



**NEW YORK STATE
OFFICE OF TEMPORARY AND DISABILITY
ASSISTANCE
40 NORTH PEARL STREET
ALBANY, NY 12243-0001**

Eliot Spitzer
Governor

David A. Hansell
Commissioner

Informational Letter

Section 1

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Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
07 ADM-04 05 INF-24 05 INF-12 04 ADM-05 03 INF-22 01 INF-12 01 ADM-4 00 INF-6 99 ADM-5 97 ADM-23 91 ADM-3 91 INF-12 87 ADM-51		350.3(a) 351.1(b)(2) 351.2a 352.5 352.7(i) 352.29(e) 352.31(d)(e) (f) 352.7(i) 369.2(i) 370.3 372 381.7 384		TASB 14-B-2 FSSB Section 18	GIS 02 TA/DC010

Section 2

I. Purpose

This release contains questions and answers regarding child only cases. The questions and answers are derived from the recent child only training sessions that have occurred in many districts throughout the state.

II. Background

The questions and answers in this document pertain to the Temporary Assistance (TA) and Food Stamps (FS) programs. If you have questions regarding this release, please contact the appropriate policy team at the above referenced numbers. Medicaid (MA) policy may differ from TA policy. Policy and procedures applying to cash programs may not apply to MA. Any questions regarding MA policy should be referred to the county's Department of Health (DOH) local liaison.

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IV. Program Implications

Temporary Assistance

A. General

- Q.** Is the non-parent caregiver required to be listed on the authorization document (LDSS 3209, NYC 3517)?

A. Yes. The non-parent caregiver is required to be listed on the LDSS 3209 or NYC 3517 for federal reporting purposes if the children are receiving Family Assistance (FA), Safety Net Assistance (SNA) (federally participating) or Safety Net Assistance (SNA) when Maintenance of Effort (MOE) is claimed. If the non-parent caregiver is not a relative and the child is not FA eligible or if MOE credit is not claimed, then there are no federal reporting requirements for the child. However, it is still a good idea to list the adult on the LDSS 3209 or NYC 3517 so that workers don't forget to do so when they should. (See 01 ADM-04 for further information on what codes to use for non-applying non-parent caregivers.) It is important that local districts use

the correct individual disposition status code “08 – Inactive” for the non-recipient non-parent caregiver adult to ensure that the case does not get included in the denominator of the participation rate calculation and thus have a negative impact on the district’s participation rate.

2. **Q.** Without proof of custody, who can apply for a child in need?

A. Generally, an adult can apply on behalf of a child in his or her care. As with any other situation involving a child, if there is a question in the mind of the worker about the appropriateness of the situation, a referral to services must be made.

3. **Q.** Is a separate Safety Net Assistance (SNA) case required when issuing supplemental Supplemental Security Income (SSI) to the SSI parent or non-parent caregiver?

A. A district may have to supplement SSI with SNA when the SSI individual’s TA needs exceed the individual’s SSI such as when residing in a hotel/ motel or homeless shelter. In this situation, a separate SNA case must be opened when an SSI family member needs supplemental SNA and the other family members are FA eligible. The district must not use a special claiming code on the family’s FA case to authorize the SSI family member’s supplemental SSI.

4. **Q.** When establishing relationship to determine case type, if nothing can be provided does the case become SNA?

A. Yes, if otherwise eligible. Blood relationship, adoption or marriage must be verified and documented for FA and must be documented. If it cannot be, then the child’s case would be SNA. (See 00 INF-6, “Verifying Relationship of the Caretaker Relative to the Child”.)

5. **Q.** For child only cases do we do Front End Detection System (FEDS) or Eligibility Verification Review (EVR) referrals? If so, and they do not comply, can we deny the case?

A. If the worker suspects that the information the adult is providing is fraudulent, or suspicious, or the situation meets a FEDS indicator, a FEDS referral must be made. One example is if the worker suspects that the absent parent is actually residing in the household; the indicator would be “No absent parent information or information is inconsistent with the application.” If the worker is suspicious and the discrepancy does not fit a FEDS indicator, the worker could make a fraud investigation referral. As with any TA FEDS referral or straight fraud referral, if the applicant does not comply, the application must be denied.

In order to conduct EVR, a district would have to request and receive approval from OTDA to investigate all child only applications or all child only cases.

6. **Q.** When districts are unable to verify the date of birth for a non-parent caregiver, are they required to enter a “best guess” in WMS?

A. Yes. There are no additional WMS implications because if the person applies in the future the applicant will be required to provide verification of their date of birth and it would then be changed in WMS.

7. **Q.** What happens when the non-parent caregiver cannot get a copy of the child’s social security card, and does not know the child’s social security number (SSN)?

A. As a condition of eligibility, all applicants for or recipients of TA benefits are required to furnish a social security number for each member of the TA household. When a social security number cannot be furnished, the applicant or recipient must apply for such number, submit verification of such application, and provide the number upon its receipt. Assistance must not be denied, delayed or discontinued pending issuance or verification of a social security number if the applicant or recipient has complied with the above. So, it is sufficient if a social security number has been provided and validated in WMS. The worker does not need to see the card. If, however, the child's social security number is not provided because the caretaker has applied for one and submitted verification of application but the Social Security Administration will not give the child a number (some social security district offices have refused to provide one because the non-parent caretaker did not have legal custody) then the child is still eligible for TA benefits. However, the benefits must be provided through the SNA, non-MOE category until the child obtains a social security number.

8. Q. If the non-parent caregiver of a child fails to cooperate with child support requirements, can a sanction be imposed?

A. Yes. If the non-parent caregiver does not have good cause or a domestic violence waiver and refuses to assist IV-D staff, then a 25% reduction is applied to the child's standard of need.

9. Q. Which name do we enter on WMS when a child's name is changed legally but not through the Social Security Administration (SSA)?

A. The district can use the name by which the child is now known. If the child's SSN fails validation, the non-parent caregiver will have to resolve the problem with the SSA.

10. Q. Are non-parent caregiver cases entitled to additional allowances (furniture, clothing, camp fees)?

A. Yes, they would be entitled to the same additional allowances as any other case if eligibility requirements for those additional allowances are met. For example, a child in receipt of FA or SNA-FP may be eligible for camp fees.

11. Q. If we are recouping the fuel allowance from the grant, how is this maximizing the benefits?

A. We maximize benefits to the extent that we can under the Law and regulations. Overpayments must be recouped. Districts can make an undue hardship determination and, if found, can reduce the recoupment rate to an amount between 5% and 10% of the needs.

12. Q. In order to apply on behalf of a child, what identification is needed?

A. The identity of both the applicant and the child must be documented. (See LDSS-2642 for appropriate forms for documentation of identity.)

13. Q. Some districts are under the impression that all non-parent caregiver cases are to be called "NCP" (Non Custodial Parent). Is this correct?

A. No. Informational Letter 05 INF-24 introduced the new term of non-parent caregiver (NPC) for the portion of the child-only caseload that has a relative (other than parent) or non-relative

who is not applying. This was done to provide consistent terminology among state and local offices as well as other entities (for example, family courts, schools, faith based) that are involved with these cases.

14. Q. To help local districts with the large child only population is there a way to assist in paying tuition for summer camps?

A. 18 NYCRR 352.7(i) gives local districts the option to offer an allowance for camp fees. When funds cannot be obtained from other sources, camp fees may be paid for children receiving FA or SNA-FP not in excess of total cost of \$400 per child per annum, in amounts not to exceed \$200 per week.

Flexible Fund for Family Services (FFFS) funds may be used to pay for the cost of summer camp tuition. Districts would include funds allocated to camp tuition in their FFFS plan on the TANF services program line. For the 2007-08 plan year, districts are required to break out services provided on the TANF services project summary page of their plans. These funds and projected numbers to be served must be included on the Specialized Services for Children line of the form. Finally, Districts using FFFS funds to provide camp fees must report monthly on their TANF Services Projects on the 2007-08 FFFS Performance Report. (Please see 07 ADM-04 for additional information on the 2007-08 FFFS.)

15. Q. For child only cases in which the parent is an SSI recipient, does the local district use Individual Category Code 09 - FA/SN/LIF Child (No deprivation) or SCC Single Individual or Childless Couple (Not aged or disabled) or 13 – FA/SN/LIF Dependent relative?

A. For federal reporting requirements, it was determined that local districts must use Individual Category Code “09” for all reportable non-applying household members. (See 01 ADM-4.)

16. Q. What are the Automated Finger Imaging System (AFIS) requirements when it comes to non-parent caregivers?

A. There are no TA AFIS requirements for non-applying non-parent caregivers. (See 05 INF-24.)

17. Q. Which local district is fiscally responsible for a child when he/she is court-ordered to live in another county?

A. The district of fiscal responsibility would depend on the intent of the order. If the court order places the child with a relative or guardian on a temporary basis with periodic reviews (often once a year) then the child remains the responsibility of the placing district. According to Social Services Law 62.5(b), if the child is discharged (placed permanently) with the relative or legal guardian, then the district in which the child is living with the relative or legal guardian becomes the district of fiscal responsibility and the transition rule Social Services Law 62.5(a) would apply. (For further information see 97 INF-6.)

18. Q. Can a lien be placed against a child’s inheritance if it cannot be accessed right away?

A. A lien can not be placed against a child’s inheritance.

19. Q. If a child has an inheritance and the money can be accessed by the non-parent caregiver, how is this handled?

A. If the non-parent caregiver has access to the money then it would be considered an available resource and, dependent upon the amount, the case may be ineligible due to excess resources.

B. Case Type related

20. Q. For SNA non-parent caregiver cases, is there still a 45-day wait?

A. Yes. Non-parent caregiver child only cases that are SNA have a 45-day wait and the needs would be prorated unless the district determines that there is an emergency need. 05 INF-24 (page 4) states: "When the non-parent caregiver is not related to the child(ren), the case must be a SNA case. Normally, SNA applicants have a 45-day waiting period. However, it is reasonable for districts to view preventing the need for foster care as an emergency need and make payments within the 45-day period."

21. Q. Are stepparents considered non-parent caregivers?

A. When a child is residing with his or her stepparent and that stepparent is not receiving TA the child's case is not considered to be a non-parent caregiver case. A stepparent is not a blood relative but is a person related to the child by marriage. A stepparent is a caretaker relative that would allow FA categorical eligibility and is also a legally responsible relative. A stepparent cannot be required to apply and be included in the case of the stepchild but a stepparent's income would have to be counted. The method of determining how much income of the non-applying stepparent to count is stepparent deeming.

22. Q. What happens if a parent caregiver was receiving SSI but the SSI ends when the parent is determined eligible for Social Security Disability (SSD)?

A. There still would remain a documented disability expected to last longer than 6 months. The employment code should be changed from 44 – "Incapacitated – In receipt of SSI" to 36 – "Incapacitated / Disabled (more than 6 months)". Further, the parent is required to be included in the case of his or her child and the SSD counted against the needs of the filing unit. In this case, districts should also explore whether or not the children would be eligible for Social Security Dependent benefits.

23. Q. Since a child only case does not include a trackable adult for 60-month time limit purposes, wouldn't a child only case in which the non-parent caregivers is a related adult always be FA?

A. If a household is headed by an adult with a 60-month time limit count, the household (HH) is usually ineligible for FA unless the adult(s) qualify for a time limit exemption.

For example:

Mrs. Bayer has two grandchildren in her care. She received TA with the two grandchildren and had accumulated a 60-month time limit count. She had gotten a job and was financially ineligible. She was removed from the TA case of the children and the children remained active in SNA (CT 17). It makes no difference that Mrs. Bayer is not now receiving TA because she

used all 60 months and does not qualify for a time limit (TL) exemption. Since this HH is headed by an adult who received 60 months of assistance who does not qualify for a TL exemption, the case of the children is not FA eligible.

To continue this example:

Recently Mrs. Bayer was injured on the job. She receives Worker's Compensation (and is still financially ineligible for TA). However, her injuries were severe enough that the district determined Mrs. Bayer eligible for a TL exemption with medical documentation of an incapacity expected to last more than six months. Now, the children are eligible for FA because there is a valid TL exemption.

To vary this example a bit:

Mrs. Bayer accumulated a time limit count of 60 months while she was caring for her two grandchildren and receiving FA for herself and those grandchildren. The grandchildren grew up, left the HH and one had a child of her own. That baby was put in the care of Mrs. Bayer, the great-grandmother (GGM). Mrs. Bayer is receiving SSD and is not eligible for TA herself. She is applying for TA for the great-granddaughter. This will be a child only case that is eligible for FA since the child was never with the GGM while the 60-month count was being accumulated. If the GGC had been with the GGM for even one of those 60 months, then the case of the GGC would have to be SNA. The local district must open the baby's case with a new case number to ensure that Mrs. Bayer's time limit count is not associated with the baby. The local district cannot reuse Mrs. Bayer's case number in this circumstance.

24. Q. A non-parent (unrelated) caregiver has a child only case for a 16-year-old child; case category is SNA. The 16-year-old child now has her own child. Is this still a child only case? Does the category change to FA?

A. When an unmarried child or minor in receipt of SNA documents that she is pregnant; her needs are to be met through FA. When possible, benefits paid on behalf of an unmarried minor who is pregnant or parenting as required by 97 ADM-23 must be provided by the social services district to the parent, legal guardian or other caregiver with whom the unmarried minor parent resides.

25. Q. What does the TA unit need to do when the local district's Children's Services part of the agency requires the 16-year-old to have a payee?

A. 18 NYCRR 381.7 allows for payment to be made to a protective payee with the participation and consent of the recipient. If the participation and consent is not obtained and protective payment is nonetheless deemed appropriate, payment may be made to:

- (1) An interested individual concerned with the welfare of the child or relative;
- (2) A staff member of a private agency, a public social services agency or any other appropriate organization;
- (3) A staff member of a social services district. Selection shall be made preferably from the staff providing protective services.

26. Q. A mom who receives SSI has a child only case for her son. The son who is age 18 graduated from high school. Does this case continue without any changes or does the adult son have to come in and apply for himself?

A. If the son is currently in receipt of TA and the mother remains as payee for him, there is no need for reapplication. A category change from FA to SNA is required and the SNA requirements must be met, including participation in work activities, unless the son is otherwise determined to be exempt from work requirements in accordance with 18 NYCRR 385.2. There is no 45-day application period since there is no break in assistance.

However, if the son determines that he wants to become his own payee he would have to file a new application and comply with SNA requirements, including employment requirements as noted above. There still would not be a 45-day wait.

C. Budgeting

27. Q. If an 18-year-old student is living with an uncle who provides supervision, but is not the head of household, is the 18-year-old under parental control of an adult for the purpose of the student earnings disregard?

A. Yes. The earned income of an 18-year-old student with his own case but who is living with an adult who is exercising parental control is a dependent child *only* for the purpose of the student earnings disregard. (For further information on student earnings see 04 ADM-06.)

28. Q. If there is a grandmother, mother, child under 18 and the child has a baby, who is required to be included in the TA case?

A. If the family wants to apply only for the infant, the infant's mother is required to apply. The under 18-year-old's mother (let's call her senior mother) is not required to apply even though her child under age 18 must apply. The reason is that the under age 18-year-old is a minor parent in this situation, not a minor dependent child. The infant is the minor dependent child and pulls his/her mother (the under 18-year-old) into the filing unit, but the infant does not pull his/her *grandparent* into the filing unit.

There is a filing unit of two people; minor parent and her infant. Since minor mother is under the age of 18 and living in the same dwelling unit as her mother, grandparent deeming is done (assuming that the senior mother is not also applying). The senior mother must document her income or the filing unit is not eligible for TA. The amount of money left over to be deemed as a result of the grandparent deeming calculation is applied to the unit of the minor mother and her infant. As stated in 97 ADM-23 (starting on page 25), an unmarried minor parent under age 18 usually must live in an adult-supervised living arrangement. In this example, the minor mother meets the requirement because she is living with her mother. In such a case, the adult must be the payee for the TA grant, unless that is not possible for some reason. So the senior mother should be the payee for the case if at all possible.

29. Q. A parent and child are on the same case. When the parent goes into a treatment facility and the child does not go with her, does it become an absent parent situation or a child only case?

A. If the mother is expected to return to the home after the treatment is complete, she is considered temporarily absent; she is not an absent parent. (See 03 INF-22 for the correct budgeting in such cases for TA.)

30. Q. For non-parent caregiver cases do we input the actual rent in ABEL or do we input what the non-parent caregiver charges the child?

A. The answer to this depends on whether the caretaker is the fuel customer of record and the tenant of record who is requesting a fuel for heating allowance in the child's grant. If so, the caretaker's actual out of pocket rent expense must be documented and that amount is used in the ABEL budget for the child. If the caretaker is not requesting a fuel for heating allowance, then the amount that the adult is charging is used in the ABEL budget, even if more than the actual out of pocket expense. This also applies to non-parent caregivers residing in Section 8 housing.

31. Q. How is the budget calculated in a situation where a household consists of 2 undocumented ineligible parents, 1 undocumented ineligible child and 3 documented eligible children?

A. This budgeting method is referred to as Allen budgeting and is used for non-applying legally responsible parents and spouses to determine what income, if any of the non-applying person will count. In Allen budgeting, you consider only the non-applying person(s) whose income must be counted. You do not consider other non-applying individuals. So, in the above situation, if we say that one parent has income, then you consider 4 persons, the three TA children and the parent with income. If the income of the parent (after appropriate disregards) is enough to meet his or her pro-rata share of the needs (in the example $\frac{1}{4}$ of 4), then make the HH count 04 and the CA count 04 and include the income in the TA budget as though the parent were applying and eligible. If the income is less than the parent's pro-rata share of the needs, then the HH count is 03 and the CA count is 03 and none of the parent's income is counted in the TA budget.

32. Q. For shelter code 04, is the \$45 personal needs allowance (PNA) given automatically or does the worker need to input the amount in ABEL?

A. Use of shelter type 04 will cause the \$45 PNA to be generated in the Basic allowance field in ABEL.

33. Q. How are indirect payments for shelter and/or fuel for non-parent caregiver (grandparent, aunt, uncle) cases budgeted?

A. There are a lot of possibilities here so we are going to define the question more closely. We are going to read this as a question about when to allow the fuel for heating in the child's TA case and how that affects the shelter allowance that can be provided. The outcome of the McMullen litigation was that for the provision of the fuel for heating allowance, non-legally responsible non-TA caretakers must be treated like legally responsible caretakers. So, when the non-Legally Responsible Relative (non-LRR) caretaker is the customer of record for the fuel bill and is the tenant of record (or homeowner) the caretaker may request that the child's grant include the fuel for heating allowance. If the caretaker wants the fuel for heating allowance in the child's grant, the caretaker must document his or her actual shelter cost because the child will be eligible for a shelter allowance of the amount of the caretaker's actual out of pocket expense or the agency maximum, whichever is less. (See 91 ADM-03.)

If the question relates to restriction of payments such as rent and utilities, the answer is that child only cases can be restricted and in relation to that, the local district should be handling the case using the same protocol as any other TA case.

34. Q. If a grandmother has an active case for two children and then takes in two more children who are related to her but not to the other children (no filing unit) how should this case be budgeted?

A. The two additional related children are added to the existing case because 18 NYCRR 369.3(a)(3) provides that when children of different parentage are living with the same eligible relative, a single grant of assistance shall be issued to meet the needs of all the children in the household receiving FA. It is important for the worker to be aware of any income that any of the children may begin to receive such as child support. Because the two additional children are not siblings of the two original case members, they do not form a filing unit with those children. If countable income that is attributed to either set of siblings is in excess of that set of siblings' needs, that set of siblings FA must be discontinued. If the two additional children were not related to the grandmother, the local district would need to establish a separate case for the additional unrelated children because of the different case category for the additional children. The local district may consider use of the essential person category if one case is in receipt of FA.

D. HEAP

35. Q. Does HEAP get affected when fuel allowances are given in the budget?

A. If there is a fuel allowance, then the case will get a HEAP heating benefit through the autopay. If the case is not included in the autopay, then an adult has to fill out the Request for Benefits form and the payment would still be issued through the TA case. The household is categorically eligible for a regular HEAP benefit (tier 1) due to the presence of a TA recipient in the household.

E. Adoptive Parents and Children

36. Q. How does the receipt of an adoption subsidy impact a TA household?

A. For TA, the receipt of an adoption subsidy for a child that is currently on the TA case is a change that requires action after timely and adequate notice is provided. The child must be deleted from the filing unit *unless* leaving the child on the case and counting the adoption subsidy results in a larger grant than would be received if the child were deleted and the income is not counted. Since deleting the child and not counting the subsidy will probably always result in a greater TA benefit to the remaining family members, the action should be taken as soon as possible. The worker should not wait for recertification.

37. Q. What happens when a non-parent caregiver adopts the child in his/her care?

A. The non-parent caregiver, unless exempt from filing unit rules (SSI, ineligible alien, etc.), is now an adoptive parent and due to filing unit rules must be included in the case. His/her income and resources must now be included and he/she must also comply with all other eligibility requirements.

38. Q. When a birth mother returns to the household of a non-parent caregiver who has adopted the child, is she now a required filing unit member?

A. Yes, the *natural or adoptive parents* of a child applying for or in receipt of TA are pulled into the filing unit of the child. (See 91 INF-12.) The adoptive parent and the birth mother both must be included in the case. The mothers' income and resources must now be included and she must also comply with all other eligibility requirements.

F. Overpayments

39. Q. If children are part of their parent's case when the case received an overpayment and an overpayment was established, does that overpayment follow the children when a non-parent caregiver now applies for assistance on behalf of those children?

A. Yes. The TA overpayment follows any member of the overpaid unit. The non-temporary assistance (NTA) caretaker may claim undue hardship and if found to exist, the recoupment can be reduced to as low as 5% of the needs rather than 10%.

G. Child Support

40. Q. If a grandmother has a case for her grandchild and the grandchild's parent is in and out of the household, how far are we to go with the pursuit of child support?

A. The first decision the district must make is whether the parent must apply and be included in the filing unit. Even though the grandmother is the caretaker of the child or has legal custody, a natural or adoptive parent of the child must be included in the child's filing unit if the parent resides in the same dwelling unit. This is true unless the parent is excluded from the filing unit (for example, ineligible due to immigration status). A parent who is a required filing unit member, or would be except for an exclusion, is not considered an absent parent to a child on that case and is not subject to child support requirements.

If a parent is an occasional visitor and stays for a short time, the district's decision may be that the parent is not residing in the household and is not required to be included in the child's filing unit. In such a case, the decision is that the parent is absent and therefore the current policy (99 ADM-5) for cooperation with child support applies.

If the parent uses the grandparent's (and child's) home as an alternate living arrangement and is there on a regular basis even for just a couple of days at a time, then the district's decision will be that the parent must apply because the grandparent's home is the parent's primary residence. If the parent refuses to apply or does not comply with eligibility requirements, the child's case will become ineligible.

Once, the district makes the decision about whether the parent is a required filing unit member (or would be but for an exclusion), or not, that will answer the question about whether child support is pursued or not.

Food Stamps

41. **Q.** What would be an example of a Food Stamp (FS) case where the child is under 18 but not under the parental control of an adult (and thus be excluded from the case) and therefore entitled to his/her own separate FS case?

A. An example would be a 17-year-old mom, living with an adult who is not her parent, and who is receiving her own TA grant. Another example would be a 17-year-old living with an adult who is not his/her parent and who is employed and earning enough to meet more than half his/her needs. In both of these situations, the adolescent would be entitled to apply separately for FS and to have his/her own FS case. The Food Stamp Source Book (FSSB) Special Household definition states: **The determination as to whether a minor child under 18 is under the parental control of a household member must be made on a case by case basis.** Parental control is generally determined based on the minor's capability of providing for 50% or more of his or her own financial support. This support may be from sources such as wages from employment or receipt of his or her own TA grant.

42. **Q.** Room and board situations are unclear. Some people get FS while others do not. Can districts give FS with Room and Board?

A. The short answer is "yes" a boarder can participate as a member of his/her landlord's FS household. The FSSB section on Boarders Policy states:

DEFINITION - A boarder is an individual who resides with others and pays reasonable compensation for lodging and meals. 1. **INELIGIBLE TO PARTICIPATE** - Boarders are ineligible to participate independent of the household providing the board. However, the household providing the boarder services may request that the boarder participate as a member of their household. 2. **BOARDER STATUS** - Boarder status shall not be extended to: a. Those individuals or groups of individuals described in **FSSB Section 5-A-2.1, Paragraphs 1 and 2, including children or siblings residing with elderly or disabled parents or siblings.** b. Individuals paying less than a reasonable monthly payment for meals. These persons will be counted as members of the household which provides the lodging and meals. 3. **DETERMINING REASONABLE COMPENSATION** - A reasonable monthly amount for meals shall be either of the following: a. Boarders whose board arrangement is for more than two meals a day shall pay an amount which equals or exceeds the Thrifty Food Plan for the appropriate size of the boarder household; or b. Boarders whose board arrangement is for two meals or less per day shall pay an amount which equals or exceeds two-thirds of the Thrifty Food Plan for the appropriate size of the boarder household. **NOTE: Only the amount paid for meals shall be used provided that the amount paid for meals is distinguishable from the amount paid for lodging.** 4. **HOUSEHOLD ELIGIBILITY** - The households with whom a boarder resides (including the household of the proprietor of a boarding house) may participate in the program if otherwise eligible.

43. **Q.** For food stamps, is a minor defined as an individual under the age of 18 or an individual age 18 and under?

A. Under 18. A child attains the age of majority on his/her 18th birthday.

44. **Q.** Shelter code 04: if a grandmother is receiving TA for children, are they no longer under parental control (supporting financially) and if so, are they counted against FS?

A. In this case, a grandmother is receiving TA for the minor children and therefore, the children are considered under parental control. This would be one household for FS purposes. The grandmother's income and the TA for the children both would be counted in the FS budget.

45. Q. For Alien Budgeting, if there is no income from the ineligible alien to pro-rate, do we pro-rate the shelter?

A. For food stamp budgeting, it depends. If the ineligible alien is the tenant of record, then the shelter expense would be prorated whether there is income or not. If the ineligible alien is **not** the tenant of record and the ineligible alien has no income, then the shelter expense would not be prorated; if the ineligible alien has income then the shelter expense would be prorated.

46. Q. If a family is receiving FS and the mother comes back into the household, can the mother get expedited food stamps for that month even though the family already received FS?

A. No, the mother would be added to the case for the following month. This is considered a change in household circumstances and the budget would be adjusted for the following month after the change is reported. If the mother's return to the household is reported on or after the 20th of the month and the change cannot be made to the next month's benefit prior to issuance, a supplement should be issued for the month.

Issued By _____

Name: Russell Sykes

Title: Deputy Commissioner

Division/Office: Division of Employment and Transitional Supports