



FAMILY INDEPENDENCE ADMINISTRATION
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POLICY BULLETIN #14-78-ELI
(This Policy Bulletin Replaces PB #11-98-ELI)

SAME-SEX MARRIAGES

<p>Date: July 21, 2014</p>	<p>Subtopic(s): CA and SNAP Eligibility</p>
<p> This procedure can now be accessed on the FIAweb.</p> <p>CA</p>	<p>Revisions to the Original Policy Bulletin:</p> <p>This policy bulletin is being revised to clarify changes in requirements for same-sex spouses in Cash Assistance (CA) and Supplemental Nutrition Assistance Program (SNAP) cases.</p> <p>Purpose:</p> <p>The purpose of this policy bulletin is to inform Job Center and SNAP Center staff that same-sex spouses are subject to the same eligibility requirements for both CA and SNAP as spouses of the opposite-sex as long as their marriage is recognized in the jurisdiction where the marriage was performed.</p> <p>All recognized marriages must be treated the same regardless of the CA category: Family Assistance (FA) or Safety Net Assistance (SNA).</p> <p>For FA, filing unit rules continue to apply:</p> <ul style="list-style-type: none"> • In those instances where both spouses can establish that each is related to the minor child/ren by blood or through adoption, both spouses are eligible for benefits in the FA category, if all other eligibility criteria are met, and must be included in the same filing unit.

HAVE QUESTIONS ABOUT THIS PROCEDURE?
Call 718-557-1313 then press 3 at the prompt followed by 1 or
send an e-mail to *FIA Call Center Fax* or fax to: (917) 639-0298

Refer to Step-Parent/Grandparent Budget Worksheet – Cash Assistance (**W-648B**) and Temporary Assistance Source Book (TASB), Chapter 18, Section P

- In those instances where the same-sex spouse of a custodial parent whose children have no blood relationship and were not legally adopted by his/her spouse, filing unit rules dictate that his/her same-sex spouse be treated as any other step-parent:
 - The step-parent is a legally responsible relative but is not a mandatory filing unit member, and can choose not to apply. If the step-parent chooses not to apply and he/she has income, use the step-parent deeming to determine the amount of the step-parent's income to apply to the household.
 - If the step-parent chooses to apply, he/she can be included as an essential person in the same filing unit.
- If the relationship between the minor child/ren and the adults in the household cannot be established, assistance under the SNA may be granted.

SNAP

New

When same-sex marriages were first recognized in the State of New York, same-sex spouses who claimed that they did not purchase and prepare food together could be granted separate SNAP household status. This claim allowed each same-sex spouse to have their own SNAP case. Upon receipt of a memorandum from the United States Department of Agriculture (USDA) dated May 27, 2014 and in accordance with the United States vs. Windsor lawsuit, same-sex spouses who live together must be part of the same SNAP household even if the individuals claim that they do not purchase food and prepare meals together.

Effective Immediately

References:

[09-ADM-24](#)

USDA Memo dated May 27, 2014