

FAMILY UNIT DEFINITION *(June 2009)*

APPLICATION FOR ASSISTANCE MUST BE MADE ON BEHALF OF THE ENTIRE FAMILY UNIT

ADULT MUST APPLY

For a family unit to be eligible for income assistance or a supplement, an adult in the family unit must apply for the income assistance on behalf of the family unit

DEFINITION OF A DEPENDENT

FAMILY UNIT IN THE HOUSEHOLD

Legislation defines a family unit as the applicant and their dependents.

In order to determine who the applicant must include in their application, an assessment of all members of the household must be completed to determine if any meet the definition of a dependent.

A dependent is defined as a spouse, a dependent child **or** a person who acts as a parent to the applicant's dependent child.

RESIDENCY

CONFIRMATION OF HOUSEHOLD COMPOSITION

A person must reside in the household with the applicant.

If an applicant disputes that another person resides in the household, the applicant must be requested to provide verification of the household composition. The non-applicant cannot be asked to provide any information.

DEPENDENT CHILD

To be considered as a dependent child, the child:

1. lives with the parent more than 50% of the time, and
2. is either under 19 years of age or is 18 years old with PWD status.

The child must also rely on the parent for the necessities of life. A 17 year old child who works full time, may not necessarily be a dependent child as their employment earnings may be sufficient to provide themselves with the necessities of life.

SPOUSAL DEPENDENCY

Two people are considered to be spouses if they are married to each other or acknowledge their relationship is marriage-like.

OR

Two people are considered to be spouses if they have lived together for the last 3 months or 9 of the previous 12 months,

AND

The relationship demonstrates a financial dependence or interdependence and a social **AND** familial relationship.

If the applicant indicates the relationship is not marriage-like, evidence must be obtained to support all 4 of the required elements:

1. the couple have lived together for the required period of time
2. financial dependence/interdependence
3. social interdependence
4. familial interdependence

Employment and Assistance Regulation and Employment and Assistance for Persons with Disabilities Regulation

Section 5

Applicant requirements

5 (1) For a family unit to be eligible for income assistance or a supplement, an adult in the family unit must apply for the income assistance or supplement on behalf of the family unit unless

- (a) the family unit does not include an adult, or
- (b) the spouse of an adult applicant has not reached 19 years of age, in which case that spouse must apply with the adult applicant.

OLR → Verification and Eligibility → Living Arrangements → Policy

Staff:

https://qww.hsd.gov.bc.ca/intranet/meia/online_resource/verification_and_eligibility/livearrange/current/policy.html

Public: http://www.gov.bc.ca/meia/online_resource/verification_and_eligibility/livearrange/policy.html

LEGISLATION:

Employment and Assistance Act - <http://www.mhr.gov.bc.ca/PUBLICAT/VOL1/Part3/3-2.htm>

Employment And Assistance For Persons with Disabilities Act - <http://www.mhr.gov.bc.ca/PUBLICAT/VOL1/Part3/3-4.htm>

INTERPRETATION

APPLICATION ON BEHALF OF THE ENTIRE FAMILY UNIT

DEFINITION	LEGISLATION	INTERPRETATION	CLARIFICATION
FAMILY UNIT	EA and EAPWD ACT Section 1, Interpretation "family unit"	The applicant and their dependents	Reference to the definition of dependent is required to determine if an individual is part of the family unit
DEPENDENT	EA and EAPWD ACT Section 1, Interpretation "dependent"	To meet the definition of a dependent two criteria must be met.	
	<i>"dependent", in relation to a person means anyone who resides with the person</i>	Criteria #1 The other person must reside with the applicant	If the other person does not live with the applicant, they are not part of the family unit
	<i>and who</i> (a) <i>is the spouse of the person</i> (b) <i>is the dependent child of the person, or</i> (c) <i>indicates a parental responsibility for the person's dependent child</i>	Criteria #2 The other person must be one of the following (a) the spouse (b) the dependent child (c) indicate parental responsibility for applicants' dependent child	The other person needs to meet only one of the categories under Criteria #2 (a) if the other person is the spouse, they must also meet the definition of a spouse (b) the child must meet the definition of a dependent child (c) the child for whom responsibility is indicated must meet the definition of a dependent child
SPOUSE	EA and EAPWD ACT Section 1.1 "Meaning of Spouse"	A spouse must meet 1 item under Criteria #1 or all items under Criteria #2.	
	<i>1.1(1) Two persons, including persons of the same gender, are spouses of each other for the purposes of this Act if</i> (a) <i>they are married to each other, or</i> (b) <i>they acknowledge to the minister that they are residing together in a marriage-like relationship</i>	Criteria #1 (a) the couple is married (b) the couple indicate their relationship is marriage-like	If the couple is married or say their relationship is marriage-like, they have met one of the required criteria and are considered to be spouses
	<i>1.1(2) Two persons who reside together, including persons of the same gender, are spouses of each other for the purposes of this Act if</i> (a) <i>they have resided together for at least</i> (i) <i>the previous 3 consecutive months, or</i> (ii) <i>9 of the previous 12 months and</i> (b) <i>the minister is satisfied that the relationship demonstrates</i> (i) <i>financial dependence or interdependence</i> (ii) <i>social and familial interdependence, consistent with a marriage-like relationship</i>	Criteria #2 (a) the couple have lived together for the prescribed time (b) the couple demonstrates all of the following behaviours: (i) financial dependence or interdependence (ii) social and familial interdependence	All four items must be met: 1. Time lived together 2. Financial dependency or interdependency 3. Social interdependence 4. Familial interdependence