



May 16, 2017

Senator Jennifer Flanagan
Senate Chair, Joint Committee on Children, Families, and Persons with Disabilities
State House, Room 312D
Boston, MA 02133

Representative Kay Khan
House Chair, Joint Committee on Children, Families, and Persons with Disabilities
State House, Room 146
Boston, MA 02133

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In Support of H.85 and S.34 to Lift the Cap on Kids

Dear Chairwoman Flanagan, Chairwoman Khan, and Members of the Committee:

The Women's Bar Association of Massachusetts (WBA) is a professional organization of women attorneys and judges, with over 1,500 members across the state. The WBA is committed, not only to achieving the full and equal participation of women lawyers in the legal profession, but also in a just society, and to advancing and protecting the interests of women and children. This compels us to support the bills to lift the Cap on Kids (*H.85 and S.34*).

The WBA supports the bills to lift the Cap on Kids because, if passed, children conceived while or soon after the family begins receiving TAFDC benefits will qualify for additional benefits. This allows families receiving welfare benefits to properly feed and care for *all* of their children.

Although Massachusetts has a long and proud history of protecting the rights of underrepresented and stigmatized populations, our state is one of only 17 states that denies welfare benefits to children conceived while – or soon after – the family receives TAFDC benefits. As a result, approximately 9,000 children are currently denied benefits even though their family income is so low that other members of the household qualify for TAFDC benefits. The Cap on Kids reflects failed legislative policy. Studies have shown that it has not reduced births to women receiving welfare benefits. Romero, D. and Agenor, M., *U.S. Fertility Prevention as Poverty Prevention: An Empirical Question and Social Justice Issue*, 19 *WOMEN'S HEALTH ISSUES* 355, 361 (2009); Dyer, W. and Fairlie, R., *Do Family Caps Reduce Out-of-Wedlock Births? Evidence from Arkansas, Georgia, Indiana, New Jersey and Virginia*, 23 *POPULATION RESEARCH AND POLICY REVIEW* 441 (2004). In fact, families receiving welfare benefits are, on average, the same size as families that do not receive benefits. See Patricia Donovan, *Does the Family Cap Influence Birthrates? Two Studies Say 'No'*, 1 *GUTTMACHER POL. REV.* 10 (Feb. 1998). The idea that women have babies in order to obtain an additional \$100 per month in benefits has no merit.

The real consequence of the Cap on Kids is a further reduction of the already-limited resources families have to feed and properly care for *all* of their children. Since the benefits do not grow when the family size grows, the entire family suffers – *all* of the children go with fewer clean diapers or other basic necessities, and *all* go with less food. The result is that Massachusetts has more malnourished children. As Dr. Deborah Frank, the Director of the Grow Clinic for Children at the Boston Medical Center has explained, “malnourished children increase health costs in the short term and jeopardize Massachusetts’ future work force in the long term.”

Seven states – including California – have repealed their own cap policies. The time is now for Massachusetts to follow suit and lift our Cap on Kids. State spending on TAFDC benefits is 20% less than what it was in 1995 when the Cap on Kids was first enacted. The continuing decline in the TAFDC caseload means that Massachusetts spends significantly less on the program each year, providing an opportunity to reinvest a portion of the funds saved to cover the children who have been unfairly excluded. Therefore, there are no fiscal reasons not to lift the Cap on Kids.

More importantly, lifting the Cap on Kids is simply the right thing to do. These bills send the message that Massachusetts values all its children equally, and all deserve to grow, thrive, and participate in a just society.

For these reasons, the WBA urges the Committee to provide its full support and give a quick and favorable report to these bills.

Sincerely,

Michele Liu Baillie
President, Women's Bar Association of Massachusetts