

## TESTIMONY ON HOUSE BILL 22

presented by

DEPARTMENT OF PUBLIC WELFARE

to

SUBCOMMITTEE ON COURT OF THE HOUSE JUDICIARY COMMITTEE

Thank you for the opportunity to present comments on behalf of the Department of Public Welfare on House Bill 22. This bill would codify the common law "nurturing parent" doctrine.

In Pennsylvania, the Child Support Enforcement (CSE) Program was implemented in August 1975 as a result of the enactment of Public Law 93-647 which amended Title IV of the Social Security Act to require the states to implement a CSE Program. The Department of Public Welfare (DPW) administers the CSE program through a Cooperative Agreement with the 67 counties in Pennsylvania. The Cooperative Agreement requires the Domestic Relations Sections (DRSs) of the County Courts of Common Pleas to provide CSE services to eligible persons to locate absent parents, to establish paternity and support obligations, and to enforce those obligations as required by Federal regulations. Pennsylvania's CSE program is recognized as a national leader in its ability to collect child support. It has consistently ranked as one of the top five state programs in collecting child support.

The DPW concurs with the intent of the "limitation" language proposed in section (c) of House Bill 22 which would overturn the decision in the Frankenfield v Feeser litigation. That section provides that earning capacity would not be considered diminished when a parent chooses not to work in order to care for a child who is not the child of both parties in a support action.

The DPW, however, is very concerned about the codification of a long line of court cases that provide an exception from the usual rule that both parents are equally responsible for the support of their children. By establishing a statutory base for the nurturing parent doctrine, an apparent conflict is created with the basic tenets of the Personal Responsibility And

Work Opportunity Act of 1996 (PRWORA) and Act 1996-35 which requires custodial parents who receive cash assistance benefits to participate in employment and work-related activities. Such conflict could put the Commonwealth at risk for financial penalties for failure to meet the work requirements under the Temporary Assistance for Needy Families (TANF) block grant. This could exceed \$35 million annually.

Pennsylvania's welfare reform program provides cash assistance recipients with various types of help including training and child care subsidies. A codification of the nurturing parent doctrine that discourages early entry into work experiences and training may prove harmful if custodial parents decide not to take advantage of these opportunities. As a result, these parents may not have the skills necessary for acquiring and maintaining employment when they have exhausted the five-year time limit on cash assistance.

Act 1996-35 does exempt a cash assistance recipient from work requirements if the individual has a child under six years of age for whom child-care arrangements are not available. In addition, "good cause" exemptions from the work requirements are available for those families in which special circumstances merit all-day parental care.

Again, please be assured that the Department supports the intent of the legislation. However, we need to be very cautious that we do not endanger our welfare reform programs, families that are on time-limited cash assistance, and Federal funding of cash assistance, job training, and child-care programs.