§ 416.1856 Who is considered a child.

We consider you to be a child if—
(a)(1) You are under 18 years old; or
(2) You are under 22 years old and you are a student regularly attending school or college or training that is designed to prepare you for a paying job;
(b) You are not married; and
(c) You are not the head of a household.

§ 416.1861 Deciding whether you are a student: Are you a student?

(a) Are you a student? You are a student regularly attending school or college or training that is designed to prepare you for a paying job if you are enrolled for one or more courses of study and you attend class—
(1) In a college or university for at least 8 hours a week under a semester or quarter system;
(2) In grades 7–12 for at least 12 hours a week;
(3) In a course of training to prepare you for a paying job, and you are attending that training for at least 15 hours a week if the training involves shop practice or 12 hours a week if it does not involve shop practice (this kind of training includes anti-poverty programs, such as the Job Corps, and government-supported courses in self-improvement); or
(4) Less than the amount of time given in paragraph (a) (1), (2), or (3) of this section for reasons you cannot control, such as illness. If the circumstances justify your reduced credit load or attendance.

(b) If you are instructed at home. You may be a student regularly attending school if you are instructed at home in accordance with a home school law of the State or other jurisdiction in which you reside and for at least 12 hours a week.

(c) If you have to stay home. You may be a student regularly attending school, college, or training to prepare you for a paying job if—
(1) You have to stay home because of your disability;
(2) You are studying at home a course or courses given by a school (grades 7–12), college, university, or government agency; and
(3) A home visitor or tutor directs your study or training.

(d) When you are not in school—(1) When school is out. We will consider you to be a student regularly attending school, college, or training to prepare you for a paying job even when classes are out if you actually attend regularly just before the time classes are out and you—
(1) Tell us that you intend to resume attending regularly when school opens again; or
(2) Other times. Your counselor or teacher may believe you need to stay out of class for a short time during the course or between courses to enable you to continue your study or training. That will not stop us from considering you to be a student regularly attending school, college, or training to prepare you for a paying job if you are in—
(1) A course designed to prepare disabled people for work; or
(2) A course to prepare you for a job that is specially set up for people who cannot work at ordinary jobs.

(e) Last month of school. We will consider you to be a student regularly attending school, college, or training to prepare you for a paying job for the month in which you complete or stop your course of study or training.

(f) When we need evidence that you are a student. We need evidence that you are a student if you are 18 years old or