



ADMINISTRATIVE RULES OF MONTANA



37.78.207 TANF: LIVING WITH A SPECIFIED RELATIVE

- (1) To be eligible for TANF Cash Assistance a child for whom application is made must be living with an adult related to the child by blood, marriage, or adoption who is within the fifth degree of kinship to the child as set forth in ARM 37.78.103. The child and adult relative must live together in a place of residence maintained as their home.
 - (a) A child who is visiting a noncustodial parent or is living with a parent who has joint custody but with whom the child resides less than one-half the time is not considered to be living with that parent for purposes of this rule.
 - (b) If a child spends equal amounts of time with both parents, both parents must be included in the child's assistance unit.
- (2) A child may still be considered to be living with a specified relative even though either the child or the caretaker relative is temporarily absent from the home, providing that the temporary absence does not exceed 90 consecutive days and subject to the following conditions:
 - (a) It must be intended that the absent child or caretaker relative return to the home within 90 days.
 - (b) The caretaker relative must continue to exercise responsibility for the care of the child despite the temporary absence and must plan to exercise such responsibility over the child when the reason for the absence ends.
 - (c) The needs of the child or the caretaker relative are included in determining the assistance unit's eligibility for and amount of cash assistance during the temporary absence.
 - (d) The caretaker relative cannot be temporarily absent due to incarceration.
- (3) If the child or caretaker relative is temporarily absent from the home to receive medical treatment, the child is still considered to be living with a specified caretaker relative even if the absence exceeds 90 days, and without regard to the conditions set forth in (2)(a) and (b), provided the parent or caretaker relative is otherwise eligible.
- (4) If the specified caretaker relative is temporarily absent from the home to complete a specific short-term training or employment, the child is still considered to be living with a specified caretaker relative even if the absence exceeds 90 days, provided the parent or specified caretaker relative continues to be otherwise eligible.
- (5) If the child is attending a boarding school and is expected to return to the home of the specified caretaker relative at the end of the school term, the child is still considered to be living with the specified caretaker relative while away at school.

- (6) To be eligible for nonfinancial assistance a child for whom application is made must be living with an adult related to the child by blood, marriage, or adoption who is within the fifth degree of kinship to the child as set forth in ARM 37.78.103.

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

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

History: NEW, 1996 MAR p. 264, Eff. 1/26/96; AMD, 1998 MAR p. 3284, Eff. 12/18/98; TRANS, from SRS, 2000 MAR p. 3414; AMD, 2002 MAR p. 1771, Eff. 6/28/02; AMD, 2007 MAR p. 976, Eff. 7/6/07.