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PREFACE TO THE FEDERAL ROLE IN CHILD CARE

Patricia Divine-Hawkins and Dodie Truman Livingston

I. INTRODUCTION

Child care is one of the most vital, far-reaching and emerging concerns in our society. In the past fifteen years, child care has become a major issue because of the changes in family lifestyles and work patterns. This trend affects children of all ages and families from every social and economic background. This article will describe how demographic changes impact child care in the United States, the current federal role, and the anticipated future directions.

II. CHANGING DEMOGRAPHICS

A. Employment of Women

Between 1970 and 1984, the number of working mothers in the United States increased by about twenty percent.¹ This was true for mothers of preschoolers as well as for mothers with school-age children.² About sixty-two percent of mothers with preschool or school-age children are now in the labor force.³ In March, 1984, 19.5 million mothers with children under age eighteen were working or looking for work;⁴ by March 1985, nearly 500,000 additional women with children under age eighteen had entered the workforce, an increase of almost two percent over 1984.⁵

Nearly eight million women or almost seventy percent of mothers whose youngest child was age six through thirteen, were in

² Id.
³ BUREAU OF LABOR STATISTICS, U.S. DEPT. OF LABOR, NEWS (Sept. 19, 1985) Table 1 [hereinafter cited as LABOR STATISTICS (Sept. 19, 1985)].
⁴ BUREAU OF LABOR STATISTICS, U.S. DEPT. OF LABOR, NEWS (July 26, 1984) Table 2 [hereinafter cited as LABOR STATISTICS (July 26, 1984)].
⁵ LABOR STATISTICS (Sept. 19, 1985), supra note 3.
the labor force by March 1985.\textsuperscript{6}

The workforce participation of women with younger children also continues to increase. In March 1984, eight million women whose youngest child was under six were working or looking for work.\textsuperscript{7} An additional 200,000 had entered the labor force by March 1985.\textsuperscript{8} Over 8.2 million mothers with children under six—nearly fifty-four percent—are now working.\textsuperscript{9}

Mothers of infants and toddlers under age three represent a substantial part of the increase. Less than a third (thirty percent) of women with a child under three were working in 1970; nearly half (47.7 percent) were employed in March 1984.\textsuperscript{10} By March 1985, the labor force participation of mothers with a child under three had increased to more than 4.6 million or 49.5 percent.\textsuperscript{11} The participation rates of women with young children are highest for divorced mothers; over fifty-two percent of those with a child under three are now employed as are three quarters of those whose youngest child is between the ages of three and five.\textsuperscript{12}

\section*{B. The Child Care Market}

American families use a variety of arrangements for the care of their children. Generally speaking, the child-care market consists of three major components: (1) group care in day-care centers, nursery schools, Head Start programs, before- and after-school programs, and other group facilities; (2) family day-care homes (care in the home of the provider); and (3) in-home care (care in the child’s own home). Each of these components serves a complex and different segment of consumer demand which is related to age of child, ethnic background, family income, geography, community and other factors.

In June 1982, about thirty-one percent of working mothers with children under age five used in-home care for their children. This care is generally provided by a family member or another relative.\textsuperscript{13} An additional thirty-eight percent sent their child to someone else’s home, either that of a relative or a nonrelative.\textsuperscript{14} About fifteen

\begin{itemize}
  \item \textsuperscript{6} \textit{Id.}.
  \item \textsuperscript{7} \textit{Labor Statistics} (July 26, 1984), \textit{supra note 4}.
  \item \textsuperscript{8} \textit{Labor Statistics} (Sept. 19, 1985), \textit{supra note 3}.
  \item \textsuperscript{9} \textit{Id.}.
  \item \textsuperscript{10} \textit{Labor Statistics} (July 26, 1984), \textit{supra note 4}, at table 1.
  \item \textsuperscript{11} \textit{Labor Statistics} (Sept. 19, 1985), \textit{supra note 3}.
  \item \textsuperscript{12} \textit{Id.}.
  \item \textsuperscript{13} \textit{Special Studies, U.S. Bureau of the Census, Series P-23, No. 29, Child Care Arrangements of Working Mothers: June, 1982, Table A} (1983).
  \item \textsuperscript{14} \textit{Id.}.
\end{itemize}
percent used a group-care center. The remainder cared for their child at work or used self and sibling care and other arrangements.18

Infants and toddlers are usually cared for in home settings. Older preschool children overwhelmingly use group-care facilities. Approximately two-thirds of all children aged three to five, and more than seventy percent of children in that age group with working mothers, are now enrolled in child-care centers, nursery schools, Head Start or other early childhood programs.16 Family day care is frequently used for the youngest school-age children and some communities are beginning to develop before- and after-school programs for the children of working parents. According to some studies, as many as one-third of elementary school children of working parents use self or sibling care.17

III. THE FEDERAL ROLE

Traditionally, the principal responsibility and decision-making authority for child care has rested with states, local communities and parents, although the federal government has provided assistance for child care in various ways since the 1930's. Today, the federal government supports child care through financial subsidies, research, information dissemination, demonstration of new models, and development of materials. Private sector development of local child-care options are the primary emphasis. Assistance is also provided to states, providers and parents.

A. Federal Financial Support

Since 1980, total federal child care support has increased over $2.8 billion and exceeded $5.4 billion in fiscal year 1985.18 Much of this increase has been the result of tax credits and deductions. For example, millions of American families now receive tax credits for their child-care expenses, and a variety of tax incentives exist for employers to offer child-care programs.19 The federal government provides funding for child care and other services through the Social Services Block Grant to states, the U.S.D.A. Child Care Food Pro-

15. Id.
18. Estimates were compiled by the U.S. Administration for Children, Youth and Families in 1985.
19. See infra notes 26, 41-50 and accompanying text.
gram, and Head Start. In addition, the state administered AFDC Child Care disregard allows recipients to discount their child-care expenses from income considered for eligibility.

1. Child Care Tax Benefits

As a result of the rapid growth in labor force participation of mothers, the Dependent Care Tax Credit now accounts for the largest portion of federal child-care support and has increased from about $956 million in 1980 to over three billion dollars in 1985.\(^{20}\) The Dependent Care Tax Credit provides a credit for portions of eligible child-care expenses for children under age fifteen.\(^{21}\) This type of support allows parents the freedom to select care which best meets their families' particular needs. As part of the Economic Recovery Tax Act of 1981 (ERTA), the Dependent Care Tax Credit was expanded from a ceiling of twenty percent to thirty percent of eligible child-care expenses.\(^{22}\) Parents can now take a maximum credit of $720 for one child and $1,440 for two or more children based on a sliding scale.\(^{23}\)

ERTA also provides a number of tax incentives for employers who implement Dependent Care Assistance Plans or otherwise provide child-care services for their employees. Tax incentives include a variety of deductions for: business expenses, accelerated cost recovery and a tax investment credit of ten percent for capital expenses, amortization of "start up" and "investigator" expenses, targeted jobs tax credit, and a variety of provisions relating to charitable contributions and tax-exempt programs.\(^{24}\) Although employer tax incentives do not yet account for a large share of the federal child care support, this source is expected to increase in the years ahead as the private sector becomes more interested in child care.

2. Federal Child-Care Programs

A major source of child-care funding for low-income families is


\(^{21}\) Id.

\(^{22}\) Id.

\(^{23}\) Id.

\(^{24}\) WOMEN’S BUREAU, U.S. DEP’T OF LABOR, FEDERAL LEGISLATION ON DAY CARE (1982).
Title XX of the Social Security Act, incorporated into the Social Services Block Grant (SSBG) as part of the Omnibus Budget Reconciliation Act of 1981. Title XX provides subsidies for low-income children receiving care in day-care centers and family day-care homes which meet applicable state requirements.

In line with policies favoring state and local decision-making authority for child-care services, the SSBG is highly flexible and allows state and local governments to set their own priorities to reflect local conditions. Each state thus has considerable latitude in determining its own range of services, service populations, funding levels, program characteristics, quality standards, and administrative processes.

The SSBG is used to fund a wide variety of social services. In fiscal year 1984, the states used an estimated $670 million in federal and state SSBG funds for child care. An additional $25 million was appropriated in fiscal year 1985 to provide training in the prevention of child abuse and neglect for child-care workers, state licensing and enforcement officials, and parents. This is a one-time special appropriation to assist states in preventing child abuse in day-care centers.

Another important federal program, the Child Care Food Program (CCFP) administered by the United States Department of Agriculture, has increased from $239 million in 1980 to $459 million in 1984, for a total increase of $220 million. This program helps Head Start, day-care centers and family day-care homes provide nutritious meals.

This year marks the twentieth anniversary of Head Start, a

30. Estimates provided by Department of Agriculture, Food and Nutrition Service. The 1980 figures are from the Annual Historical Review of FNS Programs for Fiscal Year 1983. The 1985 estimates are from the 1985 appropriations bill.
31. Authorizing legislation is the National School Lunch Act.
comprehensive preschool program administered by the Administration for Children, Youth and Families. In fiscal year 1985, Head Start is projected to serve over 450,000 low income children, approximately twelve percent of whom are handicapped. Head Start children receive comprehensive educational, medical, dental, nutritional and social services. The Head Start program also emphasizes significant involvement of the children's parents.

In fiscal year 1985, Head Start funding increased by $79 million dollars to bring its total budget to $1.075 billion. This expansion will enable Head Start to serve many more children as well as to improve linkages with other early childhood programs.

The Child Development Associate (CDA) National Credential Program developed for Head Start is a national effort to fulfill the crucial need for qualified staff in Head Start classrooms, day-care centers and family day-care homes. More than 14,000 child care providers have received the CDA Credential, and twenty-eight states plus the District of Colombia have incorporated CDA into their child-care licensing requirements. An additional seven states have included the credential into their draft child-care regulations. In addition to the basic competency standards and assessment system designed for Head Start and child-care programs serving children aged three to five, CDA now has specific standards and assessment procedures for infant/toddler caregivers in center-based programs and for family day-care providers.

3. Federal Assistance to the Private Sector

The private sector needs to become more involved with helping working parents to meet their child-care needs. Although employer supported child care still accounts for less than one percent of all

32. HEAD START BUREAU, ADMIN. FOR CHILDREN, YOUTH AND FAMILIES, HEAD START FACT SHEET (1985).
33. Id.
34. Id.
36. Id. at 7.
child care in the United States, it is growing at a steady and rapid pace. In 1978, for example, only about 105 programs were in operation nationwide, and all of them were child-care centers. By 1982, 415 firms had child-care programs covering a broad range of program options. At least 1800 companies are estimated to be involved in child care today. These companies participate in a variety of ways including the operation of on-site or near-site centers, family-day care programs, information and referral services, parent education, voucher systems, charitable contributions to child-care programs, and Dependent Care Assistance Plans to assist employees in the purchase of care through community facilities.

To explain and promote the concept of employer-supported child care, the White House Office of Private Sector Initiatives and Chief Executive Officers of selected corporations have co-sponsored a series of forums for CEO’s in major cities around the country since 1983. The Administration for Children, Youth and Families (ACYF) has also completed a National Employer Supported Child Care Project which describes existing employer supported child-care programs, employer benefits providing of child care, the range of available options, and how they can be implemented.

In addition, ACYF is sponsoring extensive research and community development to identify the needs of parents, to make these needs known to employers, and to assist with community solutions. For example, over 8,000 employees in thirty-three companies have been surveyed in Portland, Oregon to help enrich understanding of how child-care variables are related to workplace problems such as absenteeism and job stress. This research project is developing a computerized child care information and referral system. In addition, researchers are pioneering a new “Community Shares” concept in which Portland employers are helping to underwrite community child care as well as to purchase specialized services for their own

42. Id., at 7-11.
44. Id., at 7-11.
45. S. Burud, P. Aschbacher, & J. McCroskey, supra note 41.
employees. This project is being partially replicated in Kansas City, Missouri. In Dallas, Texas, an employer-supported family day-care model for infants is also being developed to help increase the supply of care for children under one year of age.

4. Federal Assistance to States

In January 1985, in accordance with provisions of the Model Child Care Standards Act contained in the Continuing Appropriations Act for Fiscal Year 1985 the Department of Health and Human Services issued guidance to the states in developing standards and procedures to prevent child abuse in day-care settings. This document includes information on parent participation, employment history and background checks on staff, staff training and development, supervision and evaluation. Two model standards developed by the Child Welfare League of America and the National Association for the Education of Young Children are reprinted in the report.

The Office of the Inspector General in Region X has also conducted a national study of sexual abuse in day-care programs. This study discusses the extent of sexual abuse in day care; current employee screening practices in the States; the potential scope, cost and effectiveness of screening; and prevention of abuse.

The Office of Program Development in the Department of Health and Human Services has established a five-state “Children’s Services Monitoring Transfer Consortium” to identify and share exemplary management techniques in program monitoring.

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47. Administration for Children, Youth and Families Grant No. 90-PD-86522 and Assistant Secretary for Planning and Evaluation Grant No. 120-A-83. A. Emlen, & C. Koren, Community Shares (1984).
48. Administration for Children, Youth and Families Grant No. 90-PD-86566, University of Missouri Curators, Kansas City, Missouri.
49. Administration for Children, Youth, and Families Grant No. 90-CJ-50, Child Care Dallas, Dallas, Texas.
51. Dep’t of Health and Human Servs. Model Child Care Standards Act — Guidance to States to Prevent Child Abuse in Day Care Facilities [hereinafter cited as Model Child Care Standards Act].
52. Id. at 10-55.
53. Id. at Appendices A & B.
55. Id. at 2-22.
of the Consortium include California, Pennsylvania, Texas, West Virginia, the City of New York, and Michigan. The Consortium has developed and disseminated a licensing enforcement workshop which provides training to states in receiving, screening, and recording complaints; conducting investigations; documenting the investigation for legal action; and dealing with the courts. The training has been adopted by five states and disseminated to seventeen others. In addition, the Consortium has established computerized information systems to facilitate monitoring of child-care facilities throughout the State.

ACYF also completed a Comparative State Day Care Licensing Study which was disseminated to every state in 1983. This study was partially updated in 1985 as part of the Model Child Care Standards Act Guidance to States.

Statewide surveys of families with children aged five to fourteen have been conducted in Minnesota and Virginia to provide profiles of school age child-care populations, usage patterns and needs. This ACYF research is helping to document the extent of self and sibling care in the United States, parent’s preferences for school-age children, the problems parents experience, and the types of arrangements they make.

5. Assistance to Providers and Parents

Accurate information from parents and providers is the key to providing child-care arrangements which meet children’s specific needs. The ACYF recently completed two projects designed to assist providers and parents in providing responsive care.

The Family Day Care Check-in Program provides flexible supervision for children aged ten to fourteen by trained family day-care providers and at the same time gives older children the opportunity to become more independent and responsible by planning and participating in activities on their own. The range of permitted activities is outlined in a set of guidelines developed by the project, and individualized three-way contracts between the agency, the provider, and the parents allow the Check-in Program to define the responsibilities

57. Id.
58. Id.
60. MODEL CHILD CARE STANDARDS ACT, supra note 51 at 4-5.
61. APPLIED MANAGEMENT SCIENCES, INC, SCHOOL AGE DAY CARE STUDY EXECUTIVE SUMMARY (1983).
62. Id. at 1.
The Cross Program Training Grant developed and tested a model for training foster parents, teachers, and social workers who are jointly responsible for the care of children with special needs, especially preschoolers. This training program is designed to help various agencies and professionals coordinate services and treatment strategies. The project included development of needs assessment methods, pilot training workshops, an evaluation of the pilot demonstration, and the development of a comprehensive manual to assist others wishing to develop similar collaborative training programs.

The ACYF also provides materials for parents, caregivers, and program administrators to enhance the safety, well-being and development of children in day-care settings. Available publications include manuals and brochures describing how to select appropriate arrangements, how to establish and manage day-care programs, care of children at various ages, care of handicapped children, health and safety in child care, prevention of child abuse, legal issues and procedures for day-care center operators, and other topics. "Lord of the Locks," A film for latchkey children and their families, encourages families to evaluate current self-care arrangements and offers recommendations.

IV. Future Directions for Child Care

The demographic trends concerning women in the workplace are expected to continue through the end of this decade. The greatest growth in labor force participation and child-care need are most likely to occur among mothers with children under age six. Today eighty percent of women in the labor force are thought to be of child

63. Administration for Children, Youth and Families Grant No. 90-CW-693, Commonwealth of Massachusetts Office for Children, Boston Massachusetts. Results of the demonstration have been documented in a 20-minute videotape, an introductory pamphlet and a replication guide.

64. CROSS-PROGRAM TRAINING, A PILOT PROJECT TO DEVELOP A TRAINING PROGRAM FOR CARETAKERS OF SPECIAL NEEDS CHILDREN (April 1985).

65. A list of available child care publications can be obtained from Patricia Divine-Hawkins, Administration for Children, Youth and Families, P.O. Box 1182, Washington, D.C. 20013.


bearing age, and nine out of ten will become pregnant during their working years.\textsuperscript{68}

In the next ten years, the total labor force will grow to 131.4 million persons with two-thirds of this growth accounted for by women who will comprise nearly half of the total labor force by 1990.\textsuperscript{69} Much of this growth will occur before the end of the current decade, particularly among women aged twenty-five to fifty-four, three-fourths of whom will be working by 1990.\textsuperscript{70} Women in the prime child bearing years, of between twenty-five to thirty-four, will have even higher labor force participation rates; by 1990, more than seventy-eight percent will be working, and by 1995 almost eighty-two percent will be employed.\textsuperscript{71}

Mothers with preschool or school children will continue to work in record numbers, although their growth in labor force participation is expected to slow somewhat in the coming years.\textsuperscript{72} About fifty-five percent of married women with a child under age six will be working by 1990 as will sixty-three percent of single mothers with young children.\textsuperscript{73} Nearly seventy-five percent of mothers with children aged six through seventeen will also be working; this includes seventy percent of women in two-parent families and nearly seventy-four percent of single mothers.\textsuperscript{74}

As the baby boom generation matures, the total number of children will continue to increase until about 1990 when the number will begin to decline.\textsuperscript{75} By 1990, the number of children under age ten will increase by nearly fourteen percent to nearly thirty-eight million.\textsuperscript{76} Twenty-three million of these children will be under six years of age, representing an increase of over 3.4 million children or seventeen percent since 1980.\textsuperscript{77} At least fifteen million children will be aged six to nine, an increase of 1.4 million, or ten percent for the decade.\textsuperscript{78}

\begin{thebibliography}{9}
\bibitem{68} H.R. Select Comm. on Children, Youth and Families, Families and Child Care: Improving the Options v (1984) [hereinafter cited as Select Comm].
\bibitem{70} \textit{Id.} at 5, Table 1.
\bibitem{71} \textit{Id.}
\bibitem{72} Demographic and Social Trends, \textit{supra} note 67, at 26.
\bibitem{73} Demographic and Social Trends, \textit{supra} note 67, at 27.
\bibitem{74} \textit{Id.}
\bibitem{75} Demographic and Social Trends, \textit{supra} note 67, at 19.
\bibitem{76} \textit{Id.}
\bibitem{77} Demographic and Social Trends, \textit{supra} note 67, at 17.
\bibitem{78} \textit{Id.}
\bibitem{79} \textit{Id.}
\end{thebibliography}
The number of children reared in families in which the mother works will increase considerably over the next five years, reflecting the expected large increase in numbers of young children, the continuation of high labor force participation rates for women, and the expected growth of single parent households during the next decade. The number of preschool children with mothers in the labor force will exceed twelve million by 1990, this represents a thirty-six percent increase of children with two working parents and fifty-seven percent increase of children with a single working mother. The number of children aged six-to-nine with working parents will increase to over eleven million by that time.

The child-care field faces difficult challenges in responding to increased demand and the changing context for care. Parents need child care which is available, affordable, accessible and congruent with their family values and preferences; children need healthy, safe environments and care which meets their individual developmental needs; communities need systems which help to ease social transitions and the difficulties of balancing work and family life.

In response to these challenges, a number of communities are creating extended day programs in the schools, community recreation programs, innovative family day-care models, comprehensive information and referral systems, employer supported child care, infant-toddler programs and other initiatives. States are also beginning to examine their child-care needs and delivery systems to meet the challenges of our changing social landscape. Governor's councils and other citizen's advisory groups are being established; task forces are being convened; delivery systems are being examined and modified; and legislation is being proposed to improve the child-care options for American families.

Because child care now affects so many American families, and because that need will be even greater in the years to come, the ability to provide child care will increasingly transcend any single sector or group in our society. The federal government, states, local governments, businesses, civic organizations, schools, churches and other community institutions, voluntary groups, providers and parents all

80. Demographic and Social Trends, supra note 67, at 27.
81. Demographic and Social Trends, supra note 67, at 29.
82. Id.
83. Estimates assume that slightly less than three-quarters of the 15 million children aged six to nine will have working mothers. Demographic and Social Trends, supra note 67, at 15.
84. See Select Comm., supra note 68.
have important roles to play. Today there is a growing awareness of the need for a more integrated approach to child care. This new approach should involve public, private and voluntary sectors in partnerships to develop community child-care systems which are responsive to unique community and family needs.