



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

ROY COOPER • Governor

KODY H. KINSLEY • Secretary

YVONNE COPELAND • Director, Division of Child and Family Well
Being

Date: August 31, 2023

Dear County Directors of Social Services

Attention: Food and Nutrition Services Program Integrity Managers, Supervisors, Investigators, and Income Maintenance Caseworkers

Subject: Implementation of the Fiscal Responsibility Act of 2023 (FRA) for Food and Nutrition Services

Effective: Upon Receipt

Priority: Information and Action

I. GENERAL INFORMATION

On June 3, 2023, the Fiscal Responsibility Act of 2023 (FRA) was signed into law by President Biden. The FRA changes the age range for individuals subject to the Able-Bodied Adults Without Dependents (ABAWDs) time limit, adds new modified exceptions for certain groups of FNS participants from the ABAWD time limit, and updates the purpose of Food and Nutrition Services.

The FRA added language to the FNS program's purpose statement related to assisting low-income adults in obtaining employment and increasing their earnings. The specific language will be added to policy effective September 1, 2023, in manual section 110 Purpose and Authority of the Food and Nutrition Services Program.

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF CHILD AND FAMILY WELL-BEING

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II. POLICY PROCEDURES

A. ABLE-BODIED ADULTS WITHOUT DEPENDENTS (ABAWDS)

Prior to September 1, 2023, individuals aged 18 to 49 are subject to the Able-Bodied Adults Without Dependents (ABAWD) time limit per federal rules. Going forward, the FRA gradually increases the age range of individuals subject to the ABAWD time limit as follows:

1. Effective September 1, 2023, the age range of individuals subject to the ABAWD time limit is 18 to 50 years.
2. Effective October 1, 2023, the age range of individuals subject to the ABAWD time limit is 18 to 52 years.
3. Effective October 1, 2024, the age range of individuals subject to the ABAWD time limit is 18 to 54 years.

These changes remain in effect until October 1, 2030.

Note: Application and recertification forms will be updated online and in ePASS by September 1, 2023 to include the new age ranges and new modified exceptions to the ABAWD time limit. Effective September 1, 2023, county DSS agencies must replace any previous versions of the application and recertification forms with updated versions.

B. EXCEPTIONS FOR CERTAIN FNS RECIPIENTS FROM ABAWD TIME LIMIT

The FRA adds new modified exceptions to the ABAWD time limit for certain groups of FNS participants. These exceptions are effective September 1, 2023 and are as follows:

- (1) Person experiencing homelessness: defined as an individual who lacks a fixed and regular nighttime residence or an individual whose primary nighttime residence is:
 - a. A supervised shelter designed to provide temporary accommodations (such as a welfare hotel or congregate shelter);
 - b. A halfway house or similar institution that provides temporary residence for individuals intended to be institutionalized;
 - c. A temporary accommodation for not more than 90 days in the residence of another individual; or
 - d. A place not designed for, or ordinarily used, as a regular sleeping accommodation for human beings (e.g., a hallway, a bus station, a lobby).
- (2) Veteran: defined as an individual who served in the United States Armed Forces (such as Army, Marine Corps, Navy, Air Force, Space Force, Coast Guard, and National Guard), including an individual who served in a reserve component of the

Armed Forces, and who was discharged or released therefrom, regardless of the conditions of such discharge or release.

- (3) Foster care: defined as an individual who is 24 years of age or younger and who was in foster care under the responsibility of a State on the date of their 18th birthday.

Although North Carolina's Expanded Foster Care is for ages 18, 19, and 20 through the month they turn 21 years old, the foster care exception for the ABAWD time limit applies to any individual who was in foster care on the date of their 18th birthday through age 24. On their 25th birthday, these individuals no longer meet the foster care exception to the ABAWD time limit.

NCDHHS will be implement the flexibility for foster care exceptions to the ABAWD time limit in NC FAST in two phases, based on our ability to make changes in the North Carolina Families Accessing Services through Technology (NCFAST) system:

- Phase 1 (September 1, 2023):
 - Effective September 1, foster care exceptions to the ABAWD time limit will be allowed for individuals in foster care on their 18th birthday through age 20 in the NCFAST system. The individual will continue to meet the foster care exception to the ABAWD time limit until their 25th birthday.
 - NCFAST is actively working to establish exceptions for foster care youth that are 18 to 24 years of age. The system change is projected to go live by the third week of September.
 - Effective September 1, 2023, as a temporary process change, workers must add Work Non-Participation evidence with reason "Beyond Control of Member" and document the case indicating that these clients ages 21 to 24 are exempt due to Foster Care.
 - For this short window, counties will need to track these exemptions at the county level outside of NC FAST.
 - After the Foster Care age limit has been updated, workers will need to re-code those clients in NC FAST with the correct Foster Care evidence.
- Phase 2 (Projected third week of September 2023):
 - NC FAST system will be updated to allow for exceptions for foster care youth that are 18 to 24 years of age.
 - NCDHHS will provide information to counties when this has been updated in this system.

The new definitions above will be added in manual section 260 Able-bodied Adults Without Dependents (ABAWDs).

C. VERIFICATION FOR ABAWD TIME LIMIT EXCEPTIONS

New verification is not required for the modified exceptions from the ABAWD time limit. Verification of information should only be requested from the applicant/participant if questionable. FNS units may voluntarily verify and provide information, but it is not required. The following verification can be used for:

- (1) Person experiencing homelessness: may include but is not limited to collateral contact with homeless shelters or others who are aware of the individual's circumstances. Homeless individuals and households are specifically exempt from the requirement to verify residency.
- (2) Veteran: service department records, such as a DD Form 214, Certificate of Release or Discharge from Active Duty, original Certificate of Discharge, Report of Transfer or Discharge, military ID card indicating service in the armed forces; correspondence or contact from the Department of Veteran Affairs including benefit payment or award letter or VA ID Card; correspondence or contact from the Department of Veteran Affairs indicating service in the armed forces; or driver's license indicating veteran status.
- (3) Foster care: data or collateral contact with social service workers or agencies.

D. ABAWD WORK REQUIREMENTS REMINDERS

Work registration occurs when the appropriate work registration evidence is entered into NCFAST. This includes the date the consolidated notice was provided and verbally explained to the recipient.

At application, reapplication, recertification, and change, the caseworker must explain all ABAWD requirements to the applicant/recipient.

- (1) Verbally explain the Work Requirements Script for Case Workers at the time of interview to work registrants and ABAWDs. The case file must be documented that the work requirement script was verbally explained and date when explained.
- (2) Verbally explain and provide the work registrant and ABAWDs with the [DSS-8569 Consolidated Work Notice](#). The case file must be documented with the date the notice was verbally explained, how the notice was given, if by hand delivery or mailed.
- (3) Caseworkers must first screen for exemptions to the general work requirement to determine if the individual is a work registrant and then screen for exceptions to the ABAWD time limit.

Concurrently as in FNS 260.05 B-D, caseworkers shall assess the case to determine if countable months should be recoded. Recoding should be assessed retroactive to July 1, 2023 to assess if the ABAWD was exempt or in compliance to remove any incorrect countable months. If it is unclear whether an ABAWD was exempt or in compliance in past months (e.g., July and August 2023), the caseworker will need to contact the FNS unit.

Note: Consolidated work notice will be updated online by September 1, 2023 to include the new age limits and new modified exceptions. Effective September 1, 2023, county DSS agencies must replace any previous versions of the application and recertification forms with updated versions.

E. STATE-LEVEL DISCRETIONARY EXEMPTIONS FROM FNS WORK REQUIREMENTS

To assist with implementation of the FRA, effective September 1, 2023, Discretionary Exemptions will be used for all participants that are subject to meet ABAWD time limit and who have not been recertified under the new rules (effective September 1, 2023). One ABAWD Discretionary Exemption equals one ABAWD month. NC DHHS will be assessing the need for discretionary exemptions on a month-to-month basis, subject to the availability of discretionary exemptions.

NC FAST will automatically add the ABAWD Discretionary Exemption to current ABAWD cases. NC FAST will not send the Notice of Adverse Action for participants that have ABAWD Discretionary Exemption. When an ABAWD Discretionary Exemption is used, it is not a countable month. No action is required by the caseworker to add the ABAWD Discretionary Exemption, as this is being done automatically.

III. TRAINING and RESOURCES

NCDHHS hosted trainings for county DSS staff regarding the FRA impacts on FNS from August 21-23, 2023. The recording for the training and PowerPoint will be available in the Learning Gateway at [FNS Home Page](#). **Important Note: Please utilize the foster care ages in this DCDL rather than the ages discussed in the training in the Learning Gateway, as the ages have since been updated.**

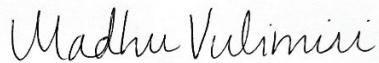
Various job aids, including the ABAWD Work Requirements Exemption Job Aid, Paid and Unpaid/Volunteer Work Job Aid, Adding Work Registration Evidence Job Aid, Adding Employment Job Aid, Work Registration Exemption Job Aid, and Able-Bodied Adult Without Dependents (ABAWD) Job Aid will be available in FAST Help.

IV. IMPLEMENTATION INSTRUCTIONS

This policy is effective September 1, 2023 for all new applications and recertifications. For guidance, caseworkers can refer to the Job Aids posted in FAST Help and policy manual section FNS 260 Able-bodied Adults Without Dependents (ABAWDs).

If you have any questions, please contact the Continuous Quality Improvement Team (CQI) dss.policy.questions@dhhs.nc.gov.

Sincerely,



Madhu Vulimiri, MPP
Deputy Director
Division of Child and Family Well-Being

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Attachments (2)

Frequently Asked Questions (FAQs) for County DSS Agencies – Fiscal Responsibility Act & Food and Nutrition Services
ABAWD Notice English and Spanish

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