

Chapter 2: Eligibility

(iv) Other Circumstances Affecting Eligibility

(e) Conjugal Relationships

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| Intent: | When determining eligibility for Income Support, to clarify when conjugal relationships exist. |
| Act: (if applicable) | N/A |
| Regulations: | <p>45.(1) In order to determine whether cohabiting partners as defined by the Act share a conjugal relationship, an officer shall evaluate</p> <ul style="list-style-type: none"> (a) the economic interdependence of the 2 people; (b) the parental connections of the 2 people based on the evidence of shared biological children or whether they share parental roles; or (c) the societal perception of the 2 people, including whether they present themselves as a couple in the community <p>and if the officer so determines based on the criteria referred to above, a conjugal relationship shall, for the purpose of these regulations, be considered to exist.</p> <p>(2) Where a conjugal relationship has been determined to exist under subsection (1), the financial resources of the cohabiting partner shall be evaluated and the income support of an applicant or recipient may, as determined by an officer, be confirmed, denied, varied, suspended or cancelled accordingly.</p> |
| Overview: (if applicable) | N/A |

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| <p>Policy:</p> | <ul style="list-style-type: none"> • When determining eligibility for Income Support for an applicant/recipient in a conjugal relationship, the total resources of all adults, i.e. applicant and spouse/partner, are considered. • Declared conjugal relationship: <ul style="list-style-type: none"> ○ A conjugal relationship consists of; <ul style="list-style-type: none"> ▪ two adults who are married, with or without dependent children/students, or ▪ two adults unrelated by blood who have declared they are in a common-law relationship with or without dependent children/students. • Undeclared conjugal relationship <ul style="list-style-type: none"> ○ Two adults who share the same residential unit, share family responsibilities and who benefit economically from the sharing of food, shelter and facilities, for the purposes of determining eligibility for Income Support are considered to be in a conjugal relationship. • Regulation 45 provides guidelines to determine if a conjugal relationship may exist. |
| <p>Procedure:</p> | <p>Client Services Officer</p> <ul style="list-style-type: none"> • When a recipient residing with another adult, unrelated by blood, indicates they are not living in a conjugal relationship; review all the information to determine if a conjugal relationship may exist. • If there is a concern, discuss the information with the Client Services Manager/ Regional Manager to determine if there are sufficient grounds to refer the case for investigations. • If there are dependent children in the case, verify the single parent is in receipt of the CCB/NLCB and if the parent is not receiving these benefits, determine the reason, as the case may not have dependent children residing with the adult. • Record in the official record any allegation received from any source that a conjugal relationship may exist or the children are not actually residing with the recipient. |

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| | <ul style="list-style-type: none"> • Complete a preliminary assessment of the allegation (i.e. a review of the official record) and if one or more of the following exists: <ul style="list-style-type: none"> ○ an economic interdependence of the 2 people, i.e. sharing bank accounts, utility bills, etc.; ○ if there are children in the case, any parental connections, such as shared biological children or sharing parental roles; or ○ if the societal perception of the 2 people is viewed they are a couple in the community. • Refer the case to the Client Services Officer responsible for investigations. • Continue Income Support benefits until there is sufficient evidence to suspend the allowance. • If a conjugal relationship has been determined: <ul style="list-style-type: none"> ○ adjust Income Support benefits, depending on the income or resources of the other party and/or ○ set up an overpayment if the period in which the conjugal relationship was undeclared is clearly established, and/or ○ determine if a prosecution is warranted based on the nature and seriousness of the case. • If Income Support benefits are reduced/suspended, notify the recipient in writing of the Review/Appeal Process |
| <p>Authority Level:</p> | <p>Client Services Manager/ Regional Manager</p> <ul style="list-style-type: none"> • Approve and record the referral for investigation. • KIV the case for a maximum of 4 months to respond to the completion of the investigation. • Recommend to proceed with prosecution for an undeclared conjugal relationship. |
| <p>Date revised:</p> | <p>August 1, 2005</p> |