



FAMILY INDEPENDENCE ADMINISTRATION

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POLICY DIRECTIVE #08-35-ELI

(This Policy Directive Replaces PD #99-58)

UNMARRIED MINOR PARENTS/PREGNANT MINORS

| Date: September 4, 2008 | Subtopic(s): Eligibility |
|-----------------------------------|--|
| AUDIENCE | The instructions in this policy directive are for staff at the Job Centers and information for all others. |
| POLICY | <p>Federal and state welfare reform acts require that as a condition of eligibility for Cash Assistance (CA), unmarried minor parents/pregnant minors (under 18 years of age) must:</p> <ul style="list-style-type: none"> reside with a parent, legal guardian, adult relative or in an adult supervised situation; and be enrolled in an educational program that will assist in attaining a high school diploma or a General Education Diploma (GED). Unmarried pregnant minors are not required to fulfill educational requirements until the newborn is 12 weeks old. |
| BACKGROUND | The inclusion of the above policies in the federal and state welfare reform acts are intended to combat the rising number of out-of-wedlock births, which increase welfare use and long-term dependency. |
| Living Arrangement Requirement | As a condition of eligibility for Family Assistance (FA) and Safety Net Federally Participating (SNFP), unmarried minor parents/pregnant minors under 18 years of age who live with and provide care for a dependent child, must reside with a parent, legal guardian, an adult relative or live in an adult supervised setting. However, they are not required to live in the household of a parent, legal guardian, or other adult relative if any of the following conditions exist: |

HAVE QUESTIONS ABOUT THIS PROCEDURE?
Call 718-557-1313 then press 3 at the prompt followed by 1 or
send an e-mail to *FIA Call Center*

Exemptions from the Living Arrangement Requirement

- The minor has no living parent, legal guardian, or other appropriate adult relative whose whereabouts are known;
- The minor has no parent, legal guardian, or other adult relative who will allow him or her (and the child) to live in his or her home;
- The minor or his/her child has been subjected to serious physical or emotional harm, sexual abuse or exploitation in the residence of the parent, guardian, or relative;
- Substantial evidence exists of imminent or serious harm if the minor or his/her child were to reside in the same residence as his/her parent, guardian or relative; or
- It is in the best interest of the minor for the Agency to waive the requirement.

If the pregnant or parenting minor meets one of the above exemptions, and the current living condition is not appropriate, alternate living arrangements are explored which include but are not limited to maternity or second chance homes. Second chance homes are facilities that provide teen parents with a supportive, supervised living arrangement in which they are required to learn:

- parenting skills including child development;
- family budgeting;
- health and nutrition; and
- other skills to promote long-term economic independence and well-being of their children.

The following factors are considered when determining the appropriateness of the minor's current living arrangement:

- The minor's involvement in educational activities;
- The availability of child care within a reasonable distance from the minors residence, which allows the minor to participate in educational activities;
- The minor's ability to manage his/her grant; and
- Other persons living in the household.

These and other factors specific to the individual and child will be reviewed together to support the decision that the individual's behavior appears to be responsible and would justify exemption to the living arrangement requirement.

If it is determined that the current living arrangement is not appropriate, the minor will be offered the opportunity to relocate to a more appropriate living arrangement. Assistance with expenses related to the move can be provided.

| | |
|--|---|
| Grant Restriction | <p>If the new living arrangement is approved, the adult in the adult supervised arrangement will receive the minor’s CA grant whenever possible.</p> <p>If the minor cannot locate a more appropriate living arrangement, the minor will be required to live in an adult supervised supportive situation that meets the licensing or certification requirements set by the Office of Children and Family Services (OCFS).</p> <p>All unmarried minor parents/pregnant minors are required to report on their living arrangements at application/recertification or next contact with the Agency, whichever comes first.</p> |
| Education Requirement | <p>As a condition of eligibility for CA, the unmarried minor parent whose youngest child is 12 weeks old or older is required to engage in educational activities designed to prepare the minor for a high school diploma or equivalency, unless it is determined that such educational activities are not appropriate for the minor based on his/her employability plan.</p> <p>Verification of school/approved alternative is required at application for, and recertification of, recurring CA.</p> |
| Exemption from Educational Requirement | <p><u>Note:</u> Unmarried teen parents may be exempt from participation in educational activities if documentation is provided from a medical, psychiatric or other professional that indicates they have determined that the minor parent lacks the requisite capacity to successfully complete the course of study.</p> <p>Pregnant teens are exempt from participating in educational activities until 12 weeks after the birth of the child.</p> |
| TASA | <p>The Teenage Services Act (TASA) requires that social services be made available to pregnant or parenting teenagers.</p> <p>Some of the referrals provided by TASA are day care, parenting skill classes, health services (before and after birth of the child), Women, Infants and Children (WIC), and others. For information about available services offered by TASA call (718) 488-5455 or see Attachment A.</p> |

REQUIRED ACTION

Any unmarried minor parent/pregnant minor claiming a need for assistance must be granted the right to file an application for CA regardless of whether he/she meets the living arrangement and/or educational requirements.

If the unmarried parent/pregnant minor claims an exemption from the requirement to live with a parent, guardian, or adult relative, the JOS/Worker must refer him/her to the Homeless Diversion Unit (HDU). HDU will determine if it is in the best interest of the minor to exempt him/her from the living arrangement requirement.

Exemption from the living arrangement requirement

HDU will determine if factors exist which prevent the current living arrangement from being considered appropriate and, if the minor cannot return to the home of a parent, guardian or adult relative, an exemption will be granted. However, the minor parent/pregnant minor must then be required to live in an alternative type of supervised environment.

See [PD #08-33-OPE](#) on Agency-Mandated Reporters of Child Abuse and Maltreatment

- Based on their determination, the HDU Worker must immediately call the New York State Child Abuse and Maltreatment Register (SCR) at 1-800-635-1522 to file a report if:
 - the minor or his/her child has been subjected to serious physical abuse, neglect, maltreatment or emotional abuse including, but not limited to, sexual abuse or exploitation in the residence of the parent, guardian, or relative; or
 - evidence exists of imminent or serious physical or emotional harm if the minor or his/her child were to reside in the same residence as his/her parent, guardian or relative.
- The minor must be given the opportunity to locate an alternative adult supervised living arrangement that must be determined appropriate by HDU. HDU will provide assistance with any related moving expenses such as rent, security, moving fees, etc.
- If the minor cannot locate an appropriate living arrangement on his/her own, HDU will secure an adult supervised supportive environment such as a maternity or second chance home that meets the standards set by OCFS.

If the minor refuses to live in an adult supervised supportive home, the HDU Worker must prepare Form [W-270](#) to notify the Administrative Assistant (AA) to the Director or the Director’s Designee that a referral to ACS is needed for follow-up action. The AA/Director’s Designee will also be responsible for ensuring that the results of the ACS referral are entered in detail in the case record.

In addition, the AA/Director’s Designee must:

- control all of the referrals to ACS using the Pregnant/Parenting Teen Referrals Tracking Sheet Form ([W-127](#)).
- forward a copy of the tracking sheet via the Center Director to the Regional Manager every Monday. The tracking sheet is used to keep a record of the referrals made to ACS/SCR/HDU on a weekly basis.
- notify the Center Director if a decision from the ACS is not received within five days. In these instances, the Center Director will consult with the Regional Manager and advise the AA/ Director’s Designee of the action to be taken.
- forward the final disposition of the case via Form [W-270](#) to the JOS/Worker when the decision is received from ACS/SCR.

Note: If the minor is a foster child in the custody of the ACS Commissioner or there are allegations of abuse or neglect, ACS must also approve the living arrangement.

No exemption from the living requirement

If ACS’ findings do not support the minor’s claim and/or ACS determines the current living arrangement inappropriate, an exemption to the living arrangement requirement is not granted and the minor must return to the home of the parent, guardian, or adult relative.

Failure to comply with living arrangement requirement

If the unmarried minor parent/pregnant minor parent Fails To Comply (FTC) with the living arrangement requirements and no exemption is granted, the individual's child(ren) may receive assistance and only the non-compliant individual is denied/closed from the case. If the minor alleges abuse or harm in the residence of the parent, guardian, or relative, the minor cannot be denied assistance unless an ACS investigation was conducted and ACS could not find any evidence to support the alleged abuse.

Penalty for non-compliance

To deny or remove the non-compliant individual's line in these instances, use one of the following WMS individual denial or closing codes:

| Denial/Closing Codes | <u>Individual Denial/ Closing Codes</u> | <u>Reason</u> |
|---|---|--|
| | N49 | Minor Parent Refused Offer of a Home (no health/safety claim). To be used also for pregnant teens. |
| | N50 | Minor Parent Refused Offer of a Home (rejection of claim that living arrangements would jeopardize minor's health and safety). To be used also for pregnant teens. |
| Educational requirement | <p>Unmarried teen parents who have not completed secondary school or are not attending secondary school or the equivalent are required to have an employability assessment and engaged in educational activities that will prepare him/her for a high school degree or GED.</p> <p>A minor parent is not subject to the educational requirement during any period that enrollment in required educational activities is not available such as during months/breaks when school is closed.</p> | |
| Exemption to the educational requirements | <p>The unmarried teen parent can be exempted from this requirement if the Agency determines that such educational activities are not appropriate for the minor based on the individual's employment assessment or the minor had been determined exempt because a medical professional has determined that the minor lacks the capacity to successfully complete the course of study.</p> | |
| See PD #07-23-ELI | <p>In order to comply with the educational requirement, a school letter must be submitted listing the unmarried minor parent's student identification number. The JOS/Worker must enter the student's identification number on the unmarried minor parent's line, in element 323 of the TAD.</p> <p>The system will generate a student code on the Inquiry screen NQIN00, Option 2. Use the Inquiry screen to verify the unmarried minor parent's school status with the Department of Education (DOE).</p> | |
| Engagement requirements | <p>Pregnant minors are not required to participate in engagement activities. An unmarried minor parent 16 – 17 years old who is verified as attending school full-time meets the educational requirements and is exempt from engagement requirements.</p> | |

A 16 – 17 year old unmarried minor parent who is not verified as attending school full-time is subject to the CA engagement and FS Employment and Training (FSET) requirements. If there are no other exemptions, refer the unmarried minor parent to a Back-To-Work (BTW) vendor for an employment assessment and engagement activity. The employment assessment will indicate that educational activities are appropriate. The minor parent will be required to attend a secondary school or other educational activity designed to prepare him/her for a high school diploma or GED.

If the non-exempt unmarried minor parent refuses to engage in an educational activity that will prepare him/her for a high school diploma or GED, he/she is ineligible for CA.

Case level or individual line denial/closing code

To deny/close the case or individual line of the minor parent/pregnant minor who is noncompliant with the educational requirement, the JOS/Worker must use WMS denial code **F76**: Minor failed to complete high school education. Code **F76** can be used to deny/close at both the case level (household size=1) and the individual line level (multi-person households). In this instance a prorata sanction does not apply.

Referrals to TASA

Applicants

To refer an unmarried minor parent/pregnant minor who is not in receipt of CA to TASA, the Worker must use the Referral/Information Form ([W- 34A](#)). The Worker must refer the unmarried minor parent/pregnant minor to the closest TASA office. A listing of TASA program offices and addresses is attached (**Attachment A**).


Participants

To refer an unmarried minor parent/pregnant minor who is in receipt of CA to TASA, enter the appropriate TASA code in element **304** of the TAD. If a minor requests an immediate referral to TASA prepare Form **W-34A**.

TASA Code

Definition

- | | |
|---|-------------------------------------|
| 1 | Pregnant Teen |
| 2 | Teen Parent (including fathers) |
| 3 | Neither Pregnant nor Parenting Teen |

- POS Instructions
- To enter the TASA code through POS for both applicants and participants, the Worker must:
- complete the Response to Question box for the “Education and Training?” question in the Education/Training window for all unmarried minor parents on the case. Workers will also scan and index documents that verify school attendance.
 - complete the Response to Question box for TASA Status for teen parents.
 - enter a case comment for all actions performed on a case by clicking on the case comments icon  or pressing <ALT>M on the keyboard.
-

PROGRAM IMPLICATIONS

Food Stamp Implications

The living arrangement and educational requirement for unmarried minor parents/pregnant minors are not Food Stamp (FS) eligibility requirements. If a noncompliant unmarried minor parent/pregnant teen is otherwise eligible, he/she will remain on the FS portion of the CA case.

A minor parent under 18 years of age who is not the head of a household or who is attending school or an employment training program on at least a half-time basis is exempt from FS work requirements. However, the minor should be encouraged to attend secondary school, but would not be subject to a FS sanction for failing to do so.

If an unmarried minor parent/pregnant teen fails to comply with the CA living and or educational requirement, the FS household must be budgeted at the CA benefit level that the household received prior to the minor’s failure to comply. While the minor will continue to be part of the FS case, the FS grant will not increase.

Budget these cases as follows:

- On the sanctioned individual’s screen, enter code **42** in the Income Source field on the **NSBL06** screen.

Note: When entering the income source code **42**, the individual CA status code on the TAD must be **SN**.

- On the sanctioned individual’s screen (**NSBL06**) in the Income amount field, enter the full semi-monthly CA grant as if the sanctioned individual was still part of the CA household. FS benefits will not be increased when a household member fails to comply with a program requirement.

The WMS system will fill in the frequency code of “**S**” and a program indicator code of “**F**”. The system will also subtract the amount of the old CA budget from the newly calculated budget and apply the difference as income in the calculation of FS benefit.

When you lift the sanction, remove the code **42** from the Income Source field on the **NSBL06** screen to restore the budget. On the same screen, the frequency code and program indicator code must also be removed.

If the noncompliant unmarried minor parent/pregnant teen is the only individual on the CA case, a separate FS determination will be required.

Medicaid
Implications

The living arrangement and/or educational requirement for unmarried minor parents/pregnant minors are not MA eligibility requirements. Noncompliant unmarried minor parents/pregnant minors will require a separate MA determination upon case denial/closing or individual line denial/removal.

**LIMITED ENGLISH
SPEAKING
ABILITY (LESA)
IMPLICATIONS**

For Limited English Speaking Ability (LESA) and hearing-impaired applicants, staff must make sure to obtain appropriate interpreter services in accordance with [PD #08-18-OPE](#) and [PD #08-20-OPE](#).

FAIR HEARING IMPLICATIONS

Ensure that all case actions are processed in accordance with current procedures and that electronic case files are kept up to date.

Avoidance/ Resolution

Remember that applicants/participants must receive either adequate or timely and adequate notification of all actions taken on their case.

Conferences

In instances where a minor parent/pregnant teen is not living with an adult and the Agency determines that the living arrangement is not appropriate or the minor parent is not complying with educational requirements, the minor parent/pregnant minor is entitled to request a conference.

An applicant/participant can request and receive a conference with a Fair Hearing and Conference (FH&C) AJOS/Supervisor I at any time. If an applicant/participant comes to the Job Center requesting a conference, the Receptionist must alert the FH&C Unit that the individual is waiting to be seen.

The FH&C AJOS/Supervisor I will listen to and evaluate any material presented by the applicant/participant, review the case file and discuss the issue(s) with the JOS/Worker responsible for the case and/or the JOS/Worker's Supervisor. The AJOS I/Supervisor I will explain to the applicant/participant, the reason for the Agency's action(s).

If the determination is that the applicant/participant has presented good cause for the infraction or that the outstanding NOI needs to be withdrawn for other reasons, the FH&C AJOS/ Supervisor I will Settle In Conference (SIC).

The FH&C AJOS/Supervisor will enter detailed case notes in NYCWAY and forward all verifying documentation submitted by the applicant/participant to the appropriate JOS/Worker for corrective action to be taken.

If the determination is that the applicant/participant has not shown good cause for the infraction or that the Agency's action(s) should stand, the AJOS/Supervisor I will explain to the applicant/participant why he/she cannot settle the issue(s) in conference.

For either determination, the AJOS/Supervisor I must complete a Conference Report Form ([M-186a](#)).

Should the applicant/participant elect to continue his/her appeal by requesting a Fair Hearing or proceeding to one already requested, the FH&C AJOS/Supervisor I is responsible for ensuring that further appeal is properly controlled and that appropriate follow-up action is taken in all phases of the Fair Hearing process.

Evidence Packets All Evidence Packets must contain a detailed history, copies of relevant WMS screen printouts, other documentation relevant to the action taken and copies of NYCWAY “Case Notes” screens.

In instances when a minor is contesting rejection of his/her request to reside in a different living arrangement, the evidence packet must also include documentation verifying why the minor's request to reside in a different living arrangement was denied.


RELATED ITEMS

[PD #07-23-ELI](#)
[PD #08-33-OPE](#)

REFERENCES

[97 ADM-23](#)
[18 NYCRR 352.30\(c\)\(1\)\(2\)](#), 361.0, and 369.2(i)
[Temporary Assistance Source Book](#), chapter 9, pages 104, and 108-109

ATTACHMENTS

 Please use Print on Demand to obtain copies of forms

- W-34A** Referral/Information Form (Rev.9/4/08)
- W-127** Pregnant/Parenting Teen Referrals Tracking Sheet (Rev.9/4/08)
- Attachment A** Teen Age Services Act (TASA) Community District Directory

Date: _____
Case Name: _____
Case Number: _____

Referral/Information Form

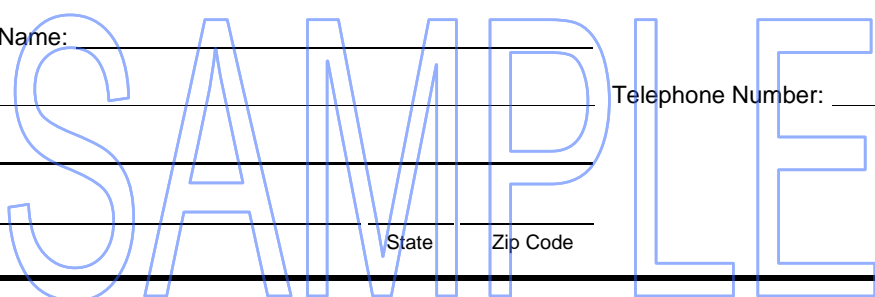
| | | | | |
|-----------------------------------|----------------------------------|------------------------------------|----------------------------------|---------------------------------|
| <input type="checkbox"/> Referral | <input type="checkbox"/> Message | <input type="checkbox"/> Enclosure | <input type="checkbox"/> Inquiry | <input type="checkbox"/> Report |
|-----------------------------------|----------------------------------|------------------------------------|----------------------------------|---------------------------------|

| | |
|--|--|
| To (Agency): <input type="checkbox"/> Job Center <input type="checkbox"/> Other | From (Agency): <input type="checkbox"/> Job Center <input type="checkbox"/> Other |
| Attention (Name of Agency Representative): | By (Name of Agency Representative): |

Applicant/Participant Name: _____

Present Address: _____ Telephone Number: _____

City _____ State _____ Zip Code _____



Subject: _____

Comments:

| | | | | |
|------------------|--------------|---|------------------|------|
| Worker Signature | Worker Title | <input type="checkbox"/> Job Center <input type="checkbox"/> Other | Telephone Number | Date |
|------------------|--------------|---|------------------|------|

| | | | |
|----------------------|---------|------------------|------|
| Supervisor Signature | Section | Telephone Number | Date |
|----------------------|---------|------------------|------|

Pregnant/Parenting Teen Referrals Tracking Sheet
(To be prepared by AA to the Director/Director's Designee)

Job Center Number: _____

For week ending: _____

| Case Name | Case Number | Date Discussed with AA/DD | Date Referral Made | | | Date Response Received/From | | | Final Disposition of Case | Date W-270 Sent to JOS/ Worker |
|-----------|-------------|---------------------------|--------------------|------------------|------------------|-----------------------------|------------------|------------------|---------------------------|--------------------------------|
| | | | SCR ¹ | ACS ² | HDU ³ | SCR ¹ | ACS ² | HDU ³ | | |
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| SAMPLE | | | | | | | | | | |
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1. SCR: State's Central Registry. 2. ACS: Administration for Children's Services. 3. HDU: Homelessness Diversion Unit.

Attachment A

TASA Community District Directory

| | | | |
|---------------------------------------|--|--|--|
| Administrative Office | 150 William St. 5 th Floor | Donna-Marie Antoine Lorna Etkins Norman Johnson Harriette Nieves Susan Sala Hyacinth Shepherd | (212) 676-7625 (212) 676-7621 (212) 676-7624 (212) 676-7500 (212) 676-7623 (212) 676-7626 |
| Central Intake & Screening | 151 Lawrence St. 4 th Floor | Vicki Mitchell Joseph Royal Robert Triplett | (718) 488-5455 (718) 488-5454 (718) 488-5460 FAX: (718) 722-8897 |

ACS SITES

| <u>Borough</u> | <u>Site</u> | <u>Address</u> | <u>Contact person</u> | <u>Telephone/ Fax Number</u> |
|-----------------------|--------------------|--|--|---|
| BRONX | B-71 | 2551 Bainbridge Avenue 2 nd Floor Bronx, NY 10458 | Gloria Reyes Roslyn Berkeley Helen Ford | (718) 220-7251 (718) 220-7004 (718) 220-7005 FAX: (718) 220-6671 |
| BROOKLYN | K-71 | 185 Marcy Avenue 6 th Floor Brooklyn, NY 11211 | Vicki Mitchell Pamela Hanniford | (718) 218-6346 (718) 218-6299 FAX: (718) 218-6112 |
| MANHATTAN | M-71 | 413 East 120 th Street 4 th Floor New York, NY 10035 | Gloria Reyes Robert Morman Malcolm Smith | (212) 860-5166/5537 (212) 860-4553 (212) 860-5391 FAX: (212) 860-4895 |
| QUEENS | Q-71 | 220 Beach 87 th Street 1 st Floor Far Rockaway, NY 11691 | Hyacinth Shepherd | (718) 318-6582 FAX: (718) 318-6596 |

Attachment A

NON-ACS SITES

| | | | | | |
|-----------------|-------------|------------------------------------|--|---|--|
| QUEENS | Q-81 | National Council of Negro Women | 114-02 Guy R. Brewer Blvd Jamaica, NY 11434 | Sylvia Betty Program Director sbetty@ncwny.org | (718) 657-8585 FAX: (718) 657-8824 |
| BRONX | B-81 | Inwood House | 522 Cortlandt Avenue, Bronx, NY 10455 | Norma Uriguen Program Director nuriguen@inwoodhouse.com | (718) 742-8100 FAX: (718) 742-8099 |
| BROOKLYN | K-81 | Urban Strategies | 1747 Pitkin Avenue Brooklyn, NY 11212 | Steve Famodimu Program Director urbantasa@verizon.net | (718) 345-3720 FAX: (718) 566-1780 |