

Introduction

To be eligible for Families First, all assistance unit members must be enumerated, a resident of the State of Tennessee, and a citizen of the United States or qualified non-citizen. Children in the assistance unit must also meet age and relationship requirements.

Scope

The purpose of this policy is to outline the non-financial eligibility requirements for Families First.

Policy

Enumeration

1. Each customer included in the assistance unit (AU) must provide their Social Security Number (SSN) or numbers if more than one number has been issued.
2. If an individual does not have an SSN, they must apply for an SSN prior to being approved for benefits or prior to being added to an existing AU.
3. If the caretaker fails or refuses to enumerate a mandatory AU member, then that individual is technically ineligible and must not be included in the AU.

Residence

1. A Families First AU must reside in Tennessee.
 - Temporary absences from the state with subsequent returns, or intent to return once the purpose of the absence has been accomplished, do not terminate residence.
2. No individual may receive benefits as a member of more than one AU, in more than one county or state, within the same month.
3. There is no durational residency requirement for Families First.

Citizenship

1. To receive Families First, an individual must be a citizen of the United States or a qualified non-citizen who is lawfully admitted to the United States.
2. The citizenship status of each AU member must be acknowledged on the citizenship section of the [HS-0169 Application for Assistance](#).
3. An ineligible non-citizen will be excluded from the Families First AU but may receive a grant for any eligible children in their care. See [Families First Technical Eligibility Procedures](#) for additional information.

Age Requirement

To be eligible for Families First benefits, a child must be under the age of eighteen (18) unless they meet one of the following conditions:

1. A student under age of nineteen (19) who will complete high school or an equivalent vocational/technical training before their nineteenth (19th) birthday will continue to be eligible through the month of their graduation.
2. A student under age of nineteen (19) with a disability as defined by the Americans with Disabilities Act (ADA) will continue to be eligible through the month of their nineteenth (19th) birthday even if they will not complete high school or vocational/technical training.

Relationship

1. To be eligible for Families First, a child must be living in the home of a parent or certain relative who is within a specified degree of relationship to the child. Relatives must be within the specified degree of relationship as outlined on the [Family Relationship Chart](#).
2. The relationship requirement cannot be waived.

- 3. When the child lives with the relative, it is presumed that the relative has care and control of the child.
 - a. In certain situations, the caseworker must determine who has care and control of the child on a case-by-case basis. These situations may include but are not limited to the following:
 - i. Joint custody cases.
 - ii. When the relative and the child live in different dwellings.
 - iii. When a temporary absence is claimed.

- iv. When a relative who is not the parent receives Families First benefits for the child and a parent returns to the home.

Supporting Documents

- [HS-0169 Application for Assistance-English](#)
- [HS-0169sp Application for Assistance-Spanish](#)
- [HS-0169a Application for Assistance-Arabic](#)
- [HS-0169s Application for Assistance-Somali](#)
- [HS-0169sw Application for Assistance-Swahili](#)
- [Families First Technical Eligibility Procedures](#)
- [Family Relationship Chart](#)
- [Non-Citizen Status Desk Guide](#)

Definitions/Acronyms

Term	Definition
<i>Adoption of children</i>	Legal adoption of a child or a child’s parent establishes a legal relationship to a new set of relatives, both immediate and extended. The adoptive relatives within the specified degree of relationship qualify to receive Families First for an adopted child as do the blood relatives of the adopted child.
<i>Care and Control</i>	A relative is considered to have care and control of child when they have the major responsibility for parental obligations of day-to-day care, support, supervision, and guidance for the child. These responsibilities may be carried out either alone or with another person living in the home.
<i>Child Born of Annulled/Bigamous Marriage</i>	Children born of an annulled or bigamous marriage are considered the legal children of that marriage.
<i>Child Born During Marriage</i>	By law in Tennessee, any child born during a marriage or within ten (10) months of the termination of the marriage by death or divorce is presumed to be the child of the mother’s husband.
<i>Child Born out-of-Wedlock</i>	A child born to an unmarried mother.
<i>Citizen of the United States</i>	The United States is defined as the fifty (50) states and the District of Columbia, Puerto Rico, Guam, and the U.S. Virgin Islands. In addition, nationals from American Samoa or Swain’s Island are considered U.S. citizens for eligibility purposes.
<i>Enumeration</i>	Enumeration is the procedure by which the Social Security Administration (SSA) in cooperation with TDHS assigns and/or verifies Social Security numbers (SSN) for Families First customers.

Legitimated Children	Children who have been legitimated are entitled to all rights and privileges of a child born in wedlock. Therefore, relatives of the legitimating parent are considered as relatives eligible to receive Families First for the child.
Marriage of the Natural Parents to Each Other	If the father of the child born out of wedlock holds the child out as his and the parents are married to each other after the child's birth, the child is legitimated at the point of the parent's marriage. The parents may request legitimation by making application for a new Certificate of Birth to the Tennessee Department of Health and Vital Records. Both parents must sign the necessary forms in order for the change in records to be made. A certified copy of the marriage certificate and a notarized request on a form provided by Vital Records must be sent to Vital Records in order to change the child's birth certificate to show his/her legitimate status.
Paternity Proceedings	A petition by the mother, the putative father, the Department of Human Services, or someone acting on the child's behalf is filed in Juvenile Court seeking to have a child's status legally determined.
Qualified Non-Citizen	<p>A noncitizen who is lawfully admitted under at least one of the conditions listed below:</p> <ul style="list-style-type: none"> • A non-citizen lawfully admitted for permanent residence as an immigrant as defined in Sections 101 (a)(15) and 101 (a)(20) of the Immigration and Nationality Act. However, a non-citizen lawfully admitted for permanent residence pursuant to Section 245A of the Immigration and Nationality Act must be eligible as specified in the paragraph below of this section that addresses non-citizens who are defined as aged, blind, or disabled. • A non-citizen who entered the United States prior to January 1, 1972, or some later date as required by law, and has continuously maintained residency in the United States since then, and is not ineligible for citizenship, but is considered to be lawfully admitted for permanent residence as a result of an exercise of discretion by the Attorney General pursuant to Section 249 of the Immigration and Nationality Act. • A non-citizen who is qualified for entry pursuant to section 207 or 208 of the Immigration and Nationality Act; <p>Note: Amerasians in Vietnam, with certain family members, are to be admitted under this section. They should possess INS documents with an identifier in the range of AM1 through AM3 or AM6 through AM8. In Families First these are treated as refugees. An Amerasian is an individual who was:</p> <ul style="list-style-type: none"> ○ Born in Vietnam between January 1, 1962, and January 1, 1976. ○ Fathered by a U.S. citizen. ○ Residing in Vietnam as of March 20, 1988 (the date of enactment of the Amerasian legislation). <p>Amerasian family members who can be admitted under Section 207 or 208 of the Act include: the spouse or child of an Amerasian if the spouse or child is accompanying or planning to join the Amerasian; and the Amerasian's natural mother and the spouse or child of the Amerasian's natural mother or the person who has acted as the Amerasian's mother, father, or next of kin and such person's spouse or child if the family member is accompanying or planning to join the Amerasian.</p> <ul style="list-style-type: none"> • A non-citizen who is an Afghan and has been granted Special Immigrant Status under section 525 of Title V of the Consolidated Appropriations Act of 2008 as described in Section 101(a)(27) of the Immigration and Nationality Act (INA). • A non-citizen who is an Iraqi and has been granted Special Immigrant Status under the National Defense Authorization Act for Fiscal Year 2008, Section 1244 of Public Law 110-181 as described in section 101(a)(27) of the Immigration and Nationality Act (INA). • Spouses and unmarried children under age 21 of Afghan and Iraqi Special Immigrants who accompany or later join the Special Immigrant.

	<ul style="list-style-type: none"> • A non-citizen granted asylum through an exercise of discretion by the Attorney General pursuant to Section 208 of the Immigration and Nationality Act. • A non-citizen lawfully present in the United States as a result of an exercise of discretion by the Attorney General for emergent reasons or reasons deemed strictly in the public interest pursuant to Section 212 (d)(5) of the Immigration and Nationality Act, or as a result of a grant of parole by the Attorney General. • A non-citizen living within the United States for whom the Attorney General has withheld deportation pursuant to Section 243 of the Immigration and Nationality Act. • A non-citizen who is defined as aged, blind, or disabled in accordance with Section 1614 (a)(1) of the Social Security Act and is considered to be lawfully admitted for permanent residence pursuant to Section 245A (b) (1) of the Immigration and Nationality Act. Such Non-citizens may obtain lawful permanent resident status under Section 245 (b) (1) of the Act no earlier than November 7, 1988. • A non-citizen who is, as of June 1, 1987, or thereafter, a special agricultural worker and lawfully admitted for temporary residence in accordance with Section 210 (a) of the Immigration and Nationality Act. • A non-citizen who is lawfully admitted for temporary residence as an additional special agricultural worker as of October 1, 1989, through September 30, 1993, in accordance with Section 210 (a) of the Immigration and Nationality Act.
Resident	One who is living in the state/county voluntarily with the intention of making their home here and not for a temporary purpose (persons in the state or county for visits or vacations are not residents); is living at the time of application in the state/county, not receiving benefits from another locality; and has entered the state/county with a job commitment; or is seeking employment, whether or not currently employed. (This definition enables migrant and itinerant workers and their families to establish residence in the location where they came for employment purposes.)
Temporary Absence	A temporary absence usually does not exceed three (3) months, and the customer intends to return to their residence in Tennessee.
Termination of Parental Rights	Termination of parental rights by a court of competent jurisdiction terminates all of the rights and responsibilities of a child’s parents. However, such termination does not affect a child’s relationship to their natural extended family. When blood relationship to these relatives can be factually established, they may receive Families First for the child.
Valid Common-Law Marriage	Tennessee does not recognize common-law marriages established in Tennessee but does recognize common-law marriages established in states which view them as legally binding. Children born of such previously established marriages are considered legitimate and the spouses are obligated to each other financially. Exception: Not valid for deeming stepparent income.
Abbreviation	Expansion
AU	Assistance Unit
SSA	Social Security Administration
SSN	Social Security Number

Supersedes

Policy 23.04 Families First Technical Eligibility effective 04/15/2018

Approval History

Approved By	Approver Title	Approved Date	Effective Date
Clarence H. Carter	Commissioner	01/10/2024	01/15/2024
Danielle Barnes	Commissioner	03/23/2018	04/15/2018

Revision History

Date	Version	Location of Change	Description/Reason for Change
01/10/2024	01/15/2024	Introduction, Enumeration, Public or Private Agency Sponsors, Individual Citizen Sponsors, Non-Citizen's Responsibility, Non-Citizen Exempt from the Requirement to Provide Sponsor Support Information, Multiple Sponsorship, Liability for Overpayment, Good Cause for Sponsor to Fail to Provide Information, Age Requirement, and Definitions.	Deleted sections no longer applicable and updated the language throughout.
03/23/2018	04/15/2018	New Document	New Document

Approved By	<i>Clarence H. Carter</i>	Approval Date	01/10/2024
Authority	Tenn. Comp. R. & Regs. 1240-01-47	Effective Date	01/15/2024
Application	All TDHS Family Assistance Staff and Contractors		