Interim Policy & Procedure Memorandum

ISD-IPP 14-06

TO: ISD Employees

FROM: Marilyn Martinez, Acting Director, Income Support Division

RE: SNAP Joint Custody

DATE: September 2, 2014

This IPP serves to clarify custody of children for households with dual applications for SNAP assistance. If there are multiple applications submitted for assistance containing the same minor children under parental control, there would be a required verification of the parental control and majority physical custody to determine which household budget group would be entitled to the SNAP assistance with the children as household members.

Examples of verification found at regulation 8.100.130.21 NMAC include but are not limited to:

- School Records
- Sworn Statements
- Lease or rental agreement
- Baptismal records

- Court order Parenting plan
- Adoption papers or records
- Indian census records
- Paternity records from CSED

If it is determined with verification the physical custody is joint, exactly 50/50 with no majority parental control to either person, then the first application received obtains the SNAP assistance. There are a small number of cases that will be exactly 50/50 within the number of dual application SNAP cases.

If there are not multiple applications or if the children on the application are not active on a SNAP case, then the first application received obtains the SNAP assistance. Client statement will be used and verification will not be required, unless questionable.

Regulation 8.139.400.9 E NMAC states that children are under parental control if the children are financially or otherwise dependent on a member of the household who is not a parent. It also states that parents are individuals living with their natural, adopted, or stepchildren 21 years of age or younger, or such children living with such parents. If you have established the child/children meet this criteria via court order, parenting plan, school records or other examples as defined above the child can be removed from their current SNAP case and placed on the new application SNAP case.

This form has been posted to the forms drive:**disfasv025\ISDForms**

If you have questions regarding this GI, please contact Richard McIntyre at (505)827-3142 or by e-mail at Richard.McIntyre@state.nm.us.