



August 10, 2009

Workforce Investment Act Policy Letter No. 08-11.1

To: WIA Local Workforce Investment Boards (WIBs), Fiscal Agents,
Administrative Entities, and One-Stop Operators

From: Douglas E. Lumpkin, Director

Subject: Determination of Dependent Status for Workforce Investment Act (WIA)
Applicants

I. Purpose

To outline the process for determining if an applicant or member of a family is dependent on, or independent of, his/her parent(s) or guardian(s).

II. Effective Date

Immediately

III. Background

This policy is intended partly to help avoid uncertainty and/or inconsistency in making eligibility decisions regarding family size and the inclusion of income when relevant for all appropriate members of the applicant's family. The support provided by parents or guardians must be carefully considered when determining eligibility for WIA adult and youth program services. The definition of dependent is being expanded to include adults as well as youth applicants and participants.

IV. Requirements

Effective with the date of this issuance, the determination of dependent status is required for all individuals under 24 years of age as part of the determination of eligibility for WIA program services. This determination shall be made prior to the application of the federal definition of "family."

The determination of dependent status is driven by the following factors:

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- The amount of support provided to the applicant by his/her parent(s) or guardian(s); and

The applicant's:

- Age
- Marital status
- Dependents (biological/adopted children, disabled adults, and others dependent on the applicant for more than 50% of their support*); and
- Veteran status

The WIA legislation requires that in order for an individual to receive a WIA adult-funded ITA the individual must be unable to obtain sufficient grant resources to cover the cost of training. Local areas will adopt a policy that establishes a family self-sufficiency standard. When applying this standard, it should cover both the employed and unemployed individuals in the family. The term "family" in family self-sufficiency refers to the definition found in WIA Section 101 (15).

To be suitable for ITAs, adults, including dependent adults, must be below the local area's established income level for family self-sufficiency. Depending on each local area policy, family self-sufficiency may be one of several different self-sufficiency policies used to determine eligibility for intensive services.

A. Definitions

Dependent - as defined by the State of Ohio, ODJFS, Office of Workforce Development Glossary.

Applicants who fall in any one of the following categories shall be considered a dependent for eligibility purposes:

- Under 18 years of age
- Age 18-23 and parent(s) or guardian(s) pay(s) for more than 50% of the applicant's **support***

Applicants who fall into any one of these categories are considered to be "independent."

- Age 24 or older
- Married (If separated but not divorced, applicant is legally married)
- Has children that receive more than half of their **support*** from the applicant
- Has dependents other than a spouse or children who live with the applicant and receive more than half of their **support*** from the applicant
- Lives in own residence or in a residence **without** financial or other support from parents or guardians
- Is on active duty in the U.S. armed forces for purposes other than training
- A veteran of the U.S. armed forces

***Support** as it relates to dependent includes financial assistance from parents or guardians to help pay for food, clothing, shelter, utilities, education, medical and dental care, recreation, transportation, and any other living expenses; as well as any government-provided cash public assistance and food assistance.

Special Circumstances

The issue of guardianship concerning dependent children may be determined by decree of court, or may be determined by a state or federal agency that has established or assumed guardianship.

An individual under 18 years of age is always considered to be a dependent child, unless the youth is not living with parents or guardians and is not receiving any support from them.

Family - as defined by WIA Section 101(15)

Two or more persons related by blood, marriage, or decree of court, who are living in a single residence, and are included in one or more of the following categories:

- A husband, wife and dependent children
- A parent(s) or guardian(s) and dependent children
- A husband and wife

B. Documentation

Verification of dependent status must be maintained in the participant files for documentation and accountability purposes to ensure that due diligence was conducted when determining family size and means of support.

Documentation may include a checklist for "Determination of WIA Dependent Status," provided as a sample, attachment A, in this issuance.

Self-attestation may be accepted to document parental support when signed by parent or guardian. A sample self-attestation form can be found in WIATL 27, Source Documentation Guide for WIA Eligibility, attachment B, form JFS 13186.

C. Eligibility

The requirement for youth to meet low income criteria is determined when an individual received an income or is a member of a family that received an income for the 6 month period prior to application for the program that in relation to family size does not exceed the higher of the poverty line or the 70 percent of the lower living standard income.

Applicants or participants age 22-23 who are determined dependent **are not** eligible for WIA youth programs as defined by WIA.

V. Technical Assistance

For additional information, you may send your questions to the Office of Workforce Development: WIAQNA@JFS.OHIO.GOV.

VI. References


Workforce Investment Act of 1998, Public Law 105-220
Workforce Investment Act Final Rules, 20 CFR Part 652, et. al
ODJFS WIATL Number 27, Source Documentation Guide for WIA Eligibility
Funding Education Beyond High School, The Guide to Federal Student Aid- U. S. Department of Education, www.FederalStudentAid.ed.gov
FAFSA, <http://www.fafsa.ed.gov>

Attachment A

Determination of WIA Dependent Status Checklist

If the answer of any of the below categories is "YES," the individual is considered to be independent of his/her parent(s) or guardian(s).

*Support as it relates to dependent includes food, clothing, shelter, utilities, education, medical and dental care, recreation, and transportation; as well as cash public assistance and food assistance.

	Required Documentation	YES	NO	Documentation & comments on file
<input type="checkbox"/>	Are you 24 or older?	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	Do you provide more than 50% of your own support *?	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	Are you married? (Answer "Yes" if you are separated but not divorced)	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	Do you have children who receive more than half of their support * from you?	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	Do you have dependents (other than your children or spouse) who live with you and who receive more than half of their support from you?	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	Do you live in your own residence or in a residence without support from parents or guardians?	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	Are you currently serving on active duty in the U. S. armed forces for purposes other than training? (If you are a National Guard or Reserves enlistee, are you on active duty for other than state or training purposes?)	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	Are you a veteran of the U. S. armed forces?	<input type="checkbox"/>	<input type="checkbox"/>	

By signing this document, you attest that all information provided is true and valid.

X _____
Signature Date