



SECTION: Certification 611
SUBJECT: **INCOME ELIGIBILITY: Determining income eligibility**
DATE: July 1, 2016 (*revised, released pending USDA approval*)

POLICY: Local WIC program staff shall determine income eligibility for all WIC applicants and participants at certification and re-certification appointments.

PURPOSE: To assure WIC services are provided for those who need them, using income guidelines that are consistent statewide.

RELEVANT REGULATIONS: 7CFR §246.7 ¶(d)(2)—Income Eligibility Determination
ASM 99-54—Strengthening Integrity in the WIC Certification
Process WRO Policy Memo 803-AX (ASM 03-29) Family Size and Income Determination for Military Families
FNS Instruction 803-3, Rev. 1—WIC Program – Certification: Income Eligibility
WIC Policy Memorandum #2011-7 – Conversion Factors for WIC IEG’s (supersedes some portions of FNS Instruction 803-3)
WIC Policy Memorandum #2013-3 Income Eligibility Guidance

OREGON WIC PPM REFERENCES:

- ◆ 541—Change in Guardianship
- ◆ 610—Required Proofs – Identity, Residency, Income
- ◆ 612—Income Eligibility: Adjunct or Automatic Income Eligibility
- ◆ 613—Income Eligibility: What counts as income?
- ◆ 614—Income Eligibility: Current Income Guidelines
- ◆ 615—Income Eligibility: Change In Income
- ◆ 616—Unavailable Proofs

TWIST TRAINING MANUAL REFERENCES: Chapter 3, Lesson 102, Enrollment
Chapter 3, Lesson 100—Applicant Prescreening

APPENDIX: 611.12 Appendix A Flow Chart: Determining Income Eligibility

DEFINITIONS: *Household size* A person or group of people, related or not, who usually (though not necessarily) live together, and whose income and consumption of goods or services are related and who are not residents of an institution. The key consideration in determining when individuals or groups are a household (or economic unit) is whether they generate the income which sustains them, i.e., room, board and medical care. When determining a household size, count all pregnant women as two, or more, for expected multiple births, unless a woman specifically waives the increase in number.

Income Gross income, including overtime, before deductions for income taxes, employees’ social security taxes, insurance premiums, bonds, etc. The determination of the amount of a household’s gross income shall not be considered reduced for any reason (e.g.; financial hardships, medical bills, child support).

INCOME ELIGIBILITY: DETERMINING INCOME ELIGIBILITY, *cont.*

<i>Annual income guidelines</i>	USDA updates the federal poverty income levels annually. Local programs will implement the new guidelines according to State instructions (usually May 1). The statewide WIC income eligibility standard is 185% of the federal poverty income guidelines.
<i>Current income guidelines</i>	Current income guidelines are in ♦614—Income Eligibility: Current Income Guidelines and on the WIC web page at http://public.health.oregon.gov/HealthyPeopleFamilies/wic/Pages/income.aspx .
<i>Individual</i>	An applicant or a participant.

BACKGROUND: One criterion for an applicant or a participant to be eligible to receive WIC benefits is income eligibility. The Oregon WIC program uses a household income eligibility standard of 185 percent of the federal poverty income level. For current income levels refer to ♦614—Income Eligibility: Current Income Guidelines.

The living situations of WIC applicants and participants are often complex. These policies relate federal guidelines to circumstances often encountered by local staff in screening for participant income, but no policy can encompass every circumstance. An equitable income determination often depends on the best judgment of an income screener, who should keep in mind that the intent of the WIC income limits is to direct services toward people in financial need.

PROCEDURE:

<i>Determination of income eligibility</i>	1.0	At the initial or subsequent certification appointments, determine if the applicant or participant is income eligible based on their household size. Refer to Appendix A, Flow Chart: Determining Income Eligibility for an overview of this process.
<i>Adjunct or automatic eligibility</i>	2.0	Prior to performing a standard income screening, determine if an individual is automatically/adjunctively income eligible. If individuals cannot prove adjunct/automatic eligibility at the certification appointment, use the standard income screening. Refer to ♦612—Income Eligibility: Adjunct or Automatic Income Eligibility for additional procedures
	2.1	Migrant farm workers income is determined once, per family, per year. Refer to ♦612—Income Eligibility: Adjunct or Automatic Income Eligibility for income determination of migrant farm workers.

INCOME ELIGIBILITY: DETERMINING INCOME ELIGIBILITY, cont.

- Standard income screening** 3.0 If the individual is not automatically or adjunctively income eligible, use the standard income and household screening procedure:
- 3.1 Determine the number of persons living in the household who are supported by the income and document in TWIST. Refer to ¶4.0 of this policy for determining household size.
 - 3.2 Determine the household’s current gross monthly income from all sources for the entire household. Refer to ♦613—Income Eligibility: What counts as income?
 - 3.2.1 Staff must review approximately 30 days of proof. The table below indicates the number of pay stubs to review for each type of pay period. The average of the amounts on the paystubs should be entered in TWIST using the corresponding pay period.

Pay period	# of pay stubs to review	Average to enter in TWIST
Monthly	1	NA
Weekly	4	Add 4 together, divide by 4
Twice a month	2	Add 2 together, divide by 2
Every 2 weeks	2	Add 2 together, divide by 2

- 3.2.2 Ask for proof of income for all sources of income. Applicants or participants shall present proof substantiating reported income for the entire household. Refer to ♦610—Required Proofs—Identity, Residency, Income.
 - 3.2.3 If the household has multiple sources of income, each should be documented in TWIST with its own interval and proof. TWIST will total the amounts and convert it to an annual income.
 - 3.2.4 In some cases the annual income better represents the household income, such as income that fluctuates or is seasonal. See ¶9.0 for details.
 - 3.2.5 Local program staff shall use net income to determine income eligibility only for farmers and self-employed persons. Net income is determined by subtracting the operating expenses from the gross income.
- 3.3 Consider any special circumstances that may impact income status or household size (e.g., unemployment, foster child, pregnant woman, teenage mother, military income, Medicaid applicant or participant, etc.).
 - 3.4 An individual is income eligible when the household income is at or below the WIC income standards. For current income levels refer to ♦614—Income Eligibility: Current Income Guidelines.
 - 3.5 If the individual is income eligible, proceed with the certification process.
 - 3.6 Refer to ¶12.0 if the individual is not income eligible.

INCOME ELIGIBILITY: DETERMINING INCOME ELIGIBILITY, *cont.*

Household size 4.0 Determine the individual's household size.

- Pregnant women***
- 4.1 First determine if the total household of the pregnant woman is within income limits. When determining household size, local program staff must count a pregnant woman as two, and in the case of multiples, count each fetus as an additional member of the household. The woman can waive this increase in household size if she wishes.
 - 4.2 Use the same household size when determining eligibility of other household member(s) of the pregnant woman.

EXAMPLE 1: Doris Mason is married and pregnant. She and her husband have an eight-month-old infant and a two-year-old child. Her total household size is 5.

EXAMPLE 2: Under the same scenario, if Doris applies for WIC for her eight-month-old infant or her two-year-old child, the household size of five will apply.

EXAMPLE 3: Molly Cules is a single mom expecting twins. She also has a three-year-old child. Molly applied to be on WIC. Her household size is 4.

Shared custody

- 4.3 When custody of a child is shared, the child shall be considered a member of the household in which he or she lives a majority of the time (50 percent or more). When a child lives with each parent 50 percent of the time, consider the child a member of the family who applies for WIC services first.

- 4.4 Local programs can count the child as a member of only one household, and should screen for dual participation if the other parent applies for WIC services. A parent paying child support may not claim that child as a member of his or her household unless the child lives with that parent 50 percent or more of the time and the child is not on WIC with the other parent. Assess only the income of the family in which the child is counted when determining eligibility. Inform the family that the food should go with the child when he or she is with the other parent. Refer to ♦451—Change in Guardianship for more information on shared custody situations.

EXAMPLE: Tiffany Sands' mother and father have joint custody of her. Tiffany lives one week with her mother, Laura Sands, and one week with her father, Kurt Murphy.

INCOME ELIGIBILITY: DETERMINING INCOME ELIGIBILITY, cont.

Tiffany’s mother has Tiffany certified to receive WIC services. Tiffany’s full food benefits go to her mother each month. Tiffany’s father cannot bring Tiffany in and have her certified again. Ideally, her mother and father would arrange for Tiffany to receive WIC food benefits continually over the month. If sharing of the food cannot be arranged, the local program may choose to tailor the food package to reflect an appropriate amount of food for the time spent in the certifying household.

Tiffany’s father, Mr. Murphy, is now living with Amy Klein. They have a son, Ryan. If Mr. Murphy and Ms. Klein apply to enroll Ryan for WIC services, the WIC program should not count Tiffany as a member of their household because she can be counted as a member of only one household.

Foster children or legal guardian

4.5 Consider foster children for whom a state agency has legal responsibility as a one-member household. Payments made by the agency for foster care of the child count as the only income to the household.

Adopted children

4.6 Count adopted children (for whom the family has accepted legal responsibility) as members of that household.

Homeless & institutionalized

4.7 Individuals or families living in an institution or homeless facility may apply as their own household, without including non-related members of the institution in their household size.

4.7.1 Do not count institutionalized individuals as members of a non-institutionalized family. For example, a father in prison would not be counted as part of the household.

Teens

4.8 Pregnant teens and teen mothers are not automatically eligible for WIC services. Determining the appropriate household size of a teenage applicant requires the judgment of the income screener; these cases are rarely simple or clear-cut. The key consideration in determining when individuals or groups are a household (or economic unit) is whether they generate an income sufficient to sustain them, i.e., room, board and medical care. Pregnant teenagers living with a parent or guardian may qualify as their own economic unit if they have an income sufficient to support themselves.

4.8.1 To expedite service, it may be simplest to first determine if the total household (teenagers, parents, and others) is within the income limits. If it is, consider the teenager income eligible and proceed with the certification.

4.8.2 If the total household is not income eligible, the teenager **may** be able to qualify as her own household.

INCOME ELIGIBILITY: DETERMINING INCOME ELIGIBILITY, *cont.*

*Teenager supported
by parents*

4.8.3 Determine if her parents are supporting the teenager; if so, the parents and their income should be included in the household. Factors that indicate the teenager is being supported include:

4.8.3.1 The teenager is living in her parents' house without paying anything toward rent or food, and the parents are contributing toward what she needs for health care during pregnancy.

4.8.3.2 The teenager is living in a separate dwelling from her parents, but generates no income and is dependent for survival on what her parents (or other family) contribute.

*Teenager as own
household*

4.8.4 Local programs must decide whether the teen has an adequate income to provide full support. If so, consider the teen as her own household, without including her parents' income.

4.8.4.1 The teenager is living with her parents but generates income sufficient to provide room, board and medical care (or provides a service of equivalent value, such as babysitting or cleaning).

4.8.4.2 If a teenager is living in her parents' house but is not receiving full support from them, to the degree that she cannot afford the food or services to allow her a healthy pregnancy, consider the teenager as her own household. Any cash support provided by the parents should be considered income.

*Teenager's living
situation*

4.9 Ask a variety of questions to gather sufficient information about the teenager's living situation and then make a reasonable determination of the individual's "household size."

*Teenager living
apart from, but
supported by
parent*

EXAMPLE: Chelsea Sears applies to Serene County WIC clinic. Ms. Sears is 16 and pregnant, and lives with her boyfriend in an apartment. Neither has any income; both are looking for work. Her father gave her the money for the down payment on the apartment; she is still covered under her father's health insurance.

Ms. Sears' income determination should include her father as part of her household, and should include his income. If Ms. Sears or her boyfriend begins generating income and they can continue to live in their own apartment without regular support

INCOME ELIGIBILITY: DETERMINING INCOME ELIGIBILITY, cont.

(Teenager living apart from, but supported by parent)

from her father, she could reapply. Only she and her boyfriend would be included in the household for which income is calculated, even if she continues on her father's insurance.

Teenager living with parents, general income

EXAMPLE: Mariah Hedricks applies to Serene County WIC for WIC services. She is 16 and pregnant. Ms. Hedricks lives with her parents; she and her boyfriend are engaged and plan to be married after the baby is born. Ms. Hedricks is working and pays for room and board. Her fiancé is not working full time, but does occasional car repair jobs. He contributes toward saving for the apartment and supplies for after the baby is born. Serene County Health Clinic is providing Ms. Hedricks' pre-natal care.

Ms. Hedricks and her fiancé should be considered a household. Any income generated by Ms. Hedricks or her fiancé should also be included.

Absent military service

4.10 Military personnel serving overseas or assigned to a military base and temporarily absent from the home should be considered members of the household and income received by military personnel should be counted as income to the household.

EXAMPLE: Tiffany Glass is applying for WIC services for her family. Her husband is in the Army and is currently assigned for 6 months to a military base in Texas. For determination of WIC eligibility, even though Tiffany's husband is not currently living with his family, consider Tiffany's husband as part of the economic unit and count the eligible part of his military income as part of the household income.

Proof of income eligibility

5.0 Determine and document the applicant's household income. For WIC eligibility, income is total gross income (before taxes). Ask the individual to show 30 days proof of income for all members of the household who bring in income or other financial support. Refer to ¶3.2.1 above for more information on required number of pay stubs by interval, and to ♦610—Required Proofs: Identity, Residence, Income for guidance on proofs and ♦613—Income Eligibility: What Counts As Income for guidance on what is included as income.

5.1 The current month's income is usually used for eligibility determination, i.e., the individual's income the day it is being assessed.

INCOME ELIGIBILITY: DETERMINING INCOME ELIGIBILITY, *cont.*

(Proof of income eligibility)

- 5.2 Future income is only used in eligibility determination if an individual has been recently laid off. See ¶10.0 for more guidance.
- 5.3 Annual income is most appropriate if household income fluctuates due to seasonal work. See ¶9.0 below.
 - 5.3.1 Include periods of unemployment in income calculation. Include lay-offs, maternity leave, or seasonal work, if applicable.
- 5.4 Do not include changes in income that **may** happen in the future.

EXAMPLE: Anne Parsons is applying for WIC services. She is on maternity leave and receiving no income. She expects to go back to work in two months; once she is working, her income puts her over the WIC income limits.

WIC income guidelines allow the WIC income screener to consider Ms. Parson’s income what she made over the last year **or** her current monthly income, which would be zero. The screener should use the time period, which most accurately reflects Ms. Parson’s economic situation.

WIC income guidelines would **not** allow the screener to count six months in the future, when Ms. Parsons may return to work, and exclude her from services.

- 5.5 Gross income is reported except for farmers and self-employed individuals in which case net income is reported.

Income verification or reassessment

- 6.0 Local program staff may verify reported income if there is reasonable evidence that the applicant or participant has given inaccurate or untrue information. Refer to ♦615—Income Eligibility: Change in Income for guidance on income verification or reassessment.

Insufficient proof at certification appointments

- 7.0 Refer to ♦616—Unavailable Proofs for procedures when an individual who has applied to be on the WIC program does not provide adequate proof of income at the initial appointment.

INCOME ELIGIBILITY: DETERMINING INCOME ELIGIBILITY, cont.

Zero income 8.0 Individuals declaring zero income should be thoroughly interviewed regarding their living circumstances and how they obtain basic living necessities such as food, shelter, medical care and clothing. Local WIC programs can assist individuals at zero income not only through the provision of WIC services but also through crucial referrals to local sources of aid and assistance.

Given WIC’s definition of family size and income, zero income should occur rarely and usually on a temporary basis. To assure that WIC eligibility rules are correctly applied, thorough screening and appropriate interviewing are necessary.

- 8.1 If an individual reports zero income, ask additional questions to determine if there is any financial or other support for living expenses.
- In most instances, a household’s financial circumstances change and do not remain at zero income indefinitely.
 - If there is support provided by other resources which are readily available to the applicant, such as cash amounts received or withdrawn from any source (including savings, investments, trust accounts, etc.), staff shall consider this information for income eligibility determination.
 - Tell the applicant that any change in income must be reported to the WIC program.

Examples of questions to ask

- 8.2 Ask the individuals reporting zero income to describe in more detail their living situation and how they obtain basic living necessities.
- How are you paying for or receiving food to eat? Shelter and clothing? Medical care?
 - Are you or a member of the household participating in TANF, SNAP, or Medicaid?
 - How are you paying for your bills such as rent, electricity, water, and telephone?
 - How long has the family been without income?

8.2.1 Staff may consider using annual income if that more accurately reflects the household income. See ¶9.0 for information on using annual income.

Required documentation

- 8.3 Document zero income in TWIST when the individual has zero income and no other financial support.
- 8.3.1 Complete the form, “No Proof Form,” (form 57-633) including a statement of why there is no proof.

INCOME ELIGIBILITY: DETERMINING INCOME ELIGIBILITY, *cont.*

- Using Annual Income* **9.0** Annual income should be used when it is a better indicator of the household situation than current monthly income. Consider using annual income in the following situations:
- Seasonally employed
 - Fluctuations in income
 - Teachers or others on year-long contracts
 - Family Medical Leave (maternity leave)
 - College students
 - Self-employed,
 - Farmers
- 9.1 The most current W-2 can be used as proof of annual income, even if it is several months into the following year.
- 9.2 In the absence of a W-2, request as many months of proof as are available and convert them to an annual amount to enter in TWIST with a yearly interval (e.g. 3 months x 4, 4 months x 3, 6 months x 2.)
- 10.0 Determine whether current or future income best represents the household income for individuals experiencing a layoff or strike.

Layoffs

- 10.1 Future income can be considered if the individual can show proof they have been laid off. An employee layoff can be a temporary or permanent event. A temporary layoff would be a condition that is intended to last only a short period of time. A permanent layoff would be a condition that is reported by the applicant to last indefinitely such as a business closing or a reduction in the workforce.
- 10.1.1 Proof of layoff could include unemployment benefit award letter, employer notice of layoff (pink slip).
- 10.1.2 Zero income may be documented in TWIST in these situations.
- 10.1.3 Document the situation and proof in TWIST notes.

EXAMPLE 1: Alice Lamb is 3 months pregnant and applying for WIC benefits for herself and her family. She indicates that her husband's company has decided to lay off workers for three months until the high-tech company can restructure. She shows you his pink slip indicating that his last day is today. The situation and proof is documented in TWIST notes and the income would be documented in TWIST as zero.

INCOME ELIGIBILITY: DETERMINING INCOME ELIGIBILITY, *cont.*

EXAMPLE 2: Anita Smith is applying for WIC benefits for herself and her children. She indicates that the company where she has been employed for the past three years has closed permanently. Mrs. Smith had waited until the second month of the layoff to apply for WIC benefits. Consider Mrs. Smith's current month's income as zero income for the month. Follow the policy guidelines for applicants that report zero income. Remind Mrs. Smith to report any changes that might occur in her monthly income to the local WIC office. Mrs. Smith should also be referred to other sources of aid and assistance.

Strikes and lockouts

10.2 Current income would be used for a strike or lockout. A strike is a temporary labor dispute that could force an employee to have reduced or no income until the labor negotiations resolve the dispute. A lockout occurs when the employer decides to close the business during a labor dispute and will not open the business until after the dispute is resolved.

Usually an employee lockout occurs if the employer recognizes the labor dispute is long term. A strike can also become a long term period of unemployment. In most instances, a household's financial circumstances change and do not remain at zero indefinitely. The applicant should be reminded to report any changes in income to the WIC office. The WIC office should also refer the applicant to other sources of aid and assistance.

EXAMPLE 1: Joe Smith's company is currently negotiating a contract with their employees. Employees have decided to strike until the employee demands have been met, negotiations have concluded and a new contract is in place. Negotiations should be complete with the company within the month. Nancy Smith has applied for WIC benefits. The income for the current month could be zero.

EXAMPLE 2: Tina Jack is applying for WIC benefits for her family. Two months ago her husband's employer closed the business until contract negotiations were resolved. The employer indicated that the company would not reopen until negotiations were complete and the negotiations will take at least 4 months. Consider the household member to have zero income for the months of the lockout.

INCOME ELIGIBILITY: DETERMINING INCOME ELIGIBILITY, *cont.*

11.0 In situations where a change of income is anticipated (e.g. strike ending) the applicant should be reminded to report any changes in income to the WIC office. Staff should document the situation in TWIST notes and reassess income at the next appointment.

Not income eligible

12.0 If the applicant is **not** income eligible, the TWIST data system will display a message that the applicant is not income eligible.

12.1 Give the applicant a written reason for ineligibility and notice of how to apply for a fair hearing. The Ineligibility Notice can be printed from TWIST, or staff may use the “*Notice of WIC Ineligibility*” (form 57-607).

12.1.1 Written notice is required only after a formal in person income screening. Written notice is not required for an informal screening over the phone to help an applicant determine if it is worth her time to come in to the WIC office for a formal income assessment.

12.2 Refer applicants who are not income eligible to other available financial, food or medical services. ★

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