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MINORS RECEIVING AFDC

Senate Bill 143 (Substitute H-1)
First Analysis (6-23-93)

Sponsor: Senator Frederick Dillingham
Senate Committee: Mental Health,
Human Resources, and Senior Citizens
House Committee: Human Services and
Children

THE APPARENT PROBLEM:

The federal Family Support Act allows a state to require that an unmarried minor parent have certain living arrangements in order to receive Aid to Families with Dependent Children (AFDC). Specifically, a state may require the minor to live with a parent, legal guardian, or other adult relative, or to reside in a foster home, maternity home, or other adult-supervised supportive living arrangement. Federal rules on the matter were issued in July 1992.

A proposal to make living at home a condition of AFDC eligibility also was made a part of the governor's program "To Strengthen Michigan Families," outlined in a message released June 2, 1992. That report noted that "many teens do not have the skills necessary to balance the demands of child rearing against the demands associated with achieving self-sufficiency, such as continuing education, and job training." The governor directed the DSS to assess the living arrangements of each minor parent receiving AFDC; when a return to the parental home would be in the best interest of the minor and the child(ren), it was to be required as a condition of AFDC eligibility.

Since October 1, 1992, the state has generally been requiring minor parents receiving AFDC to live in the parental home, employing criteria and exceptions that echo federal law. It has been proposed to place the requirement in statute.

THE CONTENT OF THE BILL:

The bill would amend the Social Welfare Act to generally prohibit AFDC from being provided to an unmarried minor parent unless the minor was living with an adult.

The requirement. Generally, in order for an unmarried minor parent to receive AFDC, the minor and his or her child would have to live in the home of the minor's parent, guardian, or other adult relative, or in a foster home, maternity home, or other adult-supervised supportive living arrangement approved by the Department of Social Services (DSS). The aid, where possible, would have to be provided to the minor's parent, guardian, or adult relative on behalf of the unmarried minor and child.

Exceptions. The requirement would not apply if: the unmarried minor had no parent or legal guardian; the parent or guardian refused to allow the minor and child to live at home; the physical or emotional health or safety of the minor or the child would be jeopardized by living in the parent's or guardian's home; the minor had lived apart from his or her parent or guardian for at least one year before either the birth of the child or the application for AFDC; the minor alleged that the parental home was the scene of illegal activity; the parent or guardian had not provided adequate food, clothing, medical care, or other necessities for the minor and the child; the return of the minor and child to the parental home would result in overcrowding, violation of the terms of a lease, or violation of local health or safety standards; the minor was a court or state ward approved for independent living; no parent or legal guardian resided in Michigan; the minor was actively participating in a substance abuse program that would be unavailable if the minor returned home; the minor had been legally emancipated; or, the department determined that under federal regulations there was other good cause for waiving the requirement.

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The DSS would make a final determination on whether any of the above exceptions applied. However, if the minor objected to living in the parental home, the department could not require the minor to live there unless it had completed a home visit and any other appropriate investigation.

Services. The department would have to assess each minor parent applying for AFDC and make referrals for all services needed by the minor parent and his or her child. The department would give priority under the Michigan Opportunity and Skills Training (MOST) Program and provide family counseling to an unmarried minor who qualified for AFDC.

Report. Eighteen months after the bill took effect, the department would have to submit to the legislature a report containing information prescribed by the bill. If required information was not routinely collected by the department, it could base the report on a statistically valid sample by region.

The report would have to contain the number of applications from minor parents and the disposition of each application. It also would have to contain the number of substantiated abuse or neglect cases, the number of minor parents who received prevention services, the school participation of each minor parent and whether or not the minor parent had graduated from high school, the number of case closures and the reasons for closure, the number of second and subsequent births to minor parents, and the number of minor parents using child care services. These items would have to be reported separately for minors who were required to live at home and for those who were not.

MCL 400.57

HOUSE COMMITTEE ACTION:

The House Committee on Human Services and Children adopted a substitute that differed from the Senate-passed bill in specifying details of the required report, in requiring that an in-the-home visit be made before the DSS override a minor's objections to moving in with a parent or guardian, and in providing additional exceptions to the requirement that a minor parent receiving AFDC generally live at home.

FISCAL IMPLICATIONS:

There is no fiscal information at present. (6-21-93)

ARGUMENTS:

For:

Children who have children often are ill-equipped to assume the responsibilities of parenthood, particularly if the young mother is at the same time trying to continue her education or master the basic skills needed to live independently. Often the best place for both mother and child is living with an adult family member or in some other adult-supervised structured environment, where the young mother can receive the guidance and support needed for the welfare of both her and her child. The bill would lend the strength of statute to existing DSS requirements that minor parents receiving AFDC be evaluated, be given special attention for various services and training programs, and be required to live at home unless circumstances justify an independent living arrangement. While some may criticize the requirement as overly restrictive, numerous exceptions to it would continue to ensure that young parents and their children were not made to return to unsuitable homes.

Response:

The need for the bill is questionable, as the department apparently already has the authority to restrict the AFDC eligibility of minor parents in accordance with federal law.

Against:

The bill is predicated on the faulty assumption that a teen mother and child will be better off living with a family member than they would be on their own. Unfortunately, it is problems at home that often lead to a girl becoming pregnant, leaving home, or both. To require mother and child to return to the same environment would be to risk perpetuating the problems. Teen mothers are among those with the greatest need for education, job training, parenting classes, child care, and other support services; thus, if a teen mother is to return home, there should be assurances that she does not lose desperately needed services. However, the bill lacks such assurances; the teen may trade eligibility for a wide range of services for a home situation that is abusive, indifferent, or inadequate, with only the assessment of a DSS caseworker to prevent this from happening.

Response:

The bill contains numerous assurances that a teen mother and child will not be forced to return to the parental home and then cut adrift. Assessments and referrals are and would continue to be mandated; current policy calls for evaluation of the living arrangement and for evaluation for referral to the Families First program, preventive or protective services referral, and referral to the MOST program. In addition, the department is establishing a teen parent program under which grants will be made to community agencies in 17 counties for the purpose of providing comprehensive community-based teen parent services.

Against:

The bill ignores the responsibility of noncustodial fathers and their families, heaping the responsibility and accompanying burdens on the custodial parent--virtually always the young mother--and her family. Teenaged boys and their families need to perceive teen pregnancy as their problem, too.

Response:

There is no legal impediment to ordering a minor father to pay child support. Ordering teen fathers to pay support, and perhaps even enforcing an order against parents should a youth fail to pay, would be a sure way to make boys and their families realize their social responsibilities. However, any shortfalls of the law on child support would have to be addressed through amendments to other statutes, not the Social Welfare Act.

Against:

The bill would unduly burden the DSS with detailed requirements to report information that not only is not now compiled, but may be unascertainable. For instance, it is not clear how the department can determine whether a young mother who had received AFDC had a second or subsequent child before reaching the age of majority.

Response:

The bill would allow the department to report on a sample population with regard to information that is not now being collected. The information is needed: the legislature will be unable to evaluate the requirement and the department's implementation of it unless it has comparative information on young recipients who do and do not live with their parents.

POSITIONS:

The Department of Social Services supports the concept of the bill, but has concerns about implementation costs of the House substitute, particularly costs of reporting requirements. (6-18-93)

The National Organization for Women, Michigan Conference opposes the bill. (6-18-93)