Session I: Welfare, Well Being, and Rights:

Questions considered: What is the connection between well being and welfare? How do we translate a need for diapers into a right to diapers?

A. Panelist Presentation

Jennifer Prah Ruger, a professor of Health Policy and Administration at the Yale School of Public Health began the conference, discussing the two separate arguments for diaper rights at a philosophical level. First, she discussed diapers as a positive right, and the difficult history of winning positive welfare rights in the United States. She explained that positive rights are grounded in the argument that people should be able to flourish and contribute to their society, and therefore the government is obligated to provide the opportunity for health, which includes access to diapers. On the other hand, Professor Ruger discussed the right to diapers as a right to argument for equality and equal access to social goods, which in the case of diapers is usually a financial barrier. Ruger argued that a lack of diapers obstructs not only personal, but also community health, both medically and by inhibiting productive work for both children and
adults. Therefore, the goal is to express the health risks associated with a lack of diapers in such a way as to convince the wider community that equal access to diapers must be protected.

Judith Resnik, Arthur Liman Professor of Law at Yale Law School, queried whether the concept of a “right” was effectively verboten in U.S. politics. She pointed to examples from U.S. history of welfare rights. Why should diapers be different? If, indeed, rights-based arguments are counterproductive, the challenge is to establish nonetheless diapers as a social good on par with food and shelter.

B. Discussion

Participants discussed the challenges of translating the right to diapers into something that everyone can understand and agree to legally protect. The limitations of the welfare rights movement were discussed; Goldberg v. Kelly and its progeny created procedural due process rights, but no real entitlement. Advancements through litigation have been hard-fought and mixed.

The goal is to frame the argument in such a way to generate positive reactions and support. Participants discussed the challenges of apathy and the belief that family, not the state, has primary responsibility for the child’s well being. In addition, diaper rights are often dismissed as secondary to more immediate concerns for low-income families, such as paying for rent and food. On a scale of 1-10, the need for diapers consistently comes out at a 1 for most aid programs.

Because of the struggle to gain attention for diaper rights, some participants suggested aligning this cause with other welfare rights efforts that have proved successful, such as food security and public health. Participants agreed on the benefits of collaborating with other welfare rights, and perhaps attempting to piggyback on already-existing government aid programs. Another approach would be to emphasize the right to diapers as a right of children, arguing that more equality in childhood leads to more liberty in adulthood. From that view, one could attach diaper rights to efforts by child welfare and protective services. Diapers are a preventative approach to neglect, and advocates are already working with welfare agencies provide diapers before a crisis, rather than just as an emergency good. Because families lacking diapers are generally low-income and at higher risk of involvement with the child welfare system, diaper rights is a means to avoid neglect and the need for more serious intervention in the first place. Some participants expressed reservations at the idea of tying diapers to child welfare, due to the stigma associated with the latter.

Participants also agreed on the need for more credible sources of research on diapers. In order to frame a narrative to advocate for rights to the state and national government, there is a need for studies with proof of actual negative externalities associated with a lack of diapers. Advocates should look for quantitative evidence, as well as stories and testimonials to position the diaper rights case. It would be especially helpful to produce a list of related health problems and calculate the cost of those issues to the state, thereby demonstrating the relative efficiency of diapers interventions as compared to the multiple negative externalities.
Session II: Framing the Issue(s): Children, Women, Families, and Health

Questions considered: A lack of sufficient diapers affects not only the well being of the child, but also the child’s mother and family, and the health of a community. What are the possible (and most effective) ways to frame the need for diapers?

A. Panelist Presentations

David Seith, of the National Center for Children in Poverty, began with a presentation on health and poverty. He presented a number of statistics on the prevalence of poverty, and a description of the demographics most in need of diaper aid. He then outlined the three components of a broader policy agenda: guaranteeing merit goods, making work and child support pay, and increasing demand for good paying career jobs. Guaranteeing merit goods means establishing a safety net to meet children’s essential needs for food, shelter and healthcare—and hopefully soon diapers as well. Seith discussed TANF, WIC, Head Start and food stamps as examples of federal and state funding which could potentially be geared towards providing diapers along with other essential needs. Also, in order to alleviate poverty concerns in general, Seith discussed the necessity of raising minimum wage and encouraging long-term employment opportunities.

Next, Teresa Younger, of the Permanent Commission on the Status of Women, spoke on diaper rights framed as a women’s issue. She pointed out that $72,000 is the estimated annual income required to make ends meet in Connecticut today, nearly twice the income of poor families, and almost four times the poverty line. Given that diapers cost roughly $3000 per year for one child, there are a significant number of families that fall into this middle category, receiving no aid for a still difficult feat. Therefore, she discussed the right to diapers as a right to economic self-sufficiency that needs to be guaranteed to women and families.

Jonathan Kotch, of UNC Gillings School of Public Health, spoke on diaper rights as a public health issue. He discussed the risks of diaper dermatitis (diaper rash) and other types of contamination caused by lack of diapers. Poor hygiene impacts childcare workers, teachers, children and other families. Access and education are low-cost interventions that work to protect both the child and the community at large. According to the International Convention on the Rights of the Child, diapers are a public health issue and a right, though the United States has not yet ratified this.

Finally, Cathy Grace of the Children’s Defense Fund spoke on children and children’s rights as a total package, which cannot be divided through pieces and programs. Diapers, and underwear in general, can be seen as a means of enabling the workforce. By providing diapers, agencies can negate neglect and improve the mental health of mothers and families in need, and facilitate the health efforts of low-income families. Further, she emphasized providing educational services on hygiene and use, along with the diapers themselves.

B. Discussion

In the discussion, panelists recapitulated some of the key points of the four presentations. Diapers can be viewed as an early intervention, providing prevention for a number of larger issues, such as neglect and involvement of children’s welfare services. Also, diapers can be viewed as a public health issue, and therefore equal access to diapers can be preventative in the...
same way as a vaccination, preventing wider health-related negative externalities caused by contamination. Diapers were also discussed as an equality issue, as access to them is limited by income and racial disparities. Furthermore, the right to diapers was framed as a tool to secure more rights, such as the dignity and human flourishing of the child, women’s participation in society, and family preservation.

**Session III: Transforming Policy: Reform at Local, State, & National Levels**

**Questions considered:** Ours is not the first campaign to change governmental policy to address a societal need. How have others done so, and what challenges might we face along the way?

**A. Panelist Presentation**

Sania Metzger of the Annie E. Casey Foundation revisited the connection between poverty and neglect. She discussed how poverty drives families into the child welfare system, especially single-parent families, or families with a large number of children. Metzger discussed her experience with enacting policy on welfare rights, and the struggles that the diaper movement is facing. She advised three goals when approaching legislative efforts: safety, permanence and well-being. She emphasized how slow the process of fighting for welfare rights can be, and the importance of celebrating interim accomplishments, and seeking temporary solutions on the local and state level, which can eventually be aggregated to push for national change. In order to move forward, the coalition must frame the issue specifically, and have a clear idea of who is affected by the problem and develop targeting, rather than broad, policy solutions. Metzger encouraged more conferences like this to bring together those impacted by diaper rights to discuss possible action.

Next, Bridget Gavaghan, the Director of Public Policy at Prevent Child Abuse America spoke on policy making in relation to her organization’s recent victory on home-visit legislation. She discussed the three phases of transforming policy: building cooperation and common policy objectives, building support within the advocacy community and with policy makers, and legislating policy for enactment. She emphasized the importance of generating momentum and support for your issue by presenting to other organizations, holding joint meetings with congress people and engaging in a variety of grass-roots advocacy efforts. In order to win attention and support, Gavaghan repeated the need for research and effective models. She also noted the importance of fitting the cause into existing legislative efforts to promote its passage. Her final advice was to coalesce around a clear policy goal, work with a broad range of organizations and thinking flexibility about the appropriate house for legislation.

Finally, Maryann Parker, Associate General Counsel of Service Employees International Union, discussed unions as a means to rights and a vehicle for change, enabling people to fight for their own rights. The current push to unionize family childcare providers could be a way to work towards diaper rights. Changing the paradigm of this problem, and viewing it as a long-term effort, will allow a coalition to frame diaper rights as an investment, part of a larger movement to educate parents and providers.

**B. Discussion**
The rising awareness of the long-term nature of this struggle raises new questions. How can small diaper banks, with little time or money for legislative advocacy, engage in long term projects? Participants can perhaps begin by lobbying the lobbyists, and connecting diaper rights to other organizations and larger issues, which may have more means to lobby and advocate. Alternatively, the group created by this conference can be envisioned as a national lobby, serving the needs of women, family preservation, health and childcare providers. If small-scale diaper banks change their mindset and make legislative efforts as important as the service provided, then perhaps they can expand into advocacy.

Session IV: Mobilizing Support

Questions considered: What strategies may we employ in getting our message out? What media can we use? Should we “brand” our cause for maximum impact?

A. Panelist Presentation

Lisa Truong, Director of Help a Mother Out, spoke on her experience running a small donation campaign for women’s shelters. She discussed a variety of grassroots strategies, such as online show and use of Twitter and Facebook. Through virtual canvassing, [ORG NAME] is able to become an open source: anyone can use its information and engage in the community. Truong described the benefits of advocating online, such as raising awareness with a larger audience, and developing relationships with activists all over the country to coordinate diaper drives and communicate with the media.

Next, Beth Ruoff of Ogilvy Public Relations discussed the uses of social media in advocacy. Like Truong, Ruoff emphasized the communicative and collaborative power of internet advocacy, allowing us to bring together non-profit actors, corporations and the community to speak with one voice for clearly defined change. Increased communications enables us to find a common goal, a unified message, a strong constituency, consistent government relations and to build awareness in the media. Ruoff used the examples of advocacy by Spotlight on Shingles and Strong Women, Inside & Out to demonstrate how tailoring your message to your constituency can be very effective. As the constituency of the diaper rights struggle is primarily mothers, an effective strategy may be to target them with advocacy and advertising. Ruoff pointed out that mothers generally have buying power in the household, make a majority of family health care decisions and have an enormous presence online. She advised using online focus group testing to find an effective, targeted message, and then spread the issue quickly through the online community of mothers.

Finally, Emily Bazelon of Slate discussed the uses of online social networking for advocacy. She spoke on the struggle in finding a new angle from which to fight poverty, especially in the traditional media. Therefore, in order to build a broader consciousness and build useful relationships, Bazelon recommended turning to social networks such as Facebook and Twitter. While many media organizations do not have a social welfare beat or a consistent way of collecting information about issues, working online in social networks allows organizations to build their own platforms. Bazelon discussed Sarah Palin’s recent success in spreading her message online, and Ashton Kutcher’s effort to raise money for malaria netting via Twitter.
B. Discussion

The group then discussed ways in which this conference could become a coalition and begin to mobilize support. Participants agreed on the critical importance of a unified message and goal. Some questioned the sustainability of online efforts and donations, and whether they will be able to turn virtual collaboration into concrete efforts. Participants also discussed the two simultaneous audiences of the fight for diaper rights: policy makers and constituencies of mothers and families, needed for mobilization and campaign support. The language of rights likely does not resonate with either group, thus a targeted message is essential.

Session V: Making Law and Impediments to Change: When Can Diapers Be a Right?

Questions considered: How are laws made? Is it enough to draft a bill? What makes some legislation viable while other, equally worthy, proposals die on the floor?

A. Panelist Presentation

Alison Weir of Wiggin and Dana LLP began by discussing how to transform the Diaper Bank and similar efforts from private charity to public policy. One of the greatest challenges the diaper rights effort faces is that diapers are not mentioned explicitly in much legislation. Because diapers are not foodstuffs, they are often passed over in the provisions of many welfare bills. To address this, the coalition should begin by examining the exceptions, such as Head Start and WIC, which do make provisions for diapers. Weir suggested attempting to make new legislation on the model of WIC but more targeted to the diaper cause.

Leticia Mederos, legislative assistant to Congresswoman DeLauro, spoke about the logistics of making new legislation. To impact a member of Congress, the diaper coalition first has to contact them, with phone calls, emails, letters and meetings. Current issues, such as the health care debate, are internally taxing on the government, and thus the coalition must be aware that this is a political environment in which it is difficult to pass large and expensive bills. Since Obama’s “spending freeze” to limit deficits, the House has been having difficulty with their budget. That situation produces a difficult environment for new legislation. However, given the current dedication to health care, the diaper coalition should certainly continue its legislative efforts. Mederos advised comprehensive advocacy efforts: not just introducing a bill, but approaching with enough support to make it viable.

B. Discussion

Participants discussed ways in which the coalition can frame legislative efforts. It was decided to start with efforts to raise awareness. The coalition will have to test different narrative frames for the cause to see which garners the most consistent support, and then develop it into a legislative frame. As discussed in the previous panel, participants turned back to the power of internet networks for improved communications. Social media and social networks are new avenues for faster, broader conversation. Participants also considered the costs and benefits of republican and non-traditional sponsors.
Proposals and Projects

The group agreed that the meeting was the first of many, with the goal of introducing legislation and launching a public campaign on Mother’s Day of 2011, May 8, 2011. The group will be the beginning of a coalition of participants and their organizations, dedicated to securing legislative change for diapers. To do so, the following initiatives are underway:

- Determine, with the help of state and federal agencies, whether diapers ARE an allowable expense for child care providers under the Child Care and Development Block Grants.

- Review current federal regulations to understand how and where diapers would fit and disseminate information to and through this coalition.

- Gather data on diaper needs for physically challenged and elderly individuals. Understand rights for those groups, if any, to diapers.

- Develop a coalition including infant and child providers and the AARP, to underscore the common intergenerational needs for diapering and the affect a sufficient supply of diapers can have on young and old and their families.

- Work with family-focused foundations, such as Zero to Five, the Pritzker Foundation, the Gates Foundation and others, for support of media campaign to raise awareness.

- Identify and approach “translocal organizations of government actors,” such as the National Conference of Mayors, the American Health Association, that would join with, develop policies for, and to whom presentations possible at their annual convention.

- Investigate the legislative and regulatory structure of existing programs and laws, from local agencies through state and federal agencies and programs, for possible entrance points for diaper-related programs.

- Develop possible options, none exclusive, for state or local diaper distribution programs that could be proposed under the home visitation program under the Patient Protection and Affordable Care Act, Pub. L. 111-148, Sec. 2951.

- Work with a national public relations firm to raise awareness of this issue.

- By Mother’s Day 2011, launch a campaign in support of diaper rights legislation, including: coordinated op ed columns; a “Stroll-A-Thon” in Washington, DC and other cities; and similar media events.