

Symposium - Welfare Reform Ends in 2002: What's Ahead for Low-income and No-income Families? Introduction

Karen Syma Czapanskiy

Follow this and additional works at: <http://digitalcommons.law.umaryland.edu/mlr>



Part of the [Social Welfare Law Commons](#)

Recommended Citation

Karen S. Czapanskiy, *Symposium - Welfare Reform Ends in 2002: What's Ahead for Low-income and No-income Families? Introduction*, 61 Md. L. Rev. 243 (2002)

Available at: <http://digitalcommons.law.umaryland.edu/mlr/vol61/iss2/3>

This Conference is brought to you for free and open access by the Academic Journals at DigitalCommons@UM Carey Law. It has been accepted for inclusion in Maryland Law Review by an authorized administrator of DigitalCommons@UM Carey Law. For more information, please contact smccarty@law.umaryland.edu.

MARYLAND LAW REVIEW

VOLUME 61

2002

NUMBER 2

© Copyright Maryland Law Review, Inc. 2002

Symposium

WELFARE REFORM ENDS IN 2002: WHAT'S AHEAD FOR LOW-INCOME AND NO-INCOME FAMILIES?

INTRODUCTION

KAREN SYMA CZAPANSKIY*

The year 2002 is pivotal in the United States for deciding how governments will treat low- and no-income families. In 2002, Congress must decide whether and on what terms to reauthorize welfare, food stamps, child care, and social services programs. States must confront a recession while deciding how to use federal and state money, programs, and resources that could help low- and no-income families.

During the last decade, it has been possible to imagine that 2002 would be the year when federal funding for the benefit of low- and no-income families would diminish markedly. In 1996, welfare reform was touted as the last time the federal government would help states provide cash assistance for the lowest-income families. But something rather different may happen. President Bush decided to support reauthorizing welfare reform, or TANF (Temporary Assistance to Needy Families), and to continue the same level of federal funding. The food stamp program is being reauthorized at a somewhat higher level than in the past, and some improvements are being made.

Knowing that the federal government will not terminate its involvement in providing certain benefits for low- and no-income fami-

* Professor, University of Maryland School of Law. B.A., University of California at Berkeley; J.D., Georgetown University Law Center. William J. Maier, Jr., Visiting Professor, West Virginia University School of Law.

lies, however, does not end the anxiety of these families and of people who work with, study, and advocate for them. Two questions are key. How much money should the federal government provide? And, how should the programs be structured to meet the needs of low- and no-income families?

During the first five years of welfare reform, we learned that, at least when job growth is strong, welfare rolls can decline drastically, many parents can manage their responsibilities at home concurrently with their responsibilities at work, and child poverty can be reduced. We have also learned that parental employment alone does not provide a secure or adequate economic footing for the families of most people who have left welfare, and that it can have negative impacts on some of the children. We have learned that, even in a booming economy, only about half of those who have left welfare become employed immediately. We have learned that some kind of government assistance is necessary for the economic and physical well-being of low- and no-income families. What we do not know is how our new knowledge will affect the answers to the two key questions.

The Articles that appear in this issue of the *Maryland Law Review* were presented at a conference designed with these questions in mind. The conference was titled *Welfare Reform Ends in 2002: What's Ahead for Low-Income and No-Income Families?* Speakers on the first day, including those whose papers appear in this issue, addressed issues affecting TANF reauthorization. The day concluded with a briefing from Congressman Ben Cardin about TANF. On the second day, a large group of current and former beneficiaries of government benefits, advocates, and scholars gathered for a community conversation on how the state of Maryland should respond to low- and no-income families. Nearly 200 people participated in conference activities over the two days.

Coming from the School of Law, community groups, government agencies, advocacy organizations, several academic disciplines, and multiple states, conference participants were an engaged and active group. The first question asked of the first speaker set the tone. The questioner wanted to know what was going to be *done* about the problems, not just what could be said. Each speaker, recognizing the salience of her question, attempted to respond.

As the principal organizer of the conference, I am pleased to use this introduction to thank the many people whose efforts contributed to its success. All of the speakers and commentators who joined us for the conference were exceptional. Their provocative and persuasive papers, as can be seen in this issue, have pushed the boundaries of the

discussion about what government can and should do to assist low- and no-income families. Major papers were presented by Professors Dorothy Roberts, Christine Cimini, Tonya L. Brito, and myself.

Professor Cimini argues that the TANF system, while different from its predecessor, AFDC, still must meet a minimum standard of government accountability in regard to fair treatment of applicants and recipients. She posits contract theory, both social contract and traditional legal contracts, as a basis for recognizing due process protections for TANF recipients.

In my Article, I argue that work-first welfare reform, by defining personal responsibility largely in terms of success in employment, ignores the reality that TANF recipients are parents or caretakers. Their ability to be responsible concurrently at home and at work is critical for the capacity of their children to grow up to be able and responsible adults. I propose that TANF must recognize the interdependency of children and their parents, who need economic sufficiency and respect for their parenting work in order to do their job well. Accomplishing this requires efforts not just on the part of parents, as TANF now envisions, but also on the part of employers, government agencies, and communities.

Professor Roberts and her colleague, Morgan B. Ward Doran, have done groundbreaking work listening to women who are subject to both the child welfare system and the TANF system. Their Article describes and analyzes the impact of conflicting demands imposed by the different systems on the individuals they interviewed. They suggest a need to rethink the basic assumptions underlying the current behavior modification approach to social welfare.

Within the University of Maryland School of Law, thanks are due to Professor Barbara Bezdek, who contributed to the conference through her thoughtful insights and organizational efforts. Dean Karen Rothenberg and Associate Deans Jana Singer and Diane Hoffman encouraged our efforts at every turn. Our students in the FIP Legal Clinic were extraordinary. Megan Mechak, Kara Kupper, Cindy Covington, and Shameek Ghosh made dozens of calls to inform our community about the conference. Nancy Zibron and Dawn Predmore handled the complicated logistics. Yoanna Moisodes, my assistant in the Project for Low and No-Income Families, cheerfully took on many thankless behind-the-scenes tasks. Finally, the conference could not have occurred without the generous support of the Pearl, Lawrence I. and Lloyd M. Gerber Memorial Lecture Fund, for which we are deeply grateful.