

Fact Sheet: Key Information for Massachusetts Lawyers and Other Child Advocates About Free Meals for Foster Children



Studies have shown that foster children who have experienced abuse or neglect are at an increased risk of malnourishment and eating disorders. Foster children are more likely to have lived in low-income households that struggle with food insecurity. Foster children are more likely to have experienced prenatal and postnatal malnutrition, which have long-lasting consequences on the health of school-aged children. The Healthy and Hunger-Free Kids Act of 2010 (Public Law 111-296) has made important changes to ensure foster children access free school meals.

Quick Facts about a relevant new federal law, the *Healthy Hunger-Free Kids Act of 2010* (see summary on reverse):

- Foster children who are placed with relatives or non-relatives through the Department of Children and Families (DCF) or a Massachusetts court are now “categorically eligible” for free meals in school or daycare regardless of family income. This means that the foster children are automatically eligible for free meals when either:
 - A foster parent *self-declares* foster status of a child on a school meals application form, **or**
 - DCF *directly notifies* the local school district or day care of a foster school placement. If DCF notifies the school, the foster parent *need not* file a school meals application for the foster child – but should file an application for any non-foster children in the home needing free/reduced cost meals.
- Children in subsidized guardianship placements or informal kinship care are not “categorically eligible” under the special foster care provisions, but may be eligible for free or reduced meals if household income is below 185% of the federal poverty level. In addition, *any child* who lives with a family member who receives SNAP (formerly food stamps) or TAFDC cash assistance benefits is entitled to free meals, even if the child is not on SNAP or TAFDC.
- Once enrolled for free school meals, all children – including foster children - remain eligible for *the entire school year* (and first 30 days of the next school year). This is true even if the child switches schools, leaves foster care or returns to their biological family. It is also true if DCF had temporary custody and filed for school meals at that time.
- Foster parents can include their foster children on school meal applications for their non-foster children. Doing this increases the household’s size under the school meals income rules and may help the foster family’s *non-foster* children qualify for free or reduced price meals. Note, the foster child is categorically eligible regardless of whether non-foster children are on the same application, and *none* of the foster care payments count as income toward the non-foster children’s application for school meals.

What can you do?

- Find out if DCF has directly contacted the child’s school district or daycare agency regarding the child’s foster status so the child can receive free meals.
- If DCF has not made immediate contact with the school or daycare, help foster parents fill out school meal applications on paper or on-line. The foster parent can *self-declare* foster status of any foster children.
- Help foster parents understand that including their foster child on a meal application may help their non-foster children qualify for free or reduced price meals by increasing their household size.
- Ask the foster family to let you know if their child is not approved for free meals, or if free school meal status is interrupted for foster children who move to new schools or school districts.

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The Healthy, Hunger-Free Kids Act of 2010 (Public Law 111-296)

Section 102 Categorical Eligibility of Foster Children:

The Act makes all foster children eligible for free school meals (at school, in child care, or during the summer) through the federal food assistance programs. They can be eligible if:

- a) the foster child's care and placement is the responsibility of an agency that administers a State plan under part B or E of Title IV of the Social Security Act [note: the foster child NEED NOT be IV-E eligible] OR
- b) the foster child has been placed with a caretaker household by a court

In addition:

- c) if documentation is provided from a State or local foster care agency or court showing the child's status as a foster child who is (a) the responsibility of an agency or (b) has been placed by a court, the child may be automatically approved for free meals without completing an application.

Here is a list of other nutrition programs for which foster children may be eligible:

- National School Lunch Program (NSLP) including after-school snack*
- School Breakfast Program (SBP)*
- Child and Adult Care Food Program (CACFP) including At-Risk After-school Snacks and the Supper Program*
- Summer Food Service Program*
- Women, Infants and Children (WIC) special nutrition benefits and WIC Farmers Market Nutrition Program
- Supplemental Nutrition Assistance Program (SNAP) – formerly known as “food stamps.” Families with children with income under 200% of the federal poverty level may qualify for SNAP. The amount of monthly benefits is based on total family income and expenses. A foster family has the right to include or exclude a foster child in the SNAP benefits (and, if excluded, to not count the foster payments as income toward the family's SNAP benefit amount.)

**Foster children are “categorically eligible” for free meals where offered (not all schools offer breakfasts or summer food service).*

Sources of more information on:

- The Healthy Hunger-Free Kids Act of 2010 - http://www.fns.usda.gov/cnd/Governance/Legislation/CNR_2010.htm
USDA Guidance on Categorical Eligibility of Foster Children - http://www.fns.usda.gov/cnd/Governance/Policy-Memos/2011/SP17_CACFP08_SFSP05-2011_osr.pdf
 - Mass. NLSP application for free/reduced cost meals: http://www.doe.mass.edu/cnp/free_red/eligibilitypacket.pdf
 - Web link for Mass.Virtual Gateway: *on-line* SNAP application and *on-line* NSLP meal application: <https://service.hhs.state.ma.us/ierhome/LandingPage.do?method=displayConsumerHomePage&pageSwitch=HOME>
 - CACFP - <http://www.fns.usda.gov/cnd/care/>
 - WIC - <http://www.fns.usda.gov/wic/> (USDA); <http://www.mass.gov/wic> (Mass)
 - SNAP - <http://www.fns.usda.gov/SNAP/> (USDA); <http://www.mass.gov/snap> (Mass)
 - Legal resources on Massachusetts basic benefit programs: <http://www.masslegalservices.org/LegalAdvocacyGuides>
- ▶ Please contact MLRI if you see a pattern of foster children denied free school meals in any school districts. Contact Pat Baker pbaker@mlri.org or Susan Elsen selsen@mlri.org or call 617/357-0700.

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