

FREQUENTLY ASKED QUESTIONS: Non-Minor Dependents & CalFresh

1) Will being in foster care disqualify a NMD from eligibility for CalFresh benefits?

Answer: Participating in extended foster care does not disqualify a NMD from eligibility for CalFresh benefits.¹ Eligibility for CalFresh benefits is made on a case by case basis and considers the individual’s earned and unearned income, including any portion of the foster care payment they receive directly; assets; household composition; the amount of rent and utility expenses; student status and other factors.

2) What are the income requirements for CalFresh eligibility?

Answer: CalFresh eligibility is based on gross and net income determination tests. Gross income is all non-excludable income from any source including both earned and unearned income. Net income is what you are left with after deductions are applied to your gross income. Income deductions are described in question 5.

The maximum gross income allowed is 200% of the Federal Poverty Level (FPL).² The maximum net income allowed is 100% of the FPL.³ (For a chart showing maximum household incomes for each household size, see right-hand column). How to count any portion of a foster care payment a NMD receives is addressed in the next question.

3) Should a NMD count their foster care payment as income?

Answer: Any portion of the NMD’s foster care payment that is received *directly* by the NMD is considered unearned income and included when determining the household’s eligibility and benefit level. Any portion of the foster care payment that is not paid directly to the NMD is considered a vendor payment and therefore excluded from unearned income.⁴ Below are some examples by placement:

- Supervised Independent Living Placement (SILP): A NMD’s monthly SILP payment is counted as unearned income when they receive it directly. If this payment is going directly from the county to a landlord to pay for rent, then the amount is considered a vendor payment, and is excluded from income consideration.
- Transitional Housing Placement (THP+FC): The monthly THP+FC rate the provider receives per youth is *not* what is counted as income. The monthly stipend that a NMD in a THP+FC placement receives *directly* from the provider is the amount that is counted as unearned income.

WHAT IS A “NON-MINOR DEPENDENT”?

A “non-minor dependent” or “NMD” is a person who is 18, 19 or 20 years of age and is participating in extended foster care (under dependency, transition, or delinquency jurisdiction). Extended foster care was established in 2010 by the passage of California Assembly Bill 12, The Fostering Connections to Success Act and was implemented starting in 2012. More information at www.cafosteringconnections.org.

WHAT IS CALFRESH?

The CalFresh Program, federally known as the Supplemental Nutrition Assistance Program (SNAP), and known formerly as food stamps, issues monthly electronic benefits that can be used to buy most foods at many markets and food stores. More information at www.calfresh.ca.gov.

GROSS MONTHLY INCOME ELIGIBILITY STANDARDS FOR MCE/BBCE FY2018 (200% Federal Poverty Level)

Household Size	Gross Income
1	\$2,010
2	\$2,708
3	\$3,404
4	\$4,100
5	\$4,798
6	\$5,494
7	\$6,190
8	\$6,888
Each add'l member	+\$698

MAXIMUM MONTHLY ALLOTMENTS FY2018

Household Size	Maximum Allotment
1	\$192
2	\$352
3	\$504
4	\$640
5	\$760
6	\$913
7	\$1,009
8	\$1,153
Each add'l member	+\$144

These tables, in addition to the net income eligibility table are provided by the USDA on their [website](#), and by CDSS, as an attachment to [ACIN I-63-17](#) (COLA for 2017-18).

While the THP+FC rate is set and providers all receive the same monthly amount per youth, the amount that the providers choose to pass on *directly* to the youth varies across the state. Note that any amount that the provider pays directly to a landlord for rent (the youth does not receive this) would not be counted as a direct stipend, and therefore would be excluded from income consideration.

4) Does participation in the THP-Plus program for *former* foster youth impact CalFresh eligibility?

Answer: Although youth participating in the THP-Plus program are not NMDs, the rules for counting income are the same as they are for THP+FC. The monthly stipend that a youth participating in the THP-Plus program receives directly from the provider is the amount that is counted as unearned income.⁵

5) If a NMD lives in a household where other individual(s) are already receiving CalFresh benefits can they still apply?

Answer: In shared living arrangements where meals are purchased and prepared *separately*, each individual may apply for CalFresh benefits separately (i.e. THP+FC, renting a room in a SILP). In shared living arrangements where meals are purchased and prepared *together*, the Head of Household would apply for CalFresh benefits on behalf of the entire household (i.e. foster/relative caregiver, guardian homes).

A CalFresh household has the option to include or exclude a NMD and the foster care payment when determining the household's eligibility and benefit level. The exception to this rule applies to NMDs who are a CalFresh household of one, as often the case for NMDs in SILPs or THP+FC. (A NMD and the NMD's income cannot be excluded from a household of one as no CalFresh household would remain).⁶

6) What are income deductions, which are more common to NMDs, and how do they work?

Answer: The net income is computed by deducting certain allowed amounts from the gross income. Four types of income deductions that are more common to NMDs are described below. Deduction amounts are adjusted annually by the U.S. Department of Agriculture (USDA) at the beginning of each federal fiscal year, based on changes in the cost of living. Current amounts can be found on the USDA's website at <http://www.fns.usda.gov/snap/cost-living-adjustment-cola-information>. The California Department of Social Services (CDSS) also releases an annual All County Information Notice (ACIN) that includes the updated amounts based on Cost of Living Adjustments (COLAs).

- **Earned Income:** All CalFresh recipients have an allowable deduction of 20%. This means that NMDs who are working can automatically deduct 20% of the amount they earn from wages or salaries to calculate their net income.
- **Standard Deduction:** All CalFresh recipients get the standard deduction. For households of 1-3 people, this deduction is \$160 for FFY 2018.
- **Standard Utility Allowance:** When utility costs are separate from the rent payment, the CalFresh recipient is eligible for this deduction. A NMD who pays any utility bill *separate* from their rent

payment (i.e. making payments directly to the utility company) is allowed the Standard Utility Allowance which is \$397 for FFY 2018.

- **Dependent Care:** Actual cost of payments necessary for dependent care if that care enables a household member to accept or continue employment or training, or education preparatory for employment. A NMD who pays for childcare when that childcare enables them to work or attend training/education preparatory for work, should deduct their childcare costs to determine their net income.⁷

7) Are there any types of income that aren't counted when considering CalFresh eligibility?

Answer: Yes, there are certain types of income that are not counted when calculating gross or net income. They are listed below:

- In-kind benefits (any gain or benefit that is not in the form of money – i.e. meals, clothing, housing provided by employer, etc.)
- Vendor payments (money paid to third party for a household expense by a person or organization outside of the household)
- Deferred educational loans
- Grants and scholarships
- Credit card company gift cards (i.e. American Express, MasterCard, Visa, etc.) if the gift card cannot be reasonably anticipated by the CalFresh recipient; and any establishment-specific gift cards (i.e. specific grocery stores, gas stations, retail stores, etc.)⁸
- Cash donations from a charitable organization of not more than \$300 in a calendar quarter
- Income received too infrequently/irregularly to be reasonably anticipated but not more than \$30 in a quarter⁹

8) What if a NMD in a THP+FC program or a former foster youth in a THP-Plus program receives a gift card from their housing provider on a monthly basis? Is this counted as income?

Answer: If the housing provider gives the NMD or former foster youth a gift card instead of cash as a stipend, the gift card is only counted as income when determining a household's eligibility or benefit level if it is a credit card company prepaid gift card (i.e. American Express, MasterCard, Visa, etc.), and the gift card can be reasonably anticipated by the youth. If the credit company gift card cannot be reasonably anticipated, it is counted as a resource. Establishment-specific gift cards (i.e. specific grocery stores, gas stations, retail stores, etc.) are excluded as income and resources when determining a household's eligibility or benefit level.¹⁰

9) Should a NMD include "under the table" income they earn on their CalFresh application?

Answer: Yes, all income must be reported at application. After benefits are initiated, most CalFresh households are issued an Income Reporting Threshold (IRT), which if exceeded, requires the household to report the income to the county. As long as earned income, cash or otherwise, is under this threshold it need not be reported.

10) Does being a student impact a NMD's eligibility for CalFresh?

Answer: No. Participation in Extended Foster Care exempts a youth from the CalFresh restrictions for students. Many *former* foster youth also fall into an exemption category. (See below)

Students enrolled half-time in institutions of higher education are generally not eligible for CalFresh, unless they meet certain criteria or are exempt from the requirement.¹¹

If a student meets any of the following exemption criteria, they are not excluded from eligibility for CalFresh based on their student status:

- Employed for a minimum of 20 hours per week
 - Approved for work study for the current term and anticipate working during term
 - A parent with a dependent child under age 6
 - A parent with a dependent child age 6-12 and for whom lack of adequate child care prevents from attending class and working 20 hours per week or participating in work study
 - Enrolled full-time in a higher education institution and a single parent with a dependent child under age 12
 - Participating in Extended Foster Care*
 - Receiving a Cal Grant
 - Receiving a Chafee Education & Training Voucher*
 - Participating in a foster youth campus support program such as the Guardian Scholars Program, the Foster Youth Success Initiative (FYSI), and Cooperating Agencies Foster Youth Educational Support (CAFYES).*
 - Participating in a campus support program such as the Extended Opportunities Programs and Services (EOPS), Educational Opportunity Program (EOP), Disabled Students Programs and Services (DSPS), Cooperative Agencies Resources for Education Program (CARE), UC McNair, Puente Project, and the Mathematics, Engineering, Science Achievement (MESA) Program.*
 - Workforce Innovation and Opportunity Act (WIOA) programs*
 - Those who are physically or mentally unfit for employment
 - High school students
 - Those enrolled in higher education institutions less than half time as defined by the institution
 - Those enrolled in schools and training programs which are not institutions of higher education
- *These criteria all fall under the exemption "Participating in a state funded program that increases employability". See [All County Letter 17-05](#) (issued February 14, 2017) for more information.*¹²

11) Are grants and scholarships counted as income when I apply for CalFresh?

Answer: No. Grants and scholarships are considered exempt income.¹³ They should not be included on your application as income.

12) What amount of CalFresh benefits will NMDs likely qualify for? How might this differ for parenting NMDs?

Answer: The amount of CalFresh benefits a household gets depends on how many people are in the household and how much monthly net income remains after taking allowable deductions. The county welfare department takes the maximum amount of CalFresh benefits a household can

get for the number of people in the household, and then deducts 30% of the household's net income. This means that for every \$10 of net income the household has, the CalFresh office will reduce the CalFresh allotment by \$3.

For Federal Fiscal Year (FFY) 2018 (October 1, 2017 through September 30, 2018) the maximum monthly allotment for a two-person household in California is \$352. Maximum allotments are adjusted by the USDA at the beginning of each federal fiscal year, based on changes in the cost of living (<http://www.fns.usda.gov/snap/cost-living-adjustment-cola-information>). A chart that shows the maximum monthly allotments by household size for the current federal fiscal year is included in the right-hand column on page 1. CDSS also includes this information in their annual ACIN that includes updated COLAs.

13) If a NMD is also receiving Supplemental Security Income or State Supplemental Program payments (SSI/SSP), does this affect their eligibility for CalFresh?

Answer: Those receiving SSI or SSP are not eligible for CalFresh.¹⁴

14) How do you go about applying for CalFresh?

Answer: Download an application at <http://www.cdss.ca.gov/cdssweb/entres/forms/English/CF285.pdf>, fill it out, and submit it to your local County Welfare Department, or complete it online at <http://www.benefitscal.org/>. You will be required to have an interview with the County to discuss your application, most likely done over the phone. You will be asked for proof of your income, expenses, and other circumstances to see if you are eligible. A list of proof needed to get benefits is included on the online application. The County will send you a letter to let you know if your household is approved or denied CalFresh benefits within 30 days.¹⁵

15) Where can I use my CalFresh benefits to buy food, and what can I buy?

Answer: You can use your CalFresh benefits to buy almost all foods, as well as seeds and plants to grow your own food. You cannot buy alcohol, tobacco, pet food, food that will be eaten in the store, hot foods, or anything that is not food (like toothpaste, soap, or paper towels).¹⁶

CalFresh benefits can be used to purchase food at grocery stores, farmers' markets, and even some flea markets. They cannot be used to purchase foods online.

16) How long will it take from the time I apply for CalFresh to the time I receive my first benefit payment?

Answer: It may take up to 30 days to process your application. However, you may be able to get benefits within 3 calendar days if your household's monthly gross income (income before deductions) is less than \$150 and your cash on hand or in checking or savings accounts is \$100 or less; or if your household's housing costs (rent and utilities) are more than your monthly gross income and cash on hand or in checking or savings accounts. *(For additional circumstances less common to NMDs, visit the online application).*¹⁷

Online CalFresh Resources:

- California Department of Social Services, CalFresh Program - <http://www.dss.cahwnet.gov/foodstamps/>
- United States Department of Agriculture Food and Nutrition Service, Supplemental Nutrition Assistance Program - <http://www.fns.usda.gov/snap/supplemental-nutrition-assistance-program-snap>
- Legal Services of Northern California's Guide to CalFresh Benefits - <http://calfresh.lsncl.net/>
- CalFresh online application - <http://www.benefitscal.org/>

¹ California Department of Social Services. All County Information Notice I-68-17 (October 2, 2017).

<http://www.cdss.ca.gov/Portals/9/ACIN/2017/I-68-17.pdf?ver=2017-10-02-151226-987>

² The maximum gross income allowed is technically 130% of the FPL, however the California Department of Social Services (CDSS) applies a gross income limit of 200% FPL because of a policy called Modified Categorical Eligibility. A TANF-funded benefit is made available to all CalFresh recipients and CDSS applies the gross income limit of that benefit, which is 200% FPL. This is also why CDSS does not currently apply the resource/asset test to households.

³ Code of Federal Regulations § 273.9(a). [http://www.ecfr.gov/cgi-bin/text-idx?SID=bc19473384f994f28453c3af21a8a305&mc=true&node=pt7.4.273_19](http://www.ecfr.gov/cgi-bin/text-idx?SID=bc19473384f994f28453c3af21a8a305&mc=true&node=pt7.4.273&rgn=div5#se7.4.273_19)

⁴ California Department of Social Services. Food Stamp Regulations § 63-502.2(b). <http://www.cdss.ca.gov/foodstamps/entres/getinfo/pdf/fsman5.pdf>. All County Information Notice I-68-17 (October 2, 2017). <http://www.cdss.ca.gov/Portals/9/ACIN/2017/I-68-17.pdf?ver=2017-10-02-151226-987>

⁵ California Department of Social Services. All County Information Notice I-68-17 (October 2, 2017). <http://www.cdss.ca.gov/Portals/9/ACIN/2017/I-68-17.pdf?ver=2017-10-02-151226-987>

⁶ California Department of Social Services. All County Information Notice I-68-17 (October 2, 2017). <http://www.cdss.ca.gov/Portals/9/ACIN/2017/I-68-17.pdf?ver=2017-10-02-151226-987>

⁷ California Department of Social Services. Food Stamp Regulations § 63-502.3. <http://www.cdss.ca.gov/foodstamps/entres/getinfo/pdf/fsman5.pdf>

⁸ U.S. Department of Agriculture. Memorandum: Revised Treatment of Gift Cards in Determining SNAP. https://fns-prod.azureedge.net/sites/default/files/snap/Revised_Gift_Card_Policy_Memo.pdf. All County Information Notice I-68-17 (October 2, 2017). <http://www.cdss.ca.gov/Portals/9/ACIN/2017/I-68-17.pdf?ver=2017-10-02-151226-987>

⁹ United States Code § 2014(d). <https://www.law.cornell.edu/uscode/text/7/2014#d>

¹⁰ U.S. Department of Agriculture. Memorandum: Revised Treatment of Gift Cards in Determining SNAP. https://fns-prod.azureedge.net/sites/default/files/snap/Revised_Gift_Card_Policy_Memo.pdf. California Department of Social Services. All County Information Notice I-68-17 (October 2, 2017). <http://www.cdss.ca.gov/Portals/9/ACIN/2017/I-68-17.pdf?ver=2017-10-02-151226-987>

¹¹ California Department of Social Services. Food Stamp Regulations § 63-406. <http://www.calfresh.ca.gov/entres/getinfo/pdf/fsman4b.pdf>

¹² California Department of Social Services. All County Letter 17-05 (February 14, 2017). <http://www.cdss.ca.gov/Portals/9/ACL/2017/17-05.pdf?ver=2017-02-15-111331-970>

¹³ California Department of Social Services. Food Stamp Regulations § 63-502.145. <http://www.cdss.ca.gov/foodstamps/entres/getinfo/pdf/fsman5.pdf>

¹⁴ California Department of Social Services. Food Stamp Regulations §63-402.226. <http://www.dss.cahwnet.gov/ord/entres/getinfo/pdf/fsman04a.pdf>

¹⁵ Application for CalFresh Benefits. <http://www.cdss.ca.gov/cdssweb/entres/forms/English/CF285.pdf>

¹⁶ Application for CalFresh Benefits. <http://www.cdss.ca.gov/cdssweb/entres/forms/English/CF285.pdf>

¹⁷ Application for CalFresh Benefits. <http://www.cdss.ca.gov/cdssweb/entres/forms/English/CF285.pdf>