

Frequently Asked Questions for County DSS Agencies: Fiscal Responsibility Act & Food and Nutrition Services

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General

Q: What is an ABAWD?

A: An ABAWD is an able-bodied adult without dependents. ABAWDs are FNS household members fit for employment.

Q: Did the Fiscal Responsibility Act (FRA) change the primary goal of SNAP?

A: No, instead the purpose is updated effective September 1, 2023, to include the following:

“Assists low-income adults in obtaining employment and increasing their earnings. Such employment and earnings, along with program benefits, will permit low-income households to obtain a more nutritious diet through normal channels of trade by increasing food purchasing power for all eligible households who apply for participation.”

Q: Will new notices be sent to ABAWD households?

A: Yes, NCDHHS will send the new information to the ABAWD households so that they are aware of the new requirements at recertification.

Q: Why is the age for ABAWD being raised?

A: The FRA was signed into federal law by President Biden on June 3, 2023. This act was packaged to suspend the national debt ceiling in exchange for spending cuts and policy changes to work requirements. The FRA gradually increases the age of those subject to the able-bodied adults without dependents (ABAWD) time limit and adds new modified exceptions. The changes related to ABAWD ages, and the new modified exceptions are in effect until October 1, 2030.

Q: Why is FNS using the term ABAWD time limit “exceptions”? Does this terminology change the way county DSS agencies screen for and apply exemptions and exceptions?

A: FNS is updating their terminology to distinguish exemptions from exceptions. The term “exemption” is the criteria to determine if an FNS participant is a work registrant. The term “exception” is the criteria that would mean an FNS participant does not have to meet the ABAWD requirements, aligned with Section 6(o)(3) of the Food and Nutrition Act of 2008 (FNA) and program rules at 7 CFR 273.24(c). As is in policy, caseworkers shall screen for exemptions for work registrant then for exceptions to the ABAWD time limit.



Age and Time Limit

Q: What is the upper age limit for ABAWDs?

A: Beginning September 1, 2023, individuals aged 18-50 years old are subject to ABAWD time limits.

Beginning October 1, 2023, individuals aged 18-52 years old are subject to ABAWD time limits.

Beginning October 1, 2024, individuals aged 18-54 years old are subject to ABAWD time limits through 2030.

Q: If an FNS participant is already 50 years old, will they be ABAWD effective Sept 1?

A: Yes. If the FNS participant is 50 as of Sept 1, 2023, they are ABAWD. NCFASST will automatically assign a discretionary exemption for each ABAWD until the FNS participant reaches next recertification, subject to availability.

Q: Will the new definitions for Time Limit Exceptions be provided?

A: Yes, the definitions are included below and in the FRA for Food and Nutrition Services DCDL.

Q: What time frame will these changes take effect?

A: Beginning September 1st, 2023, both new ABAWD age limits and modified exceptions will be effective.

Q: Will the physical application document be updated to include questions regarding these new modified exceptions?

A: Yes, the application and recertification forms will be updated 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.

Q: Is verification required for these new ABAWD Time Limit Exceptions?

A: No, new verification is not required for the modified exceptions from the ABAWD time limit. Verification of information should only be requested if questionable. FNS units may voluntarily verify and provide information, but it is not required.



Person Experiencing Homelessness

Q: What is the difference from the previous ABAWD exemption for a person experiencing homelessness?

A: In the past, the definition was “chronic homelessness” (i.e., they have nowhere to stay). Beginning September 1st, 2023, the definition has expanded to an individual who lacks a fixed and regular nighttime residence or an individual whose primary nighttime residence is:

(1) A supervised shelter designed to provide temporary accommodations (such as a welfare hotel or congregate shelter);

(2) A halfway house or similar institution that provides temporary residence for individuals intended to be institutionalized;

(3) A temporary accommodation for not more than 90 days in the residence of another individual; or

(4) A place not designed for, or ordinarily used, as a regular sleeping accommodation for human beings (a hallway, a bus station, a lobby, or similar places).

Q: If the FNS participant states that they are experiencing homelessness, what do we put as their address?

A: As current policy states, the address that the FNS participant provides to receive mail or the County DSS agency’s address should be used for FNS participants experiencing homelessness.

Q: How do we verify that an FNS participant is experiencing homelessness? What is considered proof?

A: According to the FRA guidance, there are no new verification requirements for the modified exceptions from the ABAWD time limit including homelessness. Verification could include but is not limited to, collateral contact with homeless shelters or individuals aware of individuals’ circumstances. Homeless individuals and households are specifically exempted from the requirement to verify residency.

Q: With the new definition of a person experiencing homelessness, will we have to go back and fix cases we closed, or system closed based on old ABAWD requirements?

A: No, these requirements become effective September 1, 2023- 2030. Closed cases should not be reopened.



Veterans

Q: How do we verify veterans' status?

A: According to the FRA, there is no new verification required for exceptions for veterans. If questionable, 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 may be requested. Note, not all veterans receive a Veterans Benefit, so this should not be the only method used for questionable veteran verification.

Q: Are we required to know the branch of service for veterans?

A: Yes, NC FAST requires the branch of service.

Q: If someone is dishonorably discharged, does Veterans Affairs consider them a veteran?

A: According to the FRA, the definition of veteran is 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.

Q: What is an example of a questionable veteran?

A: Two examples are a person under the age of 17 claiming to be a veteran (as the minimum age to enlist in the military is 17) and someone who claims to be a veteran but does not know which branch they served in.

Q: If we are unsure whether the report of veteran status is questionable enough to request, should we still give an exemption?

A: According to the FRA guidance, there are no new verification requirements for the modified exceptions from the ABAWD time limit. If questionable, County DSS agencies are expected to only require verification. Consider 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.

Q: Does Veteran Status include "Retired"?

A: Yes, according to the FRA definition of veteran, an individual who served in the United States Armed Forces would meet the exception.



Q: If an FNS participant has Veterans Affairs benefits, are they exempt from ABAWD?

A: Yes, as indicated in the veteran definition, correspondence or contact from the Department of Veteran Affairs including benefit payment is allowable verification for the veteran modified exception. Please note that this income must be counted toward eligibility.

Pregnancy, Disability, and Medicare

Q: Are caseworkers to question pregnancy and disability?

A: Verification should only be requested if questionable. An example of verification for pregnancy includes Medicaid for Pregnant Women (MPW). An example of verification for disability includes Medicaid for Disability. Other forms of verification include but not limited to: Medical statements from a medical doctor, nurse, nurse practitioner, designated representative at a doctor's office, or other appropriate medical personnel; alternatively, collateral statements may also be provided as verification.

*Please note that FNS units may voluntarily verify and provide information, **but it is not required**. The following verification can be provided for:*

(1) Person experiencing homelessness; could 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 adolescent; data or collateral contact with social service workers or agencies.

Q: If an adult does not have Medicaid related to a disability, but they do have Medicare, can the Medicare be used as an exemption?

A: Having Medicare or Medicaid does not on its own qualify an adult for exemption. To be exempt, adults must fit at least one of the exemption criteria. Refer to FNS Policy Section 260.01.

Q: Since the pregnancy exemption now starts at the month of conception, does this mean that after receiving pregnancy verification, ABAWD months can be recoded?



NCDHHS

A: Yes.

Q: Is Medicaid for Pregnant Women (MPW) required to verify pregnancy?

A: No, it is not required, but MPW status can be documentary evidence that can be used as verification.

Foster Care

Q: What is the age limit for those in foster care?

A: Foster Care is 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 age 21, 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 the 25th birthday, these individuals no longer meet the foster care exception to the ABAWD time limit.

NCDHHS will implement the flexibility for foster care exceptions to the ABAWD time limit in NC FAST in two phases:

- 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 would continue to be eligible for the exception to the ABAWD time limit until their 25th birthday.
 - NC FAST is actively working to establish exceptions for foster care adolescents 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 individuals 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 NCFast.
 - After the Foster Care age limit has been updated, workers will need to re-code those FNS participants in NCFast with the correct Foster Care evidence.
- Phase 2 (Projected third week of September 2023):



NCDHHS

- The NCFAST system will be updated to allow for exceptions for foster care adolescents that are 18 to 24 years of age.
- NCDHHS will provide information to counties when this has been updated in this system.

Q: If someone was in foster care from another state, and move to NC, will they be exempt?

A: *Yes, if they are 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.*