



**MLRI'S CHILD ADVOCACY:
ACHIEVING STABILITY & OPPORTUNITY
FOR LOW-INCOME CHILDREN IN
MASSACHUSETTS**

August, 2011

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ABOUT THE MASSACHUSETTS LAW REFORM INSTITUTE (MLRI)

The Massachusetts Law Reform Institute (MLRI) is a statewide non-profit legal services organization whose mission is to advance economic, racial and social justice through legal action, education and advocacy. MLRI specializes in large-scale legal initiatives and systemic reforms that address the root causes of poverty, remove barriers to opportunity, and promote economic stability that creates a path to self-sufficiency for low-income individuals and families. MLRI uses the power of law to create the promise of opportunity.

For over 40 years, MLRI has been at the forefront in the fight against poverty. As one of the premier poverty law centers in the nation, our legal initiatives and public policy advocacy address the root causes of poverty and achieve significant reforms that benefit thousands of people each year. MLRI's advocates are nationally-recognized in their respective fields and have highly specialized expertise in substantive areas of law and public policy. Their work is respected on the state and federal levels and they advise local, state and national advocacy groups and community organizations on policy matters.

High-Impact Advocacy: Systemic advocacy solves big, widespread problems and achieves large-scale and long-term reforms. It is a more efficient and cost-effective way to address the root causes of poverty, and to challenge initiatives or processes that harm vulnerable populations, than alleviating the symptoms of poverty on a case-by-case basis. MLRI's unique role in the legal advocacy community is that we focus almost exclusively on systemic change. Our advocacy centers on achieving major policy reforms through administrative, regulatory, and public policy advocacy and through impact litigation. A handful of examples of MLRI's successful reform efforts include:

- Drafted and passed legislation (Chapter 40B) mandating changes to local zoning regulations which has been directly responsible for the creation of more than 50,000 units of affordable housing in Massachusetts
- Led (in collaboration with allies) the reform of the state's Criminal Offender Record Information (CORI) system
- Conducted extensive litigation saving public benefits and health care programs from cutbacks
- Launched an extremely successful initiative to address hunger and food insecurity by greatly expanding food stamp participation in Massachusetts
- Changed utility service regulations and policies to become among the most favorable to residential customers in the U.S.
- Pursued class action relief safeguarding the right of persecution victims to work and obtain permanent immigration status in the U.S.
- Passed laws protecting victims of domestic violence via 209A protective orders

Cross-Substantive Advocacy: MLRI's advocacy is cross-substantive which gives it a unique capacity to identify and address issues across multiple issue areas. Our advocacy issue areas include: Child Welfare, , Employment Law, Family Law & Domestic Violence, Health Care, Housing, Immigration, Public Benefits, Racial Equity, Elder Law and Access to Justice/Court Reform. Our cross-cutting advocacy provides us with a big picture view of complex, inter-related issues affecting families and individuals living in poverty:

Informed, Proactive and Responsive Advocacy: MLRI responds to changes in the social, political and economic environment in a flexible and proactive manner by identifying emerging needs and working with our allies to develop and implement effective strategies to address critical poverty-related issues as they arise. We work collaboratively with a large and diverse network of statewide (and national) entities involved in a broad range of areas that affect low income individuals and families. Our partners include legal service organizations, social service providers, advocacy organizations and coalitions, client groups, universities, community groups, and public policy think tanks. In addition, because of our high level of legal and policy expertise and credibility, we have established strong relationships with legislators, state agency administrators, local authorities, and other key government decision-makers. MLRI's vast network not only informs our advocacy, but also enables us to effectively mobilize our allies and navigate appropriate channels to effectuate (or respond to) policy changes rapidly.

Multi-Pronged Strategies for Advocacy: Because MLRI's staff have both legal and public policy expertise, we have a number of strategies in our "toolbox" to effectuate systemic reforms. We not only have a deep understanding of policy-related issues but we also understand the nuances of state, federal and local laws and regulations. As a result, we are able to advocate for reforms in multiple ways and at multiple levels, *for example*: we advise and work with agencies to implement needed reforms; we educate key stakeholders and policymakers; we work to change legislation and administrative policies and procedures; and we resort to litigation if necessary.

Independent & Aggressive Advocacy: MLRI's advocacy has the strong and lasting impact it does because we are independent and unencumbered by government contracts. Because we do not receive any funding from the entities we seek to reform, MLRI is well-positioned to pursue aggressive public policies and reforms that benefit low-income populations (even if that means challenging government or agency policies).

MLRI'S CHILD ADVOCACY WORK

As indicated above, MLRI's advocacy staff engage in cross-cutting issues, all of which have a direct impact on the lives of low-income children and their families. Because of MLRI's advocacy and deep expertise in multiple fields of poverty law, it has both a highly specialized *and* a big-picture understanding of the range of complex (and often interrelated) issues that adversely impact low-income populations and communities, impede family stability and serve as barriers to economic opportunity. As such, it is uniquely positioned to advance comprehensive reforms that directly benefit low-income, vulnerable and underserved children in Massachusetts.

The following provides a brief overview of some of MLRI's activities, accomplishments and future endeavors.

PROMOTING CHILD WELFARE POLICIES THAT STABILIZE FAMILIES

Promoting the Placement of Children with Kinship Caregivers

Although it is well documented that children achieved better stability and outcomes when they are placed with kin rather than non relative foster parents, Massachusetts children are 27% less likely to be placed with kin than their counterparts across the USA. In addition black and Hispanic children are significantly less likely to be placed with kin than are their white counterparts in Massachusetts. MLRI shone the spotlight on these problems by testifying about them at a child welfare oversight hearing, and then persuaded the legislature to require Massachusetts' child welfare agency (DCF) to "place the highest priority on identifying kinship caregivers for children when their parents are no longer able to care for them, and to report to the legislature on its provision of kinship guardianship subsidies." We now have new opportunities for progress on this front because DCF has recently identified improving its rates, racial distribution and quality of kinship placements as a top priority. MLRI has begun working with the Department to develop policies that will promote kinship care including:

- improving the identification of potential caregivers and removing barriers to placement. MLRI is currently engaged with DCF in revising the CORI waiver process for potential kinship caregivers to ensure that kin not be excluded from consideration as caregivers on the basis of their CORI records unless their criminal record history is relevant to their ability to safely parent the child,
- ensuring that DCF provide kin the services they need, in the languages they speak, to support them in parenting successfully, and
- examining and revising social work practices that may work to create obstacles to a child's maintaining crucial family, community, cultural and linguistic ties.

Enabling Families to Challenge DCF Decisions That Affect the Future Course of their Children's Lives

MLRI has raised legislative and public awareness that the state's current administrative hearing system is broken and routinely denies families their right to challenge high-stakes decisions which affect their children's lives. Our advocacy has fundamentally changed that hearing system and laid the foundations for a system that is timely, independent and fair. To accomplish this, we undertook a multi-pronged legislative and administrative advocacy campaign which brought about fundamental reform of this system:

- We persuaded the legislature to require DCF to clear up its enormous hearing backlog, schedule its hearings on time and revise its regulations to make its hearing system timely, independent and fair. At the same time we worked closely with DCF to negotiate specifically what those reforms will be.
- As the result of our efforts DCF has hired additional hearing officers and a new director of its hearing system, is actively reducing its hearing backlog and will issue new regulations by the end of this year to end practices that denied families a fair and responsive forum in which to challenge decisions that may not have served their children's best interests.
- As a result of these changes, not only will parents be able to participate more fully in decision making about their children, but the added oversight and accountability of a functioning administrative review system, will also DCF's day to day decision making about the lives of the children and families they serve.

Preserving the Services Families Need to Keep Children Safely at Home

- In Massachusetts, as in many states, our child welfare agency is unable to provide families the array of services they need to be able to keep their children safely at home. This is due in large part to inadequate funding for family stabilization and support services. Although 87% of DCF's caseload consists of families where children remain at home or await reunification with their parents, only 8% of DCF's total services budget is allocated to services to keep children safely with, or reunite them with, their parents and the remaining 92% of services funding covers services for the 13% of children in foster care and adoption.
- MLRI has worked with our allies to improve funding for family stabilization and support services.
- In addition, because DCF local offices differ so widely in the nature and scope of family stabilization services they provide to families, MLRI persuaded the legislature to require for the first time that DCF report to them on the level of family stabilization services, that each local office provides. This enables the legislature to identify and respond to problem areas where DCF is not meeting its statutory mandate to "direct its efforts, first, to the strengthening and

encouragement of family life for the care and protection of children” This data and the legislature’s interest in improving services to keep children safely in their homes lays the foundation for our further advocacy both to increase DCF’s budget for family stabilization services and for policy changes that will promote sounder family support practices statewide.

ADDRESSING CHILD HUNGER AND FAMILY FOOD INSECURITY

The federal Supplemental Nutrition Assistance Program (SNAP – formerly food stamps) plays an essential role in alleviating hunger and food insecurity for low-income children and families. SNAP benefits are also widely cited as being one of the most effective anti-poverty programs in the country, allowing low-income households to direct their limited resources on other essential needs such as clothing, housing and medical care.

- MLRI is the leading expert on how SNAP is administered in Massachusetts and has been instrumental in increasing SNAP accessibility and benefit amounts for working families. In 2001, Massachusetts had the lowest rate of SNAP participation among any state in the country. From July 2006 to January 2011, thanks to MLRI’s advocacy, SNAP participation in Massachusetts has increased by 310 percent (from 136,000 to 440,000 households). MLRI’s advocacy focused on reducing barriers and onerous administrative policies including the elimination of the SNAP asset test, increasing the gross income guidelines from 130% to 200% of the federal poverty level for families, pregnant women and elder/disabled households, allowing households to self-declare shelter costs and child care expenses, securing a favorable income calculation for ineligible immigrant parents with citizen children, and ensuring that ineligible parents need not reveal immigration status.
- MLRI is now focused on efforts to ensure that children in SNAP-eligible households receive free school lunches, as federal law allows. Currently, only 51 percent of eligible children in Massachusetts are directly (automatically) certified for free school lunches without having to file a separate application. MLRI has highlighted this issue and is currently working with the Department of Transitional Assistance (DTA) and the Department of Early and Secondary Education (DESE), which manages the federal lunch program, to promote better inter-agency coordination and the sharing of information to eliminate administrative barriers for families and to improve overall participation. Recent federal law changes also make all foster children eligible for free school meals and allow for foster children to be directly (automatically) certified, MLRI has been working with the Department of Children and Families (DCF) to ensure foster families get free meals for foster children and secure free or reduced meals for other children in the family if income eligible.
- MLRI also secured state policy prohibiting food pantries that receive federal Temporary Emergency Feeding Assistance Program (TEFAP) funding from

demanding photo identification from needy households seeking food. Through members of the Food SNAP Coalition, a Coalition which MLRI chairs, we discovered that immigrant families were being turned away from emergency food for lack of a photo ID. Immigrants with expired or no documents often lack any other form of government issued ID.

- In late 2001 and early 2002, MLRI successfully sued to require the state to maximize SNAP benefits for federally-eligible children living with an ineligible immigrant parent. Thanks to this litigation, Massachusetts' rules for these households with mixed immigrant status are better for children than anywhere else in the country.

ADVANCING FAMILY ECONOMIC SECURITY

Protecting Income Support for Very Low Income Children

MLRI is the lead advocate in Massachusetts on the state's Transitional Aid for Families with Dependent Children (TAFDC) income support program for very low income families. About 80,000 very low income children receive TAFDC benefits.

- Thanks to MLRI advocacy, the state does not impose a time limit or work requirements on families with very young children or families headed by parents who have severe disabilities. Other families are subject to a 24 out of 60 month time limit and work requirements but, because of MLRI advocacy, can get waivers for good cause including a family crisis or emergency or lack of affordable and reliable transportation or an appropriate and available activity identified by the agency.
- In the 1990s, faced with governors' efforts to use projected shortfalls as justification for changing TAFDC eligibility rules, MLRI persuaded state legislators to require the state administration to give the legislature advance notice before cutting benefits or eligibility. In late 2009 and early 2010, this provision gave MLRI time to provide state legislators with the technical assistance and support needed to prevent the termination of benefits to children in 8,400 families headed by disabled parents receiving federal SSI benefits.

Eliminating State-Imposed Barriers to Asset Development

In 2006, the Legislature created an Asset Development Commission to study and make recommendations on ways to promote saving and asset building. The Commission did not include any representatives of advocacy organizations with technical expertise in the ways the state's income support programs operate as impediments to asset development for families who cannot realistically be expected to save any of their meager income. MLRI staff worked very closely with the Commission, presented testimony to it, and served on two working groups. Because of this effort, the Commission's final report and recommendations included a number of MLRI proposals to remove state imposed barriers to financial stability for very low income families including:

- Increasing asset limits in income support programs and allowing applicants and recipients to own a reliable vehicle,
- Reforming income support lump sum rules to allow families who receive a lump sum (such as a personal injury award or inheritance) to use or set aside up to \$10,000 for debt reduction, transportation, vocational-related programs, and other responsible expenditures consistent with asset development,
- Supporting federal options to pay families more of the child support collected for children who currently receive or formerly received TAFDC,
- Promoting development of human capital by allowing TAFDC recipients to count education and training towards their work requirement for two years rather than one.

These recommendations are incorporated in Legislation currently pending in the Legislature.

Increasing Participation in the Earned Income Tax Credit (EITC) Program

When a study by the Brookings Institution demonstrated that Massachusetts was in the bottom third tier of states ranked according to the participation of eligible families in the federal Earned Income Tax Credit Program, MLRI called the attention of the Legislative and Executive branches to the fact that this critically important anti-poverty program was underutilized in the state. MLRI then joined with other stakeholders in a task force created by the Governor's Office to increase participation in the program and to make free tax preparation clinics more accessible to low-income families, enabling them to keep more of their tax refunds.

Making Unemployment Insurance more Family Friendly

MLRI recently won a case which protected unemployment benefits for a mother who had to leave her full time job when she lost her child care, but was denied unemployment insurance that she needed while she sought part time work. The state's Unemployment Insurance agency had denied her claim on the basis of a regulation that provided that only claimants who had a history of part time work could collect benefits while searching for part time work. MLRI took the case to Superior Court and won a declaration that the regulation violated the Unemployment Insurance statute, which is intended to help people who lose work through no fault of their own. As a result, parents in Massachusetts who have to leave full time jobs to care for their children due to the child's medical needs, a loss of child care or other special child-related circumstances, can collect the unemployment insurance they need to support their families until they find part time work.

Improving Training Opportunities Available to Laid-off Workers Receiving Unemployment Insurance

MLRI played a key role in persuading our Governor to make improvements to a program which allows unemployment insurance claimants who need training in order to become reemployed to participate in training rather than engaging in work search while

they are receiving UI. MLRI and the Employment Rights Task Force which it coordinates encouraged the Governor to take advantage of an incentive provided in the federal stimulus program under which Massachusetts would receive additional federal funding if it increased the amount of time a training program could last. Massachusetts elected this option through legislation enacted in 2009 and in doing so increased the maximum length of training from 18 to 26 weeks. At the same time that the law was passed, the state adopted through the administrative process other suggestions we had made for improvements such as tolling the time by which a claimant has to start a training program to allow for delays in claimants learning about the existence of training benefits; and allowing courses in English as a Second Language. Now, Massachusetts has one of the best training programs for UI recipients in the nation.

Providing Paid Family Leave

Currently three quarters of Massachusetts's low wage workers have no paid sick leave and therefore no way of being able to support their families when they are sick or their children are sick and require the wage earner's care. MLRI has participated in a major advocacy campaign for paid sick leave, providing strategic advice and technical assistance in drafting a bill that would enable employees to earn up to seven paid sick days a year that could be used for personal illness or the illness of their child or parent. This bill has gained in prominence and popularity each session that it has been filed and now has more than 50 legislative sponsors.

Monitoring and Advocating to Improve Federal Fiscal Policies that Affect Low Income Families

MLRI is an active member of the Massachusetts Coalition for a Working Economy which consists of more than 25 members -- public employee unions and various advocacy organizations which also include the MassBudget and Policy Center, Crittenton Women's Union, and Action for Boston Community Development among others. This coalition was established in late 2010 to try to ensure that Massachusetts citizens remain informed about the fiscal policies being considered at the federal level and the impact of those policies on the state and Massachusetts residents. The coalition has held some well-attended press events. With the enactment of the debt ceiling legislation, which includes mandatory budget cuts, the work of this coalition is more urgent than ever.

Improving Access to Lawful Employment Income for Families who Fled Persecution

Misguided federal policies and poor interagency coordination regarding the period asylum-seekers must wait to obtain employment authorization have in recent years resulted in prolonged homelessness, inadequate shelter arrangements, and economic distress for families arbitrarily deprived of the opportunity to support themselves until their persecution-based applications are decided. This wait to receive an asylum decision can generally last in excess of one to four years. Children in asylum-seeking families may be separated from one of their parents and/or siblings when those charitable

individuals who open their homes to refugees are unable to accommodate all family members. MLRI is engaged in collaborative administrative advocacy on a national level and developing impact litigation to change the policies and practices that keep thousands of entire asylum-seeking families destitute – and that consequently disproportionately impoverish people of color, who comprise the majority of the top ten asylum-seeking nationalities

STABILIZING CHILDREN THROUGH HOUSING AND BY PROTECTING THEM FROM HOMELESSNESS

Protecting the Emergency Shelter Safety Net for Homeless Children

As Massachusetts considers reforms to address the epidemic of homelessness among families with children, MLRI has been a leader in advocacy to ensure that the needs of the most vulnerable Massachusetts children and families continue to be protected. In 2009, MLRI and its allies successfully advocated against proposals which would have dramatically restricted access to emergency shelter for families with children. In 2010, as a result of a lawsuit filed by MLRI, homeless families were provided with written notices about the availability of resources to help them move out of shelter as quickly as possible and the rules governing those resources, increasing the opportunity for all families to be housed and escape homelessness.

In 2011, MLRI has continued to support ongoing efforts to house, rather than shelter, more families. However, MLRI also led advocacy to ensure that, as the state implements additional “housing first” strategies, which will provide only short-term subsidies, a shelter safety net for those not immediately housed was preserved. MLRI will continue to advocate for the preservation of the shelter safety net, which is critical for those whose housing subsidies expire or who otherwise find themselves in immediate need of assistance, while simultaneously advocating for public housing and long-term housing subsidies which are essential if housing first strategies hope to truly achieve their desired effect. MLRI also is leading advocacy to ensure that the new “housing first” strategies are not used as a backdoor way to curtail the state’s commitment to ensure that homeless children are given a safe place to sleep. Without MLRI’s leadership, many more homeless children would be facing life on the streets, in automobiles, doubled up in unsafe living arrangements or separated from their families in foster care.

MLRI is now working with DCF to ensure compliance of its duty, established by lawsuits which legal services programs brought in the 1990’s to provide emergency shelter to families when lack of housing is the reason for removal or the barrier to reunification.

Improving Chances for Poor Kids to Live in Healthier, Safer Neighborhoods

Another example of MLRI’s child-centered advocacy involves successful litigation on behalf of low-income families from two Massachusetts cities who were displaced following the demolition of their public housing units. In the first instance, families

displaced following the destruction of the Julian Steele housing development in Lowell were initially relocated to racially segregated, low-opportunity areas, where schools were inadequate, neighborhoods weren't safe and services and facilities were second-best. MLRI successfully argued that such relocations violated civil rights laws, with the courts agreeing that these families were entitled to a "second-move" to higher-opportunity areas of the city. MLRI drew on its victory in the Lowell case to successfully prevent a similar scenario from unfolding following the closure of the Watuppa Heights housing development in Fall River. We are now overseeing two court-ordered relocation settlements for roughly 300 families in these two communities, in which they are afforded relocation counseling, housing vouchers and the chance to move to higher opportunity neighborhoods with better schools, safer streets and greater access to other services and facilities that promote their healthy development.

Protecting Children's Health through Landlord/Tenant Law

Massachusetts law allows tenants to withhold their rent if their apartment fails to meet basic health and safety code standards. MLRI has led the opposition to efforts to weaken this law, which has served as an important safeguard for families living in dire housing conditions. MLRI's advocacy has included outreach to health care professionals who have researched the detrimental health effects of living in substandard apartments. Their studies have shown that many child health problems such as increased rates of asthma, high blood lead levels and injuries requiring emergency room visits are very common when housing conditions are poor. As a result of MLRI's leadership on this issue, the law has remained unchanged since the time of its enactment 40 years ago, to the benefit of some of the state's poorest children.

EXPANDING ACCESS TO CHILDREN'S HEALTH CARE

Preserving and Expanding Health Care Access for Children and Families

MLRI continues to play a lead role in ensuring that Massachusetts's groundbreaking Health Care Reform Act of 2006 benefits low-income families and children. Working with the Governor's office and several state agencies MLRI has successfully:

- Maintained minimum standards for affordability for state-based insurance, in which contributions for those at or below 150 percent of the federal poverty level are fully subsidized, and contributions by those with incomes between 150 and 300 percent are subsidized on a sliding scale;
- advocated for premium hardship waivers and created standards and procedures for granting waivers in MassHealth and Commonwealth Care (MLRI had the support of the Affordable Care Today (ACT) Coalition which is run by Health Care for All);
- Eliminated premiums for Children's Health Insurance Program (CHIP) children when their parents pay premiums in Commonwealth Care, the Massachusetts' adult Health insurance program;

- Included exceptions to the “crowd out” policy under which families who are financially eligible for subsidized health insurance but already have employer provided health insurance plans are prohibited from dropping their private health even when it is inadequate to cover their family’s medical need. As a result, in situations of medical necessity, children in families with incomes over 200 percent of poverty may receive the state insurance plans they need.
- Convinced the state to adopt the new federal options to cover recent immigrants who are children or pregnant women.
- Corrected an erroneous interpretation of state residency rules that was resulting in U.S. born infants being denied Medicaid based on their mothers’ immigration status.
- As an active member of the Children's Health Access Coalition (CHAC), a broad based coalition of children's and health advocates, MLRI works on improving enrollment, retention and quality for kid's health. Legislative priorities include immigrant kid's health, 12 month continuous eligibility for kids and their eligible parents for MassHealth and retention of children's MassHealth eligibility and rights to age 21. In addition to filing legislation, MLRI and CHAC have been encouraging the Executive Branch to adopt these changes through regulation, where possible. MLRI is also involved in New England Advocates for Children's Health, which focuses on national health care issues for kids, mostly the Children's Health Insurance Program and Medicaid.

As we look forward to the implementation of the federal Affordable Care Act in 2014, MLRI will continue its work with state officials to preserve the state’s existing subsidy levels for low-income families; improve administrative policies and procedures to minimize disruptions in coverage, limit erroneous application denials and reduce accounting errors that delay payment distributions or unfairly impose extra costs on families seeking care; and maintain the highest standards for what constitutes a qualified care plan and minimum levels of coverage, to protect against cost management strategies achieved through substandard care and higher co-payments.

PROTECTING IMMIGRANT CHILDREN AND THEIR FAMILIES

Improving Legal Status Options for Abandoned, Abused and Neglected Immigrant Youth

Immigration status determines access to an extraordinary range of human services programs, safety net benefits, and basic socioeconomic opportunities that combat poverty and inequality for youths. Federal law currently allows immigrant youth 21 and younger who have been abused, abandoned or neglected to receive a green card through Special Immigrant Juvenile Status (SIJS) if they are declared dependent on a state court.

However, since the Massachusetts family courts do not, in most instances, have jurisdiction over youths beyond their 18th birthday, there is currently no reliable procedure for 18-21 year olds to file the required Probate and Family Court (PFC) petitions. Youths who cannot avail themselves of SIJS generally remain undocumented and ineligible for numerous social services and benefits programs and employment, which compromises their ability to move out of poverty; this also contributes to racial inequities in the distribution of poverty since undocumented youth are disproportionately Latinos. To improve such access for vulnerable immigrant youth, MLRI is engaged in a multi-year advocacy and education effort -- in cooperation with the State's Probate and Family Court, concerned legislators, and other stakeholders -- to remove these legal barriers to the acquisition of "permanent resident" legal status by immigrant youth under the age of 21.

Improving Legal Status Options for Haitian Children who Arrived Following the 2010 Earthquake

Hundreds of Haitian children in Massachusetts and their adult family members, along with hundreds more in other states, were permitted to enter the U.S. after the January 12, 2010 earthquake on temporary so-called "tourist" visas, often because of humanitarian medical conditions. These visas that expire, however, carried a condition that the holder could not work or attend school. As a result, many Haitian children who attended school became ineligible for visa renewal and fell into undocumented status -- leading to their own impoverishment and contributing to the disproportionate impoverishment of the both black and poor Haitian community in Massachusetts and throughout the United States. Representing the third largest Haitian population in the country, MLRI, in collaboration with national and local allies, secured a significant, national policy reform victory in 2011, when we persuaded U.S. immigration officials to take the common-sense and humane step of "re-designating" the post-earthquake arrivals for a more secure form of legal status that now permits these Haitian children to attend school and their parents to work legally to support the families.

Improving Legal Status Options for Haitian Children Approved to Join Relatives in the U.S.

Although close relatives of U.S. citizens and permanent residents may apply for a green card to immigrate here, thousands must wait years following approval of their application before they may actually enter the U.S. For those in Haiti, such a wait is particularly acute, given the cholera epidemic, widespread homelessness, political violence, and recent flooding that afflict the people of one of the poorest countries in the world. Children waiting in Haiti are at risk of particular harms because of the severity of child trafficking and sexual violence in displaced person camps there. In coordination with a well-developed interstate coalition of advocacy organizations, and using strategies that were successful in obtaining "re-designation" of legal status for post-earthquake evacuees and other arrivals, MLRI is engaged in advocacy to persuade the Obama Administration and Department of Homeland Security to extend another form of humanitarian status to Haitians with approved family-based immigration

petitions to wait for their green cards from within the U.S. – and thus escape the extraordinary poverty and other life-threatening conditions that engulf them in Haiti – as they reunite with their family members here.

**STABILIZING AND PROVIDING SAFETY FOR CHILDREN IN
CUSTODY, VISITATION AND FINACIAL SUPPORT MATTERS
BETWEEN THEIR PARENTS**

Protecting Children in Custody, Visitation and Child Support Cases MLRI coordinates the advocacy of legal services providers around the state that have succeeded in defeating policy changes which would endanger low income children, particularly those affected by domestic violence. These include defeating bills which would require children to spend approximately half of their time living in the homes of each parent regardless of the impact on the child's wellbeing, the proximity of the homes, the child's educational stability, the ability of the parents to communicate effectively about the child's needs and the ability of the parents to afford two homes for the child. We help develop a better bill which would eliminated create new custody terminology that would fully express the important role that both parents play in their children's lives and reduce the win-lose dynamic of many custody disputes which can be so harmful to the child caught in the middle.

- MLRI played a key role in developing the first court-based domestic violence screening program in Massachusetts history, and one of the first such program in the country. In this program, soon to be rolled out as a pilot, the Courts will screen all custody and visitation cases to identify domestic violence that may be relevant in deciding where a child should live and what is the safest and healthiest that child should with each parents, to assess the fatality risks of the domestic violence identified and to refer the family to appropriate resources when needed.
- MLRI drafted the Massachusetts' family court's mandatory standards of practice for child custody investigations in the Massachusetts courts. We have also created and ran the court's mandatory basic training program for Massachusetts court appointed child custody evaluators. Prior to these changes, Massachusetts child custody evaluation system was widely criticized as lacking and threshold standard of basic process or quality. Incompetent evaluations resulted in children being placed in custody situations which were unsafe or did not serve their best interests, while routine violations of parents' due process rights led to a generalized distrust of the court's ability to make sound custody decisions. These standards and the mandated training program that MLRI created have dramatically improved the quality of appointed child and those experiencing domestic violence.
- MLRI has, together with our colleagues in legal services, improved the state's child support guidelines, produced and distributed materials and support services in other

languages for non-English speaking parents and caregivers; and helped bring about reforms to improve access to the Courts for low income families.

Making child support work better for low income families

- MLRI drafted, provided technical analysis, met with state administration officials and presented testimony on a bill (currently pending in the Legislature) to send families receiving TAFDC more of the child support that is paid for their children and to pay former assistance families all of the arrears that are collected. Currently, these collections are split between the state and federal governments, but the state has the option of paying them to the families instead.
- MLRI is using its technical expertise to improve a bill filed by the Governor that revises the child support payment structure when there is also an order to pay health insurance or medical support. This will enable families to obtain the level of medical insurance necessary to cover their children's health needs without losing the child support they need to cover their other expenses.

PROVIDING EDUCATIONAL OPPORTUNITY FOR CHILDREN AND YOUTH & CLOSING THE RACIAL ACHIEVEMENT GAP

Achieving Educational Excellence and Diminishing the Racial Achievement Gap

“A world class education,” President Obama remarked in a recent state of the union address “is one of the best anti-poverty programs.” Yet in school districts across Massachusetts, there is often a wide gap between the achievement of Latinos and African Americans on the one hand and their white, and sometimes Asian, counterparts on the other. In Southbridge, which Massachusetts’ Department of Elementary and Secondary Education identified as “underperforming,” only 52% of Latino tenth graders scored in the “proficient” and “advanced” categories in English on the Massachusetts Comprehensive Assessment Exam (MCAS) compared to 75% of their white peers. In the 2010-11 academic year nearly 36 percent of Latino students in their final year of high school failed to graduate. In 2002, when MLRI undertook a community needs assessment, communities of color identified high quality public education as a priority need. We targeted Southbridge because Massachusetts’ Department of Elementary and Secondary Education identified the school district as “underperforming, and because MLRI used an opportunity mapping analysis to identify the town of Southbridge as a “low opportunity” community characterized by poorly performing schools, low home values, high unemployment and high poverty. MLRI responded with the following strategy:

- Using a “community lawyering” model, MLRI helped build a 14 member grassroots coalition to raise awareness of and advocate for the educational needs of Southbridge’s Latino students and pursue collaborative working relationships with

the Southbridge community and with state and national stakeholders to address the achievement gap

- Assisted the coalition in successfully applying to affiliate with the ASPIRA Association, a nationally recognized educational advocacy organization for Latino students. MLRI then drew up papers to incorporate the Southbridge group as Massachusetts' first ASPIRA affiliate.

ASPIRA of Massachusetts has accomplished the following to date:

- Instituted a "Saturday Academy" in collaboration with a local community college to prepare students for standardized tests, help with college applications and promote college readiness. Virtually all of the seniors who have participated to date graduated from high school and are college bound.
- Created a collaborative relationship with the town of Southbridge, resulting in the town's providing a \$50,000 Community Development Block Grant to expand the Saturday academy.
- Secured a memorandum of understanding with the town recognizing the critical role that ASPIRA of Massachusetts plays in diminishing the achievement gap, and helping Latino students stay in school and achieve excellence, and agreeing that the town will work collaboratively with ASPIRA of Massachusetts towards these goals.
- Attained policy changes in the district's treatment of Latino students with individual educational plans (IEPs) by persuading the school district that Massachusetts Law required it to implement IEPs from Puerto Rico pending district re-evaluation.

Expanding Access to Public Colleges and Universities for Immigrant Youth

An array of federal and state laws and policies deprive young immigrants, documented and undocumented, of access to the college education increasingly needed to earn an income above the poverty level and especially needed by youth of color to cross the racial poverty and wealth divides. To combat these barriers, MLRI has successfully advocated for state policy changes that expanded the categories of documented immigrant youth eligible for the in-state tuition rate at all state universities, colleges and community colleges and successfully litigated the denial of in-state tuition to certain groups of documented immigrants at the community college level. MLRI also continues to be engaged in developing legal and policy recommendations for state legislators and officials, including the Governor and his legal counsel, as well as for college administrators and educators in support of legislative, administrative, and institutional solutions to the college access problem affecting undocumented youth today.

INCREASING ACCESS TO CHILD CARE

Improving Access to Child Care for Immigrant Children

In 2010, the state child care agency notified child care referral agencies and providers that they had to verify children's immigration status before approving care. The state agency provided no training in complicated immigrant eligibility rules and sent guidance that was incomplete and outdated. MLRI persuaded the state agency to instruct the referral agencies and providers not to deny any immigrant and instead to refer the cases to the agency's counsel who will determine eligibility, using a detailed desk guide written by Greater Boston Legal Services at MLRI's request