

August 10, 2020

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

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

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

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

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

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. These recommendations are a follow-up to [those that we included in a letter sent on April 20, 2020](#).

Given recent spikes in COVID-19 caseloads, an economic crisis that continues to deepen, and an upcoming school year faced with daunting challenges, it is critical that Congress quickly pass additional emergency relief to support struggling children and families that both mitigates the impact of our current crisis as well as addresses inequities that existed before the COVID-19 pandemic.

This pandemic is doing more than exposing the disparities existing in our society; it is compounding these disparities, and so we must employ a robust, near- and long-term approach to manage this unprecedented dual public health and economic crisis. The COVID-19 pandemic and the resulting economic crisis are falling hardest on the most vulnerable among us, including our nation's children. They are disrupting every facet of children's lives, and we cannot yet know all of the negative and long-lasting implications they 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 annual estimate of federal spending on children for 2020 shows that the federal share of spending on children continues to decrease, reaching just 7.48 percent in 2020 and continuing a declining trend despite higher discretionary spending as a whole over the past few years. We must do better by our children in these frightening and urgent times as well as in the future, as income uncertainty is not unique to times of national crisis.

[New research](#) finds that the Coronavirus Aid, Relief, and Economic Security (CARES) Act, specifically expansion to unemployment benefits and the establishment of one-time Recovery Rebate payments, may have prevented child poverty from spiking. While this is encouraging, these findings also recognize that many children and families continue to face significant hardship in many aspects of their lives due to the fact that the expansion of unemployment benefits has expired, families are still waiting to access assistance, and many find themselves ineligible for benefits, as is the case for millions of children in immigrant families.

Additional, comprehensive support is needed immediately to extend and expand on the assistance provided in the CARES Act to address all of the ways this outbreak is affecting child well-being in the United States. For example, we know from [recent Census data](#) that nearly 20 percent of adults with children reported that

children in the house were not eating enough because they could not afford enough food, and nearly 30 percent of adults who live with children are behind on rent, more than double the rate for adults not living with children.

The Health and Economic Recovery Omnibus Emergency Solutions Act (HEROES Act) passed in the House on May 15, 2020 and included some critically important and timely assistance for struggling children and families, including income support, nutrition assistance, healthcare, and more, while also falling short for children in some areas such as child care assistance. After a two month delay, Senate Republican leadership released the Health, Economic Assistance, Liability Protection and Schools (HEALS) Act, which takes some steps in helping children and families, but has significant shortcomings, including being released too late to prevent the expiration of important supports including the expansion of unemployment insurance benefits.

The recent Memoranda and Executive Order introduced by the President fail to address the needs of children during this crisis and therefore, even if they are implemented, it is imperative that Congress acts quickly.

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 the U.S. territories, including Puerto Rico, American Samoa, the 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 any final COVID-19 response legislation includes 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 negotiate COVID-19 legislation and ensure that the scope of support is based on the depth and duration of the resulting economic crisis, which is sure to outlast the declared public health emergency. Historically, we know that recessions are deeper and last longer for families with children, and we believe this will be the case this time as well.

Finally, First Focus Campaign for Children has long advocated for the creation of a Children's Commissioner who 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 across 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 means more children are eligible for Medicaid and the Children's Health Insurance Programs (CHIP.) Keeping those programs well-functioning in states demands increased funding from the federal level. More than ever, families need affordable health care from their providers and coverage that meets their medical, dental, and mental health needs.

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

- **Protect the Medicaid Maintenance of Effort (MOE) provision:** Protect the MOE for Medicaid provided 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.
- **Twelve-month Continuous Eligibility:** Provide 12-months of 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 percent 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. (H.R. 6797 - Reps Wild and Fitzpatrick and S.3881 by Senator Casey)
- **Make CHIP Permanent:** The uninsured rate for children increased when CHIP expired for over four 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 Representatives 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 Barragán (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.
- **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 are not using it for CHIP during the COVID-19 pandemic.
- **Withdraw Medicaid Fiscal Accountability Regulation (MFAR):** Withdraw the proposed MFAR that would severely reduce states' abilities to fund Medicaid and meet their obligations 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 Health:** Children are falling behind on 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 access to mental health services. Increase mental health funding for kids and adolescents, including through telehealth services and school-based mental health services like Project AWARE.

- **Establish a Special Enrollment Period (SEP) for Marketplace Enrollment:** Establish an SEP for healthcare.gov and allow families to gain coverage for any reason during the COVID-19 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 or have reopened are struggling to provide care and services to families to enable 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 still exist when our economic recovery from the COVID-19 pandemic begins. A July survey done by the National Association for the Education of Young Children found that 40 percent of all child care providers - and 50 percent of minority-owned child care businesses - will close permanently without additional financial assistance. 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. This was an encouraging start, but does not address the comprehensive needs of the child care field right now. An investment of \$50 billion is needed in flexible, dedicated child care funding to:

- **Support 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 Workers:** Provide essential duty pay for child care workers in programs that remain open during the crisis.
- **Cover Health and Safety Needs:** Provide materials, resources, training, and other public health supports regarding health and safety practices.
- **Support Families:** Eliminate copayments or tuition for families during this public health and economic crisis while ensuring that providers are still paid.
- **Provide Substitute Staff:** Fund and pay substitute educators where needed and available.
- **Pay for Supplies:** Purchase health and safety materials for providers that cannot afford or find supplies.
- **Provide Virtual Learning:** Provide virtual learning opportunities when appropriate and mental health supports for families.
- **Protect Child Care as Small Businesses:** Help child care providers navigate small business loan application processes.

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.
- **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.

Head Start

The at-risk children and families served by Head Start have been deeply impacted by the COVID-19 pandemic, and in response, local programs across the country quickly pivoted to provide additional critical services, including food, needed technology, mental health services, and enhanced school readiness activities and supplies. According to survey data from the National Head Start Association, Head Start programs need an additional \$1.7 billion in funding to address needs caused by COVID-19. Among the very real and unanticipated needs are disposable personal protective equipment (PPE) and increased janitorial services, facility modifications, additional staffing and operational models, distance learning and virtual classroom software and services, staff technology, and strengthened mental health support. Because of Head Start's unique federal-to-local model, Head Start programs have been able to continue services to children and families, confronting unavoidable costs in doing so; now, aid to Head Start programs stands to have an immediate impact, going directly to communities that are hurting the most.

- **Emergency funding:** Head Start programs nationwide need \$1.7 billion in 2020 to address a myriad of new challenges wrought by COVID-19.

Child Poverty and Family Economics

There is real momentum towards addressing the high rate of child poverty in the U.S. 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 have highlighted that we know what is needed to address the problem. We now need 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 Supplemental Nutrition Assistance Program (SNAP) benefits, housing vouchers, and other proven solutions would ensure that families have the resources needed to support their children's healthy development and support their long-term success.

It is important to note that the UI changes included in the CARES Act -- primarily, the \$600 per week added to traditional unemployment benefits -- helped keep an estimated 4.6 million children out of poverty. Lawmakers must extend these benefits until the economy stabilizes and families with children can return to work.

As our economy is shuttered and many children will remain out of school this fall, 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.

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. 4115/H.R. 7419)
- **Provide Emergency Assistance:** Establish an emergency assistance fund of at least \$10 billion for children and families, including children being cared for by kin, by including the Pandemic TANF Assistance Act (S. 3672) in any final package. This legislation not only includes an emergency assistance fund, but also 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 with no limitation on the number of qualifying dependents. 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. 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 a smaller rebate (\$2200) than a married couple without children (\$2400). 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 returns are receiving no payments until they file their independent tax return next year. Even worse, parents of children with disabilities -- among the most needy population who often do not have to file taxes -- have experienced significant difficulty accessing their owed payments.
- **Establish Fairness in Recovery Rebate Program:** Currently, Social Security numbers are required to be eligible for the recovery payments, meaning many immigrant families will not qualify, including households with children who are U.S citizens. Congress should ensure all families and children 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.
- **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. Improvements to these tax credit programs 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 the current economic crisis and any future crisis, and offer a mechanism to provide additional economic impact payments automatically should we

experience another economic downturn. The CTC expansion should make the credit fully refundable increasing it to at least \$3000 per child per year, create a more generous young child tax credit (at least \$3600 per child per year), include all children regardless of immigration status, designate 17-year olds as “qualifying children,” establish equity for children in U.S. territories, and make payments on a regular monthly basis when household bills regularly come due. A CTC expansion such as the proposed American Family Act (H.R. 1560 and S.690) would lift four million children out of poverty and 1.6 million children out of deep poverty and benefit US territories. The expansion of the EITC proposed in the Working Families Tax Relief Act (H.R. 3157 and 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.

- **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 \$3000 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.
- **Provide Additional Resources for the Volunteer Income Tax Assistance (VITA) and Outreach for the Recovery Rebates:** Increase funding for the 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 they 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.
- **Extend the \$600 Per Week Increase to UI Benefits:** Continue the current \$600 in unemployment benefits for both Federal Pandemic Unemployment Compensation and Pandemic Unemployment Assistance and further improve UI benefits, including by:
 - Providing a \$10 billion investment for state UI administration.
 - Set 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.
 - Implement 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.
 - Ensure that UI benefits do not count against eligibility for the SNAP program.
 - Allowing the increased unemployment benefits to continue as economic and labor market conditions warrant them.
- **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.

Hunger and Nutrition

Child food insecurity remained high in the United States before COVID-19, with one in seven 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 the SNAP maximum benefit 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 and so it is essential to increase benefit levels for these families with little or no income. In addition, SNAP work requirements must be waived for college students.
- **Extend Pandemic Emergency Benefit Transfers (Pandemic EBT) Transfers:** Extend Pandemic EBT Transfers through school year 2020-2021 and permit additional distribution sites.
- **Increase the Women, Infants, and Children Program (WIC) Funding and Access:** Extend USDA waiver authority through September 2021, which allows WIC providers to conduct remote appointments, certify new participants and issue benefits remotely, and expand the allowable brands and package sizes of WIC-approved food items for the duration of the public health emergency. We would also like to see an increase to the amount of the 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.

Preventing and Addressing Child and Youth Homelessness

Child and youth homelessness continues to skyrocket in the U.S., 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 COVID-19 pandemic only serves to exacerbate this problem, both by putting additional children and youth at risk of homelessness, and also by increasing threats to the safety and well-being of children and youth currently experiencing homelessness in doubled-up situations, motels, shelters, or on the street.

- **Increase support to children and families experiencing homelessness in all forms:** Include the bipartisan Emergency Family Stabilization Act (S. 3923/H.R. 7950), which provides flexible funding for community-based organizations to meet the unique needs of children, youth, and families experiencing homelessness (as defined by the education subtitle of the McKinney-Vento Act) in the wake of the coronavirus. This funding could be used for shelter and housing needs, including motel vouchers, 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 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:** Create an emergency assistance fund to help families experiencing housing instability and homelessness. This assistance must be made available to the millions of children, youth, and families living in doubled-up situations as well as hotels and motels.
- **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 Runaway and Homeless Youth Act (RHYA) programs:** Increase RHYA programs by \$300 million - \$150 for current grantees and \$150 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 one in four 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.

- **Block the Public Charge Rule**
- **End Exclusion of Individuals with Deferred Action for Childhood Arrivals (DACA) Status from Medicaid and CHIP:** End the exclusion of children and individuals with DACA status from eligibility for Medicaid and CHIP.
- **Extend All Work Permits:** Automatically extend work permits for individuals with DACA status or Temporary Protected Status (TPS) as well as for all other immigrant and nonimmigrant visas.
- **Clarify that immigrants can receive Medicaid coverage for COVID-19 testing, treatment and vaccines:** Clarify that those are ineligible for full-scope Medicaid due to immigration status—but who meet other Medicaid eligibility requirements—can receive coverage for COVID-19 testing, treatment and vaccines through Emergency Medicaid.
- **Suspend Immigration Enforcement Actions:** Suspending 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 U.S. 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.
- **Provide Funding for U.S. Citizen and Immigration Services (USCIS) -** Prevent the furlough of much of the USCIS workforce and allow for green cards, DACA applications, and other immigration

paperwork to continue to be processed. This funding must include guardrails to ensure that the costs of immigrating aren't exorbitantly high, that the money does not go to enforcement proceedings, and that USCIS is transparent with their application of the funds.

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, 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 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.

- **Allow States to Use Federal Child Welfare Funding to Create, Operate, and Publicize an Independent Foster Youth Ombudsman:** The headline-grabbing details of assaults and fatalities that babies, children, and youth in foster care have endured during the pandemic demonstrates the unquestionable need for every foster youth to have access to an individual/agency that independently will hear them, listen to them, and act to promote their safety, well-being, and permanency.
- **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.
- **Stabilize Families and Support Foster Parents:** Increase funding to Title IV-B, Part 2, the Mary Lee 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.
- **Provide Guidance, Tech, and Protective Resources to Child Protection Workforce, Children, and Families:** Increase funding to the Child Abuse Prevention and Treatment Act (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. This funding should also be accompanied by

guidance and should be sufficient to meet the COVID-19 testing and PPE needs of children, families, and child protection workers on the frontlines of child protection.

- **Provide Kinship Navigator Funding:** Congress should ensure kinship caregivers have the support they need to continue as vital caregivers for millions of children, including children living in foster care. This is especially important given the President's *Executive Order on Strengthening the Child Welfare System for America's Children* had an entire section dedicated to "Improving Access to Adequate Resources for Caregivers and Youth."
- **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. Additionally, Congress should create an incentive payment for states, funded through supplemental payments to CAPTA's state formula grants, to provide public service announcements, a warm line for youth in need, and child abuse prevention tips.
- **Modify the Family First Prevention Services Act in order to Sustain a Commitment to Prevention and Help Keep Children Safe and Out of Foster Care:** Congress should apply the FMAP increase to prevention funding now; remove the state match requirement for one year to Title IV-E prevention services; expand the scope of allowable prevention services to include evidence-based services that prevent or mitigate the effects of domestic violence, economic insecurity, and challenges facing children of incarcerated or re-entering parents; and extend for one year the option for states to claim transitional payments for services and associated costs under the Title IV-E prevention program.
- **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.
- **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 180 days after its declared end.
- **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.
- **Immediately Allow Eligible Former Foster Youth Access to Medicaid until age 26:** Although Congress recently passed legislation that this Medicaid coverage will go into effect in January 2023, the COVID-19 pandemic has highlighted the need to provide this coverage immediately as called for in the Doshia Joi Immediate Coverage for Former Foster Youth Act (H.R. 6959.)
- **Federal Legislation Should Require State and Local Child Welfare Agencies To Collect Data to Advance Equity During the Pandemic:** The U.S. Department of Health and Human Services should be required to issue guidance to provide examples of data collection efforts that state and

local child welfare agencies should be using to assess and respond equitably to the needs of families in child welfare who are experiencing significant impacts from the pandemic, such as identifiers that can identify children's connection to other service systems and disaggregated data to see how subgroups are doing.

- **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 substituting 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 begin the process of starting the 2020-21 year, whether in person or remote, it is imperative that emergency resources ensure quality education to foster positive development. The CARES Act allocated \$30.75 billion for educational services. However, there remains concern regarding challenges in online learning for vulnerable students, such as low-income, rural, and special education students. Beyond that, large projected revenue losses means states and municipalities have tighter budgets, which will almost certainly lead to decreased spending on schools in the coming year. Through supporting public schools, we urge Congress to do the following to ensure that all students are able to maintain a quality education.

- **Empower Districts, Local Stakeholders, and Communities to Make Decisions:** Tying two-thirds of funds to reopening puts schools in a difficult place: provide quality education or prolong reopening until it is safe. It should not be a binary. Schools providing online learning will still need the support of federal funds, and the decision to reopen should be made based on conditions in communities -- like local infection rates -- by local experts.
- **Prioritize Public Schools:** Make sure that public schools, facing massive budget shortfalls this coming year due to tax revenue shortages, get the necessary support. Some estimates have projected 1.9 million teachers may lose their jobs. With the difficult transition to online learning, we need experienced teachers more than ever to support students. The Coronavirus Child Care and Education Relief Act (CCCERA) allocates \$175 billion to K-12 schools, a necessary first step to prevent massive education budget cuts stemming from state revenue losses that may amount to over \$500 billion through 2022.
- **Close the “Homework Gap”:** Allocate funds from the Education Stabilization Fund to address the “homework gap,” affecting the 7-12 million K-12 students who do not have access to WiFi, 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 \$4 billion to address technology inconsistencies across schools. CCCERA includes this necessary support to bridge the digital divide.
- **Prioritize Equity:** Support Tribal Education, hit hard by the pandemic. Ensure that students experiencing homelessness can get transportation to school, or are able to learn from a safe and reliable place if remote. Extend the eviction moratorium and give rent support to ensure that more students do not become homeless. Allocate money for supporting students experiencing poverty, many of whom have parents as essential workers.
- **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 (REHAB) Act 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 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. For kids who rely on school lunches, ensure that programs continue to meet their needs.
- **Support Emotional and Physical Health:** For students that go back to school, make sure they receive the socioemotional and physical health support they need to thrive, by making nurses and counselors available and ready to deal with the distress caused by the pandemic. For students that learn remotely, support counselors, wellness workers, and nurses to connect with students online.

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, 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 costs 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 \$75,000,000 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 \$25,000,000 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. Allows states to receive an additional one 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 (BOP) 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.

2020 Decennial Census

Two million young children were missed in the 2010 Decennial Census, more than any other age group. We are at great risk of another severe undercount in 2020 – nearly 40 percent of the country has yet to respond to the Census, and far fewer households with children have responded in Census tracts that are determined to be at high-risk for undercounting children.

As we know from the work of the Count All Kids Committee, when families respond to the Census and count everyone in their households, it means more federal money for their states and communities for schools, for health care, for child care, and for many other programs that help children thrive. It means local governments have better information to plan for things like the number of children in schools or how many families need health care. If we fail to count all of our nation's children, the repercussions will last for the next decade, or most of a childhood.

- **Safeguard the 2020 Census to Ensure All Kids Are Counted:** Congress must ensure that the U.S. Census Bureau continues operations of the 2020 decennial Census past September 30, 2020 as well as extend the statutory reporting deadline for apportionment data to April 30, 2021 to ensure a full and accurate count of all children and that Congressional districts that provide full representation for all.

Every facet of the lives of children and families is 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 than ever now.

Unfortunately, both the short-term and long-term consequences and challenges facing children are not being fully considered or discussed. This crisis is severe and will last for months or even years to come and warrants a robust, comprehensive response that meets the scope and duration of the crisis. Moreover, the health and trauma, impact on education and child development, and economic consequences of this calamity will last well beyond COVID-19 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

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