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**SECTION:** CERTIFICATION

**SUBJECT:** Eligibility Requirement

**ITEM:** *General Income Eligibility Guidelines and Procedures*

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**Policy**

A local agency shall, at each certification, determine the income eligibility of a WIC applicant/participant.

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**Basis for policy**

7 CFR 246.7 (d) and (n)  
WRO Policy Memo 803-AI

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**Determining  
income  
eligibility**

A local agency shall perform the functions described below when determining income eligibility of an applicant/participant:

1. A local agency shall first determine if an applicant/participant is income eligible for WIC by using the income guidelines set forth in this section and WPM Sections 210-03, 210-04 and 210-05.
  2. If the applicant/participant is not income eligible, a local agency shall determine if the applicant/participant is adjunctively eligible. An applicant/participant may be adjunctively eligible if she/he is also presently certified as fully eligible for at least one of the following programs: Medi-Cal (Medicaid), Food Stamps, Temporary Assistance for Needy Families (TANF), and/or the Food Distribution Program on Indian Reservations (FDPIR), as set forth in WPM Section 210-02.
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**Income  
determination  
for migrant  
farmworkers**

Income eligibility of migrant farmworkers shall be determined no more frequently than once annually. This is the only exception to income determination at each certification. Local agencies shall not require determination of income eligibility for any migrant farmworker (or their family member) who presents an expired Verification of Certification (VOC) card if income eligibility was determined less than 12 months prior. Income eligibility shall expire 12 months from the date of the last income determination. See WPM Section 210-06 for the definition of migrant farmworker.

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## **Proof of guardianship/ custody**

See WPM Section 210-03 for situations in which proof of legal guardianship or custody is necessary to complete an income eligibility determination for WIC benefits. Proof of legal guardianship or custody is generally not required. However, we encourage local agencies to obtain proof if guardianship or custody of a participant is in question, i.e. court order, foster care placement papers, etc.

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## **Eligibility of persons residing in institutions/ homeless facilities**

Persons residing in institutions and homeless facilities are eligible for program benefits, provided the following conditions are met to ensure proper determination of income and use of program benefits by the WIC participant:

1. All persons in a residential institution/homeless facility may not be considered as members of one “family unit” for purposes of income eligibility determination. The family size of the institutionalized person or unit of related persons, e.g., a mother and her children in a temporary shelter for battered women, does not include other residents of the shelter. Income of the resident shall be considered separate from the income of the other residents and the revenues of the institution/facility.
2. The institution/homeless facility must not accrue financial or in-kind benefit from an individual’s participation in the program, e.g., by transferring WIC foods provided to persons in institutions/homeless facility’s own general inventories, reducing the quantity of food provided to the participant, or by some other compensatory action which would reduce the level of institutional/homeless facility support to the participant.
3. Food purchased with WIC food instruments may not be shared with other residents of the institution/homeless facility. The specific authorized foods provided are intended to meet the individual nutritional needs of program participants and are not to be used in communal meals.
4. The institution/homeless facility may not place any constraints on the ability of program participants to use the supplemental foods or to fully benefit from all associated program benefits. This prohibition is intended to allow the participant to have full, free, and direct access to all program benefits and services which are available to participants who are not residents of the institution/homeless facility.

**Eligibility of persons residing in institutions/homeless facilities (cont.d)**

The local agency shall attempt to establish whether a homeless facility or institution complies with the conditions of items one through four above. If an institution/homeless facility is determined to be noncompliant during the course of a participant's initial certification period, the participant shall continue to receive WIC benefits for the remainder of the certification period. Participants applying for continued benefits may be subsequently certified, but the local agency shall suspend issuance of WIC foods, except infant formula, to the participant until compliance is achieved at the facility or alternative shelter arrangements are made. If certified, such participants shall continue to be eligible to receive all other WIC benefits, such as nutrition education and health care referral services.

We encourage local agencies to contact the homeless facilities in their service area to become familiar with the accommodations available to homeless WIC participants.

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**Eligibility for other public assistance programs**

The value of benefits or assistance received through participation in the WIC program shall not be considered as income or resources of participants or their families under federal, state, or local law. This includes, but is not limited to, taxation, welfare, and public assistance programs.

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