

Teen Parent Provisions
in the
Personal Responsibility and Work
Opportunity Reconciliation Act of
1996

Jodie Levin-Epstein

November 1996

Center for Law and Social Policy

CLASP

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CLASP's teen parent work is supported by the Foundation for Child Development, the Ford Foundation, the Charles Stewart Mott Foundation, the Public Welfare Foundation, the Moriah Fund and the Nathan Cummings Foundation.

The author would like to gratefully acknowledge the assistance of Pat Baker, Elisabeth Donahue, Angie Kennedy, Kris Moore, Mike Shaver and Jamie Tollman. A special note of appreciation goes to the staff of CLASP, with particular gratitude to Mark Greenberg and Steve Savner.

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Foreword

The "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," P.L. 104-193, includes nine different titles that address a range of low-income programs from food stamps and child care to "temporary assistance for needy families" and child protection. **Teen Parent Provisions** attempts to identify provisions throughout the law that specifically relate to teens, teen parents and teen pregnancy prevention. In addition, provisions, while not specific to teens, that might have a special impact on teens are also highlighted.

Not discussed in this text are the full range of provisions that will likely affect teens but not dramatically more or less than other age populations. For example, **Teen Parent Provisions** does not address the ineligibility of legal immigrant teen parents for food stamps and other social safety net programs. The potential impact of ineligibility on the young family may prove significant and in those states with large numbers of legal immigrants, the impact on county and local resources may be large. Similarly, this publication does not address the more restrictive eligibility criteria in the SSI children's program even though some unknown number of participants are teen parents and another unknown number are the young children of teens. These provisions and others are important to the well-being of teens and their omission is not meant to minimize their significance.

Teen Parent Provisions focuses on the parts of the new law that will have a distinct impact on teens. Many of these provisions are directed at teen parents (e.g. stay-in-school requirements for minor teen parents); others apply to teens more generally (e.g. aspects of the abstinence education fund). Still others are embedded in provisions directed at the population as a whole (e.g. the bonus that rewards states which reduce total out-of-wedlock births and abortions).

Teen Parent Provisions is organized topically. Each section begins with "The Law" which summarizes the new provision, and where applicable, contrasts it with prior law. The full text of the provision is reprinted in a number of sections. The "Discussion" that follows offers highlights regarding related research and experience with the issue. The implications across systems created by the new provision have been noted to the extent possible. For example, in discussing the new law's requirement that minor teen mothers live in an adult-supervised setting in order to receive assistance (through the new Temporary Assistance for Needy Families funding stream which replaced the Aid to Families with Dependent Children program), we attempt to recognize the implications for the child protection system. Finally, some sections include "State Decisions" and many offer a list of resources.

Overview

The "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," P.L. 104-193, includes nine different titles that address a range of low-income programs from food stamps and child care to "temporary assistance for needy families" and child protection. Changes in these low-income programs that will affect teens and teen parent families are described in the full text of **Teen Parent Provisions**. Key provisions of the new law are intended to influence the behavior of teens and teen parents and address such issues as out-of-wedlock births, schooling, and living arrangements.

Data

The 1996 legislation comes on the heels of a steady decline in the teen birth rate. The teen birth rate has declined 8 % between 1991 and 1995.¹ The decline in teen births is part of a broader trend throughout the general population. During the same period, the birth rate for all women (ages 14-44) dropped 6 %.

The causes of this trend are not known. Teen birth rates dropped in 46 states between 1991 and 1994.² These declines occurred in the absence of any federal legislation newly targeted on the issue.³ Given that the decline occurred in 46 states, it appears credit belongs to broad societal trends rather than one state's program or another's policy. The five states with the greatest decrease in teen birth rates between 1991 and 1994 are: Alaska (15 percent decrease), Idaho (13 percent decrease), Maine (18 percent decrease), Michigan (12 percent decrease), and Montana (13 percent decrease). There was no decline in the teen birth rate in four states: Connecticut, Nebraska, New York, and Rhode Island. It is not obvious what these groups of states share in common.

The steady decline in the 1990's teen birth rate is a welcome, yet modest, drop. Nationally, the rate declined from 62.1 births (per 1,000 females ages 15-19) in 1991 to 56.9 in 1995. At the same time, it is useful to put the current birth rate in historical context. The adolescent birth rate in the 1950s was substantially *higher* than that of this decade. The 1955 adolescent birth rate was 90.3 -- much higher than today's 56.9 (births per 1,000 females ages 15-19). However, while the rate of teen births is lower today than in the 1950s, the rate of teen out-of-wedlock births is much higher.

Last year, the out-of-wedlock birth rate declined for the first time in two decades. The birth rate for unmarried women (ages 14-44) dropped by 4 percent between 1994 and 1995, according to preliminary data.⁴ Teen out-of-wedlock births may or may not be part of this decline; the data is not yet disaggregated by age. If teen out-of-wedlock births are part of the 1995 decline, it will be the first decline in several decades: the teen out-of-wedlock birth rate has grown from 15% of teen births in 1960 to 76% in 1994⁵ .

The new law includes a focus on teen parents yet they constitute a small percentage of the cash assistance caseload. The Department of Health and Human Services reports that about 7% of the women receiving cash benefits in 1995 were teen mothers⁶ and just under 2% were minor teen (under age 18) mothers.

While the number of teen mothers in the current caseload is relatively small, the role of teen parents is significant over time. This is because a significant percentage (42-55%) of AFDC households are headed by women who started families as a teenager.⁷ Many teen mothers do not receive cash grants while they are teenagers⁸ but a snapshot of the AFDC caseload reveals that adult mothers often began childbearing as teens.

AFDC Teen Mothers	
Total Under Age 20	267,000
Minors (17 and younger)	66,000
Minors (16 and younger)	26,000
Source: HHS/ACF/OFA. <u>Aid to Families with Dependent Children: Characteristics and Financial Circumstances, October 1994-September 1995.</u> Washington, DC; June 28, 1996. (numbers rounded)	

Previous Legislation

Legislative interest in teen parents who receive public assistance pre-dates P.L. 104-193. The Family Support Act of 1988 included an educational requirement for teen parents who had not completed secondary school and a state option to mandate that minor teen parents live with an adult.

More recently, bills to replace AFDC have included provisions that sought to reduce of out-of-wedlock births. The Personal Responsibility Act of 1995, H.R. 4, the first version of legislation to implement the Republican Contract with America, sought to eliminate benefits to minor mothers with children born out-of-wedlock.⁹ The provision ultimately did not prevail in Congress. In part, opponents raised the specter of orphanages and the possibility of abortion as potential responses to the elimination of assistance. Opponents were concerned that some young minor teens with babies would, because of the legislation, be unable to provide basic food, clothing, or shelter and consequently, the policy would create a need for orphanages. Further, some opponents argued that pregnant minors who anticipated these economic difficulties might increase requests for abortion services.

Proponents of H.R. 4 contended that assistance to minor, unwed mothers should be eliminated because the availability of such assistance causes and/or enables out-of-wedlock births. Proponents also argued that out-of-wedlock births, the "sin" of "illegitimacy," cause or contribute to a range of social ills. There is ample evidence that children in two-parent families typically have better outcomes than those who grow up in single-parent families. Most research regarding single-parent families, however, neither distinguishes between types of single-parent families nor their outcomes by type. Indeed, the limited research that does make these distinctions suggests a broader perspective is appropriate; children born out-of-wedlock and children from divorced families share poor outcomes to a greater extent than is perhaps appreciated.¹⁰

P.L. 104-193

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 includes a number of provisions that are directed at teen out-of-wedlock births and other teen behaviors including school participation and living arrangements.

Many of the new law's teen and teen parent provisions are included in Title I, Temporary Assistance for Needy Families (TANF). TANF is a block grant which replaces the Aid to Families with Dependent Children (AFDC) welfare program that was established by the Social Security Act of 1934. AFDC entitled states to open-ended federal funds; the federal government was always obligated to match state dollars. The TANF block grant is a frozen or near-frozen funding stream. TANF, in contrast to AFDC, is not necessarily a program of cash grants to families in need. States are expected to implement TANF within certain federal guidelines including several "strings" that restrict assistance to minor teen parents. TANF also includes significant provisions directed towards the reduction of out-of-wedlock births and, particularly, teen births.

The following highlights the key teen parent and teen-related provisions in TANF and throughout P.L. 104-193:

- **Purpose.** The purpose statement of TANF affects how the block grant monies may be spent. Two of the four purposes relate to marriage; a third states that TANF is to "prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these pregnancies."
- **State Plan.** In order to receive TANF funds, states are required to submit state plans; two provisions that must be included directly relate to teen pregnancy. First, states are to describe the "special emphasis" they will give to teenage pregnancy as part of their effort to prevent out-of-wedlock births; second, the plan is to outline the state's statutory rape education program.
- **"Bonus to Reward a Decrease in Illegitimacy".** \$100 million is available each year for up to 5 states that demonstrate that they have decreased rates of both "illegitimacy" as well as abortion in their state. The rates apply to the entire state's population, not only TANF recipients and not only teens. Bonuses are to be awarded in fiscal years 1999-2002.
- **"Bonus to Reward High Performance States".** \$200 million is available each year for states (the number is not specified in the legislation) which have achieved the goals and purposes of the block grant. Bonuses are to be awarded for fiscal years 1999-2003.
- **Family Planning.** No TANF money is set-aside for family planning. However, "prepregnancy family planning" is specifically mentioned as an allowable expense under TANF. Thus states are allowed, but are not required, to use TANF funds for family planning.
- **Abstinence Education.** \$50 million is available each year for fiscal years 1998-2002 to be administered through the Maternal and Child Health Block grant. A state match is required. Part of the law's definition of abstinence education is that it "has as its exclusive purpose, teaching the social, psychological, and health gains to be realized by abstaining from sexual activity."

- **Minor Teen Parent Required to Live in Adult-Supervised Setting.** States are precluded from spending TANF federal funds on minor, unmarried, custodial parents who do not live in an adult-supervised setting unless the state determines an exception is appropriate.
- **Minor Teen Parent Required to Stay in School.** TANF precludes minor, unmarried, custodial teen parents (with a child 12 weeks of age or older) from receiving TANF federal funds unless they "participate" in education. "Participate" is not defined in the statute.
- **Minor Teen Parents and Time Limits.** The 60 month time limit on receipt of TANF federal assistance applies to minor teen parents who the state determines are heads of household or are married to heads of household.
- **TANF Reports and Studies.** A number of mandated reports and studies relate to teens and teen parents including (1) a report and strategy by the Secretary that ensures that 25% of the nation's communities have teen pregnancy prevention programs; (2) a report on state achievements in meeting the objectives of the law including "decreasing out-of-wedlock pregnancies..."; (3) HHS research on the effects of different programs on "illegitimacy" and "teen pregnancy" among other effects; and (4) a ranking of states with regard to out-of-wedlock ratios among TANF participants.
- **Child Support.** States are given the option to develop special voluntary paternity procedures for teens; in addition, states are encouraged to require non-custodial teen parents under the age of 18 to "fulfill community work obligations." Another state option allows states to establish "grandparent liability" policies under which child support may be collected from the parent of a non-custodial, minor teen parent.
- **State Option Regarding Medicaid and TANF.** Under TANF, a state may terminate Medicaid to recipients of cash assistance who refuse to work, including minor parents who are heads of households. The state does not have the authority to terminate Medicaid to other minors on this basis.
- **Child Care.** No child care provisions are specifically tailored towards teen parents. As with adults, there is no guarantee of child care when needed to participate in mandated activities. A state may decide to exempt from the participation rate requirement a mother of any age with a child under the age of one. In addition, a state is prohibited from reducing or terminating TANF assistance to an individual who refuses to work if the reason the individual refuses to work is a demonstrated inability to secure child care. For a minor teen whose eligibility is conditioned on participation, the lack of child care and these two provisions raise a particular set of questions.

Block Grant Framework

TANF changes how states can approach assistance to families, including teen parent families. The key features of this new structure are:

- **Frozen Funds.** Each state will receive an amount of federal funds which will be frozen or near-frozen for the next six years; the level is primarily based on the amount received in FY 94 or FY 95. At least in the short run, since caseloads are declining around the country, most states will receive TANF block grant funds *above* the level they would have received under AFDC.
- **Maintenance of Effort.** As a condition of receiving a full block grant, the state must maintain 80% of its prior state spending, i.e., the state will be free to withdraw 20% of state spending without a penalty. If a state satisfies federal work participation requirements, the maintenance of effort level drops to 75%. For a state expenditure to count towards the maintenance of effort is must be spent on "eligible families" in a manner not prohibited by the statute and "reasonably calculated" to accomplish the purposes of the block grant.
- **No State Responsibility.** States are expected to design and implement a program of assistance to low-income families, but no family will be entitled to assistance under federal law; federal law prohibits using the funds to aid certain families, but states will have no duty to provide aid to any family for any period of time.
- **Participation Rates.** States will risk federal fiscal penalties if they do not meet steadily increasing federal work participation requirements.
- **Time Limits.** States will be prohibited from using federal funds to provide assistance to families for more than sixty months, subject to limited exceptions.
- **State Funds.** Some TANF requirements only apply to assistance provided with federal funds. For example, TANF's sixty month time limit applies to TANF federal dollars.
- **Assistance.** TANF requirements such as time limits, work participation, and child support apply to individuals who receive "assistance" through TANF; thus, the requirements apply to cash aid or vouchers; it is not yet clear whether the requirements apply to services paid for through TANF.

TANF offers states vast new authority to establish basic program goals and to determine who will qualify for assistance, what that assistance will be, the terms under which assistance will be available, the systems for delivering the assistance, whether those systems will be operated at the state or the local level, and whether the systems will be managed by private or public entities. (See CLASP publications: [A Detailed Summary of Key Provisions of the Temporary Assistance for Needy Families Block Grant of H.R. 3734: The Personal Responsibility and Work Opportunity Reconciliation Act of 1996](#) and [Structuring State Spending to Maximize State Flexibility Under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996](#)).

Key Questions for States

The teen related provisions in TANF and the other titles of the new law raise a number of fundamental issues for states. These issues apply to the specific teen parent "strings" attached to the new law and to a broader range of issues. The broader issues are not necessarily identified as state options in the law

but rather are largely created by the absence of federal directives. Among the fundamental, key questions states now need to address are:

■ **Should the state include or exclude teen parents from assistance?**

The state needs to decide whether it believes that assisting teen parents is better than excluding them. Is assisting and mandating activities better for the teen and child over time or does the evidence suggest that teen parents and children who do not access assistance have better outcomes?

■ **Should the state use TANF funds for teen parents?**

If the state determines that it is more desirable to get a teen parent "into a system" the question becomes which one? Under TANF there are three ways to structure state spending and each structure has a different set of consequences. The three ways are: (1) blended state and federal funds within TANF; (2) administratively segregated state and federal funds within TANF; and (3) a separate state-only program.

The structure of state funds determines whether or not TANF provisions apply to the recipient. Time limits, school and living arrangement requirements apply to assistance received through TANF federal funds. Thus, when state funds are segregated within TANF or are a separate state-only program, these provisions do not apply. In contrast, work participation and child support requirements apply not only to assistance received through TANF federal funds but also to TANF state funds when they are blended and when they are segregated. Thus, work participation and child support requirements apply unless the assistance comes from a state-only funded program.

■ **Should the state use TANF funds to provide services/cash assistance/both?**

The state could decide that all qualifying teen parents (or teen parents of a certain age or in certain circumstances) should receive cash grants in order to learn and practice money management skills.

The state could also decide to use TANF federal funds for teen/teen parent services. For example, the state could establish a statewide after-school program for youth at-risk of becoming teen parents. TANF requirements (e.g., time limits, work requirements, child support assignment) might apply to all recipients of these services if HHS determines that TANF rules apply to services as well as vouchers and cash assistance.

■ **Should the state approach some teen parents differently than others?**

The state could decide that it wants to treat some teen parents differently than others. For example, the state could distinguish between teen parents by age and place minor teen parents in a separate state-funded program subject to state rather than TANF rules. Or, the state could decide that teen parents who are working belong in the TANF program while those with the most barriers should be in a separate state-funded program. Or, the state could decide that teen

parents who are heads of households should be treated distinctly whether they are minors or not.

Teen parents could be distinguished by location as well. For example, the state could decide to use TANF funds for a pregnancy prevention or teen parent intervention program in a particular school district(s) because of a high concentration of at-risk youth.

■ **Should the state approach TANF for teen parent families differently than for other families?**

States will decide which families are eligible for TANF assistance. There is nothing that precludes a state from applying different eligibility rules for teen families. Among the factors that currently are weighed in determining eligibility are "deprivation" which often makes it difficult for fathers to be part of families receiving assistance, "deeming" in which the income of other members of the household, often grandparents, is counted, and "assets" or counting the value of cars and other assets. A state that believes it is important to get teen parents "into the system" might want not only to address "grandparent deeming" but also other asset/income rules in order that more teen parents might be part of the system and be part of mandated education/work or other requirements/supports.

States could decide that all teen parents (or some types of teen parents) need intensive case management services that most other families do not. As part of the specialized case management, the state could decide that the entire teen parent family would be the subject of services, not just the parent.

■ **How should the state approach support services needed by teen parent families?**

Like all families, teen parent families need a variety of supports in order to accomplish what is required of them. In addition to health care, these supports include child care and transportation. Teen parents, by definition, need child care for infants and toddlers - the most expensive type of child care. If no appropriate or affordable child care can be located by the teen parent, will she be given assistance to help her locate such care? How will the state treat the teen if there is no child care available - will she be exempt from TANF requirements and become part of the 20% "hardship" exemption allowed under TANF, will she be placed in a separately funded state program, or will there be some other response? How much will the state focus on the needs of the infant/toddler? If transportation is essential but unavailable, how will the teen parent family be treated?

■ **How should the state approach TANF's minor teen parent school requirement?**

While the new law mandates that all states require minor mothers to *participate* in educational activities in order to be eligible for assistance, states have considerable flexibility in designing the program for participants. Among the questions for state TANF agencies are: How will the state define participating (school attendance/ school enrollment/ satisfactory participation/other) for eligibility purposes? How to engage the state education agency? Should a waiver program

be replaced with a new approach based on the findings of emerging research? Should those young teen parents for whom an alternative educational setting is needed but can not be provided receive support in a separate state-only program until a slot becomes open? How should the state treat those who can not secure affordable, appropriate infant care?

■ **How should the state approach TANF's adult-supervised living arrangement requirement for minor teen parents?**

While the new law mandates that all states require minor mothers to live in an adult-supervised setting, states maintain the ability to make exceptions to the requirement when warranted. Among the questions for state TANF agencies are: How to engage the state child protective services agency? What assessment procedures should be followed to weigh the appropriateness of the current living arrangement? Should assistance to minor mothers be provided during the period an assessment is being made? Should the state invest in "second chance" homes? Under what circumstances should the state make exceptions to the requirement? How will local staff be trained to implement these provisions and exceptions?

■ **How should the state approach the new abstinence education funds in P.L. 104-193?**

The new law significantly expands the federal funds available for abstinence education; however, the federal provision prescribes a narrow definition of abstinence education. Among the questions for states are: How to assess whether to pursue the funds? Does the law's definition of abstinence education fit with the state's approach towards sexuality education? Can the abstinence-only approach work alongside other approaches or are the messages contradictory? How to engage the state education agency and how to coordinate the efforts of the health agency with those of the TANF agency? Who should receive abstinence education - should certain age groups be targeted? Who should provide the abstinence education funded through P.L. 104-193 - should it be the school system, private contractors? Will the state evaluate the outcomes of the program? What funds will the state use to meet the state match requirements?

■ **How should the state approach the "illegitimacy" and "performance" bonuses?**

The new law offers two sources of bonus funds as incentives to states to address out-of-wedlock births and to address the overall purposes of TANF. Among the questions for states are: Should the state try to "win" bonus funds from either the "illegitimacy" bonus and/or the "performance" bonus? Will the focus be on teen out-of-wedlock births or such births at any age? Will the state pursue the "illegitimacy bonus" reduction in out-of-wedlock births and reduction in abortion on separate tracks or in an integrated fashion?

■ **Will the state invest in programs to reduce out-of-wedlock births?**

The new law provides incentives to reduce out-of-wedlock births. States could invest state funds in teen pregnancy prevention programs in an attempt to leverage federal bonus funds. If the state decides to invest in new and/or expanded pregnancy prevention programs among the

questions are: Should there be a separate prevention program targeted at teens or might it be more effective targeted at unintended births at any age? How much attention should be given to prevention of a first teen pregnancy? How much attention should be given to the prevention of a subsequent pregnancy? What is the role of teen and older males in prevention strategies? Should the state promote wedlock?

■ **How should the state approach paternity establishment for the children of teenagers?**

The new law increases the paternity establishment rate requirement of states and imposes harsher penalties for the failure to cooperate in paternity establishment; at the same time, the statute includes provisions concerned with statutory rape and provisions that address older "predatory" males. Will the state establish particular procedures to ensure the safety of teen mothers and their families who identify fathers who might be subject to statutory rape prosecution?

These are among the key questions that states will need to address in implementation of the new law.

Federal Law May Promote State Teen/Teen Parent Agenda

The Personal Responsibility and Work Opportunity Reconciliation Act includes a variety of provisions that will affect teens and teen parents. Much of the public's attention has been drawn to the law's prohibitions related to minor teen parents (i.e. the requirements to stay-in-school and to live in an adult-supervised setting). Yet, the Act also includes a number of financial incentives for states that could lead states to invest federal funds and existing or new state dollars in a range of other initiatives related to teens and teen parents.

The goal of the federal incentives is the reduction of out-of-wedlock births. The incentives are available through the "Bonus to Reward Decrease in Illegitimacy," the "Bonus to Reward High Performance States," and new "abstinence education" funds. These incentives typically focus on the entire state population - not only TANF recipients and not only teens.

The incentives should provoke a debate within the state. The first question is whether a state should pursue any or all of the incentives. The two bonuses are competitive and are available only to a "winning" state. Thus, a state needs to assess its odds in competing against other states. The abstinence education funds are available to any state interested in establishing abstinence programs as prescribed in the law. Thus, a state needs to assess whether it wants to pursue the statutorily defined abstinence education program.

A state that decides to pursue the federal incentive funds needs to consider that it may 'take money to get money.' The amount necessary for the abstinence education funds is straightforward - the program is a state/federal match so a state must identify a set amount of state funds to draw down the federal funds. In contrast, it is not clear how much a state should spend in order to effectively compete for the bonuses. The bonuses are pure federal dollars that do not require any match. However, a state that wants to be competitive is more likely to succeed if it spends some level of funds targeted on the issue

of pregnancy prevention and out-of-wedlock births. A state could invest in such programs with TANF federal funds and/or with state dollars.

States that wish to invest in adolescent pregnancy prevention or the prevention of a repeat teen pregnancy may use TANF funds (subject to the law's prohibitions; e.g. the application of the time limit). For example, a state may decide that the school district with the highest concentration of teen births needs a special prevention initiative which the state could fund through TANF federal funds. Or, a state could identify a neighborhood with a high concentration of teens at risk of becoming premature mothers and undertake a mother-daughter counseling program that seeks to avert unintended teen births.

Alternatively, a state could decide that it needs to invest new state dollars in pregnancy prevention in order to enhance the possibility that the state might be awarded a federal bonus. Since all states could compete for both bonuses, those that do the best at achieving the bonus criteria will receive the federal funds. When the state is deciding whether to spend state funds to possibly "leverage" federal funds, it should consider whether it is pursuing one or both of the bonuses. A state that achieves the "Illegitimacy" bonus will likely score high in elements of the "Performance" bonus.

A state that pursues any or all of the federal incentives should consider whether sufficient resources are being spent on pregnancy prevention generally and the potential value of a focus on pregnancy prevention for teens and teen parents. A state that decides to invest in pregnancy prevention needs to identify programs and strategies that appear worthy of investment. State decisions will determine not only whether the state "wins" or receives a federal bonus but also whether teens and teen parents have better outcomes as a result.

Findings and Purpose

Findings: The Law

The "findings" section of a law is intended to list the facts which motivate Congress to pursue a new policy. While it has no force of law, it is instructive in understanding the impetus for the law. The "findings" section of the Temporary Assistance for Needy Families (TANF), Title I of P.L. 104-193¹¹ provides statistics regarding the national increase in out-of-wedlock births, rates of AFDC utilization (and asserts a relationship between the two), consequences of raising children in single-parent homes, teenage pregnancy outcomes and the incidence of older males impregnating young girls. The findings section concludes that *"it is the sense of the Congress that the prevention of out-of-wedlock pregnancy and reduction in out-of-wedlock birth are very important Government interests and policy contained in [...TANF]¹² is intended to address this crisis in our Nation."*

Findings: Discussion

While each of the listed findings merit review, equally significant points may rest in what is not included in the section. Notably, the "findings" section cites many statistics related to the poor outcomes for children raised in single parent households. It fails, however, to distinguish between the consequences for children who were born out-of-wedlock and those raised in a single parent household because of divorce, separation, or death. Because the conclusion of the findings section is that the new law is designed to address out-of-wedlock births, the casual reader might assume that elimination of out-of-wedlock births would likely eliminate the cited societal problems such as high school drop-out and teen parenting. However, while only a few studies have examined the issue, the available research indicates that key outcomes for children in single parent homes due to divorce are similar to those of children from non-marital homes.¹³ As one researcher who has reviewed these studies notes, "Being born to married parents appears to carry no great advantage for children unless their parents remain together while the child is growing up."¹⁴

Also not included in the findings section are any statistics or facts related to the work components of the new law or the social supports needed for work (such as child care and health care) or, even, how work requirements might reduce or relate to out-of-wedlock childbearing. This omission may merely reflect the normal give and take of a legislative process in which proponents of the out-of-wedlock birth issue were "given" the findings section. In contrast, the "purpose" section, while still intent on addressing out-of-wedlock births, is broader and includes employment related themes.

Purpose: The Law

As stated in the law, TANF is designed to increase state "flexibility... to:

- provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives;
- end the dependence of needy parents on government benefits by promoting job preparation, work, and marriage;
- prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these pregnancies; and
- encourage the formation and maintenance of two-parent families."

Purpose: Discussion

The "purpose" section of this law¹⁵ specifically influences how funds can be spent; the law provides that states, subject to the established prohibitions and penalties, may use their grant "in any manner that is reasonably calculated to accomplish the *purpose* of this part..." (emphasis added). The purpose section also influences how much funding states might receive through special funding bonuses because the bill's provisions related to the use of federal funds and special bonuses are tied to the purpose section (see "State Bonuses").

The "purpose" section never mentions teens, but it does allow for their consideration in the context of general efforts to encourage marriage and to reduce out-of-wedlock pregnancies. The section does not tell states how to accomplish these purposes; however, it specifically calls upon states to "establish annual numerical goals" related to out-of-wedlock pregnancies.

Some Resources: Basic Teen Pregnancy Facts

Facts at a Glance. Child Trends, Inc. Washington, DC; October, 1996.

Sex and America's Teenagers. Alan Guttmacher Institute. New York; 1994.

Kids Having Kids: The Costs of Adolescent Childbearing. Rebecca Maynard; The Robin Hood Foundation. New York; 1996.

Growing Up With a Single Parent: What Hurts, What Helps. Sara McLanahan and Gary Sandefur. Harvard University Press. Cambridge, MA; 1994.

Facts & Stats. The National Organization on Adolescent Pregnancy, Parenting and Prevention. Washington, DC; January, 1995.

State Plans

State Plans: The Law

In order to receive TANF federal funds, states are required to submit state plans¹⁶ ; two provisions that must be included specifically relate to teen pregnancy. Once a state's plan is submitted to the Secretary of Health and Human Services, she merely determines that it includes the statutorily required information; in contrast, under prior law, the Secretary had the authority to approve or disapprove a state's plan. It is not clear whether there is any consequence if a state fails to follow its own plan.

Each state's plan must include two specific teen pregnancy provisions:

- First, each state is directed to give "special emphasis" to teenage pregnancy as part of its goal-setting and actions designed to prevent and reduce out-of-wedlock pregnancies for women of any age. Numerical goals for reducing the state's total "illegitimacy ratio" for calendar years 1996 through 2005 are to be noted.
- Second, each state is required to outline an education and training program that it will conduct regarding statutory rape. This program is to target professionals (educators/counselors) who work with teens as well as law enforcement officials; in turn, it is expected the program will lead to teenage pregnancy prevention programs being expanded "in scope to include men."

State Plans: Discussion

The "special emphasis" provision makes concrete Congressional intent that teenage pregnancy be considered a special target in the overall goal of preventing and reducing out-of-wedlock births. While the "findings" section is full of concerns about teen out-of-wedlock births, the state plan provision directs states to outline *how* the state expects to give "special emphasis" to teens in the prevention of out-of-wedlock births. Nothing defines the ways in which a state might plan to achieve this "special emphasis." A state's plan might merely be to follow the new law's "stay-in-school" and "live-with-adult supervision" provisions because the state views those policies as contributing to a reduction in out-of-wedlock births. Alternatively, the state could outline a range of new teen pregnancy prevention programs and policies.

Significantly, there is nothing in the state plan provision that directs states to limit their focus to teen pregnancy and births among recipients of TANF. Indeed, while other plan requirements specifically apply to families or individuals "receiving assistance" this part omits any such reference. Thus, while states are to give "special emphasis" to teen pregnancy, it appears Congress wants to encourage states to address teen pregnancy throughout the state, not only among TANF recipients.

The "special emphasis" on teens, however, does not necessarily carry over to the requirement that a state's plan set numerical goals for reducing the state's "illegitimacy ratio." The state plan requirement simply directs states to establish overall numerical "illegitimacy" goals; the state may or may not establish specific goals for teens. The "illegitimacy ratio" is the formula used to determine whether a state may receive a funding bonus (see "State Bonuses") and reflects reductions in out-of-wedlock births, independent of the age of the mother or her welfare status. Numerical goals are to be set for calendar years 1996-2005 (while the bonus is available for fiscal years 1999-2002).

Under the "statutory rape" state plan provision, states are expected to "conduct" education and training on this issue. However, there are no special funds to undertake such an initiative. Furthermore, a different provision in the law directs the Attorney General to "establish and implement" a Justice Department program on statutory rape by January 1, 1997.¹⁷ Part of the Justice Department program is to educate "State and local criminal law enforcement officials on the prevention of and prosecution of statutory rape..." Like the state effort, there are no special monies set aside for this federal effort. It is unclear whether these two programs are to operate on parallel tracks or whether state programs are, at least in part, meant to implement the Justice Department program.

Very few of the first 20 state plans offer any information regarding implementation of the statutory rape provision. Massachusetts described the work of its State Police Domestic Violence Unit whose education classes around the state include some discussion of statutory rape. The state indicates it will update its current lesson plan. Maryland's plan noted that both a survey of professionals in the field and a statewide interagency task force would be initiated.

State TANF Plans

Of the first 20 state TANF plans submitted to the Secretary, 8 noted some type of numerical goal for the reduction of out-wedlock-births generally; of these, 6 identified a goal specifically for teens. Of the states noting a numerical goal for teen out-of-wedlock births, their plans typically cite pre-existing goals. For example, Ohio notes the goals it established through its Maternal and Child Health block grant. Connecticut's plan refers to the goal set by its Progress Council that the rate be reduced "to twenty-three births per one thousand girls age 10 to 17 by the year 2000." Few states are as detailed as Arizona which identified a general population goal and 3 separate goals for teens. The plan notes that Arizona's overall "goal for the year 2005" is a reduction in "out-of-wedlock births to no more than 37.5% (30,770)" ; with respect to teens, the state will seek to "maintain the birth rate in the under age 15 group at less than 1%; to lower the birth rate in the 15-17 age group to 3.5%; and to lower the birth rate in the 18-19 age group to 8.5%."

Some Resources: State Plans

Waivers and the New Welfare Law: Initial State Approaches. Mark Greenberg and Steve Savner. Center for Law and Social Policy. Washington, DC; November 1996.

Teen Parents and TANF Plans. Jodie Levin-Epstein. Center for Law and Social Policy. Washington, DC; Forthcoming, January 1997.

State Bonuses

"Bonus to Reward Decrease in Illegitimacy": The Law

The "Bonus to Reward Decrease in Illegitimacy" provides special grants to up to 5 states which demonstrate "a net decrease in out-of-wedlock births." The amount of funding available is \$20 million for each of the top 5 states, or if fewer than 5 states can demonstrate a "net" decrease then each of the rewarded states would receive \$25 million.¹⁸ Bonuses are to be awarded in fiscal years 1999-2002.

The formula for calculating whether a state has achieved a net decrease in out-of-wedlock births includes two parts. The first part addresses the calculation of out-of-wedlock births; the second addresses abortion data. The calculation applies to births and abortions within the state and is not limited to the TANF caseload. To receive a bonus, a state must *decrease* out-of-wedlock births *and* abortions that occur within the state.

A state must demonstrate a decrease in the number of out-of-wedlock births between the most recent two year period (for which data are available) and the previous two year period. The drop in a state's number of out-of-wedlock births is then compared to that of other states in terms of the "magnitude of the decrease".

In addition to establishing a decrease in out-of-wedlock births, a state must demonstrate that its "rate of induced terminations for the fiscal year" is less than it was in fiscal year 1995. There is no comparison between states' abortion data.

Finally, in determining that these two provisions have been achieved, the Secretary must disregard changes that are attributable to changes in a state's reporting methodologies. The comparison year for any changes is fiscal year 1995.

"Bonus to Reward Decrease in Illegitimacy"

PL 104-193

Title I, Sec. 403 (a)(2)

"(A) IN GENERAL.-Each eligible State shall be entitled to receive from the Secretary a grant for each bonus year for which the State demonstrates a net decrease in out-of-wedlock births.

"(B) AMOUNT OF GRANT.-

"(i) IF 5 ELIGIBLE STATES.-If there are 5 eligible States for a bonus year, the amount of the grant shall be \$20,000,000.

"(ii) IF FEWER THAN 5 ELIGIBLE STATES.-If there are fewer than 5 eligible States for a bonus year, the amount of the grant shall be \$25,000,000.

"(C) DEFINITIONS.-As used in this paragraph:

"(i) ELIGIBLE STATE.-

"(I) IN GENERAL.-The term `eligible State' means a State that the Secretary determines meets the following requirements:

"(aa) The State demonstrates that the number of out-of-wedlock births that occurred in the State during the most recent 2-year period for which such information is available decreased as compared to the number of such births that occurred during the previous 2-year period, and the magnitude of the decrease for the State for the period is not exceeded by the magnitude of the corresponding decrease for 5 or more other States for the period.

"(bb) The rate of induced pregnancy terminations in the State for the fiscal year is less than the rate of induced pregnancy terminations in the State for fiscal year 1995.

"(II) DISREGARD OF CHANGES IN DATA DUE TO CHANGED REPORTING METHODS.-In making the determination required by subclause (I), the Secretary shall disregard-

"(aa) any difference between the number of out-of-wedlock births that occurred in a State for a fiscal year and the number of out-of-wedlock births that occurred in a State for fiscal year 1995 which is attributable to a change in State methods of reporting data used to calculate the number of out-of-wedlock births; and

"(bb) any difference between the rate of induced pregnancy terminations in a State for a fiscal year and such rate for fiscal year 1995 which is attributable to a change in State methods of reporting data used to calculate such rate.

"(ii) BONUS YEAR.-The term `bonus year' means fiscal years 1999, 2000, 2001, and 2002.

"(D) APPROPRIATION.-Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for fiscal years 1999 through 2002, such sums as are necessary for grants under this paragraph.

"Bonus to Reward Decrease in Illegitimacy": Discussion

What are some basic policy concerns about the bonus? Some pro-choice advocates are concerned that a state may respond to the abortion provision by restricting access to abortions; under this scenario, a state would seek new state legislation to create barriers to abortion (such as waiting periods) by teens as well as older women. These advocates are also concerned that the abortion part of the formula would be pursued independently of the out-of-wedlock part; thus, the possible increase in out-of-wedlock births that might result from barriers to abortion would not be anticipated. Some pro-life advocates are concerned that there may be an unintended consequence of the bonus; under this scenario, pregnant, unmarried teens (and older women) would be denied services in an attempt to "push out" of state out-of-wedlock births. Further, a state might view TANF assistance as contributing to out-of-wedlock births so it might deny any assistance to teen mothers with out-of-wedlock children, independent of the potential consequences for the mother and child.

What are some possible program responses to the bonus? The bonus formula's out-of-wedlock birth provision relates to the population as a whole, not only births to teens or TANF recipients. However, because teen births (by those who receive assistance as well as those who do not) are typically out-of-wedlock¹⁹, reducing teen births may be a key to the bonus. Since the bonus is "new" money "above" the basic block grant, it will be attractive to many states. A state, therefore, may invest in new - or augment existing - teen pregnancy prevention programs in order to win the bonus of federal funds.

At the same time, one way to decrease out-of-wedlock births is to increase wedlock. A state could decide, for example, that a pregnant teen (or adult) could get a "wedding stipend" for getting married prior to the birth of the child.²⁰ A state policy to encourage "shot-gun" marriages might seem an attractive way to try and win federal bonus dollars. However, "shot-gun" marriages among teens may have undesirable social consequences. Teenagers who marry are five times more likely to divorce than older women.²¹ Furthermore, teen "shot-gun" marriages may convey "hidden" economic costs to a state. First, teen mothers who are married at the time of first birth are at a very high risk of having a second birth within two years of the first birth.²² Second, several studies also suggest that teen marriage raises the high school drop out rate for mothers.²³

The other part of the bonus calculation requires a reduction in the overall abortion rate within the state. Nationally, the teen abortion rate is declining significantly. The teen (ages 15-19) abortion rate has been declining steadily since 1985's peak of 43.5 per 1,000 women. The 1992 abortion rate of 35.5 is as low as the rate of the late 1970's. The adult abortion rate is declining as well but not as dramatically. The rate for adult women age 20 - 24 has dropped from 56.7 per 1,000 women in 1990 to 56.3 in 1992.²⁴ The rate for women ages 15-44 has dropped from 27.3 per 1,000 women to 25.9 in 1992.²⁵

A state could respond to the bonus formula by seeking to prevent the need for abortion (pregnancy prevention programs) or, as noted above, by making it more difficult to access abortion within the state. Just as it would be possible for a state to decide to "push out" of the state pregnant unmarried girls so out-of-wedlock births did not appear in the state's vital statistics, it would also be possible to pursue "push out" policies with respect to abortion. There is some evidence that abortion parental notification provisions have had the effect of driving teens to seek abortions in neighboring states.²⁶ In the future, undocumented abortions may become more common because of the advent of non-surgical

abortions (see discussion of RU 486 below). The absence of documentation might not trouble a state which is focussed on reducing its rate of abortion.

What are the key issues with respect to the bonus formula's data requirements? While a state which seeks the bonus will need to grapple with identifying the programs and policies that are most appropriate and effective, the Secretary will have the daunting task of assessing out-of-wedlock and abortion data that states submit. This assessment may be difficult because:

- between-state definitions vary;
- in-state data collection and reporting is imperfect;
- between-state data comparisons of differently defined, imperfect data is problematic; and
- between-state data comparisons of differently defined, imperfect data may be based on differing years.

With respect to out-of-wedlock birth data, there is no federal methodology for collecting, determining, or reporting this information; states use different methodologies for determining the data. While this may present no problem for within-state numbers, it makes the comparison of out-of-wedlock birth data between some states a comparison of apples and oranges.

Currently, out-of-wedlock births are determined by a direct marital status question on the birth certificates in 45 states and the District of Columbia; in the remaining 5 states, however, out-of-wedlock status is inferred from other information such as surnames.²⁷

In addition to different methodologies, the law allows each state to use the period "for which such information is available" regarding out-of-wedlock births. Thus, states with data from different years might be compared.

While these differences regarding out-of-wedlock data between states are allowable within the scope of the law, they may in practice prove politically difficult to balance. A 'sophisticated-data' state which decreased its out-of-wedlock births but not as much as a 'crude-data' state could argue the comparison is unfair.

Added to these difficulties is the provision that applies to new methodologies. The Secretary is directed to disregard differences in the number of out-of-wedlock births which are attributable to a change in methodology from the one the state used for fiscal 1995. A change in the methodology can have dramatic impacts. For example, the latest national report reveals that the birth rate for unmarried women dropped 4 percent between 1994 and 1995. It appears that about half of the nation's decline is due to a revised methodology in California regarding the surnames of children born to Hispanic mothers. An inference of marriage is made more likely by the California revision.

The intent of the new methodology provision may have been to prevent states from achieving the bonus merely by changing their reporting methods. However, the disregard of changes may have some unintended consequences. Notably, a state which is contemplating an improved methodology (e.g. states which move from inferred information to direct questions on birth certificates; states which move from self-declaration of marital status to marriage licence confirmation) must now consider that a

change in methodology may make pursuit of the bonus more complicated. Any change in the methodology may lead to disputes about whether the state qualifies for the bonus. The state has three choices regarding a new methodology: it could decide not to improve its system and simply maintain the existing one, however inadequate; it could simultaneously operate two methodologies; or, it could decide not to compete for the bonus. The issue is further complicated by the requirement that the comparison be made to the methodology in use in fiscal year 1995. For example, California's improved system took effect in calendar year 1995, not in fiscal year 1995. The data from the months in the fiscal year will need to be assessed.

With respect to abortion data, there is no federal law that requires collecting or reporting of state data. Two sources of national data are available. The federal Centers for Disease Control and Prevention and the Alan Guttmacher Institute (a private, non-profit organization) both issue reports on abortion. There is a significant difference in their state abortion numbers. The CDC data is drawn from state reported data in 45 states and CDC estimates for the remaining 5; the AGI data is based on a survey of abortion providers.²⁸

The formula calls for the Secretary to disregard differences in a state's abortion rate that are attributable to methodological changes since fiscal year 1995. This raises many of the same issues created by the out-of-wedlock new methodology provision. A potential difference is that more sophisticated abortion data is likely to demonstrate an abortion increase. Thus, the 'methodological change' provision protects a state that reports an abortion increase due to a new methodology.

Changes in technology may soon add to the difficulty in tracking pregnancy terminations. A new product, RU 486, has been provisionally accepted by the Food and Drug Administration as a non-surgical method of abortion; it is anticipated that the product will be available by late 1997. RU 486 is not an invasive medical procedure; therefore, more types of medical providers, in addition to abortion providers, will be able to administer RU 486. Thus, abortion data may become more difficult to track because data will need to be collected not only from abortion providers but also from a wider range of health providers.

The bonus formula's abortion provision parallels that regarding the out-of-wedlock data except in two respects. First, states are expected to compare their abortion rate to that of 1995. It is unclear how states that did not report data in 1995 are to be able to participate in the bonus. Second, there is no between-state comparisons of abortion data. Thus, while states are required to decrease their own abortion rate in order to be considered for the bonus, they are not competing against other states' abortion rates.

The "Bonus to Reward Decrease in Illegitimacy" is distinct from the law's "Annual Ranking of States and Review of Issues Relating to Out-of-Wedlock Births". The "Ranking" uses a different formula than the "Bonus" to compare states and it does not provide states with grants. (See "Reports/Evaluations/Studies").

"Bonus to Reward Decrease in Illegitimacy": State Decisions

- **Assessing the Odds.** A maximum of five states are awarded the "illegitimacy" bonus. The award is for those states with the greatest decrease in both out-of-wedlock births and abortions. Thus, a state needs to judge its capacity to effectuate change; the state need not focus on the absolute level of such births and abortions.
- **Defining the Target Group.** A state is not required to target the teen population. The issue of out-of-wedlock births is not limited to teens. Yet teens have a high rate of out-of-wedlock births. A state needs to decide whether to pursue efforts designed to reach the entire population (including men and women of all ages whether or not recipients of assistance) and/or whether to give priority to certain sub-groups. The sub-groups could be determined by age, geography or some other target definition.
- **Setting the Strategy.** The bonus requires a reduction in both out-of-wedlock births and abortions. Will the state pursue each reduction separately or in an integrated fashion? How will the state ensure against perverse effects such as a possible "push out" of citizens to another state for services?

Some Resources: Out-of-Wedlock Births

Report to Congress on Out-of-Wedlock Childbearing. Department of Health and Human Services. Washington, DC; November 1995.

Welfare, Out-of-Wedlock Childbearing, and Poverty: What is the Connection? Sharon Parrott and Robert Greenstein. Center on Budget and Policy Priorities. Washington, DC; January 1995.

"Bonus to Reward High Performance States": The Law

The "Bonus to Reward High Performance States" is an incentive to states to earn extra federal monies by becoming a "high performing state."²⁹ The average annual amount made available for the performance bonus is \$200 million to be divided among the rewarded states. A state will be ranked against other states' efforts in achieving the goals and purposes of TANF. Among the four purposes is one that addresses a reduction in out-of-wedlock births, one that calls for the "formation and maintenance" of two-parent families, and one that includes promotion of marriage, among other goals. (See "Purpose").

How state performance will be measured is yet to be determined. By August 22, 1997 the Secretary, in consultation with the National Governors' Association and the American Public Welfare Association is to develop a mechanism for measuring state performance in achieving the purposes of TANF. A state would then be given a "score" based on the formula.

The amount of the funding for each high performing state is determined by the score a state achieves but no state's bonus is to exceed 5 percent of the state's Family Assistance Grant.³⁰ The Secretary is

responsible for setting a "performance threshold" so that each year the average annual grants equal \$200 million and that the total for all bonus years equals \$1 billion. The bonus is available for fiscal years 1999-2003 for those states which in the previous fiscal year equal or exceed the "performance threshold".

"Bonus to Reward High Performance States": Discussion

While the measurement of state performance has not yet been developed, the law establishes that it must reflect the purposes for TANF. Those purposes include issues of family formation and family structure. Thus, adolescent pregnancy prevention and the reduction in out-of-wedlock births may figure significantly in criteria designed to measure state performance under TANF.

The law does not set the number of states that should be considered "high performing" states. Until the criteria are public, it will be difficult to anticipate whether the formula will lead to a few or, possibly, all states sharing in the performance bonus.

"Bonus to Reward High Performance States": State Decisions

- **Link to "Illegitimacy Bonus."** A state which is interested in the "Bonus to Reward High Performance States" could view the "Bonus to Reward Decrease in Illegitimacy" as a complementary pool of potential funds since both will consider the state's performance regarding out of wedlock births. Will efforts related to the illegitimacy bonus be linked by the state to the performance bonus?
- **Link to In-state Performance Criteria.** A state which is interested in the "Bonus to Reward High Performance States" could apply to localities the same performance criteria that are used to weigh the performance of states. Should the performance criteria be used to determine allocations of funds within the state? Should the criteria be used as "markers" of performance rather than "triggers" of funds? Will rural and urban areas perform differently? Should the state create its own in-state performance criteria?

Family Planning and Abstinence Education

Family Planning: The Law

"Prepregnancy" family planning services are explicitly authorized as a permissible state expenditure of TANF federal funds.³¹ The reference to "prepregnancy" family planning services is the only TANF provision that alludes to family planning. The explicit reference to family planning is embedded in a provision that otherwise provides that medical services, including abortion services, may not be paid for with TANF federal funds.

Family Planning: Discussion

Under the dismantled AFDC law, family planning services were to be made available "to all individuals requesting such services."³² It is not clear whether or how states implemented this AFDC provision. The AFDC provision was contained in state plan requirements and was eliminated when TANF replaced AFDC.

Now, there is no longer a state responsibility to make family planning services available to those who request them; however, spending on family planning services is a permissible use of TANF funds. The statute is silent with respect to the source of such services; thus, it appears that TANF funds may be used to pay for either subsidized or unsubsidized contraceptive care. Contraception is recognized as an important component of reproductive health which helps avert unintended pregnancy.³³

Abstinence Education: The Law

The new law's "educational or motivational" program related to abstinence³⁴ is to be administered and funded through state Maternal and Child Health (MCH) agencies under a new section of the Maternal and Child Health Block Grant.³⁵ In addition to education, a state has the option to use the funds to undertake "where appropriate, mentoring, counseling and adult supervision to promote abstinence from sexual activity, with a focus on those groups which are most likely to bear children out-of-wedlock." A special yearly fund of \$50 million is appropriated for fiscal years 1998-2002. Each state's allotment is determined by the relative proportion of low income children (under poverty) living in the state.³⁶

The law defines what type of abstinence education may be funded through the program. Among the attributes of such abstinence education is that it "has as its exclusive purpose, teaching the social, psychological, and health gains to be realized by abstaining from sexual activity" and "teaches abstinence from sexual activity outside of marriage as the expected standard for all school age children" and "teaches the importance of attaining self-sufficiency before engaging in sexual activity."

Abstinence Education

PL 104-193

Title IX, Sec. 912

"SEC. 510. (a) For the purpose described in subsection (b), the Secretary shall, for fiscal year 1998 and each subsequent fiscal year, allot to each State which has transmitted an application for the fiscal year under section 505(a) an amount equal to the product of-

"(1) the amount appropriated in subsection (d) for the fiscal year; and

"(2) the percentage determined for the State under section 502(c)(1)(B)(ii).

"(b)(1) The purpose of an allotment under subsection (a) to a State is to enable the State to provide abstinence education, and at the option of the State, where appropriate, mentoring, counseling, and adult supervision to promote abstinence from sexual activity, with a focus on those groups which are most likely to bear children out-of-wedlock.

"(2) For purposes of this section, the term `abstinence education' means an educational or motivational program which-

"(A) has as its exclusive purpose, teaching the social, psychological, and health gains to be realized by abstaining from sexual activity;

"(B) teaches abstinence from sexual activity outside marriage as the expected standard for all school age children;

"(C) teaches that abstinence from sexual activity is the only certain way to avoid out-of-wedlock pregnancy, sexually transmitted diseases, and other associated health problems;

"(D) teaches that a mutually faithful monogamous relationship in context of marriage is the expected standard of human sexual activity;

"(E) teaches that sexual activity outside of the context of marriage is likely to have harmful psychological and physical effects;

"(F) teaches that bearing children out-of-wedlock is likely to have harmful consequences for the child, the child's parents, and society;

"(G) teaches young people how to reject sexual advances and how alcohol and drug use increases vulnerability to sexual advances; and

"(H) teaches the importance of attaining self-sufficiency before engaging in sexual activity.

"(c)(1) Sections 503, 507, and 508 apply to allotments under subsection (a) to the same extent and in the same manner as such sections apply to allotments under section 502(c).

"(2) Sections 505 and 506 apply to allotments under subsection (a) to the extent determined by the Secretary to be appropriate.

"(d) For the purpose of allotments under subsection (a), there is appropriated, out of any money in the Treasury not otherwise appropriated, an additional \$50,000,000 for each of the fiscal years 1998 through 2002. The appropriation under the preceding sentence for a fiscal year is made on October 1 of the fiscal year."

Abstinence Education: Discussion

Where do the abstinence education funds come from? The new, separate fund of \$50 million per year for abstinence education is to be administered by a state under the MCH Block Grant. The monies are a capped entitlement above the appropriation available for the MCH Block Grant and are authorized for fiscal years 1998-2002. A state which operates the MCH Block Grant may choose not to operate the abstinence education program.

In order to access its allocation within the MCH block grant funds, a state is required to match federal dollars:³⁷ every four federal dollars must be matched with three state dollars. This match requirement will also apply to a state that wants to access the abstinence education allocation. No federal guidance has been issued regarding what counts towards state abstinence education match.

A state's request for its abstinence education allocation is to accompany the regular, annual application to the federal MCH Bureau. As part of the MCH application process, each five years, a state establishes goals that are to be consistent with the national goals published in Healthy People 2000 and each year report on any changes in those goals.

Reducing pregnancies among girls ages 17 and younger is one of 18 health objectives that MCH identified as the most critical for states to track in the effort to achieve the Healthy People 2000 goals.³⁸ The national health objective calls for a reduction in minor teen births from a baseline of 71.1 pregnancies per 1,000 to "no more than 50 per 1,000".

Thus, states, through their MCH block grants, may already have established goals with respect to pregnancy prevention among minor teens (See "State Plan"). Where states have established such goals, the programs and policies designed to help achieve the goals may or may not include abstinence education, more comprehensive sexuality education, or a range of family planning services.

There is another source of earmarked federal funds for abstinence education - the Adolescent Family Life Act. Statutory changes made to AFLA in 1996 augment its abstinence funding and changes its abstinence definition to parallel the one used in PL 104-193. Specifically, AFLA funds are divided between "prevention" services (such as abstinence education) and "care" (interventions for pregnant and parenting teens). "Prevention" services previously received one-third while "care" services received two-thirds of available funds. The 1996 AFLA law reverses the allocation; the result is that for FY '97 about \$9 million will be available for abstinence education through AFLA. Furthermore, the new AFLA abstinence education definition means that funds are to be spent on "abstinence-only" programs.

Who can receive abstinence education? The abstinence education provisions, while mentioning school-age children, do not preclude the funds from being used for the education of older individuals. Indeed, the provisions intend that abstinence educators teach that abstinence should be followed until an individual achieves "self-sufficiency;" thus, the legislation appears to envision that the initiation of sexual activity should not occur until employment, marriage, or other means lifts the individual's income beyond a need for any public assistance. The legislation may intend abstinence education for those adults without employment or other resources. At the same time, many providers may view an abstinence education program as most appropriate for younger children and early-teenage populations.

What is to be included in an abstinence program? While the law defines abstinence education and stipulates that the funds are to be spent for that purpose, there is no prohibition on running an abstinence

education program alongside of a separately funded, more comprehensive sexuality education program that recognizes the need for family planning information.

The apparent capacity to run side-by-side programs is an important consideration in light of research findings regarding the efficacy of abstinence-only programs. While few abstinence programs have yet been rigorously evaluated, available research was assessed in a 1995 report prepared for HHS, Adolescent Pregnancy Prevention Programs: Interventions and Evaluations:

What we do know from adolescent pregnancy prevention programs to date can be succinctly summarized. Numerous programs have been implemented, ranging from abstinence education to comprehensive, multi-faceted interventions that offer education, counseling, and a variety of support services. Studies have concluded that the provision of sex education to adolescents does not increase the likelihood of initiating sexual activity. However, abstinence-only prevention programs have not been shown to reduce sexual activity either.

Who can provide abstinence education? There is no legislated definition of who can provide abstinence education, but there is an explicit option for states to include "mentoring, counseling and adult supervision," as part of promoting abstinence. Since there are no apparent restrictions on "mentoring, counseling and adult supervision" such activities could be structured in any number of ways.

It is not yet known how states or service providers will approach these MCH abstinence education funds. Either or both might view the abstinence education program as a means of increasing the availability of abstinence education or augmenting the abstinence portion of a broader campaign related to sexuality education (funded from other sources). Alternatively, either or both might view the law's definition of abstinence education as inherently contradicting the education themes and messages already established as state goals.

Abstinence Education: State Decisions

- **Program Funds.** Should the state apply for the abstinence education funds? The abstinence education program established by P.L. 104-193 is precisely defined. A state may or may not believe in promoting abstinence education and may or may not support the prescriptive definition in federal law. A state which believes the federal definition is out of keeping with the state's approach need not apply for the funds.
- **Side-by-Side Programs.** Should the state run the abstinence education program alongside another type of program? If a state receives abstinence education program funds the state must expend them in accordance with the statutory definition. However, nothing in the statute precludes this abstinence education program from running alongside another type of program. The decision may rest with an assessment of the research and the recommendations of service providers regarding whether potentially conflicting messages from multiple programs may prove counter-productive.
- **Link to MCH.** How extensively should the welfare agency coordinate with MCH? The abstinence education provision creates a direct link to the federal MCH agency. The likely

existence of state MCH minor teen pregnancy prevention goals suggests the welfare agency should, at a minimum, consider coordinating with the state MCH agency not only regarding abstinence education but also in relation to the "illegitimacy" bonus and the "performance" bonus.

- **Evaluation.** Why should the state evaluate the program? If the abstinence education program is achieving the goal of reduced out of wedlock births, the state should know this so that it can invest fully in the approach. Alternatively, if the abstinence education program is not achieving its goal then it should be abandoned.

FY 1998 Abstinence Education: State Allocations: Sec. 510

Alabama	\$1,081,058	New Jersey	843,071
Alaska	78,526	New Mexico	518,368
Arizona	894,137	New York	3,377,584
Arkansas	660,004	North Carolina	1,151,876
California	5,764,199	North Dakota	126,220
Colorado	544,383	Ohio	2,091,299
Connecticut	330,484	Oklahoma	756,837
Delaware	80,935	Oregon	460,076
Dist. of Columbia	120,439	Pennsylvania	1,820,070
Florida	2,207,883	Rhode Island	129,592
Georgia	1,450,083	South Carolina	811,757
Hawaii	131,519	South Dakota	169,578
Idaho	205,228	Tennessee	1,067,569
Illinois	2,096,116	Texas	4,922,091
Indiana	857,042	Utah	325,666
Iowa	424,908	Vermont	69,855
Kansas	391,185	Virginia	828,619
Kentucky	990,488	Washington	739,012
Louisiana	1,627,850	West Virginia	487,536
Maine	172,468	Wisconsin	795,859
Maryland	535,712	Wyoming	80,935
Massachusetts	739,012	American Samoa	44,992
Michigan	1,899,560	Guam	69,495
Minnesota	613,756	Northern Marinas	42,493
Mississippi	1,062,752	Puerto Rico	1,449,018
Missouri	969,291	Trust Territories:	
Montana	186,439	Pilau	13,501
Nebraska	246,177	Micronesia	47,492
Nevada	157,534	Marshals	21,000
New Hampshire	82,862	Virgin Islands	136,509
TOTAL			\$50,000,000

Source: HRSA, Material and Child Health Bureau. October 1996.

Some Resources: Teen Programs

Programs to Reduce Teenage Pregnancy: The Implications of Findings from Research. Douglas Kirby. (Prepared for the National Campaign to Prevent Teenage Pregnancy, Task Force on Effective Programs and Research. Washington, DC; Forthcoming)

Adolescent Pregnancy Prevention Programs: Interventions and Evaluations. Kristin A. Moore. Barbara W. Sugland, Connie Blumenthal, Dana Gleib and Nancy Snyder. Washington, DC; June 1995. (Prepared for and funded by the Office of the Assistant Secretary for Planning and Evaluation, HHS; undertaken by Child Trends, Inc.)

Next Steps and Best Bets: Approaches to Preventing Adolescent Childbearing. Kristin A. Moore and Barbara W. Sugland. Washington, DC; January, 1996. (Prepared for the Manpower Demonstration Research Corporation; undertaken by Child Trends, Inc.)

Adolescent Pregnancy Prevention: Effective Strategies. Sara Peterson and Claire Brindis. National Adolescent Health Information Center, University of California, San Francisco. San Francisco; May 1995. (Supported in part by the Health Resources and Services Administration, HHS.)

Trying to Minimize the Odds: Using What We Know to Prevent Teen Pregnancy. Susan Philliber and Pearilla Namerow. Philliber Research Associates. New York; December 1995.

The Program Archive on Sexuality, Health and Adolescence. Sociometrics Corporation. Los Altos, CA; September 1996. (Sponsored by the US Office of Population Affairs; administered by the Sociometrics Corporation. On-going.)

Minor Teen Parent Eligibility and Restrictions

Stay-in-School: The Law

Under P.L. 104-193, a state can not spend TANF funds on an unmarried, custodial minor parent caring for a child 12 weeks of age or older if the minor mother has not completed high school (or its equivalent), unless she is participating in educational activities (standard high school or approved alternatives including training programs).³⁹

Prohibitions; Requirements.

P.L. 104-193
Title I, Sec. 408 (a)(4)

"(a) IN GENERAL.-

"(4) NO ASSISTANCE FOR TEENAGE PARENTS WHO DO NOT ATTEND HIGH SCHOOL OR OTHER EQUIVALENT TRAINING PROGRAM.-A State to which a grant is made under section 403 shall not use any part of the grant to provide assistance to an individual who has not attained 18 years of age, is not married, has a minor child at least 12 weeks of age in his or her care, and has not successfully completed a high-school education (or its equivalent), if the individual does not participate in-

"(A) educational activities directed toward the attainment of a high school diploma or its equivalent; or

"(B) an alternative educational or training program that has been approved by the State.

Stay-in-School: Discussion

What did prior law require regarding school for teen parents? The Family Support Act of 1988 required each state, to the extent that there were resources, to mandate participation in an education activity by non-exempt custodial parents under age 20 who had dropped out of high school (or its equivalent). States had the option to excuse parents under age 18.

In addition, in recent years, a number of states have sought and secured federal waivers regarding educational requirements for teen parents. Twenty-eight states have approved stay-in-school waivers, often called "Learnfare" programs.⁴⁰ While state waivers vary significantly in terms of target audience (some are for teen parents only, others are directed at all teens receiving assistance, others include younger students receiving assistance) and measures of school participation (e.g. different attendance standards or a standard based on satisfactory performance) they all differ from the FSA requirements by including both drop-outs as well as those who were enrolled in school.

What is known about stay-in-school waivers? There are a number of distinct "stay-in-school" models underway, e.g. Ohio's LEAP program, California's Cal-Learn program, Wisconsin's "Learnfare". States are now free to replicate these programs or create new models without prior federal approval.

Evaluations of the Ohio and Wisconsin program are beginning to offer insights into the efficacy of each. These two programs are significantly different from each other. Ohio's program targets teen parents while Wisconsin's original program targeted all teens receiving assistance; Ohio's program for teen parents builds on an existing state program that provided teen parent specialists in many schools while Wisconsin had no similar case management for Learnfare participants when the program started; and, Ohio provides a cash assistance bonus or sanction based on participation while Wisconsin solely imposes sanctions. Among the findings to date are:

- Ohio LEAP⁴¹ three year impacts -
 - in-school teens: school completion (primarily GED) increased by 20% and employment by 40%;
 - drop-out teens: no improvement in school completion or employment
- Wisconsin Learnfare⁴² three semester impacts:
 - for all teens: no statistically significant attendance difference with control group;
 - for teen parents: no statistically significant attendance difference with control group.

States which have implemented a stay-in-school waiver can drop their waiver or continue it.

Who is required to participate under the new law? The prohibition on the use of TANF federal funds applies to assistance provided to unmarried minors caring for a child (12 weeks or older). Thus a minor custodial parent is exempt from the federal prohibition when her child is less than 12 weeks of age or when the minor is married.

A teen parent is always considered a minor through age 17; she is, as well, considered a minor through age 18 if she is a full-time student in secondary school (or the vocational/technical training equivalent). Minor non-custodial parents are also always exempt.

The prohibition on the use of TANF federal funds applies to the teen parent, not her child. A state could provide TANF funds to assist the child (as a child-only case or as a child embedded in another family, for example, a three-generation household). Further, the prohibition applies to federal funds, not state funds.

What does "participate" mean under the new law? The law does not specify what it means to "participate". States need to determine whether or not a minor teen mother does or does not *participate* in the approved activities in order to provide TANF federal assistance. In the absence of federal guidance, states can decide what "participate" reasonably means. For example, it appears that it would be reasonable for a state to determine that attendance, performance or some other action constitutes participation for the purposes of eligibility. A state could also define the number of required hours and whether and what type of reporting must be followed. The state definition for purposes of eligibility may or may not be the definition the state follows for purposes of counting an individual towards the participation rate. The state decides not only how to measure participation but

also what constitutes an appropriate education-related activity for the teen mother.⁴³ Both education and training are allowable.

How does eligibility relate to the participation rate? If a minor teen parent "participates" in an education/training activity she is eligible for TANF federal assistance (if she meets other eligibility requirements e.g. living arrangements). However, individuals who "participate" and are therefore eligible for assistance do not automatically count towards the state's all-families participation rate. To count in the rate, the unmarried teen parent must be a head of household and must "maintain satisfactory attendance at secondary school or the equivalent" or participate in employment-related education for the number of hours required for the year in question in order to count. Further, the participation rate provision includes a 20% cap on the number of teen heads of households in school and individuals in vocational education who can count (see Participation Rate).

How does the infant care exemption relate to minor teen parents? Minor teen parents often have infants that need care; a state has the option to exempt from the participation rate single individuals with children under the age of one. An impetus for this provision is the high cost of infant care. However, a state that wants to provide TANF federal assistance to minor teen parents must require them to participate in education. Thus, while a state could apply the participation rate exemption to minor teen parents, the state, nevertheless, must require that the minor teen parent participate in an educational activity in order to be eligible to receive TANF federal assistance.

How does the under age six provision relate to teen parents? Teen parents often have children who need child care; a state is not allowed to "reduce or terminate" TANF assistance based on a "refusal of an individual to work if the individual is a single custodial parent caring for a child who has not attained 6 years of age, and the individual proves that the individual has a demonstrated ability (as determined by the state) to obtain needed child care..."⁴⁴

A single teen parent head of household may count towards a state's participation rate if the individual satisfactorily attends secondary school, its equivalent, or employment directed education. If the teen parent can not secure child care is she protected from sanction in accordance with the under age six provision? It is unclear how this question will be resolved. The provision precludes a sanction of an individual "based on a refusal... to work." It is not clear if "work" applies to other required activities such as school or employment-related education.

This ambiguity has even greater consequences for minor mothers. States must require minor mothers to "participate" in education in order to be eligible for assistance. If the minor mother can not get child care, does the "under age six" provision apply or does the "participate in education" provision apply? In other words, can a minor mother be denied eligibility for TANF federal assistance because she needs, but can not find, child care? In the absence of federal guidance, states may want to minimize the number of situations in which the lack of child care is a barrier to participation. For example, a state could develop alternative educational programs with flexible and/or shorter hours that match available child care. Alternatively, a state could give minor mothers priority for available infant care slots so that minor mothers could enroll and attend school full time. States, of course, are free to deny any child care assistance to minor mothers (or any mothers).

What is known about school drop out and teen mothers? Teen mothers frequently drop out of school before they become pregnant. Among those young women (not just minor teens) who had a high school age birth, 25% dropped out of school prior to becoming pregnant. Another 37% dropped out after becoming pregnant while 38% did not drop out at all.⁴⁵

Stay-in-School: State Decisions

- **Definition of Participation.** The definition of participation is critical because it determines whether the minor teen parent is eligible for TANF assistance. Will the state consider attendance, academic performance or other criteria to define participation? How will the state treat the teen parent who would participate except that enrollment is not possible for some time period (e.g. due to summer vacation or school policies that preclude enrollment after September?) or an appropriate place to enroll is not available in the community?
- **Attendance.** In order to count towards the participation rate, a teen (under age 20) head of household must maintain "satisfactory attendance." How will the state define, monitor, and enforce an attendance standard? Will this attendance standard for the participation rate differ from any attendance standard used to define participation for eligibility purposes?
- **Sanctions.** What types of sanctions will the state impose on minor teens who, while eligible for TANF federal assistance, fail to meet an attendance or other program requirement? Will sanctions for minor teens and older teens be identical?
- **Appropriate Activities.** The state determines what type of education or training activity is required of the minor teen. Will the state decide that minor mothers of all ages must return their to "home" school, or that alternative settings must be made available? Will the state, instead, pursue individualized case-by-case determinations regarding appropriate participation activities? How will the state handle a situation in which no appropriate placement is available?
- **Education Agency Coordination.** Frequently, the design of stay-in-school rules have been shaped by the welfare agency which engages the education agency in logistical issues (e.g. attendance tracking and reporting). This need not be the case. There are a range of education agency policies that should be addressed in the design of a stay-in-school policy. For example, will the education agency allow the minor mother to enroll at any time of the year or must she enroll in September or at the beginning of the semester? Will the minor mother automatically fail for the semester if she misses classes for child birth delivery and recuperation? If the education agency does not change such policies, will it help design a set of participation activities for minor mothers who want to cooperate and want to continue their education but face policy barriers?
- **Child Welfare Agency Coordination.** The child welfare agency too often is not engaged in the early planning of stay-in-school policies. Yet data from some early programs suggest that the students who fail to meet the stay-in-school requirements are frequently from families known to the child welfare system.⁴⁶ Failure to meet stay-in-school requirements has resulted in grant cuts to such families. Should the child welfare system be engaged in preventive case

management related to stay-in-school policies if the systems (welfare and child welfare) decide that a joint goal is averting, where possible, sanctions/ineligibility of fragile families?

- **Waiver.** A state might prefer to maintain its waiver rather than implement the stay-in-school provision in TANF. State waiver provisions that are "inconsistent" with TANF can continue. Should a state which requires teen parent participation when an infant is 16 weeks or older, in contrast with TANF's 12 weeks or older provision, continue the state policy or follow the federal provision? Should a state that enumerates a set of "good cause" reasons for non-participation (e.g. lack of transportation, lack of child care, court appointments, school expulsion) continue the state provision or follow TANF which does not provide for "good cause" (rather, TANF allows a state to define "participating"). Should a state re-tool its approach to the stay-in-school requirement based on new research regarding existing waivers?
- **Drop-out Retrieval.** The stay-in-school waiver programs to date suggest that the most difficult population to engage is the group that has already dropped out of school. Under TANF, this group is ineligible for TANF benefits unless they return to school. However, a question arises about whether the law prohibits the use of TANF funds to help such teens return to school. If a state engages minor custodial teen parents in an education retrieval program, could that be considered "participation" for TANF eligibility purposes? Or, must such school-related services be paid for by state dollars which may or may not count towards the maintenance of effort requirement?
- **Drop-outs.** Some minor teen mothers may not participate in any required activity. The state can not spend TANF funds on such mothers; however, it can spend state dollars. What are the reasons for assisting such minor mothers? What are the implications of not reaching such minor mothers?
- **Pilots.** Under TANF, a state has the capacity to spend funds differently in different parts of the state. Thus, a state could target several schools or school districts for more intensive services designed to address drop-out and school attendance. TANF requirements apply to receipt of TANF "assistance"; it is unclear whether "assistance" includes services. Thus, if TANF funds were used for after-school programs for minor teen mothers and their babies, it appears that all students who participated might be subject to TANF rules (e.g. time limits, work requirements, and child support provisions) depending on the HHS interpretation of the term "assistance".
- **Child Care.** In order for minor mothers to attend education-related activities, child care will often be needed; yet, nothing in the 1996 law requires a state to provide such assistance. Nothing precludes the state, however, from assuring that teen mothers will receive such services in order to attend. Should the state pursue such a policy for teens? For all participants?
- **Other Support Services.** TANF does not obligate a state to provide support services such as transportation. In contrast, under the Family Support Act's JOBS program, states were required to provide transportation assistance needed for participation in JOBS. Should the state give particular consideration to the transportation needs of teen parents who often need such help as well for their infants and toddlers?

- **Appeals.** Under TANF, state plans must explain how the state will provide opportunities for those recipients who have been adversely affected to be heard in a state administrative or appeal process.⁴⁷ TANF does not provide for "good cause" exceptions to TANF stay-in-school requirements. Thus, it is not now possible to say whether and what types of protections teen parents around the country might have with respect to the stay-in-school requirement. A state could always provide state assistance to a teen parent denied TANF federal assistance.
- **Evaluation.** Under TANF, there is no obligation for a state to evaluate the effects of its TANF-funded programs, including the stay-in-school requirement. In contrast, stay-in-school waivers contain an evaluation component. A state that elects to continue the state's stay-in-school waiver likely will be required to continue its waiver evaluation although HHS has not yet issued guidance in this area. Should the state seek to learn whether its stay-in-school policies are improving the educational outcomes of teen parents and the well-being of their children?

Some Resources: Stay-in-School

LEAP: Three-Year Impacts of Ohio's Welfare Initiative to Improve School Attendance Among Teenage Parents. David Long, Judith M. Gueron, Robert G. Wood, Rebecca Fisher and Veronica Fellerath. Manpower Demonstration Research Corporation (MDRC). New York. April 1996.

An Evaluation of Wisconsin's Learnfare Program. Wisconsin Legislative Audit Bureau. Madison, Wisconsin; March 1996.

Stay-in-School Rules and AFDC Teen Parents. Center for Law and Social Policy. Washington, DC; July 31, 1996. (A CLASP audio conference featuring David Long, MDRC; Judith Frye of the Legislative Audit Bureau, Wisconsin; and Charlene Clemens, Teenage Pregnancy and Parenting Project, San Francisco, CA)

Learning to Work Together: How Education and Welfare Agencies Can Coordinate Schooling/Training of AFDC Teen Parents. Center for Law and Social Policy. Washington, DC; October 1994.

The School Based Programs for Adolescent Parents and Their Young Children: Overcoming Barriers and Challenges to Implementing Comprehensive School Based Services. Susan Batten, Cynthia L. Sipe, Susan A. Stephens and Wendy Wolf. Center for Assessment and Policy Development. Bala Cynwyd, PA; 1995.

Live in Adult-Supervised Setting: The Law

TANF prohibits a state from spending TANF federal funds on assistance to an unmarried, minor, custodial parent unless the teen lives with a parent, legal guardian or other adult relative⁴⁸ subject to

limited exceptions. TANF identifies when it is appropriate to make an exception. This includes situations in which a parent, legal guardian, or other adult relative is not available or when such a placement could result in harm to the minor teen and/or her child. Under these circumstances, a minor teen may be required to reside in an adult-supervised living arrangement. At that point, it is the duty of the state to "provide, or assist the individual in locating, a second chance home, maternity home, or other appropriate adult-supervised setting..." Alternatively, a state could determine that a teen mother's independent living arrangement is appropriate and it is in the "best interest" of the minor child to make an exception. The state can subsequently determine that a living arrangement ceases to be appropriate and require the minor to reside in an alternative arrangement. There are no special funds set-aside to support alternative living arrangements.

Live in Adult-Supervised Setting

PL 104-193

Title I, Sec. 408 (a) (5) (A)

"(i) REQUIREMENT.-Except as provided in subparagraph (B), a State to which a grant is made under section 403 shall not use any part of the grant to provide assistance to an individual described in clause (ii) of this subparagraph if the individual and the minor child referred to in clause (ii)(II) do not reside in a place of residence maintained by a parent, legal guardian, or other adult relative of the individual as such parent's, guardian's, or adult relative's own home.

"(ii) INDIVIDUAL DESCRIBED.- For purposes of clause (i), an individual described in this clause is an individual who-

"(I) has not attained 18 years of age; and

"(II) is not married, and has a minor child in his or her care.

"(B) EXCEPTION.-

"(i) PROVISION OF, OR ASSISTANCE IN LOCATING, ADULT-SUPERVISED LIVING ARRANGEMENT.-In the case of an individual who is described in clause (ii), the State agency referred to in section 402(a)(4) shall provide, or assist the individual in locating, a second chance home, maternity home, or other appropriate adult-supervised supportive living arrangement, taking into consideration the needs and concerns of the individual, unless the State agency determines that the individual's current living arrangement is appropriate, and thereafter shall require that the individual and the minor child referred to in subparagraph (A)(ii)(II) reside in such living arrangement as a condition of the continued receipt of assistance under the State program funded under this part attributable to funds provided by the Federal Government (or in an alternative appropriate arrangement, should circumstances change and the current arrangement cease to be appropriate).

"(ii) INDIVIDUAL DESCRIBED.-For purposes of clause (i), an individual is described in this clause if the individual is described in subparagraph (A)(ii), and-

"(I) the individual has no parent, legal guardian or other appropriate adult relative described in subclause (II) of his or her own who is living or whose whereabouts are known;

"(II) no living parent, legal guardian, or other appropriate adult relative, who would otherwise meet applicable State criteria to act as the individual's legal guardian, of such individual allows the individual to live in the home of such parent, guardian, or relative;

"(III) the State agency determines that-

"(aa) the individual or the minor child referred to in subparagraph (A)(ii)(II) is being or has been subjected to serious physical or emotional harm, sexual abuse, or exploitation in the residence of the individual's own parent or legal guardian; or

"(bb) substantial evidence exists of an act or failure to act that presents an imminent or serious harm if the individual and the minor child lived in the same residence with the individual's own parent or legal guardian; or

"(IV) the State agency otherwise determines that it is in the best interest of the minor child to waive the requirement of subparagraph (A) with respect to the individual or the minor child.

"(iii) SECOND-CHANCE HOME.-For purposes of this subparagraph, the term `second-chance home' means an entity that provides individuals described in clause (ii) with a supportive and supervised living arrangement in which such individuals are required to learn parenting skills, including child development, family budgeting, health and nutrition, and other skills to promote their long-term economic independence and the well-being of their children.

Live in Adult-Supervised Setting: Discussion

What did prior law require regarding minor teen parent living arrangements? The Family Support Act gave each state the option to implement a living arrangement requirement for minor teen parents. If a state implemented the option, the state was to exempt minor teen parents in accordance with a statutory list.⁴⁹ A state that wished to deviate from the federal law could request federal approval for a waiver and eleven states have such waivers.⁵⁰

How many minor mothers currently live independently while receiving assistance? The national number of minor mothers receiving assistance and living independently of supervision is not known. While HHS data indicates how many mothers are heads of household by age, the code "head of household" does not necessarily mean the minor mother is living independently. That is because the minor mother may be receiving a grant while living in a larger household that does not receive a grant or receives a separate grant. The most recent HHS statistics indicate that 44,000 AFDC mothers are teens age 17 or younger who head households.⁵¹ It is impossible to say how many of that national number are currently living without adult supervision. Recent data from one state which identified the living arrangement of minor parents who are heads of households might offer some guidance. In Illinois⁵², 38.5% of the minor parents who head households live with a parent, adult relative or legal guardian and 2.6% live in an adult-supervised home. Thus, about 41% of the minor teen heads of households are clearly living with adult supervision. The remaining 59% are described in terms of the reasons for being a head of household rather than in terms of their living arrangement.

**Illinois: Minor Parents Who Are Heads of Household
By Living Arrangement**

Living with parent, adult relative, or legal guardian	38.5%
Living in adult supervised home	2.6%
Lived apart from parents at least 1 year	20.2%
Parent/guardian deceased or whereabouts unknown	4.4%
Parent/guardian will not accept them	21.6%
Parent/ guardian dangerous	3.6%
Good cause criteria met	9.1%

Source: Illinois Department of Public Aid, Bureau of Research and Analysis, October 15, 1996.

The Illinois experience may or may not be illustrative of the living arrangements of minor teen heads of household around the country. An extrapolation of the Illinois experience suggests that the majority of minor teen parents who are coded as heads of households may live without formal adult supervision.

While an accurate number of minor teen mothers living alone or without adult supervision is not available, the number is clearly modest. The challenges faced and posed by these minor mothers is large but the size of the group is small. The thrust of the living arrangement requirement is to make this number even smaller.

What does the new law require regarding exceptions to the living arrangements mandate? While a state no longer has a choice about whether to implement a "live-in-adult-supervised setting" policy as it

did under the 1988 Family Support Act, the state has substantial flexibility regarding the need for exceptions on a case-by-case basis.

The reason exceptions are important is that sometimes family living arrangements are not healthy; research indicates that teen mothers too frequently have been abused, often by family members.⁵³ The Illinois data indicates that about one-fourth of the parents of minor teens either would not accept the teen or were considered dangerous.

A Massachusetts study of teen parents placed in a "second chance" home offers additional insights into the appropriateness of family living arrangements. The state agency assessed participants in its Teen Living Program (TLP) and identified a range of reasons that a parent's home was considered unsuitable. While family violence was a major issue (44%), an even greater concern for these teen parents was housing and household overcrowding (56%).

Reason Parents' Home is Unsuitable (may be more than one reason per teen)	
Overcrowding	47%
Abuse and/or domestic violence in parents' home	23%
Parent abuses alcohol and/or drugs	21%
Parent lives out of state/country	16%
parent rejects teen	11%
Parent or sibling conflict	9%
Parent has no permanent housing	9%
Parent is mentally ill	9%

Source: Improving Outcomes for Mother and Child: A Review of the Massachusetts Teen Living Program. Kathleen Reich. John F. Kennedy School of Government, Harvard University. Boston, MA; April 1996. (Submitted to the Commonwealth of Massachusetts.)

It may be most appropriate for a minor mother to live somewhere other than with a parent, guardian, or other adult relative. In those situations it may be best for the minor mother to live in a residential facility or some other adult-supervised setting. Furthermore, in some situations it may be that the adult-supervised setting requirement should be waived e.g. there is no such setting available; her current arrangement is successful such as when a 17 year old minor teen mother is succeeding in school and caring for her child yet an available residential "slot" would require her to move away from all of the support networks that contributed to her success.

What does the new law require regarding state assistance in locating an alternative living arrangement? The law requires each state to "provide or assist in locating" alternative arrangements if the minor mother is unable to live with a parent, adult relative or legal guardian. However, nothing in the statute defines this requirement. It is possible that some states will view the requirement as an obligation of case managers who work with teen parents to help find alternatives or as an obligation of the state to fund "second chance" homes. Other states may respond to the requirement by providing

minimal assistance e.g. providing the teen parent with a local phone book. At least one state, Arizona, has sought to avoid the "provide or assist in locating" requirement altogether. In its TANF Plan, Arizona states that it intends to continue its teen parent living arrangement waiver; this waiver does not include a requirement to "provide or assist in locating." Arizona is asserting that the TANF requirement to provide assistance in locating an adult-supervised setting is inconsistent with the state's waiver and that the waiver supersedes the TANF provision.

What does the "second chance" home provision require? The law defines the array of services that are to be included in a "second chance" home⁵⁴ but no separate funds have been provided. A state that wants to establish or expand existing "second chance" homes could use federal TANF funds for this purpose (except that prohibited individuals e.g. minor teen parents who fail to participate in an educational activity could not receive such assistance). However, "second chance" homes can be expensive. In Massachusetts, the state contracted for 18 homes under its Teen Living Program - slots and services are estimated to annually cost about \$40,000 per teen family. Despite the potential cost, a number of other states have recently passed authorizing legislation and some have funded "second chance" homes. According to the Progressive Policy Institute the following are some of the latest "second chance" home developments⁵⁵ :

- Maryland: A pilot project for no more than 20 mothers;
- Iowa: A feasibility study underway by the Department of Human Services;
- Michigan: Wayne County and community-based organizations awarded a \$2.8 million, three-year grant through the "supportive services" portion of the state's McKinney Act homelessness program. The funds are to support numerous, small grants for teen mothers with different needs;
- California: Legislation passed the Assembly; failed in the Senate.

Live in Adult-Supervised Setting: State Decisions

- **Assessment.** When a minor teen mother seeks assistance but she is not living with family or a guardian, who will make the judgement regarding the appropriateness of her living arrangement? Will it be the welfare agency? The child welfare agency? Will the state attempt to address a common perception among minor teen mothers that the child welfare agency is dedicated to taking away babies from mothers? What criteria will the state develop to identify when it is appropriate to waive the living arrangement rule? Will the state ensure that lease arrangements regarding overcrowding are observed? Who will train staff regarding the criteria so that line-workers do not turn away teen parents who might meet the exceptions established by the state?
- **Return Home.** If the state determines that a minor teen living independently must return home, what, if any counseling for the teen and her family will be provided to ensure an effective transition? Will the state provide some time and some assistance during the transition?
- **Placement.** If the current living arrangement and parental home is deemed inappropriate, what alternatives will be explored? How much help will the state agency give in identifying other

family/adult friends? Are foster care, kinship care, and the state's Independent Living Program able to effectively absorb teen parents and their babies? Are the placements of good quality for both the teen and her baby?

- **Investment.** How much state money is the state prepared to spend on alternative living arrangements such as second chance homes and cooperative living arrangements? How will the state ensure that the programs are quality programs? Will the state explore existing funding streams e.g. McKinney Act homelessness funds? Has the state's housing agency developed strategies for housing that could be made available for groups of minor/older teen mothers with and without adult supervision?
- **Deeming.** Will the state seek to assist poor families that include teen parents by changing "grandparent" or guardian deeming policies? A number of states have changed their deeming rules - which count the income of the grandparent/guardian in determining eligibility - in order to be able to provide support to teen parents living with grandparents and guardians. For example, Massachusetts has a waiver which disregards household income up to 200% of poverty; Massachusetts also disregards the earnings of the teen. In Nebraska, household income is disregarded up to 300% of the poverty; in Connecticut the disregard goes up to the poverty level. Vermont excludes parental income without limitation. While these deeming changes were made under federally approved waivers, under TANF, states are authorized to change their deeming rules on their own.
- **Head of Household.** The state determines whether a teen parent is coded as a "head of household." Once a teen is considered a "head of household" her TANF time limit clock begins to tick. A state needs to re-examine coding structures in light of TANF rules to determine if changes in the coding criteria need to be established.
- **TANF and State Funds.** If the state determines that a minor teen mother does not meet the TANF requirements regarding living arrangements, the state could determine (for this reason or any other) that the state should assist the minor mother and her child with state funds. State funds may be spent on this group; however, it is unclear whether these expenditures will count towards the state's maintenance of effort. Another question is whether TANF funds can be

spent on a minor teen mother during the period of the assessment or family re-unification.

- **Appeals.** Under TANF, recipients who have been adversely affected are to be heard in a state administrative or appeal process described in the state plan. Because the adult-supervised living arrangement requirement may involve issues related to the abuse of teen parents and/or their children, the rules that govern the appeals procedure are particularly important. No state wants to be in the position of mandating that a minor teen mother live in an abusive environment; the political and legal liability could be enormous. At the same time, minor mothers who have been subjected to abuse may not be readily forthcoming with this information. The appeals procedure must be particularly sensitive to these realities.
- **Evaluation.** Under TANF, the state is not required to evaluate its living arrangement requirement. State waivers included an evaluation component. The range of issues that a state might want to assess include what happens to those minor teen parents mandated to move back into an adult-supervised living arrangement, what happens to those minor teen parents allowed to live independently, what are the cost/benefits of 'second chance' homes, and has the living arrangement requirement reduced first and/or second births among teens?

Time Limit: The Law

The law limits a family with an adult who receives federal TANF assistance to 60 cumulative months of assistance subject to exemptions for up to 20% of the state's caseload.⁵⁶ Generally, the months in which TANF assistance is received as a minor child do not count against the 60 month limitation; however, months in which a minor child is the head of a household or is married to the head of a household do count against the 60 month limit. The time limit applies to receipt of federal funds; it

Some Resources: Live in Adult Supervised Setting

"Sexual Abuse as a Factor in Adolescent Pregnancy and Child Maltreatment." Family Planning Perspectives Vol. 24, No. 1, February 1992.. Debra Boyer and David Fine. Alan Guttmacher Institute. New York.

Live-at-Home Rules and AFDC Teen Parents. Audio Conference. Center for Law and Social Policy. Washington, DC; July 16, 1996. (Featuring Pat Baker of the Massachusetts Law Reform Institute and Kathy Tobin of the state of Michigan.)

Can They Go Home Again?: Requiring Minor Parents to Live at Home Is Unlikely to Reduce Welfare Dependency. Cara Lesser. University of California at Berkeley Graduate School of Public Policy. Berkeley, CA; May 1994. (Submitted to the U.S. General Accounting Office.)

Improving Outcomes for Mother and Child: A Review of the Massachusetts Teen Living Program. Kathleen Reich. John F. Kennedy School of Government, Harvard University. Boston, MA; April 1996. (Submitted to the Commonwealth of Massachusetts.)

Second-Chance Homes: Breaking the Cycle of Teen Pregnancy. Policy Briefing. Kathleen Sylvester. Progressive Policy Institute. Washington, DC; June 23, 1995.

does not apply to state funds.

Time Limit: Discussion

A minor teen mother is subject to the TANF time limit provision only in two situations: when she is the head of a household or when she is married to the household head. A minor teen parent is defined by the new law as an individual who is 17 or younger or is 18 years old and is attending secondary school (or an equivalent) as a full-time student.

Relatively few minor teen mothers head households under current law. The most recent HHS data indicates that nationally, an estimated 44,000 minor teen mothers are household heads.⁵⁷ The new law is likely to reduce that number further since it precludes any TANF federal funds from being spent on assistance to minor mothers who are not residing in an adult-supervised setting (states have the flexibility to make case-by-case exceptions to this requirement) and states have the flexibility to define head of household.

Minor mothers are also subject to the time limit on the receipt of TANF federal funds if they are married to a head of household. Thus, if a 16 year old is married (to a head of household of any age) her 60 month clock ticks.

Minor mothers are able to "bank" time best by staying with family members or a guardian; marriage, in contrast, "spends" time and causes the 60 month limit "clock" to "tick". This creates a tension for states which are attempting to reduce out-of-wedlock births. Assistance to married minor mothers occurs within a time constraint that is not imposed on minor mothers who remain unmarried and live at home (with relatives/guardian). "Banking" assistance time is particularly crucial for minor mothers because, by definition, they have the longest potential future period in which they might need assistance.

Some Resources: Time Limits

Limits on Limits: State and Federal Policies on Welfare Time Limits. Mark Greenberg, Steve Savner and Rebecca Swartz. Center for Law and Social Policy. Washington, DC; June 1996.

A Detailed Summary of Key Provisions of the Temporary Assistance for Needy Families Block Grant of H.R. 3734: The Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Mark Greenberg and Steve Savner. Center for Law and Social Policy. Washington, DC; August 1996.

Head of Household: The Law

The new law does not define head of household. This appears to give the state discretion in determining the treatment of custodial, minor mothers in certain situations. While the law does not define head of household, the definition is central to a number of key provisions.

Head of Household: Discussion

The definition of head of household is critical in the implementation of the following provisions:

Time limits: the 60 cumulative month clock on TANF funding "ticks" for a head of household. A minor mother who is coded as a head of household is subject to the time limit as is a minor mother married to a head of household (the spouse could either be a minor or an adult).

Adult-supervised living arrangement : under AFDC, if a minor teen parent was the recipient of a cash grant because she lived apart from her family in an adult-supervised living arrangement or a second chance home she may have been automatically coded as a head of household; the consequence of such coding under TANF is that the time limit provision automatically applies.

The participation rate: to count in the state's "all families" participation rate, a teen parent (both minor and older teens) must be a head of household (as well as meet other requirements).

The state option to deny Medicaid: a minor teen parent who is a head of household (and all adult teen parents) can be denied Medicaid if a state elects to terminate Medicaid to those cash assistance recipients terminated from TANF because of a refusal to work.

Head of Household: State Decisions

- **Untying the code.** Traditionally the code "head of household" has been synonymous with the recipient of the AFDC cash grant. TANF poses a broad policy question for states: when a grant (or a TANF service) is made available to a minor, custodial mother, should she automatically be considered a head of household? The state faces a tension because minor teen parents who are heads of household help the state meet the mandated participation rate; at the same time, the time limit applies to these young families and the state needs to weigh the implications over time for the teen and her child.
- **Living arrangements and the head of household code.** If the purpose of the living arrangement requirement is that the minor live under adult supervision (either a parent, relative, guardian, or alternative adult supervision) is she really a head of household? While state systems may have historically "coded" such a minor mother as a "head of household" for tracking and dissemination of grants under AFDC, the new TANF rules carry a set of consequences when a teen parent is coded in this manner.

Another "head of household" policy question relates to a minor mother for whom the agency has made an exception to the living arrangement requirement. Is such a minor mother automatically a head of household in the traditional sense? The answer likely rests with state

programs and policies regarding interventions for such a mother. If such a minor mother receives benefits only through third party payee arrangements or receives intensive case management that oversees money management, should the state code her differently from 18 year olds who are not subject to interventions of this type?

- **Medicaid.** A state that opts to terminate Medicaid to those TANF recipients whose cash assistance is terminated due to a failure to work needs to consider the potential implications for minor teen parents who are coded as heads of households. Minor teen parents who are not coded as heads of households must continue to receive Medicaid assistance. How should a state which takes the option weigh the potential implications for the minor mother and her young family? Should the state which has selected the option revisit its coding procedures?

Minor Definition: The Law

In the new law, a minor child means:

"an individual who-

(A) has not attained 18 years of age; or

(B) has not attained 19 years of age and is a full-time student in a secondary school (or in the equivalent level of vocational or technical training)."

Minor Definition: Discussion

The TANF definition of "minor" applies to those under the age of 18 and those 18 year olds who are full-time students. States must follow this definition in relevant provisions.

The new law's definition of minor is critical in the application of a number of the teen parent provisions within the new law. The three key areas where teen parents are defined as minors rather than by a particular age are:

The time limit: A month in which a teen parent receives federal TANF assistance as a "minor" does not count against the 60-month limit unless the minor is either a "head of household" or married to the head of household. Once the teen parent ceases to be a "minor", any month of assistance funded with federal TANF dollars counts against the 60-month limit.

The participation rate: To count in the state's "all families" participation rate, a teen parent must either be an "adult" or a "minor child head of household." A teen parent who is a "minor" does not count for purposes of the participation rate unless she is a "head of household."

The state option to deny Medicaid: A minor teen parent who is a head of household can be terminated from Medicaid if the state elects the option to terminate Medicaid to individuals whose cash assistance is terminated based on a refusal to work. The state may not terminate Medicaid to a minor under this provision unless the minor is a head of household who refuses to work.

In addition, two key provisions do not rely on the term "minor". The stay-in-school and live with adult-supervision provisions, instead, specify an age - under 18 years old. These two provisions apply only to younger teens under the age of 18; in contrast, the other provisions relate to all teens but may treat older and younger (minor) teens differently.

The state must follow the statute's under age 18 rule with respect to the stay-in-school and live with adult-supervision provisions; it appears a state could decide to expand the rule to apply to older teen parents (indeed, TANF allows a state to apply such a provision to teens who are not parents). However, the state has less flexibility with the provisions in which the term "minor" is used. For these provisions, the state can not treat a minor as an adult or vice-versa.

Finally, some states may have considered as adults, 18 years old who were full-time students; a state must now consider such an individual as a minor. Thus, an 18 year old full time student is considered a minor if she lives "embedded" in another household and is not subject to the time limit; in contrast, an "adult" teen parent always is subject to the time limit.

Teen Parent Requirements and Provisions in PL 104-93
--Implications of Age/Marriage/Household Status--

Provision	Applied To	Not Applied To
Required to stay in school	Teen parent who <ul style="list-style-type: none"> • is under 18 <i>and</i> • has child at least 12 weeks of age <i>and</i> • is not married 	Teen parent who is <ul style="list-style-type: none"> • 18 or 19 • 17 and younger <i>and</i> <ul style="list-style-type: none"> • married <i>or</i> • has child under 12 weeks
Required to Live with Adult Supervision ¹	Teen parent who <ul style="list-style-type: none"> • is under 18 <i>and</i> • has a child in care <i>and</i> • is not married 	Teen parent who is <ul style="list-style-type: none"> • 18 or 19 • 17 and younger <i>and</i> <ul style="list-style-type: none"> • agency determines current living arrangement is appropriate
Included in Time Limit	1. Adult ² teen parent <i>or</i> 2. Minor teen parent who is <ul style="list-style-type: none"> • head of household <i>or</i> • married to head of household 	Minor teen parent who is <ul style="list-style-type: none"> • not head of household
Counted in Participation Rate	1. Adult teen parent who is <ul style="list-style-type: none"> • in a countable work activity 2. Teen parent who is <ul style="list-style-type: none"> • under age 20 <i>and</i> • head of household <i>and</i> • not married <i>and</i> • in schooling 3. Minor teen parent who is <ul style="list-style-type: none"> • head of household <i>and</i> • engaged in work 	Teen parent who is <ul style="list-style-type: none"> • not a head of household <i>or</i> • married
Denied Medicaid at State Option	1. Adult teen parent 2. Minor teen parent who is <ul style="list-style-type: none"> • head of household 	Minor teen parent who is <ul style="list-style-type: none"> • not head of household

¹ The requirement for **Adult Supervision** falls into 2 basic tiers (states are allowed to make exceptions to the requirement):

- *First Tier:* Parent, other adult relative, or legal guardian.
- *Second Tier:* Adult supervised living arrangement such as second chance home.

² The law sometimes uses the term "minor" and other times uses specific ages. This chart tracks the law. Both terms include those 17 and under; they differ in the treatment of 18 year olds. "**Minor**" includes an 18 year old who "is a full-time student in a secondary school (or in the equivalent level of vocational or technical training)." An **adult** is defined as an individual who is not a minor child. (Sec. 419)

Participation Rate

Participation Rate: The Law

The law requires a state to meet a minimum participation rate⁵⁸ in order to get its full block grant allocation; failure to meet the standard results in a penalty of up to 5% of the state's grant in the first year with higher penalties in subsequent years on non-compliance.

There are two participation rates that are calculated. One is for "all families" which includes both single and two-parent households; the other is a separate calculation just for "two parent" families.

The "all families" participation rate applies to families with:

- adults (including "adult" teen parents) and
- teen parents who are heads of household.

If an older teen parent (usually 18, always 19 years of age) has completed schooling, she can count in the participation rate if she is in one of the activities enumerated in the law⁵⁹ (i.e. unsubsidized employment, subsidized private or public sector employment, work experience, on-the-job training, job search/job readiness, community service, vocational educational training, job skills training directly related to employment and the provision of child care to individuals participating in community service).

In addition to counting by participating in one of the above activities, a single, teen parent household head who is under age 20 counts if she:

- maintains satisfactory attendance at secondary school or the equivalent during the month; or
- participates in education directly related to employment for at least the number of hours required for the applicable year, e.g. 20 hours a week (on average) in the years before FY '99, 25 hours a week in FY '99, and 30 hours a week in FY 2000 and thereafter.

The separate "two-parent" families participation rate applies to:

- any "two-parent" family that falls within the "all families" definition; this would include a minor teen parent with an adult head of household and a minor teen parent with a minor teen head of household.

The participation rate for "two parent" families is much higher than the rate for "all families." At the same time, there are greater restrictions on the activities which count towards the participation rate. For example, in a two parent family, an individual is considered to be

"engaged in work" if the individual is "making progress". This threshold of "making progress" is not required in the "all families" rate. In addition, individuals counting towards the "two parent" rate must be engaged in work for a greater number of hours. For example, in fiscal year 1997, an individual in the "two parent" rate must be engaged for at least 35 hours per week, not fewer than 30 of which must be in specified work activities; in contrast, in the same year, an individual in the "all families" rate must be engaged for at least 20 hours per week in the specified work activities.

Participation Rate: Discussion

Do "embedded" teen parents count towards the work participation rates? Teen parents who are "embedded" in an assistance unit typically will not count towards either the "all families" or "two parent families" rate. This is because in order to count towards either rate, a teen must meet the definition of "adult" or head-of-household. Minor teen parents who are "embedded" can not count because they are neither heads-of-households nor adults.

Older teen parents who are "embedded" may or may not count towards the rates. An older teen parent considered an adult could be counted if she is engaged in an appropriate activity. However, even if she is engaged in a countable activity, she may not count toward the "all families" or "two parent" families rate if another adult in the home also is participating in countable activities. This is because the participation rate calculation is not based on the number of *individuals* in countable activities, but rather on the number of *families* in which an adult or minor head of household is engaged in countable activities. Thus, in a family with two or more adults within it who meet the required activities, the state can only count the family once. Thus, an "embedded" teen parent who is considered an adult could be the individual counted (if engaged in required activities) or another adult in the family could be counted towards the participation rates.

Is there a marriage disincentive? A state that wants to promote marriage (and education) of teens who are parents faces a tension because of participation rate rules. Teen parents who are married generally can count towards the state's "all families" and "two parent" participation rates; however, married teens can not meet the participation rates by maintaining satisfactory attendance in an educational activity. The ability to count an educational activity for teen parents is limited to those who are single heads of household. Further, if the married teens are minors they are required to participate in education as a condition of eligibility; yet, by definition, this activity is not countable towards the participation rate.

Is there a head of household incentive? Teen parents who are heads of household and engaged in school completion activities are potentially attractive to states in their effort to meet their participation rates. This should enable states to view school completion on an equal footing with other work activities for these teens. However, to the extent that the head of household is a minor teen parent, a tension arises.

If a state considers a minor teen mother as a "head of household" to help the state meet its participation rate, the designation as a "head of household" starts her clock ticking. (see "Time

Limit"). Should she need assistance beyond the allowable time, the state would only be able to access TANF funds if she and her family were aided as part of the state's 20% hardship group that is not subject to the time limit. In anticipation of this restriction, a state that wanted to count the teen in the participation rate, could choose to spend state dollars (which are not subject to the time limit restriction) on minor teen mothers who are considered heads of household.

How does the work participation rate provision relate to stay-in-school? "Satisfactory attendance" must be maintained for a single head-of-household under the age of 20 to count towards the work participation rate. Thus, a system must be in place that tracks attendance performance. Note that even if a state tracks attendance for purposes of the participation rate it need not use attendance (or the same standard of attendance) for other purposes such as determining eligibility.

"Satisfactory attendance" may or may not be part of a state's approach to determining TANF eligibility for minor teen parents. Minor teen parent eligibility is determined by whether or not she participates in an educational activity. There is no statutory definition of "participate" for purposes of minor teen parent eligibility. In the absence of federal guidance, states may establish a reasonable definition of "participate." It appears that this could be attendance⁶⁰, performance or another measure of participation in an educational activity.

Do teen parents who count compete with adults for limited education slots? There is a 20% cap on the total number of individuals who can count toward the participation rate when engaged in vocational educational training and teen parent school completion. Older and younger populations "compete" for these slots that count towards the participation rate. While the statutory language of the provision is worded to allow 20% of individuals in all families to count by participating in vocational education or by being single heads of households under 20 in school, it is unclear whether this was Congressional intent.⁶¹

Non-Custodial Parents and Grandparents

Paternity Establishment: The Law

The law increases the state's required paternity establishment rate from 75 to 90%; a state must improve each year by 2-6% until it reaches the 90% goal. The rate is based on a formula that compares the number of out-of-wedlock minor children for whom paternity has been established in a given year against the total number of children born out-of-wedlock in the preceding year. The state has a choice between measuring paternity rates statewide or in the state child support program caseload. A state must include in the state notice about the rights, responsibilities, and consequences of voluntary paternity acknowledgment "any rights afforded due to minority status."⁶²

Paternity Establishment: Discussion

Under the law, a state may tailor the state's voluntary procedures when one or both of the parents is a minor. Two central issues arise: the role of the parents of a teen and the role of the child's father if the teen mother is protected by statutory rape laws.

If one or both parents are minors, the question of whether an adult parent or guardian should be involved in the paternity establishment process needs to be considered. State laws usually preclude minors from entering into legally binding agreements without the consent of their parents or the appointment of a *guardian ad litem*; exceptions often exist for reproductive and medical decisions made by a teen. Signing a paternity affidavit - by either the mother or the father of the baby - may be considered subject to such a limitation. Thus, when a baby is born to parents and one or both is a minor, some decision has to be made as how to proceed to establish paternity for the baby. The state's interest in establishing paternity needs to be balanced with an interest in assuring that affidavits are accurate and can withstand legal scrutiny.

If one parent is a minor and the other is not, the state needs to develop a policy for situations where the state's statutory rape laws may be applicable. These laws make sexual intercourse with a person under a given age illegal, even if the sex was consensual. Every state has such a law but, until recently, they were rarely invoked. Much of the current interest has developed since new research indicates that many of the fathers of children born to teen mothers are not teens themselves. Half of the fathers of babies born to women ages 15-17 are 20 years of age or older according to one analysis. Of greater significance, may be relationships with large age differentials. One in five mothers ages 15-17 have a partner six or more years older. As the authors note, "The type of age difference suggests, at the least, very different levels of life experience and power, and brings into question issues of pressure and abuse. Data from the National Survey of Children indicate that about 18% of women 17 and younger who have had intercourse were forced at least once to do so."⁶³

If a state allows minors to sign affidavits, the state needs to examine its statutory rape laws. If a state allows for minors to sign affidavits and also presses criminal proceedings based on statutory rape laws, the state might use a paternity acknowledgment as evidence in a trial, proving the accused's guilt by his own admission. This could have the effect of making some young mothers and their older partners as well as parents of a minor, reluctant to sign paternity acknowledgments. A state needs to decide how it will resolve this potential tension.

More basically, a state needs to consider whether it should develop approaches to voluntary paternity establishment that are tailored to teens. How can the state best communicate with a teenager about the life-long advantages to the teen and her child of establishing paternity and child support when teens typically have little orientation to the future? Should a state work with teen parent service providers to design voluntary establishment procedures or should subcontracts be considered with such organizations to administer the procedures?

Some Resources: Child Support

Child Support Cooperation Issues: Implementing the Provisions of the Personal Responsibility and Work Opportunity Act of 1996. Paula Roberts. Center for Law and Social Policy. Washington, D.C.; November 1996

A Guide to Establishing Paternity for Non-Marital Children: Implementing the Provisions of the Personal Responsibility and Work Opportunities Reconciliation Act of 1996. Paula Roberts. Center for Law and Social Policy. Washington, DC; August 1996.

Analysis of Child Support-Related Provision in the Personal Responsibility Act. Vicki Turetsky. Center for Law and Social Policy. Washington, DC; October 1996.

Child Support in H.R. 3734: Key Features. Vicki Turetsky. Center for Law and Social Policy. Washington, DC; September 1996.

Cooperation and Good Cause: The Law

The new law makes child support cooperation a condition of TANF eligibility and eliminates the current federal definition of cooperation. If the state child support agency determines that a custodial parent is not "cooperating in good faith" with the state in establishing paternity or obtaining child support by providing the name of and other information about the children's father (and the parent does not qualify for any good cause or other exception), the state must impose a sanction of at least 25% of the family's assistance, and may impose a full-family sanction. Both applicants and recipients of TANF are subject to the cooperation requirement.

The law gives the state greater discretion in determining whether an individual is "cooperating in good faith" in establishing paternity. In addition, the state defines what constitutes "good cause" and other exceptions, "taking into account the best interests of the child" for not cooperating. TANF gives each state the option to implement notice and screening procedures for victims of domestic violence. Under the new law, the child support agency will begin to make the cooperation determination regarding whether an individual is cooperating. A state can decide whether the TANF agency or child support agency will conduct the intake interview or determine whether there is "good cause" for a failure to cooperate. Nothing in the law is specific to teen parents but nothing precludes a state from creating special "good cause" criteria for teen parents.⁶⁴

Cooperation and Good Cause: Discussion

The new law requires a state to make a number of decisions about how to define cooperation and good cause exceptions and how to organize cooperation policies and procedures. While non-cooperation is popularly perceived as resistance from a custodial parent, two other reasons for the "non cooperation" label being affixed to a case is an inadequate interview of the a custodial parent and interagency fragmentation between the child support and TANF agencies. If a state has a problem with case information quality, some steps in the process that might be re-tooled include (a) the interview: is there enough time, is it thorough? (b) follow-up: does the child support agency re-interview the parent or have other protocols for dealing with missing information been developed? and (c) coordination between the TANF and child support agency.

With respect to teen parents, any new procedures should take into account two issues specific to teens: parental involvement and partner's age. While women of any age may be victims of abuse, when teens are victims, it may be particularly difficult to secure the information because the abuse may relate to the partner, or it may relate to the parent (who also may have sexually abused the teen). Thus, a state should consider whether caseworkers who interview teens should have special training or whether caseworkers from another agency should be "borrowed" to undertake the interviews with teens.

It may also prove helpful to learn whether teens fully appreciate the significance of the new cooperation rules. The teen years are often described as a period in which the individual is not yet future oriented. Consequently, there is a reason for asking whether a teen parent understands what the state's sanction for non-cooperation means in terms of future TANF assistance. Similarly, does she know exactly what needs to be done to cooperate now or in the future?

Community Service for Non-Custodial Teens: The Law

Under the child support title in the law, state child support programs must have the authority to seek an order against a noncustodial parent owing support to a child receiving TANF either to require the non-custodial parent enter into a payment plan or participate in work activities.

The "Mandatory Work Requirements" section of the law includes a "Sense of Congress" provision that urges states to require minor (under the age of 18) non-custodial teen parents to "fulfill community work obligations."⁶⁵ In addition, states are urged to require that such non-custodial teen parents attend appropriate "parenting or money management classes after school."

Community Service for Non-Custodial Teens: Discussion

A "Sense of Congress" provision is not a federal mandate. It merely offers guidance with respect to Congressional attitude on a topic. In contrast, Congress could have used the new statute as an opportunity to impose school completion requirements on non-custodial minor teen parents as it does for custodial minor teen parents. On a practical level, since a state does not receive any "credit" for community work placements by non-custodial minor teen parents and because TANF assistance is limited to families with children, it is unclear whether a state will undertake this initiative.

Grandparent "Liability": The Law

The child support title of the law includes a grandparent "liability" provision⁶⁶ which gives states the option to enact a law⁶⁷ which makes collect child support orders enforceable against the parent of a non-custodial, minor teen parent if the custodial teen parent is receiving TANF assistance. The Miscellaneous title of the new law includes a "Sense of the Senate" provision⁶⁸ on the same topic. The "Sense of the Senate" provision encourages states to undertake pilot programs directed at the parents of the non-paying, minor, non-custodial teen parent. The pilot programs are to require such grandparents to pay the child support obligation or pay any financial obligations and fulfil other obligations required of the non-custodial parent such as work activities.

Grandparent "Liability": Discussion

There is limited experience with grandparent "liability" provisions and even less assessment of their efficacy. Arizona, Hawaii, and Wisconsin have enacted some type of grandparent "liability" legislation.⁶⁹ Wisconsin conducted an evaluation of its law which passed in 1985 and was sunsetted in 1989. Over a two year period, child support was ordered for grandparents in 13 cases. According to a state agency analysis, the low rate for orders "can be attributed to several factors, the most important of which is the lack of financial resources among grandparents." Other findings include that "the law does not appear to have led to a decline in the number of teen pregnancies" and "there is no evidence that the law led parents to pressure girls to have abortions or to pressure sons to deny paternity."⁷⁰

Reports/Evaluations/Studies

State Quarterly Reports: The Law

The quarterly TANF data collection and reporting requirements that states must provide the federal government do not specify information regarding teen parents.⁷¹ Among the variables that are potentially related are those that report the ages of the members in the family and those that report the relation of each family member to the youngest child.

State Reports: Discussion

The quarterly report by states will not "capture" complete information regarding how many teen parents receive TANF assistance. This is because teens who live within an assistance household are identified as parents only when their child is the youngest child in the home.

HHS Annual Reports/Research: The Law

Goals. Not later than January 1, 1997 the Secretary of HHS is to establish and implement a strategy for preventing out-of-wedlock teenage pregnancies and assuring that at least 25 percent of the communities in the United States have teenage pregnancy prevention programs in place.⁷² Not later than June 30, 1998 and each year thereafter, the Secretary is to report on the progress related to these goals.

Objectives. Each fiscal year, the Secretary is to submit a report to Congress regarding states' achievements in reaching certain objectives of the law. Among the objectives to be included in the report is whether states are "decreasing out-of-wedlock pregnancies and child poverty."⁷³

Research Effects. The Secretary is also directed to conduct research on the "benefits, effects, and costs of operating different State programs" and is to study the effects of these programs on such variables as "illegitimacy" and "teen pregnancy" among others.

Circumstances of Certain Children. A specific "Report on Circumstances of Certain Children and Families" is to be provided to the relevant Congressional committees by August 22, 1999 and annually thereafter. The report is to look at the circumstances of three groups affected by the new law: (a) children who reach a time limit; (b) children born to teen parents; and © teen parents.⁷⁴

Annual Ranking of State Out-of-wedlock Ratios. Finally, the Secretary is required to annually rank state out-of-wedlock ratios for families that receive TANF assistance. After ranking the states, the Secretary is to review the programs in the top and lowest 5 states.⁷⁵

HHS Reports/Evaluations/Studies: Discussion

The Secretary's research and reports, particularly those that look at effects and impacts, should prove more informative regarding teens and teen parents than the states' quarterly reports. Two reports merit particular comment:

The "national goals" that the Secretary is to implement by January 1, 1997 is designed to ensure that 25% of America's communities have teenage pregnancy prevention programs in place. However, there is no funding for this initiative. Absent any funds for this effort it is unclear what new activities can be undertaken. At the same time, the Secretary is required to report on progress towards the goals. The law offers no guidance with respect to a definition of a "community" nor what types of prevention programs should be in place. It may be that this report to Congress could spur some localities, which want to be highlighted, to invest further in existing or in new initiatives.

The annual ranking of state "out-of-wedlock" ratios differs from the "illegitimacy bonus" in a number of respects. First, it seeks to measure out-of-wedlock births among TANF recipients, not the state as a whole. Second, states do not receive bonuses (or penalties) as a result of the rankings. Third, the Secretary is supposed to review the ranked state programs and while no report is required, the review is probably intended to gain insights into performance.

Census Bureau SIPP and Grandparent Studies: The Law

SIPP. \$10 million is appropriated so that the Census Bureau can continue to collect Survey of Income and Program Participation (SIPP) data with particular attention to a number of issues including out-of-wedlock birth.⁷⁶

Grandparents as Primary Caregivers. The Census Bureau is required to expand an existing census question on households with grandparents and grandchildren.⁷⁷ The expanded question is to identify where grandparents are temporary caregivers and those where the grandparents are the primary caregivers.

Census Bureau Studies: Discussion

The SIPP data should prove helpful; the expanded grandparent question is designed to identify the nature of grandparent caregiving when the parent is absent - thus, it will not give insight into the circumstances of three or more generations living together (such as minor and older teen parents who live with their own parents).

Medicaid

Medicaid: The Law

Under the new law, a state has the option to terminate Medicaid if an individual's TANF cash assistance has been terminated based on a refusal to work.⁷⁸ Under this provision, a state may terminate Medicaid for a minor head of household, but the state does not have the authority to terminate Medicaid to other minors on this basis.

Medicaid: Discussion

A teen parent who is not a minor and a teen parent who is a minor head of household can, at state option, lose eligibility for Medicaid if as a recipient of TANF cash assistance she has been sanctioned for a refusal to work. Work for a minor parent typically means school completion activities. For an older teen parent it can sometimes mean school or vocational training or standard work activities.

The option to terminate only applies to those individuals who receive *cash* assistance not those who receive in-kind services or near-cash.

It is unclear whether a state, if it opts to deny Medicaid, could apply the provision to some groups and not others. For example, might the state apply the disqualification to adults who "refuse to work," but not to teen parents or not to minor teen parents who are heads-of-household?

Child Care

Child Care Funding: The Law

The new law eliminates the AFDC child care, transitional child care, and at-risk child care along with the guarantee of child care assistance for families participating in welfare/work activities. Instead, the law creates a single program called the Child Care and Development Block Grant which provides funding through a capped entitlement and discretionary funding.⁷⁹

Child Care Funding: Discussion

Nothing in the child care title is specifically targeted at the teen parent population. There is a requirement that states use a minimum of 4% of their funds for improving child care quality, providing education, and "availability". In light of the law's stay-in-school provisions, states may be interested in developing school-based or near-school child care capacity; the set-aside might be tapped for this purpose.⁸⁰

Under Age One: The Law

Under the new law each state is given the option to exempt from participation a single custodial parent with a child under the age of one.⁸¹ A state that chooses this option can disregard the parent in the calculation of the state's participation rate.

Under Age One: Discussion

The relatively high cost of infant care provided the impetus for offering states the option to exclude custodial parents with a child under age one from the participation rate. If a state excludes these parents from participation, the state's participation rate is held harmless.

Minor teen parents who are heads of households can count in the participation rate. A state, however, might want to exclude such minors from the participation rate for the same reason a state might want to do so for older parents with children under one. For example, a state may find the high cost of infant care difficult to balance with the demands for child care created by the new law. However, a state that wants to provide TANF federal assistance to a minor teen parents must require them to participate in education. Thus, while a state could apply the participation rate exemption to minor teen parents, the state nevertheless, must require that the minor teen parent participate in an educational activity in order to receive TANF federal assistance.

Under Age Six: The Law

Under the new welfare law, there is no guarantee of child care. However, if a single custodial parent has a child under the age of 6, that parent cannot be sanctioned for a refusal to work if the parent "proves...a demonstrated inability (as determined by the State) to obtain child care".⁸²

Under Age Six: Discussion

A single teen parent head of household may count towards a state's participation rate if the individual satisfactorily attends secondary school, its equivalent, or employment directed education. If the teen parent can not secure child care is she protected from sanction in accordance with the under age six provision? It is unclear how this question will be resolved. The provision precludes a sanction of an individual "based on a refusal...to work." It is not clear if "work" applies to other required activities such as school or employment-related education.

This ambiguity has even greater consequences for minor mothers. States must require minor mothers to "participate" in education in order to be eligible for assistance. If the minor mother can not secure child care, does the "under age six" provision apply or does the "participate in education" provision apply? In other words, can a minor mother be denied eligibility for TANF federal assistance because she needs, but can not find, child care? In the absence of federal guidance, states may want to minimize the number of situations in which the lack of child care is a barrier to participation.

Food Stamps

Living at Home: The Law

The Food Stamp title makes a change in the food stamp program's treatment of children living at home.⁸³ Under the Food Stamp Act, food stamps are provided to eligible "households" and the law expressly defines who must be included in the household. Under prior law, part of the definition has been that "parents and their children 21 years of age or younger" were considered a single household when they lived together; however, an exception had been made when the 21 year old or younger individual was also a parent living with a child or was married. The exception was eliminated in the new law. As a result, a teen parent residing with her parent or parents cannot establish a separate food stamp household.

Living at Home: Discussion

The capacity to establish separate households in the food stamp program typically increases the amount of food stamps that are available. Accordingly, the restriction on separate household status means that married young couples (age 21 or younger) and unmarried parents (age 21 or younger) will receive fewer food stamps when they live with their parents than they would have under prior law. The food stamp household definition has not changed for those 21 and under who live with other relatives besides their parents.⁸⁴ Thus, 18 and 19 year old teen (and 20 and 21 year old) parents and married couples who live with relatives other than their parents may be able to have more food than if they lived at home with their parents.

Earnings of Students: The Law

The food stamp program considers the income of students in determining the household's food stamp allotment. Before the new welfare law, the earnings of students had been disregarded until the student turned 22. Under the new law, the food stamp program will only disregard earnings of students through age 17.⁸⁵

Earnings of Students. Discussion:

The food stamps available to a working teen or teen parent ages 18 and 19 who are also in school (as well as for young adults 20-21) will be reduced when the earning are treated as income. This could have several different effects. It could discourage work effort by students; alternatively, it could discourage education by young workers; or, it could provide less food assistance to young families where the parent is both a student and a worker. There is no similar requirement under TANF, where states are free to develop their own policies concerning treatment of earning of a teen or teen parent.

Organizations

The following lists some of the organizations around the country which publish materials related to adolescent pregnancy prevention and teen parents.

Advocates for Youth
1025 Vermont Avenue
Suite 200
Washington, DC 20005
(202) 347-5700

The Alan Guttmacher Institute
121 Wall Street
21st Floor
New York, NY 10005
(212) 248-1111

Center for Assessment and Policy Development
111 Presidential Boulevard
Suite 234
Bala Cynwyd, PA 19004
(610) 664-4540

Center on Budget and Policy Priorities (CBPP)
820 First Street, NE
Suite 510
Washington, DC 20002
(202) 408-1080

Center for Law and Social Policy (CLASP)
1616 P Street, NW
Suite 150
Washington, DC 20036
(202) 328-5140

Children's Defense Fund (CDF)
25 E Street, NW
Washington, DC 20001
(202) 628-8787

Child Trends, Inc.
4301 Connecticut Avenue
Suite 100
Washington, DC 20008
(202) 362-5580

Education, Training and Research Associates (ETR)
PO Box 1830
Santa Cruz, CA 95061
(408) 438-4081

National Adolescent Health Information Center (NAHIC)
University of California- San Francisco
505 Tarnassus Avenue
San Francisco, CA 94143
(415) 502-4856

The National Organization on Adolescent Pregnancy, Parenting and Prevention (NOAPPP)
4421-A East West Highway
Bethesda, MD 20814
(301) 913-0380

Planned Parenthood Federation of America
810 7th Avenue
12th Floor
New York, NY 10019
(212) 541-7800

Population Affairs, Dept. of Health and Human Services
4350 East West Highway
Suite 200 West
Bethesda, MD 20814
(301) 594-4000

Program Archive on Sexuality, Health and Adolescence (PASHA)
Sociometrics Corporation
170 State Street
Suite 260
Los Altos, CA 94022-2812
(415) 949-3282

Progressive Policy Institute (PPI)
518 C Street, NE
Washington, DC 20002
(202) 547-0001

The Robin Hood Foundation
111 Broadway
19th Floor
New York, NY 10006
(212) 227-6601

Sexuality Information and Education Council of the United States (SIECUS)
130 W. 42nd Street
Suite 350
New York, NY 10036
(212) 819-9770

Endnotes

1. Child Trends, Inc. Facts at a Glance. Washington, DC; October 1996.
2. State data are available through 1994; preliminary national data for 1995 indicates the trend has continued nationally. Child Trends, Inc. Facts at a Glance. Washington, DC; October 1996.
3. Child Trends, Inc. Facts at a Glance. Washington, DC; October 1996.
4. Harry Rosenberg, Stephanie Ventura, Jeffrey Maurer, Robert Heuser, and Mary Anne Freedman. "Births and Deaths: United States, 1995." Monthly Vital Statistics Report. Vol. 45, No 3, Supplement 2. October 4, 1996. (Preliminary Data from the Centers for Disease Control and Prevention/National Center for Health Statistics/U.S. Department of Health and Human Services)
5. Child Trends, Inc. Facts at a Glance. Washington, DC; October 1996.
6. 7% figure derived from: 267,181 AFDC teen parent recipients; 377,208 adult female recipients. HHS/ACF/OFA. Aid to Families with Dependent Children: Characteristics and Financial Circumstances, October 1994-Septembers 1995. Washington, DC; June 28, 1996.
7. "...about 42 percent (of single women receiving AFDC) were or had been teenage mothers. This proportion remained roughly the same throughout the 17 year time period..." GAO/HEHS 94-115. AFDC Women Who Gave Birth as Teenagers. Washington, DC; May 31, 1994.

The proportion of all AFDC recipients who were age 19 or younger when they first became mothers was estimated at 54% in 1975; 55% in 1984; and 51% in 1990. Child Trends, Inc. Facts at a Glance. Washington, DC; March 1993.
8. The National Longitudinal Survey of Youth (1978-1984) showed that 51% of all adolescent mothers (ages 15-19 at birth of the child) did not receive AFDC benefits during the initial 5 years after their first birth; among single adolescent mothers, 50% received AFDC benefits within a year after giving birth; and 77% received AFDC benefits within 5 years after giving birth. Among married adolescent mothers, 7% received AFDC benefits within a year of giving birth and 25% received them within five years after giving birth. Congressional Budget Office. Sources of Support For Adolescent Mothers. Washington, DC; September 1990.
9. H.R. 4, The Personal Responsibility Act, would have provided assistance to a minor teen parent as long as she married the other parent or the child was adopted by the spouse; thus, benefits would have been available if two 15 year olds married and were otherwise eligible or if a 14 year old married a 34 year old and the couple were otherwise eligible. Children born out-of-wedlock could not receive cash assistance, but at state option, could receive vouchers.
10. Sara McLanahan and Gary Sandefur. Growing up with a Single Parent: What Hurts, What Helps. Harvard University Press. Cambridge, MA; 1994.

11. Title I, Sec. 101

12. The provision reads, "...policy contained in part A of title IV of the Social Security Act (as amended by section 103(A) of this Act) is intended to address this crisis in our Nation."

13. The risk of high school drop out and the risk of teen birth is greatest for children born out-of-wedlock but the differences in these outcomes with children from divorced families is relatively modest. Relying on the National Survey of Families and Households researchers found that "children born to an unmarried mother are 6 percentage points more likely to drop out of high school than children whose parents divorce. The difference is statistically significant but not very large...A similar pattern appears when we look at teenage motherhood. Young women who were born out-of-wedlock have a slightly higher chance of becoming a teen mother as young women whose parents divorced." There is a "4 percentage point difference [that] is not statistically significant..." Sara McLanahan and Gary Sandefur. Growing up with a Single Parent: What Hurts, What Helps. Harvard University Press. Cambridge, MA; 1994.

14. Department of Health and Human Services."The Consequences of Nonmarital Childbearing for Women, Children, and Society." Report to Congress on Out-of-Wedlock Childbearing. Washington, DC; September 1995.

15. Title I, Sec. 401

16. Title I, Sec. 402

17. Title I, Sec. 906 (b)

18. Title I, Sec. 403 (a)(2) is titled "Bonus to Reward Decrease in Illegitimacy." However no other part of the section uses the term "illegitimacy". Rather, in describing how the bonus system will work, states are supposed to pursue "out-of-wedlock" data. The term "illegitimacy" is controversial. It has been out of favor for decades because of its inherent suggestion that some children are "illegitimate" and a concern that this stigmatization is not helpful in the growth and development of children.

19. The younger the mother, the more likely it is that she first conceived and gave birth outside of marriage: 81% of first births to women ages 15-17 were non-marital; 59% of first births to women ages 18-19 were non-marital. In contrast, 27% of first births to women age 20-24 were non-marital. The Alan Guttmacher Institute. Sex and America's Teenagers. New York; 1994. Citing: A. Bachu. Fertility of American Women. June 1990.

20. Of the first births to women ages 15-17 an additional 11% conceived non-maritally were "legitimated" by a birth that occurred while married ; for women ages 18-19 there were an additional 19% and for women ages 20-24 an additional 15% were "legitimated". The Alan Guttmacher Institute. Sex and America's Teenagers New York; 1994. Citing: A. Bachu. Fertility of American Women. June 1990.

21. Within five years of giving birth, those who married as adolescents (ages 14-17) were four times more likely to divorce or separate than those who married at age 20 or older.

- Congressional Budget Office. Sources of Support for Adolescent Mothers. Washington, DC; 1990.
22. Frank Mott. "The Pace of Repeated Childbearing Among Younger American Mothers." Family Planning Perspectives. Vol. 19, No. 1, 1986; p. 5-12.
23. Carol Roye and Sophie Balk. "The Relationship of Partner Support to Outcomes for Teenage Mothers and Their Children: A Review" Journal of Adolescent Health. August, 1996.
24. Stanley Henshaw. U.S. Teenage Pregnancy Statistics. The Alan Guttmacher Institute. New York; May 30, 1996.
25. Stanley Henshaw and Jennifer Van Vort. "Abortion Services in the United States 1991 and 1992." Family Planning Perspectives. May/June 1994.
26. Stanley Henshaw. "The Impact of Requirements for Parental Consent on Minors' Abortions in Mississippi." Family Planning Perspectives. May/June 1995.
27. The mother's marital status was inferred in five states that lack a direct question about marital status on the birth certificate (California, Connecticut, Michigan, Nevada, and New York). "Technical Notes." Monthly Vital Statistics Report. Vol. 45, No.3(S)2, October 4, 1996.
28. "Abortion Patients in 1994-1995: Characteristics and Contraceptive Use." Family Planning Perspectives. July-August 1996. The 5 states which did not report data were Alaska, California, Iowa, New Hampshire, and Oklahoma. As of 1995, Alaska reports data leaving four states not reporting data (conversation with Jack Smith, Centers for Disease Control)
29. Title I, Sec. 403 (a)(4)
30. The "Family Assistance Grant" is the statute's term for the federal funds a state is to be paid under TANF.
31. Title I, Sec. 408 (a)(6)
32. 42 U.S.C. 602(a)(15)
33. Robert Hatcher, James Trussell, Felicia Steward, Gary Stewart, Deborah Kowal, Felicia Guest, Willard Cates, Michael S. Policar. Contraceptive Technology (16th Revised Edition). Irvington Publishers. New York; 1994.
34. Title IX, Sec. 912
35. Title V of the Social Security Act (42 U.S.C. 701)
36. Title V, Sec 502(c)(1)(B)(ii)
37. Title V, Sec. 503 (42 U.S.C. 703)

38. In "State Block Grant Application Guidance with Needs Assessment," MCH lists these 18 national objectives from among the many objectives contained in Healthy People 2000 and notes that "states are encouraged to consider these objectives."

39. Title I, Sec.408(a)(4)

40. HHS. "Selected Major Provisions of Approved State Welfare Reform Demonstrations as of June, 1996." Washington, DC; 1996. See also: Mark Greenberg and Steve Savner. CLASP Guide to Welfare Waivers (updated edition forthcoming). Center for Law and Social Policy. Washington, DC.

41. Manpower Demonstration and Research Corporation. LEAP: Three Year Impacts of Ohio's Welfare Initiative to Improve School Attendance Among Teenage Parents. New York; April 1996.

42. Modest effects observed in the previous semester diminished by the third semester. Wisconsin Legislative Audit Bureau. Wisconsin's Learnfare Program. Madison, WI; May 1996.

43. A provision in the new law asserts that states "shall not be prohibited" from sanctioning an adult receiving TANF benefits who fails to ensure that a minor child attend school in accordance with state law. This provision, Sec. 404 (I) is redundant of the authority states automatically have under TANF. The provision also permits sanctions under the food stamp program because of a failure to ensure school attendance.

Another provision in the law, Sec. 404 (j) is redundant of the authority states automatically have under TANF. This provision allows states to sanction families with adults 21-50 who do not have or who are not working towards a secondary school diploma or equivalent. The provision also allows such sanctions under the food stamp program.

44. Title I, Sec.407

45. Child Trends, Inc. Facts at a Glance. Washington, DC; October 1996.

46. In Wisconsin, one study showed that 20 % of all youth sanctioned in Milwaukee County were in families identified as having possible or documented problems with abuse or neglect; and 21% of the teens sanctioned had been in the children's court system (either as children in need of protective services or as delinquents). In Maryland, one analysis found that 33% of the AFDC recipients that were sanctioned for four or more months had been in the child welfare system at some point between 1983 and 1993. Center for Law and Social Policy. Family Matters. Winter 1994, Vol. 6, No. 1, p. 14. Washington, DC.

47. Title I, Sec. 402 (a)(1)(B)(iii)

48. Title I, Sec. 408 (a)(5)(A)

49. 42 U.S.C. Sec 602 (a)(43)(A)and (B)(I-v). Under the FSA, a state could not impose the residency requirement if: the parent or guardian of the minor parent were deceased or absent or would not allow the minor parent to live with him/her; the physical or emotional health of safety of the minor parent and/or child would be put in jeopardy they lived with the minor parent's parent or guardian; the minor parent had lived on her own for more than one year prior to the birth of the child or the application for AFDC, or the state found that there was other good cause to waive the requirement.

50. HHS "Selected Major Provisions of Approved State Welfare Reform Demonstrations as of June 1996." Washington, DC; 1996. See also: Mark Greenberg and Steve Savner. CLASP Guide to Welfare Waivers (updated edition forthcoming). Center for Law and Social Policy. Washington, DC.

51. HHS/ACF/OFA. Aid to Families with Dependent Children. Characteristics and Financial Circumstances October 1994-September 1995. Washington, DC; June 28, 1996.

52. Bureau of Research and Analysis, Illinois Department of Public Aid. Minor Parents Who Are Heads of Household: By Living Arrangement. Springfield, IL; October 15, 1996.

53. A National Center on Child Abuse and Neglect study undertaken in the state of Washington reviewed the life experiences of 535 young women who had become pregnant as adolescents. The study found that among the sample group:

- 66% reported that they had been sexually abused (molestation, attempted rape, or rape);
Regarding molestation:
- 55% reported having been sexually molested (including contact molestation or non-contact molestation - such as having sexual photographs taken when such activity was not wanted
- 54% of those who reported having been molested said they were victimized by a family member -14% by their father, 21% by their stepfather, 9% by their mother's boyfriend, 16% by an uncle, 20% by a cousin, 9% by a grandfather, 6% by a brother and 5% by other relatives.

Debra Boyer and David Fine. Victimization and Other Risk Factors for Child Maltreatment Among School Age Parents: A Longitudinal Study. ACF/HHS No. 90-CA-1375. Washington, DC; 1990.

54. While the name may be new, the concept of second chance homes is not. In 1982, in Private Crisis, Public Cost: Policy Perspectives on Teenage Childbearing, Kris Moore and Martha Burt of the Urban Institute recommended a number of AFDC teen mother welfare strategies, including "shared housing with two or more teen mother/child pairs, sharing expenses and child rearing responsibilities."

55. Progressive Policy Institute. Second Chance Homes Update. Washington, DC; November 1996.

56. Title I, Sec. 408 (a)(7)(B)

57. HHS/ACF/OFA. Aid to Families with Dependent Children: Characteristics and Financial Circumstances, October 1994-September 1995. June 28, 2996.

58. Sec.407(b)

59. Title I, Sec. 407 (d)

60. Title I, Sec. 407 (h)

61. The legislative history, including the description of this provision in the Conference Report, suggests that Congress may have intended to more sharply restrict access to vocational educational training by limiting the number of such participants who might be counted as engaged in work (together with teen parents attending school) to 20% of all individuals who the state counts toward the participation rate for any month, rather than 20% of all individuals receiving aid.

62. Title III, Sec. 331

63. David J. Landry and Jacqueline Darroch Forrest. "How Old Are U.S. Fathers?" Family Planning Perspectives. Volume 27, Number 4, July/August 1995

64. Title III, Sec. 333

65. Title I, Sec. 407 (h)

66. Title III, Sec. 373

67. The statute is ambiguous regarding the option. It could mean the state has the option to enact a law; alternatively, it could mean the state is required to pass a law which gives the state the authority to impose a "grandparent liability" provision under circumstances the state determines.

68. Title I, Sec. 904

69. Arizona Revised Statute 12-850; Hawaii Revised Statute 584-15(f); Wisconsin Act 56, the "Abortion Prevention and Family Responsibility Act of 1985." At least two other states - South Dakota and Ohio - have enacted grandparent "liability" measures.

70. Bureau of Evaluation, Division of Policy and Budget, Wisconsin Department of Health and Social Services. Summary of the Final Report on The Grandparent Liability Provisions of 1985 Wisconsin Act 56." November, 1988.

71. Title I, Sec. 411 (a)

72. Title I, Sec. 905

73. Title I, Sec. 411 (b)

- 74. Title I, Sec. 413 (g)
- 75. Title I, Sec. 413 (e)
- 76. Title I, Sec. 414
- 77. Title I, Sec. 105
- 78. Title I, Sec. 114
- 79. Title VI, Sec. 418
- 80. Title VI, Sec. 658G
- 81. Title I, Sec. 407 (b)(9)
- 82. Title I, Sec. 407 (c)(2)(B)
- 83. Title VII, Sec. 803
- 84. 7 U.S.C. 2012 (I)
- 85. Title VIII, Sec. 807