

Determining Eligibility for Meal/Milk Benefits Foster Care, Kinship Care and Adoption Assistance Fact Sheet

School agencies must abide by the United States Department of Agriculture's (USDA) requirements when determining eligibility for free and reduced price meals in the National School Lunch Program and School Breakfast Program, and determining eligibility for free milk under the federal Special Milk Program. The School Nutrition Team at the Wisconsin Department of Public Instruction administers the school nutrition programs for the state and is the contact when there are questions about how USDA eligibility determination requirements apply to:

- Foster Care.
- Kinship Care.
- Adoption Assistance or Subsidized Adoption.

Effective October 1, 2010, children formally placed in foster care are categorically eligible for free meals (Section 102 of the Healthy, Hunger-Free Kids Act of 2010, Public Law 111-296). In order to provide eligible foster children with free meals, determinations must be made by either obtaining the appropriate documentation from the State (or county) child welfare agency or a court, or by having the household complete a paper application. This fact sheet provides some details about eligibility determination for children in foster care.

Who is Eligible?

Children in Foster Care

According to USDA regulations, a foster child is any child whose care and placement is the responsibility of the State (or county) child welfare agency or who is formally placed by a court with a caretaker household.

In Wisconsin, children are categorically eligible for free meals if they are placed in:

- Foster Care with a relative (includes court-ordered kinship care);
- Foster Care with a non-relative; or
- Foster Care in a group home.

Who is not Eligible?

Children in Informal/Voluntary Kinship Care

Under kinship care, a child resides with a family member. If the kinship care arrangement is not a formal arrangement by the State or county child welfare agency or a court (i.e. informal or voluntary), the child does not meet USDA's definition of a foster child and is considered a member of the household where they live. A free and reduced price meal application for a household with a child under kinship care (who does not meet the USDA's definition of foster child) should be completed according to the application instructions and include this child as member of the household. Kinship care payments made to the household must be reported as part of the household income.

Adopted Children

Adopted children are not foster children and are not categorically eligible for free meals. Like kinship care, the free and reduced price meal application for households containing adopted children should be completed according to the application instructions and include the adopted child(ren) as member(s) of the household when determining meal benefits. An adoptive family may be receiving adoption assistance for their child. If the family applies for

free or reduced price meal benefits, the Adoption Assistance payments must be included as income on the application submitted by the adoptive parents. Further details are included under Question Number Four; on Page 38 of USDA's *Eligibility Manual for School Meals*.

Acceptable Documentation of Foster Child Status without Application

To certify a foster child's categorical eligibility for free meals without a paper application, any of the documents listed in the following table may be provided to the school. Required documentation may be requested from the foster parent, the court, or from the local child welfare agency assigned to the child's case. A list of foster children sent to the Local Educational Agency (LEA) as a result of direct contact with the foster care agency is also acceptable.

Form	Description
Order for Temporary Physical Custody	Legal/court form giving county temporary care and custody responsibilities. Placement is identified.
Order for Change in Placement (In-home to Out-of-home Placement Only)	Legal/court form changing placement from in-home to out-of-home care. Placement is identified
Order for Change in Placement (Out-of-home to Out-of-home Placement Only)	Legal/court form changing placement from one out-of-home care provider to another. Placement is identified.
Voluntary Placement Agreement	Legal/court form for voluntary placement of child into out-of-home care by parent or legal guardian. Placement is identified by name without address.
Foster Home Agreement Child Placed in Out-of-home Care by Agency	Agreement between placing agency and foster parent or group home for placement of identified child. Provider is identified without address.
Relative Caregiver Agreement Child Placed in Out-of-home Care by Agency	Agreement between placing agency and relative for placement of identified child. Provider is identified without address. This is a court ordered placement.
Adoptive Family Placement Agreement <i>*This document is valid as proof of foster child status only to the date of the finalization of the adoption. Once the adoption is finalized the child is no longer a child in foster care.</i>	Agreement between placing agency and pre-adoptive parent for placement of identified child. Child is legally a "foster child" from time of placement to finalization of the adoption. Provider is identified without address. Foster care payment is issued until adoption finalizes, then converts to an adoption assistance payment

Determining Eligibility with Paper Applications for Foster Children

In lieu of obtaining documentation of the foster child's status, households may complete one application for all children residing in the home (foster and non-foster), checking the appropriate box indicating which child(ren) are in out-of-home care or are the legal responsibility of the child welfare agency or court. Income earned by the foster child must still be reported on the application, but foster payments from placing agencies *are not* considered income and do not need to be reported. Additionally, having a foster child reside in the household *does not* automatically extend benefits to all children in the same manner as participation in Food Share, W-2 Cash Benefits or the Food Distribution Program on Indian Reservations (FDPIR). In processing the application, the LEA or other child nutrition program agency would certify the foster child for free meals, and then make an eligibility determination for the remainder of the household based on the number of household members (including the foster child/ren) and the household's income (including personal income earned by the foster child) or other categorical eligibility information reported on the application.

For more information on eligibility of children under Foster Care, Kinship Care and Adoption Assistance, please refer to the following resources:

- Healthy, Hunger-Free Kids Act of 2010, Public Law 111-296 (www.fns.usda.gov/cnd/Governance/2011-06-29.pdf)
- USDA Guidance Memo SP 17-2011 – Revised (3/16/11) (www.dpi.wi.gov/fns/cnrsnp.html)
- USDA *Eligibility Manual for School Meals* (2008) (www.dpi.wi.gov/fns/pdf/eligibility_manual2008.pdf)

For questions and concerns related to the eligibility of foster children for free meal benefits, please contact the School Nutrition Team at (608) 267-9228.

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