

**10A NCAC 71W .0404 KINSHIP AND LIVING WITH A SPECIFIED RELATIVE**

(a) For eligibility determinations based on kinship and living with a specified relative, children under the age of 21 must have one of the following relationships within the household:

- (1) A parent, including a biological mother or father, a legal father, or adoptive parent(s) after issuance of a final adoptive order;
- (2) An alleged father or other relative of the alleged father;
- (3) A blood or adoptive relative limited to a brother, half-brother, sister, half-sister, grandparent, great-grandparent, great-great-grandparent, uncle, aunt, great uncle or aunt, great-great uncle or aunt, nephew, niece, or first cousin. Spouses or former spouses of these individuals must have legal custody or legal guardianship of the child to meet the kinship requirement if the marriage has been terminated by death or divorce; or
- (4) A step-relative limited to a stepparent or stepsibling. Spouses or former spouses of these individuals must have legal custody or legal guardianship to meet the kinship requirement if the marriage has been terminated by death or divorce.

(b) Verification of kinship shall be made only at application unless previous documentation appears to be incorrect.

- (1) Kinship of a child to a specified relative except for an alleged father shall be verified by examining:
  - (A) birth certificates;
  - (B) hospital records established at birth;
  - (C) marriage record;
  - (D) Social Security Administration records;
  - (E) two of the following:
    - (i) school records;
    - (ii) Buddhist, Christian, Hindu, Islamic or Jewish Sacred Text records;
    - (iii) hospital or physician's records;
    - (iv) court records including adoption records;
    - (v) immigration records;
    - (vi) naturalization records;
    - (vii) church, mosque, temple or synagogue records;
    - (viii) passport;
    - (ix) military records;
    - (x) U.S. census records;
    - (xi) signed statement from an individual having knowledge about the kinship of the child to the specified relative. The statement shall include:
      - (I) name of child;
      - (II) date of birth;
      - (III) place of birth;
      - (IV) individual's relationship; and
      - (V) basis of individual's knowledge.
- (2) Kinship of a child to the alleged father or other alleged paternal relative shall be verified by verifying the child's relationship to the alleged father and if necessary the alleged father's relationship to the alleged paternal relative. Relation to the alleged father shall be verified by examining:
  - (A) court records;
  - (B) county department of social services records;
  - (C) statement signed and dated by the father that acknowledges his paternity;
  - (D) two of the following:
    - (i) school records;
    - (ii) Buddhist, Christian, Hindu, Islamic or Jewish Sacred Text records;
    - (iii) hospital or physician records;
    - (iv) court records;
    - (v) immigration records;
    - (vi) naturalization records;
    - (vii) church, mosque, temple or synagogue records;
    - (viii) passport;
    - (ix) military records;

- (x) U.S. census records;
- (xi) signed statement from an individual having knowledge about the kinship of the child to the alleged father. The statement shall include:
  - (I) name of child;
  - (II) date of birth;
  - (III) place of birth;
  - (IV) individual's relationship; and
  - (V) basis of individual's knowledge.

(c) Verification that a child is living within the home of a specified relative shall be made during each determination of eligibility by:

- (1) a home visit when there is evidence of the child living in the home;
- (2) use of school records;
- (3) use of child care center records;
- (4) statement of a social worker employed by the county department of social services when, following a home visit, the social worker is able to substantiate that the child is living in the home;
- (5) statement from a non-relative having personal knowledge of the child's living with the specified relative;
- (6) two of the following:
  - (A) medical records, including health department records;
  - (B) Social Security Administration or other benefit records;
  - (C) rental records;
  - (D) church, mosque, temple or synagogue records.

*History Note: Authority G.S. 108A-24; 108A-25; 108A-27; 143B-153; 45 C.F.R. 233.10; Eff. February 1, 1984; Amended Eff. January 1, 1989; August 1, 1988; February 1, 1986; Readopted Eff. October 1, 2021.*