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Household Determination

310 GENERAL HOUSEHOLD DESCRIPTION

A TANF household is a person or group of people, meeting relationship requirements, living in the same home, with at least one dependent child or pregnant woman.

In general, a SNAP household is a person or group of persons who purchase food and prepare meals together.

320 RELATIONSHIP

321 Caregiver

The caregiver must be present in the home and supervise/care for the child. The caregiver's relationship to the child must be as follows:

- a. Father or mother;
- b. Stepfather or stepmother;
- c. Brother or sister;
- d. Stepbrother or stepsister;
- e. Nephew or niece (includes grandnephew or grandniece);
- f. Grandfather or grandmother (includes great and great-great grandparents);
- g. Uncle or aunt (includes great and great-great uncles and aunts);
- h. First cousin, first cousin once removed.

Relationship extends to the spouse/domestic partner of the listed relatives, even after the marriage/domestic partnership is terminated by death or divorce/domestic partnership termination. Common law marriages are not recognized in Nevada.

A caregiver meets the relationship requirement, even if a court has jurisdiction over the child or any agency is the child's custodian. If a child lives with a custodian designated by the responsible agency, that individual must meet the relationship requirement.

Relationship of the caregiver may extend beyond the specified relative list upon a finding of hardship by the Division Administrator. A finding of hardship may not be granted to an individual who is not related by blood or marriage to the child. The office manager or supervisor will document the case circumstances in a memorandum to the Chief of Eligibility & Payments, requesting a hardship determination.

Only one non-parent caregiver may be included as a needy caregiver. See manual section A-600 for budgeting.

When a parent loses their parental rights, all legal obligations (i.e., the obligation to pay support) and rights (i.e., the right of custody) are terminated from the parent to the child. Although the parent no longer meets TANF relationship requirements, all other legally recognized relationships (sibling, aunt, uncle, etc.) continue unless and until the child for whom assistance is requested has been legally adopted.

As a result of Nevada's Assembly Bill (AB) 147, termination of parental rights does not extinguish the child's right to inherit from the terminated parent unless the child is adopted.

321.1.1 Single-Parent Family

A single-parent family is a TANF household with only one TANF eligible parent. In single-parent families, only one parent receives assistance due to the absence of the other parent or because the other parent is an ineligible household member.

Refer to manual section A-800 for the definition of a one parent family for the Work Participation Rate.

321.1.2 Absent Parent Returns to the Home

When the case manager is notified that an absent parent (AP) has returned to the home, the returning parent becomes a required household member beginning with the date of their return if reported timely. (See manual section B-600).

321.1.3 Two-Parent Family

A two-parent family is a household where both parents of at least one common child are residing in the same household.

Refer to manual section A-800 for the definition of a two parent family for the Work Participation Rate.

321.1.4 Two-Parent Cases with Stepchildren

Include in the Two-Parent TANF case a child who lives with a natural/adoptive parent, a stepparent, and a sibling who is the couple's mutual child.

321.1.5 Two-Parent Unwed Cases Including One Parent's Child From a Previous Relationship

When legal parents of a mutual child are not married to each other, and one or both have a child living in the home who is not a mutual child, include both parents and all children in the cash case.

Unmarried parents with both mutual and separate children are treated the same as Two-Parent TANF cases with stepchildren.

321.1.6 Two-Parent TANF When the Only Common Child is an Unborn

UNWED: Determine eligibility for only the pregnant woman by excluding the needs, income and resources of the unborn child's father.

MARRIED: Determine eligibility for only the pregnant woman by excluding the needs of the unborn child's father. In a domestic partnership, exclude the needs of the other partner.

In a domestic partnership, the income of the unborn's father or domestic partner is deemed to the TANF household, using step-parent/responsible parent budgeting, (see manual section A-600) when determining the amount of the cash payment for the pregnant woman. If eligible, the payments made while she is pregnant do not count as a Two-Parent TANF case. The Two-Parent TANF case does not begin until the baby is born, at which time the father or domestic partner and newborn child become required TANF household members. Once the child is born step-parent deeming budgeting ends and their income is budgeted in total.

321.1.8 Stepparents

A stepparent is not a child's legal parent but is the legal parent's spouse/domestic partner. Budget the stepparent's income when determining financial eligibility. See manual section A-600 for stepparent budgeting policies.

A double step-parent family is a household where two married/domestic partner adults have at least one child each and no common child(ren). When both parents have separate children and are requesting assistance, include both married/domestic partner adults and their uncommon children together in one case.

321.1.8.1 Domestic Partners

Nevada law (NRS 122A) defined the relationship of "Domestic Partners." Domestic partnership is not a marriage, it is a civil contract and is recognized in Nevada. Domestic Partners are considered "spouses" and have the same rights, protections and benefits as are granted to and imposed upon spouses.

The Nevada "Office of the Secretary of State," shall issue a "Certificate of Registered Domestic Partnership." Any reference to the date of a marriage shall be deemed to refer to the date of registration of the domestic partnership. Domestic partners who wish to terminate the partnership must also file with the Secretary of State. Effective July 1, 2017, domestic partnerships and same sex marriages registered in other states no longer need to be registered in Nevada.

321.1.9 Joint Custody

In cases involving **parents with joint custody** (parents share physical custody of the children), regardless if there is a court order, the worker should assume the applicant (parent making application) is the primary custodial parent unless evidence to the contrary is presented. If the applicant states s/he is the primary custodial parent, no additional information is required. The case should be processed using normal processing standards.

1. When the applicant is uncertain whether s/he is the primary custodial parent, the worker must investigate further. By ascertaining such facts as where the child(ren) are zoned for school, the parent responsible for providing daycare and/or medical care, which parent claims the child(ren) as dependent(s) on the income tax return, etc., the worker should be able, using prudent judgment, to determine if the applicant is the primary custodial parent. If the facts obtained from the investigation indicate the applicant is the primary custodial parent, the case should be processed using normal processing standards. Consider the time spent with the other parent as a temporary absence.

2. When the applicant claims “true” joint custody, all of the following must exist:
 - the child(ren) actually alternate between parents each week (or some period less than a month); and
 - both parents exercise parental guidance and control; and
 - both parents provide equal financial support (no child support ordered or voluntarily being paid); and
 - the applicant is unwilling to indicate the primary custodial parent.

If any one of the statements in “2” above is not present, “true” joint custody does not exist and the worker should process the case according to “1” above.

In rare instances when true joint custody exists, the household is ineligible for TANF.

322 CASH ELIGIBILITY FOR WOMEN IN THEIR SIXTH MONTH OF PREGNANCY

Pregnant women NOT receiving TANF for other children may receive a cash benefit beginning their 6th month of pregnancy, if otherwise eligible. The anticipated delivery date must be within three (3) months following the month payment is made.

Only the mother, as a single parent household, is entitled to assistance prior to the birth of the child. The father (if in the home) and newborn are added to the case effective the date the child is born (see manual section B-600) and becomes a two-parent household.

Use the following chart to determine first cash grant when the only child is an unborn.

Expected Date of Delivery	Cash Payments Begin
JANUARY	OCTOBER
FEBRUARY	NOVEMBER
MARCH	DECEMBER
APRIL	JANUARY
MAY	FEBRUARY
JUNE	MARCH
JULY	APRIL
AUGUST	MAY
SEPTEMBER	JUNE
OCTOBER	JULY
NOVEMBER	AUGUST
DECEMBER	SEPTEMBER

- Pregnancy and anticipated date of confinement must be verified by a qualified medical professional (i.e., a written statement from a physician, nurse practitioner, etc.).
- When determining eligibility for a cash grant, only the needs of the pregnant woman are considered.

Note: Pregnant women eligible as caregivers for other children who fail to cooperate with CSEP for the “unborn child” are eligible until the child is born.

If a woman who is pregnant and has other children fails to cooperate with CSEP for her other children, assistance is denied considering adverse action. See manual section A-1600.

If the only child does not meet the above criteria other than not receiving SSI, the household does not meet TANF household eligibility requirements.

322.1 Unborn Due Date (EDC)

Clients are required to report any change in circumstances for TANF cash no later than the fifth of the month following the month a change occurs. If the client does not report the birth of an unborn child by the 5th of the month following the original “Expected Date of Confinement (EDC)” date entered on the “PREG” screen, and the agency has not received newborn information from another source, shorten the RD due date to correspond with the postpartum coverage.

For example, if the EDC date on the PREG screen is between June 1st and June 30th, and the agency has not received verification of the newborn’s birth by July 5th, change the RD due date to August, and mail the appropriate form to the last known address.

If the RD is received timely with all necessary verifications provided, complete the RD processing.

If the RD is received timely, but necessary verifications were not provided, allow the client 10 days to provide the requested verifications. If the necessary verifications are not provided, terminate assistance for non-cooperation due to an incomplete RD allowing for adverse action *OR*

If the RD is not returned, close the case, allowing for adverse action, effective the last day of August (the expected end date of the postpartum period).

In either case, NOMADS requires a "Term Date" on the PREG screen. Use the original EDC date.

323 DEPENDENT CHILD

An eligible child must:

- Be under age 18; or may be age 18, and regularly attend high school or high school level training full time, and is expected to graduate before or during the month of their nineteenth birthday;
- Be attending high school, an alternative educational/training program, or its equivalent when they are a minor parent (whose child is at least 12 weeks of age) and they have not successfully completed a high-school education or its equivalent;
- Live with a relative caregiver who meets relationship requirements;
- Never have been married;
- Meet citizenship requirements; and
- Not be receiving SSI.

The household may be composed of the parent(s) or relative caregiver of a child who receives SSI, federal, state or local foster care payments or adoption subsidy payments, even though the child may not be included for assistance.

Allowable verifications of a child's age and, if applicable, education verification is addressed in manual section A-200.

323.1 Legal Parent-Child Relationship

A legal relationship exists between the child and each natural or adoptive parent regardless of marital status. Proof of relationship is required and is usually established by birth, hospital, or baptismal certificate, or evaluative conclusion.

A legal parent-child relationship is established between a child and

- **an adoptive parent** by proof of adoption,
- **the mother** by proof of her having given birth to the child, and
- **the father/domestic partner** by proof of relationship, court adjudication, or acknowledgement of paternity.

323.2 Children Living With Their Biological Father

An alleged biological father may receive TANF for the child if relationship is proven. A legal relationship exists between a man and a child if one of the following conditions exists:

- He and the mother were married in apparent compliance with the law **before the child's birth** (even if the marriage is or could be voided), and the child was born
 - while they were married, or
 - within 285 days after the marriage terminated or a Decree of Separation is entered by a court.
- He and the mother married in apparent compliance with the law **after the child's birth** (even if the marriage is or could be annulled), and he
 - filed a paternity suit, including a statement of paternity in court;
 - is named the father on the child's birth certificate; or
 - has a written obligation to support the child voluntarily or by court order.
- He and the mother lived together for at least six (6) months before conception and continued to live together.
- He and the mother attempted to marry before the child's birth and the attempted marriage is invalid or could be declared invalid and the child is born during the 285 days after the marriage terminated or is born within 285 days after cohabitation.
- He receives the minor child into his home and presents the child as his own.
- He acknowledged paternity in writing on the Declaration of Paternity form filed with Vital Statistics and no other alleged/presumptive father has been named. Both maternal and paternal consent must be acknowledged and signatures obtained.

The presumption is nullified if another man is identified as the alleged/presumptive father before or after the Declaration has been signed. Underpayment or overpayment calculations are retroactive to the date the presumption is nullified.

Acceptable proof is the establishment of parentage through a birth, hospital or baptismal certificate, court documents, a Declaration of Paternity form by presumption or there is sufficient evidence present to pursue parentage under state law.

If the father cannot provide acceptable proof of parentage, he may acknowledge paternity to establish relationship by

- completing an Acknowledgement of Paternity form at Vital Statistics, and
- cooperating with CSEP to establish parentage and paternity.

Note: A court determination of paternity is required if, at the time of the child’s birth, the child’s mother was married to another man who is presumed to be the father or the mother challenges the alleged father’s acknowledgment of paternity.

323.2.1 Rebuttal of Presumptive Father

A presumptive paternity finding may be rebutted based on clear and convincing evidence. This type of evidence consists of:

- Medical evidence proving he cannot be the father, or
- Physical evidence making it impossible for him to be the father due to his continual absence two weeks before and two weeks after the period of probable conception (e.g., incarcerated, overseas, hospitalized), or
- Court adjudication exists regarding parentage (the presumed father is determined not to be the father) or someone else is determined to be the father, or
- Other convincing evidence (supervisory approval required).

323.3 Children Living With Relatives of the Biological Father

A caregiver relative must establish their relationship to the child in order to be eligible for TANF as a needy or non-needy relative caregiver. Follow the steps below:

1. Does the caregiver have acceptable proof of relationship to the child? Acceptable proof is a birth, hospital, or baptismal record, or evidence for an evaluative conclusion.	Yes <input type="checkbox"/> Relationship is established	No <input type="checkbox"/> Go to Step 2.
2. Can the caregiver provide the father's written acknowledgment of paternity and proof of the caregiver's relationship to the father?	Yes <input type="checkbox"/> Relationship is established	No <input type="checkbox"/> Go to Step 3.
3. Can the caregiver provide proof of relationship to the father and a collateral source who can establish relationship between the child and caregiver?	Yes <input type="checkbox"/> Relationship is established	No <input type="checkbox"/> Relationship is not established

- Proof must include a court determination of paternity if, at the time of the child's birth, the child's parents were unwed and the mother was married or had a domestic partnership to another man/individual who is presumed to be the legal parent.
- The collateral source must be a person who has no vested interest in establishing paternity.

If CSE or a court ruling indicates parentage for an alleged father who is applying for his child(ren) cannot be established, deny or terminate assistance. This also applies when the alleged father's relatives apply for his child(ren).

323.3.1 Paternity Conflicts — Unwed Couples

If an application is filed for a child living with their natural/adoptive mother and a man who may be the child's father, and **the couple disagrees about paternity**, the mother must prove her statement.

If the mother is unable to provide written documentation, accept the man's statement he is not the father and determine a single parent household accordingly. If there is more than one alleged father and the mother is living with one of them, consider a single parent family.

323.3.2 Documentation — Unwed Parents Living Together

When an unwed father claims he is the father of a child(ren) and there are no other alleged/presumptive fathers who have been named, refer the father to Vital Statistics. Both maternal and paternal consent must be acknowledged and signatures obtained.

If the alleged biological father refuses or fails to contact Vital Statistics and presumption cannot be established, include only the mother and child(ren) in the TANF household.

323.3.3 Domicile Verification

Verify domicile (living with a specified relative) using one of the following methods:

- For a preschool age child (not all inclusive)
 - observe the interaction between the child and caregiver in either the home or the office;
 - obtain a statement from non-relative landlord;
 - obtain a statement from a non-relative neighbor, friends, Investigative staff; or
 - obtain a statement from the state or county social services agency or the Indian social services agency.

- For a school-age child (not all inclusive)
 - contact school officials or use a current school record showing the same address as the caregiver;
 - obtain a statement from non-relative landlord;
 - obtain a statement from a non-relative neighbor;
 - observe the interaction between the child and caretaker, either at the office or home, if it does not interfere with school attendance; or
 - obtain the school name for each school-age child. If the relative caregiver does not know where the child attends school and cannot provide a reasonable explanation, consider the child's place of residence questionable. Verification from the school is required (Form 2257 or enrollment records).

324 MINOR PARENT

A minor parent is an individual who is under the age of 18, has never been married, and is the natural parent of a dependent child. The parent is no longer considered a minor beginning the month following the month in which they become 18.

A minor parent must:

- Cooperate with child support requirements (see manual section A-1600),
- Meet school attendance requirements (see manual section A-1200), and
- Reside with their parents, another adult relative or in an adult-supervised supportive living arrangement, unless they have good cause for not residing in one of these arrangements.

A minor parent and their child(ren) may be included in a Non-Needy Relative Caregiver (NNRC) case as long as the NNRC is exercising parental control. As a rule, the natural parent must apply; however, in this situation the natural parent is also legally a child. This also prevents the minor parent from being forced to use these months toward their lifetime limit.

324.1 Minor Parent and Child(ren) Residing With Major Parent(s)/Minor Sibling(s)

A minor parent may have their own assistance unit if:

- The minor parent's parent(s)/sibling(s) are not a TANF applicant/recipient; or
- The minor parent cannot be included in their parents/siblings TANF household because they are not an eligible child.

Special budgeting procedures in manual section A-700 apply to minor parents who live with their legal parents.

324.2 Minor Parent and Child(ren) Residing With Major Parent(s)/Sibling(s) and the Other Parent of the Minor’s Child

- The minor parent’s parent (major parent) cannot be a caregiver for the grandchild when both parents of the grandchild are in the home.
- The other parent of the grandchild (who is not the child of the major parent) cannot be included in the major parent’s case, as they are not a relative of specified degree to the major parent.

If the major parent is willing to terminate their cash case, the minor parents may qualify as a two-parent family. The major parent’s case takes precedence over the two-parent case (cannot have both).

324.3 Supervised Supportive Living Arrangement

An adult supervised supportive living arrangement of a minor must be approved by a social worker.

A Foster Care home or adult supervised maternity home are considered supervised supportive living arrangements.

Examples of an unacceptable adult-supervised living arrangement:

1. Boyfriend; or
2. Friends, who are not at least ten (10) years older than the minor parent.

Good Cause for a minor parent to not reside in a Supervised Supportive Living Arrangement include:

- a. The minor parent has no living parents;
- b. The parent(s)’ whereabouts are unknown;
- c. No parent will allow the minor to reside with him or her; unless the sole reason is his or her income affects the minor’s eligibility. Refer the minor to a Division social worker for an assessment which must be completed prior to making a good cause determination;
- d. The physical or emotional health or safety of the minor or their child would be in jeopardy if they live with the minor’s parents. Refer the minor to a Division social worker for an assessment which must be completed prior to making a good cause determination;
- e. The minor has lived apart from their parent(s) for at least one year prior to the birth of their child and has not applied for TANF during that same time period;
- f. There is “good cause” for the minor not residing with their parent(s) as determined by the case manager and approved by a Division social worker for a reason not already listed.

A court-ordered emancipation in and of itself is not considered “good cause,” but may be taken into consideration when determining “good cause.” (Per NRS 129.130, a public agency can request a court-ordered emancipation be voided if the minor becomes indigent and has insufficient means of support.)

If an emancipated minor does not meet the criteria specified above, and the emancipated order has not been voided, they may be classified as head of household.

325 EMANCIPATED MINOR

A person under age 18 who has been married and the marriage has not been annulled. When a minor parent is married, they are no longer a dependent child and are ineligible in their parent's assistance unit and responsible parent deeming does not apply.

If a child under age 18 has been emancipated by a court decree and is living with any parent, adult relative or child who is a sibling, provide a copy of the emancipation decree to the Chief of Eligibility and Payments, and the minor will be considered an eligible household member as of the date of the application. The decree will be sent to the Deputy Attorney General, who will petition the district court to reverse it. Per NRS 129.130, a public agency may request a court-ordered emancipation be voided if the minor becomes indigent and has insufficient means of support.

326 TEMPORARY ABSENCE OF CHILD

326.1 Temporary Absence of Child

Do not reduce or terminate ongoing TANF benefits when a child is temporarily out of the home due to:

- School attendance or vocational training (i.e., Job Corps) away from home (includes summer vacations).
- Illness, injury or hospitalization, if verification is received the child is expected to return home within 180 days.
- Temporary placement for rehabilitation (absence is limited to 90 days).
- On vacation/visiting out-of-state for no longer than ninety (90) days.

The relative caregiver must continue to maintain a home and exercise responsibility for care and control of the child and continue to cooperate in establishing continued eligibility. The case manager must verify the absent household member is not receiving assistance in another state.

A FACT Alert must be set for 45 days prior to the absence end date to establish continued eligibility.

Note: A newborn that has not entered the home due to continued hospitalization from birth, having not been medically released from the hospital, is not considered absent from the home and is an eligible member of the household.

326.2 Absence Due to Child Being in the Custody of a State or Local Child Protective Service Agency

A TANF/NEON child for whom ongoing cash assistance has been issued may be absent from the home for up to 180 days if the child is in the custody of a state or local child protective service agency and there is a viable established plan for reunification.

The 180 days is divided into two 90 day periods, the first 90 days allows all three entities (Court, DWSS, and Child Protective Services) time to determine custody and establish a reunification plan. TANF cash should continue to the 90th day.

The case manager must take action on or before the 75th day of the 1st 90 day time period to verify the reunification plan will be established before the 90th day. The plan must have been evaluated and approved by SW staff to continue TANF cash assistance and the related medical into the 2nd (and final) 90 day period. If the plan has not been established on or before the 75th day, the case must be terminated allowing for adverse action by the last day of the month in which the 90th day fell.

To establish eligibility past the 180 days the case manager must verify the child(ren) have been returned to the home. If the child(ren) have not returned to the home, the case must be terminated considering adverse action.

The Division of Welfare and Supportive Services (DWSS) and child welfare agencies have outlined their joint mission, goals and responsibilities in a collaborative partnership contract. Each agency has agreed their respective Social Work staff will exchange vital information and coordinate and facilitate Interdisciplinary Team (IDT) meetings to discuss the needs and progress of families.

Title IV-E foster care can be paid during the time TANF/NEON assistance continues when a valid reunification plan exists.

TANF payments may not be made for a concurrent period for the same child in the home of another relative

327 TEMPORARY ABSENCE OF AN ADULT

Do not reduce or terminate ongoing TANF benefits when an adult household member is temporarily out of the home, if the following conditions are met:

- A. The adult is out of the home because they are:
- hospitalized or their child is hospitalized if verification is received the adult is expected to return to the home within 180 days;
 - temporarily placed for rehabilitation (absence is limited to 90 days);
 - on vacation/visiting out-of-state (absence is limited to **90 days**); or

- employed or seeking employment away from home;
- and**
- the caregiver continues to maintain a home or intends to secure and maintain a home and exercise responsibility for care and control of the child.

Assistance may be paid to a temporary payee when the caregiver is absent. The temporary payee may be any adult who has care or custody of the child(ren), except Division of Welfare and Supportive Services (DWSS) and Division of Child and Family Services (DCFS) employees. If the caregiver has not assumed responsibility for the child(ren) within three months, a payee who meets relationship requirements must be established or assistance terminated.

A Fact Alert must be set 45 days prior to the absence end date to establish continued eligibility.

327.1 Relative Caregiver's Absence from the Home for an Extended Period

If a caregiver enters a nursing home, TANF benefits may be paid to a temporary payee for 90 days considering only the child(ren)'s needs.

The temporary payee may be any adult who has care or custody of the child(ren), except Division of Welfare and Supportive Services (DWSS) and Division of Child and Family Services (DCFS) employees. If the caregiver has not assumed responsibility for the child(ren) within three months, a payee who meets relationship requirements must be established or benefits terminated.

330 WHO IS INCLUDED

The household may not exclude a required member from the assistance unit. If necessary verification is not provided for a required member, the entire household is ineligible.

Always include the following in the assistance unit:

1. Eligible child(ren).
2. Unless otherwise ineligible, include the needs of natural/adoptive parents (regardless of marital status) and siblings (including legally adopted, step- and half-brothers and sisters).
This includes being forced to stay the night or reside at a different residence due to homeless situations or temporary shelter requirements.
3. Any otherwise eligible adult relative caregiver who meets the relationship requirements and applies as a needy relative caregiver.
4. An alleged father of a child (not an unborn child) if presumptive parentage is established or not rebutted.
5. An otherwise eligible stepparent who chooses to be included.
6. If the child lives with a natural/adoptive parent and a relative who has a court order declaring the parent mentally or physically incompetent to care for the child, the relative guardian may apply for assistance as a needy or non-needy relative caregiver. The natural/adoptive parent is included for assistance.

A SNAP household is composed of one of the following persons or groups of persons.

1. A person who lives alone; OR
2. A group of people who live, purchase food, and prepare meals together; OR
3. A person or persons who live with others and who
 - usually purchase and prepare food separately from the others, or
 - intend to purchase and prepare food separately after certification.

The following people who live together must be considered as purchasing food and preparing meals with each other, even if they do not do so. **They must be included in the same household and cannot apply as a separate household.**

- Spouses, including traditional and same sex marriages – Consider spouses living together even when one spouse is:
 - away from home for employment purposes; and
 - away but returns at least one day a month.

NOTE: Spouses stationed and living away from the home due to military service are not considered to be living in the household. Evaluate these households for any cash contribution from the spouse serving in the military.

7. A parent(s)/relative caregiver of an excluded SSI child(ren) with no other dependent child(ren) may be eligible for TANF if they meet all other TANF requirements:

Do not count the income and resources of SSI child(ren) when determining eligibility for the parent/caregiver and other members of the assistance unit.

8. Eligible Minor Parents.
9. When the natural parent(s) of the dependent child reside in the same household, they are required members unless ineligible or the child for whom assistance is requested has been legally adopted. Once adopted, the adoptive parents/siblings living in the home become the required members. The natural parents/siblings are no longer required members.

- Nevada Domestic Partners - Nevada law (NRS 122A) defined the relationship of "Domestic Partners." Domestic partnership is not a marriage but rather a new type of civil contract and is recognized in Nevada. Domestic partners are considered "spouses" and have the same rights, protections and benefits as are granted to and imposed upon spouses.

The Nevada "Office of the Secretary of State," shall issue a "Certificate of Registered Domestic Partnership." Any reference to the date of a marriage shall be deemed to refer to the date of registration of the domestic partnership. Domestic partners who wish to terminate the partnership must also file with the Secretary of State. Effective July 1, 2017, domestic partnerships and same sex marriages registered in other states no longer need to be registered in Nevada.

- A person under 22 years of age who is living with their parent(s) (natural, adoptive or step). All children under 22 and all parents of those children living in the home must be included as one household.
- A child (other than a foster child) under 18 years of age who lives with and is under the parental control of a household member other than his/her parent must apply with that household member.

NOTE: Consider a minor living with an adult to be under parental control if one of the following conditions applies:

- The adult provides more than half of the minor's total support;
- The adult states they have parental control of the minor; or
- The minor lives with an adult other than his/her parent/legal guardian and that parent/legal guardian states the adult has parental control of the child.

The following individuals cannot be considered a separate household from the persons they live with and are only eligible for benefits if the household they reside with request to include them in their SNAP household.

- Boarders
- Foster Children

330.1 Evaluation of Minor Children Included in the SNAP Household

Shared/Joint Custody:

- In shared/joint physical custody situations (court ordered or otherwise) where the children reside with both parties, going back and forth between parents or other relatives (this could also be a shared relative and parent custody issue), determine who has the children at the time of the SNAP program application.
- If the other parent is not receiving SNAP benefits, the parent making the current SNAP application must include or add the children to their household. Once the case is approved, or the children are added to the existing case, eligibility continues until recertification or the children are reported out of the home. These households are simplified reporters and are not required to report the child entering or leaving the households until recertification.

For example: If the mother applies and has the dependent children in her physical custody and the father is not on SNAP, the case is processed or updated with the children included. The children can go back and forth to the father's home for equal time (e.g., three and one-half days a week, every other week or two weeks) each month and this will not cause ineligibility.

- Verify if the other parent is contributing any cash or support for the children included in the SNAP case. If yes, budget the income.

Court-ordered custody, child support, cash contribution and residency may be verified by (not all inclusive):

- Court orders for custody/child support.
- Landlord/Client statements.
- School records.
- Cash contribution statement/Form 2506.
- Investigations and Recovery evidence/home visits.

- If the other custodial party (parent/relative) has already included the children on a current application or are currently receiving SNAP benefits for the children, the children continue to be included in that SNAP household.

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If both parents, in a shared/joint custody situation, apply for SNAP on the same date, only one parent is entitled to include the children. If the parents will not make a choice or agree to allow the other one to apply for the children, the children will be excluded from both households. The case manager must document the circumstances to support the decision to exclude the children. In shared/joint custody situations, where the parties are unsure as to who should include the children, a determination will be made regarding the primary caregiver, where the children customarily takes their meals during the month and, if applicable, who is ordered to pay support for the dependent children. If the parents apply on a different date, whoever applied first is the household to include the children.

Visiting/Babysitting:

- Children visiting on an irregular short-term daily, weekly or monthly basis, or children for whom the household provides babysitting services or other temporary care when the child's customary residence is at another address are not included in the SNAP household.
- Children visiting or fulfilling court-ordered visitation privileges on an irregular basis, or spend the summer months or other holidays with the SNAP household are not required to be included in the household. These children are not considered to be residing in the household on a permanent basis. However, these children may be included in the SNAP household for the time they are visiting if they are not currently receiving benefits in another household.

331 SEPARATE HOUSEHOLD STATUS

Approve eligible child(ren) on separate TANF cases if

- the child lives with a relative other than a legal parent, and the relative has legal children who are not the child's natural, adopted or half siblings for whom the relative receives TANF.
- the child lives with other-related children who are not siblings.

Designate the adult relative as the non-need payee on each related child's case, except the case for which they are the needy caregiver.

The following individuals can apply and receive SNAP as a separate household from the other people they live with.

1. **Elderly AND Disabled Persons:** A person who is 60 years of age or older (and their spouse) who lives with others, but is unable to purchase and prepare meals separately, because they suffer from a permanent disability may apply as a separate household if the following conditions are met:

- The elderly person meets a disability considered permanent under the Social Security Act as listed in manual section B-400.

AND

- The income of the others with whom the elderly person resides (excluding the income of the elderly person and their spouse) does not exceed 165% of the poverty level for the household size.

NOTE: This policy does not apply to disabled persons under 60 years of age.

2. **Roomer:** A person that pays another household for lodging, but not meals, may apply as a separate household.

3. **Live-in Attendants:** A live-in attendant may apply as a separate household from the person they care for.
4. **Residents of Alcoholic/Narcotic Treatment Centers:** Individuals who reside in a facility or treatment center for the purpose of regular participation in a drug or alcohol treatment and rehabilitation program are eligible, along with the children who reside with them in the facility, if they meet the criteria in manual section B-400.
5. **Residents of Group Living Arrangements:** Individuals who are disabled or blind and are residents of a group living arrangement are eligible as a separate household if they meet the criteria in manual section B-400.
6. **Residents of Battered Women's and Homeless Shelters:** Residents living in these facilities can apply for benefits as a separate household even if the facility serves meals. Special circumstances regarding these residents are listed in manual sections B-400.

NOTE: Residents in shelters for battered women and children may participate in more than one household for one issuance period if the original benefits were issued to the former household that included the woman and children and the abuser.

7. **Severely Disabled Individuals Living with Other People:** Any person who is too disabled to purchase his or her own food but who has arranged to have his or her own food purchased and prepared separately from those with whom he or she lives can claim separate household status. Even if the person who shops for food and prepares meals for the disabled person may be residing with the disabled person, the disabled person may claim separate household status.

332 WHO IS NOT INCLUDED

Do not include the following in the assistance unit household:

1. **Payee.** A payee is a relative that lives with, supervises, and cares for an eligible child. The payee is authorized to receive the TANF benefit for an eligible child but is **not** a member of the assistance unit. A payee is a
 - a. legal parent that would be a needy caregiver but is not eligible because they
 - receives SSI, or
 - does not meet citizenship requirements, or
 - are ineligible or disqualified for another reason or
 - b. relative other than a legal parent who is eligible as a caregiver but does not choose to be a needy caregiver.

Note: This may be someone who is a caregiver on another TANF case for other children.

Do not count the payee's income or resources unless the payee is a legal parent who

- is an ineligible non-citizen, or
- is ineligible due to an IPV.

The following persons are not eligible to participate as separate households or as a member of any household.

1. **Boarders in a Commercial Boarding House:** Residents of a commercial boarding house, regardless of the number of residents, are not eligible to receive SNAP.
2. **Ineligible Non-Citizens:** Persons who are not citizens or do not meet a "Qualified" non-citizen category are ineligible household members.
3. **Able-Bodied Adults Without Dependents (ABAWDS):** ABAWDS who have exceeded the 3-month time limit and do not meet one of the exemptions listed in manual section B-400.
4. **Students in Higher Education:** A student between the ages of 18-49 and enrolled at least half-time in an institution of higher education is ineligible unless they meet one of the exemption requirements in manual section B-400.
5. **SSI recipients of a Cash-Out State (California):** SSI recipients who receive a "Cash-Out" payment in a state SSI supplement from California are ineligible. **Note:** The income of the ineligible SSI cash-out recipient is not counted until they are eligible to be included in the participating SNAP household in Nevada. The resources of an SSI recipient are exempt.

2. **Protective Payee.** The division may select a protective payee to receive and manage the TANF benefit if the caregiver is not using the TANF payments for the children's benefit. An Alternate Payee (ALTP screen) is used to set up the protective payee.

For a TANF NEON or TANF Child-Only case when EBT Restricted Use is identified, see manual section B-200 regarding the establishment of a protective payee to receive and manage the benefits.

Note: Lack of sufficient income is not a reason to use protective payments.

A social worker will review the household circumstances and work with the caregiver to establish the protective payee.

The protective payee must be someone who can help the recipient spend the TANF benefit properly. The recipient must agree to the person designated as the protective payee.

Exception: If a social worker employed by the Division of Welfare and Supportive Services (DWSS) or the Division of Child and Family Services (DCFS) designates a protective payee, use that individual whether the recipient agrees or not.

6. **Indian Commodities:** A person who receives commodities from the Food Distribution Program on Indian Reservations is ineligible.

7. **Fleeing Felons:** A person who is:
- wanted by law enforcement for any action associated with a crime which is classified as a felony; or
 - wanted by law enforcement for questioning about a crime which is classified as a felony.

Is ineligible.

8. **Parole or Probation Violators:** A person who is violating a condition of their parole or probation is ineligible for the time period they are in violation.

9. **Persons Convicted of a Drug Related Felony:** A person convicted of a drug-related felony on or after August 22, 1996 is permanently ineligible for SNAP unless:

- the conviction is erased; or
- they have successfully completed at least one approved substance abuse treatment program.

See manual section B-900 for acceptable programs and other exemptions.

The protective payee cannot be

- a Department of Health and Human Services (DHHS) employee;
- a person who provides DHHS services directly to the family; or
- a landlord, grocer or any person selling goods or services to the recipient.

Note: TANF for all unmarried minor parents and their children, required to live in an adult-supervised living arrangement, may be paid by protective payments, (whenever a protective payee can be established). The protective payment is issued to the head of the adult-supervised living arrangement, i.e., foster parent, maternity home, authorized representative, etc.

A protective payee may also be established for a minor parent receiving assistance as the head of household in their own case who has been granted a good cause exception to the living arrangement requirement.

Reevaluate the need for the protective payee at each RD. For cases with a DCFS-requested protective payee, contact DCFS at each RD before terminating the protective payee.

For cases that have required a protective payee for more than two years, refer the case to DCFS for judicial appointment of a guardian or legal representative.

10. **Misrepresentation of Identity or Residence:** A person who is convicted of misrepresenting their identity or place of residence to receive multiple benefits simultaneously is ineligible for 120 months.

11. **SNAP Trafficking:** A person convicted of SNAP trafficking will be ineligible for benefits. See manual section B-900 for periods of ineligibility for these individuals.

12. **Intentional Program Violations:** A person who has been found to have committed an Intentional Program Violation will be ineligible for the period of time determined by the number of violation occurrences. See manual section B-900 for ineligibility periods.

13. **Individuals in Non-Compliance with SNAP Work Requirements:** A person, who is not exempt, who refuses or fails without good cause to comply with the SNAP work requirements are disqualified from the program and considered an ineligible household member. Each occurrence of non-compliance results in a longer period of disqualification. See manual section A-800 for disqualification time frames.

When designating or continuing a protective payee, notify the recipient and provide an opportunity for appeal. For cases which require a protective payee for more than two years, refer to DCFS for judicial appointment of a guardian or legal representative.

Note: No protective payee is designated when the second parent or the minor parent, eligible as a child, fail to cooperate with child support or NEON requirements.

3. **Representative Payee.** If a client is unable to receive and manage the household's TANF benefits because of his incapacity or incompetence, designate a representative payee. The representative payee must be knowledgeable about the family members and interested in their welfare if physically or mentally capable of doing so. The representative payee may be the authorized representative who assisted in the eligibility process. Document the specific reason for designating a representative payee.

There is no time limitation on serving as a representative payee.

14. **Failure to Provide a Social Security Number:** A person who has refused or failed without good cause to provide or apply for a Social Security Number will be ineligible. **Note:** See manual section A-1300 for good cause criteria.
15. **Residents of Institutions Not Approved to Accept SNAP:** Individuals are considered residents of an institution when the institution provides them the majority of their meals (over 50 percent of three meals per day) as part of the institution's normal services. Individuals in these institutions are ineligible. **Note:** This includes hospitals, nursing homes and jails.
16. **Strikers:** Households with a striking member are not eligible to participate, unless the household was eligible for benefits the day before the strike and is otherwise eligible at the time of application. See manual section B-400 for additional requirements.
17. **Individuals Receiving Duplicate Benefits:** Individuals can only receive benefits from one household in a benefit month. Verify that individuals entering the household are not currently certified in another household or receiving benefits from another state.

4. Ineligible/Disqualified Members

A legal parent may not be in the assistance unit if they are:

a. Ineligible because they:

- do not meet citizenship requirements;
- are a fugitive fleeing prosecution, questioning, or confinement related to a felony crime, or violating a condition of parole or probation;
- have a felony conviction of drug possession, use or distribution after January 1, 1997;
- are a minor parent who is not meeting school attendance requirements; or
- are a minor parent who is not residing in approved living arrangements without good cause.
- are a spouse who is stationed and living away from the home due to active duty military service.

b. Disqualified because they:

- have been convicted in a state or federal court of misrepresenting their residence to receive cash or SNAP simultaneously from two or more entities; or
- have been found guilty of intentionally failing to report the absence of a child from the home which exceeded 45 days.

A child is not included in the household if they are:

a. Ineligible because they:

- do not meet citizenship requirements;
- do not meet age requirements; or
- do not meet relationship requirements to the caregiver.

NOTE: In cases where one sibling is related and one is not related to the caregiver, the unrelated sibling is not included.

5. SSI Recipients. Remove a TANF family member from the grant when the person is approved for SSI and update the SNAP case. Do not include an SSI recipient's resources or income towards the needs of the TANF household.

Whenever an overpayment is due to SSI eligibility of an assistance unit member, ineligibility begins the first month following the recipient's actual receipt of the SSI payment.

6. Relative Caregiver's Absence from the Home for Extended Period.

Assistance may be paid to a temporary payee (**only the children's needs are included**) when the caregiver will be absent for an extended period of time.

7. Strikers. Deny a household's application or ongoing benefits for any month in which a disqualified legal parent is participating in a strike on the last day of that month. Do not include the needs of other members who participate in a strike on the last day of a month.

8. Foster Care Recipients. Do not include these children or their income and resources, in the TANF case.

9. Adoption Subsidy Recipients. Do not include these children or their income and resources, in the TANF case; unless inclusion in the assistance unit is a benefit to the household. Determine the benefit to include the child and their adoption subsidy and then compare a determination without the child and their adoption subsidy. For example, the parent receives \$100 monthly adoption subsidy for one of two children. The TANF payment for 3 = \$383 - \$100 adoption subsidy, their monthly TANF benefit would be \$283. Excluding the adopted child, the TANF payments for 2 = \$318, a benefit to the family. However, in the same situation the adoption subsidy is \$30 then it would be an advantage to include and count the adoption subsidy, \$383 - \$30 = \$353.

If the household chooses to exclude the child with the subsidized adoption and this is the only dependent child in the home, the household is ineligible because there is no eligible child in the household.

A-332.1 SNAP Household Composition Guide

LIVING SITUATION	HOUSEHOLD COMPOSITION
Parents (adoptive, step or natural) and their minor children (age 21 or younger).	Must be one household.
Parents and adult child (age 22 or older).	If purchase and prepare separately. HH 1: Parents HH 2: Adult child
Parents and both their minor and adult children.	If purchase and prepare separately. HH 1: Parents and minor child HH 2: Adult child
Parents, minor child, minor child's spouse.	Must be one household.
Parents, minor child, minor child's child.	Must be one household.
Non-parent (<u>not</u> adoptive, step or natural), adult child (18 or older).	If purchase and prepare separately. HH 1: Non-parent HH 2: Adult child
Non-parent, minor child (under age 18).	Must be one household, if minor child under parental control.
Non-parent, minor child, minor child's spouse. No parental control.	If purchase and prepare separately. HH 1: Non-parent HH 2: Minor child and his/her spouse
Non-parent, minor child, minor child's child. No parental control.	If purchase and prepare separately. HH 1: Non-parent HH 2: Minor child and her child
Siblings, both age 18 or older.	If purchase and prepare separately, two households.
Siblings, one under age 18.	If minor sibling under parental control of other sibling, must be one household.
Adult brother, minor sister, minor sister's child.	If purchase and prepare separately. HH 1: Adult brother HH 2: Minor sister and her child
Adult brother, minor sister, minor sister's spouse.	If purchase and prepare separately. HH 1: Adult brother HH 2: Minor sister and spouse
Elderly disabled persons over 60 years of age unable to prepare meals and living with others.	If others (<i>except spouse</i>) do not have income exceeding 165% of poverty level: HH 1: Elderly disabled person and spouse HH 2: Others in living situation

One household in a living situation can apply and receive SNAP separately without the second

333 VERIFICATION REQUIREMENTS

Copy and retain primary and secondary sources of verification such as an official birth record, hospital certificate, or baptismal certificate, or court documents, paternity papers, child support enforcement records, etc., for children 0-19 years old. Refer to manual section A-200 for a list of other acceptable sources of verification.

Document the relationship and include a photocopy of the proof, when available. If proof of relationship is not available, make an evaluative conclusion.

Verify household composition if questionable. Refer to manual section A-200 for a list of acceptable verification sources.

As a rule, accept the client's statement about who buys and prepares meals together. Use Form 2008-EF Affidavit of Separate Household Status if the claim is questionable. Document the case in the CLOG when Separate Household Status is questionable and why the form has been requested.

334 DOCUMENTATION OF HOUSEHOLD DETERMINATION

Document household composition.

Document an explanation of why other persons living in the home are not included on the case.

Document household composition.

Document the basis for granting separate household status, if questionable.

335 AUTHORIZED REPRESENTATIVES

The head of household, spouse or other responsible household member may choose an authorized representative (AR) to apply for, receive, and use benefits for the household/assistance unit.

The authorized representative must be knowledgeable about the family and interested in its welfare. A non-household member living with the household may serve as an AR.

People disqualified for benefits because of an Intentional Program Violation (IPV) are banned from serving as an AR unless the agency has determined that no one else is available to serve as the AR.

Division employees may not serve as an AR for TANF cash assistance.

Division employees involved in certification or issuance and retailers authorized to accept SNAP benefits may not serve as an AR.

If the head of household is incompetent or incapacitated, someone acting responsibly on their behalf may represent the household in the application and redetermination (RD) process.

The head of household must designate the authorized representative in writing if physically or mentally capable of doing so.

Document the specific reason for designating an authorized representative.

335.1 AR Applying for Household

The AR must be:

- an adult, 18 years of age or older
- designated in writing. This designation must include the name and address of the person chosen as an AR, the signature of the household member making the choice, and the date.

If the designation is made by a household member who is unable or cannot sign, their mark must be witnessed by someone other than the AR.

If a person disqualified for intentional program violation or a non-member living with the household is appointed as AR, document no one else is available to be an AR.

The AR may be designated on the application form or in a written statement. The written statement must be filed in the case record to meet this requirement.

The AR must be informed about the household circumstances.

The AR applying for the household must sign the application.

The recipient is liable for any over issuance/payments resulting from inaccurate information provided by the AR.

- *Except for narcotics/alcohol treatment centers or group living facilities acting as AR, the recipient is liable for any over issuance resulting from inaccurate information provided by the AR.*

Note: *A household may designate, in writing, a visiting homemaker as an authorized representative who may act on behalf of the household.*

335.2 AR Obtaining Benefits

The AR appointed to access EBT benefits may be a different person from the AR who applies for the household. The household must designate each AR in writing.

335.3 Abuse by AR

Authorized representatives may be disqualified from representing a household in the program for up to one year if the Division has obtained evidence that the representative has misrepresented a household's circumstances and has knowingly provided false information pertaining to the household, or has made improper use of benefits. Authorized representatives who have committed acts which violate program rules may be disqualified using procedures detailed in manual section B-900.