


STATE OF WISCONSIN
Department of Children and Families
Division of Safety and Permanence

To: DCF Area Administration
Bureau Directors
Child Placing Agency Directors
Child Welfare Agency Directors
County Departments of Community Programs Directors
County Departments of Developmental Disabilities Services Directors
County Departments of Human Services Directors
County Departments of Social Services Directors
Group Home Providers
Indian Child Welfare Directors
Private Child Placing Agencies
Residential Care Center Providers
Section Chiefs/Licensing Chiefs
Shelter Care Providers
Tribal Chairpersons/Human Services Facilitators

From: Fredi-Ellen Bove 
Administrator

Re: Healthy, Hunger-Free Kids Act of 2010, Public Law 111-296

Effective October 1, 2010, a foster child who is under placement and care responsibility of the State or a county agency and who is placed by a court with a caretaker household is categorically eligible for free meals at school (Section 102 of the Healthy, Hunger-Free Kids Act of 2010, Public Law 111-296). Foster children formally placed in kinship care by a welfare agency or court are included in this group. This does not apply to informal arrangements that may exist outside of the State or court based systems.

Schools will need to verify the foster child status to determine categorical eligibility. In order to assist in the identification of these children, counties and placing agencies must act in accordance with Wisconsin State Statutes 48.64(1r) which states, "NOTIFICATION OF SCHOOL DISTRICT. When an agency places a school-age child in a foster home or group home or in the home of a relative other than a parent, the agency shall notify the clerk of the school district in which the foster home, group home, or home of the relative is located that a school-age child has been placed in a foster home, treatment foster home, group home, or home of a relative in the school district."

Having a foster child reside in the household does NOT automatically extend benefits of free meals at school to all children in the household in the same manner that participation in Food Share, W-2 cash benefits or Food Distribution Program on Indian Reservation (FDIPR) does.

Children in voluntary kinship care and other voluntary arrangements are not categorically eligible for free meals at school. The child in this situation does not meet USDA's definition of foster child and is considered a member of that household where they live. The free and reduced price meal application for a household with a child under Kinship Care, but not considered meeting the definition of foster child, should be completed based on the application

instructions, including this child as member of the household. Kinship Care payments made to the household must be reported as part of the household income.

Adoption Assistance (subsidized adoption)

Adopted children with or without an adoption assistance payment are NOT foster children and are not categorically eligible for free or reduced price meals. However, the adoptive family may apply for free or reduced price meals. Adoption assistance payments must be included as income on the application submitted by the adoptive parents when applying for free or reduced price benefits. Further details are included on page 38 of USDA's *Eligibility Manual for School Meal*. See question number 4.

For more information on eligibility of children under foster care, Kinship Care and adoption assistance, please refer to the following resources:

State of Wisconsin Department of Public Instruction, Determining Eligibility for Meal/Milk Benefits for Foster Care, Kinship Care, and Adoption
<http://dpi.wi.gov/fns/doc/fckcaafs.doc>

Healthy, Hunger-Free Kids Act of 2010, Public Law 111-296
<http://www.gpo.gov/fdsys/pkg/PLAW-111publ296/pdf/PLAW-111publ296.pdf>

USDA Guidance Memo SP 17-2011 – Revised (3/16/11)
<http://dpi.wi.gov/fns/cnrsnp.html>

USDA *Eligibility Manual for School Meals* (2008)
http://dpi.wi.gov/fns/pdf/eliman_h.pdf

Please contact the School Nutrition Team 608-267-9228 with any questions on this topic.

CENTRAL OFFICE CONTACT:

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MEMO WEB SITE: <http://dcf.wisconsin.gov/memos>

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