

Department of Social and Health Services

Olympia, Washington

EAZ Manual

Revision	#999
Category	Living with a Relative or Guardian
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Summary

Updated the EAZ chapters Living with a relative or Guardian, updated language and updated the WAC.

Worker Responsibilities - [WAC 388-454-0005](#)

1. Verify who lives in the home to decide if the child lives with the person who claims to be caring for the child.
2. Resolve any questions about where the child lives the majority of the time and who carries out the child's day-to-day care and control (see below for temporary absence situations).
3. ~~Deciding~~ **Decide** if an unrelated adult is acting in loco parentis:
 1. If an unrelated adult who ~~is not~~ **isn't** a court-ordered guardian or court-ordered custodian states they are acting in the place of a parent, you must decide if they are acting *in loco parentis*. To decide if the adult ~~has taken over~~ **carries out** the daily care and control of the child, have the adult review and sign the [DSHS Form 14-436 Statement of Adult Acting In Loco Parentis](#) ~~(This form is available in Word or Adobe Acrobat PDF format)~~ and ask them the following questions (as appropriate for the child's age):
 - Do you provide basic food, shelter and clothing for the child?

- Do you get the child up and ready in the morning?
- Do you make sure the child gets to school or daycare?
- Do you help the child bathe?
- Do you prepare meals for the child?
- Do you ~~do~~ attend parent / teacher conferences?
- Do you take the child to regular medical or dental appointments?
- Do you act as the emergency contact at school?
- Do you sign up and take the child to extra-curricular activities?
- Do you provide guidance and discipline to the child?

NOTE:

An adult ~~does not~~doesn't have to do all the above activities to be acting *in loco parentis*. These are just examples of some of the things an adult acting *in loco parentis* may do.

2. Refer the case to social services for assistance ~~If~~ if you ~~are not~~aren't sure if the adult is acting in loco parentis, ~~refer the case to social services for assistance.~~
3. The child is eligible for TANF/SFA ~~If~~ if the adult is acting in loco parentis, **and** passes the background check required under [WAC 388-454-0006](#), ~~the child is eligible for TANF/SFA:~~
 1. Document which child (ren) ~~or children~~ the adult acts as a parent for in the Remarks ~~remarks of the STAT screen~~ for the AU page;
 2. Refer the adult(s) for a background check as required under [WAC 388-454-0006](#); and
 3. Notify the child's parent ~~that of the~~ TANF/SFA ~~was~~ approved as required in the Worker Responsibilities under [WAC 388-454-0025](#).
4. If the courts place a child with a non-parental relative by court order (e.g., a dependency order) and a parent of the child moves into the home:
 1. Count the parent, not the relative the court placed the child with, as the child's ~~caretaker~~ parent ~~caregiver~~ relative. ~~R,~~ and re-determine eligibility for TANF or SFA. (See [WAC 388-408-0015](#) to decide who must be in a TANF/SFA AU.)
 2. Refer the client (the parent) for a protective payee ~~If~~ if you have a reason to believe the parent won't use the assistance for the child's benefit, ~~refer the client (the parent) for a protective payee.~~ (Note: Don't change the payee until you receive notification that the AU needs a protective payee under [WAC 388-265-1250460-0035](#).)
 3. Notify the Division of Children and Family Services Child Protective Services (CPS) if the court order restricts contact between the child and a parent or if there is a history of abuse or neglect of the child by a parent.

NOTE:

There ~~is not~~isn't an overpayment for the period before the date you re-determine eligibility even if the effective date for the change (i.e., a parent moving into the home) was before the payment action.

5. When you find out a recipient child ~~does not~~doesn't live in the home:
 1. Decide if the child's absence is temporary or permanent. (Note: Do ~~no~~ne't reduce or terminate assistance until you decide the absence ~~is not~~isn't temporary.)
 2. Use the first of the month after the month the absence became permanent as the effective date ~~if~~ if the child's absence started out as temporary, but became permanent (for example, when the parents agree to a custody change during a visit), ~~use the first of the month after the month the absence became permanent as the effective date.~~
 3. Notify CPS ~~if~~ if the court placed the child with a relative under a dependency order and the order limits contact with the relative who currently has physical custody of the child, notify CPS.
6. When a relative applies to get assistance for a child and the child currently gets assistance with another relative, decide which relative is the child's caretaker:
 1. Determine if the child is on a visit and will return to the custodial parent at the end of the visitation period (180~~90~~day limit) ~~if~~ if the relative who applied for the child is a non-custodial parent, ~~decide if the child is on a visit and will return to the custodial parent at the end of the visitation period (90 day limit).~~ (Note: The non-custodial parent ~~is not~~is ineligible for assistance for the child during a visit.)
 2. Provide the current payee with advance and adequate notice before you change the grant ~~if~~ if the parents decide to change physical custody during a visit, ~~provide the current payee with advance and adequate notice before you change the grant.~~ (Note: There ~~is not~~isn't an overpayment for the period before the grant change if you reduce or terminate assistance within ~~180~~90 days of the start of the visit. ~~Do not~~Don't authorize assistance for the current custodian before the effective date for the end of assistance for the child to the other parent.)
 3. Decide when the living arrangement changed, re-determine the child's eligibility and establish an overpayment if appropriate ~~if~~ if a child's living situation changes at a time other than a visit, ~~decide when the living arrangement changed, re-determine the child's eligibility and establish an overpayment if appropriate.~~
 1. Authorize benefits for the current ~~caretaker~~caregiver effective the date you determine eligibility.
 - ~~0-2.~~2. Set up an overpayment for any overlapping assistance.

EXAMPLE:

Mother has legal custody of the child and gets SFA. She contacted the worker on 6/5 to tell them the child left to visit her father for two months during the summer. The father applied for the child on 7/10 saying the child chose to live with him during the coming school year. When

the worker contacted the mother, she verified that the child ~~would not~~wouldn't return at the end of the summer. The worker must terminate the mother's grant effective 7/31 following advance notice requirements and authorize benefits for the child and her father effective 8/1.

EXAMPLE:

Grandmother applied for her grandchild on 7/5. The child's father gets TANF for the child. The grandmother says that the father left the child with her on 5/10 and ~~has not~~hasn't made plans to take the child back. According to the grandmother, he lives with his new girlfriend and she doesn't want the child in the home. The father ~~did not~~didn't respond to the worker's ~~written~~ request for information about physical custody of the child sent on 7/5. The grandmother provided the needed information to establish eligibility on 7/10. ~~The worker would t~~Terminate assistance to the father on 7/31 following advance and adequate notice requirements and set up an overpayment for June and July because the father didn't report the change per Change of Circumstance rules in WAC 388-418-0007 (6). The worker would then authorize assistance for the grandmother effective 7/10.