



FAMILY INDEPENDENCE ADMINISTRATION

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POLICY DIRECTIVE #09-22-ELI (This Policy Directive Revises PD 08-35-ELI)

UNMARRIED MINOR PARENTS/PREGNANT MINORS

Date: June 5, 2009	Subtopic(s): Eligibility
AUDIENCE	The instructions in this policy directive are for staff at the Job Centers and information for all others.
REVISIONS TO THE PRIOR DIRECTIVE	<p>This policy directive has been revised to announce:</p> <ul style="list-style-type: none"> • revision of the Teen Age Services Act (TASA) Community District Directory (Attachment A) as four of the TASA Centers managed by New York City (NYC) Children’s Services are closing effective June 30, 2009; and • include a reminder that all individuals under the age of 21 who are applying for or in receipt of cash assistance must comply with efforts to secure child support for his/herself as well as support from the non-custodial parent of his/her own child(ren).
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. • explore the availability of and comply with efforts to secure support from all legally responsible relatives

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*

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:

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 minor’s 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 from 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

If the new living arrangement is approved, the adult in the adult supervised arrangement will receive the minor’s CA grant, whenever possible.

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).

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.

Education Requirement

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.

Verification of school/approved alternative is required at application for, and recertification of, recurring CA.

Exemption from Educational Requirement

Note: 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.

Pregnant teens are exempt from participating in educational activities until 12 weeks after the birth of the child.

TASA	TASA requires that social services be made available to pregnant or parenting teenagers.
Revised	Some of the referrals provided by TASA are day care, parenting skill classes, health services (before and after the birth of the child), Women, Infants and Children (WIC), and others. TASA currently has two offices managed by NYC Children’s Services, Central Office and the Intake and Screening Unit. There are also two offices operated by Urban Strategies and the National Council of Negro Women. For information about available services offered by TASA, call (718) 488-5455 or see Attachment A .
OCSE Reminder	In addition to the specific living/educational requirements, staff must remember to refer unmarried minor parents/pregnant teens to the Office of Child Support Enforcement in an effort to secure support from his/her absent parent(s) as well as obtain support from the non-custodial parent of his/her own child(ren), unless there is good cause for not doing so.

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 that 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 deposit, 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 the Routing Control Sheet form ([W-270](#)) to notify the Administrative Assistant (AA) to the Director or the Director's Designee that a referral to NYC Children's Services (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 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 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 from 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 noncompliant 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 noncompliant 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 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.

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.

Exemption to the educational requirements

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.

See [PD #07-23-ELI](#)

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 Turn Around document (**TAD**).

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).

Engagement requirements

Pregnant minors are not required to participate in engagement activities. An unmarried minor parent 16 to 17 years of age who is verified as attending school full-time meets the educational requirements and is exempt from engagement requirements.

A 16 to 17 year old unmarried minor parent who is not verified as attending school full-time is subject to the CA engagement and Food Stamp 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 nonexempt 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 pro rata 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**.

<u>TASA Code</u>	<u>Definition</u>
1	Pregnant Teen
2	Teen Parent (including fathers)
3	Neither Pregnant nor Parenting Teen

POS Instructions

To enter the TASA code through the Paperless Office System (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.

OCSE

Reminder

The JOS/Worker must ensure that a referral to OCSE has been made for all unmarried minors/pregnant teens in accordance with current procedure. A referral must be made for each absent (including his/her own parents) not already known to OCSE unless good cause is claimed. (See the [Office of Child Support Enforcement Manual](#)).

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 semimonthly 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 the 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)
AND HEARING
IMPAIRED
IMPLICATIONS**

For Limited English Speaking Ability (LESA) and hearing impaired applicants, staff must make sure to obtain appropriate interpreter services in accordance with [PD #09-14-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 in which 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/Supervisor I will explain to the applicant/participant, the reason for the Agency's action(s).

The FH&C AJOS/Supervisor will enter detailed case notes in New York City Work, Accountability and You (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 SIC.

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, 369.2(i), and 385.3(a)(l)(x)
[Temporary Assistance Source Book](#), chapter 9, pages 104, and 108-109

ATTACHMENTS

Attachment A	Teen Age Services Act (TASA) Community District Directory (Rev. 5/22/09)
W-34A	Referral/Information Form (Rev. 9/4/08)
W-127	Pregnant/Parenting Teen Referrals Tracking Sheet (Rev. 9/4/08)

 Please use Print on Demand to obtain copies of forms

TASA Community District Directory

Administrative Office	150 William St. 5 th Floor New York, NY 10038	Donna-Marie Antoine	(212) 676-7625
		Lorna Etkins	(212) 676-7621
		Norman Johnson	(212) 676-7624
		Harriette Nieves	(212) 676-7500
		Susan Sala	(212) 676-7623
		Hyacinth Shepherd	(212) 676-7626
Central Intake & Screening	151 Lawrence St. 4 ^t Floor Brooklyn, NY 11201	Vicki Mitchell	(718) 488-5455
		Joseph Royal	(718) 488-5454
		Robert Triplett	(718) 488-5460
		FAX: (718) 722-8897	

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
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

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		
SAMPLE										

1. SCR: State's Central Registry. 2. ACS: Administration for Children's Services. 3. HDU: Homelessness Diversion Unit.