

SEEKING SUPERVISION:

STATE POLICY CHOICES in implementing the TANF MINOR PARENT LIVING ARRANGEMENT RULE

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March 1999

Center for Law and Social Policy

CLASP

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Seeking Supervision: State Policy Choices in implementing the TANF Minor Parent Living Arrangement Rule was made possible by the support of the Annie E. Casey Foundation. CLASP's reproductive health work is also supported by the Nathan Cummings Foundation, the Ford Foundation, the Henry J. Kaiser Foundation, the Moriah Fund, Inc., the Charles Stewart Mott Foundation, and the Public Welfare Foundation.

Table of Contents

Introduction.....	2
The Law.....	3
The Population.....	4
State Policy Choices: An Overview.....	5
State Policy Choices.....	8
Eligibility.....	8
Exemptions.....	9
Assessment.....	11
Adult Supervision by Non-Relatives.....	13
Adult Supervision Location.....	13
Adult Supervised Settings.....	15
Payments.....	16
Agency-Issued Rules.....	17
State Data.....	18
Endnotes.....	21

INTRODUCTION

Under the 1996 federal welfare law (Temporary Assistance for Needy Families - TANF), an unmarried, minor parent with a child generally can not receive federal welfare assistance unless she is living with her family or in some type of adult supervised arrangement; exemptions are available and states have enormous flexibility in designing their policies and practices.

To better understand the minor parent living arrangement policy choices made by states, the implications of those choices from the local perspective, and some solutions to the thorny issue of inadequate housing for minor mothers, this publication is issued as one part of a series that addresses this range of topics. The series was developed with funding from the Annie E. Casey Foundation through a partnership of CLASP and the Center for the Assessment of Policy Development (CAPD) and the Social Policy Action Network (SPAN). Each organization has historically worked on projects related to teen parents.

To gather information on these issues, these three organizations conducted a number of activities including:

- # a national survey of states to document existing policies and procedures for implementing the TANF residency requirement as well as a convening with state representatives to further discuss these issues;
- # site visits in seven states to understand local implementation issues relative to this rule. Site visits included discussion with local welfare officials as well as teen parent service providers;
- # a review of extant literature on various types of living arrangements for teen parents and their children to glean lesson learned regarding the benefits of various housing models for this population;
- # a review of federal funding streams that support residential programs for teen parents; and
- # a convening of second chance home providers to document strategies to build alternative housing options for teens in need.

The resulting series of reports include:

Seeking Supervision: State Policy Choices in Implementing the TANF Minor parent Living Arrangement Rule [CLASP]

Seeking Supervision: Local Implications of the TANF Minor parent Living Arrangement Rule [CAPD]

Seeking Supervision: Second Chance Homes and the TANF Minor parent Living Arrangement Rule [SPAN]

This publication, **Seeking Supervision: State Policy Choices** provides an overview of policy choices states have made in implementing the minor parent living arrangement.¹ Included are key issues such as which agency assesses the minor's living arrangement, what living arrangements are allowable, and which exemptions are available. Unless otherwise cited, the information on 1997 state policy choices comes from the State Policy Documentation Project, a national survey and database jointly undertaken by the Center for Law and Social Policy (CLASP) and the Center on Budget and Policy Priorities (CBPP). Policies from 1997 generally reflect state decisions regarding TANF implementation; some states, however, continued policies approved under earlier federal waivers. 50 states (including the District of Columbia) responded to the surveys; Alaska is not yet part of the findings. The complete data will be posted on the web at www.spdp.org. The web site will provide national as well as state by state reports.

The Law

In 1996 Congress overhauled the nation's welfare system and established Temporary Assistance for Needy Families (TANF).² Under this law, unmarried, custodial teen parents who are minors - younger than age 18 - are ineligible for federal TANF assistance unless they meet two requirements.³ One requirement relates to participation in schooling/training and the other addresses the minor's living arrangement.

With respect to the living arrangement requirement, the 1996 federal law generally prohibits an unmarried, minor custodial parent from receiving federally funded TANF benefits, unless she is living with a parent, legal guardian, or other adult relative.⁴ However, a minor parent can be exempted from this living arrangement rule if:

- # the minor has no parent, guardian, or adult relative who is living or whose whereabouts are known;
- # the minor has no parent, guardian, or adult relative who will allow her to live in their home;
- # the state agency determines that the minor or her child is being or has been subjected to serious

physical or emotional harm, sexual abuse, or exploitation in the home of the parent or guardian;

- # the state agency determines that living with the parent or guardian presents a risk of imminent or serious harm to the minor or her child; or
- # the state agency otherwise determines that it is in the best interest of the minor's child to waive the rule⁵

If a minor parent qualifies for one of these five exemptions, the state agency must provide, or assist her in locating, a second chance home or an alternative adult-supervised supportive living arrangement,⁶ unless the state agency determines that her current living arrangement is appropriate. A second chance home is defined as one in which teen parents are required to learn parenting skills, budgeting, and other skills to promote their long-term economic independence and the well-being of their children. The state may provide TANF assistance to an exempt minor parent, on the condition that she and her child continue to reside in an appropriate living arrangement.

To assist readers in understanding state choices under the law, in this text:

- # A *minor* mother or parent⁷ refers to a parent who is under 18 years old;
- # A *teen* mother or parent⁸ refers to a minor as well as an 18 - 19 year old teen parent;
- # A *senior* parent⁹ refers to the minor parent's parent in a 3-generation household; and
- # A *nested*¹⁰ household refers to household in which a teen parent and her child reside with a senior parent or relative.

The Population

The number of TANF teen (under 20 years old) mothers is a relatively small part of the entire TANF caseload (about 5 percent of the female child TANF recipients) and the number of minor mothers is even smaller. HHS, in its first annual report on TANF to Congress reports that there are roughly 200,000 TANF teen mothers and less than 40,000 are minors. Among teen mothers receiving TANF, the percentage who are minors has declined from 23% in FY 1994 to 19% in FY 97. While their numbers are relatively modest interest in them is high because, as the Department of Health and Human services has noted, historical data suggest that teen mothers 17 and under who give birth outside of marriage are more likely to go on welfare and spend longer on assistance.¹¹

The immediate fragility of a minor mother family and the greater likelihood of her long term need for TANF suggests the value of implementing policies and programs that enable the minor mother to provide a stable environment for herself and her child. The relatively small numbers of minors who need such help suggests

that such TANF investments may be financially manageable, particularly in today's environment where declining caseloads translated into available TANF funds.

State Policy Choices: An Overview

The policy choices that states make regarding the minor parent living arrangement are significant because where the minor mother lives influences the well-being of her and her child. It is generally accepted that a minor needs adult supervision. However, a policy tension can arise when adult supervision (by relatives or non-relatives) is a condition of receipt of TANF. This occurs if the requirement places the minor in the home of a parent, guardian or adult relative and there is a threat of abuse/neglect in that home.⁷

The living arrangement rule can also pose harm if the requirement mandates placement in an adult supervised setting but no such appropriate setting is available and the minor and her child are nevertheless denied assistance. The denial of assistance could result in homelessness or home-hopping. There is a growing concern about the numbers of teen mothers without shelter.⁸ In addition, the living arrangement rule can have the effect of reducing the income available to a minor mother who moves back into a relative or guardian's home.⁹

States need to weigh not only the value of adult supervision but the quality of adult supervision in determining whether to exempt the minor from the living arrangement rule.

Among the key minor parent living arrangement findings are:

- # **Living with a parent, guardian or adult relative meets the living arrangement policy requirement in all 50 responding states.** This does not mean that the minor is eligible for her own cash grant (although it could); it merely establishes that such a living arrangement allows her to receive TANF assistance. It also does not mean that the minor decides (although it could) whether she should live with a parent, guardian, or adult relative; it merely establishes that the state considers each of these three as possible options in determining eligibility. At least one state considers some adult relatives acceptable while other relatives (those who are considered **non-needy**) are not.
- # **State and local practice may contradict state policy.** While all states intend eligibility to extend to minors who meet the living arrangement rule by living with a parent, guardian or adult relative, state or local description of the policy as the **live at home** rule may mean that caseworkers insist the minor live with her parent. (see *Seeking Supervision : Local Implementation*)
- # **Living in an adult supervised setting (such as a second chance home) meets the living arrangement policy requirement in all but one responding state.** The state of Wisconsin denies TANF cash assistance to a minor parent if she is unable to live with a parent, guardian or adult relative

- # **Living independently with state approval meets the living arrangement policy requirement in 44 states.**¹⁰ TANF provides states the flexibility to determine that it is in the best interest of the child to approve a minor to live independently. The majority of states have explicit state policy criteria defining the circumstances in which state approval for independent living may occur. Some states which allow for independent living require special interaction with case managers.
- # **Location assistance in finding an adult supervised setting is established through policy in 32 states.** The definition of what constitutes assistance can range from providing a list of second chance homes to providing transitional cash income while an appropriate setting is being located.
- # **A minor mother living in an adult supervised household is counted as a head of household in 20 states; this can start her time-limit clock.** Federal law applies the time-limit on federal TANF assistance to those minors who are either married to a head of household or who are considered heads of household. States define a head of household and have the discretion in determining whether a minor parent who is subject to adult supervision should be counted as a head of household.
- # **Most states track the number of minor parents who receive TANF; however, only a few states are able to report on where minors are living and why they live where they do. Without essential data it is likely impossible to gauge the impact of the living arrangement rule in each state.** 39 states collect the number of minor parents who receive TANF. However, only 6 states report that they have data available which delineates where the minor parent caseload lives. The vast majority of states - 41 - do not report how many minor parents are denied TANF assistance because of a failure to meet the state's living arrangement rule. Absent this type of fundamental information, it is difficult to see how states and Congress can adequately assess the impact of the provision.

Seeking Supervision: State Policy Choices identifies how states are proceeding with the minor parent living arrangement provision through state policies on the following topics:

Eligibility: Under which adult living arrangement is a minor parent eligible for TANF assistance?

Exemptions: Under what circumstances is the living arrangement requirement waived in the best interest of the child?

Assessment: Which agency undertakes any living arrangement assessment?

Adult Supervision by Non-Relatives: What Circumstances Trigger Placements?

Adult Supervision Location: What location assistance is required to be provided?

Adult Supervised Settings: What types of settings are allowable placements?

Payments: When do time-limits apply and when can a minor receive a grant directly?

Agency Rules: Has the state promulgated rules?

State Data: What will federal reports reveal and what is collected/reported by the state?

The Appendix provides the 50 responding states= answers to the SPDP survey questions.

STATE POLICY CHOICES

Eligibility: Under which adult living arrangement is a minor parent eligible for TANF assistance?

In order to be eligible for TANF assistance, the federal law requires that a minor parent live with a parent, guardian, or adult relative unless the minor is exempt. States, however, may be more restrictive than federal law with respect to the living arrangement as well as other eligibility issues. For example, a state could decide that every minor mother is ineligible no matter with whom she lives. Or, a state could say that a minor mother who meets the living arrangement requirement can receive assistance but her child can not.

Minors who meet the state's living arrangement requirement are not automatically eligible for TANF. Eligibility is not just a function of with whom the minor teen lives. It also includes consideration of household income and other requirements the state might impose.¹¹ Once eligibility conditions, including the living arrangement are met, the amount of the grant is then determined. *Appendix A lists state-by-state eligibility policy choices.*

50 states including the District of Columbia,¹² follow the federal statute and consider the home of parent, guardian or adult relative as meeting the minor parent living arrangement eligibility requirement; in at least one state not all adult relative living arrangements convey eligibility.

In 50 responding states a minor mother who lives with a parent, guardian, or adult relative is considered eligible for TANF assistance.¹³

Of the 50 states, Arizona considers some adult relatives but not others as acceptable for meeting the living arrangement eligibility requirement. In that state, and perhaps others, a distinction is made between adult relatives who are needy and those who are not. If a minor lives with a non-needy adult relative, the minor is ineligible for TANF assistance.

While the 50 responding states indicate that a parent, guardian or adult relative constitutes an eligible living arrangement, this policy may not always be clear at the local level. Some states, in describing their living arrangement policies describe their *Alive at home* rule. This short-hand language may contribute to an implementation problem. In some localities, anecdotes indicate that minor parents who apply for TANF are told they will be denied eligibility unless they *Alive at home* which likely communicates to recipients - and caseworkers - that minors must live with parents in order to be eligible.¹⁴ While the SPDP survey did not query about this implementation issue, the anecdotes suggest that the label affixed to the policy may influence how well local implementation tracks state's policy.

49 responding states permit a minor mother to meet the living arrangement requirement through

an approved adult supervised setting; Wisconsin denies TANF eligibility to a minor mother living in an adult supervised setting.

In Wisconsin, a minor parent is not eligible for the "W-2" work program; she and her child can only receive W-2 as part of a family which is legally responsible for her as a minor. Thus, no minor parent can receive a grant if she lives in an adult supervised setting. A minor mother who does not live with a legally responsible relative can be part of a kinship care family, a separate program.¹⁵

Exemptions: Under what circumstances can the living arrangement requirement be met through approved independent living deemed in the best interest of the child?

States have the flexibility to determine that a minor who is living independently should be exempt from living with a parent, adult relative or guardian because her situation is deemed in the best interest of the child. Under this exemption, a minor mother may be approved to live independently without adult supervision or the state might create some level of supervision through special case management requirements. *Appendix A lists state-by-state exemption best interest policy choices.*

44 states have policies which permit eligibility for a minor mother to live independently upon approval; 29 of the 44 states have policy criteria that define when the best interest of the child is served by this arrangement.

In some states, independent living is approved only with special case management requirements (e.g. Arkansas, Idaho, and Kansas). In the 29 states which define best interest criteria, local caseworkers have information about when it is considered appropriate for the agency to approve independent living. It is possible that even in states without a formal policy regarding when it is in the best interest of the child to waive the living arrangement rule, the practice is for local workers to make such distinctions. A state may explicitly intend that counties establish their own rules. The absence of state guidance likely results in varied practices around the state.

In 10 of the 29 states, the lack of an available slot in an adult supervised setting provides an explicit exemption from the adult supervision requirement. Where states mandate adult supervised living arrangements, a minor teen mother could be caught in a Catch-22 situation if she is told that she must live in such a setting in order to receive TANF but no such appropriate slot is available. For example, a minor mother could live in a rural area of the state where formal, adult supervised settings do not exist or where the only residential facilities available are dedicated to those with substance abuse histories. Unless the state can help her find an appropriate setting, this explicit exemption addresses the possible Catch-22 situation. The state can then determine whether it will accept her current living arrangement.

In 9 of the 29 states, the success of the minor in living on her own is explicitly recognized as a reason for waiving the requirement. Some minor mothers who live independently have managed to develop networks of support that allow them and their children to progress and develop. For example, if a 17 year old minor has located child care for her infant and is receiving case management in a local education program dedicated to teens, the stability of those arrangements may be more important than mandating she move into the available slot in the second-chance home 80 miles away from her support network. The role of stability could also be considered when weighing whether a minor who is living independently should move in with an available relative; often a relative is available only for a short time; hopping from one relative to another may be more disruptive than advantageous if the minor can manage successfully on her own or if there is a better alternative.

In 3 of the 29 states, the minor-s approaching age 18 is explicitly considered a reason for waiving the requirement. The federal TANF requirement regarding the living arrangement applies to those under age 18. A minor mother about to turn 18 might be better off if the living arrangement requirement were automatically waived. For example, if a 17 year old mother applies for TANF in February and will turn 18 in June, it may make little sense to mandate that she return to a stormy (though not documented as abusive) home if it is clear that as soon as she turns 18 she will leave any way. Few states may have age as an explicit reason for exemption, however, because of the recognition of the enormous difficulties teen mothers face not only as minors but also often as 18 and 19 year old teen mothers.

In 21 of the 29 states, other criteria are included as triggering a Abest interest@ exemption. Among the other criteria included by these states are: a lease agreement would be broken if a minor returned home; minor lived apart from parent for some period of time (e.g. a year) before application; minor is emancipated; and minor is participating in an established independent living program. Some of these exemptions are intended as exemptions to living with a parent, adult relative, or guardian and not necessarily viewed as an exemption to living within some other type of adult supervised setting such as a second chance home.

6 states do not allow a minor who is living independently to be exempt from the standard living arrangement requirement.

In these 6 states - Delaware, New Jersey, Ohio, West Virginia, Wisconsin, and Wyoming - state policy precludes a minor mother from receiving TANF cash assistance if she lives independently. In some states, this explicit policy has not created any tension because it is perceived that each minor mother has been successfully situated with a parent, guardian, adult relative or in an adult supervised setting (the last category is itself not permissible in Wisconsin). Some of the six states disallow A-independent living@ by not recognizing it. For example, West Virginia-s rules establish that Awhen a minor parent demonstrates good cause for not living with a parent, eligibility may be established by living with another adult relative, a legal guardian or in an alternative living arrangement that is supervised by an unrelated adult.@ There is no

reference to establishing an approved independent living arrangement nor is there any discussion in the rule of the possibility that an appropriate living arrangement may not be available.

Assessment: Which agency undertakes any living arrangement assessment?

The law expects a state determination regarding whether a minor parent falls within one of the exceptions to the living arrangement rule when she is not living with a parent, or relative, or guardian. The determination includes whether an exempt minor parent should be required to live in an alternative adult-supervised living arrangement (e.g. a second-chance home) or approved for living independently. While the state TANF agency is ultimately responsible, the law does not preclude assessment by another entity such as the child welfare agency or a nonprofit service provider. How an assessment should be conducted is not addressed in the statute. *Appendix B lists state-by-state assessment policy choices.*

31 states have policies under which the TANF agency conducts the minor's living arrangement assessment.

In 8 of the 31 states, the TANF staff receive training on assessing the living arrangement. Making judgements regarding a minor parent's living arrangement can be difficult. In some states, the process may entail asking the minor a few questions and securing documents. In other states, the process may be more elaborate and may include site visits. Training can help the staff person recognize when the minor has left or remains in a dangerous environment. This can help the staff person make an assessment or determine that a referral is needed.

Other states conduct the minor's living arrangement assessment as follows:

9 utilize the child welfare agency; a number of the responding TANF agencies noted that their agency includes the child welfare agency; in addition, other respondents specifically noted that when there are reported or suspected instances of abuse/neglect the child welfare agency gets involved in the assessment.

3 utilize community non-profits; this could include organizations subcontracted by the state agency to undertake assessment as well as other related tasks such as placement.

2 utilize a community welfare reform advisory council; this could include community groups that informally assess and as well act as referral entities.

5 did not identify an agency or organization responsible for assessment.

Involving the state child welfare agency in assessment may have advantages but it can also be problematic if not undertaken with sensitivity to how the agency may be perceived. Child welfare agencies are often viewed as agencies whose primary function is to remove children from their homes. Many children are

removed from homes due to neglect, which in practice may be hard to differentiate from poverty (e.g. families may have children removed because they have inadequate housing). As a result, teen parents and their families may experience fear, confusion, and resentment if, as a result of a TANF application, a child welfare caseworker conducts an assessment of their living situation.

Teens may hesitate to claim an exemption, or even apply for TANF at all, if they believe the assessment might lead to removal of their own child, charges of abuse or neglect against the senior parent or other family members, and/or placement in foster care. Senior parents may refuse to admit that they are unwilling to let a teen parent live in their home, for fear of being charged with abandonment, and/or having to pay for the cost of the teen's foster care. (Moreover, when teen parents enter foster care, their children are often also placed in the legal custody of the child welfare agency -- so, teen parents may lose control over their child's custody even if they have never abused or neglected their child.)

These problems with involving child welfare agencies in teen parent living arrangement assessments may be intensified as states implement the federal Adoption and Safe Families Act. The ASFA raises the stakes for families whose children are removed from home as a result of an abuse/neglect investigation. The new law narrows the range of cases in which child welfare agencies are required to try to help families reunify, shortens the timelines for reunification services, and encourages appropriate concurrent planning (seeking a potential adoptive placement for a child even while the agency tries to help the family reunify).

Child welfare agency involvement in assessments may benefit teens in cases involving abuse by a parent or relative, because child welfare caseworkers are trained to assess risks and needs in cases of abuse, and refer the teen to counseling and other resources. Also, formally engaging the child welfare agency in the assessment process may help overcome the problem that many states' child welfare systems do not prioritize abuse/neglect reports involving teens for investigation, and do not maintain an adequate supply of foster homes and other placement resources for teen parents.

Some states, such as Missouri and Florida, have child welfare diversion programs in which less-serious reports of abuse and neglect are referred to nonprofit community-based agencies. This approach may be less threatening to families. Also, some states have specialized units within the child welfare agency that work with teens (e.g. independent living, homeless and runaway youth programs) but are more identified as workers from independent living or the runaway program than they are identified with child welfare; thus, in addition to their expertise with youth they may prove less threatening.

Adult Supervision by Non-Relatives: What Circumstances Trigger Placements?

To comply with TANF, the welfare agency must consider whether the minor should be exempt from living with a parent, adult relative, or guardian. State policy may or may not establish a list of exemptions that could trigger placement in an adult supervised living arrangement. The absence of a state policy may reflect

the state's expectations that counties will establish such policies or it may mean that these decisions are wholly within the discretion of case managers. *Appendix B lists state-by-state assessment policy choices.*

Of the 49 states which consider approved adult supervised settings as meeting the living arrangement eligibility requirement, 42 have established policies defining which circumstances trigger such placement.

34 of the 42 states allow for adult supervision when no parent, adult relative, or guardian is willing to be responsible for the minor parent;

29 of the 42 states allow for adult supervision when there is either concern for or a report regarding abuse or neglect by the current caretaker;

17 of the 42 states allow for adult supervision when there is alcohol or drug abuse by the current caretaker;

14 of the 42 states allow for adult supervision when no permanent housing is available to the minor teen; and,

3 of the 42 states allow for adult supervision when the minor is a runaway.

2 of the 42 states allow for the minor's request to live with adult supervision to trigger such placement.

Adult Supervision Location: What location assistance is required to be provided?

The federal statute requires states to provide or assist the minor parent in locating an adult-supervised living arrangement if she needs one. However, the statute does not define what the location assistance must include. States could interpret and act upon the requirement differently: one state could utilize specialized staff who identify, locate, and place the minor in a supervised slot; another state might interpret the requirement to be met by telling a minor parent to look in the Yellow Pages for a second chance home.

18 states do not have established state policies regarding what location assistance must be provided.

The lack of a state policy that defines assistance in locating a supervised setting means that if there is any assistance provided, whatever is offered is locally determined. Some states (e.g. Colorado) have rules that require that the county assist but there is no further definition of what that assistance entails. The locally-determined assistance could be comprehensive or it could be minimal. It is possible that some communities only offer assistance upon request by the minor.

32 states have established explicit state living arrangement location assistance policies.

Most of the states with established policies on assistance rely upon referral to the child welfare agency or case management. What triggers each type of assistance could vary significantly between states and even within states.

19 of the 32 states policies= explicitly may refer to child welfare as one possible type of assistance in the location of adult supervised living arrangements. While all states follow protocols that require suspected abuse and neglect cases to be referred to the child welfare system, the referral to the child welfare agency regarding the need for an adult supervised living arrangement may or may not be triggered by such a report. Vermont's welfare agency has forged an agreement with the child welfare agency by which a TANF minor mother may reside in a foster care home with a specialized teen parent provider; the TANF teen does not enter the foster care system and TANF pays the provider at the same rate as the foster care system. [see CLASP's *Seeking Safe Haven*, forthcoming, for an in-depth review of Vermont's as well as Illinois' living arrangement provision]. Some states may be drawing on the expertise of child welfare agency staff or community based contractors involved in implementing such programs the Independent Living Program to help with TANF minors who are not part of the child welfare system.

14 of the 32 states policies= explicitly may provide case management in locating adult supervised living arrangements. This case management can take many forms. For example, some states note that community based organizations are contracted for placement management and oversight (e.g. New Jersey, Rhode Island).

6 of the 32 states policies= explicitly may provide lists of Asecond-chance@ homes. All of the six states that offer lists of Asecond chance@homes also may offer some type of other assistance in accordance with established state policy. In addition to the lists of Asecond chance@homes, two of the 6 states (Nebraska and Texas) note that they also provide lists of youth organizations that might help.

4 of the 32 states policies= explicitly may provide state funded cash assistance during the period of assessment; 1 may provide moving assistance. Depending on state procedures, there may be a gap in time between an application by a minor and her receipt of TANF that is caused by the need to assess her living arrangement. Because what drove the minor to apply for TANF may be a particularly acute crisis and not just an on-going problem, it may be particularly helpful to provide her with some cash assistance during this period. Some states may utilize federal TANF funds for this purpose such as Vermont which provides for 60 days of assistance - with extensions possible - during a transition phase. The 4 states which report state policies that provide cash aid during assessment are: Massachusetts, Missouri, Nebraska, and Washington. In New York, policy permits the state to assist the minor with expenses related to a move caused by the minor parent living rule.

Adult Supervised Settings: What types of settings are allowable placements?

The federal statute provides that a minor parent who can not live with a parent, adult relative, or guardian should be assisted by the state agency in locating a second chance home, maternity home, or other appropriate adult-supervised supportive living arrangement unless the minor is living in an appropriate situation. While the statute offers a definition of a second chance home (a place that provides parenting skills, child development, family budgeting etc), it does not define what constitutes another appropriate adult-supervised supportive living arrangements. *Appendix C lists state-by-state supervised setting policy choices.*

15 states report that they do not have a policy that establishes which types of adult supervised living arrangements are acceptable. Those without a state policy may have standards established through practice; alternatively, the state may view the need for slots in adult supervised settings as so great that it makes most sense to accept any of them. In addition, a state without an established policy may expect that counties will establish a policy.

35 states report that they have rules establishing which types of adult supervised living arrangements are allowable placements. Many of these states have rules that address group home placements; a substantial number have rules addressing adults who are non-relatives; a few indicate that adult supervision can be provided by case managers working with teens who are otherwise living on their own.

21 of the 35 states specify that foster care group homes and 20 of the 35 states specify that a foster family is an allowable placement. There are a number of ways in which the TANF agency can support a minor mother in conjunction with the foster care agency. In some states, the TANF agency provides cash assistance to support the infant of a minor mother; this income augments the foster care payment on behalf of the minor mother. Another mechanism is for TANF to pay for a minor mother to live in a foster care home but the teen remains outside the foster care system as can be done in Vermont. When a minor teen is in the foster care system, she does not receive TANF for herself. The minor teen who is in the foster care system is a ward of the state and as such, the foster care system is responsible for her support. Another vehicle would be to open the foster care Independent Living program to TANF minor parents. This program is designed to transition foster care youth to adulthood. A state TANF agency could seek placements of some TANF minor parents in housing arranged through the state's Independent Living program. In responding to this question, states may have been confused. The question hoped to identify new ways in which TANF interacted with the foster care system (such as the illustrations above) but the answers may merely indicate states in which foster care is viewed as an appropriate arrangement but is unrelated to TANF.

24 of the 35 states specify that group homes are an allowable placement. For those states which do not specify group homes are allowable TANF placements, the decision may reflect a view that **group homes** are less desirable than family settings. For example, Missouri notes that it approves **a private family setting or other living arrangement (not including a public institution), which is maintained as a family.** In certain states the decision not to include group homes may reflect the absence of approveable group homes. Alternatively, group homes may be accepted in practice but not specified in state policy.

22 of the 35 states specify that an adult, non-relative could be an allowable placement. Some state policies which note that living with an adult, non-relative may meet the TANF living requirement define the age of **adult** for this purpose. For example, Pennsylvania establishes that to be considered, an adult must be age 21 or over.

3 of the 35 states specify that a minor may live independently while supervised by a case manager. The three states which noted the engagement of a case manager for those **living independently** are Arkansas, Idaho, and Kansas. One noted that a TANF minor parent can be assigned a case manager from the child welfare agency. Child welfare agencies operate a federally funded program, Independent Living, which is designed to transition child welfare cases into adulthood. It would be possible for the TANF agency to utilize Independent Living case managers to oversee TANF minors approved to live independently while receiving TANF. Case managers with expertise in working with minor parents within other child welfare and teen parent programs could also be utilized for this purpose.

Payments: When do time-limits apply and when can a minor receive a grant directly?

The 1996 welfare law includes a time-limit of 60 months of federal assistance; a TANF minor mother is generally exempt from the time-limit unless she is a head of household or married to a head of household. The time-limit applies to federal assistance; it does not apply to state funds. *Appendix D lists state-by-state payment policy choices.*

20 states= policies automatically consider a minor parent as a head of household if she lives in an adult supervised setting; the 30 other states do not. Minor teens who receive their own grants when living in the household of a parent or adult relative may or may not be considered a **head of household** by the state; similarly, state decisions determine whether a minor who lives with non-relatives in an adult supervised setting is considered a head of household. An adult supervised setting like a second chance home may well have considerable authority over the minor's money management and other daily tasks. This may suggest that the minor, while the grantee, is not a typical **head of household.** The decision by the state can have time limit implications for the minor teen.

33 state policies permit the cash grant to go directly to a minor parent who is a grantee; many of these states consider this one payment option among others. Some state policies are detailed regarding when the minor parent might receive the cash grant. For example, in Arizona, a minor parent may receive the payment if living with a parent but not if living with an adult relative who is a grantee. In California, aid is paid to a minor only if the adult refuses to act as payee.

14 state policies do not permit the cash grant to go directly to a minor parent who is a grantee. One state, Washington, may have articulated the policy approach of this group by explaining that there is a rebuttable presumption that a minor is unable to handle funds and must have a protective payee.⁶ In Wisconsin, a minor parent may never be a grantee.

15 state policies permit the cash grant to go to the teen's parent; 20 permit the grant to go to a supervisory adult; some states indicate a sequencing of the decision. For example, in Illinois, the parent or guardian is first asked if they will be the payee of the grant; if they refuse, then the minor gets her own grant.

10 states mentioned payment systems other than direct payment to the teen, the teen's parent or a supervisory adult. Most of these states mentioned the use of protective payees. One state, Maine, noted the state utilizes vouchers (although it is not clear whether the minor teen or someone else receives the vouchers). Other states which did not mention the use of protective payees may, in fact, utilize them with minor parents in certain situations.

Agency-Issued Rules: Has the state promulgated rules?

The federal statute is silent regarding whether states must issue rules on the living arrangement provision; thus, there is no federal requirement to delineate placement criteria or other possible policy choices that need to be made in implementing the minor parent living arrangement provision. *Appendix D lists which states have promulgated rules.*

44 states responded that state rules on the minor teen living arrangement rule have been issued; 4 stated that such rules were not issued in 1997 and another 2 did not address this point. The establishment of rules enables local staff, recipients, and others to understand state policy and to recommend improvements over time. The four states that indicated state rules had not been issued within 1997 are: Florida, Hawaii, Nebraska, and South Carolina.

State Data: What will federal reports reveal and what is collected/reported by the state?

There are no federal data reporting requirements that ask about the different types of living arrangements of TANF minor parents. Such information will only be available if states collect and report such data on their

own.

Some numerical information may be gleaned from required case record reports that states submit to HHS quarterly. Through these reports, information will be available on the number of teen parents (age 19 or younger) who are nested within a TANF family that includes the teen's child. However, the age of the teen is not known through these reports. Thus, it is not possible to identify how many are minors. With respect to minors, the reports require that states count the number of minors who are heads of household but these minors get coded as adults. The data includes information on the date of birth for heads of households so it should be possible to calculate how many of the heads are under age 18. This should help identify the number of minors who have their own grants. However, it may or may not prove an accurate reading of all minors who receive grants. This is because minors who live in adult supervised settings and receive grants may be considered heads of households in some states (or in some counties) but not in others.

States which collect and report data related to the minor living arrangement rule are, for the most part, doing more than is required by federal law. However, states that do not have this basic information are likely hard-pressed to effectively manage implementation of the supervised living arrangement policy. *Appendix E lists data from states which have it.*

11 of 50 states do not collect data on the number of minor parents receiving TANF; of the 39 states which collect data, 7 states indicate that they do not report the data. While all states must report some numbers to the federal government, the required reports may not give an accurate picture of the total number of TANF minor parents in a state. States can build on the federal data collection to develop an accurate number of the minor parents receiving TANF. Nearly 20% of the states (11), however, indicate that they do not even collect this basic number. States which collect data do not always routinely report it. The data that is collected but not routinely reported may be available for special reports requested by a state administrator or by others. Sometimes the decision not to report the data reflects that collecting the data is not much of a burden but reporting it is viewed either as a low priority or too costly. A number of the states that collect data indicated that reports would be issued in the future.

23 of 50 states have a statistic on the number of minor teen heads of household and 15 of 50 states have a statistic for the number nested within a TANF household. The head of household number is typically the easiest to retrieve since state management information systems invariably track those coded as a head of household (and this number is needed for federal reporting requirements). Nested teen mothers have historically not been identified well in states; rather, the teen mother who is part of a larger TANF household and her baby have been identified as part of that household and their distinct status as mother and child has not been coded. The federal reporting requirement which mandates that states code teen parents under age 20 will help identify the number of such parents. However, this

federal coding will not identify which of the teen parents who are nested are minors.

10 states provide separate numbers for both minor teen heads of households and for those who are nested in a TANF household. The ratio of heads of household to nested varies significantly. For example, the split between the two types of minor parents is roughly similar in California, Florida, Pennsylvania, and Virginia. Heads of household are much larger than reported nested minor parents in Kentucky, Nevada, New Jersey, and Texas. In contrast, in Illinois and North Dakota the nested number is significantly greater than the number of household heads. Again, these distinctions may not reflect actual differences between the two groups, but in some states may reflect data collecting and report problems.

49,000 minor parents are reported as TANF recipients from the 29 states which provide data.¹⁶

This finding from the State Policy Documentation Project (SPDP) suggests that HHS has missed significant numbers of minor parents in its reports. In the first annual TANF report to Congress, HHS indicated that there were 40,000 TANF (AFDC) minor parents in 1995. The SPDP finding of 49,000 TANF minor parents suggests an HHS undercount of minor parents because:

- # only 29 states= counts of minor parents are included in SPDP, not national numbers; if all 50 states offered data on their TANF minor parents the number would be even higher;
- # state caseloads have dropped dramatically since 1995 and it could be expected that the more recent SPDP data would reflect a decline in the minor parent caseloads as well; instead, the survey offers a higher number than the HHS 1995 data;
- # the minor teen birth rate has declined 16 percent for teenagers between 1991-1997 ; this trend suggests that the current number should be lower than older HHS data but it is higher.¹⁷

The fact that the HHS 1995 number is lower than the SPDP current number of TANF minor parents may merely reflect the difficulty that states have had in identifying nested minor parents. It could also reflect HHS= reliance on state statistical sampling.

6 states report that they have data available regarding where TANF minor parents are living.

Some states may have such data but since it is not part of routine reporting may not have responded that they have such information available. For example, Michigan undertook a special study of the living arrangement provision but may not keep data on these living arrangements routinely.¹⁸ Knowledge of where minor teens live is helpful for agency planning. It also should help inform the state of the need for additional supervised adult living arrangement settings.

9 states provide a number of minor parents determined ineligible for TANF due to the minor living arrangement rule; 41 states do not have data on the number of ineligible minors each year. The 9 states report a total of about 1300¹⁹ minor parents who were denied TANF (over a year in most of the 9 states) because of the living arrangement rule. The number of minor parents denied TANF is best appreciated when it is compared to the number participating. The data²⁰ indicate that in six states where

crude estimates could be calculated, denial of TANF ranges from 0%-7% of the total TANF minor parent participation. The very rough calculations are as follows: IL: 2%; IA: 3%; KA: 7%; KY: 0%; OK:<1%; RI: 5%.

The states which did not provide the number of minor parents denied TANF due to the living arrangement rule may well have such data but it may not be reported separately from other data on denials. Another possible reason states may not have provided data is that states were asked to provide the number of minors denied over the most recent 12 months for which data was available. Some states might have data on the numbers denied each month but might be concerned that a report over 12 months might include some duplication - i.e. a minor who applied in one month and was denied and then applied some months later and was denied. Another reason this question may not have been addressed is that in some states, such as Vermont, the state may operate under a waiver and impose sanctions but continue eligibility for minors who do not meet the living arrangement rule. For state staff responsible for the living arrangement provision as well as for other state staff within and outside the TANF agency who work with teen parents, the extent of TANF denials triggered by the living arrangement rule should be essential information.

4 states report that they track the reasons minor parents are not living with a parent, guardian or adult relative. The states that indicate they track this information are: Connecticut, Indiana, Rhode Island, and Tennessee. This information could prove useful in planning a variety of services for the minor parent population. For example, it could identify the extent to which minor parents are removing themselves from drug-abusing environments versus how many are confronting lease problems or housing overcrowding. A few states like Illinois and Vermont would not track this information because the minor's declaration of need for a living arrangement triggers agency action without additional probing regarding the reasons for leaving a parent, guardian, or adult relative.

7 states report that they have or will have an estimate of the number in need of adult supervised living arrangements. The states which report plans for or actual estimates are: the District of Columbia, Michigan, New Jersey, North Dakota, Rhode Island, Tennessee and Vermont. The estimates of need for adult supervision should help staff determine how best to address the living arrangement rule and whether and where exemptions should be made due to the lack of available alternative living arrangements.

ENDNOTES

1. To put the minor parent living arrangement rule in the context of related welfare changes, readers should see CLASP's *Teen Parent Provisions in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996*. Go to www.CLASP.org for a copy of the full publication. Other living arrangement rule resources include: *Implementing Welfare Reform Requirements for Teenage Parents: Lessons from Experience in Four States*, Mathematica Policy Research, Inc and *Teen Pregnancy: State and Federal Efforts to Implement Prevention Programs and Measure Their Effectiveness*, Government Accounting Office

2. For a review of the TANF law, see CLASP's *A Detailed Summary of Key Provisions of the Temporary Assistance of Needy Families Block Grant* by Mark Greenberg and Steven Savner, 1996.

3. Before 1996, states had the option to mandate that minor mothers meet a living arrangement requirement but most did not. The states that implemented the option were mandated to adopt a set of exemptions listed in the law or ask the federal government for approval to make changes to the list of exemptions. The new federal law requires all states to establish a minor parent living arrangement requirement although under the new law, states have the discretion not to provide TANF to minor parents (or other groups).

4. (42 U.S.C. ' 608(a)(5)(A))

5. (42 U.S.C. ' 608(a)(5)(B)(ii)).

6. *TANF Report to Congress, 1998*. U.S. Department of Health and Human Services

7. While most TANF minor parents live with their own parents (the A senior@ parents) or adult relatives, those who do not currently live with family members often have left their family for good reasons. Research indicates significant levels of child abuse experienced by those who become teen parents:

Among a group of women who had become pregnant as teens, 66% reported having been sexually abused in some way; about half of this group experienced sexual molestation, typically by a family member. [Debra Boyer and David Fine. *Victimization and Other Risk Factors for Child Maltreatment Among School Age Parents: A Longitudinal Study*. ACF/HHS. Washington, D.C. 1990]

Girls with a history of sexual abuse are more likely to engage in intercourse before age 15, have more than one sexual partner, and not use birth control. [Adolescent Pregnancy and Sexual-Risk Taking among Sexually Abused Girls. *Family Planning Perspectives*, 29:200-

8. No federal data source reports the number of minor teen mothers who are homeless. In *A Status Report on Hunger and Homelessness in America's Cities: 1997* the U.S. Conference of Mayors reports what may be the only national figure on unaccompanied minors: participating city data reports suggest that unaccompanied minors account for 4% of the homeless in urban areas. State reports and anecdotes underscore the reasons for concern regarding homeless teen mothers. For example, in Minnesota, of homeless youth (not just minors) 17 percent are parents; three quarters of this group are caring for their children. *Minnesota Statewide Survey of Persons Without Permanent Shelter*, Wilder Research Center, July 1998. In Illinois, the state recently increased funding for homeless youth shelters and an anecdote from a Rockford provider highlights the teen parent issue: the provider, Fran Middleton of MELD reports "there has been a horrendous increase in the number of minor parents entering our emergency shelter system. In the last ten years we have jumped from two to three minors each year to 45 this last year." *Seeking Shelter*, CLASP, forthcoming.

9. Eligibility for TANF includes a test of family income. A minor parent may be part of a family that receives TANF or may be part of one that can not get TANF because the state considers the family's income as too high. When a minor is not part of a TANF family, the state needs to calculate her income. The state decides whether and how much of a senior parent's (the grandparent's) income to count (Adeem) as available to the minor mother. It is also up to the state to determine whether the senior parent's income counts as available to the grandchild. The more of a senior parent's income that is not counted, the more minor mothers will be income-eligible for TANF. Even in a state where a minor mother is ineligible because of her parent's income, it is possible for her child (the grandchild) to receive assistance. This happens if the state does not count the senior parent's income as available to the grandchild. Since the grandchild would have no or very little income, it is more likely this grandchild could receive assistance as a "child only" case.

The "deeming" policy in a state helps drive how many minor parents will be eligible for TANF. This in turn, determines how many minor parents are potentially subject to the living arrangement requirement. The more minor parents in TANF, the more of the state's minor parent population could be subject to the TANF school requirements and the state's TANF case management system. Thus, a state might pursue a more progressive deeming provision not only to encourage minor teens to live with family members but also to reach out regarding schooling and case management.

A related state choice is whether the senior parent and the minor parent must be considered part of the same TANF unit. Under the old welfare program, AFDC (Aid to Families with Dependent Children), a senior parent who received AFDC was always in the same unit as a minor parent and her child who received AFDC. Now, states can decide to have two separate units, even if the family is living under one roof.

When a minor mother lives in a TANF unit, the family's grant usually increases modestly with the birth of child. To the extent that the living arrangement rule succeeds in keeping or returning a minor mother into a TANF unit, the rule has the effect of stretching the modest grant among more family members. At the same time, this success could be perceived by the family as an economic burden. This may be particularly true where a minor mother who is living apart is told to return to her family because of the living arrangement rule. In these situations, the TANF agency should be particularly concerned about transition issues within the family home. A minor mother can also live with a parent, guardian, or adult relative who does not receive TANF. Again, deeming plays a central role in determining how many minor parents will be eligible to receive TANF.

10. Maryland and Hawaii are included in the 44 since their available documents appear to permit independent living exceptions. The 44 states are not listed in the Appendix just those which have best interest criteria.

11. For example, state family cap policies may deny assistance to a child of a minor mother and the impact of the family cap may differ depending on the minor mother's living arrangement. About 20 states have instituted a family cap policy in which the traditional incremental grant increase for a child is denied to a parent receiving TANF. If a minor mother lives with a TANF family, the minor mother is able to receive assistance as part of the family but the grant does not increase to reflect her baby. In Delaware, the family cap has been expanded to apply to an unmarried unemancipated minor mother not living with a TANF family. Such a minor mother will be unable to receive TANF for herself or her child; this is because the state considers any child of a minor as ineligible and participation in TANF is contingent on caring for an eligible child. Delaware plans to allow non-cash aid not to exceed \$69.00 per month for diapers etc.

Family cap policies sometimes include a child living arrangement provision. Under these rules, if the child lives apart from the biological parent the family cap does not apply and the child would be eligible for TANF assistance e.g. Arkansas, California, Delaware, Mississippi. (see CLASP's *Excluded Children: Family Cap in a New Era*, forthcoming).

12. In this report, 50 states refers to all states (including DC) but not including Alaska. The State Policy Documentation Project web site will include Alaska's survey response upon receipt.

13. The living arrangement rule flags another income support issue: kinship care. State TANF agencies which receive applications from minor mothers not living with a parent may well explore living with an adult relative. However, how much state help will these relatives receive? States provide financial assistance to relatives in various ways. Some relatives receive foster care payments. The federally-funded foster care they receive may be the identical amount as non-relative foster parents receive; or, relatives may receive special kinship care grants (generally higher than the TANF grant

level, but lower than the foster care rate). Some states combine child-only TANF grants with Title XX social services funds to create a special kinship care grant. Also, many children live with relatives who have not been formally placed by the foster care system; these >informal kinship care= families may receive TANF (for the children only or along with the relative as a needy caretaker) but not foster care benefits.

Some states are currently attempting to create more unified and coherent policies towards kinship care, and address inequities in financial support and services between non-relative foster parents and kinship care providers. >Nested= teen parents living with adult relatives may benefit from kinship care programs, in that relatives may be more able and willing to allow teen parents to reside with them, if they can obtain adequate financial assistance and supportive services.

States must also address the issue of whether kinship care givers who receive a TANF grant for their needs as well as the children's (i.e. Aneedy caretaker relatives@) will be subject to work requirements and time limits. If so, relatives may be reluctant to take on the responsibility of caring for minor mothers (or other children).

14. See **Seeking Supervision: Local Implementation of the Minor Parent Living Arrangement Rule**, Center for Assessment and Policy Development

15. The W-2 grant amount for the family is Aflat@ - that is, it is a flat amount based on the family's work status, not on the size of the family. A family of two receives the same amount as a family of six in the same work status. Thus, the addition of the minor's infant does not result in the traditional incremental grant increase. Wisconsin's Kinship Care program provides \$215 per child in kinship care; while this program is separate from W-2 it is funded through federal TANF.

16. The total number of TANF minor parents reported by the 29 states is 48,618. The states reported their data different months - most were from the last months of 1997 and early 1998.

17. Ventura SJ, *Declines in Teenage Birth Rates, 1991-1997, National and State Patterns*. National Center for Health Statistics, 1998.

18. *Minor Parent Grantees Survey Results*: Michigan Family Independence Agency, May 1998

19. The actual number is 1267. The states and their numbers with related time period is as follows: AZ: 52 (10-97); IL: 594 (6-97 to 5-98); IA: 190 (11-96 to 1-98);KA: 83 (6-97 to 5-98); KY: 0 (4-97 to 4-98); MI: 233 (8-97 to 4-98);OK: 11 (7-97 to 6 -98);RI: 47 (5-97 to 2 -98);WA: 57 (5-98)

20. CLASP calculations established an average monthly minor parent ineligibility number and compared it

to the number of participants in one month within the time period. The time periods were different time periods. This approximation is inherently crude.