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Connecting Fathers to Their Children: Fatherhood Legislation Considered in the 106th Congress

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Summary

In recognition of the negative long-term consequences for children associated with the absence of their father, federal, state and local initiatives to promote financial and personal responsibility of noncustodial parents to their children are receiving more attention. The Clinton Administration's FY2001 budget included a couple of initiatives intended to help noncustodial parents who are unable to pay child support to get the support and skills they need to find work; these initiatives were not passed. In addition, several fatherhood bills (H.R. 3073, H.R. 4678/H.R. 4469, S. 1364/H.R. 4671, and H.R. 1482/S. 1317) were introduced in the 106th Congress. H.R. 3073, the Fathers Count Act of 1999, was passed by the House on November 10, 1999; H.R. 4678, a bill that contains a similar fatherhood grant program, was passed by the House on September 7, 2000. Although the fatherhood grant program was not passed, the Consolidated Appropriations Act for FY2001 (P.L. 106-554) provides \$500,000 for each of two specified fatherhood organizations and P.L. 106-553 provides another \$3 million for one of the aforementioned fatherhood organizations. This report will not be updated once the 107th Congress begins.

Introduction

Research indicates that children raised in single-parent families are more likely to do poorly in school, have emotional and behavioral problems, become teenage parents, and have poverty-level incomes, compared to children raised in two-parent families. Nonetheless, the fact remains that a significant percentage of children will be raised in single-parent families.¹ In recognition of the negative long-term consequences associated

¹ *Children benefit from fathers' involvement—New studies examine men's role in the family.* June 16, 2000. [<http://www.cnn.com/2000/HEALTH/children/06/16/father.studies/index.html>] **See also:** *What Do Fathers Contribute to Children's Well-Being?* by Suzanne Le Menestrel and *The Meaning of Father Involvement for Children* by Tamara Hale. Child Trends Research Brief.

with father absence, efforts to promote financial and personal responsibility of noncustodial fathers to their children are receiving more attention.

In recent years, there have been several local and federal initiatives to help low-income fathers become more employable, and financially and emotionally accountable with respect to their children.² The final reports on the Parents' Fair Share (PFS) demonstration, which was designed by the Manpower Demonstration Research Corporation and conducted by public and private organizations, concluded that with respect to the entire sample of persons participating in the PFS demonstration program, the program did not significantly increase employment or earnings during the 2 years after they entered the program. However, the program did increase earnings among men who were characterized as "less employable" (i.e., those without a high school diploma and with little recent work experience).³ In addition, another of the final reports found that although PFS did not affect the frequency of fathers' visits with their children, it did increase their involvement in parenting.⁴ Proponents of the PFS approach assert that observers should expect that an endeavor this difficult will have its problems and will not be able to help all noncustodial parents. Most observers agree that providing grants to a wide spectrum of public and private entities will result in an array of specific strategies for successful fatherhood programs.⁵

² In June 1995, President Clinton challenged all federal agencies to reach out to fathers to support their positive involvement in their children's lives. In May 1996, federal agencies came together in a conference hosted by Vice President Gore to share lessons learned and innovative ideas about involving fathers. In June 1998, Vice President Gore (and the Interagency Forum on Child and Family Statistics) released a report entitled, "Nurturing Fatherhood: Improving Data and Research on Male Fertility, Family Formation and Fatherhood." In March 1999, HHS, working with private, public, and foundation partners, launched a nationwide public service campaign challenging fathers to remain connected to their children even if they do not live with them.

³ The Parents' Fair Share (PFS) Demonstration is a national demonstration project that combines job training and placement, peer support groups, and other services with the goal of increasing the earnings and child support payments of unemployed noncustodial parents (generally fathers) of children on welfare, improving their parenting and communication skills, and providing an opportunity for them to participate more fully and effectively in the lives of their children. The PFS demonstration was designed by the Manpower Demonstration Research Corporation (MDRC), a nonprofit, nonpartisan, social policy research organization. The demonstration began in 1992. The program was conceived in response to the 1988 Family Support Act's (P.L. 100-485) authorization of a demonstration under the Job Opportunities and Basic Skills Training (JOBS) Program to provide services to unemployed noncustodial parents of children receiving welfare who are unable to meet their child support obligations. *Working and Earning: The Impact of Parents' Fair Share on Low-Income Fathers' Employment*, by John M. Martinez and Cynthia Miller. MDRC. October 2000.

⁴ *Parenting and Providing: The Impact of Parents' Fair Share on Paternal Involvement*, by Virginia Knox and Cindy Redcross. MDRC. October 2000.

⁵ *Responsible Fathering: An Overview and Conceptual Framework*, by William J. Doherty, Edward F. Kouneski, and Martha Farrell Erickson. Prepared for the Administration for Children and Families and the Office of the Assistant Secretary for Planning and Evaluation, Department of Health and Human Services. Final Report. September 1996.

A consensus is building regarding the need to reconnect fragile families. Representative Johnson, chair of the Ways and Means Subcommittee on Human Resources, stated that, “To take the next step in welfare reform we must find a way to help children by providing them with more than a working mother and sporadic child support.”⁶ She noted that many low-income fathers have problems similar to those of mothers on welfare. Namely, they are likely to have dropped out of high school, to have little work experience, and to have significant barriers that lessen their ability to find and/or keep a job. She also asserted that in many cases these men are “dead broke” rather than “dead beats” and that the federal government should help these noncustodial fathers meet both their financial and emotional obligations to their children.

Legislative Activity

The FY2001 budget included a proposal that would require states to have a procedure in place to require individuals who owe past-due child support to either pay or engage in work activities. It appears that this proposal is similar to current law, except that it only allows for two options: pay or work.

In addition, the FY2001 budget included \$255 million for the first year of a proposed “Fathers Work/Families Win” initiative to help low-income noncustodial parents and low-income working families work and support their children. The “Fathers Work/Families Win” initiative would be administered by the Department of Labor (DoL). Building upon the partnerships developed under the welfare-to-work program, the “Fathers Work/Families Win” initiative in the FY2001 budget is intended to help members of families with incomes of up to 200% of the poverty level. The “Fathers Work” component is limited to noncustodial parents (primarily fathers) and the “Families Win” component is targeted more generally to low-income families.

The proposed “Fathers Work” grant program is designed to help low-income noncustodial parents who are not living with their children carry out their financial and emotional responsibilities to their children. The proposed “Families Win” grant program is designed to help “hard-pressed” working families obtain the supports and skills they need to get a job and succeed in the job and avoid TANF assistance. These funds are intended to leverage existing resources to help families retain jobs and upgrade skills and get connected to critical work supports, such as child care, child support, health care, food stamps, earned income tax credit, housing, and transportation.

Neither the House nor Senate FY2001 appropriations bill (H.R. 4577) for the Departments of Labor, Health and Human Services, and Education, and Related Agencies included funding for the Fathers Work/Families Win proposal.

Child Support Distribution Act of 2000. H.R. 4469 was introduced on May 16, 2000 by Representatives Johnson, Camp, and English. H.R. 4678, a revised version of H.R. 4469 was introduced on June 15, 2000. H.R. 4678/H.R. 4469 include the fatherhood grant programs that are contained in H.R. 3073 (see discussion below) as well

⁶ U.S. Congress. House Committee on Ways and Means. Subcommittee on Human Resources. *Hearing on Fatherhood Legislation*. October 5, 1999. Opening Statement of Chairman Nancy L. Johnson.

as several child support provisions. One of the goals of the proposed fatherhood grant program is to increase the parental involvement (social, emotional, psychological, and financial) of noncustodial parents in the lives of their children. H.R. 4678 was passed by the House on September 7, 2000 (H.Rept. 106-793 Part 1–House Ways and Means Committee; and H.Rept. 106-798–House Rules Committee). Although the House and Senate did not reach agreement on H.R. 4678 that included a fatherhood grants program, the Consolidated Appropriations Act for FY2001 (P.L. 106-554) provides \$500,000 for each of two named fatherhood organizations: the National Fatherhood Initiative and the Institute for Responsible Fatherhood and Family Revitalization and P.L. 106-553 provides another \$3 million for the National Fatherhood Initiative.

In addition, several bills other bills (described below) were introduced in the first session of the 106th Congress that would help noncustodial parents meet their financial and emotional responsibilities.

Fathers Count Act of 1999. H.R. 3073 was introduced on October 14, 1999 by Representatives Johnson, Cardin , and others. H.R. 3073 would provide \$140 million in grants over a 4-year period to public and private entities to achieve three purposes; (1) promote marriage through counseling, mentoring, and other activities; (2) promote successful parenting through counseling, providing information about good parenting practices including payment of child support, and other activities; and (3) help noncustodial parents increase their income.

Projects selected for funding would be required to enroll fathers of children receiving (or who in the past 24 months received) Temporary Assistance for Needy Families (TANF), Medicaid, Food Stamps, or Welfare-to-Work (W-t-W) funding, or expectant fathers or married fathers with income below 150% of the federal poverty level after paying court-ordered child support. (The term “expectant” father is not defined in the bill.) Projects selected for funding would be required to raise an amount equal to 20% (including in-kind contributions) of the federal grant to be used in the fatherhood project. The Secretary of the Department of Health and Human Services (HHS) may reduce the match requirement down to 10% if the project demonstrates that it has limited ability to raise funds or obtain resources. (**Note:** a separate provision of the bill stipulates that mothers, expectant mothers, and married mothers are eligible for benefits and services under projects that receive grants on the same basis as fathers, expectant fathers, and married fathers.)

Two bipartisan panels would select projects for funding. The appointment of members to the first panel must be completed by March 1, 2000. The first panel must then select projects for funding by September 1, 2000. The HHS Secretary would award \$70 million in grants on October 1, 2000. The appointment of members to the second panel must be completed by March 1, 2001. The second panel must select projects for funding by September 1, 2001. The HHS Secretary would award an additional \$70 million in grants on October 1, 2001. The panels are required to (1) give preference to projects that encourage payment of child support by having agreements with the state Child Support Enforcement (CSE) agency stipulating that the state will cancel child support arrearages owed by the father to the state in proportion to the length of time the father pays child support or resides with the child, (2) have written agreements of cooperation with private and government agencies, (3) enroll a high percentage of participants within 6 months before or after the birth of their child, and (4) have a clear and practical plan for how

fathers will be recruited to the program. At least 75% of the projects must be sponsored by either nongovernmental, including faith-based, organizations, or by government agencies that pass through at least 50% of project funds to nongovernmental agencies. The HHS Secretary would be given \$6 million to conduct scientific evaluations of the funded projects.

H.R. 3073 also would establish a national clearinghouse on fatherhood by providing a \$5 million grant to a nationally recognized nonprofit fatherhood promotion organization with at least 4 years of experience in disseminating a national public education campaign and in providing consultation and training to community-based organizations interested in implementing fatherhood programs. In addition, the bill requires the HHS Secretary to award a \$5 million grant to each of two nationally recognized nonprofit fatherhood promotion organizations to conduct projects aimed at promoting marriage, promoting better parenting, and increasing fathers' income. The organizations which receive the funding would be required to conduct the project in three major cities.

In addition, H.R. 3073 includes W-t-W program provisions related to noncustodial parents and an alternative penalty procedure under the CSE program for states that are not in compliance with the centralized state disbursement unit requirement. For information on the W-t-W provisions, see CRS Report RS20134, *Welfare Reform: Reauthorization of the Welfare-to-Work Grant Program*, by Christine Devere. For information on the state disbursement unit provisions, see CRS Report RS20352, *Centralized Collection and Disbursement of Child Support Payments*, by (name redacted).

Further, H.R. 3073 includes miscellaneous provisions that would authorize HHS to spend funds on the evaluation of the Abstinence Education program (which was established by welfare reform legislation in 1996, P.L. 104-193) through FY2005; require the HHS Secretary to prepare a report on the procedures states use to locate custodial parents for whom child support has been collected but not yet distributed due to a change of address; clarify that states can use funds from their TANF programs to support fatherhood activities; provide additional funds for an evaluation of the effects of the 1996 welfare reform law; make training funds available for judges and other court personnel that work on child abuse and neglect cases⁷; authorize state Unemployment Insurance programs access to interstate cases in the CSE National Directory of New Hires database for the purpose of recovering overpayments; and allowing the Secretary of Education to have access to information in the CSE National Directory of New Hires of any individual who is in default on payment of a student loan.

H.R. 3073, as amended, was favorably reported to the House Ways and Means by the Subcommittee on Human Resources on October 13, 1999. The House Ways and Means Committee ordered reported, as amended, H.R. 3073 on October 21, 1999; the bill was reported by the Committee on October 28, 1999 (H.Rept. 106-424, Part I). H.R. 3073 was passed by the House on November 10, 1999.

H.R. 3073 also was referred to the House Committee on Education and the Workforce for consideration of the W-t-W provisions of the bill. On November 3, 1999,

⁷ See CRS Report RS20357, *Child Welfare: Pending Legislation to Strengthen Abuse and Neglect Courts*, by Ruby Andrew.

the Committee on Education and the Workforce favorably reported H.R. 3172, which contained changes to the W-t-W provisions included in H.R. 3073. H.R. 3073 was discharged by the House Committee on Education and the Workforce on November 5, 1999. On November 8, 1999, the House Rules Committee reported a resolution on the bill (H.Res. 367), which incorporates many of the W-t-W provisions that were reported in H.R. 3172. For additional information, see CRS Report RS20134, *Welfare Reform: Reauthorization of the Welfare-to-Work Grant Program*, by Christine Devere.

Responsible Fatherhood Act of 1999. S. 1364 was introduced on July 14, 1999 by Senators Bayh, Domenici, and others. S. 1364 would provide \$25 million in grants (for each fiscal year beginning on or after October 1, 1999) to encourage public awareness campaigns designed by states and communities that promote the formation and maintenance of married two-parent families, strengthen fragile families, and promote responsible fatherhood.

In addition, the bill would require the HHS Secretary to establish a national clearinghouse on fatherhood by providing a \$2 million annual grant to a nationally recognized nonprofit fatherhood promotion organization with at least 4 years of experience in disseminating a national public education campaign and in providing consultation and training to community-based organizations interested in implementing fatherhood programs.

S. 1364 would create a \$50 million block grant program (for each fiscal year beginning on or after October 1, 1999) to expand responsible fatherhood promotion programs at the state and local level. The grants would be supplemented by funds and involvement from state and local government, civic, charitable, non-profit and faith-based organizations.

The bill also would change existing federal law to encourage a stronger connection between fathers and their children through increased child support to families and more available training through the W-t-W program for low-income fathers.

H.R. 4671 was introduced on June 15, 2000 by Representative Jackson. It is called the Responsible Fatherhood Act of 2000. It is substantively identical to S. 1364.

Welfare-to-Work Amendments of 1999. H.R. 1482 was introduced on April 20, 1999 by Representatives Cardin, Stark, and others. S. 1317 was introduced on July 1, 1999 by Senators Akaka, Moynihan and others. Both bills contain identical provisions to expand W-t-W requirements as well as target funds to assist noncustodial parents. For more information, see CRS Report RS20134, *Welfare Reform: Reauthorization of the Welfare-to-Work Grant Program*.

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