

# The Missouri Food Stamp Program

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More information on the web

## What is the Food Stamp Program?

The Food Stamp Program helps people with low income buy food for themselves and their household. Each month recipients are given Food Stamp benefits on an EBT card, like a debit card from a bank, which they can use to buy food. You do not have to live with children, be on Temporary Assistance, or be elderly or disabled to get Food Stamps. Many people work and still receive Food Stamps.

Each time you buy food with your card, the cost is deducted from your Food Stamp account. Your account balance will be on your receipt.

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## How Do I Obtain Food Stamps?

You may apply for Food Stamp benefits at your local [Family Support Division office](#).

The Family Support Division—FSD—must either take your [application](#) or mail you the application form on the day you contact them. Be sure to complete and turn in your application as soon as possible.

The Family Support Division has 30 days to process your application. It will want to verify your:

- Income
- Assets
- Expenses
- Employment
- Rent or mortgage payments
- Utility bills
- Child care bills
- Child support orders (the court order and cancelled checks)
- Medical expenses (if you have a disabled or elderly member in your household)

While [the Family Support Division](#) may accept your statement about some expenses, you should be prepared for the Family Support Division eligibility specialist to ask you for documents that show what you pay for rent or mortgage, utilities, child care and/or medical expenses.

You will be asked about your citizenship or immigration status.

You will be asked to provide your social security number and driver's license or state identification card. If you are homeless, the eligibility specialist cannot require you to provide an address on your application.

Your eligibility specialist is supposed to help you get information that shows you are eligible for Food Stamps. If you do not have the information available to you, you can ask the eligibility specialist to request it from another source. For example, you can sign an authorization for the eligibility specialist to get your wage information from your employer.

A good rule of thumb is to give your eligibility specialist any requested information that you have available, and to ask your eligibility specialist to help you get verification that you do not have. It is a good idea to ask *in writing* for your eligibility specialist's help and to keep a copy of the request.

If you are denied eligibility for Food Stamp benefits, the Family Support Division must tell you the reason why. If you disagree with the denial, you may appeal by requesting a hearing from your eligibility specialist at the Family Support Division within 90 days of the date of the notice denying your eligibility.

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## What Can I Buy and Not Buy with my EBT Card?

**Grocery Store Food.** You can use your EBT card to buy food at most grocery stores and supermarkets. You can buy almost all foods with Food Stamps.

**Hot Prepared Food.** Food Stamps *cannot* be used to purchase hot foods or hot food prepared for immediate consumption, like food from grocery store salad bars.

**Home Delivered Meals.** In some cases, an eligible household with a member who is at least 60 years old and his or her spouse may use Food Stamp benefits to pay for home-delivered meals and other meals prepared especially for elderly persons.

**Restaurants.** In some areas, restaurants can be authorized to accept Food Stamp benefits from qualified homeless, elderly, or disabled people in exchange for low-cost meals.

**Non-food Products.** You cannot use your EBT card to buy tobacco, soap, toothpaste, household supplies, paper products, pet food, alcohol, or other non-food products.

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## Who is Eligible for Food Stamps?

Applicants for Food Stamps must live in the county in which they are applying for benefits. Also, applicants must be residents of the United States and one of the following:

- a United States citizen;
- a United States non-citizen National;

- a Native-American born in Canada;
- certain members of Indian tribes who were born outside of the United States;
- a Hmong or Laotian Highlander who helped the United States military during the Vietnam era and legally residing in the United States;
- an individual who is both a qualified immigrant and an eligible immigrant.

If you are not a United States citizen, talk with your eligibility specialist about whether you meet the Food Stamps requirements for immigrants. Even if you are not eligible, family members born in this country could receive Food Stamps. Getting Food Stamps does *not* make you a “public charge” and getting Food Stamps will not hurt you if you want to become a United States citizen.

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## What is a Food Stamp Household?

You apply for Food Stamp benefits as a household. A household can be a person living alone, or a group of people living together—whether or not they are related—who buy and cook at least 50 percent of meals together. There can be more than one Food Stamp household living under the same roof.

However, certain household members *must* be part of the same Food Stamp household; these households are called *mandatory Food Stamp households*.

Mandatory Food Stamp household members are:

- Spouses
- Parents and children under 22 years old
- Children, except foster children, under age 18 who are under the parental control of a person other than their parents. For example, grandparents may apply for grandchildren in their care, even if they do not have “legal” custody.

If you are at least 60 years old, living with others, and unable to purchase or prepare food because you have a disability, you can be your own household as long as the others you live with do not have an income greater than 165 percent of the federal poverty level. The burden is on you to show that this situation exists if you want to be considered for Food Stamps apart from other household members.

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## How is Eligibility Determined?

Eligibility is determined based on a “household’s” income *and* resources (assets).

### **Income**

The Food Stamp Program has two basic income tests: the *gross* income test and the *net* income test. If either your gross or your net income is too high you will not qualify for Food Stamp benefits.

- The *gross* income test determines whether your income, before taxes, is greater than a certain amount of income set by the federal government for your household size.
- The *net* income test determines whether your income, after subtracting all available and eligible deductions, is greater than a certain amount of income set by the federal government for your household size.

The State Family Support Division has a [table saying what the gross and net income limits](#) are for your household size.

If you are part of a household that *does not have* an elderly or disabled member, your household must meet both the gross and net income tests.

If you are part of a household that *has* an elderly or disabled member, your household only has to meet the net income test.

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## How Many Assets Can I Have and Still Get Food Stamps?

Your eligibility for Food Stamp benefits will be based on the income and assets of the members of your household. Households with a disabled member or a member age 60 or older may have up to \$3,250 worth of assets and still qualify for Food Stamps. Other households may have up to \$2,000.

Assets are money or property which can be used to provide for your support. This includes things like cash, bank accounts, investments, and the cash value after penalty payment of a Keogh or IRA. Assets also include real and personal property, boats, land, buildings and other valuable property.

Assets owned by a household member receiving Temporary Assistance, Supplemental Security Income (SSI), or other special support services are not included.

Some assets do not count in determining whether you are eligible to receive Food Stamp benefits. You can have certain assets and still get Food Stamps, including but not limited to:

- Your home and the land it sits on if it is providing primary shelter for you.
- All vehicles, personal belongings and household furnishings.
- One burial plot for each household member.
- The cash or face value of life insurance and pension funds.
- Tools, equipment, livestock, buildings and other things you use to make money.

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## How Much Income Can I Have and Still Get Food Stamps?

To decide whether you can get Food Stamps and how much you will get, the Family Support Division will count the income in your household.

Some of your income may not count at all, such as:

- Loans you receive
- Lump sum payments you receive
- Energy assistance payments

Some expenses will be deducted from your income in determining the amount of Food Stamps that you will get, such as:

- Rent or mortgage payments.
- Child care expenses.
- Utilities—

**Caution:** The Family Support Division does not deduct the actual amount of utility expenses you pay. Instead it deducts a standard utility allowance—(SUA)—currently set at \$288 a month.

- 20 percent of earned income.

- Child support paid by you or a member of your Food Stamp household.

If there is a disabled or elderly member in your household, then his or her medical expenses could be deductible.

If you or a household member receives SSI or Temporary Assistance then you are automatically eligible for Food Stamp benefits, but the amount you get will depend on your situation.

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## If I am Eligible, How Much Will my Family Get in the Program?

The monthly amount of your Food Stamp benefits depends upon your household size, income, assets, and expenses.

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## What If I am Already Receiving Benefits, but my EBT Card Has Been Lost, Stolen or Destroyed?

You may contact your Family Support Division eligibility specialist immediately to report this or you may call the EBT help line at 800-997-7777. Your benefits will be replaced as long as you report your lost, stolen or destroyed card immediately. The Family Support Division eligibility specialist or the help line will ask you to complete a Replacement Request form. This form must be returned to the Family Support Division within 10 days of the date you reported the card lost or stolen.

The Family Support Division must process your replacement benefits within 10 days of the report of the lost card, or within 2 days of receiving your completed form, whichever is longer.

**Caution:** The Family Support Division can deny the replacement of an EBT card if your request for replacement appears to be fraudulent. The Family Support Division must inform you of the denial and the reason for the denial. You have the right to request a hearing to appeal the denial or delay in issuing a replacement card.

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## What if I Need Expedited (Emergency) Food Stamps?

Expedited (emergency) Food Stamps are available to very needy persons within seven calendar days of application. The expedited process is part of the regular Food Stamp program application process. All applicants who are not already receiving Food Stamps in the month they apply will be screened for expedited benefits.

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## How do I Know if I am Eligible for Expedited Food Stamps?

To be eligible for expedited Food Stamps, you must show *one* of the following:

- ▶ You or your household have no more than \$150 in monthly income before taxes, and liquid resources less than \$100.
- ▶ Your basic shelter and utility expenses are greater than your present income and liquid resources combined.
- ▶ You are a destitute migrant or seasonal farm worker with liquid assets less than \$100.

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## What Verification do I Need for Expedited Food Stamps?

You will only be required to verify your identity.

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## Do I Have to Meet any Other Eligibility Requirements for Expedited Food Stamps?

As with regular Food Stamps, you will be asked for verification of your immigration status, your social security number, your income and your expenses at the time you apply. However, you will be eligible for expedited Food Stamps within seven days after you apply even if all of the verification cannot be obtained.

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## How Long do Expedited Food Stamp Benefits Last?

You can only get expedited Food Stamps for one month. After that, you will have to produce verification of your immigration status, social security number, income and expenses, in order to continue to be eligible for Food Stamp benefits.

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## If I do Not Qualify For Expedited Food Stamps, Can I Still Get Regular Food Stamps?

Yes. The Family Support Division must process your Food Stamp application within thirty days and mail you a written decision stating whether you are eligible and the amount of benefits to which you are entitled. If you are denied benefits or you do not receive them within forty-five days of your application, and you believe you are entitled to them, you can call your nearest Legal Services office for possible legal representation.

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## What are The Food Stamp Work Requirements and Who Must Comply with Them?

Even if your income and assets are low enough to be eligible, you may have to register for work to get Food Stamps. Work registration is

required for those non-exempt people between the ages of 16-60. You may also have to participate in an education and training program. You may also be penalized if you quit a job or refuse to take a suitable job that the Food Stamp office finds for you.

There are several exceptions to the work registration. *Some* of the exceptions are:

- Physical or mental disability;
- Age—under 18 or over 50 who are exempt from the work requirement;
- You are taking care of a child under age six or a household member who is ill;
- Lacking child care or transportation;
- Being pregnant.

Speak with the Family Support Division at the time you apply to determine whether you meet one of the exceptions.

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## What If They Tell me I'm not Eligible, or I Don't Get the Amount of Stamps that I Think I Should?

If you disagree with any decision the Family Support Division makes about your Food Stamp benefits, you can ask for a fair hearing.

You will get a written notice from the Family Support Division telling you how much you are eligible for, or that you are not eligible. You will also get a notice any time the Family Support Division plans to change your Food Stamps.

**Caution:** Check the Notice. The notice *must* inform you of the specific reason why you are not eligible for Food Stamp benefits or why they are changing your Food Stamp benefit amount. In addition, the notice *must* provide you with the specific regulation that supports the Family Support Division decision.

If you disagree with what the decision, you have 90 days from the date of the notice to ask for a fair hearing. If your Food Stamps are being reduced or terminated, you can stop the action until there is a decision from a fair hearing by asking for a hearing within 10 days from the date of the notice. Contact the Family Support Division to request a hearing.

A fair hearing is an informal meeting between you, your eligibility specialist and an impartial hearing officer. You have a right to be

represented at your fair hearing by anyone you choose. If you want legal help with your fair hearing, contact your regional Legal Services office.

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## What if FSD tells me that I must pay back Food Stamp benefits because of unintentional mistake or fraud?

Sometimes Food Stamp benefits may be incorrectly calculated because of an honest mistake made by a Family Support Division eligibility specialist, an honest mistake made by the applicant/recipient, or fraud. These situations often result in “overpayments” of Food Stamp benefits. In that case, there are specific procedures that must be followed by the Family Services Division.

If the Family Support Division suspects that an overpayment occurred because of an *honest mistake* by the eligibility specialist or the household, they must send you a document that is called a “demand letter.” The demand letter must—

- Notify you and your household of the amount of the overpayment.
- Demand that you pay back the overpaid benefits.
- Provide you with the opportunity to request a hearing or to set up a repayment agreement.
- Notify you of the right to request a *compromise* of the overpayment amount. The compromise may result in a reduction of the amount that you must pay back or in a waiver of the overpayment.

If Family Services Division suspects that an overpayment occurred because of *fraud*, they must refer the case to the Welfare Investigation Unit. The Welfare Investigation Unit will then determine what action should be taken, either—

- Find that there was no fraud and return it back to the local office so that it can go through the repayment process, or
- Find that there is evidence of fraud and refer the case to a prosecutor, or
- Send it back to the local office for an administrative disqualification hearing. The local office will then notify you of the date, time and location of the hearing as well as notify you of your right to waive the administrative disqualification hearing. Both the hearing and the waiver have several

important consequences, so if you are faced with this you should consult an attorney.

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## What if the Family Support Division Tells me I am Denied for a Felony Drug Conviction?

The law regarding felony drug convictions applies to anyone who received a felony drug conviction in federal or state court of the possession, use, or distribution of an illegal drug. Possession of the drug must have occurred on or after August 22, 1996. Keep in mind, a suspended imposition of sentence does not count in this rule, but a suspended imposition of sentence does. If someone has received a felony drug conviction, the possession of which occurred on or after August 22, 1996, then they are disqualified from receiving Food Stamp benefits for the rest of their lifetime.

## More Information on the Web

More Food Stamp information can be found at the Department of Social Services website.

To see if you might qualify for Food Stamps, a [prescreening tool](#) for the Food Stamp program is available from the federal program administrator.

### **Notice**

This material was prepared by Missouri Legal Services lawyers. July, 2012.

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