

**CATEGORICAL FACTORS
ADC - RELATED****LIVING WITH SPECIFIED RELATIVE**

Policy: In order for a child and a caretaker relative to be ADC-related they must be living together.

References: SSL Sect. 366.1(a)(5)(iii)

Dept. Reg. 360-3.3(b)(5)

INFs 07 OHIP/INF-1

Interpretation: The determination of eligibility for ADC-relatedness includes consideration of the living arrangement of the dependent child who has been deprived of parental support. The child must be living with his/her parent or caretaker relative. The child is considered to be living with the parent or other relative as long as the relative takes responsibility for the care and control of the child, even though:

- (1) circumstances may require the temporary absence of either the child or relative;
- (2) the child has been placed in the home of such relative by a court, except when placement is on a board basis with a plan for supervision and control by the local department of social services through its Child Welfare program.

In situations of equally (50-50) shared (physical and legal) custody, the dependent child is considered to be living with both parents and both parents get the benefit of ADC budgeting. However, when a court order for equally shared custody of the child(ren) is not followed, a determination must be made as to which parent is actually the primary caretaker. Which parent has greater physical custody and responsibility for medical, education, day care and similar needs are factors to consider when making this determination.

Verify Status: (a) When the A/R indicates the presence of a child in the household;

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- (b) When the A/R indicates the absence, incapacity, death or the presence of both parents of the dependent child.

Verification:

A signed application indicating the household composition is generally sufficient to verify the A/R's living arrangement. However, if the living arrangement is questionable other forms of verification are necessary. For example: a non-relative landlord statement or school records.

To determine the primary caretaker of the child(ren) when the court order indicates equally (50-50) shared joint physical and legal custody, but one parent claims the custody is not equally shared, consider which parent has the primary responsibility for:

- Assisting the child with homework or school related tasks
- Paying tuition cost related to the child's education
- Arranging and paying for the cost of day care
- Transporting the child to and from school or day care
- Responding to emergencies at the child's school or day care center or dealing with law enforcement
- Arranging medical and dental care for the child
- Making decisions regarding the child's future
- Paying for food and clothing when the child visits the other parent

Other factors to consider:

- If the parents reside in different school districts, where does the child attend school?
- If one parent is given visitation rights, the other parent is generally the custodial parent.
- Who claims the child on his/her income tax may be an indicator of the primary caretaker.

Only members of the household are included in the case.

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A child is considered to be living with the individual as long as the individual has care and control of the child. The child can then be added to the household count. This policy applies even if the child or parent is temporarily absent.

Documentation: Sufficient to establish an audit trail:

- (a) signed application indicating the household composition; or
- (b) if the living arrangement is questionable: type of document; date and place of filing; and identifying numbers of the available document or name of the official signing the document.

Disposition: When the child has been determined to be living with the A/R, the other categorical requirements detailed in **CATEGORICAL FACTORS ADC-RELATED** are considered in determining eligibility as ADC-related.

NOTE: The A/R's statement of his/her relationship to the child which may or may not indicate a deprivation factor is acceptable unless there is a reason to doubt the validity of the relationship. A signed application indicating the relationship and deprivation factor is generally the only verification required. When the relationship or deprivation factor is questionable other verification is necessary.