

## INTERPRETIVE MEMO

3SquaresVT Rule Interpretation

Procedural Instruction

This memo remains effective statewide until it is specifically superseded – either by a subsequent memo or by a contradictory rule with a later date.

Please file in your manual facing the page indicated below.

Facing page 273.1(b)(1)(iii) Date of this memo November 7, 2014 Pages 1 of 2

This memo:  is new  Replaces one dated \_\_\_\_\_

### Policy Update: Joint or Shared Physical Custody of Children

The following policy applies to instances when two households share custody of a child, and both households have applied for 3SquaresVT benefits and have claimed the same child as a member of their household. Under these circumstances, the child should be included in the household that was the first to apply for benefits.

The child will continue to remain in the household that was first to apply unless both of the following instances occur:

- (1) The second household applies for benefits and claims the child as a member of the household; and
- (2) The second household provides adequate verification that the child primarily resides in the second household

### Adequate Verification

In order to verify that the child primarily resides in the second household, the second household must provide one of the following:

- (1) A signed statement from the first household's head of household indicating that the child primarily resides in the second household; or
- (2) A signed statement from the child, if that child is at least 18 years of age, indicating that he or she primarily resides in the second household; or
- (3) Other sufficient evidence to verify that the child primarily resides in the second household. This evidence includes, but is not limited to:
  - a. Current day care records;
  - b. Current school records;
  - c. Current medical records;
  - d. Court orders (along with another piece of verifying evidence). Please note that court orders, known in Vermont as Parental Rights and Responsibilities (PR&R) Agreements, alone, are not sufficient evidence to verify the primary residence of the child. This is due to the fact that PR&R agreements are often established by the court, but are not necessarily followed by the parties.

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**Procedure for When Adequate Verification is Submitted by the Second Household**

When adequate verification has been submitted by the second household that is sufficient to reasonably prove that the child primarily resides in the second household, the following procedures must be followed:

- (1) Following confidentiality guidelines, notify the first household that the second household is claiming that the child primarily resides in the second household, and if the first household does not take action, the child will be removed from the first household and their benefit may decrease as a result.
- (2) Provide the first household 10 days to send in verification that reasonably proves that the child primarily resides in the first household.

If the first household fails to provide adequate verification within 10 days of notification, the child must be removed from the first household and placed in the second household. This action must be taken within 30 days of determining that there is adequate verification indicating that the child primarily resides in the second household.

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