

Understanding how HUD's housing policies facilitate family reunification

When Ms. V lost her children, she also lost her income (TANF), so she fell behind in her rent and utilities and was at risk of losing her housing. She began borrowing money from friends, but couldn't keep up with her expenses. Her rental arrears are significant. Finally, the CWA caseworker told Ms. Y that she has to move to a shelter before she is evicted. The family shelter won't accept her because her children are in foster care so she goes to the single women's shelter. Without a place to live, she can't be reunified with her children.

- Adapted from Crawford, Gottlieb, Katz, & Finck (2009).

Ms. V is experiencing a "Catch 22" that is all too common among vulnerable families who depend upon the Temporary Assistance for Needy Families program to pay their rent. Unless a state adopts a policy to allow temporary TANF eligibility¹, if a family loses their children to foster care, they lose TANF. Without the income, they lose their housing, and as a consequence, the lack of appropriate housing prevents reunification.

This cycle was documented by the U.S. Government Accounting Office (2007). The GAO reported that, "a county official in California noted that about 70 percent of families in that county experience a housing crisis when their children are removed (p.30)" and that this phenomenon is a contributing factor to the overrepresentation of minority children in foster care.

Unlike TANF, federal housing law includes a protection for families who lose their children temporarily to foster care. In fact, if a mother is being certified for Section 8 while her children are in foster care, the PHA must certify her as eligible for a large enough apartment to make reunification possible if there is any chance for reunification at all.

The U.S. Code of Federal Regulations states that families keep their subsidy AND the same size unit even if their children are temporarily placed into foster care. This protection was added in 1995 in response to a request from PHAs that were administering FUP who were concerned that when mothers lost their children to foster care, they lost their housing creating an automatic barrier to reunification.

Child welfare agencies that are the position of selecting families to refer to the Family Unification Program should be aware of this protection in federal law. The child welfare organization should have ample reason to believe that reunification is imminent before they make a referral to the PHA for any family because otherwise, a PHA will be obligated to cover rent the entire time the family is separated or until the parent's rights are terminated.

References

Crawford, J. Gottlieb, C., Katz, S., Finck, K. (2009). *Moving Beyond Traditional Legal Strategies: How to Improve Representation and Inspire Reform through Holistic Advocacy for and with Parents*. Retrieved January 15, 2010: <http://www.abanet.org/child/parentrepresentation/PDFs/012.pdf> Washington, DC: ABA Center on Children and the Law.

US Code of Federal Regulations: 24 CFR Subtitle A § 5.403

US GAO (2007) *African American children in foster care: Additional HHS Assistance Needed to Help States Reduce the Proportion in Care*. Retrieved December 12, 2009, <http://www.gao.gov/new.items/d07816.pdf> Washington, DC: Author.

¹ Illinois and Washington State, for example, allow caseworkers to verify that foster care placements are temporary so that families can maintain TANF eligibility for specified periods of time.

HUD's Definition of Family

"Family includes but is not limited to:

(1) A family with or without children (the temporary absence of a child from the home due to placement in foster care shall not be considered in determining family composition and family size);"

(24 CFR Subtitle A § 5.403)

For more information about housing protections for child welfare families and youth visit the NCHCW website at www.nchcw.org or contact us via phone at 301-699-0151. You may also submit questions via info@nchcw.org.