



March 5, 2019

Joint Committee on Children, Families and Persons with Disabilities
Rep. Kay Khan & Sen. Sonia Chang-Díaz, Chairs

**SUPPORT FOR H.104/S.37
Lift the Cap on Kids**

Dear Representative Khan, Senator Chang-Díaz, and members of the committee:

On behalf of the ACLU of Massachusetts, NARAL Pro-Choice Massachusetts and Planned Parenthood Advocacy Fund of Massachusetts, we urge you to give a quick and favorable report to H.104 and S.37. This step would end the shocking and dangerous policy of penalizing poor children and their families simply because a child was conceived while the family was already receiving assistance.

Denying low-income families a meager \$100 a month in benefits they would otherwise receive is feckless and cruel. While this amount may seem negligible to some, its absence can have dire consequences. Parents who were barely managing on woefully inadequate grants before the baby was born struggle even more to pay for the basic needs of other members of the family, and they are often forced to shortchange the new baby's older siblings. Indeed, pediatricians report that it is often the older siblings who suffer most—such as from undernutrition and related health problems—because the small grant for the older sibling is diluted to pay for the new family member. The strain puts both the new baby and the older siblings at greater risk of hospitalization. This failed policy harms children, and it's time to fix it.

Our three organizations are deeply committed to reproductive freedom and racial justice, twin principles that animate our strong support for this legislation.

Reproductive freedom is not merely about contraception or abortion, the right to avoid childbearing; it is equally about the right to have children without interference or penalty. Just as our organizations have supported legislation to end the shackling of pregnant prisoners and protect the rights of pregnant workers, so too do we support lifting the family cap on reproductive freedom grounds. In 1981, the Massachusetts Supreme Judicial Court ruled in a case brought by the ACLU called *Moe v. Secretary of Administration and Finance* that the state cannot privilege childbearing over the decision to terminate a pregnancy. Nor should the state penalize children whose parents choose to continue a pregnancy or expand their families.

Lifting the cap on kids is also a racial justice issue. The origins of this outdated law are ugly, motivated by racial animus and misguided stereotypes about poor women of color, including Ronald Reagan's infamous, racist myth of the "Welfare Queen." Anti-welfare reforms have disproportionately impacted people of color, buttressing structural barriers to opportunity and leaving fewer pathways out of poverty. It is time to right this decades-old wrong. It is time for the Commonwealth to declare its support for *all* our children.

We urge the Committee to take action to Lift the Cap on Kids and cover family cap repeal back to January 2019 as the Legislature voted to do last summer. It is long past time to undo this pernicious policy.