

## Section 5.2: Certification Procedures

10/2021

### 5.2.4 Income

**References:** 7CFR 246.7 (d)

**Policy:** Each applicant must provide proof of income eligibility for WIC, either through an automatic/adjunctive program or with documentation of household income at each certification.

**Purpose:** To establish income eligibility of the applicant.

#### **Definition: Household**

For WIC purposes, “household” is defined as a group of related or non-related individuals who usually (although not necessarily) live together as an economic unit and who share income and the consumption of goods and services.

#### **Other examples:**

- A **pregnant woman** should be counted as two or more, taking into account the number of unborn fetuses.
- **Children with parent(s) on active military duty:** children of a military family who are in temporary care can be certified in the following ways:
  - Count the absent parent(s) and their children as the economic unit, as would have been the case prior to the parental deployment.
  - Count the children as a separate economic unit from their parents and caretakers. To be considered a separate economic unit, the unit must have its own source of income. The CPA must decide whether the income is adequate to sustain the economic unit. If the child allotments are not considered adequate, then another certification option can be used.
  - Consider the children to be part of the economic unit of the person(s) with whom they are residing.
- **Split or joint custody:** When the custody of the child is split, the child shall be considered a member of the household in which he or she lives the majority of the time. If the parents share custody 50/50, the child can only qualify for WIC in one parent’s household.
  - Parents can be encouraged to share the food and list the other parent as an alternate representative.

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- If custody papers are available, staff should consider custody arrangements when issuing food benefits.
- If an adult in the household is making **child support** payments for a child not living in this household and who is not receiving WIC food benefits in another household, this child may be counted as a member of the household. Child support payments do not reduce family income.
- **A foster child**, who is living with a family but remains the legal responsibility of a social service or other agency, should be considered a family of one. These children are usually eligible for Medicaid (MA). If siblings enter the same foster care home, the number of siblings can be considered the household size and one household ID number assigned to them.

For certain situations where several individuals or families are living together, additional questions may be needed to determine whether the participant is in a separate household.

**Questions to Ask to Determine Separate Household**

Question	Household Size
Does the household provide free food, clothing, shelter, etc. with no expectation of payment or in-kind donation such as foods.*	if <b>Yes</b> → applicant is not counted as a separate household – include in the household size if <b>No</b> → count as a separate household
Does the applicant pay the household for living in their home?	if <b>Yes</b> → count as a separate household if <b>No</b> → include in the household size
Does the applicant exchange work, (e.g., household chores, babysitting) for the ability to live in the home?	if <b>Yes</b> → count as a separate household
Does the applicant share income and expenses with other people in the household?	if <b>Yes</b> → include in the household size if <b>No</b> → count as a separate household
Can the applicant provide current eligibility of Minnesota Health Care Programs, SNAP benefits, or MFIP?	if <b>Yes</b> → count as a separate household

\*If a separate household, WIC foods *may not be shared* with another household as payment for or contribution towards household expenses.

## Procedures:

Applicants are determined to be income eligible in one of these ways:

- **Automatic/Adjunctive** eligibility based on being currently enrolled in another specific program with comparable income guidelines or being a member of a household in which a family member is currently enrolled in an adjunctive/automatic program.
- **Traditional Income** Determination based on household size and income.

## Automatic/Adjunctive Eligibility:

If anyone in the household is currently certified eligible for an adjunctive or automatic eligibility program, members of the household are WIC-eligible. Adjunctive/automatic eligibility programs are:

### Eligibility at Household Level:

Medicaid/Medical Assistance (MA)

Minnesota Care

Minnesota Family Investment Program (MFIP)

Supplemental Nutrition Assistance Program (SNAP, previously Food Stamps)

Free/Reduced Price School Lunch

Head Start

Fuel Assistance

### Eligibility at Individual Level:

Supplemental Security Income (SSI) or Tax Equity Fiscal Responsibility Act (TEFRA)

- **Household/ family members of the SSI or TEFRA-eligible applicant are not adjunctively eligible for WIC.**

### At certification:

- Staff must verify current income eligibility using one of the following:
  - *Notice of Eligibility Letter* from the adjunct program
  - Other written documentation of eligibility from the appropriate agency
  - On-line or telephone access to adjunct programs that verify current enrollment
  - Direct contact with the appropriate agency
- Note: A *Minnesota Health Services Card* alone is not adequate unless staff have verified current enrollment in MA.
- Either paper or electronic documentation (such as proof viewed on the participant's phone) is acceptable.

- Self-reporting of income is not adequate.
- When current eligibility is determined, document this information in the participant record and proceed with the certification.

### Temporary Eligibility - Pending Proof

If proof of adjunctive eligibility cannot be verified at the certification and screening determines the participant is adjunctively-income eligible, he/she is temporarily eligible for **30 days**.

- Select the adjunctive program and the “Pending Proof” dropdown option in the Income screen to indicate this.
- Finish the certification and issue only **one month** of food benefits.
- Explain how the participant may provide that documentation and give a reminder to:
  - Submit the pending proof electronically (email, text, etc.), or
  - Return by the following month with the required documentation for additional benefits.
- Review the pending documentation when received and make a determination of eligibility.
  - Enter the information (e.g., what documentation was provided) into the participant record. Then delete/destroy any electronic documents received.
  - Issue food benefits if appropriate, or initiate ineligibility procedures if documentation will not be provided. See [Section 5.4: Notification of Ineligibility/Disqualification](#)
  - Document Separation of Duties at both the initial certification and again when the participant provides proof of income. See [Section 1.18: Separation of Duties to Assure Program Integrity](#)
- Under no circumstances may a second 30-day temporary eligibility period be allowed.

### Traditional Income Determination:

If the applicant is not eligible under an adjunct program, determine household size and proceed with eligibility determination based on traditional income guidelines.

### Income Determination:

- Income means gross cash income before deductions. If the applicant is self-employed or farms, use the **Total Income** line from the most recent federal income tax return to verify income.
- Local agencies are encouraged to define current income as all income received by the household during the 30 days prior to the date of the WIC application. However, there are situations where a household’s current income is more accurately determined by including income in the past 12 months or income anticipated in the next 30 days. Examples of these situations include, but are not limited to:

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- If the household has a recent decrease in income (e.g., the sole support of the family has just been laid off) WIC staff can use prospective income (current income that will be available to the household in the next 30 days).
- Annual income may be more appropriate to reflect a household's financial circumstances for:
  - Self-employed individuals, including farm income
  - A household where a family member who is on maternity leave will return to her job
  - Teachers who are on a temporary leave for the summer
  - College students who work only during the summer months and school breaks
  - Household member with frequent overtime pay
  - Seasonally employed workers whose income fluctuates

#### **Income sources include but are not limited to the following:**

- Monetary compensation for services, such as wages, salary, commissions, or fees
- Net income from farm or self-employment (use the ***Total Income line*** on the most recent tax return)
- Social Security benefits
- Dividends or interest on savings or bonds, income from estates, or net rental income
- Public assistance or welfare payments
- Unemployment compensation
- Government civilian employee, or military retirement or pensions, or veteran's payments
- Private pensions or annuities
- Alimony or child support payments
- Regular contributions from persons not living in the household
- Net royalties
- Other cash income. This includes, but is not limited to:
  - Cash amounts received or withdrawn from any source, including savings
  - Investments
  - Insurance premiums/benefits
  - Bonds
  - Tribal per capita income from casino profits
  - Trust accounts
  - Other resources that are readily available to the family

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- Student financial assistance, such as grants and scholarships, **except** those from programs funded under Title IV of the Higher Education Act of 1965. See next section for those exclusions.

### Income does not include the following:

- **Student loans and grants** funded by programs funded in whole or part under Title IV of the Higher Education Act of 1965 and used for tuition, student fees, the costs for rental or purchase of any required equipment, materials, supplies, books, transportation, and miscellaneous personal expenses for a student. The following is a list of these exclusions:
  - Pell Grant
  - Supplemental Educational Opportunity Grant
  - State Student Incentive Grant (SEOG)
  - PLUS
  - College Work Study
  - Byrd Honor Scholarships
  - National Direct Student Loans
- Payments under the Carl D. Perkins Vocational Education Act as amended by the Carl D. Perkins Vocational and Applied Technology Act Amendments of 1990
- **Loans**, either from a bank or from a personal resource (friend, church, etc.), since these funds are only temporarily available and must be repaid.
- Mandatory salary reduction amount for military service personnel to fund the Veteran's Educational Assistance Act of 1984 (GI Bill)
- **Military Pay (certain types of income as listed below)**
  - Basic allowance for housing (BAH) received by military services personnel residing off military installations or in privatized housing, whether on- or off-base.
  - Cost-of-living allowance provided to a member of uniformed services who is on duty outside the contiguous states of the United States (OCONUS COLA).
  - Payments made to members of the armed forces and their families for Family Subsistence Supplemental Allowance (FSSA), if the inclusion of this amount makes the family ineligible for WIC.
  - Combat pay and hostile fire pay for household members who are on active military duty; detail may be found in the *Entitlements* column of the military *Leave and Earning Statement (LES)*.
  - Payments pursuant to Agent Orange Compensation Exclusion Act.
  - Funds received from Filipino Veteran Equity Compensation Fund.

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- The value of in-kind housing or other in-kind benefits. An **in-kind benefit** is anything of value that is not provided in the form of cash.
- Loans, except amounts to which the applicant has constant or unlimited access.
- **Any child care payments from the following programs:**
  - At-Risk Child Care Programs
  - Child Care Development Block Grant
  - Any Program under Section 402 of the Social Security Act
- **The value of assistance to children or their families from the following programs:**
  - School Lunch Program
  - Farmer's Market Nutrition Program
  - Supplemental Nutrition Assistance Program – SNAP (previously Food Stamps)
- **Lump sum payments that represent reimbursements**, including those received from insurance companies for loss or damage of property and payments of medical bills resulting from an accident or injury.
- Payments received under the **Job Training Partnership Act** from the following programs:
  - Adult and Youth Training Programs
  - Summer Youth Employment and Training Programs
  - Dislocated Worker Programs
  - Programs for Native Americans
  - Migrant Seasonal Farm-workers Program
  - Veterans Employment Program
  - Job Corps
- Payments under the **Low Income Energy Assistance Act**, as amended.
- Any payment to volunteers under Title 1 (VISTA and others) and Title 11 (RSVP, foster grandparents, and others) of the **Domestic Volunteer Service Act** of 1973.
- Payment to volunteers under Section 8 (b)(1)(B) of the **Small Business Act** (SCORE and ACE).
- Payments under the **Disaster Relief Act** of 1974, as amended by the Disaster Relief and Emergency Assistance Amendments of 1989.
- Payments received for **Wartime Relocation of Civilians** under the Civil Liberties Act of 1988.
- Reimbursements from the **Uniform Relocation Assistance and Real Property Acquisition Policies Act** of 1970.
- Payments received under the **Old Age Assistance Claims Settlement Act**, except for per capita shares in excess of \$2000.

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- Payments received under the **Judgment Award Authorization Act**, as amended.
- Payments received under the **Cranston-Gonzales National Affordable Housing Act**, unless the income of the family equals 80 percent of the median income of the area.
- Payments received under the **Housing and Community Development Act** of 1987, unless the income of the family increases at any time to not less than 50 percent of the median income of the area.
- Payments received under the **Alaska Native Claims Settlement Act**.
- Federal compensation to the following **Native American groups**:
  - Chippewa in Mississippi, in Michigan, the Red Lake Band of Chippewa (Minnesota), and the Turtle Mountain Band of Chippewa (Arizona)
  - Blackfeet, Grosventre, and Assiniboine tribes (Montana)
  - Papago (Arizona)
  - Grand River Band of Ottawa Indians
  - Yakima Indian Nation (Indian Claims Commission payments)
  - Apache Tribe of the Mescalero Reservation (Indian Claims Commission payments)
  - Navaho and Hopi Tribe (relocation assistance)
  - Saginaw Chippewa (Saginaw Indian Tribe of Michigan Distribution of Judgement payments)
  - Sac and Fox tribe (claims agreement payments)
  - Passamaquoddy Tribe and Penobscot Nation (Maine Indian Claims Settlement Act of 1980 payments)
  - Income from submarginal U.S. land held in trust for certain Indian tribes
- **Tribal per capita income not from casino profits**: If an enrolled member's per capita payment is not from casino profits and meets the income exclusions per 7 CFR 246.7(d)(2)(iv), then the income can be excluded.
- **Disability** insurance payments, disability court settlements, and one-time disability payments.

#### Documentation of Income:

1. At the certification, determine household size, and use the *Income Eligibility* screen in the WIC Information System to calculate total income. The applicant must provide documentation of income. Acceptable forms of proof of income include:
  - Alimony
  - Child support payments/letter
  - Military pay documentation



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- Pay stub
  - Social Security/SSI documentation
  - Tax return
  - Unemployment documents
  - W-2 forms
  - Written statement from the employer
2. If the information is adequate, and the applicant meets income guidelines, document sources and amount of income in the participant record.
  3. Proceed with the certification.

### Temporary Eligibility - Pending Proof:

- **Reported income does not exceed 185% Federal Poverty Guidelines (FPG)**

If proof of income eligibility cannot be verified at the certification and screening determines the participant's income does not exceed 185% FPG, (refer to [Exhibit 5-A: Minnesota WIC Income Eligibility Guidelines](#)) they are temporarily eligible for **30 days**.

- Enter the income as reported by the participant and select the "Pending Proof of Income" checkbox.
- Finish the certification and issue only **one month** of food benefits.
- Explain how the participant may provide that documentation and give a reminder to:
  - Submit the pending proof electronically (email, text, etc.), or
  - Return by the following month with the required documentation for additional benefits.
- Review the pending documentation when received and make a determination of eligibility.
  - Enter the income and what documentation was provided into the participant record. Delete/destroy any electronic documents received.
  - Issue food benefits if appropriate, or initiate ineligibility procedures if documentation will not be provided. See [Section 5.4: Notification of Ineligibility/ Disqualification](#).
- Document Separation of Duties at both the initial certification and again when the participant provides proof of income. See [Section 1.18: Separation of Duties to Assure Program Integrity](#).
- **If the applicant fails to provide the required documentation:** do not issue benefits until the participant provides the required documentation. Under no circumstances may a second 30-day temporary eligibility period be allowed.

Temporary eligibility does not apply to applicants whose income is above traditional income guidelines, but is within the Minnesota Health Care Program (MHCP) guidelines. See Presumptive Eligibility.

## Presumptive Eligibility

- Applicants may be presumptively eligible for WIC if their household income **is greater than 185%**, but within the income guidelines for the Minnesota Health Care Program (MHCP) (see [Exhibit 5-A: Minnesota WIC Eligibility Guidelines](#)). Staff must see income documentation in order to determine that the applicant is presumptively eligible (PE). **Self-reported income is not adequate.** After verifying income documentation, staff may issue up to 3 months of food benefits pending the determination of eligibility for MHCP.
- Inform the applicant that they must agree to apply for Minnesota Health Care Programs as soon as possible.
- Write an alert and a “Presumptive Eligibility (PE)” note. Include family size, the income, and type of income proof provided in the note.
- Determine current status of the MHCP application at the next visit and document status in the participant income record.
  - Write a “PE Update” note about how the presumptive eligibility was resolved.
  - If verification can be determined that the MHCP application is still pending, an additional 3 months of food benefits may be issued.
  - This extension may be provided on a case-by-case basis, but may never be extended beyond the second 3-month period.
- Document Separation of Duties at both the initial certification appointment and again when the participant provides documentation of MHCP enrollment. See [Section 1.18: Separation of Duties to Assure Program Integrity](#).
- Initiate ineligibility procedures if documentation will not be provided. See [Section 5.4: Notification of Ineligibility/Disqualification](#).

## Applicants Reporting Zero Income - Traditional Income Eligibility

- For applicants declaring a zero income:
  - Ask probing questions about how they obtain basic living necessities such as food, shelter, medical care, and clothing in a non-judgmental manner. Document the explanation for the zero income situation in a Note, using the “*Income Information*” subject heading.
  - Choose “Self Declaration” for the Proof of Income in the WIC Information System. “Self Declaration” is the only proof option that will accept a zero income amount. This proof option cannot be used for any other situation.
  - Provide referrals and assistance to the family and document the information in the participant record. Examples of questions to ask are:
    - Do you need assistance in finding a place to live, or food for your family?
    - What challenges do you have finding shelter or food?

## Waiver - limited situations when a waiver may be used for lack of income documentation

In limited circumstances, staff may determine that the applicant is in a situation in which written documents are not available. Examples might include:

- Fire
  - Theft
  - Disaster
  - Migrant families
  - Homeless individual or family
  - Applicant whose spouse or partner refuses to provide documentation
1. Complete the certification using “*Waiver Signed*” in the drop down menu for the documentation of income.
  2. Print the *Certification Notice*. Have the participant/parent/guardian sign and indicate what information they are unable to provide. Scan this form into the participant record.
  3. Assess the individual situation and issue the appropriate set(s) of benefits that best meets the needs of the applicant.

## Reassessment of Income Eligibility During the Certification:

Participants are not required to report income changes during the certification period nor are local agency staff required to inquire about changes. However, if both the following conditions are met for an active participant, local agency staff must reassess income eligibility:

- Staff receives credible information indicating a change in the participant’s income or a change in family size that would result in that person/family no longer qualifying for WIC services.
- It is more than 90 days until the end of the certification period.

If both of these conditions are met, then staff should reassess income eligibility, including screening for adjunctive eligibility and/or traditional income eligibility. Explore all other options for participation in programs that may grant adjunctive eligibility for WIC.

- Participants found to no longer be eligible, must be disqualified and informed of their ineligibility. This must be done at least 15 days before the date of termination. Staff may issue a partial food package to the date of the termination. [Section 5.4: Notification of Ineligibility/Disqualification](#).
- Participation of other active household members will be terminated if it is determined that another member of the household is no longer income-eligible for the WIC program. Staff may issue a partial food package to the date of the termination.

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- If staff determine that a participant and other active household members who are becoming ineligible should be issued food benefits, this must be done before initiating ineligibility procedures in the WIC Information System.
- Staff must enter new information (such as new income or change in family size). A ‘*Notice of Ineligibility*’ will be generated by the system and must be given to the participant.

Staff must document in a note the reason for reassessment and termination in the record.

### Migrants

Income eligibility for in-stream migrant farmworkers must be documented only once in 12 months. The date of the last income determination is available in the WIC Information System.

*Migrant farmworker* means an individual whose principal employment is in agriculture on a seasonal basis, who has been so employed within the last 24 months, and who establishes, for the purposes of such employment, a temporary abode.

### Guidance

- If income has been documented for one family member within the last 3 months, it can be used for other family members being certified within that 3-month period.
- Staff should assist applicants by suggesting ways to meet the proof of income requirement.
- Applicants do not need to be a U.S. citizen to receive WIC services and food benefits.
- One document can be used as proof for multiple areas of eligibility including identity, residency, and income. For example, a current pay stub or Phone/Online Medical Assistance verification could potentially serve as proof of identity, income and residency if it includes all those areas and is up-to-date.
- Contact your State Consultant with any questions or concerns regarding income.

### Reference – Complete Listing of Hyperlinks

#### Section 5.4: Notification of Ineligibility/Disqualification

([https://www.health.state.mn.us/docs/people/wic/localagency/program/mom/chsctns/ch5/sctn5\\_4.pdf](https://www.health.state.mn.us/docs/people/wic/localagency/program/mom/chsctns/ch5/sctn5_4.pdf))

#### Section 1.18: Separation of Duties to Assure Program Integrity

([https://www.health.state.mn.us/docs/people/wic/localagency/program/mom/chsctns/ch1/sctn1\\_18.pdf](https://www.health.state.mn.us/docs/people/wic/localagency/program/mom/chsctns/ch1/sctn1_18.pdf))

#### Exhibit 5-A: Minnesota WIC Income Eligibility Guidelines

(<https://www.health.state.mn.us/docs/people/wic/localagency/program/mom/exhbits/ex5/5a.pdf>)

#### SECTION 5.2.4: INCOME

*Minnesota Department of Health - WIC Program 625 Robert St N, PO BOX 64975, ST PAUL MN 55164-0975; 1-800-657-3942, [health.wic@state.mn.us](mailto:health.wic@state.mn.us), [www.health.state.mn.us](http://www.health.state.mn.us). To obtain this information in a different format, call: 1-800-657-3942*

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