

Income Determination

Policy

USDA Federal Regulations: Eligibility criteria and basic certification procedures. (1) To qualify for the Program, infants, children, and pregnant, postpartum, and breastfeeding women must:

(ii) Meet the income criteria specified in paragraph (d) of this section.

(d) Income criteria and income eligibility determinations. The State agency shall establish, and provide local agencies with, income guidelines, definitions, and procedures to be used in determining an applicant's income eligibility for the Program.

(1) Income eligibility guidelines. The State agency may prescribe income guidelines either equaling the income guidelines established under section 9 of the National School Lunch Act for reduced-price school meals or identical to State or local guidelines for free or reduced-price health care. However, in conforming Program income guidelines to health care guidelines, the State agency shall not establish Program guidelines which exceed the guidelines for reduced-price school meals or are less than 100 percent of the revised poverty income guidelines issued annually by the Department of Health and Human Services. Program applicants who meet the requirements established by paragraph (d)(2)(vi)(A) of this section shall not be subject to the income limits established by State agencies under this paragraph.

(ii) Annual adjustments in the income guidelines. On or before June 1 each year, FNS will announce adjustments in the income guidelines for reduced-price meals under section 9 of the National School Lunch Act, based on annual adjustments in the revised poverty income guidelines issued by the Department of Health and Human Services.

(iii) Implementation of the income guidelines. On or before July 1 each year, each State agency shall announce and transmit to each local agency the State agency's family size income guidelines, unless changes in the poverty income guidelines issued by the Department of Health and Human Services do not necessitate changes in the State or local agency's income guidelines. The State agency may implement revised guidelines concurrently with the implementation of income guidelines under the Medicaid program established under Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.). The State agency shall ensure that conforming adjustments are made, if necessary, in local agency income guidelines. The local agency shall implement (revised) guidelines not later than July 1 of each year for which such guidelines are issued by the State.

(2) Income eligibility determinations. The State agency shall ensure that local agencies determine income through the use of a clear and simple application form provided or approved by the State agency.

(i) Timeframes for determining income. In determining the income eligibility of an applicant, the State agency may instruct local agencies to consider the income of the family during the past 12 months and the family's current rate of income to determine which indicator

more accurately reflects the family's status. However, persons from families with adult members who are unemployed shall be eligible based on income during the period of unemployment if the loss of income causes the current rate of income to be less than the State or local agency's income guidelines for Program eligibility.

(ii) Definition of "Income". If the State agency uses the National School Lunch reduced-priced meal income guidelines, as specified in paragraph (d)(1) of this section, it shall use the following definition of income: Income for the purposes of this part means gross cash income before deductions for income taxes, employees' social security taxes, insurance premiums, bonds, etc. Income includes the following—

- (A) Monetary compensation for services, including wages, salary, commissions, or fees;
- (B) Net income from farm and non-farm self-employment;
- (C) Social Security benefits;
- (D) Dividends or interest on savings or bonds, income from estates or trusts, or net rental income;
- (E) Public assistance or welfare payments;
- (F) Unemployment compensation;
- (G) Government civilian employee or military retirement or pensions or veterans' payments;
- (H) Private pensions or annuities;
- (I) Alimony or child support payments;
- (J) Regular contributions from persons not living in the household;
- (K) Net royalties; and
- (L) Other cash income. Other cash income includes, but is 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 family.

WIC Policy Memo: The definition of income for WIC purposes includes gross cash income earned by any and all members of a family. For purposes of the WIC Program the terms "household," "economic unity," and "family" can be used interchangeably (although "economic unit" is the more appropriate terminology because it correctly conveys that familial relationship is not relevant to the determination of WIC family size and income).

USDA Federal Regulations: (iv) Income exclusions. (A) In determining income eligibility, the State agency may exclude from consideration as income any:

- (1) Basic allowance for housing received by military services personnel residing off military installations or in privatized housing, whether on- or off-base; and
- (2) Cost-of-living allowance provided under 37 U.S.C. 405, to a member of a uniformed service who is on duty outside the contiguous states of the United States.

(B) The value of inkind housing and other inkind benefits, shall be excluded from consideration as income in determining an applicant's eligibility for the program.

(C) Loans, not including amounts to which the applicant has constant or unlimited access.

(D) Payments or benefits provided under certain Federal programs or acts are excluded from consideration as income by legislative prohibition. The payments or benefits which must be excluded from consideration as income include, but are not limited to:

(1) Reimbursements from the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91-646, sec. 216, 42 U.S.C. 4636);

(2) Any payment to volunteers under Title I (VISTA and others) and Title II (RSVP, foster grandparents, and others) of the Domestic Volunteer Service Act of 1973 (Pub. L. 93-113, sec. 404(g), 42 U.S.C. 5044(g)) to the extent excluded by that Act;

(3) Payment to volunteers under section 8(b)(1)(B) of the Small Business Act (SCORE and ACE) (Pub. L. 95-510, sec. 101, 15 U.S.C. 637(b)(1)(D));

(4) Income derived from certain submarginal land of the United States which is held in trust for certain Indian tribes (Pub. L. 94-114, sec. 6, 25 U.S.C. 459e);

(5) Payments received under the Job Training Partnership Act (Pub. L. 97-300, sec. 142(b), 29 U.S.C. 1552(b));

(6) Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (Pub. L. 94-540, sec. 6);

(7) Payments received under the Alaska Native Claims Settlement Act (Pub. L. 100-241, sec. 15, 43 U.S.C. sec. 1626(c));

(8) The value of assistance to children or their families under the National School Lunch Act, as amended (Pub. L. 94-105, sec. 9(d), 42 U.S.C. sec. 1760(e)), the Child Nutrition Act of 1966 (Pub. L. 89-642, sec. 11(b), 42 U.S.C. sec. 1780(b)), and the Food and Nutrition Act of 2008 (Pub. L. 95-113, sec. 1301, 7 U.S.C. sec. 2017(b));

(9) Payments by the Indian Claims Commission to the Confederated Tribes and Bands of the Yakima Indian Nation or the Apache Tribe of the Mescalero Reservation (Pub. L. 95-433, sec. 2, 25 U.S.C. 609c-1);

(10) Payments to the Passamaquoddy Tribe and the Penobscot Nation or any of their members received pursuant to the Maine Indian Claims Settlement Act of 1980 (Pub. L. 96-420, sec. 6, 9(c), 25 U.S.C. 1725(i), 1728(c));

(11) Payments under the Low-income Home Energy Assistance Act, as amended (Pub. L. 99-125, sec. 504(c), 42 U.S.C. sec. 8624(f));

(12) Student financial assistance received from any program funded in whole or part under Title IV of the Higher Education Act of 1965, including the Pell Grant, Supplemental Educational Opportunity Grant, State Student Incentive Grants, National Direct Student Loan, PLUS, College Work Study, and Byrd Honor Scholarship programs, which is used for costs described in section 472 (1) and (2) of that Act (Pub. L. 99-498, section 479B, 20 U.S.C. 1087uu). The specified costs set forth in section 472 (1) and (2) of the Higher Education Act are tuition and fees normally assessed a student carrying the same academic workload as determined by the institution, and including the costs for rental or purchase of any equipment, materials, or supplies required of all students in the same course of study; and an allowance for books, supplies, transportation, and miscellaneous personal expenses for a student attending the institution on at least a half-time basis, as determined by the institution. The specified costs set forth in section 472 (1) and (2) of the Act are those costs which are related to the costs of attendance at the educational institution and do not include room and board and dependent care expenses;

(13) Payments under the Disaster Relief Act of 1974, as amended by the Disaster Relief and Emergency Assistance Amendments of 1989 (Pub. L. 100-707, sec. 105(i), 42 U.S.C. sec. 5155(d));

(14) Effective July 1, 1991, payments received under the Carl D. Perkins Vocational Education Act, as amended by the Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990 (Pub. L. 101-392, sec. 501, 20 U.S.C. sec. 2466d);

(15) Payments pursuant to the Agent Orange Compensation Exclusion Act (Pub. L. 101-201, sec. 1);

(16) Payments received for Wartime Relocation of Civilians under the Civil Liberties Act of 1988 (Pub. L. 100-383, sec. 105(f)(2), 50 App. U.S.C. sec. 1989b-4(f)(2));

(17) Value of any child care payments made under section 402(g)(1)(E) of the Social Security Act, as amended by the Family Support Act (Pub. L. 100-485, sec. 301, 42 U.S.C. sec. 602 (g)(1)(E));

(18) Value of any “at-risk” block grant child care payments made under section 5081 of Pub. L. 101-508, which amended section 402(i) of the Social Security Act;

(19) Value of any child care provided or paid for under the Child Care and Development Block Grant Act, as amended (Pub. L. 102-586, Sec. 8(b)), 42 U.S.C. 9858q);

(20) Mandatory salary reduction amount for military service personnel which is used to fund the Veteran's Educational Assistance Act of 1984 (GI Bill), as amended (Pub. L. 99-576, sec. 303(a)(1), 38 U.S.C. sec. 1411 (b));

(21) Payments received under the Old Age Assistance Claims Settlement Act, except for per capita shares in excess of \$2,000 (Pub. L. 98-500, sec. 8, 25 U.S.C. sec. 2307);

(22) Payments received under the Cranston-Gonzales National Affordable Housing Act, unless the income of the family equals or exceeds 80 percent of the median income of the area (Pub. L. 101-625, sec. 522(i)(4), 42 U.S.C. sec. 1437f nt);

(23) 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 (Pub. L. 100-242, sec. 126(c)(5)(A), 25 U.S.C. sec. 2307);

(24) Payments received under the Sac and Fox Indian claims agreement (Pub. L. 94-189, sec. 6);

(25) Payments received under the Judgment Award Authorization Act, as amended (Pub. L. 97-458, sec. 4, 25 U.S.C. sec. 1407 and Pub. L. 98-64, sec. 2(b), 25 U.S.C. sec. 117b(b));

(26) Payments for the relocation assistance of members of Navajo and Hopi Tribes (Pub. L. 93-531, sec. 22, 22 U.S.C. sec. 640d-21);

(27) Payments to the Turtle Mountain Band of Chippewas, Arizona (Pub. L. 97-403, sec. 9);

(28) Payments to the Blackfeet, Grosventre, and Assiniboine tribes (Montana) and the Papago (Arizona) (Pub. L. 97-408, sec. 8(d));

(29) Payments to the Assiniboine Tribe of the Fort Belknap Indian community and the Assiniboine Tribe of the Fort Peck Indian Reservation (Montana) (Pub. L. 98-124, sec. 5);

(30) Payments to the Red Lake Band of Chippewas (Pub. L. 98-123, sec. 3);

(31) Payments received under the Saginaw Chippewa Indian Tribe of Michigan Distribution of Judgment Funds Act (Pub. L. 99-346, sec. 6(b)(2));

(32) Payments to the Chippewas of Mississippi (Pub. L. 99-377, sec. 4(b));

(33) Payments received by members of the Armed Forces and their families under the Family Supplemental Subsistence Allowance from the Department of Defense (Pub. L. 109-163, sec. 608); and

(34) Payments received by property owners under the National Flood Insurance Program (Pub. L. 109-64).

(35) Combat pay received by the household member under Chapter 5 of Title 37 or as otherwise designated by the Secretary.

WIC Policy Memo: Combat pay is excluded if it is:

- Received in addition to the service member's basic pay;
- Received as a result of the service member's deployment to or service in an area that has been designated as a combat zone; and
- Not received by the service member prior to his/her deployment to or service in the designated combat zone.

WIC Policy Memo: The American Recovery and Reinvestment Act of 2009 (ARRA) (PL 111-5) created the Filipino Veterans Equity Compensation Fund for certain veterans, or surviving spouses of veterans, who served in the military of the Government of the Commonwealth of the Philippines during World War II. Section 1002(c) of PL 111-5 directs the Secretary of Veterans Affairs to provide one-time payments of up to \$15,000 to eligible persons.

Section 1002(g) of PL 111-5 provides that these payments shall not be included as income or resources for purposes of determining the eligibility of an individual for, or the amount of benefits under, any federal or federally assisted program. Therefore, Filipino Veterans Equity Compensation Fund payments must not be counted as income or as a resource in determining eligibility for the Special Supplemental Nutrition Program for Women, Infants and Children.

USDA Federal Regulations: (v) Are applicants required to document income eligibility?

(A) Adjunctively/automatically income eligible applicants. The State or local agency must require applicants determined to be adjunctively or automatically income eligible to document their eligibility for the program that makes them income eligible as set forth in paragraph (d)(2)(vi) of this section.

(B) Other applicants. The State or local agency must require all other applicants to provide documentation of family income at certification.

(C) Exceptions. The income documentation requirement does not apply to an individual for whom the necessary documentation is not available or an individual such as a homeless woman or child for whom the agency determines the income documentation requirement would present an unreasonable barrier to participation. Examples of individuals for whom the necessary documentation is not available include those with no income or no proof of income (such as an applicant or applicant's parent who is a migrant farmworker or other individual who works for cash). These are the only exceptions that may be used. When using these exceptions, the State or local agency must require the applicant to sign a statement specifying why he/she cannot provide documentation of income. Such a statement is not required when there is no income.

(D) Verification. The State or local agency may require verification of information it determines necessary to confirm income eligibility for Program benefits.

Authority

7 CFR Part 246.7(c)(1)(ii)
7 CFR Part 246.7(d)(1)
7 CFR Part 246.7(d)(1)(ii-iii)
7 CFR Part 246.7(d)(2)(i-ii)(A-L)
WIC Policy Memo 2013-3 Income Eligibility Guidance
7 CFR Part 246.7(d)(2)(iv)(A)(1-2)
7 CFR Part 246.7(d)(2)(iv)(B-D)(1-35)
WIC Policy Memo 2010-2 Exclusions of Combat Pay from WIC Income Eligibility
WIC Policy Memo 2010-5 Payments to Certain Filipino World War II Veterans – Exclusion
from Income and Resources
7 CFR Part 246.7(d)(2)(v)(A-D)

Procedures

Income eligibility is based on the current gross cash income before deductions for taxes, insurance premiums, bonds, and garnishment for all members of the household (i.e., total cash income before taxes from all sources). WIC regulations do not permit gross income to be reduced for hardships, high medical bills, childcare payments, taxes, child support, alimony, insurance, or other deductions.

Use the following steps to proceed when determining income eligibility.

- Determine household size.
- Assess adjunctive income eligibility.
 - If yes, require documentation of adjunct program participation, accept verbal declaration of monthly income, and document income eligibility.
 - If no, go to next step.
- Identify sources of income for the household, require documentation and record proof.
- Compare total income to income guidelines.
 - If eligible, proceed with certification.
 - If over income guidelines, issue a Notice of Ineligibility or a Notice of Termination depending on the participant's current WIC status.

The WIC data system is required to be used to document proof of income sources. If the applicant

- brings proof, document the proof provided and inform the participant that it is their responsibility to report income changes if they occur prior to their next certification appointment. (For proofs submitted via electronic means, they must not be submitted more than 30 days prior.)
- fails to bring proof but verbally declares their income within the guidelines, leave the field, "Proof," blank; print and complete the "Signed Statement" from the WIC data system; tell participant to bring or provide proof via electronic means (i.e. text or email; must delete immediately following review) within 30 days in order to continue program

participation; and then continue the assessment to determine nutrition risk. (The missing proof of income field will trigger the option to provisionally certify an applicant when the CPA clicks on the Certify button. Provisional certification results in one month of benefits and an automatic system alert about the need to provide proof of income within 30 days to continue receiving services. Make arrangements for the applicant to provide the missing proof in the next month and scan the signed statement into the participant record.)

- fails to bring proof and verbally declares their income to be over the income guidelines, issue a Notice of Ineligibility or termination depending on their current WIC status, provide a copy of the income guidelines, and advise them to compare the guidelines to their proof of income, and schedule another appointment if they believe they are eligible.
- cannot reasonably provide proof of income (e.g., migrant farm worker, someone who works for cash) and verbally declares income within guidelines select “Affidavit” as the proof provided, and print and complete the “Signed Statement” from the WIC data system. Then scan the signed statement into the participant record.

The WIC data system must be used to verify income eligibility. It calculates income based on what data is recorded in the income table.

- If the income occurs at more than one frequency (weekly, monthly, biweekly, etc.) all the income will be annualized and the sum compared to the established annual WIC Income Eligibility Guidelines.
- If the income occurs at only one frequency the income will not be annualized but instead is compared to the appropriate established WIC Income Eligibility Guideline for that frequency.

Current income is defined as all income received by the household during the month (30 days) prior to the date of application for WIC benefits. In some cases, income determination may be done prospectively (e.g., the sole support of the family has just been laid off but has been authorized to receive unemployment benefits for the next 6 months), in these cases “current” refers to income that will be available to the family in the next 30 days.

If the applicant requires a prospective income determination to be completed rather than current income then

- select “Affidavit” as the proof provided,
- print and complete the “Signed Statement” from the WIC data system and have the participant indicate what the prospective income will be,
- place an alert in the system to document what has occurred,
- issue one month of benefits, and
- schedule the participant to return within 30 days to provide proof of income and to issue the remaining benefits.

If income is irregular due to varying number of hours worked, changing wages, irregular overtime hours, or being decreased due to strikes or unpaid leaves, it will be necessary to manually calculate the monthly or weekly income to record in the WIC data system.

Applicants with unpaid maternity leaves are considered to have an irregular income. (In determining the income eligibility of categorically eligible persons affected by a Federal shutdown, State/local agencies should use the same procedures normally used to assess the income eligibility of a person experiencing a temporary loss of income such as temporarily laid-off workers.)

If income is received monthly or twice a month

- Total the income earned during the preceding 90 days, divide by 3 to obtain monthly income, and record this amount in the income table.

If the income is received every two weeks or weekly

- Total the income received during the preceding 12 weeks, divide by 12 to obtain a weekly income, and record this amount in the data system.

For applicants with unemployed adult family members, current income is based on the period of unemployment if that period is less than 90 days. Total the income for the period of unemployment, and then calculate monthly income. It may be necessary to calculate weekly income in order to calculate monthly income.

- Note: To be considered unemployed, a person has to have been previously employed and actively seeking employment. Adult family members include individuals who are 18 years or older.

Reports of zero income

- WIC defines a family (economic unit) as a group of related or unrelated persons sharing financial and other resources. Applicants declaring a zero income should be asked to describe their living circumstances and how they obtain basic living necessities such as food, shelter, medical care and clothing. Sources of income such as withdrawals from savings, child support, or assistance from sources not living in the economic unit, should be reviewed.
- If the applicant identifies a source of income in response to the questions leave the field, “proof” blank, tell participant to provide proof within 30 days write an alert to follow-up, and issue only one month of food benefits.
- If the applicant still reports zero income print the “Signed Statement” from the WIC data system and have them complete the form and sign it.
- select “Affidavit” for the proof provided, complete the section of the form about income, and consider the applicant income eligible.

Self-employment

Both farm and non-farm self-employed persons are assessed for WIC income eligibility using net income rather than gross income. Use the applicant’s most recently completed IRS tax returns as a basis for calculating net income. Use the “adjusted gross income” figure indicated on the completed Federal tax return but it must be adjusted to reflect income for the most recent 12 months. Base the adjustment on self-reported changes in income.

Lump sum payments

Divide the lump sum payment by 12 to obtain a monthly income from the payment. Add this amount to monthly income from any other sources. This amount must be counted as income for 12 months after it was received.

Best Practices

It is not always possible or reasonable to certify all family members on the same day or even in the same month. It is acceptable to use a previous income determination if it was completed within 30 days.

The same steps are followed during a certification outside the normal WIC clinic walls except they are done via a phone interview (no more than 30 days prior) with a staff member who will not be the one seeing the participant and the proofs are sent electronically for review by the person conducting the phone interview via text message, email, or fax. (Proofs submitted via electronic means, must be deleted immediately upon review.)

Due to long travel distances to some WIC clinics, some applicants may ask WIC staff to screen their income eligibility over the phone before scheduling an appointment. This screening is not the same as eligibility determination because it is completed without review of income documents.

When a potential participant calls, follow the steps below.

1. Ask whether the applicant lives in Iowa.
2. Ask questions to determine adjunctive income eligibility including:
 - a. Do you receive Medicaid?
 - b. Do you participate in the Iowa Food Assistance Program or receive FIP payments?
 - c. Is the child currently enrolled in Head Start or Early Head Start and eligible for that program due to meeting its income eligibility requirements?

If yes to any of the above questions, then they are income eligible for WIC. Make an appointment for the family. If No to all of the questions above then continue to Step 3 below

3. Determine household gross income to the best of your ability.
4. Screen for eligibility by comparing household size and income to the current income guidelines or by using the income guidelines reference in the WIC data system.

If reported income Exceeds the guidelines then share the income guidelines with the applicant, tell them they don't appear to be eligible, and offer the option to make an appointment for review of their income documents. If reported income meets the guidelines then share the income guidelines with the applicant, tell them they appear eligible, and ask them if they'd like to make an appointment for a final eligibility determination.

Unemployment benefits in Iowa may or may not be reduced for taxes and also may be garnished for a variety of reasons (i.e., child support). When asking for documentation of unemployment benefits, participants should be asked to bring a "white sheet" (which can be obtained from their local unemployment office).

