

April 20, 2020

The Honorable Mitch McConnell
U.S. Senate
Washington, DC 20510

The Honorable Chuck Schumer
U.S. Senate
Washington, DC 20510

The Honorable Nancy Pelosi
U.S. House of Representatives
Washington, DC 20515

The Honorable Kevin McCarthy
U.S. House of Representatives
Washington, DC 20515

Dear Majority Leader McConnell, Minority Leader Schumer, Speaker Pelosi, and Minority Leader McCarthy:

I am writing from First Focus Campaign for Children, a bipartisan children's advocacy organization dedicated to making children and families a priority in federal budget and policy decisions, with the following set of recommendations to address the needs of our nation's children and youth as our country faces two crises - the spread of COVID-19 and the resulting economic impact as businesses and schools remain closed and consumers stay home. This pandemic will do more than expose the disparities existing in our society; it will compound those disparities and so we must employ a near- and long-term approach to management of this unprecedented dual public health and economic crisis.

This outbreak and the resulting economic crisis are falling hardest on the most vulnerable among us, including our nation's children. It is disrupting every facet of children's lives and we cannot yet know all of the negative and long-lasting implications it will have on children's healthy development and future success.

This disaster exposes how children are often not a priority, but rather an afterthought in our society and their needs continue to be overlooked and underfunded. Children continue to disproportionately experience poverty at a rate 54 percent higher than adults. Our 2019 Children's Budget Book shows that the federal share of spending on children continues to decrease and reached an all-time low of 7.2 percent in fiscal year 2019. We must do better by our children in these scary and urgent times as well as in the future.

While we applaud the passage of the Families First Coronavirus Response Act and the CARES Act, we know much more is needed to address all of the ways that this outbreak is affecting child well-being in the United States. We urge Congress to treat children equitably to help meet their needs in additional legislative packages. The "recovery rebates" included in the CARES Act treat children as if they are worth approximately two-fifths of adults. The needs of a child — their shelter, their food, their care, and their educational supports — are not 41.7 percent of the needs of an adult. The consequence is that a single parent with two children receives just \$2,200 – notably less than two adults with no children, who receive \$2,400.

Furthermore, some babies born in 2019 and all babies born in 2020 are not included in the recovery payments until a family's 2020 tax return is filed in 2021, despite the fact that the needs of families are immediate. In addition, 17- and 18-year-olds, as well as college students, who were claimed as dependents by their families in their 2019 tax return (or 2018 if that is the most recent tax filing), will receive no payments until they file their independent tax return for the year 2020. And finally, because Social Security numbers are

required to be eligible for the recovery payment, many immigrant families will not qualify, including households with children who are U.S. citizens. We urge Congress to correct these inequities.

There is now an opportunity to make all children in the United States and territories a priority, including children of all races and ethnicities, all children regardless of immigration status, and children on native tribal lands. All legislation must ensure that children and families in territories, including Puerto Rico, American Samoa, Commonwealth of the Northern Mariana Islands, Guam, and the U.S. Virgin Islands are treated equitably as beneficiaries of all provisions intended to alleviate this current emergency.

It is therefore imperative that all COVID-19 response legislation include language prohibiting discrimination of recipients of federal funds on any basis other than need or eligibility, such as (but not limited to) age, disability, sex (including sexual orientation, gender identity, and pregnancy, childbirth, and related medical conditions), race, color, national origin, immigration status, religion, or geography.

We urge you to support children in the following ways as you draft additional COVID-19 legislation and ensure that the duration of support is based on the depth and duration of the resulting economic crisis, which is sure to outlast the public health outbreak. Historically, we know that recessions are deeper and longer for families with children and we believe this will be the case this time as well. Researchers have already begun to find evidence that poverty is likely to rise as a result of the outbreak and likely to rise disproportionately for children.¹

Finally, for years we have advocated the creation of a Children’s Commissioner that would help coordinate and improve children’s services across the government and provide an evidence-based approach to improving children’s well-being. Independent Children’s Commissioners are operating in close to 60 countries around the world and have been helping improve the lives of children before and through this crisis. America’s children deserve nothing less.

The following are specific policy recommendations across the array of children’s issues:

Health

As children and families face the COVID-19 crisis, health coverage and access to care are more critical than ever. Newly unemployed parents mean more children will become eligible for Medicaid and CHIP. Keeping those programs well-functioning in states demands increased funding from the federal level. More than ever, families need affordable care from their providers and coverage that meets their medical, dental, and mental health needs. To meet these needs, we recommend the following:

- **Increase Medicaid FMAP:** Increase the FMAP for Medicaid to at least 12 percent to provide fiscal relief to states while millions more children and adults are eligible for Medicaid.
- **Auto-Enroll Newborns:** Auto-enroll newborns in Medicaid, CHIP, or private coverage before leaving the hospital to ensure there is no gap in coverage for newborns.

¹ Zachary Parolin and Christopher Wimer, “Forecasting Estimates of Poverty during the COVID-19 Crisis,” Center on Poverty and Social Policy at Columbia University, Poverty and Social Policy Brief, Vol. 4, No. 6, April 16, 2020, <https://www.povertycenter.columbia.edu/news-internal/coronavirus-forecasting-poverty-estimates>.

- **Protect the Medicaid MOE:** Protect the Maintenance of Effort (MOE) for Medicaid in the Families First Coronavirus Response Act so eligible children and adults can access coverage and remain covered without red tape.
- **Extend Parity in CHIP:** Provide parity in CHIP to what is in the Families First Coronavirus Response Act, which mandates states not increase premiums in Medicaid or disenroll anyone already on Medicaid during the course of the public health emergency.
- **Waive Extra Costs and Waiting Periods for Children:** Waive waiting periods for CHIP, CHIP premiums, and co-pays for Emergency Room and office visits so families who are already stretched for money aren't spending on CHIP during the Coronavirus pandemic.
- **Twelve-month Continuous Eligibility:** Provide 12-month continuous eligibility to Medicaid and CHIP recipients to eliminate the loss of coverage due to administrative paperwork and bureaucracy.
- **Postpone CHIP FMAP Reduction:** Postpone the upcoming final reduction of the enhanced E-FMAP for CHIP by 11.5% on October 1, 2020. Maintaining the current E-FMAP continues the administrative and fiscal status quo for Medicaid programs that are on the front lines of addressing the current COVID-19 crisis and provides additional resources to states and local governments.
- **Make CHIP Permanent:** The uninsured rate for children increased when CHIP expired for over 4 months in 2017 and 2018 and great time and energy by the federal government, states, health care providers, health plans, and advocates was wasted simply trying to maintain the status quo. We should never gamble or put at risk the health coverage of millions of children again. Extending CHIP saves money and could help offset the cost of these other initiatives. This idea was introduced (H.R. 6151, the CARING for Kids Act) by Reps. Abby Finkenauer and Vern Buchanan.
- **Allow States to Raise CHIP Eligibility:** Add an option for states to expand income eligibility for CHIP up to 300 percent of the federal poverty level to reduce uninsurance among children. Legislation has been introduced by Representative Nanette Barragan (H.R. 6098) allowing states this flexibility to reduce the uninsured rate for children.
- **Sufficiently Fund CHIP:** Provide sufficient funding for CHIP to meet the cost of increased enrollment due to newly eligible children and pregnant women.
- **Withdraw MFAR Rule:** Withdraw the proposed "Medicaid Fiscal Accountability" MFAR rule that would severely reduce states' abilities to fund Medicaid and meet their obligation under FMAP.
- **Expand Health Care within Group Settings:** Expand health protections for children who are forced to remain in confined settings (i.e., group homes, juvenile justice centers).
- **Ensure Accessibility to Healthcare:** Children are falling behind on immunization and developmental screenings during this crisis. We should take actions to ensure that children fully catch up or receive those services and assure language and interpreter services are available for families.
- **Address Declining Vaccination Rates:** Support outreach efforts to ensure children do not fall behind on immunization rates and expand research to better understand vaccine hesitancy, spread public awareness of the importance of vaccinations, and increase vaccination rates across the lifespan, as included in the bipartisan VACCINES Act of 2019.
- **Increase Mental Health Services and Funding:** Families and children are under increased stress and risk during the coronavirus and economic crises, and need increased funding for mental health services and funding for kids and adolescents, including telehealth services to ensure behavioral and mental health care are provided.

- **Establish an SEP for Marketplace Enrollment:** Establish an extended Special Enrollment Period for healthcare.gov and allow families to gain coverage for any reason during the coronavirus pandemic.
- **Eliminate the ACA Family Glitch:** Eliminate the “family glitch” making employer sponsored coverage truly affordable for families in the Marketplace.

Early Childhood Development and Education

Child Care

Child care providers across the country have already closed, temporarily or permanently, due to the coronavirus crisis. Families are without care and early educators are without jobs. Those providers that are still open are struggling to provide care and services to the families of health and other essential workers to enable those parents to work, while also trying to maintain their businesses and staff who need to provide for their own families. Not only do child care providers need help with costs and paying employees now, we also must ensure that these providers are able to reopen when our economic recovery from the coronavirus begins. Child care is quite literally a backbone of our economy, and our economy cannot function without it. Child care needs an investment that reflects its true value and demand.

The CARES Act provided \$3.5 billion as a down payment for child care through increased funding for the Child Care and Development Block Grant. The legislation also provided \$349 billion in Small Business Administration (SBA) loans that child care providers as well as providers of vital services including healthcare and human services can potentially access. These were encouraging starts, but do not address the comprehensive needs of the child care field right now. A total investment of \$50 billion is needed in flexible, dedicated child care funding to provide:

- **Support for Child Care Providers:** Pay providers to cover ongoing operating costs while they are closed for public health reasons, or open but with reduced enrollment to serve children of essential workers.
- **Support for Workers:** Provide essential duty pay for child care workers in programs that are remaining open during the crisis.
- **Health and Safety Needs:** Provide materials, resources, training and other public health supports regarding health and safety practices.
- **Support for Families:** Eliminate copayments or tuition for families during this public health and economic crisis while ensuring that providers are still paid.
- **Substitute Staff:** Fund and pay substitute educators where needed and available.
- **Supplies:** Purchase materials for providers that cannot afford or find supplies.
- **Virtual Learning:** Provide virtual learning opportunities when appropriate and mental health supports for families.
- **Child Care as Small Businesses:** Support for helping child care providers navigate small business loan application processes.

Additionally, increased funding for the SBA Paycheck Protection Program should be included in forthcoming legislation so that more child care providers and others can access money vital to keeping their businesses

open. The PPP is not a comprehensive fix for child care and \$50 billion is needed in dedicated child care funding, but these SBA loans could help some child care providers in the short term.

Home visiting

Families served through the Maternal, Infant, and Early Childhood Home Visiting (MIECHV) program who were already facing complex needs are now experiencing unprecedented challenges as they try to maintain the vital relationships and services provided through the MIECHV program. Home visitors provide a critical link of support for families who are facing a variety of challenges that will be exacerbated by this crisis. Home visiting was not included in the coronavirus packages passed by Congress, and program flexibility as well as additional funding is needed. We encourage you to include the following in future coronavirus legislation:

- **MIECHV Funding:** Prioritize a one-time \$100 million appropriation for MIECHV. These funds can be used to train home visitors to deliver services through technology that enables home visits from a distance, as well as tangible needs for families including technology, formula, and diapers.
- **Approval for Remote Access:** Allow virtual visits to be considered home visits through the end of the calendar year to safely preserve valuable relationships without being penalized.
- **Support for Home Visiting Staff:** Maintain all funding for and staffing levels of MIECHV programs regardless of potential temporary reductions in enrollment to preserve the existing home visiting infrastructure.

Child Poverty and Family Economics

There is real momentum toward addressing the high rate of child poverty in the United States and this disaster has only served to confirm that action to reduce child poverty and support family economic security is more necessary than ever. Congress has held three separate committee hearings on child poverty since the beginning of 2020, all of which highlighted that we know what is needed to address the problem, now there just has to be the political will to act.

In 2019, the National Academy of Sciences (NAS) released *A Roadmap to Reducing Child Poverty*, a non-partisan, evidence-based study that models a set of policy and program changes that, if implemented, would cut our child poverty rate in half within a decade. The policies in this roadmap, such as establishing a national monthly child allowance program, increasing SNAP benefits, housing vouchers, and other proven solutions would ensure that families have the resources needed to support their children's healthy development and long-term success.

As our economy is shuttered and children remain out of school, the vulnerabilities within our system have become clear. Children and families living in poverty already lack the financial stability to consistently access nutritious food, stable housing, healthcare, and all of the resources needed to support a child's healthy development. A public health crisis only exacerbates these needs when resources are scarce for everyone and expectedly makes the disparities in our current system even worse. We urge the following actions:

Child Poverty

- **Establish a National Child Poverty Target:** Codify a national commitment to cut the U.S. child poverty rate in half within a decade, as proposed in the Child Poverty Reduction Act (S. 1630/H.R. 3381 in the 115th Congress).
- **Provide Emergency TANF Assistance:** Establish an emergency assistance fund of at least \$5 billion to families with children, including children being cared for by kin, through the Temporary Assistance for Needy Families (TANF) program. This emergency assistance should be paired with a nationwide suspension of the requirement for state programs to comply with the Work Participation Rate and suspend the federal benefit time limit.

Income Supports

- **Create Equity for Children in Recovery Rebate Payments:** Establish equity in the current “recovery rebate” program to ensure all children and young adults, regardless of age and immigration status, receive the same rebate as adults. As the law is currently written, families receive only \$500 per child under the age of 17, thus valuing children at just 41.7 percent the value of adults. A single parent with two children should not receive a smaller rebate (\$2,200) than a married couple without children (\$2,400). Newborns, young adults, foster youth, and college students who meet the income requirements should qualify for the full recovery rebate and there should be appropriate guidance and administrative mechanisms in place quickly to ensure the rebates reach all recipients swiftly to help meet their basic needs such as paying rent and putting food on the table while boosting the economy.
- **Authorize Additional, Bigger, and Sustainable Direct Payments:** In addition to fixing the current “rebate program,” authorize additional, substantial, and regularly distributed “recovery rebates” (at least \$2,000 per month) that will reach those who need it most to make ends meet throughout this crisis. These payments should be bigger, distributed monthly, easily accessible, and should not turn off arbitrarily. Instead, the economic impact payments should be tied to the labor markets with flexibility for the states so that they provide some economic security during uncertain times and help to stimulate the economy in the short-term and during the anticipated months and years of recovery.
- **Establish Fairness in Recovery Rebate Program:** Address the exclusion of ITIN filers from eligibility for the “recovery rebates” so that some of our most vulnerable children in mixed-status families, including U.S. citizens, have access to this cash benefit during this historic public health and economic emergency to help pay for everyday needs such as food, housing, utilities, and more.
- **Adopt Automatic Payment of “Recovery Rebates” to SSI Recipients with Dependents:** The Department of Treasury and the U.S. Social Security Administration should adopt procedures so that Supplemental Security Income (SSI) recipients with dependents can easily obtain their recovery rebates automatically without filing additional information just as SSI recipients without dependents will.
- **Expand Existing Refundable Tax Credits:** Expand the successful Child Tax Credit (CTC) and the Earned Income Tax Credit (EITC) to provide some permanent financial stability, delivered on a monthly basis, to households with children that have low- to moderate-income or no income. Such a permanent program would help to ensure a minimum set of resources regularly available to meet the rising costs of raising children and supporting healthy child development, serve as a buffer against the effects of a future crisis, and offer a mechanism to provide additional economic impact payments automatically should we experience another economic downturn. The CTC expansion would

establish a regular monthly child allowance that the 2019 NAS report acknowledges as the most effective policy change to lift children out of poverty. A CTC expansion such as the proposed American Family Act (H.R. 1560/S.690) would lift 4 million children out of poverty and 1.6 million children out of deep poverty and benefit U.S. territories. The expansion of the EITC proposed in the Working Families Tax Relief Act (H.R. 3157/S. 1138) would reach families with children, low-income workers, qualified foster and homeless youth under age 25, and includes a federal matching mechanism for Puerto Rico's new EITC.

- **Provide Additional Resources for VITA and Outreach for the Recovery Rebates:** Increase funding for the Volunteer Income Tax Assistance (VITA) program (\$12 million this tax season and an additional \$5 million for next season) to ensure VITA sites have resources to expand service delivery to those lowest and middle-income people and those who ordinarily do not file tax returns, but now would need to complete a streamlined tax return to receive the “recovery rebate.” Congress also should provide additional funding to the Administration to ensure it can conduct outreach on the rebate program to identify all eligible individuals who qualify for the economic impact payment and can receive the benefit even if they do not have direct deposit or are homeless.
- **Extend Paid Leave:** Extend paid sick days and paid family and medical leave to all workers with full wage replacement, regardless of employer size.
- **Further Improve Unemployment Insurance Benefits:** This includes:
 - Providing a \$10 billion investment for state Unemployment Insurance (UI) administration.
 - Setting up a tiered system of UI benefits (similar to what was done during the Great Recession). Triggers should be related to the state of the economy, not ending at particular dates.
 - Implementing structural UI reform, including mandatory 26 weeks of benefits for each state; mandatory wage replacement rates; mandatory work sharing; and fixing the Emergency Benefits program.
 - Ensuring that UI benefits do not count against eligibility for the SNAP program.
- **Provide Child Support Enforcement Flexibility:** Provide states with flexibility in Child Support Enforcement program administration as well as discretion in non-payment enforcement measures against unemployed non-custodial parents.

Child Hunger and Nutrition

Child food insecurity remained high in the United States before COVID-19, with 1 in 7 children (11.2 million) living in a household that struggled to put food on the table. Now with school closures leading to limited access to school meals and low-income household budgets being stretched even thinner, more children are experiencing, or are at-risk of experiencing, hunger and food insecurity. We urge Congress to build on the nutrition assistance provided in previous aid packages to ensure that families with children can put food on the table. To achieve these goals, we urge you to:

- **Increase SNAP:** Increase Supplemental Nutrition Assistance Program (SNAP) benefits by 15 percent, with an additional 20 percent bump for families with children, and increase the minimum SNAP benefit from \$16 to \$30 a month. The poorest families already receive the maximum amount so it is essential to increase benefit levels for those families with little or no income. In addition, waive SNAP work requirements for college students.

- **Extend Pandemic EBT Transfers:** Extend the Pandemic-Emergency Benefit Transfers through the summer and permit additional distribution sites.
- **Increase WIC Funding and Access:** Increase the amount of the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) program's Cash Value Benefit as well as increase access to the program through raising the eligibility age for children up to age 6, increase postpartum eligibility for up to two years, and extend infant and child certification for two years.

Child and Youth Homelessness

Child and youth homelessness continues to skyrocket in the United States, with 1.5 million students identified as homeless by the U.S. Department of Education in the 2017-2018 school year, a 10 percent increase from the previous year. The coronavirus outbreak only serves to exacerbate this problem, both by putting additional children and youth at risk of homelessness, and by increasing threats to the safety and well-being of children and youth currently experiencing homelessness in doubled-up situations, motels, shelters, and on the street. We call on Congress to:

- **Increase support to children and families experiencing homelessness in all forms:** Establish a Family Stabilization Fund within the Administration for Children and Families (ACF) to provide emergency relief for homeless families. These funds would be administered to agencies and programs eligible for grants under ACF and in partnership with local educational agencies, public housing agencies and other entities to provide funding to meet the needs of families with children experiencing homelessness. This funding could be used for shelter and housing-related needs, as well as health and safety needs including hygiene needs and mental health services. These funds would be available through September 2021.
- **Target aid to students experiencing homelessness:** Fund the McKinney-Vento Education for Homeless Children and Youth (EHCY) program at \$500 million to provide enhanced targeted funding to identify students experiencing homelessness and support their educational needs. Congress should allow these funds to be used broadly to provide immediate relief to students and their families as they are identified as homeless by school systems, including to address the unique needs of young children, unaccompanied youth, children and youth with disabilities, and English Language Learners.
- **Institute a moratorium on all evictions and utility shut offs nationwide:** Institute a moratorium on all evictions nationwide, including from hotels and motels as well as all utility shut offs. This moratorium should freeze all existing eviction orders and eliminate late fees for back rent owed.
- **Provide emergency rent relief to prevent homelessness:** Create an emergency assistance fund as included in the bipartisan Eviction Crisis Act (S. 3030), to help families with rent relief and other housing-related costs. Families should not worry about building up large rent arrears due to trying to cover other bills.
- **Establish a right to civil counsel and increase funding for civil legal services:** Establish a right to civil counsel for all families facing eviction or other housing disputes and provide an increase in funding of at least \$75 million for the Legal Services Corporation to meet the increased civil legal service needs of families with housing disputes, as well as other civil legal needs such as domestic abuse protective orders, child custody orders, unemployment benefits, and more.
- **Increase funding for RHYA programs:** Increase Runaway and Homeless Youth Act programs by \$300 million - \$150 million for current grantees and \$150 million for new grantees.

- **Ensure tribal eligibility for Homeless Assistance Grants:** Allow tribes and tribally designated entities to be eligible for McKinney-Vento Homeless Assistance Grant funding.

Immigration

Children of immigrants are the fastest-growing group of American children, with 1 in 4 children (18 million) living in a household with at least one immigrant parent. Yet many children in these households, including citizen children, were largely excluded from previous aid packages. We remain gravely concerned about the health and safety of families and unaccompanied children seeking asylum or in detention facilities at our nation's southern border. We ask for Congress to prioritize the well-being of all children, regardless of immigration status, by doing the following:

- **Block the Public Charge Rule:** Block the proposed public charge rule.
- **End exclusion of Individuals with DACA status from Medicaid and CHIP:** End the exclusion of children and individuals with Deferred Action for Childhood Arrivals (DACA) status from eligibility for Medicaid and CHIP.
- **Extend All Work Permits:** Automatically extend work permits for individuals with Deferred Action for Childhood Arrivals (DACA) or temporary protected status (TPS) as well as for all other immigrant and non-immigrant visas.
- **Suspend Immigration Enforcement Actions:** Suspend immigration enforcement actions, including arrests, deportations and detentions.
- **End Policies that Prohibit Families and Unaccompanied Children from Seeking Asylum:** End current government policies and border restrictions that prohibit families and unaccompanied children from seeking asylum, and instead expedite their parole in the United States and reunify unaccompanied children with any family living here.
- **Release All Children in Federal Immigration Facilities:** Release all children and families in federal immigration facilities, which have a dangerous lack of adequate medical and humanitarian standards for immigrant children and families.

Child Welfare

Policymakers have worked to keep families safe and together by passing the Family First Prevention Services Act and the Family First Transition Act and thereby investing in programs that prevent abuse and neglect and keep children from coming into foster care. However, the COVID-19 public health crisis threatens the supports that are critical for the children, youth and families that receive a variety of services from state child welfare agencies. COVID-19 has caused increases in known risk factors for child abuse and neglect: social isolation, parental stress and economic strain.

State funding is likely to be sparse. Congressional action is needed to maintain services for the first-time parents whose home visiting professional is teaching them how to babyproof their home for their baby with special needs; for the retired grandparents who are receiving kinship funds to help cover the cost of caring for their grandchildren while their parents get substance abuse treatment; and for the child who is meeting with a child protection worker during an investigation of abuse or neglect. Furthermore, older youth in foster care need extended support as they prepare to age out of foster care with no academic or occupational stability as the country's physical and economic health are in disarray. To achieve these goals, Congress must:

- **Prevent Child Abuse and Neglect:** Increase funding to CAPTA Title II Community-Based Child Abuse Prevention (CB-CAP) grants by \$1 billion to quickly deploy resources directly to locally-driven prevention services and programs. CB-CAPs provide community-based grants to all 50 states for the express purpose of preventing child abuse and neglect, including key services like state child abuse hotlines, voluntary home visiting programs, parent support programs, baby pantries, distribution of food and medication, family resources centers, and respite care services. This will target specific prevention services to communities where it is needed most, help state and local systems adapt to the unique challenges of serving families during this pandemic, and avoid waiting lists.
- **Continue Supports for Youth Aging Out of Foster Care:** Amend the Fostering Connections to Success and Increasing Adoptions Act of 2008 to allow state child welfare agencies to receive federal reimbursement through Title IV-E of the Social Security Act for 100 percent of the cost of supporting youth who turn 21 during this public health crisis and for 180 days after its declared end.
- **Stabilize Families and Support Foster Parents:** Increase funding to Title IV-B, Part 2, the MaryLee Allen Promoting Safe and Stable Families Program (PSSF) by \$1 billion to help eliminate the need for out-of-home placements, both to protect children and to prevent the child welfare system from being overwhelmed by the crisis. PSSF is a critical funding source for stabilizing families, supporting foster parents, and other prevention efforts for states during times of crisis.
- **Apply FMAP Increase to Prevention Funding Now:** Ensure the FMAP rate increase is provided to the new Title IV-E Prevention Program. This is important to clarify because the Title IV-E Prevention Program is not currently reimbursed at the FMAP rate, but instead is reimbursed at a 50 percent rate (it moves to FMAP reimbursement in 2027), so we recommend a total of 50 percent plus the final FMAP increase.
- **Provide Tech and Protective Resources to Child Protection Workforce:** Increase funding to CAPTA Title I by \$500 million to ensure state and local child protection systems can adapt to these new circumstances while continuing to respond quickly to the reports of child abuse and address barriers to ordinary service delivery during the pandemic. This funding will ensure the child protection workforce has necessary technological and protective resources to prevent the interruption of vital support services to children and families amidst this crisis. In-person investigations are being disrupted in ways that put children at risk of great harm.
- **Keep Child Welfare Courts Safe and Open:** Increase funding to the Court Improvement Program (CIP) by \$30 million to mitigate the impact of the pandemic on the functioning of child welfare courts. Court shutdowns, need for emergency investment in technology, and reduced staffing are already resulting in delayed hearings, and, ultimately, compromised child safety, delayed family reunification, and loss of accountability and critical support to child victims and their families. CIP is the only source of federal funding for state courts related to child welfare and is well-positioned to help address challenges in the administration of legal proceedings in this field.
- **Increase Amount of and Access to Funds for Independent Living Services:** Boost Title IV-E Chafee Foster Care Independence Program (Chafee) funds above the current level by \$500 million and temporarily waive the 30 percent Chafee housing cap for the duration of the crisis in order to provide additional support for living independent services for current and former foster youth.
- **Provide Hazard Pay for Social Workers:** It is best practice for social workers to increase face-to-face contact with children on their caseloads during a crisis. This increased contact helps prevent abuse and neglect, allows for the youth to communicate confidentially with their worker, and also provides increased support to the child and their caregiver during times of instability. While many

workers are replacing face-to-face contact with virtual meetings, there will be times that face-to-face contact is best for the child and their family. Congress should incentivize the necessary use of this best practice by allowing state agencies to be reimbursed for hazard pay through CAPTA.

Education

As schools remain closed and students continue their education from home, it is imperative that emergency resources allocated for education reach all students equally and provide all students with the ability to continue learning during this crisis. The CARES Act provided a good start to doing so, allocating nearly \$31 billion for educational services. However, there remains concern regarding challenges to online learning for vulnerable students, including low-income, rural, and special education students. We urge Congress to do the following to ensure that all students are able to maintain a quality education:

- **Close the “Homework Gap”:** Allocate funds from the Education Stabilization Fund to address the “homework gap,” affecting the more than 7 million K-12 students who do not have access to Wi-Fi, connection devices, or mobile wireless service at home. To address this gap, Congress should waive regulations for the E-rate program and provide additional appropriations of \$2 billion to address technology inconsistencies across schools.
- **Ensure Quality Distance Learning for Special Education Students:** Rescind waiver authority given under the CARES Act to the U.S. Secretary of Education regarding guidance for the Individuals with Disabilities Education Act (IDEA) or the Rehabilitation Act (REHAB). In times like this, no action should be taken to undermine the civil rights of students with disabilities. With regard to continuing education for special education students, the U.S. Department of Education and Congress should continue to provide Free Appropriate Public Education (FAPE) to students with disabilities, continue involving parents in the decision-making process for their child, keep parents’ right to due process intact, and use federal funds to adhere to civil rights given under IDEA and the REHAB Act.
- **Assist Students in Receiving Support to Which They Are Entitled:** Require institutions of higher education to proactively reach out and inform all students who were classified as independent students about emergency aid that may be available, and give them priority access to assistance. In addition, institutions should be required to streamline financial aid determinations for homeless and foster youth, and provide assistance in completing the Free Application for Federal Student Aid (FAFSA) form.
- **Prepare for Increased Need for Summer Learning and Afterschool Programs:** Provide an immediate funding increase of \$500 million for 21st Century Community Learning Centers to address increased need for summer learning programs later this summer and afterschool programs in the fall. Furthermore, provide flexibility for programs to serve students in ways that work for each community, and do not punish grant-funded afterschool programs that cannot operate due to unsafe public health conditions.

Juvenile Justice

There are approximately 43,000 justice-involved youth who are detained in facilities away from their homes on an average night in our country. According to the Office of Juvenile Justice and Delinquency Prevention (OJJDP), nearly 60 percent of these youth are detained for violating terms of their probation, committing

status offenses (such as skipping school or running away), or committing misdemeanors. In addition to other status offenses, youth should also not be subject to criminal punishment for violation of quarantine protocols, as their brains are still undergoing critical stages of development. Facilities pose a serious risk to these young people during the pandemic and an increased health cost to states. Justice-involved youth are particularly vulnerable because they are more likely to have underlying health issues. Congress can respond to the needs of states and justice-involved youth by taking the following actions:

- **Increase Juvenile Justice and Delinquency Prevention Programming:** Appropriate \$100 million to prevent and mitigate the COVID-19 risks for justice-involved youth. These funds should remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, of which \$75 million shall be granted to state and local agencies for juvenile delinquency programming authorized by section 221 of the Juvenile Justice and Delinquency Prevention Act of 1974, and \$25 million for delinquency prevention, as authorized by section 504 of the Act.
- **Incentivize States to Release Youth from Detention Facilities:** Incentivize states and localities to release detained youth by increasing the FMAP by 2 percent for any state or jurisdiction that enacts widespread policies that release 10 percent or more of their state prison and youth detention population. Allow states to receive an additional 1 percent increase in FMAP for working with local jurisdictions to release 15 percent or more of their local jail population for the duration of the pandemic. These states and local jurisdictions can remain eligible for an increased FMAP if they maintain these decreases after the immediate COVID-19 crisis has passed.
- **Urge Bureau of Prisons to Release Juveniles from Custody:** In 2017 there were fewer than 45 youth in the custody of the Bureau of Prisons. The recidivism rates for youth in BOP custody is low but the risk of them contracting this deadly virus while in congregate care is unacceptably high. Congress should incentivize BOP to release juveniles from custody and provide funding for alternative ways to meet these youth's supervisory and treatment needs.

Every facet of the lives of children and families are being disrupted during this historic public health and economic crisis. In light of the problems due to school closures, the lack of paid leave policies in this country, job cutbacks and ballooning unemployment rates, and the lack of child care funding and support, the needs of families with children are greater now -- more than ever.

Unfortunately, both the short-term and long-term consequences and challenges are not being fully considered or discussed. This crisis is severe and will last for months or even years to come. Moreover, the resulting physical and mental health consequences, impact on education and child development, and economic implications of this calamity will last well beyond the coronavirus itself. We must ensure that this historic public health pandemic does not threaten our children's future outcomes because we failed to elevate their unique needs during this unique and alarming time.

Sincerely,



Bruce Lesley
President

For more information:

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CC: All Members of the U.S. House of Representatives and U.S. Senate