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**EXAM ONE**

**Week 1:**

***Discussion Questions:***

1. Why does a student in CFS need to study family law and family policy? What about the CFS curriculum prepares a graduate to engage in family policy in a meaningful manner?

A student majoring in Child and Family Studies need to study family law and family policy because of a numerous array of reasons. Students graduating in this field will hold jobs and professional roles that will pertain to this field of family law and family policy. A majority of Child and Family Studies graduates will be employed in government agencies, nonprofit organizations, or church associations. In order to be fully successful in our future careers, we must know our job role in its entirety, including the details of the law. It is critical that we understand to its fullest capacity the rules and laws of our state and country to be able to help others as a human service worker. Specifically, a common career decision for CFS majors is social work. Knowing and understanding the laws and policies will provide us with a tangible view of the social field. There is much more to the work and qualifications of social workers besides a kind heart, compassion, and desire to help others. The rewards are few and the burdens are challenging, so we must be positive of our own values and beliefs. This course is also a good basis for a further education and degree in Law School. This course will provide a great foundation for family law and policy in America.

This course also allows CFS students to be enlightened by the history of family laws and where they originated from. Knowing the laws and policies of our government are crucial when dealing with families and children. Being able to fully grasp the laws and policies of our government enables us to know what rights and limitations we have as a citizen and a human service worker in our career. This field and coursework allows ample time to reflect and clarify our own values and morals in regards to families. If we are not sure and positive in our own morals, beliefs, and values, then we will break down and not be able to withstand the policy field and politics. We must critically think about the relationship of family life and public policies and how these two intersect and influence each other.

2. What is family policy? What is a family perspective in policymaking? What are the four main family functions typically addressed in family policy?

Family policies are laws, rules, and regulations that directly support the four functions of families. The four family functions include: family creation, economic support, childrearing, and family caregiving. It is difficult to define family policy, because the relationship between families and the government is complex. There is not much exchange between the government and families until a problem arises. It is also extremely difficult to define the term family. The government has never explicitly stated exactly what a family is, because there are so many family structures today, but indirectly we act, as a society, as if there is only one type of true family. We do not allow for homosexuals to marry, we judge single mothers raising children, and question why cohabitating couples are not married. There are also different laws and regulations pertaining to families that vary from state to state, making the distinction difficult. A homosexual couple could be seen as married in one state, but not married in another state. A family perspective in policy making is when policy makers examine laws, policies, rules, and regulations for the implicit or indirect influence on the four functions of the family, family creation, economic support, childrearing, and family caregiving. An example of a current policy being debated taking on a family perspective would be the issue of the loop around Baton Rouge. This policy does not explicitly affect the four functions of families, but it implicitly affects the family functions. The loop would allow parents and families to be driving around Baton Rouge in the car less and spending more time at home with each other. Understanding the family perspective when making policies is important because it reduces the effects of negative unintended consequences in policy making for families. Negative unintended consequences are those unintentional results that come from a program that were not accounted for. Having a family perspective when creating public policy also ensures the services are family centered. The government also realizes families are a major part of this society, so their best interest must be accounted for. Families also report valuing their family time and needing government assistance in their families. Understanding a family perspective in policy making also ensures that we work towards collectivism instead of the typical American individualism.

3. Describe American individualism and how a family perspective in policymaking competes with American individualism.

America is funded by people who value individualism and how this plays out in our culture. We are raised and socialized into being individual loners. We are taught to resist collectivism and to excel on our own. We must do what is best for our own self and not for the group as a whole. In reality though, we do not resist collectivism as much as people act like we do. It is just the American stereotype. In society and policy today, we continuously hear how compromising is not successful and not in our best interest. In reality, compromise is good. Compromise is successful, is in the best interest of the collective whole, and is the reason our democratic government works. Americans have extreme bipartisan perspectives. We are so polarized as a nation, which in turn, forces us to believe our way is the only right way.

In contrast to these American ideals we are socialized into learning, a family perspective helps us think about the greater good and the group as a whole. It is the basis for knowing how to make sacrifices and compromises for the common good. We learn this collectivistic way of life in families. It is a natural extension of what we do in our own families. We should play this out in the public domain and in public policy by working together with other people. Having a family perspective in policy making can compete with the American ideal of individualism. We can also over fantasize this idea, because there are families that did not practice this collectivistic approach. Sometimes families are not fortunate to see this interplay. Families can be dysfunctional, abusive, and individualistic to the extent of everyone else’s well-being in the family. For example, an alcoholic and abusive family member can play this role. The ideal image of the family though is where you learn the habits of the heart and sacrifice. This is the foundation that family policy and family perspective should build upon. Families work as the buffers to individualism and the American ideals by teaching collectivism and sacrifice.

***Terms:***

1. *Evidence Based Practice:* This means the practice and findings are based on evidence, also known as research. The findings were not made up, but instead, observing and analyzing research was used to make these decisions of this practice.

2. *Best Practice Approach*: This approach is not just an evidence based practice, meaning this type of practice does not just include observing and analyzing research. Instead, this type of practice also incorporates evaluations. This approach includes trial and error. Rigorous research and criticism are part of the best practice approach. In order to fully adopt a best practice approach, we must continue to try and fail, and then try again. To be positive a program is successful and solving a problem, it takes more than two years to see the effects. However, as Americans in public policy we are impatient, so we cut programs very quickly, because we are worried about our tax dollars. We do not want to pay for a failing program, but we must remember that we need to continue trying, failing, and trying again to attain the best practice approach.

3. *Nonpartisan*: This means that neither side is taken. Written pieces, presentations, or speakers avoid taking sides and try to remain neutral in a divided discussion.

4. *Bipartisan:* This means that a side is taken. The written pieces, presentations, or speakers have a perspective and bias. In bipartisan works, both sides are represented, such as the Democrats and the Republicans at a debate, for fairness and equality. When the government claims there was a bipartisan approach for solving a particular problem, they are explaining that both parties have signed a bill for the solution and are in agreement.

5. *Advocacy*: Bipartisan views take on an advocacy approach. Each opposing side advocates for their particular belief or view. Advocacy is trying to promote a position. Lobbyists are good examples of partisan advocates. Lobbyists will promote whatever they are paid to promote. We are still called to have a research and evidenced based approach and an educational approach.

6. *Education:* (as presented by Bogenschneider) Nonpartisan views take on an educational approach. The unbiased perspective aims to educate the public on the entire issue and solutions, instead of presenting and advocating one particular point of view. The educational approach includes the best research and scholarship on the particular issue. An educational approach incorporates lawmakers’ comments on a vast range of policy solutions. This approach does not focus and highlight what Republicans or Democrats prefer.

7. *Individualism*: Focusing on the individual and the benefit for one’s own self, instead of the good for the collective whole. The belief of pursing the interest of the individual, rather than, the best interest of the group’s common good.

8. *Collective:* Focusing on the collective whole and the benefit of the entire group, instead of the best interest of the individual. The belief of pursing the group’s common good, rather than, the interest of one’s own self.

9. *Unintended consequences*: Even the best programs that are effective have unforeseen good and bad consequences. An example of this includes when older people wanted Medicare, but they had to prove they had exhausted all of their resources first. The older people were forced to sell their hours to declare they are destitute. However, this left the remaining spouse without a home. This is an example of a good program, but with negative unintended consequences. Medicare now allows certain qualifications, so the remaining spouse does not have to get kicked out of their home.

**Weeks 2/3:**

***Terms:***

1. *Congressional Oversight*: The executive branch agencies ’review Congress’ actions and this is Congress’ way of reviewing the executive branch’s actions. This is a feature of the checks and balances concept. If Congress does not like the new policy, they can cut the budget because they control the money and the budget. If Congress cuts too much of the executive branch’s policy, then the executive branch will ignore Congress’ piece of legislation. Oversight includes accountability and compliance. Oversight also helps prevent agency drift, because this ensures each agency does not drift from the original intent of the policy. Part of the oversight duties is having the agencies present data and evaluations showing they are complying with the implementation and how effective and accountable they are with the program.

2. *Checks and Balances*: This means that each branch must have its actions approved by at least one other branch. The branches of government can review and overturn the other two branches’ decisions. This keeps the branches of government from gaining too much power over the others. This keeps all three branches in check and from dictating each other. Congressional oversight is a feature of the checks and balances concept. The separation of powers between the three branches of government also allows the branches to keep each other in check, because no single branch has too much power

3. *Accountability*: One of the two key features of congressional oversight. Accountability means having the executive branch of government answer and own up to its decisions and actions, so that they are held responsible and do not become too powerful. Accountability and compliance help fight against agency drift, but the legislative branch can abuse the power of congressional oversight. Accountability is shown through reports and data presented to the legislative branch showing the program is effective and they are doing what they are supposed to be doing.

4. *Compliance:* The other of the two key features of congressional oversight. Compliance means that the executive branch of government must implement laws and programs mandated by the legislative branch in the way they had adopted them. Accountability and compliance help fight against agency drift, but the legislative branch can abuse the power of congressional oversight. Compliance is shown through reports and data presented to the legislative branch showing the program is effective and they are doing what they are supposed to be doing.

5. *Agency Drift*: This is the idea that a program or law is not working, so instead of going through the hassle of the policy process again, the agency (bureaucracy) on its own personal level, tweaks the program/law the way they want, so it is easier. The agency is not on the same implementation track as every other agency, so the evaluation of the program becomes difficult. This is the effect of street level bureaucracy, which is the result of the employees that administer and implement the program to the people on the street and shape and work the program to their own preferences.

***Discussion Questions:***

1. What is public policy? Give a mature and nuanced definition and description, rather than a superficial "textbook" definition.

Public policy is the government’s action to address a problem in the public domain. Policy can either be obvious or it can also be less transparent and clear. Policy is the rule, how it was developed, and how it is implemented. Therefore, the concept of policy is vague and broad. Public policy is both the action and the inaction the government takes toward a situation. When the government chooses to not do something, this is public policy too. Public policy is both static and dynamic, meaning it is a process and a product of that process. Public policy is static when it is the finished product, rule, or law that exists at that time. Public policy is dynamic when it is a process of the product being made and decided upon. Public policy is also always changing, evolving, and developing, meaning it is dynamic. A policy can be dynamic while it is being developed, but when it is signed and decided upon then it is static. It becomes dynamic again when the bureaucracy implements the policy and changes and adapts is to fit the public. The policy then gets evaluated and tweaked if necessary, in its dynamic state. It is both dynamic and static at the same time, because while the policy is being implemented and tweaked, there is a written and published document of the policy or law.

Public policy usually is due to the response to public demand. There are multiple of other reasons as to why a policy is created, including a policy maker pushing their own “pet idea” or a response to a natural disaster. There are times when the government needs to be proactive, but typically policy is a response to the public. There is usually a sponsor or champion of the policy that pushes the piece of legislation in session. Policy is also authoritative, meaning it must be obeyed; however, there is room for interpretation. This is where agency drift comes into play and the policy is implemented in several different ways due to administrators of the policy interpreting in their own way. Because public policy is authoritative and must be obeyed, the government is sometimes seen as intrusive. Examples include making the public wearing their seatbelts and banning phrases, such as “rule of thumb” and “bang for the buck.” The public policy in its dynamic state includes the process of public policy. The steps in the policy process include: 1. Problem identification and agenda setting, 2. Formulation and adoption, 3. Implementation, 4. Evaluation.

2. Name and briefly describe the steps in the policy process.

The policy process is a cyclical relationship between the four steps that make up the process. The policy process includes numerous amounts of people and their input. The three branches of government help contribute to the policy process, as well as, citizens, interests groups, political parties, and the media. The policy process comprises of four main stages which are: 1. Problem identification and agenda settings, 2. Formulation and adoption, 3. Implementation, 4. Evaluation.

The first step in the policy process is problem identification and agenda setting. The agenda is a list of the issues the legislative branch is currently looking at and working on. At this stage, policy makers notice the public’s concern about an issue and try to respond. The issues policy makers face are most likely originally in the private sphere, but because public opinion and demand are so focused on the current private issue, it becomes public. Usually, the problem has always been present and real, but policy makers choose the right time to respond to the call, called the issue attention cycle. Sometimes policy makers are ahead of the public demand, which can cause confusion and anxiety on the public’s part. There are numerous reasons as to why certain issues appear on the policy making agenda. These reasons include policy makers reacting to a threat, natural disaster, terrorism, or crisis. Policy makers also push particular agenda items because of personal ideological views or promising to push particular “pet” ideas. The key reason an issue makes it onto the agenda is because there is a legislator that sponsors the policy.

After the problem has been identified and discussed, various alternatives are considered in order to implement the best policy possible. Policy makers float the alternatives around to see what the opposing side rebuttals. Usually, when a particular problem reaches the legislature, there is typically not a definite solution to the issue. These issues are very complex, and it is difficult to develop a perfect solution. The various alternatives are discovered by the same factors that helped identify the problem originally. Ideology, public opinion, “pet” ideas, and the media all help design the alternatives to the problem. Those policy makers who vote and negotiate the policies also have an impact on the outcome. Policy makers compromise, negotiate, and persuade other policy makers to vote for or against particular pieces of legislation. The policy process allows diverse ideas to be tried in order to find the most effective solution.

Once an alternative has been chosen, the policy is given to the bureaucracy for implementation. The bureaucracy is anyone or any program that helps implements policies and laws. Because specific rules and regulations are not given to the bureaucracy on how to implement the policy, the bureaucracy chooses how they will implement the policy on a day to day basis. This is also called street level bureaucracy, deciding how to implement the policy to the people on the street. For example, the bureaucracy decided how and where people will receive their food stamps, because these logistics were not given to the bureaucracy. Because the implementation is decided at the bureaucracy level, the problem of agency drift can occur. Agency drift is the bureaucracy deciding how to implement the program in their own way if the original implementation way is not successful. Agency drift is not wanted by policy makers, because then the same policy will be enforced several different ways. Oversight is the function of the government that ensures bureaucracies implement the policy the way it was adopted, because agencies need to report back to the legislative body with data and evaluations about the policy and program.

The final step in the policy process is the evaluation stage. Even though this step in the policy process is extremely critical, this is the stage that is often ignored by programs. However, recently, this stage has been receiving more attention and made a more important part of the policy process. An important aspect of evaluation to remember is that the program and policy must be evaluated as it was adopted and mandated by the legislation body and not how it was implemented by the bureaucracy. This is crucial because of the concept of agency drift. If each bureaucracy is implementing the policy differently, then the legislatures will received several different evaluations. Evaluating policies allow the police makers to be knowledgeable about unintended consequences. Unintended consequences are those effects of the policy that were not foreseen. Knowing the unintended consequences can be helpful, because then legislation can review and fix the policy. There are multiple reasons as to why policies do not have the intended effects that were planned by the policy makers. These reasons include the implementing bureaucracy were not given enough resources, the administration of the implementing bureaucracy was inadequate of successfully mandating the new policy, or new problems and crises arise and distract from the new policy.

**Week 4:**

***Discussion Questions:***

1. Discuss briefly the 3 major theoretical perspectives we use in studying family policy.

The three major theoretical perspectives we use in studying family policy are the Ecological Theory, the Rational Choice Theory, and the Theory of Paradox. Each theoretical perceptive evaluates family policy in a different means. The first theory, the Ecological Theory, developed by Bronfenbrener, examines the stages of human development using an ecological context. The different contexts or systems, the microsystem, the mesosystem, the exosystem, and the macrosystem, are divided in a way to show how the human’s development is influenced by the different environments we are a part of. When trying to understanding family policy from an Ecological Theory, we examine the context of the exosystem, because this is the environment that includes the government and public policy institutions. The Ecological Theory supports the idea that the individual is influenced by their environment and the environment is influenced by the individual. This iterative relationship relates to the people and the policy system too. The policy system, part of the exosystem, influence and affect the people, as well as, the people influencing and affecting the policy system. This two-way relationship is evident at the family level affecting family structures and functions. For example, family structures, such as homosexual couples, are not legal in Louisiana.

Another theoretical perspective, the Rational Choice Theory, helps in public fair and equal decision making. This idea is commonly used as a starting point when studying decision making, and not a reality, because few policy makers actually use this theory to its fullest capacity. This theory suggests policy makers make the rational steps in the decision making process. The policy makers objectively asses the costs and benefits of every policy alternatives and decide on the alternative with the most benefits for the most people and the least costs for the most people. Most policy makers do not follow this theory completely, because it is so consuming of time, energy, and effort. Instead, there is a term for following the Rational Decision Making theory enough to conclude to the best policy decision. This shortcut is called suboptimizing. Another short cut for the Rational Decision Making theory is called satisficing or boundedly rational, which emphasizes enough alternatives and costs and chooses the first alternative that is “good enough.” A quick and easy alternative to the Rational Choice Theory is the Theory if Incrementalism. This is the idea of “muddling around.” No big decision is made, but instead, decisions are made as problems arise. Policy makers do just enough to get by. An advantage to this theory is that sometimes a few small decisions are better than one big decisions and it ending up being a mistake.

The last theoretical perspective policy makers use for evaluating family policy is the Theory of Paradox. This theory suggests compromise between two opposite principles can produce effective public policy. The principles are divided into three separate camps. These camps include the Concerned Camp, the Sanguine Camp, and the Impatient Camp. The Concerned Camp typically holds a pessimistic view that change is bad. They believe families and changing are for the worse. They vales of the Concerned Camp include parental commitment, marital fidelity, individual responsibility, and civic participation. The Sanguine Camps is typically neither pessimistic not optimistic. This camp is thought to be more neutral and optimistic of changes in family life. The values of the Sanguine Camp include independence and supporting the functions of the family, but accepting changes in family structure and norm. The Impatient Camp typically views change as a good thing, but it is not happening fast enough. This camp advocates for change right here and now and for nonnormative family structures. The values of the Impatient Camp include diversity, questioning of authority, and resisting to core values.

***Terms:***

1. *Exosystem*: The outer most context of environment in Bronfenbrenner’s Ecological Theory on human development. We will spend much of our time learning about this context of the environment in this course, because this is the level that public policy institutions and government are in. The entire system interacts with one another, and the different levels influence the family as well as the family influencing the different levels of the Ecological Theory. Public policy can affect families by limiting families from achieving their four main family functions, and families can affect public policy by speaking up and voicing their opinions about government programs.

2. *Rational decision making in public policy*: Rational decision making in public policy is one of the major perspectives used to describe public policy decision making. The theory emphasizes an objective and thorough calculation or assessment of the costs and benefits of every policy alternative, choosing the alternative with the most benefits for the most people and the least cost for the most people. Policy scientists realize that policy decision makers do not follow faithfully rational choice theory.

3. *Suboptimizing*: An alternative from the rational decision making theory, because the rational decision making theory exhausts lots of energy, time, and effort. The suboptimizing theory is a middle ground for the rational decision making theory. It emphasizes important elements, considers enough alternatives and costs, and projects the reasonable adjustments.

4. *Incrementalism*: This is a common alternative to the rational decision making theory. It is referred to as “muddling through.” This theory does not strive to make the big decision, but instead dealing with issues as they arise. This theory does allow for time to gather information, because sometimes making little decisions are better than making one big decision and it ending up being a mistake.

5. *Family structure*: Family structure is not clearly defined, because there are so many family structures today. Family structure refers to those in the group. Some people think there is only one structure of the family (dad, mom, and child), but this leaves out most of the other types of family structures. The family structure is the way the family is organized according to rules, roles, power, and hierarchies.

6. *Family function*: Family functions are the tasks, duties, and obligations families have. There are four primary family functions that are: family creation, economic support, childrearing, and family caregiving. Any policy, laws, or rules that explicitly support these four family functions are deemed as family policies.

**Week 5:**

***Discussion Questions:***

1. The Court has established certain fundamental rights as they pertain specifically to family life. As we discussed in class, what are these fundamental rights?

The Court has established certain fundamental rights that pertain specifically to family life including: marry, procreate, the right not to be sterilized, access and practice of contraception for single, unmarried, and married people, abortion, a right to privacy, rearing and parenting children, and establishing and enjoying family relationships. The fundamental right to marry means that the government cannot make distinctions on who people can marry. There used to be distinctions where blacks and whites could not marry, but now anyone can marry anyone, but they have to be of the opposite sex. It does not matter if an 80 year old marries a 20 year old. The only two distinctions against marriage are you have to be 14 years of age to marry and people of the same sex cannot marry. The reason we have the age distinction is because an 8 year old cannot cognitively enter into a contract. However, the distinction of sexes is unfair and still segregates our country. The fundamental right to procreate also includes the right to not forcibly sterilize someone. In the past, parents would put their children in institutions, so they would be sterilized, but this is illegal and cannot do this anymore. The fundamental right to have access and practice contraception for single, unmarried, and married people shows this is not just a family fundamental right, but also an individual right. In the past, a woman’s body was her husband’s, so they could not use contraception. The fundamental right to abortion is also a privacy right for her body. This is seen as a woman can do what she wants with her body, now that abortion is legal. The fundamental right to parent and rear children allows parents to raise their children as they please, because a variety of home life is what contributes to our democracy. The fundamental right to establish and enjoy family relationships means that the court cannot intervenes in ways that allow families to enjoy each other. The government cannot allow families to only see each other once a year.

These fundamental rights are protected by due process typically as privacy rights. Because these rights are protected by due process that means the government cannot make hidden or arbitrary policies that interfere with these fundamental rights. In addition to following the procedural due process, the government must also follow the substantive due process and make logical and substance-based policies. Because these are fundamental rights, any policy that interferes with these rights are subject to strict scrutiny. These rights are not just protected as privacy rights for families, but also for any individual, whether they are single or unmarried. This is why the government never specifically defines what a family is, because the family structure today takes on various forms. There is no one specific family structure. The government respects strong working families and limited governmental intrusion. Some debatable areas of fundamental rights in family life include foster families, homosexual families, cohabitating couples, and unwed fathers and children.

***Terms:***

1. *Equal protection*: Equal protection means everyone has to be treated the same in the similar situations. There can be distinctions, but it must have rational reasons behind it. This does not mean that there cannot be distinctions, because people are distinctions against age for obtaining a driver’s license and getting married. To test the theory of equal protection to be positive everyone is similarly situated, there is the Rational Basis Test. The Strict Scrutiny test is triggered if suspect classes, including race and national origin, are involved in the policy.

2*. Rational Basis Test*: This test is triggered if distinctions are made between people. The Rational Basis Test is a judicial scrutiny. The policy can remain with its distinctions if there is a rational reason as to why there is a distinction. Policies typically pass this judicial scrutiny if suspect classes are not involved in the distinction.

3. *Strict Scrutiny:* This is a judicial scrutiny that is triggered if distinctions are made against suspect classes, including race and national origin. If the majority can overpower or out vote the minority, then strict scrutiny is used to review the policy to protect the minority. In order to pass the strict scrutiny test, it must be proven that there is no other way to pass this policy than to include these distinctions. Strict scrutiny is also triggered when fundamental rights are at risk. If a limitation is placed on one of our fundamental rights, free speech, because these are sacred, then this judicial review is in effect.

4. *Suspect classification*: Strict scrutiny is triggered when distinctions are made against people of suspect classifications. The conditions of whether someone is included in a suspect class and extra judicial review is needed includes: a history of discrimination against the group of people and the group of people is powerlessness. The two suspect classes are race and national origin (alienage). Religion may be included in the suspect classes too. Intermediate suspect classes include gender and illegitimacy.

5. *Procedural Due Process*: The process by which the state makes fair reasonable necessary interventions or limitations on our individual freedoms and liberties. The procedural due process requires the government to not make hidden or arbitrary policies. The policies and rules must be published and known to the public. Our course catalog is a contract that is governed by due process.

6. *Substantive Due Process*: The substantive due process requires the government to make policies that are logical, ordinary, and reasonable. The punishment has to fit the crime. Even if a policy passes the procedural due process, it could still not pass the substantive due process if the substance of the policy does not make sense.