



ADMINISTRATIVE RULES OF MONTANA

37.78.208 TANF: INCLUSION IN ASSISTANCE UNIT

- (1) Except as provided in (5), the child for whom application is made must be included in the assistance unit. The child's income and resources will be counted in determining eligibility and benefit amount and the child's needs will be included in the grant.
- (2) Except as provided in (5), any minor child, as defined at ARM 37.78.103, who is related to the child described in (1) within the second degree of kinship or is a step relative within the same degree of kinship and who lives with the child and meets all other nonfinancial requirements for eligibility, including citizenship, must be included in the assistance unit. The minor child's income and resources will be counted in determining eligibility and benefit amount and the minor child's needs will be included in the grant.
- (3) Except as provided in (5), the parent or parents of a minor child described in (1) or (2) who live with the child and meet all other nonfinancial requirements for eligibility, including citizenship, must be included in the assistance unit, regardless of whether the parents are married to each other. The parent's or parents' income and resources will be counted in determining eligibility and benefit amount and the parent's or parents' needs will be included in the grant.
- (4) Except as provided in (5), the stepparent of a minor child described in (1) or (2) who lives with the child and the child's natural or adoptive parent must be included in the assistance unit if the stepparent meets all other nonfinancial requirements for eligibility including citizenship. The stepparent's income and resources will be counted in determining eligibility and benefit amount and the stepparent's needs will be included in the grant.
 - (a) A person who is married to the child's parent by means of either a ceremonial or common law marriage is a stepparent.
- (5) The needs, income and resources of persons receiving Supplemental Security Income (SSI) payments under Title XVI of the Federal Social Security Act shall not be included in determining the need and amount of the assistance payment of TANF Cash Assistance for the period for which SSI benefits are received. The needs, income and resources of persons with respect to whom federal, state or local foster care payments are made shall not be included in determining need and amount of the assistance payment.
- (6) New household members required to be included in the assistance unit will be added the month after the month in which the new member entered the household or is reported to be living in the household, whichever occurs later, with the exception of a newborn minor child. A newborn minor child who is required to be included in the assistance unit will be added the date of birth or adoption, provided the household reports the birth or adoption of the newborn minor child within ten days from the date of birth or adoption. If the household fails to report the birth or adoption of the newborn minor child within ten days from the date of birth or adoption, the newborn minor

child will be added the month after the month in which the newborn minor child entered the household or is reported to be living in the household, whichever occurs later.

- (7) For purposes of TANF nonfinancial assistance, all persons who are included in the filing unit are included in the assistance unit.

Authorizing statute(s): 53-2-201, 53-4-212, MCA

Implementing statute(s): 53-2-201, 53-2-613, 53-4-211, 53-4-601, MCA

History: NEW, 1996 MAR p. 284, Eff. 1/26/96; AMD, 1998 MAR p. 3284, Eff. 12/18/98; AMD, 2000 MAR p. 746, Eff. 3/17/00; TRANS, from SRS, 2000 MAR p. 3414; AMD, 2002 MAR p. 1771, Eff. 6/28/02; AMD, 2007 MAR p. 1818, Eff. 11/9/07.