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**WORK FIRST**  
**Kinship and Living With Requirements**

**Change # 4-2010**

**June 1, 2010**

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**112 – KINSHIP AND LIVING WITH REQUIREMENTS**

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**I. KINSHIP AND LIVING WITH REQUIREMENTS**

To receive *Work First Family Assistance*, children must **live with** an adult relative who is within a certain degree of **kinship**, or with an adult caretaker who has **legal custody or legal guardianship, that is court ordered**.

Minor parents must live with a parent, legal guardian, or in another adult supervised arrangement (with some exceptions).

The relative or adult caretaker who has legal custody or legal guardianship, must be responsible for providing care for the child on a day-to-day basis and for ongoing decisions regarding the child's well-being.

**NOTE:** A family member may be temporarily absent from the home and still meet the "living with" rule. See V. below.

**II. RELATIONSHIPS THAT MEET KINSHIP REQUIREMENTS**

The following relationships meet the kinship requirement:

A. **A parent** - This includes a biological mother or father, a legal father, or adoptive parent(s) after issuance of the final order;

**NOTE:** Biological parent(s) and biological relatives are not eligible to receive Work First Family Assistance for the adopted child.

B. **An alleged father or other alleged paternal relative;**

C. **A blood or half blood relative or adoptive relative limited to:** brother, sister, grandparent, great-grandparent, great-great-grandparent, uncle or aunt, great-uncle or aunt, great-great-uncle or aunt, nephew, niece, first cousin. Spouses of these individuals also meet the kinship requirement even if the marriage has been terminated by death or divorce.

D. **A step-relative limited to:** Stepparent, stepbrother or stepsister;

E. **Other adults who have court ordered legal custody or legal guardianship of a child.**

**NOTE:** A minor parent may live with an adult who is not related if it has been determined that the living arrangement is appropriate.

**III. JOINT CUSTODY**

When the child spends a certain amount of time in each parent's home, the caseworker must determine which parent meets the living with requirement. Joint custody situations may be stipulated in a divorce settlement, a legal separation agreement, or an informal parental arrangement. This information may be used to assist caseworkers in determining "living with".

If neither parent has the day to day care and supervision of the child 51% or more of the time, "living with" cannot be established for that child. Therefore, neither parent is eligible for Work First Family Assistance.

**IV. VERIFYING KINSHIP AND LIVING WITH REQUIREMENTS**

The caseworker must verify kinship at application. However, the caseworker must verify living with at application and at each review.

**A. Primary Sources To Verify Kinship**

1. Birth certificates
2. Other birth records established at the time of birth
3. Copy of Court Order signed by a judge or other officer of the court verifying legal custody or legal guardianship
4. DSS records verifying custody or guardianship

**B. Other Resources That May Be Used To Verify Both Kinship and Living With**

1. Hospital and doctor records
2. Government records, such as Social Security Administration, school records, and court records
3. Personal records, such as church records and family Bibles
4. School records, child day care center records, rental records, etc.
5. Statement from a knowledgeable individual. For kinship, a knowledgeable individual is a person who was acquainted with the child's parent at the time the child was born. (The initial statement verifying kinship must be in writing and signed.)
6. Living with may be verified by home visits made by social services staff and the child is observed living in the home.
7. A collateral statement may be used to verify living with.

**V. TEMPORARY ABSENCE FROM THE HOME**

Family members who are temporarily absent from the home but who intend to return may remain eligible for *Work First Family Assistance*.

An adult must report to the caseworker when a child is expected to be absent from the home for 90 consecutive days or longer within five days of knowing the absence will exceed 90 days. Failure to report the absence within five days makes the adult ineligible for three months beginning the month after failing to make the report.

- A. If a family member will be temporarily absent for longer than 90 consecutive days, the family member is not eligible for *Work First Family Assistance* unless there is good cause.

Good cause is determined by the county and includes absences for medical treatment, substance abuse treatment, healthcare, and for a child, the absence may be to meet educational requirements. Good cause related to educational requirements does not apply to adults.

- B. If a family member is temporarily absent, has good cause, **and** the absence is expected to last **12 months or less**, the family member may remain eligible for *Work First Family Assistance*.

If the absence is expected to last **longer than 12 months**, the family member is not eligible for *Work First Family Assistance*. Evaluate the individual for ongoing Medicaid in another aid program category.

- C. Temporary absence does not apply when:
1. The individual is not wanted in the home; or
  2. There is no room for the individual in the home; or
  3. For a child, the caretaker is unable physically or mentally to maintain a home for the child.

**VI. TEMPORARY ABSENCE REPORTING REQUIREMENT AND PENALTY FOR LATE REPORTING**

The parent of a minor child must report the absence of the child within **5 calendar days** of **knowing** the child will be absent from the home longer than 90 days. **Failure to do so results in the parent becoming ineligible for cash assistance for three months.**

- A. Reduce the family's need standard by one (or by two in a two-parent family) if the parent fails to report within 5 calendar days of knowing that the child's absence will exceed 90 days. Do not delete the individual(s) from the case. Recoup any overpayment.

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**EXAMPLE:** A family consists of a parent and three children. The parent failed to report a child was absent from the home longer than 90 days. Delete the absent child from the payment, leaving the parent and two children. Use the need standard for a family of two (excluding the parent's needs) to determine the family's benefits. Exclude the parent's needs for three months.

- B. Terminate the case if the only child on the grant will be absent longer than 90 days without good cause. The parent is ineligible. Recoup any overpayment.