

HB

431

HOUSE COMMITTEE REPORT

(9)

Date Referred: February 2, 1994

FURTHER REFERRALS:

Finance

Date of Committee Action: 3/28/94

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HB 431

HOUSE BILL NO. 431

AFDC FOR CERTAIN TEENAGED PARENTS

"An Act relating to the payment of aid to families with dependent children in the case of pregnant minors and minors who are parents."

RECOMMENDATIONS:

be replaced with _____

CS HB 431 (HESS)

the same title

a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): _____ (Dept)

APPROVES PREVIOUS: _____ (Dept/Date)

fiscal impact H+SS ⁽³⁾

fiscal note(s) _____

zero fiscal note _____

zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>		X	
		<i>[Signature]</i>		X	
		<i>[Signature]</i>		<input checked="" type="checkbox"/>	
		<i>[Signature]</i>		<input checked="" type="checkbox"/>	
		<i>[Signature]</i>		X	
		<i>[Signature]</i>		X	
		<i>[Signature]</i>		X	

[Signature]
CHAIRMAN'S SIGNATURE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

FISCAL NOTE

BILL NO. HB 431

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: An Act relating to payment of AFDC in case of pregnant minors and minors who are parents BRU: Public Assistance Administration
 Component: Public Assistance Administration
 Sponsor: Kott
 Requestor: _____ COMPONENT SERIAL NO. 0233

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	69.8	64.8	64.8	64.8	64.8	64.8
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	69.8	64.8	64.8	64.8	64.8	64.8

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGES IN REVENUES	0	0	0	0	0	0
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	34.9	32.4	32.4	32.4	32.4	32.4
1003 GF Match	34.9	32.4	32.4	32.4	32.4	32.4
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	69.8	64.8	64.8	64.8	64.8	64.8

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY94) impact: NONE

ANALYSIS: (Attach a separate page if necessary)

House Bill 431 amends AFDC program policy to exercise a federal option that allows states to require, as a condition of eligibility, that minor parents live at home or in another adult-supervised living situation. Minor parents would be excused from the requirement under certain conditions specified in the federal law and in this bill. This produces a need for professional clinical social worker time to investigate the availability and suitability of the home.

Prepared by: Jan L. Hansen, Director for Randy Mann, acting
 Division: Division of Public Assistance

Phone: 465-2680
 Date: _____

Approved by Commissioner: Margaret R. Lowe, M.Ed., Ed.S.
 Agency: Department of Health & Social Services

Date: 3-10-94

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ANALYSIS (cont.):

Assumptions:

200 AFDC applications per year are received from unmarried minor parents who are not living with their parent(s). Fifty applications per year are denied for reasons unrelated to this legislation.

Each of the remaining 150 applications per year is referred to a contracted clinical social worker for investigation and decision about the suitability of the home.

Applicant investigations require an average of 10 hours of social worker time at \$40/hour for each investigation.

Maintenance of cases in which the minor parent lives at home and is eligible for AFDC will require 120 hours of social worker time per year for continued assessment of the suitability of the home.

Effective date of the legislation is July 1, 1994.

Calculations:

FY 95-

FY 00: Contract Clinical Social Worker (12 months)

Intake Assessment/Evaluation

150 referrals x 10 hours = 1500 hours x \$40/hr x 12 months = 60.0

Re-Evaluations for maintenance caseload

120 hours/year x \$40 = 4.8

Contract Attorney to develop regulations 5.0

Total 69.8

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HB 431

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: An Act relating to payment of AFDC in case BRU: Public Assistance Administration
of pregnant minors and minors who are parents Component: Eligibility Determination
 Sponsor: Kott
 Requestor: _____ COMPONENT SERIAL NO. 0236

Expenditures/Revenues:		(Thousands of Dollars)					
OPERATING	FY95	FY96	FY97	FY98	FY99	FY00	
PERSONAL SERVICES	12.8	12.8	12.8	12.8	12.8	12.8	
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0	
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0	
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0	
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0	
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0	
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0	
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0	
TOTAL OPERATING	12.8	12.8	12.8	12.8	12.8	12.8	

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGES IN REVENUES	0	0	0	0	0	0
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FUND SOURCE		(Thousands of Dollars)					
1002 Federal Receipts	6.4	6.4	6.4	6.4	6.4	6.4	
1003 GF Match	6.4	6.4	6.4	6.4	6.4	6.4	
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0	
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0	
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0	
Other	0.0	0.0	0.0	0.0	0.0	0.0	
TOTAL	12.8	12.8	12.8	12.8	12.8	12.8	

POSITIONS:							
FULL-TIME	0	0	0	0	0	0	
PART-TIME	0	0	0	0	0	0	
TEMPORARY	0	0	0	0	0	0	

Estimate of current year (FY94) impact: NONE

ANALYSIS: (Attach a separate page if necessary)

House Bill 431 amends AFDC program policy to exercise a federal option that allows states to require, as a condition of eligibility, that minor parents live at home or in another adult-supervised living situation. Minor parents would be excused from the requirement under certain conditions specified in the federal law and in this bill.

Eligibility Determination staff will be responsible for explaining the requirements of HB 431 to minor parents, referring cases for investigation, tracking investigation reports, and monitoring and enforcing compliance with the requirements.

Prepared by: Jan L. Hansen, Director *for Pamela Brown, acting* Phone: 465-2680
 Division: Division of Public Assistance Date: _____
 Approved by Commissioner: Margaret R. Lowe, M.Ed., Ed.S. *Margaret R. Lowe* Date: 3-10-94
 Agency: Department of Health & Social Services

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ANALYSIS (cont.):

Assumptions:

200 applications per year are received from minor parents who are not living with their parent(s). 50 applications per year are denied for reasons unrelated to this legislation. We expect to refer 150 application per year for investigation.

We are not requesting an additional eligibility determination position.

Calculations:

1 hour intake per application x 200 application	200 hours
3 hours maintenance per case per year x 120 cases	<u>360 hours</u>
Total	560 hours per year

$$560 \div 1950 \text{ hrs/FTE} = .28 \text{ Eligibility Tech II FTE/yr}$$

$$.28 \text{ Eligibility Tech II FTE/yr} \times \$45.7 \text{ Eligibility Tech II} = \$12.8/\text{yr}$$

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HB 431

Revision Date: _____ Dept. Affected: Health and Social Services
 Title: An Act relating to payment of AFDC in case BRU: Assistance Payments
of pregnant minors and minors who are parents Competent: AFDC
 Sponsor: Kott
 Requestor: _____ COMPONENT SERIAL NO. 0220

Expenditures/Revenues:		(Thousands of Dollars)					
OPERATING	FY95	FY96	FY97	FY98	FY99	FY00	
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0	
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0	
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0	
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0	
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0	
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0	
GRANTS, CLAIMS	(147.8)	(295.6)	(295.6)	(295.6)	(295.6)	(295.6)	
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0	
TOTAL OPERATING	(147.8)	(295.6)	(295.6)	(295.6)	(295.6)	(295.6)	
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0	
CHANGES IN REVENUES	0	0	0	0	0	0	

FUND SOURCE		(Thousands of Dollars)					
1002 Federal Receipts	(73.9)	(147.8)	(147.8)	(147.8)	(147.8)	(147.8)	
1003 GF Match	(73.9)	(147.8)	(147.8)	(147.8)	(147.8)	(147.8)	
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0	
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0	
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0	
Other	0.0	0.0	0.0	0.0	0.0	0.0	
TOTAL	(147.8)	(295.6)	(295.6)	(295.6)	(295.6)	(295.6)	

POSITIONS:							
FULL-TIME	0	0	0	0	0	0	
PART-TIME	0	0	0	0	0	0	
TEMPORARY	0	0	0	0	0	0	

Estimate of current-year (FY94) impact: NONE

ANALYSIS: (Attach a separate page if necessary)

House Bill 431 amends AFDC program policy to exercise a federal option that allows states to require, as a condition of eligibility, that minor parents live at home or in another adult-supervised living situation. Minor parents would be excused from the requirement under certain conditions specified in the federal law and in this bill. Minor parents who the Department determines must live in their parent's home may be ineligible for AFDC because their parent's income and assets count as available to the minor parent.

Prepared by: Jan L. Hansen, Director *Randy Moran, acting dir.* Phone: 465-2650
 Division: Division of Public Assistance Date: _____
 Approved by Commissioner: Margaret R. Lowe, M.Ed., Ed.S. Date: 3-10-94
 Agency: Department of Health & Social Services

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ANALYSIS (cont.):Assumptions:**AFDC Payment Savings**

Current statute at AS 47.25.310(c) specifically prohibits imposition of the requirement for the minor parent or pregnant minor to live in a particular type of household. We presume, for purposes of this analysis, that the intent of the sponsor of HB 431 is to repeal that subsection.

200 AFDC applications per year are received from unmarried minor parents who are not living with their parent(s). Fifty applications per year are denied for reasons unrelated to this legislation.

Each of the remaining 150 applications per year is investigated for a decision about the suitability of the home.

Twenty percent of the referrals are ultimately denied benefits because the family refuses to cooperate in the investigation, or the family does not qualify financially when the parent(s)' income and assets are counted as available to the minor parent because they are required to live at home.

The average monthly AFDC caseload is reduced by 30 cases per month, beginning in January 1995. The average AFDC savings is \$821 per case per month.

Calculations:**AFDC Benefit Savings**

FY 95: (6 months)

$$30 \text{ cases} \times \$821/\text{case}/\text{month} \times 6 \text{ months} = \$147.8$$

FY 96

FY 00: (12 months)

$$30 \text{ cases} \times \$821/\text{case}/\text{month} \times 12 \text{ months} = \$295.6$$



Alaska State Legislature

House of Representatives
 COMMITTEE ON HEALTH, EDUCATION
 AND SOCIAL SERVICES

DATE: 5/28/94

PLACE: Capitol Room 106

SUBJECT OF MEETING:
 *HB 431: AFDC FOR CERTAIN TEENAGED PARENTS
 HB 378: REVISE OLDER ALASKANS COMMISSION
 SB 221: ARREST OF MINORS FOR CONSUMING ALCOHOL
 * INDICATES FIRST PUBLIC HEARING

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
						IF NEEDED Y N	IF NEEDED Y N	
JOE Ambrose	SEN TAYLOR					IF NEEDED Y N	IF NEEDED Y N	SB 221
JAN HANSEN	DASS				X 2688	IF NEEDED Y N	IF NEEDED Y N	HB 431
JEFF Bush	AKCLU	175 S. Franklin St., Ste. 318 Juneau	99801		468-4150	(☺)	Y N	SB 221
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	

H/HESS ROLL CALL FORM

BILL HB 378 DATE 3/28/94

TAPE 94-62 NUMBER 833

SUBJECT OF VOTE TO PASS HB 378 OUT OF COMMITTEE
WITH INDIVIDUAL RECOMMENDATIONS AND ACCOMPANYING FISCAL NOTE

MEMBER	YEA	NAY	ABS
Rep. Cynthia Toohey	✓	—	—
Rep. Con Bunde	✓	—	—
Rep. Gary Davis	✓	—	—
Rep. Al Vezey	✓	—	—
Rep. Pete Kott	✓	—	—
Rep. Harley Olberg	✓	—	—
Rep. Bettye Davis	✓	—	—
Rep. Irene Nicholia	✓	—	—
Rep. Tom Brice	✓	—	—
TOTAL	<u>9</u>	<u>0</u>	<u>—</u>

+++++

BILL HB 431 DATE 3/28/94

TAPE 94-67 NUMBER 571

SUBJECT OF VOTE TO PASS HB 431 AS AMENDED OUT OF
COMMITTEE WITH INDIVIDUAL RECOMMENDATIONS AND ACCOMPANYING
FISCAL NOTE

MEMBER	YEA	NAY	ABS
Rep. Con Bunde	✓	—	—
Rep. Gary Davis	✓	—	—
Rep. Al Vezey	✓	—	—
Rep. Pete Kott	✓	—	—
Rep. Harley Olberg	✓	—	—
Rep. Bettye Davis	—	✓	—
Rep. Irene Nicholia	—	✓	—
Rep. Tom Brice	—	✓	—
Rep. Cynthia Toohey	✓	—	—
TOTAL	<u>6</u>	<u>3</u>	<u>—</u>

A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE KOTT

TO: HB 431

Page 2, after line 29:

Insert a new bill section to read:

"* Sec. 3. AS 47.25.310(c) is repealed."

Alaska State Legislature
House of Representatives

COMMITTEES:
HEALTH, EDUCATION
& SOCIAL SERVICES
JUDICIARY
STATE AFFAIRS

SPECIAL COMMITTEES:
MILITARY & VETERANS AFFAIRS
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PHONE (907) 694-8944
FAX 694-8945

SESSION:
STATE CAPITOL
JUNEAU, AK 99811
PHONE (907) 465-3777

Representative Pete Kott

SPONSOR STATEMENT

HB 431 - AFDC FOR CERTAIN TEENAGED PARENTS

In Alaska, as nationally, there is a higher rate of welfare dependency by teenage, single parents who set up their own residence than among those who remain at home. House Bill 431 amends state AFDC policy to exercise a federal option allowing an eligibility criteria based on the place of residence of a minor who is a parent. The bill would encourage minor parents to live in a situation involving continued adult supervision.

An average of 200 minor parents who are not living with their parents apply for welfare in Alaska each year. Approximately 150 of these would be subject to investigation under the provisions of this bill. Factoring in the present attrition rate of 20 percent, 120 minor parents would possibly be affected. At least some of these minors and their children would benefit from living in an adult supervised supportive situation, such as a parent's home. The bill provides exceptions for recipients whose physical or emotional health or safety, or that of their children, would be put at risk by moving into a parent's or relative's home.

In addition to the social benefit for some recipients, this bill has the potential for reducing the cost of welfare in Alaska. Some of the recipients who would move back into a parent's home as a result of this legislation would be moving into a household fully capable of providing financial support for the minor parent and the minor parent's child. If the family is able to provide support for the potential welfare recipient, it is inappropriate for the state to be providing such support. The Department of Health & Social Services estimates that House Bill 431 could save the state General Fund \$32,600 in FY95, and \$109,000 each fiscal year thereafter.



HB 431
SECTIONAL ANALYSIS

**"An Act relating to the payment of aid
to families with dependant children
in the case of pregnant minors
and minors who are parents."**

Section 1.

Amends AS 47.25.360 to include an exception for payment of AFDC benefits to a person having custody of a child under circumstances set forth in AS 47.25.362 added by Section 2 of the bill.

Section 2.

Amends AS 47.25 by adding a new section which requires, as a condition of eligibility, that a minor parent reside with the minor parent's parent, legal guardian or other adult relative, or in another adult supervised supportive living arrangement. The section further provides that AFDC payments for such a minor be paid to the minor's parent, guardian or other adult relative, or to the head of the other adult supervised supportive living arrangement. Finally, the section provides a list of exceptions under which the eligibility provision added by this section do not apply. The exceptions are required by federal law.

(43) at the option of the State, provide that—

(A) subject to subparagraph (B), in the case of any individual who is under the age of 18 and has never married, and who has a dependent child in his or her care (or is pregnant and is eligible for aid to families with dependent children under the State plan)—

- (i) such individual may receive aid to families with dependent children under the plan for the individual and such child (or for herself in the case of a pregnant woman) only if such individual and child (or such pregnant woman) reside in a place of residence maintained by a parent, legal guardian, or other adult relative of such individual as such parent's, guardian's, or adult relative's own home; or reside in a foster home, maternity home, or other adult-supervised supportive living arrangement; and
- (ii) such aid (where possible) shall be provided to the parent, legal guardian, or other adult relative on behalf of such individual and child; and

(B) subparagraph (A) does not apply in the case where—

- (i) such individual has no parent or legal guardian of his or her own who is living and whose whereabouts are known;
- (ii) no living parent or legal guardian of such individual allows the individual to live in the home of such parent or guardian;
- (iii) the State agency determines that the physical or emotional health or safety of such individual or such dependent child would be jeopardized if such individual and such dependent child lived in the same residence with such individual's own parent or legal guardian;
- (iv) such individual lived apart from his or her own parent or legal guardian for a period of at least one year before either the birth of any such dependent child or the individual having made application for aid to families with dependent children under the plan; or
- (v) the State agency otherwise determines (in accordance with regulations issued by the Secretary) that there is good cause for waiving such subparagraph.

(44) provide that the State agency shall—

(A) be responsible for assuring that the benefits and services under the programs under this part [42 USCS §§ 601 et seq.], part D [42 USCS §§ 651 et seq.], and part F [42 USCS §§ 681 et seq.] are furnished in an integrated manner, and

(B) consistent with the provisions of this title [42 USCS §§ 601 et seq.], ensure that all applicants for and recipients of aid to families with dependent children are encouraged, assisted, and required to cooperate in the establishment of paternity and the enforcement of child support obligations, and are notified of the paternity establishment and child support services for which they may be eligible; and

(45) provide (in accordance with regulations issued by the Secretary) for appropriate measures to detect fraudulent applications for aid to families with dependent children prior to the establishment of eligibility for such aid.

[Concluding matter unchanged]

(b), (c) [Unchanged]

(d) [Repealed]

(e) Approval of automated data processing planning document; review of management information systems. (1) The Secretary shall not approve the initial and annually updated advance automated data processing planning document, referred to in subsection (a)(30), unless he finds that such document, when implemented, will generally carry out the objectives of the statewide management system referred to in such subsection, and such document—

(A)-(G) [Unchanged]

(2)(A) [Unchanged]

(B) If the Secretary finds with respect to any statewide management information system referred to in section 403(a)(3)(B) [42 USCS § 603(a)(3)(B)] that there is a failure substantially to comply with criteria, requirements, and other undertakings, prescribed by the advance automated data processing planning document theretofore approved by the Secretary with respect to such system, then the Secretary shall suspend his approval of such document until there is no longer any such failure of such system to comply with such criteria, requirements, and other undertakings so prescribed.

(C) If the Secretary determines that such a system has not been implemented by the State by the date specified for implementation in the State's advance automated data processing planning document, then the Secretary shall reduce payments to such State, in accordance with section 403(b) [42 USCS § 603(b)], in an amount equal to 40 percent of the expenditures referred to in section 403(a)(3)(B) [42 USCS § 603(a)(3)(B)] with respect to which payments were made to the State under section 403(a)(3)(B) [42 USCS

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AFDC-UP cash assistance in which. This provision also applies at the time of the family's application for assistance, eligibility was established based on the basis of paragraph (a)(3)(iii)(B) section, but eligibility could be established based on the basis of paragraph (a)(3)(iii)(A) section.

Federal Financial Participation
Federal financial participation is for payments authorized in accordance with the State plan under section 402 of the Act as to families with dependent children, respect to a child:

(i) meets the requirements of § 233.106(a)(2) of the Act;

(ii) is living with any of the relatives specified in section 406(a)(1) of the Act in a place of residence maintained by one or more of such relatives (their) own home;

(iii) has been deprived of support or care by reason of the death of his or her parent who is the principal earner is employed less than a month; or exceeds that period or a particular month if his or her employment is intermittent and the nature of the employment is of a temporary nature as evidenced by the fact that he or she was not employed for a 100-hour standard for 2 consecutive months and is expected to be employed for a 100-hour standard during the next 12 months;

(iv) the parent who is the principal earner resides in one or more quarters of work in paragraph (a)(3)(iv) of this section within any 13-calendar-month period ending within 1 year of the date of the application for such aid, and the parent is not receiving unemployment compensation under the law of a State or of the United States; or

(v) was qualified (under the provisions of paragraph (a)(3)(v) of this section) for such compensation under the law of a State or of the United States.

(vi) the parent who is the principal earner resides in one or more quarters of work in paragraph (a)(3)(vi) of this section within any 13-calendar-month period ending within 1 year of the date of the application for such aid, and the parent is not receiving unemployment compensation under the law of a State or of the United States.

(vii) the parent who is the principal earner resides in one or more quarters of work in paragraph (a)(3)(vii) of this section within any 13-calendar-month period ending within 1 year of the date of the application for such aid, and the parent is not receiving unemployment compensation under the law of a State or of the United States.

(viii) the parent who is the principal earner resides in one or more quarters of work in paragraph (a)(3)(viii) of this section within any 13-calendar-month period ending within 1 year of the date of the application for such aid, and the parent is not receiving unemployment compensation under the law of a State or of the United States.

(ix) the parent who is the principal earner resides in one or more quarters of work in paragraph (a)(3)(ix) of this section within any 13-calendar-month period ending within 1 year of the date of the application for such aid, and the parent is not receiving unemployment compensation under the law of a State or of the United States.

(x) the parent who is the principal earner resides in one or more quarters of work in paragraph (a)(3)(x) of this section within any 13-calendar-month period ending within 1 year of the date of the application for such aid, and the parent is not receiving unemployment compensation under the law of a State or of the United States.

registered with the public employment office in the State if exempt from the JOBS program under § 250.30(b)(5) of this chapter; and

(B) Has not refused to apply for or accept unemployment compensation with respect to any week for which such child's parent qualifies for unemployment compensation under an unemployment compensation law of the State or of the United States.

(2) The State may not include in its claim for Federal financial participation payments made as aid under the plan with respect to a child who meets the conditions set forth in paragraph (c)(1) of this section, where such payments were made:

(i) For any part of the 30-day period specified in paragraph (a)(3)(i) of this section;

(ii) For such 30-day period if during that period the parent refused without good cause a bona fide offer of employment or training for employment;

(iii) For any period beginning with the 31st day after the receipt of aid, if and for as long as no action is taken during the period to undertake appropriate steps directed toward the participation of the parent who is the principal earner in a program under part 250 of this chapter;

(iv) To the extent that such payments are made to meet the need of an individual who is subject to a sanction imposed, under part 250 of this chapter (for failure to meet the requirements for participation in the JOBS program).

(3) Federal financial participation is available for child care and supportive services expenditures associated with participation in an approved State-designed program (as provided in paragraph (b)(3)(iii) of this section) under titles IV-A and IV-F of the Act respectively. However, Federal financial participation is not available for any other costs, program or administrative, associated with State-designed programs.

(d) For all States (other than Puerto Rico, American Samoa, Guam, and the Virgin Islands) the provisions of this section are in effect through September 30, 1998. For Puerto Rico, American Samoa, Guam, and the Virgin Islands, the provisions of this section

are in effect from October 1, 1992, through September 30, 1998.

(57 FR 30426, July 9, 1992)

§ 233.106 Denial of AFDC benefits to strikers.

(a) Condition for plan approval. A State plan under title IV-A of the Social Security Act must:

(1) Provide that participation in a strike shall not constitute good cause to leave, or to refuse to seek or accept, employment.

(2)(i) Provide for the denial of AFDC benefits to any family for any month in which any caretaker relative with whom the child is living is, on the last day of such month, participating in a strike; and

(ii) Provide that no individual's needs shall be included in determining the amount of aid payable for any month to a family under the plan if, on the last day of such month, such individual is participating in a strike.

(b) Definitions. (1) The State must define "strike" by using the National Labor Relations Board definition (29 U.S.C. 142(2)) or another definition of the term that is currently in State law.

(2) The State must define the term "participating in a strike."

(3) For purposes of paragraph (a)(2)(i) of this section, "caretaker relative" means any natural or adoptive parent.

(47 FR 5682, Feb 5, 1982)

§ 233.107 Restriction in payment to households headed by a minor parent.

(a) State plan requirements. A State in its title IV-A State plan may provide that a minor parent and the dependent child in his or her care must reside in the household of a parent, legal guardian, or other adult relative, or in an adult-supervised supportive living arrangement in order to receive AFDC unless:

(1) The minor parent has no living parent or legal guardian whose whereabouts is known;

(2) No living parent or legal guardian of the minor parent allows the minor parent to live in his or her home;

(2) The minor parent lived apart from his or her own parent or legal guardian for a period of at least one year before either the birth of the dependent child or the parent's having made application for AFDC;

(4) The physical or emotional health or safety of the minor parent or dependent child would be jeopardized if they resided in the same residence with the minor parent's parent or legal guardian;

(5) There is otherwise good cause for the minor parent and dependent child to receive assistance while living apart from the minor parent's parent, legal guardian, or other adult relative, or an adult-supervised supportive living arrangement.

(b) *Allegations.* If a minor parent makes allegations supporting the conclusion that paragraph (a)(4) of this section applies, the State agency shall determine whether it is justified.

(c) *Good Cause.* The circumstances justifying a determination of good cause must be set forth in the State plan.

(d) *Protective Payments.* When a minor parent and his or her dependent child are required to live with the minor parent's parent, legal guardian, or other adult relative, or in an adult-supervised supportive living arrangement, then AFDC is paid (where possible) in the form of a protective payment.

(e) *Definitions:* For purposes of this section:

(1) A *minor parent* is an individual who (i) is under the age of 18, (ii) has never been married, and (iii) is either the natural parent of a dependent child living in the same household or eligible for assistance paid under the State plan to a pregnant woman as provided in § 233.90(c)(2)(iv) of this part.

(2) A *household of a parent, legal guardian, or other adult relatives* means the place of residence of (i) a natural or adoptive parent or a step-parent, or (ii) a legal guardian as defined by the State, or (iii) another individual who is age 18 or over and related to the minor parent as specified in § 233.90(c)(1)(v) of this part provided that the residence is maintained as a home for the minor parent and child

as provided in § 233.90(c)(1)(v)(B) of this part.

(3) An *adult-supervised supportive living arrangement* means a private family setting or other living arrangement (not including a public institution), which, as determined by the State, is maintained as a family setting, as evidenced by the assumption of responsibility for the care and control of the minor parent and dependent child or the provision of supportive services, such as counseling, guidance, or supervision. For example, foster homes and maternity homes are "adult-supervised supportive living arrangements."

(f) *Notice Requirements.* Minor applicants shall be informed about the eligibility requirements and their rights and obligations consistent with the provisions at § 206.10(a)(2)(i). For example, a State may wish to: (1) Advise the minor of the possible exemptions and specifically ask whether one or more of these exemptions is applicable; and (2) assist the minor in attaining the necessary verifications if one or more of these exemptions is alleged.

[57 FR 30428, July 9, 1992]

§ 233.110 Foster care maintenance and adoption assistance.

(a) *State plan requirements.* A State plan under title IV-A of the Social Security Act must provide that the State has in effect a plan approved under Part E, title IV of the Social Security Act, and operates a foster care maintenance and adoption assistance program in conformity with such a plan.

[51 FR 9206, Mar. 18, 1986]

§ 233.120 Emergency assistance to needy families with children.

(a) *Requirements for State plans.* A State plan under Title IV, Part A, of the Social Security Act, providing for emergency assistance to needy families with children must:

(1) Specify the eligibility conditions imposed for the receipt of emergency assistance. These conditions may be more liberal than those applicable to other parts of the plan. (See para-