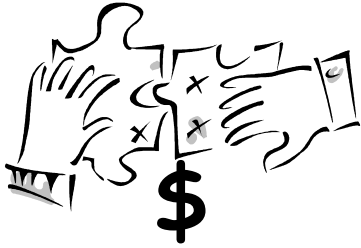




# Your Guide to W-2 Services, Cash Benefits Programs, & Child Support

## WI BUREAU OF CHILD SUPPORT



### Cooperation and Good Cause

#### Getting support when you are getting cash benefits

#### Review of your court order when getting cash benefits

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If you get any Wisconsin Works (W-2) service (including help from the Wisconsin Shares program to pay for child care) or get cash benefits from the SSI Caretaker Supplement or Kinship Care programs:

- You will automatically get child support services.
- You must cooperate with the Child Support program.
- You **no longer** sign over any past-due support owed to you before you signed up for cash benefits. That money will always be owed to you.

If you now get cash benefits from the W-2 or SSI Caretaker Supplement program:

- You will get part of any child support that is paid.
- Your part will be **75%** (began October 2010).
- Your child support order will be reviewed every three (3) years.

If you get cash benefits from the Kinship Care program:

- You might get the amount of paid support that is more than your cash benefit.
- Your child support order will be reviewed every three (3) years.

When you no longer get cash benefits from the W-2 program, you will get **all** assigned past-due child support that is paid. See page 5 for more information about “assigned past-due support.”

## Cooperation and Good Cause

### Cooperating with child support

#### What must I do to cooperate?

You need to:

- Give the child support agency the information they ask for about your child’s other parent or parents.
- Keep your appointments with your child support worker.
- Attend any required court hearings about your child support case.
- Tell your W-2, Caretaker Supplement, or Kinship Care worker if the other parent pays child support directly to you.
- Appear with your children for scheduled genetic tests.
- Pay child support as ordered by a court or as stated in your payment plan. Please see “Your Guide to Past-Due Child Support” (online at [dcf.wisconsin.gov](http://dcf.wisconsin.gov) or from your child support agency).

## More about Cooperation and Good Cause

- You and everyone in your household who gets any W-2 service must cooperate with the Child Support program.
  - If anyone in your household who gets W-2 services does not cooperate, **no one in the household** may get any W-2 service (cash benefits, job programs, training programs, or child care).
  - You may begin getting W-2 services again as soon as you or others in your household start to cooperate with child support. Please contact your child support agency to find out what you need to do. If anyone in your household is sanctioned three (3) times, you will not get any W-2 service until everyone in your household cooperates, or for a period of six (6) months, whichever is later.
- The person who applied for benefits from the Kinship Care or SSI Caretaker program must cooperate with the Child Support program.
  - If the person who applied for benefits does not cooperate, he or she may not get cash benefits from the Kinship Care or SSI Caretaker Supplement program until he or she cooperates.

**Please Note:** Cooperating with the W-2 program (such as attending training or work) is a separate matter. Please ask your W-2 agency about cooperation with the W-2 program.

### What should I do if I am told that I am not cooperating, but I believe I am?

If you do not agree with the Child Support program's decision that you are not cooperating, you may ask your child support agency for a review. The child support agency will set up a meeting with a "fact finder" to review your case. You may bring a representative (a friend, relative, lawyer, etc.) with you to this meeting. If you cannot travel to this meeting, ask about attending the meeting by phone. The cooperation fact finder will mail you a notice of their findings. If the fact finder decides you have not been cooperating, the notice will tell you how to appeal the decision.

### Good Cause

#### What if I have a good reason for not cooperating with child support?

If you believe you or your children might be harmed if you cooperate with the child support agency, talk with your W-2, Caretaker Supplement, or Kinship Care worker, and file a Good Cause claim. The W-2, Caretaker Supplement, or Kinship Care agency will decide whether or not Good Cause exists.

#### What is Good Cause?

Good Cause exists when:

- Cooperating with the child support agency might cause physical or emotional harm to you or your child, *or*
- Your child was conceived as a result of incest or sexual assault, *or*
- An adoption petition has been filed with the court, *or*
- You are being helped for three (3) months or less by a social service agency in deciding if your parental rights should end.
- You will be asked to give written evidence to support your Good Cause claim. If you have problems getting evidence, your W-2, Caretaker Supplement, or Kinship Care worker will help you.
- The W-2, Caretaker Supplement, or Kinship Care agency will consider the evidence you present, and decide whether or not you will have to cooperate with the child support agency.

## More about Good Cause

### What if I do not agree with the Good Cause decision?

If you do not agree with the final decision about Good Cause, you may request a Good Cause fact-finding review from your W-2, Caretaker Supplement, or Kinship Care agency.

The Good Cause fact finder will mail you a notice of their findings. If the fact finder decides you do not have Good Cause, the notice will tell you how to appeal the decision.

### I am worried what might happen if the other parent knows my whereabouts. What can I do?

If the release of your address, phone number, employer, or other location information would put you or your children at risk, ask your child support worker for privacy protection.

## Getting child support when you get cash benefits

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### Assigned child support

When signing up for cash benefits from the SSI Caretaker Supplement, Kinship Care, or W-2 programs, you “assign” (sign over) your rights to child support as a condition of getting cash benefits. Assigned support is the support due during the time you get cash benefits. Federal rules control how much child support can be passed through to families that get cash benefits. Wisconsin uses some of the assigned child support to pay for your cash benefits. **Remember:** All past-due support owed to you before you signed up for cash benefits is still owed to you.

Kinship Care: Rules for Kinship Care are not the same as the rules for W-2 and the Caretaker Supplement. Please see page 4 for information about Kinship Care.

### W-2 or SSI Caretaker Supplement cases

If you get cash benefits from the W-2 or SSI Caretaker Supplement programs, you will get part of the child support that the other parent pays. You will still get all your cash benefits from the W-2 and Caretaker Supplement programs.

You will get part of your child support if you are now getting cash benefits from the:

- SSI Caretaker Supplement program
- W-2 Community Service Job
- W-2 Transitional Placement
- W-2 Custodial Parent of an Infant program, **and** you had gotten cash benefits in the past (from the AFDC, W-2, or Caretaker Supplement programs)

Not all W-2 programs have cash benefits. You get all of the child support paid if you:

- Get help paying for child care
- Get W-2 Case Management Services
- Get Emergency Assistance
- Work in a W-2 Trial Job
- Are in the W-2 Custodial Parent of an Infant program, **but never** got W-2 or AFDC cash benefits in the past

## More about getting child support

### What this means to you

If you get cash benefits from the W-2 or the Caretaker Supplement program:

- You get **75% of the child support paid**.
- You will get **all your cash benefits** from the W-2 or SSI Caretaker Supplement program.

### Example of how much support you will get:

Child support payment	Your share is:
\$40	\$30
\$60	\$45
\$100	\$75

## Kinship Care cases

If you are in Kinship Care, all support is assigned (signed over) to the state. A Life of Case review is done at the end of each month. The Life of Case review compares the total amount of all support paid to the total amount of the Kinship Care grants. If during your time in Kinship Care, the support payments add up to more than the Kinship Care grants you got, the difference will go to you.

**Example:** You enrolled in Kinship Care in March.

Month	Child support payment	Kinship Care grant	
March	\$200	\$226	
April	+ \$300	+ \$226	
<b>End of April Life of Case Review</b>	<b>= \$500</b>	<b>= \$452</b>	<b>\$500 - \$452 = \$48</b>

- At the end of March, the \$200 support paid was less than the \$226 Kinship Care grant. You will get the Kinship Care grant but none of the child support.
- At the end of April, the Life of Case review compares the March **and** April totals: the \$500 of support paid and the \$452 Kinship Care grants – a difference of \$48. You will get the \$48 along with the Kinship Care grant.

## **Review of court orders when getting cash benefits**

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If you are now getting cash benefits from the W-2, Kinship Care, or SSI Caretaker Supplement program, your child support order will automatically be reviewed every three (3) years. The review will check to see if the support amount in your court order is in line with the paying parent's income. Both parents will be asked to provide current financial information. A notice about the review's results will be mailed to you and the other parent.

The review might show that your support order amount should:

- be higher
- be lower
- stay the same.

Your share of the child support will still be 75% of any support that is paid.

Any change to your support order must be done through a court hearing or by an agreement approved by the court. Your child support agency can help write up an agreement. If you and the other parent write up an agreement, your child support agency must approve the agreement. All parents may ask to have their order reviewed every three (3) years. For more information about reviewing your child support order, please see "Your Guide to Changing and Ending Support" (online at [dcf.wisconsin.gov](http://dcf.wisconsin.gov) or from your child support agency).

## **Getting child support if you got W-2 cash benefits in the past**

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You will get **all the current support** paid as long as you do not receive cash benefits.

You will also get **all of the "assigned past-due support"** that is paid if you no longer get cash benefits. The "assigned past-due support" is the amount of support owed but not paid while you were getting W-2 cash benefits.

You will now get the full amount of support collected by intercepting the federal tax refunds of the parent who owes past-due support. (State tax intercept first pays any current support due for the month.)

The only exceptions are state-assigned arrears and birth costs paid by the Medicaid and BadgerCare Plus programs. Intercepted federal tax returns pay these debts first.

Example:

<b>Past-due child support payment</b>	<b>Your share (100%):</b>
\$40	\$40
\$60	\$60
\$100	\$100

## Answers to questions

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### **I get cash benefits from my Tribal Temporary Assistance for Needy Families (TANF) program, but my child support case is with my county agency. What does this mean to me?**

If you get cash benefits from your Tribal TANF program, you are under the same rules as those who get cash benefits from the W-2 program.

### **How will I know how much support or past-due child support was paid?**

For each month that a payment is made on assigned support, a Child Support Notice of Collection will be mailed to you the next month. The notice will tell you:

- The total payment made on assigned support
- The amount of assigned support paid to you
- The amount of assigned support used to pay for your cash benefits

You can also check your payments on the Child Support Online Services website [dcf.wisconsin.gov](http://dcf.wisconsin.gov). Payment information is updated every night except Sunday. You will see:

- The amount of assigned support paid to you
- The amount of assigned support kept and used to pay for your cash benefits

### **A few years ago, I worked at a Trial Job and got some help with paying child care. Will I get all my child support?**

Yes. If you did not get a cash benefit, you did not assign (sign over) your rights to child support.

Help with paying child care (Wisconsin Shares program) and W-2 Trial Jobs are not W-2 cash benefits. Only those who got W-2 cash benefits signed over their rights to child support.

### **I was referred to child support when I was in W-2. I never got W-2 cash benefits. Do I have to pay any fees?**

When referred to the Child Support program, parents in W-2 will get full child support services. Please see your local child support agency to see what fees may apply to your case. There is no fee for applying for child support services.

### **Years ago, I got AFDC. At that time, all the unpaid child support owed to me was signed over to the state. That amount was more than the AFDC cash benefits I got. Now the other parent is paying on the past-due child support. Will I get any of the past-due support?**

The state will not keep more support than the total amount of the cash benefits you got from the AFDC program. (This is called “unreimbursed assistance.”) Except for intercepted federal tax refunds, the past-due support owed to you is paid to you before the assigned past-due support. The changes for those who got cash benefits from W-2 will not affect families who got AFDC.

## **Questions asked by parents PAYING support**

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**I have an order to pay child support for my child who lives with the other parent. However, I have a child by another partner, and that child lives with me. Will child support be taken out of my W-2 check?**

Child support may not be taken out of benefits you get from a W-2 agency -- such as taking care of a newborn, participating in W-2 Transition, working in a Community Service Job, or for child care costs. These benefits, as well as SSI, are not considered income for child support purposes.

Child support may be taken out of paychecks you get directly from an employer -- such as a check for a W-2 Trial Job or a W-2 Unsubsidized Employment job. These payments are considered income for child support purposes.

**The other parent was on AFDC years ago. My child support payments include paying on past-due support. Why is my family not getting all the support that I pay?**

Unlike the W-2 program, all assigned past-due support owed for AFDC is used to repay the AFDC benefits your family got.

The amount of “AFDC assigned support” you owe is the total amount of child support due but not paid while your child was on an AFDC grant. If the other parent and children got AFDC in the past, support you still owe during that time will be used to repay AFDC costs.

However, payments on past-due support will first be used to pay past-due support owed to the family. When the entire debt to the family is paid, the remaining payments will be used to pay past-due support that was assigned. The only exception is intercepted federal tax refunds. Payments from federal tax refund are first used to pay assigned past-due support. For more information, please see “Your Guide to Past-Due Support” (online at [dcf.wisconsin.gov](http://dcf.wisconsin.gov) or from your child support agency).

**Although we were never married, I was giving money to the other parent to help support my child. Now that the other parent gets W-2 services, money is taken from my paycheck. Why can't I just pay the money as I did before?**

Parents who get W-2 services must cooperate with their child support agency. In these cases, an order for child support is set, and the child support must be paid by income withholding. Your employer will send the amount withheld to the Wisconsin Support Collections Trust Fund. The Trust Fund will pay out the support to all your child support cases as required by federal and state laws. For more information, please see “Your Guide to Paying Child Support” (online at [dcf.wisconsin.gov](http://dcf.wisconsin.gov) or from your child support agency).

**My children are in Kinship Care and live with their grandparents. Who gets the support?**

If your children are now in or were in the Kinship Care program or in another placement outside the home, payments on current and past-due support might be used to repay the program costs.

## Need more information?

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### For information about Cooperation and Good Cause, contact the agency in the county with your case:

- Your W-2 agency is listed in the phone book under “county government” or tribal name if your local W-2 agency is under your county’s human services or social services agency. All W-2 agencies are listed online at [dcf.wisconsin.gov/w2/directories.htm](http://dcf.wisconsin.gov/w2/directories.htm).
- Your SSI Caretaker Supplement program is under your county’s human services or social services agency, and is listed in the phone book under “county government” or tribal name and online at [dhs.wisconsin.gov/em/imagencies/index.htm](http://dhs.wisconsin.gov/em/imagencies/index.htm).
- Your Kinship Care program is under your county’s child welfare, human services, or social services agency, and is listed in the phone book under “county government” or tribal name and online at <http://dcf.wisconsin.gov/children/Kinship/INDEX.HTM>.
- Your child support agency is listed in your phone book under “county government” or tribal name and online at [dcf.wisconsin.gov](http://dcf.wisconsin.gov).

### For information about child support

- Contact your local child support agency for information about your case. Agencies are listed online at [dcf.wisconsin.gov](http://dcf.wisconsin.gov) and in your phone book under “county government” or tribal name.
- Go to [dcf.wisconsin.gov](http://dcf.wisconsin.gov) for more information about child support. Most public libraries offer free Internet access.

**Or contact:**

DCF is an equal opportunity employer and service provider. If you have a disability and need to access this information in an alternate format, or need it translated to another language, please call (608) 266-9909 or the Wisconsin Relay Service (WRS) - 711 TTY (Toll Free). For civil rights questions, call (608) 422-6889 or Wisconsin Relay Service (WRS) - 711 TTY (Toll Free).