

Department of Public Health
and Human Services

Section:
HOUSEHOLD COMPOSITION

SUPPLEMENTAL NUTRITION ASSISTANCE
PROGRAM (SNAP)

Subject:
Parental Control

Supersedes: FS 201-2 (08/01/01)

References: 7 CFR 273.1(a) and (b)

GENERAL RULE -- Children under 22 years of age are automatically considered under parental control if living with a natural, adoptive or step-parent. Children under 18 years of age living with household members other than their natural, adoptive or step-parent must be evaluated for parental control before separate household status can be given unless state law defines such person as an adult (i.e., emancipated).

EMANCIPATION

A child under age 18 years of age is considered emancipated if he/she is free from parental authority. An emancipated person has certain rights that minors normally do not have until they reach the age of majority, such as the right to live independently, conduct their own financial affairs, enter into valid contracts, and incur debts. Emancipation can be determined by a court.

NOTE: Under Montana law, marriage does **not** automatically result in emancipation. Montana law states that a person under 18 years of age who lives with his/her parents is under their parental control and is financially dependent on them so cannot be determined emancipated.

PARENTAL CONTROL

An individual is considered to be under parental control if the individual under 18 years of age and lives with another household member **other than their natural, adoptive, or step-parent** and:

1. verification is received from a parent/guardian or conservator living outside the household stating their child (the minor individual) is dependent on the household member he/she is living with; or,
2. a member of the SNAP household states the minor individual is dependent on the household member he/ she is living with; or,
3. the OPA Case Manager determines the minor individual is dependent on the household member for financial support.

EXCEPTION: State law has defined the individual as an adult (i.e., emancipation).

NOTE: Parental control must be evaluated even when the individual is living with his or her spouse and/or child.

Example: Sue, age 17, is married to Bob. They have one child in common. Sue and the child live with Bob's parents while he is incarcerated. She has no means of self-support and therefore is under parental control of Bob's parents. They must file as one household.

TP