

106 - FAMILY CAP
Change # 4-2010
June 1, 2010

I. WHAT IS A FAMILY CAP

- A.** Whenever a parent (recipient or payee only) has a newborn child ten or more months after a month in which the family receives cash assistance, the family cap provision applies. The Family Cap is a North Carolina policy that does not apply to parents who received assistance from another state in the tenth month prior to the child's birth. To determine whether family cap is applicable, evaluate all children born June 1, 1997 or later.

NOTE: The family cap provision does not apply to a child who has been adopted.

This means that the *Work First Family Assistance* payment will not be increased for that child with **certain exceptions**. These exceptions are discussed in **II.** below.

A child subject to the family cap is a member of the *Work First Family Assistance* family unit and is included on the case in EIS. **Therefore**, the child is **also subject to the provisions of the** Mutual Responsibility Agreement **and is automatically entitled to:**

- Medicaid
 - Child Support Services
 - Other supportive services (such as Medicaid transportation)
- B.** A child subject to the family cap is assessed like all other children in the family in relation to, income, resources, child support, etc.
- C.** Once a child is subject to the family cap provision, the family cap applies even if the child moves to the home of another caretaker. The family cap is lifted in this instance if one of the exceptions in **II. D.** or **E.** apply. Review the family cap provision with every family at application and at each review.

II. WHICH CHILDREN ARE NOT AFFECTED BY THE FAMILY CAP

- A.** A child conceived in a month the family unit was not receiving *Work First Family Assistance*. (This is determined by counting backwards ten months starting with the month the child was born).

- B.** A child who is the firstborn (including all children of a multiple birth) of a minor who is a dependent child. In this situation, caseworker must change the individual case status code of the minor's child to "F" when EIS displays the "Y" in the CAP field indicating that this child is subject to the family cap provision. See further instructions in **III.** below.
- C.** A child conceived as a result of verifiable rape, sexual assault, or incest. Verify by obtaining records from law enforcement or medical providers. **If such records are not available**, contact and accept two statements from family members, neighbors, or other individuals knowledgeable of the family member's situation.
- D.** A child when parental custody has been legally transferred to a caretaker other than a parent.
1. Ordered by a North Carolina court or any court of competent jurisdiction (out-of-state court).
 2. Voluntary private placement of a child by its parent that results in the transfer of custody, guardianship, or adoption.
 3. Placement with a relative made by the department of social services or an agency under contract with the department of social services when the department of social services retains legal custody.
- E.** A child living with a caretaker other than a parent who is no longer able to live with the parent(s) (as determined by the department of social services) due to:
1. Death of the child's parent.
 2. Incapacity or disability of the child's parent such that the parent cannot care for the child. Incapacity/disability must be verified by a physician.
 3. Incarceration of a parent if expected to last at least three consecutive months.
 4. Institutionalization of a parent if expected to last three months or longer.

NOTE: If further verification is needed to support caseworker decision, obtain it from any knowledgeable source.

If the family cap provision applies the caseworker must enter a “Y” in the CAP field.

If the child is subject to the family cap but meets one of the exceptions outlined in [II.](#) above, enter an “N” in the CAP field and the appropriate reason code.

EXAMPLE 1: An SSI mom receives assistance for two children and reports on June 28, 2009, that she had a baby on June 26, 2009. To determine if this child is subject to the family cap, count back ten months. The tenth month is September 2008. If the mother or father was receiving *Work First Family Assistance* in September 2008, the family cap provision applies to this child.

EXAMPLE 2: Mother receiving for herself and two children has another child. This child is not added to his mother’s case but moves in with another relative who applies for him. The caseworker must determine if this child would have been subject to the family cap under the parent’s case. Determine if the mother or father was receiving WFFA ten months before this child was born. If so, the child is subject to the family cap on the relative’s case. The caseworker must evaluate if the child meets an exception outlined in [II.](#) above.

V. SPECIAL CASE SITUATIONS

A. Minor Parents

Once a minor parent turns eighteen or becomes emancipated, the children subject to the family cap while the parent was a minor receiving as a dependent child are no longer subject to the family cap. As an adult recipient, the time the parent received as a minor parent does not count when determining whether a child born to her is subject to the family cap.

For example, a minor has her first child at age 16. The child, since it is her first child, is not subject to the family cap. At age 17, the minor parent has another child. This child is subject to the family cap. When the minor parent turns 18, the minor parent applies for assistance for herself and her two children. The second child is no longer subject to the family cap. The minor parent then gives birth to a third child.

The third child may or may not be subject to the family cap depending on the month of the child’s birth and when the mother began to receive as an adult. If the child was born prior to the tenth month the parent received as an adult, the child is not subject to the family cap. If the child is born ten months from the month the parent begins receiving as an adult, the child is subject to the family cap.

The third child is not subject to the family cap if the tenth month of receipt before the child's birth was while the parent was receiving assistance as a dependent child.

B. Only Child Is Subject To Family Cap

If a child is subject to the family cap and the child is the only child in the family unit, the parent or stepparent may still receive cash assistance.

C. Family Cap Child Moves From One Parent To Another

Once a child is subject to the family cap, he cannot move in with another parent and be exempt from the family cap. The child remains family cap regardless of which parent he lives with. However, the child may become exempt if the child moves in with a caretaker relative other than a parent if the child meets an exemption as outlined in II. above.

For example, a child lives with his mother and is subject to the family cap. Two years later, the mother is unable to continue caring for the child because the parent is sick. The child moves in with his father who is receiving for other children. This child remains subject to the family cap, regardless of why the child moved from one parent's home to another.