DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814

4/25/97

ALL COUNTY INFORMATION NOTICE NO I-26-97

REASON FOR THIS TRANSMITTAL

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

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY CAL LEARN COORDINATORS
CAL-LEARN CASE MANAGEMENT CONTRACT AGENCIES
ALL COUNTY CHILD WELFARE SERVICES PROGRAM MANAGERS
ALL COUNTY AFDC PROGRAM SPECIALISTS

SUBJECT: MINOR PARENT REQUIREMENT (TEEN PREGNANCY DISINCENTIVE) FOR THE AID TO FAMILIES WITH DEPENDENT CHILDREN (AFDC) PROGRAM

REFERENCE: ACL 96-65, ACL 97-117, ACIN I-57-96, ASSEMBLY BILL (AB) 908, Chapter 307, Statutes of 1995

The purpose of this transmittal is to provide County Welfare Departments (CWDs) with the attached series of questions and answers pertaining to the minor parent requirement regulations in the Aid to Families with Dependent Children (AFDC) program. These regulations are effective May 1, 1997. ACL 97-17 provided answers to a series of questions asked by counties since the distribution of ACL 96-65 which transmitted the proposed AFDC regulations for this provision.

If you have any additional questions regarding the new minor parent requirement's effect on the AFDC program, please contact Judy Miller at (916) 657-2257 or CALNET 437-2257.

Sincerely,

Bruce Wagstaff

BRUCE WAGSTAFF
Deputy Director
Welfare Programs Division

Attachment

April 1, 1997

AFDC MINOR PARENT REQUIREMENT QUESTIONS AND ANSWERS

GENERAL

1. **When a minor parent moves out of an unaided senior parent's home and neither the senior parent nor the minor parent reports the change timely, who is charged with the overpayment?**

   If the minor parent who has his/her own assistance unit (AU) moves out of the home, a new CA 25 must be completed to determine whether the minor meets an exemption.

   - If the minor remains eligible for AFDC, there is no overpayment.
   - If the minor parent moves out of the home and is no longer eligible for AFDC, then the minor parent is responsible for the overpayment.
   - If the minor parent is included in the senior parent's AU, then the senior parent is responsible for the overpayment.

APPLICATION/PROCESSING

2. **If the adult refuses to act as payee on behalf of the minor parent, must the adult check the appropriate box and sign the CA 25A or is a lack of the adult's signature sufficient?**

   The lack of the adult's signature in and of itself is not sufficient verification to confirm that the adult refuses to become payee. The eligibility worker (EW) must verify and document the minor parent's attempt to obtain the adult's signature and that the adult refused to sign the payee consent form. If the minor parent fails to return the CA 25A, the EW must determine why the form was not returned. If the minor parent failed to cooperate, the entire AU is ineligible. If the senior parent refuses to cooperate, the minor parent can become the payee.

3. **When a minor parent applies for AFDC and indicates that he/she cannot return home due to a health and safety factor, can Immediate Need (IN) or Homeless Assistance (HA) be paid prior to the Child Protective Services (CPS) determination?**

   Yes. IN or HA payments can be issued if the minor is otherwise eligible. The minor parent's application for IN or HA is treated just like any other applicant's request. If the minor parent appears to be otherwise eligible, IN or HA can be authorized. For

IN, the EW has 15 working days in which to verify the applicant's eligibility. If Child Welfare Services (CWS) does not return the completed CA 25 indicating the results of the CPS investigation within this timeframe, then the remainder of the regular AFDC payment must be issued. Once the aid payment is issued, if the CA 25 is returned indicating that the minor parent can live with her parents, and the minor parent refuses to live in an appropriate living arrangement, then an overpayment exists for the entire amount of the aid payment. For HA, if the minor parent is determined to be ineligible, an overpayment would be incurred.

4. **If the minor parent is currently the payee, but, as a result of the minor parent provisions, the senior parent becomes payee, is a notice of action (NOA) required to inform the minor parent of this change?**

   Yes. In accordance with MPP Section 22-001(a), adequate notice requirements would apply in this situation. This is because the minor parent is the AFDC recipient who is being affected by the payee status change.

5. **How do we treat a minor parent who recently moved to California from another state when the senior parents are still living in the other state?**

   The same minor parent requirement applies to all minor parents regardless of where they lived prior to applying for AFDC. The minor parent must live in an acceptable living arrangement or meet one of the exemptions to be eligible for AFDC.

6. **If the minor parent is ineligible due to the senior parent deeming computation, is the minor parent required to comply with child support requirements?**

   Yes. The minor parent must comply with child support requirements for her child.

7. **When the minor parent lives in an adult-supervised supportive living arrangement, who receives the NOA and other correspondence from the county welfare department (CWD)?**

   The payee of the minor parent's case will receive the NOA and other correspondence from the CWD. When the adult in the minor's home signed the CA 25A, he/she agreed to pass-on all CWD correspondence to the minor parent.

8. **If the minor parent is ineligible and is not included in the AU due to senior parent deeming, is the Supplemental Monthly Income Report (CA 73) required monthly?**

Yes. If a reduction in the senior parent's income would make the minor parent eligible to be included in the AU, the minor parent must be included in the AU due to mandatory inclusion rules. The completion of the CA 73 ensures that the senior parent's income is tracked so that the minor can be added to the AU when the senior parent's income no longer makes the minor parent ineligible for assistance.

9. **How does confidentiality of both the minor and the senior parent affect contact between the CWD and the senior parents?**

When the minor parent completes the CA 25, the minor gives the CWD the authority to verify the information provided on the form. The CWD may contact the senior parents to inform them that the minor has applied for AFDC and to verify the information provided regarding the exemption being claimed. However, if the senior parents have moved since the minor left that home, the CWD should request the senior parent's permission to release pertinent information to the minor.

ELIGIBILITY

10. **The minor parent states that she does not know where her parents are currently living and aid is granted. A few months later, the district attorney locates the parents and discovers that the minor had run away from home shortly before applying for aid. The parents then contact the EW to find out where the minor is currently living because they want her to return home. What should the EW do?**

The EW should contact the minor parent and inform her that her parents have informed the CWD that she ran away from home prior to applying for aid and that her parents want her to return home. In addition, she should be informed that, as a result of these circumstances, she is not eligible for AFDC because there is no basis for an exemption. The EW should send the minor a NOA discontinuing the minor's case and another NOA informing the minor that an overpayment exists for the entire period she received AFDC because she did not meet an exemption allowing her to live independently.

11. **A minor parent applies for aid and requests an exemption from the minor parent rules claiming that her parent's whereabouts are unknown. The CWD has information that indicates that the senior parents are on aid in another county. How is this handled?**

The CWD should contact the other CWD to obtain any additional information on the minor parent and his/her family. The CWD can contact the senior parents to inform them that the minor has applied for AFDC in another county. If the minor parent previously resided with the senior parents at the senior parent's current residence, then the minor parent must be notified that her claim that her parents' whereabouts are unknown is unfounded and that she must return to the home of her senior parent or another relative or meet another exemption criteria in order to be eligible.

12. **Can a minor parent be exempt from living in the senior parent's home if the minor claims that her child was conceived as a result of incest or rape by the senior parent or an adult male residing in the home?**

Yes. If the CPS worker determines that it is unsafe for the minor to return to that home. When a minor parent makes this kind of allegation, her case should be referred to CWS for a CPS investigation. Based upon the CPS findings, the EW will determine whether an exemption applies.

13. **If both minor parents live together and apply for AFDC, who has to meet the exemption criteria?**

Each minor parent must be living in an appropriate adult-supervised living arrangement or meet one of the specified exemption criteria to be eligible for AFDC. If only one of the minor parents meets this condition of eligibility, only that minor parent and the baby are aided. The minor parent who does not meet the minor parent provisions is excluded from the AU. The excluded minor parent's income is treated in accordance with MPP Section 44-133.3.

14. **If the minor parent lives with the adult father of the baby, does she meet the definition of living in an acceptable adult-supervised living arrangement?**

No. The father of the baby does not meet the definition of an acceptable adult-supervised living arrangement because he is not a caretaker relative of the minor mother. However, if the minor parent meets an exemption criteria and the adult father meets the deprivation criteria related to unemployment or disability, the minor parent, adult father and child can be aided.

15. **What verification should the CWD obtain when the minor parent alleges that the senior parent will not allow the minor parent to live at home?**

When the minor parent states that the senior parent will not allow him/her to move back home, a written or verbal statement from the senior parent is required. If the minor parent cannot produce such a statement, then a confirming telephone call or letter can be substituted. If no other verification can be obtained, then a written statement from the minor parent can be used as verification.

16. **When the senior parent is deceased, what kind of verification is required?**

The minor parent can provide a death certificate or written statement from an adult relative who can confirm that the parent is deceased.

SERVICES

17. **Are all minor parents who meet any of the exemption criteria referred to CWS for minor parent family maintenance services?**

No. Legally emancipated minors are not referred for minor parent services because they are treated as adults. In addition, if the minor parent is living in an acceptable living arrangement at the time the CA 25 is completed, there is no need to confirm a potential exemption. For example, the minor parent has lived apart from the senior parent for fifteen months, but is now living with a grandparent, no referral is necessary. However, if the minor parent moves to another location that qualifies as an independent living arrangement, the minor must then complete a new CA 25, an exemption must be verified and the minor referred to CWS for minor parent services.

18. **If the minor parent disagrees with the results of the CPS investigation which caused her to be ineligible for AFDC, can the minor appeal the denial/discontinuance?**

Yes. The minor parent can appeal the denial or discontinuance of AFDC which is based on the CPS determination. If the minor makes a timely appeal to her discontinuance, she would receive aid paid pending. The CWD can choose to perform another CPS investigation or wait for the hearing decision.

GRANT COMPUTATION

19. **When the minor parent regulations are implemented, prospective budgeting is used for applicants. For ongoing recipients, are the new senior parent deeming provisions implemented prospectively or retrospectively?**

The minor parent deeming requirements are effective on May 1, 1997 for both applicants and recipients. For cases in retrospective budgeting, the senior parent deeming provisions should be applied retroactively using the senior parent income from the budgeting month of March 1997 to the payment month of May 1997. Underpayments must be corrected as necessary. For purposes of identifying affected cases, the CWD must review minor parent cases by the first redetermination subsequent to July 1, 1997, if they have not been processed at an earlier date. Since the deeming provisions are effective May 1, 1997, any underpayments which occur must be corrected.

20. **How is the minor parent's grant computed if the senior parent has no income which can be deemed to the minor parent, i.e., senior parent receives Supplemental Security Income/ State Supplementary Payment (SSI/SSP) or has a small income, but the minor parent has income?**

When the minor parent lives with his/her senior parent, the normal senior parent deeming rules apply. All countable deemed income from the senior parent is added to the minor parent's income when computing how much income is attributed to the minor parent's AU. The grant amount is the greater of the calculated aid payment amount or the Maximum Aid Payment (MAP) for the minor's child(ren).

The senior parent deeming requirement is applicable even if the senior parent receives SSI/SSP or has a small income which results in no income being deemed to the minor parent's AU. Therefore, as long as the minor parent is living with the senior parent and is included in the AU, the grant for the minor parent's AU is based on the greater of the actual grant amount calculated pursuant to MPP Section 44-315.3 or the MAP for the minor parent's child(ren).

21. **If the minor parent's eligibility is suspended for a month because of a temporary increase in senior parent income, is the minor parent's child(ren) still eligible to receive a grant based on a MAP for the child(ren)?**

Yes. The minor parent's eligibility is in suspense and still considered to be aided with his/her child. The minor parent's child(ren) is still eligible to receive the greater of the actual amount calculated pursuant to MPP Section 44-315.3 or the MAP for the minor parent's child(ren).

22. **When a minor parent moves home to live with the senior parent and the senior parent is receiving aid, will the AUs be combined?**

Yes. The minor parent is required to be included in the senior parent's AU if the senior parent is receiving aid for the minor parent's sibling(s). This is based on mandatory inclusion rules in MPP Section 82-820.3.

23. **What happens when the minor parent turns 18? Does the senior parent deeming stop in the month the minor turns 18 for cases where the minor is aided in his/her own AU, or does it continue to be retrospectively budgeted? Does it make any difference if the minor parent is included in the AU with the senior parent or if the minor parent is in her own separate AU?**

In cases where the minor is aided in his/her own AU, deeming of the senior parent's income would no longer apply beginning with the month following the minor's 18th birthday. In cases where the minor is aided in the senior parent's AU, the minor may be aided in his/her own AU after he/she meets age requirements in which case the senior parent's income would not apply to the minor's case.

24. **How is the grant of a pregnant minor with no other dependent child calculated? Does the MAP for one still apply?**

The minor parent deeming provisions do not apply until the child is born. Therefore, the normal eligibility and grant determination rules are applied to the pregnant minor if she has no other dependent child living with her.

25. **How is the grant computed when the minor mother and baby's father live with the minor mother's senior parent? Who is included in the baby's AU?**

Since the minor mother lives with her senior parent, senior parent deeming provisions apply. The income deemed from the senior parent is combined with any income received by either the minor mother or the baby's father to determine whether the minor mother should be included in the AU. If the baby's father is also a minor, he would have to meet an exemption to be included in the AU. If the minor mother is included in the AU, regardless of whether the baby's father is included or excluded, the potential aid payment is based on the greater of the actual grant calculated pursuant to MPP Section 44-315.3 or the MAP for the minor's child(ren). If the minor mother is excluded, then she is treated like an excluded parent and the income from the father is calculated using normal grant computation rules.

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Subject
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