



201-1 Filing/Assistance Unit

<p>TANF Bulletin 87</p>	<p>April 8, 2015</p> <p>To: All Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), Family Medicaid (FMA) including Affordable Care Act, Healthy Montana Kids (HMK) and Aged, Blind and Disabled (ABD) Medicaid Manual Holders</p> <p>From: Melinda Cummings, SNAP Eligibility Manager Pam Barragato, TANF/SNAP Policy Specialist Jade Atkinson, Family Medicaid and HMK Policy Specialist Jean Perrotta, ABD Medicaid Policy Specialist</p> <p>Subject: SNAP Bulletin 109 TANF Bulletin 87 FMA Bulletin 73 HMK Bulletin 1 ABD Bulletin 117</p> <p>Please place this bulletin at the beginning of section 201-1 for SNAP. Please place this bulletin at the beginning of section 201-2 for TANF. Please place this bulletin at the beginning of section 200 for Family Medicaid. Please place this bulletin at the beginning of section 5.4 for HMK. Please place this bulletin at the beginning of section 200-1 for ABD Medicaid.</p> <p>=====</p> <p>SECTION: Household Composition SUBJECT: Same sex marriage REFERENCES: FNS Policy Memo dated May 27, 2014 and State Medicaid Director letter dated May 30, 2014 EFFECTIVE DATE: Immediately</p> <p>INTRODUCTION: Married same sex couples are considered as spouses when determining eligibility for SNAP, TANF, HMK and Medicaid.</p> <p>POLICY CHANGE: If same sex couples marry in a jurisdiction recognizing same sex marriage, they are considered as spouses. Same sex marriage is permissible under Montana law. The state of Montana recognizes same sex marriages performed in other jurisdictions.</p> <p>Civil unions or domestic partnerships do not impact marital status and these couples are not considered spouses when determining Medicaid eligibility.</p>
<p>Supersedes:</p>	<p>TANF 201-1 (07/01/07)</p>
<p>References:</p>	<p>ARM 37.78.102, .201, .206, .207, .208, .221, .222 and .227; SB 29 2005</p>
<p>Overview:</p>	<p>GENERAL RULE--An application on behalf of a minor child(ren) must include certain</p>

	<p>relatives living with the minor child(ren). These family members, related to the minor child(ren) by blood, adoption or marriage to the child's natural/adoptive parent, and the minor child(ren) are considered to be a filing unit. There must be an eligible child living in the household and included in the filing unit for the household to be eligible for TANF cash assistance.</p> <p>NOTE: Minor children who usually live with a custodial caretaker relative and are visiting their other parent (or other caretaker relative) for a temporary visit are not considered to be living with the second parent or caretaker relative. They are 'temporarily absent' from their custodial parent, and could be eligible in the custodial parent's household.</p>
<p>DEFINITIONS</p>	<p>A "minor child" is defined as a child under age 18 (or if age 18 but less than 19 years old, is attending secondary school or its equivalent full-time) and is living with a specified caretaker relative (TANF 304-1 and 305-1).</p> <p>NOTE: A teen parent, who is not approved to live independently by the teen parent living arrangement committee, is considered a child for eligibility purposes and must be living with a specified caretaker relative.</p> <p>A minor child is considered "emancipated" (no longer considered a dependent of his or her parents) only through court action or marriage. If emancipated, a minor child is not eligible to receive assistance unless he/she is a parent of a minor child.</p> <p>NOTE: EXCEPTION: If the minor is emancipated due to marriage and the marriage is annulled, then the emancipation is also considered invalid and the teen must comply with the independent living requirements.</p> <p>NOTE: The parents of a minor child who is emancipated either by court action or marriage are not included in the case with that child even if the child resides with them and is dependent on them.</p> <p>A "joint custody" agreement legally provides that both parents function as providers of maintenance, physical care, and guidance for the child(ren). The actual circumstances may or may not indicate this is occurring. See TANF 201-2 for policy on Joint Custody.</p>
<p>REQUIRED FILING UNIT MEMBERS</p>	<p>Certain related household members living with the minor child are required to be included in the filing unit.</p> <p>The following individuals must be included in the filing unit:</p> <ol style="list-style-type: none"> 1. The parent(s) of any minor child included in the assistance unit, and <p>NOTE: "Parent" means a natural/adoptive parent or a stepparent (related by marriage to the child's natural/adoptive parent) or a person considered by law to be a parent in the case of a child conceived by artificial insemination.</p>

	<p>2. the blood-related, adoptive, or stepsiblings (brothers and sisters) who are themselves minor children within the age limit.</p> <p>When a birth parent's parental rights have been terminated and the child has been legally adopted, the child's adoptive parents are his/her parents for determining household composition, child support issues, etc.</p> <p>Even when the birth parent also resides in the home, he/she is no longer considered the child's parent because his/her parental rights have been terminated.</p> <p>If the birth parent is related to the adoptive parents, then the birth parent may still be considered a specified relative of the adoptive child (i.e., sibling, cousin, etc.).</p>
<p>ASSISTANCE UNIT</p>	<p>Once the filing unit is established, a determination of eligibility occurs. This determination is made by evaluating the income, resources and non-financial eligibility of the filing unit. Collectively, their countable income must pass the income tests and their countable resources must be within the resource limitation. Each filing unit member must meet all non-financial requirements. If the filing unit passes the income and resource tests and individually passes the non-financial requirements, the unit is then referred to as the assistance unit.</p> <p>If the minor child is living with a specified caretaker relative other than his parent(s), that relative <u>is a required member only to establish the non-financial requirement that the minor child must be living with a specified caretaker relative.</u> However, this caretaker relative may request to have his/her needs included in the benefits. If he/she chooses to not be included, all financial and non-financial requirements do not apply</p> <p>NOTE: If he/she chooses to be included his/her spouse cannot, but the spouse's income and resources must be deemed to the caretaker relative who has chosen to be included. (TANF 305-1)</p>
<p>PREGNANT WOMAN</p>	<p>A pregnant woman with no other natural/adoptive/step-children living with her may be eligible for benefits in her last trimester (3 months prior to the expected month of birth) if all financial and non-financial criteria are met.</p> <p>If she lives with the father of the unborn, whether or not they are married, he is a required filing unit member unless excluded as stated later in this section. His income and resources must be considered (deemed) in determining the pregnant woman's eligibility. Once the child is born, he becomes a required assistance unit member and his income and resources are counted in full.</p> <p>If a pregnant woman with other children, is living with the father of the unborn who is not related to the children by marriage or parentage, the father of the unborn is a required filing unit member.</p>

	<p>NOTE: The putative (believed to be) father of the unborn must provide a written statement to that effect to establish his filing unit status. If the pregnant woman is living with her husband, it is assumed he is the father of the unborn for eligibility purposes. Marital status must be verified. If the pregnant woman is not married or states the man with whom she is living is not the father of the unborn, she must comply with the non-financial child support enforcement requirement as stated in TANF 306-1.</p> <p>Upon notification of the child's birth, if neither the father nor newborn are excluded by regulation, <u>If the new filing unit is eligible, the new members needs will be included per the criteria in TANF 201-3.</u></p>
PREGNANT MINOR	<p>A pregnant minor's (under age 18) eligibility is considered the same as stated above with the additional 'living arrangement' non-financial requirement stated in TANF 302-1.</p>
TEEN PARENT FIA/EP	<p>A FIA/EP will be required for these teen parents:</p> <ul style="list-style-type: none"> a. meets the qualification to live independently; or b. is emancipated by marriage; or c. is emancipated by court action; or d. is living with an adult who would meet the state requirements to become a legal guardian; or e. is living in an approved alternative adult supervised setting such as a second chance/maternity home; and f. receives benefits in his/her own case. <p>If the teen parent is not in compliance with his/her FIA/EP the time clock will tick. A teen parent not living independently according to the following criteria, and who is attending high school or working toward obtaining a GED, is <u>not required to participate in FIA/EP activities:</u></p> <ul style="list-style-type: none"> a. living with his/her parent's and included on his/her parent's grant; or b. living with a specified caretaker relative within the 5th degree of kinship. <p>A teen parent not living independently, according to the following criteria, who is <u>not attending high school</u> or working toward obtaining a GED is <u>required to participate</u> in FIA/EP activities:</p> <ul style="list-style-type: none"> a. living with his/her parent's and included on his/her parent's grant; or b. living with a specified caretaker relative within the 5th degree of kinship. <p>Minor children sixteen (16) years of age or older (through the month of their 18th birthday) who are <u>not attending high school</u> or working toward obtaining a GED <u>are required to participate</u> in FIA/EP activities.</p>

STRIKERS	<p>Benefits are not available to families in which a required filing unit member is participating in a strike.</p> <p>Any family who was receiving TANF cash assistance prior to the start of a strike will have benefits discontinued even if all other eligibility factors are met.</p>
MEMBERS EXCLUDED FROM THE ASSISTANCE UNIT	<p>Certain individuals, either adults or minor children, must be excluded from receiving benefits because of the provisions of Title IV-A of the Social Security Act and those sections of the Act amended by Public Law 104-193; or by State Law as outlined in ARM. These individuals may be required filing unit members but cannot receive benefits:</p> <ol style="list-style-type: none"> 1. SSI (Supplemental Security Income) recipients. <p>NOTE: The adult SSI recipient may qualify as the minor child's specified relative (Section 305-1) and should be coded on the SPRD screen by placing a 'Y' in the Specified Relative field.</p> <p>NOTE: SSI 1619B individuals are considered SSI recipients</p> <p>NOTE: The SSI child is considered an "eligible child" for purposes of determining eligibility for other related family members with whom he/she is living, even if this is the only child in the household.</p> 2. Minor children receiving state, local or federal Foster Care payments and whose absence from the TANF cash assistance household is not considered temporary. <p>NOTE: These children are not considered to be an eligible child for purposes of determining eligibility for other related family members.</p> 3. Aliens who do not meet qualified alien status (Section 301-2) <p>NOTE: If the alien is a refugee and not eligible for TANF cash assistance, assistance may be provided through the Refugee Cash/Medical Assistance program (TANF 1001-1 and 1002-1).</p> 4. individuals who are fleeing to avoid prosecution, custody or confinement after conviction for a crime, which is a felony under the laws of the place from which the individual flees 5. individuals who have been found to have committed fraud or an intentional program violation 6. individuals who have been sanctioned for non-compliance with

	<p>employment and training related activities.</p> <p>7. individuals who have been convicted in Federal or State court of having made a fraudulent statement or representation with respect to the place of residence in order to receive assistance simultaneously from two or more states.</p> <p>8. individuals who are incarcerated.</p> <p>9. individuals who have been convicted of a drug-related felony after August 22, 1996 and who are not complying with the conditions of supervision, whose sentence has not been discharged and who are not actively participating in treatment, if required household members.</p> <p>NOTE: If the individual is not complying with the conditions of supervision, etc. eligibility for the entire household does not exist. The cash assistance would be denied or closed. (TANF 703-1).</p> <p>10. individuals who are violating a condition of probation or parole imposed under Federal or State law.</p> <p>NOTE: The individual is not considered a probation/parole violator until the court/judge makes a ruling even if the individual states he/she is in violation. The ruling is usually based on the recommendation of the probation/parole officer. If the court ruling is that a violation has occurred, the individual's status is that of "violator" for eligibility purposes and is subsequently disqualified. Once further legal action is taken, such as incarceration, the individual's status is no longer a "violator" and eligibility is redetermined accordingly.</p> <p>11. individuals who are not in compliance with a Program Compliance review of any involvement unit in the case and</p> <p>NOTE: If the individual is not complying with the Program Compliance review, eligibility for the entire household does not exist. The cash assistance would be denied or closed. (TANF 703-1; 1508-2)</p>
UNRELATED MEMBERS	Any individual who is not related to the minor child either by blood/adoption or marriage, but who lives with the child and his/her specified caretaker relative, is not included in the filing unit.
TANF CASH ASSISTANCE	<p>TEEN PARENT (Under age 18, unmarried, and caring for his/her minor child) References: TANF cash manual 201-1, 301-1, 305-1, 701-1, and 801-1.</p> <p>NOTE: Indicators refer to the teen parent only.</p>

Teen parent living arrangement	Part Code	Adult/Child Indicator	Time clock Exemption	FIA/EP Required
Not living independently and attending school.	IN	N	No clock	N
Not living independently and not attending school.	IN	F	No clock	Y
With child's father (regardless of age); not approved to live independently. TANF cash assistance is denied.				
Approved to live independently of a specified caretaker relative.	IN	I	Clock ticks	Y
Not approved to live independently of a specified caretaker relative. TANF cash assistance is denied.				
<p>TANF CASH ASSISTANCE: MINOR PARENT (Under age 18, married, and caring for his/her minor child); or emancipated by the court.</p> <p>NOTE: Indicators refer to the minor parent only</p>				
Minor Parent	Part Code	Adult/Child Indicator	Time clock Exemption	FIA/EP Required

	Teen parent living arrangement rules do not apply. A minor parent has been emancipated by marriage or court.	IN	I	Clock ticks	Y
Date Revised	January 1, 2008				