



**Marriage and the TANF Rules:  
A Discussion Paper**

**By Paula Roberts and Mark Greenberg  
Center for Law and Social Policy**

**February 1, 2005**

## ACKNOWLEDGEMENTS

The authors would like to thank the following people for reviewing drafts of this paper and offering valuable input: Wendell Primus, Minority Staff Director of the Joint Economic Committee for the U.S. Congress; Howard Hendrick, Director of the Oklahoma Department of Human Services; and Greg Acs, Adam Carasso, and Eugene Steuerle of the Urban Institute.

CLASP would also like to thank the Annie E. Casey Foundation for providing funding for this paper.

While CLASP is grateful for all assistance and funding related to this paper, the authors alone are responsible for its content.

## INTRODUCTION

In recent years, policymakers have become increasingly interested in exploring the relationship between public benefits rules and marriage. This interest has, in part, been prompted by social science research findings that, on average, children do best when raised by their two married, biological parents who have a low-conflict relationship.<sup>1</sup> Interest has also been fueled by claims that marriage enhancement would be a viable anti-poverty strategy. A recent CLASP publication explores this research and concludes that, while it is no substitute for other efforts to reduce poverty (such as increasing educational attainment, providing job training, taking steps to improve job quality for low-wage workers, strengthening child support enforcement, improving access to work supports, and reducing racial discrimination), encouraging healthy marriage can be part of an antipoverty strategy.<sup>2</sup>

While some policymakers wish to affirmatively promote marriage through the structure of public benefits programs, others dispute whether that should be the goal of policy. Nonetheless, there is probably broad agreement that program rules should *not penalize* marriage. Thus, there has been interest in understanding the extent to which public benefits rules reward or penalize particular family structures. The complex issues that arise in this context are endemic to any system that provides benefits on a group (i.e., family) basis rather than looking at individual needs and are particularly acute when eligibility for or amount of a benefit depends on household composition and income. Thus, they arise in relation to a broad range of means-tested benefits, such as cash assistance, child care, food stamps, subsidized housing, and Medicaid, as well as tax system rules.

Beyond not penalizing marriage, there is no general consensus about what the rules of a public benefit system should seek to accomplish in relation to family structure. Some contend that the system's rules should encourage or advantage two-parent families whether married or cohabiting. Others would encourage or advantage only married couple families. Still others think a system that neither encourages nor discourages a particular family structure is the more appropriate goal. Which rules are "right" for a benefits system depends, of course, on which policy goal is being advanced.

CLASP has sought to advance a "Marriage Plus" agenda. The key premises of this approach are that public policy should try to help more children be born into, and grow up with, two biological married parents, who have a reasonably healthy, cooperative relationship. However, marriage is not always possible or desirable in individual cases: many single parents are not in a position to marry their child's other parent, some

---

<sup>1</sup> For an introduction to this research see Mary Parke, *Are Married Parents Really Better for Children? What Research Says About the Effects of Family Structure on Child Well-Being*, (Washington, DC: Center for Law and Social Policy, May 2003). Available at [www.clasp.org/publications](http://www.clasp.org/publications) and from CLASP Publications, 1015 Fifteenth Street NW, Suite 400, Washington, DC 20005.

<sup>2</sup> Paula Roberts, *I Can't Give You Anything but Love: Would Couples with Children be better Off Economically If They Married* (Washington, DC: Center for Law and Social Policy, August 2004). Available at [www.clasp.org/publications](http://www.clasp.org/publications) and from CLASP Publications, 1015 Fifteenth Street NW, Suite 400, Washington, DC 20005.

marriages should never begin, and others are better ended. Accordingly, it is essential to ensure that public policy helps all parents—whether never-married, cohabiting, separated, divorced, or married—fulfill their responsibilities and cooperate in raising their child whenever possible and appropriate. Public benefits should provide needed supports for children whatever their family structure.

From the “Marriage Plus” perspective, two goals should be paramount in designing public benefits programs from a family structure perspective. *First*, the state should seek to develop rules that do not discourage marriage. *Second*, these rules should not disadvantage children who live in single-parent families.

This monograph explores the issues that arise in pursuing these goals. For purposes of analysis, we consider *only* the rules for the Temporary Assistance for Needy Families (TANF) block grant. TANF, unlike its predecessor—the Aid to Families with Dependent Children (AFDC) program—provides states with flexibility to design and implement eligibility and benefit rules that make the program more supportive of two-parent households.

For purposes of this discussion paper, we focus solely on TANF, for two principal reasons:

- all of the rules and choices we discuss are entirely within a state’s control, and a state wishing to restructure its rules is free to do so at any point;
- since there are essentially no federal constraints (except those relating to resources), examining TANF rules allows a “pure” opportunity to consider what kinds of policies are most appropriate for a means-tested benefit without the additional complexity that arises when rules about households, assistance units, or income/resource counting are already specified in federal law.

While we focus on TANF rules, many of the principles and issues we explore may be applicable to the structuring of a range of means-tested benefits, such as housing assistance, child care, and Medicaid coverage, and may also be relevant to discussions of family structure and tax policy.

This paper begins with brief discussions of the AFDC rules that related to family structure and of the options now available to states in designing their TANF rules. Next is a description of some of the research addressing the effects of AFDC and TANF on family formation decisions. The paper then provides a framework for preliminary analysis of how to proceed and suggests concrete policies that would neither discourage marriage nor disadvantage children being raised in single-parent families.

In discussions of public benefits and family structure, there are sometimes references to “marriage penalties” and “marriage disincentives.” The terms are sometimes used to refer to two different kinds of situations. First, there is clearly a “marriage penalty” if a rule penalizes the act of marriage in itself: if, for example, cohabiting parents are eligible for assistance but the same parents, if married, are ineligible. Such penalties are explicit, but they are also infrequent. The more common

situation is one in which a new spouse enters the home bringing additional income. The income is treated as available to the family, and TANF benefits decrease or end.. From the family’s perspective, this may be perceived as a penalty for marrying, even though the new spouse’s income is treated no differently from any other increase in income (e.g., higher wages, child support) that becomes available to the family.

People disagree about whether this second situation—the loss of benefits when new income in the home is counted—should be viewed as a “marriage penalty.” Whether or not viewed as a penalty, it is important for states to consider the most appropriate rules for such situations, and we consider alternative approaches in our discussion. But, we do not use the terms “marriage penalty” or “marriage disincentive” in this paper except when a rule is clearly based on marital status alone, not economics.

We have called this monograph a discussion paper because we think the issues are difficult ones, and we welcome comments, criticisms, and alternatives. We hope that this paper can prompt further discussion and efforts to move from broad principles to concrete proposals that states can use as they develop policy in a variety of means-tested benefit and tax programs.

## AN OVERVIEW OF FAMILY STRUCTURE-RELATED PROVISIONS OF THE AFDC AND TANF PROGRAMS

### Aid to Families with Dependent Children (AFDC)

Before TANF, the AFDC program was the principal federal-state program providing income support for poor families. Generally, under AFDC, only families with very little income and few assets were eligible for assistance; restrictive eligibility rules made it even more difficult for two-parent families to receive benefits; and a parent was likely to lose assistance if she got married because the new spouses income were considered in determining the household's eligibility for benefits. Families were required to cooperate with child support enforcement, but most child support collected was used to reimburse the state and federal government for assistance costs.

***Eligibility Limited to Those with Very Low Income and Few Assets.*** States set their own eligibility levels. Each state set a standard of need (in theory, the amount the state believed was necessary for the family to live in minimal decency), and the state could not provide assistance to a family whose income exceeded 185 percent of its standard of need. In practice, income eligibility tended to be much lower, because states set low benefit levels and reduced assistance on close to a dollar-for-dollar basis if the family had other income. In most states benefits well below the poverty line, and the real value of benefits steadily deteriorated over the last 25 years of the program.<sup>3</sup> A family's countable assets could not exceed \$1,000, and states could choose an even lower limit.<sup>4</sup>

***More Restrictive Eligibility for Two-Parent Families.*** When AFDC first began, states were barred from assisting two-parent families unless one parent was incapacitated. In 1961, states were given permission to provide benefits to households with two able-bodied parents through the AFDC-Unemployed Parent (AFDC-UP) program. Legislation in 1988 *required* all states to cover two-parent families, though allowed some states to time-limit those benefits. In addition to meeting other AFDC rules, a non-incapacitated two-parent family could only receive assistance if:<sup>5</sup>

- The primary wage earner had worked in at least six of the previous 13 calendar quarters (the “work history test”).
- The primary wage earner worked less than 100 hours per month (the “100-hour rule”).
- At least 30 days had passed since loss of a job.

***Counting of Income of Parents and Step-Parents.*** Generally, the income of the resident parent or parents was counted in determining the family's income. Since 1981, states were required to count much of the income of a step-parent in determining program

---

<sup>3</sup> For example, in 1996, the maximum grant for a family of three in Alabama was \$164 per month, while a family of the same size living in Massachusetts received \$565. *Committee on Ways And Means, 1998 Greenbook* (Washington, DC: U.S. House of Representatives, May 1998), p.419. Table 7-9.

<sup>4</sup> See 45 CFR § 233.20(a)(3)(i)(B)(1).

<sup>5</sup> 42 USC § 607, repealed by Pub. Law 104-193, 104th Cong., 2d Sess. (1996).

eligibility for both the children and their mother,<sup>6</sup> which had the practical effect of meaning that if the mother married a man with more than minimal income, the family was likely to lose eligibility for assistance.

***Child Support Assignment.*** Adult AFDC recipients were required to assign their child and spousal support rights to the state and cooperate with the state in pursuing those rights against the noncustodial parent unless they could demonstrate “good cause” for non-cooperation.<sup>7</sup> If money was collected, the state kept most of it to reimburse itself and the federal government for benefits paid to the family.<sup>8</sup>

Taken together, the AFDC rules created a structure in which it was significantly more difficult for two-parent families (whether married or cohabiting) than single parent families to receive assistance; in which family benefits were sharply reduced or eliminated if an AFDC mother married her children’s father or brought a step-parent into the household; and in which the combination of low benefits and restrictive treatment of earnings meant that families would often lose assistance if there was any wage-earner in the family.

#### The Temporary Assistance for Needy Families (TANF) Program

In 1996, Congress replaced AFDC with Temporary Assistance for Needy Families (TANF).<sup>9</sup> TANF provides each state with a block grant that can be used for the provision of cash assistance to needy families and for other purposes. In enacting TANF, Congress articulated a desire for a program that encouraged two-parent families and marriage. The four purposes for TANF are:<sup>10</sup>

1. to provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives;
2. to end the dependence of needy parents on government benefits by promoting job preparation, work, and marriage;
3. to prevent and reduce the incidence of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing the incidence of these pregnancies; and
4. to encourage the formation and maintenance of two-parent families.

---

<sup>6</sup> This provision was amended twice. The original disregard was \$75 plus any alimony or child support paid for individuals not living in the household. The Secretary of HHS was empowered to set a lower flat amount for part-time work. The part-time provision was eliminated in the first amendment and the flat amount was changed to \$90 in the second revision. Step-parents were also allowed a deduction in the amount of the state’s standard of need for themselves and any legal dependents living in the home. 42 USC § 602 (a)(31)(repealed by Pub. Law 100-485, Aug. 22, 1996).

<sup>7</sup> Within the federal framework, states had some latitude in setting the criteria for “good cause” and “non-cooperation.” 45 CFR Part 232 (which is no longer in force) governed this process.

<sup>8</sup> 42 USC § 657(b) repealed by Pub. Law 100-485, Title I, §102(b), Aug. 22, 1996.

<sup>9</sup> 42 USC § 601 et seq.

<sup>10</sup> Id. § 601(a) and 45 CFR § 260.20.

Unless otherwise prohibited, states can spend their TANF funds in any manner reasonably calculated to accomplish TANF goals.

Thus, states that wish to direct efforts toward encouraging or stabilizing two-parent families can do so with TANF funding. For example, states may provide marriage preparation courses or other kinds of counseling services,<sup>11</sup> or provide non-cash assistance to the noncustodial parents of children who receive TANF, in the hopes that, if they were more financially secure, these parents might consider marriage to their children's mother.<sup>12</sup> States can also establish program rules that treat single-parent and two-parent families alike. States may also have different rules operating in different parts of the state and for different populations.<sup>13</sup> However, federal law does impose some requirements. In order to receive assistance, a family must:

- Contain a pregnant woman or minor child living with a parent or relative;
- Assign its child support rights to the state and cooperate in pursuing those rights unless it can show good cause for not doing so; and
- Participate in certain work-related activities if the family contains an adult or minor parent required to do so.<sup>14</sup>

In implementing TANF, many states took advantage of the law's flexibility to eliminate old AFDC rules that had imposed more restrictive eligibility requirements for two-parent families.<sup>15</sup>

- Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Hawaii, Idaho, Illinois, Iowa, Kansas, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, Ohio, Rhode Island, South Carolina, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming eliminated both the 100-hour rule and the work history test.
- California and New Hampshire removed the work history test but retained the 100-hour rule.
- Arizona, Georgia, Indiana, Kentucky, Massachusetts, Oregon, and Pennsylvania eliminated the 100-hour rule for applicants or recipients or both but retained the work history test.<sup>16</sup>

---

<sup>11</sup> For a description of state efforts in this regard see Theodora Ooms, Stacey Bouchet, and Mary Parke. *Beyond Marriage Licenses: Efforts in States to Strengthen Marriage and Two-Parent Families*. Available at [www.clasp.org/publications](http://www.clasp.org/publications) or from CLASP Publications, 1015 Fifteenth Street NW, Suite 400, Washington, DC 20005.

<sup>12</sup> TANF regulations define a "noncustodial parent" as a parent of a minor child receiving assistance who lives in the state, but not in the same household as the child. 45 CFR § 260.30. States are free to consider such individuals as members of the family for both TANF and maintenance of effort (MOE) purposes. If a state takes this option, it can provide services, such as work, education, counseling, and parenting or money management classes, either through TANF or a separate state program that uses MOE funds. See discussion at 69 Fed. Reg. 17817 (April 12, 1999).

<sup>13</sup> Id. § 602(a)(1)(A)(i).

<sup>14</sup> Id. §§ 608 and 602(a)(1)(A)(ii).

<sup>15</sup> For further discussion of these developments, see *Beyond Marriage Licenses*, supra n. 11, pp 23-65.



A few states took new approaches to income rules, particularly the counting of step-parent income:<sup>17</sup>

- Alabama, Mississippi, and Texas disregard the income of a new spouse of a TANF recipient (biological parent or step-parent) for a period of time after the marriage. The period is three months in Alabama and six months in Mississippi and Texas.
- North Dakota disregards step-parent income in determining TANF eligibility for six months after the marriage.
- Maine and Tennessee have rules that create options for dealing with step-parent income. In Maine, TANF *applicant* families have the option of including or excluding step-parent income when determining TANF eligibility. In Tennessee, TANF *recipients* who marry may include or exclude their new spouse from the assistance unit in determining continued eligibility. If the new spouse is included, his/her income is disregarded if it is below 185 percent of the standard of need for the household.
- New Jersey disregards the income of a non-needy step-parent, provided that household income does not exceed 150 percent of poverty.

However, one state (North Dakota) continues to impose such strict eligibility requirements on two-parent families that almost no family qualifies for benefits.<sup>18</sup> In addition, some states have retained old AFDC rules that make two-parent families wait longer than single-parent families to receive benefits, and others have different time limits for two-parent families. For example, Arizona restricts benefits for two-parent families to six consecutive months in a 12-month period.<sup>19</sup> Still others vary benefit amounts for two-parent families but not for single-parents. For example, Alaska reduces benefits to two-parent families by half during July, August, and September.<sup>20</sup> At the other end of the spectrum, some states have enacted policies designed to advantage marriage. For example, West Virginia provided an extra \$100 per month to any married couple who lived together and had a child in common.<sup>21</sup>

In short, there is no single approach among states in designing their TANF program's rules affecting two-parent families. Some states seem to be trying to level the playing field, some to advantage two-parent families, while others continue to disadvantage two-parent households.

---

<sup>16</sup> In some states this change was accomplished within the TANF program rules. In others, the state set up a separate state program for two-parent families. *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *Id.* p.47.

<sup>19</sup> Stephanie Saroki, *Marriage Policy and Welfare Reform: Recommendations for Structuring a Marriage-Neutral TANF Program*, Policy Analysis Exercise for the Center for Law and Social Policy (2003) p.26.

<sup>20</sup> *Id.*

<sup>21</sup> *Beyond Marriage Licenses, supra*, n.11 p.61. Due to budget constraints, this policy ended in 2004.

## WHAT RESEARCH TELLS US ABOUT THE EFFECTS OF THE AFDC AND TANF PROGRAM RULES ON FAMILY FORMATION DECISIONS

### AFDC Program Research

AFDC rules had the potential to affect an applicant's or recipient's decision to remain single, cohabit, or marry. However, it was never very clear whether they actually did so. Did applicants or recipients know the rules? If so, did they actually consider the rules in making family formation decisions? Was the issue more theoretical than real?

There were a number of studies about the effect of AFDC rules on family structure. The results of these studies were quite mixed. The most recent and comprehensive studies suggest that AFDC had an impact on the decision to marry, but the impact was not large.<sup>22</sup> Several other factors had a much larger impact on marital decision-making. These factors include declining male wages, increased female employment opportunities, demographic changes, new contraceptive technologies, and changed public attitudes toward premarital sex, cohabitation, and non-marital childbearing.<sup>23</sup>

Ethnographic research did suggest that mothers receiving AFDC perceived that they were not supposed to have ongoing relationships (financial or otherwise) with the fathers of their children except in the context of seeking child support. Moreover, they knew that marriage to the father or a boyfriend could bring a loss of or reduction in assistance. A new partner would have to bring resources to the marriage in order to offset the potential loss of aid<sup>24</sup> (i.e., the man would have to have some education or job skills and be employed). Yet, as scholars began to point out, declining male employment and high incarceration rates (especially among African-American males) meant the pool of men fitting this description was diminishing, often making marriage an unattainable goal, even for those who sought it.<sup>25</sup>

### Waiver Program Research

In the early 1990s, the Department of Health and Human Services (HHS) gave a number of states permission to deviate from federal AFDC rules and experiment with new approaches to cash assistance. As a result, a number of so-called "waiver projects" operated during this period, including some that included modifications of rules

---

<sup>22</sup> See, Robert Moffitt, *Incentive Effects of the U.S. Welfare System: A Review*, 30 Journal of Economic Literature pp. 1-61 (March 1992); Robert Moffitt, "Welfare benefits and female Headship in U.S." Time Series, in Wu and Wolfe eds. *Out of Wedlock: Cause and Consequences of Nonmarital Fertility*, (New York: Russell Sage Foundation, 2001).

<sup>23</sup> For a discussion of these factors see David Ellwood and Christopher Jenks, *The Uneven Spread of Single-Parent Families: What Do We Know? Where Do We Look for Answers?*, in SOCIAL INEQUALITY, Kathryn Neckerman, ed., (New York: Russell Sage Foundation, 2004), pp. 3-78..

<sup>24</sup> See, e.g. Kathryn Edin and Laura Lein, *Making Ends Meet: How Single Mothers Survive Welfare and Low Wage Work*, (New York: Russell Sage Foundation, 1997).

<sup>25</sup> This issue was first raised by William Julius Wilson in his book *The Truly Disadvantaged: The Inner City, the Underclass, and Public Policy*, (Chicago: University of Chicago Press, 1987).

concerning two-parent families. In order to obtain waivers, the affected states had to agree to conduct an evaluation of their projects. The evaluations provide some important insights on a number of two-parent family issues.

Minnesota's waiver project included a two-parent component. Married couples in seven counties were randomly assigned to AFDC or to the Minnesota Family Investment Program (MFIP). MFIP had a number of features: among them, the 100-hour and work history rules were removed and two-parent families were allowed to retain more of their earnings before benefits were reduced. In addition, the step-parent income disregard was substantially increased. An initial evaluation found that MFIP increased the proportion of two-parent *recipient* families who stayed married. It also modestly increased marriage and reduced domestic violence among single-parent *recipient* families (families who had already receiving assistance when the demonstration program began) three years after families entered the study. Why this occurred is unclear, but the evaluators hypothesize that increased earnings from income and welfare—primarily from MFIP's financial incentives that allowed recipients to keep more of their cash assistance as their earnings increased—may have decreased both financial and marital stress. The evaluators also note that MFIP did not have similar effects on *new applicant* families (families who were applying for assistance for the first time as the demonstration program began). It is not clear why this was so. Therefore, the evaluators stress that replicating MFIP in different settings is necessary before policymakers can conclude that earnings supplements would positively affect marriage among low-income families.<sup>26</sup>

Delaware's waiver program, A Better Chance (ABC), eliminated all the special rules for two-parent families, applying the same eligibility criteria to them as to single-parent families. The state also applied strict time limits and work requirements, financial sanctions for failure to comply with a variety of program requirements, and increased income disregards for earnings and child support. Participants were randomly assigned to ABC or the traditional AFDC program. Overall, there was only a slight impact on marriage rates. However, there was a large increase in marriage among the subgroup of women under 25 who had not completed high school. Experimental group members in this category were 4 percentage points more likely to be married than controls.<sup>27</sup>

---

<sup>26</sup> Virginia Knox, Cynthia Miller and Lisa Gennetian. *Reforming Welfare and Rewarding Work: Final Report of The Minnesota Family Investment Program*. (New York: MDRC, 2000). See, also Lisa Gennetian, *The Long Term Effects of the Minnesota Family Investment program on Marriage and Divorce among Two-Parent Families* (New York: MDRC, 2003). Both are available at [www.mdrc.org/Reports](http://www.mdrc.org/Reports).

<sup>27</sup> David Fein, *Will Welfare Reform Influence Marriage and Fertility? Early Evidence from the ABC Demonstration* (2001). Available at [www.elsevier.com/locate/evalprogplan](http://www.elsevier.com/locate/evalprogplan). See, also Jeffrey Grogger, Lynn Karoly, and Jacob Klerman. *Consequences Of Welfare Reform: A Research Synthesis*. (Washington, DC: U.S. Department of Health and Human Services, 2002). This result is consistent with an econometric study of the effects of welfare waivers by Schoeni and Blank. They found that adoption of a welfare waiver in a state significantly increased the probability of marriage among women with less than a high school education, but did not do so for more educated women. Robert Schoeni and Rebecca Blank. *What Has Welfare Reform Accomplished? Impacts on Welfare Participation, Employment, Income, Poverty and Family Structure*. National Bureau of Economic Research, Working Paper #7627. Cambridge, Mass. 2000. See, also David Fein, Laura Duberstein Lindberg, Rebecca London, and Jane Mauldon, *Welfare Reform and Family Formation: Assessing the Effects*, Research Brief # 1 (Cambridge, MA: Abt Associates, June 2002). Available at [www.abtassociates.com/wrffproject](http://www.abtassociates.com/wrffproject).

The ABC result is consistent with findings from an evaluation of a California demonstration program called Work Pays. Here again, some of the restrictions on two-parent family eligibility were removed. There was a statistically significant increase in marriage stability in the experimental group versus the control group.<sup>28</sup>

### TANF Program Research

Given its relatively short life, and the fact that when the AFDC waiver process ended, states were no longer required to conduct program evaluations, it is not surprising that there are not many studies of the effect of the TANF program on family formation decisions.

Another recent paper suggests ways in which TANF policies could lead to either more or less marriage:

- TANF policies such as time limits, work requirements, and sanctions could lead to more marriages by making the receipt of cash assistance less attractive and less viable for women.
- However, there might also be less marriage if the increased emphasis on work leads to greater financial independence for women, reducing their need or desire for marriage.

One trend might dominate the other or they could cancel each other out, and the results could be different for different parts of the TANF population. Decisions could also be affected by the *pool of available men*.

Using flow data from vital statistics from 1989 through 2000, the authors of this paper concluded that the independence effect dominates for transitions into marriage (i.e., TANF's emphasis on work makes women more self-reliant and thus less likely to marry). However, the stabilization effect dominates for transitions out of marriage<sup>29</sup> (i.e., if a couple is already married and receives assistance, then that assistance decreases the likelihood that they will divorce).

Another important source of information about couples in the TANF world is the Fragile Families and Child Wellbeing (FFCWB) study. This study follows approximately 5,000 children who were born in the late 1990s—a total of 3,712 babies born to unmarried parents and 1,186 born to married parents. The cohort was randomly selected from 75 hospitals in 20 cities and is a representative sample of births in cities with a population of 200,000 or more. The study design calls for parental interviews at the time

---

<sup>28</sup> Wei-Yin Hu, *Marriage and Economic Incentives: Evidence from a Welfare Experiment* (1998) unpublished manuscript available at [www.jcpr.org](http://www.jcpr.org); Rosina Becerra, Vivian Lew, Michael Mitchell, and Hiromi Ono. *California Work Pays Demonstration Project: Report of First Forty-Two Months (Final Report)*. (Los Angeles, CA: School of Public Policy and Social Research, University of California, Los Angeles, 1998).

<sup>29</sup> Marianne P. Bitler, Jonah B. Gelbach, Hilary Hoynes, and Madeline Zavodny. 2004. "The Impact of Welfare Reform on Marriage and Divorce." *Demography*, 41: 213-236.

of the birth and one, three, and five years later. The birth interviews and the one-year follow ups are now completed. A subset of 75 romantically-involved couples living in Chicago, Milwaukee, and New York is being interviewed in even more depth. These interviews were conducted about three months after the birth, with follow up interviews at 12 and 24 months. This component is called the Time, Love, Cash, Care, and Children (TLC3) study. The FFCWB and TLC3 studies have produced three initial reports of particular interest in regard to TANF issues.

One FFCWB report included an examination of whether the generosity of state welfare systems affects the decision to marry, cohabit, live apart but remain romantically involved, or separate. The researchers looked at the combined TANF and food stamp benefits for a mother and two children in 1999. After controlling for differences in parents' demographic and economic characteristics, attitudes, relationship quality, and relationship status at birth (cohabiting, romantically involved but living apart, or no longer romantically involved), the researchers concluded that higher benefits are positively associated with couples staying together after one year. Each additional \$100 in cash benefits and food stamps incrementally reduced the likelihood that a couple would separate. However, there was scant evidence that more generous welfare benefits affected the decision to marry.<sup>30</sup>

A second report, drawing from the TLC3 component of the study, examines attitudes toward marriage and family formation among low-income couples. Reports from this component suggest that women receiving TANF have a high opinion of marriage and see it as the best situation for raising children.<sup>31</sup> However, they are also skeptical of "marriage for marriage's sake" and cite the lack of men with good jobs, fears of domestic violence, and problems related to drug and alcohol abuse as reasons for not simply jumping into marriage.<sup>32</sup>

Finally, a TLC study suggests that mothers are either unaware of or do not believe that two-parent families can receive welfare. Only one-third believed a married couple

---

<sup>30</sup> Marcia Carlson, Irwin Garfinkel, Sara McLanahan, Ronald Mincy and Wendell Primus. *The Effects of Welfare and Child Support Policies on Union Formation*. (Princeton, NJ: Princeton University, 2002). Available at <http://crw.princeton.edu>.

<sup>31</sup> C. Gibson, Kathryn Edin, and Sara McLanahan. *High Hopes but Even Higher Expectations: The Retreat From Marriage Among Low-Income Couples*. Center for Research on Child Wellbeing Working Paper # 2003-06-FF. (Princeton, NJ: Princeton University, 2003). See, also Center for Research on Child Wellbeing. *The Retreat From Marriage Among Low Income Families*. Fragile Families Research Brief No. 17 (Princeton, NJ: Princeton University, 2003). Both are available from the Center for Research on Child Wellbeing, Wallace Hall, 2d floor, Princeton University, Princeton, NJ 08544 or at <http://crw.princeton.edu/fragilefamilies>.

<sup>32</sup> See, Fragile Families Research Brief No. 16, *Barriers to Marriage Among Fragile Families* (Princeton, NJ: Princeton University, May 2003). Available from the Center for Research on Child Wellbeing, Wallace Hall, 2d floor, Princeton University, Princeton, NJ 08544. See also Ellen Scott, Kathryn Edin, Andrew London & Joan Maya Mazelis, *My Children Come First: Welfare-Reliant Women's Post-TANF Views of Work-Family Trade-Offs and Marriage* (New York: MDRC, 2002). Available at [www.mdrc.org/NextGeneration/Working\\_paper\\_series/NG-WkgPpr-4](http://www.mdrc.org/NextGeneration/Working_paper_series/NG-WkgPpr-4).

could receive TANF cash assistance while roughly one-half believed that a cohabiting couple could not receive assistance.<sup>33</sup>

These results are preliminary and are representative of an urban population. They may be refined over time, and they may not apply to a rural or suburban population. Nevertheless, they—plus the findings from the waiver projects—do suggest the following for states designing a new approach to two-parent families:

- The ability to access TANF benefits may have a positive effect on low-income couples' stability. While access to benefits does not necessarily lead to marriage, it does appear to increase the likelihood that a child will live with both parents.
- In order for rules to have the hoped-for effect, public education is needed to insure that couples know that the rules have changed and that they can obtain cash assistance to create a stable home for their child.
- Low-income couples value marriage. However, welfare benefits per se are not going to lead to marriage. Other services such as employment and training and alcohol/drug abuse counseling are needed, and at this point, much remains unknown about which, if any, public policies could increase marriage rates or could increase healthy marriages without having undesirable incidental effects. Moreover, domestic violence issues need to be addressed as does male/female distrust.

---

<sup>33</sup> *Mother's Beliefs About Welfare Rules*, Fragile Families Research Brief (Princeton, NJ: Princeton University, September 2002). Available at <http://crrw.princeton.edu>. See also, Jane Mauldon et al. *What Do They Think? Welfare Recipient's Attitudes Toward Marriage and Childbearing* (Cambridge, MA: Abt Associates, 2002). Available at [www.abtassociates.com/attachments/wrff.rb2](http://www.abtassociates.com/attachments/wrff.rb2).

## CREATING A FRAMEWORK AND ESTABLISHING NEW RULES

We recommend a five-step process for state efforts to create new rules: 1) identify and analyze the different family types to be addressed; 2) decide who should be involved in the process of designing changes in rules, including how to involve the domestic violence community in the restructuring efforts; 3) develop a set of new rules; 4) consider whether these rules should be implemented simultaneously and, if not, devise ways of implementing the rules over time or for a particular target population; and 5) develop a strategy for publicizing the changes.

**Step 1. Identify and analyze the different family types to be addressed in program rules.** Low-income families are not homogeneous. There are a variety of different family types and it is helpful to clarify the types and what issues each presents. For purposes of this paper, we define the primary forms as:

*Single parent families.* These families are headed by mothers or fathers who are separated, divorced, or have never married. These families need resources to meet their current needs and program rules that make it possible for them to cohabit or marry should they wish to do so.

*Married couples.* These are couples who have chosen to marry and have children together. These families need assistance during times of economic stress so that their relationship will not destabilize.

*Step-parent families.* These couples have married, at least one parent has brought a child into the marriage, but they do not have a child in common. They need economic support so they can have a stable relationship in which to raise the children residing with them.

*Cohabiting couples.* These couples are living together with a child who may or may not be the biological offspring of both. They are not married, and may or may not be considering marriage. They are often referred to as “fragile families.” They need economic support so that they can remain in a stable relationship and then either transition to marriage or cooperative parenting.

*Blended families.* These families are married couples who have a common child as well as one or more children from other relationships. The non-common children may live in the household or they may live elsewhere. These couples need help to both stabilize their existing relationships and help them meet their obligations to children who are not a result of their current union.

**Step 2. Decide who should be involved in the process of designing changes in rules, including how to involve the domestic violence community in the restructuring efforts.** There is significant virtue in including current and former recipients in the rules design process, as they can offer valuable perspectives on how current rules are perceived and issues that may arise under proposed rules. In addition,

states might want to take advantage of experts from their local universities, and there are a variety of state and national organizations that have produced useful information.<sup>34</sup>

States should involve domestic violence experts in the process. It is estimated that 20 to 30 percent of TANF recipients have experienced domestic violence in the past year and over 50 percent have experienced such violence in their lifetimes.<sup>35</sup> Domestic violence is also a problem in two-parent families that might be eligible for TANF under current or potential rules. It is, therefore, very important to involve those familiar with domestic violence issues in the development of new policy.

Consultation and collaboration should focus on 1) the review of program plans, policies, procedures, and written materials; 2) the development and ongoing review of confidentiality procedures; 3) the development of a protocol to deal with families in which domestic violence is an issue; and 4) training of program staff.<sup>36</sup>

**Step 3. Develop a set of new rules.** There are a number of steps a state might take to insure that needy two-parent families can obtain cash assistance on the same basis as needy single-parent families, and to establish a structure in which an individual's decisions about whether to marry, cohabit, or remain single are not distorted by the rules of the public benefits system. Our key recommendations to accomplish this goal *for couples with at least one child in common* are:

1. *Eliminate any rules that make it more difficult for a family to receive assistance simply because the family includes two parents.* Thus, as most states have already done, all states should eliminate:

- waiting periods that only apply to two-parent families;
- shorter eligibility periods for two-parent families;
- restrictions on the number of hours a parent can work in a month;
- any “recent work history” test that only applies to two-parent families; and
- any other program rules that restrict eligibility or benefits solely because there are two parents in the home.

2. *Eliminate the assets test or raise the amount of allowable assets.* While on its face, an assets test may appear neutral to family structure, in practice an assets test is more likely to function as a bar to assistance for two-parent families than for single-parent families. Moreover, assets tests have the unfortunate effect of seeming to penalize families for savings and forcing families to divest themselves of assets that could provide important protections after the families cease receiving assistance.

---

<sup>34</sup> A good place to begin identifying resources is the Department of Health and Human Services Healthy Marriage web site, [www.acf.dhhs.gov/healthymarriage](http://www.acf.dhhs.gov/healthymarriage)

<sup>35</sup> Rachel Tolman and Jodie Raphael, 2001, “A Review of Research on Welfare and Domestic Violence,” *Journal of Social Issues*, 56: 655-682 at 657.

<sup>36</sup> For more discussion on this issue see the Statement of the National Network to End Domestic Violence, submitted to the United States Senate Committee on Finance, *TANF Reauthorization :Building Stronger Families* (May 16, 2002).



A state may want to maintain some assets test in order to avoid the theoretical possibility that a family with substantial assets could otherwise receive assistance. If the state elects to have an asset test, however, there is a strong argument for having a test that varies with the number of family members. For example, with a \$2,000 per member limit, a three-person household could have \$6,000 in collective assets and still be eligible for assistance. Moreover, having a test that varies with the number of household members reduces the likelihood that the addition of another family member (through marriage or otherwise) could result in exceeding the asset limit and losing eligibility.

3. *Provide an additional deduction for the second earner in the household.* In general, TANF grants increase as household size increases. Thus, if a TANF household contains two adults, the grant will usually reflect this. If the household starts with a single adult and that adult then marries or cohabits, the grant may increase to reflect the fact that there is an additional household member. This increase will help offset the additional costs associated with the second adult, e.g. food or rent for a larger apartment.

Parallel recognition should be given to the work expenses incurred by a second adult who is a wage earner. He or she will bring new work-related expenses to the household as well as new income. *Each working adult* should receive the benefits of the state's work expense allowance and earnings disregard rules. Providing each spouse or partner with their own allowance for work-related expenses recognizes that there are additional costs in having two working adults. Having *equal disregards for each adult* ensures that a parent considering adding a partner or spouse need not be fearful that the income of the partner or spouse will be treated less favorably than the income of the parent.

4. *Specify that if all the children in the home are children in common, both parents should be included in the assistance unit.* In order to ensure that married parents do not fare worse than cohabiting parents, and to eliminate any financial penalty cohabiting parents face by marrying (or, perceive a fiscal advantage in remaining unmarried), it is important that the same eligibility and benefit-counting rules apply whether or not the parents are married. Thus, if parentage has been determined or acknowledged, both cohabiting parents should be included in the assistance unit calculation just as married parents living together would be.

This approach also eliminates the problem of child support obligations imposed on cohabitators. If the cohabitor is in the TANF household and part of the assistance unit, he does not have a separate child support obligation. However, if he is living in a household that receives TANF but is not a member of the household, he has a child support obligation. The obligation can include both cash support and medical reimbursement. These obligations can be established retroactively in most states. Thus, a cohabiting father may be running up child support obligations to the state that will eventually have to be repaid. This can make long-term cohabitation or marriage problematic as the debt can be quite large.

However, there are two important concerns to address in implementing this

policy. First, concerns are sometimes raised that if the income of a cohabitor is counted, an applicant for assistance may be less willing to report that the cohabitor is living in the home. The lack of this information could impair the program's ability to understand the home circumstances or to identify needed services. Second, if this provision were implemented on its own, rather than as part of a package—improving benefit rules, asset rules, providing for appropriate earnings disregards—it runs the risk of simply denying needed assistance to fragile families. To address both of these concerns, it is important that this provision not be implemented on a stand-alone basis or as a cost-saver, but rather as part of an overall package that offers needed assistance and services to families.

*5. Ensure that eligible families have access to all the assistance for which they are eligible.* At one time, families receiving cash assistance automatically received Medicaid and Food Stamps. Today, these programs have been delinked (i.e., receiving TANF does not result in automatic eligibility for these programs). As a result, some families eligible for them no longer participate. The TANF agency should make every effort to be sure that eligible families know about these programs—as well as subsidized housing and child care—and how to apply for them. Similarly, other means-tested programs should be sure that participating couples know that they may be eligible for TANF. While outreach efforts for such programs are important for all families, research indicates that among eligible families, married families consistently have lower participation rates.

In addition, while not a means-tested program, Unemployment Insurance (UI) benefits are often crucial to low-income families suffering job loss. However, these benefits may not be sufficient and the family might be TANF-eligible. Both TANF and UI workers should educate clients that they may be eligible for TANF while receiving UI.

*6. Set eligibility for TANF benefits at a level sufficiently high that the program can provide assistance to both single-parent and two-parent families unable to meet basic needs.* If TANF is to both encourage work and stabilize families, financial eligibility needs to be set at a level high enough to provide assistance to families that are working but unable to earn enough to be truly stable. Among poor two-parent families, the most typical configuration involves one low-earning parent and one parent at home. Thus, a low eligibility level with restrictive treatment of earnings is very likely to mean that two-parent families that could benefit from assistance will be ineligible.

Under TANF, most states have continued to let the real value of benefits fall. There was, arguably, a stronger rationale for providing very low basic benefits at a time when providing such a low benefit was seen as a principal tool to discourage benefit receipt by those able to work. However, in light of time limits and strong work rules now typically operating in states, there is far less justification for providing a benefit level so low that it cannot provide adequate short-term assistance to needy families.

*7. When a couple unites or reunites, abate child support arrears owed to the state under an AFDC/TANF assignment for their common child.* Some couples with a child in common have never married or cohabited. Others have married and then separated for a

period of time. If their child received AFDC or TANF assistance during the time the parents were not living together, the custodial parent was required to assign child support rights to the state. If arrears accrued during the period of assistance, that money is owed to the state as reimbursement for the assistance provided.

This can create a problem for economically fragile couples wishing to unite or reunite. If the state attempts to collect the arrears owed under the AFDC/TANF assignment, the family's resources will be further compromised, because their resources will have to be used to pay the child support debt owed to the state. If they receive TANF, the money can be recouped from their TANF grant. If they are not receiving TANF, the money may be collected through income withholding, tax refund intercept, bank account seizure, and other methods through which child support orders are normally enforced.<sup>37</sup> As a result, they will have less income with which to meet their basic needs than a similarly situated family that does not have this child support debt. Moreover, the resulting financial stress might cause the family to break up again.

Consistent with federal child support guidance, states can forgive arrears owed to the state as part of their family reunification policy.<sup>38</sup> Vermont has adopted this type of policy, which applies when the reunited family's income is below 225 percent of poverty.<sup>39</sup>

8. *Extend assistance on a temporary basis to reuniting families.* If a separated couple wishes to reunite, this desire should be supported. Even if a family would be ineligible for TANF cash assistance due to the return of a parent to the home, the state could continue assistance for a transition period. While an economist might argue that this provides an incentive for couples to split up and reunite, it is unlikely that a couple would take such a drastic step in order to receive short-term assistance. Nonetheless, policy analysts need to be aware of the issue and structure responses to minimize this problem.

There are at least three ways to provide "transitional" benefits when families reunite. First, the state might extend benefits for a period of time to help the family become reestablished. For example, California provides three months of continuing assistance to reunited families. Second, the state might accomplish a similar goal through its reporting rules. If families are required to report changes in composition at three- or six-month intervals (rather than at the time they occur), the effect is to provide a transition to the new status rather than an immediate adjustment. Arizona uses this approach.

Third, the state can provide short-term help in a form other than "assistance." Federal regulations generally define "assistance" as benefits designed to meet ongoing basic needs and exclude certain benefits from this category.<sup>40</sup> Using this authority the

---

<sup>37</sup> 42 USC §§ 608(a)(3) and 657.

<sup>38</sup> OCSE PIQ -99-03 (March 22, 1999).

<sup>39</sup> 33 Vermont Stat. Ann. §4106(e)(2004). On its face, the statute covers any reunification and is not limited to married couples.

<sup>40</sup> 45 CFR § 260.31.

state might define reunification as an “episode” that qualifies the family for up to four months of cash benefits that are not considered “assistance,” as well as a variety of services for an even longer period. These services might include work subsidies, as well as counseling, case management, peer support, child care information and referral, employment-related services, and transportation.

9. *Extend TANF education and employment services to noncustodial parents of children receiving TANF.* As noted above, states can provide a variety of services to noncustodial parents whose children are receiving TANF assistance (and can also provide such services to noncustodial parents of other needy children). Such services include job training and education, as well as relationship and parenting classes. Providing such assistance might increase the number of couples for whom marriage or cohabitation are viable options. Services to noncustodial parents could help create a larger pool of viable, potential partners. More information about some of the programs that have been tried can be found on the HHS website.

10. *Develop rules that count some, but not all, of the income of step-parents in the benefits calculation.* Many of the changes discussed above would also benefit step-parent families. However, these families also present some unique challenges. Unless their parental rights are terminated, biological parents have a clear duty to support their children through the age of majority. Step-parents who are living with their step-children may be providing de facto support, but their legal obligation toward these children is not so clear. How much—if any—of their income and assets should be deemed available to their step-children is a difficult policy question. In addition, social science research is ambiguous about step-families. While some children fare well in these arrangements, most studies have found that children in step-families are neither better nor worse off than children raised in single-parent families.<sup>41</sup> And children raised by their biological parents do better than children raised in step-families on a number of important child outcomes.<sup>42</sup> Thus, it is not clear whether public policy should encourage the formation of such families. Finally, if biological parents are superior, it is not clear that good public policy would advantage step-parents over biological parents. Adopting special rules for step-parent families may, however, have this effect.

While there is no clear “right” approach for addressing step-parent family situations, we suggest some guiding principles. The fact that (in most states) a step-parent does not have a legal duty to support the children of his or her spouse and may have legal duties to another family strongly suggests that the step-parent’s income should not be counted dollar-for-dollar in the benefits calculation (i.e., some disregard amount should be allowed). At minimum, amounts actually paid for the support of children or a former spouse should be excluded. At the same time, the fact that a step-parent’s income is available for shared expenses suggests that there should not be a total disregard of step-parent income. The Appendix contains some possible approaches to

---

<sup>41</sup> Chandler Arnold, *Children And Step-Families: A Snapshot*, (Washington, DC: Center for Law and Social Policy, 1998). Available at [www.clasp.org/publications](http://www.clasp.org/publications).

<sup>42</sup> For a detailed discussion of the many issues, see Alan Booth and Judy Dunn, eds. *Stepfamilies Who Benefits? Who Does Not?* (Hillsdale, NJ: Lawrence Erlbaum Associates, 1994).

these families for states interested in developing policy in this area.

**Step 4. Consider whether it is feasible to implement these rules statewide and, if not, devise ways of implementing the rules over time or for a particular target population.** Changes in the rules may increase the number of two-parent families in the TANF caseload. Of course, given the historically low number of such families participating in the AFDC/TANF program, even a large percentage increase in two-parent cases may translate to a small impact on the overall caseload.

Necessarily, governors and legislators must make hard decisions when allocating resources, and they may be reluctant to approve program changes that increase costs. However, removing barriers to participation by two-parent families may reap long-term benefits. Doing so could enhance union preservation and decrease long-term welfare receipt, saving states money over time.

One way to address caseload issues is to begin by just addressing one component of program rules (e.g., a state may want to focus on stabilizing already married couples with a child in common or pay particular attention to fragile families).<sup>43</sup> Alternatively, a state may wish to adopt new policies for all family types but phase the changes in over time. This type of phase-in might ameliorate any sudden caseload increase and allow some experimentation and refinement before the policies are applied to all.

**Step 5. Develop a strategy for publicizing the changes.** As noted in the research, many public assistance recipients believe that the rules constrain their ability to marry. If changes are made, then they need to be publicized broadly if they are to have any effect.

This is one lesson from the Oklahoma marriage initiative.<sup>44</sup> Recent research also suggests that caseworkers have to be carefully trained and monitored so that the changes are actually implemented.<sup>45</sup>

States that follow these recommendations should have a good basis for designing and implementing a program that increases the number of children being raised in a healthy marriage.

---

<sup>43</sup> Technical assistance to support such efforts is available to states from Mathematica Policy Research, Inc. through the Building Strong Families (BSF) project. See, Alan Hershey, Barbara Devaney, M. Robin Dion, and Sheena McConnell, *Building Strong Families: Guidelines For Developing Programs* (Princeton, NJ: Mathematica Policy Research, 2004). Available at [www.buildingstrongfamilies.info](http://www.buildingstrongfamilies.info).

<sup>44</sup> See Sarocki, *supra*.

<sup>45</sup> Id. See, also Mary Myrick and Theodora Ooms, *What If A Governor Decides to Address the “M-Word”? The Use of Research in the Design and Implementation of the Oklahoma Marriage Initiative*, available from Ooms at CLASP, [tooms@clasp.org](mailto:tooms@clasp.org).

## APPENDIX: STEP-PARENTS

In a step- parent household, the children are biologically related to one adult but not the other. Typically, these families are a mother and her children plus her new partner. The children may have a relationship with their biological father and he may be paying child support.

Before marrying, the TANF mother and her new partner may be cohabiting. In that case the partner has no financial responsibility for the children. However, if they marry, and TANF program rules treat all or most of a step-parent's income as fully available to his or her step-child, the step-parent may become, in effect, responsible for supporting the children (at least during the marriage). Arguably, if all of the step-parent's income is counted in the benefit calculation, the step-parent family is being treated more harshly than other families, because the step-parent is, in effect, being treated as legally responsible for children despite not being their biological or adoptive parent. Moreover, if all of the step-parent's income is counted, then getting married may be perceived as having a significant price (i.e., reduction or elimination of assistance). However, if none of the step-parent's income is counted, a different kind of equity issue arises: among two families with the same number of family members and same amount of earnings, the step-parent family would have a greater income due to the receipt of full TANF benefits.

Additional questions arise in considering the "right" rules for blended families. These are families with a common child and children not in common. Again, if all income of both parents is counted, the blended family is being treated more harshly than a "simple" biological family, because there is no recognition that at least one parent does not have a legal duty of support to all the children. But, at least in relation to children in common, there is a strong policy rationale for ensuring that parents are treated comparably to "simple" biological families.

Issues also arise concerning treatment of income for particular children in step-parent and blended families. For example, child support may be paid for one child; if that support is counted as income for the entire family, then, in effect, assistance for other family members is reduced and the child's support is expected to be used to meet other family members' needs, even though the support is earmarked for the child.<sup>46</sup>

In attempting to balance these considerations, there are a range of alternatives, none of which is entirely satisfactory. The broad goals should be to promote equity in comparable situations, not mandate identical treatment when there are significant differences relating to duties of support; and not create a structure in which there is an immediate, precipitous drop in income when step-parents marry.

---

<sup>46</sup> Such an approach was required under the "sibling deeming rules" of AFDC, which mandated that when a parent applied for assistance, the application unit needed to include all of her children in the home, and the income of each child needed to be counted as available to all. This provision was enacted as a means of reducing program costs and was subject to extensive criticism over time.

It should also be noted that TANF programs sometimes provide families with transitional benefits to bridge the move from one status to another. For example, a family might receive transitional Medicaid when moving from TANF to full-time work even if the family would not otherwise meet the Medicaid eligibility requirements. In other words, there is precedent for providing different rules for a temporary period of time to aid in the transition to a new status.

In developing rules, a state needs to address three distinct issues: to what extent should step-parent income be counted in the eligibility and benefit calculation; should step-parents be included in the assistance unit; and how should the state address circumstances in which children in step-parent families are independently supported by child support from a noncustodial parent?

**To what extent should step-parent income be counted in the eligibility and benefit calculation?** The clearest recommendation here is that any income that the step-parent must pay in support to children outside the home should not also be counted as available in the benefit calculation. Beyond that, there's a strong argument for allowing a disregard for some portion of the step-parent's income when there's no legal duty of support to all children in the family. For example, if a step-parent married a woman with two children, and had no legal duty of support to two of four family members, then half of his income might be counted. Alternatively, the state might disregard step-parent income if total family income—including the step-parent's income—was less than some percentage of the federal poverty line (e.g., 150 percent of poverty). The disregard could be phased out as income exceeded the threshold, so that the family did not experience a precipitous drop in income as earnings increased.<sup>47</sup>

**Should step-parents be included in the assistance unit?** We recommend that if the state considers step-parent's income as available to a family, then the state should allow the step-parent to be included in the assistance unit, making him or her eligible for benefits and services. If all of the step-parent's income is counted, then the step-parent should be afforded the same earnings disregards as the earnings of any other adult recipient. If the step-parent was the only earner, this approach would treat his/her earnings in the same manner as a cohabitant or married biological father, providing equity among two-parent family types. California takes this approach, allowing step-parents to be included in the assistance unit. That parent must agree to participate in specific work requirements. As a step-parent begins to earn income, cash assistance is decreased, so a step-parent is only likely to benefit from the policy for a temporary period.

**How should the state address circumstances in which children in step-parent families are independently supported by child support from a noncustodial parent?** We recommend that states allow the household the option to include or exclude children

---

<sup>47</sup> New Jersey takes this approach to earnings of step-parents when household income does not exceed 150 percent of the Federal Poverty Level.

who are not biologically related to both members of the couple from the household; if children with child support income are included, allow at least a partial disregard. Such a rule ensures that when there is earmarked support for one child, the child's income need not be treated as undifferentiated household income. A more limited approach here might be to include the child in the assistance unit, and to count a portion of the child's child support income as a contribution to the household's shared expenses, while allowing a disregard for part of the child's income intended to meet the child's independent needs and expenses.

**Should the state provide for a transition period for step-parent families?** We recommend that states consider allowing a larger step-parent disregard for a limited period of time when a couple marries. As previously discussed, the ultimate goal of rules should be to provide for a level playing field with comparable treatment across family types. However, it is difficult to resolve what is truly comparable treatment for step-parent families. Moreover, regardless of formal rules, there will likely be an important issue of perception: if marriage results in a sharp diminution or elimination of benefits, it may be difficult for individuals to not perceive this loss as a penalty for marrying, even if one can point to "equities" in the program rules. A possible way to address this issue is to provide for a larger disregard for a transition period immediately after marriage, which would not be intended as a bonus or reward, but simply as a means to prevent an abrupt reduction of assistance and to allow a period of adjustment for the newly married family.