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**IT TAKES A VILLAGE, BUT LET'S START WITH A CHILD BENEFIT:
A PUBLIC POLICY ARGUMENT FOR REPLACING THE CURRENT
CHILD TAX CREDIT WITH A UNIVERSAL CHILD BENEFIT AFTER
THE DECISION IN *DOBBS V. JACKSON WOMEN'S HEALTH*
ORGANIZATION**

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INTRODUCTION

Roe v. Wade, and subsequent cases, were overturned in a devastating, but unsurprising, decision by the conservative majority of the Supreme Court. With seemingly little regard to the consequences that this decision would have on women, the Supreme Court decided to end constitutionally protected abortion rights in the United States in the case *Dobbs v. Jackson*.¹ Many people are justifiably angry with the Democrats, who had almost 50 years to codify *Roe* into law, especially with Republicans telling them that their goal was to overturn *Roe*; having multiple “trigger laws” across the country that would end abortion rights in their states the moment the Supreme Court overturned *Roe*.² While the *Dobbs* decision creates immense uncertainty about the future of the country, I think there is a real opportunity here to implement some of the policies that had been put on the back-burner and will now be even more relevant and necessary. The fact is that people will be having more children now that abortion is no longer a constitutionally protected right and services become less available.³ This is true, even though many companies have stepped up and vowed to pay for their employees to travel to states where abortion will remain legal, with some even paying for the abortion procedures as well.⁴ However, unfortunately, it might only be a matter of time before conservative states ban travel out of state for women seeking abortion services.⁵

Ultimately, with more children being born, this will mean that more money will be required to keep these children out of poverty and better help these women meet the financial challenges that having a child will bring. A popular policy position, on the left and for some on the right, is implementing a child benefit allowance to replace the current child tax credit.⁶ I think that

¹ *Dobbs v. Jackson Women's Health Org.*, 142 S. Ct. 2228, 2284 (2022).

² See Juliana Kim, *3 More States are Poised to Enact Abortion Trigger Bans This Week*, NPR, (Aug. 22, 2022, 2:51 PM), <https://www.npr.org/sections/national/> (search the present article title in the search bar; then click the respective article) (explaining that thirteen states have legislation that automatically outlaw abortions once the Supreme Court overturned *Roe v. Wade*).

³ See Mary Kekatos, *More than 150,000 Births Could Occur in the US Every Year Following the Reversal of Roe v. Wade, Report Predicts*, ABC NEWS (June 27, 2022, 3:47 PM), <https://abcnews.go.com/Health/150000-births-occur-us-year-reversal-roe-wade/story?id=85795552>.

⁴ Emma Goldberg, *These Companies Will Cover Travel Expenses for Employee Abortions*, N.Y. TIMES (Aug. 19, 2022), <https://www.nytimes.com/article/abortion-companies-travel-expenses.html>.

⁵ Melody Schreiber, *US States Could Ban People from Traveling for Abortions, Experts Warn*, THE GUARDIAN (May 3, 2022), <https://www.theguardian.com/world/2022/may/03/us-abortion-travel-wave-of-restrictions>.

⁶ See generally Samuel Hammond, *How Important is Increasing the Child Tax Credit?*, NISKANEN CENTER (Oct. 5, 2017), <https://www.niskanencenter.org/important-increasing->

this time in history is the perfect opportunity to implement a child benefit allowance and help millions of children and their mothers deal with the financial ramification of the decision in *Dobbs v. Jackson*.

As a quick aside, I will be using the words “women” or “woman” in this note to refer to people with a uterus who can become pregnant. This is not intended to be exclusive but only for the sake of brevity and as it is the word used in the *Dobbs* and other abortion cases. Further, my purpose here, a child benefit allowance, would be beneficial to all families, especially low- and middle-income families, regardless of gender, sexual expression or orientation, not just people who can conceive and birth children.

I. A BRIEF HISTORY OF CONSTITUTIONALLY PROTECTED ABORTION RIGHTS IN THE UNITED STATES

In 1973, the Supreme Court decided *Roe v. Wade* which was a challenge to abortion restrictions in Texas.⁷ In that case, the Supreme Court found the right to an abortion under the right to privacy under the Fourteenth Amendment in the United States Constitution.⁸ The Supreme Court held that the state and federal government could not limit a women’s right to seek abortion services unless there was a compelling state interest, and the law was narrowly drawn to express only the legitimate state interests which were at stake.⁹ Generally, this meant that before the second trimester the government could not intervene in a women’s right to seek abortion services.¹⁰

Almost 20 years later, the Supreme Court heard another pivotal abortion case called *Planned Parenthood v. Casey*. This case challenged abortion restrictions in Pennsylvania which the plaintiffs claimed to be unconstitutional.¹¹ In this case, the Supreme Court reaffirmed *Roe v. Wade’s* holding that a woman has the right to seek abortion services before the fetus is viable.¹² The Supreme Court further limited the state government’s ability to limit abortion access by holding that a state cannot impose an undue burden on a woman who is seeking abortion services.¹³ This meant that a state could not “place a substantial obstacle in the path of a woman seeking an abortion of

child-tax-credit/ (illustrating that child tax credits are not just popular with liberals but also with conservatives); *see also* American Rescue Plan Act of 2021, H.R. 1319, 117th Cong. (2021) (enacted).

⁷ *Roe v. Wade*, 410 U.S. 113 (1973).

⁸ *Id.* at 152-54.

⁹ *Id.* at 155-56.

¹⁰ *Id.* at 163.

¹¹ *Planned Parenthood v. Casey*, 505 U.S. 833, 845 (1992).

¹² *Id.* at 846.

¹³ *Id.* at 876-77.

an unviable fetus.”¹⁴

Lastly, in 2016, the Supreme Court heard another abortion case called *Whole Woman's Health v. Hellerstedt*. Another Texas case where the Supreme Court overturned a law requiring abortion centers to have admitting privileges at a hospital no more than 30 miles away and that the abortion centers had to meet surgical center requirements.¹⁵ The Supreme Court held that the admitting-privileges requirement violated the Fourteenth Amendment because there was no specific health-related problem that the requirement would solve and would thus create an undue burden on abortion access about many abortion facilities in Texas would have had to close.¹⁶

The Supreme Court further stated that the surgical center requirement was also unconstitutional because it would result in the closing of a significant number of abortion facilities and thus would create an undue burden on women seeking abortion services.¹⁷ With this case, the Supreme Court further reaffirmed their decisions in *Roe* and *Casey* that abortion was a constitutionally protected right.¹⁸

Many believed that *Whole Women's Health* had finally ended the debate on abortion and that abortion rights were “settled law” after the decision by the Supreme Court.¹⁹ However, a few months after the decision in *Whole Women's Health*, abortion rights were once again a hot debate topic with the election of Donald Trump in November of 2016 as President of the United States.²⁰ President Trump nominated three conservative Supreme Court Justices in his one term in office.²¹ This unprecedented and unsettling luck for the Republican president made abortion rights unsettled as quickly as they had been settled.²² This finally came to head on June 24, 2022, when the Supreme Court released their decision in *Dobbs v. Jackson Women's Health*

¹⁴ *Id.* at 877.

¹⁵ *Whole Woman's Health v. Hellerstedt*, 579 U.S. 582-83, 608-10 (2016).

¹⁶ *Id.* at 610-12.

¹⁷ *Id.* at 624.

¹⁸ *Id.* at 627-28 (Ginsburg, J., concurring).

¹⁹ See Jennifer Haberkorn, *Supreme Court's Abortion Ruling Will Have Nationwide Impact*, POLITICO (June 27, 2016, 12:29 PM), <https://www.politico.com/story/2016/06/supreme-court-abortion-ruling-impact-224838>.

²⁰ *2016 Presidential Election Results*, N.Y. TIMES (Aug. 9, 2017, 9:00 AM), <https://www.nytimes.com/elections/2016/results/president>.

²¹ Anita Kumar, *Trump's Legacy is Now the Supreme Court*, POLITICO (Sept. 26, 2020, 8:41 PM), <https://www.politico.com/news/2020/09/26/trump-legacy-supreme-court-422058>.

²² See generally Lisa Mascaro, Associated Press, *Is Roe v. Wade 'Settled' Law? Justices' Earlier Assurances Now in Doubt*, PBS NEWS HOUR (Dec. 3, 2021, 8:26 AM), <https://www.pbs.org/newshour/health/is-roe-v-wade-settled-law-justices-earlier-assurances-now-in-doubt>.

Organization when they disregarded fifty years of judicial precedent and overruled *Roe v. Wade* and *Planned Parenthood v. Casey*.²³

II. SUMMARY AND IMPACT OF *DOBBS V. JACKSON WOMEN'S HEALTH ORGANIZATION*

On June 24th, 2022, the Supreme Court released their devastating decision in *Dobbs v. Jackson Women's Health Organization* that reversed *Roe v. Wade* and ended constitutionally protected abortion rights in the United States.²⁴ While after the decision in *Dobbs*, abortion services are available without restrictions in 21 states, abortion is now restricted or banned in 29 states in the United States.²⁵

In *Dobbs v. Jackson Women's Health Organization*, the majority overturned *Roe v. Wade* and *Planned Parenthood v. Casey*, claiming that the original decisions in these cases were erroneous and that the Constitution does not give a woman a right to receive an abortion.²⁶ The Majority further stated that the protections that women were given in *Roe* and *Casey* are no longer necessary because of advancements in women's rights, advancements in healthcare policy, the availability of adoption services and safe haven laws, and because many people want to adopt children and there is not enough babies for people who want to adopt them.²⁷

The dissent rightfully countered the majorities arguments to the necessity of abortion rights.²⁸ First, the dissent argued that women still face pregnancy discrimination, even with laws against them on the books.²⁹ The dissent further explains that this discrimination interferes with women's ability to make a living and that paid family leave remains inaccessible to many who need it the most.³⁰

²³ *Explaining SCOTUS's Abortion Decision in Dobbs v. Jackson Women's Health Organization*, LEAGUE WOMEN VOTERS, <https://www.lwv.org/blog/explaining-scotuss-abortion-decision-dobbs-v-jackson-womens-health-organization#:~:text=On%20June%2024%2C%202022%2C%20the,the%20constitutional%20right%20to%20abortion> (last updated July 22, 2022); Sarah C. Stewart, Lesley Reynolds & Matthew Loughran, *Supreme Court Overturns Roe and Casey*, REED SMITH (June 25, 2022), <https://www.healthindustrywashingtonwatch.com/2022/06/articles/other-health-policy-developments/supreme-court-overturns-roe-and-casey/>.

²⁴ Megan Kelleher, *Understanding the Dobbs Decision*, UNIV. NOTRE DAME: SCHOLASTIC (Oct. 17, 2022), <https://scholastic.nd.edu/issues/understanding-the-dobbs-decision/>.

²⁵ Nigel Chiwaya & Chantal Da Silva, *Map: 22 States Would Ban Abortion in a Post-Roe America*, NBC NEWS, (May 3, 2022, 10:07 AM) <https://www.nbcnews.com/data-graphics/map-23-states-ban-abortion-post-roe-america-rcna27081>.

²⁶ *Dobbs v. Jackson Women's Health Org.*, 142 S. Ct. 2228, 2265-66 (2022).

²⁷ *See id.* at 2258-59.

²⁸ *See generally id.* at 2338-39 (Breyer, J., dissenting).

²⁹ *Id.* at 2338-39.

³⁰ *Id.* at 2339.

Further, the dissent also states that that while the availability of adoption services are prevalent, these services will not reduce the health risks and financial costs of carrying and giving birth to a child.³¹ The dissent also notes that many women who are forced to birth a child are more likely to keep the child than to put it up for adoption.³² In fact, when women are denied an abortion, fewer than one in ten women will actually place their child up for adoption.³³ This means that the availability of adoption services is pretty much irrelevant when arguing against abortion rights or the necessity of financial benefits that women who will not be able to receive abortion services will need now that abortion is not a constitutionally protected right.³⁴

Additionally, the dissent argues that after *Roe*, abortion laws were more in line with other western countries like Canada, New Zealand and Western Europe.³⁵ Now that abortion is restricted in some way or another in most of the United States, our country is the outlier in most of the western world.³⁶

Lastly, the dissent argues the obvious, that this decision will have the more adverse effect on poor women and women of color.³⁷ The dissent states that, "Women living below the federal poverty line experience unintended pregnancies at rates five times higher than higher income women do, and nearly half of women who seek abortion care live in households below the poverty line."³⁸

While after the decision in *Dobbs*, abortion services are available without restrictions in 21 states, abortion is now restricted or banned in 29 states in the United States.³⁹ While the best-case scenario would be the codification of abortion rights in law, I have a suspicion this will not happen anytime in the near future. In the meantime, legislators should work to alleviate some of the financial burdens of this decision by providing financial help to women who will need it most by replacing the current child tax credit with a child benefit program.

³¹ *Id.*

³² *Dobbs*, 142 S. Ct. at 2339 (Breyer, J., dissenting).

³³ DIANA GREENE FOSTER, *THE TURNAWAY STUDY: TEN YEARS, A THOUSAND WOMEN, AND THE CONSEQUENCES OF HAVING-OR BEING DENIED-AN ABORTION* 186-87 (Scribner ed., 2020) (ebook).

³⁴ *See Dobbs*, 142 S. Ct. at 2339 (Breyer, J., dissenting).

³⁵ *Id.* at 2340-41.

³⁶ *Id.* at 2341.

³⁷ *Id.* at 2344-45.

³⁸ *Id.* at 2345.

³⁹ Nigel Chiwaya & Chantal Da Silva, *22 States Would Ban Abortion in a Post-Roe America*, NBC NEWS (May 3, 2022, 10:07 AM), <https://www.nbcnews.com/data-graphics/map-23-states-ban-abortion-post-roe-america-rcna27081>.

III. HISTORY OF THE CHILD TAX CREDIT

In 1991, the National Commission on Children (herein known as “the commission”) recommended the President create a \$1,000 fully refundable tax credit for qualifying children under the age of eighteen.⁴⁰ The purpose of the child tax credit was to ease the tax burden on families with children.⁴¹ Initially, the proposal by the National Commission on Children did not have a phase-in or phase-out threshold, meaning that the credit would have been universally available to all families with qualifying children.⁴² The commission’s reasoning behind the universal tax benefit was that “[t]he United States is the only Western industrialized nation that does not have a child allowance policy or some other universal, public benefit for families raising children.”⁴³ Additionally, the commission recommended that the new child tax credit be indexed for inflation, just like other tax credits; such as the earned income tax credit.⁴⁴

The child tax credit was enacted in law as a part of the Taxpayer Relief Act of 1997 under President Clinton, but it was not what the commission has envisioned.⁴⁵ In 1997, Congress passed the Taxpayer Relief Act of 1997 which established a \$500 nonrefundable tax credit which phased out at a rate of \$50 for every \$1,000 that a taxpayer’s income exceeded \$75,000 for individual taxpayers and \$110,000 for married taxpayers filing jointly.⁴⁶ Additionally, the tax credit was not indexed for inflation, meaning that the tax credit would become basically worthless in value over time.⁴⁷

In 2001, Congress passed the Economic Growth and Tax Reconciliation Act of 2001 which would increase the child tax credit over a nine-year period to \$1,000 by 2010. This legislation also established a phase-in requirement of \$10,000 of taxable income, meaning that the tax credit would not be available to low-income taxpayers making below \$10,000 of taxable income per year.⁴⁸

In 2009, Congress passed legislation that lowered the phase-in eligibility to \$3,000 and increased the amount of the child tax credit to \$1,000 a year for each qualifying child, making the credit more available to families that needed it most.⁴⁹

⁴⁰ MARGOT L. CRANDALL-HOLLICK, CONG. RSCH. SERV., R45124, THE CHILD TAX CREDIT: LEGISLATIVE HISTORY 3 (2021).

⁴¹ MICHELLE LYON DRUMBL, TAX CREDITS FOR THE WORKING POOR: A CALL FOR REFORM 18 (Cambridge Univ. Press ed., 2019).

⁴² *Id.* at 18-19.

⁴³ *Id.* at 19.

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ CRANDALL-HOLLICK, *supra* note 40, at 5.

⁴⁷ *See id.* at 4.

⁴⁸ *Id.* at 5.

⁴⁹ *Id.* at 7.

In 2017, under President Donald Trump, the Republican majority in Congress passed the Tax Cuts and Jobs Act which increased the child tax credit from \$1,000 per qualifying child to \$2,000 per qualifying child and increased the phase-out level to \$200,000 for individuals and \$400,000 for joint filers.⁵⁰ These changes to the child tax credit are temporary and are set to expire in 2025.⁵¹

It is clear that the child tax credit was moving closer and closer to a universal child benefit, but with the impact of the Covid-19 pandemic putting families in a financial whirlwind, President Biden and the Democrat majority in Congress passed The American Rescue Plan Act of 2021. This legislation expanded the child tax credit to \$3,600 for qualifying children between the ages of zero and five and \$3,000 for qualifying children between the ages of six and seventeen.⁵² The legislation also made the tax credit fully refundable, meaning that it was available to all low to no income families.⁵³ Congress also created phase-out eligibility thresholds of \$75,000 for single filers, \$112,500 for head of household filers, and \$150,000 for married joint filers.⁵⁴ When a family's income meets these thresholds, the child tax credit would begin to phase down to the current \$2,000 credit amount.⁵⁵

Additionally, The American Rescue Plan Act of 2021 temporarily altered how the credit is disbursed. Instead of being received in a lump sum once a year, Congress directed the Treasury to send out monthly checks starting on July 1, 2021.⁵⁶ Taxpayers would then claim the remaining half of the total 2021 credit when filing their 2021 income tax returns in April of 2022.⁵⁷ While President Biden initially intended to extend these changes to the child tax credit to 2025 and eventually make them permanent, due to opposition, Congress was not able to pass permanent changes to the child tax credit. As such, these changes expired in January of 2022.⁵⁸

Since its implementation in 1997, the child tax credit has evolved and expanded to benefit more families that need it most. Considering the decision in *Dobbs v. Jackson Women's Health Organization*, there will be many more children born into poverty whose families will need greater assistance to provide for them.⁵⁹ It is time to permanently alter the existing child tax credit

⁵⁰ *Id.* at 8.

⁵¹ *Id.* at 10.

⁵² CRANDALL-HOLLICK, *supra* note 40, at 10.

⁵³ *Id.*

⁵⁴ *Id.* at 11.

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ CRANDALL-HOLLICK, *supra* note 40, at 11.

⁵⁹ See Lawrence B. Finer et al., *Reasons U.S. Women Have Abortions: Quantitative and Qualitative Perspectives*, 37 PERSPS. ON SEXUAL & REPROD. HEALTH 110, 112 (2005) (explaining

into a universal child benefit and lift some of the financial burden that comes with women being forced to carry unwanted pregnancies to term and having more children.

IV. WHAT IS A CHILD BENEFIT ALLOWANCE?

A child benefit is money given to families with children that meet certain qualifications, namely being under a certain age.⁶⁰ The United States is an outlier in the western world because we do not have a child benefit program. Many other western countries have a child benefit including the United Kingdom, Belgium, Luxembourg, Austria, Germany, Canada, Poland, Ireland, Sweden, Finland, Denmark, Norway, Netherlands and France.⁶¹ Later in this paper I will discuss the child benefit in Canada, Poland, and the United Kingdom in greater detail, but note that in these countries, families receive the child benefit whether the families work or not.⁶² The purpose of a child benefit is to reduce child poverty.⁶³ Where a child benefit has been implemented, child poverty has been reduced dramatically; for example, in the United Kingdom between the years 1999 and 2009, absolute child poverty fell by more than half and relative poverty fell by 15%.⁶⁴

that 60% of women who had an abortion were below 200% of the federal poverty line, including 30% who were living in poverty).

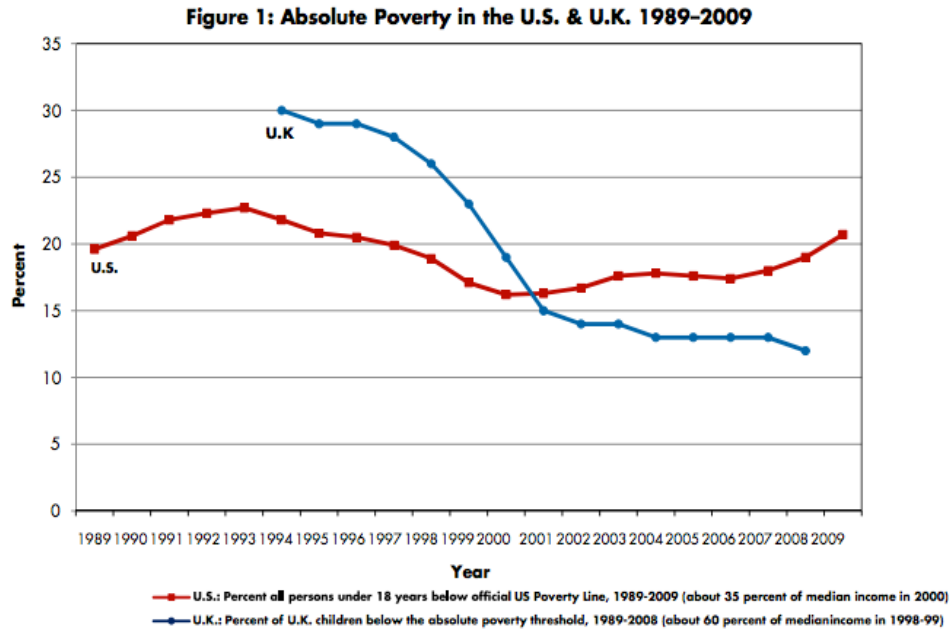
⁶⁰ *Id.*

⁶¹ Dylan Matthews, *Sweden Pays Parents for Having Kids and it Reaps Huge Benefits. Why Doesn't the US?*, VOX: POLITICS (May 23, 2016, 9:00 AM), <https://www.vox.com/2016/5/23/11440638/child-benefit-child-allowance>.

⁶² *See id.*

⁶³ *See id.*

⁶⁴ *Id.*



Source: U.S. Census Bureau (2010); U.K. Department of Work and Pensions (2010); HBAI, 81.

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There is no reason to think that a child benefit would not decrease child poverty in the United States. On the contrary, we know that it would because the American Rescue Plan Act of 2021 had all the hallmarks of a child benefit and it dropped child poverty significantly.⁶⁶

After implementation of the American Rescue Plan in March of 2021, between June 2021 and July 2021, the child-poverty rate dropped from 15.8% to 11.9%.⁶⁷ Stated another way, the number of children in poverty fell by 40%.⁶⁸ While this was the result of all covid-related relief, the child tax credit monthly payments alone accounted for a 25% drop in poverty in their first month.⁶⁹ Considering that 60% of women who chose to have an abortion are living at or below poverty, women that will no longer be able to easily access abortion care and will need financial support.⁷⁰ Unfortunately, as I will discuss in the next section, the current child tax credit is not adequate to provide for these women and their children.

⁶⁵ *Id.*

⁶⁶ *Why America's Most Successful Anti-Poverty Programme Is Going Cold*, THE ECONOMIST (Apr. 2, 2022), <https://www.economist.com/united-states/2022/04/02/why-americas-most-successful-anti-poverty-programme-is-going-cold>.

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ *Finer et al., supra note 59*, at 112 (explaining that 60% of women who had an abortion were below 200% of the federal poverty line, including 30% who were living in poverty).

V. COMPARISON OF CHILD TAX CREDITS TO A CHILD BENEFIT ALLOWANCE

A. Implied Work Requirements

Currently, only those who make at least \$2,500 per year in taxable income can qualify for the child tax credit.⁷¹ Expressed differently, this means that women who do not have incomes do not qualify to receive the credit. It seems strange for a program that is aimed at alleviating some of the financial burden of having children, the women who would need it most do not qualify for the credit.⁷²

As the dissent in *Dobbs v. Jackson* expressed, women still face discrimination for being pregnant.⁷³ So, while women cannot legally be fired for being pregnant, employers can find ways to cut their hours or find other ways to remove them from their job.⁷⁴ This is especially true for low-skilled service jobs like the one discussed in the CNN article, *Fired for being pregnant: Another kind of discrimination women face at work*.⁷⁵ In the article, a single mother working at Walmart was told she had to file for unpaid leave or risk losing her job. The mother had gotten a doctor's note stating she could not lift heavy things while pregnant but she could perform all of her other duties at Walmart during this time.⁷⁶ This is not a rare event considering that between 2010 and 2015, 31,000 pregnancy discrimination charges were filed against employers.⁷⁷ These women will have a hard time getting and keeping a job to make the income eligibility threshold for the child tax credit.

In contrast, under a child benefit, women will not have to tie their income to a set qualification for the benefit. This means that the benefit will be more available to women who need it the most.

⁷¹ Tax Cuts and Jobs Act of 2017, H.R. 1. 115th Cong. § 11022 (2017).

⁷² DRUMBL, *supra* note 41, at 18.

⁷³ *Dobbs v. Jackson Women's Health Org.*, 142 S. Ct. 2228, 2339 (2022).

⁷⁴ See Elissa Strauss, *Fired for Being Pregnant: Another Kind of Discrimination Women Face at Work*, CNN: HEALTH (Feb. 1, 2018, 9:11 PM), <https://www.cnn.com/2018/02/01/health/fired-pregnant-parenting-strauss>.

⁷⁵ See *id.*

⁷⁶ *Id.*

⁷⁷ *Id.*

B. Many working poor women do not make enough money that require them to file tax returns

The minimum income level in which an individual must file tax returns is \$12,550.⁷⁸ This is a lot more than the \$2,500 income eligibility threshold to qualify for the current child tax credit. Also, before the pandemic, an estimated 47% of Americans did not pay any income tax.⁷⁹ That number rose to 57% of households in 2021.⁸⁰ This means that there are a lot of people who are eligible for the child tax credit but who are not receiving it because they do not file tax returns. As such, the current child tax credit is basically useless to poor families who could have benefitted the most from it.⁸¹

In comparison, under a child benefit, poor families would have easy access to these funds to support their children and if a plan similar to the American Rescue Plan Act of 2021 were to be implemented permanently, these families would receive a certain amount of money per month. This would be easier for low-income families to access and use for their children, rather than planning how to use the lump sum that people receive under the current child tax credit.⁸²

C. Easy implementation and better direction of benefits

The current child tax credit is facilitated by the Internal Revenue Service, an organization that was not built to direct social benefits.⁸³ Under a child benefit, the money would be distributed by the Social Security Administration, an organization better equip at sending out benefits.⁸⁴ Also, “because every child is entitled to the same benefit amount, regardless of income, . . . the child-claiming rules can be significantly more flexible than

⁷⁸ *How Much Do You Have to Make to File Taxes — What Is the Minimum Income to File Taxes?*, H&R BLOCK, <https://www.hrblock.com/tax-center/income/other-income/how-much-do-you-have-to-make-to-file-taxes> (last visited May 14, 2024).

⁷⁹ See Howard Gleckman, *Remember the 47 Percent Who Pay No Income Taxes? They Are Not Who You Think.*, FORBES (Aug. 6, 2019, 11:29 AM), <https://www.forbes.com/sites/howardgleckman/2019/08/06/remember-the-47-percent-who-pay-no-income-taxes-they-are-not-who-you-think/>.

⁸⁰ Robert Frank, *57% of U.S. Households Paid No Federal Income Tax Last Year as Covid Took a Toll, Study Says*, CNBC (Mar. 25, 2022, 11:33 AM), <https://www.cnbc.com/2022/03/25/57percent-of-us-households-paid-no-federal-income-tax-in-2021-study.html>.

⁸¹ Elizabeth Stoker Bruenig, *Pro-Life, Anti-Poverty*, AM. CONSERVATIVE (July 8, 2014), <https://www.theamericanconservative.com/pro-life-anti-poverty/>.

⁸² See American Rescue Plan Act of 2021, H.R. 1319, 117th Cong. (2021) (enacted).

⁸³ *Child Tax Credit*, IRS, <https://www.irs.gov/credits-deductions/individuals/child-tax-credit> (last updated Aug. 24, 2023).

⁸⁴ SAMUEL HAMMOND & ROBERT ORR, NISKANEN CTR., *THE CONSERVATIVE CASE FOR A CHILD ALLOWANCE* 9-10 (2021).

under the current child tax credit,” making it easier to implement and less expensive for the government to enforce.⁸⁵

Additionally, under the current child tax credit, any parent can claim the credit, even if they are not involved in their child’s life. As long as a non-custodial parent has the child’s social security number and files before the custodial parent, they will receive the credit.⁸⁶ Having a different organization control a child benefit would make it easier to implement policies that would prioritize parents or guardians who are more likely to use the allowance for the children actually in their care, instead of having to race to file their taxes or have to fight their estranged spouse in tax court to get the tax credit back.⁸⁷

As noted above, a child benefit allowance would be a better alternative to the current child tax credit because it would not include work requirements, would be beneficial to poor women who may have unwanted pregnancies after the decision in *Dobbs v. Jackson*, and would be easier to implement and easier to direct to family members that are more likely to use it for their children.

VI. ARGUMENT FOR A CHILD BENEFIT ALLOWANCE IN LIGHT OF THE DECISION IN *DOBBS V. JACKSON WOMEN’S HEALTH ORGANIZATION*

A. Introduction

A child benefit would be an ideal solution for helping poor women provide for their children after the decision in *Dobbs v. Jackson*. First, there are numerous economic reasons: women who seek abortions are usually low income; being denied an abortion is correlated to lower economic outcomes for women compared to women who received an abortion; and the increasing costs of raising children and high rate of single mothers among women who seek abortions.

Secondly, a child benefit allowance would be a good compromise between Republican and Democrat legislators.

Finally, a child benefit allowance has been done in other countries with positive results, including Canada which has a similar history and culture as the United States, and Poland which has very strict abortion laws but a generous child benefit.

⁸⁵ Jacob Goldin & Ariel Jurow Kleiman, *Whose Child Is This? Improving Child-Claiming Rules in Safety-Net Programs*, 131 YALE L.J. 1719, 1765 (2022).

⁸⁶ *May A Noncustodial Parent Claim the Child Tax Credit for His or Her Child?*, IRS: FREQUENTLY ASKED QUESTIONS & ANSWERS, <https://www.irs.gov/faqs> (last updated Oct. 26, 2023) (search “Child Tax Credit 2” in search bar; then click the first link with the present title).

⁸⁷ Goldin & Kleiman, *supra* note 85, at 1765-69.

B. Economic Reasons

1. Women Who Seek Abortions Are Usually Low Income

The dissent in *Dobbs v. Jackson* points out that, “[w]omen living below the federal poverty line experience unintended pregnancies at rates five times higher than higher income women do, and nearly half of women who seek abortion care live in households below the poverty line.”⁸⁸

Additionally, according to a study by Perspectives on Sexual and Reproductive Health, 60% of women who had an abortion were below 200% of the federal poverty line, including 30% who were living in poverty.⁸⁹ Further, 73% of women who got an abortion claimed their reason to be an inability to afford care for the baby.⁹⁰ Clearly the decision in *Dobbs* will have an increased adverse effects on women living in poverty, increasing the need for financial support from the federal government.

According to Insider, of the poorest states in the US, the majority of those led by Republican governments either limited or banned abortion entirely.⁹¹ Put another way, according to data, the states that ban or limit abortion are also the states where the poorest women live in the United States.⁹² This further illustrates the need for a federal child benefit program to help alleviate the financial burden now faced by most low-income women due to *Dobbs* ending constitutionally protected abortion rights. A federal child benefit will be universally available no matter what state they reside in.

2. Being Denied An Abortion Leads to Long Term Economic Effects on Women

In a study that compared credit reports of women who were denied an abortion to women who were able to receive an abortion, economists Dr. Sarah Miller and Dr. Laura Wherry found that women who were denied an abortion had an increase of past due bills by \$1,750, which is a 78% increase

⁸⁸ *Dobbs v. Jackson Women's Health Org.*, 142 S. Ct. 2228, 2345 (2022) (Breyer, J., dissenting).

⁸⁹ *Finer et al.*, *supra* note 59, at 112.

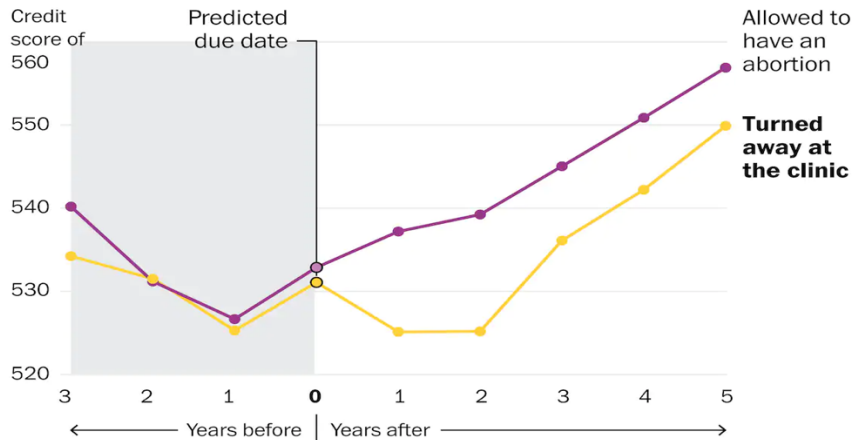
⁹⁰ *Id.*

⁹¹ Compare Liz Knueven, *The Typical American Household Earns \$61,000 a Year. Here Are 15 States Where the Typical Resident Earns Even Less*, INSIDER (Aug. 19, 2019, 1:00 PM), <https://www.businessinsider.com/personal-finance/poorest-states-in-the-us-by-median-household-income-2019-8>, with Nigel Chiwaya & Chantal Da Silva, *Map: 22 States Would Ban Abortion in a Post-Roe America*, NBC NEWS (May 3, 2022, 10:07 AM), <https://www.nbcnews.com/data-graphics/map-23-states-ban-abortion-post-roe-america-rca27081>.

⁹² See Knueven, *supra* note 91; see also Chiwaya & Silva, *supra* note 91.

compared to the amount that was past due before they become pregnant.⁹³ This is shown in the graph below.

The effect on credit scores of being denied an abortion



Note: For context, the annual average U.S. credit score has been between 691 and 703 since 2012.
Sources: Sarah Miller, University of Michigan; Experian (national average) THE WASHINGTON POST 94

Further, Miller and Wherry found that, “[t]he incidence of very bad financial events recorded in public records, like evictions, bankruptcies, and court judgments for bill nonpayment, also increased significantly, by about 81%, for women who were turned away [women who were denied an abortion].”⁹⁵

The Turnaway Study shows that after being denied an abortion women’s economic well-being drastically decreases and the chance of economic hardship increases for at least five years after the unwanted pregnancy.⁹⁶ This study further illustrates the necessity for a universal child benefit because in many parts of the country, many women who would want to get an abortion will now not be able to do so after the decision in *Dobbs v. Jackson*. The federal government has an opportunity to give these women the ability to pay their bills, feed their children and pay for other necessities by implementing a federal child benefit policy.

⁹³ FOSTER, *supra* note 33, at 179.

⁹⁴ Andrew Van Dam, *Women Denied Abortion Struggled More Financially After, Study Shows*, WASH. POST (May 6, 2022, 1:49 PM), <https://www.washingtonpost.com/business/2022/05/06/economic-impact-of-denied-abortion/>.

⁹⁵ FOSTER, *supra* note 33, at 179.

⁹⁶ *Id.* at 180.

a. Cost of Raising Children and Single Motherhood

The majority in *Dobbs* argued that abortion rights are not necessary because of the availability of adoption services and the availability of “safe haven” laws that allow a person anonymously to drop an unwanted baby off at a police or fire department.⁹⁷ The dissent counters that even with the availability of adoption services most women who are forced to carry and give birth to these children will end up keeping them and enduring the cost of raising these children.⁹⁸ Further, according to experts, for women who were denied an abortion only 9% put their children up for adoption, meaning that 91% of them chose to raise the children themselves.⁹⁹ This shows that generally the availability of adoption services and safe haven laws are not relevant to the discussion about the necessity of abortion access and, the financial strife that poor women will have when they end up with an unwanted pregnancy.

A child benefit is an ideal solution the federal government can implement because most women end up keeping their baby after being denied an abortion and they will have to shoulder the costs of raising the child.

It is expensive to raise a child. According to the U.S. Department of Agriculture, it costs, on average, \$12,980 per year, per child.¹⁰⁰ However, this number has probably increased in recent years due to the unprecedented record high inflation.¹⁰¹ All of this illustrates the financial burden that having a child will put on these women who would have gotten an abortion had *Dobbs* been decided differently.

Another reason that the government needs to implement a child benefit is that 55% of women who get an abortion are single.¹⁰² Showing that a majority of women who will be having these children after being denied an abortion will be single mothers.¹⁰³ Single parent households generally have higher rates of poverty.¹⁰⁴ Also, single mother households are more likely to

⁹⁷ *Dobbs v. Jackson Women's Health Org.*, 142 S. Ct. 2228, 2258-59 (2022).

⁹⁸ *Id.* at 2339.

⁹⁹ Gretchen Sisson et al., *Adoption Decision Making Among Women Seeking Abortion*, 27 *WOMEN'S HEALTH ISSUES* 136, 139 (2017).

¹⁰⁰ Mark Lino, *The Cost of Raising a Child*, U.S. DEP'T AGRIC. (Jan. 13, 2017), <https://www.usda.gov/media/blog/2017/01/13/cost-raising-child>.

¹⁰¹ See Christopher Rugaber, Associated Press, *U.S. Inflation at 9.1 Percent, a Record High*, PBS NEWS HOUR (July 13, 2022, 9:40 AM), <https://www.pbs.org/newshour/economy/u-s-inflation-at-9-1-percent-a-record-high>.

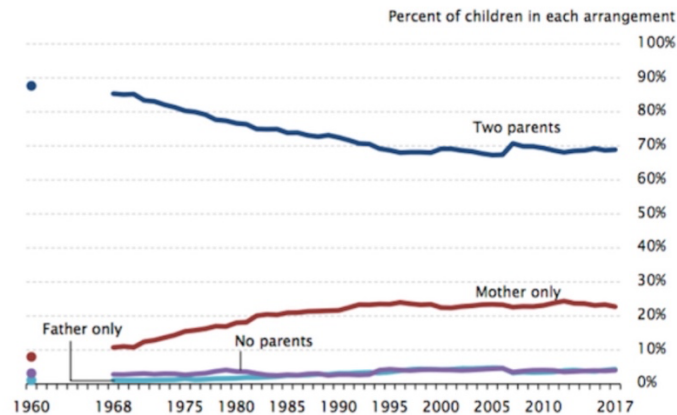
¹⁰² Margot Sanger-Katz et al., *Who Gets Abortions in America?*, NY TIMES (Dec. 14, 2021), <https://www.nytimes.com/interactive/2021/12/14/upshot/who-gets-abortions-in-america.html>.

¹⁰³ *Id.*

¹⁰⁴ BENJAMIN SCAFIDI, *THE TAXPAYER COSTS OF DIVORCE AND UNWED CHILDBEARING: FIRST-EVER ESTIMATES FOR THE NATION AND ALL FIFTY STATES* 14 (2008).

end up on government assistance, like food stamps, cash assistance and Medicare, than single father households.¹⁰⁵ This may have more to do with the sheer number of single mothers households compared to single fathers households than anything else. As shown in the graph below, 22.75% of children live in single mother households while only 4.35% live in single father households.¹⁰⁶ The graph illustrates that children are just as likely to have no parents at all than to live with just their father.¹⁰⁷

Living arrangements of children: 1960 to present



Source: U.S. Census Bureau, Decennial Census, 1960, and Current Population Survey, Annual Social and Economic Supplements, 1968 to 2017.

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However, another reason for the wealth disparity between single mother and single father households is due to discrimination, discussed above, and the wage gap. According to Pew Research, in the United States women earn 84% of what men do even when they are working the same job.¹⁰⁹

To conclude what has been said thus far, women are more likely to be single mothers than men are to be single fathers.¹¹⁰ Women are also less likely to make as much money as men.¹¹¹ Now that abortion is not a constitutionally protected right, women in many parts of the country are in danger of being stuck in a cycle of poverty from which they will have a hard time escaping. One

¹⁰⁵ *Id.*

¹⁰⁶ Alysse ElHage, *Five Facts About Today's Single Fathers*, INST. FOR FAM. STUD. (Dec. 5, 2017), <https://ifstudies.org/blog/five-facts-about-todays-single-fathers>.

¹⁰⁷ *See id.*

¹⁰⁸ *Id.*

¹⁰⁹ Carolina Aragão, *Gender Pay Gap in U.S. Hasn't Changed Much in Two Decades*, PEW RSCH. CTR. (Mar. 1, 2023), <https://www.pewresearch.org/fact-tank/2021/05/25/gender-pay-gap-facts/>.

¹¹⁰ *See ElHage, supra* note 106.

¹¹¹ *See Aragão, supra* note 109.

of the best things that the federal government can do is give these women money to help them provide for their children in the form of a universal child benefit.¹¹²

b. How a Cash Allowance Would Lower Childhood Poverty for Children Born Into an Unwanted Pregnancy

As discussed previously, women who seek abortions are more likely to be living in poverty.¹¹³ Additionally, financial insecurity is the number one cited reason that women terminate a pregnancy.¹¹⁴ Further, women who are denied an abortion are more likely to live in poverty after carrying an unwanted pregnancy to term than women who receive abortions.¹¹⁵ Also, women who are denied an abortion are more likely to remain poor for four years after the unwanted pregnancy (the time range of the study) and more likely to report that they did not have enough money to pay for basic living expenses like food, housing, and transportation compared to women who received an abortion.¹¹⁶

Being denied an abortion also negatively affects the development and financial security of women's existing children.¹¹⁷ Existing children receive less resources and attention when an unwanted pregnancy is carried to term.¹¹⁸ When comparing existing children whose mothers were denied an abortion and those who received an abortion, the children of mothers who were denied an abortion were more likely, over the next four years, to live below the poverty line (72%) compared to children whose mother received an abortion (55%).¹¹⁹ Additionally, the children whose mothers were denied an abortion were more likely to live in a household where their parents could not afford to pay for food, housing, and transportation (87%) compared to children whose mothers were able to receive an abortion (70%).¹²⁰

Unsurprisingly, children who are born to women who would have had an abortion are more likely to experience childhood poverty and not have

¹¹² See Kathryn A. Edwards, *Poor Single Mothers Need Money, Not Husbands*, BLOOMBERG (Apr. 4, 2022, 8:30 AM), <https://www.bloomberg.com/opinion/articles/2022-04-04/marriage-is-no-solution-for-poor-single-mothers#xj4y7vzkg>.

¹¹³ See generally Finer et al., *supra*, note 59.

¹¹⁴ FOSTER, *supra* note 33, at 33-34.

¹¹⁵ *Id.* at 158.

¹¹⁶ *Id.* at 165-66.

¹¹⁷ *Id.* at 178.

¹¹⁸ *Id.* at 179-80.

¹¹⁹ *Id.* at 202.

¹²⁰ FOSTER, *supra* note 33, at 181.

enough food or other basic living expenses.¹²¹ Additionally, teen pregnancy, which accounts for 9% of abortions (about 53,049) is associated with a 52% increase in deep poverty rates for children.¹²²

Currently in the United States there are almost 11 million children living in poverty.¹²³ This number will most likely increase after the decision in *Dobbs v. Jackson* because more children will be born into poverty. Further, conservative states, which are more likely to heavily restrict or ban abortion, have some of the highest child poverty rates in the country.¹²⁴

Data estimates that a universal \$250 per month child benefit would reduce child poverty by nearly 40 percent, from 16.1 percent to 9.7 percent, deep poverty would be cut nearly in half, from 4.9 percent to 2.5 percent, and extreme poverty would be virtually eliminated, down to 0.1 percent.¹²⁵

Additionally, a child benefit will help reduce child poverty because we have seen it do so recently with President Biden's temporary change to the child tax credit under the American Rescue Plan as well as in other countries, which is discussed later in this paper.

Under the American Rescue Plan Act of 2021, Congress expanded the child tax credit to \$3,600 for qualifying children between the ages of zero and five and \$3,000 for qualifying children between the ages of six and seventeen.¹²⁶ The legislation also made the tax credit fully refundable, meaning that it was available to all low to no income families.¹²⁷

¹²¹ See *id.* at 184 (describing how "index children," children born from an unwanted pregnancy, are more likely to live at the poverty line compared to "subsequent children," children born from a later and wanted pregnancy, who live on average 32% above the poverty line).

¹²² See Dana Thompson, et al., *Lessons From a Historic Decline in Child Poverty*, CHILD TRENDS (Sept. 11, 2022), <https://www.childtrends.org/publications/lessons-from-a-historic-decline-in-child-poverty-lessons-and-policy-recommendations>.

¹²³ AREEBA HAIDER, CTR. FOR AM. PROGRESS, THE BASIC FACTS ABOUT CHILDREN IN POVERTY 1 (2021), <https://www.americanprogress.org/wp-content/uploads/sites/2/2021/01/ChildPovertyPrimer-report1.pdf>.

¹²⁴ See *Dobbs Ruling Overturning Roe v. Wade Will Roll Back the Human Rights of Many in the Deep South*, S. POVERTY L. CTR. (June 24, 2022), <https://www.splcenter.org/presscenter/dobbs-ruling-overturning-roe-v-wade-will-roll-back-human-rights-many-deep-south> (asserting that Mississippi, where the *Dobbs* case originated, has the highest child poverty rate in the country); see also Samuel Stebbins, *Mississippi, Louisiana Are Among the States with Most Children Living in Poverty*, USA TODAY (Nov. 13, 2020, 7:00 AM), <https://www.usatoday.com/story/money/2020/11/13/how-many-children-live-in-poverty-in-your-state/114707092/>.

¹²⁵ H. Luke Shaefer, et al., *A Universal Child Allowance: A Plan to Reduce Poverty and Income Instability among Children in the United States*, 4 RUSSELL SAGE FOUND. J. SOC. SCIS. 22, 33 (2018), <https://www.rsfjournal.org/content/rsfjss/4/2/22.full.pdf>.

¹²⁶ MARGOT L. CRANDALL-HOLLICK, CONG. RSCH. SERV., R45124, CHILD TAX CREDIT: LEGISLATIVE HISTORY 1-2 (2021).

¹²⁷ *Id.*

Additionally, under the American Rescue Plan Act of 2021, the treasury sent out monthly checks to families instead of the child tax credit being received in a lump sum once a year as it usually is under current law.¹²⁸ Taxpayers would then claim the remaining half of the total 2021 credit when filing their 2021 income tax returns in April of 2022.¹²⁹

The results of this temporary change to the child tax credit were obvious within the first month of implementation. After being implemented in March 2021, between June 2021 and July 2021 the child-poverty rate dropped from 15.8% to 11.9%¹³⁰ 25% of this decline is attributed to the change in the child tax credit.¹³¹

Further, after Biden's expanded child tax credit expired in January 2022, there was a 41% increase in child poverty in one month and 3.7 million children fell back into poverty.¹³²

While President Biden and other Democrats in Congress initially intended these changes to the child tax credit to extend until 2025 and eventually make them permanent, Congress was not able to pass permanent changes to the child tax credit and these changes expired in January 2022.¹³³

The child benefit under the American Rescue Plan proved that it could lower child poverty in the United States. Now that abortion is no longer a protected right under the constitution there will be more children being born into poverty because of unwanted pregnancies.

C. A Child Benefit Could Be a Bipartisan Solution

1. Introduction

Since Democrats do not need much convincing of the benefits of a child allowance policy this section will primarily focus on why a child benefit policy should be an appealing policy for Republicans and why a child allowance could be a bipartisan policy if presented correctly.

¹²⁸ *Id.* at 11.

¹²⁹ *Id.*

¹³⁰ *Why America's most successful anti-poverty programme is going cold*, THE ECONOMIST (Apr. 2, 2022), <https://www.economist.com/united-states/2022/04/02/why-americas-most-successful-anti-poverty-programme-is-going-cold>.

¹³¹ *Id.*

¹³² Joseph Zeballos-Roig & Madison Hoff, *3.7 million kids slipped back into poverty after the Biden child tax credit expired – and congress isn't restoring it soon*, BUS. INSIDER (Feb. 18, 2022, 11:22 AM), <https://www.businessinsider.com/child-poverty-biden-child-tax-credit-ended-congress-2022-2>.

¹³³ See MARGOT L. CRANDALL-HOLLICK, CONG. RSCH. SERV., R45124, CHILD TAX CREDIT: LEGISLATIVE HISTORY 14-15 (2021).

A child allowance would successfully uphold many conservative interests like fetal life, marriage and limited government.¹³⁴

First, many conservatives are especially interested in the life of an unborn fetus. Most obviously indicated by the many abortion bans popping up around the United States.¹³⁵ As discussed in *The Conservative Case for a Child Allowance* by Samuel Hammond and Robert Orr, a child benefit is associated with reductions in abortion and increased fertility.¹³⁶

[A]ccording to the Guttmacher Institute, 28% of abortion patients surveyed said their decision to terminate a pregnancy was at least in part due to the financial stress of having a child. Meanwhile, research across states has found that more expansive family leave laws are associated with lower rates of abortion. A child allowance would likely have an even greater impact than family leave, given its greater value and lack of dependence on an employer.¹³⁷

Additionally, a study conducted by the Barcelona Graduate School of Economics showed that a child benefit was correlated to a potential drop in abortion rates in Spain after implementation.¹³⁸

Many conservatives attack the tax code for “marriage penalties.”¹³⁹ “A marriage tax penalty occurs when a married couple incurs a higher tax rate when filing jointly than they would if they were filing separately. The reason for this penalty is that state and federal tax brackets don’t always double the single-income rates for married couples filing jointly.”¹⁴⁰ Some believe that the marriage penalties in the tax code have incentivized poor and working-class people to decide not to get married.¹⁴¹ Most notably the marriage penalty in the earned income tax credit can be reduced significantly when low income people get married.¹⁴² Additionally, the earned income tax credit basically

¹³⁴ SAMUEL HAMMOND & ROBERT ORR, *The Conservative Case for a Child Allowance* 10-12 (2021).

¹³⁵ See Chiwaya & Da Silva, *supra* note 25.

¹³⁶ HAMMOND & ORR, *supra* note 134, at 10.

¹³⁷ *Id.* at 25.

¹³⁸ See Libertad González, *The Effects of a Child Benefit* 3, 9, 16 (BARCELONA GRADUATE SCH. ECON., Working Paper No. 574, 2011), <https://www.oecd.org/els/emp/49115482.pdf>.

¹³⁹ Patricia Cain, *The Unfairness of the Marriage Tax Penalty*, BLOOMBERG TAX (Mar. 31, 2021, 4:00 AM), <https://news.bloombergtax.com/daily-tax-report/the-unfairness-of-the-marriage-tax-penalty>.

¹⁴⁰ Andrew J. Dehan, *What the marriage tax penalty is and how to avoid it*, SMARTASSET (Oct. 18, 2022), <https://smartasset.com/taxes/what-the-marriage-tax-penalty-is-and-how-to-avoid->

[it#:~:text=A%20marriage%20tax%20penalty%20occurs,for%20married%20couples%20filing%20jointly](https://smartasset.com/taxes/what-the-marriage-tax-penalty-is-and-how-to-avoid-it#:~:text=A%20marriage%20tax%20penalty%20occurs,for%20married%20couples%20filing%20jointly).

¹⁴¹ HAMMOND & ORR, *supra* note 134, at 11.

¹⁴² *Id.* at 25.

provides a special subsidy for the first child of single filers (single parents) but does not provide the same additional subsidy for married jointly filing taxpayers.¹⁴³ A child allowance would not have that problem because it would be a flat benefit that is available to families with children. While many believe that government policy should be neutral on the topic of marriage, there is a real public policy argument that marriage should be promoted by the government. Unmarried parents result in less stable households for children of unmarried couples because cohabitating parents are 90% more likely to break up than married couples.¹⁴⁴ Children who grow up in households with two parents are more likely to graduate high school, attend college, have more attention at home and better economic outcomes.¹⁴⁵ Additionally, children raised in two parent households are less likely to have behavioral and health problems or experience poverty.¹⁴⁶ Lastly, children who live with two parents are less likely to go to jail or be involved with or experience violent crime.¹⁴⁷ One could argue that the benefits of a child tax benefit on marriage and society as a whole vastly outweigh the costs of implementing the program. Especially if it has the potential of reducing crime and incarceration rates, which, according to the University of Chicago, costs taxpayers \$4.7 - \$5.8 trillion a year.¹⁴⁸ That is double the cost of estimated crime since 2017 where it was estimated to be \$2.6 trillion a year.¹⁴⁹

A child tax benefit is a good conservative policy because it would not have the inherent marriage penalties that other tax policies have and would be a pro-marriage policy. Additionally, it could have beneficial social outcomes like reducing crime and increasing the economic potential of children.

¹⁴³ *Id.* at 11.

¹⁴⁴ W. Bradford Wilcox & Wendy Wang, *Less Stable, Less Important: Cohabiting Families' Comparative Disadvantage around the Globe*, INST. FOR FAM. STUD. (Mar. 12, 2019), <https://ifstudies.org/blog/less-stable-less-important-cohabiting-families-comparative-disadvantage-across-the-globe#:~:text=Data%20from%20our%202017%20World,children%20born%20to%20married%20parents>.

¹⁴⁵ *Forty facts about two-parent households*, GILLESPIESHIELDS, <https://gillespieshields.com/40-facts-two-parent-families/> (last accessed February 26, 2023).

¹⁴⁶ *Id.*

¹⁴⁷ See W. Bradford Wilcox, Wendy Wang & Ian Rowe, *Less poverty, less prison, more college: what two parents mean for black and white children*, INST. FOR FAM. STUD. (June 17, 2021), <https://ifstudies.org/blog/less-poverty-less-prison-more-college-what-two-parents-mean-for-black-and-whitechildren#:~:text=As%20young%20adults%2C%20those%20growing,in%20about%20the%20same%20way..>

¹⁴⁸ Devan Markham & Dray Clark, *Fighting crime: How much does it cost?*, NEWSNATION (Oct. 25, 2022, 7:15 AM), <https://www.newsnationnow.com/crime/crime-cost-fighting/#:~:text=The%20estimated%20cost%20of%20crime,from%20the%20University%20of%20Chicago>.

¹⁴⁹ *Id.*

Lastly, another important policy position for conservatives is limited government and specifically how big of a role the government should play in the lives of our children. Many democrats have proposed universal child daycare as a solution to the high costs of private day care and preschool, since most public schools do not start for children until they turn six years old.¹⁵⁰ Republicans are against the idea of universal day care, some even equating it to Soviet Union style Communism.¹⁵¹

Here, a child benefit allowance would be a great compromise on this issue for Democrats and Republicans because it would give monetary benefits to working families to help provide daycare or other supervisory services for children while also giving parents flexibility in choosing how they want to use the money for their kids.¹⁵² This could include paying for childcare services, paying family members to help watch their children while parents worked, or allowing parents to work less hours by subsidizing income that would have been made while working. In fact, “every \$1,000 increase in average CTC decrease[s] the possibility of the children being taken care of by the parent by 5.29 percentage points.”¹⁵³ Also, “a \$1,000 increase in CTC leads to a 6.57 percentage point *decrease* in the use of day care centers.”¹⁵⁴

Clearly a child benefit policy could fit the conservative view of small government and personal choice by allowing these women to choose how they want to raise their children, even if they did not get to choose to bring the children into the world.

There are already some republicans advocating for a child benefit policy based on *supra*. The leading republican senator that has proposed a child benefit is Senator Mitt Romney from Utah, see *infra*.

2. Senator Mitt Romney’s Child Benefit Plan

The leading Republican senator advocating for a child benefit plan is Senator Mitt Romney from Utah.¹⁵⁵ In 2021 he proposed legislation with the purpose of slashing the child poverty rate under the title “The Family Security

¹⁵⁰ Claire Cain Miller, *What Democrats’ plan would do for parents*, N.Y. TIMES (Nov. 8, 2021), <https://www.nytimes.com/2021/10/29/upshot/democrats-preschool-child-care.html>.

¹⁵¹ Arwa Mahdaawi, *Why are Republicans so threatened by universal daycare*, THE GUARDIAN (May 2021, 9:00 AM), <https://www.theguardian.com/commentisfree/2021/may/01/republicans-threatened-biden-universal-daycare-week-in-patriarchy>.

¹⁵² See HAMMOND & ORR, *supra* note 134, at 21.

¹⁵³ Wei Zheng, *Child Tax Credit and Maternal Labor Supply*, RSCH. SQUARE 1, 27 (Mar. 9, 2023), <https://doi.org/10.21203/rs.3.rs-2659836/v1>.

¹⁵⁴ *Id.*

¹⁵⁵ *Romney Offers Path to Provide Greater Financial Security for American Families*, MITT ROMNEY U.S. SENATOR FOR UTAH (Feb. 4, 2021), <https://www.romney.senate.gov/romney-offers-path-provide-greater-financial-security-american-families/>.

Act”.¹⁵⁶ The Family Security Act would have replaced the current child tax credit with a child allowance that would provide \$350 per month for children under the age of six and \$250 per month for children between six to seventeen.¹⁵⁷ Additionally, the child allowance under Romney’s plan would be available to expecting mothers four months before the delivery of their babies.¹⁵⁸ This would help many women with unwanted pregnancies to pay for the huge medical costs that carrying and delivering a baby requires. Under Romney’s plan, these payments would be distributed by the Social Security Administration which would be better equipped to distribute this money than the IRS, which currently distributes the child tax credit.¹⁵⁹ Additionally, Romney’s plan would end Temporary Assistance for Needy Families (TANF), the dependent and child tax credit, State and local tax (SALT) deductions, and the head of household filing status.¹⁶⁰ The abolition of the state and local tax deduction would be a major benefit to pay for the child benefit policy because the SALT deduction is only beneficial to high earners who live in wealthy areas it is counterproductive to funding government programs and has been described as a handout to the wealthy.¹⁶¹

Samuel Hamond and Robert Orr estimated that, “the Romney child allowance would reduce U.S. child poverty by roughly one third, and deep child poverty by half.”¹⁶² The Romney plan is larger than the one under the American Rescue Plan and would be available before the child is born.¹⁶³

In June 2022, Mitt Romney proposed a new child benefit policy with the backing of Senator Richard Burr and Steve Daines called the “Family Security Act 2.0”.¹⁶⁴ The proposed legislation is similar to the first proposed Family Security Act but there are some major changes that are geared towards getting more Republicans to vote for the bill, including a work requirement and income of at least \$10,000 to receive the full benefit.¹⁶⁵ While this is understandably a way to get Republicans to agree to the bill it is a grossly

¹⁵⁶ *See id.*

¹⁵⁷ HAMMOND & ORR, *supra* note 134, at 10.

¹⁵⁸ *Id.*

¹⁵⁹ *Id.* at 9-10.

¹⁶⁰ SAMUEL HAMMOND & ROBERT ORR, ANALYSIS OF THE ROMNEY CHILD ALLOWANCE 1 (2021), https://www.niskanencenter.org/wp-content/uploads/2021/02/Analysis-of-the-Romney-Child-Allowance_final.pdf.

¹⁶¹ *See generally, Editorial: Democrats should stop protecting the rich and support Romney bill*, PITT. POST-GAZETTE (June 21, 2022, 5:04 PM), <https://www.post-gazette.com/opinion/editorials/2022/06/21/family-security-act-child-tax-credit-mitt-romney-salt-deduction-eitc-republicans/stories/202206220033>.

¹⁶² HAMMOND & ORR, *supra* note 160, at 2.

¹⁶³ *Id.*

¹⁶⁴ *This bill would promote families and marriage*, MITT ROMNEY U.S. SENATOR FOR UTAH (June 19, 2022), <https://www.romney.senate.gov/this-bill-would-promote-families-and-marriage/>.

¹⁶⁵ *Id.*

problematic requirement, which I talk about more infra. However, even with the problems in the new bill it is a promising because it shows that there is some bipartisan support for a child benefit policy.¹⁶⁶

Ultimately, any child benefit policy is better than no policy at all and if congress wants to pass anything there will have to be some compromise in the legislature. The Family Security Act 2.0 is estimated to reduce child poverty by 12.6%.¹⁶⁷ That is 1.1 million children.¹⁶⁸ Even with the flaws in the proposed bill it would still have a beneficial impact on child poverty and helping women after an unwanted pregnancy because they could receive payments four months before the child is born, which would support prenatal health after the *Dobbs* decision.¹⁶⁹

3. Senators Joe Manchin and Marco Rubio's Arguments Against a Child Allowance

Some legislators are not as open to the idea of a child benefit because they believe the credit would not be used for children and that a child benefit would incentivize people to not work and is an overreach of government power.¹⁷⁰ One such senator is democrat Senator Joe Manchin. Senator Manchin has stated that he is open to expansion of the child tax credit but he voted "no" on making the changes to the American Rescue plan permanent or expanding it to 2025.¹⁷¹ Senator Manchin has expressed concern that a child benefit would not be used for children and could be used for non-child related things, and specifically on recreational drugs.¹⁷² First, it is extremely insulting to assume that poor families are using a child allowance to buy drugs, and thus insinuating that poor people are all addicts who do not care about the wellbeing of their children. Second, this assumption runs contrary to data.

¹⁶⁶ CHUCK MARR, ET AL., ROMNEY CHILD TAX CREDIT PROPOSAL IS STEP FORWARD BUT FALLS SHORT, TARGETS LOW INCOME FAMILIES TO PAY FOR IT, CTR ON BUDGET & POL'Y PRIORITIES, (July 6, 2022), <https://www.cbpp.org/research/federal-tax/romney-child-tax-credit-proposal-is-step-forward-but-falls-short-targets-low>.

¹⁶⁷ Robert Orr & Joshua McCabe, *Analysis of the Family Security Act 2.0*, NISKANEN CTR. (June 15, 2022), <https://www.niskanencenter.org/analysis-of-the-family-security-act-2-0/>.

¹⁶⁸ *Id.*

¹⁶⁹ *Id.*

¹⁷⁰ Matt Barnum, *Parents are spending new child benefit on food, education. But will Congress keep it?*, CHALKBEAT (Nov. 15, 2021, 2:29 PM), <https://www.chalkbeat.org/2021/11/15/22783579/child-tax-credit-schools-biden-reconciliation-plan-education-poverty-families-research>.

¹⁷¹ Joseph Zeballos-Roig, *The government is sending up to \$300 monthly checks to families with kids starting today. Democrats want to make it permanent as a new form of Social Security*, INSIDER, (July 15, 2021, 10:51 AM), <https://www.businessinsider.com/child-tax-credit-biden-stimulus-direct-payments-irs-benefits-2021-7>.

¹⁷² Zeballos-roig & Hoff, *supra* note 132.

Multiple news sources have reported that families used the child benefit under the American Rescue Plan on food, clothes, school supplies, rent and other necessities for their children.¹⁷³ Many news articles cited a study from The Center of Law and Social Policy which found that:

[T]he most common way that respondents reported planning to use their CTC refund or monthly payments was towards paying bills, food and groceries, paying their rent or mortgage, buying clothing and shoes, and paying down credit cards or other debt. The next most common spending options that families reported planning to use their CTC refund or monthly payments towards include saving or investing the money, meeting the costs of school or college, covering car expenses, covering childcare costs, and towards after-school activities or lessons.¹⁷⁴

Additionally, the Census Bureau found that 3 in 10 families who received the [child benefit] payments used them on school expenses, while 1 in 4 with young children used them to cover child-care costs.¹⁷⁵ They also found that fewer households with children experienced food insufficiency after the payments.¹⁷⁶

As illustrated *supra*, families used the expanded child tax credit under the American Rescue Plan on necessities like food, shelter, clothing and education. Considering more children will be born after the decision in *Dobbs*, these women would benefit from a federal child allowance to help them pay for the necessities for their children.¹⁷⁷

Senator Marco Rubio is also not on board with the idea of a child benefit allowance but has expressed his willingness to increase the child tax credit,

¹⁷³ See Matt Barnum, *supra* note 170 (“A Census survey showed most low-income parents said they spent at least some of it on food, more than any other item.”); See also Casey Parks, *Most parents use child tax credit on food, bills and other necessities, survey finds*, WASH. POST (Nov. 18, 2021, 2:16 PM), <https://www.washingtonpost.com/dc-md-va/2021/11/18/child-tax-credit-spent-on-bills/>.

¹⁷⁴ ASHLEY BURNSIDE, KEY FINDINGS FROM NATIONAL CHILD TAX CREDIT SURVEY 4 (2021), https://www.clasp.org/sites/default/files/publications/2021/11/2021_Key%20Findings%20National%20CTC%20Survey%20Round%20_0.pdf.

¹⁷⁵ See Casey Parks, *supra* note 173; Daniel J. Perez-Lopez and Yerís Mayol-García, *Parents with young children used child tax credit payments for child care*, U.S. CENSUS BUREAU (Oct. 26, 2021), <https://www.census.gov/library/stories/2021/10/nearly-a-third-of-parents-spent-child-tax-credit-on-school-expenses.html>.

¹⁷⁶ Daniel J. Perez-Lopez, *Economic hardship declined in households with children as tax credit payments arrived*, U.S. CENSUS BUREAU (Aug. 11, 2021), <https://www.census.gov/library/stories/2021/08/economic-hardship-declined-in-households-with-children-as-child-tax-credit-payments-arrived.html>.

¹⁷⁷ See generally Kekatos, *supra* note 3.

which resulted in the doubling of the tax credit in 2017 from \$1,000 per qualifying child to \$2,000 per qualifying child.¹⁷⁸ Rubio has called Biden's child allowance under the American Rescue Plan a "anti-work welfare check"¹⁷⁹ and has suggested that any expansion to the child tax credit should be accompanied by a work requirement.¹⁸⁰ Senator Manchin has also requested a work requirement for any kind of child benefit¹⁸¹, despite apparently not knowing what a W2 or 1099 is.¹⁸² A work requirement is constructed as a way to stop potential abuse of the welfare system and requires an "able-bodied" recipient of public assistance to work a certain number of hours a week in order to access public assistance programs like food stamps and cash assistance.¹⁸³

At best however, a work requirement does not seem to be necessary for a child benefit policy, and at worse, a work requirement could be counterproductive in helping impoverished families with children, especially new moms after the overturning of *Roe v. Wade*.

First, while a researcher at the University of Chicago has estimated that a child benefit would prompt 1.5 million parents to leave the workforce¹⁸⁴, other researchers from Columbia University's Center on Poverty and Social Policy say that there is no evidence that child benefits, including the ones distributed under the American Rescue Plan in 2021, had any impact on parents working.¹⁸⁵ Additionally, as discussed *infra*, Canada has a child benefit that is double the amount of the American Rescue Plan's child benefit, and Canada saw no adverse effect on its labor force participation.¹⁸⁶

Additionally, data suggests that a child allowance would actually incentivize parents, especially women, to work because they would have extra

¹⁷⁸ Joseph Zeballos-Roig, *The government is sending up to \$300 monthly checks to families with kids starting today. Democrats want to make it permanent as a new form of social security*, BUS. INSIDER, (July 15, 2021, 10:51 AM), <https://www.businessinsider.com/child-tax-credit-biden-stimulus-direct-payments-irs-benefits-2021-7>.

¹⁷⁹ *Id.*

¹⁸⁰ *Id.*

¹⁸¹ Zeballos-roig & Hoff, *supra* note 132.

¹⁸² Joseph Zeballos-roig, *Joe Manchin digs into cutting the poorest parents out of the Biden child tax credit as Build Back Better looks dead in the water*, BUS. INSIDER (Jan. 4, 2022, 2:51 PM), <https://www.businessinsider.com/manchin-digs-in-biden-child-tax-credit-work-requirement-2022-1> (describing how Senator Manchin confused a W2 with a 1099 despite being one of the most powerful and longest elected legislators in the country).

¹⁸³ Alvin Chang & Tara Golshan, *The Republican push for welfare "work requirements," Cartoonsplained*, VOX (July 26, 2018, 12:10 PM), <https://www.vox.com/2018/7/26/17465068/work-requirements-medicaid-snap-republican-cartoon>.

¹⁸⁴ Aimee Picchi, *Child Tax Credit could spur 1.5 million parents to leave the workforce, study says*, CBS NEWS (Oct. 12, 2021, 4:34 PM), <https://www.cbsnews.com/news/child-tax-credit-work-requirement-debate/>.

¹⁸⁵ *Id.*

¹⁸⁶ HAMMOND & ORR, *supra* note 134, at 18.

money for childcare and extracurricular activities for their children while they worked.¹⁸⁷ To further illustrate the pro-work effects of cash in hand assistance for mothers, after the increase in the child tax credit in 2017 there was a 1.1% increase in labor force participation for single mothers.¹⁸⁸ This is especially true for mothers with young children who are not old enough to be in public school, children ages three to five years old, thus when women have the biggest trade off in choosing to work verses staying home with their children.¹⁸⁹ A cash in hand child benefit would be crucial to supporting mothers getting back to work after the decision in *Dobbs* because it would allow them extra money to pay for childcare services or paying relatives to watch their children while they worked.

Second, as noted above, any type of work requirement would make a child allowance inaccessible to many families.¹⁹⁰ For example under the Family Security Act 2.0 Proposed by Senator Romney, “Children in families without earnings in a year would get no credit at all, while millions of other children in families with very low earnings would get only a partial credit.”¹⁹¹ This would include grandparents who are raising their grandchildren and disabled parents with mental and physical disabilities whom legislators deem to still be considered “able-bodied”.¹⁹² Children living with grandparents account for 7.9 percent of all children under the age of 18 and more than 4 million children live with disabled parents.¹⁹³ This is counter intuitive to the goal of a child benefit policy, which is to reduce child poverty, because the very children who need it most would not have the same access to it that more well off children have.¹⁹⁴

¹⁸⁷ See generally Will Raderman, *Biden's child care proposal is broken. Consider properly funding the Child Tax Credit instead*, NISKANEN CTR. (Dec. 14, 2021), <https://www.niskanencenter.org/bidens-child-care-proposal-is-broken-consider-properly-funding-the-child-tax-credit-instead/>.

¹⁸⁸ Samuel Hammond, *New Research finds the Child Tax Credit promotes work*, NISKANEN CTR. (Dec. 10, 2020), <https://www.niskanencenter.org/new-research-finds-the-child-tax-credit-promotes-work/> (discussing an academic paper by Wei Zheng, a Ph.D. candidate at the University of Connecticut).

¹⁸⁹ See generally *id*; WEI ZHENG, CHILD TAX CREDIT AND MATERNAL LABOR SUPPLY (2022), https://b6ad33f0-5c8f-4cae-8827e0b202e9df5d.filesusr.com/ugd/727ad2_58120b8a5700493ba30f86331c3ce865.pdf.

¹⁹⁰ Zeballos-Roig, *supra* note 171.

¹⁹¹ Marr et al., *supra* note 166.

¹⁹² See generally, Chang & Golshan, *supra* note 183; see also Emily Badger & Margot Sanger-Katz, *Who's Able-Bodied Anyway?*, N.Y. TIMES (Feb. 3, 2018), <https://www.nytimes.com/2018/02/03/upshot/medicaid-able-bodied-poor-politics.html>.

¹⁹³ Samuel Hammond, *Five reasons the child tax credit shouldn't have a work requirement*, NISKANEN CTR. (Oct. 21, 2021), <https://www.niskanencenter.org/five-reasons-the-child-tax-credit-shouldnt-have-a-work-requirement/>.

¹⁹⁴ MARR ET AL., *supra* note 166.

For mothers of unwanted pregnancies, a work requirement could be doubly harmful. First, as noted women who tend to seek an abortion are more likely to be poor and working in low-skilled laborious jobs.¹⁹⁵ This means that they will need more time to recover after birth than women who work in a sedentary type of job; especially if it is a traumatic birth, and to be considered “not able-bodied” for longer than women in sedentary jobs in order to fall under the work requirement’s exception, which usually requires multiple check ins and doctors notes, which would cost a lot of money and time that impoverished women do not have.¹⁹⁶

Second, women who experience unintended pregnancy are at a greater risk of developing maternal depression and anxiety, also known as postpartum depression (PPD) and postpartum anxiety (PPA).¹⁹⁷ These are invisible mental conditions that affect women after giving birth and can be debilitating for women and can make them unable to work after birth. Postpartum depression is caused by a drop in hormones after giving birth.¹⁹⁸ Untreated, postpartum depression can last for many months or longer.¹⁹⁹ Making it difficult to determine when these women would be “able-bodied” enough to work again since every pregnancy and postpartum experience is unique. Additionally, postpartum anxiety is caused by hormonal changes after birth, lack of sleep, newfound responsibility for taking care of a newborn, and stressful events.²⁰⁰ There is no determinative timeline when PPA will end as the condition varies from person to person.²⁰¹ Clearly a work requirement for child benefits would have an adverse effect on mothers of unwanted pregnancy because they would have to consistently get doctor’s notes for exemptions on why they could not work for mental and physical disabilities and conditions that they do not know when will subside. Additionally, government bureaucrats would have to routinely determine if these women are not “able-bodied” enough to go back to work, all while they are caring for a newborn, oftentimes completely by themselves.²⁰²

¹⁹⁵ See FINER ET. AL., *supra* note 59.

¹⁹⁶ See *generally* Chang & Golshan, *supra* note 183.

¹⁹⁷ E. Angel Aztlan-James, Monica McLemore, and Diana Taylor, *Multiple Unintended Pregnancies in U.S. Women: A Systematic Review*, NAT’L LIBR. OF MED. (Mar. 9, 2017), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5511571/>.

¹⁹⁸ *Postpartum Depression*, MAYO CLINIC (Nov. 24, 2022), <https://www.mayoclinic.org/diseases-conditions/postpartum-depression/symptoms-causes/syc-20376617#:~:text=After%20childbirth%2C%20a%20dramatic%20drop,Emotional%20issues.>

¹⁹⁹ *Id.*

²⁰⁰ *Postpartum Anxiety*, CLEVELAND CLINIC (Apr. 12, 2022), <https://my.clevelandclinic.org/health/diseases/22693-postpartum-anxiety>.

²⁰¹ *Id.*

²⁰² Sanger-Katz, Caine Miller, & Bui, *supra* note 102 (illustrating that 55% of women who get an abortion are single; some are divorced).

To conclude this section, a child benefit policy could be a bipartisan solution to some of the financial hardship that mothers of unwanted pregnancies will face after the decision in *Dobbs v. Jackson*. Republicans have been open to expansions of the child tax credit.²⁰³ The Republicans doubled the child tax credit in 2017 from \$1,000 per qualifying child to \$2,000 per qualifying child.²⁰⁴ Some Republicans, like Senator Mitt Romney, have proposed child benefit policies in the past as well.²⁰⁵ I believe that if Democrats could make a single-issue proposal for a child benefit policy, then a child benefit policy could become law in the United States and replace the child tax credit. However, some regulations that the Republicans want, namely a work requirement, are either not necessary or would be counter to the purpose of the policy in helping the poor and namely poor mothers of unwanted pregnancies.

4. Comparison of America's Child Tax credits to other countries' child benefit allowance programs

a. Introduction

Most countries have a child allowance or benefit as a part of their social safety net.²⁰⁶ In fact 108 countries, 60%, have some form of child benefit policy.²⁰⁷ The stated goal of these child benefit programs in other countries is usually to increase fertility and birthrates and to decrease child poverty.²⁰⁸ The United States has the fifth highest level of child poverty at 21% compared to other Organization for Economic Cooperation and Development (OECD) countries.²⁰⁹ Part of the reason that the United States falls behind other developed countries in regards to child poverty is because other countries have implemented a child benefit/allowance policy.²¹⁰ "The level of these child benefits varies by country. The benefit in U.S. dollars for two children in Belgium and Germany is about \$5,600 per year; in Ireland \$4,000, and in the Netherlands \$2,400."²¹¹

²⁰³ See CRANDALL-HOLLIICK, *supra* note 40.

²⁰⁴ *Id.*

²⁰⁵ *Romney Offers Path to Provide Greater Financial Security for American Families*, MITT ROMNEY U.S. SENATOR FOR UTAH, (Feb. 4, 2021), <https://www.romney.senate.gov/romney-offers-path-provide-greater-financial-security-american-families/>.

²⁰⁶ Zeballos-Roig, *supra* note 171.

²⁰⁷ FRANCESCA BASTAGLI ET AL., UNIVERSAL CHILD BENEFITS: POL'Y ISSUES & OPTIONS 11 (2020), <https://www.unicef.org/media/72916/file/UCB-ODI-UNICEF-Report-2020.pdf>.

²⁰⁸ González, *supra* note 138, at 11.

²⁰⁹ H. Luke Shaefer, et al., *A Universal Child Allowance: A Plan to Reduce Poverty and Income Instability Among Children in the United States*, 5 NAT'L LIBR. OF MED. 4 (2019).

²¹⁰ *Id.*

²¹¹ *Id.* at 5.

b. Canada

One of America's closest allies, both figuratively and literally, implemented an expanded child benefit policy in 2016 which resulted in great results. Under the Canadian child tax benefit policy, those earning less than CAD \$31,711 a year can receive \$541.33 per month for each child under the age of 6, and \$456.75 per month for each child aged 6 to 17.²¹² The benefit then phases out slowly for higher-income families.²¹³

The Canadian Child Benefit policy provides assistance for over 90 percent of households with children.²¹⁴ The policy is aimed at reducing child poverty rates and has successfully cut poverty by one-third in only a few years.²¹⁵ Additionally, estimates roughly indicate a 5 percentage point decline in poverty for single mothers when compared to single women without children following the introduction of the Canadian Child Benefit.²¹⁶ Clearly, evidence from the Canadian Child Benefit policy shows a positive impact on child poverty and demonstrates a beneficial policy if enacted in the United States, especially after the decision in *Dobbs*.

Additionally, the child benefit in Canada is universal and not tied to whether the parents work.²¹⁷ Even though there is no work requirement for parents to receive the credit, Canada's labor participation rate two percentage points higher than that of the United States and after the expansion of the child benefit in 2016 total employment in Canada increased.²¹⁸ Additionally, a study on the effects of the Canadian Child Benefit found no significant effect on labor supply after the implementation of the Canadian Child Benefit.²¹⁹

Further, after the initial implementation of the child benefit in Canada in 2006, single mothers increased both their labor force participation and employment rates, suggesting that they used the benefit to afford childcare.²²⁰

This illustrates that counter to what some republicans and Democrat Senator Joe Manchin would believe, there is no evidence that a child benefit

²¹² *Canada Child Benefit: How Much You Can Get*, CAN. REVENUE AGENCY, <https://www.canada.ca/en/revenue-agency/services/child-family-benefits/canada-child-benefit-overview/canada-child-benefit-we-calculate-your-ccb.html> (last modified Jan. 27, 2020).

²¹³ HAMMOND & ORR, *supra* note 134, at 18.

²¹⁴ *Id.*

²¹⁵ *Id.*

²¹⁶ Michael Baker et al., *The Effects of Child Tax Benefits on Poverty and Labor Supply: Evidence from the Canadian Child Benefit and Universal Child Care Benefit* 14 (Nat'l Bureau of Econ. Rsch., Working Paper No. 28556, 2021), https://www.nber.org/system/files/working_papers/w28556/w28556.pdf.

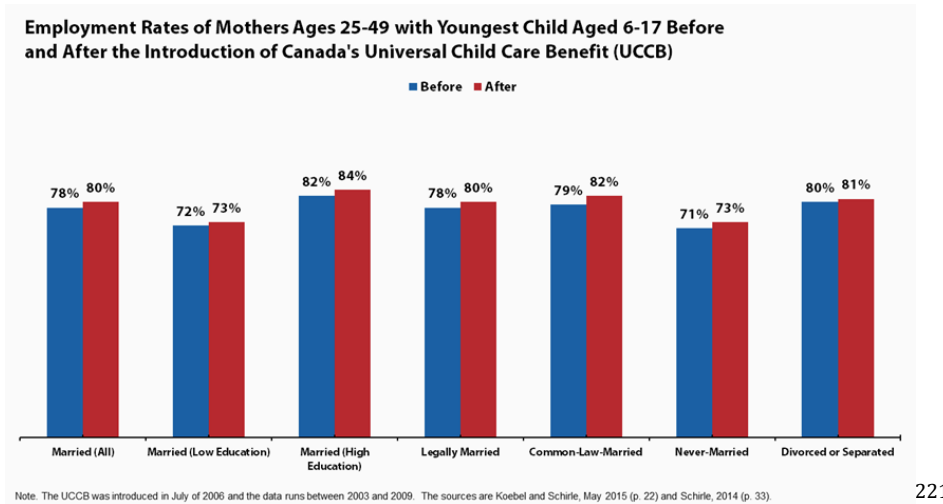
²¹⁷ *Id.* at 4.

²¹⁸ *Id.* at 34.

²¹⁹ *Id.* at 19.

²²⁰ HAMMOND & ORR, *supra* note 134, at 19.

policy would significantly impact the labor force. This increase in employment is illustrated in the graph below.



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Also, a 2015 study of the effects of the child benefit policy also showed an increase in children's wellbeing.²²² These increases were generally linked to increased ability of parents being able to afford educational and healthcare expenses leading to large improvements in children's physical and mental health outcomes.²²³ This in turn also reduced parental stress and saw a reduction in tobacco and alcohol usage in Canadian households.²²⁴

A major difference between the United State and Canada is the stance on Abortion. In the United States abortion is now a state's issue after the decision in *Dobbs v. Jackson*, meaning that individual states can decide if they will allow abortion in there state.²²⁵ Abortion is completely legal in Canada, with no criminal restrictions on abortion access, and has been since 1988 after the decision in *R. v. Morgentaler*, where the supreme court [of Canada] held that section 251 of the [Canadian] criminal code, which made abortion illegal, infringed on a women's physical and bodily integrity.²²⁶ However Canada does

²²¹ *Id.* at 19.

²²² Lauren E. Jones, Kevin Milligan & Mark Stabile, *Child Cash Benefits and Family Expenditures: Evidence from the National Child Benefit*, 52 CAN. J. ECON. 1433, 1436 (2019), <https://onlinelibrary.wiley.com/doi/full/10.1111/caje.12409>.

²²³ *Id.*

²²⁴ *Id.* at 1460.

²²⁵ See generally Megan Messerly & Lisa Kashinsky, 'It's now up to the states': Republicans move to ban abortion after Roe falls, POLITICO (June 24, 2022, 6:52 PM), <https://www.politico.com/news/2022/06/24/states-abortion-laws-supreme-court-00042390>.

²²⁶ *R. v. Morgentaler*, [1988] S.C.R. 30 (Can.).

not have any laws that secure a right to abortion either.²²⁷ Meaning that they are vulnerable to the same fate of the United States where abortion is no longer a right with the overruling of *Roe v. Wade*.²²⁸ But also, Canada is in a much better position to provide care for more children should *Morgentaler* be overturned due to their progressive child benefit policy. The same cannot be said for the United States facing this issue now.

To conclude this section, as illustrated by the child benefit plan in Canada, a child benefit allowance would be a great way to reduce poverty without decreasing the labor force after the decision in *Dobbs v. Jackson*, where there will be more children born in the United States and where women will need more money to provide for these children after an unwanted pregnancy.

c. Poland

Poland is a historically strictly conservative and religious European country.²²⁹ Poland is currently run by a neo-nationalist right-wing party.

Abortion is very restricted in Poland.²³⁰ Because of this Poland nearly banned abortion in 2020 when they rolled back a constitutional right to an abortion.²³¹ In Poland, abortion is only available to save the life of the mother and when the fetus is the product of rape. It is not available in any other circumstance even where the fetus is deformed or will suffer major physical or mental deficiency.²³² In spite of this however, Poland offers generous social benefits including a child benefit in the amount of 500PLU per month per qualifying child.²³³ In Poland, every child under the age of 18 is eligible for the child benefit, meaning it is not dependent on income status.²³⁴ This benefit is also tax exempt.²³⁵ This policy was implemented in 2016, after the neo-nationalism right wing party was elected.²³⁶

²²⁷ Marie-Danielle Smith, *Canada has no abortion right law. Does it need one?*, CBC NEWS, (June 28, 2022, 11:44 AM), <https://www.cbc.ca/news/canada-abortion-law-1.6503899>.

²²⁸ See generally *id.*

²²⁹ *Opinion: Why is Poland the most religious and conservative country in Europe?*, RECKON TALK, <https://www.reckontalk.com/why-are-poland-the-most-religious-conservative-country-in-europe/> (last accessed Mar. 6, 2023).

²³⁰ Pitor Grzebyk, *Neo-nationalism in Poland and its impact on labor law and social policy*, 42 *Comp. Lab. L. & Pol'y J.* 115 (2022).

²³¹ See generally *Poland's Constitutional Tribunal Rolls Back Reproductive Rights*, HUM. RTS. WATCH (Oct. 22, 2020, 1:00 PM), <https://www.hrw.org/news/2020/10/22/polands-constitutional-tribunal-rolls-back-reproductive-rights>.

²³² *Id.*

²³³ Grzebyk, *supra* note 230, at 128-29.

²³⁴ *Id.* at 129.

²³⁵ See generally *id.*

²³⁶ See generally *id.*

The purpose of the child benefit in Poland is to increase increase fertility.²³⁷ So far however, the results on fertility after the child benefit was implemented in Poland are ambiguous.²³⁸ Although research suggests that universal child benefits can have a “moderate positive effect on fertility decisions, notably in countries where they were explicitly designed to have this effect.”²³⁹ For example, in Hungary, a 1% increase in child benefits increased fertility by 0.2% and in Israel their child benefit was linked to a 7.8% increase in fertility.²⁴⁰

Additionally, the child benefit in Poland has had a positive effect on the economic position of the poorest families in Poland and has decreased child poverty from over 20% to below 14%.²⁴¹

One negative trend after implementation of the child benefit policy in Poland is that labor force participation among women has fallen since 2016. In Poland, the labor force participation rate of women with children decreased by 2.4% after the implementation of the child benefit policy compared to that of childless women, especially among mothers with lower levels of education.²⁴² The reasoning behind this fall in labor force participation among women is theorized to be that that child benefit policy incentivized women to leave the work force.²⁴³ While these results may show that there is some truth in the idea that a child benefit would decrease the labor force, this does not prove that. Taken with the results of the Canadian child benefit policy and the labor force after the child benefit under the American Rescue plan, the results seem to be ambiguous. Additionally, some suggest that the lack of childcare services, especially for young children is why the labor force participation is low and in decline in Poland.²⁴⁴ Thus more data needs to be collected to determine the long term effects on fertility in Poland after the enactment of their child benefit policy.

The child benefit policy in Poland shows that a child benefit has a net positive effect of child poverty, an ambiguous effect on fertility and a possible negative effect on labor force participation. After the decision in *Dobbs*, more

²³⁷ BASTAGLI, ET AL., *supra* note 207, at 93.

²³⁸ *Id.*

²³⁹ *Id.*

²⁴⁰ *Id.*

²⁴¹ Grzebyk, *supra* note 230, at 131; BASTAGLI ET AL., *supra* note 207, at 82.

²⁴² Iga Magda et al., *The Family 500+ Child Allowance and Female Labour Supply in Poland 2* (INSTYTUT BADAŃ STRUKTURALNYCH, Working Paper No. 01/2018, 2018), https://ibs.org.pl/app/uploads/2018/03/IBS_Working_Paper_01_2018.pdf.

²⁴³ *Id.* at 12.

²⁴⁴ Stanisława Golinowska & Agnieszka Sowa-Kofta, *Combating Poverty Through Family Cash Benefits. On the First Results of the Programme “Family 500+” in Poland, 2017* POLITYKA SPOŁECZNA 7, 10 (2017), https://www.researchgate.net/publication/322835564_Is_the_500_child_benefit_programme_over_generous_Polish_social_protection_expenditure_on_benefits_and_services_for_families_with_children_compared_with_other_member_countries_of_the_EU_and_OECD.

children will inevitably be born in the States. Using the child benefit from Poland, we can see that a child benefit is an ideal policy to reduce child poverty and help provide necessities for children who will be born to an unwanted pregnancy. Additionally, because of Poland's strict abortion laws and conservative government, the child benefit policy in Poland illustrates a conservative argument, increasing fertility, for public benefits for children.

CONCLUSION

A child benefit is an ideal solution to helping poor women provide for their children after the decision in *Dobbs v. Jackson*.

First, there are numerous economic reasons for introducing a child benefit including the fact that women who seek abortions are usually low income, being denied an abortion is correlated to lower economic outcomes for women compared to women who received an abortion, and the increasing costs of raising children and high rate of single mothers among women who seek abortions.

Secondly, a child benefit allowance would be a good compromise for Republican and Democrat legislatures.

Finally, a child benefit allowance has been enacted in other countries and has had positive results. For example, Canada has a similar history and culture to the United States. Poland has very strict abortion laws but has a generous child benefit. The child benefit policy in these countries has had a positive effect on child poverty rates and the child policy in Canada had no foreseeable effect on labor force participation.

Now that states have the authority to restrict and outlaw abortion, the federal government needs to act promptly to help women who will not be able to terminate their unwanted pregnancies, a child benefit policy is a commonsense policy to help these women with the financial hardship of birthing and raising a child.