Healthy Marriages, Relationships and Families: Interventions, Research and Policies

Week _____

Professional Ethics

Policy Analysis

Government Focus on Marriage

DOMA, ASFA and TANF Policy

Disincentives to Marriage

Promoting Child Welfare: Training Professionals to Support Healthy Marriages, Relationships and Families Project.

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Project Mission: To develop curricula and provide training for students and professionals that enhance their ability to facilitate healthy marriages, relationships and families in the child welfare population, with the end goal of promoting and improving the well-being of children.

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Administration for Children & Families

Learning Objectives

- Demonstrate an ability to apply knowledge regarding public policy, private and public child welfare services, and systems that influence family health, well-being and formation.
- Demonstrate the ability to think critically about solutions, interventions and programs applying the best practices to individual cases and effectively using personal, family and communal resources that support the formation of healthy marriages, relationships and families.
- Demonstrate an awareness of agency/organizational dynamics that impact on policy and change efforts and understand her/his own role with regard to policy and facilitating change within an organization, community networks and inter-professional endeavors.
- Develop and demonstrate an ability to practice within the ethical standards of their chosen profession.

Ethics Related to Policy

- **Value:** *Social Justice*
- **Ethical Principle:** *Social workers challenge social injustice.*
- Social workers pursue social change, particularly with and on behalf of vulnerable and oppressed individuals and groups of people. Social workers' social change efforts are focused primarily on issues of poverty, unemployment, discrimination, and other forms of social injustice. These activities seek to promote sensitivity to and knowledge about oppression and cultural and ethnic diversity. Social workers strive to ensure access to needed information, services, and resources; equality of opportunity; and meaningful participation in decision making for all people.

NASW Code of Ethics, 1996

NASW Code of Ethics, 1996

- 6.01 Social Welfare

  Social workers should promote the general welfare of society, from local to global levels, and the development of people, their communities, and their environments. Social workers should advocate for living conditions conducive to the fulfillment of basic human needs and should promote social, economic, political, and cultural values and institutions that are compatible with the realization of social justice.

NASW Code of Ethics, 1996

- 6.04 (a) Social workers should engage in social and political action that seeks to ensure that all people have equal access to the resources, employment, services, and opportunities they require to meet their basic human needs and to develop fully. Social workers should be aware of the impact of the political arena on practice and should advocate for changes in policy and legislation to improve social conditions in order to meet basic human needs and promote social justice.

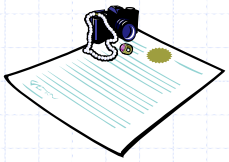
AAMFT Code of Ethics, 2001

- Both law and ethics govern the practice of marriage and family therapy. When making decisions regarding professional behavior, marriage and family therapists must consider the AAMFT Code of Ethics and applicable laws and regulations.

Policy Analysis

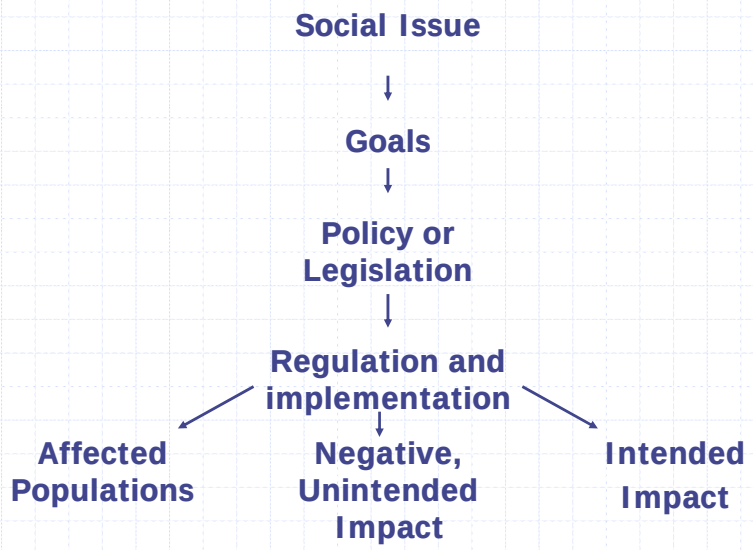
All Child Welfare practitioners and program developers are directly connected to the policy process. Legislation and resulting policy and regulations are at the core of program goals, procedures and limitations.

Policy Development



- A costly (in lives or resources) social issue is usually at the heart of the development of most policies.
- The proponents identify their key goals and strategies for the policy.
- Policy is drafted in detail, proceeds through the legislative process and the final result is then implemented through regulations.
- Policies have both intended, positive consequences as well as unintended, negative consequences. To be fair in our analysis we must consider both.

Conceptual Model for Policy Analysis – Dr. Carrie Jefferson Smith



Policy Analysis Sample

Social Issue

Out-of-Wedlock Births

Decreasing marriage rates, Increasing divorce rates

Child well being impacted by unhealthy relationships

Goals

TANF – 1) Provide assistance to needy families, 2) End the dependence of need parents on government, 3) Prevent and reduce the incidence of out-of-wedlock pregnancies, and 4) Encourage the formation and maintenance of healthy, two parent families

DOMA – 1) Designed to protect marriage and 2) Legally defines marriage as the union between a man and a woman.

ASFA –1) To improve the safety of children, 2) to promote adoption and other permanent outcomes for children who need them, and 3) to support families

Refer to the Sample analysis following in total.

Policy Analysis Sample cont.

Policy or Legislation

TANF

DOMA

ASFA

Implementation (Local Level Examples)

1. The Promoting Child Welfare: Training Professionals to Support Healthy Marriages, Relationships and Families project.
2. P.E.A.C.E. Inc. *Proj. Team*
3. Healthy Marriage Coalition

Policy Analysis Sample cont.

Affected Populations	***Negative, Unintended Impact***	***Intended Impact***
Child Welfare Pop	Diverting funds from poor	Better adjusted children
Pregnant teens	Increase DV in financially strapped families	Increased marriage
Single parents	Social Bias against non-married groups and others	Decrease divorce
Existing prisoners – no ability to get TANF $ for their needs and to contribute to family	Pregnant teens mandated to stay in unhealthy relationships.	Fewer people dependent on government support

Government Focuses Policy on Marriage

The increased attention to fostering healthy marriage relationships at multiple levels of government highlights the importance of developing an informed awareness of current policy in this area and others.

(Brotherson and Duncan, 2004)

Today we are specifically discussing TANF, DOMA and AFSA. There are many other policies that child welfare workers must be knowledgeable about, i.e. No Child Left Behind, Adoption policies, etc.

Support for Government Efforts to Strengthen Marriages Rest on Several Assumptions:

- That family functioning affects all areas of an individual's life, and that healthy, stable marriages tend to improve family functions.
- Certain core societal needs (such as socialization, economic self-sufficiency) can be best provided in a family context, either because government cannot provide it or should not.
- With a growing population, the federal and state governments need to find more effective and efficient programs to increase the number of citizens who are self-sufficient.

(Brotherson and Duncan, 2004)

Government Assumptions cont.

- Marriage can and should provide an atmosphere for raising children that helps them to become productive, law-abiding members of society.
- Marriage as an institution confers benefits upon children, adults and society as a whole that cannot be replicated by social programs or legal mandates.

(Brotherson and Duncan, 2004)

Societal Challenges Summary

- Within 10 years of first marriage, 47% of black women, 34% of Latina women, 32% of white women and 20% of Asian women have dissolved their marriages.
- Children raised in a home with single parent or by a single caretaker have higher rates of poor health, hospitalization, disability and behavior problems.

(McClintock-Comeaux, 2004)

Challenges cont.

- If couples stay in unhappy marriages:
  - While financial stability is improved, there are harmful effects including increased stressors such as aggression, threats of ending the relationship (security), criticism and blame, and changes in routine.
  - Relationship enhancing factors – connection, acceptance of expressed emotion, intimacy and dependability – decrease.

(McClintock-Comeaux, 2004)

Challenges continued:

- Children are profoundly affected my marital discord.
  - Negative impacts children emotionally, cognitively, socially and physiologically result in accumulation of child adjustment problems.
    - Behaviors include self-blame, lower self-esteem and increased behavior problems.

(McClintock-Comeaux, 2004)

Governmental Efforts regarding Rights and Responsibilities Within Marriage

Two different trends in recent government initiatives –

- A movement in some areas to ***provide more benefits to married couples and strengthen commitment*** within marriages.
  - Initiatives to strengthen marriage
  - Education on marriage skills
  - Financial Benefits
- The treatment of the ***status of marriage and the benefits of marriage as separate*** legal issues.
  - Creation of new statuses – reciprocal beneficiaries, civil unions, domestic partners, etc.

(Brotherson and Duncan, 2004)

Government here refers to both federal and state levels

Impact of Policies on Union Formation

- Fragile Families research brief drew the conclusions that child welfare and child support policies do affect union formation and dissolution among couples who have a child outside of marriage. Therefore, practitioners must have a basic understanding of these policies.
  - A fragile families refers to unmarried couples with a new baby who are usually poor and living together or, if not living together, romantically involved.

Fragile Families Research Brief # 20

Policy Disincentives to Marriage: Early Policies Still Impacting Families Today

- Restrictive eligibility rules made it difficult for two-parent families to receive benefits from ***AFDC*** (Aid to Families with Dependent Children, pre TANF).
  - General eligibility was limited to very low income.
  - Although revisions were made to lessen the affect, two-parent families faced requirements that were even more restrictive.
    - Ex: Counted the income of parents and step-parents in determining the family's income.
    - Ex: Requirement to assign their child support and spousal support rights to the state and cooperate with the state in pursuing the non-custodial parent.
  - Evidence that applicants today are either unaware of or don't believe that two-parent families can receive welfare, despite changes made in recent years.

(Roberts & Greenberg, 2005)

Recent:

Effects of AFDC & TANF Rules on Family Formation Decisions

- Mothers receiving AFDC perceived that they were not supposed to have ongoing relationships (financial or otherwise) with the fathers of their children.
- Marriage to the father or a boyfriend could bring a loss of or reduction in assistance.
  - New partner would have to bring resources to the family to offset the reduction.
    - Decline in male employment and high incarceration rates reduced men's ability to bring resources.

(Roberts & Greenberg, 2005)

Waiver Program Research, 1990's

- US Dept. of Health & Human Services gave a number of states permission to deviate from AFDC rules and evaluated the impact. They found:
  - Two-parent families were more likely to stay together and the marriages were more stable.
  - Increase in marriage among single-parents.

(Roberts & Greenberg, 2005)

TANF's Impact on Family Formation

- TANF's emphasis on work makes women more self-reliant and thus less likely to marry.
- If a couple, however, is already married and receives assistance, then that assistance decreases the likelihood that they will divorce.
- Recent Fragile Families research on TANF indicates that higher benefits are positively correlated with couples staying together after a year following the birth of their child.

(Roberts & Greenberg, 2005)

Fragile Families and Child Wellbeing study: Follows 5000 children who were born in the late 1990's .

Fragile Families Study

- Report suggests that women receiving TANF have a high opinion of marriage and see it as the best situation for raising children.
- However, they are also skeptical of marriage for marriage's sake and cite the lack of men with good jobs, fears of domestic violence and problems related to substance abuse as reason for not simply jumping into marriage.

(Roberts & Greenberg, 2005)

The other side of the coin: Government Efforts regarding the Dissolution of Marriage

- **Reduce Divorce Rates**
  - Make divorce harder
  - Requirement of marriage education or counseling

(Brotherson and Duncan, 2004)

State and Federal Government levels

Marriage and Relationship Education: Will it Reduce Poverty and Strengthen Families?

Marriage and Relationship Education (MRE) programs have the potential to improve the lives and futures of children, especially if MRE is part of a comprehensive approach to strengthening low-income families with children.

(Family Strengthening Policy Center, Policy Brief No. 12. 11/2005)

Family Strengthening Policy Center Recommendations

- Adopt a Marriage-Plus approach that ensures all low-income families with children can get the supports they need to raise children successfully.
  - MRE is part of a comprehensive approach.
- Government and other programs should seek to improve the broader economic, social and cultural contexts for healthy marriage and child well being.

(Family Strengthening Policy Center, Policy Brief No. 12. 11/2005)

Family Strengthening Policy Center Recommendations continued

- Government should proceed slowly and carefully with MRE programs because MRE is still a promising, not a proven practice.
- The Building Strong Families three-part model for fostering healthy marriage/relationships should be utilized.

(Family Strengthening Policy Center, Policy Brief No. 12. 11/2005)

Building Strong Families – 3 Part Model

1. Use trained facilitators who use tested Marriage and Relationship Education curricula & do not pressure parents about relationship outcomes.
2. There should be linkages between Marriage and Relationship Education programs and a wide range of family services.
3. A key program component should be individualized case managers who work directly with each couple and help coordinate services for the entire family.

(Family Strengthening Policy Center, Policy Brief No. 12. 11/2005)

Overview

Specific Federal Government Child Welfare Legislation and Policy

Personal Responsibility, Work Opportunities and Reconciliation Act (PRWORA)

- 1996 AFDC (Aid to Families with Dependent Children) was revised and renamed TANF (Temporary Assistance to Needy Families).
  - *Re-authorized February 2006*
- Key motivator: To wean people from dependency on the welfare system.

(McClintock-Comeaux, 2004)

Social Goals Incorporated into TANF in 1996 and Current Reauthorization

- Provides assistance to needy families.
- Ends the dependence of needy parents on government benefits by promoting job preparation, work and marriage.
- Prevent and reduce the incidence of out-of-wedlock pregnancies.
- Encourage the formation and maintenance of healthy, two-parent families, including fatherhood initiatives.
- Funded by both state and federal governments.

(McClintock-Comeaux, 2004)

(Center for Family Policy & Practice Brief, Feb. 2006)

Under President Bush's Administration

2002 – Linked the population of low-income families receiving government support with marriage initiatives.

Introduced incentives for states to prioritize marriage promotion as a solution to poverty.

Stable families should be the central goal of American welfare policy

(McClintock-Comeaux, 2004)

Defense of Marriage Act (DOMA, 1996)

- Designed to protect marriage
- Defined marriage under federal law as exclusively heterosexual (between 1 man and 1 woman).
- Declared that states are not required to recognize same-sex marriages performed in other states.
- Committed same-sex couples and cohabitating heterosexual couples cannot legally (federally) be identified as married and are excluded from government support programs and benefits.

(McClintock-Comeaux, 2004)

Adoption and Safe Families Act.

- Intent: To improve the safety of children, to promote adoption and other permanent outcomes for children who need them, and to support families.
  - Promotes timely decisions for permanency, clarifying "reasonable efforts" and continuing family preservation
- It amended the Adoption Assistance and Child Welfare Act (AACW) of 1980.
- Reauthorized and increased funding for the Family Preservation and Support program, renaming it Promoting Safety and Stable Families Program.

(Curtis and Denby, 2004)

Adoption and Safe Families Act

- Researchers have affirmed the extreme vulnerability of couples, families and children of color. Specified time frames are in place in order for unification of the family to occur. This may or may not provide the amount of time needed for extensive treatment programs to take effect.
- Earlier and more decisive permanency hearings are the result of ASFA. These hearings tighten the language to require a decision whether to return the child home, initiate termination or place child in alternative permanent living arrangement. (Hearing must occur within 12 months of child's original placement.)

(Curtis and Denby, 2004)

See or pass out handout summarizing article titled, *Impact of Adoption and Safe Families Act on Families of Color: Workers Share Their Thoughts*, 2004, Curtis and Denby.

TANF, ASFA and DOMA have interlocking purposes:

- Advocate two parent families
- Aimed at decreasing dependency on government support, (Promoting safety within the context of self-sufficiency and independence from the government)
- Attempt to reduce out of wedlock and teen births
- Promote marriage as a core moral/social value

Criticisms

(Lerman, 2002)

- Marriage promotion oversteps government bounds.
- Could divert funds to non-welfare programs and the needy.
- Detracts attention from more pressing problems.
- Questionable if poor women will see economic gains.
- Policy induced marriages among financially stressed couples may increase DV.

Current Law and Legislation Impacting Same-Sex Couples

- Same-Sex Couple Civil Marriage – currently only two state, Massachusetts and California (as of June 18, 2008), provides for civil marriage. Civil marriage laws would not force religious institutions to conduct marriages but provide equal rights to access.
  - Vermont offers "civil unions" which gives same sex couples the same rights and responsibilities as married heterosexual couples.
  - New York recognizes same-sex marriages from other states but does not allow marriages to be performed in NY (March 2008)
- Even though these states have significantly increased the rights and protections of same-sex couples, they cannot offer federal rights such as coverage under Medicaid and Social Security

(Kuvalanka, McClintock-Comeaux & Leslie, 2004 and Hartman, 2008)

Challenges to the DOMA Act are coming from the movement for same-sex marriages.

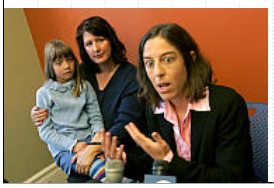
(Hartman, 2008)

Federal

- According to the federal government's General Accounting Office (GAO), more than 1,100 rights and protections are conferred to U.S. citizens upon marriage. Areas affected include Social Security benefits, veterans' benefits, health insurance, Medicaid, hospital visitation, estate taxes, retirement savings, pensions, family leave, and immigration law.
- Because same-sex marriages, civil unions, and domestic partnerships are not federally recognized, any benefits available at the state or local level are subject to federal taxation. For example, a woman whose health insurance covers her female partner must pay federal taxes on the total employer cost for that insurance.

Children of LBGT Parents Cannot Rely on the Same Protections

- Inclusion on ***health insurance*** plans for non-biological or non-adoptive parent.
- Access to ***death benefits*** *or Social Security* when non-biological or non-adoptive parent dies or is disabled.
- ***Parental relationship*** with child by the non-biological or non-adoptive parent is ***denied by society and laws***, and therefore the child may loose:
  - The right to live with a non-biological or non-adoptive parent.
    - Right to financial support should parents separate or inheritance should one die.



(Kuvalanka, McClintock-Comeaux and Leslie, 2004)

Policy Recommendations

- Policies are needed that allow both parents of these children to be legally recognized.
  - Joint and second-parent adoptions.
- Use civil union laws until civil marriage is a reality to at least offer some rights and protection for children and partners.

(Kuvalanka, McClintock-Comeaux and Leslie, 2004)

Recommended Reading

- Family Strengthening Policy Center (2005). Marriage and relationship education: Will it reduce poverty and strengthen families?. Policy Brief No. 12:1-16.

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