

# FACT SHEET: CHILD IMPACT STATEMENTS



## What are Child Impact Statements?

Child impact statements answer fundamental questions about how a policy may benefit or harm a child.<sup>1</sup> They are developed through a systematic process that looks at laws, regulations, policies, and programs to determine the potential positive and negative impacts on children. They can examine the impact on children generally or the impact on particular groups of children. Multiple entities — including government agencies, independent government authorities (like a Children’s Commissioner), and non-governmental organizations — can be responsible for creating child impact statements. Once completed, child impact statements are generally made available to the public so that people can assess and comment on the impact a particular policy is expected to have on children. U.S. local governments have used child impact statements for years, and other countries such as Canada, the United Kingdom, New Zealand, and Sweden use child impact statements as a tool to inform policymaking and legislation.<sup>2</sup>

## Why Do We Need Federal Child Impact Statements?

Children’s physical, mental and emotional well-being is vital to our nation. In fact, the Government Accountability Office noted in a 2017 report that “the long-term success of a nation depends in large part on how well families and society care for their children.”<sup>3</sup> Children also are the largest beneficiaries of programs including Medicaid, the Children’s Health Insurance Program, the Supplemental Nutrition Assistance Program, education, and other programs that are critical to their healthy development from birth until adulthood. The United States has a clear interest in supporting children and their families.

However, children are often an afterthought in policymaking. As a result, the United States is failing children. The United States performs lower than most similarly situated countries on various indicators of child well-being, including poverty, access to health care, nutrition, education, homelessness, separation from family and more.<sup>4</sup> Additionally, children cannot vote or fund elections, and therefore lack clear mechanisms to have their views considered when policies are being made. Since child well-being cuts across every sector and demographic, the federal government needs intentional and systematic structures to place children’s rights, views and needs in the foreground of policymaking. Child impact statements are a tool to ensure that considerations of child well-being are built into the design of a policy, and that policymakers can make better-informed decisions.

Child impact statements at the federal level also ensure that children of all backgrounds and identity equally benefit from government policies and programs. Children are now the nation’s

<sup>1</sup>Wendy Lazarus, *Child Impact Assessments: A Missing Piece to Spur Progress for U.S. Children*, Kids Impact Initiative (May 2020), [https://kidsimpact865312240.files.wordpress.com/2020/06/child-impact-assessment\\_6-5-fix.pdf](https://kidsimpact865312240.files.wordpress.com/2020/06/child-impact-assessment_6-5-fix.pdf).

<sup>2</sup>Kirsten Hanna and Nic Mason, *Putting Children at the Center of Policy Development*, First Focus on Children (Sept. 2010), <https://firstfocus.org/wp-content/uploads/2010/09/Putting-Children-at-the-Center-of-Policy-Development.pdf>.

<sup>3</sup>U.S. Government Accountability Office, GAO-18-41SP, *Child Well-Being: Key Considerations for Policymakers 2* (Nov. 2017), <https://www.gao.gov/assets/gao-18-41sp.pdf>.

<sup>4</sup>Anna Gromada, Gwyther Rees, and Yekaterina Chzhen, *Worlds of Influence: Understanding What Shapes Child Well-being in Rich Countries*, Innocenti Report Card 16, UNICEF 10 (2020), <https://www.unicef-irc.org/publications/pdf/Report-Card-16-Worlds-of-Influence-child-wellbeing.pdf>; Child Well-Being: Key Considerations for Policymakers, supra note 2, at 9-34.

most diverse generation.<sup>5</sup> Yet, inequities start before birth, and many government policies have disproportionate negative impacts on children from marginalized backgrounds,<sup>6</sup> including Black, brown and indigenous children, children with disabilities, children of immigrants, and LGBTQ youth. As mentioned earlier, many of the policies and programs that most impact children are administered or guided by the federal government. Because of this, child impact statements on the federal level can affect the largest number of children. Additionally, while states and localities vary in their consideration of policies' impact on children, the federal government can set the standard by using child impact statements and encouraging states and localities to do so as well.

Lastly, creating child impact statements at the federal level is the only way to ensure that United States foreign policy and international programs examine their effect on children. The United States federal government has sole jurisdiction over foreign relations and assistance — states and local jurisdictions play no role. Currently, the U.S. government's response to the needs of children and youth around the world is fragmented and lacks coordination, failing to gain a holistic understanding and focus on the needs of children. Policymakers must consider not only how their approach to international assistance programs and funding affects our economic standing or military standing, but also how effectively it addresses the needs of the world's children. Child impact statements provide a mechanism to evaluate foreign assistance and policy's impact on children.

## Are Child Impact Statements Used in the United States?

Child impact statements are not new to the United States. In 2009, the local governments of Memphis and Shelby County, Tenn., began to develop child impact statements to “foreground children in policy planning and decision making” in response to poor childhood outcomes and subsequent negative social and economic outcomes.<sup>7</sup> Unfortunately, the program was terminated due to lack of funding, though it had tangible positive outcomes for children such as preventing state budget cuts that would have impacted children's health.<sup>8</sup>

### Example: Santa Clara County, California

In 2012, Santa Clara County's Committee on Housing, Land Use, Environment and Transportation asked for a report on the County's plans and progress toward opening a city park. In its report, the county's Parks and Recreation Department expanded on the project's impact on children, noting that the plan for the park would improve the “healthy lifestyle” indicator in the county's children's agenda. Specifically, the Department noted that the park would expand recreational and educational opportunities for children, expose children to how food is grown and prepared, and prepare children for healthy eating.

Source: Mark Friederick, “Report on Schedule for Implementation of the Martial Cottle Park Master Plan,” County of Santa Clara Parks and Recreation Department (Apr. 12, 2012), available at <https://kidsimpact865312240.files.wordpress.com/2021/05/sc-co-cia-martial-cottle-park.pdf>.

Santa Clara, Calif., also uses child impact statements as part of its broader children's agenda.<sup>9</sup> In a report surveying leaders in Santa Clara county, Kids Impact Initiative found that child impact statements shifted the culture of decision-making and mainstreamed consideration of children's

<sup>5</sup>Richard Fry and Kim Parker, Early Benchmarks Show ‘Post-Millennials on Track to Be Most Diverse, Best-Educated Generation Yet,’ Pew Research Center (Nov. 15, 2018), <https://www.pewresearch.org/social-trends/2018/11/15/early-benchmarks-show-post-millennials-on-track-to-be-most-diverse-best-educated-generation-yet/>.

<sup>6</sup>Child Well-Being: Key Considerations for Policymakers, *supra* note 2, at 9.

<sup>7</sup>Michael Schmidt and Julie Coffey, *Change in Sight: Child Well-Being as a Policy Development Framework*, Big Ideas: Game-Changers for Children, First Focus on Children (Oct. 5, 2010), <https://firstfocus.org/wp-content/uploads/2010/10/Big-Ideas-2010-Schmidt-Coffey.pdf>.

<sup>8</sup>Lazarus, *supra* note 1, at 12.

<sup>9</sup>Santa Clara County Children's Agenda 2014 Data Book: Indicators of Child Health and Well-Being, Planned Parenthood, Kids in Common 7 (2014), <http://storage.ugal.com/3283/2014DataBook.pdf>.

needs.<sup>10</sup> The report also quotes a child advocate who asserts that child impact statements likely facilitated the creation of the county’s first children’s budget in 2019.<sup>11</sup>

Impact statements related to children and families also are not new to the federal government. Federal agencies already conduct and sponsor evaluations of programs and data to gauge progress in child well-being.<sup>12</sup> Lastly, the Treasury and General Government Appropriations Act of 1999 requires federal agencies to “assess the impact of proposed agency actions on family well-being,” including through a family policymaking assessment that examines a policy’s impact on family stability and safety, parental care of children, and family income, among other indicators.<sup>13</sup> These evaluations are currently part of the government’s regulatory processes. Child impact statements would expand upon already existing assessments, as well as borrow from assessments used across the country, to improve child well-being.

## Are Child Impact Statements Used in the United States?

### Executive Order

The President can issue an executive order requiring all federal agencies to conduct child impact statements for every regulation, guidance and program. This executive order would incorporate statements into the current regulatory process. For example, Executive Order 13045 directs agencies to identify and assess policies to ensure that they protect children from environmental health risks or safety risks.<sup>14</sup> An executive order on improving all aspects of child well-being — physical, mental and emotional — could impose a similar obligation to assess policies for their general impact on children.

### Cross-Agency Priorities

The Office of Management and Budget (OMB) can make child well-being a “cross-agency priority,” or CAP. CAPs are long-term, outcome-oriented goals that cover a limited number of cross-cutting policy areas, which OMB defines as areas where increased collaboration across agencies would improve outcomes.<sup>15</sup> Under the legislation that created CAPs, agencies must also develop strategic plans to describe how their goals and objectives contribute to the CAPs and how agencies will better coordinate to meet their priorities.<sup>16</sup> The previously referenced 2017 report by the Government Accountability Office recommended that OMB make child well-being a CAP, given research that child well-being in the United States was not improving and federal efforts to address child well-being were hindered by insufficient coordination with stakeholders inside and outside government.<sup>17</sup> Following through on this recommendation would be one way to ensure agencies evaluate whether their policies have positive or negative impacts on child well-being.

### Legislation

Congress can also act to require both the Executive and the Legislative branches to evaluate the impact of laws and policies on children. Legislation could build on the family well-being assessments required by the Treasury and General Government Appropriations Act to be specific to children.

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<sup>10</sup>Lazarus, *supra* note 1, at 7.

<sup>11</sup>*Id.*

<sup>12</sup>*Child Well-Being: Key Considerations for Policymakers*, *supra* note 2, at 5.

<sup>13</sup>Treasury and General Government Appropriations Act of 1999, P.L. 105-227 § 654 (Oct. 21, 1998). <https://www.congress.gov/105/bills/hr4104/BILLS-105hr4104eas.pdf>.

<sup>14</sup>*Executive Order 13045: Protection of Children from Environmental Health Risks and Safety Risks*, U.S. Environmental Protection Agency (Apr. 21, 1997), <https://www.epa.gov/children/executive-order-13045-protection-children-environmental-health-risks-and-safety-risks>.

<sup>15</sup>*Cross Agency Priority (CAP) Goals 101*, Performance Improvement Council (June 2018), [https://www.pic.gov/sites/default/files/Cross%20Agency%20Priority%20Goals%20101\\_1.pdf](https://www.pic.gov/sites/default/files/Cross%20Agency%20Priority%20Goals%20101_1.pdf).

<sup>16</sup>U.S. Office of Management and Budget, OMB Circular No. A-11 (2016), Section 220—Cross-Agency Priority Goals and Federal Performance Plan (2016), [https://obamawhitehouse.archives.gov/sites/default/files/omb/assets/a11\\_current\\_year/s220.pdf](https://obamawhitehouse.archives.gov/sites/default/files/omb/assets/a11_current_year/s220.pdf).

<sup>17</sup>*Child Well-Being: Key Considerations for Policymakers*, *supra* note 2.

Legislation that takes an important step toward this goal is the Children’s Protection Act, introduced by Reps. Carolyn Maloney (D-NY) and Ayanna Pressley (D-MA).<sup>18</sup> The bill would ensure that child well-being is a foundational consideration of all agency action by requiring all federal agencies, including agencies that work on international policy, to analyze regulations’ potential adverse impact on various factors of child well-being, including their physical safety; mental, emotional and physical health; family and community relationships; development; and identity. Legislation should also require that federal agencies ensure their regulations would affirmatively improve child well-being.

## Conclusion

Our government needs structural changes to protect the rights and best interests of children. Child impact statements are a critical tool the U.S. government can use to ensure child well-being. However, to be most successful they should be part of a comprehensive agenda for children, such as the establishment of a federal “best interest of the child” standard, mandated cross-agency coordination, or an Independent Children’s Commissioner, to make a clear child-centered framework and hold both the Executive and the Legislative branches of government accountable for evaluating and putting forward policies that advance children’s well-being.<sup>19</sup> With child impact statements, alongside a larger child-focused framework, the United States can show its sustained commitment to children and make child well-being a priority for policymakers.

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18 H.R. 3716 - Children’s Protection Act of 2021 (June 4, 2021), available at <https://www.congress.gov/117/bills/hr3716/BILLS-117hr3716ih.pdf>.

19 *A Children’s Agenda for the 117th Congress*, First Focus Campaign for Children 2-10 (June 2021), <https://campaignforchildren.org/wp-content/uploads/sites/2/2021/06/FirstFocusChildrensAgenda.pdf>.