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EXCERPT copyedited by Teresa Barensfeld (Prof-Edit)

Promoting American Families: The Role of State Legislation

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[excerpt is taken from about the middle of the article]

<h1>Data Collection

To ascertain how each state is promoting family life, the following 10 legislative indicators were examined from each state: (1) Earned Income Tax Credit (EITC), (2) Child and Dependent Care Tax Credit (CADC), (3) Family and Medical Leave Act (FMLA), (4) minimum wage, (5) sales tax exemption on food, (6) marital rape exemption provision, (7) subsidized adoption guardianship, (8) Low-Income Housing Tax Credit (LIHTC), (9) family promotion initiatives, and (10) visitation rights.

To provide the most accurate information and fair representation possible, legislation relevant to a family’s well-being from each state was accessed through the websites of well-respected federal, state, and academic organizations, such as the National Center for Children in Poverty, the Federation of Tax Administrators, and the Federal Office of Child Support Enforcement (2005). Information collected from these organizations, whose work is widely respected and trusted, was examined in this study.

*<h2>Limitations*

It would have been ideal to gather all the necessary information from one trusted source, but such a source does not exist; thus the information was gathered from a variety of sources. Moreover, in the absence of generally approved indices on pro-family standards, the preceding 10 indicators were selected because they affect families on matters ranging from marriage formation to financial security. Other important indicators could also have been examined, but for economy of time, space, and logistics, only these 10 items were selected for the study. Finally, this study examined whether states have created a foundation for healthy families by enacting needed pro-family legislation, but it did not examine the outcome or the degree of the states’ efforts to achieve the intent of the legislation.

<h1>Findings

*<h2>Earned Income Tax Credit (EITC)*

Since it was enacted in 1975, the EITC has been widely praised for reducing poverty and increasing employment among low- to moderate-income families. Observing U.S. Census data, Greenstein (2005) concluded that the EITC lifted more children out of poverty than any other government antipoverty program. Johnson, Llobrera, and Zahradnik (2003) noted that about 4.8 million people, including 2.6 million children, have been moved out of poverty as a result of EITC policy. The EITC has also significantly increased the employment rate of single mothers and welfare recipients in the last decade and a half and expanded labor force participation among low-income families.

The success of the federal EITC has not gone unnoticed at the state level. As a result of the program’s dramatic success and bipartisan support, 16 states have enacted their own EITC to supplement the federal program (see Table 1). Typically, the state benefit level is set at only about 15% of the federal credit, but this is nevertheless sufficient to lift some families above the poverty line. For example, a family of four (two children) with a worker earning $7 per hour has a wage after payroll taxes of about $13,600 per year (well below the poverty line in 2003). Such a family qualifies for a federal EITC of $4,204, plus a modest child tax credit of $420, but this family’s income would still be insufficient to rise above the poverty line. However, if this family receives a state EITC benefit at 15% of the federal credit, the family would now get an additional $631, for a total income of $18,830, which is finally above the poverty line (Johnson et al., 2003).

*<h2>Child and Dependent Care Tax Credit (CADC)*

The CADC allows all eligible families to receive a federal tax credit for a portion of employment-related child care (for children under 13 years of age) and dependent care (e.g., disabled spouse) expenses. Twenty-six states now offer state CADC to further reduce the burden of working families who must care for children and/or dependents (see Table 1). Under the federal code, families with two or more children can claim up to $6,000 in annual child care expenses, and families with one child can claim up to $3,000. The actual benefit equals 25% to 35% of the claim; thus the maximum credit families can receive is $2,100. Unlike the federal code, 13 of the 26 states offer refundable tax credits. This provision is valuable to low-income families because a refundable credit will provide a cash benefit to families even if they owe no state taxes, whereas a nonrefundable credit will offset only the family’s tax liabilities (Donahue & Campbell, 2003).

Donahue and Campbell (2003) gave at least three good reasons why the state CADC is a desirable family policy. (1) If CADC benefits are offered to working individuals, more people will be able to stay employed. Many families are experiencing severe family budget strains from employment-related care expenses, and that may discourage some people from continued employment. According to government figures, the cost of child care can range from $3,000 to $13,000 annually. Adult care can vary from a low of $13.87 per day in Alabama to a high of $87.85 per day in the District of Columbia. Any help given to defray these costs will help working families. (2) The CADC supports an equitable income tax standard. Families that have employment-related expenses should owe less tax than families that do not. The current tax code recognizes a number of other employment-related expenses, such as office furnishings, automobile use in business, and business meals and entertainments. (3) The CADC promotes equity for women. Women still bear greater responsibility for caring for children and adult dependents. Providing any tax relief reduces the financial burden for working women. This is especially true of single women, who are more likely to be poor.

*<h2>Family and Medical Leave Act (FMLA)*

Since the federal FMLA was enacted in 1993, more than 50 million working Americans have been able to take job-protected leave to have babies, bond with adopted children, care for sick family members, and even recuperate from their own illnesses without causing any significant hardship to employers. Under the federal act, an eligible worker is entitled to take up to 12 weeks of unpaid, job-protected leave when a worker is employed at a place with more than 50 employees. Also, the law provides health coverage during the leave, and upon return from leave, the employee’s job must be restored with equivalent pay and benefits. As a consequence of this law, American workers are better able to balance the demands of the workplace with family life (National Partnership for Women and Families, 2005; U.S. Department of Labor, 2005).

Many workers have also benefited from state FMLA initiatives. While most states implemented the FMLA within federal guidelines, 16 states have crafted more generous standards (see Table 1). As a case in point, in Vermont and Oregon, the FMLA applies to employers of fewer than 50 employees. Massachusetts, Maine, and Vermont require leave for family medical needs not covered by the federal law. For example, employees in Maine are able to take a leave of absence for being an organ donor. Hawaii, Oregon, Vermont, and Rhode Island all have expanded the family definition to include a spouse’s parents. Eight states provide an extended period of family and medical leave. California, for example, allows a maximum of 28 weeks per year for various combinations of disabilities and illnesses (National Partnership for Women and Families, 2002).

*<h2>Minimum Wage*

The federal minimum wage, enacted in 1938 under the Fair Labor Standard Act (FLSA), was designed to give American workers the opportunity to maintain a decent standard of living and to help them become productive members of the mainstream economic community. Since the enactment, the purchasing power of the minimum wage increased gradually to a peak of $7.54 an hour (2005 dollars) in 1968; then the value eventually declined to the current rate of $5.15. From the mid-1950s through 1980, minimum wage earners working full-time were able to support a family of three at the poverty level. Since that time, Congress has failed to adjust the minimum wage in a timely manner to maintain it with the cost of living. Recent findings show that the minimum wage has remained at $5.15 since 1997, even though inflation and the cost of living have continued to increase during this period (Bernstein & Shapiro, 2005; Hunter & Venner, 2005). Low-wage workers also lost significant purchasing power between 1981 and 1990 when the minimum wage remained unchanged at $3.25. As result of these events, minimum wage earners today are unable to support even a household of two at poverty level, let alone couples with any children. With the current minimum wage, people working full-time all year long will earn a mere $10,712, and there appears to be no indication that the federal minimum wage will increase any time soon.

To rectify past federal inaction, several states have enacted their own laws to support low-income workers. Though most states follow the federal standard, 13 states set a minimum wage higher than the federal guideline (see Table 1). While each of these states sets its own standards, Alaska, Connecticut, Oregon, Vermont, and Washington all have minimum wages beyond $7.00, and the minimum wage in Oregon and Washington is indexed to inflation. The higher state minimum wage enacted in these states is an important initiative for low-income families to maintain a minimum standard of living, and it gives low-wage workers the opportunity to save for building future assets.

*<h2> Sales Tax Exemption on Food*

Eliminating sales tax on food purchased for consumption at home is another important measure that states have enacted to help American families stretch their limited income. Taxing food poses a major problem for moderate- to low-income families. Food tax, a regressive tax, puts a disproportionate burden on the poor. As a share of income, low-income families pay four to five times more for food than do affluent families. The Case and Eber (1987) study showed that households in Nevada with an annual income of $5,000 to $9,999 paid 0.7% of their income in food taxes, whereas those with more than $40,000 paid only 0.1% in food tax. From this and other similar state studies, Johnson and Lav (1998) calculated that (based on U.S. Department. of Agriculture figures) if families spent $4,940 per year for food in 1997, the annual tax on groceries purchased would have been about $347. If the food tax did not exist in their states, poor families would have been able to buy another 3.5 weeks’ worth of groceries with that money.

Many states have already taken steps to eliminate food taxes. As Table 1 shows, 34 states do not levy sales tax on food (five of these states do not levy any sales tax at all—Alaska, Delaware, Montana, New Hampshire, and Oregon). Yet seven states—Alabama, Arkansas, Hawaii, Mississippi, South Carolina, Utah, and West Virginia—still fully tax food purchased at grocery stores. Idaho, Kansas, Oklahoma, South Dakota, and Wyoming also charge food tax, but offer tax credits or rebates to selected families for taxes paid on groceries. In a similar vein, Illinois, Missouri, Tennessee, and Virginia tax groceries at a lower rate than other products (Center on Budget and Policy Priorities, 2005). Though some of these measures may not be ideal, many states are moving in the right direction.

*<h2>Marital Rape Exemption Provision*

Domestic violence has caused unspeakable hardships on millions of victims. For a long time, domestic violence was viewed as a nonevent, and only in the last few decades have new state laws begun to criminalize abusive behaviors against spouses. A number of states now broaden legal statutes to provide protection for victims and have even created mandates to train police, prosecutors, judges, and others to reduce and prevent additional episodes of domestic violence (Miller, 2003).

One of the most important legal protections provided to the victims of domestic violence is the abolishment of the marital exemption law. Before this change, states provided a marital exemption defense to the charge of rape against a spouse. That meant that a spouse could not be charged with rape as long as the couple was married. Meanwhile, victims often lived in constant fear, and children fared no better. In bringing this issue to public attention, critics of the marital exemption law were able to bring about legal reforms (Miller, 2003). As a result of their efforts, 12 states have now abolished the marital exemption defense to the charge of marital rape (see Table 1). Another 19 states have implicitly repealed the exemption by removing statutory references to the exemption. Six states have created a parallel law for spousal rape, and the remaining states have adopted some variation to limit the exemption defense (Miller, 2004).

While all these reform efforts are desirable, states without total abolishment of the marital exemption law still experience some barriers to protecting victims of spousal rape. Without the total abolishment of this exemption, the state requirement for standard of proof is higher than for other sexual assault laws. Victims are often required to show that there was extra force or show legal separation, or charges must be brought within 30 days of the assault. In other situations, the court may decide to downgrade spousal rape to a Class 1 misdemeanor and order the perpetrator to receive mandatory counseling (Miller, 2004).

*<h2>Subsidized Adoption Guardianship*

Since the federal Title VI-E legislation was created in 1980, countless children with special needs have found permanent adoptive homes. The law facilitated this by providing support for the families that came forward to adopt these children. The federal adoption assistance law was readily embraced by the states, and many implemented in varying degrees state-initiated subsidy programs ranging from a one-time expense reimbursement payment to respite care (Bower & Laws, 2002).

Of the many state adoption support efforts, one of the most important programs is subsidized guardianship. Although it is best for children to be adopted when they cannot remain with their birth parents, in some instances subsidized guardianship is used by relatives or other care providers to assume legal custody of children until the time other, more permanent arrangements can be made. Under this arrangement, a child is cared for by a loving family, and the biological parents continue to be involved in the child’s life. Moreover, if the child is physically or mentally ill and cannot live outside of hospitals or other institutions, the state will pay for the care that may not otherwise be available to natural or adoptive parents (Bower & Laws 2002).

Table 1 shows that 21 states have fully enacted the subsidized guardianship legislation. Of the other states, 18 have no such law, and the rest have elected to offer subsidized guardianships on a conditional basis. For example, Connecticut offers the guardianship only to relatives, California’s law varies from county to county, and Kansas offers only a limited program. Not only is this legislation family friendly and aimed at enhancing a child’s well-being, but it also saves the state budget by avoiding potential institutional care for the child.

*<h2>Low-Income Housing Tax Credit (LIHTC)*

Housing is essential to the safety and well-being of families, yet it is unaffordable to millions of low-income families. According to the HUD standard, housing that costs half or more of household income is considered unaffordable. Government data show that of about 33 million households that rent, nearly 7.5 million households are paying more than half of their income for housing. The problem is even more severe for those who are extremely poor. Though they make up 31% of the nation’s renters, they account for 84% of the nation’s renters who live in severely unaffordable housing (Pelletiere, Treskon, & Crowley, 2005).

To increase more affordable rental units, Congress in 1986 enacted the LIHTC as a part of the Tax Reform Act. It has been an effective tool for constructing and rehabilitating rental units for low-income families. Though the LIHTC is a very complex program, it has been an effective tool for increasing affordable rental units for low-income families. This legislation authorizes a tax credit against federal income tax for 10 years when individuals, corporations, or other legal entities are willing to construct or rehabilitate low-income rentals. Under the terms, at least 20% of the units must be occupied by households earning less than 50% of the local mean income, and the facility must be dedicated to low-income families for at least 30 years (National Housing and Rehabilitation Association, 2005).

As seen in Table 1, thus far 16 states have come forward and enacted state LIHTC programs. These programs differ from state to state, but they are usually consistent with the intent of the federal program, and investors can receive credits at both the federal and state level. While this legislation is desirable, it still has some limitations. For one, the funding for the program has remained roughly the same as when it was first enacted in 1987; hence inflation has eroded the value of the funding. As such, this program requires additional funding from state governments or private grants to realize its true potential.

*<h2>Family Promotion Initiatives*

Marriage and family well-being has been viewed as a private matter, and government involvement has seldom gone beyond issuing marriage licenses and issuing divorce decrees. However, with a dramatic increase in divorce beginning in the 1960s and children living in single-parent homes, many states initiated several measures to prevent family breakdowns. Typically, these states considered legislation to make divorce more difficult or to offer marriage preparation services (Ooms, Bouchet, & Parke, 2004).

Recently, however, with continued support for strengthening families from various community groups and the marriage formation provision in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, policymakers, legislatures, governors, and others saw strengthening marriage and family to be a legitimate public interest (Gardiner, Fishman, Nikolov, Glosser, & Laud, 2002). Almost all states have now legislated diverse initiatives and programs to strengthen families. One of the noteworthy efforts is the creation of state commissions to campaign for marriage and families. As Table 1 shows, 10 states have, among other things, issued a proclamation recognizing the importance of marriage, published marriage handbooks, enacted laws to reform divorce proceedings, and held summits or conferences to exchange ideas. These initiatives have been less controversial because they have focused on prevention, education, and support, rather than earlier efforts, which focused too much on marriage formation or on making divorce more difficult.

In several states, governors began exploring a wide range of strategies to strengthen marriage within the context of strengthening families. As a case in point, in 2002, the governor of Colorado, in conjunction with the state Department of Human Services and federal Administration of Children and Families Region VIII, held a two-day policy conference to address issues on marriage, families, fatherhood, and the like (Ooms et al., 2004).

*<h2>Visitation Rights*

Establishment of paternity is a legal mandate in all 50 states. This law strives to serve the best interests of the children, particularly children in single-parent families. First, when paternity is established, a child-support order can be decreed through the court. Also, in some cases, children can more easily qualify for government programs like social security, veterans benefits, health care, and more. It can also help identify family diseases or disorders. Equally important is that the court can grant visitation rights to the noncustodial parent. Although visitation rights are not always stipulated in the establishment of paternity, a number of states now address issues of custody and visitation rights at the time when paternity is established. As Table 1 shows, 16 states have such arrangements. However, the nature and degree of state involvement appear to be different from state to state. For example, in Hawaii, visitation matters are addressed only when this issue is not contested. In Texas, the issue is addressed only if it involves intrastate cases (Office of the Attorney General, 2006). Nonetheless, any system that addresses visitation rights with paternity would be desirable for a child and noncustodial father.

Addressing visitation arrangements at the point of paternity establishment would increase the noncustodial father’s involvement in the child’s life. Even if fathers were unable to make financial contributions, their involvement in the child’s life would provide emotional support. Nonfinancial support like child care and transportation are valuable to the whole family. Excluding circumstances that may create imminent danger or major disruptions to the child or mother, a father’s involvement has many benefits (Pettys, 1993; McLanahan & Carlson, 2002). Several studies show that children who have ongoing contact with their noncustodial fathers have, among other things, fewer behavioral problems, more sense of security and well-being, and a positive attitude about their relationships with romantic interests (Risch, Jodl, & Eccles, 2004; Pollack & Mason, 2004).

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<h2>References [This is the full reference list for the complete article, done in APA 5th ed. style.]

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