

- SUBJECT:** Prohibiting benefits for children born into welfare families
- COMMITTEE:** Human Services — committee substitute recommended
- VOTE:** 8 ayes — Hilderbran, Naishtat, Chavez, Christian, Krusee, Maxey, McReynolds, Wohlgemuth
- 0 nays
- 1 absent — Davila
- WITNESSES:** For — David Shelton, Texas Fathers Alliance; Alan Hardy and Sally Vaughn; American Association of Retired Persons;
- Against — Alison Dieter and Charlotte Flynn, Gray Panthers; Jay Jacobson ACLU of Texas; Richard Daly, Texas Catholic Conference; Nancy Holman, Texans Care for Children; Lisa McGiffert, Consumers Union; Jennifer Reese, TAMI; Joseph Heffernon; Bruce Bower; Patrick Bresette
- On — Judy Denton, Texas Department of Health; Hazel Baylor, Texas Workforce Commission
- DIGEST:** CSHB 942 would prohibit the Department of Human Services (DHS) from providing financial assistance to support a child born to a welfare recipient 10 months or more after assistance was begun if paternity was not established for child support purposes and if the recipient already had two or more children. This prohibition would not apply to a child born to a recipient who reapplied for assistance after having not received assistance for the preceding 12 months.
- The bill would also allow an additional deduction from earnings not normally allowed in computing welfare benefits for an adult recipient who had another child. DHS would still have to provide child care, other support services and medical assistance under the state Medicaid program.
- The bill would take effect September 1, 1997, and would apply only to a child born after July 1, 1998, to a person receiving welfare assistance on or after the effective date. If DHS determined that a federal waiver was needed

to implement the bill, it would have to request the waiver and could delay implementation of the bill until the waiver was granted.

**SUPPORTERS  
SAY:**

CSHB 942 establish state policy that in certain limited circumstances the state will no longer subsidize additional children on welfare. A child should not represent additional government benefits, yet there have been instances where teenagers became mothers just to get that extra \$30 a month from the state.

For the state, the child represents much more than a \$30 expense; besides this cash assistance, the state provides for many incidental costs, including child care, medical assistance and other support services. More importantly, there is the very serious issue of quality of life for all the children in the household. A welfare economy is not the ideal situation for raising children; persons receiving assistance need to focus on improving their well-being in order to exit the system and enhance the lives of the children they already have.

The purpose of this bill is not to discourage recipients from having additional children; the bill would simply draw the line at which taxpayers will no longer foot the bill for personal choices. CSHB 942 would preserve the rights of all children born into welfare families to receive child care and Medicaid coverage.

Furthermore, the prohibition on additional assistance would be limited to cases where paternity of the child was not established and the recipient already had two or more children. Additional welfare reform proposals now taking shape are likely to limit the bill's application even further. These developments include new restrictions on the duration of welfare benefits, and proposals to increase the efficiency of the child support system and reduce the backlog of cases by automating the system.

Demanding responsibility of participants in state programs is not the same thing as legislating morality. Although a New Jersey study did see an increase in Medicaid abortions (a procedure not funded by Texas) following a family cap on welfare benefits, that increase was a statistically insignificant four percent. More importantly, the New Jersey study also saw a 10 percent decrease in welfare rolls, precisely the goal of welfare reform.

OPPONENTS  
SAY:

Even with limiting factors, family cap provisions are not good policy because they are usually based on the flawed assumption that a recipient has additional children just for an extra \$30 or month in cash assistance. Most of these pregnancies are unplanned. Since most welfare recipients are mothers with children, family cap provisions seem to target mothers rather than fathers. Some mothers receiving assistance are mentally retarded and should not be blamed if they become pregnant.

It is unfair to make a mother bearing additional children dependent on the current system of establishing paternity in order to receive additional income. This would leave even the most cooperative of mothers at the mercy of the courts and the backlogged child support system, which together can take years to resolve issues of paternity and child support.

The government strays into dangerous areas when it starts legislating whether or how many children a citizen can have and still be eligible for state programs. A New Jersey study showed increased numbers of Medicaid abortions after a family cap provision went into effect.

The practical effect of family cap provisions is that poor children are made poorer and families on welfare take longer to become self sufficient. A more practical focus would be to increase funds for family planning services and target special efforts at young mothers on welfare to help them finish school and become self supporting.

NOTES:

The committee substitute limited the instances in which DHS could withhold financial assistance for the support of additional children.

The companion bill, SB 437 by Nelson, has been referred to the Senate Health and Human Services Committee.