



House
Legislative
Analysis
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REQUIRE MINOR PARENTS TO LIVE WITH PARENT OR GUARDIAN

House Bill 4399 (Substitute H-3)
First Analysis (10-3-95)

Sponsor: Rep. Jack Horton
Committee: Human Services

THE APPARENT PROBLEM:

Teenage parents usually have few parenting skills and are rarely, if ever, self-sufficient and mature enough to handle both the stress of parenting and the challenges of growing up on their own. Furthermore, teenage parents, when left on their own, often end up living in situations that are neither safe nor supportive for the either the teen parent or the infant child. Many teen parents are overwhelmed by this combination of responsibilities (the particular problems of parenthood and the more typical problems usually associated with adolescence). As a result they often end up unable to care for themselves or their children when left without the support and guidance of someone older and wiser to assist them.

Because of their youth, teen parents are unlikely to have any marketable skills that would enable them to become gainfully employed in a manner in which they could support themselves and their child without further education. Unfortunately, given the emotional and financial stresses of parenthood, teen parents are far more likely than other high school students to drop out of school. As a result, many teen parents who end up on welfare as teenagers often remain there throughout their lives. According to the Department of Social Services, the younger an individual is when she becomes pregnant the more likely she is to need public assistance to pay for the child's delivery and the more likely she is to continue to seek public assistance throughout her life. Approximately 53 percent of the funds dispersed by the AFDC program go to families formed by a teenage birth.

In order to make certain that teen parents will be living in a safe and supportive environment, and that teen parents will be subject to supervision and able to seek adult assistance in learning how to care for their children, some people believe that teen parents who seek AFDC should be required to live in an adult-supervised setting.

THE CONTENT OF THE BILL:

House Bill 4399 would amend the Social Welfare Act by adding a new section requiring a minor parent to live in an adult-supervised household as a condition of receiving cash assistance. Further, the bill would require that cash assistance be paid to the minor parent's parent or guardian or to another adult on behalf of the minor parent and his or her child. It would also require the provision of child care for minor parents participating in department-approved education and employment programs.

The bill would define a minor parent as an individual under age 18 who is not an emancipated minor and who is either the biological parent of a dependent child living in the same household or is eligible for aid to dependent children as a pregnant woman. An adult-supervised household would include either of the following: a) the place of residence of the minor's parents or legal guardian; or b) a living arrangement that the Department of Social Services approves as a family setting that provides care and control of the minor parent and his or her child and provides supportive services including counseling, guidance, or supervision.

The bill would require a minor parent and his or her child to live with his or her parents or legal guardian unless the department determined that there was good cause for not requiring the minor parent to live there. Before requiring a minor parent and his or her child to live with his or her parent or guardian the department would be required to complete a home visit or some other form of appropriate investigation. The department would determine whether the particular circumstances constituted good cause for not requiring the minor parent to live with his or her parents or guardian based upon the parent's or guardian's unavailability or unwillingness to care for the minor parent and child and/or the risk to the

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emotional or physical health or safety of the minor parent and child.

If the department determined that there was good cause for the minor parent to be relieved of the requirement that he or she live with his or her parents or guardian, the department would have to place the minor parent in another adult-supervised home in order for the minor parent to be eligible to receive public assistance.

When a minor parent applied for cash assistance, the department would be required to inform the minor parent of the bill's requirements, including the circumstances under which the department could determine that good cause existed to allow the minor parent to live in an adult-supervised setting other than his or her parent's or guardian's home. If necessary, the department would be required to assist the minor parent in finding an adult-supervised home.

Under the bill's provisions, a minor parent who did not live with his or her parents or guardian or in another adult-supervised setting would not be eligible for cash assistance unless the local office director waived those requirements. The only grounds provided in the bill justifying such a waiver would be where the minor parent was at least 17 years old, was attending school full-time, and was participating in a service plan of the department or a teen parenting program and moving would force the minor parent to change schools.

The bill would also require the department to evaluate the bill's impact after it took effect. The department would be required to assess the impact of the bill on recipients and submit a report to the legislature no later than two years after the bill's effective date. The report would be required to address the receipt of public assistance, employment, high school or GED completion, subsequent pregnancies, involvement with protective services, participation in service programs, the health of the minor parent and child, and living arrangements.

The report would also be required to contain information concerning minor parents who apply for cash assistance. The report would have to include all of the following:

a) the amount that would have been spent in payments to minor parents of dependent children if

the bill had not been enacted and the amount that was not paid to applicants as a result of the bill;

b) the number of applications received and the disposition of each application;

c) for minor parents who were required to live with their parents or guardians and for minor parents who were not required to live with their parent or guardian separate accounts of the following:

- * 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 he or she graduated from high school;

- * the number of case closures and the reason for closure;

- * the number of subsequent births to the minor parent; and

- * the number of minor parents using child care services.

If information required for the report was not routinely collected by the department, the department would be allowed to base the report on a statistically valid sample by region.

MCL 400.56h

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, the bill would increase state costs associated with the adult-supervised group home requirement. The agency estimates that the gross yearly cost of the program would be \$2.1 million, with \$900,000 coming from the general fund. (10-3-95)

According to the Department of Social Services, the bill would result in an "unquantifiable increase in costs due to payment of foster care rates in some adult-supervised settings." The department states that \$1 million has been included in the 1995-96 budget for this purpose, and that it anticipates that costs can be contained within this amount. (9-21-95)

ARGUMENTS:

For:

Teen parents face an unusually high number of serious problems, including teen alcoholism, drug abuse, repeat pregnancies, homelessness and inadequate housing, joblessness, illiteracy and a lack of employment skills, a high incidence of dropping out of school, infant mortality, and child abuse and neglect. Given the multitude of dangers facing teens today, the bill will require teen parents to live in a safe and supportive environment, either with their parent or guardian or in some other adult-supervised setting. Rather than giving public assistance money directly to teens who are by and large scarcely able to run their own lives, much less take care of an infant child, the bill will require that the cash assistance be given to a responsible adult. The bill will prevent teen parents from living on their own and attempting to care for and raise an infant at a time in their lives when they are not legally supposed to even be living on their own. Requiring teen parents and their children to live in an adult-supervised setting will protect both the teens and their children and provide them with a safe and supportive environment under the control and guidance of a mature adult.

Against:

Further options should be allowed for independent living. There are not a sufficient number of adult-supervised settings to provide all of those teen parents who cannot live with their parents or guardians with housing. According to the language of the bill as it stands, if the department was unable to place a teen parent in an adult-supervised setting, the department would have to deny that individual public assistance. Given that the department recognizes that compliance will be difficult because of the limited number of suitable placements in existence, the bill should provide an exemption for teens who are not placed in an adult-supervised setting through the failure of the department to provide such placement. It would be grossly unfair to allow a teen parent to be denied public assistance merely because the department was unable to provide him or her with an appropriate placement.

Response:

The bill would only require that the minor parent be denied ongoing cash assistance. The department would still be allowed to provide temporary assistance to minor parents where the department was not immediately able to place them. Requiring the department to provide teens with cash assistance

if the department was unable to place them would essentially create a loophole for teens who refused to cooperate with the bill's intent.

Against:

Reportedly, federal law prohibits requiring minor parents to live with an adult relative or in an adult-supervised agency as a condition of eligibility for receiving AFDC. Has the state received a waiver from these provisions? If not, would federal AFDC funding be jeopardized? While such a policy may be permissible if Congress does adopt a block grant approach to funding welfare programs, the bill may be premature.

Against:

The bill as currently written contains two different sections concerning information gathering and requiring the department to provide a report on the impact of the bill. The first section requires the report to assess the impact of the bill on recipients in several different categories. The second section is overly specific in the information it requires the department to gather and report to the legislature. It would require the department to provide information on a number of specifics, rather than providing the department with the discretion to decide what elements would be best used to assess the impact of the program. This kind of specificity not only leads to excessively lengthy laws, it creates a severe burden on the department.

Against:

Teens who have children are likely to come from economically and socially disadvantaged backgrounds themselves. In fact, according to Department of Social Services estimates, 85 percent of women aged 15 - 19 who gave birth to a child outside of marriage in 1994 came from poor or low income homes. In many cases, the teenage parent is the child of teenage parent as well. Given these facts, it seems unreasonable to rely to any degree upon the presumed wisdom and guidance of the teen's parent. If the teen's parents or guardian have been indifferent to the teen before the birth of the teen's child, it is unlikely that this event will instill them suddenly with any ability to act appropriately as a parent or with the concern needed to assist the teen through what will be, by all accounts, a very difficult time.

Response:

If the teen's parents are unable to provide the teen and his or her child with an appropriate living

environment and support, the teen and his or her child would be placed elsewhere. Teens simply are not mature enough to raise an infant; almost any adult is more responsible than a teenager and could provide the teen with some guidance and assistance in learning the responsibilities of parenting.

Against:

Earlier drafts of the bill provided for up to four counties to be exempted from the bill's provisions to allow for an accurate assessment of the bill's effect. The counties would have been chosen by the department and would have provided a control group against which the effects of the bill could be accurately measured. All too often, legislation is simply presumed to be good policy, implemented, and only much later discovered to have created other problems or discovered to have been completely ineffective in solving the problems it was originally introduced to solve. By providing for a control group, the effectiveness of the policy embodied in the bill could be measured with a far greater degree of accuracy.

Response:

It would be inappropriate to treat the people living in the control group counties differently than other citizens.

POSITIONS:

The Michigan Federation of Private Child and Family Agencies supports Substitute H-3. (9-29-95)

The Department of Social Services supports the concept of the bill, but is opposed to the onerous reporting requirements in the committee substitute. (10-2-95)