



DEPARTMENT OF CHILDREN AND FAMILIES  
DIVISION OF FAMILY AND ECONOMIC SECURITY  
ADMINISTRATOR'S MEMO SERIES

**DFES 25-09**

ISSUE DATE: 10/20/2025

DISPOSAL DATE: 12/31/2026

☐ ACTION

☒ NOTICE

**PROGRAM CATEGORIES:**

- ☒ W-2 - Wisconsin Works
- ☐ RA - Refugee Assistance
- ☒ CS - Child Support
- ☐ CF - Children First
- ☐ TJ - Transitional Jobs
- ☐ TMJ - Transform Milwaukee Jobs

**DATE:** 10/20/2025

**TO:** Child Support Agency Directors  
W-2 Agencies

**FROM:** **Connie M. Chesnik**  
**Division Administrator**

**RE:** Child Support Cooperation Requirements and Exceptions

**PURPOSE:**

Existing policy for both the Wisconsin Works (W-2) and Child Support programs provides some flexibility and exceptions regarding child support cooperation and good cause. In a commitment to better serve communities and families across Wisconsin, the Division of Family and Economic Security (DFES) is reminding W-2 and child support agencies of these flexibilities and encouraging them to review internal policies to determine if there is additional flexibility possible within State law.

**BACKGROUND:**

Federal regulations give state child support programs the flexibility to define cooperation requirements in a way that enables them to be responsive to the needs of the families they serve and ensure that orders are established in the best interests of children.

**Cooperation Requirements:** As a condition of eligibility, any custodial parent (CP) who applies for or is receiving assistance from W-2/TANF, Foster Care, Kinship Care, Wisconsin Shares (Child Care) and Medicaid. must cooperate with the Child Support Agency (CSA) handling their case in establishing paternity, and modifying, enforcing, and obtaining child and/or medical support orders.

Section 454(29) of the Social Security Act establishes CSAs as the authority for determining requirements of cooperation and noncooperation.

State law and administrative rules require that unless a good cause exemption applies, custodial parents (CPs) must cooperate in good faith with efforts directed at all of the following:

- Identifying and locating an absent parent
- Establishing paternity of a child
- Establishing and enforcing a support order
- Obtaining other payments or property to which the CP and or child may have rights

**Acts of cooperation include any action that is relevant to achieving the above objectives including providing verbal and written information, attending interviews, and submitting to court-ordered genetic tests.**

**Exceptions to Cooperation:** The following are scenarios where child support agencies are encouraged to consider flexibilities when determining cooperation.

- 1. Intact Families and Missing Parents:** There are child support considerations for clients whose otherwise intact families are separated or where one parent is missing through circumstances beyond their control, such as political violence in another country. These families may apply for W-2 and other benefit programs even if one parent is absent, as long as they are still considered part of an intact family but cannot be with the family. Section 454(29)(A)(i) of the Social Security Act and state policy under DCF 102 does not require cooperation with child support if there is a danger (risk of harm) to the child or parent.
- 2. Good Faith:** The child support statutory requirement to cooperate in “good faith” indicates that there may be extenuating circumstances that a state should consider when evaluating whether an individual is cooperating with the program.

Prior to utilizing noncooperation, the CSA must determine if there was an adequate reason for a failure to appear. An adequate reason under Wis. Admin. Code § DCF 102.03(5) is defined below. (The case must be updated with the effort).

- Personal or family illness or injury
- Family crisis
- Breakdown in transportation arrangements
- Inclement weather that causes a general breakdown in travel
- Failure to receive a hearing notice, appointment notice, or written request for information due to a demonstrable mail problem, address change, or extended time away from home

- Other reasonable circumstances as determined by the child support agency or the department (e.g. unplanned work conflict, childcare, personal barrier- such as an emergency meeting or service needed, technical challenges with the court, etc.).

This is a case-by-case determination and child support agencies are encouraged not to establish 'one size fits all' criteria for determining when a participant is making a good faith effort to cooperate.

3. **Good Cause and other Exceptions:** While the child support agency determines whether an individual referred for child support services has met the cooperation requirement; it is the W-2 agency that determines whether the participant has good cause or meets other exemption criteria for not cooperating. DCF 102.05 contains the criteria and exemptions for determining if a CP or NCP has good cause for not cooperating.
4. **Best Interest of Child:** Federal law requires child support programs to account for the "best interests of the child" when defining exceptions to the cooperation requirement (45 CFR 303.11(b)(14) & (20)). Pursuit of child support could be considered "against the best interests of the child" when it:
  - Jeopardizes the stability of the child's placement with kinship caregiver;
    - Per DCF 102.05(1), if cooperation with child support is "reasonably anticipated to result in either physical **or emotional harm to the child**" a parent has good cause for not cooperating.
    - Kinship caregivers being forced to seek a support order for the care of the child from the child's own parent could be reasonably anticipated to cause emotional harm to the child, the kinship caregiver, and the parent(s).
  - Creates barriers to successfully implementing reunification plans; or
  - Poses a threat to family safety.

Good cause claims must be supported with corroborating evidence. DCF 102.06(4) lists types of evidence that can corroborate a good cause claim. W-2 agencies are encouraged to review this list and accept any evidence the participant can provide without hardship in order to determine good cause. The Domestic Abuse Screen in the Wisconsin Works Program (WWP) Informal Assessment serves as acceptable corroborating evidence, as per DCF 102.06(4), for W-2 agencies to make good cause determinations.

To support parents who are addressing family safety issues, the parent must be provided a full explanation of the benefits and consequences of electing to receive or not receive child support.

- **Federal Regulation:**  
42 U.S. Code § 654: SEC. 454.

- **Wisconsin State Statute(s)**  
§ 49.145  
§ 49.19(4)(h)1.a  
§ 49.45 (19)  
§ 49.155

W-2 Cooperation  
Caretaker Supplement  
Medicaid  
Childcare

- **State Administrative Code:**  
Chapter DCF 102

Child Support Cooperation for W-2