

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



March 21, 1994

Reason for this Transmittal	
<input type="checkbox"/>	State Law Change
<input checked="" type="checkbox"/>	Federal Law Change
<input type="checkbox"/>	Court Order or Settlement Agreement
<input type="checkbox"/>	Clarification Requested by One or More Counties
<input type="checkbox"/>	Initiated by CDSS

ALL COUNTY LETTER NO. 94-26

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: ADDITIONAL CIRCUMSTANCE FOR THE ALLOWANCE OF SEPARATE HOUSEHOLD STATUS RELATIVE TO MANUAL SECTIONS 63-402.142(b) AND 63-402.145(b)

This letter is to inform County Welfare Departments (CWDs) of a change in the Code of Federal Regulations (CFR) resulting from the Stewart B. McKinney Homeless Assistance Act. The Food and Nutrition Service (FNS) has mandated that the change be implemented effective April 1, 1994.

Therefore, in order to comply with the change in federal regulations, the Department is instructing counties that the term "parent of a minor child(ren)" as used in Food Stamp Manual Section 63-402.142(b) no longer requires the natural, adopted, or stepchild to be a biological or legal parent of a minor child(ren). He/she has only to be exercising parental control of any child under 18 years of age. The other conditions as currently stated in these regulations remain intact. New regulations will be promulgated to reflect this change.


NOTE: Federal changes pursuant to the Mickey Leland Childhood Hunger Relief Act, included in the 1993 Omnibus Reconciliation Act (OBRA), will result in additional changes to M.S. 63-402.142(b) effective September 1, 1994. The requirement that the natural, adopted or stepchild be a parent of a minor child or exercising parental control of any child under 18 years of age to qualify for separate household status, will only pertain to a natural, adopted or stepchild(ren) age 21 or under who is not married, or if married not living with his/her spouse. If age 22 or over, or married and living with his/her spouse, the only requirement is that the natural adopted or stepchild be purchasing and preparing food separately from his/her parents. Furthermore, the requirement that a six month certification period be established will be removed. New regulations will be promulgated to effect these changes.

Similarly, in order to comply with the change in federal regulations, the Department is instructing counties that the term "parent of a minor child(ren)" as used in Food Stamp Manual Section 63-402.145(b) no longer requires a sibling to be a biological or legal parent of a minor child(ren). He/she has only to be exercising parental control of any child under 18 years of age. The other conditions as currently stated in the regulations remain intact. Regulations will be promulgated to affect the change initiated by this All County Letter.

NOTE: Federal changes pursuant to the Mickey Leland Childhood Hunger Relief Act, included in the 1993 Omnibus Reconciliation Act (OBRA), will result in additional changes to M.S. 63-402.145(b) effective September 1, 1994. The requirement that a sibling (natural, adopted, half-or step) be a parent of a minor child or exercising parental control of any child(ren) under 18 years of age to qualify for separate household status will be eliminated. Siblings who live together will qualify as separate households as long as they purchase and prepare food separately, unless a sibling is under the parental control of another sibling. Furthermore, the requirement that a six month certification period be established will be removed. New regulations will be promulgated to this effect.

CWDs shall implement this new provision effective April 1, 1994 for households newly applying for Food Stamps on or after that date. For continuing cases this change shall be implemented at recertification, when the household requests a review of its case, or when the CWD becomes aware that a review is needed, whichever comes first. To the extent that the provision results in restored benefits for affected households, such benefits shall be provided back to the effective date of the provision, April 1, 1994, or the date of the household's initial application, whichever occurs later.

If you have any questions, please contact Leo Zofrea, Food Stamp Program Bureau at (916) 654-1394.



MICHAEL C. GENEST
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Welfare Programs Division