

<h1>ACF</h1> Administration for Children and Families	DEPARTMENT OF HEALTH, EDUCATION AND WELFARE Administration for Children, Youth and Families	
	1. Log No: ACF-AT-91-33	2. Issuance Date: December 12, 1991
	3. Originating Office: Children's Bureau	
	4. Key Words: Aid To Families, with Dependent Children (AFDC)	

ACTION TRANSMITTAL

TO: STATE AGENCIES ADMINISTERING APPROVED PUBLIC ASSISTANCE PLANS AND OTHER INTERESTED PARTIES

SUBJECT: Expansion of Definition of Specified Caretaker Relative

REFERENCES: 45 CFR 233.90(c)(1)(v), and Section 406(a) of the Social Security Act

PURPOSE: To notify all States of an expansion of our interpretation of the specified relative provision at 45 CFR 233.90(c)(1)(v) to include first cousins once removed and great-great-grandparents.

BACKGROUND: Current regulations at 45 CFR 233.90(c)(1)(v) provide for the designation of specified caretaker relatives. The definition does not specifically reference first cousins once removed or great-great-grandparents.

Since the regulation was implemented, it has become a longstanding practice for States to recognize further degrees of kinship in designating specified relatives. As a result, we have decided that when making this determination under section 406(a) of the Act, we will now recognize a specified caretaker relative to be any relation by blood, marriage or adoption who is within the fifth degree of kinship to the dependent child. In this regard, ACF intends to use the civil law method of determining degrees of kinship which has been adopted in most jurisdictions by statute or court decision.

The appropriate caretaker relative must therefore be a parent (1st degree), grandparent (2nd degree), sibling (2nd degree), great-grandparent (3rd degree), uncle or aunt (3rd degree), nephew or niece (3rd degree), great-great grandparent (4th degree), great-uncle or aunt (4th degree), first cousin (4th degree)# great-great-grandparent (5th degree), great-great uncle or aunt (5th degree), or a first cousin once removed (5th degree).

INSTRUCTION: We acknowledge that the specific wording of the current regulation would not encompass either a great-great-great grandparent or, arguably, a first cousin once removed. However, we plan to revise the regulation in the near future and intend to clarify the regulation to include as a specified caretaker all relations within the fifth degree of kinship. In the interim, we will recognize a great-great-great grandparent and a first cousin once removed as specified caretaker relatives within the meaning of section 406(a) of the Act and 45 CFR 233.90(c)(1)(v)(A)(1).

This Action Transmittal expands the policy at 45 CFR 233.90(c)(1)(v)(A)(1) to recognize a specified caretaker relative to be any relation by blood, marriage or adoption who is within the fifth degree of kinship to the dependent child as determined by the civil law method of computing degrees of kinship. Accordingly, the definition of specified caretaker relative has been expanded to include first cousins once removed and greatgreat-great grandparents.

Item 3, Attachment 2.2A of the State plan pre-print must be amended to reflect this change.

EFFECTIVE DATE: Upon receipt.

INQUIRIES TO: ACF Regional Administrators

Jason Turner
Director
Office of Family Assistance