

Operations Memorandum - SNAP OPS100205

March 2, 2010

SUBJECT: Shared Custody
TO: Executive Directors
FROM: Joanne Glover, Director, Bureau of Operations

Purpose

To inform County Assistance Offices of a change in policy relative to shared custody cases for the Supplemental Nutrition Assistance Program (SNAP). This policy is effective immediately.

Background/Discussion

[Section 510.22](#) of the SNAP Handbook and policy clarification [PFS14465510](#) say that children living in shared custody households are included in the applicant household regardless of where they eat the majority of their meals in a month. The parent receiving benefits for the children is expected to meet the children's needs throughout the month, even when they are not with the parent.

The Department of Public Welfare (DPW) has reviewed this policy as it relates to parents receiving SNAP benefits who have shared legal but limited physical custody of their children and do not make benefits available when the children are not in their care. Since the purpose of SNAP is to provide children and needy families with better access to food and a more healthful diet, DPW has decided to revise its shared custody policy to better meet the goal of SNAP.

OLD POLICY

- A child is included in the applicant household regardless of where the child eats the majority of meals in a month.
- If only one parent applies for benefits, the child will be included in the SNAP household regardless of who exercises parental control or financial responsibility.
- If both parents request SNAP benefits for the child, the first custodial parent to apply receives benefits regardless of who exercises parental control or financial responsibility unless the parents mutually agree on who should receive benefits.

As a matter of equity and to ensure that children receive **full** access to SNAP benefits, DPW is revising its policy as follows:

NEW POLICY

- Regardless of the custody agreement and who exercises parental control or financial responsibility, a parent may apply for and receive SNAP benefits for a child as long as that child resides with the parent for some period of time during each month.
- If both parents apply for SNAP benefits for a child and the parents cannot reach a decision as to who should receive them on behalf of the child, the CAO will issue benefits to the parent who provides the majority of meals in a month.
- If both parents have equal physical custody and they cannot reach an agreement as to who should receive benefits for the child, the CAO will include the child in the household of the parent who applies first

EXAMPLE 1:

Mr. Eric Smith applies for SNAP benefits for himself and two children in January. He is divorced and has his children one weekend a month and every Wednesday. The CAO authorizes SNAP benefits for a three-person household.

In February, Vera Smith, Mr. Smith's ex-wife, applies for SNAP benefits for herself and three children. She has primary physical custody of her two children with Mr. Smith and states that she provides the children with the majority of their meals each month. The CAO confirms this and takes steps to remove the children from Mr. Smith's SNAP grant. The CAO authorizes SNAP benefits for Mrs. Smith and one child. Her other two children will be added to her SNAP grant as soon as they are removed from their father's grant.

EXAMPLE 2:

In October, Mr. Bolton applies for SNAP benefits for himself and three children. His children live with him from the time school ends in May until school starts in August. Mr. Bolton may receive SNAP benefits for himself if he is otherwise eligible but may not receive benefits for his children unless they live with him and he provides them with meals for some part of the month in which he receives benefits.

EXAMPLE 3:

Janet Wilson applies for SNAP benefits for herself and son, Jeffrey. She shares legal and physical custody of her son with his father, Bill Brown. Court papers show that the child resides with her for two weeks during the month and with his father for two weeks. The CAO authorizes SNAP benefits.

Mr. Brown applies for SNAP benefits for himself and Jeffrey. The CAO confirms that Mr. Brown does not provide Jeffrey with a majority of meals each month. Both parents provide Jeffrey with an equal number of meals each month. Since Ms. Wilson applied

for SNAP benefits first, she may continue to receive them on behalf of Jeffrey. Mr. Brown may receive SNAP benefits for himself if he is otherwise eligible

Next Steps

1. Share this information with staff.
2. Refer questions to your Area Manager.
3. This Operation Memorandum will become obsolete when the policy is incorporated into the SNAP Handbook.