

# **WELFARE REFORM AND UNINTENDED CONSEQUENCES:**

## **ITS IMPACT ON A LOCAL CHILD PROTECTION PROGRAM**

Larry Nackerud, Nicole Deets, Curtis Kleem & Alicia Isaac\*

### **Abstract**

On August 22, 1996, President Clinton signed into law the Personal Responsibility and Work Opportunity Reconciliation Act.<sup>438</sup>

The Act represents a fundamental shift in the relationship between the federal government, the fifty states, and persons living in poverty. A shift of this magnitude cannot be analyzed properly without considering the significant impact of unintended consequences that may result from the new policy. Often, unintended consequences occur when two different policies, in this case, public welfare and child protective services, collide. One such possible unintended consequence of this policy shift may be to reduce the effectiveness of a successful child protection program in Walton County, Georgia. The kinship care program in Walton County has considerably reduced the number of children in foster care, altered foster roles, and resulted in savings of hundreds of thousands of dollars. However, without careful planning, the current welfare reform effort will limit the ability of extended family members to offer care for abused and neglected children via the kinship care program. This paper explores the complexity of such a major shift in federal welfare policy by analyzing its impact on a successful county-based child protection program.

### **WELFARE REFORM AND UNINTENDED CONSEQUENCES: ITS IMPACT ON A LOCAL CHILD PROTECTION PROGRAM**

---

\* Larry Nackerud, Ph.D., and Alicia Issac, D.B.A., are Assistant Professors who teach and do research in the area of social welfare policy for the School of Social Work at the University of Georgia. Nicole Deets, B.S., M.S.W., and Curtis Kleem, B.A., M.S.W., completed their concentration practicum in the Walton County DFCS office. Correspondence and requests for reprints should be directed to Larry Nackerud, Ph.D., at 301 Tucker Hall, School of Social Work, University of Georgia, Athens, Georgia, 30602-7016.

<sup>438</sup> Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193.

Amid a growing national debate over the goals and consequences of government assistance to economically disenfranchised persons, the Republican Congress passed The Personal Responsibility and Work Opportunity Reconciliation Act of 1996.<sup>439</sup>

President Clinton signed the bill on August 22, 1996; but during the presidential campaign, he promised to change perceived flaws in the new welfare reform act. Whether any changes are forthcoming remains to be seen. For now, some states are scrambling to formulate their own welfare plans. Even states that have already implemented Aid to Families with Dependent Children ("AFDC") waivers are trying to make their policies fit within the parameters of the new federal law.<sup>440</sup> These fifty new state public assistance plans will impact countless programs that provide services to nearly every family and child receiving public assistance in the United States.

One of these programs is a local child protective services program in Walton County, Georgia. Walton County, Georgia is located approximately forty-five minutes from Atlanta. A nation-wide trend demonstrates that metropolitan areas are expanding into less densely settled territory. The flow of jobs and people are into non-metropolitan areas.<sup>441</sup>

Walton County signifies a typical rural area which is rapidly expanding as people working in Atlanta choose to live in the country. America's past has been one of steady centralization; its future is likely to be one of steady population decentralization.<sup>442</sup>

Walton County demonstrates what the future will look like. It is imperative to examine policy effects in this atmosphere, which is like so many others around the country. In an effort to reduce the number of children in foster care, the Walton County Department of Family and Children Services (DFCS) initiated a kinship care program in 1991 that has reduced the number of children in foster care, altered foster care roles, and saved hundreds of thousands of dollars of state funds. Kinship care is an important program to look at for several reasons. President Clinton recently identified moving children from foster care as a major goal of his second term.<sup>443</sup>

---

<sup>439</sup> *Id.*

<sup>440</sup> *Cf.* Diane Baillargeon, *New York's and Maryland's Waiver Experiences*, Pub. Welfare, Winter 1995, at 21, 21-25 ("Waivers are given by the federal government to individual states who[sic] request them in order to implement various experimental policies or to tailor the programs to fit the individual needs within their state.").

<sup>441</sup> Bryant Robey, *The American People* 84, 91 (1985).

<sup>442</sup> *Id.* at 96.

<sup>443</sup> *Clinton Unveils Plans to Increase Adoptions*, Atlanta J. and Constitution, Feb. 15, 1997, at A3.

Already over thirty-one percent of all children in legal custody are placed with family members in the United States.<sup>444</sup>

In 1994, a nationwide survey of public child welfare administrators was conducted with the goal of discovering what topics the administrators found important. Kinship care was in listed in the top four important topics. "In less than a decade, kinship care has become a highly visible placement alternative for dependent children. In several large states, placement with relatives now constitutes almost half of the out-of-home placement caseload."<sup>445</sup>

The philosophy of the kinship care program is that children are better served by remaining with extended family.<sup>446</sup> The new state public assistance policy could have a dramatic impact on this program. Public debate over welfare reform has tended to focus on the macro-level consequences of the federal law, examining local and individual experiences for anecdotal purposes only. To properly analyze welfare reform, the focus of analysis should shift from macro-level change to the significant number of micro-level implications. This paper explores the complexity of the federal welfare reform bill by analyzing its impact on a successful county-based child protection program.

## OVERVIEW OF WELFARE REFORM

### *Political Origins*

There are many reasons behind the push for welfare reform. The Personal Responsibility and Work Opportunity Reconciliation Act came during a time when American values and standards were changing. First, there was increasing support for decentralization of the power and scope of the federal government.<sup>447</sup> Public assistance, primarily Aid to Families with Dependent Children (AFDC), had become an unpopular government program and thus became an easy target for decentralization. In 1993, according to the United States Census Bureau, 13.9 million people, including 9.4 million children, received federal cash benefits affected by this law.<sup>448</sup> The growing dissatisfaction with public assistance developed

---

<sup>444</sup> Maria Scannapieco & Rebecca L. Hegar, *Kinship Care: Two Case Management Models*, Child and Adolescent Soc. Work J., Apr. 1995, at 147, 147.

<sup>445</sup> Jill Duerr Berrick & Ruth Lawrence-Karski, *Emerging Issues in Child Welfare: A State Survey of Child Welfare Administrators identifies issues of Concern*, Pub. Welfare, Fall 1995, at 4, 8.

<sup>446</sup> Glenda F. Tate, *Walton County: Kinship Care 1* (1995).

<sup>447</sup> See Adam Meyerson, *An Offer Too Good to Refuse*, Pol'y Rev., Winter 1995, at 4, 4-5.

<sup>448</sup> The Census Bureau, *USA Counties 1996* (visited Oct. 17, 1997) <<http://govinfo.kerr.orst.edu>>.

because of public views of generational poverty, a growing "under-class" and a feeling that these people were dependent on the system.<sup>449</sup>

The first major public welfare programs came about more than sixty years ago with the passage of the Social Security Act. These programs were designed as a short term solution to the massive poverty caused by the Great Depression. As stated by Donna Shalala, Secretary of the Department of Health and Human Services, "Welfare reform is fundamentally about changing the culture of our welfare system . . . to insure that it accurately reflects 21<sup>st</sup> century realities and values."<sup>450</sup>

#### *Basic Provisions of the Federal Welfare Reform Law*

The welfare reform law has a number of new provisions. The new federal law block- grants AFDC, Energy Assistance (EA), and Job Opportunities and Basic Skills Training program (JOBS) into a single capped entitlement to states.<sup>451</sup> There is no longer a federal entitlement to receive public assistance under AFDC. Instead, states must develop a public assistance plan that includes objective criteria to deliver benefits and determine eligibility. Also, there are limits imposed on how long individuals can receive cash assistance. The federal law places a five-year lifetime limit on receipt of cash assistance. States can reduce this time even further. However, states are allowed to exempt up to twenty-percent of their caseloads from this time limit. States are also required to meet federal work standards, in which certain percentages of their caseloads are working or in educational programs. In addition, states can refuse to provide cash assistance if recipients are not involved in work activities after two years. States have the right to introduce waivers and create their own cash assistance programs. There is a strong emphasis on helping recipients with the work requirements by providing daycare monies and transportation funds. The federal law also emphasizes child support enforcement as a way to increase self-sufficiency. No school-age minor will be permitted to receive any assistance unless that minor attends school or training.<sup>452</sup>

Unlike earlier welfare reform proposals, child protection funds have not been block- granted to the states. Besides a requirement that kinship

---

<sup>449</sup> Bruce S. Jansson, *The Reluctant Welfare State: American Social Welfare Policies: Past, Present, and Future* 351-52 (3rd ed. 1997).

<sup>450</sup> Donna Shalala, *Welfare Reform: We Must All Assume Responsibility*, *The Chron. Of Higher Educ.*, Oct. 4, 1996, at B5.

<sup>451</sup> See also T. J. Conlan, *The Politics of Federal Block Grants: From Nixon to Reagan*, 99 *Pol. Sci. Q.* 247 (1984)(providing an excellent historical analysis of the origins of block granting).

<sup>452</sup> Office of the Assistant Secretary for Planning and Evaluation, Dep't of Health and Human Services, *Personal Resp. And Work Opportunity Reconciliation Act of 1996 (H.R. 3734): Summary of Provisions 1-4* (visited Oct. 17, 1997) <<http://apse.os.dhhs.gov/hsp/isp/reform.htm>>.

placements be given preference in child placement decisions, current federal provisions remain basically in place.<sup>453</sup>

While lawmakers were responding to the valid concerns of child welfare advocates by not block granting child protection funds, the fact remains that a major shift in public assistance programs will affect child protection programs. Therefore, proper analysis of the welfare reform law must include how the law might affect child protection programs, particularly at the county level.

### *Georgia's Response*

On November 15, 1996, the Georgia Department of Human Resources, acting through the Division of Family and Children Services (DFCS), announced Georgia's response to federal welfare reform. DFCS is the state agency responsible for administering both public assistance and child welfare policy in Georgia. A forty-five-day comment period followed the announcement of the plan. Georgia implemented the plan on January 1, 1997 and the federal government approved it later that year.<sup>454</sup> Currently, the Georgia legislature is in session and more policy changes will undoubtedly occur.<sup>455</sup>

LeCretia Johnson, Economic Support Supervisor for Walton County, stated that "everything is subject to change."<sup>456</sup>

County level caseworkers report that new policy is created daily.

The goal of Georgia's plan, entitled Temporary Assistance for Needy Families (TANF), is "to provide necessary assistance to needy families with children on a temporary basis and provide parents with job preparation, work opportunities, enforcement of child support, and support services to enable them to become self-sufficient and leave the program as soon as possible."<sup>457</sup>

Basically, TANF follows the federal plan, but limits aid to four years instead of the five-year limit provided by the federal plan. It also allows cash assistance to legal immigrants beyond what the federal plan requires. Georgia's plan also includes education and training on the problem of statutory rape, contains a goal of reducing out-of-wedlock pregnancies,

---

<sup>453</sup> *Id.*

<sup>454</sup> Interview with Patricia Harris, Director, Walton County Dep't of Family and Children Services, Monroe Ga. (Jan. 23, 1997).

<sup>455</sup> Laura Meckler, *Governors Worried over Welfare Burden*, Athens Daily News/Banner Herald, Feb. 2, 1997, at A14.

<sup>456</sup> Interview with LeCretia Johnson, Economic Support Supervisor, Walton County Dep't of Family and Children Services, Monroe, Ga. (Jan. 31, 1997).

<sup>457</sup> Division of Family and Children Services, Georgia Dep't of Human Resources, Georgia's State Plan: Temporary Assistance for Needy Families 1 (1996).

and emphasizes protecting victims of domestic violence. Georgia has also included evaluation measures as a part of TANF. However, there is no evaluation measure which would compare increases in child protective service caseloads with welfare reform.<sup>458</sup>

This is important because poverty is generally accepted in the field of child welfare as a major risk factor for child abuse and neglect.<sup>459</sup>

While much of the TANF plan is decided, some important elements of the plan are still being worked out. On January 28, 1997, Representative Georgianna Sinkfeld, Chair of the House Committee on Youth and Children in Georgia, said that it had "not been decided yet" which groups would be included in the twenty-percent excluded from the time limit and "it looks like DFCS will be deciding this and it will be a policy decision."<sup>460</sup>

It is this issue which is the most important element of the law, as it pertains to this analysis. The question is whether kinship care providers be excluded from the time-limits and thus, continue to provide care for these abused and neglected children. This particular issue could affect the entire kinship care program in Walton County, Georgia, thus demonstrating how even a minor element of the welfare reform law can have far reaching ramifications for families of abused and neglected children.

#### WALTON COUNTY MODEL OF KINSHIP CARE

Walton County is a rural county in Georgia that is rapidly growing into a more residential one. The county grew from 38,586 residents in 1989 to 46,694 residents in 1995, according to United States Census figures.<sup>461</sup>

This growth is mainly attributed to nearby Atlanta, whose suburbs are rapidly approaching Walton County. The racial makeup of the county was 81% white and 18% African-American in 1990. The per capita income in Walton County was \$16,553 in 1993, which compared to \$19,249 in Georgia and \$20,800 in the United States as a whole. One possible reason for the lower per capita income may be the educational attainment of the residents of the county. In 1990, only 57.9% of residents twenty-five years of age and older had high school diplomas, compared to 70.9% in Georgia and 75% in the United States. In 1993, AFDC helped 1,270 children and 1,857 people altogether in Walton County.

---

<sup>458</sup> *Id.* at 6.

<sup>459</sup> Mark E. Courtney, *The Foster Care Crisis and Welfare Reform: How might Reform Efforts affect the Foster Care System?*, Pub. Welfare, Summer 1995, at 27, 27.

<sup>460</sup> Telephone Interview with Representative Georgianna Sinkfeld, Chairwoman of the Ga. House Committee on Youth and Children (Jan. 28, 1997).

<sup>461</sup> The Census Bureau, *supra* note 11.

Kinship care, in many ways, is a response to the large number of children in foster care. Within the past thirty years, in response to mandated reporting laws<sup>462</sup> and advanced medical procedures to detect abuse, there has been a sizeable increase in child abuse and neglect reports.<sup>463</sup>

This has translated into large numbers of children in foster care. In 1992, there were 429,000 children in foster care in the United States.<sup>464</sup> In June of 1995, there were 16,002 children in foster care in the state of Georgia alone.<sup>465</sup>

This information, combined with the decrease in available foster care homes and limited resources on the part of child protective agencies led caseworkers to explore viable alternatives to formal foster care.<sup>466</sup>

Kinship care, which had always been utilized informally in African-American and Latino families, was implemented as a formal program. In 1995, there were over 3,600 children placed in formalized kinship care in Georgia.<sup>467</sup>

Considering the decreasing numbers of foster homes, the limited resources of child protective agencies, and the burgeoning numbers of children in state custody, kinship care is an appropriate and vital response to the current crisis situation in child protection.

In 1991, The Walton County Department of Family and Children Services launched an aggressive program aimed at reducing their foster care load.<sup>468</sup>

After gaining support from the county juvenile court, the child protection unit began actively identifying relatives of the abused and

---

<sup>462</sup> "Reporting laws were first introduced in the 1960's and with each decade, a greater number of professionals have been included among those who are mandated to report suspected cases of child abuse. In most states, all professionals having contact with children-including doctors, nurses, teachers, daycare workers, and police-are now required to report when they suspect abuse. Other states have widened the net considerably; California Law, for example, now includes photographic processors, firefighters, and dogcatchers. Forty percent of states also require all citizens to report suspected cases of abuse" Berrick & Lawrence-Karski, *supra* note 8, at 6.

<sup>463</sup> Howard Jacob Karger & David Stoesz, *American Social: Welfare Policy: A Pluralist Approach* 341 (2nd ed. 1994).

<sup>464</sup> James P. Gleeson, *Kinship Care and Public Child Welfare: Challenges and Opportunities for Soc. Work Educ.*, 31 J. SOC. WORK EDUC. 182, 183 (1995).

<sup>465</sup> Office of Planning and Budget, Dep't of Human Resources, State of Georgia Program Evaluation 6 (May 1996).

<sup>466</sup> Karger & Stoesz, *supra* note 26, at 343.

<sup>467</sup> Office of Planning and Budget, *supra* note 28 at 6.

<sup>468</sup> Tate, *supra* note 9, at 1.

neglected children. Workers from that unit began identifying relatives both of children already in foster care and of children in danger of entering foster care. These relatives were asked if they would be willing to provide care. Next, a home evaluation was completed to see if they could provide adequate care for these children. Those relatives who agreed to take care of their children became kinship care providers. This new focus on kinship care was actually a plan that aggressively implemented existing state policy. The new kinship care policy has been highly successful, both in reducing the foster care caseload and in saving money. In 1990, before the program was implemented, there were 139 children in regular foster care in Walton County.<sup>469</sup>

By 1995, there were just thirty-nine children in regular foster care.<sup>470</sup> This represents more than a seventy-percent drop in the number of children in regular foster care. According to a study of the program completed in 1995, the kinship care program saved \$164,113 in just four years.<sup>471</sup>

If this kinship care model were replicated in all 159 counties throughout the state, as is suggested in a kinship care waiver proposal from the Georgia DFCS office, then savings could easily reach millions of dollars.<sup>472</sup>

#### *Walton County Kinship Care Program*

The Child Welfare League of America, the leading political advocacy group for abused and neglected children in the nation, defined kinship care as "the full-time nurturing and protection of children who must be separated from their parents by relatives, members of their tribes or clans, godparents, stepparents, or other adults who have a kinship bond with a child."<sup>473</sup>

The Walton County kinship care model embraces this definition.

In this analysis, the term "kinship care" will refer to instances where DFCS did not take custody but provided services to the court, as in home study evaluations, leading to either an initiation or continuation of relative care provisions. This arrangement, while not continually supervised by child protection personnel, does have some legal precedence in that the court has granted custody to the caretaker. This is the arrangement most often used in the Walton County model of kinship care. Under this

---

<sup>469</sup> See *supra* note 9, at 2.

<sup>470</sup> See *supra* note 9, at 2.

<sup>471</sup> See *supra* note 9, at 2.

<sup>472</sup> Division of Family and Children Services, Ga. Dep't of Human Resources, Kinship Care: A Child Welfare Waiver Demonstration Proposal 5-6 (1996).

<sup>473</sup> Rebecca Hegar & Maria Scannapieco, *From Family Duty to Family Policy: The Evolution of Kinship Care*, Child Welfare, Jan.-Feb. 1995, at 200, 201.



informal arrangement, DFCS does not reimburse the caretakers under regular foster care guidelines. The caretakers can receive public assistance based on the presence of the children if they wish. The reason that this distinction should be made is that the foster care per diem is much higher than public assistance payments based on the presence of children in the home. The maximum AFDC monthly benefit for one child is \$155.<sup>474</sup>

The per-child benefit level decreases with each additional recipient in the household.<sup>475</sup>

In comparison, foster homes receive a base rate of at least \$315 a month per child.<sup>476</sup>

When a report of child abuse or neglect is received in Walton County, Georgia, a new child protection case is opened and investigated. During the preliminary investigation by child protective caseworkers from DFCS, possible kinship placement resources are identified. This information becomes part of the permanent record. If the agency determines that the child should be removed from his or her parent's care, the potential relative resources for placement are already identified. The agency then determines the best possible placement for the child. If the best placement is with one of the identified relatives, the agency simply requests the juvenile court to declare the child as deprived and to order that custody of the child be transferred to the relative. At this point, the court orders the agency to perform a home evaluation on the relatives' home. The home evaluation includes a visit to the home, an interview with adults, criminal background checks, and at least six personal references of the relatives. In this arrangement, the child does not come into state custody, foster care payments are not made to the relatives, nor are foster care workers required to oversee the placement. Since the relatives now have legal custody of the child, they can apply for Aid to Family with Dependent Children (AFDC) benefits. It is unclear what would happen if that were not the case.<sup>477</sup>

The court order transferring custody of the child to the relatives is limited to two years. The kinship care providers are made aware of this and are responsible for petitioning the court to extend the order when that becomes necessary. The parents who lost custody of their children can

---

<sup>474</sup> Interview with LeCretia Johnson, *supra* note 19.

<sup>475</sup> Interview with LeCretia Johnson, *supra* note 19.

<sup>476</sup> Interview with Sandra Kibbey, Social Services Case Manager, Walton County Dep't of Family and Children Services, Monroe, Ga. (Jan. 29, 1997).

<sup>477</sup> The standard operating procedures outlined were learned and practiced by two of the authors during a nine month internship during 1996-97. This approach to handling child abuse and neglect cases was developed by Brenda Tate and the rest of the Child Protective Services Staff of Walton County in coordination with the Juvenile Court of Walton County.

also petition the court at any time to regain custody of their children. To successfully regain custody of their children, parents must show to the court that they have remedied the areas of concern that led to the loss of custody of their children in the first case. Under this arrangement, the Department of Family and Children Services may be asked to prepare a home evaluation on the kinship care providers or on the parents.<sup>478</sup>

### *Policy Issues Surrounding Kinship Care*

Kinship care is not a new concept within the American child protection system. The foundation of kinship care lies within African-American extended families. Traditions of extended families in Africa, combined with experiences during American slavery, established kinship care as a viable and necessary option for African Americans. In fact, in the beginning of the child welfare movement, kinship care was their only option because African-American children were excluded from services.<sup>479</sup>

The Indian Child Welfare Act of 1978 placed the issue of kinship care into national prominence by including a kinship care family preference mandate.<sup>480</sup>

Since then, laws, including the current federal welfare reform bill,<sup>481</sup> requiring that states make reasonable efforts at placing children with extended family members, have continued to strengthen kinship care as an option.

There is a considerable debate within the child protection community over many issues related to kinship care. One hotly debated issue is whether or not kinship care providers should be paid the regular foster care per diem. It has been suggested that one of the consequences of paying kin to care for relatives may undermine typical American values of looking after one's own. This value system might justify paying strangers to care for children, but not paying the children's relatives.<sup>482</sup>

---

<sup>478</sup> *Id.*

<sup>479</sup> Maria Scannapieco & Sandra Jackson, *Kinship Care: The African-American Response to Family Presentation*, 41 Soc. Work 190, 191 (1996).

<sup>480</sup> Pub. L. No. 95-608. "This is the first major piece of national legislation to affect adoption. It provides legal guidelines to promote the stability and security of Indian tribes and families and to prevent the unwarranted removal by adoption of Indian children from their homes. Section 1915 of the act also legislates the adoptive placements of Indian children subsequent to the termination of parental rights . . . Preference is given to a placement with (1) a member of the child's extended family, (2) other members of the Indian child's tribe, or (3) other Indian families." Pecora et al., *The Child Welfare Challenge: Policy, Practice, and Research* 366-367 (1992).

<sup>481</sup> Pub. L. No. 104-193.

<sup>482</sup> Alfreda P. Iglehart, *Kinship Foster Care: Placement, Service, and Outcome Issues*, 16 *Children and Youth Services Rev.* 107, 108 (1994).

Others have argued that since a majority of kinship care providers live in poverty, another consequence of this policy is to discriminate against the poor.<sup>483</sup>

Instead of receiving the foster care per diem, these poorer families have been left to receive the now-defunct Aid to Families with Dependent Children (AFDC).

Another issue surrounding kinship care is whether or not kinship care is healthy and in the best interest of the child. There are a number of reasons why kinship care seems to be an attractive alternative to foster care. First, the child does not go through the shock of being removed from the home and placed in an unfamiliar environment with strangers. Secondly, for the child in kinship care, contact with the parents can be more easily arranged and less disruptive to the placement. Third, relatives have a vested interest in the child, and therefore should provide better care.<sup>484</sup>

Conversely, there are some common sense reasons why kinship care may not be the best placement alternative. First, placing children with kin may make it difficult to keep the parents from having contact with the children. In cases where abuse or neglect has occurred, contact with parents is undesirable. Second, family theorists suggest that family systems that produced parents that cannot adequately provide for their children may not be able to provide the best care for children themselves. In other words, there may be negative consequences to placing children with grandparents who raised the abusing or neglecting parent.<sup>485</sup>

A third drawback to kinship care is that kinship care providers are more likely to be single women, members of ethnic minority groups, less formally educated, and older. Therefore, these providers are generally less affluent than their non-relative counterparts, and due to their economic situation often have many other stressors in life. Fourth, kinship care providers, because they are older, suffer greater stress and strain from raising children.<sup>486</sup>

Overall, however, kinship care is a vital and beneficial placement option for many abused and neglected children.

---

<sup>483</sup> *Id.*

<sup>484</sup> Howard Dubowitz et al., *Children in Kinship Care: How do they Fare?* 16 *Children and Youth Services Rev.* 85, 86 (1994).

<sup>485</sup> *Id.*

<sup>486</sup> Jill Duer Berrick et al., *A Comparison of Kinship Foster Homes: Implications for Kinship Care as Family Preservation*, 16 *Children and Youth Services Rev.* 33, 36 (1994); Nicole S. LeProhn, *The Role of the Kinship Foster Parent: A Comparison of the Role Conceptions of Relative and Non-relative Foster Parents*, 16 *Children and Youth Services Rev.* 65, 66 (1994).

*Possible Unintended Consequences as Kinship Care and Welfare Reform Collide*

Many classics on policy implementation discuss the complexities of bringing on new policies within the structural framework where other policies are already in existence. Ripley and Franklin in one such work, *Policy Implementation and Bureaucracy* offer this summary: "Implementation processes involve many important actors holding diffuse and competing goals and expectations who work within a context of an increasingly large and complex mix of government programs that require participation from numerous layers and units of government who are affected by powerful factors beyond their control."<sup>487</sup>

Simply put, policies cannot and should not be created or implemented in a vacuum. And, because most policies are incremental in nature, they add to or build on programs and standard operating procedures already in place. Proponents of existing programs may be interested in safeguarding the successes and gains made by current programs while policy creators may be unaware of those successes and how new policies will affect them. Given this gap, it is difficult at best for policy creators to anticipate all the possible outcomes which may arise from the implementation of new policies. Because of the nature of how public policy is created and implemented, it is inevitable that policies will collide and unintended consequences will result.

For example, the implications of the 20% time limit exclusion rule on the kinship care program are major. Currently, 50-60% of child protective services cases in Walton County are receiving some form of public assistance and it is believed that this percentage is even greater for relative caretakers.<sup>488</sup>

In 1993, the federal government spent about \$10,945 per child on foster care, maintenance and administration costs, but only about \$1,975 for each child receiving AFDC.<sup>489</sup>

If the relative caretakers are exempt from the four-year limit as expected, then the kinship care program should be able to continue as it has. Those who are willing to care for their abused and neglected relative children would be eligible to receive aid, regardless of their past history with the TANF program. One possible consequence under this scenario may surface after four years when some families may lose benefits. At this

---

<sup>487</sup> Randall B. Ripley & Grace A. Franklin, *Policy Implications and Bureaucracy* 11 (2d ed. 1986).

<sup>488</sup> Interview with Glenda Tate, Social Services Supervisor, Walton County Dep't of Family and Children Services, Monroe, Ga. (Jan. 29, 1997).

<sup>489</sup> Courtney, *supra* note 22, at 28.

point, families may begin to view placement of children with other relatives as an acceptable option in order to continue to receive assistance. This might lead to the breakup of relatively happy and functioning families solely for economic reasons. Another possible consequence would be an increase in fraud, as families attempt to receive aid by claiming that relatives are caring for the children. Some safeguards would have to be in place to ensure that legal custody is given to relatives for valid child protection issues, and not just to continue to receive aid.

If the relatives are not included in the 20% exclusion, the consequences on the kinship care program could be pernicious. According to Glenda Tate, the Director of Child Protective Services for Walton County, if "the kinship care providers are treated the same as other welfare recipients, then I don't know if they will be financially able to provide for these children."<sup>490</sup>

When the four-year lifetime benefit limit runs out, a number of consequences may occur. Reliance on regular foster care may increase, as relatives are no longer willing or able to provide for the children. In addition, children may live in even worse poverty conditions, as their families strive to make due with less income. Finally, these increased poverty conditions may lead to even more occurrences and reports of child abuse and neglect, since poverty is a major risk factor for abuse and neglect.<sup>491</sup>

Regardless of the final outcome of the decision regarding the 20% exclusion rule, the collision of welfare reform and child protection policy will have broad-based unintended consequences. First, due to the link of poverty and child abuse and neglect, it seems reasonable to suspect that the number of reported and confirmed child neglect cases will rise. Second, the legal definition of neglect may be expanded to include instances where parents fail to comply with the requirements of the new welfare reform law. For example, if a parent fails to attend a scheduled parent-teacher conference, and then subsequently loses a portion of their benefits, can they then be deemed a neglectful parent? Third, while many policy analysts expect lower caseloads for economic assistance workers, this decrease may be more than offset by increased caseloads for job placement and child protection workers. This unintended consequence will have major implications for state and county budgets.

#### *Discussion of Complexities of Analyzing Federal Bill*

One of the advantages of decentralization in welfare reform is that policy makers at the local level may be more accessible to individuals in the public welfare field. Since Georgia's welfare reform plan was

---

<sup>490</sup> Interview with Glenda Tate, *supra* note 48.

<sup>491</sup> Courtney, *supra* note 22, at 33.

announced in November 1996, the authors of this analysis have seen evidence of that phenomenon. The director of Georgia's Division of Family and Children Services (DFCS) appeared once at a welfare reform conference sponsored by the School of Social Work, University of Georgia, and at a local public forum in the same community during the forty-five-day comment period. One of the authors of this analysis also presented a proposal during a public comment session where the state director of DFCS was in attendance. Such a high level of contact is one of the intended benefits of decentralization. This level of contact with federal policy makers, if they were still shaping public assistance policy completely, would have been impossible. In addition, this contact by locally-based child protection professionals with policy makers may, in fact, have shaped policy. When the original plan was introduced by the state officials it appeared as if relative caretakers would not be exempt from the lifetime benefits. Instead, they were to be treated no differently than parents who were receiving assistance. During the public comment period, many child protection advocates argued that this would destroy the ability of relatives to provide care. Apparently, the advocates' argument had an effect as the most recent state policy from the state does exclude relative caretakers from the four-year limit of lifetime benefits. Thus, according to the Economic Support Supervisor in Walton County, relative caretakers can receive cash benefits past the four-year limit under the Georgia plan.<sup>492</sup>

While the ability of locally based individuals to shape policy decisions is a powerful advantage of decentralization, there are possible negative consequences. First, instead of policy being made in Washington, with policymakers debating the merits of every facet of major bills, now there are fifty or more plans. It may be impossible to study each implication that these fifty plans will have on the families that they affect. This makes welfare reform much more difficult to evaluate. Another problem presents itself when states formulate their plans without seeking and considering input from individuals close to the change. While it appears as if Georgia has been responsive regarding relative caretakers, other states may not be as responsive. Without the responsiveness at the state level, a major advantage of decentralization, that of placing policy decisions closer to the individual affected by the decisions, is lost.

In addition, by providing funds in a block grant, the federal government has not eliminated governmental responsibility. Instead, it has merely shifted the overall responsibility to states and while shifting the responsibility, the federal government has also limited the amount of funds it would provide. The cap on federal spending in the block grant will place higher fiscal responsibility on the states. In response, during a recent meeting of the National Governor's Association, many governors

---

<sup>492</sup> Interview with LeCretia Johnson, *supra* note 19.

expressed concern over this shift in responsibility. They are concerned that their states will not be able to afford the increased burden of caring for their poor.<sup>493</sup>

## CONCLUSION

The Personal Responsibility and Work Opportunity Reconciliation Act<sup>494</sup> represents a major shift in the role of the federal government regarding public assistance to the financially needy. Decentralization of public welfare responsibilities to the state level represents a significant opportunity for positive change, but one filled with countless anticipated and unanticipated consequences. While the new law has given significant power to the states to determine eligibility and benefits for public assistance, debate over the law remains at a national level, focusing on the new reform act itself. Emphasis on the federal law, however, does not allow an adequate evaluation of welfare reform. Instead, to properly evaluate welfare reform, the focus will need to shift to the individual state plans currently being formed. In each of these plans, there are numerous specific policy decisions that have broad consequences on individual locally based programs. Only by analyzing the effects on these programs can welfare reform be evaluated properly.

One program that is effected by a state welfare plan is the county-based kinship care program in Walton County, Georgia. Walton County is an ideal location for studying the effects of the federal welfare reform policies on local programs. This county is quickly growing into a satellite community of Atlanta, however it continues to maintain small towns and rural areas. This combination of community environments represents the majority of communities in the United States. In this way, Walton County could be seen to represent the entire country.

The Walton County Kinship Care Program, begun seven years ago in an effort to reduce the number of children in foster care, has been highly successful. By reducing the number of children in foster care from 139 to 39, the program has saved hundreds of thousands of dollars. More importantly, the program provides a healthy and beneficial alternative to foster care for abused and neglected children. This successful, county-based program is threatened by federal welfare reform. Georgia's welfare plan, as originally conceived, would have cut benefits to relative caretakers after four years. This would have reduced the ability of these relatives to care for the children. The latest word, however, is that these relatives will not lose their benefits, thereby allowing them to continue to provide care. Only by studying the consequences of welfare reform on

---

<sup>493</sup> Meckler, *supra* note 18.

<sup>494</sup> Pub. L. No. 104-193.

local, county-based programs such as this one, can the real value or harm of welfare reform be discovered.

This analysis has focused on the consequences of federal welfare reform on a county-based child protection program. By studying such consequences, not only are we evaluating the feasibility of welfare reform on a local level, but we are reminded of the real reason welfare reform should be studied at all. Federal welfare reform affects the lives of millions of children and their families. The ultimate goal of social policy should be to improve the quality of life for these families. Analyzing the welfare reform effort in the manner suggested by the authors will help ensure that this goal is met.