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 | INFORMATIONAL LETTER |  
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TRANSMITTAL: 91 INF-12

TO: Commissioners of  
 Social Services

DIVISION: Income  
 Maintenance

DATE: February 11, 1991

SUBJECT: Filing Unit: A Non-Legally Responsible Caretaker  
 Relative and a Natural Parent Reside With a Minor  
 Dependent Child

SUGGESTED

DISTRIBUTION: Income Maintenance Staff  
 Food Stamp Staff  
 Staff Development Coordinators

CONTACT PERSON: 1-800-342-3715, Dottie O'Brien, extension 4-6853  
 County Food Stamp Representative, extension 4-9225

ATTACHMENTS: None

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
85 ADM-51		352.30(a)		<u>PASB</u> XII-E-3.1 through XII-E- 10.1 <u>FSSB</u> V-A-2-all	

Local social services districts regularly ask if a natural parent who would otherwise be required to be included in the filing unit must be included when the parent is not exercising parental responsibility. The question arises most often when a non-legally responsible relative has legal custody of the child and the district would like to continue the non-legally responsible relative as the caretaker in the case with the child when a natural parent returns to the home.

Recent federal clarification on filing unit rules allows for the non-parent caretaker relative to remain in the filing unit when a natural parent is in the same household and is not exercising parental responsibility.

When a non-parent caretaker relative has legal custody of a child, that is a clear indication that the parent is not exercising parental responsibility. In such cases the filing unit would include both the natural parent and the non-parent caretaker relative with the non-parent caretaker relative designated as case payee. Both the non-parent caretaker relative and the parent would be identified by the individual categorical code "13-ADC Dependent Relative".

When the non-parent caretaker relative does not have legal custody, the available documentation must clearly establish that the non-parent caretaker is exercising parental responsibility.

#### Examples

1. An aunt cares for her nephew because the child's mother is a substance abuser and leaves the household at will, sometimes for extended periods. The aunt is the adult who cares for the child on a daily basis and who makes decisions regarding the child. Even though this arrangement is informal, documentation of the circumstances of this case would allow the aunt to remain as the case payee when the mother is in the household and required to be included in the unit with her child.
2. A household consists of a disabled man who is homebound, his mother and his daughter. While the man is unable to provide much of the physical care the child needs, he makes all decisions regarding the child and provides emotional support. In this case the parent is exercising parental responsibility. The grandmother, if otherwise eligible, may be included in the unit only as an essential person since she cares for her incapacitated son and helps care for the daughter.

For food stamps a parent and minor child must be members of the same food stamp household unless:

- o the parent and minor child do not purchase and prepare meals together, and
- o the minor child is not under the parent's parental control;

And either

o the parent is elderly or disabled;

or

o the minor child has a child.

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Oscar R. Best, Jr.  
Deputy Commissioner  
Division of Income Maintenance