



## **WHY NOW LEGAL DEFENSE OPPOSES FEDERAL MARRIAGE PROMOTION IN TANF REAUTHORIZATION**

The Bush administration considers marriage promotion mandates and funding one of its foremost objectives in the ongoing TANF reauthorization debate, and the House included such provisions in the TANF reauthorization bill it recently passed, H.R. 4. It is essential that the Senate act so that the proposals in H.R. 4 do not become law.

Federal marriage promotion diverts welfare funds from basic economic supports, lacks public support, coercively intrudes on fundamentally private decisions, places domestic violence victims at increased risk, wastes public funds on ineffective policies, and inappropriately limits state flexibility. It sends the message that the way out of poverty for women is dependence on someone else to act as a breadwinner rather than economic self-sufficiency.

Under the current TANF law, states can spend federal and state TANF funds on marriage promotion, and a few states do so. However, the vast majority of states use TANF funds exclusively for basic economic support for low-income families.

H.R. 4, at the Administration's urging, would deny states this option by requiring every state to describe how the state TANF program will promote marriage and to set numerical performance objectives for promoting marriage.

H.R. 4 also allocates \$300 million in federal funding annually for marriage promotion, \$200 million in new funding, and \$100 million from the basic TANF grant, a total of \$1.8 billion program over six years. Additionally, H.R. 4 modifies state maintenance of effort requirements to encourage states to spend even more money on marriage promotion.

The H.R. 4 marriage promotion provisions lack essential protections such as informed consent (i.e. notice and voluntariness provisions to provide some protections against coercion); consultation or contract with a domestic or sexual violence organization to ensure that intimate violence is appropriately addressed and guarded against; a nondiscrimination provision which would prohibit discrimination against individuals solely because of the marital status of the parent or because of the parent's refusal to participate in a marriage promotion program; rigorous evaluation; and prohibition against the use of funds for advocacy to restrict the right to marry or divorce.

Opposition to federal marriage promotion mandates within TANF should be a core issue. With many states facing deficits that will reach into the billions and the unemployment rate rising, not receding, requiring states to spend money on marriage promotion cannot help but result in less resources to directly address the problems of those who are poor and out of work, in desperate need of subsistence benefits, job training and child care.

It is important for Congress to remember that there are currently more non-marital families than married families in America. These include single, separated, divorced, widowed, cohabitating, gay and lesbian, and extended families, among others. Congress should not attempt to coerce low-income individuals into one type of family structure. Instead, Congress should be concerned about supporting the economic security and well being of all families, regardless of how they are constituted.

It is quite clear that the American people do not want this kind of government involvement in intimate decisions about family life. Poll after poll shows that most Americans are against the government's involvement in personal decisions regarding marriage and oppose use of scarce public dollars to promote marriage among the poor.<sup>1</sup> According to the PEW Forum on Religion & Public Life opinion poll, there is broad opposition to government programs aimed at encouraging marriage. Nearly eight in ten Americans (79 percent) want the government to stay out of this area, while just 18 percent endorse such pro-marriage programs. While those with a high level of religious commitment are more likely to favor these programs, fully two-thirds (66 percent) in that category do not want the government to get involved.<sup>2</sup>

Finally, because of the prevalence of intimate violence among women receiving public assistance, promotion of marriage will jeopardize the safety and lives of women and their children. As many as 60 percent of welfare recipients are survivors of domestic violence.<sup>3</sup> Marriage promotion programs, which target a population that is made up to such a large degree of women who are domestic violence survivors, can have disastrous results. Survivors of violence may well be victimized by programs, which encourage them to marry or remain married to an abuser. Rhetoric favoring "healthy marriages" will not provide adequate protection for survivors. We cannot ignore the reality that if this program goes forward, survivors may well be coerced into abusive marriages that they may not survive.

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<sup>1</sup> See Peter D. Hart Research Associates, *TANF/Welfare Survey Findings*, at 1, National Campaign for Jobs and Income Support (April 12, 2002); The PEW Research Center for the People & the Press and the PEW Forum on Religion & Public Life, *Americans Struggle with Religion's Role at Home and Abroad*, at 3 (March 20, 2002); Ms. Foundation for Women, *Americans Say Welfare Should Provide Self-Sufficiency Skills, Move People Out of Poverty – Not Promote Marriage*, at 1 (February 6, 2002).

<sup>2</sup> The PEW Research Center for the People & the Press and the PEW Forum on Religion & Public Life, *Americans Struggle with Religion's Role at Home and Abroad*, at 3, (March 20, 2002).

<sup>3</sup> See Mary Ann Allard, et al., McCormack Inst., *In Harm's Way? Domestic Violence, AFDC Receipt And Welfare Reform In Mass.*, at 12, 14 (1997) (64.9% of 734 Women); Ellen L Bassuck, et al., *The Characteristics And Needs Of Sheltered Homeless And Low-Income Housed Mothers*, 276 JAMA 640 At 12, 20 (1996) (61.0% of 220 Women); William Curcio, *Passaic County Study Of AFDC Recipients In A Welfare-To-Work Program: A Preliminary Analysis*, at 12, 14 (1997) (57.3% of 846 Women).