

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, Ca 95814



April 28, 1986

ALL COUNTY INFORMATION NOTICE - NO. 1-41-86

TO: ALL COUNTY WELFARE DIRECTORS
ALL FAMILY SUPPORT DIVISIONS

SUBJECT: CONTINUED ABSENCE AS A BASIS OF DEPRIVATION - AFDC, RCA, RDP
DETERMINATION OF THE CARETAKER PARENT

REFERENCE: MPP 41-450 - CONTINUED ABSENCE
MPP 44-203 - CARETAKER RELATIVE

The purpose of this letter is to inform you that the Department has completed its issue resolution and decision process on Aid to Families with Dependent Children (AFDC) case situations that involve children who live alternately with each of their parents who are separated or divorced.

We are currently in the process of developing regulations to implement the policy decisions. The regulations will be processed on the regular filing basis with an expected effective date of October 1, 1986. The following program areas will be affected by the proposed changes to the regulations:

Deprivation

Regulations now in effect do not address the determination of deprivation of support and care of a child who lives for alternate periods with each of his/her parents who are separated or divorced. The counties have had to make decisions on deprivation in these cases without clear guidance in regulations.

The proposed changes to the regulations will provide that deprivation based on continued absence may exist for children who live alternately with each parent, i.e., the child(ren) may be considered deprived of the support and care of one parent as long as the child(ren) is not living with both parents at the same time.

Determining the Caretaker Relative When the Child Lives Alternately With Each Parent

In the past, in cases of separation or divorce of parents, one parent usually had custody of the child and the other parent was considered absent from the

child's home. Currently, the home of the child may alternate, at some frequency, between the separated or divorced parents.

Current regulations which govern the determination of the caretaker relative of a child are inadequate in dealing with many joint custody situations. These regulations were written on the assumption that a child usually lives continuously with one caretaker. The regulations were not written for or in anticipation of a frequent and planned change of the relative responsible for care and control of the child.

We are proposing regulations which will address specifically the caretaker relative determination issue in at least the following circumstances:

A. Child(ren)'s Home Alternates for Periods of One Month or Less

The parent with whom the child stays the majority of the time will generally be the caretaker relative when a child alternately stays with each parent for periods of one month or less. The parent with whom the child stays for less than the majority of the time may be the caretaker relative when: 1) the other parent has not applied for nor is receiving aid for the child; and 2) the parent applying for aid can establish that he/she has the major responsibility for the care and control of the child.

When a child spends an equal portion of time with both parents and each parent provides equal care and control, the following guidelines will apply. The parent who applies for aid will be the caretaker relative, provided the other parent is not applying for nor receiving aid for the child. If both parents apply for aid for the child, the parent designated in a court order as the caretaker for AFDC purposes will be the caretaker relative.

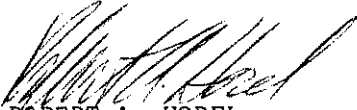
When there is no court designation of a caretaker parent and only one parent would be found eligible, that parent will be the caretaker relative. When both parents would be eligible and no court order exists, the parents will be asked to designate the caretaker relative parent. If the parents cannot reach agreement, the parent who first applied will be the caretaker relative. Periods of time spent in the home of the parent who is not the caretaker relative will be considered temporary absences.

B. Child(ren)'s Home Alternates for Periods Greater than One Month

The caretaker relative will be the parent the child lives with for each alternating period. The payee will be the parent with whom the child lives on the first of the month. When aid has not been paid for the child for the month in which the child moves, aid will commence in accordance with the regulations which govern the beginning date of aid.

Until the regulations which implement these policies become effective, counties should continue to review the actual circumstances of each individual case in relation to the existing MPP 41-450 and 44-203.

If you have any questions concerning this letter, please contact Ms. Lynne Reich or Mr. Henry Puga of the AFDC and Food Stamp Policy Implementation Bureau at (916) 322-5330 or ATSS 492-5330.



ROBERT A. HOREL
Deputy Director

cc: CWDA