



Date: April 7, 2023

DMS Operations Memo 23-09

To: Income Maintenance Supervisors
Income Maintenance Lead Workers
Income Maintenance Staff

Affected Programs:

- | | |
|---|--|
| <input type="checkbox"/> BadgerCare Plus | <input type="checkbox"/> Caretaker Supplement |
| <input checked="" type="checkbox"/> FoodShare | <input type="checkbox"/> FoodShare Employment and Training |
| <input type="checkbox"/> Medicaid | |
| <input type="checkbox"/> SeniorCare | |

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Division of Medicaid Services

Foster Care and Kinship Care Policy Changes

CROSS REFERENCE

- FoodShare Handbook, [3.2.1.1 Joint or Shared Physical Custody of Children](#), [3.6.1 Foster Care Recipients](#)
- 7 CFR 273.1(b)(4)

EFFECTIVE DATE

April 17, 2023

PURPOSE

This operations memo clarifies FoodShare policies for Kinship Care and Foster Care placements.

BACKGROUND

Under FoodShare policy, there are rules for how Kinship Care and Foster Care children are included in assistance groups which don't follow normal relationship rules.

POLICY

Effective April 17, 2023, the following policy changes will take effect for Kinship Care placements and Foster Care placements.

KINSHIP CARE

There are two types of Kinship Care placement: court-ordered and voluntary.

Court-ordered Kinship Care is where the court has mandated placement of the child(ren) into a family member's home. In this circumstance, the placed child(ren) **must** be included in the kinship family's FoodShare assistance group. When the child(ren) reunify with their parent(s) or a new court-order places them elsewhere, agencies must redetermine the kinship family's FoodShare based upon the new circumstances. This is true for trial reunifications, permanent reunifications, and new placements.

Voluntary Kinship Care is not court ordered, and the child(ren) may be moving back and forth between two or more households. When it is unclear which household has primary placement, agencies must apply the [Joint or Shared Physical Custody of Children](#) to determine which FoodShare assistance group to include the child(ren) in.

Example 1: Aanya applies for FoodShare and reports that she has court ordered kinship care placement of her granddaughter, Sarah, while her daughter, Mercy, is in treatment for alcohol rehabilitation. Sarah is already receiving FoodShare as a part of Mercy's assistance group. Aanya supplies a copy of the court order showing that Sarah has been placed by the court into her household. Sarah will be added to Aanya's assistance group and removed from Mercy's, regardless if Aanya's application is approved or denied.

FOSTER CARE

Foster Care placements are court ordered. The foster family can choose whether the foster child(ren) are included in the FoodShare assistance group. When the child(ren) reunify with their parent(s) or a new court-order places them elsewhere, agencies must redetermine the foster family's FoodShare based upon the new circumstances. This is true for trial reunifications, permanent reunifications, and new placements.

Example 2: Jeron contacts the agency and provides documentation that his child, Leo, has been placed in his home after a judge ordered a trial reunification. Leo had previously been residing with a court ordered foster parent. Jeron is Leo's parent, therefore Jeron and Leo must be in the same assistance group per relationship rules.

CONTACTS

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