

Section II: Local Agency Procedure Manual

VIII. Local Certification, Eligibility and Coordination

A. Eligibility Guidelines

Purpose

To ensure Local Agencies apply current eligibility requirements to all WIC applicants.

Policy

The applicant must meet eligibility criteria for category, identity, residency, income and be at nutrition risk.

1. Categorical Eligibility

- Women who are pregnant, breastfeeding (up to one year) or postpartum non-breastfeeding (up to 6 months), including women whose pregnancies ended early.
- Infants (birth to 1 year).
- Children (1 year to up to 5 years).

2. Timeframe of Eligibility Determination

- Pregnant women and migrant farm workers will be notified of their eligibility status within 10 calendar days of the date of the first request for program benefits.
 - Local WIC clinics may receive an extension of the notification period to a maximum of 15 calendar days upon written request to the State WIC Office.
 - Request will include a justification.
 - Each local agency will attempt to contact each pregnant woman who misses her first certification appointment to reschedule the appointment. At the time of initial contact, the local agency shall request an address and telephone number where the pregnant woman can be reached.
- All other applicants will be notified within 20 calendar days.
- The initial contact date and first appointment offered must be documented for all initial certifications and if there is more than 2 months between the current certification request and the end of benefits from the last certification.

3. Identification

- Proof of identity will be documented and scanned for each applicant at initial certification.
 - Proof of identity will be reviewed at all visits.
 - Visual personal recognition by WIC staff at benefit issuance or sub-certifications may be allowed once initial proof of identity has been documented and scanned.
- Identity for authorized representatives will be documented and scanned at certification, or at the first visit where they are present to represent the participant.

- Proof of identity only needs to be rescanned if a participant or authorized representative's name has changed.
 - Documents approved for identification, which must include the participant's current name at the time of certification, include:
 - Driver's License/State ID
 - Legal Custody Placement Notification for an Infant/Child
 - Birth Certificate
 - Certificate of Live Birth
 - Passport
 - Green Card
 - Social Security Card
 - Public assistance card or eligibility letter (Medicaid, HMK Plus, SNAP or TANF)
 - Tribal ID Card or Tribal Enrollment Letter
 - Crib Card
 - Hospital Identification (bracelet)
 - Immunization Card
 - Medical Record
 - School or work ID Card
 - Pay Stubs
 - Voter Registration Card
 - Health Benefits (Insurance Card)
 - Marriage Certificate/License
 - Other government Issued Documents
- The State Office strongly encourages local agency staff to make sure the proof of ID is valid/not expired without creating a barrier to services.
- If the applicant fails to bring in this documentation, but meets all other eligibility criteria (income, residence and nutrition risk as determined by local staff), the participant may be provided up to one month (current month) of food benefits, and require the appropriate documentation be brought within 30 days, or before the next set of benefits is due to be issued, whichever is shorter. Only one "proof" may be missing to allow a pending certification.
 - This is considered a "pending" certification and will expire after 30 days if the documentation is not provided, and certification is completed. Only current month benefits may be issued in this circumstance.
- An applicant with no proof of identity, such as a victim of theft, loss, or disaster, a homeless individual, or a migrant worker will sign a copy of the Montana WIC Program *Proof of Residency/Identity Form*. Scan the form into the participant's folder and issue benefits.

- At each subsequent appointment, attempt to obtain proof of identity from the participant and document follow-up as needed.

4. Residency

- **Geographic Area**

- Applicants for Montana WIC services will live in Montana and may receive services at any local agency that meets the needs of the participant.
 - In the event a participant resides in another State and works or receives their healthcare, or whose location is physically nearer to WIC services in Montana, the participant may choose to receive WIC services in Montana.
 - The participant will not obtain services in both states, the local agency will contact the other state to ensure no dual participation exists.
- If local WIC clinics have been instructed to implement waiting lists, participants will receive WIC services in the Montana WIC region in which they reside.

- **Residency Documentation**

- Residency will be documented and scanned in the applicant's/participant's folder at certification. Proof of residency will show the physical address where the applicant currently lives/resides and will match the physical address listed in the applicant's/participant's folder as recorded on that day that it was verified (this may be found in "history" if the address is updated during the certification period).
 - Native Americans living on a reservation may use their mailing address as a form of address proof, including PO Boxes.
 - Native Americans living on a reservation may document their place of residency with a written statement with the location described to the best of their ability.
- If residency changes during a certification, the MIS will be updated with accurate information.
 - It is not required to scan proof of address outside of certification visits.
 - ❖ If the new address proof is provided and scanned into the participant folder, update the proof drop down to match the MIS.
 - ❖ If the new address proof is not available, update data in the demographics screen only, and ask for proof to be brought to next certification appointment if applicable.
- Documentation of residency will be:
 - Any document (mailed* or printed) with a(n) applicant/participant's current physical address (or mailing address for reservation participants), such as:
 - ❖ Recent pay stub
 - ❖ Utility or phone bill
 - ❖ Public Assistance documentation (agency letter or electronic verification printed)
 - ❖ Driver's License (if address is same as that reported)
 - ❖ Current vehicle registration with current address

- ❖ Recent bank statement
- ❖ Rental agreement
- ❖ Mortgage statement
- ❖ Statement by City/County Address Coordinator or another authorized designee
- ❖ Hospital certificate of live birth
- ❖ Tribal ID or Tribal Membership letter
 - * Note that “mail” (envelopes) does not need to have applicants name on them but must have the reported address.
- If the above cannot be obtained, a note from a 3rd party verifier may be used for the current certification (new verification for each certification is required).
 - ❖ The note must contain a date, physical address that matches the MIS, and signature from 3rd party verifier.
 - ❖ A 3rd party verifier is defined as a reliable source who can verify where an applicant/participant lives and who is not a WIC staff member.
- If the applicant fails to bring in this documentation, but meets all other eligibility criteria (income, ID, and nutrition risk as determined by local staff), the participant may be provided up to one month (current month) of food benefits, and require the appropriate documentation be brought within 30 days, or before the next set of benefits is due to be issued, whichever is shorter. Only one “proof” may be missing to allow a pending certification.
 - ❖ This is considered a “pending” certification and will expire after 30 days if the documentation is not provided, and certification is completed. Only current month benefits may be issued in this circumstance.
 - An applicant with no proof of residency, such as a victim of theft, loss, or disaster, a homeless individual, a migrant worker, or a person holding a VOC card will sign a copy of the Montana WIC Program *Proof of Residency/Identity Form*. Scan the form into the participant’s folder and complete the certification before issuing benefits.
- **Special Residency Circumstances:**
 - Migrant Worker:
 - A fixed address is not an eligibility criterion for participating in the Montana WIC Program.
 - The migrant’s place of employment can be used as a physical address.
 - The local WIC clinic’s address can be used for physical address if no other information is available.
 - Homeless/Institutions:
 - A fixed address is not an eligibility criterion for participating in the Montana WIC Program.
 - The local WIC clinic’s address can be used for physical address if no other information is available.

- A homeless individual is defined as someone lacking a fixed and regular nighttime residence, staying in a temporary shelter, temporarily living with others in their residence (not to exceed 365 days) or staying in a place not designated as a regular sleeping accommodation.
- Homelessness or an institutional living condition is defined as:
 - ❖ A public or private place not designated for, or ordinarily used as, a regular sleeping accommodation for human beings.
 - ❖ Temporary accommodation in the residence.
 - ❖ A facility that provides temporary residence for individuals intended to be institutionalized.
 - ❖ A supervised publicly or privately-operated shelter (including a congregate shelter, or shelter for victims of domestic violence) designed to provide temporary living accommodations.
- For residents in a homeless shelter or institution to qualify for WIC benefits the facility will comply with the following conditions:
 - ❖ The facility does not accrue financial or in-kind benefit from a person's participation in the WIC Program (i.e., by reducing its expenditures for food service because its residents are receiving WIC foods).
 - ❖ Foods provided by the WIC Program are not incorporated into a communal food service but are available exclusively to the WIC participant for whom they were issued.
 - ❖ The facility places no constraints on the ability of the participant to partake in the supplemental food and nutrition education available under the WIC Program requirements.
- Local agencies will request a signed statement that the facility meets the criteria in this policy and keep this statement on file for monitoring purposes. See *Homeless Facility Statement*.
 - ❖ This signed statement must be completed every two years.

5. Income Eligibility

- Guidelines
 - WIC Income Eligibility Guidelines are updated annually. Use the following table to determine WIC income eligibility.

Income Eligibility Guidelines (Effective from July 1, 2022 to June 30, 2023) Federal Register Vol. 85, No. 31433

Household size (Including unborn): *	Annual	Monthly	2 x Monthly	Bi-Weekly	Weekly
1	\$25,142	\$2,096	\$1048	\$967	\$484
2	\$33,874	\$2,823	\$1,412	\$1,303	\$652
3	\$42,606	\$3,551	\$1,776	\$1,639	\$820
4	\$51,338	\$4,279	\$2,140	\$1,975	\$988
5	\$60,070	\$5,006	\$2,503	\$2,311	\$1,156
6	\$68,802	\$5,734	\$2,867	\$2,647	\$1,324
7	\$77,534	\$6,462	\$3,231	\$2,983	\$1,492
8	\$86,266	\$7,189	\$3,595	\$3,318	\$1,659
Additional Family Members Add	+ \$8,732	+ \$728	+ \$364	+ 336	+ \$168

*If a pregnant woman does not meet the traditional income standard, her eligibility will be assessed using a household size increased by one, or the number of expected unborn(s) during the pregnancy in question. The unborn(s) will not be added to the household size when a household is income eligible without counting the unborn(s).

- *In situations where the household size has been increased for a pregnant woman, the same increased household size will also be used for any of her categorically eligible family members.*
- *Local WIC clinic staff may not implement this policy in individual cases where increasing a pregnant woman's household size conflicts with cultural, personal or religious beliefs of the applicant/participant.*
- *When determining household size, students away at college may be counted.*
- *Joint custody – household determination will be based on caregiver present at time of certification.*
- **Income Determination**
 - A household is defined as all persons, related or unrelated, living together in the same dwelling and sharing financial resources and costs, except for foster children.
 - Two separate households may reside under the same roof. Staff should ask specific questions to determine if this is the situation.
 - ❖ An example of this situation may include a couple who divides household resources, pay bills independently, and file taxes separately.
 - Income is defined as the gross cash income before deductions for the household (i.e., income taxes, employee's social security taxes, insurance premiums, bonds, etc.) and includes the following:

- Monetary compensation for services, including wages, salary, commissions, or fees
- Net benefits for farm and non-farm self-employment only
- Dividends or interest on savings or bonds
- Income from estates, trusts, or net rental income
- Social Security benefits
- Public assistance or welfare payments (cash benefits)
- Unemployment compensation
- Pensions, Veteran's payments, or annuities
- Alimony or child support payments
- A regular contribution from person's not living in the household (documented)
- Net royalties and other cash income including, but not limited to, cash amounts received or withdrawn from any source, including savings, investments, trust accounts and other resources which are readily available to the household
- Current income is all income received by the household during the month (30 days) prior to the date the application for benefits is made. Income will be documented at all certifications and when the participant indicates a change in income.
 - When the sole support of the family has been authorized to receive unemployment benefits, current refers to income that will be available to the family in the next 30 days.
 - If the average income over the past 12 months is a more accurate indicator of the household's income status, that may be used as current income.
 - If income has recently changed and the previous 30-day period is not reflective of earnings anticipated going forward, the determination should be made based on information available at the time of certification.
 - ❖ If unemployment or other income is anticipated in the following 30 days, this income may be documented if available.
- Income documentation can be:
 - Adjunctively Eligible programs
 - ❖ An award letter or electronic verification (SIS or screenshot printout from eligibility system) will be acceptable as documented eligibility.
 - Payroll check stubs (last 30 days)
 - Most recent tax return (adjusted gross income)
 - Award letter from unemployment
 - Award letter from Social Security Income
 - Lump sum payments when put into a savings account and the household regularly draws from that account for living expenses, the amount withdrawn is counted as income

- If income changes at any time during the certification period, the participant must notify the local agency for an eligibility evaluation.
- Income proof can be used for other household member certifications for up to 30 days. Documentation must be transferred into the applicant's chart that's being certified.
- If the applicant fails to bring in this documentation but meets all other eligibility criteria (residence, ID, and nutrition risk as determined by local staff), the participant may be provided up to one month (current month) of food benefits, and require the appropriate documentation be brought within 30 days, or before the next set of benefits is due to be issued, whichever is shorter. A signed statement self-declaring income must be completed by the applicant and scanned into the record. Only one "proof" may be missing to allow a pending certification.
 - ❖ This is considered a "pending" certification and will expire after 30 days if the documentation is not provided, and certification is completed. Only current month benefits may be issued in this circumstance.
- Self-Employment Income
 - Self-employed persons should use last year's income as a basis to project their current year's net income. Documentation will be the most recently completed Internal Revenue Service (IRS) tax return using the net income rather than adjusted gross income.
 - For a household with income from wages and self-employment, each amount will be listed separately. If there is a business loss, income from wages will not be reduced by the amount of the business loss.
 - If income from self-employment is negative, the income amount will be listed as zero. Complete the *Negative Income Statement* and scan it into the applicant's/participant's folder along with supporting documentation (i.e., taxes).
- Zero Income
 - Use the *Zero Income Statement* for anyone declaring zero income. Local WIC staff are to scan the completed form into all applicable household members' folders. At subsequent appointments you may follow up to see if income has changed and reassess as needed.
 - Anyone with zero income will be referred to all appropriate assistance agencies in the area and that referral will be documented in the applicant's/participant's folder.
- Presumptive Eligibility for Pregnant Women
 - Pregnant women who meet the income, ID and residency requirements may be determined eligible and receive benefits for a period up to 60 days to allow time to schedule the full assessment, including assignment of risk codes. Risk code 503 shall be assigned by a CPA once documentation of income, ID and residency have been

received, and benefits issued immediately. Hemoglobin may be deferred up to 90 days in this situation.

➤ Presumptively eligible women who are missing either ID or residency may also be certified as “pending” for up to 30 days if income eligibility is determined.

- Adjunctive Eligibility

- Adjunctive eligibility is defined as automatic income eligibility for applicants/participants who report they are enrolled in a qualifying State or Federal program in Montana.

- Proof will be verified using SIS, eligibility letter or electronic verification (printed and scanned).

- Programs providing adjunctive eligibility include:

- ❖ Supplemental Nutrition Assistance Program (SNAP – formerly “Food Stamps”)

- ❖ Temporary Assistance for Needy Families (TANF)

- ❖ Healthy Montana Kids Plus (HMK-Plus) and Medicaid

- ❖ Food Distribution Program on Indian Reservations (FDPIR)

- ❖ School Lunch Program (free and reduced-price meals)

- If a school qualifies for the Community Eligibility Provision (CEP) for the entire school to receive free school lunch without verification of income, this may not be used for WIC adjunctive eligibility.

- Search and Inquiry System (SIS)

- Provides electronic verification for SNAP, TANF, Healthy Montana Kids Plus and Medicaid.

- ❖ Tribal Programs TANF will not appear in SIS and must be verified with an eligibility letter.

- Procedures for WIC clinics to access SIS may be obtained by contacting the State WIC helpdesk.

- If applying one household member to determine adjunctive eligibility for the entire household, all family members’ state WIC IDs will be entered under this person in SIS.

- Applicants/participants using adjunctive eligibility do not need to provide additional income proof.

- They must self-declare their income to be recorded as part of the certification process.

- Household Adjunctive Situations

- SNAP or TANF

- ❖ If the applicant/participant, or member of the household, is currently eligible to receive SNAP or TANF, the entire household of categorically eligible participants will be determined income eligible.
 - Healthy Montana Kids Plus and/or Montana Medicaid
 - If the applicant/participant is a pregnant woman or an infant and they are currently Medicaid eligible, all household members applying for WIC will be determined income eligible.
 - If the applicant/participant is a breastfeeding woman or postpartum woman less than 60 days after delivery, and they are currently Medicaid eligible, all categorically eligible household members applying for WIC will be determined income eligible.
 - ❖ If the applicant/participant is a breastfeeding woman or postpartum woman and is verified more than 60 days after their delivery date, and they are currently Medicaid eligible, only they will be determined income eligible.
 - If the applicant/participant is a child and they are currently Medicaid eligible, only they will be determined income eligible.
 - Applicants/participants found adjunctively eligible do not lose their WIC eligibility upon cessation of benefits from TANF, SNAP, HMK Plus or Medicaid. A decision about the applicant's/participant's continuing WIC eligibility will be based upon a reassessment of the household size and income.
- Income Not Counted
 - Income not to be reported or counted in the determination of a household's eligibility includes:
 - Any cash income or value of benefits a household receives from any Federal program that excludes such income by legislative prohibition, such as the value of SNAP benefits.
 - Any subsidy a household receives through the prescription drug discount card program.
 - Student financial assistance, such as grants and scholarships, provided for the costs of attendance at an educational institution received from any program funded in whole or part under Title IV of the Higher Education Act of 1965.
 - ❖ Pell Grant
 - ❖ Supplemental Educational Opportunity Grant
 - ❖ State Student Incentive Grants
 - ❖ National Direct Student Loan
 - ❖ PLUS- Parent Loan for Undergraduate Students
 - ❖ College Work Study
 - ❖ Byrd Honor Scholarship

- Loans, such as bank loans or private student loans, since these funds are only temporarily available and must be repaid.
 - Income received under the National Flood Insurance Program (NFIP).
 - Funds the Department of Defense is providing to certain members of the Armed Forces and their household through the Family Subsistence Supplemental Allowance (FSSA).
 - The value of in-kind compensation, such as military on-base housing, or any other non-cash benefit. Military cash housing is not counted as income, but other military benefits received in cash, such as food or clothing allowances are.
 - Occasional earnings received on an irregular basis (i.e., not reoccurring, such as payment for occasional babysitting or mowing lawns).
 - If overtime is regularly relied upon, it will be counted as income. If it is infrequent, it does not count.
 - Earned Income Tax Credit funds received by a member of the household, whether received throughout the year or as a lump sum.
 - Large cash settlements (i.e., funds provided as a compensation for a loss that must be replaced, payment from an insurance company for fire damage to a house).
- Changes to Income during a Certification
 - If a participant's income changes at any time during the certification period, they must notify the local agency for eligibility evaluation.
 - The local agency must reassess a participant's income eligibility during the current certification period if the local agency receives information indicating that the participant's household income has changed. However, such assessments are not required in cases where sufficient time does not exist to effect the change. Sufficient time means 90 days or less before the expiration of the certification period.
 - The local agency must disqualify a participant and any other household members currently receiving WIC benefits who are determined ineligible based on information received.
 - Adjunctively eligible WIC participants may not be disqualified from the WIC program solely because they, or certain family members, no longer participate in one of the other specified programs. The local agency will ensure that such participants, and other household members currently receiving WIC benefits, are disqualified during a certification period only after their income eligibility has been reassessed based on the income screening procedures used for applicants who are not adjunctively eligible.
 - Special Income Circumstances:

- Military:
 - Income to be included/excluded.
 - ❖ In temporary care
 - Local WIC staff may be confronted with household composition changes in which military family members are deployed overseas or are temporarily absent from the home. This may cause military dependents to be in the temporary care of friends or relatives. The most important rule to apply to all applicants, including minors, is that this household will have its own source of income.
 - 1) Situation 1: Count the absent parent(s) and the child(ren) together as the household and use parent(s) income.
 - 2) Situation 2: Count the child(ren) and/or remaining parent as its own household. This household would have its own source of income (i.e., the dependent's allotment and/or at home parent's income). If this income is not able to sustain the household and the household is living with other relatives or friends, please use Situation 3.
 - 3) Situation 3: Consider the child(ren) to be part of the household in which the person(s) is residing (i.e., grandparents).
- Migrant Worker:
 - Income verification located on a VOC can be used to satisfy the income requirement, even if the VOC is expired, if the income verification was performed in the last 12 months.
 - In the instance of an expired VOC, the local agency staff must complete a certification.
- Homeless/Institutions:
 - Income documentation is not required in homeless situations where obtaining documentation would present an unreasonable barrier to service. Homeless individuals can self-declare their income if accompanied by a signed statement of explanation.
- Foster Child:
 - A foster child is a household of one and the income determination is based solely on the foster child's income.
 - ❖ All foster children, who are in the legal custody of the State Department of Child and Family Services, are eligible for Medicaid. If there is a delay in the verification of this eligibility, foster payments to the family may be assessed for income only for the foster child.
 - Income includes funds provided by the Human Services Agency which are specifically identified by category for the personal use of the child.

- Where the child is placed (kinship vs. licensed home) does not determine whether the child qualifies as a “foster” child, but rather the legal custody being with the State or tribal entity.
 - ❖ Other funds received by the child, such as money which may be provided by the child’s family, or social security money, will be counted as income.
 - ❖ Child-only TANF and SNAP may also apply in these situations and should be checked prior to using the *Zero Income Statement*.
 - ❖ If no income proof is available for the child at certification, fill out a *Zero Income Statement*.
 - A foster child is not included in the foster parents’ household nor is income received for the foster child’s care counted in the foster parents’ household income.
 - If a foster child is returned to his/her birth family, an income eligibility evaluation will be completed based on the new household income.
- Waiver for Native Americans living on Reservations:
 - Households applying to participate in WIC at a reservation clinic that has been granted this waiver, who has an enrolled tribal member of the governing tribe(s) in the household, may show a tribal enrollment identification as income proof if applying for WIC on that reservation. Any household member’s enrollment will qualify the applying categorically eligible member(s) of the household.
 - The following reservations have been approved for the waiver by USDA due to most residents making less than 185% poverty level according to census data:
 - Fort Peck
 - Fort Belknap
 - Rocky Boy
 - Crow
 - Northern Cheyenne
 - Blackfeet
 - Documentation of the household member’s enrollment will be scanned into the applicant’s/participant’s folder.
 - The local agency will inform each applicant household of the maximum family income allowed for that applicant’s family size.
 - The local agency shall ensure that the applicant, or the authorized representative, signs the *Tribal Eligibility Statement* attesting that the applicant’s family income does not exceed the maximum on the current income eligibility guidelines.
 - ❖ Self-declaring the income verbally without the *Tribal Eligibility*

Statement, is not allowed.

- Failure to present a tribal enrollment documentation will require the applicant/participant to present standard income documentation.
- Temporary Loss of Income (furlough)
 - Applicants who report temporary loss of income due to furlough, will have income assessed based on current income at the time of application, with consideration of known income for the following 30 days (i.e., unemployment or other known financial support).
 - ❖ Local agency staff should assess if applicant is using income from other sources (i.e., savings, investments, any additional money received, etc.)
 - Income will be followed up on monthly.
 - ❖ Monthly contact does not have to be in-person.
 - ❖ Documentation of follow up must be in participant folder monthly.
- Students: No special circumstances.
- Adopted Child:
 - When a child has been placed in a permanent home, the child is considered a member of that household.
 - If child's adoption is pending, the child is still considered a household of one.
- Alimony/Child Support:
 - Any money received by a household in the form of alimony or child support is considered as income to the receiving household.
 - Any money paid out for alimony or child support may not be deducted from that household's reported gross income.
- Emancipated Minor:
 - A minor living alone and without economic support from other persons, or living with relatives or friends, but as a separate household, is a household of one.
 - If the household is one household (all persons living together in the same dwelling and sharing financial resources and costs) all income and household members will be included to determine income eligibility.

6. Nutrition Eligibility Determination

- After a complete nutrition assessment, all applicants will be assigned all applicable nutrition risk factors to be eligible to receive WIC benefits. Risk code assignment will determine priority level. See attachment *Nutrition Risk Code Table* for details.