

Getting Involved in Policy Change: What Private Foundations Can Do

“None of this activity is ‘lobbying’ activity, but has provided a framework for real change...”

For many in the foundation world, “lobbying” is a four-letter word. But funding advocacy or supplying some support to organizations that lobby is allowable for foundations, as long as they follow certain rules. It’s also an exciting and effective way to help create lasting change at the community, state and national level.

First, it helps to know the facts — and to review them with professional counsel. According to the Alliance for Justice (www.afj.org), a non-profit that serves as a noted resource for foundations and nonprofits that wish to engage in shaping policy, “Public and Private foundations can fund 501(c)(3) public charities engaged in advocacy. They do not need to restrict grantees from using their funds for lobbying. Including such a prohibition places unnecessary restrictions on grantees that make it harder for them to accomplish their charitable purposes.

“Private foundations may not earmark (designate or direct) grants for lobbying purposes. They may make general support grants to charities, even those who lobby. Also, they can give specific project grants to fund projects that include lobbying, as long as the foundation’s grant for the project does not exceed the

amount the grantee budgeted for the non-lobbying portion of the project.

“Public foundations have greater flexibility, and can earmark grants for lobbying. Such earmarked grants generally count as a lobbying expenditure.”

A Real-World Example

But how do the rules governing private foundations play out in the real world? For Sisters of Charity Foundation of South Carolina, it means the difference between involved fathers and deadbeat dads. In 1997, the Foundation created a Fatherhood Initiative, with the goal of addressing a root cause of poverty by supporting communities that strengthen the engagement of fathers with their children and families. As the Initiative grew and it became apparent that supporting fathers required a full-spectrum approach — including advocacy activity — the Foundation created the South Carolina Center for Fathers and Families, an independent 501(c)(3), in 2002.

“The majority of the funds in the Fatherhood Initiative were granted to local community-based fatherhood programs which provided direct services to fathers

who needed to increase their skills and knowledge to be responsible fathers,” says Pat Littlejohn, interim Center director. “However, it became quiet evident that in some instances no matter how much progress a father made with the support of a program, he still encountered unfair and biased policies and practices that prevented him from reconnecting with his children. In order for the Foundation to make a true impact on increasing the engagement of fathers with their children, it had to address these policies and practices. The Foundation has continued to support advocacy activities through the SC Center for Fathers and Families Policy Office.”

Both the Center and the Foundation pay close attention to the distinctions between lobbying and advocacy. Advocacy is a broad term that includes providing information about issues without referring to specific legislation. Lobbying, according to the Alliance for Justice, is a subset of advocacy, and involves communication with lawmakers or with the public that expresses a view about a specific piece of legislation and, in the case of the public, includes a call to action.

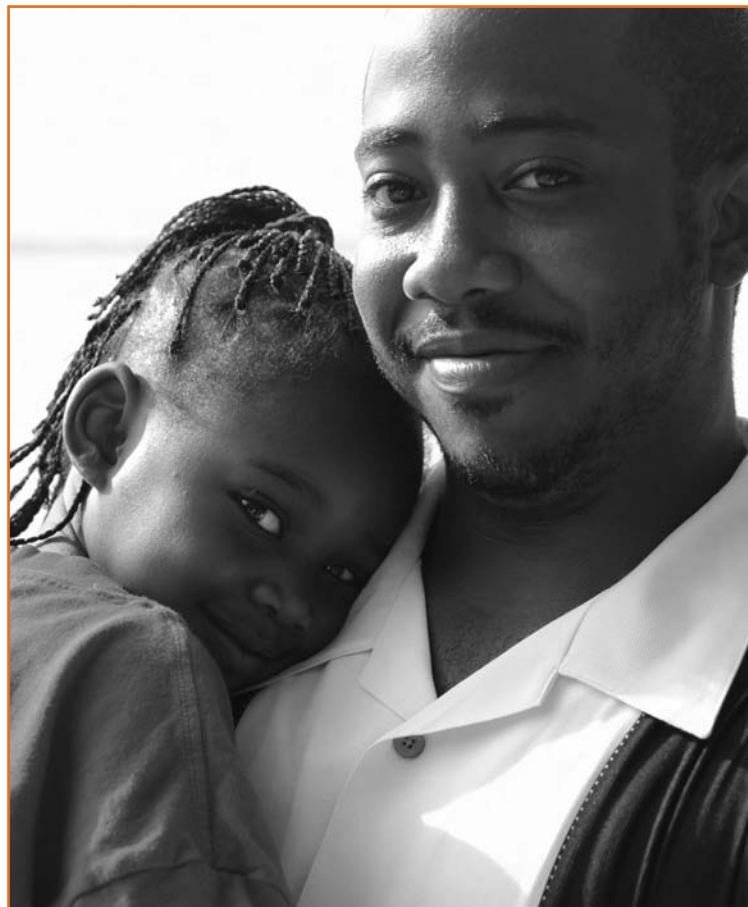
Sisters of Charity Foundation has successfully (and legally)

supported a number of advocacy activities through the SC Center for Fathers and Families. Littlejohn offers the following example:

“Child Support Guidelines stipulate that no matter how much a father owes monthly in child support, there should be something left for him to live on after the child support is deducted. This is called a self support reserve, which in South Carolina was \$500.00 and had not been increased since the child support guidelines were established in the 1970s. Because fathers could not realistically survive on \$500.00 per month, many fathers fell behind in child support resulting in incarceration. When a father is incarcerated, he is unable to pay anything in child support. The Center strongly believed that an increase in the self support reserve from \$500.00 to \$745.00 would increase the likelihood that a father could meet his child support obligations because he, too, has enough money to survive on and to keep working and consistently paying child support. The Center prepared briefing papers that highlighted how other states dealt with the issue and engaged the Strom Thurmond Institute to provide a thorough and third party “Cost of Living Analysis.” The Center also

testified at the State Senate Judiciary Committee hearings explaining the negative impact of the low self support reserve and the benefit to families to increase the self support reserve. In this instance providing testimony was not ‘lobbying’ because every South Carolina citizen was invited to provide testimony and information at these public hearings. As a result of the information and educational activities that offered a different perspective and information for this situation, the self support reserve was increased from \$500.00 to \$745.00.”

The Center also was called upon to testify to a state court Access to Justice Commission in 2008 about the problems and barriers of self representation among fathers who tried to seek visiting rights through the court system. “Because of the repeated testimonies and the compelling arguments, the Center staff was invited to testify at a final hearing in front of the State Supreme Court which led to being invited to participate in a South Carolina Educational TV documentary and on a statewide radio program to discuss self representation challenges for low-income fathers,” says Littlejohn. “None of this activity is ‘lobbying’ activity, but has pro-



To help fathers realistically engage with their families, the Sisters of Charity Foundation supported efforts to advocate for change in outdated and prohibitive state policies.

vided a framework for real change in the area of self representation for low-income litigants.”

“Understanding the rules about funding advocacy groups can seem a little daunting at first, but not nearly as overwhelming as issues like persistent poverty,” says Tom Keith, president of Sisters of Charity Foundation. “And sometimes advocacy can have a big

impact with a relatively small grant investment, which can mean a great deal in our current economy. Where advocacy is part of the solution, I encourage other foundations to consult their legal advisors and then get involved.”