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State of Wisconsin  
Governor Scott Walker



TO: **W-2 Agencies**  
**Training Staff**

FROM: Margaret McMahon, Director  
Bureau of Working Families  
Division of Family and Economic Security  
Department of Children and Families

<b>BWF OPERATIONS MEMO</b>							
<b>No:</b>	<b>18-11</b>						
<b>DATE:</b>	<b>06/30/2018</b>						
<b>W-2</b>	<input checked="" type="checkbox"/>	<b>EA</b>	<input type="checkbox"/>	<b>CF</b>	<input type="checkbox"/>	<b>JAL</b>	<input type="checkbox"/>
<b>RAP</b>	<input type="checkbox"/>	<b>TMJ</b>	<input type="checkbox"/>	<b>TJ</b>	<input type="checkbox"/>	<b>Other EP</b>	<input type="checkbox"/>

**SUBJECT: Child Support Noncooperation and Overpayment Policy Clarification**

**CROSS REFERENCE:** [Wisconsin Works \(W-2\) Manual Chapter 15](#)  
[Operations Memo 12-01: Updates to W-2 Policy on Cooperation with Child Support and Collaboration with the Child Support Agency](#)  
[Joint Operations Memo 15-J3: CARES Worker Web Changes to Support Wisconsin Works Child Support Cooperation Policy](#)  
[Joint Operations Memo 15-J5: CARES Worker Web Changes to Support Wisconsin Works and Child Care Child Support Cooperation Policy: Phase II](#)

**EFFECTIVE DATE:** June 30, 2018

**PURPOSE**

The purpose of this memo is to:

1. Clarify Wisconsin Works (W-2) policy regarding required agency action when a parent in a W-2 group fails to cooperate with Child Support (CS) requirements;
2. Reiterate that W-2 overpayment policy applies to W-2 cases when W-2 eligibility is lost because of CS noncooperation and Financial and Employment Planner (FEP) action is untimely; and
3. Update policy to provide guidance on determining the CS noncooperation overpayment period.

## **BACKGROUND**

W-2 agencies are required to notify participants who fail to cooperate with CS without good cause that they will lose W-2 eligibility. [Operations Memo 12-01](#) describes the policy and process FEPs must take when a W-2 participant is not cooperating with CS. Once notified, if these participants continue to receive W-2 payments and have not begun to cooperate with CS or submit a good cause claim, overpayments will result that the W-2 participant must pay back. For that reason, FEPs timely action on the CARES Worker Web (CWW) alert indicating a participant's noncooperation with CS is essential to ensuring that participants who are no longer eligible for W-2 do not incur overpayments.

The clarifications described in this operations memo will help agencies take timely and appropriate actions when W-2 participants fail to cooperate with CS. The memo also provides guidance on how to determine the overpayment period when a W-2 placement is not closed timely for CS noncooperation.

## **POLICY CLARIFICATION**

The policy clarifications are summarized below. Relevant W-2 Manual sections are attached with all policy clarifications incorporated. Text that was removed is struck through and new text is underlined.

### W-2 REQUIREMENTS WHEN THE CSA DETERMINES NONCOOPERATION

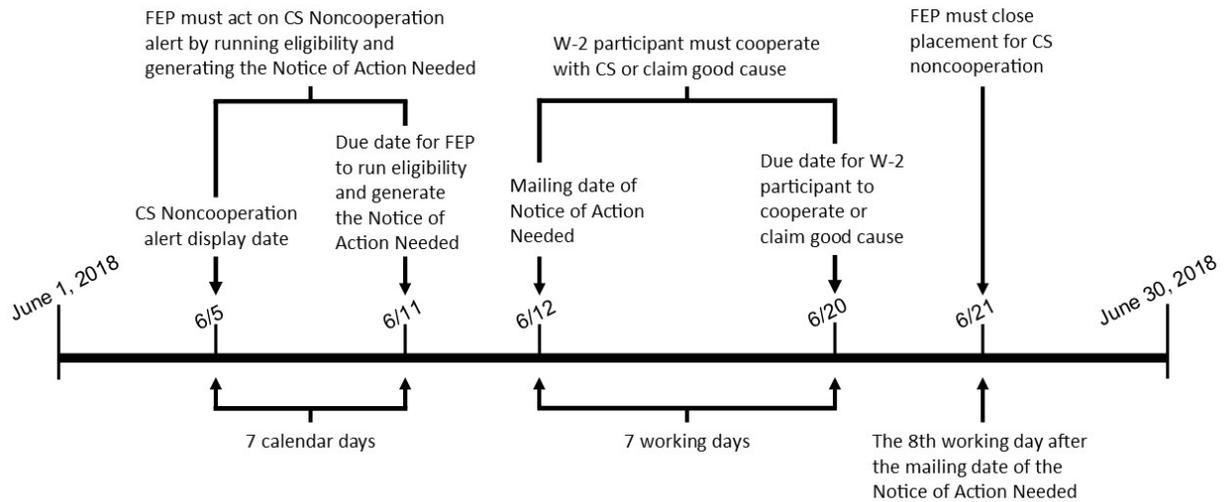
#### Current Policy

When a parent fails to cooperate with the Child Support Agency (CSA), the FEP receives an alert indicating the CSA's noncooperation determination. The FEP has up to seven calendar days from receiving the alert to act on the alert by running eligibility and generating the Notice of Action Needed, which instructs the participant to cooperate with CS or file good cause. When the FEP pends the W-2 case and generates the notice, the parent has seven working days from the issuance of the Notice of Action Needed to cooperate with CS or claim good cause. On (and no earlier than) the eighth working day after the issuance of the notice, if the parent has not begun cooperating or filed a good cause claim, the FEP must end the W-2 placement in CWW and run eligibility to close W-2.

#### Policy Clarification

The FEP has up to seven calendar days from the display date of the CS noncooperation alert to generate the Notice of Action Needed. The FEP must run eligibility to pend the W-2 case and generate the notice. The parent has seven working days from the **mailing date** of the notice to cooperate with CS or claim good cause. On the eighth working day after the mailing date, if the parent has not begun cooperating or claimed good cause, then the FEP must end the placement and run eligibility to close W-2. The eighth working day is the first working day after the due date on the notice. (See W-2 Manual, [Section 11.4](#))

Overpayments will occur beginning on the eighth working day if the placement remains open.

**EXAMPLE:** Timeline to act timely on CS Noncooperation NotificationW-2 REQUIREMENTS FOR DETERMINING OVERPAYMENT PERIODPolicy Update

W-2 overpayment policy applies to cases that are not closed timely for noncooperation with CS. If W-2 remains open and overpayments occur, refer to W-2 Manual section [10.3](#) to determine the overpayment period and recovery amount. Because W-2 agencies are required to send a Notice of Action of Needed when a participant is not cooperating with CS, the overpayment period could be determined beginning with the eighth working day after the mailing date of the notice.

If the placement remains open beyond the eighth working day (overpayment begin date) after the mailing date of the Notice of Action Needed, and the participant has not begun to cooperate with CS or claim good cause, the overpayment period will continue until:

- The participant begins to comply with the CS cooperation requirements; or
- The placement closes.

- **NOTE:** If the FEP did not close the placement timely and the participant begins cooperating before the placement is ended, then the end date of the overpayment period is the day before the display date in the CWW alert indicating CS noncooperation has ended.

If the CS noncooperation end date is unclear, the FEP should contact the CSA. See attached updated W-2 Manual, [Section 15.4.1](#)

**CARES WORK WEB (CWW)**

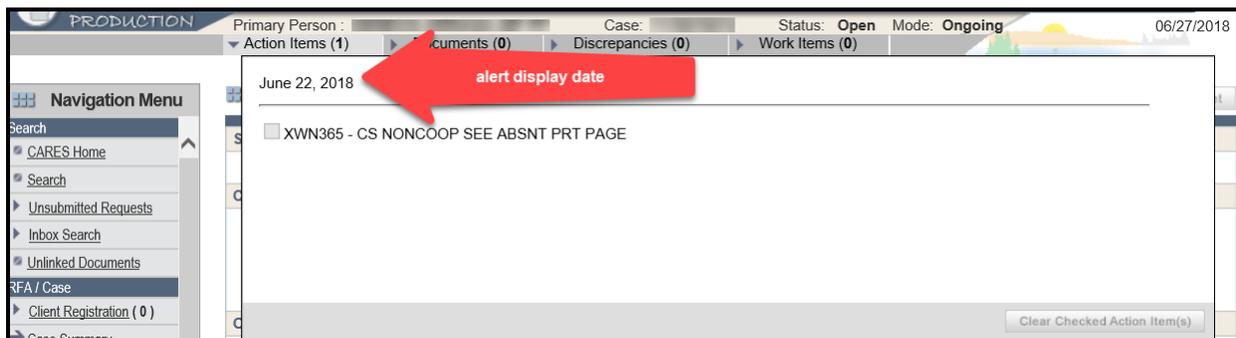
There are no changes to CWW functionality.

For information on current functionality, see Joint Operation Memos [15-J3](#) and [15-J5](#), which provide details about the CWW CS noncooperation alerts and guidance to FEPs on how to

pend W-2 cases in CWW and generate the Notice of Action Needed when a W-2 participant is not cooperating with CS.

### *Reminder on How to Process the 092 Child Support Noncooperation Alert*

FEPs must follow these steps:



- 1) No later than seven **calendar** days from the alert display date, the FEP must run eligibility to generate the Notice of Action Needed. The notice informs participants that they must either cooperate with CS or claim good cause.
- 2) Eight working days from the notice mailing date (the 1<sup>st</sup> working day after the notice due date), if the participant has not begun cooperating nor claimed good cause, the FEP must end the placement and run eligibility to close W-2 for child support noncooperation.

## **WEB INTELLIGENCE (WEBI) REPORTS**

The existing Wisconsin Works Alert Monitoring Report is available daily for W-2 agencies to review different alerts generated in CWW. The report includes data on the 092 CS noncooperation alert and has information regarding the creation date, display date, due date, and resolved date. In addition, the report shows how many days the alert was overdue. W-2 agencies should review the report to ensure FEPs take timely action on the CS noncooperation alerts.

## **TRAINING**

The following training resources will be updated to reflect the content of this memo and are available on the [Partner Training Team \(PTT\) Learning Center](#) website:

- [Alerts – Desk Aid](#);
- Child Support Enhancements and Non-Cooperation;
- Identifying and Processing Wisconsin Works (W-2) Overpayments; and
- Practical Applications in CWW.

## **AGENCY ACTION**

W-2 agencies must familiarize staff with this CS noncooperation policy and process clarifications and update any relevant local agency procedures. Per W-2 Contract 2018 Section XII: Monitoring and Compliance Reviews, agencies may be subject to monitoring, corrective

action, and/or penalty if the Department of Children and Families (DCF) determines that the agency did not correctly process the noncooperation timely.

### ***ATTACHMENTS***

[W-2 Manual, Section 15.4.1 Requirements When the CSA Determines Noncooperation](#)

### ***CONTACTS***

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

For W-2 Policy Questions in Milwaukee: Milwaukee Operations Section Regional Administrators

For W-2 CARES Processing Questions: W-2 Help Desk

DCF/DFES/BWF/CH