



Procedure: Income Determination – Special Circumstances

Functional Area: VIII Certification, Eligibility & Coordination of Services

Section: A 7

Approval Date: 6/2013

Citation: 246.7(c)-(d), (ix), (h)(1)(i-ii)

Revised Date: 5/2013

Purpose	Describe how to determine income for special circumstances.
In-stream Migrant Farmworkers	<p>The income of an in-stream migrant farmworker must be determined at least once every twelve months. The date of income determination is to be recorded on the transfer card, the WIC Signature Form, and the computer system. Migrant farmworkers who are in-stream when their VOC cards expire shall be considered income eligible (the income of migrant families who remain in-stream all the time shall be reevaluated at least annually). Any determination that members of an in-stream migrant farmworker’s family have met financial eligibility, either in the migrant’s home base area before the migrant has entered the stream for a particular agricultural season, or in an in-stream area during the agricultural season, shall satisfy the income criteria for the migrant participant in any state for any subsequent certification while the migrant is in-stream during the 12 month period following the income determination. This applies only to in-stream migrant farmworkers.</p>
Foster Children	Payments made by the state agency for the care of that foster child shall be considered the income of that one-member family.
Children In Legal Custody	If a family has accepted legal responsibility for a child, the income of that entire family shall be used to determine income eligibility.
Children Living With Someone Other Than Parents or Legal Guardian	In this situation, where the minor is living with relatives or friends other than the parents or legal guardians, the staff member shall make the income determination based on facts of the individual situation. One thing to consider would be if the family with whom they currently live provides total support of the minor. If this were the case then the income of the entire family would be used.
Teenager Living With Parents or Another Family Unit	If an unwed teenager, (pregnant or with a child) lives with her parents and is claimed by them as a dependent for income tax purposes, the income of the parents and any income the minor receives shall be used to determine income eligibility.

**Teenager
Living With
Parents or
Another Family
Unit (cont.)**

If the unwed teenager, lives with a family unit (relatives, friends, etc.) and receives support that she does not pay or provides in-kind services for, the income of the family with which she is living shall be used to determine income eligibility.

If an unwed teenager lives in the same house with her parents or another family unit, but receives no support, such as shelter or food, from them, and has her own source of income, only her income will be taken into consideration. For example this could occur if the teenager has her own apartment or area within the home.

**Young Adult Living
Separately, But Whose
Rent/Utilities is Being
Paid**

The cost of the rent and utilities would be considered in-kind and not counted as income when:

- Their employer is paying the rent and utilities as part of their compensation for working
- Parents are paying the rent/utilities directly to the landlord and utility company AND the young adult has a source of income that can pay all other expenses.

The cost of the rent and utilities would NOT be considered in-kind and counted as income when:

- Parents are giving the money for rent/utilities directly to the young adult and
 - a) they do not have another source of income to pay for their other expenses. The parents and young adult's income would be used to determine income eligibility.
 - b) They have income that pays for all other expenses, the money given to them to use for rent and utilities is counted as income.
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**More Than
One Family
Living in The
Same
Household**

If the family applying for WIC benefits receives partial or total support, including, but not limited to shelter or food, from another family living in the same household, the combined income will be used to determine financial eligibility.

If the family applying for WIC benefits lives under the same roof with another family unit, but receives no support, including, but not limited to shelter or food, from the other family, only the income of the family applying for WIC will be considered.

**Divorced
Families/Child
Support
Payments**

Child support payments actually received by the parent with legal custody are counted as income.

A family who is making child support payments to someone else cannot deduct the payments from their income.

An example would be: A mother and child live together and receive child support payments from the father. The father has remarried and lives with his wife who is expecting a baby. The current wife and ex-wife both apply for WIC benefits. The ex-wife and child would count the child support payments as

**Divorced
Families/Child
Support
Payments (cont)**

income for a family of two. The father and new wife cannot deduct the child support payments from their income and the child living with the ex-wife cannot be counted in their family size.

**Seasonal Income or
Uneven Income**

Families may have one or more members who work in jobs that are seasonal, that is they only work during certain months. Others may work all year, but the amount of wages earned varies month to month or season to season. Examples of this type of work include farm or construction workers, trucking or railroad employees.

In cases where this type of variation exists income should be based on a 6 or 12 month period of time, whichever is more reflective of the actual income of the family.
