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**AFDC Based on Incapacity:
Still Forgotten After All These Years**

New Crime Law Creates Opportunities to Protect Children in High-Crime Neighborhoods

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I. Introduction

On September 13, 1994, President Clinton signed into law the Violent Crime Control and Law Enforcement Act of 1994. /1/ The Act -- while containing many provisions that have been criticized by criminal justice advocates and practitioners /2/ -- includes almost \$1 billion for violence prevention programs directly targeted to children and youths and another roughly \$2.5 billion for programs that may be targeted to children and youths. /3/ These violence prevention authorizations provide a critical opportunity to get desperately needed new dollars into crime-ridden, poor communities.

This article highlights the key violence prevention programs for children and youths included in the Crime Control Act. It is essential that legal services advocates alert community-based organizations about the availability of funds under the Act and the opportunities those funds present to make a significant difference in the lives of children and youths.

Among the Act's violence-prevention programs for children and youths are the Ounce of Prevention, /4/ Community Schools Youth Services and Supervision, /5/ and Family and Community Endeavor Schools /6/ Programs. These provisions authorize a total of \$900 million over the next six years for after-school, summer, weekend, and holiday programs, as well as limited school-day programs, for children in distressed communities. /7/

The Act's other major violence prevention programs and smaller, youth-focused programs include:

-- Local Partnership Act, which authorizes \$1.6 billion over five years for local governments to fund already existing federal programs that prevent crime through education, substance abuse treatment, and the provision of jobs. Funds also may be applied to other programs with substantially similar purposes. /8/

-- Model Intensive Grant Program, which authorizes \$625.5 million over five years to fund comprehensive crime prevention programs in up to 15 chronic high-crime sites. /9/

-- Local Crime Prevention Block Grant Program, which authorizes \$377 million over five years for block grants to local governments to fund, for example, juvenile violence prevention, employment saturation, supervised sports and recreation programs, and Boys and Girls Clubs. /10/

-- Assistance for Delinquent and At-Risk Youth Program, which authorizes \$36 million over five years for residential schools for at-risk youths aged 11 -- 19. /11/

-- Gang Resistance Education and Training Program (GREAT), which authorizes \$45 million over six years for gang prevention and education programs in no fewer than 50 communities. /12/

-- Urban Recreation and At-Risk Youth Program, which authorizes \$4.5 million over five years for recreational programs for youths in neighborhoods with high rates of juvenile delinquency. /13/

-- Family Unity Demonstration Program, which authorizes \$19.8 million over five years to permit nonviolent offenders with very young children to be detained with those children in facilities providing a range of social services, including parenting classes and substance abuse treatment. /14/

-- Violence Against Women Act, which, in addition to creating new federal civil rights penalties for gender-based crimes, includes \$1.6 billion over six years for programs designed to prevent domestic violence and other crimes against women. /15/

II. Children in Need

Children in many communities desperately need programs like those created in the Crime Control Act. Violence, particularly gun violence, has so permeated the environment of hundreds of thousands of American children that many have begun saying "if I grow up" and not "when I grow up." /16/

Tragically, the numbers confirm their fears. In the 12 years between 1979 and 1991, nearly 50,000 American children and youths were killed by firearms -- roughly equal to the number of American battle casualties suffered during the Vietnam war. /17/ In 1991 alone -- the most recent year for which complete data are available -- 5,356 children and youths died from gunshot injuries. /18/

Thousands more children are injured by gunfire. The Centers for Disease Control estimate that there are five nonfatal gunshot injuries for every fatal one. /19/ That amounts to more than 26,000 children and youths injured by gunfire in 1991.

Hundreds of thousands more children who are neither killed nor physically injured still are grievously harmed every day by the pervasive violence around them, by losing parents or siblings or classmates, by having to sleep in bathtubs for cover, by losing much of their childhood and all of their innocence to this tidal wave of violence that reaches all corners of our society but particularly afflicts certain poor and minority and inner-city communities.

Many American children are suffering severe psychological damage as a result of living within chronically violent neighborhoods -- communities where the sound of gunfire does not distinguish one day from any other. The problem in the United States has become so extreme that relief workers have found children in Croatian refugee camps to be less psychologically wounded by the

war raging around them than American inner-city children, who have never known peace and security and have no vision of what it would be like to live under such circumstances. /20/

Guns are at the core of the recent increases in lethal crime and violence. In 1992, nearly 70 percent of the homicides reported by the FBI involved firearms. /21/ Firearms account for virtually the entire increase over the last several years in the national homicide rate for children and youths. For example, between 1985 and 1990, the nonfirearm homicide rate remained essentially constant for 15- to 19-year-olds; during those same five years, the firearm homicide rate for that age group increased by almost 150 percent. /22/

An increasing percentage of juveniles is acquiring and using firearms. Between 1983 and 1992, juvenile arrests for weapons violations rose by 117 percent compared to a 21-percent rise among adults. /23/ Juvenile arrests for murder have been soaring along with juvenile arrests for weapons violations. Despite a declining juvenile population, juvenile arrests for murder rose by 128 percent between 1983 and 1992. /24/ By contrast, arrests for murder among individuals 18 years of age and older grew by less than 9 percent. /25/

Escalating violence against and by our children and youth represents the confluence of a range of social problems: years of epidemic poverty, increasing economic inequality, joblessness, inadequate schools, racial intolerance, family disintegration, drug and alcohol abuse, and violence in our homes and popular culture. /26/

Children's lives have become saturated with images of glorified violence. Having imbued millions of youths with a sense of hopelessness and surrounded them with a culture of violence, our society then gave them easy access to guns. Gun manufacturers are, and have been, flooding the market with less expensive and more lethal guns, often even marketing those guns to children. More than 200 million guns are in civilian circulation in America, and millions of new guns, many of them with mass-market availability, enter our communities each year. /27/

III. Key Programs for Children and Youths

The Crime Control Act provides a variety of critical opportunities to curb lethal violence and its associated risk factors. Several of the Act's programs provide communities with opportunities to come together to prevent violence by affording children much-needed safe and constructive opportunities to grow and develop.

A. Ounce of Prevention Program

The Ounce of Prevention Program establishes the Ounce of Prevention Council, composed of key cabinet secretaries and headed by Vice President Al Gore, /28/ in order to coordinate crime prevention programs and resources. /29/ Because, at the request of the relevant agency heads, the Council is statutorily authorized to coordinate Crime Control Act programs, /30/ it presents a historic opportunity to bring federal resources to bear in a coherent fashion on the dire problem of youth violence. If the Council is vested with its full statutory authority, it will be able to leverage

the effectiveness of those programs in poor, violence-prone communities. Coordination of federal programs also will ensure that community residents who are working together to provide a web of care for large numbers of children are able to secure federal resources from a combination of programs.

For instance, targeting Community Schools Youth Services and Supervision /31/ or Family and Community Endeavor Schools /32/ grant program funds to complement the funds that a community seeks under the Local Partnership Act /33/ or Model Intensive Grant Program /34/ would increase dramatically that community's ability to improve the lives of its children and youths. Ultimately, only such saturation will enable communities to provide sufficient, quality services to improve outcomes for children and families.

In addition, the Council will make grants to (1) after-school and summer education and recreation programs; (2) mentoring, tutoring, and other programs involving participation by adult role models; (3) programs assisting and promoting employability and job placement; and (4) prevention and treatment programs to reduce substance abuse, child abuse, and adolescent pregnancy, including outreach programs for at-risk families. /35/ Over six years, \$99 million is authorized for these purposes. /36/

Eligible applicants include cities, counties, other municipalities, school boards, colleges and universities, private nonprofit entities, Indian tribal governments, and consortia of eligible entities. /37/

Priority in making grants will be given "to coalitions consisting of a broad spectrum of community-based and social service organizations that have a coordinated team approach to reducing gang membership and the effects of substance abuse, and providing alternatives to at-risk youth." /38/

Applications must demonstrate that (1) the program has a geographically based target area; (2) a planning process has occurred involving organizations, institutions, and residents of the target area, including young people, and cooperation between neighborhood-based entities, municipalitywide bodies, and local private-sector representatives; (3) neighborhood-based entities will be involved substantially in carrying out the proposed activities; (4) implementation of the program will involve broad-based community collaboration and coordination; and (5) substantial proportions of children and youth residing in the target area will be served "with activities designed to have substantial impact on their lives." /39/

The federal share of program funding may not exceed 75 percent; however, the Ounce of Prevention Council may waive the nonfederal share in certain circumstances. /40/

B. Community Schools Youth Services and Supervision Grant Program

The Community Schools Youth Services and Supervision Grant Program, administered by HHS (in consultation and coordination with the Department of Justice), /41/ authorizes \$567 million over six years /42/ for community-based organizations to operate supervised sports, extracurricular, and academic programs offered after school, on weekends, and during summers and holidays. /43/

These programs are to serve children aged 5 -- 18 who live in communities with significant poverty and juvenile delinquency rates. /44/ Programs funded under the Community Schools provision are to be carried out in public schools during nonschool hours or in facilities that are easily accessible to children in the community. /45/

Eligible applicants are private, locally initiated, community-based nonprofit organizations operated by a consortium of service providers. /46/ The consortium must include representatives from five or more of the following categories: (1) residents of the community; (2) business and civic leaders; (3) educators; (4) religious organizations; (5) law enforcement; (6) public housing agencies; (7) other public agencies; and (8) other interested parties. /47/ Priority will be given to community-based organizations demonstrating the greatest effort in generating local support for the programs. /48/

Applications must include (1) a comprehensive plan to achieve identifiable goals for children in the eligible community; (2) evidence of support for the plan from community leaders, businesses, local educational agencies, local officials, state officials, and other local organizations; and (3) evidence that the plan will provide such programs as curriculum-based, supervised education, work-force preparation, entrepreneurship training, cultural training, health programs, social activities, arts and crafts programs, dance programs, and tutorial and mentoring programs. /49/

The maximum federal share of programs funded under this provision gradually decreases from 75 percent in FY 1995 to 60 percent in FY 2000. /50/ The nonfederal share, at least 15 percent of which must be from private or nonprofit sources, may be met with in-kind contributions. /51/

C. *Family and Community Endeavor Schools Grant Program*

The Family and Community Endeavor Schools Grant Program (FACES), which is to be administered by the Department of Education, /52/ authorizes \$243 million over six years /53/ for community-based organizations and local education agencies to expand and provide programs for at-risk children in public schools in communities with significant juvenile delinquency and poverty rates. /54/ Eligible programs should be designed to improve the academic or social development of at-risk students by providing concurrent social services for those students through enhanced coordination of the efforts of teachers, administrators, social workers, guidance counselors, parents, and school volunteers. /55/

Applications must (1) identify the eligible community; (2) set forth evidence of a community planning process including parents and family members, local school officials, teachers employed at schools within the eligible community, public housing resident organization members (if applicable), public and private nonprofit organizations that provide education, child protective services, or other human services to low-income and at-risk children and their families; (3) develop a concentrated strategy to target clusters of at-risk children in the eligible community and improve their academic and social development; and (4) provide evidence of support for the plan from community leaders, school districts, local officials, and other local organizations. /56/

The federal share of programs funded under this provision may not exceed 70 percent. /57/ At least 15 percent of the nonfederal share, which may be met with in-kind contributions, must come from private or nonprofit sources. /58/

IV. Using New Crime Control Act Funds Effectively

The Crime Control Act's funding, if used well, provides an important opportunity to increase the number of safe and constructive alternatives available to children in distressed communities. Quality after-school and summer programs provide children with the critical ingredients of good, solid futures -- positive alternatives, skills, hope, and a safe place just to be children.

Children and their parents recognize the need for more such programs. In a November 1993 Children's Defense Fund-Newsweek poll of children and parents, when asked the one best way to keep children in their community safe from violent crime, parents called first for more after-school programs. Well over half (63 percent) of the children indicated that community organizations are important sources of guidance for them. /59/

Advocates should work to ensure that the Ounce of Prevention, Community Schools, and FACES provisions fund quality programs in the communities where they are most needed. Although the bulk of the funding under these provisions will not become available until after FY 1995, there are limited resources for 1995: \$1.5 million for Ounce of Prevention; \$25.9 million for Community Schools; and \$11.1 million for FACES. /60/

In addition to these key programs for children and youths, other crime prevention programs included in the Crime Control Act present opportunities to expand and strengthen the services and programs available to children in local communities. For example, under the Local Partnership Act, beginning in FY 1996, municipalities and other units of local government will receive on a formula basis funds for carrying out programs related to "education to prevent crime; substance abuse treatment to prevent crime; or job programs to prevent crime." /61/ Funds must be "coordinated with other existing Federal programs to meet the overall needs of the communities . . ." /62/ Community organizations should be encouraging their municipal officials to use Local Partnership Act funds to expand Head Start, child care, job training programs for youths, and other local programs targeted to children and youths.

Similarly, under the Model Intensive Grant program, up to 15 communities ("chronic high intensive crime areas") will be awarded grants to develop model crime prevention programs that "attempt to relieve conditions that encourage crime" and "provide meaningful and lasting alternatives to involvement in crime." /63/ The Act requires substantial community input and involvement in the programs proposed. /64/ Community organizations should be considering ways to incorporate into their mix of services key programs for children, such as Head Start and child care, as well as key programs for older children, such as job training, employment, and other after-school and summer programs. In addition to their direct benefit to the children and youths involved, these programs ensure that lack of child care and other supports for children does not endanger parents' employment opportunities.

In making the most effective use for children of those new Crime Control Act dollars, advocates should seek to provide programs emphasizing health youth development. Quality programs for children tend to

- increase opportunities for sustained, high-quality relationships between youths and caring adults;
- set and maintain high expectations and clear standards for youths' behavior;
- engage young people in learning about their world and developing their skills to shape it; and
- provide opportunities for community service that strengthen youths' connection to their community and the world of work. /65/

VI. Conclusion

Many of the new programs created by the Crime Control Act require the various segments of each community -- nonprofit service providers, community organizations, schools, churches, local businesses, government leaders, and other concerned citizens -- to come together to find solutions that will work for the children and youth. While some of these programs, such as the Ounce of Prevention, Community Schools, and FACES programs, have funds available in FY 1995, more substantial funds are authorized for other fiscal years; /66/ authorizations for other programs, such as the Model Intensive Grant program and the Local Partnership Act, begin in FY 1996. /67/ Significant, communitywide planning is necessary both to qualify for these funds and to use them effectively on behalf of children.

It is essential that legal services advocates alert organizations in their communities about the availability of these funds and about the planning that will be required. Children cannot afford to miss this critical opportunity for high-quality local programs that provide strong adult role models, the tools for positive youth development, constructive extracurricular activities, and health athletic training and activities. Unfortunately, as the statistics bear out all too clearly, availability of these programs can mean the difference between life and death for many of our nation's children.

Footnotes

/1/ Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 103-322, 108 Stat. 1796 (1994).

/2/ E.g., the Act creates numerous new federal capital crimes, see *id.* Secs. 60001 -- 26, conditions state receipt of some prison funds on truth-in-sentencing laws, *id.* Sec. 20102, and federalizes certain traditionally state crimes, see, e.g., *id.* Sec. 150001.

/3/ To cover the programs it authorizes, the Act creates a \$30.2 billion trust fund to be expended over the next six years. See *id.* Secs. 310001 -- 4. Trust fund monies come from the expected savings from federal work-force reductions. *Id.* Sec. 310001(a). The Act provides roughly \$6

billion for violence prevention, \$13.5 billion for law enforcement, and \$9.7 billion for prisons. See generally *id.*

/4/ *Id.* Secs. 30101 -- 4.

/5/ *Id.* Secs. 30401, 30403.

/6/ *Id.* Secs. 30402 -- 3.

/7/ *Id.* Secs. 30104, 30403.

/8/ *Id.* Secs. 31001 -- 2.

/9/ *Id.* Secs. 30301 -- 7.

/10/ *Id.* Secs. 30201 -- 8.

/11/ *Id.* Secs. 30701 -- 2.

/12/ *Id.* Sec. 32401.

/13/ *Id.* Secs. 31501 -- 5.

/14/ *Id.* Secs. 31901 -- 22.

/15/ *Id.* Secs. 40001 -- 703.

/16/ See, e.g., Mary A. French, *In Black Despair*, *Washington Post*, June 20, 1993, at C1.

/17/ Children's Defense Fund, *The State of America's Children Yearbook 1994* vii (1994) (citing National Center for Health Statistics Vital Statistics data) [hereinafter *CDF Yearbook 1994*].

/18/ *Id.* at 69 (citing unpublished data from the National Center for Health Statistics, National Vital Statistics System).

/19/ Hattie Ruttenberg, *The Limited Promise of Public Health Methodologies to Prevent Youth Violence*, 103 *Yale L.J.* 1885, at n.43 (May 1994) (citing *Violence in America: A Public Health Approach* 46 (Mark L. Rosenberg & Mary Ann Fenley eds. 1991)).

/20/ *Id.* at n.60 (citing Nan Dale, *Children of Inner Cities Can Be Worse Off than Children of War*, *Int'l Herald Trib.*, Jan. 18, 1994, at 6).

/21/ Federal Bureau of Investigation, U.S. Dep't of Justice, *Uniform Crime Reports: Crime in the United States 1992*, at 18, tbl. 2.9 (1993) [hereinafter *Uniform Crime Reports*].

/22/ Lois A. Fingerhut, *Firearm Mortality Among Children, Youth, and Young Adults 1 -- 34 Years of Age, Trends and Current Status: United States 1985 -- 90*, *Advance Data*, Mar. 14, 1991, at 9, 11 (published by the National Center. for Health Statistics, HHS).

/23/ *Uniform Crime Reports*, *supra* note 21, at 221, tbl. 32.

/24/ *Id.*; see also Ruttenberg, *supra* note 19, at n.30.

/25/ *Uniform Crime Reports*, *supra* note 21, at 221, tbl. 32.

/26/ *CDF Yearbook 1994*, *supra* note 17, at x.

/27/ Michael Isikoff, *200 Million Guns Reported in Circulation Nationwide*, *Wash. Post*, May 24, 1991, at A1 (citing 1991 Bureau of Alcohol, Tobacco and Firearms report estimating the number of guns in circulation in the U.S. as of 1989).

/28/ Memorandum on the Ounce of Prevention Council, 30 *Weekly Comp. Pres. Doc.* 1761 (Sept. 12, 1994).

/29/ Pub. L. No. 103-322, Secs. 30101(a)(1)(A) -- (C).

/30/ *Id.* Sec. 30101(b).

/31/ *Id.* Secs. 30401, 30403.

/32/ *Id.* Secs. 30402 -- 3.

/33/ *Id.* Secs. 31001 -- 31002.

/34/ *Id.* Secs. 30301 -- 7.

/35/ *Id.* Sec. 30102(a).

/36/ The provision authorizes \$1.5 million for FY 1995, \$14.7 million for FY 1996, \$18 million for each of FYs 1997 and 1998, and \$18.9 million for each of FYs 1999 and 2000. *Id.* Sec. 30104. The full \$1.5 million authorized for 1995 has been appropriated. See Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1995, Pub. L. No. 103-317, Sec. 610, 108 Stat. 3518 (1994).

/37/ Pub. L. No. 103-322, Sec. 30102(b).

/38/ *Id.* Sec. 30102(c).

/39/ *Id.* Sec. 30102(b).

/40/ *Id.* Sec. 30102(d).

/41/ Id. Sec. 30401(b).

/42/ This provision and the Family and Community Endeavor Schools Grant Program have a single authorization, with 70 percent of the overall funds allocated to the Community Schools provision and the remaining 30 percent allocated to the Family and Community Endeavor Schools provision. The two provisions together authorize \$37 million for FY 1995, \$103.5 million for FY 1996, \$121.5 million for FY 1997, \$153 million for FY 1998, \$193.5 million for FY 1999, and \$201.5 million for FY 2000. Id. Sec. 30403. The full \$25.9 million authorized for 1995 already has been appropriated. See Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1995, Pub. L. No. 103-333, Sec. 515, 108 Stat. 2539 (1994).

/43/ Pub. L. No. 103-332, Sec. 30401(d)(2).

/44/ Id. Secs. 30401(b), (e).

/45/ Id. Sec. 30401(d)(1).

/46/ Id. Secs. 30401(b), (d)(2).

/47/ Id. Sec. 30401(b).

/48/ Id. Sec. 30401(f)(3).

/49/ Id. Sec. 30401(f)(2).

/50/ Id. Sec. 30401(j)(2). In FYs 1995 -- 96, the maximum federal share is 75 percent; in FY 1997, the maximum federal share is 70 percent; and in FYs 1998 -- 2000, the maximum federal share is 60 percent. Id.

/51/ Id. Sec. 30401(j)(3).

/52/ Id. Sec. 30402(l).

/53/ See id. Sec. 30403; supra note 42. This provision authorizes \$11.1 million for FY 1995; that amount already has been appropriated. See Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1995, Pub. L. No. 103-333, Sec. 515, 108 Stat. 2539 (1994).

/54/ Id. Secs. 30402(d), (l)(3).

/55/ Id.

/56/ Id. Secs. 30402(f) -- (g).

/57/ Id. Sec. 30402(j)(2).

/58/ Id. Sec. 30402(j)(3).

/59/ See Michele Ingrassia, *Growing Up Fast and Frightened*, *Newsweek*, Nov. 22, 1993, at 52 -- 53; Children's Defense Fund-Newsweek Poll, conducted by Princeton Survey Research Associates (1993) (on file with the author).

/60/ See supra notes 39, 42, 50 and accompanying text.

/61/ Pub. L. No. 103-322, Sec. 31001(a) (creating 31 U.S.C. Sec. 6701); see also supra note 8 and accompanying text.

/62/ Id. Sec. 6701(a)(3).

/63/ Id. Sec. 30301(a); see also supra note 9 and accompanying text.

/64/ Id. Sec. 30303(b).

/65/ Yearbook 1994, supra note 17, at 70.

/66/ See supra notes 36, 42, and 53.

/67/ See Pub. L. No. 103-322, Secs. 31001(a) (creating 31 U.S.C. Sec. 6702(b)), 30307.