While the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 included many provisions of concern to child advocates, the Act also gave states increased flexibility to design welfare programs in ways that support children, or that ameliorate some of the harshest provisions of the Act. This issue brief describes innovative policies some states have adopted that protect and support poor children and their families. State innovations are presented in seven areas: (1) supporting children when federal benefits are unavailable; (2) ensuring that eligible children retain benefits; (3) supporting children as parents begin to work; (4) expanding alternative income supports; (5) supporting all low income children; (6) helping working families move up the career ladder; and (7) monitoring the status of families. The brief concludes that state family-friendly policies are too rare, and that since the passage of welfare reform, more children are living in extreme poverty. Policies and programs addressing the needs of children should not be innovative, but routine. Contains contact information for some states. (KB)
Stretching the Limits: How States are Using Welfare Flexibility To Support Children

by Theresa J. Feeley and Deborah L. Stein

IN TOO MANY CASES, THE SUCCESS OF WELFARE REFORM HAS BEEN JUDGED ON WHETHER IT MOVES PARENTS FROM WELFARE TO WORK. LOST ALONG THE WAY HAS BEEN THE IMPACT ON CHILDREN.

Overview

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) restructured the federal/state welfare program, now called Temporary Assistance to Needy Families (TANF). Under TANF, states must impose restrictions on benefits and eligibility that have the potential to greatly harm poor children. Because children grow up in a family, even those policies directed primarily at adults (e.g., work requirements) affect their well-being. On the other hand, PRWORA increases state flexibility in structuring their welfare programs. Some states have taken advantage of their new flexibility to promote or protect children. Others have made only the minimum changes required by federal law.

In addition to the policies described here, some program changes that benefit children have been widely adopted. For example, many states have chosen to increase earned income and assets disregards. By permitting parents to retain a greater percentage of their earnings and still keep their welfare benefits, these policies enable families to reach a minimum level of economic stability before leaving the welfare rolls. Other provisions which have been broadly adopted include expanded welfare eligibility for two-parent families; diversion programs that meet emergency family needs to retain employment, such as car repairs; the extension of transitional Medicaid and child care benefits for families leaving the welfare rolls beyond the federal minimum; exemptions from work requirements for parents with infants, or for disabled parents or parents of disabled children; special protections for victims of domestic violence; continuation of benefits for drug felons and their children; the continuation of cash benefits for legal immigrants that entered the country before PRWORA was signed; and replacement programs for food stamps for legal immigrants. (While there may be controversial aspects to some of these policies or their implementation, overall they are likely to benefit children.)
Though designed to identify the most beneficial and innovative policies, this issue brief is not comprehensive. Policies were selected through interviews with National Association of Child Advocates (NACA) members and other experts as well as reviews of the relevant literature. The policies included here either promote the well-being of children or protect them from the potentially negative effects of federal law. In too many cases, the success of welfare reform has been judged on whether it moves parents from welfare to work. Lost along the way has been the impact on children, who in 1996 made up 69% of the welfare caseload. By identifying these innovative approaches to protecting children, NACA hopes to return attention to the original purpose of welfare to support needy children. This issue brief represents NACA’s first effort to gather information on innovative welfare policies; NACA will continue to report on programs and policies as they come to our attention.

Supporting Children When Federal Benefits are Unavailable

PRWORA replaced Aid to Families with Dependent Children (AFDC) with the TANF block grant and repealed the entitlement of poor families to cash assistance. Whereas federal AFDC provisions had defined eligible classes and required states to aid families in these classes if their incomes were below state-set limits, TANF gives states the discretion to decide what categories of needy families to assist. TANF also permits states to penalize recipients via sanctions when they fail to comply with program requirements.

One approach states take to support children denied access to federal benefits is to use segregated state funds or separate state programs. Several states have taken advantage of this option to expand their state assistance programs to families who don’t qualify for federal assistance: legal immigrants or families that have exhausted their federal benefits. Though still requiring state expenditures, the fact that funds for these programs can be counted toward meeting a state’s required share of welfare expenditures may make the prospect of securing or expanding the social safety net more palatable to states.

PRWORA permits states to end cash assistance to a family. Given that reality, perhaps the single most beneficial policy choice that a state can make is to secure children’s rights to assistance regardless of the eligibility status of their parents. California, Rhode Island, and New York have remedied this common problem by continuing needy children’s previous entitlement to assistance. When a family hits the time limit in either California or Rhode Island, their cash assistance is reduced by an amount equivalent to the parent’s portion. Counties in California may opt to provide the child-only assistance as either cash or non-cash benefits. If the parent is sanctioned for noncompliance, the family loses cash assistance but remains eligible for housing and utility vouchers capped at a dollar amount equivalent to the family’s original grant. Likewise, with assistance for the needy mandated by its state constitution, New York has established a Safety Net Assistance (SNA) program to aid families ineligible for assistance through TANF.

SNA benefit levels are equivalent to those in TANF. However, depending on the family’s eligibility status, they may be either cash or noncash. Individuals and families receiving SNA are not subject to time limits.

Several other states, including Connecticut and Maine, have enacted policies that make it possible for families to continue receiving benefits beyond their initial time limit. These states are willing to extend benefits so long as families have a history of cooperation with the social service agency and are making a good faith effort to obtain or maintain employment.

In Connecticut, when families reach the state’s 21-month time limit, if they have previously been sanctioned, they are not immediately eligible for extensions. However, as long as they have been sanctioned only once, they are given the opportunity to restore their good standing with the Department of Social Services through participation in the WorkSteps program. Families found ineligible for WorkSteps may receive non-cash assistance, case management, and referrals from the state’s Safety Net program.

In Maine, families that have exhausted their 60-month time limit are generally eligible for extensions. Families that have previously been sanctioned three or more times are sanctioned again for an amount of time equal to their previous sanction. At the conclusion of the sanction period, the family regains eligibility for extensions.

PRWORA also stripped many legal immigrant children and their families of eligibility for federal benefits. Eighteen states - CA, CT, GA, HI, KS, ME, MA, MD, MI, MN, NE, NY, OR, PA, UT, VT, WA, and WI - provide TANF-like cash assistance to legal immigrants who entered the United States after the law was signed.
Ensuring That Eligible Children Retain Benefits

In response to dramatic caseload reductions, Connecticut, Tennessee, and Ohio have instituted review procedures prior to case closure. In Connecticut’s WorkSteps program, cases reaching the 21-month time limit and those scheduled to be closed due to prior sanctions are reviewed. So far, in approximately 10% of cases, families were found to be eligible for cash assistance. In the “Customer Service Review” process in Tennessee, all cases scheduled to be closed due to noncompliance and all cases in which a parent requests closure are reviewed to ensure that the caseworker followed state policy. An attempt is also made to contact the family and to hear their side of the story. Families may be given the opportunity to come into compliance to avoid benefit termination. As a result of this review process, approximately 30% of the cases initially scheduled for closure have not been closed. There has also been a reduction in the number of cases in which an initial determination for closure has been made.

In some counties in Ohio, caseworkers are reaching out to families prior to case closure. Since this fall, caseworkers have been making home visits to families being considered for sanction to encourage compliance. Ohio funds home visits using TANF funds administered through the Early Start program, which provides funding for community supports for infants, toddlers, and their families to prevent abuse, neglect, and developmental delay.

Supporting Children as Parents Begin to Work

The thrust of PRWORA is to move adult welfare recipients into the work force, with the assumption that the adult and children fare better when the family is not “dependent.” But advocates know that work alone is not sufficient to guarantee children’s well-being. The policies described below all benefit children as their parents transition from welfare to work.

Increasing Employability - Basic Skills - By establishing work requirements and excluding most education and training programs, PRWORA established a national “work first” or “quick-employment” mentality. The stronger emphasis on work has succeeded in moving many recipients with established work histories and/or high school educations into employment. However, large percentages of the remaining welfare caseload lack even the most basic skills necessary to attain and retain employment. Furthermore, even among those recipients who have found employment, most are in jobs with few benefits or low potential for advancement. Many earn wages so low that they continue to qualify for public assistance.

Permitting participation in education and training activities is one way that states can help adult recipients secure better jobs. In 1997, adults age 18 and over with a high school diploma earned an average of $22,895 a year, whereas those without a high school diploma averaged $16,124. Several states, including Tennessee, Texas, Washington, and Rhode Island, are using state funds to enable recipients to acquire the basic skills necessary to achieve self-sufficiency.

In Tennessee, an educational assessment is made of all adults applying for welfare benefits. If a client is assessed at an education level of grade 8.9 or below, she can be exempt from fulfilling the work requirements as long as she is enrolled 20 hours/week in a departmentally approved education program. There is no time limit so long as the teacher and caseworker agree that the client is making satisfactory progress.

Texas law links time limits to a person’s education and work history. Those with more education and work experience are eligible for fewer months of cash assistance than are their less work-ready counterparts. An in-depth needs assessment is conducted on recipients with the least amount of education and work experience.

In Washington state, applicants lacking English language skills are immediately placed in English as a Second Language (ESL) classes and may be exempt from job search. Clients enrolled in ESL classes are eligible to receive cash assistance. It is the caseworker’s responsibility to identify the language barrier and to determine the amount of time the client can spend in the ESL classes. As their language skills progress, recipients may be involved in both classes and a job search.

Rhode Island is one of the few states which has not adopted work-first policies. Rather, adult recipients in single-parent households are given the opportunity to improve their skills and overall employability and then move toward employment. Within 45 days after application for assistance, an assessment of the adult’s work history is conducted and used to develop an employment plan which may include training or work readiness programs, basic literacy or ESL programs, vocational education, and skills or job training programs, including post-secondary education. After the first 24 months, most recipients are required to work at least 20 hours/week or to be in an on-the-job training program. Furthermore, adults who start a vocational education program or post-secondary education pro-
Family literacy programs integrate adult education instruction, early childhood education, parent and child together, and parent groups. These programs enhance the skills and employability of parents while simultaneously supporting healthy child development. A National Center for Family Literacy study revealed that almost 80% of children who participated in family literacy programs rated above their class average on seven academic and social factors. Several states, including Ohio, Kentucky, New York, Tennessee, and Virginia, support programs that combine traditional family literacy with activities that meet the federal work participation rate requirements.

Increasing Employability – Post-Secondary Education - Post-secondary education enhances workers’ earnings potential. In 1997, adults ages 18 and over with a bachelor’s degree earned an average of $40,478 a year, while those with only a high school diploma earned about half that.

Using the state’s share of welfare funds, Maine has created a separate Parents As Scholars program to allow recipients to attend 2 and 4 year degree granting institutions. During their first two years, participants engage in an average of 20 hours/week in a combination of education, training, study, or work-site experience. Beyond 24 months, participants must “work” for 20 hours per week in addition to going to school. Work is broadly defined to include work study, training-related practicums, internships, paid employment, and volunteering. Because Parents as Scholars is not a TANF program, the federal five year time limit does not apply. Participation in the program is currently limited to 2,000 participants. Wyoming has a similar but smaller scale program (currently 100 clients) that is available instead of a TANF grant to recipients who have completed an employment assessment, meet income and resources eligibility requirements, and are full-time students in an approved program.

Unlike Maine and Wyoming, Kentucky does not have a separate state cash assistance program for post-secondary students. Instead, the Kentucky Cabinet for Families and Children funds child care and some transportation assistance for post-secondary students who are TANF eligible but not enrolled. Eligible students receive the support services that are critical for them to pursue their degree, but, since they are not enrolled in TANF, do not deplete their 60 month time limit on federal benefits. The Cabinet publicized the available benefits by writing TANF recipients.

Extending Time Limits for Working Parents – Though some states permit recipients to engage in education and training, the primary emphasis of welfare reform has been to adopt a work first approach. Thus, many states have enacted policies which increase income incentives for work. Earned income disregards enable low-income workers to continue receiving cash assistance until their income is deemed sufficient to provide for their families. One of the drawbacks of such a policy is that a family exhausts its five year limit for receipt of TANF benefits.

Illinois was the first state to use segregated state funds to provide cash assistance to working TANF eligible families who have not yet reached their time limit. Thus families do not deplete their eligibility for federal TANF benefits. This “Stop the Clock” policy complements Illinois’ high income disregard. Since 1994, the state has reduced grants of working recipients by only one dollar for every three dollars earned. Families remain eligible for assistance until they reach the poverty level. Since implementing its earnings disregard, Illinois has seen the percentage of its welfare caseload who work rise dramatically. In 1992, prior to implementation, only 6.3% of the caseload worked. By 1996, that percentage had increased to 13.2, and by March 1998, a full 25.8% of the caseload was employed.

Maine has a pilot program which ensures enhanced earned income disregards to employed welfare recipients in half the state. Benefits for these families are also paid through state funds; thus, federal time limits do not apply.

Access to Child Care – The welfare laws of New York, Rhode Island, and Wisconsin all have provisions recognizing the importance of providing child care when parents begin to work. By exempting parents lacking child care for children under age 13 from work, these states have exceeded the federal requirement to exempt parents if they lack appropriate care for children under 6.

Access to Housing – Available adequate housing is increasingly being recognized as essential for families transitioning to work. New York City will soon implement a housing assistance program which will provide housing subsidies (a maximum of $400 per month per family) to working or work ready families currently residing in city shelters. The program is being funded through state welfare funds, and advocates are hoping that it will be replicated throughout the rest of the state. New Jersey provides housing assistance to former TANF recipients.
recipients with severe housing needs who are employed and have incomes under 150% of poverty. Unless they receive federal housing subsidies, welfare recipients in New Mexico receive an additional $100 per month. "

Access to Transportation — Many states provide welfare recipients with transportation vouchers and reimbursements or emergency funds for vehicle repair. Several states are offering more unusual forms of transportation assistance to welfare recipients. Virginia permits welfare agencies to purchase surplus state and county vehicles for clients to lease, purchase, or use for travel to and from work. Ohio’s Washington County has a 24 hour number for recipients to call in case of transportation problems or other emergencies. During normal business hours, the call rings into the welfare office. However, on evenings and weekends, calls ring to a pager carried by the county’s social service director or assistant director. These public officials regularly transport clients to work themselves.

Meeting Special Needs — Statistics indicate that a large percentage of welfare recipients are current or former victims of domestic abuse. Oregon has responded by contracting with an outside organization to conduct trainings about domestic violence for Adult and Family Services Staff; they are also open to Child Support Enforcement staff. The intent of the program is to enable caseworkers to identify and appropriately address the needs of domestic violence victims. For similar reasons, Nevada has placed domestic abuse specialists in its welfare offices.

Both Kansas and Washington screen recipients for learning disabilities. So far, the states have found that approximately 30% of their welfare populations have learning disabilities. In Kansas, once recipients are identified as having a learning disability, their caseworkers tailor their welfare plans accordingly - i.e., adjusting the way they do training, assessment, and job search.

Welfare recipients support their families month-to-month on their minimal incomes. However, they often lack funds to provide such things as new school clothes for their growing children. To address this need, Rhode Island provides a once a year supplementary payment to each dependent school age child receiving public assistance.

Expanding Alternative Income Supports

Since most former recipients will earn less than the federal poverty level, and since many are likely to cycle in and out of the work force, states are exploring alternative sources of income support for these low income families.

Child Support — Under prior law, most child support collected on behalf of welfare recipients, with the exception of $50 passed through to the families, went to reimburse the state and federal government. Wisconsin initiated a pass through of all child support for most families participating in TANF work programs. Participating families receive a flat cash assistance grant; the child support pass through is in addition to this grant. One drawback for children is a provision removing the entire family from cash assistance if the custodial parent fails to comply with the child support enforcement agency.

PRWORA also lent momentum to child support assurance efforts in New York and California. Child support assurance guarantees payment of child support to custodial parents even if the noncustodial parent fails to fulfill his or her obligation. New York’s pilot child support assurance program, the Child Assistance Program (CAP), has been underway in select counties in New York since 1988. Abt Associates’ five year evaluation of CAP found increased employment and earnings, more child support orders, lower expenditures for public assistance payments, slightly higher administrative costs, and a net savings to the government because the public assistance benefit reductions far exceeded the additional administrative costs. After the passage of PRWORA, CAP was expanded as a voluntary program throughout the state.

California has authorized child support assurance pilot programs in 3 counties which are scheduled to get underway in early 1999. Unlike New York’s CAP program, which is restricted to TANF eligible families, in California families up to 200% of poverty - regardless of whether they are or have previously received welfare - are eligible to participate. Counties may design their child support assurance programs to provide some or all transitional benefits to TANF-eligible participants.

Unemployment Insurance — As a result of the way most states design their Unemployment Insurance (UI) rules, many low-income workers are excluded from the system, and thus have traditionally relied upon welfare to support them between jobs. Although some states had already begun to revise their UI systems to make them more inclusive of low-income parents, the passage of PRWORA provided states with an additional incentive. Most recently, Massachusetts and New Hampshire have amended their UI rules.

State Earned Income Tax Credits — One way for states to support all low-income working families is through state refundable earned income tax credits. For example, Minnesota recently increased the Working Family Tax Credit for families with children. The credit is refundable and now ranges from approximately 20% to 42% of the federal credit, depending on income and family size. Approximately two-thirds of families receiving the Working Family Tax Credit will receive credits equal to 25% or more of their federal credit. Several other states also have recently adopted refundable state tax credits, including Kansas and Rhode Island.
Supporting All Low Income Children

The growing percentage of employed welfare recipients makes it increasingly difficult to distinguish between recipients and the working poor. States must now begin to adopt policies which link eligibility for support services not to welfare receipt, but to income. States have begun to do that. For example, in New Mexico, all families with incomes below 100% of poverty qualify for child care, transportation, job training, and education assistance, regardless of welfare status.[-]

Rhode Island has created a legal entitlement to child care, making subsidies available to all families below 200% of poverty who use licensed or certified providers. Families with incomes less than 100% of poverty are provided free child care; others pay a co-payment established by a sliding scale. Nevada's sick child care hot line also helps low income parents sustain employment.

Some states are investing TANF money in early childhood development efforts that will benefit the children of low-income families. For example, Iowa has put $3.8 million TANF dollars into three early childhood empowerment projects representing seven counties. The TANF funds are dedicated to increase child care capacity for families through 185% of poverty. Oregon has contributed TANF money to funding full-day Head Start programs. They have also put TANF funds into the creation of child care centers in partnership with community colleges and hope to use TANF funds for expanded pre-school opportunities.

Nine states transferred a total of $187 million of TANF funds in FY97 to child care subsidies for low income working families. Massachusetts transferred 24% of its TANF funds for this purpose. Helping Working Families Move Up the Career Ladder

Some states have recognized that the ultimate goal of welfare reform should be to move families out of poverty. Both TANF and Welfare-to-Work funds are available for post-employment training and support. With the motto "Get a job. Get a better job. Get a career," Washington's Employment Security Department has recently implemented a unique post-employment outreach and wage progression initiative, the WorkFirst Post-Employment Labor Exchange Initiative (WPLEX).

The state operates a call center which contacts employed TANF recipients and former recipients. Call center staff act as personal job search advocates on behalf of their clients. They contact employers, provide job and service referrals, and otherwise try to make better jobs more accessible to their clients. Clients are reminded that as long as they remain employed at 20 hours a week, they are eligible for vocational and classroom training with child care, tuition, and other assistance provided.

The department has also established a partnership with the state's community colleges. Four million dollars has been appropriated for tuition assistance for employed current and former TANF recipients, and WPLEX makes direct referrals to community and technical colleges statewide for those interested in advancement through training. The department has also out-stationed staff at each community college in the state to provide reemployment services and labor exchange activities for TANF recipients and graduates. Their partnership with community colleges also extends to pre-employment training, to which the state pledged $7 million in FY99. If an employer in a certain area needs employees with a specific set of skills, it can work through the partnership to design a job-specific training program for TANF recipients. In addition, the legislature appropriated $1 million for 10 work-site ESL and literacy programs.

Monitoring the Status of Families

Citing dramatic caseload declines, policymakers and the press have prematurely declared welfare reform a success. Although the federal government requires regular reporting on families receiving assistance, the resulting data is insufficient for purposes of determining the reasons for caseload decline and how the families affected by welfare reform are faring in its wake. Several states have instituted programs, systems, or evaluations that will paint a more complete picture. The stages at which these tracking methods are being implemented varies, as does the process and level at which data is collected and aggregated.

While many states have contracted with universities to conduct evaluations of their welfare policies and programs, some states - including South Carolina, Minnesota, and Maryland - have themselves done or are doing comprehensive or longitudinal surveys. South Carolina conducted a phone survey of all families who had left the welfare system. Conducted on a rolling basis, the state attempted to contact the families 6-9 months after they left welfare. Advocates were involved in the drafting of survey questions, and the survey is both detailed and comprehensive.
Nonetheless, South Carolina advocates are concerned the results may have been influenced by the fact that state employees administered the survey. They hypothesize that survey participants may have resisted criticizing state policy or employees for fear of reprisals.

Minnesota intends to do a longitudinal study of the characteristics, program, and external influences of 2,000 of its welfare recipients. Participants will receive a $25 gift certificate for each survey completed. The goal of the project is to determine the programmatic, personal, and external characteristics affecting families both during and following receipt of welfare. The length of the study is currently open-ended.

The University of Maryland School of Social Work and the Maryland Department of Human Resources are conducting a longitudinal study of former welfare recipients. The researchers are tracking families using information gathered by cross-linking extant state data bases, supplemented with telephone interviews. Besides looking at social services provided, researchers may also include child support data bases, paternity establishment orders, and support payments received, and will use the "new hire" data bases established under recent child support enforcement reforms. The researchers will also be able to gather information about quarterly wages, types of employment, and job retention from Maryland's state employment and unemployment insurance data bases. At a minimum, the Maryland study will look at a 5% random sample of exiting families in each of the first 12 months of reform and will follow those families for two years.

The Arkansas welfare law includes a provision requiring the state to monitor the impact of case closures on children. The Department of Human Services contracted with the Department of Health to send nurses into homes within 30 days of the family's case closure for reasons other than employment. The nurses assess the well-being of children in the household, determine the children's need for other support services such as Food Stamps or Medicaid, and inquire as to the parent's employment status. So far, approximately 18% of families visited have been referred for follow-up. Concerned that problems not obvious within the first 30 days might be overlooked, advocates have convinced the Department of Human Services to renegotiate their contract with the Department of Health to require a second visit to all families 6 to 9 months after case closures.

**Conclusion**

By repealing the federal entitlement to cash assistance for needy families, PRWORA increased state discretion about which families to serve and for how long. States around the country have taken advantage of this opportunity to enact policies that protect or promote the well-being of children and families, including: expanding eligibility, supporting the transition from welfare to work, providing universal access to work supports, promoting wage progression, and tracking the status of families. Nonetheless, these family-friendly policies remain all too rare. Since the passage of welfare reform, more children are living in extreme poverty - below 50% of poverty. Many families leaving welfare report occasionally going without food, shelter, or needed medical care. Policies and programs which address the needs of children should be not "innovative," but routine.

**Endnotes**

2. While the National Association of Child Advocates believes that the policies described here are worth replicating, the implementation of these policies may be unsatisfactory, or other problems in the same state may be problematic for children. NACA does not endorse any state's overall welfare program.
10. States Can Use Family Literacy Programs, pp. 4-5.
17. State Legislatures, p. 15.
18. Nan Madden, Family and Children's Service, Minneapolis, MN.
For more information, please contact:

**Illinois**
Voices For Illinois Children
Brian Matakis, Project Director
(312) 456-0600
(312) 456-0088 (fax)
matakis_brian@voices4kids.org
www.voices4kids.org

**Kentucky**
Kentucky Youth Advocates
Debra Miller, 
Executive Director
(502) 895-8167
(502) 895-8225 (fax)
HN3180@handsnet.org

**Maine**
Maine Children’s Alliance
Elinor Goldberg, 
Executive Director
(207) 623-1868
(207) 626-3302 (fax)
Mainekids1@aol.com
www.mekids.org

**New York**
Citizens’ Committee for Children of New York
Veronica Farje, Staff Associate
(212) 673-1800 ext. 13
(212) 979-5063 (fax)
vfarje@kfnyc.org
ccncy@aol.com

**Oregon**
Children First for Oregon
Alex Hildebrand,
Policy Advocate
(503) 294-1456
(503) 294-1806 (fax)
childrenfirst@inetarena.com

**Rhode Island**
Rhode Island KIDS COUNT
Elizabeth Burke Bryant,
Executive Director
(401) 351-9400
(401) 351-1758 (fax)
HN3170@handsnet.org
www.rikidscount.org

**South Carolina**
Alliance for South Carolina’s Children
Cassie Barber,
Interim Executive Director
(803) 256-4670
(803) 256-8093 (fax)
cbarber@compuzone.net

**Washington**
The Children’s Alliance
Jon Gould, Devolution Project Coordinator
(206) 324-0340
(206) 325-6291 (fax)
hn3003@handsnet.org
www.childrensalliance.org

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The NACA Devolution Staff:
Deborah Stein, Project Director
Theresa J. Feeley, Program Associate

NATIONAL ASSOCIATION OF CHILD ADVOCATES
1522 K Street, NW
Suite 600
Washington, DC 20005
202-289-0777 ext. 203
202-289-0776 (fax)
feeley@childadvocacy.org
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