

Improving TANF for Teens

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Temporary Assistance for Needy Families (TANF), the 1996 welfare law that replaced Aid to Families with Dependent Children, radically changed the nation's welfare program.¹ TANF instituted a sixty-month lifetime limit on cash assistance and required recipients to meet work requirements. Further, TANF is a block grant that gives the states a significant role in the design of their welfare programs. A key question is what is happening to teens in the TANF program.

Dependent children are central to TANF, as they were to the Aid to Families with Dependent Children program, but teens have not, as a rule, been a legislative focus in either program. Instead the care of young children and the caring capacity of a subset of teens—those who are parents—received the limited attention given to children during the TANF debates. Most other TANF teens, who reside in TANF households but are not pregnant or parenting, were largely overlooked. TANF's impact on all teens must be examined especially in light of recent evidence that teens living in TANF households sometimes experience negative outcomes, even when their mothers might be considered welfare "success stories."²

In this overview, we explore which teens TANF reaches and which teens the program does not reach, new research on adolescents in TANF families, and the impact of TANF rules for minor parents.

Which Teens Are the Focus of TANF and Why?

TANF reaches three groups of teenagers: (1) teen parents who receive TANF cash assistance benefits; (2) adolescents who do not have children of their own and who live in TANF families receiving cash assistance; and (3) teens who participate in TANF-funded programs.³ The third category can include teenagers who do not receive cash assistance because states may spend TANF funds to foster the goals of the program through means other than cash grants. For example, because reducing the incidence of nonmarital pregnancy is a TANF goal, a state may spend TANF funds on a teen pregnancy prevention program in a low-income community whether or not teens whom the program serves receive cash aid.

Minor parents receiving TANF must meet education and living arrangement requirements, although no similar federal rules govern the other two groups of teens. The special attention paid to teen parents in the 1996 law was appropriate for several rea-

¹Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, 110 Stat. 2105.

²LISA A. GENNETIAN ET AL., MANPOWER DEMONSTRATION RESEARCH CORPORATION, HOW WELFARE AND WORK POLICIES FOR PARENTS AFFECT ADOLESCENTS (2002); see also DIANA ZUCKERMAN, NATIONAL CENTER FOR POLICY RESEARCH FOR WOMEN AND FAMILIES, WELFARE AND ADOLESCENTS: JULY 2003 UPDATE (2003).

³MARIE COHEN & MARK GREENBERG, CENTER FOR LAW AND SOCIAL POLICY, TAPPING TANF FOR YOUTH: WHEN AND HOW WELFARE FUNDS CAN SUPPORT YOUTH DEVELOPMENT, EDUCATION AND EMPLOYMENT INITIATIVES (2000).

sons. Historically about 40 to 50 percent of older mothers who receive welfare became parents as teenagers, and teen mothers tend to have longer stays on welfare.⁴ Furthermore, this population is often vulnerable; of all teen mothers (not just minors), 83 percent come from low-income households, and one study found that 50 to 60 percent have experienced abuse.⁵

More recently, the reduction in teen births and its relationship to the reduction in poverty have gained attention. Beginning in 1991 the teen birth rate began to decline dramatically.⁶ Researchers attribute about a quarter of the decline in poverty among children under the age of 6 to the reduction in teen births between 1995 and 2002.⁷ Thus a focus on repeat teen pregnancies and on the prevention of first births to teens appears to be key in efforts to address poverty.

How Many Teens Participate in TANF?

Teens constitute over a quarter of the 3.8 million children receiving TANF cash grants. Of the 942,500 adolescents living in TANF households, about 122,000 (13 percent) are parents.⁸ About three-fourths of these parenting teens are older teen parents who are heads of households; the remaining parenting teens are minors.⁹

The numbers of teens and of teen parents in TANF have dropped in recent years. To some degree this is consistent with an overall decrease in the TANF caseload. For example, between 2000 and 2002 the TANF adult caseload dropped by about 264,000. The number of teens dropped by about 100,000, including about 30,000 teen parents.

While these trends in receiving TANF are all downward, the number of teen parents who head households declined more steeply than the number of older parents—the drop for teens was nearly 25 percent between 2000 and 2002, outstripping the nearly 17 percent decline among older parents during this period.¹⁰ While a variety of factors likely contribute to this, the minor parent living arrangement rule (see below) plays a part.

However, the data on teen parents in TANF should be viewed with some caution. Federal reports may undercount this group, in part because many younger teen parents, being “embedded” within a household that receives TANF, are harder to count than older teen parents who have established their own households.¹¹ Moreover, until recently, the federal government’s system for measuring teen parent participation in TANF was flawed due to problems with state data reporting and federal estimation methods.¹²

⁴*Id.*

⁵ALAN GUTTMACHER INSTITUTE, ISSUES IN BRIEF: TEENAGE PREGNANCY AND THE WELFARE REFORM DEBATE (1998); NANCY BERGLAS ET AL., CALIFORNIA RESEARCH BUREAU, ADOLESCENT PREGNANCY AND CHILDBEARING IN CALIFORNIA (2003), citing C. Stevens-Simon & C. Boyle, *Gravid Students: Characteristics of Nongravid Classmates Who React with Positive and Negative Feelings About Conception*, 149 ARCHIVES OF PEDIATRIC AND ADOLESCENT MEDICINE 272–75 (1995).

⁶Between 1991 and 2003 the teen birth rate declined 32.5 percent. NATIONAL CAMPAIGN TO PREVENT TEEN PREGNANCY, TEEN BIRTH RATES IN THE UNITED STATES: 1940–2003, www.teenpregnancy.org/resources/data/pdf/BirthRatesOnePager.pdf.

⁷U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON WAYS AND MEANS, STEEP DECLINE IN TEEN BIRTH RATE SIGNIFICANTLY RESPONSIBLE FOR REDUCING CHILD POVERTY AND SINGLE-PARENT FAMILIES, ISSUE BRIEF (April 23, 2004).

⁸Jodie Levin-Epstein, Center for Law and Social Policy, *The Temporary Assistance for Needy Families Program and Disconnected Youth*, in LEAVE NO YOUTH BEHIND: OPPORTUNITIES FOR CONGRESS TO REACH DISCONNECTED YOUTH 66 (Jodie Levin-Epstein & Mark Greenberg eds., 2003).

⁹U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM (TANF) SIXTH ANNUAL REPORT TO CONGRESS (2004).

¹⁰U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM (TANF) ANNUAL REPORTS TO CONGRESS (2002 and 2004).

¹¹JANELLEN DUFFY & JODIE LEVIN-EPSTEIN, CENTER FOR LAW AND SOCIAL POLICY, ADD IT UP: TEEN PARENTS AND WELFARE... UNDERCOUNTED, OVERSANCTIONED, UNDERSERVED (2002).

¹²*Id.* at 6.

Teens who do not live in TANF households can participate in TANF-funded programs; how many access these programs is not known, however. Many states have tapped TANF to fund a variety of community-based youth development, school dropout, and summer programs. While localities may have program participation information, there is no central data source for the number and characteristics of teens served through TANF-funded programs.

Which Needy Teens Does TANF Miss?

Some groups of needy teens are ineligible for TANF cash assistance. Many teens live in families that are very poor but are not poor enough to qualify for assistance. States set TANF eligibility rules, and, while the public might assume all families under the poverty level may receive welfare, many states set TANF eligibility below that level. (The public also might assume that TANF assistance boosts eligible families out of poverty; however, for eligible families with no income, this is typically not the case. Even when combined with food stamp benefits, in no state does a TANF family even reach the poverty line; indeed, in thirty states benefits through these two programs amount to less than 55 percent of the poverty level.)¹³

TANF also misses some needy teen parents who would be income-eligible but for their living arrangement. Many states have rules that deem the senior parent's income available to meet the needs of the teen and her baby, whether or not such income is actually made available to the young mother.

Teen parents in the child welfare system may also be missed. While keeping a foster teen parent in the child welfare system might be good policy, what might not

make sense is the potentially disparate treatment under the two systems. For example, TANF teen parents can access child care and supportive services, while teen parents in the foster care system often cannot get these same resources. States have the flexibility to provide these services to foster teen parents, and some states have devised cross-agency partnerships that enable the welfare agency to use foster care homes as supervised living arrangements and the child welfare agency to access TANF agency case management services for these teen parents.¹⁴ This practice, however, is not the norm.

While these needy teens and teen parents might not be eligible for cash assistance, states have the flexibility to use TANF funds to offer other services and supports. For example, homeless teens without children do not qualify for cash assistance since the program is for families with children, but homeless teens may be at high risk of unintended pregnancy and nonmarital births.¹⁵ A teen pregnancy prevention program aimed at this group and supported with TANF funds could help accomplish the TANF goal of reducing nonmarital pregnancies. While states have developed a range of programs aimed at youth, mounting state budget constraints make it more difficult to sustain such programs when essentials—such as child care for mothers who go to work—are also underfunded.

What Does New Research on Adolescents in TANF Families Suggest?

New research suggesting that welfare reform harms adolescents residing in TANF families has surprised many. One analysis found that adolescents who lived in TANF households and attended school experienced declining school perform-

¹³Center for Law and Social Policy calculation using 2004 poverty level and maximum benefit data in Meridith Walters et al., Congressional Research Service, CRS Report for Congress:

TANF Cash Benefits as of January 1, 2004 (Sept. 23, 2004).

¹⁴DUFFY & LEVIN-EPSTEIN, *supra* note 11, at 20.

¹⁵BOB REEG ET AL., CENTER FOR LAW AND SOCIAL POLICY, FAMILIES ON THE EDGE: HOMELESS YOUNG PARENTS AND THEIR WELFARE EXPERIENCES: A SURVEY OF HOMELESS YOUTH AND SERVICE PROVIDERS (2002).

ance, a higher rate of grade repetition, and more use of special education services.¹⁶ Adolescents with younger siblings experienced additional negative effects, with increased rates of suspensions and dropping out of school. Conversely adolescents without younger siblings were more likely to participate in out-of-school activities and experienced few negative effects on school outcomes.¹⁷

While this is the only study that has shown that welfare-to-work requirements for adult recipients influence the behavior of teenagers in these adults' care, the idea that teens need supervision after school and additional parental support is not new.¹⁸ Therefore, while the study's finding that welfare policies affecting adults could affect teens negatively was unexpected, this result is somewhat intuitive. TANF work requirements limit parents' ability to be available to their teens. Further, some researchers suggest that, as parents spend more time away from home, their older children take on more adult responsibilities.¹⁹ When designing work programs, exemptions, and supportive services to meet the needs of adolescents in TANF families, policy advocates and administrators should consider these unintended consequences.

What Are the Rules for Teen Parents in TANF?

Federal law bars states from using federal funds to assist minor parents who do not meet schooling and living-arrange-

ment requirements.²⁰ While the rules' overarching goals—education and adult supervision—may be desirable, an unintended consequence may be to exclude many minor parents from TANF. Of 1,500 teen parents surveyed in Atlanta, Boston, and Chicago, between 16 percent and 47 percent of those who sought TANF were told that they were not eligible, and they did not even fill out an application.²¹ Rather than shutting the door on such teens, Congress may have intended the TANF rules to bring these young parents into systems that could help them attain economic self-sufficiency.

Minor Parents and Education. An unmarried, custodial minor parent, to be eligible for assistance with federal TANF funds, must “participate” in school or an approved training program from the time her infant is 12 weeks old. The goal of school participation makes sense because nearly 60 percent of teens with a school-age pregnancy drop out at some point between eighth and twelfth grade.²² However, whether the rule has encouraged their school attendance or just discouraged their receiving TANF is subject to debate.

Federal law does not define “participation” in an education or training program. Some states define participation as attendance, while others define it to require a certain grade point average and grade completion.²³ Some states define “education programs” expansively to include alternative, vocational, or job

¹⁶GENNETIAN ET AL., *supra* note 2.

¹⁷*Id.*

¹⁸Lynn Crawford Cook, *A Time to Come Home: Some Parents Quit Working to Be Around More—When Their Kids Are Teens, Not Toddlers*, WASHINGTON POST, Oct. 12, 2004, at F1.

¹⁹JODIE LEVIN-EPSTEIN & JOHN HUTCHINS, HENRY J. KAISER FAMILY FOUNDATION, TEENS AND TANF: HOW ADOLESCENTS FARE UNDER THE NATION'S WELFARE PROGRAM, ISSUE BRIEF: AN UPDATE ON WOMEN'S HEALTH POLICY (2003).

²⁰Federal law generally prohibits adults, including all 19-year-old parents and any 18-year-old parents who are not full-time students, from receiving TANF benefits for more than 60 months. The time limit, however, also applies to minor parents who are heads of households or married to heads of households.

²¹DEBORAH L. SHAPIRO & HELENE M. MARCY, CENTER FOR IMPACT RESEARCH, KNOCKING ON THE DOOR: BARRIERS TO WELFARE AND OTHER ASSISTANCE FOR TEEN PARENTS, A THREE-CITY RESEARCH STUDY (2002), available at www.impactresearch.org/documents/cir-knockdoor.pdf.

²²Levin-Epstein, *supra* note 8, at 67.

²³Forty-eight states include attendance in their definition of participation; four include grade point average; three states include grade completion. See data compiled by the State Policy Documentation Project, a joint project of the Center for Law and Social Policy and the Center on Budget and Policy Priorities, at www.spdp.org. See also CENTER FOR LAW AND SOCIAL POLICY, REAUTHORIZATION ISSUES: THE EDUCATION/TRAINING REQUIREMENT FOR TANF TEEN PARENTS (2003), available at www.clasp.org/publications/teen_ed_req.pdf.

training programs.²⁴ However, despite the flexibility they have under federal law, only sixteen states allow alternative education placements.²⁵

Simply requiring teens to attend school may not be enough if the goal is to improve attendance and graduation rates. States have the option to create other incentives, but few states allocate the resources necessary to offer a full range of specialized services. Neither have states devised administrative and organizational policies needed to foster effective programs.²⁶ Most states rely on sanctions alone to enforce the rule, which may be poor policy. Studies show that services in combination with requirements are likely to be more effective in encouraging participation.²⁷ A study of California's program, which utilizes both sanctions and bonuses, found that "teens are considerably more aware of bonuses than of sanctions."²⁸ Teens who received case management, bonuses, and sanctions were significantly more likely to obtain a GED (general equivalency diploma) than teens who did not receive the full range of services and supports.²⁹

Although federal law mandates school participation only by minor parents, some states have expanded the requirement to any teen in a TANF household.³⁰ However, extending the rule to other teens does not necessarily extend supports and services. As a result, the whole family can be sanctioned for the teen's failure to attend or perform satisfactorily in school, while supports for the teen to help the family avoid the sanction may be unavailable.

Impact of School Rules. The fundamental question in evaluating school participation rules is whether they achieved the desired outcomes. Several states, including Ohio, California, and Wisconsin, instituted school participation requirements prior to welfare reform through federal waivers that required them to conduct comprehensive assessments. Ohio and California focused exclusively on teen parents, while Wisconsin included all teens. Wisconsin relied exclusively on sanctions and was unable to demonstrate improved attendance. In Ohio, which offered bonuses for attendance, attendance improved among some students, but neither attendance nor graduation rates improved among teens who had already dropped out. California also offered bonuses and, among the three states, had the greatest impact on teens who had dropped out, although almost half of the participants still failed to graduate.³¹ Because these states were serious about implementing the requirements and making their programs effective, their struggles in achieving better outcomes is particularly revealing.

The school participation requirement also seems to have had the unintended consequence of denying access to TANF for eligible teens.³² Some teen parents who are school dropouts are automatically turned away by caseworkers who should, instead, explore the teen's situation and offer to connect the teen to an appropriate program.

Case managers and advocates should consider the barriers to school attendance that some teens face.³³ Teens

²⁴See State Policy Documentation Project, *supra* note 23.

²⁵*Id.*

²⁶DUFFY & LEVIN-EPSTEIN, *supra* note 11, at 2.

²⁷MARIE COHEN, WELFARE INFORMATION NETWORK, PROMOTING EDUCATION AMONG TANF TEENS (1998).

²⁸JANE MAULDON ET AL., UNIVERSITY OF CALIFORNIA, IMPACT OF CALIFORNIA'S CAL-LEARN DEMONSTRATION PROJECT: FINAL REPORT (2000).

²⁹*Id.*

³⁰Thirty-eight states require all high school students in TANF households to participate. See State Policy Documentation Project, *supra* note 23.

³¹DUFFY & LEVIN-EPSTEIN, *supra* note 11, at 4.

³²CENTER FOR LAW AND SOCIAL POLICY, *supra* note 23.

³³HELENE M. MARCY, CENTER FOR IMPACT RESEARCH, PREPPED FOR SUCCESS? SUPPORTING PREGNANT AND PARENTING TEENS IN CHICAGO SCHOOLS (2003).

without onsite child care must transport their children to child care, adding to their commute time. Because many teen mothers lack backup child care, a child's illness can cause the mother to miss days of school and lose assistance.³⁴ Failure to address these barriers can mean that teen parents will face not only increased sanctions but also a heightened risk of inability to stay connected to school.

Recommendations. One of the biggest obstacles to effective implementation of the school rule is the failure to couple sanctions with services and supports. Minor parents are more likely to be sanctioned than their adult counterparts, according to an analysis of some states' data.³⁵ Other research suggests that the most vulnerable recipients, such as those with learning disabilities, are most likely to be sanctioned. Such research raises fundamental questions as to the role sanctions play and whether the penalties simply reduce the incomes of those with the greatest barriers to participation and the greatest need.³⁶

While sanctions may be intended to encourage recipients to comply with the rules, the dynamics can differ if the sanction applies to a teenager within a family receiving TANF rather than to the adult who heads the family. A parent may have little control over a teenager's school attendance, and the sanction may exacerbate tension in the relationship. Anecdotes about teens who demand that their parents purchase specific clothing in exchange for attending school and avoiding a sanction underscore how the sanctions directed at teens in TANF households can have a fundamentally different impact from those directed at adults.

Services or supports from the welfare department to encourage the teen to return to school can mitigate family tensions related to schooling. For example, most teens do

not own cars and so depend on others to get to school.³⁷ Providing transportation may help ensure that the teen can attend school. States can direct supportive services to teens, such as after-school tutoring, and offer support to adult recipients. This would give parents the peace of mind to complete work requirements.

One way to ensure teen parents have the services they need is to create for each family a self-sufficiency plan that specifies the services and supports the head of households needs and focuses on child and adolescent well-being. Such a proposal is included in the Senate Finance Committee's markup of the TANF reauthorization bill that is pending. Whether or not Congress reauthorizes the law in 2005, nothing prevents states from creating self-sufficiency plans for families and teen parents.

Most states need to offer additional services to make their support for families holistic.³⁸ States could conduct surveys to analyze the needs of teens, including teen parents, and develop service priorities. For example, administrators in Ohio found that "close to one-fourth of [teen parents] were not in school . . . , and one-half of them were not on track with their education. [But] over 90 percent of the minors who were in school were on track."³⁹ Knowing this, administrators may find it more effective to emphasize policies that increase enrollment, such as alternative educational programs, transportation, and child care, over policies—such as bonuses for high grades—that target teens in school.

How long to provide services and supports to teens is another crucial question. While the federal rule requires a teen parent to participate in educational activities only until graduating, some states collaborate with state universities or community col-

³⁴*Id.*

³⁵ DUFFY & LEVIN-EPSTEIN, *supra* note 11.

³⁶*Id.*

³⁷KRISTINE MIRANNE & ALMA YOUNG, WAYNE STATE UNIVERSITY, TEEN MOTHERS AND WELFARE REFORM: CHALLENGING THE BOUNDARIES OF RISK (2002) (Occasional Paper 2002-1).

³⁸DUFFY & LEVIN-EPSTEIN, *supra* note 11, at 14. (Thirty of thirty-three states indicated that they needed at least one service to help teen parents meet the school/training requirement; sixteen of those identified more than one service need.)

³⁹ SHAPIRO & MARCY, *supra* note 21.

leges to allow teen parents to continue their education. In Illinois the TANF time clock “stops” for teen parents (and adults) who meet postsecondary educational milestones. For those who maintain a 2.5 grade point average, the clock stops for up to thirty-six months while they are in school (instead of ticking against the sixty-month lifetime limit on cash aid).⁴⁰ If state administrators and policy advocates are serious about using welfare to promote education, they must offer critical services, extend eligibility rules and time frames, and track recipients’ needs.

Welfare offices should also consider how rules might change to support teen and teen parent schooling. For example, if a state required all teens, including minor parents, to participate in schooling, and yet a teen had no access to after-school activities or supervision or was struggling to maintain school attendance, advocates could argue that any work requirements imposed on the teen’s parent should conform to school schedules.⁴¹

Minor Parents and Living Arrangements.

Generally, a minor teen parent must live with a parent, legal guardian, or adult relative to be eligible for federally funded TANF benefits.⁴² The intent of the rule was to decrease nonmarital births, encourage stable families, and provide teens with financial support and self-sufficiency skills. The federal law exempts a teen parent from the rule if

- the minor has no parent, guardian, or adult relative who is living or whose whereabouts are known or who will allow her to join the household;

- a state agency determines that the minor or her child is being or has been subjected to serious physical or emotional harm, sexual abuse, or exploitation in the parent, guardian, or adult relative’s home or that living in that home presents a risk of imminent or serious harm to the minor or her child; or
- a state agency determines waiving the rule is in the best interest of the minor’s child.⁴³

If a minor parent qualifies for one of the exemptions, the state agency must either provide an alternative “adult-supervised supportive living arrangement” or help the parent locate such an arrangement, or determine that the teen’s current living arrangement is appropriate.⁴⁴

States have many choices in implementing the living-arrangement rule, and their approaches vary greatly.⁴⁵ States must decide what constitutes an acceptable living environment, the number and types of exemptions available to teen parents, and whether and how to fund alternative living arrangements.⁴⁶

Impact of the Living-Arrangement Rule.

The impact of the living requirements on the well-being of teen parents who receive assistance must be evaluated. Living at home can be beneficial for teen parents. Mothers who never married and did not move away from home during their child’s first five years are more likely to have graduated from high school, be employed, and not be on welfare than mothers who never married but moved out of their parents’ home.⁴⁷

⁴⁰ DUFFY & LEVIN-EPSTEIN, *supra* note 11, at 16. The Illinois policy was adopted following advocacy by several organizations, including the Sargent Shriver National Center on Poverty Law. Illinois advocates report that monitoring of policy implementation is crucial to counter the welfare agency’s institutional inclination against considering education and training to be work activities.

⁴¹ Sarah E. Kurtz, *Welfare Reform Causes Troubling Decline in School Achievement and Increase in Problem Behaviors Among Adolescents*, YOUTH LAW NEWS (March–April 2002).

⁴² 42 U.S.C. § 608(a)(5)(A) (2002).

⁴³ *Id.* § 608(a)(5)(B)(ii).

⁴⁴ *Id.*

⁴⁵ For a breakdown of implementation issues and strategies, see State Policy Documentation Project, *Minor Living Arrangement* (Feb. 1999), www.spdp.org/mla.

⁴⁶ SUSAN T. BATTEN & STEPHANIE L. KOENIG, CENTER FOR ASSESSMENT AND POLICY DEVELOPMENT, SEEKING SUPERVISION: LOCAL IMPLEMENTATION OF THE TANF MINOR TEEN PARENT LIVING ARRANGEMENT RULES (1999).

⁴⁷ Rachel A. Gordon, *Multigenerational Coresidence and Welfare Policy*, 27 JOURNAL OF COMMUNITY PSYCHOLOGY 534 (1999).

These results are somewhat intuitive. Most teens who remain at home are also more likely to have a supportive family, enabling them to pursue their education. In fact, the reason most teen parents cite for leaving home is either that the senior parent, or grandmother, resides in a highly impoverished setting or that she failed to offer emotional and practical support as the teen made the transition to parenthood.⁴⁸

Other studies question the benefit of the living-arrangement rule. One study found that it increased nonmarital childbearing.⁴⁹ Another found that “residing with grandmothers may have a negative effect on the children of some young mothers (not just minor parents) with low levels of depression.”⁵⁰ Further, while residing with her mother may offer a teen mother some benefits, such as reduced financial strain, researchers have found increases in other problems, such as emotional distress.⁵¹

One of the living-arrangement requirement’s biggest drawbacks is that it seems to result in denial of assistance to teen parents.⁵² Because federal law gives states flexibility to approve alternative living arrangements for minor parents, too many teen parents who do not “live at home” can be inappropriately excluded from TANF. Part of the problem is that “live at home” is often construed literally. Welfare caseworkers may ask the teen parent only if she is living at home and deny her application if her answer is “no.” These workers fail to explore adequately whether the teen meets one of the exceptions. The consequences of

misinterpretation or misapplication of the rule are particularly troubling for homeless teens who might be eligible. One study found “almost two-thirds of homeless young parents ... were not currently receiving TANF assistance.”⁵³ Of teens surveyed, 44 percent had never applied for TANF benefits largely because they did not know that welfare cash grants existed or because they did not believe that they would be eligible.⁵⁴ Clearly advocates, case managers, and state administrators must ensure that teens understand the options available to them under the living-arrangement rule.

In Illinois a collaborative of advocates and welfare agency staff has successfully advocated improvements in how teen parents are received in welfare offices. Under new procedures, minor parents who are not in approved living arrangements receive assistance during a transitional period of up to six months to allow them to come into compliance. A teen parent specialist case manager is assigned during the transitional period. Not only are these case managers able to help teens come into compliance; they also understand the living-arrangement rule and its exceptions and can verify a teen’s eligibility for exemption from the rule. Absent the transitional period, an intake specialist with no particular expertise in assisting teens would handle a teen parent’s case.

A transitional compliance bill that would adopt a policy similar to that of Illinois is pending in the California legislature.⁵⁵ If the bill passes, minor parents would

⁴⁸*Id.* at 532.

⁴⁹CENTER FOR LAW AND SOCIAL POLICY, REAUTHORIZATION ISSUES: THE MINOR PARENT LIVING ARRANGEMENT PROVISION 3 (2002), www.clasp.org/publications/minor_parent.pdf (citing Ann Horvath-Rose & H. Elizabeth Peters, Joint Center for Poverty Research, *Welfare Waivers and Non-marital Childbearing*, JCPR POLICY BRIEFS, September 1999, www.jcpr.org/policy-briefs/vol2_num7.html).

⁵⁰*Id.*, citing Elisa A. Rosman & Hirokazu Yoshikawa, *Effects of Welfare Reform on Children of Adolescent Mothers: Moderation by Maternal Depression, Father Involvement and Grandmother Involvement*, 32 *WOMEN AND HEALTH* 253–90 (2001).

⁵¹*Id.*; Ariel Kalil & Sandra K. Danziger, *How Teen Mothers Are Faring Under Welfare Reform*, 56 *JOURNAL OF SOCIAL ISSUES*, 775–98 (2000).

⁵²Shapiro & Marcy, *supra* note 21.

⁵³Reeg et al., *supra* note 15, at 7.

⁵⁴*Id.* at 7.

⁵⁵Senate Bill 493, 2005–2006 Session (Calif. 2005) (at the time of publication, S.B. 493 had been passed by the Senate Human Services Committee and was pending before the Senate Appropriations Committee).

receive assistance during a transitional period to allow them to come into compliance with the living-arrangement or the school-attendance requirements. The 2005 welfare reauthorization bill that is pending in the U.S. Senate includes a similar “transitional compliance” period for minor parents.⁵⁶

Some states have taken advantage of limited funds available for “second chance” homes to provide alternative living arrangements for minor parents.⁵⁷ While TANF denies cash aid to those who fail to live in an approved setting, it did not appropriate specific funds to enable states to create alternative living arrangements. At different times some states have developed second chance home programs using TANF and other funding streams. Massachusetts, New Mexico, Rhode Island, and Texas are among those that have created homes to serve minor parents unable to live elsewhere.

Recommendations. States can approve alternative living arrangements for minor parents who do not live in an approved setting, exempt minor parents from the rule entirely, or approve an alternative. Setting the policy and assuming that local welfare workers understand its nuances is not sufficient. An eligibility worker who is trained to explore why a teen is not living at home may well learn that the teen has a valid reason, such as fleeing an unsafe environment, and the worker can find an alternative arrangement or exempt the teen.

States should also devise strategies that increase family resources when a teen parent stays home. Some low-income teens who are eligible for TANF assistance based on their own earnings might be ineligible when they live at home because the senior parent’s income is deemed available to the

teen and her child. This can place a major financial strain on low-income families that lack the resources to support an additional child. States establish the eligibility rules, and states can encourage teens to live at home by offering more resources to those who do.⁵⁸

The living-arrangement requirement also creates opportunities for new local partnerships to improve service to minor teen parents. The rule requires welfare officials to evaluate the appropriateness and safety of home environments—a task traditionally within the purview of child welfare officials. California established the CalWORKs/Child Welfare Partnership Project in an effort to “utilize TANF as a primary prevention program for child welfare and child welfare as an anti-poverty program.”⁵⁹

While the collaboration between child welfare agencies and TANF programs can lead to beneficial results, there are other issues to consider. For instance, the federal rule exempts teens from the living-arrangement requirement if their homes are determined “unsafe.” However, whether such a determination requires a referral to the child welfare system is unclear. Furthermore, the supply of foster parents who are willing to take in both a teen and her baby may be limited, making the welfare staff more likely to recommend that the teen live on her own. Finally, “when child welfare staff carry out assessment activities for welfare staff these are considered open child protective cases. Some welfare staff [feel] this is problematic.”⁶⁰ In short, for a collaboration to be successful, child welfare and TANF agencies must work through these issues to maximize teen parents’ access to supportive living environments.

⁵⁶LUCINDA HUMMEL & JODIE LEVIN-EPSTEIN, CENTER FOR LAW AND SOCIAL POLICY, MAKING A NEEDED TRANSITION: LESSONS FROM ILLINOIS ABOUT IMPLEMENTING TEEN PARENT TANF RULES (2005).

⁵⁷See U.S. Department of Housing and Urban Development, Homes and Communities: About Second Chance Homes, at www.hud.gov/offices/pih/other/sch/about.cfm.

⁵⁸DUFFY & LEVIN-EPSTEIN, *supra* note 11, at 20. In Nebraska, if a minor parent lives with one parent, the senior parent’s income affects the teen parent’s benefits eligibility only when the family’s income exceeds 300 percent of the federal poverty level.

⁵⁹DEBORAH REIDY KELCH, CALIFORNIA CENTER FOR RESEARCH ON WOMEN AND FAMILIES, UNDERSTANDING CALWORKS 23 (2002).

⁶⁰BATTEN & KOENIG, *supra* note 46.

Keep in mind the range of policy goals that requiring a teen to live at home is believed to promote. If the objective is to promote parenting skills and self-sufficiency, simply requiring the teen to live at home may not be the answer. Evaluating teens' living environments, ensuring that policies are in place to assist teens who do not have an appropriate place to live, conducting outreach to educate teens about their eligibility for cash assistance, and providing supports and services to teens unable to live at home carry more promise of starting teens on a path to self-sufficiency. Combining these approaches will promote proper evaluation and support for teens and will prevent the most vulnerable teens from slipping through the cracks.

How Can Legal Aid Providers Improve TANF for Teens?

Last fall the National Center for Youth Law launched the Teens and TANF Project to begin to address the problems, discussed throughout this article, that teens in TANF families were facing. In assessing providers of legal and other services to teens involved with TANF to determine the most prominent issues, we learned that very few programs that focus on public benefit systems had mechanisms for working with and identifying TANF teens. Conversely, few programs directed at youth identified public benefits as a key resource to assist teens. In other words, a gap between the research findings and the practices on the ground apparently needs to be bridged before outcomes for teens can be improved.

Legal aid organizations are often the only source of assistance for individuals who need help accessing and retaining public benefits. Teens have particular difficulties and face unique legal issues in accessing benefits, but they are also unlikely to seek assistance from legal aid lawyers. Therefore legal aid providers must reach out to teens, develop intake systems that account for the needs of teens residing in TANF families, and remain cognizant of the particular obstacles facing pregnant and parenting teens in navigating minor parent rules.

Legal aid organizations can use a variety of tools to ensure that they address issues facing TANF teens (see the sidebar). Legal aid lawyers should consider how to screen for the needs of teenagers when serving their adult clients. For example, teens may not need cash assistance if the family is already receiving aid, but they may need help in accessing after-school programs, special education programs, or supportive services to keep the family from being sanctioned or to give the adult recipient the flexibility necessary to meet her work requirements. More holistic services to minors can benefit the entire family.

Teens trying to access cash assistance often need help from the beginning of the process, including intake, eligibility determination, exploration of "good cause" for not meeting various eligibility rules, and assistance in finding appropriate housing or educational activities. By reaching out to and serving teens, legal aid organizations will assist a greatly underserved population and help fill the information gap regarding the needs of teens in TANF families, thereby improving TANF policies for teens and their families.



The 1996 welfare debate's focus on teen parents has, in some ways, distorted the public perception of welfare's impact on teens. The vast majority of adolescents in welfare families are nonparenting teens who are also affected by their family's participation in TANF. All teens should be of interest to Congress and states.

Learning about the impact of the program on teen parents and nonparenting teens leads to effective program implementation. That the pending TANF reauthorization bill in the Senate incorporates a transitional compliance period is encouraging since research suggests that teen parents too often have been inappropriately excluded from TANF. Illinois's new rules in this arena and California's transitional compliance bill are also noteworthy. And that the pending Senate reauthorization bill includes individual plans that consider adolescent well-being is encouraging since research also suggests that out-

comes for adolescents in TANF are sometimes worse when their mothers participate in the program.⁶¹

Much more needs to be done. Teens are the next generation. To help ensure that they do not need TANF in the future,

TANF must invest in teens. Adolescents should be armed with supports and services that enable them to complete school, secure employment, and advance in the labor market. States need not wait for Congress to act to give teens, whether parenting or not, greater priority.

⁶¹GENNETIAN ET AL., *supra* note 2.

Tips for Legal Aid Providers in Serving Teens

Many legal aid organizations overlook potential teen clients and typically focus on serving adults, even though many of the adult clients they serve have concerns regarding the teens who live in their households. Alternative and creative advocacy strategies may be available if lawyers take the teen's needs into consideration. Teens may need their own legal services, although they are unlikely to seek such assistance. Legal aid organizations can incorporate the following teen-friendly tips to ensure that issues involving teens are identified and to improve legal assistance to this underserved group.

Create an Intake that Takes Account of Teens.

The typical intake forms at legal aid offices do not include questions about the well-being of the adolescents in the household. But the reason that the client is being sanctioned, being charged with an overpayment, being evicted, or having the client's benefits reduced may involve the teen. Does the client need an exemption from welfare-to-work requirements to be available after school for the client's teen? Has the teen dropped out of school and thereby caused a reduction in the family's grant? Is the teen eligible to participate in Temporary Assistance for Needy Families (TANF), Medicaid, social security, or other youth programs? Legal aid lawyers should design their intake to take account of these issues.

Conduct Unconventional and Targeted Outreach—Especially to Homeless Youth, Pregnant, and Parenting Teens. Many teens in need of assistance do not know that free legal services and benefit programs that can assist them are available or that they may be eligible for such programs. Legal aid

providers should look for teens needing services where teens are mostly likely to be found, such as schools, teen parent programs, and homeless shelters for teens. Brochures often do not work because teens may not connect legal aid as a solution to their problem and, even if they did, are unlikely to follow up and call.

Make the Legal Aid Office and Its Lawyers Accessible to Teens.

Teens are not as mobile as adults. Many of them cannot drive and do not have the same access to private spaces as adults. Lawyers need to be flexible in serving teens by scheduling home visits or meeting teens in their own environment. Or, better yet, legal aid lawyers can locate their offices (or some attorneys) in places such as schools or health centers where teens are most likely to be, and collaborate with other providers to ensure that teens receive all the services to which they are entitled (including those they may not have known that they may get!).

Stay Open During Teen Hours.

Because many teens are at school during the day, legal aid organizations need to have teen-friendly hours or, as mentioned, be available directly in schools or health centers.

Gain Expertise in How Program Rules Differ for Teens.

Most legal aid programs work in several core issue areas: public benefits, health access, housing, domestic violence, and consumer protection. Teens need assistance in each of these areas, but the rules are often different as applied to teens. For example, TANF has rules unique to teen parents, including its schooling and living-arrangement requirements. In the family law con-

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Tips for Legal Aid Providers in Serving Teens (*Continued*)

text, teens may need a guardian ad litem to file for certain requests. The rules regarding confidentiality, privacy, and access to information also differ for teens—and legal aid providers who work directly with teens need to be able to navigate these rules.

Expand the Legal Aid Office’s Definition of Lawyering. Teens need more than legal services—they need education, outreach, referrals, and social work. Some legal organizations working with teens include social workers on their staff. Alternatively, lawyers providing assistance to teens can partner with other organizations with which teens come into contact. While confidentiality issues may arise through these partnerships, they can be worked through. The result is a broader array of services for teens.

Provide Holistic Services. All legal processes involve many steps, and teens need assistance throughout. For example, in the family law context, teens often need assistance in filling out the restraining order pleadings, filing at the clerk’s office, serving their abusers, getting to the courthouse for the hearing, and filling out the restraining order after the hearing. Confusing for adult victims, this process may be insurmountable for teens without the necessary support. Teens also may have related multiple legal issues—such as TANF, juvenile dependency, or educational issues—on which legal service providers can assist.

Build Trust. As a general matter, teenagers do not trust adults easily. Teens in need of legal services, given their background and experiences, may be even less trusting. Legal providers may need to have several meetings with the teen before the real issues come out, and other issues may be more pressing for the teen than legal problems. Legal aid providers working with teens need to establish a relationship. This includes understanding more than the teen’s legal problems and establishing and maintaining direct and constant communication with the teen.

Explain Confidentiality. Legal aid lawyers need to explain confidentiality, mandatory reporting, and attorney-client privilege rules up front and repeatedly throughout their representation of the teen.

Maintain Smaller Caseload. Because teens need a lot of hand-holding, lawyers who are working directly with teens should have smaller caseloads to accommodate the extra hours that they will spend traveling with the teens, preparing for meetings and hearings, and connecting teens to other services and supports that they need.

Conduct Training. Offering free legal training for youth service providers, eligibility workers, and compliance specialists is good for outreach and for ensuring that eligibility and benefit rules do not get misapplied to teens. Topics may include TANF rules, dating violence, housing rights, disability and social security benefits, and education rights.

Keep Records. Because teens typically are not assisted by legal aid organizations, many of the most pressing legal problems facing teens may go unnoticed and untracked. Legal aid offices can begin to fill the information gap by tracking which issues come up most often for teens.

Identifying legal issues that teens are dealing with and devising legal strategies that take account of the needs of teens in low-income households are essential to ensuring that teens have the resources they need to succeed and that the needs of the entire family are met.

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