

POLICY BRIEF

Missing the Mark: How the Family Security Act 2.0 Could Cause More Harm than Good for Domestic Violence Survivors

October, 2022



Following the expiration of the expanded Child Tax Credit that was included in the American Rescue Plan, U.S. Senators Mitt Romney (R- UT), Richard Burr (R-NC), and Steve Daines (R-MT) released a proposal that would amend the Child Tax Credit, called the [Family Security Act 2.0](#) (“FSA 2.0”).[1] It is intended to serve as an updated version of previous legislation by the same name. While advocates for survivors of domestic violence, child abuse, and low-income mothers had been eager to see the Child Tax Credit extended and expanded, we are deeply concerned that the proposal as presented may do more harm than good, particularly to the most vulnerable mothers and children. The following brief outlines these concerns as well as hopeful elements of the proposal that we suggest be brought forward into any new legislation.

Background on the CTC

Established in 1997, the Child Tax Credit (“CTC”) provides a tax credit for eligible families based on how many dependent children they have and their income.[2] The CTC was initially designed to provide tax relief largely for middle-income families to offset the significant financial cost of raising children, though it has expanded its reach to more families over time.[3] The CTC has been very effective and is seen as an important tool in fighting poverty.

For example, in 2018, the Child Tax Credit [lifted an estimated 4.3 million people, including 2.3 million children, out of poverty](#) and lessened poverty for about 12 million people, including 5.8 million children.[4]

The most recent and significant changes to the CTC occurred in 2021 under the Biden-Harris Administration. Through the American Rescue Plan Act (PL 117-2), President Biden created the largest CTC in history by increasing the annual tax credit amount to \$3000 for children 6 and older and \$3600 for children 5 and under, making the credit fully refundable for all eligible families, and allowing individuals to receive monthly payments as opposed to annual payments.[5] These changes lead to historic outcomes including reducing child poverty between 2020-2021 by more than 40 percent.[6]

Domestic Violence Survivors Benefit from Expanded CTC

While not widely discussed, the CTC is a critical financial tool for many domestic violence survivors and their children. The majority of survivors who remain in or return to abusive relationships report that it is often because of financial insecurity.[7] Survivors frequently can’t leave an abusive relationship because they can’t afford to live without their abusive partner’s income or financial resources. They also risk losing custody of their children either to their abuser or to the child welfare system if they can’t afford to care for them.

The CTC can make transformative change for mothers on the margins. In one study of applicants to an emergency assistance fund for survivors, applicants reported that they needed on average only \$783.50 more monthly to make ends meet and stay safe.[8] While those who participated in this program were not all parents, their stories showed how modest monthly payments could serve as a critical source of safety. Survivors reported in this and other studies that their greatest needs from economic support programs are flexibility in how the money can be spent and accessibility. The expanded [CTC provided a lifeline for survivors](#) because it allowed them to achieve safety by providing financial stability that is flexible, allowing them to spend the money based on their most urgent needs,[9] and monthly availability to help cover basic bills as well as emergency needs.

Summary of the Family Security Act 2.0

In June 2022, Senator Romney released a summary of the new proposed version of the Family Security Act 2.0. According to the [summary document](#) provided by Senator Romney's office[10], FSA 2.0 would provide a monthly cash benefit for working families.

- **Amount:** Families with children 0-5 years old would receive \$350 per month/\$4,200 a year per child. Families with children 6-17 years old would receive \$250 per month/\$3,000 a year per child. Families would be able to claim up to six children to receive the credit. Additionally, during pregnancy, families would be able to apply for the CTC four months before the fetus's due date with monthly payments at \$700 per month and a maximum of \$2,800 during pregnancy. The amount families receive would be reduced by \$50 for every \$1,000 they are above the current CTC income phase-out thresholds. The current CTC income phase-out thresholds are \$200,000 for single-filers and \$400,000 for joint filers.
- **Requirements:** A family must have earned \$10,000 in the prior year to receive the full benefit of the credit. Any families earning less than \$10,000 would receive a benefit proportional to their earnings. For example, a family earning \$5,000 a year would receive 50 percent of the child tax credit. The payments would now be administrated through the Social Security Administration and both the parent and child receiving the credit would be required to have a Social Security number to receive the benefit. Families would be able to choose to receive the credit on a monthly or annual basis.

While this proposal improves the CTC in some ways, it penalizes many survivors, immigrants, single parents, low-income and no-incomes families, the very people who would benefit most from the credit. The improvements FSA 2.0 makes to the design, credit amount, and implementation aren't enough to balance out the negative impacts.

It's particularly concerning that this proposal targets groups like single parents, particularly single mothers, by removing the Head of Household filing status and immigrants by requiring both one qualifying parent and the qualifying child have a Social Security number to obtain the credit. These changes hurt communities that are heavily reliant on and disproportionately benefit from the CTC.

FSA 2.0 Hurts Survivors, Immigrants, Single Parents, Low-Income and No-Income Families

Specifically, there are four areas in this proposal that are deeply concerning:

- (1) Cutting the Earned Income Tax Credit and Head of Household filing status;
- (2) Requiring a Social Security number for both a parent and child to qualify for the credit;
- (3) Having an income requirement to qualify for the full credit; and
- (4) Further entrenching fetal personhood into federal law by providing fetuses with a Social Security number.

It is clear that these changes would sink many low-income families further into poverty while allowing wealthier families to benefit at their expense. The following analysis outlines these concerns in greater detail.

Cutting the EITC and Head of Household Filing Status Harms Families, Especially Single Parents

In order to make the proposal deficit-neutral, FSA 2.0 would significantly cut the Earned Income Tax Credit (EITC), eliminate the State and Local Deduction (SALT), eliminate Head of Household filing status, and eliminate the child portion of the Child and Dependent Care Credit. Cutting the EITC and the Head of Household filing status would harm many of the families the CTC is meant to help.

According to [Chuck Marr of the Center on Budget and Policy Priorities](#), reducing the EITC would be particularly harmful for single parents with low and moderate incomes. Under the new proposal, FSA 2.0 cuts the maximum EITC for single parents by \$1,000 more than parents who are married. This has a disproportionate impact on single mothers as the overwhelming majority of single parents are single mothers.[11] FSA 2.0 would also cut the standard deduction most single parents take by \$6,450 while having no impact on married parents' standard deduction. This would disproportionately harm Black and Latinx children who are more likely than white children to live with a single parent with low to moderate income.[12]

Additionally, these cuts would harm many survivors of domestic violence who are often single parents because of the domestic violence.

Often, the only way for survivors of domestic violence to escape their abusive partner is to leave the relationship and raise their children on their own. By cutting the EITC and Head of Household filing status for single parents, FSA 2.0 is creating an even more precarious financial situation for single parents experiencing domestic violence.



Based on the cuts made to pay for FSA 2.0, the Center for Budget and Policy Priorities points out that low-income parents working jobs such as home health aide workers, retail salespeople, child care workers, cooks, and cashiers would be paying for much of the proposal. [13]



Under this proposal, an estimated seven million families with incomes under \$50,000 would see their income *reduced* because of the cuts to the EITC and the elimination of Head of Household filing status in order to increase the CTC.[14] On its face, the CTC expansion alone in FSA 2.0 would bring 2.6 million children out of poverty.[15] But, when the changes based on cutting the EITC and Head of Household filing status are factored in, the proposal would only bring half as many children (1.3 million) out of poverty. [16] FSA 2.0 would leave many families, particularly those in the bottom two-fifths of income distribution, worse off. It would raise taxes on 24 percent of families with children who are among the poorest fifth in income distribution in the United States.[17] FSA 2.0 would also raise taxes on nearly half of families with children in the second poorest fifth.[18]

Requiring a Social Security Number Hurts Immigrant Children and Families

Under the FSA 2.0, administration of the CTC would be moved to the Social Security Administration (SSA) and require one parent and the qualifying child to have a Social Security number (SSN).

This requirement would disproportionately harm families with parents who don't have a Social Security number. Under the current proposal, it's estimated [2.2 million children would lose access to the credit](#) due to neither parent having a SSN.[19] This figure is based on the number of U.S. citizen or legal immigrant children who didn't qualify for the CARES Act because they only had unauthorized immigrant parents.[20] This figure is on top of the harm already created when the Tax Cuts and Jobs Act of 2017 barred an [estimated 1 million children](#) from eligibility for the CTC because they didn't have a Social Security number.[21] In both of these scenarios even those with an Individual Tax Identification Number (ITIN), an identification number used for paying taxes by people without SSNs, are barred from eligibility for the credit. In 2015, the IRS estimated ITIN holders paid \$23.6 billion in taxes with \$5.5 billion of that amount going towards payroll and Medicare taxes.[22] This means tax-paying individuals would be denied access to this tax credit solely because they don't have a Social Security number.

Prior to 2017, [all children were eligible](#) for the CTC regardless of their immigration status.[23] This proposal arbitrarily creates a harsher standard by requiring both a parent and the qualifying child to have an SSN. Immigrants, including undocumented immigrants, make up a key part of our workforce and [kept our country going through the pandemic](#) by providing essential services.[24] We have already created a system where individuals with an ITIN are eligible for the credit. Those individuals, who pay billions in taxes each year, should not be barred from receiving the CTC they previously qualified for solely because they lack a Social Security number.[25]

Additionally, this change could harm immigrant families experiencing domestic violence. Immigrant survivors already face an increased risk for violence, abuse and exploitation, related to their immigration status.

Abusers and employers often take advantage of immigrant women, knowing they may be more hesitant to speak out and seek help.[26] For example, we frequently see abusive partners using a survivor's immigration status as a way to assert control. A partner may threaten to withhold help in adjusting status or turn them into immigration or child welfare authorities if the survivor tells anyone about the abuse or seeks help. Furthermore, language barriers and fears of reporting their abuse to the police already impact immigrant survivors. Changes to the FSA 2.0 could create a more dangerous and precarious situation for immigrant survivors. Under this proposal, millions of immigrant children and their families would become less economically and financially secure, including many mothers and children experiencing violence and abuse.

An Income Requirement Hurts No-Income and Low-Income Survivors and Families

Under FSA 2.0, families making \$10,000 and over are eligible to receive the full credit but families earning less than \$10,000 would receive a smaller credit proportionate to their income. Relative to the 2021 fully refundable CTC, this income requirement directly harms low-income and no-income families who should benefit the most from the credit. For example, a family making \$5,000 a year with one child under 6 would only receive half of their \$4,200 credit. For single parents, this puts the burden of having to earn \$10,000 entirely on one parent whereas dual parent households could earn \$5,000 each to be eligible for the credit.

This income requirement has a particular impact on single mothers who are more likely to be a single parent with almost one-third of single mothers living in poverty.[27] The poverty rate experienced by single mothers is often directly related to the dual cost of raising children while supporting their families with one income.

This change is particularly jarring given the success of the expanded CTC under President Biden. Under the expanded CTC, families who were low-income or no-income became eligible to receive the full CTC, and this helped drive a more than 40 percent reduction in child poverty in 2021.[28] It's incredibly rare that policy makes such a powerful impact so quickly. Unfortunately, this impact would be lost under FSA 2.0. Under this proposal, a family making less than \$10,000 a year would receive a smaller tax credit than a family making \$400,000 a year with the same aged children. Additionally, parents and other caregivers who don't earn an income would be left out of receiving the credit entirely. This could have a disproportionate impact on disabled adults, student parents, grandparents, or people with multiple young children who are either unable to work or retired.

The income requirement also has a negative impact on domestic violence survivors, many of whom are unable to work or [face barriers to finding and maintaining a job due to an abusive partner](#). [29] For example, it's common for abusive partners to sabotage survivors ability to find or keep a job by sabotaging child care plans which force the survivor to leave work early or get to work late [30], directly impacting their earnings, or barring them from having a job entirely. [31] Many abusive partners also prevent a survivor from working. This is on top of the fact that [many survivors are experiencing immediate safety needs](#) such as finding safe housing, food, access to transportation, makes it extremely difficult to look for jobs or attend work. [32] Having an income requirement directly harms survivors and their ability to seek safety and obtain financial security.

The CTC should enhance the economic security of low- and middle-income families, but the \$10,000 income threshold prevents the most economically insecure from gaining full access, or any access in the case of those with no income, to the credit.

Under FSA 2.0, More Families Will Live in Poverty

FSA 2.0 would be less effective at cutting child poverty than the expanded CTC included in the American Rescue Plan under President Biden. According to the Center on Poverty and Social Policy, **3.7 million children** were kept out of poverty after receiving their December 2021 CTC payment under Biden's expanded CTC.[33] It's estimated that Biden's expanded CTC **reduced monthly child poverty by over 40 percent from 2020-2021**. [34] One way Biden's plan helped reduce poverty so significantly was making the credit fully refundable for families who were low-income or made no income. Prior to Biden's plan, **27 million children**, which included roughly half of all Black children and half of Latinx children, were not eligible to receive the full credit amount because their families had low or no earnings.[35] But, under the expanded CTC, many children of color benefited.

For example, 124,000 American Indian and Alaska Native (AI/AN) children in Arizona were estimated to benefit from the expansion, which included 86,000 AI/AN children who were previously ineligible.[36] The first expanded CTC payment reduced Black child poverty by 21 percent and Latinx child poverty by 25 percent.[37] By changing the income requirements, Biden's expanded CTC allowed children from low-income or no-incomes families to be eligible for the full credit amount and significantly decreased child poverty.

In comparison to the expanded CTC under Biden, FSA 2.0 is not only less effective at reducing child poverty but would actually reduce many low-income family's income by increasing their tax burden. In an analysis conducted by the Niskanen Center, a conservative leaning think tank, it's projected FSA 2.0 **would only keep 1.1 million children** out of poverty and reduce child poverty by 12.6%.[38] A study by the Institute for Tax and Economic Policy found that Biden's expanded CTC, would benefit nearly all children in the poorest 40 percent of Americans.[39] Comparatively, under FSA 2.0, only about half as many families would receive a tax cut.[40] Additionally, FSA 2.0 would actually reduce the income of about **7 million families** who have incomes below \$50,000 by a median amount of more than \$800.[41] Millions of families' income would be cut because of changes FSA 2.0 is making to other tax credits and benefits, like the EITC, in order to pay for FSA 2.0.

As FSA 2.0 would reach fewer families and provide less support to some low-income and no-income families, disproportionately single mothers, it's likely it would disproportionately harm families of color and domestic violence survivors.

FSA 2.0 Harms Families by Further Entrenching the Concept of Fetal Personhood into Federal Law

In FSA 2.0, parents are eligible to apply to receive the CTC four months before their fetus's due date. The parents would be eligible for monthly payments of \$700 with a maximum payment of \$2,800 during pregnancy. As stated before, all children are required to have a Social Security number to be eligible for the benefit. It's unclear whether this requirement would apply to fetuses, however materials accompanying the release of the FSA 2.0 suggest that this is an intentional effort to extend fetal personhood. This provision is deeply problematic and appears to be an effort by Senators Romney, Daines, and Burr to give personhood to fetuses and advance anti-choice policies. Based on the communications and press release of this proposal, it is clear this is Senator Romney's intention. In his official press release on June 15, 2022, he both referred to this proposal as "pro-life" and highlighted quotes in support of the legislation solely from anti-choice groups such as Susan B. Anthony Pro-Life America, National Right to Life, and the Faith and Freedom Coalition. [42] In the press release, National Right to Life is quoted stating this provision "acknowledges that life begins before birth." [43]

While FUTURES strongly supports economic support for pregnant people, there are other policies that serve as a more effective means of helping pregnant people. For example, cash assistance for pregnant people would be a more effective policy that eliminates the problematic aspect of fetal personhood.

Several pilot programs providing cash assistance to pregnant people are already in place across the United States including the Abundant Birth Project, which provides a monthly income supplement to pregnant people who are Black or Pacific Islander both during pregnancy and post-pregnancy with the goal of reducing pre-term birth and improving economic outcomes.[44] Similar programs like Magnolia Mother's Trust, a program that provided a monthly stipend to Black mothers living in federally subsidized housing in Mississippi, have proven effective at reducing poverty and helping families gain economic security. Mothers who participated in Magnolia Mother's Trust reported dramatic increases in their ability to pay their bills, increase their savings, and pay for food.[45]

Lastly, there are concerning potential legal ramifications of fetal personhood. [National Advocates for Pregnant Women](#) recently drafted an in-depth report detailing how fetal personhood laws have potentially devastating legal consequences for pregnant people related to criminalization of pregnancy or miscarriages as well as issues related to child support and IVF.[46] For victims of domestic violence, this is particularly troubling. Abusive partners will often hurt women while they are pregnant, in some cases specifically for the purpose of causing a miscarriage, and their victimization could lead to their criminalization, should they be the one blamed for being in an abusive relationship. Providing economic support for pregnant people should be a priority for our lawmakers, but doing so by furthering anti-choice strategies for eliminating abortion access is an inappropriate way to achieve that outcome.

FSA 2.0 Makes Positive Improvements That Help Some Families

While FSA 2.0 has several problematic elements, there are a few policies in the current proposal that would help families by either maintaining or improving upon the Biden expanded CTC.

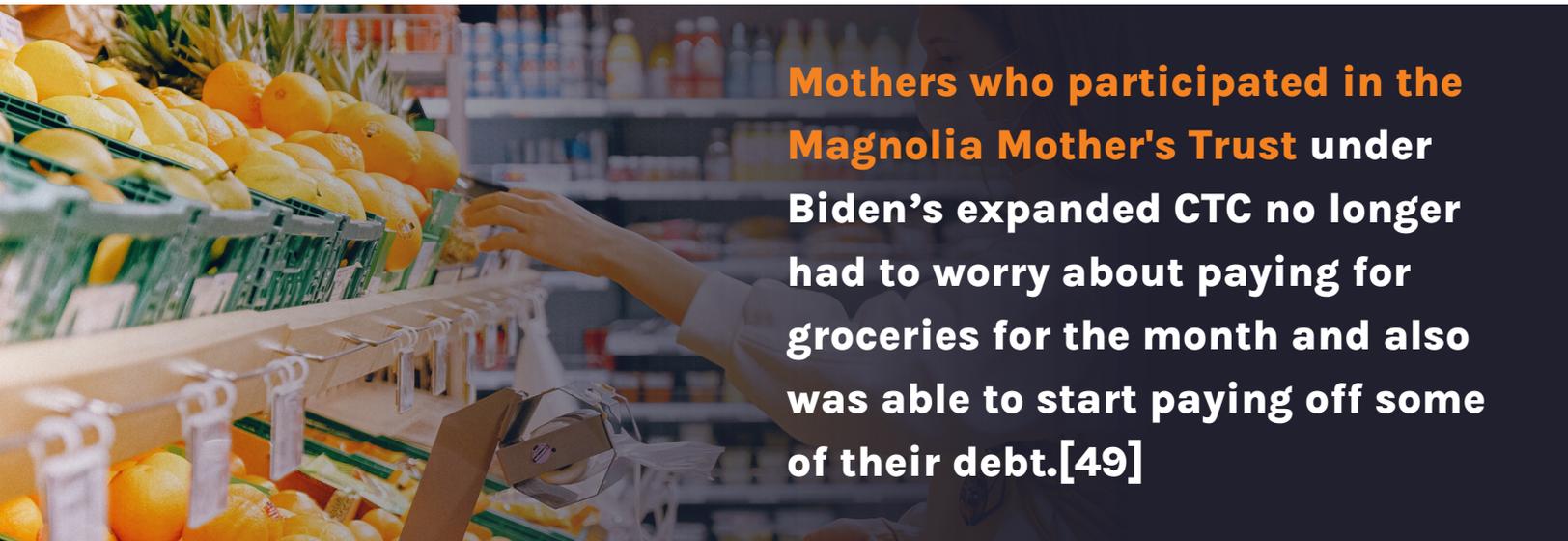
Allowing eligible families to receive monthly payments helped many of the most vulnerable and is rightly maintained. Increasing the credit amount and shifting how the CTC is implemented are also positive steps that would help provide financial stability and security to some families.

Allowing Monthly Payments Helps Survivors and Families, Especially Lower-Income Families

Under FSA 2.0, families can opt to receive their CTC benefit on an annual or monthly basis.

Allowing families to receive payments on a monthly basis as opposed to receiving an annual lump sum helps many families pay for basic necessities. Under Biden's expanded CTC, [the vast majority of families making under \\$35,000 spent most or all of their payment on necessities](#) like food, utilities, rent or mortgage, and clothing.[47] Regular monthly payments allow families to depend on a set amount in their bank accounts each month to handle necessities or surprise expenses rather than budgeting a larger yearly lump sum payment. Most necessities like rent, utilities, and child care are billed on a monthly basis and other necessities like food and clothing often need to be purchased on a daily or weekly basis.

Providing a monthly payment mimics existing cash assistance programs like Temporary Assistance for Needy Families (TANF). Cash assistance programs are critical for enhancing domestic violence survivors safety, stability, and economic security.[48] Survivors are often forced to remain with or return to an abusive partner because they can't afford to leave. A dependable infusion of cash can help survivors handle an immediate safety or financial need.



Mothers who participated in the Magnolia Mother's Trust under Biden's expanded CTC no longer had to worry about paying for groceries for the month and also was able to start paying off some of their debt.[49]

Cash assistance programs are [critical for enhancing domestic violence survivors safety, stability, and economic security](#).^[50] Survivors are often forced to remain with or return to an abusive partner because they can't afford to leave. A dependable infusion of cash can help survivors handle an immediate safety or financial need. Monthly payments can also help a survivor, or any family, who is at risk of losing their children to Child Protective Services (CPS). Studies have shown that one of the most common reasons parents have their children taken away is due to material hardships and poverty.^[51] Survivors of domestic violence are often put in even more difficult situations. CPS will insist they leave an abusive partner but also insist a survivor solely fund their families housing, child care, and food on one income. The CTC not only provides a survivor with a choice to leave an abusive situation, but it is key to keeping children out of the child welfare system. A monthly payment, like the CTC, can help ensure rent is paid on time, the electricity stays on, and the fridge is full which means it is more likely children will be able to stay in the home and out of the child welfare system.

Allowing the CTC to be distributed in dependable, monthly payments would help survivors and families have a reliable income boost to cover necessities or handle immediate financial or safety needs in a way that benefits their families most.

A Larger Credit Helps Survivors and Families Eligible for the CTC

While FSA 2.0 disadvantages many families by cutting existing credits for low-income and no-income families, it makes the overall CTC larger which helps some families. Generally, we support increasing the amount families would receive as long as they aren't giving up other benefits to receive a larger credit. The FSA 2.0 increases the maximum credit available for children under 6 from \$2,000 to \$4,200 and gives \$3,000 for children ages 6-17. If the credit was made fully refundable to all families and didn't gut the EITC or Head of Household filing status to create a larger credit, this would be a welcome change and have the potential to lift [4.1 million children](#) out of poverty.^[52] Providing larger tax credits to families in need will help [alleviate child poverty, increase social mobility](#), and could even lead to families beginning to build their savings.^[53]

Most families spent their prior CTC on food, utilities, clothing, and rent or mortgage payments. A larger tax credit can alleviate the burdens of food insecurity, homelessness, loss of water, heat or electricity. Additionally, for many survivors, a larger tax credit creates more financial and economic security to help them leave an abusive partner. While we generally support a larger credit for families and their children, we believe this proposal should prioritize no-income and low-income families instead of families making \$400,000 a year.

Other Design Improvements Ensure CTC Reaches Families More Quickly

In addition to monthly payments and a larger credit, FSA 2.0 contains three small changes that improve the design and implementation of the CTC to reach families more quickly. The [Center on Budget and Policy Priorities](#) outlines these three changes as (1) phasing in the credit faster, (2) phasing in the credit at the family's first dollar of earnings, and (3) eliminating the monetary cap on the amount of credit a family can receive as a refund.^[59] While these are welcome changes to the existing design of the CTC, they only benefit the families who are eligible for the credit.

Those who are now excluded from the credit or only eligible for a partial credit receive less of an advantage from these changes. Additionally, these improvements pale in comparison to the harm done by limiting other tax credits, disadvantaging low- and no-income families, penalizing single parents who are often women, and harming domestic violence survivors and immigrant families.

Conclusion

While FSA 2.0 makes some key changes to the CTC's implementation and design that would help some families, its overall impact would be harmful for many domestic violence survivors, immigrants, single parents, and low-income or no-income families. Reducing the EITC or the Head of Household filing status, arbitrarily requiring both the legal and physical custodian parent and child have an SSN, and requiring \$10,000 in income to receive the full benefit of the credit will push many families further into poverty. The CTC was designed to help families who need a financial boost while raising their kids, but this proposal only helps certain families while leaving others to fend for themselves or even see an increase in their tax burden.

It's critical any future CTC proposal is fully refundable for all eligible families, allows parents and their children to use their ITIN to qualify, allows monthly payments, and doesn't impact other tax credits or tax filing status. Additionally, any attempt to inject anti-choice politics into the CTC distorts the purpose of the CTC. While the FSA 2.0 does some great things for families, like allowing monthly payments again and providing a larger tax credit, those provisions don't outweigh the harm this proposal would cause for millions of families.

Notes

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