designed their experimental programs in a variety of ways. A few states offered a substantial wage supplement to mothers who

In an interview, a mother of three children, ages fourteen, eleven, and seven, reported that after finding work and leaving welfare she had little time to spend with her children. She reported that "she is typically too tired to help her children with their homework, and she is often too tired to cook." In addition, she explained: "Right now, I got to concentrate on myself and what I got to do I'm sorry my kids are taking it the way they are. They're acting like little selfish brats. . . . I sometimes feel like I'm not taking care of my family like I should . . . [b]ut a lot of times, when I come home, I'm just so tired." Jason DeParle, *Bold Effort Leaves Much Unchanged for the Poor*, N.Y. TIMES, Dec. 30, 1999, at A1 (internal quotation marks omitted).

56. See MORRIS ET AL., *supra* note 7, at 4 (describing the impact of various welfare programs on children).

57. See, e.g., *id.* (noting that earnings supplements which increased both income and employment led to higher school achievement for children in elementary school).

58. See, e.g., ARLOC SHERMAN, CHILDREN'S DEFENSE FUND, HOW CHILDREN FARE IN WELFARE EXPERIMENTS APPEARS TO HINGE ON INCOME 6-9 (2001) (noting that programs resulting in higher income levels positively affect children, but that programs producing lower incomes or providing work opportunities without raising income levels harmed children).

59. See generally DAN BLOOM & CHARLES MICHALOPOULOS, MANPOWER DEMONSTRATION RESEARCH CORPORATION, HOW WELFARE AND WORK POLICIES AFFECT EMPLOYMENT AND INCOME: A SYNTHESIS OF RESEARCH (2001) (evaluating twenty-nine experimental programs in eleven states); STEPHEN FREEDMAN ET AL., MANPOWER DEMONSTRATION RESEARCH CORPORATION, NATIONAL EVALUATION OF WELFARE-TO-WORK STRATEGIES: EVALUATING ALTERNATIVE WELFARE-TO-WORK APPROACHES: TWO-YEAR IMPACTS FOR ELEVEN PROGRAMS (2000) (evaluating eleven programs in seven cities); MORRIS ET AL., *supra* note 7 (discussing recent studies examining child well-being in five experimental programs).

60. MORRIS ET AL., *supra* note 7, at ES-3; FREEDMAN ET AL., *supra* note 59, at ES-4 to -15.

engaged in paid employment.⁶¹ A few states imposed a mandatory work requirement without offering a wage supplement or its equivalent.⁶² Some states randomly assigned participants to human capital development programs or to labor force attachment programs. In the former, recipients were placed in education or training programs.⁶³ In the latter, recipients were required to seek work.⁶⁴ A couple of states had mixed first approaches, with applicants and recipients being assessed before being assigned to seek work or engage in education or training.⁶⁵ One program imposed a time limit of twenty-one months on the receipt of benefits.⁶⁶ Some programs aggressively sanctioned parents for nonparticipation, while others used sanctions more sparingly.⁶⁷

In most of the states, parents of children as young as six were involved in the experiments, while some included parents of children as young as three.⁶⁸ One included parents of children as young as one.⁶⁹ Programs also took different approaches to assisting parents in obtaining work-related resources, such as child care.⁷⁰

Child well-being for school-age children was assessed in terms of school progress, behavior, and overall health and safety.⁷¹ On most of the measures, children in the experimental program were not significantly different from children on AFDC.⁷² Five programs were found to have statistically significant positive impacts on children in the experimental group when they were compared with children whose families received AFDC under nonexperimental terms.⁷³ Among the programs, the positive impacts included:

—A reduction in the percentage of children receiving or requiring help for behavioral, emotional, or learning problems; in the percentage of children with behavior problems, including externalizing

61. SHERMAN, *supra* note 58, at 17.

62. MORRIS ET AL., *supra* note 7, at ES-2 to -3.

63. FREEDMAN ET AL., *supra* note 59, at 24-26.

64. *Id.* at 26-28.

65. *See, e.g.*, SHERMAN, *supra* note 58, at 21-22 (describing programs in Georgia, Michigan, and California taking a mixed approach).

66. This program was Connecticut's Job First program. LAURA MELTON & DAN BLOOM, MANPOWER DEMONSTRATION RESEARCH CORPORATION, CONNECTICUT'S JOB FIRST PROGRAM: AN ANALYSIS OF WELFARE LEAVERS 1 (2000).

67. FREEDMAN ET AL., *supra* note 59, at 28-31.

68. *Id.* at 171-72 n.4.

69. *Id.* at 171.

70. *Id.* at 32-34.

71. *Id.* at 171.

72. *Id.* at 172-73; MORRIS ET AL., *supra* note 7, at ES-4.

73. *See* SHERMAN, *supra* note 58, at 5-6 (examining how changes in income level affected children in each of the sixteen programs evaluated).

behavior; and in the percentage of children with especially high levels of behavior and emotional problems;⁷⁴

—improved performance in school, including a reduction in the percentage of children required to repeat a grade, improvements in math scores and school achievement, and a reduction in the percentage of children suspended from school;⁷⁵

—decreases in reports of social anxiety by children;

—improved parent and teacher assessments of social competence, positive behavior, compliance, autonomy, academics, and athletic competence;⁷⁶ and

—improved health status, including a reduction in the percentage of children with long-term health problems.⁷⁷

On the other end of the spectrum, four programs were found to have statistically significant negative impacts on children in the experimental group when they were compared with children whose families received AFDC under nonexperimental terms.⁷⁸ Among these programs, the negative impacts included:

—an increase in the percentage of children receiving or requiring help for behavioral or emotional problems;

—an increase in the percentage of children removed from their mother's care; and

—an increase in the percentage of children suspended from school.⁷⁹

In general, the five programs with positive child impacts differ from the four with negative impacts in one way that is important for an understanding of work-first welfare reform. Most of the positive five had program features that are not characteristic of work-first welfare reform, while most of the four negative programs did.⁸⁰

All of the programs that produced positive impacts for children also had a positive impact on family income of at least five percent.⁸¹ Some did that through generous income supplements, including providing benefits that brought family incomes above the poverty line.⁸² One program also counseled parents to hold out for a good job that

74. *Id.* at 6; FREEDMAN ET AL., *supra* note 59, at 186-88.

75. SHERMAN, *supra* note 58, at 6; FREEDMAN ET AL., *supra* note 59, at 186-88.

76. MORRIS ET AL., *supra* note 7, at ES-4.

77. *Id.*

78. SHERMAN, *supra* note 58, at 6.

79. *Id.*; FREEDMAN ET AL., *supra* note 59, at 186-88.

80. See SHERMAN, *supra* note 58, at 5-10 (describing the components of each program).

81. *Id.* at 6.

82. *Id.* at 9.

paid well and provided benefits, rather than to take the first job offered.⁸³ Work-first welfare reform, as will be discussed in greater detail in Part II, stresses that parents take the first job offered, and few states provide substantial supplemental cash benefits to parents with earnings.⁸⁴

An assessment of a number of the experimental programs concluded that increasing parental employment was not the key to improving outcomes for elementary-age children. Instead, it was increased household income, rather than employment per se, that produced benefits for the children.⁸⁵

Positive programs were also characterized by a degree of flexibility in work requirements.⁸⁶ While all encouraged recipients to get a job, several also offered a mixture of first activities.⁸⁷ Participants were assessed more carefully and enrolled in education or skills-building programs when those were considered necessary. One of the positive programs experimented with integrated case management, in which the case manager was responsible for both income maintenance and work activities.⁸⁸

All of the programs with negative outcomes for children were also characterized by negative effects on family income of at least five percent.⁸⁹ Although many participants in these programs increased their earnings, cuts in their public benefits more than offset the gains.⁹⁰ Two of the programs with negative impacts on children also frequently imposed financial penalties on parents for noncooperation.⁹¹ Negative outcome programs were more likely to offer only one kind of first activity, with a focus on either education or labor force attachment.⁹² Individual assessments were therefore not necessary. One of the mixed outcome programs offered education programs, but case

83. *Id.* at 10.

84. MORRIS ET AL., *supra* note 7, at ES-1; *infra* notes 186-191 and accompanying text.

85. BLOOM & MICHALOPOULOS, *supra* note 59, at 35-36; SHERMAN, *supra* note 58, at 7-9; *see also* Smith et al., *supra* note 38, at 819 (describing a study in which the authors found that lower incomes resulted in lower test scores for children, while “[c]ombining employment with public assistance is associated with higher family incomes” and better outcomes for children).

86. SHERMAN, *supra* note 58, at 10.

87. *Id.* at 9-10.

88. BLOOM & MICHALOPOULOS, *supra* note 59, at 57, app. B (describing the Columbus Integrated NEWWS program).

89. SHERMAN, *supra* note 58, at 6.

90. *Id.* at 11.

91. *Id.*

92. *See id.*

managers were more likely to push recipients toward employment.⁹³ Work-first welfare reform, as will be discussed in greater detail in Part II, results in income reductions for many families, whether by sanctions, denials of benefits, or time limits.⁹⁴

These studies suggest a need to be concerned about work-first welfare reform. Children in the experimental programs that most resemble work-first welfare reform did worse than children whose parents received AFDC. Therefore, merely getting parents employed is not the solution.⁹⁵ Instead, it is important to examine the conditions under which parents go to work. To do that requires a closer examination of work-first welfare reform in operation.

II. HOW DOES WORK-FIRST WELFARE REFORM DELIVER ITS IMPACTS ON PARENTS AND CHILDREN?

A. *The Work Requirement and the Five-Year Limit*

Cash benefits under welfare reform are called "Temporary Assistance to Needy Families," or TANF.⁹⁶ Previously, cash benefits were called "Aid to Families with Dependent Children," and before that "Aid to Dependent Children."⁹⁷ Taking the term "children" out of TANF is not coincidental; it reflects the decision to define personal responsibility largely in terms of the person's engagement in paid work rather than in the unpaid caretaking work parents do for children.⁹⁸

93. BLOOM & MICHALOPOULOS, *supra* note 59, at 58, app. B.

94. *See infra* notes 217-226 and accompanying text.

95. MORRIS ET AL., *supra* note 7, at ES-5. The study found:

Welfare reforms and antipoverty programs can have a positive impact on children's development if they increase employment and income, but increasing employment alone does not appear sufficient to foster the healthy development of children. Children living in poverty are at risk of low achievement, behavior problems, and health problems, so it is critical that policies affecting their families enhance children's well-being rather than leaving them at the same level of deprivation and risk that they experienced under the former welfare system.

Id.

96. Part A of Subchapter IV of title 42 of the U.S.C. is titled "Block Grants to States for Temporary Assistance of Needy Families."

97. The AFDC provisions were repealed by Pub. L. 104-193, § 116(c), 110 Stat. 2112, on August 22, 1996.

98. The shift in policy from AFDC to TANF is clearly reflected in the different treatment of children in each of the programs. ADC, later renamed AFDC, focused on two priorities—reducing child poverty and encouraging parent self-sufficiency. *See* Judith M. Gueron, *Welfare and Poverty: The Elements of Reform*, 11 YALE L. & POL'Y REV. 113, 113 (1993). Unlike AFDC, TANF reform has been criticized for its complete lack of attention to child welfare. *See, e.g.,* Peter B. Edelman, *So-Called "Welfare Reform": Let's Talk About What's Really Needed to Get People Jobs*, 17 LAW & INEQ. 217, 218 (1999) (noting that "real" welfare reform needs to protect children rather than blindly emphasize the slogan—"get a job"). In fact,

Under TANF, Congress requires states to ensure that most adult recipients of cash assistance comply with the work requirement for a certain number of hours per week.⁹⁹ In general, single parents whose children are age six or over are required to spend thirty hours per week in a work activity.¹⁰⁰ Single parents whose children are under the age of six are required to work twenty hours per week.¹⁰¹ Two-parent families are required to spend additional hours in a work activity.¹⁰²

As defined by Congress, only certain types of activities satisfy the work requirement:

- (1) unsubsidized employment;
- (2) subsidized private sector employment;
- (3) subsidized public sector employment;
- (4) work experience . . . if sufficient private sector employment is not available;
- (5) on-the-job training;
- (6) job search and job readiness assistance;
- (7) community service programs;
- (8) vocational educational training . . . ;
- (9) job skills training directly related to employment;
- (10) education directly related to employment [for those recipients without a high school diploma or GED];
- (11) [high school or an equivalent program leading to a GED for those recipients without a high school diploma or GED];

the new understanding of welfare does not involve child welfare at all; rather, welfare reform is understood to have a "work first" philosophy with "self-sufficiency" as its mantra. See, e.g., Audra Wilson, *Welfare Reform: Rhetoric and Reality*, 34 CLEARINGHOUSE REV. 578, 578 (2001). TANF also represents the first time Congress has "required states to impose work requirements on single-parent families with pre-school-age children who receive cash assistance." JoAnn C. Gong et al., *Child Care in the Post Welfare Reform Era: Analysis and Strategies for Advocates*, 32 CLEARINGHOUSE REV. 373, 373 (1999). While requiring poor parents to work outside of the home, Congress also eliminated provisions that guaranteed child care to poor families. See *id.*

99. 42 U.S.C. § 607 (Supp. V 1999). The adoption of TANF was not the first occasion work requirements were imposed in the federal welfare program, although it is the most demanding in terms of state bureaucracy involvement needed to implement the work requirements. See PIVEN & CLOWARD, *supra* note 39, at 382-87 (describing earlier welfare-to-work programs and various requirements for participation); see also HANDLER, *supra* note 13, at 5 ("Welfare for single mothers and their children has always been accompanied by work requirements.").

100. 42 U.S.C. § 607(c)(1)(A).

101. *Id.* § 607(c)(2)(B).

102. *Id.* § 607(c)(1)(B). The statute requires that the individual seeking aid, as well as the other parent participating in work activities, work at least 35 hours per week, at least 30 of which must include activities specified in § 607(d). *Id.*

(12) the provision of child care services to an individual who is participating in a community service program.¹⁰³

Teenage parents are allowed to satisfy the work requirement by attending school.¹⁰⁴ States are subject to a thirty percent limit on educational activities.¹⁰⁵ That is, when counted together, teenage parents in school and adults in vocational education programs cannot be more than thirty percent of all recipients.

States are not required to permit recipients to participate in all twelve types of permitted work activities.¹⁰⁶ A state that decides to emphasize work over training, for example, can decide not to permit any adult recipient to engage in an educational program to satisfy the work requirement. The thirty percent limit encourages states to favor work over training.

States also have the option to exempt from the work requirement any single custodial parent who is caring for a child under the age of one year.¹⁰⁷ States do not suffer any penalty for making this election because exempted recipients are not counted as part of the group mandated to participate in work activities.¹⁰⁸ Few states have taken full advantage of this option, however.¹⁰⁹

States are required to penalize recipients who refuse to engage in a federally-approved work activity.¹¹⁰ The state may elect to impose a financial sanction solely on the person who refuses to engage in the work activity or on the entire family (called a “full family” sanction).¹¹¹

103. *Id.* § 607(d).

104. *Id.* § 607(c)(2)(C). To satisfy the work requirement, the teen must maintain good attendance during the month or participate in an educational program directly related to employment for an average of at least 20 hours per week during the month. *Id.*

105. *Id.* § 607(c)(2)(D).

106. *See id.* § 607. Nowhere in the statute is it stipulated that states must permit all of the activities enumerated in section 607(d).

107. *Id.* § 607(b)(5).

108. *Id.* This exemption applies for up to one year. *Id.*

109. Thirteen states exempt families from the state’s time limit for cash TANF benefits when an adult is caring for a young child. LIZ SCHOTT, CENTER ON BUDGET & POLICY PRIORITIES, *WAYS THAT STATES CAN SERVE FAMILIES THAT REACH WELFARE TIME LIMITS 4* (2000). Even in states that have opted to exempt parents of young children, anecdotal accounts indicate that caseworkers use their discretion to ignore these provisions. For example, one recipient reported that, after informing the caseworker that she had a one-month-old child, the caseworker cited her own experience of going back to work shortly after giving birth and insisted the client look for work. Wilson, *supra* note 98, at 584.

110. 42 U.S.C. § 607(e).

111. *Id.* § 607(e)(1); STATE POLICY DOCUMENTATION PROJECT, *SANCTIONS FOR NONCOMPLIANCE WITH WORK ACTIVITIES* [hereinafter *SANCTIONS FOR NONCOMPLIANCE*], available at http://www.spdp.org/tanf/sanctions/sanctions_findings.htm (last visited Dec. 1, 2001) (describing the various sanctions states can impose on recipients who fail to comply with TANF regulations).

In addition, the state can elect to impose the maximum sanction allowed by law as a penalty for the first infraction, or it can phase in the maximum sanction over the course of multiple infractions.¹¹²

States are permitted to allow recipients to demonstrate that they have “good cause” for not complying with the work requirement, or that they should be exempted from the work requirement.¹¹³ States cannot require that a single custodial parent caring for a child under the age of six participate in a work activity if the parent shows that he or she is unable to obtain child care because no child care is available within a reasonable distance from their home or work site, or because no suitable and affordable formal or informal child care is available.¹¹⁴

Although work requirements are not new, the new breadth of the requirement is the keystone of welfare reform.¹¹⁵ Prototype training materials produced by the Department of Health and Human Services explain that the shift to TANF “requires a radical organizational culture change that shifts the focus of AFDC/JOBS from an entitlement to temporary assistance leading to work.”¹¹⁶ Caseworkers must em-

112. SANCTIONS FOR NONCOMPLIANCE, *supra* note 111.

113. *Id.*; see 42 U.S.C. § 607(e)(1) (noting that the penalties are subject to “good cause and other exceptions as the State may establish”).

114. 42 U.S.C. § 607(e)(2).

115. Diller, *supra* note 15, at 1148-49. The administration of work requirements calls for multiple discretionary decisions concerning, for example, whether the client can work, what type of work activities should be required, and whether adequate child care is available. *Id.* at 1148. This discretionary power is described by a caseworker who said, “[t]hey make the rule, but you can add to it, subtract from it, as long as you don’t break it.” *Id.* at 1149.

116. *Id.* at 1167. In addition, the drive to decrease the welfare rolls has led to states adopting diversion practices to keep families from needing assistance. *Id.* at 1167-69. HHS provided states with a training manual, “Culture Change Training Strategy Project Report,” which notes the new goals of the program are not only getting clients to work, but also “diverting clients to other programs, services, and government or non-governmental benefits” *Id.* at 1167-68. This policy of diversion is as important as work requirements in changing the structure of welfare.

Many states have diversion policies that attempt to dissuade potential applicants from applying for benefits, including lump sum payments, pre-application job search requirements, and discussions about other sources of support. *Id.* at 1152-54; Richard P. Nathan & Thomas L. Gais, *Early Findings About the Newest New Federalism for Welfare*, in WELFARE REFORM: A RACE TO THE BOTTOM?, *supra* note 39, at 129, 134 (asserting that states are increasingly using diversion programs to prevent families from becoming cash assistance recipients); see also Edelman, *supra* note 98, at 217 (arguing that the welfare reform of 1996 was not reform at all). Professor Edelman asserts:

Real welfare reform means real help to people to get jobs—jobs that get them out of poverty—and real protection for children and real prevention of the need to go on welfare in the first place. That is the sort of welfare reform we needed and still need. Instead of protecting children, the limited safety net that we had has been destroyed. And instead of really promoting work, too many

phasize work before anything else; their “main objective is to get clients off of welfare and into the workforce and assist the clients in learning what it takes to maintain a job.”¹¹⁷

Recipients of TANF have a five-year lifetime limit.¹¹⁸ That is, the adult member of the household can receive federally-funded cash assistance and similar support for basic needs for a total of five years over his or her lifetime. States are not prohibited from funding benefits for additional time.¹¹⁹ States are also permitted to impose shorter time limits, and a number of states have.¹²⁰

B. *Implementing Work-First Welfare Reform*

There is a positive story to be told about work-first welfare reform. Many participants have responded eagerly to a new willingness on the part of many welfare officials to help recipients and applicants connect to paid work.¹²¹ Some communities have responded to welfare reform by addressing many of the challenges faced by parents when they try to be successful both at home and at work.¹²² These commu-

states have accepted the invitation to do a bumper sticker—“get a job.” That is our jobs policy.

Id. at 218.

117. Diller, *supra* note 15, at 1168-69 (quoting the Culture Change Report).

118. 42 U.S.C. § 608(a)(7).

119. *Id.* § 608(a)(7)(F); see STATE POLICY DOCUMENTATION PROJECT, STATE TIME LIMITS ON TANF CASH ASSISTANCE, available at <http://www.spdp.org/tanf/timelimits/tlovervw.pdf> (last visited Nov. 3, 2001) (listing the time limits imposed on TANF recipients in each state and noting that some states provide longer than 60 months or no time limit at all).

120. 42 U.S.C. § 608(a)(7)(E); SCHOTT, *supra* note 109, at 3 (noting that twenty states adopted time limits shorter than 60 months); see Jason DeParle, *As Benefits Expire, the Experts Worry*, N.Y. TIMES, Oct. 10, 1999, at A1 (discussing concerns of the Wisconsin state government whose strict work rules and time limits will force many participants off welfare in the coming years).

121. See Andrew Cherlin et al., *What Welfare Recipients Know About the New Rules and What They Have to Say About Them* 4 (2000), available at <http://www.jhu.edu/~welfare/16895-rules-policybrief.4.pdf> (finding that in a survey of welfare recipients in three cities over 70% agreed with the statement, “it is a good idea to require people on welfare to find a job and work”); KATHERINE MCFATE, JOINT CENTER FOR POLITICAL AND ECONOMIC STUDIES, NEGLECTED VOICES: WHAT LOW-INCOME AMERICANS THINK OF WELFARE REFORM 1 (1997) (finding that a survey of welfare recipients demonstrates a belief that the most important goal of welfare reform should be to help people get off welfare rolls and into the workforce).

122. It is difficult to overestimate the amount of effort needed to make the changes that employers, communities, and government agencies need to make so that low-income workers with children can be responsible at home and at work. In the Baltimore region, for example, more than 35% of entry-level jobs are inaccessible by public transportation, and only 7% of welfare recipients own a car. CITIZENS PLANNING AND HOUSING ASSOCIATION, ACCESS TO JOBS IN THE BALTIMORE REGION 3 (1999) [hereinafter ACCESS TO JOBS IN THE BALTIMORE REGION]. In Cleveland, even with a commute of over an hour, residents of neighborhoods with high concentrations of poverty could reach less than 44% of appropriate job openings by public transportation. *Id.* at 4.

nities, in partnership with employers, transportation providers, child care centers, and community organizations, have assembled resources, problem solvers, and support systems to enable welfare recipients to join the workforce.¹²³ Some of these communities have reduced their welfare populations to zero or near zero.¹²⁴

Many welfare officials and their communities, no matter how ample their goodwill, have been unable to reduce their welfare rolls that far. Many of these communities are urban,¹²⁵ and most have a concentration of minorities.¹²⁶ In some cities, jobs are too scarce for everyone to have one, even in good times.¹²⁷ Most communities have, in addition, multiple employment barriers that make it harder for parents, especially parents of young or disabled children, to hold down a

123. For example, states have developed policies that change the way they provide services to individuals with low skills and limited employment histories to focus more on basic skills needed in the work force. See NATIONAL GOVERNORS ASSOCIATION, *COMPREHENSIVE STRATEGIES FOR SERVING INDIVIDUALS WITH VERY LOW SKILLS* (2000), available at http://www.nga.org/center/divisions/1,1188,C_ISSUE_BRIEF^D_1761,00.html (detailing work-focused strategies states have implemented).

Local community nonprofits have also assembled innovative solutions, such as the "Vehicles for Change" program, which solicits and refurbishes used cars, selling them at low cost to needy families and offering a six-month warranty. Alice Lukens, *For Poor Buyers, Donated Cars Not Always Quick Fix*, *BALT. SUN*, June 25, 2001, at 1B; see also SUSAN GOLONKA & LISA MATUS-GROSSMAN, *MANPOWER DEMONSTRATION RESEARCH CORPORATION, OPENING DOORS: EXPANDING EDUCATIONAL OPPORTUNITIES FOR LOW-INCOME WORKERS 31-36* (2001) (describing community initiatives through community colleges to expand secondary and post-secondary educational opportunities for low-income workers, to offer pre- and post-employment services, and to improve service delivery); ED LAZERE ET AL., *CENTER ON BUDGET & POLICY PRIORITIES, STATES AND COUNTIES ARE TAKING STEPS TO HELP LOW-INCOME WORKING FAMILIES MAKE ENDS MEET AND MOVE UP THE ECONOMIC LADDER* (2000) (exploring a variety of methods used by localities to assist low-income families, such as transportation assistance, child care and health insurance for low-income parents, and more accessible benefit application methods).

124. See Robert Pear, *How an Illinois County Cleared the Welfare Rolls*, *N.Y. TIMES*, Aug. 14, 2000, at A12 (describing how Schuyler County, Illinois, became the first county in the state to be "welfare free").

125. Amy Goldstein, *Geography of Welfare is Changing*, *WASH. POST*, July 18, 2000, at A1 ("Nearly three in five people on welfare can be found in the 100 largest U.S. cities . . . because people there are being weaned from assistance more slowly than in most suburban and rural communities."); see also Kate Shatzkin, *Cuts in Welfare Starting to Slow*, *BALT. SUN*, July 23, 2000, at 1A (noting that the City of Baltimore mirrors a national trend in that the city's welfare caseload has grown from 48% of the overall state caseload in 1994 to 58% in 1999, even as welfare rolls decreased).

126. See Marguerite L. Spencer, *Tearing Down Walls and Building Lives, A Systemic Approach to Welfare Reform*, 17 *LAW & INEQ.* 201, 202 (1999) (stating that "[t]he limitations of current welfare reform are particularly problematic for people of color . . .").

127. See Shatzkin, *supra* note 125 (noting that despite the good economy in Maryland, the number of people on welfare increased in some counties).

full-time job.¹²⁸ In these communities, work-first welfare reform poses different problems and has different consequences than it does in high-income, highly resourced communities.¹²⁹

Several rationales form the basis for work-first welfare reform. First, poor mothers should do what other mothers are doing: work outside the home.¹³⁰ Second, children are better off when their parents work.¹³¹ Finally, poor parents will not do what is right unless they are made to.¹³² What all these rationales ignore, however, is that combining work and family is tough. Few employers have made the changes parents need. Most family-friendly work environments are available only to the highest paid working mothers.¹³³ Other workers, including many in highly paid occupations and nearly everyone in low-skilled and low-paid occupations, face daunting challenges when trying to meet their concurrent responsibilities at home and at work.¹³⁴ Many communities are supportive of working parents and their children, but many others are hostile places with few institutions that parents can turn to and trust with their children.¹³⁵ Many children in poverty are fragile; a large number have learning disabilities and emotional or behavioral issues.¹³⁶ Being a good parent for a frag-

128. These barriers include transportation, day care, education and training, and barriers inherent in the communities in which poor people live. See John A. Powell, *Welfare Reform for Real People: Engaging the Moral and Economic Debate*, 17 *LAW & INEQ.* 211, 212 (1999).

129. Edelman, *supra* note 98, at 226-28 (describing the problems many single parents have finding adequate transportation and child care, and how these problems affect their ability to keep jobs).

130. See Handler & Hasenfeld, *supra* note 25, at 137 (noting that both conservatives and liberals agree that women on welfare should work just like many other mothers).

131. Kalil et al., *supra* note 55, at 10 (noting that children have positive role models and more structured routines when their parents work).

132. See Lucy A. Williams, *The Ideology of Division: Behavior Modification Welfare Reform Proposals*, 102 *YALE L.J.* 719, 743 (1992) (discussing the belief of many that welfare recipients need to modify their behavior and conform to society's "correct" values).

133. See Robert Levering & Milton Moskowitz, *100 Best Companies to Work For* (Jan. 8, 2001), available at http://www.fortune.com/indexw.jhtml?channel=artcol.jhtml&doc_id=00003095 (listing the companies that are considered the best to work for because of the fringe benefits they offer, like onsite child care).

134. See Friedman & Greenhaus, *supra* note 27, at 20, 54 (stating that parents, especially women, face difficulties when trying to combine career and family responsibilities, and that, as a result, family becomes a penalty for women pursuing careers outside of the home).

135. See Edelman, *supra* note 98, at 226 (noting that adequate child care can only be developed through a process of grassroots community-building).

136. See Martha J. Zaslow et al., *The National Evaluation of Welfare-to-Work Strategies: Impacts on Young Children and Their Families Two Years After Enrollment*, at pt. V (2001), available at <http://aspe.hhs.gov/hsp/NEWWS/child-outcomes/summary.htm> (finding that children in an AFDC control group were less cognitively ready for

ile child is difficult with or without the additional challenges of employment.

Work-first welfare reform must be assessed in light of the needs of both parents and children. What help and resources do working parents need from government, employers, and communities to maintain a deep connection with their children? And when the help and resources are not sufficient, what responsibility do the rest of us have to help parents help their kids? Many writers and researchers have been exploring these questions in light of the needs of middle class families. For example, Sue Shellenbarger documents work-family conflicts and solutions in her weekly column for the *Wall Street Journal*.¹³⁷ Drs. Berry Brazelton and Stanley Greenspan have addressed these issues from the perspective of child psychiatry.¹³⁸ Ellen Galinsky has explored the same issues from the perspective of children.¹³⁹ Their accounts, and many more, help to identify the minimum conditions that are needed to make paid employment by caretaking parents yield positive results for their children.

The conditions that parents need to be successful simultaneously at home and at work fall into two categories: adequacy of economic resources and respect for parenting work.¹⁴⁰ In the next section, I explore the ways in which work-first welfare reform addresses the problems that families face in trying to assemble adequate economic resources. The following section discusses the need for programs to respect parenting work.

I want to be clear that my concerns about work-first welfare reform are not a renewal of the argument that every child needs his or her mother at home or that mothers should not work because it would be harmful to their children. What I am arguing is that, unlike the proverbial rose, work is not work is not work, a child is not a child is not a child, a parent is not a parent is not a parent, and a community is not a community is not a community. Each parent, child, job, and community has different characteristics. Some children are

school than the average U.S. child of the same age, and that they demonstrated more external behavioral problems than other children their age).

137. See generally SUE SHELLENBARGER, WORK & FAMILY: ESSAYS FROM THE "WORK & FAMILY" COLUMN OF THE WALL STREET JOURNAL (1999).

138. See generally BRAZELTON & GREENSPAN, *supra* note 8 (explaining the fundamental factors necessary for the development of healthy children and what American parents are doing to meet those needs).

139. See generally GALINSKY, *supra* note 21 (describing how to work and raise successful children).

140. See FRIEDMAN & GREENHAUS, *supra* note 27, at 149-50 (noting that a successful balance of work and family requires support from employers, society, and individual members of the family).

sturdy enough to do well in any kind of community.¹⁴¹ Others are too fragile to succeed unless a parent can be nearby to offer assistance and supervision.¹⁴² Some parents can make a difficult situation work, while others lack the skills or charm to round the corners of a squarely inhospitable job.

The problem is not whether a mother works; it is what kind of work and family balance works for mothers and children. For work-first welfare reform to be beneficial for children, it is necessary to recognize the differing circumstances that each family faces. Among other factors, jobs can be family-friendly or family-hostile; communities can be supportive or nonsupportive; and children may have health, psychological, or educational problems, or they may not.

1. *Adequacy of Economic Resources.*—Work-first welfare reform can affect a family's economic resources in several ways. First, in all states, most TANF recipients are expected to be employed or preparing for employment through work activities.¹⁴³ If a parent becomes employed, total family income may increase or decrease. It increases if the parent's earnings, net of payroll taxes and usually combined with an earned income tax credit, exceed reductions in the TANF grant and other means-tested public benefits programs, such as food stamps and housing assistance.¹⁴⁴ It may also increase if the parent's earnings are supplemented by child support paid by the child's other parent. Total family income decreases if the additional income generated by

141. See Jeanne Brooks-Gunn et al., *Poor Families, Poor Outcomes: The Well-Being of Children and Youth*, in CONSEQUENCES OF GROWING UP POOR 1, 6 (Greg J. Duncan & Jeanne Brooks-Gunn eds., 1997) (noting that each child is an individual, and as such, they each may react differently to similar environmental risks); see also BRAZELTON & GREENSPAN, *supra* note 8, at ch. 1 (describing how nurturing relationships influence development during early childhood); JONATHAN KOZOL, *ORDINARY RESURRECTIONS: CHILDREN IN THE YEARS OF HOPE* 236 (2000) (telling the story of a child named Isaiah, who, through talent and ingenuity, finds inventive ways to overcome the difficulties of poverty); Sara S. McLanahan, *Parent Absence or Poverty: Which Matters More?*, in CONSEQUENCES OF GROWING UP POOR, *supra*, at 35, 48 (concluding that family structure can have a more significant influence on child development than poverty).

142. See ZASLOW ET AL., *supra* note 136, at pt. V (detailing many of the cognitive health and social problems children on welfare suffer); MORRIS ET AL., *supra* note 7, at 7-8 (noting that adolescents may be more at risk for behavior problems and decreased academic achievement when their parents are subjected to mandatory time limits on welfare).

143. 42 U.S.C. § 607(a) (Supp. V 1999); cf. Julie A. Nice, *Welfare Servitude*, 1 GEO. J. ON FIGHTING POV. 340 (1994) (noting that welfare recipients are required to work and arguing that mandatory work for welfare is equivalent to welfare servitude and should be challenged as coerced labor under the Thirteenth Amendment).

144. See Robert Kaestner, *Employment Prospects of Welfare Recipients: Another Look at the Data*, 19 CATO J. 119, 134-38 (1999) (describing possible scenarios based on predicted earnings of welfare recipients).

the parent's earnings and child support payments are offset by benefit reductions.¹⁴⁵

Second, total family income can be affected by the failure of a family member to fulfill the work requirement.¹⁴⁶ Many states have adopted a full-family sanction, which terminates the cash assistance grant temporarily or permanently.¹⁴⁷ Other states have adopted a partial sanction.¹⁴⁸ Some states have adopted a parallel sanction in the food stamp program that counts the sanctioned portion of the TANF grant as "phantom income," which keeps the food stamp grant from increasing when the TANF grant decreases.¹⁴⁹

145. See EDIN & LEIN, *supra* note 55, at ch. 4 (describing how the loss of benefits can result in some working mothers making a lower wage than mothers on welfare receive in benefits); Peter Edelman, *Reforming Welfare—Take Two*, NATION, Feb. 4, 2002, at 16, 17 ("From 1995 to 1999, roughly 2 million families, with average incomes of about \$7,500, lost about 8 percent of their income. This happened because they lost more in benefits, both welfare and food stamps, than they gained in earnings from work."). See generally HEATHER BOUSHEY & BETHNEY GUNDERSEN, ECONOMIC POLICY INSTITUTE, WHEN WORK JUST ISN'T ENOUGH (2001) (observing that former welfare families who now work may face greater economic hardships).

146. See 42 U.S.C. § 607(e) (giving states the authority, with certain exceptions, to reduce or terminate the TANF benefits of recipients who fail to comply with TANF work requirements); see also CATHERINE E. BORN ET AL., UNIVERSITY OF MARYLAND SCHOOL OF SOCIAL WORK, LIFE AFTER WELFARE: A LOOK AT SANCTIONED FAMILIES 38-39 (1999) (finding that, in Maryland, sanctioned adults are less likely than nonsanctioned adults to work in the quarter in which their welfare case was closed, and that sanctioned adults who were employed had significantly lower mean quarterly earnings); Andrew Cherlin et al., *Sanctions and Case Closings for Noncompliance: Who is Affected and Why 1* (2001), available at http://www.jhu.edu/~welfare/18058_Welfare_Policy_Brief.pdf (stating that 12% of penalties imposed were for failing to take a job or to show up for a job-related activity, and that recipients who left welfare because of sanctions or case closings had lower employment rates and earnings than recipients who left for other reasons).

Other states experienced similar results, suggesting that sanctions can be counter-productive by "destabiliz[ing] the family" and reducing the "chance that a parent can adequately support the family without welfare." HEIDI GOLDBERG, CENTER ON BUDGET & POLICY PRIORITIES, A COMPLIANCE-ORIENTED APPROACH TO SANCTIONS IN STATE AND COUNTY TANF PROGRAMS 3 (2001).

147. See STATE POLICY DOCUMENTATION PROJECT, TIMING OF FULL-FAMILY SANCTIONS, available at http://www.spdp.org/tanf/full_family_sanctions.pdf (last visited Dec. 1, 2001) (noting that 36 states impose full-family sanctions and that 18 states impose the sanctions immediately upon the first-instance of noncompliance); Nathan & Gais, *supra* note 116, at 134 (noting that 26 states apply full-family benefit sanctions).

148. See STATE POLICY DOCUMENTATION PROJECT, SUMMARY OF STATE SANCTION POLICIES, available at http://www.spdp.org/tanf/sanctions_overview.pdf (last visited Dec. 1, 2001) (noting that 33 states impose partial sanctions after an initial violation). In 1998, an average of 4.5% of families receiving TANF received benefits subject to a partial-benefit sanction. GOLDBERG, *supra* note 146, at 2.

149. See 7 U.S.C. § 2017(d)(1)(A) (Supp. V 1999) (mandating that a "household may not receive an increased allotment [of food stamp benefits] as the result of a decrease in the income of the household to the extent that the decrease is a result of" a sanction under another means-tested public assistance program).

Third, total family income can be affected by diversion, the practice used in many states to impose work-related eligibility requirements on TANF applicants.¹⁵⁰ If the applicant is unable to meet the work-related eligibility requirement, such as an up-front job search, the family is ineligible for a TANF grant.¹⁵¹

Fourth, total family income can be affected by time limits. Once a family reaches the federal time limit, or any shorter time limit adopted by the particular state, the family's welfare grant ends unless the family qualifies for a "hardship" exception or the state pays for a substitute benefit.¹⁵²

Welfare reform initially took place in a time of extraordinary economic growth in the United States.¹⁵³ Unemployment rates between 1996 and 2001 were the lowest of the decade.¹⁵⁴ Groups of people who have been unacceptable to employers in the past were getting jobs.¹⁵⁵ Earnings of people in the lowest skill jobs began to rise.¹⁵⁶ Against this background, it is hard to imagine that people leaving welfare for work would be unable to support their families.

The real picture, however, is more mixed.¹⁵⁷ Studies of welfare leavers in many states show that between forty-seven and sixty-four per-

150. For a general discussion of diversion programs, see Diller, *supra* note 15, at 1152-57. Thirty-three states utilize pre- or pending application requirements. STATE POLICY DOCUMENTATION PROJECT, PRE-APPLICATION REQUIREMENTS, available at <http://www.spdp.org/tanf/prereq/index.htm> (last visited Dec. 2, 2001); STATE POLICY DOCUMENTATION PROJECT, PENDING APPLICATION REQUIREMENTS [hereinafter PENDING APPLICATION REQUIREMENTS], available at <http://www.spdp.org/tanf/pendreq/index.htm> (last visited Dec. 2, 2001). For example, Wisconsin requires a job search prior to application, and 19 other states require a job search while application for cash assistance is pending. PENDING APPLICATION REQUIREMENTS, *supra*; cf. Reynolds v. Giuliani, 35 F. Supp. 2d 331, 347 (S.D.N.Y. 1999) (holding that New York officials impermissibly imposed unreasonable requirements on needy individuals for food stamps, Medicaid, and cash assistance).

151. STATE POLICY DOCUMENTATION PROJECT, FINDINGS IN BRIEF: TANF APPLICATIONS, available at <http://www.spdp.org/tanf/applications/appsumm.htm> (last visited Nov. 5, 2001).

152. See *supra* notes 118-120 and accompanying text (describing state policies on welfare time limits and extensions).

153. See, e.g., Edelman, *supra* note 98, at 218-19 (discussing the favorable economic climate for welfare reform as of 1999).

154. See Bureau of Labor Statistics, Household Data Annual Averages, available at <http://www.bls.gov/cps/cpsa2001.pdf> (last visited Mar. 5, 2002).

155. LAWRENCE MISHEL ET AL., ECONOMIC POLICY INSTITUTE, THE STATE OF WORKING AMERICA 2000-2001, at 219 (2001) (noting that "historically disadvantaged groups" have seen expanded job opportunities).

156. *Id.* at 224.

157. See JARED BERNSTEIN ET AL., CENTER ON BUDGET & POLICY PRIORITIES, PULLING APART: A STATE-BY-STATE ANALYSIS OF INCOME TRENDS 21 (2000) (noting that despite the "robust" economic growth in the 1990s, income inequality in the United States has also grown).

cent are employed in each quarter during the year after leaving welfare.¹⁵⁸ For those who do find work upon leaving welfare, their average monthly earnings are under \$1000, well under the poverty line for even a small family.¹⁵⁹ A large proportion continue to be employed during the next year, but their earnings rise very little.¹⁶⁰ While some welfare leavers succeed in pulling together enough resources to support their families at least at the level of the poverty threshold, a much larger group do not.¹⁶¹ Many families suffer hardships with regard to food and housing.¹⁶²

158. GREGORY ACS & PAMELA LOPREST, THE URBAN INSTITUTE, INITIAL SYNTHESIS REPORT OF THE FINDINGS FROM ASPE'S "LEAVERS" GRANTS, at pt. III (2001), available at <http://aspe.hhs.gov/hsp/leavers99/synthesis01/index.htm>.

159. *Id.* A typical welfare leaver who maintains a job earns between \$2000 and \$2700 per quarter in a job that typically lacks benefits such as paid leave and medical insurance. *Id.*; see also DeParle, *supra* note 55 (noting that in 1998, welfare leavers earned an average of \$7700, \$400 less than the grant they would have received under the AFDC program, and that only 4% of leavers had total incomes that were 150% above the poverty line); CHILDREN'S DEFENSE FUND, FAMILIES STRUGGLING TO MAKE IT IN THE WORKFORCE: A POST WELFARE REPORT 25 (2000) (finding that more than half of former recipients who were working remained in poverty); STEVE HILL, MARYLAND BUDGET AND TAX POLICY INSTITUTE, HOW WELL ARE WE FARING? PROSPERITY, POVERTY, AND THE IMPACT OF POLICY CHOICES IN MARYLAND 27 (2001), available at <http://www.marylandpolicy.org/chartpoor-webfin022301.pdf> (documenting that, in Maryland, median earnings of welfare leavers are \$800 a month, which is less than the federal poverty level for any size family with children).

160. See DeParle, *supra* note 55 (noting that although 68% of individuals were working a year after leaving welfare, only 36% of welfare leavers report having more total income than when they were on welfare).

161. See CHILDREN'S DEFENSE FUND, *supra* note 159, at 3 (explaining that 58% of employed former welfare recipients have earnings below the poverty line, more than 30% lack health insurance, and over 50% have had their utilities shut off or have been unable to pay rent or utilities).

However, even households reaching the poverty threshold do not thrive because the poverty threshold is not a realistic estimate of the income a family needs to survive. See EDEN & LEIN, *supra* note 55, at 223-24 (stating that the minimum budget to cover necessities is not met by income at the poverty line, but requires approximately 150% of the poverty line); Jennifer Brooks & Diana Pearce, *Meeting Needs, Measuring Outcomes: The Self-Sufficiency Standard as a Tool for Policy-Making, Evaluation, and Client Counseling*, 34 CLEARINGHOUSE REV. 34, 36-37 (2000) (arguing that the federal poverty measure is too low); see Sara Kehaulani Goo, *Despite Boom, Many Families Struggling*, WASH. POST, July 24, 2001, at A6 (noting that although a family of four needs approximately \$49,218 a year to live in Washington, D.C. and pay for food, rent, utilities, health insurance, and other basic necessities, the United States Census Bureau set the poverty line at \$17,464).

162. See Ralph Ranalli, *Welfare Reform's Success at Issue*, BOSTON GLOBE, Feb. 21, 2001, at B1 (criticizing Massachusetts state officials' estimates of the problems welfare recipients face after leaving welfare, and noting that 14% of welfare leavers reported hunger in their families before leaving welfare, and nearly 22% reported hunger after leaving); BOUSHEY & GUNDERSEN, *supra* note 145, at 1 (noting that hardships like hunger, inadequate health care, and poor housing are still prevalent among former welfare recipients who now work full-time); PAMELA LOPREST, THE URBAN INSTITUTE, HOW ARE FAMILIES THAT LEFT WELFARE DOING? A COMPARISON OF EARLY AND RECENT WELFARE LEAVERS 5 (2001) (finding that over 30% of welfare leavers report having to cut meals because there was not enough food, and

Joann lives in Baltimore, Maryland, with her two children, Tina, age three, and Stephen, age five. Joann and Tom, the father of Tina and Stephen, divorced last year. Joann has a good work history as a nurse's aide, but she had to leave her job shortly after the divorce when her mother got sick and couldn't care for the children. Joann had received cash assistance for about three months when she decided that her mother was not going to be strong enough to watch the kids. She found a part-time job as a nurse's aide. She works ten hours a week at \$6.15 per hour. A neighborhood child care center has room for the children. When Joann reports the income from her new job, her TANF-funded cash assistance and Food Stamps drop somewhat, but she becomes eligible for an additional subsidy to pay for child care and transportation to and from work. Counting her income net of payroll taxes, her family's standard of living rises to eighty-four percent of the poverty threshold.

Both children adjust well to the new child care situation, and the provider has room for the kids to be there full-time. More hours open up at work, so Joann starts working thirty-seven hours a week for \$6.15 per hour. Because of the increase in her income, Joann no longer gets a TANF-funded cash supplement or a transportation subsidy, and her child care subsidy is reduced. She and the children qualify for transitional Medicaid because she left welfare for work. She now pays \$283 a month for child care, with the State paying the rest. Tom pays \$230 a month in child support. Overall, Joann's family's standard of living, adjusted for work expenses other than child care and for payroll taxes, rises to 111% of the poverty threshold. After she pays for child care, the standard of living for the family is ninety-three percent of the poverty threshold.

A year later, Joann's hourly rate of pay has gone up ten cents. Tom still pays child support most months, but not as consistently as he did in the first year after the divorce. The children continue to qualify for health insurance through the Children's Health Insurance Program. Joann's eligibility for transitional Medicaid ended after she had been at work twelve months. Her employer provides group health insurance, but subsidizes the premium very little. Joann is now paying \$45 a month for health insurance for herself. She finds herself in debt at the end of most months.

a. What is the Economic Situation of the Success Stories—The Mothers Who Leave Welfare for Work?—Joann's economic distress is characteristic of many women who are leaving welfare for work. Indeed, her situation is better than many because Tom has continued to pay

that 39% of earlier leavers and 46% of recent leavers report having a time in the last year when they were unable to pay mortgage, rent, or utility bills).

most of his child support obligation.¹⁶³ Further, her situation is better than many because she is receiving the benefit of several government voucher programs.¹⁶⁴

Joann's situation demonstrates that a big reason for concern about work-first welfare reform is the level of economic insufficiency and insecurity that Joann experiences. She is doing everything she can to be responsible to her children and her employer, yet she cannot make ends meet.¹⁶⁵ She cannot even keep her family above the poverty line once she pays for child care.

Work-first welfare reform both helps Joann and contributes to Joann's insecurity. It helps Joann because the state can use TANF funds to provide more child care subsidies¹⁶⁶ and to help Joann pay for transportation when she goes to work.¹⁶⁷ By stressing work as the

163. See Karen Syma Czapanaskiy, *ALI Child Support Principles: A Lesson in Public Policy and Truth-Telling*, 8 DUKE J. GENDER L. & POL'Y 259, 261-62 (2001) (discussing the failure of child support payments to raise household income above the poverty level); PAULA ROBERTS, CENTER FOR LAW AND SOCIAL POLICY, *THE PERFORMANCE OF THE CHILD SUPPORT ENFORCEMENT SYSTEM: TWO POINTS OF VIEW 2* (2000) (documenting that, in 1997, approximately 77% of families went without all or part of the child support owed to them). See generally David L. Chambers, *Fathers, the Welfare System, and the Virtues and Perils of Child-Support Enforcement*, 81 VA. L. REV. 2575 (1995) (discussing efforts to collect child support and its effects on families).

164. There is increasing concern about low participation in programs, such as food stamps, that provide important income supplements to low-income families. See, e.g., *Food Stamp Participation Drops by Over 8.6 Million from January 1996 to January 2001*, Current News & Analyses (Food Research Action Center, Washington, D.C.), April 6, 2001, available at <http://www.frac.org/html/news/fsp/01jan.html> (noting that despite studies showing that many families are in need of food and are eligible for assistance, food stamp participation has declined in the last 5 years). The decrease in participation is not entirely a function of good economic conditions. In fact, the Conference of Mayors reports an increase in food insecurity and demands for emergency food assistance. THE UNITED STATES CONFERENCE OF MAYORS, A STATUS REPORT ON HUNGER AND HOMELESSNESS IN AMERICA'S CITIES 1-2 (1999), available at <http://www.usmayors.org/USCM/homeless/hunger99.pdf>.

165. This situation is not unique to my hypothetical, as many people find themselves in similar circumstances. See HANDLER, *supra* note 13, at 40 (explaining that the poverty rate for full-time workers is increasing, and that unemployment for high school graduates and dropouts is increasing); ROBERT M. SOLOW, *WORK AND WELFARE* 38 (Amy Gutmann ed., 1998) ("Without some added ingredients, the transformation of welfare into work is likely to be the transformation of welfare into unemployment and casual earnings so low as once to have been thought unacceptable for fellow citizens."); DeParle, *supra* note 55 (describing the situation of Michelle Crawford, who earns nearly \$16,000 a year, but still depends on food pantries to help her feed her three children); PORTER & DUPREE, *supra* note 45, at 7 (noting that although the amount of hours worked per week by single mothers rose between 1995-1999, the poverty rate among members of that population showed no improvement).

166. STATE POLICY DOCUMENTATION PROJECT, FINDINGS IN BRIEF: CHILD CARE ASSISTANCE, available at <http://www.spdp.org/tanf/childcare/childcaresumm.htm> (last visited Dec. 1, 2001).

167. 42 U.S.C. § 604(k) (Supp. V 1999).

sole way for Joann to demonstrate her responsibility, however, work-first welfare reform contributes to Joann's long-term economic insecurity.¹⁶⁸

Alternatives to a work-first approach were tested prior to the adoption of TANF, and it was demonstrated that they could work to improve the mother's income-generating capacity and the children's well-being.¹⁶⁹ For example, instead of going to work after being on welfare for a few months, Joann could have been encouraged to improve her skills and credentials in a training program. This approach was used successfully in an Atlanta program that had positive outcomes in terms of family income and child well-being.¹⁷⁰ Instead of accepting the first job to come her way, Joann could have been encouraged to look for a health care provider that puts nurse's aides on a career track or offers in-house training and certification programs. This approach was used successfully in Portland, with exceptional outcomes in terms of family income and positive outcomes in terms of family well-being.¹⁷¹ Similarly, Joann could have been offered a full employment skills assessment to determine whether her talents lay in a different area altogether, perhaps one in which she could make more money. Something similar to that approach was also used in Portland and Atlanta.¹⁷²

168. See SOLOW, *supra* note 165, at 28-33 (claiming that the impact of work-first welfare reform affects not only welfare recipients, but also other low-wage workers with whom they compete in the employment market, resulting in lower wages and higher unemployment rates).

169. See generally ZASLOW ET AL., *supra* note 136, at pts. IV-V (detailing a study of JOBS programs as implemented in a number of states).

170. See *id.* at pts. IV.D, V.B.

171. See BLOOM & MICHALOPOULOS, *supra* note 59, at 14, 35 (attributing Portland's success to its programs' initial use of both job search and education and training, and its insistence that participants only take jobs paying more than minimum wage and offering fringe benefits).

172. See *id.* (providing details of the Portland program); ZASLOW ET AL., *supra* note 136, at pts. IV.D, V.B (providing details of the Atlanta program); see also ALLIANCE FOR CHILDREN AND FAMILIES, *FACES OF CHANGE: PERSONAL EXPERIENCES OF WELFARE REFORM IN AMERICA* 198 (Thomas E. Lengyel ed., 2001) (telling the stories of people living in poverty in twenty states). One story was of a 27-year-old mother living with her two children in Pennsylvania. That mother described her experience with accepting employment with limited advancement, despite her wishes for further education:

I have a high school diploma. I'm 27 years old and [have] a few college credits. So you tell me, what kind of job can I get? I get the jobs your son, Johnny or daughter Beth quit because it interfered with the mall. I have to work or my sons won't eat, we'll be on the street. . . . I would love to be able to attend school for computer engineering, graduate and move off welfare, but I can't because since I have a diploma and some don't have that, I'm deemed employable. Not in today's market. . . .

Highly skilled and credentialed parents tend to be high-income parents.¹⁷³ The greater their skill and income, the greater the likelihood that they will enjoy occupational options, live in safer neighborhoods, and have access to higher quality public education. They can provide more material resources for themselves and their children, and they can buy more control over their time.¹⁷⁴

The same cannot be said for most relatively low-skill and low-credentialed parents. Work does not pay enough to lift even small families out of poverty, although it may allow the family to escape from extreme poverty.¹⁷⁵ Outside of work-first welfare reform, many women who have the personal, social, and community resources to improve their skills take advantage of those opportunities when they are young. An important reason for their human capital development is the growing awareness among daughters and their parents that work-family issues are easier to negotiate when the parent has the capacity to earn lots of money.¹⁷⁶ As a result, there are ever-growing numbers of women going into professional and technical high-paying occupations.¹⁷⁷ Their capacity to earn money enhances their capacity to provide their children with care because it enables them to purchase services they believe their children need.¹⁷⁸

One strategy for improving the financial resources available to parents to spend on children, then, would be to provide opportunities for parents to get education and training. Under prodding from the federal government, most states operate work-first welfare reform programs on the theory that some work is better than no work, so everyone on welfare should immediately go to work rather than to training or to school.¹⁷⁹ Clearly, this is right for some welfare recipients, particularly those whose personal capacity to benefit from education or training may be small or whose income would not increase apprecia-

173. *But see* HERZENBERG ET AL., *supra* note 40, at 80-81 (arguing that more school and training will not lead to better wages, and that "if entry requirements for the better jobs simply ratchet upward as more people gain credentials, economywide wage differentials will not change much").

174. *See, e.g.*, FRIEDMAN & GREENHAUS, *supra* note 27, at 78 (noting that the economic resources available to parents affect the quality of a child's environment).

175. *See supra* notes 159-162 and accompanying text (describing the problems many families still have even if one of the members finds employment).

176. *See generally* WILLIAMS, *supra* note 26, at ch. 2 (discussing the ways in which feminism has guided the work-family negotiation for women).

177. *See* FRIEDMAN & GREENHAUS, *supra* note 27, at 12 (noting the growth in the number of women in professional and managerial jobs).

178. *See id.* at 76-78 (suggesting that mothers feel more confident about their child care decisions when they have more authority and control at work).

179. *See supra* notes 106-109 and accompanying text (describing state policies regarding the work requirements of welfare reform).

bly as the result of training or education. For many others, however, education or training could yield significant improvements in earning capacity.¹⁸⁰

A number of states have decided that developing the skills of people who have qualified for welfare is an excellent idea, but not until they have left welfare.¹⁸¹ In these states, some former recipients have become eligible for special training programs that they can engage in so long as they maintain employment for a minimum number of hours per week.¹⁸² Interestingly, few former recipients are jumping at the chance for training.¹⁸³ This may be a reflection on the particular programs or the difficulty of getting access to a particular program. It is equally likely, however, that many recipients are weighing personal and family demands and concluding that their children need them at home after work. Only when welfare benefits are available as a stipend, therefore, or when employers offer on-the-job educational opportunities, can most of these mothers spend their time enhancing their human capital.¹⁸⁴

Another strategy for enhancing family economic security for welfare recipients and other low-income families is to continue to make some cash benefits available after recipients go to work. Joann, for example, continued to receive a cash subsidy when she went to work for ten hours a week. Income supplements were found to have positive impacts in pre-TANF welfare reform experiments in terms of

180. In addition, at least one study of pre-TANF welfare reform experiments suggests that positive impacts on children in the experimental group may be connected to their mothers' participation in educational programs. ZASLOW ET AL., *supra* note 136, at 28. This study notes that children in high-risk families experienced statistically significant favorable outcomes when their mothers were assigned to human capital-oriented experimental programs and statistically unfavorable outcomes when their mothers were assigned to labor force attachment programs. *Id.* Education can also boost earnings. See GOLONKA & MATUS-GROSSMAN, *supra* note 123, at 1-2 (finding that for welfare recipients with basic skills equal to a high school diploma, an additional 200 hours of education and training—equivalent to a semester long course—could lead to jobs paying \$5000 to \$10,000 more).

181. See GOLONKA & MATUS-GROSSMAN, *supra* note 123, at 3 (noting that TANF funds may be used to fund postsecondary education for former welfare recipients).

182. See *id.* at 9-10.

183. See CENTER FOR LAW AND SOCIAL POLICY, CLASP UPDATE: A CLASP REPORT ON WELFARE DEVELOPMENTS (Jodie Levin-Epstein ed., 2001), available at <http://www.clasp.org/pubs/claspupdate/January2001.htm> (noting that it is uncertain how many families actually participate in these services, but the number appears small).

184. See Brookings Institution, Forum, *Welfare Reform After 5 Years: Through the Eyes of Former Welfare Recipients & Reporters* (2001), available at <http://brookings.org/comm/transcripts/20010802.htm> (detailing the story of a woman who is combining work with education after leaving welfare, and relating how her schedule gives her little time to be with her young children).

child well-being and in terms of recipients finding and keeping employment.¹⁸⁵

In Maryland, as in a number of other states, a portion of Joann's earnings were disregarded in calculating her eligibility for cash assistance.¹⁸⁶ Until her earnings reached 135% of her cash assistance benefit, she could continue to receive some cash assistance, as well as a full subsidy for transportation and child care expenses.¹⁸⁷ Unfortunately, even with the disregard, the family lives considerably below the poverty line.¹⁸⁸

While earned income disregards help families live at a higher standard, they do not solve family poverty unless the benefit level or disregard is set high enough for the family to escape poverty before the subsidy terminates.¹⁸⁹ They also do not solve family poverty when a family faces a five-year lifetime limit on receiving benefits.¹⁹⁰ Most states have elected, like Maryland, to set the benefit level or subsidy too low for families to escape poverty before the subsidy ends.¹⁹¹ Most

185. See BLOOM & MICHALOPOULOS, *supra* note 59, at 31-33.

186. See generally GREGORY ACS ET AL., THE URBAN INSTITUTE, DOES WORK PAY? AN ANALYSIS OF THE WORK INCENTIVES UNDER TANF (1998) (providing an overview of work incentives, including earned income disregards, and examining the effect of state policy choices and current federal laws on work incentives).

187. See MD. ANN. CODE art. 88A, § 49 (Supp. 2001).

188. See *supra* note 41 (providing information about the "poverty line," which is the official federal statistical definition of poverty).

189. See Vicky Albert, *Reducing Welfare Benefits: Consequences for Adequacy of and Eligibility for Benefits*, 45 SOC. WORK 300, 306-08 (2000) (discussing the "breakeven" point—the amount of income a household can earn before losing eligibility for welfare—and stating that it depends on the base amount of the benefit as well as the earned income disregard). Because the value of the benefit has declined throughout the last three decades, so has the breakeven point. *Id.* at 306. In California, one of the higher paying states, using dollars adjusted to 1992 value, the breakeven point was nearly \$1700 per month in 1972. *Id.* at 308, 309 fig.1. It went as high as nearly \$1900 per month in 1982, then dropped to approximately \$1050 per month in 1984. *Id.* It rose to approximately \$1450 in 1986, but now under TANF it is approximately \$1150. *Id.*

190. See 42 U.S.C. § 608(a)(7) (Supp. V 1999) (prohibiting states from using TANF grant funds "to provide assistance to a family that includes an adult who has received assistance under any State program funded under [TANF], for 60 months (whether or not consecutive) . . ."). In pre-TANF work-first welfare reform programs, the effect of the EITC was found to be negligible, but time limits were found to substantially reduce income for welfare recipients. BLOOM & MICHALOPOULOS, *supra* note 59, at 22, 41-44; see also Nina Bernstein, *As Welfare Deadline Looms, Answers Don't Seem So Easy*, N.Y. TIMES, June 25, 2001, at A1 (describing the impoverished circumstances of several New York City families approaching the end of the 60-month time limit).

191. See STEVE BARTOLOMEI-HILL, MARYLAND BUDGET & TAX POLICY INSTITUTE, DOES WORK PAY? THE GAINS FROM WORK IN MARYLAND'S TEMPORARY CASH ASSISTANCE PROGRAM 7 (1999) ("Maryland begins reducing benefits at the first dollar of earnings, and then reduces benefits at a faster rate than all but five states. The result is that recipients who begin working are often barely better off than if they did not work at all.").

states, in addition, do not use earnings as a reason to extend the time limit.¹⁹²

A more successful alternative is for the state to provide a wage subsidy sufficient to keep the family at least at 140% of the poverty line.¹⁹³ A wage study approach was taken in Minnesota as well as in the Self-Sufficiency Project in Canada, both of which showed excellent results in terms of family income¹⁹⁴ and child outcomes.¹⁹⁵ A similar approach underlies earned income tax credits¹⁹⁶ and the recently enacted partially refundable child tax credit.¹⁹⁷ Neither of these credits, however, is sufficient for parents with average post-welfare earnings.¹⁹⁸

A third strategy for enhancing family economic security for welfare recipients and other low-income families is to provide noncash benefits in the form of vouchers for particular goods or services. Food Stamps and Medicaid are two familiar examples.¹⁹⁹ Accessibility is often a problem, however, so frequently vouchers do not solve the problem.²⁰⁰

192. Cf. BLOOM & MICHALOPOULOS, *supra* note 59, at 19 (stating that welfare benefits decreased in most states proportional to increases in earnings).

193. The question of what constitutes a "working poor" family has been the subject of considerable debate. A carefully considered approach has been offered by the Urban Institute: a family qualifies as "working poor" if its income is below twice the poverty line and the adult member works an average of 1000 hours per year. GREGORY ACS ET AL., THE URBAN INSTITUTE, PLAYING BY THE RULES BUT LOSING THE GAME: AMERICA'S WORKING POOR (2000), available at <http://www.urbaninstitute.org/workingpoor/playingtherules.html>.

194. See BLOOM & MICHALOPOULOS, *supra* note 59, at 31 (noting that the average income for participants in both programs increased over \$1000 per year).

195. *Id.* at 35-36. Children in elementary school whose parents participated in the MFIP and SSP programs demonstrated higher school achievement and better in-school behavior. *Id.* at 35. Adolescent children of parents in the SSP program demonstrated no academic effects, though they did exhibit higher rates of minor delinquency. *Id.* at 35. Very young children of SSP participants were unaffected. *Id.*

196. See JOHNSON, *supra* note 52, at 1 (noting that earned income tax credits provide wage supplements for low and moderate-income work families). About a third of the states, however, impose income tax liabilities on families with less than poverty threshold incomes. BOB ZAHRADNIK ET AL., CENTER ON BUDGET & POLICY PRIORITIES, STATE INCOME TAX BURDENS ON LOW-INCOME FAMILIES IN 2000: ASSESSING THE BURDEN AND OPPORTUNITIES FOR RELIEF 13-15 (2001), available at <http://www.cbpp.org/3-1-01sf.pdf>.

197. See 26 U.S.C. § 24 (2001) (allowing certain taxpayers to apply a credit against their tax liability for each of their qualifying children).

198. See Max B. Sawicky, *It Takes A Tax Credit to Raise A Child*, AM. PROSPECT, Jan. 1, 2001, available at <http://www.prospect.org/print/V12/1/sawicky-m.html> (noting some shortcomings of the EITC).

199. The Food Stamp Program is codified at 7 U.S.C. §§ 2011-2036 (Supp. V 1999), and the Medicaid Program can be found at 42 U.S.C. §§ 1396-1396v (Supp. V 1999).

200. See U.S. DEP'T OF HEALTH & HUMAN SERVICES, STATUS OF RESEARCH ON THE OUTCOMES OF WELFARE REFORM (2000), available at <http://www.aspe.hhs.gov/hsp/welf-ref-outcomes00/chapter2.htm> (noting that 26% to 57% of single parents who left welfare were enrolled in Medicaid, and that "[h]alf the states show a decline in Medicaid participation

A fourth strategy for enhancing Joann's economic security has nothing to do with government assistance. She could take a second job. If she were to work through the weekend two times per month, she could significantly improve the economic security of her family. Most of the increase in family income over the last several years has been produced by family members working more hours.²⁰¹ Just like many middle-class parents, however, Joann has a couple of problems with this strategy. When her commuting time between home, child care, and work is included, she is already spending forty-seven to fifty hours a week away from her children. Her younger child is only three years old. Both children need to have some time with a parent if they are going to develop the trusting and supportive relationships with caretakers through which children flourish.²⁰²

Elizabeth Jones, a woman who once relied on public assistance and is now a police officer in Washington DC, speaks of her pride in her job and in her future.²⁰³ She also speaks of her children and how they are raising themselves.²⁰⁴ In the work-first world of welfare re-

over time of ten percentage points or more"); *Health Coverage for Families Leaving Welfare: Before the Subcomm. on Human Resources of the House Comm. On Ways & Means, 106th Cong. 60-61 (2000)* (testimony of Vernon K. Smith, Ph.D., Principal Health Management Associates) (highlighting a recent decline in Medicaid enrollment, which was linked to welfare reform); JOCELYN GUYER ET AL., CENTER ON BUDGET & POLICY PRIORITIES, MILLIONS OF MOTHERS LACK HEALTH INSURANCE COVERAGE 2 (2001) (noting that in 1999, one in three mothers in low-income families lacked health insurance coverage, a percentage that increased since 1995).

201. See Steven Greenhouse, *Americans' International Lead in Hours Worked Grew in 90's*, N.Y. TIMES, Sept. 1, 2001, at A8 (stating that American workers work more hours than workers in any other industrialized nation, and hypothesizing that the increase is due in some part to "many low-wage workers [who] have two or three jobs to make ends meet").

202. See BRAZELTON & GREENSPAN, *supra* note 8, at 47-48. As commentators have explained:

Faced with a job that does not pay the bills, some have argued that the poor should surmount their difficulties by working more hours. For parents who have sole responsibility for their children, this solution may work in the short term but not in the long run. Every hour spent in the workplace is an hour children must spend without their parent (and often without any other adult supervision).

EDIN & LEIN, *supra* note 55, at 76 (citation omitted).

Reducing the number of hours that adults work is a proposal that should not be limited to low-earning women. It is part of a good life for all who seek to express their personalities through work, family, and other activities, rather than through work alone. See Schultz, *supra* note 29, at 1955 ("We need a new model that envisions the deep connection between work and other realms of life, without conflating them.").

203. Brookings Institution, *supra* note 184.

204. *Id.* In describing the strain Ms. Jones feels between working two jobs and caring for her children she says:

Usually I work from 6 p.m. to 2:30 a.m. on my police beat, sleep for a few hours, wake up to take my kids to school, then off to a part time job as a security guard. My children are 11, 12, and 14 now, and I worry about them 24/7, but I see them only in passing. My

form, she is forced into the dichotomy of either doing what she needs to do occupationally so that she can support her children economically, or doing what she needs to do with her children so that she can nurture them physically and emotionally.

It is possible, of course, that some of what Joann's children need could be provided by her former husband if he would spend some of his time with the children while Joann is at work. Couples who are raising children together frequently seek alternating work schedules so that one of them can be with the children while the other is at work.²⁰⁵ The problem is that, while noncustodial parents have the option to spend time with their children, there is no legal obligation to do so. Even if Tom were to promise to keep the children every other weekend, he could decide not to do so, and there is nothing Joann could do about enforcing his promise.

*b. During the Parent's Participation in the Welfare-to-Work Program, Does the Family Have Enough to Live On?—*During the time when Joann was receiving cash assistance, she and her children also received Food Stamps, Medicaid, subsidized child care, and transportation assistance. Altogether, the benefits were sufficient to allow them to live at sixty-eight percent of the poverty threshold. Maryland's benefits are slightly higher than what most states provide.²⁰⁶ At this level, however, if Joann does not find other resources or aid, she and the children will have too little to eat, will be unable to pay the rent, and will lack adequate shelter and clothing. Joann will try to find ways to supplement the government assistance.

Some of the ways Joann will try to supplement her resources are foreclosed by the welfare program itself. For example, she can seek child support from Tom. However, federal law mandates that states require welfare recipients to assign their right to child support to the state.²⁰⁷ Under the assignment, child support collected from Tom becomes the property of the federal and state governments.

deepest wish is that there will be a way for people who are as determined as I am to make a new life not to have to rape their children's future in order to make ends meet.

Id.; see also EDIN & LEIN, *supra* note 55, at 136 (discussing a mother in a position similar to Ms. Jones).

205. SHELLENBARGER, *supra* note 137, at 33-35. Among dual-earner couples with young children, about half use alternating shifts so that child care needs can be met. GAREY, *supra* note 22, at 66-67.

206. See STATE POLICY DOCUMENTATION PROJECT, MAXIMUM CASH ASSISTANCE BENEFIT AMOUNTS, available at <http://www.spdp.org/tanf/financial/maxben.pdf> (last visited Dec. 1, 2001) (providing the benefit levels of each state).

207. 42 U.S.C. § 608(a)(3)(A) (Supp. V 1999).

Some states allow recipients to keep all or part of the child support collected for their children on the theory that a higher family income is good for children.²⁰⁸ The federal government requires those states to remit the federal portion of the child support,²⁰⁹ and fewer than half of the states pass through any of the state's portion to families.²¹⁰

Joann can also seek assistance from various local charities.²¹¹ Many churches have developed programs to help welfare recipients make the transition from welfare to work, including clothes closets and mentoring programs. Other charities provide housing subsidies. Some provide food assistance, including food pantries and free meals. These resources are often valuable to deeply impoverished families. Despite the improvements in the economy in the last decade, however, charitable giving has not increased significantly.²¹² As welfare reform has progressed, many charities have reported increasing demand.²¹³ Whether Joann will be able to find charitable help sufficient for her needs, therefore, is questionable.

A primary reason for benefits being kept so low is to encourage people to work.²¹⁴ The notion is to keep the benefits level a sufficient

208. Michelle Ganow, *New Challenges for States in Financing Child Support*, ISSUE NOTES (Welfare Info. Network, Washington, D.C.), May 2001, at 6, available at <http://www.welfareinfo.org/cfinancingissue.htm>. Connecticut, Vermont, and Wisconsin are under a federal waiver and are experimenting with strategies to provide full child support payments to TANF recipients. *Id.* In Wisconsin, recipients in the pass-through group receive the full current support payment. *Id.* In 1998, mothers in that group received about \$150 more in child support than those in the partial pass-through control group. Fathers in that group were also more likely to make payments and make higher payments than fathers in the partial pass-through group. *Id.*

209. *Id.* at 4.

210. *See id.* at 6 (noting that "less than half of the states now have a pass-through policy").

211. *See* CHARLES MURRAY, *LOSING GROUND* 229-30 (1984) (noting that if the federal welfare system was eliminated, the first resort for the poor should be the network of local services). However, charities may be unable to fulfill the needs caused by a "\$7 billion decline in government food aid for the poor." Nina Bernstein, *Charity Begins at the Rule Book*, N.Y. TIMES, Dec. 24, 2000, § 4, at 5.

212. *See* Stacey Y. Abrams, Note, *Devolution's Discord: Resolving Operational Dissonance with the UBIT Exemption*, 17 YALE L. & POL'Y REV. 877, 884 (1999) (describing a decline in charitable giving as a problem faced by charities).

213. *See* Barbara Ehrenreich, *Who's Utopian Now?*, NATION, Feb. 4, 2002, at 23 ("[E]ven during the boom years, the nation's largest network of food banks, America's Second Harvest, was reporting 'a torrent of need which [we] cannot meet.'").

214. *See* PIVEN & CLOWARD, *supra* note 39, at 371 (describing the "less eligibility" principle of the old poor law—that poor relief should pay less than the wages of the lowest laborer"); Lucie E. White, *No Exit: Rethinking "Welfare Dependency" from a Different Ground*, 81 GEO. L.J. 1961, 1979 (1993) ("The message [to seek work] is reinforced by a culture within the AFDC program—of sub-poverty level benefits, continual surveillance, and 'hateful' bureaucrats—that seems calculated to force [welfare recipients] to leave.").

distance below the earning power of the minimum wage. Under this theory, benefits could be raised if the minimum wage were raised. Unfortunately for benefit recipients as well as minimum wage workers, both have remained at historically low levels since the mid-1970s, when measured by buying power.²¹⁵

It is possible that higher benefit levels are better for the long-term prospects of all families to succeed. Some of the best evidence for this proposition comes from a study of welfare reform in Minnesota, where benefit levels were set high and families were allowed to retain large amounts of earned income before benefit levels declined.²¹⁶

c. If a Parent Cannot Satisfy the Work Requirement, What Happens to the Family Economically?—The rising economy during the 1990s brought a decline in child poverty rates.²¹⁷ Work-first welfare reform is affecting this movement in two directions, one positive and one negative. On the positive side, some families are in a position to use some of the benefits that work-first welfare reform can offer to improve their economic position. Parents in these families are often those with a long work history. They often are the ones with the most education. They live in the places experiencing the greatest job growth and offering the most community resources for families in terms of schools, child care, and transportation. This positive side of welfare reform is the good news; it indicates that, in places where the condi-

215. See Louis Uchitelle, *The Sounds of Silence*, N.Y. TIMES, Dec. 19, 1999, § 4, at 4 (“[T]he 90-cent increase in the minimum wage that Congress did approve in 1996 brought the minimum to only \$5.15 today. That leaves it well short of its peak in 1968, when its worth was \$7.49 an hour in today’s dollars.”). According to the Economic Policy Institute:

Average income growth for the least well-off families—the bottom 20%—was 2.3% in 1998, compared with 3.1% for the middle fifth and 3.3% for the top fifth.

Since 1989, however, real family income has grown only 0.7% for the bottom fifth, 3.8% for the middle, and 15.6% for the top fifth.

JARED BERNSTEIN & LAWRENCE MISEL, ECONOMIC POLICY INSTITUTE, INCOME FAX (1999). The “spillover effects” of raising the minimum wage affect other low-wage workers and a disproportionate share of minorities. For example, “[w]hile African Americans represent 11.7% of the overall workforce, they represent 15.7% of those affected by an increase; similarly, 10.8% of the workforce is Hispanic, compared to 19.2% of those who would be affected by an increase.” JARED BERNSTEIN & JOHN SCHMITT, ECONOMIC POLICY INSTITUTE, THE IMPACT OF THE MINIMUM WAGE 7 (2000).

216. See DAN BLOOM & CHARLES MICHALOPOULOS, THE NEXT GENERATION PROJECT, HOW WELFARE AND WORK POLICIES AFFECT EMPLOYMENT AND INCOME: A SYNTHESIS OF RESEARCH 31-35 (2001).

217. Haskins et al., *supra* note 47, at 4.

tions are right, families can start off poor and make some significant headway.²¹⁸

The negative side of welfare reform also exists. Some people are unable to satisfy the conditions required of welfare applicants and recipients. Some of these families are falling very deeply into poverty. While the percentage of children living in poverty is falling, the percentage in deep poverty has increased.²¹⁹ Little is known about what is happening to the parents and children in these families beyond the fact that they are likely to have the least education, the highest level of disabilities, and the greatest economic insecurity.²²⁰

Nationwide, approximately five percent of recipients have experienced sanctions because they have failed to satisfy the work requirement.²²¹ In most states, this means that they lose all of their cash assistance.²²² Moreover, while these recipients may still be eligible for Food Stamps, the Food Stamp amount does not increase despite the reduced income.²²³ Finally, while these recipients should remain eligible for Medicaid, most states have experienced substantial difficulties keeping these families enrolled.²²⁴ In short, the economic state of these families is dreadful. Many diverted applicants and former recipients live in places where not much paid work is available for people with their background or skills, even when the economy is growing.

218. See Robert A. Moffitt & David Stevens, *Changing Caseloads: Macro Influences and Micro Composition* 8 (Feb. 2001) (unpublished paper, on file with author) (explaining that “the general tendency of welfare reform is to encourage more job-ready recipients and those with more education and work experience to leave the rolls”).

219. Haskins et al., *supra* note 47, at 4.

220. See PAMELA LOPREST, THE URBAN INSTITUTE, *FAMILIES WHO LEFT WELFARE: WHO ARE THEY AND HOW ARE THEY DOING?* 14-15 (1999) (noting that 25% of former recipients are not working and either have no spouse or an unemployed spouse, and that more than a quarter of those not working had poor health, lacked child care or transportation, or could not find a job); Ron Haskins et al., *Welfare Reform Reauthorization: An Overview of Problems and Issues*, WELFARE REFORM AND BEYOND (The Brookings Institution, Washington, D.C.), January 2001, at 3 (stating that little is known about how to help these “floundering” families who typically face multiple barriers to employment).

221. See U.S. GENERAL ACCOUNTING OFFICE, *WELFARE REFORM: STATE SANCTION POLICIES AND NUMBER OF FAMILIES AFFECTED* 5 (2000) (stating that in an average month, approximately 5% of families receiving TANF benefits “received reduced benefits or no TANF benefits at all as a result of sanctions for failure to comply with TANF work and other responsibilities”).

222. *SANCTIONS FOR NONCOMPLIANCE*, *supra* note 111 (stating that thirty-six states impose full-family sanctions at some point).

223. U.S. GENERAL ACCOUNTING OFFICE, *supra* note 221, at 10.

224. See PRIMUS ET AL., *supra* note 47, at xiii (stating that participation in Medicaid declined “even as states continued to expand Medicaid eligibility”).

Most face multiple barriers to employment, including undiagnosed learning disabilities.²²⁵

According to one study:

Despite continued growth in the national economy and further expansion of the [Earned Income Tax Credit], the average disposable income of the poorest fifth of single-mother families *fell* during this period [from 1995 to 1997], with the primary factor causing the decline being a drop in means-tested benefits that substantially exceeded the decline in need. Many other low-income single-mother families experienced increases in earnings during the period that were offset entirely by benefit declines, leaving the families without any economic gain.²²⁶

2. *What Is the Connection Between Economic Insufficiency and Child Well-Being?*—It is by now indisputable that children raised in poor and extremely poor homes usually have worse outcomes than children raised in homes with greater economic resources.²²⁷ Many researchers also believe that fluctuations in income have negative impacts on children.²²⁸ Work-first welfare reform is associated with low incomes and fluctuating incomes.²²⁹ On that basis alone, it is reasonable to predict that work-first welfare reform will have negative impacts on many, if not most, of the children in families that seek or use TANF-funded cash assistance.

Poverty during adolescence has been found to account for a substantial portion of the risk that a child will drop out of high school before graduation, that a teenage girl will bear a child, and that a teenage boy will fail to find work.²³⁰ Low income results in children performing poorly in school at all ages.²³¹ Extreme poverty is worse on children than less extreme poverty, although neither is good.²³²

225. See *supra* note 7 (describing the various barriers to employment faced by welfare recipients).

226. PRIMUS ET AL., *supra* note 47, at vi.

227. FROM NEURONS TO NEIGHBORHOODS, *supra* note 54, at 295-96; KRISTIN A. MOORE ET AL., CHILD TRENDS, POVERTY AND WELFARE PATTERNS: IMPLICATIONS FOR CHILDREN 3-5 (2001).

228. MOORE ET AL., *supra* note 227, at 17 (stating that fluctuating family incomes are associated with lower child reading scores).

229. See *supra* notes 143-162 and accompanying text (describing the economic effects of work-first welfare reform).

230. McLANAHAN & SANDEFUR, *supra* note 10, at 88-91.

231. *Id.* at 91; MOORE ET AL., *supra* note 227, at 3.

232. Judith R. Smith et al., *Consequences of Living in Poverty for Young Children's Cognitive and Verbal Ability and Early School Achievement*, in CONSEQUENCES OF GROWING UP POOR, *supra* note 141, at 132, 164-65.

Part of the harm caused by economic insufficiency is obviously material. Poor children do not have access to certain material things that wealthier children can have. Because work-first welfare reform seeks to increase labor force participation by mothers, however, it is important to ask whether economic insufficiency also has nonmaterial impacts on the parent-child relationship and, if so, whether those impacts are positive or negative.

How children perceive the parent-child relationship is profoundly affected by the children's perception of the family's economic resources.²³³ A recent study demonstrated that children from elementary through high school give their parents higher "grades" on various parenting characteristics when the children perceive the family's economic situation to be healthy.²³⁴ Naturally, children often lack accurate information about a family's economic situation, but it is significant that children's negative perceptions about economic resources are tied to negative assessment of their parents in noneconomic arenas. For example, children in economically healthy families gave their parents higher grades than children in economically insecure families for being there when the child is sick, as well as for being someone the child can go to if the child is upset.²³⁵

Perhaps it is the case that parents who are more financially successful communicate a sense of self-confidence to their children. And perhaps it is the case that parents who are unable to earn much money struggle much harder to meet their responsibilities simultaneously at home and at work. Parents who arrive home exhausted by twelve-hour workdays lack the energy to attend to their children's feelings. Their children feel the struggle and get hurt by it.²³⁶ Children place blame on the parent, however, rather than directing blame to the boss or to the community that make the parent's life so hard.²³⁷

A parent whose income is insufficient or insecure is likely to communicate her sense of vulnerability and stress to her child. Her depression and anger can have a negative impact on her parenting skills and on her relationship with her child. Children with depressed mothers tend to have worse outcomes than other children.²³⁸

233. GALINSKY, *supra* note 21, at 48-49.

234. *Id.*

235. *Id.* at 30-31, 42.

236. *See id.* at 92-95.

237. *Id.* at 49.

238. *See id.* at 175-77; *see also* SHARON VANDIVERE ET AL., THE URBAN INSTITUTE, CHILDREN'S FAMILY ENVIRONMENT: FINDINGS FROM THE NATIONAL SURVEY OF AMERICA'S FAMILIES 4 (2000) ("Children who have clinically depressed parents or parents reporting symptoms of depression are at risk for a variety of negative outcomes . . .").

Parents whose income is insufficient to keep the rent paid and provide other basic necessities are likely to increase their labor force participation. More hours at work mean fewer hours at home, more hours for a young child in child care, and more unsupervised hours for an older child. Under such circumstances, a mother is likely to experience more worry about the well-being of her children, worries that distract her at home and at work.²³⁹

The family's economic position affects a parent's ability to care for a child in many ways. One reason that money makes a difference is that parents can use it to purchase services that they need for their children.²⁴⁰ Further, the ability to pay well for a service means that a parent is more likely to find a high-quality service and to have choices among service providers.

Infant day care is a good example. For most parents, the decision about if and when to return to paid work after the birth of a child is fraught with worries about infant day care. There is good reason to be concerned. Infants require a great deal of individual care, and a low staff-to-child ratio is essential.²⁴¹ When bad things happen to infants, they cannot let a parent know. Cases where infants die or are injured in child care are highly publicized and even more greatly feared. Many parents prefer, for these and other reasons, to take care of an infant themselves or to entrust an infant only to another family member.²⁴² If a parental or relative care situation is not available, some

239. See GALINSKY, *supra* note 21, at 181-82 (asserting that stress is more likely to spill over into parenting in negative ways when parents place a higher priority on work than their family life, when they have less parenting support, and when they have jobs that demand more time); Arendell, *supra* note 22, at 1197 (noting that distress is a common maternal experience that is highest among mothers "who are married, employed, have young children, and encounter difficulty in locating and affording child care and handle child rearing mostly alone").

240. See FRIEDMAN & GREENHAUS, *supra* note 27, at 76 (indicating that "in terms of creating a sense of satisfaction with childcare arrangements, an abundance of economic resources is clearly beneficial"). However, while having money also means being able to live in a community that provides more resources for children, some impoverished families are able to access these resources. See Brigid Schulte & Dan Keating, *Amid Affluence, Poorer Students Rise to Challenge*, WASH. POST, Sept. 2, 2001, at A12. For example, impoverished children living in Montgomery County, Maryland benefit from the increased attention they are able to receive from the affluent county's schools. *Id.* While these impoverished children still lag behind wealthier children in school performance, these "fortunate few" perform better than other impoverished children attending schools with high concentrations of poverty. *Id.*

241. See BRAZELTON & GREENSPAN, *supra* note 8, at 46.

242. These parental concerns are reinforced by research of day care practices finding that a "significant number of crib deaths occur in day care, where caregivers may be less likely to have heard about the importance of putting babies to sleep on their backs." *Day Care Practices and the Risk of SIDS*, WASH. POST, Aug. 8, 2000, at A7.

parents select a family child care setting involving only a few children. Some would choose a larger day care center.²⁴³ Rather than forcing parents into these decisions, Doctors Brazelton and Greenspan recommend giving one of an infant's parents leave from work for most of the first year of a child's life, and putting infants and toddlers in child care no more than thirty hours per week.²⁴⁴

When parents have choices about whether to put an infant into child care, and when high quality options are available, they can make decisions that they can be confident about, and they can communicate that confidence to the child.²⁴⁵ They can see the child care arrangement as good for the child and good for the parent. It may enhance their perception of themselves as good parents. Parents with economic resources have the opportunity to make those choices, and they often go about it with great care and deliberation.²⁴⁶ Parents who lack economic resources, on the other hand, must accept whatever arrangements they can find, whether or not they feel any confidence that the arrangement is safe and appropriate for their child. The parent's sense of insecurity may be communicated to the child and to the child care provider. Indeed, the child care arrangement may be just as bad as the parent fears.²⁴⁷

When parents have a high level of trust in their child care provider, they are more able to satisfy their responsibilities at home and

243. See ELLEN SHELTON ET AL., CHILDREN'S HOME SOCIETY OF MINNESOTA CLIENT FOCUS GROUP PROJECT, PARENTS' VIEW ON CHILD CARE AND CHILD CARE ASSISTANCE IN THE FIRST YEAR OF STATEWIDE WELFARE REFORM 14 (1999) ("Some parents expressed much more confidence in the safety and reliability of a center, compared to a home day care setting.").

244. BRAZELTON & GREENSPAN, *supra* note 8, at 48; see also Wen-Jui Han et al., *The Effects of Early Maternal Employment on Later Cognitive and Behavioral Outcomes*, 63 J. MARRIAGE & FAM. 336, 341 (2001) (noting that maternal employment in the first year of life had significant negative effects on children's cognitive outcomes); Irwin Garfinkel, *Economic Security for Children: From Means Testing and Bifurcation to Universality*, in SOCIAL POLICIES FOR CHILDREN 33, 61 (Irwin Garfinkel et al. eds., 1996) (recommending paid parental leave to encourage parental care during the child's first year).

245. Unfortunately, the likelihood that high quality child care is available to welfare recipients and leavers is poor. See FROM NEURONS TO NEIGHBORHOODS, *supra* note 54, at 9 ("The burden of poor quality and limited choice [in child care] rests most heavily on low-income, working families whose financial resources are too high to qualify for subsidies yet too low to afford quality care."); Jonathan Cohn, *Child's Play*, AM. PROSPECT, June 19, 2000, at 46, 49 (suggesting that the solution to the child care problem involves "boosting the ability of low-income families to afford child care while also increasing the supply of high-quality child care providers").

246. JASON FIELDS ET AL., U.S. DEP'T OF COMMERCE, A CHILD'S DAY: HOME, SCHOOL, AND PLAY 10 (2001).

247. See BRAZELTON & GREENSPAN, *supra* note 8, at xii-xiii (describing the state of child care in the United States and concluding that most nonparental child care is not of high quality).

at work, regardless of income.²⁴⁸ It is no surprise that one study of welfare-to-work parents found that their likelihood of completing the work programs was significantly greater when the parents had high levels of trust in their child care providers.²⁴⁹ For these parents, as for most parents, bright-line boundaries do not exist between home and work. Parents worry about children while at work and about work while with children.²⁵⁰ Satisfaction in one arena helps in the other.

Work-first welfare reform does not entrust parents with the choice of whether an infant or young child should be in child care. Not every state exempts mothers of newborns from the work requirement.²⁵¹ Some that exempt a mother after the birth of one child do not repeat the exemption for a second child.²⁵² Further, some states do not exempt teenage mothers at all, requiring instead that they go back to school or get a job as soon as possible after the birth of a baby.²⁵³ In addition, most states do not toll the time limits for mothers who are exempt from the work requirement to be home with

248. Child care workers contribute to the trust-building process by learning to work with parents as a team, rather than competing with or being critical of parents. *See id.* at 176. For trust-building to be a regular part of child care organizations, child care workers must be paid adequately and given respect for the important work they do. *Id.*; *cf.* DEBORAH LOWE VANDELL & BARBARA WOLFE, INSTITUTE FOR RESEARCH ON POVERTY, CHILD CARE QUALITY: DOES IT MATTER AND DOES IT NEED TO BE IMPROVED? (2000), available at <http://www.aspe.hhs.gov/hsp/ccquality00/ccqual.htm> (noting that the average salaries for child care teachers in 1997 was \$7.50-\$10.85 per hour; salaries for assistant teachers were between \$6.00-\$7.00 per hour; and that generally low salaries earned by child care staff are a factor contributing to high staff turnover in the child care field).

249. NICHD Child Care Research Network, *Poverty and Patterns of Child Care*, in CONSEQUENCES OF GROWING UP POOR, *supra* note 141, at 100, 129.

250. *See* ALLIANCE FOR CHILDREN AND FAMILIES, *supra* note 172, at 107 (recounting the story of a former welfare recipient who notes in regard to her children and work that, "I can't work calmly because I am preoccupied with them . . . the older ones don't feel well when I'm not around").

251. *See* GRETCHEN ROWE, THE URBAN INSTITUTE, THE WELFARE RULES DATABOOK: STATE TANF POLICIES AS OF JULY 1999, at 88-89 (2000) (noting that as of 1999, six states did not exempt mothers for care of newborns: Arizona, Idaho, Iowa, Massachusetts, Montana, and Utah).

252. *Id.* Of those states that do allow exemptions for the care of a child, fourteen states limit the exemption to twelve months in a lifetime. *Id.* One state, California, allows an exemption only once, although a limited exemption for a second or subsequent child under 6 months old is available. *Id.* Maryland allows a one time, first child only exemption, and Connecticut allows an exemption only if the child under twelve months is not a handicapped child. *Id.*

253. *See* STATE POLICY DOCUMENTATION PROJECT, SCHOOL/TRAINING REQUIREMENTS: EXEMPTIONS, available at <http://www.spdp.org/school/exemptions.htm> (last visited Oct. 27, 2001) (noting that only 34 states exempt teen parents from school or training requirement so they may care for their young child).

a newborn.²⁵⁴ Every month that a parent stays home with a new child, therefore, is a month out of her lifetime maximum of sixty months to receive cash assistance.

Income also makes a difference in terms of the number of hours a parent can spend with a child. Parents who make more money per hour can maintain their income while spending fewer hours at work. Fewer hours away from children can translate into a stronger parent-child relationship. It takes time to have the direct interactions with a child that a caretaker and child need to build the relationship of trust that the child needs. Doctors Brazelton and Greenspan, for example, recommend infants and toddlers get at least four or more twenty-minute or longer periods of direct interactive time, that preschoolers get at least three of these direct, interactive play opportunities, and that school-age children get at least two.²⁵⁵ Their recommendation about working parents and children is quite explicit:

We recommend that working parents both be available for at least two-thirds of the evening hours, from 5:30 or 6:00 to 9:00, and that, if possible, in addition, one of the parents be available in the late afternoon when the children are home, often playing with peers or siblings, or involved in after-school activities. Also, the parents should be available enough so that they or the children don't have to be measuring each moment of time and the guidelines outlined above can be taken for granted.²⁵⁶

The time that parents spend with their children is key to a child's emotional development. Emotional development, in turn, is connected to cognitive and social development. In other words, children whose parents lack the time to attend to them often end up having more problems in home, at school, and in the world.²⁵⁷ Parental time

254. See SCHOTT, *supra* note 109, at 4 (noting that only 13 states exempt an adult caring for a newborn from the state's time limit or cash TANF benefits).

255. BRAZELTON & GREENSPAN, *supra* note 8, at 47-48.

256. *Id.* at 48; see also *A Cost of Night Work: Parents' Hours Affect Students*, WASH. POST, Dec. 5, 2000, at A22 (describing a study of 1623 children which found that parental absence between 6 p.m. and 9 p.m. was harmful as measured by standardized test scores and school suspensions). Low-earning parents themselves recognize the need to be with their children at night. One mother struggling to find employment that respected her children's needs noted, "basically I need to work in the morning so that I can help my kids with their homework and just be here with them at night." Karen Seccombe et al., "*They Think You Ain't Much of Nothing*": *The Social Construction of the Welfare Mother*, 60 J. MARRIAGE & FAM. 849, 857 (1998).

257. See, e.g., BRAZELTON & GREENSPAN, *supra* note 8, at 3-9, 24-29 (describing how early childhood interaction with parents is critical to development and positing that day care is often an unsuitable substitute for parental interaction).

and energy are connected; parents need energy when they return from work so they can engage meaningfully with their children, learn how they are doing, and set appropriate limits for them. Doctors Brazelton and Greenspan recommend that, at the end of the work day, parents should spend the first hour or so focused on the child's needs and getting close to the child.²⁵⁸ Only after that time should the parent's attention shift to the chores of the evening.²⁵⁹

Higher income parents can afford housing in safer neighborhoods and in neighborhoods with more resources. This means they can rely on community resources such as schools, clubs, and recreation centers to help them raise their children. Higher income parents may live far from where they work in some places, but they can also afford cars and other forms of higher-priced transportation to get them to and from work in less time than public transportation permits. Shorter commutes mean more time at home and more time to cultivate a strong parent-child relationship.

A lack of material resources is bad for children in material terms. It is also bad because it weakens the parent-child connection. Parents are less able to make the decisions they need to make about what is right for their individual children because they cannot afford the minimum resources. They cannot put their best time and attention, or even a sufficient amount of time and attention, into their children. Work-first welfare reform assumes that parental work for money is more important than parental work at home.²⁶⁰ Children clearly need both economic sufficiency and parental time and attention. However, the combination that children need is not what work-first welfare reform was about.

C. *Respecting Parenting Work*

Parenting is a hard job; parents must take care of the physical and emotional needs of children, and they must also help children with people and institutions outside the home. While children often are a source of love, pride, and happiness, they are also a source of problems and trouble. Parenting is a job that comes with little positive feedback on a daily basis, other than the satisfaction of knowing that you are doing what you can.

258. *Id.* at 124-25.

259. *Id.* at 125.

260. See MINK, *supra* note 9, at 134 ("The subordination of [single mothers] in welfare law follows . . . from the specific problem that what poor single mothers do as care-givers for their children *is not considered work* at all.").

To do the job of parenting well, parents require intangible as well as material resources. Collectively, these intangible resources can be termed respect for their parenting work. Few adults have the emotional stamina and maturity to keep doing the job without some outside encouragement. When they get respect, parents are more likely to believe in themselves as parents. They are more likely to make tough choices for themselves and their children and to stick by them. They may feel more empowered to ask for help with their children when they anticipate a respectful response rather than criticism or condemnation. When supported by respectful helpers, parents may take the risks they need to take in order to help themselves and their children do the best they can. The notion of respect, as used here, is not a static set of behaviors engaged in by people of different social status. Instead, it is a dynamic interplay of behaviors through which people create “symmetry, empathy, and connection.”²⁶¹ Respectful conduct, as meant here, encompasses mutual dialogue, empowerment, healing, curiosity, self-respect, and attention.²⁶² Respectful relationships encourage people to “take risks, explore silences, and challenge our inhibitions.”²⁶³

In the context of work-first welfare reform, parents need respect around the task of caring for their children while earning a living. This is an arena in which employers and employees have been making substantial advances in recent years, so there are examples for work-first welfare reform to draw on.²⁶⁴

Writing for *The Wall Street Journal*, Sue Shellenbarger describes employers who adopted policies and practices that demonstrate their respect for their employees’ parental roles.²⁶⁵ Her examples come from a variety of employment settings, including high tech companies, manufacturing plants, and service providers.²⁶⁶ The ways in

261. SARA LAWRENCE-LIGHTFOOT, *RESPECT* 9 (1999).

262. *Id.* at 13.

263. *Id.*

264. See Levering & Moskowitz, *supra* note 133 (describing America’s top employers and the services they provide, such as on-site daycare).

265. See, e.g., SHELLNBARGER, *supra* note 137, at 230-32. Parents benefit from these policies, which in turn benefits their children. See FRIEDMAN & GREENHAUS, *supra* note 27, at 83 (“Parents need work designed so that they can also be psychologically available to their children.”). But see Betty Holcomb, *Friendly for Whose Family?*, Ms., Apr. 2000, available at <http://www.ms magazine.com/apr2k/family.html> (stating that companies which have been awarded for “family-friendly” policies fail to provide those benefits for low-wage workers).

266. See SHELLNBARGER, *supra* note 137, at 227-29 (describing how various companies like automotive glass plants, hotels, information-technology companies, and brokerage firms accommodate their staff’s concerns).

which employers demonstrate their respect for parental roles varies, but the underlying respectful values are shared.

Shellenbarger describes how some manufacturers are changing their approach to rotating shiftwork because of the issues it raises for workers with families.²⁶⁷ Rotating shiftwork is becoming increasingly common in some manufacturing sectors because it can improve productivity and profits.²⁶⁸ It can also wreak havoc on family life as workers rotate from one shift to another, have inconsistent days off, and spend longer hours on the job. Parents report that changes in shifts disrupt family life and child care.²⁶⁹

One company surveyed its workers after a move to shiftwork and found that "40% said that their spouses were lonely and their families were complaining that the employee had grown irritable."²⁷⁰ The company wanted to continue around-the-clock production, but it was also willing to be respectful of employees' needs for family time. It offered workers several scheduling options. When eighty-nine percent voted for fixed twelve-hour shifts, the company adopted the practice. The company was rewarded for respecting the workers: turnover fell from thirty-two percent per year to nine percent, costs for health benefits plunged, productivity rose, and safety improved.²⁷¹

Shellenbarger's conclusion is not that rotating shiftwork is itself a problem. Instead, she concludes that the problem is one of respect.²⁷² Workers may choose rotating shiftwork or fixed shifts. What pays off for workers and employers is respect. When employers ask workers what they want, consider the burdens on families as well as the benefits to productivity, and make what changes they can, employees respond with respect for the employer's needs.

Among professional occupations, accounting firms have the reputation of being leaders in adopting family-respectful policies and practices, including flexible work hours, career paths that include part-time options, and helping employees find ways to set limits when managers make undue demands that infringe on family life.²⁷³ Changes began when big accounting firms faced strong competition for accountants at the same time that young women accountants frequently

267. *See id.* at 227 (explaining that rotating shifts made plant workers' sleep, child care, and social lives too hard, which prompted the company to switch to fixed shifts).

268. *See id.* at 230.

269. *Id.*

270. *Id.* at 231.

271. *Id.* at 232.

272. *See id.*

273. *See id.* at 245-47.

quit because they could not combine family life with the work styles of the firms.²⁷⁴

Family-respectful changes in the workplace must come from the employee as well as from the employer. Shellenbarger describes the response of an insurance company that had instituted an alternative-scheduling policy and wanted to continue it after other companies had abandoned theirs in the early 1990s.²⁷⁵ Making it work, however, required input from both employers and employees. The company's revised policy allows all employees access to alternative scheduling, "providing they can show the change would work well for bosses, customers and coworkers."²⁷⁶ Unaccustomed as many employees are to seeing the world through their employer's eyes, some employees found this requirement difficult to meet. As the policy has taken hold, however, employees and the employer have found the policy more than satisfactory. Although the insurance company is not known for paying high salaries, turnover is in the single-digits, far below the local industry standard.²⁷⁷

Finding family-respectful policies and practices in work-first welfare reform is tough. Issues arise in three contexts. First, because work comes first, welfare officials often do not engage in discussions and planning with recipients as to what kind of work situation is respectful of the recipient's family and work responsibilities.²⁷⁸ Second, the work available to former recipients is usually low-wage work in family-hostile environments.²⁷⁹ Third, when a low-wage worker loses a job because her employer is disrespectful of her family responsibilities, the welfare system is permitted to label her a failure rather than a person who is struggling to meet responsibilities both at work and at home.

In a Baltimore City welfare office, Charlene was sanctioned for not satisfying the requirements of her work activity. Her problem was that she could not complete homework over the weekend, so the work activity counted her as absent on the following Monday even though she appeared at the activity on time. She had spent the weekend caring for Melinda, her six-year-old daughter and Harry, her three-year-old son. Melinda came home from school with a sore throat and had the flu all weekend. Harry suffered a serious asthma attack.

274. See *id.* at 245.

275. *Id.* at 242-44.

276. *Id.* at 242.

277. *Id.*

278. Diller, *supra* note 15, at 1171.

279. See *supra* notes 157-162 and accompanying text (describing the economic and employment situations of former welfare recipients).

Her caseworker told her that the children should be in child care on Saturdays so that she could do her homework. But that was not a message the mother was willing to hear. From her perspective, the children were already in child care enough. In order for Charlene to participate in her work activity, Melinda spends eight hours of every weekday either at school or at child care, and Harry spends eight hours of every weekday with Charlene's sister. Melinda spends every weekend hour wrapped around her mother's legs wanting to do things with her. Harry's asthma is severe. Like most children with asthma, his attacks are aggravated when he is with someone he does not know. Charlene's sister works on the weekends and cannot help, so Harry would have to be with a stranger.

Charlene's attempts to explain how she tries to be responsible both at home and at work fall on deaf ears. So far as the caseworker is concerned, work must come first. If children are a barrier to work, the solution is child care. Charlene's only duty is to get ready for work, even if that means she can do less for her children than she believes they need, especially when they are ill.

Shellenbarger reported in one column about a financial analyst whose toddler needed tonsil surgery during her company's year-end rush. Much to her surprise, her boss sent her home because her "daughter comes first." It should not come as a surprise that her boss's respect for her family responsibilities was returned. When the company needed her help, she delayed her vacation plans at the last minute.²⁸⁰

Unfortunately, the message of Charlene's caseworker is that family needs not only do not come first, they do not come into the picture at all. Whether it is a weekday or a weekend, when the employer says you work, you work. Your children go to child care no matter what you think is right for them.

The second issue pertains to the kind of jobs welfare recipients get when they leave the rolls. Of all of Shellenbarger's examples of family-respectful work environments, only one was in an industry that commonly hires people from the welfare rolls, the hospitality industry.²⁸¹ Shellenbarger's sole example was a food service unit of the Opryland Hotel in Nashville that allows workers to choose shifts when possible. The result is a "surprisingly low" turnover rate.²⁸² Much more common are employers who offer conditions of employment

280. SHELLENBARGER, *supra* note 137, at 223.

281. *Id.* at 227.

282. *Id.*

that are not only disrespectful of parenting work, but also incompatible with parenting.²⁸³

The third issue is the effect on low-wage parents when they lose their family-hostile jobs. Many states reinforce the work-first message by insisting that applicants seek work or engage in work activities for a period of time before benefits begin.²⁸⁴ In Maryland, for example, benefits are not immediately available for individuals who leave welfare for a job that lasts only a brief time before they lose it over a work or family conflict. When these individuals seek to return to welfare, the wait for benefits can last a month while the application is processed.²⁸⁵ If applicants had work activity problems the last time they were on welfare and were sanctioned for noncompliance, the wait can be indefinite.²⁸⁶ The decision turns on whether welfare officials believe that the applicant left work for a good reason, and family care rarely qualifies as a good reason.²⁸⁷

For work-first welfare reform to successfully support a parent-child connection, welfare officials must begin to exhibit respectfulness for the parental responsibilities of recipients. An example from Baltimore is illustrative. Jobs for low-skill workers in Baltimore are scarce. Most available employment is in the suburbs, much of it over an hour from home by public transportation.²⁸⁸ For nearly three years after the beginning of work requirements, Baltimore welfare caseworkers were instructed to investigate transportation problems with recipients so they could help to remove transportation barriers.²⁸⁹ The inquiry, however, was about getting from home to work and back. Nothing in the assessment instrument suggested that caseworkers should also in-

283. See Holcomb, *supra* note 265 (stating that “workers who most need benefits such as child care and flexible hours are the least likely to get them”); White, *supra* note 214, at 1985 (“[D]eterrents to finding and keeping paid employment arise from the violent or demeaning work culture of the jobs that are open to welfare recipients even more than from the lack of job security and the lousy pay.”).

284. STATE POLICY DOCUMENTATION PROJECT, PENDING APPLICATION REQUIREMENTS, available at <http://www.spdp.org/tanf/pendreq/index.htm> (last visited Dec. 19, 2001).

285. See MD. REGS. CODE tit. 07, § .03.03.05 (1996) (describing the application process for temporary cash assistance in Maryland).

286. See MD. ANN. CODE art. 88A, § 50(f)(6) (Supp. 2001).

287. See MD. REGS. CODE tit. 07, § .03.03.07(1)(6) (providing good cause exemptions from the work requirement in Maryland).

288. See FAMILY INVESTMENT PROGRAM LEGAL CLINIC, TIME OUT! A STATUS REPORT ON WELFARE REFORM IN BALTIMORE CITY AT THE THREE YEAR MARK, AS EXPERIENCED BY THOSE IT WAS INTENDED TO HELP AND THEIR LEGAL ADVOCATES 34-35 (1999) (explaining that “there are more low-skill job openings outside of the City than within”).

289. Baltimore City Department of Social Services, Bureau of Family Investment, Standard Operating Procedure 99-12, attach. F5 (1999).

investigate how a recipient would get from home to child care to work to child care to home.²⁹⁰

Because most jobs for low-skill workers are far from the city, a parent working an eight-hour day could be away from home for eleven or twelve hours when she commutes an hour each way from the child care site to work and another hour each way from the child care site to home.²⁹¹ Furthermore, mandatory overtime is another employment practice that interferes with parents having sufficient time to be with their children.²⁹² While some parents and some children can handle their separations, others cannot. Many parents feel that long daily separations from their children are detrimental to their children as well as to their parent-child relationship. From the parent's perspective, much depends on the child's individual personality and resilience, the character and quality of the child care arrangement, and the safety of the neighborhood.²⁹³

The importance of finding a way for parents to be away from their children for less time cannot be understated. Studies of families leaving welfare since 1996 indicate that the younger the child, the

290. See *id.* at attachs. M, O. The lack of assessments is not unique to Baltimore. A 1999 report on Philadelphia's experience with welfare reform noted that "[t]he Department of Public Welfare does not conduct assessments of the individuals in its caseload, nor does it routinely collect such information from its program contractors." JANET E. RAFFEL & ERIN MOONEY, PHILADELPHIA'S EXPERIENCE IN YEAR TWO OF WELFARE REFORM 10 (1999). The lack of adequate assessment of applicants and recipients does not appear to be an issue that will be quickly resolved. A 2001 report found that Philadelphia does not "conduct an assessment of clients' abilities, experience, and training needs before the client is expected to select a work-readiness, job-search, or training program to enroll in." NATIONAL HEALTH POLICY FORUM, SITE VISIT REPORT, TANF AND WORK SUPPORT SERVICES: ON THE JOB IN GREATER PHILADELPHIA 4 (2001).

291. See JOSHUA HAIMSON ET AL., MATHEMATICA POLICY RESEARCH, INC., NEEDS AND CHALLENGES IN THREE NEW JERSEY COMMUNITIES: IMPLICATIONS FOR WELFARE REFORM 27 (2001) (describing a study of the working poor in three New Jersey communities, which found that low-income workers have average commutes by public transportation of one hour each way).

292. See Kathleen Fackelmann, *Nurses Step into the Health Care Fray*, USA TODAY, May 10, 2001, at 9D (discussing the problem of mandatory overtime for nurses). Nurses have strenuously fought against mandatory overtime. *Mandatory Overtime*, HEALTH WIRE, Nov./Dec. 2000, available at http://www.aft.org/publications/healthwire/nov_dec00/mandatory.html. One ER nurse recalls that she was required to work for two more hours despite her request to leave to pick up her child. *Id.* When she was unable to pick up her child, the child was delivered to her, leaving her two-year-old scampering around the emergency room. *Id.*

293. See BRAZELTON & GREENSPAN, *supra* note 8, at 87 (explaining the importance of recognizing the uniqueness of individual children in assessing and facilitating mental growth); see also Diane M. Naughton, *Finding Good Childcare: What's Best for Kids Depends on Their Ages and States*, WASHINGTONIAN ONLINE, May 1999, available at <http://www.washingtonian.com/etc/shopping/childcare.html> (discussing how different children react to separation from their parents).

greater the likelihood that the family will return to welfare within six months.²⁹⁴ From an interdependency theory perspective, this is not difficult to understand. In addition to the many issues about child care that trouble responsible parents, many parents also respond to the difficulties their children experience from parental absence. Many researchers have shown that younger children have greater difficulty tolerating long parental absences than older children.²⁹⁵ It should be no surprise that parents experience and respond to their children's distress and do what they can to modify their lives to relieve it.²⁹⁶ If quitting work is what it takes, many parents will take that course.²⁹⁷

Many analysts have focused on child care as the primary solution to the poverty problems of families with children.²⁹⁸ Certainly, solving child care problems is essential to solving the poverty problems of families with children. Until safe and affordable child care is widely available, and until child care providers can make a decent living, many parents will face insurmountable barriers to work. But solving the child care problem is not enough. Even if every parent had the resources to make sure that every child could get child care services that are, by someone's measure, safe and appropriate to the needs of that particular child, not every parent would be able to raise his or her family out of poverty. A big part of the reason is respect. Most parents know what their child is likely to need more than other people know what that particular child is likely to need. The fact that someone has decided that a particular kind of child care is what a particular child needs does not answer for the parent whether it is the right kind of child care for her child at that particular time.²⁹⁹ It does not

294. See, e.g., Sara Engram, *Tracking Results of Welfare Reform*, BALT. SUN, Oct. 5, 1997, at 3M (discussing a study conducted in Maryland which showed that parents with younger children seem to have more difficulty remaining independent).

295. See Catherine O'Neill Ware, *Hints for the Homesick Camper*, WASH. POST, July 8, 1997, at Z18 (indicating that older children cope with parental separation better than younger children when sent to summer camp).

296. See BRAZELTON & GREENSPAN, *supra* note 8, at xiii ("When a parent must leave a small child in less than optimal child care, that parent is bound to grieve.")

297. See *supra* note 32 and accompanying text (asserting that most people choose their responsibilities to their children over their work).

298. See Barbara R. Bergmann, *Decent Child Care at Decent Wages*, AM. PROSPECT, Jan. 1, 2001, available at <http://www.prospect.org/print/V12/1/bergmann-b.html> (discussing various methods that would accommodate poor parents' needs for child care while simultaneously assuring competent service).

299. See BRAZELTON & GREENSPAN, *supra* note 8, at 174-76 (suggesting that a child's development depends on the child's parents and other caretakers understanding the child's development, not on the substitution of a professional's judgment for parental involvement).

answer the questions of whether the parent can trust the child care provider to work with her, and whether the parent can work with the child care provider. It does not answer the question of whether the parent's work schedule means that the child would have to stay in child care for many hours of the day or week.

Under the parlance of welfare reform, the presence of children in need of child care is a "barrier" to work. Once the system identifies a child care provider, the barrier has been removed, and the parent can go to work.³⁰⁰ Under interdependency theory, however, children cannot be seen as a "barrier." Instead, children and their relationship with their parents are the organizing principle. The question should not be, "How do we get rid of the kids so mom can work?" Instead, the inquiry should focus on how to respect what a mother needs so she can combine paid work with caretaking.

Work-first welfare reform takes the opposite approach. Even for children under the age of six, it is not easy for a parent to stay home with a child who, she believes, needs her attention. Federal law allows a state to exempt some of these parents from the work requirement, but the state's work activity participation rate is unaffected by the exemption.³⁰¹ Because the state must find other recipients to engage in work activities, states have strong incentives not to approve any exemptions for these parents.

Federal law further constrains states by making it complex for parents to claim an exemption.³⁰² Parents can be exempted from the

300. See Bergmann, *supra* note 298 (stating that parents can be more productive without the distraction of child care problems once an adequate child care system is in place).

301. See 42 U.S.C. § 607(b)(5) (Supp. V 1999).

302. See Joann C. Gong et al., *Child Care in the Post-Welfare Reform Era: Analysis and Strategies for Advocates*, 32 CLEARINGHOUSE REV. 373, 375-76 (1999) (stating that federal laws leave key terms undefined, and that exemption protection applies to only some children). A TANF recipient who is a single parent and a head of household, such as Charlene, might receive an exemption if she cannot obtain the needed child care, but the protection is limited. *Id.* at 375. Federal statutes and regulations leave states to define what constitutes unsuitable or appropriate care. *Id.* Many states allow individual caseworkers to make that determination. *Id.*; see also *Rimes v. Ohio Dep't of Human Servs.*, No. 99-L-068, 2001 Ohio App. LEXIS 254 (Jan. 26, 2001). Rimes, a TANF recipient, was a single mother with a two-year old boy. *Id.* at *2. Based on her belief that her child had been sexually abused at child care the previous month, Rimes refused to accept a new child care arrangement for her child. *Id.* at *3. Her argument was that the placement was not appropriate for her child at that time, but she failed to persuade the welfare department. *Id.* at *4-5. On appeal, the court found that whether child care is "appropriate" must be determined from the standpoint of the safety and well-being of the child. *Id.* at *11. The parent has the burden to prove the unavailability of adequate care. *Id.* The testimony of the child's minister, who was also a psychiatrist, that the child should only be placed in child care if the child's mother could accompany him on the premises for a protracted four to six month period was found to demonstrate that the care was not appropriate. *Id.* at *12.

work requirement only if they can demonstrate one of three things: (1) that there is no “appropriate” child care within a “reasonable” distance from the parent’s home or work site; (2) that there is no “suitable” informal child care available; or (3) that there is no “appropriate and affordable” formal child care available.³⁰³

It is not easy to prove that any of these conditions exist. In each instance, the state is the final arbiter, not the parent or even the child care provider.³⁰⁴ Parents who believe their children need them at home have to anticipate what the state will find to be a “reasonable” distance from home or work, or an “appropriate” or “suitable” child care provider. The terms are not clear; they are subject to multiple subjective interpretations, and the law does not require the state to provide parents with precise definitions.³⁰⁵ Instead, the recipient must guess. If the guess is wrong, the penalty can be the loss of all cash assistance to the recipient and children.³⁰⁶ This is not the way to strengthen or even respectfully support a parent’s commitment to being responsible.

Parents need respect for the work they do with older children as well. Work-first welfare reform does not require states to exempt any parents with children older than six from the work requirement.³⁰⁷ However, a study of a group of pre-TANF welfare reform experiments concluded that child care policies may be related to the outcomes for school-age children.³⁰⁸ Programs that place little emphasis on helping parents obtain good care and those that result in reduced family income “may tend to have unfavorable impacts on children.”³⁰⁹

Not every community has the resources or the will to provide suitable child care for school-age children,³¹⁰ nor is it available for every

303. 42 U.S.C. § 607(e)(2).

304. See Gong, *supra* note 302, at 375.

305. *Id.*

306. See 42 U.S.C. § 607(e)(1) (establishing sanctions for failure to comply with work requirements).

307. *Id.* § 607(e)(2).

308. GAYLE HAMILTON ET AL., MANPOWER DEMONSTRATION RESEARCH CORPORATION, DO MANDATORY WELFARE-TO-WORK PROGRAMS AFFECT THE WELL-BEING OF CHILDREN? A SYNTHESIS OF CHILD RESEARCH CONDUCTED AS PART OF THE NATIONAL EVALUATION OF WELFARE-TO-WORK STRATEGIES, at pt. VIII. J. (2000), available at <http://aspe.hhs.gov/hsp/NEWS/child-synthesis/index.htm>.

309. *Id.*

310. Events in Detroit are illustrative. Early in the 1999 school year, a number of girls were sexually assaulted on their way to and from school. Fearful children, joined by their parents and community members, protested the city’s lack of response. Mayor Archer called on the community to join with the police to patrol the neighborhoods when children were on their way to and from school. He explained that the entire community needed to work together to protect the children. See Joe Swickard et al., *Outrage Forces*

child. As a result, parents and welfare administrators must confront the issue of self-care. However, self-care is not appropriate for many children. According to Doctors Brazelton and Greenspan, children have a need for a sense of security. Until they are six or seven years old, it should be the job of parents and other adults to take full responsibility for the child's safety. Only when the child is older should they be taught about threats to their safety, and then only "gradually and with calm reassurance."³¹¹

Parents with resources can find enriching activities for children to engage in after school and in the summer when parents must be at work. Such activities are not inexpensive.³¹² The alternative, for many parents, is to allow children to care for themselves.³¹³ According to Sue Shellenbarger, self-care is an alternative that many parents try to avoid, particularly when the child is young or when the family lives in a dangerous neighborhood. As she explains:

Self-care can be risky; in Detroit, officials report a 25% summer rise in residential fires caused by children left alone. Beyond that, it seldom yields the idyllic, Tom Sawyer-like experience of fishing and hanging out enjoyed by kids in the past; today, many parents forbid kids left home alone to even leave the house.³¹⁴

Self-care also can be numbing and overwhelming. A Baltimore woman who left welfare for work recently described the daily life of her ten-year old daughter.³¹⁵ On the numbing side, the child must

Changes, DET. FREE PRESS, Nov. 17, 1999, at 1A; see also EDIN & LEIN, *supra* note 55, at 80 (finding that some mothers surveyed said they could not afford to work because they had no access to affordable child care); Karen DeBord et al., *Understanding a Work-Family Fit for Single Parents Moving From Welfare to Work*, 45 SOC. WORK 313, 318 (2000) (finding that dependable child care was difficult to obtain for many parents, and that programs for school-age children were scarce).

311. BRAZELTON & GREENSPAN, *supra* note 8, at 74.

312. See SHELLENBARGER, *supra* note 137, at 69.

313. See JEFFREY CAPIZZANO ET AL., THE URBAN INSTITUTE, CHILD CARE PATTERNS OF SCHOOL-AGE CHILDREN WITH EMPLOYED MOTHERS 29 (2000) (noting that approximately 3.6 million to 4.4 million six- to twelve-year-olds with employed mothers care for themselves on a regular basis each week). Despite greater risk of physical, psychological, and social harm for younger children, 5% of six- to nine-year-olds with employed mothers are in self-care as their primary arrangement, and up to 10% of these children spend regular time in self-care. *Id.*

314. SHELLENBARGER, *supra* note 137, at 70; see Stacey Olikier, *Examining Care After Welfare Ends*, FOCUS, Spring 1999, at 36, 38 (describing the practice of many low-income working mothers to keep children indoors as a method of protecting children and countering negative peer influences). Work program administrators, caseworkers, and clients note that women may leave jobs or programs when a wave of crime sweeps through the neighborhood, or when children returning home from school are scared. *Id.*

315. See Sarah Pekkanen, *Living on the Line*, BALT. SUN, Aug. 19, 2001, at 6F.

come inside immediately after school and not answer the phone or the door unless it is her mother. On the overwhelming side, she must pick up her two-year-old brother from child care, change his diaper, and feed him dinner. The mother worries about whether it is fair to put so much on her daughter. The only freedom she gets some days is going outside after her mother gets home from her second job.³¹⁶ Self-care may also be the reason so many adolescents experience negative impacts when their mothers leave welfare for work.³¹⁷

Shellenbarger describes a seminar arranged by an employer to help parents and children address self-care and to decide when and how it should be used.³¹⁸ Child care experts helped parents make decisions regarding self-care. Separate sessions were held for the children, who were given training on how to stay safe and what to do in an emergency. It was suggested that parents not rely on self-care until both the parents and the child felt confident and ready.³¹⁹

Under work-first welfare reform, a welfare recipient cannot assess for herself the appropriateness of self-care. States must require most parents of school-age children to engage in a work activity.³²⁰ States may allow a parent to show good cause for not participating, however, and a state could say that parents with elementary school children can be exempted if there is no appropriate after-school situation available for the child.³²¹ Parents who are exempted from a work activity for good cause, however, still count against the state's participation rate.³²² States therefore have a strong incentive not to exempt parents of elementary school children, and few have done so.³²³

Even in states where the absence of after-school care might count as a good cause for not participating in the work requirement, the situation is not respectful of parents. Parents' sincere belief that their children are too young or immature to stay home alone is not a sufficient reason for parents not to work. Nor are parents' concerns about

316. *Id.*

317. See Maureen Perry-Jenkins et al., *Work and Family in the 1990's*, 62 J. MARRIAGE & FAM. 981, 984 (2000) (stating that a mother's full-time employment "may negatively affect adolescents' academic achievement when mothers lack time, resources, or both to secure supervised activities for their children outside of school hours").

318. SHELLENBARGER, *supra* note 137, at 66-68.

319. *Id.* at 67-68.

320. 42 U.S.C. § 607(e) (Supp. V 1999).

321. *Id.* § 607(e)(2).

322. See *id.* § 607(b)(1)(B).

323. See STATE POLICY DOCUMENTATION PROJECT, STATE POLICIES REGARDING TANF WORK ACTIVITIES AND REQUIREMENTS, available at <http://www.spdp.org/tanf/work/worksumm.htm> (last visited Nov. 6, 2001) (explaining that only five states exempt parents from work requirements to care for a child older than one year).

the safety of their neighborhoods valid reasons to be excused from the work requirement.³²⁴ Unless they can convince a caseworker to agree with their assessment, parents who quit work because they conclude that self-care is too risky for their child lose both their wages and their eligibility for welfare.³²⁵

Respect for parenting also includes respecting the ways in which parenting must change as the child changes and develops. Raising children is a constant exercise in flexibility and timesharing. Children need parental time and parental attention. The exact amounts of time vary with the child's age, school situation, emotional and physical health, home, family, and community, but the quantity is rarely zero. Further, children's needs are unpredictable, and so are the people and institutions with which they interact.

People who care for children know they require time and flexibility. They face the problem, however, that flexibility and time are not hallmarks of adult life. Being responsible at home and at work requires parents to spend time with children and to be flexible in responding to the child's needs, while also spending time at work and being predictable for the employer. It is a tricky balancing act.

Children need time and flexibility in part because they are children. Babies and young children have many physical needs. The connection between the baby and the parent is nourished through the time the parent spends meeting those physical needs.³²⁶ This time together allows the child to develop trust in the parent and the parent to learn the child's personality and preferences. Even as physical needs recede, time is still an essential component of the parent-child relationship. Without it, connections fray and parental influence wanes long before the child is an adult. Even apparently idle time in a car or on the floor opens doors for the many conversations about happenings, concerns, and values that embed in the child secure knowledge of the parent's love, ideals, and devotion.³²⁷

Flexibility is equally important. By definition, children are always changing and always unpredictable. The only predictable thing a young infant does is adhere to a schedule of his or her own making. Nothing a parent does makes a two-week-old go to sleep or stay asleep by the clock. All children get sick. Sometimes they forget their home-

324. See 42 U.S.C. § 607(e)(2).

325. See *id.* § 607(e)(1).

326. See BRAZELTON & GREENSPAN, *supra* note 8, at 138-40 (discussing how family involvement aids in developing proper experiences for children).

327. See *id.* at 127-28.

work until the last minute. Some children have unanticipated problems at school.

Even predictable needs of children, such as possible medical attention, require parental flexibility.³²⁸ A diabetic child needs more time to get ready for school on mornings when she needs insulin. Schools are often closed on days when businesses expect employees to be at work. A child with attention deficit disorder may need supervision when doing homework. Teenage hormones reliably create unexpected crises.

Parents also need to relate to the rest of the world for their children, a task that demands both time and flexibility. Parents meet with pediatricians to decide on medical treatment. Teachers need input from parents and need to give advice about what a child must do to succeed at school. Parents need to find, assess, and communicate with child care providers who sometimes get sick or quit unexpectedly. When children need special help, it is up to parents to identify an appropriate doctor, therapist or tutor, each of whom decides for themselves when, how, and where they will be available.

Getting the time and flexibility parents need while still meeting responsibilities at work is tricky. Some parents rely on employer leave policies. Many jobs offer annual leave and sick leave. Some also provide telecommuting and voluntary part-time options. Parents use these benefits to structure their work around their children. Often, the jobs available to low-income parents do not offer these amenities.³²⁹

How does work-first welfare reform respond to parents' needs for time and flexibility? A sensible program would take into account what parents say they need to be responsible both at home and at work. The program should take into account the need that all children and parents have to spend time with each other. The total number of hours that a parent must be away from his or her child is important, not only the number of hours at work. The program must be sensitive to differences among children because children are not fungible. Their needs for parental time and attention vary with age, medical and emotional condition, neighborhood conditions, school situation,

328. See Arendell, *supra* note 22, at 1198 ("Mothers are more commonly interrupted at work both by children seeking contact or child care or school personnel reporting children's illnesses or injuries." (citation omitted)).

329. See Edelman, *supra* note 145, at 17 (explaining that poor parents are less likely to have jobs that help them meet their greater child care needs); see also DeBord et al., *supra* note 310, at 317 (explaining that welfare recipients view the lack of workplace benefits such as paid vacation and sick leave as a "major drawback of working"); White, *supra* note 214, at 1979-85 (describing the work available to welfare recipients).

and community support, among other things.³³⁰ The program must be prepared to respond flexibly to the unpredictability of children's lives and needs. The program cannot ignore the fact that parents must interact with other adults for the benefit of their children, and that teachers, doctors, therapists, and tutors do not put themselves at the beck and call of working parents.³³¹

Few work-first welfare reform programs attend to parents' needs for time and flexibility. First, turning down a job is usually cause for termination of welfare benefits.³³² Recipients are expected to take any job that is offered, regardless of whether the work conditions are family-friendly.³³³ A survey of organizations serving welfare recipients reported that employer inflexibility creates insurmountable barriers for many mothers. Welfare recipients cannot find or keep a job, according to the survey, because of employer unwillingness to allow time off to care for a sick child.³³⁴

Criticizing work-first welfare reform for requiring people to accept family-unfriendly jobs is difficult when so many workers with families endure the same kinds of jobs without government assistance. However, requiring people to accept such jobs puts the government's imprimatur on the notion that parents must work for pay, whatever the consequences to their children and their relationship with their children. This needs to become an unacceptable message in every context. Welfare reform is a good place to begin because welfare parents and their children are vulnerable and in need of government help. Further, when welfare recipients are forced into jobs no matter what the conditions, that strategy worsens conditions for low-wage

330. See David H. Demo & Martha J. Cox, *Families with Young Children: A Review of Research in the 1990's*, 62 J. MARRIAGE & FAM. 876, 889 (2000) (stating that time and attention needs vary with each child, and consistent parental support and discipline facilitate a child's well-being and can even compensate for economic hardship).

331. See DeBord et al., *supra* note 310, at 318. Dr. DeBord explains:

Another obstacle [to success at work] was the inaccessibility of many services that operate on inconvenient hours. One parent needing mental health services for her three children with attention deficit disorder was able to get only monthly appointments for one of them at a time at the Department of Mental Health, because evening hours were offered only once a week.

Id.

332. See 42 U.S.C. § 607(e)(1) (Supp. V 1999).

333. See Diller, *supra* note 15, at 1171 ("[T]he materials make explicit the assumption that any job is better than no job, thus shunting aside questions about whether particular jobs are appropriate.").

334. NATIONAL PARTNERSHIP FOR WOMEN AND FAMILIES, DETOURS ON THE ROAD TO EMPLOYMENT: OBSTACLES FACING LOW-INCOME WOMEN 4 (1999).

workers already in similar jobs by increasing the pool of people from which employers can recruit.³³⁵

Second, many welfare-to-work programs help recipients develop job readiness skills. These programs teach the skills of showing up for work on time, following directions at work, being at work every day, dressing appropriately for work, and so on.³³⁶ Often these programs are exceptionally inflexible about accommodating what a parent needs to do for a child.³³⁷

One example of this inflexibility concerns missing work because of a child's illness. Several pre-TANF welfare reform experiments were found to have negative impacts on the physical health and safety of the study children, ages five through seven.³³⁸ The lower health ratings were found to be related to maternal employment because, among other things, the mothers had less time to bring children to health care providers.³³⁹ Often, absence from work is not excused unless the parent can present a note from a doctor.³⁴⁰ However, many times a child who is too ill for school does not require a doctor's attention, so the parent cannot meet his or her work requirement and faces the possibility of losing part or all of her cash assistance. A recipient in Baltimore was sanctioned when her young severely asthmatic child suffered an attack that prevented her from completing homework over the weekend. The child's pediatrician, recognizing the mother's abilities and the severity of the child's illness, had taught the mother how to use some complex therapeutic equipment at home. As a result, the child did not need to see the doctor that weekend. The child got better, but the mother could not produce a note.³⁴¹

Other common situations involve the child's relationships with school and teachers. In some communities, school systems are adapt-

335. See Anne L. Alstott, *Work vs. Freedom: A Liberal Challenge to Employment Subsidies*, 108 *YALE L.J.* 967, 970 (1999) ("TANF-style welfare reform will shrink the welfare rolls—but only by swelling the ranks of the working poor.").

336. See PAMELA A. HOLCOMB ET AL., THE URBAN INSTITUTE, *BUILDING AN EMPLOYMENT FOCUSED WELFARE SYSTEM: WORK FIRST AND OTHER WORK-ORIENTED STRATEGIES IN FIVE STATES 20-24* (1998) (describing several job search and job readiness programs).

337. For example, at one program visited by the author, a participant was criticized for arriving late. She explained that her child care provider insisted on talking with her every day at length. She was advised to just drop the toddler and go. There was no inquiry into whether the child care provider was suitable for the toddler, or how the mother could work with her better. The mother's only choice was to go to the program on time.

338. See ZASLOW ET AL., *supra* note 136, at pt. V.

339. *Id.*

340. See Letter from FIP Legal Clinic to Carla Graham, Dept. of Health & Human Services, Office of Civil Rights 5 (Oct. 2, 2001) (on file with author).

341. This story is drawn from the author's experiences in practice.

ing to the reality that many children live in families where no parent is home during the day. They are modifying their practices so that parents can communicate with teachers and administrators in the evening or through voice mail and e-mail.³⁴² Other communities are developing after-school programs where students can get help and supervision with homework in case a parent cannot perform those tasks.³⁴³ Other communities, however, have not developed these family-friendly institutions and practices. Children in those communities need more daytime parental attention to their education and schoolwork. If a child has special education needs, figuring out what to do for the child can require multiple meetings with teachers, counselors, and psychologists, a process that is all the more complex if it turns out that the child needs special education services. Particularly in inner cities, most of the children in special education are very poor, and many come from families receiving some public assistance.³⁴⁴ If the parent needs time away from a work activity to attend meetings, call a therapist, or just supervise the child's homework, she faces a welfare sanction for failing to cooperate in the work activity.³⁴⁵

Rather than demanding unquestioning adherence to the demands of an inflexible work system, a respectful system could help recipients in a different way. Programs could provide recipients with training about how to work with and even push employers to be more responsive to family needs. For example, welfare recipients could be given information on their legal rights. Some states allow unemployment compensation to be awarded when a parent is fired for missing work on account of a child's illness.³⁴⁶ The Family and Medical Leave

342. See *Better Parent-Teacher Communication*, HARTFORD COURANT, Sept. 20, 1995, at A14 (describing ParentLink, a voice mail system that allows parents and teachers to communicate).

343. See Lynda Van Kuren, *After School Programs: Places to Grow*, ENABLED ONLINE, June 2001, at <http://www.enabledonline.com/BackIssues/June2001/news5.html> ("[R]esearch is showing that well-run after school programs, particularly those that include an academic component, are resulting in increased attendance in school, enhanced social skills, and improvements in academic achievement . . .").

344. See U.S. DEP'T OF EDUCATION, EIGHTEENTH ANNUAL REPORT TO CONGRESS ON THE IMPLEMENTATION OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT, at ch. 4 (1996), available at <http://www.ed.gov/pubs/OSEP96AnlRpt/chap4a.html> ("One study of special education students . . . of a large urban school system found that 90 percent of the students receive some form of public assistance [and] 95 percent belong to a minority group . . .").

345. See 42 U.S.C. § 607(e)(1) (Supp. V 1999).

346. *But see* Lucy A. Williams, *Unemployment Insurance and Low Wage Work*, in *HARD LABOR* 158, 160 (Joel F. Handler & Lucie White eds., 1999) (stating that "thirty-two states find an individual ineligible [for unemployment insurance] if she leaves her job due to . . . domestic obligations").

Act constrains some employers from firing some employees when a child is seriously ill.³⁴⁷ Workers have the right to organize as a union to demand that their employer accommodate their family needs.³⁴⁸ All of these strategies have been successful for getting employers to pay attention to the needs of parents, but none are routinely mentioned in job readiness programs.³⁴⁹ Further, employers sometimes accommodate parental needs under certain conditions. If a parent routinely calls in about a child's illness, for example, many employers are more willing to be flexible.³⁵⁰ Welfare-to-work programs, therefore, need to go beyond helping welfare recipients learn how to negotiate with employers; they also need to pay attention to whether parents have phones and the knowledge of when and how to contact an employer.

A second alternative is to exempt parents from work requirements altogether. Of course, this is antithetical to work-first welfare reform. However, that is not a sufficient reason to oppose the alternative. The more difficult problem is whether states will remain concerned about parental employment issues if there is no work mandate. Most parents understand and accept the reality that employment is a critical part of self-sufficiency, particularly once children are grown. Being out of the paid labor force during the minority of a child is a guaranteed route to poverty as a senior citizen.³⁵¹ The challenge for states, then, is to find the motivation to continue to help parents get employment while incorporating into their programs the respect they need for their parenting work. They must avoid dichotomizing work and parenting.

III. WHAT SHOULD HAPPEN DURING WELFARE RE-REFORM IN 2002?

TANF reform must begin with a family vision—a recognition that every adult who is eligible for TANF benefits is an adult who is respon-

347. 29 U.S.C. § 2612(a)(1)(c) (1994).

348. See *id.* § 157; see also Crain, *supra* note 29, at 1961-62 (stating that unions were instrumental in the passage of the FMLA, and that "many unions now use collective bargaining to extend the reach of the FMLA to employees who are not covered by its terms, to increase leave time, to provide paid family leave, and to obtain other related benefits for workers who are covered").

349. See HOLCOMB, *supra* note 336, at 20-24 (describing the content of several job readiness programs).

350. See THE RADCLIFFE PUBLIC POLICY CENTER & 9 TO 5 NATIONAL ASSOCIATION OF WORKING WOMEN, KEEPING JOBS AND RAISING FAMILIES IN LOW-INCOME AMERICA: IT JUST DOESN'T WORK 15 (2002).

351. See Arendell, *supra* note 22, at 1199 ("In the longer term, adjustments made to accommodate family needs when children are young adversely affect mothers' economic well-being.").

sible for raising a minor child. Children need to be raised by someone who can be attentive to their emotional, developmental, and physical needs and who can interact with institutions and people outside of the family for them. Children cannot do these jobs themselves. Furthermore, parents who make a commitment to raise a child cannot do the job alone. We as a society depend on parents to do the job to the best of their abilities. When they do, we all benefit because the children they have raised become capable adults. When they cannot parent to the best of their abilities because they lack economic resources or respect for their parenting work, the child suffers.

An interdependent vision recognizing the child's need for a deep connection with a well-supported parent is the vision that should animate TANF reauthorization. The vision has two key elements: the need for families raising children to experience a reasonable level of economic sufficiency and the need of parents to receive respect for their parenting work.

A. *Economic Sufficiency*

TANF reauthorization is an opportunity to use government resources to bring every child's household at least to the poverty line. Even when working full-time year round, many parents cannot achieve this minimal level of economic sufficiency for their children.³⁵² Cash assistance, when combined with employment and other resources and assistance, must be available to bridge the gap throughout the time a child is dependent on the parent.³⁵³

Over the last decade, substantial progress has been made to achieve this level of economic sufficiency. Many families benefited when unemployment declined,³⁵⁴ wages began to rise,³⁵⁵ and wage supplements were made available through the refundable earned income tax credit and the partially refundable child tax credit.³⁵⁶ Some

352. Edelman, *supra* note 145, at 17.

353. *Cf.* FROM NEURONS TO NEIGHBORHOODS, *supra* note 54, at 295 ("[T]his evidence that poverty during the early childhood years is especially harmful suggests that tax and transfer policies affecting family economic status should pay much more attention to improving families' incomes while children are young.")

354. See John M. Berry, *Federal Reserve Raises Key Rate; Shrinking Pool of Unemployed Spurs Increase*, WASH. POST, Nov. 17, 1999, at A1 (explaining that in November 1999 the unemployment rate fell to its lowest level in three decades).

355. See Leslie Kaufman, *Growth in Holiday Season's Retail Sales May Set a 5-Year High*, N.Y. TIMES, Dec. 25, 1999, at B7 ("A copious holiday season makes a fitting . . . climax to a year in which Americans—encouraged by a soaring stock market and rising wages—have indulged in a sustained shopping spree.")

356. See I.R.C. § 24 (Supp. V 1999) (allowing certain taxpayers to apply a credit against their tax liability for each of their qualifying children).

families have also benefited from increases in child support collections.³⁵⁷ The families that have been left behind are the ones whose earning capacity is too low, particularly in times of recession. TANF should become the system for helping those families.

How to help these families depends on where they fall on five axes. The first is about parental characteristics: are they ready for employment in terms of education, skills, support systems, and mental and physical health? The second axis is about the child's situation: is the child fragile or strong in terms of mental and physical health, development, educational requirements, and self-sufficiency? The third axis is about the parent-child connection: is the relationship put at risk or strengthened by the parent's labor force participation?³⁵⁸ The fourth axis is about the nature of employment available to parents: are the conditions of employment family-friendly or family-hostile? The fifth axis is about the nature of the community in which the family lives: does the community offer appropriate supportive institutions, services, and practices, including child care providers, after-school programs, safe streets and the like, or is it more brittle?

For TANF to be helpful, a careful assessment of each family needs to be made along each axis.³⁵⁹ The goal of the assessment is to iden-

357. See *Across the Nation*, SEATTLE TIMES, Jan. 18, 2001, at A5 ("The federal government collected a record \$1.4 billion last year in overdue child support—a 100 percent increase since 1992 . . .").

358. See Karen Bogenschneider, *Has Family Policy Come of Age? A Decade of Review of the State of U.S. Family Policy in the 1990's*, 62 J. MARRIAGE & FAM. 1136, 1146 (2000) (stating that some scholars have argued that "if children are neglected and unable to become self-sufficient adults, the investment in their parents' employment may well be squandered").

359. There is a practical difficulty with my suggested 5-axis assessment that must be taken seriously. It probably cannot be accomplished without, at a minimum, expertise in interviewing, child development, employment competencies, and parent-child relationships. See AMY BROWN, MANPOWER DEMONSTRATION RESEARCH CORPORATION, *BEYOND WORK FIRST: HOW TO HELP HARD-TO-EMPLOY INDIVIDUALS GET JOBS AND SUCCEED IN THE WORKFORCE* 34 (2001) ("Assisting [individuals with serious barriers to work] requires employment programs to form partnerships with other organizations that can provide additional services."). See generally Marcia K. Meyers, *How Welfare Offices Undermine Welfare Reform*, AM. PROSPECT, June 19, 2000, at 41, 41 (arguing that local welfare agencies are "ill-equipped to serve a new population of working poor families," and making suggestions for change). If it is impossible to put the necessary resources into the TANF system to provide for adequate assessments, parents should not be required to follow the dictates of the system about whether and to what extent they should place their children in the care of others, take a particular job, or pursue a particular type of training or education.

What is missing from many welfare offices is the type of new practitioners described by Lisbeth B. Schorr in her account of the Homebuilders program. Lisbeth B. Schorr, *Fighting Poverty and Building Community: Learning from Programs that Work*, 69 AM. J. ORTHOPSYCHIATRY 420, 421 (1999). Schorr describes these "new practitioners" as individuals "who work[] more collaboratively and more respectfully with clients, patients, children, youth, and families; who push[] the boundaries of [their] job description; who [are] trained and

tify the characteristics and support the family needs to achieve a balance between work and family responsibilities that supports the ongoing connection between the parent and the child. Some families will have the good fortune to have the characteristics and support structures they need to make progress into work and to move above the poverty line quickly. Others will need more help because of their personal barriers. Still others will need help because no family-friendly employment is available within a reasonable distance, or because the community lacks the necessary supportive institutions, services, or practices. The TANF system needs to address issues arising on all five axes, either directly or through partnerships with other organizations. The TANF system also needs to address the material deprivation that many of the highest-functioning families face because employment that is compatible with their family responsibilities does not pay enough. A continuing subsidy should be available to ensure that these families have a standard of living no lower than the poverty line.

B. Respect for Parenting Work

Developing a TANF system that respects parenting work begins with examining the system from the parent's perspective. Assuming that the parent is doing everything he or she can for the child, what is the TANF system doing that helps the parent-child connection, and what might the system be doing that gets in the way?

A respectful system perspective should begin with the question of whether the process for accessing the TANF system and other supportive programs is congruent with either the goal of helping families escape poverty or the goal of discouraging the use of public benefits. For example, the TANF system should assume that most of the parents needing help are employed and are caring for children. For most parents, that is the equivalent of two jobs. A TANF system that respects parenting work must avoid becoming a third job that takes the parent away from meeting her responsibilities at home and at work.

supported in seeing children in the context of families and families in the context of communities." *Id.* One example was a mental health professional who was attempting to conduct a home visit with a family in crisis. *Id.* The mother declared that "the one thing she didn't need . . . was one more social worker telling her what to do. What she needed, she said, was to get her house cleaned up." *Id.* So the Homebuilders therapist pitched in, working together for an hour until the two women were able to talk about the family's problems. *Id.*; see also Jason DeParle, *Life After Welfare: The Caseworker*, N.Y. TIMES, Dec. 10, 1999, at A1 (describing a particularly dedicated caseworker).

The Food Stamp Program recognized that employed parents already bear a double work burden when it revised its regulations in 2000 to reduce the occasions when employed parents had to come into the office, and to require states to provide office hours at times when employed parents might be available.³⁶⁰ Simplifying program requirements and conforming eligibility standards for all programs aimed at employed parents are additional steps that need to be taken for TANF and other supportive programs, such as child care, housing, and nutrition assistance.

A second aspect of respect for parenting work is associated with how caseworkers approach applicants and recipients. Many applicants for and recipients of TANF benefits report experiencing disrespectful and even hostile caseworkers.³⁶¹ This type of conduct may have become even more pronounced during the last five years, when caseworkers in most states were given more discretion.³⁶² A fundamental change that is necessary for a renovated TANF system, therefore, is for the program rules and practices to communicate trust in parents rather than distrust. For example, states are allowed to penalize parents for the failure of their older children to attend school.³⁶³ A system that communicates respect for parenting work would not impose such a penalty, which is premised on the disrespectful claim that the only way to get a recipient to make sure his child attends school is to withhold money from the family.³⁶⁴ Instead, a respectful system

360. See Food and Nutrition Service, 7 C.F.R. § 246.7(a), (b)(1) (2000) (describing the integration of several benefit programs).

361. See DeParle, *supra* note 359 (“In practice, most poor people see their caseworkers as distant, or even antagonistic, enforcers of unpopular new work rules.”).

362. See Diller, *supra* note 15, at 1164-66; see also Gay Delgado & Maya Wiley, *Re-Reforming Welfare: What Attorneys Can Do*, 34 CLEARINGHOUSE REV. 621, 623-24 (2001) (arguing that allowing caseworkers more discretion results in racial and gender discrimination and inequality).

363. See Williams, *supra* note 132, at 726 (describing Learnfare, a program that conditions “AFDC eligibility on dependent children’s regular school attendance”).

364. Indeed, there is little reason to believe that truancy rates for the children of TANF recipients is higher than the truancy rates of other children, or that penalizing TANF parents whose children are truant is a way to solve the problem. See Alexander Nguyen, *No Fanfare for Learnfare*, AM. PROSPECT, Feb. 28, 2000, available at <http://www.prospect.org/print/V11/8/nguyen-a.html> (referring to studies in Wisconsin and Iowa that found no correlation between imposing financial penalties on welfare families and attendance rates of children).

Also, studies of the impact of imposing a monetary sanction on welfare recipients who fail to have children immunized have come to contradictory results. Compare Larry C. Kerpelman et al., *Effect of a Monetary Sanction on Immunization Rates of Recipients of Aid to Families with Dependent Children*, 284 JAMA 53, 53 (2000) (stating that immunization rates improved with the threat of monetary sanction), with Cynthia Minkovitz et al., *The Effect of Parental Monetary Sanctions on the Vaccination Status of Young Children: An Evaluation of Welfare*

might offer assistance to a parent who is having trouble keeping a child in school, particularly because that child's school problems are likely to be impeding the parent's work attachment as well.

Another way the TANF system must demonstrate respect for parenting work is to help parents identify and locate jobs that are family-friendly and avoid those that are family-hostile. In order to accomplish this, the system needs to develop criteria for family-friendliness and family-hostility, preferably with input from low-wage workers and advocacy organizations, as well as from employers. The criteria for family-friendly work conditions might include, for example, a living wage, paid leave, medical insurance and other benefits, unionization, access to Family Medical Leave Act and unemployment insurance benefits, good health and safety conditions, on-the-job skills training and credentialing, as well as promotion or other career development opportunities.³⁶⁵ The criteria for family-hostile work conditions might include, for example, different benefit packages for full-time and part-time workers, anti-union animus, involuntary rotating shiftwork, mandatory overtime, no paid leave, and an inadequate medical insurance subsidy. TANF applicants and recipients should be counseled to turn down employment with family-hostile work conditions. Moreover, when TANF applicants or recipients reject a job or leave a job because of family-hostile employment conditions, their TANF benefits should immediately fill the gap to the poverty line until they become reemployed.³⁶⁶

Reform in Maryland, 153 ARCHIVES PEDIATRIC & ADOLESCENT MED. 1242, 1242 (1999) (indicating no increase in vaccination rates after the adoption of a monetary sanction for welfare recipients).

365. Cf. Edelman, *supra* note 98, at 225 (suggesting a "real jobs program," which uses "the public dollar to put people to work getting things done that we want done, with decent labor standards and a strategy to help them find permanent employment"); Joan Fitzgerald & Virginia Carlson, *Ladders to a Better Life*, AM. PROSPECT, June 19, 2000, at 54, 54 (discussing how work is rewarded by creating career ladders to enable low-wage workers to advance through a progression of higher-skilled and better-paid jobs); Barbara Gault et al., *Prospects for Low-Income Mothers' Economic Survival Under Welfare Reform*, PUBLIUS, Summer 1998, at 175, 186 ("In addition to the positive effects of human capital development in raising women's incomes, family support, stable jobs, union membership, and access to means- and non-means-tested benefits also increases the chances of escaping poverty.").

366. Some former TANF recipients will not need TANF benefits after leaving a job because they qualify for unemployment insurance. At a minimum, for those not eligible for unemployment benefits, there should be no penalty for TANF recipients who leave a job for reasons that would not disqualify the recipient for unemployment insurance benefits. This is a minimum requirement because the unemployment insurance benefits system is not aligned well with family-friendly criteria and disqualifies many unemployed workers because of reasons associated with family responsibilities. See BERNSTEIN ET AL., *supra* note 157, at 45 (discussing how the unemployment insurance system needs to recognize that lack of child care and transportation are adequate reasons for leaving a job).

C. Consequences of Changing TANF

The implications of using TANF to address child poverty and respect for parenting work are many, both inside and outside the public benefits system.

Within the context of public benefits, the changes I have suggested for TANF mean, first, that states must focus on poverty reduction rather than on caseload reduction.³⁶⁷ Second, time limits on cash assistance must be abolished. A child's minority lasts more than five years; over a lifetime, a parent may care for children for many more than eighteen years. A parent's need to balance responsibilities at home and at work does not end until the child is grown. Although few families may need cash assistance for more than five years, all parents need benefits to be available in case they encounter a situation at work or at home that diminishes their capacity to earn a sufficient wage.³⁶⁸ TANF benefits, in other words, need to act as unemployment insurance for parents in an economy that has not provided parents with other ways to maintain a minimum standard of living.³⁶⁹

Third, the work mandate must be abolished. It should be noted that the work mandate was not found to significantly affect employment behaviors in the pre-TANF experimental studies, nor have many families been sanctioned for failing to comply with the work requirement since TANF was adopted.³⁷⁰ Of those families that have been sanctioned, one in five reported being sanctioned for administrative reasons, such as not filling out paperwork or failing to meet a caseworker.³⁷¹ An alternative to mandating work would be to recognize that alternating periods of work and non-work will occur and to

367. See CHILDREN'S DEFENSE FUND, HEALTH TITLE OF THE ACT TO LEAVE NO CHILD BEHIND 20, available at http://www.childrensdefense.org/pdf/atlnbc_backgrounder.pdf (last visited Dec. 2, 2001) (describing a proposed federal law that would focus on providing "a package of work supports, both for families who have received TANF and for others with low incomes, and provid[ing] protections when parents are unable to work," rather than focusing on caseload reduction).

368. Some states decided not to impose time limits under waivers prior to the enactment of TANF. Vermont, for example, imposes no time limits, and its work mandate is more limited than that required federally. Nonetheless, the welfare rolls have declined by approximately 40% since 1994. Jon Margolis, *Vermont: The Greening of Welfare*, AM. PROSPECT, June 19, 2000, at 34, 34-35.

369. A better solution to some of these problems would be to change the unemployment insurance system to make benefits more readily available to workers with family responsibilities. In 2000, fifteen states introduced, but failed to adopt, legislation to use unemployment funds to pay benefits for up to twelve weeks of leave for working parents of newborns or adopted children. Dale Russakoff, *Clinton's Push for Paid Parental Leave Falls Flat in States*, WASH. POST, Aug. 1, 2000, at A2.

370. See CHILDREN'S DEFENSE FUND, *supra* note 159, at 11.

371. *Id.*

plan for them with a structure that emphasizes work but does not exclude people from help when not working.³⁷²

If families were given appropriate assessments along all five axes and appropriate supportive services were put into place, many families would have the opportunity to develop the resources and characteristics they need to achieve full employment. The others probably cannot and should not be expected to engage in full-time employment because of the negative impact that can be predicted for their children. In those situations, parents would still have a personal incentive to become employable because TANF benefits would have the built-in time limit of the child's minority. Few parents would reject the opportunities offered to become employable so long as those opportunities enable them to maintain the proper balance between responsibilities at home and at work. Further, incentives such as EITC, cash supplements, child care, and other work supports intended to encourage parents to enhance their earning capacity will continue to be important. In order to preserve the basic economic security of children, these incentives will have to help parents achieve a standard of living above the poverty line.

Beyond the TANF system, the changes I am proposing give federal and state governments an incentive to increase the minimum wage because the more a parent can earn, the less public support the family will need to bridge the gap between earnings and the poverty line.³⁷³ Similarly, states will have greater incentives to enlarge the availability of unemployment insurance coverage because the more families that can access those benefits, the less they will be using cash assistance. Increases in parental earning capacity may also be achieved by training, so states will have an incentive to invest more in improving the training and credentialing of parents and to encourage employers to do the same.

CONCLUSION

A normally high-spirited teenager named Alice was fourteen when she took an emotional nosedive and attempted suicide.³⁷⁴ Fortunately, Alice's mother June had a flexible job in the computer industry. They live in a community that provides parents with helpful

372. SOLOW, *supra* note 165, at 41.

373. See David Moberg, *Martha Jernegons's New Shoes*, AM. PROSPECT, June 19, 2000, at 50, 50-51 (describing the living wage movement, which espouses "the idea that public money should not be used, directly or indirectly, to create jobs that leave workers and their families in poverty").

374. See SHELLENBARGER, *supra* note 137, at 203.

resources, and her job is protected under the Family and Medical Leave Act. After Alice was released from the hospital and beyond the worst of the crisis, June organized her work so that she could perform most of it while Alice was at school, before Alice got up in the morning, and late at night. Meetings at work were rescheduled to occur only during school hours. June arrived home when Alice did. Because she could spend considerable time at home, June supervised Alice and her friends after school. She also arranged mental health treatment for Alice. When appointments with therapists occurred during the day, June used her annual leave to take off time from work. Fortunately, Alice's recovery went smoothly. She is once again doing well academically, socially, and emotionally. June continues to telecommute several days a week. Her progress at work was slowed down somewhat by Alice's crisis, so June probably will not enjoy all the pay raises and promotions earned by her peers. She is doing quite well, however, and is satisfied that she will continue to do so.

Another normally high-spirited teenager named Barbara also attempted suicide unexpectedly in her fourteenth year. Her mother, Lisa, did everything she could to help Barbara recover. After Barbara got out of the hospital, she felt too depressed to get up in the morning for school. Before she left for work in the morning, Lisa woke Barbara up and made sure she ate something and got dressed. Lisa needed to leave at 7:00 to catch a bus that would get her to work on time at 8:30, so she could not see Barbara off to school at 7:30. Barbara missed many days when she returned to bed after Lisa left, which Lisa would discover when she returned home at 6:30. Lisa found she could not meet regularly with Barbara's therapist or her teachers because they made appointments only during the workday. Lisa's employer provided no paid leave, however, so every hour spent during the day with Barbara, a teacher, or a therapist was an hour for which Lisa got no pay. Repeated absences would get Lisa fired.

Lisa decided that her only choice was to quit work and go on welfare until Barbara was in better shape. The welfare grant, however, was conditioned on Lisa participating in a work activity. Initially, Lisa's work activity was to look for a job. Whenever Lisa left home early to look for work, Barbara would stay home from school, so Lisa found she had to limit her search efforts to later in the day. Nonetheless, Barbara's poor attendance continued, and she was finding school increasingly difficult. Her poor attendance record was reported to the welfare office, which then started to deduct a \$25 penalty each month from the family's welfare grant of \$330. After many meetings with teachers and school counselors and officials, Lisa got Barbara enrolled in an alternative high school. Lisa met frequently with Barbara's teachers and therapist. Together, they determined what needed to be done to help Barbara improve. Barbara began to recover. In the meantime, however, the welfare office was

not satisfied with Lisa's efforts to find a job. As a sanction, the family's welfare grant was terminated. Until Lisa found a job and got her first paycheck several months later, she and Barbara survived on handouts from friends and family and a small amount of Food Stamps.

Most parents in every economic level do the very best they can to be responsible at work and at home. Work-first welfare reform says that is not enough. The work requirement and time limits say to all mothers that the only way they can demonstrate personal responsibility is to be engaged in paid work for as many hours per week as it takes to support themselves and their children. There is no room for a mom to demonstrate personal responsibility by reducing her engagement in paid work to meet her children's needs, no matter how pressing. There is no room for taxpayers to supplement the earnings of a low-paid mom who is doing all she can at work while doing all she can at home. According to The Personal Responsibility and Work Opportunity Act of 1996, any mom who makes the choice to spend some of her time away from work being responsible to her children deserves the dire poverty that will befall her and her children.

From the perspective of interdependency theory, the message of work-first welfare reform is flawed because it sees parents separately from their children, rather than seeing parents in the context of caring for their children. A responsible parent, under interdependency theory, engages in paid work both *for* herself and her children and *around* her children. The responsibility of employers, communities, and government is to supply employment and economic and social conditions that are compatible with parents engaging in paid work at the same time that they care for their children. By defining personal responsibility solely in terms of the parent's work effort, work-first welfare reform says to all parents, from the poorest to the most wealthy, that nobody but the parent needs to help parents responsibly combine work and caretaking.

The pernicious effect of work-first welfare reform is most immediately felt by children whose parents must spend long days in jobs that provide inadequate compensation and little paid leave or flexibility. It is felt by all low-income parents who know that welfare is unavailable to help them through patches of time when they know they need to put more time into their children's needs and less time into paid work. It will be felt by society when some under-parented children become adults. In time the impact will be broader because all employers can point to work-first welfare reform to explain why they

need not accommodate parental responsibilities any more than the government does.

We should not be optimistic about the outcomes of a system in which government, communities, and employers ignore the parental responsibilities of workers. When parents lack what they need to raise a child, the child's development is likely to suffer. If the child enters adulthood without the capacity to be all that he or she might have become, society loses the benefits of contributions that the child might have made. If Barbara cannot finish high school, she enters adulthood without the knowledge and credential that will help her be a productive and self-sufficient worker. When Lisa cannot support her family financially and emotionally, both she and Barbara lose out. So do the rest of us. Lisa becomes, in effect, unemployable, even though she has much to offer as an employee and as a taxpayer. Barbara loses her mother's guidance and care.

As the experiences of June and Alice show, it is not inevitable that work structures, communities, and government harm the parent-child connection. An alternative vision that values the interdependence of parents, children, and society is possible. An alternative vision already animates some employers who adopt policies that help employees be fully engaged and responsible as both parents and workers. It causes some communities to find ways to support the efforts of parents to raise healthy empathetic children. It provokes some government officials to reconsider the organization of programs so that they contribute to the well-being of children in their families. A full recognition of this alternative vision, a vision that acknowledges the interdependency of children, parents, and society, must be at the heart of welfare re-reform.