

**CENTER ON FATHERS, FAMILIES, AND PUBLIC POLICY**  
23 NORTH PINCKNEY STREET, SUITE 210, MADISON, WISCONSIN 53703  
TEL 608.257.3148/FAX 608.257.4686

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*Allison Lipscomb*

## **The Legislative Marriage Agenda and its Potential Meaning for Programs Serving Low-Income Families**

Much of the discussion on low-income families by U.S. legislators, government officials, and policy analysts has come to increasingly focus on marriage. As the legislation that reflects this emphasis on marriage works its way through Congress, it will be necessary for fatherhood programs and other service providers to low-income families to be informed about the current political climate producing it.

Many fatherhood programs were initiated in the years following the passage of the Personal Responsibility Work Opportunities Reconciliation Act (PRWORA) in 1996. At that time, the role of the father in poor families became more politically important as the focus of welfare shifted from the provision of cash assistance to women and their children to an emphasis on self-sufficiency through work and enhanced financial support and involvement by fathers. In discussions leading up to welfare reform in 1996, a small group of researchers became increasingly focused on the single-parent family as the cause of a multitude of social ills including crime, drugs, teenage pregnancy, and most pervasively, poverty<sup>1</sup>. These talks found their way into the very philosophy of PRWORA with efforts to reform the poor themselves through work and the creation of two-parent families favored over disbursement of needed financial assistance. Indeed, the four principles of PRWORA are the promotion of self-sufficiency through jobs, work, and marriage; the provision of financial assistance to families in need (limited by specific new rules including mandated time limits on assistance); the reduction of out-of-wedlock births; and the formation of two-parent families.

One of the fundamental changes under PRWORA was the funding of block grants to states which resulted in states' freedom to design programs within broad guidelines to achieve the four stated aims under the new welfare law. Most states designed programs that prioritized moving welfare recipients into jobs. Many states also strengthened their child support enforcement systems with the aims of supplementing the income of mothers leaving assistance and of increasing the enforcement tools available to states to collect child support. It should be noted that in most states child support payments made on behalf of mothers and children receiving TANF are retained by the state as reimbursement for public assistance<sup>ii</sup>. Due to investment in Welfare-to-Work programs and child support enforcement, fatherhood programs received increased attention by the government with the dual goals of increasing child support collection and "marriageability"<sup>iii</sup>, though the programs in practice may be geared towards increasing low-income men's employment prospects.

In fulfillment of the family formation provisions of PRWORA, many states chose to focus on abstinence programs to reduce out-of-wedlock births (especially among teenagers) and to indirectly promote the marriage prospects of low-income families by reinforcing the provider capacity of low-income fathers. Only a handful of states have chosen to use part of their state block grants to specifically promote marriage<sup>iv</sup>.

Current legislation being considered by Congress, however, indicates that marriage will play a primary role in the near future regarding the federal government's treatment of poverty. There are two bills currently introduced in both the House of Representatives and the Senate. While with slightly different emphases, the bills share a similar history and are developing along complementary lines with the hopes by the bills' sponsors that Congress will come to a consensus in the near future to pass fatherhood legislation.

Currently introduced in the House of Representatives is the *Child Support Distribution Act of 2001* (H.R. 1471), which combines child support reform measures with fatherhood provisions originally introduced by Representative Johnson (R-CT) in 1999 as *The Fathers Count Act of 1999* and then in 2000 as *The Child Support Distribution Act of*

2000. If passed, the bill will make grants available to fatherhood programs to assist families leaving welfare and to support marriage and “successful parenting”. Though programs are required to support marriage, the money is to be primarily used to address the child support debt of poor fathers and to support three national fatherhood initiatives that between them are involved with low-income fathers, the promotion of father involvement, and marriage. Both *The Fathers Count Act of 1999* and *The Child Support Distribution Act of 2000* passed by wide margins in the House, but were not acted on in the Senate. The 2001 version of the bill is nearly identical to that previously passed by the House but for the addition of stronger marriage provisions that more closely aligns the bill with the fatherhood legislation currently in the Senate<sup>v</sup>.

The most recent fatherhood legislation in the Senate is included in *The Strengthening Working Families Act* (S. 685), which also contains child support distribution provisions. The fatherhood provisions of the combined bill were introduced separately two years ago by Senator Bayh (D-IN) as *The Responsible Fatherhood Act*. The 2001 version of the bill reflects an escalated emphasis on marriage promotion with provisions that require fatherhood programs to incorporate marriage activities, such as education on the benefits of marriage, relationships skills training, marriage counseling, and divorce education, into their existing programs. Unlike *The Child Support Distribution Act of 2001* in the House that reserves funds exclusively for programs that serve men with children on public assistance or who are poor themselves, only half of the grant money in the Senate bill will be reserved for low-income men. Half of the money will thus be made available to programs serving the general public or middle-income men so long as the programs promote marriage, two-parent families, and/or child support payment. The bill would require funding to be used exclusively to promote marriage and responsible parenting through state media campaigns and grants to service providers, and forgoes addressing the economic concerns of poor fathers (in contrast to the House bill which includes a child support arrearage review and adjustment for poor fathers). Likewise, \$10 million designated for national initiatives (that under the House bill would go to three groups, including one to address issues specific to low-income fathers) would be funneled into

only one national group to promote marriage and two-parent families as the ideal structure for American families.

Any of the marriage provisions, particularly the strongest ones, have all-but-guaranteed support from the Bush Administration. President Bush's budget proposes a new \$64 million initiative to promote "Responsible Fatherhood". With the intent of making the "place(ment of) every child with a mother and a father" a federal priority (The White House, 2001), money would go towards promoting marriage and "responsible fatherhood", and aiding poor families to leave or avoid welfare. Additionally, based on the President's creation of an Office of Faith Based Initiatives in his first days of office, it seems likely that he might similarly approve a proposed Office of Marriage Initiatives which would serve to ensure that marriage becomes a priority within each federal social service agency and that federal family planning efforts are directed towards abstinence and marriage education. It is proposed thus far that such an Office of Marriage Initiatives would be created out of existing funding for social programs including child support enforcement, TANF, and family planning<sup>vi</sup>.

President Bush has thus far appointed two figures who have previously asserted marriage promotion as a key issue in future welfare legislation to the Department of Health and Human Services (DHHS), the federal department that administers all health services and social services for poor families. Tommy Thompson, previously governor of Wisconsin and nationally celebrated for his reduction of his state's welfare rolls based on a program that emphasizes strict work requirements, has been appointed DHHS Secretary. In recent remarks on the upcoming reauthorization of welfare, Thompson acclaimed work requirements as the measure of success for welfare reform after 1996, but insists that in order to continue reducing the nation's welfare rolls marriage requirements must be increased in future welfare legislation (Thompson, 2001).

Also due to be appointed by President Bush, and perhaps more telling with regard to the intent to advance marriage proposals, is Wade Horn to serve under Thompson in DHHS as Assistant Secretary for Family Support<sup>vii</sup>. Wade Horn previously served as president of the National Fatherhood Initiative or NFI, a private multi-million dollar organization

that has been working during its seven years in existence to promote father reinvolvement in mostly middle-class families. In his new position, Horn will administer welfare programs, child support enforcement, and other public benefits programs for poor families. To date much of Horn's work has centered on promoting marriage in response to rising divorce rates, and has only in recent years begun to include low-income families in the conversation on father involvement. In response to President Clinton's Welfare-to-Work Initiative of 1999 to provide job training to poor fathers, he expressed concern that not enough attention or money would be devoted to fathers in middle- and upper-class families or to the promotion of marriage as the ideal fatherhood arrangement:

NFI has concerns about whether or not this proposal adequately addresses the needs of a more diverse population, including middle income and in-home fathers, and not just those identified as low income . . . NFI believes there must be more emphasis on marriage as an explicit ideal for fulfilling the responsibilities of fatherhood.

-Horn's remarks in "Clinton Announces \$150 Million Initiative to Help Fathers Support Their Children", 1999.

During Horn's tenure it seems certain that any legislation addressing poverty and family structure will be grounded in the agenda of marriage promotion with a de-emphasis on the myriad other obstacles facing poor fathers and families (including the need for continuing financial supports for mothers newly off welfare and the concerns of low-income fathers facing insurmountable child support debt).

While it is not clear that the current fatherhood and marriage promotion bills will be acted on during this Congressional session, the language and provisions express a growing emphasis on marriage that will likely be a primary focus in any new policies affecting low-income families under the Bush administration. The discussions by Congress and the Bush administration are serving to frame the conversation on low-income families at a time when legislators and policy analysts are also preparing for the reauthorization of current welfare legislation. PRWORA expires September 30, 2002 and must be reauthorized by Congress and the President before that date. It appears likely that new welfare legislation will look to maintain the work requirements of PRWORA while focusing attention on the original philosophy of promoting marriage

both within families with children on assistance and within the American public in general. As Assistant Secretary for Family Support, Wade Horn will be a leading voice during welfare reauthorization and is likely to exclusively support stronger marriage provisions within the larger debate on poor families<sup>viii</sup>. While under PRWORA states are able to decide how they might promote two-parent family formation and work, new welfare legislation might specifically require states and programs to include marriage promotion in their services to poor fathers and mothers. Indeed one of the most popular proposals (supported by Wade Horn, Robert Rector of the Heritage Foundation, and included in Patrick Fagan's proposed Office of Marriage Initiatives) would be to require all states to include a marriage component (such as marriage education and counseling) in their fatherhood programs and to designate a portion of their TANF funds to general marriage promotion and divorce reduction campaigns. (Horn, "Wedding Bell Blues: Marriage and Welfare Reform," 2001; Rector, 2001; Fagan, 2001).

Though legislation remains vague on how federally-funded services might be required to incorporate marriage promotion into their programs, Wade Horn has made recommendations that seem to be gathering broad support and suggest what may become in the future required activities for states in their services to low-income families. One of the most popular ideas is the restructuring of federal funds to create a disincentive for remaining unmarried. For example, Horn has proposed giving first priority for public benefits (including welfare, housing, and childcare) to married couples (Horn, 1997). Because state funding for public benefits may become increasingly limited in coming years<sup>ix</sup>, single-parent families could be denied welfare benefits if resources were inadequate to serve all needy families. Additionally, though Congress is considering various measures to reduce the child support debt of low-income fathers, Horn has proposed that child support arrears be forgiven only for poor fathers who are married and living with the biological mothers of their children (Horn, "Wedding Bell Blues: Marriage and Welfare Reform", 2001). It also seems possible that cash rewards could be offered to welfare recipients who marry the biological father of their children. Horn supports a \$100 cash bonus to married couples receiving welfare and also seems to favor the more drastic proposal of Robert Rector of the Heritage Foundation to award a \$5000

cash reward to “at-risk” women who bear their first child within marriage and then remain married for five years (Horn, “Wedding Bell Blues: Marriage and Welfare Reform,” 2001).

Future marriage legislation could have a number of worrisome implications for fatherhood programs that receive federal or state funds<sup>x</sup>. Of major concern to fatherhood programs may be effects on the funding and administration of programs. For example, should marriage promotion campaigns for the general population be required by states under the limited amount granted to them in block grants, fatherhood programs might see a reduction in available grants to serve poor fathers. Furthermore, renewal of program grants in the future could become contingent on a program’s success in increasing marriage among participants. Another concern is that the requirement of programs to incorporate marriage into their service provision could reduce programs’ freedom in spending funds and designing services for the fathers they serve. More specific concerns arise in program delivery: Many fatherhood programs recognize that the men with whom they work maintain and will continue to maintain many barriers to the married, two-parent family arrangement prescribed by legislators. For such programs, federal marriage regulations could interfere with current services that practitioners have deemed appropriate for the clients with whom they are working. Even those programs that currently include a relationship or marriage component in their programs might hesitate to promote marriage as a general policy for all of the men who come through their programs, based on the wide range of relationships that these men may have with their children’s mothers. Federal requirements thus threaten to interfere with the autonomy of community group leaders who base their program designs on an intimate knowledge of the needs of the members of their community. Additional concerns arise when considering the implications of marriage promotion for programs. By encouraging marriage for all program participants, would a service provider risk alienating those clients who choose not to get married? Would a focus on marriage in all poor families increase the danger of domestic violence?<sup>xi</sup> In the often complex family arrangements of poor fathers, how would programs support marriage for those men who have fathered children with different women?<sup>xii</sup> Would an emphasis on marriage between biological

parents undermine those stepfamilies already formed? In serving a variety of clients, how would one promote marriage to fathers of a variety of religions and sexual orientations who may not all embrace the model of marriage defined by legislation? Would the encouragement of marriage amongst all low-income parents anticipate a rise in divorce rates, similar to that of middle-class couples, in poor families in future years? Perhaps ultimately, would enforcing marriage actually change the economic situation of poor clients?

Under proposed legislation and in the current political climate, fatherhood practitioners are sure to find themselves under new pressure to promote two-parent families within their programs in the future. As welfare reauthorization is debated, it will be important to follow discussions that may bear notable changes in the provision of services to low-income families. Programs should consider the meaning that marriage promotion may have in the lives of the low-income men for whom they work and advocate.

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<sup>i</sup> For an overview of how these discussions by a small group of researchers intent on the return to traditional family values became a larger marriage and “responsible fatherhood” movement, see Chapter 3, “The Neo-Family-Values Campaign,” of Judith Stacey’s *In the Name of the Family*, 1996.

<sup>ii</sup> Under PRWORA states are given the option of using their own funds to “pass through” a portion of child support payment to families on assistance. Only 18 states have chosen to pass through any of the child support payment to poor mothers. (May, 2000).

<sup>iii</sup> “Marriageability” has been a term adopted with the belief that many poor fathers are not presently “marriageable.” It is believed that services to help men overcome such barriers as unemployment, lack of education and skills training, alcohol and drug problems, and violence could be provided with the result of increasing the marriage prospects of poor men. (Morehouse Conference on African-American Families, 1999).

<sup>iv</sup> Oklahoma has designated \$10 million of its TANF funds for public education on marriage and “relationship skills training” with the aim of drastically reducing the state’s divorce rate among the general population. West Virginia has begun awarding \$100 cash bonuses to married *biological* parents in the same household. Other states, including Mississippi, North Dakota, and Tennessee, have granted financial incentives for welfare benefits to married couples. (Horn, “Wedding Blues: Marriage and Welfare Reform”, 2001).

<sup>v</sup> *The Child Support Distribution Act of 2001* borrows sections from the Senate’s fatherhood legislation sponsored by Senator Bayh (S. 685) to more explicitly specify required marriage promotion activities.

<sup>vi</sup> Patrick Fagan of the Heritage Foundation, a conservative public policy group, has proposed to President Bush the Office of Marriage Initiatives to institute marriage promotion into federal social service provision. (Fagan, 2001).

<sup>vii</sup> For an extensive review of Wade Horn and the potential impact of his future policy recommendations on women and poor families, please visit the website of the NOW Legal Defense and Education Fund for their press release from April 18, 2001, “Re: Nomination of Wade Horn as HHS Assitant Secretary for Family Support.” <http://www.nowldef.org/html/news/pr/Current/wadehornpr.htm>



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<sup>viii</sup> All six of Horn's expressed recommendations for welfare reauthorization are concerned with increasing marriage in poor families (Horn, "Wedding Bell Blues: Marriage and Welfare Reform, 2001).

<sup>ix</sup> Since many states have drastically reduced their welfare rolls since welfare reform, there is talk that reauthorization may decrease the amount of funding available to states in their block grants. Some policy analysts are worried, however, that a slowing economy may push many former recipients back onto welfare. (Greenberg, et al, 2000). Additionally, President Bush's proposed budget for a substantial tax cut and increased defense spending leaves little room to adjust domestic social spending and suggests that cuts may be made in social programs in the future. (Greenstein, 2001).

<sup>x</sup> Ideas on the potential impact of marriage legislation on programs serving poor families were developed during conversations with Nancy Wrenn Bauch, Third Street Coordinator of the YWCA of Madison, WI (interview 5/2/01), Alan Ferguson, Director of Adult Services of the Urban League of Greater Madison (interview 5/3/01), and Jessie Caban, Welfare-to-Work program liaison at UMOS in Milwaukee (interview 5/11/01). Thank you to them for sharing their experiences, thoughts, and concerns in relation to this topic.

<sup>xi</sup> The current legislation on low-income fathers and marriage in the House and Senate includes provisions on domestic violence requiring that programs be educated on domestic violence as a factor in the lives of low-income families, but treats domestic violence as an exception facing only a small group of low-income families. Research suggests, however, that domestic violence is a much more pervasive problem among low-income families and that a majority of welfare recipients are in or have been in abusive relationships. Jody Raphael explores more fully the connection between welfare and domestic violence in *Saving Bernice: Battered Women, Welfare, and Poverty* (2000). Laws that enforce marriage as the rule in low-income families could thus have injurious consequences for relationships in which domestic violence is a problem.

<sup>xiii</sup> In one fatherhood program's approximation, roughly nine out of ten participants have children with multiple partners. (conversation on 5/3/01 with Alan Ferguson, Director of Adult Services at the Urban League of Greater Madison).