



Wisconsin Child Support & Kinship Care: Understanding how they work together

Taking on the responsibility of caring for a relative affects a family in many ways, especially financially. No matter what the caregiver's financial status may be, raising children can be costly. Food, clothing, and school needs are just a few of the added expenses to the caregiver's monthly budget. Wisconsin has resources for caregivers, such as Child Support and Kinship Care agencies, to help a person meet these added expenses.

Here are answers to frequent questions relative caregivers ask about child support services.

References to Kinship Care policy are attributed to DCF 58.04(2)(e).

What if a caregiver doesn't receive Kinship Care payments but wants child support services?

A caregiver may apply for child support services at the caregiver's county Child Support Agency. The caregiver may find the county Child Support Agency by calling 211 or visiting DCF's website: <https://dcf.wisconsin.gov/cs/agencylist>.

If a caregiver receives Kinship Care payments, does that person also get child support services?

Yes, as a condition for receiving Kinship Care payments, the applicant is required to cooperate with the Child Support Referral process. The Kinship Care agency refers the caregiver's case to the appropriate county Child Support Agency. The county working a caregiver's child support case may not be the same county the caregiver lives in.

Who owes child support for a child relative living with a caregiver?

Depending on their income and circumstance, both parents of a child may be ordered to pay child support.

How much child support do parents owe each month?

Child support payments are determined by the Court using a percentage standard. The standard determines the minimum amount each parent is expected to contribute to the support of their children. If a caregiver wants more information about the standard, please go to DCF's website: <https://dcf.wisconsin.gov/cs/order/guidelines>.



How much in child support payments will a caregiver get each month?

When a caregiver accepts Kinship Care payments, a caregiver also agrees to let the State of Wisconsin keep monthly child support payments up to the total amount of the

Kinship Care payments received so far. (The child support payments help pay back the State for the cost of the Kinship Care payments.)

A caregiver doesn't receive both. Here are some examples of how this works.

Example 1

- The caregiver began receiving Kinship Care on June 1.
- In June, the caregiver receives a \$254 Kinship Care payment.
- In June, the child's parents owed and paid \$200 of child support.
- Since the amount of child support owed and paid for June was less than the Kinship Care payment, the State keeps the \$200 of child support.

Example 2

- The caregiver began receiving Kinship Care on June 1.
- In June, the caregiver receives a \$254 Kinship Care payment.
- In June, the child's parents owed and paid \$300 of child support.
- Since the amount of child support owed and paid in June is more than the Kinship Care payment, the caregiver may receive a check for the difference (\$46) after June ends, if the court order setting the child support obligation directs that payments are to be made to the Kinship Care provider.

Example 3

- The caregiver began receiving Kinship Care on May 1.
- In May and June, the caregiver receives a \$254 Kinship Care payment for each month for a total of \$508.
- The child's parents owed \$300 in child support in both May and June, and they paid \$400 of child support in June.
- Since the total amount of child support paid is less than the total amount of Kinship Care payments, the State keeps the \$400 of child support.



Example 4

- The caregiver began receiving Kinship Care on May 1.
- In May and June, the caregiver receives a \$254 Kinship Care payment for each month for a total of \$508.
- The child's parents owed \$300 in child support in both May and June, and they paid \$600 of child support in June.
- Since the total amount of child support paid is more than the total amount of Kinship Care payments, the caregiver may receive a check for the difference (\$92) after June ends, if the court order setting the child support obligation directs that payments are to be made to the Kinship Care provider.

What if a caregiver doesn't want child support services?

If a relative caregiver wants to receive the Kinship Care payments, they must cooperate with the Child Support Agency, which may include filing a good cause exemption.

What if the Caregiver is concerned about requesting Child Support?

The Kinship Care worker is required to explain the applicant's right to a "good cause" claim and provide them an application if interested. When a caregiver files this claim, the Child Support Agency will stop its services while the Kinship Care agency decides if a caregiver has a good cause to not cooperate. The Kinship Care agency may ask a caregiver to give written evidence to support the caregiver's good cause claim.

Good cause exists when:

- A relative caregiver can reasonably anticipate that cooperating might lead a parent to threaten or cause physical or emotional harm to the caregiver or child.
- The child was conceived as a result of incest or sexual assault.
- An adoption petition has been filed with the court.

If the Kinship Care agency decides a caregiver does have a good cause, a caregiver does not have to cooperate with the Child Support Agency, and a caregiver will keep receiving Kinship Care payments. If the Kinship Care agency decides a caregiver does not have a good cause, child support services start again, and a caregiver must cooperate with the Child Support Agency if a caregiver wants to keep receiving Kinship Care payments.



How do the Kinship Care and Child Support Agencies protect a caregiver's personal information?

Both agencies follow federal and state laws to protect a caregiver's personal information. However, if a caregiver cooperates with the Child Support Agency and is afraid for the safety of the child and/or the caregiver, that person may ask for additional privacy protection if any of the following conditions are met:

- The caregiver or the child relative is covered by a protective order.
- A Child Support Agency agrees there is reason to believe that a caregiver or the child might be physically or emotionally harmed if personal information is released in public documents.
- The relative caregiver or the child has been physically or emotionally abused in the past or is at risk of being abused.
- If the caregiver has been granted good cause for non-cooperation with child support by a Wisconsin Works (W-2) agency or another county social services agency.

Whom do caregivers contact if there are questions about their child support cases?

The county working a caregiver's child support case may not be the same county the caregiver lives in, so the Kinship Care worker must tell the caregiver which county Child Support Agency it referred the caregiver's case. Then the caregiver can find the contact information for that county agency by calling 211 or visiting DCF's website:

<https://dcf.wisconsin.gov/cs/agencylist>.

What if caregivers are not satisfied with the answers the Child Support Agency staff give to their questions?

If a caregiver believes that a Child Support Agency is not providing good customer service, each county has a process for the caregiver to make a complaint using the form on DCFs' website:

<https://dcf.wisconsin.gov/files/forms/pdf/14363.pdf>

Are the funding sources and rules the same for Kinship Care and Foster Care programs?

No, although Kinship Care and Foster Care are both types of out-of-home placements, they have different funding sources and consequently different sets of federal rules and laws apply. Unlike Foster Care maintenance payments which are matched by counties' general-purpose revenues, Kinship Care payments are funded 100% through the State's TANF Program. The State funds the cost of the maintenance payments for children in the Milwaukee County Foster Care program and several small, specialized programs.



Otherwise, in all other non-Tribal counties, county funds make up part or all of the maintenance payments.

In turn, these differences in the funding sources mean the child support program must treat them differently. Assignment of child support in Kinship Care cases means child support collections first reimburse the State's cost of Kinship Care payments. These retained support collections to the state are turned over to the TANF account at the end of each month. If the total amount collected is more than the total of Kinship Care payments, the child support collected in excess of the Kinship Care payment is paid to the family—this could be a biological parent or the Kinship Care provider. This works the same as for families who receive W-2 and have assigned child support to the State.

Assignment of child support in Foster Care cases means child support collections first reimburse the county's cost of the monthly maintenance payment. These retained support collections are turned over to the respective county fiscal authority at the end of each month. If the monthly amount collected is more than the payment, the child support collected in excess of the maintenance payment goes to the child's trust account to be used in the best interest of the child. Otherwise the money from child support remains in the child's trust account for the child's present and future well-being.

What can the Child Support Agency do to help the Kinship Care agency fix mistakes?

County Child Support Agencies and the State's Bureau of Collections will take responsibility for fixing mistakes they make in operating the child support program or for failing to perform an action they are required to perform. They will coordinate with other state and county agencies as necessary to make whole misdirected funds and remedy adverse actions resulting from the mistakes they caused.

However, strict federal regulations and the force of law embedded in court orders severely limits what county child support agencies and the Bureau of Collections can do to help an agency from another program fix a mistake it made in operating its program. If the child support program distributes child support payments in accordance with federal regulations and the underlying court order, those child support payments cannot be taken back from the person to whom they are owed. Doing so violates federal regulations and the court order.

If the Kinship Care agency either made a Child Support referral error or failed to make a referral or an overpayment was made, the agency must rely on methods to recoup funds directly from the kinship provider as allowed by the Kinship Care program's rules. The county Child Support Agencies are not aware of what such methods might be.



Therefore, questions about these methods should be directed to the Kinship Care program's Specialist in the Division of Safety and Permanence.

If a Kinship Care agency and a county Child Support Agency cannot agree on a resolution to an issue or situation, the Kinship Care agency may notify the program's Kinship Care Specialist at the Division of Safety and Permanence. The Child Support agency has a similar protocol for contacting the Bureau of Child Support with questions. The contacts at the state level will then review the case facts and the applicable program rules to determine the next steps for a resolution and will involve the appropriate agencies.