

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



October 21, 1996

ALL COUNTY INFORMATION NOTICE I-57-96

TO: ALL COUNTY WELFARE DIRECTORS
 ALL COUNTY AFDC PROGRAM SPECIALISTS
 ALL COUNTY CAL-LEARN COORDINATORS
 ALL COUNTY CHILD WELFARE SERVICE
 PROGRAM MANAGERS

REASON FOR THIS TRANSMITTAL

- State Law Change
 Federal Law or Regulation
 Change
 Court Order
 Clarification Requested by
 One or More Counties
 Initiated by CDSS

SUBJECT: MINOR PARENT REQUIREMENT (TEEN PREGNANCY
 DISINCENTIVE)

REFERENCE: ASSEMBLY BILL (AB) 908, Chapter 307, Statutes of 1995

The purpose of this notice is to advise County Welfare Departments (CWDs) of a change in State law which will affect the Aid to Families with Dependent Children (AFDC) program and the Child Welfare Services (CWS) program effective March 1, 1997.

Implementing All County Letters (ACLs) for both AFDC and CWS will be forwarded to you as soon as possible. The appropriate forms, including the Supplemental Statement of Facts - Minor Parent (CA 25), the Payee Agreement (CA 25A), informing language, and any necessary Notices of Action will be disseminated with the ACL.

OVERVIEW

AB 908, Chapter 307, Statutes of 1995, added a new Welfare and Institutions Code (W&IC) Section 11254 which creates a new condition of AFDC eligibility for certain minors under 18 years of age. If a minor has never been married and is either pregnant or has a dependent child, the minor will be required to live with his/her senior parent, legal guardian, other adult relative, or in an adult-supervised supportive living arrangement (group/maternity home), unless the minor meets a specified exemption. In addition, the new law prohibits deeming income from the senior parent to the minor parent's child when determining the eligibility and aid payment of the minor parent's child. It also requires the CWDs to make the AFDC payment to the adult living in the same home with the minor parent or to the group/maternity home.

AB 908 also modified W&IC Section 16504 to require Child Protective Services (CPS) social workers to make an in-person response whenever a referral is received from AFDC eligibility staff indicating that it would not be safe for the minor and child to live in the same home with the minor's parent, legal guardian or other adult relative. Additionally, W&IC Section 16506 was amended to require the provision of Minor Parent Family Maintenance (MPFM) services to any minor parent and child who are allowed to live on their own, are granted AFDC, and are not placed in foster care. MPFM services for this population must be provided until the minor parent reaches 18 years of age and, therefore, are not limited to twelve months.

MINOR PARENT REQUIREMENT

A pregnant or parenting minor who has never been married and applies for AFDC must meet a new condition of eligibility. The minor must live with his/her senior parent(s), legal guardian(s), other adult relative or in an adult supervised supportive living arrangement. The adult with whom the minor parent is living will act as payee for the minor parent and will be required to complete the Payee Agreement form (CA 25A). The minor parent is exempt from the minor parent requirement when he/she meets one of the following conditions:

- (1) the minor parent has no parent or legal guardian who is living, or whose whereabouts are known, or who will allow the minor to live in his/her home;
- (2) a CPS social worker determines that the physical or emotional health or safety of the minor parent or his/her dependent child would be jeopardized if the minor and child lived in the home with the senior parent, legal guardian, or adult relative;
- (3) the minor parent has lived apart from the senior parent or legal guardian for a period of at least twelve months prior to the birth of the dependent child or the application for aid.

For those pregnant or parenting minors who are receiving AFDC on March 1, 1997, the minor parent requirement is to be applied no later than the next redetermination.

A Supplemental Statement of Facts - Minor Parent (CA 25) has been developed to determine if the minor meets any of the exemptions listed above. If the exemption is based on a health or safety factor, the exemption must be verified by a county CPS social worker. If the minor does not meet one of the exemptions and is not living in an acceptable living arrangement, the minor and child are ineligible for AFDC unless they move into an acceptable living arrangement.

SENIOR PARENT DEEMING/TREATMENT OF INCOME

Under AB 908 the senior parent's income cannot be counted when determining the eligibility and aid payment for the minor parent's child. Therefore, a minor parent who lives with his/her senior parent will have his/her AFDC aid payment based on the greater of (1) the aid payment calculated using existing income and computation rules, or (2) the amount equal to the Maximum Aid Payment (MAP) for the minor parent's child(ren) if the minor parent is included in the AU. This happens whether the senior parent is aided with the minor parent or the senior parent's income is being deemed to the minor parent's AU.

When senior parent deeming results in the ineligibility of the minor parent's AU, only the minor parent is taken out of the AU. In this situation, the minor parent is not eligible for Cal-Learn. Senior parent deeming ceases and any income the minor parent may have will be deemed to the new AU using the excluded parent formula, pursuant to Manual of Policies and Procedures (MPP) Section 44-133.3.

CWS PROCEDURES

When a pregnant or parenting minor alleges that he/she cannot return to the senior parent's home because of risk of abuse or neglect, the county AFDC eligibility worker will make a referral for a CPS investigation by sending a copy of the CA 25 to CWS. A CPS social worker will do an investigation of the senior parent's home to determine, within twenty calendar days, whether it would be a safe living environment for the minor parent and child. If the social worker determines it is not safe, then the minor may be allowed to live on his/her own and receive AFDC. If the minor is allowed to live on his/her own and receives AFDC, then MPFM services must be provided to the minor and child.

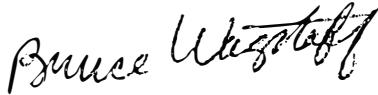
All pregnant or parenting minors with other verified exemptions, who receive AFDC while living on their own will also be referred to CWS for MPFM services. A CWS social worker must make an in-person visit with these minor parent families within thirty calendar days of the date of the referral to CWS. This in-person visit is to determine whether it is safe for the minor and child to live independently with the receipt of MPFM services or whether foster care services are appropriate for the minor and child.

MPFM services may be provided by county CWS staff, other county staff, such as Cal-Learn case managers, or by contracting with non-county providers, including Cal-Learn providers and community based organizations. However, CWS is responsible for preparing the initial assessment as required by WIC Section 16501(c). All MPFM cases will be open CWS cases and CWS will be responsible for preparing the periodic assessments as required by regulations regardless of who provides the MPFM services.

CALIFORNIA WORK PAYS DEMONSTRATION PROJECT (CWPDP) RESEARCH COUNTIES (Alameda, Los Angeles, San Bernardino, and San Joaquin)

Cases assigned to experimental status will be subject to the minor parent requirement. Cases in control status will not be subject to the minor parent requirement.

Sincerely,



BRUCE WAGSTAFF
Deputy Director
Welfare Programs Division

Sincerely,



MARJORIE KELLY
Deputy Director
Children and Family Services Division