§ 349. Eligibility. A. Family assistance shall be given to a pregnant individual, a parent or other relative as herein specified for the benefit of a child under eighteen years of age, or of a child under nineteen years of age who is a full-time student regularly attending a secondary school or in the equivalent level of vocational or technical training if, in the judgment of the social services official:

1. the granting of an allowance will be in the interest of such child, and

2. the parent or other relative is a fit person to bring up such child so that his or her physical, mental and moral well-being will be safe-guarded, and

3. such child is a resident of the state on the date of application for aid.

B. 1. An allowance may be granted for the aid of such child who is living with a parent or other adult related to him or her by blood, marriage or adoption eligible to receive assistance on his or her behalf pursuant to the federal social security act, the provisions of this chapter and regulations of the department.

2. Notwithstanding the provisions of this title and titles three and four of this article to the contrary, the department may by regulation require that some or all persons, or households containing such persons, who are otherwise eligible for family assistance and are permanently disabled and awaiting determinations of eligibility for federal supplemental security income under title XVI of the federal social security act receive family assistance without use of federal funding and the department is authorized to reclassify retroactively all or a portion of the amount of any family assistance which otherwise has been or would be received by any such person or household if such reclassification is in the financial interests of the state; provided, however, that any such retroactive reclassification shall be accomplished without diminution or increase of the family assistance grant previously paid and shall not affect any rights, obligations or

entitlements of any such person under the family assistance program. Any such transfer or reclassification may be accomplished by appropriate notation in the records of the social services district or the department, and no other notice thereof need be made.

C. In making such allowances consideration shall be given to the ability of the relative making application and of any other relatives to support and care for or to contribute to the support and care of such child. In making all such allowances it shall be made certain that the religious faith of the child shall be preserved and protected.

D. Family assistance shall not be payable to a family for any month in which any caretaker relative with whom the child is living is, on the last day of such month, participating in a strike, and no individual's needs shall be included in determining the amount of such aid which is payable for any month to a family if, on the last day of such month, such individual is participating in a strike.