



TO: W-2 Agencies
Training Staff

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Division of Family and Economic Security
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BWF OPERATIONS MEMO

No: 22-09

DATE: 05/23/2022

W-2 ☒ EA ☐ CF ☐ JAL ☐

RAP ☐ TMJ ☐ TJ ☐ Other EP ☐

SUBJECT: *Clarification to Child Support Noncooperation Case Closure Policy*

CROSS REFERENCE:

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

EFFECTIVE DATE: Immediately

PURPOSE

The purpose of this memo is to:

1. Clarify Wisconsin Works (W-2) policy regarding agency action when a participant is not in cooperation with Child Support (CS) requirements; and
2. Update W-2 policy to clarify the timeframe for case closure due to CS Noncooperation and how that affects overpayments.

NOTE: This memo obsoletes *Operations Memo 18-11: Child Support Noncooperation and Overpayment Policy Clarification* and replaces the policy clarifications and guidance in that memo.

BACKGROUND

To be eligible for the W-2 program, participants must be in cooperation with the Child Support Agency (CSA) to establish paternity and secure and enforce child support payment orders. [W-2 Policy 15.4.1](#) describes the actions Financial and Employment Planners (FEPs) must take when they receive notification of a W-2 participant not cooperating with CS. W-2 agencies are required to notify participants who fail to cooperate with CS that they must cooperate or claim good

cause, or their case will close. If these participants have not begun to cooperate with CS or submitted a good cause claim by the due date, they are no longer eligible for the W-2 program and the agency must close their case timely to avoid an overpayment.

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 participant fails to cooperate with the CSA, the FEP receives an alert in CARES Worker Web (CWW) indicating the CSA's noncooperation determination. The FEP has up to seven calendar days from receiving the alert to act by running eligibility and generating the Notice of Action Needed, which instructs the participant to cooperate with CS or claim good cause. When the FEP pends the W-2 case and generates the notice, the participant 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 participant 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

Policy was updated to clarify when the FEP should be closing the case for CS noncooperation to avoid an overpayment. On the calendar day following the seventh working day after the mailing date, if the participant has not begun cooperating or claimed good cause, then the FEP must end the placement, backdate the placement end date to the seventh working day, and run eligibility to close W-2.

Overpayments will occur beginning on the calendar day after the seventh working day if the placement remains open.

EXAMPLE 1: Laura is a W-2 participant in a CSJ placement. On Tuesday, March 1, her FEP receives an alert in CWW that the CSA has determined she is not cooperating with child support. The FEP must act on this alert by running eligibility and generating the Notice of Action Needed by Monday, March 7. The FEP runs eligibility on March 7, which generates the Notice of Action Needed the following day on Tuesday, March 8. Laura has until Thursday, March 17, to claim good cause or begin cooperating with CS. Laura does not respond to the notice, so on Friday, March 18, the FEP must end Laura's placement for CS noncooperation and backdate the placement end date to March 17 to avoid an overpayment for Laura.

[See W-2 Manual Section 15.4.1](#)

W-2 REQUIREMENTS FOR DETERMINING OVERPAYMENT PERIOD

Policy Clarification

Cases in noncooperation with CS that are not closed timely will incur an overpayment for the days left open in error. The overpayment period should be determined beginning with the calendar day after the seventh working day after the mailing date of the Notice of Action Needed.

The overpayment period begins on the calendar day after the seventh working day after the Notice of Action Needed mailing date and continues until either:

- the day the FEP ends the placement; or
- the day before the participant begins to cooperate with CS, as indicated by the CWW alert notifying that CS noncooperation has ended.

If the CS noncooperation end date is unknown, the FEP should review Kids Information Data System (KIDS).

EXAMPLE 1A: Laura does not respond to the Notice of Action needed and should have her placement ended on Friday March 18, and backdated to March 17, the seventh working day after the mailing date of her notice, but her FEP did not end Laura's placement. On Thursday, March 24, her FEP receives an alert in CWW notifying that Laura's CS noncooperation has now ended and she is back in cooperation with CS. The FEP must complete an overpayment on Laura's case from March 17-March 23 since her case was left open in error.

CARES WORKER 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 092 CS noncooperation alert, 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.

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. W-2 agencies should review the report to ensure FEPs take timely action on the CS noncooperation alerts.

TRAINING

the Alerts and Worker Task List Reference Guide will be updated to reflect the content of this memo and is available on the [Partner Training Team Learning Center](#) website.

AGENCY ACTION

W-2 agencies must familiarize staff with the contents of this memo and update any relevant local agency procedures. Per W-2 Contract 2022 Appendix F: W-2 and Related Programs Subrecipient Monitoring Plan, agencies may be subject to monitoring, corrective action, and/or penalty if the Department of Children and Families determines that the agency did not correctly process the noncooperation timely.

ATTACHMENTS

[W-2 Policy Section 15.4.1](#)

CONTACTS

For W-2 Policy Questions: [BWF Policy Question SharePoint](#)

For W-2, CARES and WWP Functionality Questions: BWF Work Programs Help Desk
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