

Participant Form Guide

Number	Element Name/ Topic	Element Description/Explanation Plus Additional Comments
11 (Revised)	Number in family	<ul style="list-style-type: none"> • TEGL 12-06, which has governed income eligibility since 1/1/07, did not make any change in the definition of family (although it did make other important changes in how income is counted and calculated for eligibility purposes.) The rules regarding family contained in the prior TEGL 13-04 remain in effect under the 2006 amendments to the OAA. • Enter the number of individuals in the applicant’s family. A “family” is defined in TEGL 12-06 as husband, wife, and dependent children; parent or guardian and dependent children; or husband and wife. However, TEGL 26-13 (issued on June 18, 2014), which implements the Supreme Court’s ruling in <u>United States v. Windsor</u>, states: “The Department of Labor’s policy is to recognize lawful same-sex marriages as broadly as possible to the extent that federal law permits, and to recognize all marriages valid in the jurisdiction where the marriage was celebrated—i.e., the ‘state of celebration.’” TEGL 26-13 sets forth two sets of rules: <ul style="list-style-type: none"> ○ All national grantees and those state grantees whose states recognize same-sex marriages as valid based on the “state of celebration” must recognize same-sex spouses as within the SCSEP definition of “family.” ○ State grantees in states that do not recognize same-sex marriages as valid based on the “state of celebration” are not required to recognize same-sex marriage as within the SCSEP definition of “family.” However, DOL encourages those state grantees to include same-sex spouses in the definition of family. • If the applicant is claimed as a dependent on someone else’s tax return, you must use the broader Current Population Survey (CPS) definition of family. See Attachment II of TEGL 12-06 and Topics 12-14 below. • Count only current family members living together. Do not include deceased spouses or separated spouses who are living separately. • In addition, consistent with 20 CFR 641.500, an applicant with a disability may, at the option of the applicant, be treated as a family of one for income eligibility determination purposes. Family-of-one status does not extend to other members of the applicant’s family. (NOTE: See Topics 54-57 for important information about disability and medical records.)

Data Collection Handbook Revisions for Definition of Family Pursuant to TEGL 26-13

		<ul style="list-style-type: none"> Do not use this field for recording family size at recertification. All recertification data are entered in fields 44-51. Field 11 will always reflect the family size at the time of initial enrollment. Do not overwrite this field. Data validation is required for this element.
Topic 8A (New)	How must grantees implement the new definition of family?	<ul style="list-style-type: none"> All Grantees must implement the new definition of family as set forth in TEGL 26-13 and field 11 above, effective June 18, 2014, for all new applicants. The new definition is not retroactive, but DOL encourages all grantees to notify any applicants that may have been denied benefits on the basis of the original definition of family between June 26, 2013 (the date of the Supreme Court’s decision in <u>Windsor</u>) and June 18, 2014, of their right to reapply under the new definition of family. Any new applicants or recertified participants who were determined eligible under the old SCSEP definition of family will remain eligible until their next annual recertification. Any participants recertified between June 18, 2014, and September 16, 2014, must be assessed under the new or old definition, whichever is more favorable. Any participants recertified on or after September 17, 2014, fall under the new definition only.
Topic 11 (Revised)	Common law spouse	<ul style="list-style-type: none"> Under the eligibility TEGL, you only count the income of spouses living together. If a state or territory recognizes common law marriages itself (or recognizes common law marriages that are valid in other states) and the applicant meets the definition, then you count the income of the common law spouse who is living with the applicant.
44 (Revised)	Number in family	<ul style="list-style-type: none"> Enter the number of individuals in the applicant’s family. Use the same instructions as for field 11 above, including the new rules regarding same-sex marriages. See Topic 8A above for special rules regarding recertification of same-sex couples during the implementation of TEGL 26-13. If the applicant is claimed as a dependent on someone else’s tax return, you must use the broader CPS definition of family. See Topics 12-14 above. Count only current family members. Do not include deceased or separated spouses. In addition, consistent with 20 CFR 641.500, a person with a disability may be treated as a “family of one” for income eligibility determination purposes. Data validation is required for this element.