

**MEMORANDUM**

**ACTION MEMO #15-01**

**TO:** District Nutrition Services Directors

**FROM:** Debra Keyes MA, RD   
Director  
Georgia WIC Program

**DATE:** December 29, 2014

**SUBJECT:** Guardianship/Caretakers

Based on the federal regulations our rules regarding guardianship is incorrect. According to 7 CFR 246.7 (c), the eligibility requirements for the WIC Program include: 1) being an infant, child, pregnant, postpartum or breastfeeding woman, 2) residing with the jurisdiction of the State, 3) meeting the income criteria, and 4) being individually determined to be at "nutrition risk" by a health professional or a State or locally trained health official. Determination of guardianship or custody is not a condition of eligibility. In the Federal WIC regulations, "caretaker" is not defined nor does it imply that this individual must be a legal guardian. This gives State agencies flexibility in permitting individuals other than the parent to apply on behalf of an infant or child such as a grandparent or relative.

It is not the WIC Programs role or responsibility to establish or verify guardianship or custody. Therefore, Georgia WIC cannot require an individual to provide this documentation or sign a form indicating legal responsibility before someone is deemed eligible for the WIC Program at any time. Requiring this type of documentation is a barrier to providing WIC services and prevents the mission of the Program.

Please note, the applicant, parent, or caretaker must sign a statement of rights and responsibilities/obligations as stated under 246.4(a) (11) (i) and 246.7(i) (1), which is the statement listed on the certification form. This signed statement/acknowledgement gives the WIC Program the authority to pursue individuals believed to be intentionally misrepresenting facts, providing misinformation, or otherwise defrauding the Program, therefore it is imperative to stress this fact when the applicant is reading and signing the rights and obligations statement.



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When a caretaker or guardian request services, ask if they have any documentation regarding guardianship, if they do make a copy of the documentation and place in the health record. If they do not have any documentation, **do not deny services due to lack of documentation.** The Rights and Obligation statement regarding making false statements and intentional fraud must be stressed to each guardian or caretaker requesting WIC services at each certification and will be monitored during program review visits.

For children in foster care without adequate paperwork from DFACS, do not deny service or issue a thirty day notice, transfer the participant into your clinic and issue vouchers

If you have any questions regarding any information contained in this memo, please contact Sonia Jackson at (404) 657-2900 or email [sonia.jackson@dph.ga.gov](mailto:sonia.jackson@dph.ga.gov).

c: Angela Hammond-Damon, Deputy Director, Operations and Nutrition Services  
Sonia Jackson - Program Delivery & Review Manager  
District Health Directors  
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