



DEPARTMENT OF
CHILDREN AND FAMILIES
 Secretary Eloise Anderson
 201 East Washington Avenue, Room G200
 P.O. Box 8916
 Madison, WI 53708-8916
 Telephone: 608-266-8684
 Fax: 608-261-6972
 www.dcf.wisconsin.gov

DEPARTMENT OF HEALTH SERVICES
 Secretary Dennis Smith
 1 West Wilson Street
 P.O. Box 7850
 Madison, WI 53707-7850
 Telephone: (608) 266-9622
 FAX: (608) 266-7882
 www.dhs.wisconsin.gov

**State of Wisconsin
 Governor Scott Walker**

**TO: W-2 Agencies
 Income Maintenance Supervisors
 Income Maintenance Lead Workers
 Income Maintenance Staff
 Workforce Development Boards
 Job Center Leads and Managers
 Training Staff
 Child Care Coordinators**

**FROM: Janice Peters, Director
 Division of Family and Economic Security
 Bureau of Working Families**

DFES OPERATIONS MEMO					
No: 12- 52					
DATE: 9/4/2012					
FS	<input type="checkbox"/>	MA	<input type="checkbox"/>	BC+	<input type="checkbox"/>
SC	<input type="checkbox"/>	CTS	<input type="checkbox"/>	FSET	<input type="checkbox"/>
CC	<input type="checkbox"/>	W-2	<input checked="" type="checkbox"/>	EA	<input checked="" type="checkbox"/>
CF	<input type="checkbox"/>	JAL	<input type="checkbox"/>	JC	<input type="checkbox"/>
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PRIORITY: HIGH					

SUBJECT: Updates to Emergency Assistance Policy

CROSS REFERENCE: Operations Memo 09-22
 Operations Memo 09-78
 Chapter 17 W-2 Manual

EFFECTIVE DATE: September 4, 2012

PURPOSE

This Operations Memo announces the updated Emergency Assistance (EA) policy. Substantial changes have been made to the organization of the policy to improve clarity and to emphasize critical concepts and critical steps in determining eligibility and issuing payments for EA.

BACKGROUND

The EA program provides financial assistance to needy families who are homeless or are facing homelessness (impending homelessness); are experiencing an energy crisis; or have experienced a fire, flood, or natural disaster.

The Emergency Assistance Ad Hoc Workgroup met from 2007 into 2009, and again from May 2011 to August 2011 and reviewed the revised policy. The updates and policy revisions are based in part on the recommendations and suggestions of the EA Workgroup.

SUMMARY OF UPDATES

Policy revisions are intended to:

1. Increase consistency within and between policy documents including Chapter 49 Wisconsin statutes; Department of Children and Families Administrative Rule Chapter 120 (DCF 120); Wisconsin Works (W-2) Manual; and the Emergency Assistance Training Guide.
2. Incorporate EA policy in Operations Memos 09-22 and 09-78 into the manual.
3. Clarify sections of policy in response to questions, concerns, and comments from W-2 Agencies and the EA Ad Hoc Workgroup. For example, information regarding verification has been moved to sections that address specific items of verification.
4. Re-organize the manual to reflect a more logical sequence.
5. Clarify that there are two steps in the EA Application process.
 - Determining eligibility; and
 - Issuing the EA payment.
6. Clarify that decisions regarding the EA Application and eligibility must be documented. Verifying documentation must be scanned into the Electronic Case File (ECF) or stored in the paper file, and actions must be entered in Emergency Assistance Tracking System (EATS) comments.
7. Further clarify policies by adding examples throughout the chapter.

POLICY CHANGES

Below is a list of the policy updates that have been made to the EA Policy. A copy of the new EA policy language is attached. A “track changes” version is not included with this Operations Memo due to the extensive reorganization of the chapter.

The policy is currently in the W-2 Manual, Chapter 17. A stand-alone manual for EA policy is being developed. The EA Manual will be available approximately 30 days after the effective date of this Operations Memo.

Below, the current Chapter 17 subsection numbers are listed next to the “Existing policy section” and the new EA Manual subsection numbers are listed next to the “Updated policy section.”

Existing policy section 17.1.2: *Five-Business-Days Timeframe*

Updated policy section 1.3, 1.4, 1.5, and 1.6

- Clarifies that determining eligibility and issuing payment are two separate processes.
- Requires W-2 agencies to provide EA applicants with resource and referral information.
- Clarifies that when notifying an EA applicant of the eligibility determination, W-2 agencies must use the state “*Notice of Decision*” (NOD) forms.
- Clarifies that if an EA applicant is determined eligible but has not yet found permanent housing, the W-2 agencies must issue a “positive” notice of eligibility and inform the EA applicant that he or she must notify the W-2 agency when he or she has found housing.

Existing policy section 17.2.1: *EA Application Process***Updated policy section 1.2, 1.5**

- Clarifies that day one of the 5 working days timeframe is the first working day AFTER the completed EA Application is received and day 5 is the end of the day on the 5th working day.
- Requires that the EA applicant submit the application in the geographical area where the applicant resides, or where the applicant will be relocating.
- Clarifies that an EA Application is complete when it includes the EA applicant name, address (if available), reason for the emergency and signature by the EA applicant or representative.

Existing policy section 17.3.2: *Verifying Emergency Information***Updated policy sections 2.1, 4.5.1, 4.6.4, 4.7.4, 4.8.1, 4.8.2, 4.8.3, 4.9.1, 4.9.2, 4.9.3**

- Adds separate sections regarding verification for each eligibility requirement that must be verified.
- Adds examples of what to do when verification cannot be obtained within the 5 working days timeframe.
- Requires that the W-2 agency query Client Assistance for Re-employment and Economic Support (CARES) and Kids Information Data System (KIDS) as part of the verification and eligibility process.
- Clarifies that in the absence of third party verification, the W-2 agency may accept a signed statement from the EA applicant regarding the missing information.
- Deletes #12 (police report) from the list of verification of a financial crisis found in current policy section 17.3.2. The corresponding information regarding criminal theft of cash/money order in section 17.4.1.2 has also been deleted.
- Clarifies that W-2 agencies must utilize ECF for storing EA documentation or must maintain a paper file; and must enter information in EATS comments.
- Clarifies that information required for agency accounting or tax purposes is not required verification for EA eligibility.

Existing policy section 17.4.1: *Qualifying Emergency***Updated policy section 4.4**

- Combines fire, flood and natural disaster into one section in the revised policy.
- Deletes the statement “An emergency caused by the caretaker relative’s criminal behavior is not eligible for EA.” Per 120.05(1)(d), EA is provided to eligible families to avoid the destitution of children. In some cases, EA eligibility specifically requires that the emergency was due to reasons beyond the control of the caretaker relative (impending homelessness due to financial crisis and energy crisis).

Existing policy section 17.4.1.2: *Financial Crisis/Notice to Terminate Tenancy Overview***Updated policy section 4.8**

- Adds to the causes of financial crisis the loss of income from “another adult household member, relative or other person outside the home who provided financial support to the EA Group.”
- Deletes “Criminal theft of cash or money order” from the list of financial crises. Information regarding documentation of criminal theft has also been deleted throughout the policy. Based on discussion with W-2 agencies, including the EA Ad Hoc Workgroup, the inclusion of criminal theft as a financial crisis created an additional workload where documentation of the emergency was often vague. Under the revised policy, W-2 agencies retain the discretion to view criminal theft as a financial crisis due

to reasons beyond the control of the caretaker relative. See the revised policy section 4.8.

- Clarifies that a decrease in a W-2 payment due to a sanction for which the W-2 participant is subsequently found to have good cause may constitute a financial crisis beyond the control of the EA applicant.

Existing policy section 17.4.1.2.1: *Legal Notice to Terminate Tenancy*

Updated policy section 4.8.2 and 4.8.3

- Clarifies policy regarding evictions and eviction notices. Information related to eviction notices in the existing policy was complicated. The revised policy contains simplified information about what is required on a notice to terminate tenancy (eviction notice).
- Adds a separate section regarding legal notice to terminate tenancy in cases of a home foreclosure.
- Adds requirement that W-2 agencies must notify applicants who are eligible of the option to move to new housing.

Existing policy section 17.4.1.2.2: *Stay of Eviction Proceedings*

Updated policy section 1.4

- Clarifies what actions must be taken by the W-2 agency when an EA applicant has a court ordered eviction.
- Clarifies what actions are optional for the W-2 agency. It is optional to provide Stay of Eviction court forms.
- Adds information regarding Stay of Eviction court forms.
- Deletes 2nd paragraph in existing policy section 17.4.1.2.2. For EA eligibility, grounds for eviction must include non-payment of rent; however, a stay of eviction postpones any and all grounds for eviction.

Existing policy section 17.4.1.2.3: *Waiving Right to Proceed with Eviction/Foreclosure*

Updated policy section 5.3.1

- For EA eligibility, grounds for eviction must include non-payment of rent, and may include other grounds. A landlord, bank or financial institution that waives the right to proceed with an eviction or foreclosure also waives the right to pursue an eviction on any grounds that exist at the time of the EA payment.

Existing policy section 17.4.1.2.4: *Impending Homelessness and Relocation*

Updated policy section 4.8.2, 5.2, 5.3, 5.3.1, 5.3.2

- Deletes Section 17.4.1.2.4 containing the criteria for relocation.
- Clarifies how to determine whether the EA payment should be issued to the current landlord or a new landlord.
- Clarifies what verification is required and what may trigger a Payment Delay Exception.
- Clarifies in what situations an EA applicant is eligible to remain in current housing or move to new housing.

Existing policy section 17.4.1.7: *Energy Crisis*

Updated policy section 4.9, 4.9.3

- Defines “beyond the control of the caretaker relative” as a financial crisis similar to a financial crisis for impending homelessness.

Existing policy section 17.4.1.8: *Fire*

Updated policy section 4.5

- Deletes the statement regarding arson by a caretaker relative.

Existing policy section 17.4.2: *EA Group***Updated policy section 4.3, 4.3.1, 4.3.2**

- Clarifies that the dependent child must have lived with the caretaker relative “at sometime” within the six months prior to the EA Application.
- Deletes the example regarding two unrelated mothers residing in the same household, each with her own child. These two mothers do not meet the criteria for caretaker relative for each other’s child and therefore cannot be included in the same EA Group.
- Clarifies that in order to be included in an EA Group, each adult must meet the criteria for a caretaker relative of a dependent child in the household.

Existing policy section 17.4.5: *Acceptance of Employment or Training***Updated policy section: 4.1**

- Moved this information to the list of non-financial eligibility criteria in section 4.1

Existing policy section 17.4.6 and 17.4.6.1: *Pursuit of Other Payment Options***Updated policy section 4.9, 4.9.1**

- Clarifies that the pursuit of other payment options only applies to EA Applications for energy crisis. The existing policy was confusing as to whether the pursuit of other payment options applied to all emergency types. Per DCF 120.05(4), EA applicants for energy crisis are eligible if they have exhausted resources available for payment of utility costs.

Existing policy section 17.4.7: *Frequency of EA Payments* and 17.6.2: *EA Payment Amount***Updated policy section 4.2, 5.2**

- Clarifies allowable uses for EA payments.
- Clarifies the information regarding issuing multiple payments for one EA Application. There are two situations where multiple payments may be made.

Existing policy section 17.5: *Financial Eligibility***Updated policy section 3.1, 3.4**

- Revises the financial eligibility process to reflect the changes announced in Operations Memo 09-78.
- Clarifies if the EA applicant is not in a qualifying W-2 placement, the W-2 agency must collect income and asset information at the time of the EA application.

Existing policy section 17.5.1: *Calculate Financial Need***Updated policy section N/A**

- Deletes existing policy section 17.5.1 because the method for calculating financial eligibility is revised per Operations Memo 09-78.

Existing policy section 17.5.2: *Time Frame for Evaluating Income, Assets, and Expenses***Updated policy section 3.2, 3.3**

- Deletes statement regarding “expenses” as this is no longer a part of the financial eligibility calculation per Operations Memo 09-78.

Existing policy section 17.5.3: *Available Income***Updated policy section 3.2**

- Simplifies the calculation of financial eligibility per Operations Memo 09-78. Income received in the month of application is counted.
- Deletes income disregards for SSI and CTS, consistent with DCF 120.06(1).

- Clarifies that in addition to the W-2 disregarded income types, disregard Kinship Care and Foster Care payments for a child who is a relative when that income is received in the month of the EA Application, consistent with DCF 120.06(1).

Existing policy section 17.5.5: *Expenses Resulting from the Emergency***Updated policy section 4.9.1 and 5.2**

- Deletes information regarding calculating the utility expense. The payment amount is determined per Operations Memo 09-78, by comparing financial need to the maximum payment amount.

Existing policy section 17.5.6: *Monthly Expenses***Updated policy section N/A**

- Deletes entire section. Monthly expenses resulting from the emergency are no longer a part of the financial eligibility calculation, per Operations Memo 09-78.

Existing policy section 17.6.1: *Notice of Eligibility Determination***Updated policy section: 1.5.2**

- Clarifies what notices must be sent in cases of a Payment Delay Exception.

Existing policy section 17.6.2: *EA Payment Amount***Updated policy section 5.2**

- Deletes the requirement to consider the amount requested by the EA Group in determining EA payment amount per Operations Memo 09-78.

Existing policy section 17.6.3: *Informed Request***Updated policy section N/A**

- Deletes entire section per Operations Memo 09-78.

Existing policy section 17.6.5.1: *Payment Delay Exceptions***Updated policy section 1.5.2 and 5.4.1 and 7.1**

- Clarifies the circumstances under which a Payment Delay Exception must be applied.
- Clarifies that the decision to apply a Payment Delay Exception comes after the determination of eligibility. An EA applicant who is found eligible must be issued a positive notice of eligibility within 5 working days after the EA Application is received. However, issuing a payment may be delayed under the circumstances described in updated policy section 5.4.1.
- Clarifies that if an applicant has been found eligible, but has not yet found new permanent housing, the agency must issue a positive notice of eligibility. This notice must inform the applicant of the timeframe that the approved EA Application will remain valid, the option to request an extension of this timeframe, and must inform the applicant to notify the W-2 agency when they have secured housing.
- Clarifies that if a payment is delayed during the time that an EA applicant is searching for new housing, and the applicant is unable to find housing, a follow up notice must be sent to inform the applicant that the EA Application has lapsed and that he or she can reapply at anytime.
- Clarifies the process for EATS entries in the case of a Payment Delay Exception.

Existing policy section 17.6.6: *Allowable Uses of EA Payment***Updated policy section 5.2**

- Revises policy includes language from Operations Memo 09-78 on included expenses of an EA payment.

Existing policy section 17.7.1: EATS Overview and 17.7.2: EA Denials in EATS**Updated policy section 7.1 and 7.2**

- Clarifies that entry of EA application information in EATS is mandatory.
- Clarifies information that must be included in EATS comments.
- Clarifies timeframes for EATS entries. EATS entries for Denied and Approved applications must be entered and “confirmed” within 5 working days of the EA Application date. EA entries for Approved applications must be entered prior to issuing a payment. The Check/Voucher date must be within 5 working days of the EA Application date unless a Payment Delay Exception applies.
- Clarifies that when an EA Application is Approved and a Payment Delay Exception applies, the application must still be entered into EATS and “confirmed” within 5 working days of the application date. Once the payment is issued, the payment information must be entered into EATS. If the payment is not issued, an edit must be made to change the Approved status to Denied.
- Adds requirement that all EA Application documentation for EA applicants that are known to CARES must be scanned into ECF. Documentation must be stored in a paper file for EA applicants not already in CARES.
- Clarifies that the W-2 agency must not create a Request for Assistance (RFA) in CARES for EA applicants who are not found in CARES.
- Adds optional step for W-2 agencies to document EA Application information in CARES for EA applicants who are known to CARES.
- Clarifies that W-2 agencies must, on a monthly basis, reconcile EA payments recorded in EATS with EA payments submitted to DCF in CORE.

Existing policy section 17.7.2: EA Denials in EATS**Updated policy section N/A**

- Deletes the list of EA denial reasons because the current denial reasons can be found in EATS.

Existing policy section N/A**Updated policy section 7.3**

- Adds information regarding submitting EA expenses, including a link to the state CORE (Central Office Reporting) system.

Existing policy section 17.8.1 EA Fact Finding Overview**Updated policy section 6.1**

- Adds information regarding EA applicant’s option to request a Departmental Review based upon disagreement with a Fact Finding Review decision.

Existing policy section: N/A**Updated policy section: 7.3, 7.3.1, 7.3.2, 7.3.3**

- Requires agencies to report EA costs in the state Central Office Reporting (CORE) system.

AGENCY ACTION REQUIRED

W-2 agencies must discuss policy changes with staff and update any relevant local agency procedures.

TRAINING

Training regarding the revised EA policy will be provided. Information regarding Emergency Assistance training will be announced via the Bureau of Working Families Partner Training Section.

ATTACHMENTS

Emergency Assistance Policy

CONTACTS

For Policy Questions in the Balance of State: Bureau of Regional Operations, W-2 Regional Coordinators

For Policy Questions in Milwaukee: Milwaukee Operations Section Regional Administrators

For CARES Processing Questions: W-2 Help Desk

*Program Categories – FS – FoodShare, MA – Medicaid, BC+ – BadgerCare Plus, SC – Senior Care, CTS – Caretaker Supplement, CC – Child Care, W-2 – Wisconsin Works, FSET – FoodShare Employment and Training, CF – Children First, EA – Emergency Assistance, JAL – Job Access Loan, JC - Job Center Programs, RCA – Refugee Cash Assistance Program, RMA - Refugee Medical Assistance Program, *Other EP – Other Employment Programs.

DCF/DFES/BWF/JZ