



305-1 Minor Child Living with a Specified Caretaker

Supersedes:	TANF 305-1 (07/01/06)
References:	ARM 37.78.206, .207 and .208
Overview:	<u>GENERAL RULE</u> -- A minor child must be living with a specified relative who is providing care on a day-to-day basis in a setting maintained or in the process of being established, as the child's home.
SPECIFIED CARETAKER RELATIVE	<p>A child's specified caretaker relative(s) may be any relation by blood, marriage or adoption that is within the fifth degree of kinship to the child.</p> <p>A parent or stepparent of a child must be included in the filing unit (except SSI recipients) and they are included in the assistance unit as long as the child remains eligible and the parent or stepparent is otherwise eligible.</p> <p>A specified relative other than the child's parent (aunt, uncle, grandparents, etc.) must be acknowledged as the child's specified relative in the filing unit and <u>may have his/her needs included in the assistance unit upon request</u>. If this caretaker relative wants to be included in the assistance unit, his/her spouse is included in the filing unit as a Deemed Person but <u>cannot</u> have his/her needs included in the assistance unit.</p>
VERIFYING RELATIONSHIP	Verification must be provided which proves that each minor child included in the filing unit and the assistance unit is actually related to the specified relative(s), and to his/her sibling(s), either by birth or marriage.
LIVING WITH THE CARETAKER RELATIVE	<p>The child is considered to be "living with" his caretaker relative and other required filing unit members if the child is physically residing with the specified relative even though:</p> <ol style="list-style-type: none">1. the child is not currently living in the home but will be within 30 days of the receipt of benefits;2. legal custody is held by an agency/person that does not have physical custody of the child,3. the child is under the jurisdiction of the court (on probation),4. the child is temporarily hospitalized for medical treatment which may include in-patient psychiatric services, or5. the child is temporarily absent for a period of time, not to exceed ninety (90) consecutive days. <p>NOTE: The child may be temporarily absent from the home for longer than 90 days if the absence is for the sole purpose of attending a boarding school and the specified relative continues to exercise responsibility for the care of the child who is expected to return to the home at the end of the school term. Request periodic</p>

	<p>verification of school enrollment and attendance.</p> <p>Verification of the "living with" requirement is only required when questionable.</p>
JOINT CUSTODY	Please refer to the TANF 201-2 section for information regarding joint custody arrangements.
MARITAL STATUS/ COMMON LAW	Please refer to the TANF 201-2 section for information regarding marital status and common law marriages.
TEEN PARENT LIVING ARRANGEMENT	<p>For TANF cash assistance only: A teen parent (TANF 201-1) must reside with and in the same residence as his or her parent(s) or other specified caretaker relative. If not, the Teen Parent Living Arrangement Review Committee must approve them to live independently of a specified caretaker relative.</p> <p>A teen parent is defined as an individual who, through the end of the month of his/her 18th birthday, is unmarried and caring for his/her minor child.</p> <p>NOTE: If the individual is under the age of 18, married and caring for his/her minor child they are considered a minor parent and the teen parent living arrangement rules do not apply.</p>
EMANCIPATION	<p>If the individual under the age of 18 has been emancipated by the courts or by marriage, he/she is considered an adult for eligibility purposes, even if a divorce occurs and the teen moves back in with his/her parent(s). Once emancipated, always emancipated.</p> <p>Independent living arrangements do not need approval by the Review Committee for an emancipated minor.</p> <p>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>When a teen parent is not living with his or her parent(s), other specified caretaker relative, or granted an exception by the Teen Parent Living Arrangement Review Committee, <u>TANF cash assistance is denied for the household.</u></p>
TEEN PARENT EXCEPTION	<p>If the teen parent is not living with his/her parent(s) or a specified caretaker relative, the Teen Parent Living Arrangement Review Committee must review the living arrangement. The Committee may determine that the living arrangement is appropriate because the teen parent is living in an appropriate alternative adult-supervised setting or he/she must be allowed to declare one or more of the following circumstances exist (Form HCS-791, "Teen Parent Living Arrangement Checklist") and given the opportunity to live without adult supervision:</p> <ol style="list-style-type: none"> 1. The teen parent has no living parent, legal guardian, or other adult (who would meet applicable state criteria to act as the teen parent's legal guardian) or whose whereabouts are known. 2. The teen parent has no parent, legal guardian, or other appropriate adult

	<p>relative who allows the teen parent to live in their home.</p> <p>3. The teen parent is living independently because:</p> <ul style="list-style-type: none"> a. Abuse and/or domestic violence exists in the parent's, legal guardian's, or adult relative's home. b. Alcohol and/or drug abuse exists in the parent's, legal guardian's or adult relative's home. c. His/Her parent, legal guardian, or adult relative lives out of the state/country. d. His/Her parent, legal guardian, or adult relative is mentally ill. e. His/Her parent, legal guardian, or adult relative is dangerous. <p>If the Review Committee's decision is to allow the teen parent to remain in this living arrangement, continue with the eligibility determination process.</p> <p>If the Review Committee's decision is to not approve the teen parent's living arrangement, the application is denied. No Child Only grant is issued.</p>
<p>LIVING INDEPENDANTLY</p>	<p>If the teen parent has been approved to live independently, this arrangement shall be reviewed at the FIA/EP renewal and any time the teen parent fails to comply with an FIA/EP activity. If necessary, the Eligibility Case Manager may request the committee to reconsider the initial decision. Document in Case Notes. Set an ALERT to review this arrangement at all FIA/EP renewals.</p>
<p>REVIEW COMMITTEE</p>	<p>The evaluation of the teen parent's circumstances as well as assistance in locating an alternative adult-supervised setting, if necessary, shall be conducted by a committee comprised of any or all of the following selected by the County Director: the Eligibility Case Manager, the WoRC Case Manager, a Supervisor and/or the County Director/Designee, a social worker, a domestic violence counselor, a health care professional, school counselor or other school official, a representative from any other agency or organization with whom the teen parent is involved, and any other interested party. This committee should be available to meet on an as-needed basis.</p> <p>It may not be necessary, in all cases, to involve anyone other than the teen parent, his or her Eligibility Case Manager, a Supervisor and/or the County Director/Designee in assessing the circumstances and making a decision.</p> <p>The Committee will:</p> <ul style="list-style-type: none"> 1. Determine if the teen parent may live or continue to live, independently of a specified caretaker relative. 2. Assist in locating an alternative adult-supervised setting.

	3. Reevaluate the independent living arrangement if it ceases to be appropriate or the teen parent fails to comply with the requirements of his or her FIA/EP.
Date Revised	January 1, 2007