



CHILDREN'S AGENDA FOR THE BIDEN-HARRIS ADMINISTRATION

Kids at a Crossroads

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INTRODUCTION

Our Children are at a Crossroads

The Biden-Harris Administration took office at a time of deep uncertainty in our country. Political divisiveness, a raging pandemic, and its subsequent economic fallout, demanded immediate and effective action.

Political discourse and legislative actions leave children behind in the best of times. Child advocates feared what would become of children in the turmoil of the pandemic. The Biden-Harris Administration answered this question not only by including kids in their political agenda, but by centering their needs in emergency measures.

The American Rescue Plan Act provided critical funding to child care providers, public schools and Head Start centers to better support children and allow parents and caregivers to return to work. It invested in programs that combat child hunger and homelessness, and in youth wraparound services to address the fallout from increased unemployment and school closures. Expanded eligibility for essential programs such as the Children's Health Insurance Program and Medicaid helped protect health care coverage for millions of children. One of the most notable reforms created a more equitable tax code by strengthening the Earned Income Tax Credit and the Child Tax Credit. On their own, the CTC improvements reduced child poverty by more than 40% and lifted millions of children out of poverty.

The impact of these provisions cannot be overstated. Thanks to the Biden Administration and Congressional leadership, the federal share of spending on children rose from an all-time low of 7.55% in 2020 to a record high of 11.98% in 2022.¹

These efforts supported children at a time of increased need. But the truth is that these reforms have always been desperately needed. The emergencies of child hunger, inequitable education, lack of health care coverage, child poverty, and other issues existed long before the pandemic and they persist today. Unfortunately, many of the provisions in the American Rescue Plan Act were temporary and have either expired or will soon cease.

The Biden Administration clearly understands the need to continue supporting and prioritizing children. President Biden called for an American Families Plan that would have made historic investments in our nation's children through universal pre-school, teacher training and retention, direct support to children and families, child care affordability, paid family and medical leave, child nutrition, strengthened tax cuts that benefit children, and other measures. First Focus on Children said this plan had "the potential to be the most important piece of legislation for children and families ever."

Unfortunately, despite the best efforts of Champions for Children in the Administration and many in Congress, this plan did not come to fruition. The House-passed Build Back Better Act included 436 mentions of children. By the time it passed Congress as the Inflation Reduction Act, it contained only one meaningful mention of children. Once again, the political process had left children behind.

Now, with a divided Congress, child advocates are once again asking: What will happen to children?

First Focus Campaign for Children and other child advocates hope that Congress will do right by kids. Recent legislative victories show that children are a unifying force. Lawmakers of all parties came together to address gun violence and the mental health crisis in the Bipartisan Safer Communities Act. Lawmakers also recently invested in climate change to protect future generations from environmental impacts.

First Focus Campaign for Children's recent *Children's Agenda* lays out for Congress actions that can be taken to address the immediate needs of children, as well as ways to ensure long-term progress. We are eager to work alongside members to that end.

But the needs of children are great, and therefore our response must be too. Protecting the most vulnerable requires efforts from all of us — advocates, community members, parents and family members, Administration officials, members of Congress, local elected leaders and others.

This report shares ways in which the Biden Administration can take immediate action for children. It highlights ways in which executive authority can be used to protect children and notes key pieces of legislation under consideration in Congress that would benefit from the support of the Administration.

Kids can't wait. They are at a crossroads and our actions will determine which path they take.

Please consider First Focus on Children a resource and partner in any of the following initiatives or other child-related priorities.

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SECTION 1

Advance Equity for All Children

There is a prevailing myth that decision makers and the general public are sympathetic to children and therefore usually act in their best interests. Unfortunately, very often the opposite is true. Every single area of policymaking affects children, yet decision makers often treat them as an afterthought, leading to policies that often work against their interests. Children rarely come up in conversations about equity, but they face discrimination just for being children. They are, in fact, an underserved population. Children make up approximately one-quarter of the U.S. population, but as First Focus on Children's annual *Children's Budget* illustrates, they historically have not received their fair share of government funds, despite evidence that investing in children benefits their well-being and the country's overall economy.¹

President Biden has issued two executive orders to advance racial equity and support for underserved populations through the federal government.² While the executive orders do not explicitly mention children among the marginalized populations listed under the definition of "equity," children in the United States are a population adversely impacted by persistent poverty and inequality. As a result, we urge the Administration to issue a directive clarifying the existing executive orders.

Children have historically experienced poverty at a rate much higher than adults. Families with children still face housing discrimination,³ including larger security deposits and increased risk of eviction,⁴ even though federal law prohibits housing discrimination based on familial status. Congress only recently directed airlines to allow younger children to sit with their parents free of charge, and the Department of Transportation only began enforcing the directive this year.

Children also are the most diverse generation in the United States, exposing them to compounding forms of discrimination.⁵ The racial generation gap — defined as the space between these young, diverse children and a predominately white older population — has been widening. Studies show that communities and states with a large racial generation gap often devote less support to children's programs, such as education.⁶ Areas where the population of children of color is growing the fastest — the Southwest, the Southeast, and Appalachia — are the same places that report the worst outcomes for children.⁷

Longstanding systemic and institutional racism and its continued effect on every aspect of government policy has created the worst outcomes in every aspect of child well-being for children in communities of color including but not limited to Black, Hispanic, American Indian/Alaska Native, Asian, Native Hawaiian and other Pacific Islander, immigrant households,

and children living in the U.S. territories.⁸ The COVID-19 pandemic and its economic fallout further exacerbated longstanding disparities for children of color and their families.⁹

Children in marginalized communities should not fare worse than their non-marginalized peers simply because of who they are, their ancestry, or where they come from. The Biden Administration has the power and opportunity to address disparities that children from all communities experience and create a more equal world for the next generation.

While every chapter of this administrative agenda has recommendations to advance equity, this section addresses larger systemic changes and policy designs that the Administration can put in place to ensure every child reaches their full potential.

Improving Government Structures

Use child impact statements

Child impact statements are used to ensure that considerations of child well-being are built into the design of a policy. As with environmental impact statements, child impact statements require government agencies to answer fundamental questions about the potential positive and negative effects of regulations, policies, and programs on children.¹⁰ Child impact statements can advance equity by evaluating the impact of policies on specific demographics of children. Through an executive order or directive, the President should require federal agencies to analyze the effects of regulations, policies, and budgets on children, including which demographics of children would be most affected. See *“Make Government Work for Children”* on page 10 for more information on child impact statements.

Improve data collection and disaggregation

For many years, government data has undercounted children or not sufficiently disaggregated data to determine the impacts of policies on children in underserved communities. Advancing equity in policies that affect children will require more and better data. In children’s health, for example, social determinants of health (SDOH), also called “social drivers of health,” are the non-medical factors that can account for as much as 50% of health outcomes.¹¹ Children from low-income families and children of color are most likely to experience the impact of SDOH. When tracking children’s health, data on SDOH can provide the foundation for identifying disparities, targeting their sources, measuring progress, and establishing accountability.

Gaps in government data on child poverty also hinder progress. For instance, children living in the U.S. territories experience significantly higher rates of poverty than children in the 50 states and the District of Columbia, but the Official Poverty Measure and Supplemental Poverty Measure do not account for households in Puerto Rico and the U.S. territories. This lack of data on children in the territories masks the unequal access that territory residents have to anti-poverty programs and obscures the implications for economic stability.

The U.S. Census Bureau provides one major source of government data on children. It is therefore critical for the Biden-Harris Administration to support efforts to address the continual undercount of children in the decennial Census, American Community Survey, and other U.S. Census Bureau surveys. Census data guides the allocation of more than \$1.5 trillion in federal funding to more than 300 programs,¹² many of which support the healthy development of children and keep families from falling into poverty. Despite Census Bureau efforts to count all kids in 2020 the net undercount rate for young children in the 2020 Decennial Census increased from 4.6% in 2010 to 5.4% in 2020 — the highest net undercount rate for young children since tracking began in 1950.¹³ Preliminary data from 2020 suggests the gap between non-Hispanic white and minority children (Black and Hispanic) also grew, meaning that many of the children most in need of assistance are the least likely to get their fair share.

We urge the Administration to bolster the capacity of its Directorate on the Undercount of Young Children to determine why young children are missed, improve data collection, elevate research addressing the undercount of Hispanic and Black

children, and expand outreach to enhance data accuracy. In addition, we urge the Administration to support efforts to improve the American Community Survey's sample size, response rates, follow-up operations, and other mechanisms to ensure the survey accurately captures data about the nation's increasingly complex communities and households.

The Interagency Forum on Child and Family Statistics gathers, pools and publishes data on children and families from multiple U.S. government agencies, including on its website [Childstats.gov](https://www.childstats.gov).¹⁴ However, the federal government could advance better informed policy and present a more accurate picture of children and their circumstances if the Forum and its cooperating agencies disaggregated their data more deeply. For example, the Forum's national indicators of well-being break down the child population by race and ethnicity, but ignore other characteristics relevant to effective children's policy, such as age group, gender, sexual orientation, disability, urban/rural location, income, and multi-language background. As the government is well aware, disaggregating data exposes hidden trends, particularly trends of discrimination and systemic barriers. The government must sufficiently disaggregate data on children to make informed decisions about policies that will improve their well-being.

Improving Policy Design

Many policies still in practice today were intentionally designed and implemented to exclude children and families of color, and we continue to see the implications of those policy choices. The Administration must use the tools at its disposal to reform current policies to advance equity.

Reduce administrative barriers to services

Programs that place burdensome administrative requirements on enrollees, such as the need for significant documentation to prove eligibility or frequent reverification of income, create significant barriers to low-income children and families receiving benefits such as nutrition assistance, health care, cash assistance and other benefits that promote children's healthy development and household economic security. Surveys of people who applied for assistance under the Temporary Assistance for Needy Families (TANF) program or Medicaid/Children's Health Insurance Program (CHIP) found that people had difficulty finding applications, answering application questions, determining what documentation to submit, and following the long application process.¹⁵ Policy makers specifically designed these administrative hurdles to be particularly onerous for Black and Latino families¹⁶ based on bigoted views that people of color are less deserving of aid.

It is illogical and cruel that the families most in need of assistance are often the ones without the time or resources to document their need, and therefore face the highest barriers to enrolling in programs. Low-income households, which are disproportionately households of color, due to racism and discrimination, are more transient, and low-income workers often face volatile work hours and fluctuations in income. A lack of access to transportation makes it harder for these families to reach program offices, and the country's persistent "digital divide" makes them much less likely to have access to broadband internet at home to virtually apply for benefits.¹⁷ Documentation challenges make it particularly hard for immigrant families to successfully enroll in available programs. Immigrant parents may not have identification for themselves or their children, may face language barriers, or may fear immigration-based consequences if they provide identification from their country of origin.

Families with children may struggle to maintain benefits when forced to recertify their eligibility every six or 12 months or when they move and must reapply for benefits, both situations that often lead to children losing services. When families are forced to recertify — at government offices generally open only from 8am to 5pm — parents must take time off from work (usually unpaid), find child care, and secure transportation to complete the paperwork.

For solutions, the Administration should look to the several programs that already model best practices. The school meals program, for instance, uses "community eligibility," which allows schools in high-poverty areas to automatically provide free meals to all students, regardless of income, sparing families a lengthy enrollment process.¹⁸ The Head Start statute requires that children eligible for "public assistance" are also eligible for Head Start services. Children experiencing homelessness and those in the foster care system also are automatically eligible.

HHS also includes TANF and Supplemental Security Income (SSI) benefits in its interpretation of “public assistance” to give children categorical eligibility for Head Start. In April 2022, HHS further expanded its interpretation to include eligibility for the Supplemental Nutrition Assistance Program (SNAP), thereby using an administrative tool to minimize the burden on families applying for public assistance.¹⁹ We applaud this work and encourage the Administration to continue looking for opportunities to ease burdens on families when enrolling in federal programs.

The Administration, within its authority, must support efforts to reduce administrative barriers faced by families who need assistance. Recommendations include:

- Offering families multiple points of entry to apply for programs. Categorical eligibility should be expanded to additional programs, and there should be a “one-stop shop”²⁰ where families can enroll in multiple programs through one application, with the option of using an online platform if they wish.
- Ensuring that all applicants for the Individual Taxpayer Identification Number (ITIN) can access the expanded Child Tax Credit and using available funds to reduce barriers to accessing ITINs.²¹
- Making forms available in multiple languages and ensuring access to virtual and phone translation services. For example, New York State requires state agencies to translate vital documents related to services into the top 12 languages spoken by those with limited English proficiency. The state also maintains an Office of Language Access and language access liaisons to support agencies in providing services in people’s best languages.²² We applaud the Administration for including language access in its most recent executive order on furthering racial equity and for supporting access at various agencies, including \$4 million dollars for HHS’s new language access initiative.²³
- Developing an expedited section 1115 waiver template through the Centers for Medicare & Medicaid Services (CMS) to allow states to adopt multi-year continuous eligibility for children.²⁴ Continuous eligibility would limit gaps in coverage for low-income children who experience disproportionate rates of health disparities, especially children of color, and ensure kids have access to necessary services during the most critical years of early development. See *“Secure Gains in Children’s Health Care Coverage and Services”* on page 33 for more information.

Eliminate work requirements

The racist roots of work requirements in benefit programs extend far back into our nation’s history, starting with the slave trade and continuing into present day, as racist stereotypes persist about Black and other people of color’s willingness to work.²⁵ TANF, which replaced Aid to Families with Dependent Children (AFDC) in 1996, was specifically designed to limit assistance to Black mothers and children. TANF placed extremely arduous administrative requirements on participants, such as strict work requirements, family caps, and time limits, and provided meager cash assistance in many places. Currently, states with larger percentages of Black residents, mostly in the South, offer lower levels of cash assistance and reach fewer poor families, contributing to disproportionately high rates of poverty among Black children compared to white children.²⁶ Nearly 30 years of evidence show that TANF’s work requirements have failed to improve employment outcomes for program participants.²⁷ In fact, a 2019 nonpartisan study from the National Academy of Sciences determined “that work requirements are at least as likely to increase as to decrease poverty.”²⁸

Work requirements do nothing more than add an extra layer of bureaucracy by forcing families to document their existing employment. Data shows that in most low-income households with children, at least one family member is already working. For example, almost 90% of households with children work in the year before or after receiving SNAP benefits and more than 60% work while receiving SNAP.²⁹ Employment documentation requirements are especially onerous for low-wage workers who often have no control over their schedules and whose hours may vary from week to week. Workers in immigrant households are more likely to be paid in cash and to lack pay stubs or paychecks, making employment verification difficult. Certain employers may be unwilling to provide a letter of employment verification.³⁰ Furthermore, some immigrant parents are self-employed and may not have an employer available to provide verification.

Work requirements also do not account for uncompensated child rearing and caretaking of family members, work that produces large benefits to the collective whole. Grandparents caring for grandchildren, or parents caring for children with disabilities or special health care needs face particular barriers to economic security.

In the end, work requirements harm children and their families. Confusing rules, complex reporting systems and other bureaucratic red tape can cause children to lose their essential benefits. For example, in Arkansas, 18,000 Medicaid recipients lost their coverage within the first seven months of the state implementing work requirements before a court order halted these requirements.³¹ When parents lose benefits, evidence shows that children do too, making policies such as these harmful to family financial security and children's health and development.³²

We urge the Biden-Harris Administration to oppose any legislative efforts to add or harshen work requirements for programs serving low-income children and families. In addition, we ask the Administration, where possible, to encourage and support state efforts to allow exemptions or at least flexibility for households with children to meet any existing work requirements. For example, in the TANF program, state agency officials have a lot of flexibility in designing their state's program in a manner that promotes economic mobility for families. State officials can grant exemptions to work requirements, remove full-family sections, and set a broad definition for the activities that qualify as "work" — including the pursuit of higher education, job training, mental health treatment, or other activities that prepare an individual for work.³³

We appreciate that in the Administration's Unified Agenda of Regulatory and Deregulatory Actions for FY 2023, HHS has a plan to issue a proposed rule to reform TANF to improve the overall well-being of families and address inequities in program services and policies. We ask HHS to use this opportunity to propose refocusing the goals of TANF on child poverty reduction, closing the racial child poverty gap, and promoting family economic mobility.

Fund outreach and education activities

The Administration should fund trusted community organizations for education and outreach efforts that would raise awareness and increase benefit enrollment. As an example, during the Trump Administration's public charge rule, immigrant caregivers did not enroll themselves or their children in programs for which they were eligible, including programs not considered under the rule, for fear of immigration consequences.³⁴ After the rule was overturned, 50% of respondents to a survey said that knowledge about changes to the public charge rule would make them more likely to use safety net programs when necessary, highlighting the importance of continued outreach to immigrant communities about changes to the policy.³⁵ All communities of color, including immigrant families, should receive information and support around enrolling for services from community leaders and organizations that share their cultural and linguistic background.

Successful models to expand upon include the "Parent Mentor" programs in Medicaid and the Affordable Care Act Navigator program. Studies have shown that parent mentors — parents who use knowledge of their communities and their enrollment experience to assist and counsel other parents — are more effective in connecting children of color to coverage than traditional methods. Parent mentors improve the likelihood of renewal and of connecting kids to care after enrollment.³⁶ Similarly, the ACA Navigator program, when adequately funded, has successfully provided linguistically and culturally sensitive services that connect people to health coverage and other social supports in underserved communities.³⁷

Evaluate programs for equity

Officials must evaluate all social policies for their impact on racial equity and the extent of racially disparate outcomes so proper reforms can be made. Experts with lived experience of racial discrimination and poverty must inform all policy development from the start. These experts must be equitably compensated for their time and engaged in a way that does not retraumatize. The Administration should look to existing evaluation tools and guidance, such as Bread for the World's racial equity scorecard,³⁸ the Equity Scoring Initiative from the Urban Institute and PolicyLink,³⁹ the District of Columbia city council's racial equity impact assessments for legislation,⁴⁰ and other tools.

Legislative Priorities

We urge the Biden Administration to publicly support or continue supporting the following legislative priorities to promote racial equity and inclusion:

- **The CROWN Act (H.R. 2116/S. 888)**, led by Rep. Bonnie Watson Coleman (D-NJ) and Sen. Cory Booker (D-NJ) in the 117th Congress
- **The American Opportunity Accounts Act (H.R. 1041/S. 441)**, led by Rep. Ayanna Pressley (D-MA) and Sen. Cory Booker (D-NJ)
- **The Comprehensive Omnibus bill (H.R. 959/S. 346)**, introduced by Reps. Lauren Underwood (D-IL) and Alma Adams (D-NC) and Sen. Cory Booker (D-NJ) in the 117th Congress
- **The Health Equity and Accountability Act (H.R. 7585/S. 4486)**, led by Rep. Robin Kelly (D-IL) and Sen. Cory Booker (D-NJ) in the 117th Congress
- **The Strengthening Tribal Families Act (H.R. 8954)**, led by Reps. Judy Chu (D-CA) and Don Bacon (R-NE) in the 117th Congress
- **The Environmental Justice for All Act (S. 872/H.R. 2021)**, led by Sen. Tammy Duckworth (D-IL) and Rep. Raul Grijalva (D-AZ) in the 117th Congress

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SECTION 2

Make Government Work Better for Children

Children stand at a crossroads.

Every single aspect of the lives of children has been negatively impacted by the global COVID-19 pandemic and its accompanying economic challenges worldwide. While social, cultural, and economic issues continue to divide our nation, the American public overwhelmingly supports taking action to address the needs, concerns, and best interests of children. In fact, public opinion polling demonstrates overwhelming support across gender, race, age, income, geography, education, marital status, and religious lines for improving policies that affect children.

Respondents to a May 2022 poll by Lake Research Partners agreed by a wide margin (82-10%) that “federal policy involving children should always be governed by a ‘best interest of the child’ standard that makes the protection and safety of children the first priority.”¹

When it comes to investing in children, voters also overwhelmingly agree (90-8%, 77% strongly agree) with the statement that “investing in children helps improve their lives, development, and outcomes.”² In fact, the American public strongly believes — on issue after issue — that the government is investing too little rather than too much on children:

- Child abuse and neglect (66-7%)
- Accessing mental health services (66-9%)
- Reducing child poverty (66-10%)
- Reducing child homelessness (65-8%)
- Reducing child hunger (64-5%)
- Public education (60-14%)
- Early childhood education (56-10%)
- Assistance for child care expenses (56-14%)
- Preventing gun violence (53-16%)
- Providing affordable health coverage (49-8%)³

When it comes to specific policies, voters strongly support affirmative change for children. For instance, a substantial margin of voters (72-21%) favor passing an enhanced Child Tax Credit that increases the amount of the credit and makes it fully refundable. They also favor making the Children's Health Insurance Program (CHIP) permanent (78-14%).⁴

Unfortunately, since children do not vote, do not give campaign contributions, and do not have lobbyists or political action committees (PACs), policymakers often treat them as an afterthought. We urge the Biden Administration to pursue bipartisan solutions to the threats and challenges facing our children.

Create an independent Children's Commissioner

When a child cries out for help, whether it is a sick child, an abused child, a hungry child, a homeless child, or a victim of gun violence, adults should listen to and protect them. It is shocking how often we fail to do so.

Even though our country played an instrumental role in drafting the UN Convention on the Rights of the Child (CRC), the U.S. is the only country in the world that has failed to ratify the treaty. Other nations have also taken the additional step of creating an independent Children's Commissioner or Ombudsman to help meet the various articles of the CRC.

Absent adoption of the CRC, we urge the president to explore creating an independent Children's Commissioner. Creating an independent Children's Commissioner, would establish a formal process to engage, listen to, and lift up the voices of our nation's children around the policies that affect them.

An independent Children's Commissioner would also help the government fulfill its duty to support and protect children by: Examining policy choices, issuing reports, and making recommendations to Congress and federal agencies on ways to coordinate their efforts and build on best practices, research, and lessons learned with respect to the impact of various policy options on children. Failing children exacts an enormous cost in both human and socio-economic terms today and well into the future, creating oversight through an independent commissioner is in the best interest of the nation.

Whether it's child sexual and physical abuse or neglect, child poverty, homelessness, child labor, the "troubled teen industry," or juvenile justice systems, our nation's leaders have failed to address the plight of our youngest, poorest, and most vulnerable who through no fault of their own, are faced with enormous challenges that threaten their ability to fulfill their potential, hopes, and dreams.

The fact is that violence, abuse, injustice, and discrimination against children in families, schools, prisons, and institutions (both public and private) can best be eliminated by enabling children and encouraging them to tell their stories to people with the authority to take action.

Many of our institutions have repeatedly failed children. Rather than putting the protection and well-being of children first, institutions often tragically choose to silence the voices of children to cover up the abuse and protect the abusers rather than kids.

According to the Lake Research Partners May 2022 survey, voters support the creation of an independent Children's Commissioner to improve oversight and "to investigate and make recommendations on ways to protect and improve the care and well-being of children" by a more than 2-to-1 margin (57-27%).⁵

Adopt a “best interest of the child” standard

Children deserve to have their best interests govern policy decisions that involve their lives and well-being. Unfortunately, children are — far too often — an afterthought in federal policymaking. As Michael Freeman, author of *The Moral Status of Children* writes:

All too rarely is consideration given to what policies...do to children. This is all the more the case where the immediate focus of the policy is not children. But even in children’s legislation the unintended or indirect effects of changes are not given the critical attention they demand... But where the policy is not “headlined” children..., the impact on the lives of children is all too readily glossed over.⁶

Children must rely on adults in society and government to serve their needs and interests but are often treated as an afterthought. Therefore, our leaders must make a government-wide commitment to address the best interests of children in all policymaking.

We urge the federal government to adopt a “best interest of the child” standard for all departments and agencies that impact the lives of children. Again, the American people strongly support making such a standard a “first priority” by an 82-10% margin.⁷

Create child impact statements

Policymakers, including some in the executive branch, rarely see children, even though the policies they make affect children. Child impact statements by government agencies or independent entities would elevate the needs of children by answering fundamental questions about how a policy would benefit or harm children before it is enacted. As Wendy Lazarus at Kids Impact Initiative explains:

Much like environmental impact assessments and fiscal impact assessments, child impact assessments apply to children a well-tested process used to advance priorities society considers important. Child impact assessments can focus policymakers’ attention on shared goals for kids and analyze the implications of a proposal in relation to those goals.

To produce a child impact assessment, staff in government agencies or outside entities use a template to answer very basic questions which are designed to uncover the ways in which a proposal is good for children or could harm them. Child impact assessments can be used to guide decision-making at the city, county, state, or federal government levels — and by school boards and other public entities whose decisions have major impacts on kids’ lives.⁸

In the U.S., communities, such as Shelby County, Tenn. and Santa Clara County, Calif., have established child impact assessments in their work and have found them to be quite beneficial to fully understanding the effect that policy decisions will have on children.⁹ A number of countries around the world also have similar processes.¹⁰

Just as the federal government requires impact assessments and/or statements with respect to the environment, small business, and unfunded mandates to state, local, and tribal governments, the Biden Administration should urge federal departments to implement child impact statements. The federal government and lawmakers need intentional and systemic structures to place children’s rights, views, and needs in the foreground of policymaking. Child impact statements offer an effective tool for ensuring that considerations of child well-being are built into the design of a policy or program.

Furthermore, child impact statements would have a role beyond domestic policy. First Focus on Children's fact sheet on the issue notes:

...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... 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 standard or military standing, but also how effectively it addresses the needs of the world's children.¹¹

Establish a national child poverty reduction target

No child should live in poverty.

The American people agree. In fact, according to the Lake Research Partners May 2022 survey, American voters believe we are spending too little rather than too much on child poverty by a 66-10% margin. The nationwide survey also found that respondents are deeply concerned about child poverty, both the fact that U.S. children have a much higher rate of poverty than adults (83-13%) and that child poverty imposes enormous costs on society (86-12%).¹²

In a separate nationwide poll by Lake Research Partners conducted on election eve 2022, voters supported the creation of a child poverty reduction target by a more than 3-to-1 margin (63-20%).¹³

We urge the Biden Administration to establish a national child poverty reduction target through executive action to solidify the goals made in the American Families Plan to address our nation's high rate of child poverty. Establishing a target is necessary to create accountability and focus across the federal government to identify opportunities to alleviate child poverty and maintain the progress made in 2021 under the American Rescue Plan Act. We are grateful for the leadership in securing assistance in the American Rescue Plan Act, which strengthened families and improved child well-being during the coronavirus pandemic. While we continue to fight for permanent improvements to the Child Tax Credit and other critical assistance, we also know more federal action is needed to ensure robust and long-term progress to ultimately end child poverty in the United States and close the racial poverty gap.

Create a White House Office on Children and Youth and/or a Children's Cabinet

In addition to improving investments in children and families and giving children a voice in their government, programs for children need greater attention and coordination across governmental departments and agencies. The American people agree.

In the May 2022 survey by Lake Research Partners, voters agreed by an 82-13% margin that "programs for children need greater attention and coordination."¹⁴ Creating a White House Office on Children and Youth and/or a Children's Cabinet would help ensure that children are no longer treated as an afterthought and that services to children and families are better coordinated across federal agencies and departments.

For example, to truly combat child poverty in this country and around the world would require cross-departmental collaboration between the Department of Health and Human Services, the Department of Education, the Department of Agriculture, the Department of Housing and Urban Development, the Department of Commerce, the Department of Treasury, the Department of Labor, the Department of Justice, the Department of State, and the U.S. Agency for International Development.

Support the Children’s Interagency Coordinating Council

Due to the leadership of Rep. Barbara Lee (D-CA) and former Rep. Lucille Roybal-Allard (D-CA) as well as House and Senate Appropriations leadership, Congress directed the Department of Health and Human Services to create the Children’s Interagency Coordinating Council in the Fiscal Year 2023 omnibus spending bill and included \$3 million in funding for its establishment. We are thankful to the Biden Administration and Department of Health and Human services for their work to establish and support the council. We encourage continued commitment and additional funding to ensure that relevant agencies across the federal government support and engage with the Children’s Interagency Coordinating Council.

Establish a cross-agency priority (CAP) for children across the federal government

Nearly every public policy issue has a children’s angle, which is often ignored or neglected. One way to ensure that children’s needs are considered during policy creation is to establish a cross-agency priority (CAP) across the federal government to ensure that children’s issues receive the attention they need and deserve.

In our fact sheet on the issue, First Focus on Children policy experts explain:

In November 2017, the Government Accountability Office (GAO) issued a 67-page report recommending the creation of a cross-agency priority (CAP) for child well-being, given research that it was an area of government that required increased coordination. The report, based on consultation with a wide array of experts, found that improving child well-being “requires attention to a multiplicity of interrelated factors that can contribute to child well-being and the role that families, communities, governmental and nongovernmental organizations play in caring for these children.”

In a more recent report, GAO reiterated its recommendation to create a CAP goal to improve child well-being “to better address the needs of children in ways that take into account the interrelatedness of federal actions and policies mechanisms.”¹⁵

The Office of Management and Budget should facilitate and support the adoption of a CAP goal for children to ensure government policy and funding for kids is better coordinated across all federal agencies.

Establish a new bipartisan commission on children

Our children face enormous challenges that have been compounded by the global COVID-19 pandemic and accompanying economic recession. This document puts forward a “Children’s Agenda” to address many of these issues. However, in the long term, we would encourage President Biden to establish a new bipartisan National Commission on Children.

A National Commission on Children would focus the attention of federal policymakers and the nation on children’s needs, concerns, and issues, generate new ideas for policy reforms that meet the challenges that children face, and create momentum for change. The primary goal of a Commission could be to identify and consistently measure indicators of child well-being and to set forth new policy ideas aimed at improving outcomes for children and making America first among nations on child well-being over the next decade and beyond.

There is precedent for a National Commission on Children. More than 30 years ago (in 1991), a previous National Commission on Children that was created during the Reagan Administration delivered its final report to the George H.W. Bush Administration and Congress. That report served as a catalyst for enacting groundbreaking bipartisan legislation for children and families, including the Earned Income Tax Credit, the Child Tax Credit, the Children’s Health Insurance Program (CHIP), and changes to child welfare policy.

Duties of a new Commission could include:

- Conducting a comprehensive study to examine and assess the needs of children
- Submitting a report to the President and Congress on specific findings, conclusions, and recommendations to address the needs and concerns of children
- Establishing national goals for improving child well-being
- Identifying and selecting national indicators of child well-being
- Making recommendations to Congress and the President on how to achieve the national goals for improving child well-being

Create a youth advisory council

Children deserve to be heard and to have their voices represented in our government, particularly with respect to the policies that affect them.

Long-term challenges will have the largest impact on the next generation. It is impractical to believe that our nation's young people will come to love and understand democracy if our society simultaneously structures public debate and policies that fail to ensure children's perspectives and voices are included and respected.

Young people have much to offer. Lawmakers must consider their views on issues of critical importance to their present and future, including education, the environment, racial justice, and gun safety. In fact, our nation's youth historically have led many of the movements that transformed our nation's sense of fairness and equity, our policy agenda, and our culture.

We must provide meaningful opportunities for our youth to offer input and must factor their views into the policies and actions that our government and society take. In fact, violence, abuse, injustice, and discrimination against children that occurs in families, institutions, and the broader society can best be eliminated if children are enabled and encouraged to tell their stories and if those stories are heard by people with the authority to act.

We can and must do better by our children, and it starts by listening to them.

Adopt a children's budget

We strongly agree with the words of Sen. Bob Menendez (D-NJ), who said:

If we as a nation value our children, then our federal budget must reflect those values.

Unfortunately, our federal budget continues to treat children as an afterthought. Installing greater transparency in government spending decisions offers one important step to creating a budget that values children. A comprehensive accounting of federal budget decisions affecting children would provide a detailed breakdown of spending on their needs and programs by agency and initiative, including tax expenditures, and would present the data as a share of federal spending. We urge the Biden Administration to direct the Office of Management and Budget to provide additional analysis of the federal budget that calculates the amount and share of spending for our nation's children.

Issue a Presidential Proclamation marking Children’s Week

Establish the second Sunday in June as National Children’s Day and the second full week in June as Children’s Week.

In 2001, President George W. Bush proclaimed the first Sunday in June National Children’s Day. The proclamation read:

All adults must work together to ensure the safety and well-being of our Nation’s most precious resource, our children... We must nurture our children’s dreams, help them develop their talents and abilities, and ensure their healthy development so that they may reach their full potential. Our success in this endeavor will affect the direction of their lives and the future strength and vitality of our Nation.¹⁶

In an even earlier proclamation, President Bill Clinton declared a National Children’s Day in October. His 1998 proclamation read:

One of the most important measures of our success as a Nation is the well-being of our children. As a society, we have no more important responsibility than to help our families raise healthy, happy, loving children in an environment that allows kids to reach their full potential.¹⁷

Over the past six years, child advocates have promoted the second Sunday in June as National Children’s Day and the week following as Children’s Week in the U.S. We urge President Biden to issue a Presidential Proclamation to declare the second full week in June as Children’s Week.

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SECTION 3

Prioritize children in all budget and policy decisions

Investments in our children deliver a tremendous return, improving their near- and long-term outcomes and healthy development, increasing their economic opportunities and benefiting the economy as a whole. Investing in the future of children would save the country money in the long run. Budget decisions are value judgments, and we urge the Administration and Congress to support and protect children when making spending and revenue raising decisions. In doing so, leaders must prioritize efforts to address racial and economic inequities, which have caused persistent poverty and inequality among children.

As a divided Congress with slim margins in both chambers undertakes legislative action in the 118th Congress, significant budget decisions already provoke many debates. The need to address the debt ceiling has captured much attention. Treasury Secretary Janet Yellen notified Congressional leadership in a January 19, 2023 letter that the U.S. has reached its statutory debt limit (\$31.4 trillion), prompting her department to take “extraordinary measures” and initiate special accounting tools so the U.S. will not default on its loans in the near-term.¹ Secretary Yellen said that the challenge of predicting government revenues and payments makes it difficult to predict how long such bookkeeping measures will work, and that Congress likely will have to address the debt limit before June. We support President Biden’s leadership to insist on a clean bill to ensure the U.S. will honor all of its financial obligations.

Many lawmakers also are pushing to cut mandatory programs, such as Medicaid and the Supplemental Nutrition Assistance Program (SNAP), potentially in exchange for addressing the debt limit. House leadership is calling for cuts to non-defense discretionary spending back to Fiscal Year (FY) 2022 levels. In addition, new House rules for budget and appropriations processes for the 118th Congress could hurt investments in kids on both the discretionary and mandatory sides of the ledger, while also making it more difficult to raise revenue.² The rules establish a new point of order against an unauthorized appropriation in any annual spending bill in excess of the most recently approved funding amount. In addition, the new House rules replace the former “pay-as-you-go” requirements with a “cut-as-you-go” (CUTGO) rule that prohibits consideration of legislation that causes a net increase in mandatory spending within a five- or 10-year budget window. Because the refundable portion of family tax credits, such as the Child Tax Credit, are considered mandatory funding, lawmakers would have to offset any improvements to those provisions with cuts in mandatory spending. Revenue

losses from tax breaks for large corporations and the wealthiest individuals, however, would not need offsetting cuts. If followed, the problematic new rules would hamper revenue collection and make robust investments in critical programs and services supporting children and low-income families very unlikely.

In contrast, President Biden's leadership on tax reform will help to build a fairer tax code and raise revenue to invest in critical programs that support children's healthy development and well-being. In addition, President Biden put forth an ambitious federal budget for children, pushed for the enactment of the American Rescue Plan Act of 2021 (ARPA) and proposed the American Families Plan during the 117th Congress. Along with the pandemic emergency measures — and the dogged efforts of Champions for Children in Congress — the result was an unprecedented share of spending for children in the FY 2022 federal budget. The ARPA highlighted the growing needs of children with its large investments in child care, nutrition, rental assistance, child health and other areas, and its temporary changes to child and family tax credits. The share of federal spending on children reached a record 11.98% in FY 2022, according to analysis by First Focus on Children, reversing a years-long decline that pushed spending to just 7.55% in FY 2020, the lowest level since we began tracking in 2006. During the five years from FY 2017 to FY 2022, the share of spending on children increased more than 21%.³ This increase represents a continuation of COVID-fueled spending and funding improvements over FY 2017, when the share of federal spending on children began to stagnate and then decline through FY 2020.

The United States historically has spent just a sliver of its international budget on children and that trend continued in FY 2022. Global crises, including the ongoing COVID-19 pandemic, have upended the lives of children and youth around the world, making it harder than ever for them to thrive and reach their full potential. In under-resourced parts of the world, this confluence of challenges is undermining decades of progress to improve children's health and well-being. Children and young people internationally receive a minimal share of foreign assistance funding. Only about 8.5 cents of every \$1 of foreign assistance investments benefits children.

Unfortunately, lawmakers have begun paring back these pandemic-era investments and are on track to reverse the progress made. For instance, from FY 2021 to FY 2022, funding for children dropped more than 17% in inflation-adjusted dollars. Nearly half of all investment areas have decreased since FY 2017 including early childhood, children's health, children's housing and youth training. For example, total federal spending increased 26% between FY 2017 and FY 2022 and included a 20% increase in spending on children's health. However, the share of spending on children's health decreased by nearly 11% in that time, outpaced by the increase in overall spending. This scenario played out in many policy areas, indicating that too often lawmakers do not prioritize children in federal budget decisions.

New budget caps and other potential structural changes on the 118th Congress's agenda would likely further cut spending on children. Congress faces a pivotal moment: It can secure the success that pandemic-era increases delivered to children's healthy development and well-being across early childhood, child protection and justice, education, health, housing, income support, nutrition, training, safety and many other areas. Or, it can squander that success by returning to the pre-pandemic mode of disinvestment that undercut support and services for our children and grandchildren.

The American people have seen the consequences of budget caps and other structural budget changes that disproportionately impact kids and people most in need. Americans strongly support increasing our investments in children and prioritizing their needs in public policy, according to a nationwide poll of likely voters conducted in 2022 by Lake Research Partners. The poll found that voters believe — by a 5-to-1 margin — that we are spending too little on children.⁴

Investing in our children sets them up to thrive, and when our youngest have the support to reach their full potential, our families, communities, and economy benefit. A 2019 landmark study by the National Academy of Sciences estimates that child poverty costs our country roughly \$1 trillion annually, and that reducing child poverty not only directly benefits individual children, it delivers a significant societal return on investment. If we turn away from ambitious goals for our children and grandchildren and go “back to normal,” the share of federal investment in children will dip dramatically, returning us to rising rates of child poverty, uninsurance, homelessness, and hunger. **We urge bold action to:**

Prioritize children in budget decisions

- Increase topline funding levels for non-defense discretionary (NDD) spending and prioritize increases for agencies with jurisdiction over child-related programs and services
 - Support policies creating a fairer and more equitable tax code that works for everyone and supports robust investment in children's programs and services, especially for children with the greatest barriers to economic mobility
 - Resist attempts to renew austerity measures such as the discretionary spending caps and sequestration practices imposed by the Budget Control Act of 2011, which would hamper investment in our children, grandchildren and youth
 - Protect mandatory spending programs that benefit children and families and pass a clean bill to address the debt limit
- Provide funding for the VA Medical Care program outside the topline NDD number to allow for other vital funding increases benefitting kids and families
- Enact the annual spending bills to avoid the use of stopgap funding measures. Continuing resolutions harm children by typically funding programs at the same level as the prior year, effectively cutting programs and services.

Make funding for the Children's Health Insurance Program permanent

Although the Consolidated Appropriations Act, 2023 extended the Children's Health Insurance Program (CHIP) for an additional two years, until FY 2029, the program remains the only federal insurance program that is temporary and continuously needs to be extended. We strongly support making CHIP permanent.

Support the Children's Interagency Coordinating Council

Due to the leadership of Rep. Barbara Lee (D-CA) and former Rep. Lucille Roybal-Allard (D-CA), as well as House and Senate Appropriations leadership, Congress directed the Department of Health and Human Services (HHS) to create the Children's Interagency Coordinating Council in the FY 2023 omnibus spending bill and included \$3 million to fund its establishment. We support additional funding to ensure that relevant agencies across the federal government support the council and staff an Office of Children to collaborate with it. We also urge HHS to begin immediately coordinating with the National Academy of Sciences on the legislation's required report to Congress analyzing the impact of federal policies on child poverty and the racial poverty gap.

Protect funding for the Internal Revenue Service (IRS)

The Inflation Reduction Act of 2022 increased funding for the Internal Revenue Service (IRS) by \$80 billion, a response to the 20% cuts to the agency since 2010.⁵ The House already has voted this year to repeal roughly \$71 billion of that \$80 billion. We support this additional funding as it will help the agency manage the backlog of tax returns, enforce tax rules, modernize business systems, hire staff and improve customer service, including outreach to families who need assistance filing for tax credits such as the CTC and EITC. Additional resources will allow the IRS to collect taxes owed and will raise an estimated additional \$200 billion to \$400 billion over 10 years.⁶ In particular, we recommend that the agency dedicate staff and resources for outreach to hard-to-reach families, youth with experience in the foster care system, those at risk of homelessness, those with complex family structures, and individuals who are new to the tax filing system and

have questions about the filing process and their eligibility for the Child Tax Credit, Earned Income Tax Credit, Child and Dependent Care Tax Credit, and past Economic Impact Payments. In June 2022, the IRS estimated that close to 2.3 million children under the age of 18 were eligible for the expanded CTC but had not yet been claimed on a recent tax return.⁷

Adopt a children's budget

Our budget reflects our values and unfortunately, far too often, children remain an afterthought in federal budget decisions. If we truly value our children, that must change, and one important and helpful step would be to install greater transparency in those spending and revenue raising decisions.

According to Congressional Budget Office (CBO) projections, the federal government will spend an estimated \$1.65 trillion in discretionary funds in FY 2023, not including emergency support and funding under the Infrastructure Investment and Jobs Act of 2022 and Bipartisan Safer Communities Act. Of that \$1.65 trillion, CBO projects \$858 billion for defense budget authority and \$793 billion for non-defense discretionary authority.⁸ While much of spending on adults is mandatory, spending on children is disproportionately discretionary, temporary, capped, and lacks built-in growth and dedicated revenue. The federal government offers hundreds of children's programs and services spanning myriad policy areas, but there is no comprehensive, widely agreed upon method or oversight process that regularly tracks federal spending on these programs. A formal tracking process would allow an accurate assessment of the overall level of investment in children and the spending trends affecting them. A comprehensive accounting of federal budget decisions affecting children would need to include a summary of new budget authority and outlays estimated for children's programs, the share of federal spending on children, and a detailed breakdown of spending on children and children's programs by agency and initiative, including tax expenditures. This goal could be achieved with the following measures:

- **Require the Office of Management and Budget (OMB) to track federal spending on children:** Create a Cross-Agency Priority (CAP) policy that would incorporate the provisions outlined in the Children's Budget Act (S. 2127), introduced by Sen. Bob Menendez (D-NJ) and co-sponsored by Sens. Chris Van Hollen (D-MD) and Bob Casey (D-PA) in the 117th Congress. The bill would direct OMB to establish a Children's Budget to track and provide detailed analysis of funding streams that benefit children. OMB would quantify investments in children across the entire federal budget, just as it does for areas such as meteorology, the Export-Import Bank, drug control policy and cybersecurity. OMB should engage with federal coordinating entities such as the Children's Interagency Coordinating Council, established and funded in the FY 2023 omnibus spending package, to urge all agencies to integrate child well-being indicators, data, and evaluation mechanisms into their strategic plans.

Maintain and increase funding for children abroad

- **Improve Mechanisms to Track Funding and Program Outcomes.** The U.S. government's response to global child protection involves many federal entities, with funding spread among roughly 30 offices. There is limited transparency into spending trends and outcomes specific to children.
- **Maintain and/or Increase Investments in Children and Youth Around the World.** We also urge the Administration and Congress to support scaling up effective interventions to respond to the aftermath of COVID-19 and to rebuild.
- **Protect Funding for Orphans and Vulnerable Children (OVC).** During the reauthorization process of the President's Emergency Plan for AIDS Relief (PEPFAR) in 2023, we recommend that lawmakers ensure the Administration spends the full 10% on mitigating the impact of HIV on OVC.

Ensure that the decennial Census accounts for all children

Congress must address the continual undercount of children in the decennial Census, American Community Survey, and other U.S. Census Bureau surveys. Census data guides the allocation of more than \$1.5 trillion in federal funding to more than 300 programs,¹⁰ many of which support the healthy development of children and keep families from falling into poverty. Despite Census Bureau efforts to count all kids in 2020, the net undercount rate for young children in the 2020 Decennial Census increased from 4.6% in 2010 to 5.4% in 2020 — the highest net undercount rate for young children since tracking began in 1950.⁹ Preliminary data from 2020 suggests the gap between non-Hispanic white and minority children (Black and Hispanic) also grew, meaning that many of the children most in need of assistance are the least likely to get their fair share.

The Administration and Congress must increase support for the U.S. Census Bureau's newly formed Directorate on the Undercount of Young Children in FY 2024.

Legislative Priorities

- **Authorize the Congressional Budget Office (CBO) to establish a baseline for spending on children:** Congress must empower CBO to analyze the share of federal spending on children, including budget authority, outlays, tax expenditures and the share of federal spending on children. The Focus on Children Act (S. 2133) introduced by Sen. Chris Van Hollen (D-MD) in the 117th Congress, and co-sponsored by Sens. Bob Menendez (D-NJ) and Bob Casey (D-PA), would establish an approach to inform annual budget estimates for direct spending, appropriations requests, and tax expenditures. The process would determine an official share of federal spending on children and would aim to improve that share to fully meet children's needs.

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SECTION 4

Improve the tax code with measures that meet all children's needs

The United States tax code is the government's primary means of raising revenue to support a wide range of government functions, including the operation of numerous programs and services that benefit children and families throughout the country and abroad. Historically, the individual income tax has generated the most revenue. According to the Congressional Research Service in Fiscal Year (FY) 2021 the individual income tax contributed \$2.0 trillion, or 50.5% of the federal government's revenue. The corporate income tax contributed notably less, generating \$212 billion in FY 2021, or 9.2% of total revenue.¹

According to a December 2022 study by the General Accounting Office (GAO), in each year from 2014 to 2018, about half of all large corporations – those with \$10 million or more in assets — had no federal income tax liability.² The GAO also found that the average effective federal income tax rate paid by large, profitable corporations dropped to 9% in the first year that the provisions of the 2017 tax law went into effect. The share of these companies with no tax liability rose from approximately 22% to approximately 34% between 2014 and 2018. Corporate income tax revenues have become a smaller share of overall tax revenues, shrinking the resources available for programs assisting our children and grandchildren. House rules in the 118th Congress will increase this discrepancy: Going forward tax cuts for corporations and the wealthiest households can pass without offsets, but the refundable portion of tax credits — which benefit children and families, such as the Child Tax Credit (CTC) — must be paid for, or offset, with other mandatory spending cuts.

President Biden's leadership to reform the tax code is critically important to raise adequate revenue to meet the unique and pressing needs of children and ensure everyone, including large corporations, is paying their fair share.

The design of the U.S. tax code and tax policy enforcement practices favor large corporations and the wealthiest households. Meanwhile, outdated assumptions and racial and gender biases embedded in the tax code continue to disadvantage low-income households, families with children, Black and brown communities, transition-age youth, women, immigrants, residents of U.S. territories, and those who encounter the biggest barriers to economic opportunity. Improving economic mobility for lower-income families, youth, and children requires a mix of policy solutions. Advancing a fairer, more equitable tax code that works for everyone would help those families afford basic living expenses, reduce child poverty, support healthy child development, address income and racial inequities, and build families' financial security.

Tax Credit Enhancements Transformed Millions of Young Lives

Extensive research shows that tax credits and cash transfers influence positive parent-child interactions, improve child development outcomes, and have a bigger impact than any other policy in reducing child poverty.³ The expansion of the CTC and Earned Income Tax Credit (EITC) in 2021 delivered dramatic, positive results. It is hard to overstate the impact of these improvements — they transformed the lives of tens of millions of children.

The CTC and EITC enhancements in the American Rescue Plan Act (ARPA) benefitted children, youth, and families most in need. The CTC improvements increased the benefit to as much as \$3,600 a year per young child and \$3,000 a year for children 6 and older, included 17-year-olds, provided advanced payments each month starting in July 2021, and made the credit fully refundable. The EITC expansion nearly tripled the amount of the credit for low-income workers and broadened eligibility from 25 to 18 years old for foster youth and youth experiencing homelessness. The enhanced CTC likely reached nearly 40 million households with more than 65 million children, and the EITC improvements have the potential to benefit over 17 million workers,⁴ including as many as 500,000 former foster youth. When the full CTC became available for the first time to families with little or no income, it reached the one-third of our children previously left behind, who disproportionately are children of color.⁵ An analysis from Columbia University's Center on Poverty and Social Policy finds that children who were disproportionately ineligible for the CTC prior to the ARPA enhancements — Black and Hispanic children, young children, and children in single-parent, rural or large families — all experienced significant declines in child poverty in 2021.⁶

The CTC is a powerful tool that contributed significantly to the largest decrease in the child poverty rate on record (from 9.7% in 2020 to 5.2% in 2021),⁷ dramatically reduced food insufficiency,⁸ and eased material hardship for tens of millions of households. Families receiving the monthly CTC payments overwhelmingly spent them on basic necessities including food, utilities, housing, education resources, diapers, and paying down debt.⁹ Furthermore, several studies found the cash benefit had no impact on employment status.¹⁰ In fact, the CTC helped families, especially single mothers, increase their labor force participation by allowing them to afford child care, transportation, and other necessities that help them get to work.¹¹ Similarly, the EITC helped young people pay for transportation to and from job training, school or community-based support. The expiration of these unprecedented tax investments disrupted every aspect of children's lives: Roughly 4 million children slid back into poverty in January 2022¹² and food insufficiency rates among households with children increased 25%.¹³

Research out of the University of Washington suggests that the collective impact of tax credits for families led to a reduction in child maltreatment reports by helping to stabilize families.¹⁴ These results suggest that child neglect reports decrease when parents have more economic resources. Researchers believe the reduced number of reports could generate many other positive outcomes for children and their families.

Tax Credit Investments Make Smart Economic Sense for Families and Our Society

Enhancing the CTC helps children and also makes good economic sense for the country as a whole. The National Academy of Sciences estimates that child poverty costs the U.S. nearly \$1 trillion annually as a result of higher crime, poor health outcomes, and lower income levels when children living in poverty grow up. In a recent survey by Lake Research Partners, American voters expressed overwhelming concern about this data, with 86% saying they were concerned and just 12% saying they were not concerned. Researchers at Columbia University find that investment in a child allowance program will pay massive dividends — estimating an 8:1 return on investment.¹⁵ Improving the Child Tax Credit also strengthens local economies. The Niskanen Center found that extending the Child Tax Credit for even just one year would support the equivalent of 500,000 private-sector jobs.¹⁶ Finally, the improved CTC brings our child poverty rate closer to that of other wealthy countries, increasing our competitiveness around the world.¹⁷

Tax Code Improvements Can Address Inequities and Close Income Gap

The temporary 2021 tax credit enhancements delivered remarkable progress, and Congress must build on this to create a more equitable tax code that benefits all children. For example, the poverty gap for Black and Hispanic children compared to their white peers narrowed in 2021, but a sizable gap remains. Children in immigrant families continue to experience higher rates of poverty than their non-immigrant peers, often because they remain ineligible for assistance. An estimated 1 million immigrant children with Individual Taxpayer Identification Numbers (ITINs) remain excluded from the Child Tax Credit.¹⁸ Families in Puerto Rico did not receive the advance monthly payments, and under current law Puerto Rico's families with children accrue the refundable portion of the Child Tax Credit at a slower rate than families in states.

The CTC and the EITC number among our most successful existing policies for reducing child poverty. In 2021, the Supplemental Poverty Measure (SPM), showed that together, the refundable tax credits — CTC, EITC and the Child and Dependent Care Tax Credit (CDCTC) — lifted nearly 5 million children out of poverty. We urge Congress to build on this success and enact additional provisions to make the tax code fairer and more equitable for children in low- and moderate-income families, especially those in minority families and those who face the biggest barriers to economic stability.

President Biden told Congressional colleagues in early March, “We can't stop working to restore the child tax credit permanently.”

We wholeheartedly agree and support the President and Congressional Champions to accomplish that goal.

Administrative Actions

Improve outreach to marginalized communities and access to the CTC

The Protecting Americans from Tax Hikes Act of 2015 (PATH Act) includes provisions significantly changing the Individual Taxpayer Identification Number (ITIN) program resulting in the need for ITIN renewals and rendering many individuals ineligible for the expanded CTC. Unfortunately, many parents were unaware of both the changes in the ITIN program and the temporary improvements to the CTC affecting their eligibility to claim the credit. Disproportionately, families left behind under the PATH Act are families of color. Despite enhanced outreach efforts by the Administration, families still had insufficient information, misinformation or lacked the resources to meet deadlines and overcome administrative challenges. The process to apply for an ITIN is burdensome, time-consuming, can contain language barriers, and those using an ITIN to receive the CTC lacked access to online filing tools. We urge the IRS to use all appropriate and legal authority at its disposal to ensure ITIN applicants have access to the expanded CTC.¹⁹

Establish a family, youth and worker benefit unit within the IRS.

We urge the Administration and Congress to assign and support a dedicated team of staff to enhance outreach to families who face challenges accessing tax credits such as the CTC, EITC and CDCTC. Improved customer services to identify and aid hard-to-reach families and individuals would ensure they can equitably and accurately access any available tax credits appropriate for their household circumstances. It is illogical and cruel that the families most in need of assistance are often the ones without full information regarding federal support programs, lack the time and resources to document their need and eligibility, and therefore face the highest barriers to enrolling in programs. The Administration should also fund trusted community organizations for education and outreach efforts to help raise awareness and increase enrollment for tax credits.

Legislation

Create a permanent, inclusive monthly child benefit

We strongly recommend that Congress create a permanent, federal, monthly child allowance based on the “best interests of children.” The program should be administered by an agency equipped to meet the needs of all children and help families with the greatest barriers to economic stability. Designing the program around the “best interests of children” preempts debate about the “deservedness” of adults in the children’s lives, a conversation that often winds up punishing children.

Congress should adopt a permanent child benefit program designed around the American Family Act (H.R. 928) sponsored by Reps. Rosa DeLauro (D-CT), Suzan DelBene (D-WA) and Richie Torres (D-NJ) in the 117th Congress and Sens. Michael Bennet (D-CO), Sherrod Brown (D-OH) and Cory Booker (D-NJ) in the 116th Congress. Advocates expect lawmakers to update and re-introduce the legislation early in the 118th. We urge Congress to convert the Child Tax Credit into a permanent, monthly child allowance to ensure all families — including residents of U.S. territories and all immigrant children — can meet the economy’s current financial challenges and the high and growing cost of raising children and supporting their healthy development.

Important principles for reforming the CTC include:

- Making the credit fully refundable and increasing the credit (to at least \$4,000 per child per year)
- Creating a more generous young-child tax credit (at least \$4,600 per child per year)
- Including all children, regardless of immigration status
- Designating 17-year-olds as “qualifying children”
- Establishing equity for children in U.S. territories
- Designing a program that is accessible to all children, especially those in complex living arrangements, involved with foster care or other public systems, unbanked and/or not connected to the tax code so the benefit follows the child
- Providing advance payments on a monthly basis — the same schedule as household bills — ensuring reliable funding and automatic adjustments to keep pace with inflation and the rising cost of raising children
- Guaranteeing that the cash benefit is not counted as taxable income and isn’t considered income when determining household eligibility for other benefits and assistance
- Offering a simple sign-up process with a sign-up tool in multiple languages and assurance the program complements, not replaces, other supports for families
- Protecting families from surprise tax bills and the credit from garnishment

A successful child allowance program would provide a meaningful, monthly cash benefit that helps families with the rising costs of raising children, supports children’s healthy development, eliminates child poverty, promotes racial equity and justice, boosts the economy, and ensures increased economic opportunities for all children.

Expand Earned Income Tax Credit for families with children and foster youth

We urge Congress to pass legislation to permanently expand and strengthen the EITC, using as models both the ARPA and the Working Families Tax Relief Act (S. 1138/H.R. 3157) introduced in the 116th Congress by Sens. Sherrod Brown (D-OH), Michael Bennet (D-CO), Dick Durbin (D-IL) and Ron Wyden (D-OR), and led by Rep. Dan Kildee (D-MI) in the House. We support boosting the EITC for families with children by increasing the maximum credit and the phase-in rate. We strongly support the ARPA provisions that lowered the eligibility age for childless workers, in particular, the drop from

age 25 to age 18 for youth experiencing the foster care system and homelessness even while they are full-time students. These improvements would benefit many transition-age youth and prevent millions of low-wage, childless workers from being taxed into poverty.

Support the Earned Income Tax Credit Equity Act for Puerto Rico

Puerto Rico has a much higher proportion of people living in poverty than any state and more than 50% of Puerto Rico's children live in poverty, according to the U.S. Census Bureau.²⁰ Residents of Puerto Rico do not have the same access to federal tax credits as people living in the states. The EITC Equity for Puerto Rico Act of 2023 (H.R. 257), introduced by Rep. Jenniferr González-Colón (Resident Commissioner-Puerto Rico), would make eligibility for residents of Puerto Rico equal to that of residents in the states.

Support the Foster Opportunity EITC Act

Congress must build on the EITC's success in bringing recipients into the labor market and reducing poverty by making permanent changes such as those in the Foster Opportunity EITC Act (H.R. 4954/S. 2790), introduced by Rep. Danny Davis (D-IL) and sponsored by Sen. Bob Casey (D-PA) in the 116th Congress.

Expand the Child and Dependent Care Tax Credit (CDCTC)

We urge Congress to make permanent, significant and comprehensive improvements to the Child and Dependent Care Tax Credit (CDCTC). The American Rescue Plan Act temporarily authorized many provisions contained in H.R. 927 and S. 271 introduced in the 117th Congress by Rep. Danny Davis (D-IL) and Sen. Bob Casey (D-PA), and these offer a solid basis for reform.

The bill would make the CDCTC fully refundable, increase the maximum credit rate to 50%, adjust the phase-out threshold to begin at \$125,000 rather than \$15,000, greatly increase the amount of child and dependent care expenses that are eligible for the credit, and index the credit for inflation. This legislation complements the critically important direct spending programs for child care, collectively known as the Child Care Development Block Grant.

Support the Improved Employment Outcomes for Foster Youth Act

We strongly support expansion of the Work Opportunity Tax Credit (WOTC) to include the hiring of qualified foster care transition-age youth. The WOTC permits employers hiring individuals who are members of a targeted group to claim a tax credit equal to a portion of the wages paid to those individuals. Modeled on H.R. 3986, sponsored by Rep. Danny Davis (D-IL) in the 117th Congress, the WOTC would be expanded to employers who hire "qualified foster care transition youth."

Establish a national baby bonds program

A national “baby bonds” program, as proposed by Rep. Ayanna Pressley (D-MA) and Sen. Cory Booker (D-NJ) in the American Opportunity Accounts Act (H.R. 1041/S. 441), offers one way to address the racial wealth gap. This legislation would authorize federally funded and managed savings accounts (American Opportunity Accounts) for children under the age of 18.

Establish a renters’ tax credit

Creating a national renters’ tax credit, if properly designed and implemented, could help meet the need for housing assistance by delivering resources directly to the families who need it most. A renters’ tax credit should:

- Be targeted to low-income renter households
- Support families with children by adjusting for family size and inflation
- Reach families who lack a formal lease but are still paying rent or a motel bill
- Be large enough to relieve the housing cost burden of low-income families
- Be delivered monthly, just as rent is due, and allow for the credit to be adjusted quarterly to respond to fluctuations in household income or rent

Lawmakers should look to the lessons learned from the Internal Revenue Service’s delivery of monthly Child Tax Credit payments in 2021 and build upon this effort. The Rent Relief Act (H.R. 8357/S. 4728), led by Rep. Danny Davis (D-IL) and Sen. Raphael Warnock (D-GA) in the 117th Congress, provides one design approach.

Support the Filing Simplification Act of 2022

Bills such as S. 4508, introduced by Sen. Elizabeth Warren (D-MA) and H.R. 8368 introduced by Reps. Brad Sherman (D-CA) and Katie Porter (D-CA) in the 117th Congress, would simplify the tax filing process for millions of Americans, saving them time and money while also ensuring more eligible families and youth have access to important tax refunds.

The bills were introduced on the heels of an April 2022 GAO report that recommended the IRS identify and develop additional options for free, online filing.²¹ The proposed legislation would authorize the IRS to create a permanent portal for tax filers and the funding to implement and maintain the program.

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SECTION 5

End Child Poverty in the United States

No child deserves to grow up in poverty, yet historically the United States has had a higher rate of child poverty than other wealthy nations because we have failed to invest in our children.

We applaud the Biden-Harris Administration's leadership in making significant inroads against child poverty in 2021 with expansions to the Child Tax Credit that significantly increased the amount of the credit and, for the first time, made the full credit available to children in families with the greatest need. These expansions led to the lowest child poverty rate on record in the United States in 2021 and cut child poverty nearly in half in just one year.¹

These dramatic results meant that households had more money to provide food, clothing, and diapers for their children. It meant more money for child care, gas, and car repairs that helped parents get to work. It meant more money for educational resources, music lessons or soccer, or a trip to the zoo. It also meant reduced stress for many parents and caretakers, who reported that the money gave them some breathing room,² relieving them of the constant fear and distraction of how to meet their children's basic needs.

A National Academy of Sciences 2019 landmark study documented that cash transfers to households with children create positive momentum for children's long-term success, leading to better health outcomes, higher educational attainment, and increased earnings as adults.³ As time goes on, research is likely to reveal more about the long-term positive impacts that these 2021 payments had on the millions of children whose households received them.

While the drop in child poverty and other progress of 2021 was unprecedented and worth celebrating, it also greatly underestimated hardship and still leaves many children behind. For instance, income thresholds used to measure poverty remain much too low, with households at double the poverty line still experiencing significant financial insecurity and struggling to make ends meet.

Children of color experienced poverty at record lows in 2021, but significant racial and ethnic disparities persist. Children in immigrant families continue to face more significant barriers to economic stability than non-immigrant families due to restricted access to tax credits and other benefits. And children in Puerto Rico and the other U.S. territories continue to face higher rates of poverty than children in the 50 states and the District of Columbia due to their unequal access to federal benefits as part of a long history of racism and discrimination against Americans living in the territories.

The historic progress of 2021 confirmed that child poverty is solvable when lawmakers have the political will to act. When expansions to the Child Tax Credit expired at the end of 2021, progress retreated and 2022 has brought significant increases of material hardship and food insecurity.

We thank President Biden and Vice President Harris for continually calling to maintain the improvements to the Child Tax Credit, and urge the Administration to continue working with Congress to regain the progress of 2021, and, ultimately, end child poverty in the United States. The American public agrees: In a 2022 poll conducted by Lake Research Partners, American voters said by a 6-to-1 margin that we spend too little to address child poverty, and voters across party lines said they are very concerned that children experience higher levels of poverty than adults in the United States.⁴

We urge the Administration to:

Establish a national child poverty reduction target through executive action

We urge the Administration to solidify its commitment to addressing child poverty by establishing a national child poverty reduction target through executive action. Child poverty is a long-term problem in need of long-term solutions. Setting a goal to reduce child poverty creates the accountability needed to pass the long-term policies that can ultimately end child poverty in the United States.

Other countries have proven the effectiveness of poverty reduction targets. After establishing targets, the United Kingdom cut its child poverty rate in half between 1999 and 2008⁵ and before the outbreak of COVID-19, Canada had reduced child poverty by more than a third since 2015.⁶ In the United States, momentum is growing, with child poverty reduction targets established in California, and most recently in Puerto Rico⁷ and New York state.⁸

Issue proposed rule that refocuses TANF on reducing child poverty and closing the racial poverty gap

The Administration's Unified Agenda of Regulatory and Deregulatory Actions for FY 2023 outlines a plan to issue a proposed rule to improve the overall well-being of families and address inequities in the services and policies of the Temporary Assistance for Needy Families (TANF) program.

We urge the Department of Health and Human Services to issue a rule to refocus the TANF program on prioritizing child poverty reduction in the United States and closing the racial child poverty gap. Children make up the overwhelming majority of TANF recipients,⁹ yet child poverty reduction is not an explicit goal of the program. In addition, officials do not evaluate state TANF spending for its impact on reducing child poverty or advancing racial equity.

Rather than providing cash assistance to families, a significant amount of TANF money is used for “non-core” services and programs that historically have been funded by the state, such as child welfare services, pre-kindergarten programs, and state Earned Income Tax Credits. The TANF funds often supplant state dollars for these supports, rather than provide additional assistance to families with children. In more egregious examples, states have used funds to serve upper-middle-class families¹⁰ and have even fraudulently diverted funds to benefit wealthy individuals.¹¹

Within its authority, we ask that HHS propose a rule that directs states to spend TANF funds on cash assistance to support the children in families who face the toughest barriers to economic stability. We also ask HHS to encourage state agency officials to design their state's program in a manner that promotes economic mobility for families. State officials have the authority to grant exemptions to work requirements, remove full-family sections, and set a broad definition for the activities that qualify as “work” — including the pursuit of higher education, job training, mental health treatment, or other activities that prepare an individual for work.¹²

TANF has the potential to not only reach more children with the greatest need, but to more effectively promote household social mobility, and reduce, rather than perpetuate, racial economic disparities.

Improve Poverty Data and Measurement

While the progress in reducing child poverty in 2021 is significant, the way we measure poverty greatly underestimates hardship and leaves many children behind. Income thresholds used to determine poverty remain much too low, so many households with incomes significantly higher than the federal poverty line still experience financial insecurity and struggle to make ends meet.

The poverty threshold in 2021 stood at roughly \$30,000 for a family of four with two children. The Economic Policy Institute's Family Budget Calculator¹³ shows that in most areas of the country, a family of four with two children needs at least \$80,000 a year to have an adequate standard of living — and in many places, they need much more. By these standards, even families who live at double the poverty threshold cannot make ends meet. A realistic view of material hardship and deprivation must figure into calculations of progress to ensure that anti-poverty measures are making a meaningful impact.

The National Academy of Sciences has convened an expert panel to evaluate and make recommendations to improve the Supplemental Poverty Measure, which is currently the strongest and most realistic poverty measure used by the federal government.¹⁴ The panel is expected to release its conclusions in early 2023, and we urge the Administration to review them for action items that could improve the Supplemental Poverty Measure and create alternative measures that could provide a more holistic view of material hardship and deprivation.

The Administration also must address the persistent undercount of children in the decennial Census, American Community Survey, and other U.S. Census Bureau surveys. Despite Census Bureau efforts to address the challenge of counting kids in 2020, analysis of the agency's data by Dr. William O'Hare for the Count All Kids committee finds that the 2020 Decennial Census net undercount rate for young children actually increased from 4.6% in 2010 to 5.4% in 2020. This is the highest net undercount rate for young children since 1950 when tracking started.¹⁵ Preliminary data from 2020 also suggests the gap between non-Hispanic white children and minority children (Black and Hispanic) was bigger in 2020 than it was in 2010, meaning that many of the children most in need of assistance are the least likely to get their fair share.

This undercount of young children is very troubling because census data guides the allocation of more than \$1.5 trillion in federal funding to over 300 programs, many of which support the healthy development of children and keep the most vulnerable from falling into poverty.¹⁶

We urge the Administration to bolster the capacity of the Census's Directorate on the Undercount of Young Children to determine why young children are missed, improve data collection, elevate research addressing the undercount of Hispanic and Black children, and expand outreach to enhance data accuracy. In addition, we urge the Administration to support efforts to improve the American Community Survey's sample size, response rates, follow-up operations, and other mechanisms to ensure the survey accurately captures data about the nation's increasingly complex communities and households.

Ensure that federal employees can take advantage of paid family leave and other leave policies

The lack of earned family leave for millions of U.S. workers forces parents to make an impossible choice: Continue earning necessary income, or forfeit that income and care for their newborn, sick child, family member, or themselves. Paid family leave promotes healthy child development, family economic security, and labor force retention, by allowing parents and caregivers to maintain steady employment and income without sacrificing their family obligations.

The Bureau of Labor Statistics shows that only about 1-in-4 private sector employees have access to paid family leave. Hispanic and Black workers are much less likely to have access to paid leave compared to their white counterparts.¹⁷ In addition, nearly 1-in-4 U.S. workers, or 23% of the workforce, do not have even a single paid sick day.

We appreciate the Biden-Harris Administration's commitment to supporting the federal workforce and its paid leave benefit, as well as the announcement made on the 30th anniversary of the Family and Medical Leave Act calling on federal agencies to support leave for employees starting in their first year of work.¹⁸ We urge the Administration to undertake efforts to ensure that federal employees can take advantage of the leave offered to them, as well as to continue supporting expanded paid leave and sick days for all workers in the United States.

Legislative Action

To address child poverty, First Focus Campaign for Children recommends support and passage of the following legislation:

- **The Child Poverty Reduction Act (H.R. 1558/S. 643)**, introduced in the 117th Congress by Rep. Danny Davis (D-IL) and Sen. Bob Casey (D-PA). The bill would codify a national child poverty reduction target in the United States.
- **The American Family Act (H.R. 928/S. 690)**, introduced in the 117th Congress by Reps. Rosa DeLauro (D-CT), Suzan DelBene (D-WA) and Ritchie Torres (D-NJ) and Sens. Michael Bennet (D-CO), Sherrod Brown (D-OH) and Cory Booker (D-NJ) in the 116th Congress. The bill would improve the Child Tax Credit and convert it into a permanent, monthly child allowance.
- **The American Opportunity Accounts Act (H.R. 1041/S. 441)**, led by Rep. Ayanna Pressley (D-MA) and Sen. Cory Booker (D-NJ). The bill would address our country's racial wealth gap by establishing a national "baby bonds" program.
- **The FAMILY Act (H.R. 804/S. 248)**, introduced in the 117th Congress by Rep. Rosa DeLauro (D-CT) and Sen. Kirsten Gillibrand (D-NY). The bill would establish a national, permanent paid family and medical leave program.
- **The Healthy Families Act (H.R. 2465/S. 1195)**, introduced in the 117th Congress by Rep. Rosa DeLauro (D-CT) and Sen. Patty Murray (D-WA). The bill would establish a national, permanent paid sick leave program.

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SECTION 6

Secure Gains in Children's Health Care Coverage and Services

Covering All Kids

We must ensure that every child in the United States has health care coverage. Before the COVID-19 pandemic, the number and rate of uninsured children had begun to rise after two decades of significant progress since the 1997 enactment of the Children's Health Insurance Program (CHIP).¹ Medicaid coverage protections enacted during the pandemic began reversing this downward trend.² However, these coverage protections expired as of April 1, 2023, as the Consolidated Appropriations Act, 2023 (CAA 2023) took effect.³

CAA 2023 does provide some tools and policy changes to mitigate children's coverage losses during the unwinding and into the future. Some of these positive changes include requiring states to provide 12 months of continuous eligibility for children enrolled in Medicaid and CHIP even when their families' circumstances change and extending CHIP for an additional two years until Fiscal Year (FY) 2029.⁴ Still, despite these improvements, many children do not have secure access to health care coverage and even one uninsured child is too many. Children are counting on the Biden-Harris Administration to continue to improve children's access to quality, affordable health care coverage. To do this, we urge the Biden-Harris Administration to:

- **Oppose all attempts to cut funding for Medicaid, including through block grants and per capita caps.** Medicaid provides critical coverage for more than 34 million children,⁵ ensuring they have access to the physical and mental health services they need to thrive. Any cuts to the program would have devastating impacts on the nation's children and their access to care, including necessary screenings and interventions for early childhood development.
- **Streamline and fast-track the states' ability to provide continuous eligibility for children in Medicaid and CHIP through age 5.** Absent working with Congress to enact legislation requiring continuous eligibility for children in Medicaid and CHIP through age 5 (see [Legislative Action section on page 35](#)), the Centers for Medicare & Medicaid Services (CMS) should develop and provide an expedited section 1115 waiver template for states to adopt the option to provide multi-year continuous eligibility for children.

- **Allow Deferred Action for Childhood Arrivals (DACA) youth to get access to Medicaid, CHIP, and Affordable Care Act coverage.** DACA youth have long been excluded from accessing health coverage through public coverage programs or the ACA Marketplace. The COVID-19 pandemic demonstrated how critical it is to ensure everyone has access to health coverage and care. To improve equity within our health system and ensure no one goes without the physical and behavioral health care they need, DACA youth can no longer be excluded from the life-saving support of health coverage.
- **Encourage and work with states to implement the Express Lane Eligibility option.** The Express Lane Eligibility (ELE) option allows states to use information from other public programs, such as the Supplemental Nutrition Assistance Program (SNAP), to enroll and renew children's coverage in Medicaid and CHIP, making it a great opportunity for states to eliminate administrative barriers for families when enrolling in and/or renewing their coverage. However, not enough states have taken up the option. CMS should encourage and work with states on their adoption of ELE to ensure that eligible children and their families do not have to jump through burdensome hoops to enroll in or maintain a child's coverage in Medicaid or CHIP.
- **Support states to incorporate and maximize the use of Medicaid to cover home visiting services for children and families.** CMS should update and expand its home visiting guidance and provide technical assistance to help states implement Medicaid home visiting programs. This assistance can include helping community organizations outside of the traditional health system understand how to effectively bill Medicaid and how to use Medicaid to cover home visiting alongside other federal funding. We also urge CMS to encourage states to incorporate home visiting into their Medicaid services. For instance, states could incorporate home visiting into the Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) benefit. States that have adopted the 12-month postpartum coverage option could use a complementary benefit category to cover home visiting under extended pregnancy services for pregnant and postpartum mothers.
- **Collect data and support implementation of the “family glitch” fix.** We applaud the Biden Administration for fixing the “family glitch” so that nearly 5 million low-income family members —more than half of them children — are now eligible for affordable health insurance through the Marketplace. First Focus on Children has been advocating for this change for more than 10 years. The rule was finalized in late 2022, well into “open season” for 2023, which means that many families might not be aware of this new opportunity. Therefore, we ask the Department of Health and Human Services (HHS) to maintain outreach, education and enrollment efforts to ensure that eligible families learn about the rule change, understand its implications and are directed to viable enrollment options. It may take several open season cycles to fully enroll eligible families. To ensure that the family glitch rule has been successful and resulted in uptake by newly eligible families, we ask that HHS track and release data on these families for the next two years.
- **Fix the arbitrary “birthday rule,” which snags new parents.** We must eliminate the birthday rule, which dictates that the parent with the earlier birthday in the calendar year becomes the parent who provides the coverage, whether or not that is the best choice for the child. HHS has the authority to fix this issue through its regulatory authority. We ask that all health plans give parents with separate health insurance a 60-day time frame to choose the plan that provides the best coverage for their newborn.
- **Address the Broken Pediatric Health Care System.** During the COVID-19 pandemic, hospitals around the country weakened the pediatric health care infrastructure by reassigning children's beds to sick adults. In treating adults, hospitals received higher reimbursement rates through Medicare. To retain this extra income, hospitals have kept these beds for adults, sending children to hospitals hours away from their homes or even to other states. Pediatric Intensive Care Unit beds are in short supply. We urge the Biden Administration to assemble key Congressional leaders, HHS officials, health care providers, hospitals and consumers to assess the severity of problems plaguing the pediatric health care system. Fixing children's health care presents a complex, multi-faceted infrastructure challenge, but we cannot fail our children and their families.

Legislative Action

The Biden-Harris Administration can accomplish the goal of covering all kids by working with Congress to:

- **Make CHIP permanent.** Although CHIP is extended until FY 2029, the program remains the only federal insurance program that is temporary and continuously needs to be extended. The program's financial uncertainty burdens families who rely on CHIP to meet their children's health care needs and inhibits states that want to improve their programs. Making CHIP permanent would ensure health care coverage security for nearly 7 million children across the country. In the 117th Congress, the Children's Health Insurance Program Permanency (CHIPP) Act (H.R. 1791) was introduced by Rep. Nanette Barragán (D-CA). The Comprehensive Access to Robust Insurance Now Guaranteed (CARING) for Kids Act (H.R. 66) was introduced by Rep. Vern Buchanan (R-FL) and co-sponsored by Rep. Lucy McBath (D-GA).
- **Reduce administrative burdens for states to expand CHIP eligibility.** Due to changes in the Affordable Care Act (ACA), states cannot expand CHIP eligibility above a certain threshold using a state plan amendment (SPA). Instead, most states must submit a section 1115 demonstration waiver to receive approval to expand eligibility. This process adds administrative burden and reduces efficiency for states that wish to cover more children. Language for this technical fix was included in the CHIPP Act and the Build Back Better Act (H.R. 5376) in the 117th Congress, but fell out of the final version enacted as the Inflation Reduction Act.
- **Enact continuous coverage language for Medicaid and CHIP from birth to age 6, so that children always have health coverage during the most critical time of development.** Healthy development in a child's early years provides a solid foundation for lifelong success. Ensuring children have consistent coverage allows them to access well-child visits, vaccinations, and specialty care. Any gaps in coverage during these early years could mean a child misses important physical, social, and emotional developmental milestones and appropriate referrals for intervention, stunting their overall development into adulthood. Congress made 12 months of continuous eligibility mandatory for children in Medicaid and CHIP with the enactment of CAA 2023, but the policy must go further, and ensure that every child has access to stable coverage during their early years of development.
- **Require 12 months of postpartum coverage in Medicaid and CHIP.** Medicaid and CHIP cover approximately 43% of all U.S. births each year.⁶ We applaud Congress for giving the states a permanent option to provide 12 months of postpartum coverage in Medicaid and CHIP. However, unless states are *required* to provide 12 months postpartum coverage in Medicaid/CHIP, many mothers will be left behind and the country's maternal mortality crisis — which disproportionately affects women of color — will intensify.
- **Remove barriers to health care coverage based on immigration status.** The COVID-19 pandemic amplified the need to ensure that every person is able to get affordable health care no matter how long they have been in the United States or what status they have been granted. However, unnecessary and unjust policy barriers prevent immigrants from having access to health coverage. These barriers lead to a patchwork system where immigrant families often put off getting care until it results in more dire (and expensive) emergency care situations. Critical steps toward removing these barriers would include enacting the Health Equity and Access Under the Law (HEAL) for Immigrant Families Act (H.R. 3149/S. 1660), sponsored by Reps. Pramila Jayapal (D-WA) and Nanette Barragán (D-CA) and Sen. Cory Booker (D-NJ) in the 117th Congress, or the Lifting Immigrant Families Through Benefits Access Restoration (LIFT the BAR) Act (H.R. 5227/S. 4311), sponsored by Rep. Pramila Jayapal (D-WA) and Sen. Mazie Hirono (D-HI), also in the 117th Congress.
- **Allow families to purchase coverage through Medicaid, CHIP, or the Federal Employee Health Benefits Plan (FEHBP).** While the Affordable Care Act (ACA) has resulted in historic insurance gains, millions of Americans remain uninsured, including nearly 4.2 million children.⁷ The State Public Option Act (S. 2639/H.R. 4974), introduced in the 117th Congress by Sens. Brian Schatz (D-HI) and Ben Ray Lujan (D-NM) and Rep. Kim Schrier (D-WA), builds on the Medicaid program's efficient and comprehensive coverage system. It would let states allow residents who would otherwise be ineligible to buy into Medicaid, regardless of income and immigration status, providing more families with options for coverage that meet their health needs and budgets. Similar approaches could use CHIP or the FEHBP.

- **Remove obstacles to health care enrollment.** Despite significant increases to the number of insured Americans, millions remain uninsured, including more than 4 million children.⁸ Many of the uninsured are eligible for Medicaid, CHIP, or Marketplace coverage but do not know it and/or are unable to get past bureaucratic, red tape requirements for enrolling. The Biden-Harris Administration should work with Congress to modernize health care coverage enrollment and eligibility for America's children and families by passing the Easy Enrollment in Health Care Act (S. 3001/H.R. 5610), introduced in the 117th Congress by Sen. Chris Van Hollen and Rep. Ami Bera, which allows information from a family's tax filings to be used to flag whether that family qualifies for a health insurance affordability program. Alternatively, the Administration could work with Congress to pass legislation to grant authority to states to experiment with policies that streamline and automate enrollment in Medicaid, CHIP, Marketplace coverage and other public programs.
- **Invest in comprehensive solutions that ensure equitable health care for communities that have been historically excluded and neglected.** The Health Equity and Accountability Act (HEAA) (H.R. 7585/S. 4486), introduced in the 117th Congress, would address every feature of health care and its delivery system. HEAA would remove barriers to affordable health insurance coverage, promote investments in new health delivery methods and technologies, and improve research and data collection about the health needs and outcomes of diverse communities. HEAA acts as a legislative outline to reduce racial and ethnic health disparities and establish a health care system that will lead us to true health care equity for all children, individuals, and families.

Beyond Coverage: Access to Physical and Behavioral Health Care for Children

Coverage is just the first piece of the puzzle to ensure children have timely and appropriate access to the care they need to thrive. The country's youth behavioral health crisis has exposed many gaps in our public policies and in funding for the resources and services that children and youth need. The public's waning confidence in life-saving childhood and other vaccines has produced alarmingly low vaccination rates, and our maternal and infant mortality rates continue to rise, exposing unacceptable racial disparities. Children and their families still struggle to afford overpriced prescription drugs such as insulin and Epipens. Social drivers including nutrition, housing, and transportation continue to degrade children's health. The Biden-Harris Administration must act to ensure that all children have access to equitable services that meet their physical and behavioral health needs from birth to adulthood. To do this, the Administration should:

- **Address our nation's broken pediatric health care system.** Pediatric health care infrastructure problems have existed for many years, but during the COVID-19 pandemic, hospitals around the country weakened the pediatric health care infrastructure by reassigning children's beds to sick adults. By transferring children's beds to sick adults, hospitals received higher reimbursement rates through Medicare. To retain this extra income, hospitals have kept these beds for adults, sending children to hospitals hours away from their homes or even to other states. Pediatric beds are in short supply in private and public hospitals. Also, fewer beds are available to sick children in children's hospitals, where teens with mental health issues are often "boarding" for long periods of time due to a lack of community mental health resources. In addition, during the past several autumn and winter seasons, RSV, flu and COVID-19 have overwhelmed the pediatric health care system. Workforce shortages continue to strain an already overwhelmed care system. Reimbursement rates are too low, and Medicaid unwinding threatens to compound these problems by increasing the number of uninsured children. We urge the Biden-Harris Administration to assemble key Congressional leaders, HHS officials, providers, hospitals and consumers to assess the severity of problems plaguing the pediatric health care system. Fixing children's health care presents a complex, multi-faceted infrastructure challenge, but we cannot fail our children and their families.
- **Review and Update Essential Health Benefits.** We are pleased that HHS is conducting a review of Essential Health Benefits for marketplace plans. First Focus on Children was pleased to submit comments related to "pediatric benefits." The bottom line is that children are not little adults. They require services and care specifically suited to their unique developmental needs. However, the small group plans that largely serve as the EHB benchmarks were not developed with adequate consideration of children's needs. First Focus supports a broader definition of "pediatric services," the usage of Early and Periodic Screening, Diagnostic and Treatment (EPSDT) as the benchmark for addressing gaps in services, the coverage of habilitative services and a broader array of behavioral health services to meet the ongoing mental health crisis for children, teens and young adults.

- Provide better oversight of the Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) benefit.** Medicaid's Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) benefit aims to provide comprehensive and preventive health care services for children under the age of 21. The benefit helps ensure that children receive appropriate preventive, dental, mental health, developmental, and specialty services. The Bipartisan Safer Communities Act, enacted in June 2022, requires HHS to review state EPSDT implementation by 2024.⁹ It is critical that the Administration ensure that HHS' required activities under the law are comprehensive and timely so that appropriate interventions can be identified and developed to assist states with implementation of EPSDT.
- Rebalance the allocation of federal workforce dollars spent on health care vs. behavioral health.** The U.S. spends approximately \$16.2 billion a year on developing the Graduate Medical Education (GME) workforce.¹⁰ Of all the GME medical health care specialties, fewer than 5% of students are pursuing psychiatry; of those students, well under 1% — just 0.11% — are pursuing child and adolescent psychiatry.¹¹ Within the \$1.7 billion Health Resources and Service Administration (HRSA) health care workforce budget, only 9.4% is allocated to the behavioral health workforce; of that amount, just 4% goes to child and adolescent health.¹² We acknowledge that the health care workforce is not fully funded but given the size and severity of the national mental health crisis, our investment in behavioral health workforce development is woefully insufficient to provide enough mental health professionals for our nation — particularly for the children, teens and young adults who are experiencing a serious crisis.
- Rebalance the allocation of mental health workforce dollars spent on child and adolescent mental health.** Nationally, 60% of youth who experience a severe depressive episode do not receive treatment.¹³ As noted in the recommendation above, "Rebalance the allocation of federal workforce dollars spent on health care vs. behavioral health," the U.S. does not spend enough on developing the child and adolescent mental health workforce. Priorities must change if we expect to help our nation's children through this crisis. We urge the Biden Administration to make children's mental health a priority as it contemplates the next two Presidential budgets.
- Urge HHS to issue a report reviewing the way states spend Medicaid dollars for behavioral health and substance use disorder services for children, teens and young adults ages 0 to 26, and disaggregate the data by race and ethnicity.** Many questions need to be answered. For instance, are more dollars being spent to place children in residential care or to serve them in their homes and communities? What percentages of Medicaid dollars do states spend on in-patient care within their states? What percentages do they spend on in-patient care provided outside of their states? How much is being spent on home and community-based care? Which states have successfully rebalanced their Medicaid behavioral health funding? Is there an overutilization of psychotropic drugs with little behavioral health support to achieve successful outcomes? All of this data must be disaggregated by race and ethnicity to ensure equitable access and use of care.
- Urge HHS to review the allocation of resources for children and youth in the Certified Community Behavioral Health Clinics (CCBHCs) program.** CCBHCs are a valuable resource for children and families who might not otherwise receive behavioral health care. The government has put more federal funding toward this program to help alleviate the country's mental health crisis, particularly among our nation's youth. Through the appropriations process, HHS should determine what percentage of children, teens and young adults (ages 0 to 26) are receiving services at CCBHCs compared to the adult population. Is demand for services by children, teens and young adults greater than the supply of services? What type of support is HHS offering these clinics to appropriately serve this population?
- Support and Expand Peer-to-Peer Networks.** The need for professional behavioral health services far outweighs the capacity of our current workforce to provide care. Recruitment, pipeline, and funding issues inhibit the quick expansion of the professional workforce. Experts acknowledge that teens are more likely to initially talk with their peers about behavioral health issues than with an adult. The peer-to-peer model uses untapped resources to address the teen mental health crisis. Peer-to-peer networks offer a simpler and more immediate way to provide support to teens and young adults. We urge the Biden Administration to use all opportunities, including through Medicaid reimbursement, to build upon the success of existing peer networks to offer teens and young adults someone to talk with when they are upset or in a crisis. Whether in-person, via text or through a telephone hotline, there are many ways for peers (who have received training) to provide support to other teens and young adults so they know they are not alone and can be directed to professional services if necessary.

- **Request that HHS collect and share data on the integration of behavioral health services in the Medicaid and CHIP programs for children, teens and young adults.** New guidelines from the Centers for Medicare and Medicaid Services (CMS) clarify that states can integrate behavioral health care with Medicaid and CHIP. We urge HHS to collect and share data showing how often the pediatric setting integrates behavioral health for children and youth ages 0 to 26. CMS also should be required to share best practices with states.
- **Encourage the co-location of pediatric health care and behavioral health services through payment incentives and reduced administrative burdens.** The easiest way to ensure that children and teens get the services they need is to co-locate services. However, financial and administrative barriers hamper these efforts. CMS has issued guidance and funded several demonstration models of integrated care (both for early childhood and for older children). We urge CMS to continue this course of action to better meet the behavioral health crisis for our nation's children.
- **Ensure that HHS and the Department of Education coordinate mental health efforts.** Under the Bipartisan Safer Communities Act, both HHS and the Department of Education distribute mental health funding. These two departments must coordinate as they release these significant resources. The Biden Administration must ensure this coordination by requesting regular updates from these departments on their activities and disbursement of funds, and by requiring that applications for state grants are submitted by a team of agencies that includes jurisdiction over Medicaid, education, public health, and behavioral health.
- **Improve data on racial disparities in access to mental health care in schools.** Most public schools have an unacceptable student-to-school-based mental health personnel ratio. High-poverty schools and those with more non-white students often have armed school resource officers, but few counselors, psychologists or social workers. Data that identifies where the disparities exist would fuel a better allocation of resources. We urge the Department of Education to conduct a detailed analysis of student-to-school-based mental health personnel ratios in all school districts, with data disaggregated by students' race and ethnicity and their access to mental health services.
- **Invest in evidence-based prevention programs at the earliest ages in schools.** Numerous early intervention mental health strategies and programs have proven effective for young students. The Biden Administration must prioritize these interventions as a way to prevent mental illness in children at the earliest stages. Programs such as these are and can be further funded through several federal agencies, including the Departments of Health and Human Services, Justice, and Education. Grantmakers should identify programs that have shown success and can be used in a variety of communities.¹⁴
- **Continue to support waivers for social determinants of health (SDOH) and require better reporting by HHS on all SDOH activities.** Social determinants of health (SDOH), also called "social drivers of health" are the non-medical factors that influence health outcomes. SDOH — such as nutrition, housing, poverty, access to transportation — can account for as much as 50% of health outcomes. Addressing disparities in SDOH can improve health of the overall population, reduce health care costs and improve quality of life. We support the waivers that CMS approved for states to experiment with health-related social needs such as transportation, nutrition, food, and housing assistance (which now includes rental assistance). Reliable data provide a critical tool in addressing health care disparities.
- **Enforce and Strengthen the Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA).** Barriers that prevent or delay children, teens and young adults from receiving mental health and behavioral health care in a timely fashion (as compared to physical health) must be removed. Congress must ensure that children, youth and young adults have access to behavioral health services, particularly at this time of crisis for American children, teens and young adults. The need for services is great. Unfortunately, millions of children are unable to access appropriate services in a timely manner, even if they have health insurance. More than 8% of children with private insurance in 2020 were enrolled in plans that did not cover mental health services, totaling 950,000 children.¹⁵ Roadblocks that children and their families experience related to parity include:
 - Network adequacy
 - Low reimbursement rates for behavioral health providers
 - Limits on the number of visits
 - Higher co-pays for behavioral health
 - Prior authorization for in-patient care

The 2022 MHPAEA Report to Congress from HHS, the Department of Labor, and the Department of the Treasury outlined serious compliance issues by group health plans and the health insurance coverage they offer.¹⁶ While the Senate Finance Committee white paper issued in December 2022 made valuable recommendations for parity in plans under Medicare and Medicaid, it did not offer recommendations for commercial health care plans in the private market. Since roughly half of American children have health insurance coverage through an employer (as a dependent on their parent's coverage), Congress and the Biden Administration must enforce the MHPAEA law and ensure compliance by insurance plans so that children have equal and timely access to behavioral health care services. Additional funding and technical support must be provided to states to ensure adequate oversight.

Legislative Action

- **Pass the Affordable Insulin Now Act.** This legislation (S. 3700), sponsored by Sen. Raphael Warnock (D-GA) in the 117th Congress, would cap insulin prices at \$35 a month for all children. Congress passed caps on insulin for older Americans in the Reconciliation bill this fall, but did not include caps for children.
- **Pass the Kickstarting Innovative Demonstrations Supporting Kids (KIDS) Health Act.** Experimentation within Medicaid can offer solutions to health care disparities, especially for children. Approximately 40 million children are enrolled nationally in Medicaid and CHIP. These programs must be allowed to focus on those who fall through the cracks, and experience higher levels of poverty and poor health outcomes. This legislation would allow states to continue experimenting with Medicaid waivers and think creatively with their partners (health insurance companies, health providers and community partners) to develop and improve services. The legislation was introduced in the 117th Congress (H.R. 9037/S. 5011) by Reps. Lisa Blunt Rochester (D-DE) and Gus Bilirakis (R-FL) and Sens. Tom Carper (D-DE) and Dan Sullivan (R-AK).
- **Support the Behavioral Health Coverage Transparency Act.** Introduced by Sen. Elizabeth Warren (D-MA) in the 117th Congress, S. 4616 requires the Secretaries of Health and Human Services, Labor and Treasury to audit group health plans and insurers to determine compliance with federal laws. We support the review of reimbursement rates of services for in-network and out-of-network claims. Finally, children and the people who care for them will benefit from having a proper office (Consumer Parity Unit) to file consumer complaints about denials of services and/or network adequacy issues and to know that their complaints will be reviewed.
- **Support the Behavioral Health Network and Directory Improvement Act.** Introduced by Sens. Tina Smith (D-MN) and Ron Wyden (D-OR) in the 117th Congress, S. 5093 is a consumer rights bill to improve transparency for consumers when seeking a behavioral health provider in-network for their children or when provider directories are inaccurate or not current. The legislation aims to protect children and their families from “ghosting parity,” which occurs when parents are given directories of providers only to find that these providers no longer are in the network, no longer accept new patients or have waiting lists that are months long. Children and teens seeking access to services need clear and current provider directories.
- **Adopt the Mental Health Services for Students Act.** This bill (H.R. 721/S. 1841), introduced by Rep. Grace Napolitano (D-CA) and Sen. Tina Smith (D-MN) in the 117th Congress, would expand the scope and funding of Project AWARE to provide on-site mental health professionals in schools and support for family members of children with mental health concerns. Project AWARE, operated by the Substance Abuse and Mental Health Services Administration (SAMHSA), has successfully increased mental health awareness in schools across the country, and lawmakers must support and expand it to reach more students, families, and schools.
- **Enact the Advancing Student Services in Schools Today Act (ASSIST).** This bill (H.R. 7672/S. 3704), introduced by Rep. Kathy Castor (D-FL) and Sens. Raphael Warnock (D-GA) and Maggie Hassan (D-NH) in the 117th Congress, would create a new grant program at HHS to hire and retain mental health and substance use disorder professionals in schools. The bill would increase the Medicaid matching funds to pay for services in schools by 90%, which would allow states to increase pay for providers of these services.

Vaccines

Vaccines represent an area of great concern for children and equity in public health. First Focus on Children has written to the Biden Administration on this topic in the past. The politicization of the COVID-19 vaccine has contributed to declining immunization rates for routine childhood vaccines. Nationwide, 28% of adults said in 2022 that parents should not have to vaccinate their children in order to attend public school, even if this poses health risks to other children, an increase from 16% in 2019.¹⁷ Just 71% of adults say that children should be vaccinated against measles, mumps, and rubella in order to attend public school, down from 82% in 2019. COVID-19 vaccination rates for children, especially our youngest children, continue to lag.¹⁸ Preventable diseases such as measles recently have broken out among mostly unvaccinated groups of children. Vaccination rates for nearly all childhood vaccines fell during the COVID-19 pandemic as children missed routine health visits, but misinformation about the COVID-19 vaccine and distrust of government and public health measures have kept these numbers from recovering. To reverse this trend, the Biden-Harris Administration should:

- **Ensure that vaccines are available to all children, that availability is equitable, and that caregivers have accurate information.** To do this, we urge the administration to improve immunization rates and counter anti-vaccine disinformation by:
 - Establishing a point person for childhood vaccination to oversee a national communication effort and set ambitious goals, including getting all school-aged children up-to-date on their immunizations.
 - Expanding funds for the Centers for Disease Control and Prevention's vaccine programs, school-based health clinics and community health centers
 - Improving the infrastructure needed to interrupt and counter anti-vax disinformation
 - Funding local community clinics, public health and community-based organizations, and trusted messengers like community health workers to continue enabling equitable access to information about vaccines and preventive health measures for children
 - Providing incentives such as gift cards, badges, and other simple bonuses wherever adults get vaccinated to encourage conversation about the benefits of pediatric vaccinations

Legislative action

- **Pass Strengthening the Vaccines for Children Program Act.** This bill, introduced by Rep. Kim Schrier (D-WA) and Sen. Jack Reed (D-RI), H.R. 2347/S. 2691 in the 117th Congress, would expand reimbursement for vaccine counseling and education in order to address vaccine hesitancy, track immunization disparities, and improve outreach on facts about the benefits of vaccination.

Maternal Health

The Maternal, Infant, and Early Childhood Home Visiting (MIECHV) Program is a federal grant program to states, territories, and tribes that supports early childhood home visiting programs with documented, evidence-based success, for families from pregnancy through a child's entry into kindergarten. MIECHV shows positive results in six benchmark areas critical to strengthening families, including in improved maternal and newborn health. The government saves more than \$32,000 per child served through home visiting, and over an individual's lifetime, benefits exceed costs by at least 20% and up to more than 200%.^{19,20}

The FY 2023 Omnibus Appropriations bill reauthorized MIECHV for five years and delivered the first funding increase in the program's history, a doubling of the tribal set-aside funding, the continuation of virtual home visits, and new data disaggregation requirements based on race and ethnicity. The administration must continue to work to improve equity in MIECHV and home visiting while the reauthorization is being implemented. To do this, the Biden-Harris Administration should:

- **Improve data collection, program reporting, and evaluation of Dual Language Learners' access to and use of MIECHV programs.** One-third of children in the United States ages 0-5 are Dual Language Learners, defined as children with at least one parent who speaks a language other than English at home.²¹ All federally funded programs are required to offer people with limited English proficiency meaningful access to services, and research has found that MIECHV has not adequately done this.²² The Department of Health and Human Services and the Health

Resources and Services Administration (HRSA) should collect data showing the level of state compliance with language access requirements and establish regular reporting and planning for language access in MIECHV services.

- **Provide meaningful access to federal funding for community-based home visiting models.** The MIECHV statute allows states to spend up to 25% of their allotment on “promising practices”, which are home visiting models that do not currently receive MIECHV funding and do not yet meet the evidence standard required. However, only three states currently take advantage of this opportunity. Sometimes called community-based models, these models can target specific populations, such as refugees or Dual Language Learners, and others that larger models often miss. Increased funding in MIECHV reauthorization may provide more opportunities for states to fund community-based models, but HRSA should define pathways for them to access federal resources.
- **Collect data around current funding sources for home visiting and require states to cover home visiting services through Medicaid.** Currently, Medicaid pays for some home visiting in some states, depending on the model, state interest, and capacity for obtaining reimbursement. HRSA should track Medicaid and other sources of funding for home visiting in states, including through MIECHV, to better understand how Medicaid is currently being used and what other funding streams help pay for home visiting services.

Congress ultimately must require states to make home visiting a Medicaid benefit, with a ramp-up period for states to adopt new models and build new home visiting capacity. These efforts should also include grants to states to execute their plans to scale up their Medicaid-supported home visiting programs, including developing the capacity of home visiting providers to effectively enroll and bill for Medicaid reimbursement. *See the section ‘Covering all Kids’ on page 33* for administrative actions that can support home visiting services in Medicaid.

Tobacco

Tobacco use is the leading preventable cause of death in the United States, and in 2021, 34% of high school students and 11% of middle school students reported having used a tobacco product. Half of youth who have ever tried smoking started with menthol cigarettes, and flavors play a key role in attracting youth to start using tobacco products, including cigars.^{23,24} We applaud the Food and Drug Administration (FDA) for its proposed rules to prohibit the manufacture and sale of menthol cigarettes and flavored cigars, which will help reduce youth initiation and use of deadly tobacco products, and we urge the FDA to finalize these rules. We also applaud the FDA’s plan for a proposed rule to reduce the nicotine level in cigarettes, and urge the administration to submit that proposal as soon as possible.

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SECTION 7

Protect Our Environment to Improve Health Outcomes for Children

Every child, regardless of race, income or location, deserves to live in an environment free from hazards. Unfortunately, millions of children in the U.S. and abroad do not enjoy this basic right. Air pollution accounted for 20% of newborn deaths worldwide in 2019.¹ In the U.S., 1.2 million children between 1999 and 2010 had elevated lead levels in their blood.² Nearly half of the world's children are at extremely high risk for the impacts of climate change.³

Exposure to environmental toxins affects children differently, and often more harshly, than adults. Children's physiology and behavior make them uniquely susceptible to environmental threats, such as air pollution, water pollution, and toxic substances. Environmental hazards put children's bodies — and their futures — in jeopardy. Climate change threatens more and more children as natural disasters and extreme weather events increase in frequency and intensity around the globe.

Compounding an already complicated issue, children of color, children in low-income communities, and other marginalized children are even more likely to be exposed to environmental pollution, the effects of climate change, poor air and water quality, toxic pollutants, and the subsequent health outcomes.⁴

The Biden-Harris Administration has taken strong steps in the right direction regarding climate and environmental protection. We urge the Administration to continue the good work to prevent harmful impacts from climate change and promote environmental justice, among other policies, to help ensure that every child lives free from environmental hazards.

Prioritize meeting Strategic Plan Framework goals

First Focus on Children strongly supported the inclusion of a child-focused cross-agency strategy in the Environmental Protection Agency's Strategic Plan Framework for 2022-2026.⁵ However, we would like to see the Administration build out that strategy and continue work to meet this goal. The strategy calls on government to assess environmental health information and data for children at all life stages for all completed EPA actions that concern human health. This approach offers a strong start, and we urge the agency and the Administration overall to implement this strategy in *all* proposed future policies and regulations to ensure tangible results by FY 2026.

Strengthen particulate matter rule proposal

We urge the Administration to go further in its work to ensure clean and healthy air for all, especially children, by strengthening its recently proposed soot pollution standards. Soot pollution released by power plants, cars, trucks, industrial activity, and other sources is especially dangerous for children, as even short-term exposure can trigger asthma attacks and hospitalization.⁶ While we support the Administration's strengthening of the health-based annual limit of pollution exposure for the first time since 2012, the rule falls short and even fails to meet the recommendations of EPA's own scientific advisory panel. We recommend adopting a standard no higher than 8 mcg/m³ annually and 25 mcg/m³ daily.

Bolster the Office of Children's Health Protection at EPA

The EPA's Office of Children's Health Protection is one of the only EPA divisions focused solely on children. Unfortunately, this office received just \$6.2 million in funding in FY 2022. We urge the Administration to invest in this office to ensure its ability to work across the entire agency.

Develop an agency to protect children from environmental hazards at school

Every day, millions of children and faculty learn and teach in schools and child care centers with crumbling infrastructure, ineffective air quality control, and exposure to toxins such as lead and asbestos. The Occupational Safety and Health Administration, which works to ensure safe and healthy working conditions for employees, covers millions of teachers across the country. However, no specific entity works to protect the health of children at school and in child care. We urge the Administration to prioritize the health and safety of children attending school and child care, for instance, by creating a new division on school safety that specifically protects students.

Legislative Action

To address these issues legislatively, we recommend:

Support the Protect America's Children from Toxic Pesticides Act (S. 3283)

Harmful toxins and pesticides pose a particular risk to children, and can inflict major damage on their growth and development. We urge the Administration to support legislation that strengthens the Toxic Substance Control Act and shields children from exposure. The Protect America's Children from Toxic Pesticides Act (S. 3283), led by Sen. Cory Booker (D-NJ), would ban some of the most harmful pesticides and create new regulations that ensure safe pesticide registration practices.

Support legislation that will improve school infrastructure to protect child health

Students and teachers deserve to learn and work in a building free from environmental and occupational hazards. Yet nearly 50 million students and 3 million teachers are put at risk by crumbling school infrastructure, which can expose them to toxins such as asbestos, lead, copper, and mold. This exposure can impair cognitive function and damage lungs, affecting children for the rest of their lives. We urge the Administration to support legislation such as The Clean Air Sharp Minds Act (S. 3364/H.R. 6025 of the 116th Congress) led by Sen. Cory Booker (D-NJ) and Rep. Katherine Clark (D-MA), which aims to improve the air quality in schools so that children can thrive while learning. The Reopen and Rebuild America's Schools Act of 2021 (S.96/H.R. 604) led by Sen. Jack Reed (D-RI) and Rep. Bobby Scott (D-VA) would invest \$100 billion to transform school infrastructure and would provide \$30 billion in bond authority to support high-poverty schools. The Administration should also support the Breath of Fresh Air Act (H.R. 245) led by Rep. Sheila Jackson Lee (D-TX), which would provide schools with grants to allocate nebulizers, which help children suffering from asthma, a condition exacerbated by air pollution.

Support legislation that will protect children from lead exposure

Lead is an extremely dangerous toxin that can cause developmental issues in children and the Centers for Disease Control and Prevention maintains that any level of exposure is dangerous. Yet thousands of children remain exposed to lead in their drinking water and within their homes. We urge the Administration to support legislation such as the Keep Children and Families Safe from Lead Hazards Act (S. 2746/H.R. 6110 in the 117th Congress) led by Sen. Marco Rubio (R-FL) and former Rep. Al Lawson (D-FL), which would direct the federal government to do what's necessary to prevent lead poisoning in low-income housing. The Preventing Lead Poisoning Act of 2021 (S. 1826/H.R. 3511) led by Sens. Bob Menendez (D-NJ), Rob Portman (R-OH) and Sherrod Brown (D-OH) and Reps. John Katko (R-NY) and David Cicilline (D-RI) would require the Children's Health Insurance Program (CHIP), which insures more than 7 million children, to cover screening tests for lead.

Support the Environmental Justice For All Act (S. 872/H.R. 2021)

Children from low-income families and communities of color are usually at higher risk of exposure to toxic substances, pollution and the resulting negative health outcomes such as asthma and learning disabilities. The Environmental Justice for All Act (S. 872/H.R. 2021) led by Sen. Tammy Duckworth (D-IL) and Rep. Raul Grijalva (D-AZ) in the 117th Congress would require federal agencies and large corporations to consider the health consequences of their actions and would ensure compliance and enforcement to reduce health disparities in disadvantaged communities.

Support legislation that will tackle climate change and its health outcomes

Climate change is altering our planet at an alarming rate. Temperatures continue to rise, weather patterns are shifting to create stronger storms and longer droughts, and food- and water-borne diseases are afflicting even more people. Unfortunately, women and children — who make up nearly 70% of the world's poorest populations — will bear the brunt of the climate emergency. The Women and Climate Change Act of 2021 (H.R. 260/S. 3774) led by Rep. Barbara Lee (D-CA) and Sen. Mazie Hirono (D-HI) would direct federal agencies, such as the Department of State and the Centers for Disease Control and Prevention, to develop coordinated and comprehensive strategies to lead the global effort to mitigate the impacts of climate change on women and girls. Pregnant women and their infants run a particularly high risk of climate-induced health hazards, which can cause low birth weight and even death. We also urge Congress to support The Protecting Moms and Babies Against Climate Change Act (H.R. 957/S. 423) in the 117th Congress, which would invest in community-based programs to identify and mitigate this population's exposure to climate-related health risks.

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SECTION 8

End Child Hunger and Improve Child Nutrition

As our nation continues to recover from the pandemic, millions of families are still struggling to put food on the table and children continue to go hungry.¹ Pandemic aid, such as increased benefits in the Supplemental Nutrition Assistance Program (SNAP), the Pandemic EBT program and even the enhanced child tax credit, provided a lifeline to millions of families and significantly improved child hunger.² In fact, nearly half (47%) of respondents to the U.S. Census Household Pulse Survey said they used their first child tax credit payment to buy food.³ Now, much of that pandemic aid has expired, just as families face record high inflation and skyrocketing food prices. Children need consistent and equitable access to food now more than ever.

Pandemic policies have shown that government investment in federal food assistance programs, such as SNAP, the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), and the National School Lunch Program, positively impacts the lives of children in low-income families.⁴ But addressing the long-term problem of child hunger in this country — especially for children of color, who are twice as likely as their white peers to be food insecure — will require long-term investment.⁵

Ensuring appropriate development, learning, health, and well-being of children requires consistent access to an adequate amount of healthy food. Food insecurity inflicts long-term damage on children and often compounds and exacerbates the problems associated with child poverty. Federal food assistance programs are critically important supports that help children get the food they need. The Administration can and should strengthen and expand these programs to fight child food insecurity and ensure better child nutrition.

Continue Work from White House Conference on Hunger, Nutrition, and Health

We commend the Biden-Harris Administration for hosting the first White House Conference on Hunger, Nutrition, and Health in nearly 50 years and the subsequent release of a comprehensive and robust National Strategy to end hunger and reduce diet-related diseases by 2030. However, the work isn't over. We urge the Administration to use every tool and resource at their disposal to prioritize food and nutrition security for Americans. Federal agencies can take a host of actions, such as streamlining enrollment in federal nutrition programs, helping states leverage Medicaid to address hunger, and broadly, raising awareness around the importance of good nutrition to the health and development of children.

Modernize and streamline enrollment in federal nutrition programs

For federal benefit programs to reach the people who need them, officials must modernize and streamline enrollment. Multiple mechanisms can reduce barriers to enrollment and administrative “red tape” to reach more eligible children. The Administration can play a key role in this complicated process, and we urge officials to encourage all states to streamline and modernize their eligibility systems and support federal legislation to improve the enrollment process for low-income families. For example, the U.S. Department of Agriculture could issue guidance on how state agencies can ensure families’ seamless enrollment in nutrition, health, and other benefit programs at the same time. Currently, only some states offer these integrated benefit systems.

Support and invest in school nutrition programs

When schools shut down at the onset of the pandemic, their role as lifelines for millions of children became even clearer. School nutrition programs stepped up in creative ways to ensure that children continued to be fed. However, school nutrition programs currently face a multitude of problems including staffing shortages, record-high inflation, and rising food costs that outpace the federal reimbursement they receive to subsidize meals. We urge the Administration to increase technical assistance and school meal equipment grants to ensure that schools can continue to serve millions of healthy meals.

Support universal school meals

School meals offer an incredibly effective way to get nutritious food to students, for whom proper nutrition is of utmost importance to their development. Nearly 30 million children qualify for free and reduced-price school meals, and pandemic flexibilities ensured that millions of children were able to receive free school meals regardless of income. Unfortunately, these flexibilities have expired, leaving many families and schools struggling. The Administration should strive to assure healthy school meals for all. Universal access to free school meals would remove the stigma associated with the program, reduce the administrative burden on school nutrition programs, and ensure that every single student receives nutritious meals at school.

Maintain proposed guidance on updated nutrition standards for school meals

We strongly support the recently published proposed rule that would strengthen the nutritional guidelines schools must meet for the food they serve millions of children during breakfast and lunch. The last time USDA fully updated school meal standards was in 2012, and the new standards proved successful. Research on the impact of those changes found that the nutritional quality of school meals increased by 41%,⁶ fruit, vegetable, and whole grain⁷ consumption increased, and obesity prevalence for children in poverty came in 47% lower than expected in 2018.⁸ However, obesity rates among children continue to rise with devastating consequences, including early onset cardiovascular risks.⁹ USDA must continue to prioritize the nutritional quality of the food students consume at school and maintain the guidelines they propose in the published rule.

Protect and enhance the SNAP program

The Supplemental Nutrition Assistance Program (SNAP) provides the first line of defense against child food insecurity, and as a secondary effect has lifted millions of children out of poverty. During the 118th Congress, policymakers have a chance to improve and modernize the SNAP program through the Farm Bill. Any changes to SNAP must reflect the needs of low-income families; harmful and unnecessary policies, such as work requirements or benefit cuts, should not be included. The Administration must vigorously and openly oppose any policy proposals that undercut the SNAP program's benefit levels and poverty-reduction capabilities.

In addition, theft of SNAP benefits has been rising at an alarming rate.¹⁰ Families who lose their SNAP benefits to theft are typically not reimbursed. Electronic Benefit Transfer (EBT) accounts lack consumer protections. Provisions included in the Consolidated Appropriations Act (CAA) at the end of 2022 will reimburse victims of benefit theft and provide EBT cardholders with more protections. The CAA also required USDA to issue guidance and regulations directing state agencies to implement security measures to identify and reduce theft, and to collect data on how benefits are being stolen so that additional safeguards can be added in the 2023 Farm Bill. We urge USDA to protect SNAP beneficiaries and work with states to ensure benefits are protected.

Modernize the WIC program

The acute and long-term impacts for children facing food and nutrition insecurity must be addressed before they are born. For more than 50 years, the WIC program has been one of the most essential federal programs in giving low-income pregnant women, postpartum and breastfeeding individuals, infants and children at nutritional risk a better start in life. WIC provides nearly 6 million mothers and children access to nutritious foods, counseling on healthy eating and breastfeeding support. A vast body of research confirms that properly nourished children not only have better health outcomes but more actively participate at school, and have better focus and information retention. Children who eat poorly suffer not only from chronic diseases like obesity, Type 2 diabetes and tooth decay, but also face a lifetime of challenges caused by inadequate access to proper nutrition, including behavioral problems, depression, low self-esteem, and failure to thrive at school. We strongly support the Administration's commitment to modernizing and improving the WIC program to effectively serve its participants and reverse its progressive decline in participation. We urge USDA to maintain or improve its proposed rule updating the WIC food package for the first time in decades¹¹ and its proposed rule to remove barriers to online ordering and internet-based transactions.¹²

Legislative Action

To address these issues legislatively, we recommend:

Support the School Food Modernization Act

The Administration must support legislation that invests in the capacity of educational institutions to serve healthy meals by increasing reimbursement rates and grants for technical assistance and school meal equipment. The School Food Modernization Act (S. 876/H.R. 4379) led by Sen. Susan Collins (R-ME) in the 117th Congress would help schools serve healthier meals to students by establishing a grant, loan guarantee and technical assistance program.

Support the Universal School Meals Program Act

The Universal School Meals Program Act (S. 1530/H.R. 3115) led by Sens. Bernie Sanders (I-VT) and Kirsten Gillibrand (D-NY), and Rep. Ilhan Omar (D-MN) in the 117th Congress would provide free school meals to every student regardless of income.

Support legislation to improve SNAP, not undercut it

The Administration should support various pieces of legislation aimed at improving SNAP. In particular, the Expanding SNAP Options Act (H.R. 1413/S.313) led by Rep. Robin Kelly (D-IL) and Sen. Dick Durbin (D-IL) in the 117th Congress would increase access to online SNAP purchasing and delivery, allowing working families to purchase food online. The Improving Access to Nutrition Act of 2021 (H.R. 1753) led by Rep. Barbara Lee (D-CA) would repeal certain unnecessary and harmful work requirements for SNAP. Bills such as the Student Food Security Act (H.R. 3100/S. 1569) led by Rep. Jahana Hayes (D-CT) and Sen. Elizabeth Warren (D-MA) in the 117th Congress and the Opportunity to Address College Hunger Act (H.R. 309) led by Rep. Suzanne Bonamici (D-OR) in the current Congress would increase access to SNAP for college students, a population with high levels of food insecurity.

As mentioned above theft of SNAP benefits has been rising at an alarming rate.¹³ In addition to the previously mentioned provisions in the CAA, we urge Congress to enact long-term protections for SNAP recipients. The SNAP Theft Protection Act of 2023 (H.R. 205) led by Rep. C.A. Dutch Ruppersberger (D-MD) would create a permanent solution by allowing states to use their federal SNAP allocations to reissue stolen benefits.

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SECTION 9

Invest in our Youngest Children

The enormous positive impact that early learning programs exert on children and families, early learning professionals and employers, and the U.S. economy became crystal clear during the COVID-19 pandemic, as did our need to significantly improve the way we operate and fund these programs. High-quality early learning programs foster positive, on-time post-secondary educational outcomes for children; improved cognitive and emotional development, and academic achievement; and less involvement with the criminal justice system.^{1,2,3} The return on investment of high-quality early learning programs ranges from \$4-to-\$13 for each \$1 spent.⁴ Early learning programs allow parents to work, receive training, and attend school, and the COVID-19 pandemic unequivocally proved that our country cannot function without it.

However, current systems lack the structure and funding necessary to best meet the needs of children, their families, and early learning professionals. Although some early childhood programs have seen funding increases in recent years, the United States invests fewer public dollars in these programs relative to Gross Domestic Product (GDP) than almost all other developed nations, ranking 35th out of 37 countries tracked by the Organization for Economic Cooperation and Development.⁵ The cost to a family of child care for two children in a center was more than annual mortgage payments in 44 states and the District of Columbia, and the cost of child care for an infant at a center was more than in-state tuition at a public university in 34 states and D.C.⁶ Child care is least affordable and accessible for Black, Hispanic, and low-income working parents.⁷ Nearly 60% of Hispanic families live in a child care desert, meaning an area that has more than three young children for every licensed child care slot.⁸ Child care workers, who are overwhelmingly women and disproportionately women of color, in 2020 earned an average of \$12.24 per hour, and 46% rely on one or more public programs such as Medicaid, food stamps, and Temporary Assistance for Needy Families each year.^{9,10} Home visiting programs, which produce positive results in a long list of areas important for children and their families, currently serve fewer than 5% of eligible families. Nearly a quarter of the U.S. workforce does not have access to paid family and medical leave or sick days, putting their health and the health and well-being of their families at risk. We must do better.

To build an early learning system that meets the needs of children, families, and employees, the Biden administration must:

- Significantly increase federal investments in child care and treat the sector like the public good it is
- Improve child care data to better reflect care being used and received
- Increase equity in the Maternal, Infant, and Early Childhood Home Visiting (MIECHV) program by improving language access, creating viable funding pathways for additional home visiting models that serve underserved populations, and requiring Medicaid coverage of home visiting
- Establish a national paid family and medical leave program and provide workers with paid sick days

Child Care

The COVID-19 pandemic exposed the fragility of our child care sector, which currently fails many people: Children who cannot access a setting that works best for them, families who cannot afford the high prices of high-quality care, and employees whose work is devalued by low pay and few benefits.

Update child care data to reflect current care settings

To better evaluate child care gaps and demand levels, lawmakers must understand the variety of care settings that families currently use, such as center-based, home-based, family/friend/neighbor, unlicensed, licensed, and other options. The U.S. Census Bureau's last comprehensive survey — “Who’s Minding the Kids? Child Care Arrangements” — was published more than a decade ago, in Spring 2011. The Census Bureau must update this report to reflect current data.¹¹

Continue to find administrative pathways for improving access to child care and promoting it as a social good

On February 28, 2023, the Commerce Department announced that any semiconductor manufacturer applying for federal subsidies through funding made available by the CHIPS and Science Act, must include a plan for providing affordable, high-quality child care for their workers. We applaud the Biden administration for taking bold administrative action to promote the availability of child care, and we encourage the administration to continue to creatively think of ways to support child care through other government contracts and levers.

Improve data collection, program reporting, and evaluation of Dual Language Learners’ access to and use of child care programs

One-third of children in the United States ages 0-5 are Dual Language Learners, defined as children with at least one parent who speaks a language other than English at home.¹² All federally funded programs are required to offer people with limited English proficiency meaningful access to services, and research has found that the Child Care and Development Block Grant (CCDBG) has not adequately done this.¹³ The Department of Health and Human Services and the Health Resources and Services Administration should collect data showing the level of state compliance with language access requirements and establish regular reporting and enforcement for language access in MIECHV services.

Improve the affordability, access, and quality of child care

Congress should consider several of the large child care bills already before them, including the Child Care for Working Families Act (S. 1360), introduced in the 117th Congress by Sen. Patty Murray (D-WA) and Rep. Bobby Scott (D-VA), and the Child Care for Every Community Act (S. 388/H.R. 953), introduced in the 118th by Sen. Elizabeth Warren (D-MA) and Rep. Mikie Sherrill (D-NJ). These bills would create substantive change in child care to improve quality, lower costs for families, and increase wages and benefits for workers.

Apply child care policies in a variety of settings

Child care looks different for different families based on their needs. Some families need care during non-traditional hours such as overnight, some prefer classroom settings like pre-K, and others want their children in an in-home care setting. Congress must think creatively about how to tailor care to families' needs. For instance, Rep. Suzanne Bonamici's (D-OR) Build Housing with Care Act (H.R. 9375), also referenced in our chapter on homelessness policy, would provide funding to build child care centers and support home-based care providers connected with affordable housing locations.

Home Visiting

The Maternal, Infant, and Early Childhood Home Visiting (MIECHV) Program is a federal grant program to states, territories, and tribes that supports early childhood home visiting programs with documented, evidence-based success, for families from pregnancy through a child's entry into kindergarten. MIECHV shows positive results in six benchmark areas critical to strengthening at-risk families:

1. Improved maternal and newborn health
2. Prevention of child injuries, child abuse, neglect or maltreatment, and reduction of emergency department visits
3. Improved school readiness and achievement
4. Reduced crime and domestic violence
5. Improved family economic self-sufficiency
6. Improved coordination of and referrals to other community resources and supports.

The government saves more than \$32,000 per child served through home visiting, and over an individual's lifetime, benefits exceed costs by at least 20% and up to more than 200%.^{14,15}

The Fiscal Year (FY) 2023 Omnibus Appropriations bill reauthorized MIECHV for five years and delivered the first funding increase in the program's history. Congress doubled the tribal set-aside funding, continued virtual home visits, and established new data disaggregation requirements based on race and ethnicity. The Administration must continue to improve equity in MIECHV and home visiting while the reauthorization is being implemented.

Improve data collection, program reporting, and evaluation of Dual Language Learners' access to and use of MIECHV programs

One-third of children in the United States ages 0-5 are Dual Language Learners, defined as children with at least one parent who speaks a language other than English at home.¹⁶ All federally funded programs are required to offer people with limited English proficiency meaningful access to services, and research has found that MIECHV has not adequately done this.¹⁷ The Department of Health and Human Services and the Health Resources and Services Administration (HRSA) must collect data showing the level of state compliance with language access requirements and establish regular reporting and enforcement for language access in MIECHV services.

The Jackie Walorski Maternal and Child Home Visiting Reauthorization Act of 2022, which reauthorized the MIECHV program, was included in the FY 2023 Omnibus appropriations bill. This reauthorization includes a required annual report to Congress from HHS that provides, among other things, information on the demographic makeup of families served under MIECHV, while maintaining family confidentiality. The statute gives HHS the ability to collect additional information as determined by the HHS Secretary, and we urge HHS to include home language spoken in its report. Having this data can help provide a better representation of families served under MIECHV and allow programs to be tailored to meet the language needs of families.

Provide meaningful access to federal funding for community-based home visiting models

The MIECHV statute allows states to spend up to 25% of their allotment on “promising practices”, which are home visiting models that do not currently receive MIECHV funding and do not yet meet the evidence standard required. However, only three states currently take advantage of this opportunity. Sometimes called “community-based models,” these models can target specific populations, such as refugees or Dual Language Learners, and others that larger models often miss. Increased funding in MIECHV reauthorization may provide more opportunities for states to fund community-based models, but HRSA should also define pathways for them to access federal resources.

Collect data around current funding sources for home visiting and require Medicaid to cover home visiting services

Currently, Medicaid pays for some home visiting in some states, depending on the model, state interest, and capacity for obtaining reimbursement. As discussed, home visiting shows benefits in numerous areas, including maternal and child health and social determinants of health. Congress must require HRSA to track Medicaid and other sources of funding for home visiting in states, including through MIECHV, to better understand how Medicaid is currently being used and what other funding streams help pay for home visiting services.

Support states to incorporate and maximize the use of Medicaid to cover home visiting services for children and families

As also described in the children's health chapter of this document, the Center for Medicare and Medicaid Services (CMS) should update and expand its home visiting guidance and provide technical assistance to support state implementation of Medicaid home visiting programs. This assistance can include helping community organizations outside of the traditional

health system understand how to effectively bill Medicaid and how to use Medicaid to cover home visiting alongside other federal funding. We also urge CMS to encourage states to incorporate home visiting into their Medicaid services. For instance, states could incorporate home visiting into the Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) benefit. States that have adopted the 12-month postpartum coverage option could use a complementary benefit category to cover home visiting under extended pregnancy services for pregnant and postpartum mothers. Congress ultimately must require states to make home visiting a Medicaid benefit, but the administration can take numerous steps to support this goal.

Paid Family Leave and Sick Days

As also detailed in the child poverty chapter of this report, the lack of earned family leave and sick days for millions of U.S. workers forces parents to choose between forfeiting income and caring for their newborn, a sick child or family member, or themselves. Paid family and sick leave promote healthy child development, family economic security, and labor force retention by allowing parents and caregivers to maintain steady employment and income without sacrificing their family obligations.

The Bureau of Labor Statistics shows that only about 1-in-4 private sector employees has access to paid family leave. And nearly 1-in-4 U.S. workers, or 23% of the workforce, does not have even a single paid sick day.¹⁸ Hispanic and Black workers are much less likely to have access to paid leave compared to their white counterparts,^{19,20} and low-wage and part-time workers, the majority of whom are marginalized workers of color, are the least likely to have paid sick days.

Ensure that federal employees can take advantage of paid and other leave policies

We appreciate the Biden-Harris Administration's commitment to supporting the federal workforce and its paid leave benefit, as well as the announcement made on the 30th anniversary of the Family and Medical Leave Act calling on federal agencies to support leave for employees starting in their first year of work. We urge the Administration to ensure federal employees can take advantage of the leave offered to them, as well as to continue supporting expanded paid leave and sick days for all workers in the United States.

Legislation

Establish a national family and medical leave program

We strongly urge Congress to establish a permanent paid family and medical leave program as outlined in the FAMILY Act (H.R. 804/S. 248), led by Rep. Rosa DeLauro (D-CT) and Sen. Kirsten Gillibrand (D-NY) in the 117th Congress.

Provide workers access to paid sick days

We strongly urge Congress to permanently guarantee America's workers access to paid sick days as proposed in the Healthy Families Act (H.R. 2465/S. 1195), led by Rep. Rosa DeLauro (D-CT) and Sen. Patty Murray (D-WA) in the 117th Congress.

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SECTION 10

Invest in Our Nation's Students and in Education Equity and Supports

Education is a children's issue.

Unfortunately, policymakers often fail to put the needs, concerns, and well-being of children first when it comes to public policy — even in education. For example, far too often, lawmakers have promoted and encouraged inequality and chronic underfunding of our nation's public schools.

Instead, the federal government should ensure that all children, regardless of age, race, ethnicity, gender, disability, income, or zip code receive a quality education. The following K-12 federal education agenda outlines policies and programs that First Focus Campaign for Children believes are essential to achieving that goal. The Biden Administration plays an important role in supporting an equitable high-quality public education experience for all students and in ensuring that education legislation is implemented correctly and fully enforced. We urge the Biden Administration to work with Congress to prioritize supporting and expanding essential education resources for students.

Increase funding and equity in K-12 education

Increased funding is one of the most critical components of improving K-12 education. The federal government should increase funding for Title I, which provides funds to schools with high percentages of students from low-income families.

Disturbing funding disparities afflict our nation's students. A 2016 report found that majority-white school districts receive \$23 billion more in annual funding than their non-white counterparts.¹ The government must improve the funding formulas. The National Center for Education Statistics (NCES) found that aspects of the Title I formula provide less funding to children in poor school districts than in wealthier ones.² We recommend that the Biden Administration increase its K-12 funding request for low-income districts that predominantly serve students of color. We also advise the Administration to publicly support and encourage Congress to pass legislation that works toward equitable funding.

We recommend the Biden Administration urge and work alongside Congress to create a new program to fund school infrastructure improvements, such as modernizing school buildings and upgrading technology.

Support students with disabilities

Students with disabilities face unique challenges in the education system, and it is critical that they receive the supports and services they need to succeed. First Focus Campaign for Children encourages the Administration to support policies that:

- Ensure that students with disabilities have access to the same high-quality education as their peers
- Increase federal enforcement to ensure that the IDEA Act is being fully implemented
- Support legislative efforts that ensure students with disabilities receive additional necessary resources
- Pressure Congress to pass legislation increasing services for students with disabilities

Create safe and healthy learning environments

Ensuring that schools are safe and healthy is essential to promoting positive learning outcomes for all students. When students feel safe and secure in their school environment, they are more likely to attend school, participate in class, and succeed academically. To achieve the changes necessary, the Biden Administration should expand financial support in its budget request, publicly promote these issues, and urge Congress to advance the health of children. To ensure that schools are safe and healthy, we recommend the Administration work to:

- Implement school safety measures. Ensuring that schools are safe and secure should be a top priority for lawmakers at all levels of government. The Biden Administration should emphasize the need to improve school safety measures, such as providing training for personnel to respond to emergencies and ensuring students are aware of the protocol for emergency situations.
- Provide access to health care. Many students do not have access to health care services, which can greatly impact their ability to succeed academically. Schools should provide access to health care services, such as dental and vision screenings, immunizations, and basic medical care. There is a vital need to increase funding for school-based health services and streamline schools' access to Medicaid funding to provide services to low-income students.
- Implement comprehensive mental health services. Many students struggle with mental health issues, including anxiety, depression, and trauma. Schools must have the resources to provide comprehensive mental health services to all students who need them. Schools must have counselors, social workers, and psychologists on staff, and must train teachers and staff to recognize the signs of mental health issues and provide appropriate support.
- Address substance misuse and addiction. Many students struggle with substance misuse and addiction and schools should work with their communities to improve access to prevention and treatment services.
- Ensure access to healthy food. Good nutrition is essential for student success, both academically and in terms of overall health. Unfortunately, many students in low-income communities do not have access to healthy food. The federal government should assist states and local education agencies (LEAs) with funding to ensure that all students have access to healthy meals, including breakfast and lunch, and implement health standards to ensure that children are receiving nutritious meals through school.
- Promote physical activity. Physical activity is important not only for physical health, but also for mental health and academic success. Schools should provide opportunities for physical activity during the school day, such as recess, physical education classes, and after-school sports programs.
- Implement bullying prevention programs. Bullying poses a significant problem in many schools, and it can have a detrimental impact on students' mental health and academic success. Increased resources should be allocated to evidence-based bullying prevention programs that teach students and staff how to recognize and prevent bullying behaviors, both in school and via online platforms.

- Address environmental hazards. Schools should be free from environmental hazards that can impact student health, such as mold, air pollution and lead in water. We applaud the Biden Administration's efforts to address lead pipes in schools through the American Rescue Plan Act and the Bipartisan Infrastructure Law, and urge continued action on this issue. The federal government should provide funding for schools to address all environmental health hazards and ensure that all school facilities are safe and healthy for students and staff.
- Support students who have experienced trauma. Many students have experienced trauma, such as domestic violence, child abuse, natural disasters or community violence. Schools should provide trauma-informed care and support services to help these students cope and succeed academically.

Support English language learners (ELLs)

The Biden Administration should increase its education spending on programs that support English language learners to ensure that they have access to a high-quality education. The Administration should also pressure Congress to act with urgency on this issue and pass legislation supporting ELL students. The Administration should publicly advocate for legislation that supports ELL teacher training and professional development, as well as programs that support language acquisition and academic achievement.

ELLs represent a growing segment of the student population in the United States. According to the National Center for Education Statistics (NCES), the number of ELLs in public school has increased by more than 1 million since 2000. We must ensure that these ELLs receive the support and resources they need to succeed. To achieve this support, the Biden Administration must increase funding for programs that support ELLs and urge Congress to pass legislation supporting funding increases. These programs should provide high-quality instruction tailored to the needs of ELLs. Additionally, the Biden Administration should increase the monitoring and evaluation of the distribution of equitable resources and opportunities for ELLs, particularly those who are economically disadvantaged or have disabilities.

ELLs must be supported with access to qualified teachers who are trained in bilingual education or in teaching English as a second language (ESL). We applaud the Administration's efforts to address the teacher shortage through additional grants and ask that Administration officials consider the critical need for ELL educators in those efforts. The federal government should work with states to provide professional development opportunities for teachers working with ELLs, including training on effective instructional strategies, cultural competency, and strategies for building positive relationships with families and communities.

ELLs also must have access to appropriate assessments and accommodations. Standardized testing can be particularly challenging for ELLs, who may struggle with language barriers and cultural differences.

Finally, it is essential that all states and schools respect and affirm the Supreme Court decision in *Plyer v. Doe*. This landmark decision held that all students, regardless of their immigration status, have the right to a free public education. Schools must not discriminate against students based on their immigration status or require them to provide proof of citizenship or immigration status in order to enroll. These supports are crucial not only for ELLs, but for all students who may be undocumented or have family members who are undocumented. All children have a right to a safe, supportive and inclusive learning environment, and the federal government must ensure that this right is upheld. We urge the Biden Administration to increase its oversight to ensure ELLs are not subjected to illegal practices.

Address teacher shortages

The federal government must urgently address teacher shortages in high-need areas and must recruit and retain diverse teachers. We applaud the Biden Administration's support of teacher training programs, and support continued efforts to ensure that high-need areas have an increased pipeline of educators. The Biden Administration should urge Congress to increase incentives to teachers who commit to teaching in high-need areas for a certain number of years, and should advance loan forgiveness and increased salaries for teachers who commit to teaching in these areas.

Support students experiencing homelessness

The federal McKinney-Vento Act requires schools to address the needs of students experiencing homelessness, including transportation costs. The federal government fails to adequately fund this program. We urge the Biden Administration to enforce appropriate implementation of this important piece of legislation.

Promote parent and family engagement and community partnerships

Parents and families play a crucial role in the education of their children. Research has shown that when parents and families are actively engaged in their child's education, students have higher grades, better attendance, and higher rates of graduation.

The federal government should expand its support for partnerships between schools and parents, caregivers, and community organizations, including businesses, nonprofits, and local governments. The Biden Administration should allocate funding to these important initiatives in its budget, as well as publicly support legislation introduced by Congress. This support should include:

- Promoting family-friendly policies in schools. Schools should provide flexible scheduling and accommodations — including interpretation services, child care, and virtual attendance options — for parents to attend parent-teacher conferences, school events, and meetings.
- Providing resources and support for parent and family engagement. Schools should receive funding and resources to develop and implement programs that support parent and family engagement, such as parent-teacher associations, parent networks, and workshops on topics such as navigating the school system, supporting student learning at home, and college readiness.
- Expanding community partnerships. Schools should work with community organizations, including businesses, community centers, nonprofit organizations, and local governments to provide resources and support for families. These partnerships can provide students with access to a wide range of resources and opportunities, including internships, mentoring programs, and community service opportunities.
- Supporting the work of community schools. Community schools provide a range of supports to students and families, including health services, mental health services, tutoring, and mentoring. The federal government should fund and support the expansion of community schools across the country.

Promote civic education

Civic education is essential for preparing students to be active and engaged citizens who are informed about their rights and responsibilities, understand the structures and functions of government, and have the skills needed to participate in democratic processes.

As President Franklin D. Roosevelt said:

Democracy cannot succeed unless those who express their choice are prepared to choose wisely. The real safeguard of democracy, therefore, is education.

The federal government should promote civic education by:

- Funding civic education programs. The Biden Administration should increase funding in its budget to help schools develop and implement effective civic education programs.

- Encouraging student participation in the democratic process. Programs that provide students with opportunities to meet elected officials, participate in community service projects, or engage in simulated democratic processes, such as mock elections or model Congresses, will encourage them to engage in democratic processes and develop their civic skills.
- Promoting media literacy. The federal government should encourage schools to develop media literacy programs that help students understand how to navigate and critically evaluate the media, including social media. These efforts could include programs that teach students how to identify bias in news coverage, distinguish between fact and opinion, and evaluate the credibility of sources and information.
- Encouraging youth voting. The Biden Administration should continue to emphasize the importance of civic engagement for youth. The Administration should encourage students to register to vote as soon as they are eligible and ensure that schools provide information about the voting process and on major issues.

Invest in school infrastructure

The Biden Administration should both allocate funding and work with Congress to provide support for school infrastructure, including repairs and upgrades to school buildings, technology infrastructure, and transportation infrastructure. These efforts should include increased funding for low-income school districts that may not have the resources to invest in these areas and to address problems with respect to environmental hazards.

Address the digital divide and access to technology

The Biden Administration has shown its strong commitment to accessible high-speed internet through supports like the Affordable Connectivity Program (ACP). We urge the Administration to specifically consider the crucial need for students to have reliable and high-speed internet access in implementing internet access programs. The Biden Administration should allocate additional funding to address the digital divide and encourage legislative proposals with similar goals. Technology has the potential to enhance and expand learning opportunities, and the lack of it puts students at a disadvantage.

The Biden Administration should also support programs that provide funding for schools to purchase technology, as well as programs that provide internet access to low-income families. To meet these goals, the Administration should allocate funding as well as encourage Congress to assist students by:

- Providing funding for technology infrastructure. The federal government should support efforts by schools to invest in improving technology infrastructure in schools, particularly in low-income areas. This funding should be used to upgrade existing technology, provide internet access, and ensure that all students have access to reliable devices.
- Ensuring broadband access. Reliable and affordable broadband access is critical to ensuring that students can access online learning resources. The federal government must ensure that all families have access to broadband internet, particularly in rural and low-income areas.
- Supporting digital literacy. Students need to be taught digital literacy skills to navigate the digital world effectively and safely. The federal government should provide funding to support digital literacy programs in schools to ensure that students are prepared to live and learn in our digital world.
- Bridging the digital divide. The federal government should help bridge the digital divide by providing funding to schools and communities to purchase devices for students who do not have access to technology. These efforts will ensure that all students, including students who are low-income, experiencing homelessness, or in foster care, have access to the tools they need to succeed in school and beyond.

Reject culture wars and related legislation

The federal agenda for K-12 education should reject H.R. 5, the so-called “Parents’ Bill of Rights,” and the associated culture wars. The Biden Administration must work to reframe the current education policy conversation to emphasize the rights and role of children themselves. We urge the Administration to speak out against harmful legislation, such as H.R. 5, that minimizes the important role of students in their own education.

While parental engagement is critically important to a child’s development and education, the approach adopted in H.R. 5, sponsored by Rep. Julia Letlow (R-LA), is misguided and would have harmful consequences for students.

Specifically, H.R. 5 harms children in six ways. The bill:

1. Fails to recognize that children have rights and a role to play in their education
2. Creates significant new bureaucracy and reporting requirements for every single public school in the country, which would divert funding, time, attention, and services from educating and serving children
3. Promotes and facilitates book bans and censorship rather than greater access to books, reading, and learning
4. Threatens access to health care, privacy, and confidentiality of students
5. Promotes division and animosity between parents and educators rather than facilitating partnerships and greater civility among them
6. Urges the reporting of “violence” in schools after the fact rather than the protection and prevention of violence against students, teachers, other educators, and school board members

H.R. 5 and state-level bills like it limit the ability of teachers and schools to provide a well-rounded education that includes a diversity of perspectives and experiences. Students benefit from exposure to different ideas and viewpoints and limiting the scope of education to a narrow set of beliefs through book bans, speech codes, and censorship can inhibit their development. We applaud the Administration’s leadership in creating a Banned Book coordinator at the Department of Education and urge the White House to consider the wide range of ways in which the ‘parental rights’ movement will affect the development and lives of children.

For example, these bills infringe upon the rights of students to a safe and inclusive learning environment, with some of these bills promoting an unsafe and unwelcoming environment for students of color and LGBTQ students.

Every child deserves the opportunity to fulfill their potential, regardless of their race, ethnicity, gender, religion, income, disability, zip code, sexual orientation, immigration status, or place of birth. Our society should reject the attempts of some parents to discriminate against or harm children who are not their own.

Unfortunately, these bills often target certain groups of students and foster an antagonistic relationship between parents, teachers, and administrators that fails students. Again, although there is no doubt about the importance of parental engagement in schools, parents must serve as partners to rather than authoritarians over teachers, schools, and students in public education. These partnerships demand civility and forbearance.

Education is a complex and nuanced field, and educators must be able to make decisions based on their professional expertise and experience and respond to the special needs, concerns, and questions of students without micromanagement by politicians. Limiting educators’ ability to teach disrespects them as professionals and negatively impacts students.

Instead of supporting bills such as H.R. 5 and the associated culture wars that some adults wish to play out in our schools, the federal agenda for K-12 education should prioritize policies that promote a well-rounded education, inclusive learning environments, and the efforts of educators and parents working together toward the success of all students. This approach will better serve the needs of all students and prepare them to be active and engaged citizens in our country’s democracy.

Reject school privatization efforts

Public education is critically important for children themselves but also our country. Education enables citizens to develop their full potential, which allows our democracy to flourish. Public education is about both helping individuals learn and grow and creating a successful and prosperous society. We urge the Biden Administration to speak out against privatization efforts, such as the Education Savings Accounts that are appearing in several states at a rapid speed. These privatization efforts strip important resources from public education.

As President Thomas Jefferson wrote:

The object is to bring into action that mass of talents which lies buried in poverty in every country, for want of the means of development, and thus give activity to a mass of mind, which, in proportion to our population, shall be double or treble of what it is in most countries.

President Jefferson was right. Our nation has become a leading voice for democracy in the world and one of the world's wealthiest nations in large part because of public education. The vast majority of people in the United States, including doctors, scientists, business leaders, and religious leaders, owe their teachers and public schools a great deal of gratitude for all that they have become.

As author Benjamin R. Barber wrote³ in 2004:

There is a deep sense in which the phrase “public education” is redundant: Education is public, above all in a democracy. To think of it any other way is to rob it of its essential meaning.

For education is an essential public good addressed to young citizens-to-be as members of a community. Education not only speaks to the public, it is the means by which a public is forged. It is how individuals are transformed into responsible participants in the communities of the classroom, the neighborhood, the town, the nation and (in schools that recognize the new interdependence of our times) the world to which they belong.

School privatization advocates seem to have forgotten this. As Barber adds:

...there is something deeply disturbing, even perverse, about current political rhetoric that has seized on privatizing (de-publicizing) America's schools. For to take the public out of education is to take the common out of the commonwealth.

School privatization efforts would fracture our nation's schools and create a new version of “separate and unequal.” Barber concludes:

We cannot do without public schools. A nation of fractious individuals schooled in avoidance ceases to be a nation. A democracy of consumers focused on their private interests ceases to be a democracy. A community of multicultural fragments celebrating only difference ceases to be a community. A republic of privately schooled narcissists blind to what they share ceases to have res public and hence is no longer a republic.

Public education is redundant: To be civilized is to understand the nature of commonality, to be learned is to grasp the rights and responsibilities of liberty, to be educated is to comprehend the meaning of citizenship. If liberal education is education in the arts of liberty, then there can be no liberal education without public education.

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SECTION 11

End Child, Youth, and Family Homelessness

The reverberations of the COVID-19 pandemic continue to be strongest for families with children who were already struggling. Rising rents and the high cost of food — combined with the expiration of the expanded Child Tax Credit and other pandemic aid — are driving our high rate of child and youth homelessness even higher.

More than 1 million school-age children were identified as homeless in the 2020-2021 school year,¹ and 5% of all children under 6 were experiencing homelessness even before the start of the pandemic.² Homelessness is even more prevalent among children of color — Black, Hispanic, Native American, Native Hawaiian, and Alaskan high school students disproportionately experience homelessness compared to their white or Asian peers.³

These numbers are staggering, yet still greatly underestimate the problem. Federal data has long underestimated the prevalence of child, youth, and family homelessness in the United States.⁴ The closure of schools and other institutions during COVID-19 made it even harder to identify children and youth experiencing homelessness, masking the pandemic's exacerbating impact.⁵ Point-in-time counts have always undercounted the number of homeless children and youth since most of them do not experience the visible homelessness these counts capture. The pandemic only exacerbated this problem by resulting in fewer trained, willing, and able volunteers to conduct these annual counts.

Homeless children, youth, and families have to stay where they can due to a lack of alternatives and/or fear of authorities and are often forced to bounce around. Many communities do not have family or youth shelters, and even when they do, shelters are often full. Shelter policies may also prevent families from staying together or may restrict the length of stay. As a result, homeless children and youth often end up staying in motel rooms or temporarily with friends or others, hiding them from the community and disconnecting them from assistance. The temporary nature of these situations creates frequent upheaval, volatility, and a loss of stability for children, disrupting their education, healthcare, and general well-being.

The U.S. Department of Housing and Urban Development (HUD) uses a very narrow definition of “homelessness” that excludes the majority of children and youth experiencing homelessness from receiving or even being assessed for HUD Homeless Assistance, despite extensive evidence that homelessness has grave consequences for children and youth regardless of where they find a place to sleep on a given night.⁶

These families often are not even eligible or prioritized for aid intended for households “at-risk of homelessness,” such as emergency rental assistance or eviction moratoriums that were implemented during the outbreak of COVID-19. Homeless families living in hotel rooms or staying with others lack formal leases and often do not legally qualify as “tenants,” making it very difficult for them to access rental assistance or eviction protection.⁷ Children experiencing homelessness with their families or young people on their own therefore fall through the cracks of both the homeless and housing-assistance systems.⁸

The Administration must support reforms to these systems to better serve children, youth, and families, and must prevent further instances of homelessness through eviction prevention and other efforts.

To truly address homelessness, lawmakers must adopt a holistic and coordinated approach. Poverty is inextricably linked to homelessness, yet policy makers often discuss and address these issues in different silos, as if children experiencing poverty and children experiencing homelessness are two completely separate populations.

While increasing access to affordable housing is critical to fighting homelessness, so is improving access to affordable child care, physical and mental health care, educational support for children, and other services.⁹ Families with children and young people on their own often become homeless due to traumatic experiences such as job loss, substance abuse, mental health issues, and domestic violence. Homelessness is both a symptom and a cause of trauma for children, youth, and families and access to trauma-informed services are critical to ensure that homeless children do not grow up to become homeless adults.

Create an Office of Family and Youth Homelessness within the Administration for Children and Families at the U.S. Department of Health and Human Services

This office is needed to coordinate intra-agency efforts among the Office of Head Start, the Office of Child Care, the Office of Family Assistance, the Family and Youth Services Bureau, the Children’s Bureau, and the Maternal and Child Health Bureau (MCHB). Each of these offices should designate a point of contact with specific responsibilities for homelessness outreach, oversight and coordination. The new Office of Family and Youth Homelessness would coordinate efforts closely with appropriate offices at the U.S. Department of Education.

Instruct HUD to waive regulations and practices that restrict access to assistance for children, youth and families experiencing homelessness

Homeless families with children, and youth who are on their own, stay wherever they can. These situations often include run-down motel rooms or overcrowded spaces temporarily shared with others because there is no family or youth shelter in the community, shelters are full, or shelter policies exclude them. These less visible forms of homelessness mean that children and youth are often invisible to public systems, putting them at high risk of abuse and harm, including trafficking. Yet due to HUD’s narrow definition of homelessness, these highly vulnerable children and youth are ineligible for HUD homelessness assistance, denying them access to critical support and putting them at higher risk for experiencing homelessness as adults. HUD should waive regulations and practices that restrict access to assistance for children, youth, and families experiencing homelessness and apply the definition of homelessness used by the U.S. Department of Education.

Enforce and improve upon renter protections for families with children

While pandemic-era moratoriums and emergency rental assistance likely helped prevent millions of evictions in 2021,¹⁰ they also missed many families, and their expiration — combined with rising rents — has led to increased evictions in many parts of the country.¹¹ Evictions are particularly harmful for children, causing upheaval that negatively affects their health, education, and overall development.¹² Households with children are evicted at much higher rates than those without children.

Median household rent increased 15% from 2021 to 2022 in the United States and that increase was even higher in many metro areas.¹³ Yet despite the great need for rental assistance, only 1-in-4 families who are eligible for help receive it.¹⁴ Families with children represent a decreasing share of federal housing assistance beneficiaries¹⁵ even though the majority of households on the waitlist (60%) are families with children.¹⁶ Even when families do obtain vouchers, they struggle to find landlords who will accept them. Voucher discrimination is compounded by racial discrimination.¹⁷

We applaud the Biden-Harris Administration's recent efforts to prevent evictions and improve upon renters' quality of life through federal actions that include launching the Resident-Centered Housing Challenge and publishing the Blueprint for a Renters' Bill of Rights.¹⁸ We urge the Administration to prioritize households with children in these efforts, as housing insecurity and homelessness are particularly consequential for children as they undergo critical stages of brain development. We also ask the Administration take actions within their authority to:

- Expand access to civil legal services for tenants facing eviction by supporting increased funding for the Legal Services Corporation and other measures
- Support the creation of a permanent pot of emergency rental assistance that is available to families without formal leases
- Improve data on formal and informal evictions in the U.S.

Relieving economic hardship for families would keep them from falling behind on rent. In addition to efforts to improve the Child Tax Credit and increase access to housing choice vouchers, we ask the Administration to support the creation of a national renters' tax credit, which if properly designed and implemented, could help meet the need for housing assistance by delivering resources directly to the families who need them most.

A renters' tax credit should:

- Target low-income renter households
- Support families with children by adjusting for family size and inflation
- Reach families who lack a formal lease but are still paying rent or a motel bill
- Be large enough to relieve low-income families' housing cost burden
- Be delivered monthly as rent is due, and include the option for the credit to be adjusted quarterly to respond to fluctuations in household income or rent

Promote partnerships between housing authorities and other systems serving children

We urge the Administration to support and promote interagency work that encourages collaboration between public housing authorities and other institutions serving children such as public schools, child care centers, and other facilities in order to support the healthy development of children in subsidized housing.

Legislative Action

To address child and youth homelessness, First Focus Campaign for Children recommends support and passage of the following legislation:

- The bicameral, bipartisan **Homeless Children and Youth Act (H.R. 6287/S. 1469)** introduced in the 117th Congress by Rep. Mikie Sherrill (D-NJ) and Sens. Dianne Feinstein (D-CA), Tammy Baldwin (D-WI) and former Sen. Rob Portman (R-OH). This bill would reform federal HUD homeless assistance for children, youth, and families and improve federal data.
- **The Building Housing with Care Act (H.R. 9375)**, introduced by Rep. Suzanne Bonamici (D-OR) in the 117th Congress and the **Affordable Housing for Educational Achievement Demonstration (AHEAD) Act (S. 3011)** in the 116th Congress led by Sen. Patty Murray (D-WA). Both bills would incentivize collaboration between public housing authorities and systems that serve children.
- **The Eviction Crisis Act (S. 2182)**, led by Sens. Michael Bennet (D-CO), Rob Portman (R-OH), Sherrod Brown (D-OH), and Todd Young (R-IN) and the **Stable Families Act (H.R. 8327)**, led by Reps. Ritchie Torres (D-NY) and Jimmy Gomez (D-CA) in the 117th Congress. These bills would establish a new permanent emergency rental program and improve data and transparency regarding evictions and tenant screening reports.
- **The Rent Relief Act (H.R. 8357/S. 4728)**, led by Rep. Danny Davis (D-IL) and Sen. Raphael Warnock (D-GA) in the 117th Congress. These bills provide a design approach for a national renters' tax credit.

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SECTION 12

Make the child welfare system more efficient, equitable, and safe

In 2020, the government took on a parental role for the 206,812 children and youth who entered foster care because a court found they were abused or neglected. In total, 631,686 children experienced at least one day in the government's care and custody in 2020.¹ The most common reasons for children entering foster care were neglect, substance misuse (parent), caretaker inability to cope, physical abuse, and inadequate housing. The express purpose of foster care is to provide the environment and services that children need to develop and heal while their parents address the issues that led to the placement. Once parents complete this task the children are supposed to reunify with them. Recent statistics indicate that approximately half of children who leave foster care are reunited with their parents or previous caregivers.² If parents do not make sufficient progress toward addressing the issues that led to the children being placed in foster care, then the child welfare agency is tasked with finding another permanent family for the children. In 2019 and 2020, one-in-four children were adopted out of foster care, and approximately one-in-six children were placed with a relative or guardian.³

The outcomes and experiences of children in foster care vary but it is clear that government agencies across the country struggle to provide the care that the children in their custody need. For example, in Washington state during Fiscal Year 2020, 220 youth in foster care spent a cumulative 1,863 nights in hotels or offices — an average of more than 8 nights per child — because the state could not provide a better placement.⁴ In July 2021, more than 400 children in foster care in Texas slept in hotels, offices, and other unlicensed settings for weeks at a time⁵ In the fall of 2022, Maryland experienced a spike in foster youth overstaying their psychiatric visits resulting in foster youth being housed in unlicensed facilities. These experiences suggest that states are not living up to a basic standard. Foster children were placed in hotels, a commercial office building in downtown Baltimore and in some cases were left in emergency departments and other sections of hospitals even though they had no medical reason for being there. Each year 80-100 children in state custody in Maryland stay in medical facilities longer than needed, due to lack of placement options.⁶ Nationally, about 20,000 young people exit foster care each year without establishing a permanent legal relationship with an adult who can help them transition into adulthood. Only 70% of children who age out of foster care graduate high school in comparison to 85% of the general population.⁷ The impacts of the child welfare system and foster care are not doled out equitably. Children of color and children in poverty experience higher rates of child abuse and neglect investigations, foster care entrance and aging-out

than their white peers. Many of these statistics are better than in years past, but the outcomes are still unacceptable. Strong leadership from the Administration and bipartisan support in the 118th Congress is needed to accelerate the positive transformation of the child welfare system.

Address the Conflation of Neglect and Poverty

One way that the Biden-Harris Administration can make the child welfare system more efficient, equitable, and safe is by addressing the frequent conflation of neglect and poverty. Many people who notify authorities of possible abuse and neglect, possibly due to a lack of understanding or bias, report “neglect” when the root cause is poverty and a family’s lack of material resources. According to the research organization Child Trends, many states lack a specific exemption for poverty-induced deprivation in their definitions of child maltreatment, which leads to a higher probability that children from low-income families in these states will be reported, investigated, and substantiated for neglect. The presence of child poverty should not create a presumption that parents are neglectful and child welfare agencies should be able to connect families to material resources when it appears that a child is in need.⁸

Native American and Black children and families are particularly vulnerable to the conflation of poverty and neglect. They are disproportionately more likely to be reported to child protection services and to be investigated compared to white children and families. They are overrepresented in the child welfare system, and not necessarily because of a higher rate of abuse and neglect. Addressing the root causes of poverty and systemic socioeconomic inequities can help to ensure fairness for all children and families as well as the efficient use of child welfare resources.

We applaud the Biden-Harris Administration’s continued championing of improvements to the Child Tax Credit and Earned Income Tax Credit enacted in the American Rescue Plan Act (ARPA), which led to significant progress in reducing child poverty in the United States. The CTC helped to decrease child poverty by more than 40% and prevented 3.7 million children from falling into poverty.⁹ The CTC had a significant impact on reducing poverty among Black and Hispanic children, many of whom previously did not receive the full credit.

The ARPA also included important landmark improvements to the Earned Income Tax Credit (EITC). The temporary EITC expansion nearly tripled the amount of the credit for low-income workers and broadened the eligibility age from 25 to 18 for foster youth and youth experiencing homelessness even while these young people are full-time students. These improvements would benefit many transition-age youth and prevent millions of low-wage, childless workers from being taxed into poverty. The enhanced CTC reached nearly 40 million households with more than 65 million children, and the EITC improvements had the potential to benefit more than 17 million workers,¹⁰ including an estimated 380,000 to 500,000 former foster youth. The CTC and the EITC are among the most successful policies to reduce child poverty, and according to the 2021 Supplemental Poverty Measure (SPM), refundable tax credits (EITC, CTC and the Child and Dependent Care Tax Credit) lifted nearly 5 million children out of poverty.

Recent studies have shown that increasing EITC benefits leads to a decrease in child neglect reports. Many families investigated for child abuse or neglect earn less than 200% of the federal poverty line, highlighting the importance of programs like EITC in maltreatment reports.¹¹ However, the temporary nature of the tax credit enhancements caused nearly 4 million children to return to poverty in January 2022. Congress should continue the ARPA improvements of both the CTC and EITC to address child poverty and to reduce incidents of abuse and neglect.¹²

We ask that the Administration continue to urge Congress to extend these tax credit enhancements and to support efforts by the Internal Revenue Service to ensure all families and young adults can access credits for which they are eligible.

Advancing Equity

Addressing disparities in the child welfare system and promoting equity is an important issue that needs to be addressed. Inequity is present at every stage of the child welfare system; from the use of child protective service investigations to the placement of youth in facilities instead of with families and the recruitment of foster parents that reflect and support children’s cultural and racial identity, sexuality, and gender expression. We were encouraged to see President Biden sign the executive order on Advancing Racial Equity and Support for Underserved Communities of Color, which can provide a positive trajectory for foster youth of color.¹³

We need the Administration to direct agencies to develop policies and practices that address the overrepresentation of children of color and those living in poverty in the child welfare system. Investing in supportive practices and community-based prevention programs that target underlying factors contributing to this disproportionality is one way to effectively reduce disparities in the child welfare system.¹⁴ These investments need to be coupled with guidance that helps agencies acknowledge and remove racial and cultural bias from their decision-making so that all children and families can receive services that help, not harm.

Shed Light on the Hidden Foster Care System

The foster care system in many states also suffers from a lack of transparency, creating what is known as the “hidden foster care system.” The hidden foster care system refers to the practice of a child protection agency facilitating the change of physical and sometimes legal custody of a child to a relative or family friend (who is called a “kinship caregiver”) via suggestion, threat, or coercion toward the child’s parent or legal caregiver after the agency has received a report of allegations of child abuse or neglect. This practice does not involve child abuse court oversight or adherence to federal regulations or requirements, and families and caregivers in the hidden foster care system do not receive the same essential services or financial support as those in the formal foster care process.

The hidden foster care system poses no small challenge. Experts estimate that hundreds of thousands of children are in the U.S. hidden foster care system.¹⁵ These children and youth are forced to separate from their household after their parents or legal guardians are subjected to coercion, unregulated influence or pressure from local child protection agencies. They do not receive on-going safety visits from social workers. They are not guaranteed access to state medical insurance that offers coverage for trauma-responsive treatments. They are not assigned advocates to protect their rights and interests.

Many child protection workers have the best intentions when they tell parents to transfer their children’s custody to other relatives who might have a greater capacity to provide for or supervise their children. Workers likely believe they are sparing families involvement in a sub-functional child welfare system and that they are helping to keep their agencies’ caseload numbers lower. Data shows that the number of families in the formal foster care system has been decreasing for years. But what we don’t know and what no one has been deputized to examine is whether children are safer in hidden foster care than they were in their households of origin.

Numerous articles suggest that the children in hidden foster care are not alright. A 2022 investigation by *ProPublica* and *The New York Times*¹⁶ found that the scope of unjust family separation is even greater than any government agency has the data to comprehensively understand.¹⁷ The sudden role transition can place financial and emotional stress on the kinship provider, without the benefit of government aid and services.

An article in the *Stanford Law Review* found that “A key reason that the federal government has not implemented safeguards for concealed foster care is the disagreement among state child welfare agencies on whether the practice is driven by family decisions or facilitated by caseworkers.”¹⁸ Child welfare experts argue that if hidden foster care is a family issue, caseworkers should not be involved, but if it is a government placement, the agencies must fulfill their responsibilities such as providing payment to caregivers, ensuring safety, providing healthcare, and planning for the children’s return home, as with traditional foster care.

“In my case, the atmosphere of distrust created by CPS’s threat to remove the girls to foster care weakened the network that we had built in order to endure crises. Instead of being a part of the family’s safety net, I was seen as part of a surveillance system. Instead of being positioned to help reunite the children with their mother, the agency instructed me to not let the girls go home until she did what the agency said. As a new mother who is Black and aware that structural racism and individual bias have resulted in 53% of Black families being investigated by CPS and Black children being removed into foster care at an alarming and disproportionate rate, I felt pressured to follow CPS orders.”¹⁹

— Aubrey Edwards-Luce, VP of Child Welfare and Youth Justice, First Focus Campaign for Children

The means and responsibility to monitor and respond to the impact of this custodial change on the child's physical, social, emotional, and educational well-being is splintered across the parents, the caregivers, and the government. No one is empowered, equipped, or consistently held accountable for meeting the child's needs and our government has no process in place to ensure that the practice of hidden foster care is, at the very least, not causing more harm to children, youth, and families.

We ask the Administration to support the collection of data about how states have applied the practice of hidden foster care, and to do so in partnership with children, youth, and families to co-create information gathering processes and goals. A necessary first step in this data collection will be to define kin caregivers. Most of the information currently available on the outcomes for children separated from their parents comes from broad subgroups of nonparental care, such as "foster care," "kinship care," "formal kinship care," and "informal kinship care," rather than from specific and clearly defined groups.²⁰ It is important to track and understand the characteristics of children who are disproportionately separated from their parents into nonparental care. This includes data on the number of children who can stay in their homes versus those who are physically separated and ensuring equitable access to resources for children in nonparental care as for children in other situations.

This information should all be publicly available.²¹ Meaningful research on the different types of nonparental care requires accurate data on subpopulations. This data will help identify the specific needs of each subpopulation and inform policies and practices that support the well-being and stability of these families.²²

Only after experts gather this data can the really hard work of establishing standards and accountability for hidden foster care begin. Advocates across multiple specialty areas have worked to identify some principles that could inform these standards.²³ Most importantly, these standards must account for the variety of perspectives and experiences of children, caregivers, and parents. These standards should also require adults to consider the perspective and desires of children and youth. They must also ensure that parents have input about their children's care and custody, and provide community-based support for kinship caregivers without fear of surveillance.

Support Youth Transitioning to Adulthood

For the past 20 years, states have been able to access federal funds through the John H. Chafee Program for Successful Transition to Adulthood to support young adults leaving foster care up to their 21st birthday. However, young people who have been in foster care continue to face challenges beyond that age. The Family First Prevention Services Act (FFPSA) of 2018 addresses this issue by allowing states to extend Chafee-funded services to age 23.²⁴

As detailed previously, foster youth aging out of the system often have poor outcomes and lose access to services and support offered through the foster care system. The pandemic had an acutely stressful impact on young adults with foster care experience, particularly in terms of employment, food security, and housing stability. Many of these young people reported losing their jobs, with a lack of unemployment benefits, and struggling to afford necessities such as food. They also reported difficulty accessing government stimulus, and many were forced to move or feared eviction. Many young people reported being on their own without any support from adults, and 15% reported difficulties accessing health care and obtaining medication.²⁵

Despite these vulnerabilities, older and former foster youth also have the potential to experience lifelong benefits from support and interventions during this period. For example, workforce skill development leads to career success as adults. Young people who are transitioning out of foster care need tailored policy responses to the numerous challenges that threaten their future success. They deserve programs that are supportive, youth accessible, rooted in community-involvement, and help them gain economic stability.²⁶

The John H. Chafee Foster Care Program for Successful Transition to Adulthood (Chafee Program) funds states to assist youth in foster care and young adults who were formerly in foster care with services and financial support as they transition to adulthood. The Chafee program was significantly improved by the FFPSA to allow agencies to help young people prepare for adulthood earlier and for a longer period of time.²⁷

We ask the Administration to support the continued extension and improvement of the Chafee Program by helping states identify best practices for the Chafee Foster Care Independence Program, implementing developmentally-appropriate

services for youth, growing youth utilization of services and improving data collection on the outcomes of foster youth aging out of the system to enhance support for these individuals. These steps will offer deeper insight into the difficulties and hurdles faced by foster youth before transitioning to adulthood, and aid in addressing the most pressing concerns.

Lastly the Administration, through the Centers for Medicare & Medicaid Services (CMS) should develop and issue a section 1115 Medicaid waiver template to expedite submission and approval of section 1115 requests from states to:

- 1) align Medicaid eligibility for all former foster youth regardless of the state where they aged out of foster care;
- 2) allow enrollment of former foster youth without the need to screen for eligibility under other mandatory groups.

Protecting the Legal Rights of Foster Youth

Alongside our colleagues at the Children's Advocacy Institute, we urge the Administration for Children and Families and the Children's Bureau to protect the legal rights of foster youth by:

- Issuing joint policy or guidance with the Social Security Administration requiring screening and application for foster youth benefits upon entry into care and prohibiting the use of those benefits to pay for foster care.²⁸
- Issuing guidance and implementing policies to extend legal representation for foster youth in dependency cases to youth in extended foster care.³⁹
- Allowing Title IV-E reimbursement for legal representation for children and parents in dependency cases to extend to other civil legal representation, such as in appeals or hearings regarding public benefits. We appreciate the Information Memorandum ACYF-CB-IM-21-06³⁰ issued to this end, and ask that the Administration finalize federal rulemaking on this topic.³¹
- Undertaking more robust oversight, enforcement, and data reporting on implementation of federal law³² requiring that child welfare agencies provide youth vital documents prior to leaving the child welfare system, as well as providing credit checks and credit repair for youth ages 14 and older. We remain concerned that many states are not in compliance with federal laws requiring these actions.

Legislative Action

- **The Foster Opportunity EITC Act (H.R. 4954/S. 2790)**, introduced by Rep. Danny Davis (D-IL) and sponsored by Sen. Bob Casey (D-PA) in the 116th Congress.
- **The Strengthening Tribal Families Act of 2022 (H.R. 8954)**, led by Reps. Judy Chu (D-CA) and Don Bacon (R-NE) in the 117th Congress.
- **The Access to Foster Care to 21 Act (H.R. 8177)** led by Reps. Judy Chu (D-CA), Karen Bass (D-CA), Mary Beth Scanlon (D-PA), and Brenda Lawrence (D-MI) in the 117th Congress.

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SECTION 13

Advance Youth Justice with trauma-informed responses

Throughout 2022, misinformation threatened youth justice reforms and fueled the public misperception that violent juvenile crime is on the rise. The nation's top juvenile justice official, Administrator Liz Ryan of the Department of Justice's Office of Juvenile Justice and Delinquency Prevention (OJJDP), has countered this narrative by urging the public and policy makers to examine the data, which shows that during the first year of the pandemic juvenile crimes such as murder, robbery, and aggravated assault all dropped the lowest levels ever recorded.¹

The myth of an uptick in juvenile crime has jeopardized bipartisan reforms already achieved and has added to the challenge of securing additional reforms. Instead of focusing political will on closing unsafe and ineffective youth prisons or making sure that kindergartners and first graders don't end up in zip-tie handcuffs in the back of squad cars, youth justice advocates are forced to spend time and resources fighting a battle they won years ago to protect children from being locked up in adult facilities.

The burden of the justice system's developmentally inappropriate responses does not weigh equally on all youth. Black youth, Hispanic youth, and youth with disabilities are disproportionately subjected to arrest, formal processing, detention, and confinement in comparison to white, non-Hispanic youth. Despite representing 14% of U.S. youth between the ages of 10 and 17, in 2020² Black youth accounted for 32% of the young people arrested that year.³ While the annual number of young people detained for delinquency offenses dropped by 40% between 2010 and 2019, the rate increased by 11.5% for Black youth, 14.3% for Latinx youth, and nearly 24% for Asian/Native Hawaiian/Pacific Islander youth.⁴

A two-year time lag in federal data on youth crime makes it impossible to speak definitively on youth violent crime trends in 2021 and 2022, but research has consistently shown that harsher punishments, pre-adjudication detention and longer sentences do not decrease youth criminal behavior. A growing body of research suggests most young people grow out of delinquent behavior.⁵ Culturally responsive, trauma-informed responses to youth delinquency and its associated risk factors are the tried-and-true measures that improve youth outcomes and public safety.

We urge the Biden-Harris Administration to:

Support youth who are in or at-risk of entering the juvenile justice system

The United States does not have a centralized youth justice system. Instead it has more than 56 separate systems operated by states, territories, the District of Columbia, and local governments. This situation leads to a wide range of policies and procedures, resulting in inconsistent outcomes for youth, families, and communities, including physical, mental, and emotional harm to youth. Research has consistently shown that the juvenile justice system disproportionately affects youth of color. They are significantly more likely to be involved with the system at every decision point, from arrest to incarceration. Minority youth represented the majority of youth in placement between 1997 and 2017, with a range of 60% to 69% of the total. Black youth represented the highest proportion, accounting for 38% to 42% of the youth placement population.⁶ This disparity highlights the need to address systemic racial bias and discrimination within the juvenile justice system and to implement policies and practices that tackle the root causes of this disproportionate impact on youth of color.⁷

The Juvenile Justice and Delinquency Prevention Act (JJJPA) was reauthorized in 2018 with bipartisan support and it aims to protect children, youth, and families involved in the juvenile and criminal courts through federal standards for care and custody, while also ensuring community safety and preventing victimization. The JJJPA creates a federal-state partnership for the administration of juvenile justice and delinquency prevention through funding and support.⁸

JJJPA is once again up for reauthorization, but there are ways **the Administration can act without Congress to improve the lives of youth involved or at-risk of involvement in the juvenile justice system. With our colleagues at the National Juvenile Justice and Delinquency Prevention Coalition, we urge the Administration to:**

- Encourage targeted federal investments in community-based mental health services and mentoring to help prevent young people from becoming involved in the juvenile justice system
- Create incentive grants for communities to rethink the role of prosecutors and provide training on diversion and alternatives to incarceration
- Establish an advisory panel of young people within the Department of Justice and provide guidance for communities on how they can establish similar bodies in their own states, territories, and municipalities
- Provide incentive grants and guidance for states to hold individual hearings to consider a young person's rehabilitation, with the goal of preventing a young person from having to also carry out an adult sentence
- Provide guidance to states on how young people should be involved in shaping their own rehabilitation plans to reflect what drives them as individuals
- Provide guidance that explains what should be included in a reentry plan for youth who are leaving the justice system⁹

Reform sentencing of youth and help them reintegrate into society

Trying children as adults does not enhance public safety and instead creates a pipeline for further incarceration. Research also indicates that as youth mature, they are significantly less likely to re-offend. Incarcerating children for long periods of time extends their imprisonment beyond the time required for rehabilitation, and does not offer the best approach to helping them reintegrate into society.¹⁰ Instead, policy makers must consider evidence-based alternatives such as diversion programs, restorative justice, and rehabilitation-focused youth facilities.

Sentencing youth as adults limits their opportunities to change their behavior and turn their lives around before reaching adulthood. Often, youth lack access to resources such as mentors, developmental programs, or therapeutic assistance before they reach adulthood, resulting in unnecessary long-term incarceration. To address this problem, it is essential that the Administration support communities in providing youth with early interventions and services that can help

them overcome the underlying issues that led to their involvement in the criminal justice system. This approach reduces recidivism and increases the chances of successful reintegration into society.

The First Step Act, enacted in 2018, seeks to improve the federal criminal justice system and prison conditions for federal inmates. However, the law's implementation remains incomplete and it is facing challenges that threaten its operations.¹¹ We urge the Administration to ensure that judges have more discretion in sentencing youth for offenses below mandatory minimums and strive to reduce the impact of mandatory minimums on a youth's future outcomes. We also ask the Administration to support access to quality legal counsel for children involved in the juvenile justice system.

Prioritize youth in anti-trafficking efforts

In early 2023, Congress reauthorized the Trafficking Victims Protection Act, which funds programs to combat human trafficking both in the United States and abroad, through passage of the Trafficking Victims Prevention and Protection Reauthorization Act (S. 3949), led by Sens. Chuck Grassley (R-IA) and Dianne Feinstein (D-CA), and the Abolish Trafficking Reauthorization Act (S. 3946), led by Sens. John Cornyn (R-TX) and Amy Klobuchar (D-MN).¹²

We urge the Biden-Harris Administration to prioritize youth when implementing these bills by ensuring robust assistance to youth trafficking victims and arming child welfare providers with funding and tools to combat the trafficking of foster youth. Given the justice system's long history of criminalizing youth victims of sexual assault,¹³ we ask the Administration to continue to facilitate the dissemination of the best anti-trafficking practices to prosecutors, defenders, law enforcement and courts.

Encourage work opportunities for justice-involved youth

We urge the Administration to support funding for local governments and organizations to start or improve summer and year-round youth employment programs for disadvantaged youth ages 14-24, including those who are homeless, in foster care, involved in the youth or criminal justice system, or at risk of dropping out of school, and who live in underserved communities affected by trauma, such as proposed in the Creating Pathways for Youth Employment Act.¹⁴

Improve conditions for confined youth and end restraints and seclusion

The use of restraints and seclusion in schools and congregate care settings, particularly against students with disabilities, children of color, and those in the child welfare system, harms their mental health and is ineffective in changing behavior. Congregate care refers to a type of living arrangement where individuals, often children and youth, live in a group setting such as a residential treatment center or group home. These practices in both school and congregate care settings can cause lasting traumatic experiences and lead to feelings of loss of dignity, degradation, fear, anxiety, disempowerment, decreased self-esteem, powerlessness, and hopelessness. The psychological trauma caused by these practices can result in negative behaviors and perpetuate a cycle of incarceration.

The moral tragedy is compounded when children, deemed at risk of harming themselves or others, become victims of institutional abuse in both schools and congregate care facilities. These places, meant to keep these children safe, instead expose them to further trauma and violence. This is a devastating outcome and underscores the critical need for reform in the way schools and congregate care facilities address problem behaviors.¹⁵

We urge the Biden-Harris Administration to take steps within its authority to protect children and direct states to prohibit the use of seclusion and various forms of restraint in congregate care facilities and schools, so that no child has to endure these traumatic practices.

Legislative Actions

- **Sara's Law and the Preventing Unfair Sentencing Act of 2021 (H.R. 2858)** in the 117th Congress, led by Reps. Bruce Westerman (R-AK) and former Rep. Karen Bass (D-CA).
- The bipartisan, bicameral **First Step Implementation Act of 2021 (H.R. 3510/S. 1014)**, led by Reps. Hakeem Jeffries (D-NY), Don Bacon (R-NE), Jerry Nadler (D-NY), and Nancy Mace (R-SC) and Sens. Dick Durbin (D-IL) and Chuck Grassley (R-IA) in the 117th Congress.
- **Reducing Racial and Ethnic Disparities in the Juvenile Justice System Act (H.R. 9579/S. 4398)**, led by Reps. Jason Crow (D-CO) and Frederica Wilson (D-FL) and Sens. Sheldon Whitehouse (D-RI), Elizabeth Warren (D-MA), Ed Markey (D-MA), Sherrod Brown (D-OH), Bernie Sanders (I-VT), Amy Klobuchar (D-MN), and Bob Casey (D-PA) in the 117th Congress.
- **The Creating Pathways for Youth Employment Act (H.R. 3016/S. 1562)**, introduced in the 117th Congress by Rep. Robin Kelly (D-IL) and Sens. Dick Durbin (D-IL) and Tammy Duckworth (D-IL).
- **Promoting Employment of Skilled Workers and Foster Youth Act of 2021 (H.R. 3986)**, led by Rep. Danny Davis (D-IL) in the 117th Congress.
- **Keeping All Students Safe Act (H.R. 3474/S. 1858)** in the 117th Congress, led by Rep. Don Beyer (D-VA) and Sen. Chris Murphy (D-CT).

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SECTION 14

Consider the “Best Interests of the Child” for All Immigration Policies

Children of immigrants and immigrant children represent the fastest growing group of American children,¹ and should have the same opportunities as their peers to live safe, healthy lives and reach their potential. The previous Administration made cruelty a central aim of its immigration policies, which harmed children’s safety, family unity, and healthy development.

Since coming into office, the Biden Administration has made important progress. President Biden issued executive orders on key immigration priorities in his first weeks in office, including ending the Muslim and Africa bans, addressing family separation through the Family Reunification Task Force, preserving and strengthening the Deferred Action for Childhood Arrivals (DACA) program, strengthening our asylum and refugee system, and strengthening our legal immigration system. President Biden also announced the U.S. Citizenship Act of 2021, which included consideration of children’s best interests in border policy and a pathway to citizenship for undocumented immigrants.² Building on these initial executive actions, the Administration increased investments to address the root causes of migration in the Western Hemisphere, reunited hundreds of separated families, expanded the Central American Minors program, and issued a new public charge rule.

Unfortunately, too many harmful immigration policies remain very much the same, and children continue to pay the price. Immigration policy in the U.S. has been, and still is, deeply influenced by structural racism and classism, disproportionately harming Black, brown, Indigenous, and low-income immigrant communities.³ While we are glad to see unaccompanied children exempted from Title 42 expulsions, the U.S. government continues to expel children with families without an opportunity to seek protection at the border nearly three years after the start of the COVID-19 pandemic, returning them to harm. Border and asylum policies continue to focus on deterrence through removal, speedy cases, and surveillance rather than on welcoming migrants and offering an orderly reception and due process.⁴ Children continue to experience family separation.⁵

Children in immigrant families continue to have worse outcomes than their peers because of immigration enforcement and administrative barriers that result in disparate access to federal benefits and instability when they or their parents lack immigration status.⁶ Although U.S. courts are likely to end the DACA program, the 117th Congress failed to protect Dreamers by offering a pathway to citizenship and the 6 million children of undocumented immigrants continue to fear the detention and deportation of their parents.

During the remainder of this presidential term, the Biden-Harris Administration has an opportunity to transform our immigration system into one that prioritizes the “best interests of the child.” Through policies that welcome children and families at the border, provide fair proceedings and access to protection, holistically promote the well-being of children in immigrant families, and provide affirmative relief to families without status, this Administration can show that policies that center children are not only right, but commonsense solutions for our most complex policy questions.

Executive Actions

Issue an executive order or proclamation for agencies to perform an equity analysis of all immigration policies and procedures. Early in his Presidency, President Biden issued an executive order on advancing racial equity and support for underserved communities throughout the federal government.⁷ However, in outlining populations who are underserved in U.S. policy, the executive order did not explicitly mention immigrants. Neither does a new executive order on racial equity that the President issued in February 2023.⁸ Children of immigrants and their families face multiple barriers to accessing government programs, including humanitarian protection, immigration benefits, and public benefits. Those barriers are compounded for children of immigrants in other underserved communities, such as Hispanic, Black, Asian American, and Pacific Islander (AAPI) and Indigenous immigrants.

President Biden must issue a directive clarifying that immigrant communities are an underserved population. The directive must order agencies to conduct an equity analysis of policies and procedures related to immigration status and develop action plans, to the extent authorized by law, to remedy policies that result in disparate outcomes based on immigration status. Federal agencies should publish anonymized data regarding immigration policies, including detention and deportations, U.S. Citizenship and Immigration Services (USCIS) adjudications, and immigration court proceedings, disaggregated by race, age, indigeneity, native language, and gender.

Agency-Level Priorities

Establish systems for child-centered policy development and oversight

- **Adopt child impact statements for immigration policies.** We applaud President Biden for signing into law the Homeland Security for Children Act, which requires every office and component of the Department of Homeland Security (DHS) to consider the needs of children in policy planning and execution. DHS should implement this legislation by using child impact statements to analyze the impact of all DHS policies and programs on children so that children’s needs are considered in policy development and design.⁹
- **Establish high-level leadership roles for coordination and oversight of children’s issues.** Pursuant to the Homeland Security for Children Act, DHS should establish a Children’s Coordinator in the Secretary’s office to align children’s issues across the agency and other agencies with which DHS coordinates on immigration issues. Additionally, in keeping with language in the FY 2023 omnibus, the Department of Health and Human Services (HHS) should establish an independent Office of the Ombudsperson to provide oversight and accountability for the treatment of children in government custody.¹⁰

Prioritize children in addressing the root causes of migration

- The situations leading children and families to flee to the United States start in their home countries and communities. Violence, extreme poverty, natural disasters, and discrimination against Indigenous, Afro-descendant, and other populations threaten the safety and well-being of children around the world, and particularly in the Western Hemisphere.¹¹ The State Department and U.S. Agency for International Development should prioritize child well-being and include child well-being benchmarks in its root causes strategy.

Ensure a welcoming reception for children at the border¹²

- **Resume processing for all asylum seekers, including children with families.** We applaud the Biden Administration for fulfilling a campaign promise by announcing the end of the use of the Title 42 public health authority to expel asylum seekers in April 2022. While courts have blocked the implementation of that decision, the Biden Administration should roll back or halt all plans to expand the program for certain nationalities, vigorously defend our asylum laws in the courts, and quickly work with border and welcoming communities to restore access to asylum at the border.
- **Quickly and humanely process arriving children and families.** DHS should use funds already appropriated by Congress to process children and families in child-friendly reception centers staffed with child protection professionals who meet their immediate and basic needs in the shortest period possible. Throughout this process, families should remain together. We support the Trusted Adult Relative Program/Category 2 Sponsor Initiative currently being implemented by DHS and HHS,¹³ and urge expansions of the program to other ports of entry with sufficient staff to reduce processing times.
- **Provide funding to and partner with nonprofits to support migrant families.** DHS should use funds appropriated by Congress to support and coordinate with nonprofit organizations in border shelters and receiving communities who have expertise in providing shelter, reception, basic information about the immigration system, and social services that support children and families while they go through their immigration case.

Ensure children are free from detention and placed in family- and community-based settings

- **Preserve and Expand Protections in the Flores Settlement Agreement.** We applaud the Administration for announcing plans to issue new regulations based on the protections of the Flores Settlement Agreement. In addition, we urge the Administration to expand protections to ensure children are safely and promptly released to family; prioritize family and small-scale placements for children in custody; expand services for children in custody and after release; provide due process for children facing prolonged custody and sponsors who are denied reunification; and create a robust mechanism for independent oversight, monitoring, and compliance for children's care in government custody.
- **Ensure children's placement in the least restrictive setting in their best interest.** Research shows that detention and institutionalized care are harmful to children,¹⁴ and electronic monitoring has many of the same negative impacts for children as jail-like detention.¹⁵ DHS should move away from alternatives to detention that use electronic surveillance and instead implement voluntary and holistic case management programs for asylum-seeking children and families in the community. These services should help families understand the immigration system and meet their social and emotional needs through basic physical and mental health, housing, and income support services. For unaccompanied children, ORR should continue to expand transitional foster care, long-term foster care and small shelter facilities placements for children in a manner that meaningfully works toward ending the use of unlicensed "influx" or emergency facilities.

Guarantee children fair immigration proceedings¹⁶

- **End expedited processes for children and families.** DHS and the Executive Office of Immigration Review (EOIR) within the Department of Justice (DOJ) should end the use of expedited removal, the Dedicated Docket Program, and any other expedited process to hear children's and families' claims for protection. USCIS and EOIR should instead issue guidance committing to fair proceedings through child-friendly accommodations and thorough examination of cases.
- **Ensure child-friendly accommodations and support for children in immigration adjudication.** USCIS and EOIR should have specialized corps of adjudicators for all children's cases. These adjudicators should have significant

experience and training in child development, childhood trauma, substantive considerations in children's claims for immigration relief, and child-friendly procedures to ensure due process.

- **Expand legal representation and child advocates.** We applaud the Biden Administration for its efforts to provide universal legal representation for unaccompanied children by 2027. EOIR should seek additional funds to expand its legal representation to children with families, working toward universal representation for all children. HHS should also seek funds to expand the Child Advocate Program for vulnerable unaccompanied children.

Ensure access to legal protections for children

- **Restore access to protection based on family ties, domestic violence, and gang violence.** Early in President Biden's term, DOJ and DHS announced intentions to publish regulations clarifying the "particular social group" ground for asylum. The agencies should work to quickly begin the notice and comment period for such regulations and ensure that the proposed rule clarifies access to asylum for persecution due to family ties, family violence, and gang violence, noting the particular importance of these grounds of asylum for children.
- **Expand refugee resettlement and regional processing for children.** We applaud the Biden Administration for restoring the Central American Minors Refugee/Parole Program, and for expanding the eligibility criteria. The Biden Administration should dedicate funding both within USCIS and the Department of State to increase families' awareness of the program, support the filing of applications, and increase personnel dedicated to processing applications. The Administration should also provide support for families during and after the application process, including through emergency shelter and removal for children facing immediate danger and legal orientation, counsel, and social services for families upon reunification.¹⁷

Prioritize family unity in the best interest of the child

- **Provide redress for past separations.** We applaud the Administration for establishing the Family Reunification Task Force, which has made concerted efforts to reunite families. The Task Force should continue its work to reunify all families that are still separated and wish to reunite here in the United States, with an opportunity to reapply for humanitarian protection. We urge the Administration to seek funds to provide comprehensive, trauma-informed, and culturally sensitive social services to reunited families, including mental health, housing, employment, and legal services. In particular, the Task Force should work with Indigenous-led organizations, given that many separated families are Indigenous, to ensure services are provided in families' best language and in a culturally competent manner.
- **End family separation at the border.** In accordance with the President's Executive Order establishing the Family Reunification Task Force, DHS should issue guidance that prevents the separation of families at the border unless there is an imminent risk of harm to the child unrelated to their family's migration journey. DHS must also create mechanisms to track family relationships, allow challenges to separation decisions, review separations, and expedite reunification where separation is found to be unwarranted.¹⁸

Prioritize child well-being and healthy development over harmful immigration enforcement

- **Prioritize family unity in enforcement actions.** We applaud DHS for issuing an updated parental interests directive. While litigation has currently blocked implementation of Secretary Mayorkas' enforcement priorities, DHS still retains the inherent law enforcement authority to exercise prosecutorial discretion. We urge DHS to include information on the impact of family separation on children's physical, mental and emotional health in its personnel trainings on

prosecutorial discretion. We also urge training for all DHS personnel who encounter children about how to prevent further trauma when children are present during enforcement actions. The Administration for Children and Families (ACF) and DHS should partner to inform state child welfare agencies about the updated parental interest directive and ensure that personnel are aware of the directive's protections.

- **Protect access to benefits supporting children's healthy development.** We applaud DHS for also updating its protected areas policy to explicitly protect areas where children gather. DHS should work with the Departments of Health and Human Services, Agriculture, Housing, and other agencies that provide programs for children to ensure that agency personnel, their state and local partners, and contractors are aware of DHS' updated protected areas policy. DHS also should notify families of their ability to access key services without fear of enforcement.

Ensure access to benefits that protect children's healthy development and well-being

- **Use existing authority to ensure all eligible children can access benefits.** More than 6 million U.S. citizen children have an undocumented parent and more than 300,000 have a parent with DACA status. To improve equity and ensure that everyone has the health care they need, HHS should allow DACA recipients to access Medicaid, CHIP, and Affordable Care Act coverage. The Internal Revenue Service should also ensure that families receive their Individual Tax Identification Number (ITIN) in a timely manner so they can access benefits for which their children are eligible and that require an ITIN, such as the Child Tax Credit.¹⁹
- **Increase outreach to committees to restore trust and increase enrollment in services.** The Biden Administration's public charge final rule is an important step to ensuring that children have access to critical health care, nutrition, housing, and income support benefits for which they are eligible without fear of immigration consequences. HHS, the Department of Agriculture (USDA), Department of Housing and Urban Development and other agencies should encourage states to partner with nonprofit organizations to make immigrant families aware of their eligibility for benefits and to help them enroll/re-enroll in benefit programs, particularly after the COVID-19 public health emergency ends. Outreach should be in multiple languages, assure communities about privacy and confidentiality, improve the customer service experience, and combat collection of unnecessary documentation.²⁰

Grant affirmative relief to children

- Expand the use of Temporary Protected Status (TPS). Given the importance of TPS to protect children,²¹ the Administration should use this authority to designate or redesignate countries for Temporary Protective Status (TPS) in all situations that meet the statutory criteria. Countries that currently warrant designation or redesignation of TPS include but are not limited to:
 - Democratic Republic of the Congo
 - El Salvador
 - Guatemala
 - Honduras
 - Lebanon
 - Mali
 - Mauritania
 - Nicaragua
 - Pakistan
 - Somalia
 - Venezuela

- Robustly use statutory authorities to preserve family unity. More than 250,000 U.S. citizen children have parents who are DACA recipients.²² However, litigation continues to threaten the DACA program, despite the Biden Administration's important efforts to fortify it through regulation. While advocating for Congressional action that provides permanent protections for undocumented immigrants, the Biden Administration should use its statutory authority to provide deferred action, Deferred Enforced Departure, cancellation of removal for non-legal permanent residents, and other protections to prevent family separation or children's return to countries where they would experience harm.

Legislative Priorities

The following are legislative priorities that the Biden Administration should publicly support or continue to support:

- **The Children's Safe Welcome Act of 2022 (H.R. 8349/S. 4529)**, sponsored by Sens. Jeff Merkley (D-OR), Kirsten Gillibrand (D-NY) and Dick Durbin (D-IL) and Rep. Karen Bass (D-CA)
- **The PROKID Act of 2021 (H.R. 1238/S. 382)**, sponsored by Rep. Jayapal (D-WA) and Sen. Gillibrand (D-NY)
- **The Fair Day in Court for Kids Act of 2021 (S. 3108)**, sponsored by Sen. Mazie Hirono (D-HI)
- **The LIFT the BAR Act (H.R. 5227/S.4311)**, sponsored by Rep. Pramila Jayapal (D-WA) and Sen. Mazie Hirono (D-HI) in the 117th Congress
- **The HEAL for Immigrant Families Act of 2021 (H.R. 3149/S. 1660)**, introduced by Reps. Jayapal and Nanette Barragán (D-CA) and Sen. Cory Booker (D-NJ)
- **The American Dream and Promise Act of 2021 (H.R. 6)**, sponsored by Reps. Yvette Clarke (D-NY), Lucille Roybal-Allard (D-CA), Rep. Nydia Velázquez (D-NY)

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SECTION 15

Address the Confluence of Challenges Threatening Children Around the World

COVID. Conflict. Climate. These and other global crises have upended the lives of children and youth around the world, making it harder than ever for them to thrive and reach their full potential. In under-resourced parts of the world, this confluence of challenges is undermining decades of progress to improve children's health and well-being.¹ Some statistics:

- More than 10 million children have lost a parent or caregiver to COVID²
- An estimated 128 million primary- and secondary-school-age children and youth do not attend school due to conflict or crisis³
- 80% of the world's children fear sexual abuse or exploitation online⁴
- Approximately 1 billion children live in countries that are at extremely high risk for the impacts of climate change⁵
- Worldwide, more than 2.2 million children in refugee-hosting countries need humanitarian assistance⁶

Children make up one-third of the world's population — and up to half the population in some countries — yet they remain an afterthought in U.S. foreign policy and assistance. The United States spent just 0.10% of its entire budget on children abroad in Fiscal Year 2022.⁷ Without a robust whole-of-government strategy and focus on children internationally, their health and well-being will continue to falter. In addition to increasing foreign assistance for children, we urge the Biden-Harris Administration to center children's needs in foreign policy and program development by using child impact statements, ensuring leadership at the highest levels of internationally-focused federal agencies, and supporting regular cross-agency coordination, such as the newly established Children's Interagency Coordinating Council at the Department of Health and Human Services (HHS).⁸

We applaud the Biden-Harris Administration for the following efforts:

- Establishing the Gender Policy Council to drive a whole-of-government approach to advance gender equality and gender equity, and increasing resources for the Global Women's Issues office at the Department of State to address the global needs of women and girls.⁹

- Investing \$50 million dollars over five years in the World Bank’s Childcare Incentive Fund to expand global child care infrastructure.¹⁰
- Appointing a Special Envoy for Global Youth Issues at the State Department to re-establish elevating global youth issues and engagement.¹¹
- Appointing a permanent USAID Special Advisor for Children in Adversity to continue the important work of the U.S. government’s Advancing Protection and Care for Children in Adversity strategy.

We ask the Administration to re-commit to all children around the world and prioritize their holistic and unique need for health, safety, and well-being. To do this, we urge the Biden-Harris Administration to:

- Establish a White House Office on Children and Youth that would include coordinating and addressing global children and youth issues.¹²
- Maintain and/or increase existing investments in children and youth around the world while scaling up effective interventions to respond to the confluence of challenges and to rebuild from the lost progress of the past three years.
- President Biden mentioned the success of the President’s Emergency Plan for AIDS Relief (PEPFAR) program in his State of the Union Address. We call on the Administration to protect funding for orphans and vulnerable children (OVC) during the reauthorization process of PEPFAR this year and to fully spend the allotted 10% on mitigating the impact of HIV on OVC.^{13,14}
- Support legislation that addresses the holistic and developmental needs of children around the globe, including but not limited to:
 - **Mental health:** MINDS Act (H.R. 3988/S. 2105, 117th Congress)
 - **Education:** Global Learning Loss Assessment Act (H.R. 1500/S. 552, 117th Congress), Keeping Girls in School Act (H.R. 4134/S. 2276, 117th Congress), READ Act Reauthorization Act (H.R. 681/S. 41) which has been re-introduced in the 118th Congress by Rep. Christopher Smith (R-NJ) and Sens. Dick Durbin (R-IL) and Marco Rubio (R-FL).
 - **Equity:** The International Children with Disabilities Protection Act (S. 4982, 117th Congress)
- Support and highlight the renewal of the Advancing Protection and Care for Children in Adversity (APCCA) strategy due this year: The APCCA strategy is a whole-of-government response that has been instrumental in informing policies and programs for the world’s most vulnerable children.¹⁵

On February 24, 2023, Secretary of State Antony Blinken delivered remarks to the United Nations Security Council Meeting on Ukraine. He recalled seeing a painting by a 10-year-old girl named Veronika, who lost her whole family in the war on Ukraine. Veronika’s painting depicted a safe place for all the people she loved. Veronika wants a safe and peaceful world. Secretary Blinken said, “We have the power, we have the responsibility to create that world, today and for generations to come.” The Biden-Harris Administration must lead in creating a safer and better world for Veronika and all vulnerable children like her around the globe.

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