

Equivalent Care

Current Rule:

DCF 150.02(10): “Equivalent care” means a period of time during which the parent cares for the child that is not overnight, but is determined by the court to require the parent to assume the basic support costs that are substantially equivalent to what the parent would spend to care for the child overnight. Blocks of time with the child of at least 6 hours may be considered the equivalent of a half-day if a meal is provided during that time period. Two half-day blocks may be considered the equivalent of an overnight.

DCF 150.035(1)(a): The shared-placement formula may be applied when both of the following conditions are met: 1. Both parents have court-ordered periods of placement of at least 25% or 92 days a year. When calculating periods of placement based on “equivalent care” under s. DCF 150.02 (10), the total number of overnights may exceed 365. The period of placement for each parent shall be determined by calculating the number of overnights or equivalent care ordered to be provided by the parent and dividing that number by the total number of overnights in a year. The combined periods of placement for both parents shall equal the total number of overnights.

Inappropriate Application of the Rule:

- Dad has the overnight Friday. Mom has the majority of the day.
- Dad has day and overnight on Saturday.
- Mom has the overnight Sunday, Dad has the majority of the day

Issue: Should either parent receive equivalent care credit for the hours spent caring for the child during the day—6 hours for Mom for Friday and 6 hours for Dad for Sunday.

This scenario already accounts for overnights using Wisconsin’s shared placement formula. Equivalent care is intended for situations where no credit is available because there are no overnights.

Visual Example of Inappropriate Application of the Rule:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Week 1	Dad overnight	Dad overnight	Dad day Mom overnight	Mom day Dad overnight	Dad overnight	Dad overnight	Dad overnight
Week 2	Dad overnight	Dad overnight	Dad day Mom overnight	Mom day Dad overnight	Dad Day Mom overnight	Mom overnight	Mom day Dad overnight

In this example, Mom has every other weekend (Friday overnight and Saturday overnight), plus every Wednesday overnight. Dad has 10 overnights in a two-week period (260 overnights per year). Mom has 4 overnights in a two-week period (104 overnights per year) or 28%.

If equivalent care is granted in this example, it would look like this: Transitions are at 4:00 p.m. Dad receives an additional ½ day every Wednesday and a ½ day on Friday in Week 2 (a total of 1.5 days added). Mom receives an additional ½ day every Thursday and a ½ day on Sunday in Week 2 (a total of 1.5 days added). This would mean in a two-week period, Dad has 11.5 days and Mom has 5.5 days.

Dad: 11.5 days x 26 weeks = 299 days per year
 Mom: 5.5 days x 26 weeks = 143 days per year
 299 days + 143 days = 442 days in the year as opposed to 365 days
 Using these numbers, Mom now has 32% placement (143/365= 32%).

Possible Solutions:

1. Do nothing to the rule.
2. Add language to the end of DCF 150.02(10) that says equivalent care is not granted when overnight credit has already been awarded.
 - a. Possible language:
 - i. **Equivalent care time is not to be granted to a parent who received credit for an overnight within 24 hours.**
3. Add an example to the rule of applying Equivalent Care appropriately:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Week 1	Dad 8:00 a.m. to 3:00 p.m. Mom overnight	Dad 8:00 a.m. to 3:00 p.m. Mom overnight	Dad 8:00 a.m. to 3:00 p.m. Mom overnight	Mom overnight	Dad overnight	Dad overnight	Mom overnight
Week 2	Dad 8:00 a.m. to 3:00 p.m. Mom overnight	Dad 8:00 a.m. to 3:00 p.m. Mom overnight	Dad 8:00 a.m. to 3:00 p.m. Mom overnight	Mom overnight	Mom overnight	Mom overnight	Mom overnight

Dad has overnight placement every other weekend Friday evening until Sunday at 4:00 p.m. Mom has all other overnights. In a two-week period, Mom has 12 overnights, while Dad has 2. This is not a shared placement scenario.

However, Dad watches the children from 8:00 a.m. to 3:00 p.m. Monday through Wednesday each week. Dad is, therefore, credited with six half days in a two-week period or 3 overnights.

Mom has 12 overnights in a two-week schedule (312 overnights in a year) and Dad has 5 overnights after applying equivalent care (130 overnights in a year).

After awarding equivalent care time to Dad, the parties now have a shared placement schedule, with Mom having 70% placement time and Dad having 30% placement time.