

# FREQUENTLY ASKED QUESTIONS:

## Non-Minor Dependents & CalFresh

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

**Answer:** Participating in extended foster care does not disqualify an NMD from eligibility for CalFresh benefits.<sup>1</sup> 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 7.

The maximum gross income allowed is 200% of the Federal Poverty Level (FPL).<sup>2</sup> The maximum net income allowed is 100% of the FPL.<sup>3</sup> (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 an NMD receives is addressed in the next question.

### 3) Should an 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.<sup>4</sup> Below are some examples by placement:

- Supervised Independent Living Placement (SILP): An 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 for Non-Minor Dependents (THP-NMD, formerly named THP+FC): The monthly THP-NMD rate the provider receives per youth is *not* what is counted as income. The monthly stipend that an NMD in a THP-NMD placement receives *directly* from the

### WHAT IS A “NON-MINOR DEPENDENT”?

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

### WHAT IS CALFRESH?

[CalFresh](#) is California’s food stamp program, known federally as the Supplemental Nutrition Assistance Program (SNAP). CalFresh issues monthly electronic benefits that can be used to buy most foods at many markets and food stores.

GROSS MONTHLY INCOME ELIGIBILITY STANDARDS FOR MCE/BBCE FFY22 (200% Federal Poverty Level)	
Household Size	Gross Income
1	\$2,148
2	\$2,904
3	\$3,660
4	\$4,418
5	\$5,174
6	\$5,930
7	\$6,688
8	\$7,444
Each add'l member	+\$758

MAXIMUM MONTHLY ALLOTMENTS FFY22	
Household Size	Maximum Allotment
1	\$250
2	\$459
3	\$658
4	\$835
5	\$992
6	\$1,190
7	\$1,316
8	\$1,504
Each add'l member	+\$188

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-78-21](#) (COLA for 2021-22).

provider is the amount that is counted as unearned income. While the THP-NMD 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) What about parenting foster youth who receive an infant supplement to assist with the costs of caring for their child? Is this payment counted as income?**

**Answer:** The same rules apply that are described above. Any portion of the infant supplement that is received *directly* by the NMD is considered unearned income and included when determining the household's eligibility and benefit level. For NMDs in SILPs who receive the \$900 infant supplement directly, the entire \$900 is counted as unearned income. For NMDs in THP-NMD, the portion of the infant supplement the NMD receives from the provider is what is counted as unearned income. In many cases, the entire \$900 will be provided directly to the NMD, and in some cases a portion will be retained by the THP-NMD provider to assist with any costs the provider is covering for the NMD's child and a portion will be provided directly to the NMD. This is worked out between the provider and the NMD and is documented in a shared agreement.

**5) Does participation in the Transitional Housing Program-Plus (THP-Plus) 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-NMD. 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.<sup>5</sup>

**6) If an 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-NMD, 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. Resource Family homes).

A CalFresh household has the option to include or exclude an 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-NMD. (An NMD and the NMD's income cannot be excluded from a household of one as no CalFresh household would remain).<sup>6</sup>

## 7) 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.

Types of income deductions that are more common to NMDs are asterisked in the list of deductions 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](#). 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). See [ACIN I-78-21](#) for Federal Fiscal Year 2021-22 (FFY22) COLAs.

- **\*Standard Deduction:** All CalFresh recipients get the standard deduction. For households of 1-3 people, this deduction is \$177 for FFY22.
- **\*Earned Income Deduction:** 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.
- **Excess Medical Deduction:** A household with at least one elderly or disabled household member with that member's non-reimbursed eligible medical expenses over \$35 can deduct \$120 for the standard medical deduction, or actual eligible medical expenses if more than \$155 per month.
- **\*Dependent Care Deduction:** 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. An NMD who pays for childcare when that childcare enables them to work or attend training/education preparatory for work, should deduct their childcare costs.<sup>7</sup>
- **Homeless Shelter Deduction:** Available to homeless households who are not receiving free shelter for the entire month. If this deduction is applied, the household cannot use the Standard Utility Allowance. Shelter costs do not have to be verified, however if the household can verify higher shelter costs than the current FFY22 allowance of \$159.73, they can claim a higher amount.
- **\*Excess Shelter Deduction:** When monthly shelter costs are in excess of 50% of the household's income after all other applicable deductions have been allowed, they are eligible for the Excess Shelter Deduction which has a maximum of \$597 for FFY22. However, for homeless households, if actual verified homeless shelter costs are higher than the Homeless Shelter Deduction, the actual cost may be used as a housing cost instead of a homeless shelter deduction, and utility costs may be claimed.
- **\*Standard Utility Allowance:** When heating or cooling costs are separate from the rent payment, the household is eligible for this deduction. An NMD who pays their heating or cooling bill *separate* from their rent payment (i.e. making payments directly to the utility company) is allowed the Standard Utility Allowance which is \$487 for FFY22.
- **\*Limited Utility Allowance:** When a household is not eligible for the Standard Utility Allowance but incurs expenses for at least two separate types of utilities other than heating or cooling (i.e. telephone, water, sewerage or garbage/trash removal), they are eligible for the Limited Utility Allowance which is \$144 for FFY22.

- Telephone Utility Allowance: When a household is not eligible for the Standard Utility Allowance or the Limited Utility Allowance, but incurs telephone costs, they are eligible for the Telephone Utility Allowance which is \$19 for FFY22.

**8) 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.)<sup>8</sup>
- 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 quarter<sup>9</sup>

\*The exception to this rule is that those who live in an institution and receive half of their meals or more by the institution are ineligible for CalFresh benefits. This includes college students who reside in dormitories.<sup>10</sup>

**9) What if an NMD in a THP-NMD 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.<sup>11</sup>

**10) Should an 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.

**11) Does being a student impact an 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 at least half-time in institutions of higher education are generally not eligible for CalFresh, unless they meet certain criteria or are exempt from the requirement.<sup>12</sup>

**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 A or B; unmarried; 25 years or younger; and income of less than \$50K/year (*Note that Cal Grant B Access and Cal Grant C do not qualify a student for the exemption*)<sup>13</sup>
  - 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), McNair, Puente Project, and the Mathematics, Engineering, Science Achievement (MESA) Program.\*
  - Workforce Innovation and Opportunity Act (WIOA) programs\*
  - Participating in the Unaccompanied Refugee Minors Program\*
  - 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 ACL 17-05 (2017)<sup>14</sup> and ACL 18-27 (2018)<sup>15</sup> for more information.*

*NOTE TEMPORARY CHANGES TO STUDENT ELIGIBILITY REQUIREMENTS: While NMDs are exempted from the student restrictions, some former foster youth are not, and should be aware of the following temporary rules. Students are temporarily exempted from the work requirements if they are eligible for state or federally financed work study, as determined by the campus financial aid office or have an Expected Family Contribution of \$0 on the FAFSA. These changes will remain in effect until the first recertification of a household beginning no earlier than 30 days after the COVID-19 public health emergency is lifted. For more information refer to [ACL 21-11](#).*

**12) What if a former foster youth enrolled in college is participating in a campus support program that is not named in ACL 15-70, ACL 17-05 or CDSS' additional list of programs to increase employability that exempt students from the CalFresh eligibility restriction, but essentially provides the same services as Guardian Scholars-type programs?**

**Answer:** A program not currently on CDSS' list of eligible programs<sup>16</sup> may submit a request to add their program by completing the form provided by CDSS, "Request for Approval of Local Educational Programs that Increase Employability." This form can be found by visiting: <http://www.cdss.ca.gov/inforesources/CalFresh-Resource-Center> / "Policy Guidance" / "More Guidance."

To be defined as a program to increase employability, the program must assist in gaining the skills, training, work, or experience that will increase the student's ability to obtain regular employment, such as job retention, job search, job search training, work experience, workfare, vocational training, self-employment training, on-the-job training and education.<sup>17</sup>

**13) Are grants and scholarships counted as income when applying for CalFresh?**

**Answer:** No. Grants and scholarships are considered exempt income.<sup>18</sup> They should not be included on the CalFresh application as income.

**14) 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 FFY 2022 (October 1, 2021 through September 30, 2022) the maximum monthly allotment for a two-person household in California is \$459. Maximum allotments are adjusted by the USDA at the beginning of each federal fiscal year, based on changes in the [cost of living](#). 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. See [ACIN I-78-21](#) for FFY22 COLAs.

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

**Answer:** No. As of June 1, 2019, individuals receiving SSI or SSP are eligible for CalFresh, provided all other eligibility criteria are satisfied.<sup>19</sup>

## 16) 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 the local County Welfare Department, or complete it online at <http://www.benefitscal.org/>. The applicant(s) will be required to have an interview with the County to discuss the application, most likely done over the phone. The applicant(s) will be asked for proof of income, expenses, and other circumstances to see if they are eligible. A list of proof needed to get benefits is included on the online application. The County will send a letter to let a household know if it is approved or denied CalFresh benefits within 30 days.<sup>20</sup>

## 17) Where can CalFresh benefits be used to buy food, and what can be purchased?

**Answer:** CalFresh benefits can be used to buy almost all foods, as well as seeds and plants to grow food. 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) cannot be purchased with CalFresh benefits.<sup>21</sup>

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.

## 18) How long will it take from the time the CalFresh application is submitted to the time when the first benefit payment is received?

**Answer:** It may take up to 30 days to process the application. However, a household may be able to get benefits within 3 calendar days if the household's monthly gross income (income before deductions) is less than \$150 and their cash on hand or in checking or savings accounts is \$100 or less; or if the household's housing costs (rent and utilities) are more than their monthly gross income and cash on hand or in checking or savings accounts. *(For additional circumstances less common to NMDs, visit the online application).*<sup>22</sup>

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### Online CalFresh Resources:

- California Department of Social Services, CalFresh Program - <http://www.cdss.ca.gov/food-nutrition/calfresh>
- 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://calfreshguide/>
- CalFresh online application - <http://www.benefitscal.org/>
- Web-based guide for applying for CalFresh - <https://www.getcalfresh.org/>

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<sup>1</sup> California Department of Social Services. All County Information Notice I-68-17 (October 2, 2017). [https://www.cdss.ca.gov/Portals/9/ACIN/2017/I-68\\_17.pdf?ver=2019-06-17-124548-120](https://www.cdss.ca.gov/Portals/9/ACIN/2017/I-68_17.pdf?ver=2019-06-17-124548-120)

<sup>2</sup> 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.

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

<sup>4</sup> 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). [https://www.cdss.ca.gov/Portals/9/ACIN/2017/I-68\\_17.pdf?ver=2019-06-17-124548-120](https://www.cdss.ca.gov/Portals/9/ACIN/2017/I-68_17.pdf?ver=2019-06-17-124548-120)

<sup>5</sup> California Department of Social Services. All County Information Notice I-68-17 (October 2, 2017). [https://www.cdss.ca.gov/Portals/9/ACIN/2017/I-68\\_17.pdf?ver=2019-06-17-124548-120](https://www.cdss.ca.gov/Portals/9/ACIN/2017/I-68_17.pdf?ver=2019-06-17-124548-120)

<sup>6</sup> California Department of Social Services. All County Information Notice I-68-17 (October 2, 2017). [https://www.cdss.ca.gov/Portals/9/ACIN/2017/I-68\\_17.pdf?ver=2019-06-17-124548-120](https://www.cdss.ca.gov/Portals/9/ACIN/2017/I-68_17.pdf?ver=2019-06-17-124548-120)

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- <sup>7</sup> California Department of Social Services. Food Stamp Regulations § 63-502.3. <http://www.cdss.ca.gov/foodstamps/entres/getinfo/pdf/fsman5.pdf>
- <sup>8</sup> 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](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>
- <sup>9</sup> United States Code § 2014(d). <https://www.law.cornell.edu/uscode/text/7/2014#d>
- <sup>10</sup> Code of Federal Regulations § 273.1(b)(7)(vi). [https://www.ecfr.gov/cgi-bin/text-idx?SID=bc19473384f994f28453c3af21a8a305&mc=true&node=pt7.4.273&rgn=div5#se7.4.273\\_19](https://www.ecfr.gov/cgi-bin/text-idx?SID=bc19473384f994f28453c3af21a8a305&mc=true&node=pt7.4.273&rgn=div5#se7.4.273_19)
- <sup>11</sup> 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](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). [https://www.cdss.ca.gov/Portals/9/ACIN/2017/I-68\\_17.pdf?ver=2019-06-17-124548-120](https://www.cdss.ca.gov/Portals/9/ACIN/2017/I-68_17.pdf?ver=2019-06-17-124548-120)
- <sup>12</sup> California Department of Social Services. Food Stamp Regulations § 63-406. <http://www.calfresh.ca.gov/entres/getinfo/pdf/fsman4b.pdf>
- <sup>13</sup> For further clarification about student exemptions for CalGrant recipients, refer to All County Letter 19-32 (2019). [http://www.cdss.ca.gov/Portals/9/ACL/2019/19-32\\_ES.pdf](http://www.cdss.ca.gov/Portals/9/ACL/2019/19-32_ES.pdf)
- <sup>14</sup> 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>
- <sup>15</sup> California Department of Social Services. All County Letter 18-27 (April 2, 2018). <http://www.cdss.ca.gov/Portals/9/ACL/2018/18-27.pdf?ver=2018-04-03-130607-637>
- <sup>16</sup> For the California Department of Social Services' list of eligible programs, go to <http://www.cdss.ca.gov/inforesources/CalFresh-Resource-Center> and click on "CalFresh Student Eligibility: Approved Programs to Increase Employability."
- <sup>17</sup> California Department of Social Services. All County Letter 18-27 (April 2, 2018). <http://www.cdss.ca.gov/Portals/9/ACL/2018/18-27.pdf?ver=2018-04-03-130607-637>
- <sup>18</sup> California Department of Social Services. Food Stamp Regulations § 63-502.145. <http://www.cdss.ca.gov/foodstamps/entres/getinfo/pdf/fsman5.pdf>
- <sup>19</sup> California Department of Social Services. All County Letter 18-90 (July 31, 2018). <http://www.cdss.ca.gov/Portals/9/ACL/2018/18-90.pdf?ver=2018-07-31-142643-887>; All County Letter 18-90E (April 10, 2019). <http://www.cdss.ca.gov/Portals/9/ACL/2018/18-90E.pdf?ver=2019-04-16-090819-40E>
- <sup>20</sup> Application for CalFresh Benefits. <http://www.cdss.ca.gov/cdssweb/entres/forms/English/CF285.pdf>
- <sup>21</sup> Application for CalFresh Benefits. <http://www.cdss.ca.gov/cdssweb/entres/forms/English/CF285.pdf>
- <sup>22</sup> Application for CalFresh Benefits. <http://www.cdss.ca.gov/cdssweb/entres/forms/English/CF285.pdf>