



SNAP 201-2 HOUSEHOLD COMPOSITION Parental Control

Supersedes: FS 201-2 (04/01/2010)

Reference: 7 CFR 273.1(a) and (b)

Overview:

Children under 22 years of age are automatically considered under parental control if living with a natural, adoptive or stepparent. Children under 18 years of age living with household members other than their natural, adoptive or stepparent must be evaluated for parental control before separate household status can be given unless state law defines such person as an adult (i.e., emancipated).

EMANCIPATION:

A child under age 18 years of age is considered emancipated if he/she is free from parental authority. An emancipated person has certain rights that minors normally do not have until they reach the age of majority, such as the right to live independently, conduct their own financial affairs, enter valid contracts, and incur debts. Emancipation can be determined by a court.

NOTE: Under Montana law, marriage **does not** automatically result in emancipation. Montana law states that a person under 18 years of age who lives with his/her parents is under their parental control and is financially dependent on them so cannot be determined emancipated.

PARENTAL CONTROL:

An individual is under parental control if the individual under 18 years of age and lives with another household member **other than their natural, adoptive, or stepparent** and:

1. verification is received from a parent/guardian or conservator living outside the household stating their child (the minor individual) is dependent on the household member he/she is living with; or,
2. a member of the SNAP household states the minor individual is dependent on the household member he/ she is living with; or,
3. the eligibility staff member determines the minor individual is dependent on the household member for financial support. **EXCEPTION:** State law has defined the individual as an adult (i.e., emancipation).

NOTE: Parental control must be evaluated even when the individual is living with his or her spouse and/or child.

Effective Date: July 18, 2022