



United States
Department of
Agriculture

NOV 20 2008

Food and
Nutrition
Service

3101 Park
Center Drive

Alexandria, VA
22302-1500

SUBJECT: Clarification of Farm Bill Certification Provisions of the Supplemental Nutrition Assistance Program (SNAP) – Questions and Answers #3

TO: Regional Directors
Supplemental Nutrition Assistance Program
All Regions

Attached are additional questions and answers in response to issues raised by State agencies on SNAP certification and eligibility provisions of the Food, Conservation, and Energy Act of 2008 (P.L. 110-246).

Please direct any questions to the appropriate Regional contact in the Certification Policy Branch.


Arthur T. Foley
Director
Program Development Division

Attachment

AN EQUAL OPPORTUNITY EMPLOYER

Questions and Answers on Certification Provisions of the Food, Conservation, and Energy Act of 2008 (P.L. 110-246) (FCEA) -- # 3

Section 4103 – Dependent Care Cap Elimination

- 1. Question:** Do State agencies have flexibility in determining how to notify households of the increase in dependent care expenses that can be deducted for purposes of determining SNAP eligibility and benefit levels? Would posting signs in the local offices be sufficient?

Answer: As discussed in the July 3, 2008 implementation guidance entitled, Food Stamp Provisions of the Farm Bill, State agencies should notify all potentially eligible households of the availability of an increased dependent care deduction as of October 1, 2008. This change in determining eligibility and benefit levels may significantly affect households with dependent care expenses. For this reason, FNS strongly encourages State agencies to be proactive in notifying households of this change. Since State agencies are increasingly using telephone interviews rather than face-to-face interviews, posting signs in the local offices, while an option, does not seem to be an effective means of communicating this change to households. Not all potentially eligible households will be in their local office, and many of those who are may not view a sign. Thus, we encourage State agencies to supplement posted signs with other means of communication, such as mass mailings to the food stamp caseload and media announcements, to ensure that the information reaches all households.

Section 4105 – Facilitating Use of Simplified Reporting

- 2. Question:** Could a 24-month certification period be assigned to a household in which all adult members of a household are homeless and elderly or disabled with no earned income?

Answer: Yes. It is our view that the elderly/disabled status of the adult household members is the primary defining characteristic of such a household. However, longer certification periods are assigned on the basis of the greater stability of household circumstances. Accordingly, we do not believe that a two-year certification period is generally appropriate for a homeless household.

Section 4106 – Transitional Benefits Alternative (TBA)

3. Question: How is “household with children” defined for purposes of the FCEA extension of TBA when State-funded cash assistance (SFCA) has ended?

Answer: The term “household with children” used in Section 4106 of the FCEA is defined using the SNAP definition of “household” contained in the Food and Nutrition Act of 2008 (FNA) at Section 3(n) (7 U.S.C. 2012(3)(n)). The statute identifies the person(s) who must be considered to comprise a SNAP household. FCEA requires that the household include children to be eligible for TBA when SFCA has ended, although it does not specify that the child(ren) must be participating in SNAP.

4. Question: Is there an age limit established for whether a household member is a child?

Answer: The FNA does not provide a separate definition for the term “child”, although it does reference child ages within the household definition at Section 3(n)(2) which defines households as: “Spouses who live together, parents and their children 21 years of age or younger who live together, and children (excluding foster children) under 18 years of age who live with and are under the parental control of a person other than their parent together with the person exercising parental control...” Based on this definition, a household member would be considered a child if the individual is 21 years or younger and lives with their own parents or is under 18 years of age and lives with and is under the parental control of another person.

5. Question: A child may or may not be considered part of a SNAP household, depending on child’s specific circumstances and the SNAP applicable program rules. Please clarify whether TBA could be provided in the following situations:

- a. The child is in foster care temporarily and not in the SNAP household or SFCA assistance group;
- b. The child is receiving SSI and SNAP but not SFCA benefits;
- c. The child is an ineligible immigrant for both SNAP and the SFCA program;
- d. The child is sanctioned for violations of the SFCA program;
- e. The head of household is a minor; and
- f. The child is an 18-year old who is not in school.

Answer: a. Foster care -- The household would not be eligible for TBA in this situation, unless the household contained another qualifying child

member. The child residing in foster care is neither a member of the SNAP household nor the SFCA program.

- b. Child receiving SNAP and SSI but not receiving SFCA – The household would be eligible for TBA if it contains a child member and the household receives SFCA, even if the child member is not an SFCA recipient. This is consistent with prior FNS guidance issued on February 17, 2003, as part of Questions and Answers concerning the 2002 Farm Bill
- c. Ineligible immigrant -- In this case, the child is a member of the SNAP household even though the child is ineligible for benefits, per 7 CFR 273.1(b)(7)(i). Thus, the child would be excluded from the SNAP allotment, but the SNAP household would still contain a child member and qualify for TBA.
- d. SFCA sanctioned child – In this situation, the household would remain eligible for TBA, unless the *entire* household is sanctioned for a violation of the SFCA program. This interpretation is based on the FNS June 17, 2002 Implementation Guidance for 2002 Farm Bill, Section 4115.
- e. Minor head of household – If the SNAP household consists of a minor head of household, the household would be eligible for TBA if the minor is under 18 years of age. This interpretation is consistent with the clarification on child age limits provided above for situations in which a child is not living with their own parent(s).
- f. Child 18 years or older who is not in school – A SNAP household with a child 18 years or older (depending on presence of parents) is eligible for TBA, since the household contains a child. The child's school and work status does not affect whether or not the child is included under the household definition.