



**Policy 451**  
**Change in Guardianship**  
March 9, 2020

**POLICY**

WIC benefits shall be provided to the eligible participant through a process that aggregates benefits into an Electronic Benefit Account and accessed using an eWIC card by the first cardholder, a legal guardian of a child. Proof of legal guardianship shall be required when guardianship is changed.

**PURPOSE**

The WIC Program's role is only to determine to whom WIC benefits should be issued based on the information WIC staff have available, not to determine any custody issues.

**RELEVANT REGULATIONS**

7CFR §246.12 ¶(r)(1)—Food Delivery Systems

**OREGON WIC PPM REFERENCES**

- ◆ [450—Confidentiality](#)
- ◆ [511—Food Benefit Issuance](#)
- ◆ [510—WIC Cardholder Requirements](#)
- ◆ [590—Program Integrity: Participant Violations](#)
- ◆ [610—Required Proofs: Identity, Residency, Income](#)
- ◆ [611—Income Eligibility: Determination of Income Eligibility](#)
- ◆ [635—Participant Notification: Eligibility and Rights & Responsibilities](#)

**TWIST TRAINING MANUAL REFERENCE**

Chapter 3, Lesson 808 – Changing WIC ID Numbers – Foster Families, Custody Changes  
Chapter 3, Lesson 504 – Formula Replacement (FR) and Formula Exchange (FX)  
Chapter 3, Lesson 1103 – Family Cardholder Screen

**DEFINITIONS**

**Proof of guardianship:** Court documents identifying the legal guardian(s).

**Joint guardianship:** When the custody of a child is split 50% of the time with each parent or caretaker.

**Shared guardianship:** When the custody of a child is split between parents or caregivers and the child spends more than 50% of the time with one of those caregivers.

**Foster care:** Temporary living arrangement for children in need of a safe place to live. Foster parents require certification by the State of Oregon Department of Human Services.

**Cardholder:** A person authorized by WIC to use the eWIC card to shop for WIC food benefits at WIC-authorized vendors.

**First Cardholder:** The required cardholder for a WIC family Electronic Benefit Account (EBA). The first cardholder must live in the same household as the infant or child participant, therefore sharing the same address.

**Second Cardholder:** The optional second cardholder who has been issued their own eWIC card with the permission of the first cardholder.

**Electronic Benefit Account (EBA):** An account established for each WIC family (including foster families) administered by Oregon's banking contractor. Accounts are identified by the WIC family ID number assigned to that family. Food benefits for all participants in the family are aggregated into a single account.

## PROCEDURE

### Documentation of guardianship

- 1.0 If questions of guardianship arise, confirm guardianship by obtaining a copy of court documents or other legal documents whenever possible.
  - 1.1. An official document such as a facsimile from the office of Children, Adults and Families (CAF) showing the new guardian's name is also acceptable.
  - 1.2. Local program staff may accept a written note from the previous guardian regarding the change if there is no official documentation.

**EXAMPLE:** Parent leaves the child with a relative for a specified period of time. Local program staff may accept a signed note from the parent stating the change of guardianship.

### If legal documents are unavailable

- 2.0 When legal documentation is not available, staff may need to contact the social worker, case manager, public health nurse or other appropriate individual to confirm guardianship.
  - 2.1. If staff is unable to obtain court documents or verify guardianship with outside agencies, the person with physical custody of the child at the WIC appointment is determined to be the guardian for the purpose of issuance of WIC benefits.
    - 2.1.1. Complete the "[No Proof Form](#)" (form 57-633) and have the guardian sign the form.

### *Custody dispute*

- 2.2. If there is a custody dispute for a child in a current certification, issue a WIC card and benefits to the guardian on record. The person(s) disputing the guardianship must supply records to the clinic that prove that they are the current guardian.
- 2.3. In this situation, issue benefits for one month at a time until the custody dispute is resolved. See [◆511—Food Benefit Issuance](#) for more information.
- 2.4. Benefits **cannot** be withheld because of staff suspicions related to a custody dispute.
- 2.5. Local programs may need to consult with their own legal counsel if a situation becomes too difficult or confrontational.

## Documentation in WIC Data System

- 3.0 When there is a change in a child's custody, issue a new WIC ID number in the WIC data system for the child. **After** the new WIC ID number has been assigned, verify proof of identity and change the guardian name and address. Refer to Chapter 3, Lesson 808 in the TWIST Training Manual for guidance on changing the WIC ID number. Also see [◆610—Required Proofs—Identity, Residency, Income](#).
  - 3.1. If the new guardian does not have documents showing the change in custody, issue benefits for one month at a time until proofs are brought in. See ¶2.0 above for other options.
  - 3.2. Document any guardianship changes or issues in the child's WIC data system record in the WIC Notes. These notes should be marked "Reminder" to ensure confidentiality.

## Rights and responsibilities

- 4.0 Provide the guardian with a copy of "My Rights and Responsibilities" (form 57-630) and ensure they understand the content of the form. Have the guardian sign the "Participant Signature Form" (form 57-629) and provide instructions on shopping with the eWIC card. Refer to [◆635—Participant Notification: Eligibility and Rights & Responsibilities](#) for more information.
  - 4.1. Advise guardian to notify the local program immediately if guardianship changes and to return unused formula to the WIC program if the child moves to a new guardian or foster home.
    - 4.1.1. Staff should inactivate eWIC card and update cardholder information immediately upon notification of change in guardianship.

## Foster parents

- 5.0 If the new guardian is a foster parent, follow the procedures in [◆450—Confidentiality](#), to protect the confidentiality of the foster parent.

## Replacing formula redeemed by a previous guardian

- 6.0 If formula benefits have been redeemed by the previous guardian and were not given to the new guardian, issue replacement benefits using the Formula Replacement function in the WIC data system with the Custody Change reason. Refer to Chapter 3, Lesson 405 in the TWIST Training Manual for guidance on Formula Replacement.

**NOTE:** A new WIC ID number and eWIC card must be assigned before replacing the benefits. This will remove any remaining benefits for the infant or child from the previous guardian's family account.

  - 6.1. Issue a full formula package, unless it is after the 20<sup>th</sup> of the month. In that situation, issue a partial package.

**NOTE:** Replacement of non-formula food benefits is not allowed.

## Shared guardianship

- 7.0 In shared guardianship situations, issue WIC benefits to the guardian with whom the child lives the majority of the time. Refer to [◆611—Income Eligibility: Determining Income Eligibility](#), for determination of income and benefits for shared guardianship.
  - 7.1. If the guardian who cares for the child more than 50 percent of the time is not income eligible for WIC or does not want to apply for WIC benefits, the other

guardian may apply for WIC if they are responsible for providing meals for the child.

### Joint guardianship

- 8.0 In joint guardianship situations where the child lives with each guardian 50 percent of the time, issue WIC benefits to the guardian who applies first for WIC. This guardian will become the first cardholder.
  - 8.1. Inform both guardians that WIC foods can be shared in separate households if this arrangement is in the best interest of the child.
  - 8.2. WIC benefits cannot be split between two guardian households.
    - 8.2.1. The guardian designated as the first cardholder may designate the other guardian as the second cardholder.

**If you need this in large print or an alternate format, please call 971-673-0040.**

**This institution is an equal opportunity provider.**

### POLICY HISTORY

Date	* Major revision, Minor revision
12/27/2016	Revision
3/9/2020	Major revision

The date located at the top of the policy is the implementation date unless an “effective date” is noted on the policy. Policies will become compliance findings 6 months from the implementation date.

Release notes can be found in the corresponding document on the [Policy and Procedure Manual page](#).

**\*Major Revisions:** Significant content changes made to policy.

**Minor Revisions:** Minor edits, grammatical updates, clarifications, and/or formatting changes have occurred.

**Date of Origin:** Date policy was initially released