



Children's Action Alliance

A Voice for Arizona's Children since 1988

Who's For Kids and Who's Just Kidding: A Guide to Legislation Affecting Children

June 10, 2009

The 49th legislature and Governor Brewer came into office as Arizona faces a painful recession and a monumental state budget deficit. Arizona families are counting on the leadership and vision of our elected lawmakers to help us cope with the challenges, recover from the recession, and sustain the health, education, and security that all children need for a vibrant future.

The session began with massive budget cuts to child protective services, assistance for grandparents, services for children with special needs, k-12 education, and food and shelter for desperate families. Now that bills are moving through both the Senate and the House with very little time for discussion or problem-solving, what will legislators do for Arizona children and their families? The votes senators and representatives take on these proposals (and many others) will truly show Arizona who's for kids and who's just kidding.

WORKING FAMILIES

HB2203

Eliminating TANF
Benefits by
Sanctioning
Moms and Kids



TANF benefits provide minimal, time-limited cash assistance to extremely poor mothers and children while moms gain work skills and seek jobs. Families who receive these benefits must meet certain requirements and families who don't comply with child support enforcement rules, work activities, school enrollment and attendance, and immunization requirements currently suffer reduced benefits as a sanction. This bill would increase the sanctions to eliminate all benefits for a specified period of time, rather than reducing benefits.

Impact: Eliminating cash assistance hurts the very children who our public policies are purporting to help. Children who suffer a cut or termination of welfare benefits are at much greater risk for hospitalization, homelessness, and hunger. The vast majority of families already comply with all of the rules. (In 2008, there were only 3,429 cases that received one or more sanctions out of more than 39,000 cases.) There is no evidence that cutting benefits will improve any outcomes or reduce reliance on welfare. It is unconscionable to take action that we know will promote an increase in children's emergency hospital visits, more hunger leading to poor school performance, and family dysfunction in the name of telling parents to keep their kids in school and get their children immunized.

ABUSED AND NEGLECTED CHILDREN

HB2622

Identify Relatives
for Children in
Foster Care



SUPPORT THE
FLOOR
AMENDMENT

This bill requires parents or guardians whose child is placed in foster care to immediately provide names and contact information of any relatives or other people who might want to care for the child. The Juvenile Court would be required to monitor the progress of DES in identifying and finding these relatives and assessing whether the child could live with them.

Impact: This would help to improve stability for children and prevent the disruption and trauma caused to children when relatives are not identified until after the child has been living with foster parents for a long period of time and adoption or guardianship is in process.

SB1049

Modify
Fingerprint
Clearance Cards



This legislation would raise the standards for fingerprint clearance cards to comply with new federal requirements. All foster and adoptive home applicants, and DES employees and their contracted providers who work with children would be required to meet the new standards

Impact: If Arizona doesn't pass this legislation by July 2009, our state will lose \$130 million in federal funds for abused and neglected children (Title IV-E).

SB1244/ HB2347

Change Purpose
of Child
Protective
Services;



This bill gives law enforcement, county attorneys and criminal courts control over CPS actions and services for cases possibly involving criminal conduct. This bill makes criminal investigations and prosecutions the primary purpose of CPS, even though only 10% of all CPS reports involve alleged criminal conduct.

Impact: Justices of the Peace, criminal courts, law enforcement and county attorneys would be in control of certain abused and neglected children's cases rather than juvenile courts that understand the requirements of state and federal law for children in foster care. This bill does not take into account federal requirements to make reasonable efforts to reunify children with their parents, it ignores a child's need for a safe and permanent home, and it removes the guarantee of a parent's right to be given notice whenever CPS takes custody of his/her child. The number of children living in temporary foster care will grow, with high budget costs and high trauma to children. Arizona could be found in violation of federal law, risking millions in federal funds.

JUVENILE JUSTICE

SB1401

Limit Diversion as
a Consequence
for Youth



OPPOSE IF
IT INCLUDES
MANDATORY
INCARCERATION
FOR PROBATION
VIOLATIONS

This bill limits the use of diversion programs for youth involved in the purchase, possession or consumption of liquor or certain drug offenses. It also requires seven days of detention for a third probation violation due to alcohol or drug use.

Impact: The seven day detention requirement is an expensive, unfunded mandate for counties that will not improve public safety or resolve a youth's substance abuse issues. Relapses are often part of the recovery process for youth addicted to drugs or alcohol. Confining youth in detention for the "status offenses" of possession or consumption of alcohol would place Arizona out of compliance with federal law and risk losing a good portion of the \$1.28 million in federal funds we receive for juvenile justice programming.

SB1420

Incarcerate Youth
for DUI Offenses



This bill would require that youth who are adjudicated (convicted) of a DUI or extreme DUI offense be sentenced to longer terms of incarceration.

Impact: Swift consequences and community supervision are more effective in improving public safety than locking up youth. Incarceration is an extremely costly and ineffective way to deal with youth behavior. The cost of detention is \$293 a day in Maricopa County, and \$200 a day in Pima County. For these counties, the costs of detention far outweigh the cost of effective alternatives including standard probation (\$6 - \$8 a day), juvenile intensive probation (\$21 - \$28 a day), community alternatives to detention (\$40 - \$48 a day), and community support programs with standard probation (\$43 - \$50 a day).

Arizona simply cannot afford expensive ideas that do not work. Youth who serve time in detention DO NOT show better outcomes than youth with community consequences and supervision.

BUDGET BILLS

SB 1324 Cut Corporate Income Tax Rate



This bill would reduce the corporate income tax rate by 35% over a four-year period, beginning in FY2011. If enacted, Arizona would have the nation's lowest corporate income tax rate except for those states that have none. (Currently, 24 states have rates that are higher than Arizona's, and 20 have rates that are lower. Five states have no corporate income tax.) Arizona is already ranked extremely high on our tax climate for business by groups such as the American Legislative Exchange Council (ALEC) and The Tax Foundation.

Impact: Arizona's General Fund would lose \$250 million per year once the tax cut was fully implemented. Arizona is struggling with huge deficits for both FY2010 and FY2011 and suffering from recent and proposed massive cuts in K-12 education, Child Protective Services, children's health coverage, and emergency services like food banks and homeless shelters. \$250 million would fund a year's worth of CPS staffing and all related programs including foster care, adoption and, and family support. It makes no sense to cut corporate income taxes in the absence of a more comprehensive plan for tax and budget reform.

SCR 1006 Reduce State Appropriation Limit



This bill would refer to the voters a constitutional amendment to lower Arizona's constitutional appropriation limit from 7.41% to 6.4% of total personal income effective July 1, 2012. The referendum would also eliminate any future adjustments to the limit when functions and responsibilities are shifted from one level of government to another.

Impact: This is an unnecessary change since Arizona's constitution requires a 2/3 supermajority vote of the legislature for any revenue increase and since overall spending trends have been down as a share of Arizona's economy. The lower limit could arbitrarily limit future policy choices. For example, changes like Students First could be prevented in the future because moving school construction spending from local governments to the state government could push over the limit. When federal funding goes down for specific programs, the state might be prevented from continuing existing services.

VOTER PROTECTED FUNDS

SCR 1009 Allow/Require Raids on Voter Protected Funds



Through the citizen initiative process, voters have allocated funding to create and/or support specific education, health care and early childhood programs (among others) that the state legislature can not revise or revoke. SCR1009 would send to the ballot a proposal allowing legislators to take money from those protected funds if the state general fund for two consecutive calendar quarters had a deficit of at least one percent. The referendum also prohibits a tax increase to cover any part of the deficit unless all appropriated and diverted funds are depleted.

Impact: Voter protected funds are not cash reserves - they are allocated and spent during the year on voter approved initiatives or referenda. This referendum would drain the voter protected funds throughout the year to cover any deficit, leaving critical education, health care and early childhood services without sufficient funding.