



## **Wisconsin Shares Child Care Subsidy Program**

### **Policy Manual – Chapter 1 Eligibility**

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Division of Early Care and Education

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## **1.1 Wisconsin Shares Child Care Subsidy Program**

### **1.1.1 Program Purpose**

The purpose of the Wisconsin Shares Child Care Subsidy Program is to assist low-income families with a portion of the cost of quality child care while they are working or participating in activities that will lead to work, including the Wisconsin Works Program (W-2), the FoodShare Employment and Training Program (FSET), Tribal Temporary Assistance for Needy Families (Tribal TANF), or an eligible educational activity.

### **1.1.2 Statutory Authority**

The Wisconsin Shares Child Care Subsidy Program is regulated under Wisconsin Statutes sections 49.141 through 49.161 and specifically section 49.155, and Wisconsin Administrative Code DCF Chapters 101 and 201. The program is delivered at the local level through contracts with tribes, county agencies, and Income Maintenance (IM) consortia with approval to include Child Care in their IM service delivery model. In Milwaukee, the eligibility component of the program is delivered through the Department of Health Services, Milwaukee Enrollment Services (MiLES), through a contract with the Department of Children and Families. The authorization component is delivered through the Department of Children and Families, Milwaukee Early Care Administration (MECA). In addition, one non-profit agency delivers child care services for children of migrant farmworkers.

### **1.1.3 Local Program Administration**

Local agencies must establish safeguards to prevent employees, consultants, or governing bodies from using their positions for purposes that are, or give the appearance of being, motivated by a desire for private gain for themselves or others, such as those with whom they have family, business, or other ties as specified in Wisconsin Statute sections 946.10 and 946.13.

Local Administrative Agency responsibilities for program administration include, but are not limited to, the following:

- Providing a Child Care Coordinator for the county, tribe, or Child Care Consortium.
  - The Child Care Coordinator serves as the point of contact for the department regarding EBT CSAW enhancements, program integrity, and other information that is to be shared with other direct service staff.
  - The Child Care Coordinator is responsible for additional security privileges within EBT CSAW as assigned.

- The Child Care Coordinator must attend, in person or via telephone, all scheduled Child Care Program Committee (CCPC) meetings that occur quarterly.
- Ensuring that each new Child Care Worker and Child Care Coordinator completes the Department's New Worker Training during the first six months of employment.
- Responding to requests for program information.
- Ensuring that eligibility is accurately determined, including a review of a family's eligibility every twelve (12) months and when a change in the family's circumstances is reported that may affect eligibility or the amount of child care needed
- Assessing the family's need for child care according to Wisconsin Shares policy.
- Providing information to parents regarding resources including Child Care Resource and Referral Agencies to assist in identifying potential child care providers.
- Establishing authorizations for subsidized child care in the automated system for eligible children.
- Recording attendance in the Department's designated automated system for child care providers who report attendance on paper attendance report forms until this becomes fully obsolete. The obsolete date is six (6) months from the last Milwaukee attendance period prior to EBT CSAW.
- Monitoring child care provider attendance reports for providers who report attendance online until this becomes obsolete. The obsolete date is six (6) months from the last Milwaukee attendance period prior to EBT CSAW.
- Maintaining child care provider records in the designated automated systems.
- Entering child care provider prices in the Department's designated automated system when new providers submit written prices and when a provider submits a written price change.
- Assigning an automated system security officer for agency staff and providers. In addition to approving access, the security officer must also notify the Department on designated forms to end access for individuals who no longer have a business need to access the automated systems.
- Representing the Department in fair hearings.
- Monitoring program expenditures.
- Establishing sanctions and overpayments as described in policy.

### **1.1.4 Confidentiality**

All case information is confidential. No person may use or disclose information concerning applicants and participants of the Wisconsin Shares Child Care Subsidy Program for any purpose that is not related to the administration of the program. Exceptions to this requirement will only be granted by the Department.

Certain case information is highly confidential and subject to additional safeguarding. Please refer to the Electronic Case File (ECF) Handbook sections 1.7.1 and 1.7.2 for additional information on scanning Restricted Documents.

The laws governing the protection of highly confidential information are stricter than the laws governing protection of other confidential information that is obtained to administer the program. The disclosure and use of highly confidential information is limited to others on a bona fide need to know basis only. A person or program in possession of such highly confidential information shall not release it except as authorized by the individual. A person or program who receives such highly confidential information shall not retain the information unless implementation of additional safeguards can and will occur.

When obtaining highly confidential information such as medical diagnosis from a service provider, the agency worker must obtain a signed release of confidentiality (form DCF-F-369-E Confidential Information Release Authorization).

## **1.2 Definitions**

The following terms are used in the Wisconsin Shares Child Care Subsidy Policy Manual.

**Absence** A period of time a child is not present during authorized hours of care.

**Accreditation** An alternative path to a 4 Star or 5 Star rating in YoungStar for accredited providers. For **the YoungStar accreditation policy**, please see <http://dcf.wisconsin.gov/youngstar/providers/policy>

**Acknowledged Father** A man whose paternity of a child has been acknowledged under Wisconsin Statutes section 69.15(3)(b)3.

**Adjusted Self-Employment Income** The amount of income that CWW calculates based on gross income minus depreciation and Child Care invalid expenses which includes personal business and entertainment expenses, personal transportation costs, purchases of capital equipment, and payments on the principal of loans.

**Administrative Error** An error that is also known as an Agency Error, and is committed by an agency or the Department in determining the subsidy amount and it results in an overpayment.

**Agency** An agency that has a contract with the Department to administer the Wisconsin Shares Child Care Subsidy Program.

**Apprenticeship** A type of unsubsidized employment that is acceptable as long as it is approved by the Wisconsin Department of Workforce Development (DWD). To be a valid apprenticeship, there must be an apprenticeship contract signed by the applicant, employer, and DWD. Wisconsin Shares Child Care Subsidy can be provided for all activities covered under the apprenticeship contract, including classroom training time. Apprenticeship classroom work is exempt from the 20-hour-per-month work requirement because the employer continues to pay a wage during classroom training.

**Approved Activity** An employment or eligible education or training activity required of individuals caring for a child in order to be eligible for the Wisconsin Shares Child Care Subsidy Program. See section 1.4.8 Participation in Approved Activities.

**Assistance Group (AG)** The individuals within the household that are relevant to child care eligibility.

**Attendance Report Form (ARF)** The child care provider's paper report of attendance submitted to the Department for reimbursement of child care services for children receiving a Wisconsin Shares Child Care Subsidy. Attendance reporting will continue until full implementation of MyWICChildCare. **The obsolete date is six (6) months from the last Milwaukee attendance period prior to EBT CSAW.**

**Authorization Letter** A written document that informs the child care provider of the children that have received authorizations and the timeframe of the authorization for child care subsidy for their location.

**Authorization Notice** A written document that informs the parent of the terms of child care subsidy under the Wisconsin Shares Child Care Subsidy Program.

**Break in Employment** An interruption in employment, such as a seasonal layoff or short-term illness, in which the employee will be returning to the same employer at the end of the interruption.

**Business Day** A day during the calendar week, excluding federal holidays, Saturday, and Sunday.

**Calendar Day** Any day on a calendar without regard to holidays and weekends.



**CARES** See Client Assistance for Re-employment and Economic Support.

**CARES Worker Web (CWW)** The web-based interface for CARES. CWW is the eligibility workers' primary online system tool.

**Certified Provider - Provisional** Child care providers who are certified by a county or tribe, but are not required to be licensed. These include small family child care providers, school-age child care providers, and in-home providers. These providers have not completed the entry level of training required by DCF Chapter 202, but they have completed some required training.

**Certified Provider - Regular** Child care providers who are certified by a county or tribe, but are not required to be licensed. These include small family child care providers, school-age child care providers, and in-home providers. These providers have completed the entry level of training required by DCF Chapter 202.

**Child Care Administrative Agency** Any agency that has a contract with the Department to administer child care funds; any agency that has a subcontract to administer child care funds with an agency that has a contract with the Department; or, in a county having a population of 750,000 or more, the Department or "unit" as defined in Wisconsin Statute section 49.825(1)(e). Also referred to as the 'agency'.

**Child Care Consortium** A group of agencies that have been approved by the Department to operate as one entity to administer child care funds and process cases for the Wisconsin Shares Child Care Subsidy Program.

**Child Care Provider or Provider** A person, business, or organization licensed under Wisconsin Statute section 48.65, certified under Wisconsin Statute section 48.651, or established or contracted for under Wisconsin Statute section 120.13(14).

**Child Care Provider Information (CCPI)** The system the Department, agencies, tribes, and providers use to report child care attendance. This resource will become obsolete after full implementation of MyWICChildCare. **The obsolete date is six (6) months from the last Milwaukee attendance period prior to EBT CSAW.**

**Child Care Statewide Administration on the Web (CSAW)** This is the web-based system that supports the implementation of the Wisconsin Shares Child Care Subsidy Program.

**Child Care Subsidy Program** The subsidy program described in Wisconsin Statute section 49.155.

**Child Care Worker** A person employed by a child care administrative agency whose duties include determining or re-determining child care subsidy eligibility, authorizing child care subsidy, or determining and processing the recoupment of overpayments.

**Child Support Agency** A county or tribal office, officer, board, department, or agency designated by the county board or elected tribal council to administer the child support, spousal support, and establishment of paternity on behalf of the department pursuant to Wisconsin Statute section 59.53(5), or a cooperative agreement with the department.

**Client Assistance for Re-employment and Economic Support (CARES)** The CARES system is a statewide, automated, integrated system that supports the major income maintenance programs of Child Care (CC), Wisconsin Works (W-2), FoodShare (FS), and Health Care (HC), by determining eligibility, issuing W-2 payments, and managing support.

**Client Error** An unintentional or inadvertent error made by an individual where they reported incorrect information or failed to report information and may result in an overpayment.

**Collateral Contact** A source of information that is knowledgeable about the family's situation and serves to support or corroborate information provided by a parent. Communication with a collateral contact may be made in person, over the telephone, or by email.

**Copayment** A system-calculated amount that reduces the initial Wisconsin Shares Child Care Subsidy amount based on family size, gross income, the number of children in child care, and the number of authorized hours.

**Court Order** A direction issued and signed by a judge, court commissioner, or substantially similar Wisconsin tribal authority.

**CSAW** Child Care Administration on the Web; this is the web-based system that supports the implementation of the Wisconsin Shares Child Care Subsidy Program.

**Custodial Parent** With respect to a dependent child, a parent who resides with that child and, if there has been a determination of legal custody with respect to the dependent child, has legal custody of that child. For the purposes of this paragraph, legal custody has the meaning given in Wisconsin Statute section 767.001(2)(a).

**Department** The Wisconsin Department of Children and Families (DCF).

**Dependent Child** A person who resides with a parent and who is under the age of 18 or, if the person is a full-time student at a secondary school or a vocational or technical

equivalent and is reasonably expected to complete the program before attaining the age of 19, is under the age of 19.

**Disabled** A person physically or mentally incapable of caring for oneself.

**Document** To document an item that is relevant to eligibility or a child care authorization means to record a case comment, but can also mean to obtain documentation that will be stored in the Electronic Case File (ECF).

**Documentation** The documents and records that are used to prove eligibility or to support the authorization decisions, documentation also includes case notes that are used to describe or explain the situation and related decisions.

**Dually Regulated** Child care providers that are both licensed and certified.

**EBT CSAW** A component of CSAW that supports the MyWICChildCare initiative.

**ebtEDGE** An internet site provided by FIS that has separate portals for parents and child care providers. The portals can be used to view payment transaction information and offers an option for parents to make payments from their MyWICChildCare EBT card to their child care provider.

**Effective Dates** The beginning and end dates for which child care is authorized or a period of time for which a child care provider price applies in the Wisconsin Shares Child Care Subsidy Program.

**Electronic Benefit Transfer (EBT)** An electronic system that allows child care subsidy assistance to be made available through a MyWICChildCare EBT card.

**Electronic Case File (ECF)** A system that the Department and local agencies use to electronically store verification and other documents.

**Eligibility Period** The period for which an Assistance Group is eligible for the Wisconsin Shares Child Care Subsidy Program.

**Employability Plan (EP)** A written agreement developed by the Wisconsin Works (W-2) Program that details a logical, sequential series of actions to move the participant from dependency to self-sufficiency.

**Employment Plan** A written agreement developed jointly between the participant and the FoodShare Employment and Training (FSET) case manager that identifies one or more employment goals and includes an action plan specifying allowable activities designed to assist the participant in reaching their employment and career goals.

**Federal Poverty Level (FPL)** The federal government's statistical poverty threshold used in the gross income test to determine the financial eligibility of a child care Assistance Group.

**Fidelity Information Services (FIS)** The business that the Department has contracted with to manage the electronic benefit transfer process.

**Financial and Employment Planner (FEP)** A case manager employed by a Wisconsin Works (W-2) agency who determines W-2 eligibility, assists in the process of determining eligibility, or performs case management functions, such as assessing the individual's need for employment, training, and supportive services, and assisting the individual in obtaining services to achieve self-sufficiency.

**FoodShare Employment and Training Program (FSET)** The program established under Wisconsin Statute section 49.79(9) for the purpose of helping FoodShare recipients develop marketable work skills and obtain gainful employment.

**Foster Parent** A person licensed under Wisconsin Statute section 48.62 (1) or licensed by a tribal social service agency as a tribal placement home.

**Good Cause for Non-Cooperation with Child Support** See section 1.4.7.4.

**Good Cause for Non-Participation in the approved activity while using subsidized child care** See Chapter 2 section 2.8.

**Gross Receipts from Self-Employment** All income of the self-employed person.

**Homeless** Defined by the McKinney-Vento Homeless Assistance Act as an individual or family who lacks a fixed, regular, and adequate nighttime residence; an individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground; an individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including hotels and motels paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, congregate shelters, and transitional housing); an individual who resided in a shelter or place not meant for human habitation and who is exiting an institution where he or she temporarily resided; an individual or family who will imminently lose their housing, including housing they own, rent, or live in without paying rent, are sharing with others, and rooms in hotels or motels not paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, as evidenced by a court order resulting from an eviction action that

notifies the individual or family that they must leave within 14 days; the individual or family having a primary nighttime residence that is a room in a hotel or motel and where they lack the resources necessary to reside there for more than 14 days; or credible evidence indicating that the owner or renter of the housing will not allow the individual or family to stay for more than 14 days, and any oral statement from an individual or family seeking homeless assistance that is found to be credible shall be considered credible evidence for purposes of this clause; has no subsequent residence identified; and lacks the resources or support networks needed to obtain other permanent housing; and an unaccompanied youth and homeless families with children and youth defined as homeless under other Federal statutes who have experienced a long term period without living independently in permanent housing, have experienced persistent instability as measured by frequent moves over such period, and can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, or multiple barriers to employment.

**Inclement Weather Hours** Additional child care hours requested by a parent for school aged children who attend child care for periods of school closure due to inclement weather such as floods, snow storms, or other natural occurrences that result in temporary school closures.

**Income** Money, wages, or salary, adjusted self-employment income, social security, dividends, interest on savings or bonds, income from estates or trusts, net rental income or royalties, public assistance, Supplemental Security Income (SSI), pensions and annuities, unemployment insurance, worker's compensation, alimony and other maintenance payments, and veteran pensions.

**Individual Self-Sufficiency Plan (ISP)** The Tribal TANF equivalent of an Employability Plan.

**In-Home Provider** A certified child care provider caring for a child in the child's own home.

**Intentional Program Violation (IPV)** An act in which an individual intentionally makes a false or misleading statement, intentionally misrepresents, conceals, or withholds facts, or intentionally commits any act that constitutes a violation of state or federal law for the purpose of using, presenting, transferring, acquiring, receiving, possessing, or trafficking **the subsidy** under Wisconsin Statute section 49.001(3m) and 49.152(2).

**Intentional Program Violation Sanction** The penalty period in which an individual will be ineligible for child care as a result of committing a child care intentional program violation (IPV).

**Interim Caretaker** A caretaker who has been approved to replace a subsidized guardian under Wisconsin Statute section 48.623 or substantially similar Wisconsin tribal law when the subsidized guardian is no longer able to provide care for a specific foster child.

**Invalid Self-Employment Expenses for Child Care** This includes the specific self-employment expenses that must be added back into an individual's self-employment income when determining financial eligibility for the Wisconsin Shares Child Care Subsidy Program. The expenses that are invalid are depreciation, personal business and entertainment expenses, personal transportation costs, purchases of capital equipment, and payment on the principle of loans. See the definitions of Adjusted Self-Employment Income and Self-Employment Income.

**Kinship Care** The program established under Wisconsin Statute section 48.57(3m) or (3n) which provides monthly payments to children receiving care from relatives. Tribal children are already included under these statutory sections, as indicated in Wisconsin Statutes section 48.57(3t).

**Learnfare** The program established under Wisconsin Statute section 49.26 which requires that school-age children in a W-2 group be enrolled in school, and that members of certain target groups participate in case management as per Wisconsin Statute section 49.26(1)(gm).

**Legal Custodian** As provided in Wisconsin Statute section 48.02(11), a person, other than a parent or guardian with guardianship, or an agency to whom legal custody of the child has been transferred by a court, but does not include a person who has only physical custody of the child. For purposes of this definition, 'physical custody' has the same meaning as provided in Wisconsin Statute section 48.02(14).

**License-Exempt Child Care Provider** A child care provider that is established by a Wisconsin public school board under Wisconsin Statute section 120.13(14). These programs are required to follow licensing rules and may be eligible to accept Wisconsin Shares authorizations.

**Liquid Asset** Cash on hand or an asset that can be converted to cash without impacting the value within 31 days. Liquid assets include but are not limited to money in a checking or savings account, stocks, bonds, money market funds, and mutual funds.

**Migrant Farmworker** Any person who temporarily leaves a principal place of residence outside of Wisconsin and comes to this state for not more than ten (10) months in a year to accept seasonal employment in the planting, cultivating, raising, harvesting,

handling, drying, packing, packaging, processing, freezing, grading or storing of any agricultural or horticultural commodity in its unmanufactured state.

**Minimum Wage** The state minimum hourly wage as stated in Wisconsin Statute Chapter 104.

**Minimum Wage Law** The provisions of Wisconsin Statute Chapter 104 as related to establishing a state minimum wage and citing circumstances and exceptions where a lower wage is legal.

**My Wisconsin Child Care (MyWICChildCare or MWCC)** The initiative to place child care subsidy funds onto an electronic benefits transfer card that is used by parents to purchase child care.

**Non-Marital Co-Parent** With respect to an individual and a dependent child, a parent who is not married to the individual, resides with the dependent child, and is either an adjudicated parent or a parent who has signed and filed a statement acknowledging paternity with the state registrar under Wisconsin Statute section 69.15(3)(b)3.a.

**Non-Placement Parent** A parent who does not have responsibility for the physical care of the child during the time for which child care assistance is requested.

**Overpayment** An amount of child care subsidy above the amount the individual was eligible to receive under applicable statutes, rules, or policies regardless of the reason for the overpayment.

**Parent** For purposes of the Wisconsin Shares Child Care Subsidy Program and this manual 'parent' means a custodial parent, placement parent, foster parent, legal custodian, or person acting in place of a parent, and includes relative caretakers of children who do not have a court order.

**Parent Choice** The parent's right to choose any regulated child care provider who is participating in YoungStar, and has signed or will sign a contract with the Wisconsin Shares EBT vendor, FIS.

**Parent Portal** A website managed by the Department for parents to view authorizations and transaction information.

**Parent Share** The out of pocket cost of child care that is above the Wisconsin Shares subsidy amount and which the parent is responsible for paying to the child care provider. This includes the system calculated copayment, and could include any additional fees charged by the child care provider above the child care provider's price.

**Payment Adjustment** An increased or decreased subsidy amount that is made to correct a previous subsidy amount error.

**Person Acting in Place of a Parent** An adult who is responsible for and providing care for a child on a 24-hour basis that is not related to him or her, and who is taking the place of a parent when the parent is unavailable because of a physical absence from the home.

**Placement Parent** The parent who is responsible for the child during the time for which child care is requested when parents do not reside in the same home.

**Point of Sale (POS)** A machine resembling a credit card machine that allows for the EBT card to be swiped and payment to be made at the child care provider location.

**Post-Load Benefit Correction (PLBC)** A component of EBT CSAW that is used to generate adjustments to the subsidy amount after the original funds have been loaded to the EBT card.

**Private Pay Parents** Parents who are not participating in Wisconsin Shares and pay for the cost of child care from their own income.

**Provider Portal** A website managed by the Department for child care providers to view authorizations to their location.

**Provider Price** The amount that the child care provider reports to the Department as their actual child care prices and is used in the Wisconsin Shares rate calculation.

**Qualified Immigrant** A person who is not a United States citizen, but who meets one of the following criteria:

- An immigrant lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act
- An immigrant who is granted asylum under section 208 of such Act
- A refugee who is admitted to the United States under section 207 of such Act
- An immigrant who has been certified as a victim of trafficking
- An immigrant who is paroled into the United States under section 212(d)(5) of such Act for a period of at least one year
- An immigrant whose deportation is being withheld under section 243(h) or 241(b)(3) of such Act
- Cuban and Haitian immigrants, as defined in section 501(e) of the Refugee Education Assistance Act of 1980



- A Native American Indian born in Canada who is at least 50% American Indian by blood, or a Native American Indian born outside of the United States who is a member of a federally recognized Indian tribe
- An immigrant who has been battered or whose child has been battered, who is no longer residing in the same household with the batterer, and who meets the requirements of 8 USC 1641(c)
- An immigrant who is granted conditional entry pursuant to section 203(a)(7) of such Act as in effect prior to April 1, 1980
- Amerasian immigrants, as defined in section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988
- An Immigrant who is lawfully residing and is one of the following:
  - An armed forces veteran who received an honorable discharge that was not on account of alienage and who completed either 24 months of continuous active duty or the full period for which the individual was called, unless the individual received a hardship discharge under 10 USC 1173, early discharge under 10 USC 1171, or a discharge due to a disability incurred or aggravated in the line of duty. On active duty in the armed forces of the United States, other than active duty for training. The spouse of an individual described in subdivision a. or b., or the un-remarried surviving spouse of an individual described in subdivision a. or b. if the marriage was for one year or more or the individual had a child in common.
  - An immigrant who is lawfully residing in the United States and authorized to work by the immigration and naturalization service
  - A dependent child of an individual who meets one of the above criteria

**Reimbursement** The Wisconsin Shares Child Care Subsidy payment made to the child care provider for child care services provided. This term will become obsolete when MyWICChildCare is fully implemented. The obsolete date is six (6) months from the last Milwaukee attendance period prior to EBT CSAW.

**Regulated Child Care** Child care providers licensed by the state, certified by the county or tribe, or operated by a Wisconsin public school board.

**Relative** A step-parent, brother, sister, step-brother, step-sister, half-brother, half-sister, first cousin, second cousin, nephew, niece, aunt, uncle, step-uncle, step-aunt, or any grand person of a preceding generation denoted by the prefix of grand, great or great-great, whether by having the same ancestor, direct affinity or legal adoption, or the spouse of any person named in this paragraph, even if the marriage is terminated by death or divorce.

**Relative with Court-Ordered Placement and a Kinship Care Payment** A case whereby a relative is receiving Kinship Care payments for a child under Wisconsin Statute section 48.57(3m) or (3n) and has a legal placement under Wisconsin Statute Chapters 48, 54, or 938 or substantially similar Wisconsin tribal law.

**Relative with Court-Ordered Placement and No Kinship Care Payment** A case in which a relative is not receiving a Kinship Care payment, but has a legal placement under Wisconsin Statute Chapters 48, 54, or 938 or substantially similar Wisconsin tribal law.

**Relative with Non-Court-Ordered Placement and a Kinship Care Payment** A case whereby a relative is receiving Kinship Care payments for a child under Wisconsin Statute section 48.57(3m) or (3n), but has no court order for the child.

**Relative with Non-Court-Ordered Placement and No Kinship Care Payment** A case whereby a relative is caring for a child without a court order and without receiving a Kinship Care payment.

**Renewal** An eligibility assessment that occurs annually, includes an interactive interview, and is documented in CWW in the review mode. This is also referred to as a review.

**Rental Income** The rent received from properties owned or controlled. Rental income is self-employment income and is calculated as net earnings as reported to the IRS plus depreciation, personal business and entertainment expenses, personal transportation costs, purchases of capital equipment and payments on the principal of loans. See Self-Employment Income and Adjusted Self-Employment Income.

**Residence** The address of the physical dwelling where a family lives.

**Residency** For the Wisconsin Shares Child Care Subsidy Program, residency means the state in which a family resides.

**Review** An eligibility assessment that occurs annually, includes an interactive interview, and is documented in CWW in the review mode. This is also referred to as a renewal.

**Royalty Income** The income received for granting the use of property owned or controlled, usually a patent or copyrighted material or a natural resource. The right to income is often expressed as a percentage of receipts from using the property or as an amount per unit produced. Royalty income is always unearned income and does not provide an approved activity for child care.

**Satisfactory Progress** The achievement of a passing grade for all coursework for the term. If a passing grade is not achieved, there must be evidence that the student took part in the required classes and performed the required work.

**SAVE** See Systematic Alien Verification for Entitlements (SAVE)

**Scheduled School Closed Hours** Additional child care hours requested by a parent for school aged children who attend child care for periods of scheduled school closures or for unplanned school closures which are not due to inclement weather (examples include threats of violence, or burst pipes).

**School Bank Hours** The authorized hours of care allowed during regular school hours when a classroom-based school program is closed for a short-term period of time, such as snow days, holiday breaks, or teacher conferences. This will become obsolete when MyWICChildCare is fully implemented. The obsolete date is six (6) months from the last Milwaukee attendance period prior to EBT CSAW.

**Self-Employment Income** Wisconsin Statute section 49.155 (1m) (c) defines self-employment as the sum of net earnings as reported to the Internal Revenue Service (IRS) plus depreciation, personal business and entertainment expenses, personal transportation costs, purchases of capital equipment and payments on the principal of loans.

**Shared Placement** The physical placement of a child in more than one residence with more than one parent. This may occur when a child's parents do not live together or when a child lives in more than one residence for another legal reason.

**Sign-In/Sign-out Sheets (SISOs)** Daily attendance records maintained by child care providers that show the arrival and departure time of each child.

**Sleep Shift Hours** The authorized hours of child care for a parent who works third shift to cover the period of time the parent is sleeping during the day.

**Special Need** The emotional, behavioral, physical, or personal need that makes an individual physically or mentally incapable of caring for oneself, or, for a child, requiring more than the usual amount of care and supervision for the child's age, as documented by a physician, psychologist, special educator, or other qualified licensed professional. A "special need" includes a developmental disability (Wis. Admin. Code DCF s. 201.02(20)).

**Subsidized Guardianship** A type of guardianship that falls under Wisconsin Statute section 48.623, or substantially similar Wisconsin tribal law.

**Subsidy Amount** The final amount of funds distributed to eligible parents through the MyWICChildCare card to assist with the cost of child care on a monthly basis.

**Supervised Independent Living Arrangement** A living arrangement for a parent aged 17 or younger that is approved by a licensed or public child welfare, social service, or state corrections agency and supervised by an adult. Such living arrangements for minors may not be in the same location as the minor's parents or guardians, including in the same address, apartment building, or residential structure. The supervising adult does not have to be living in the home with the teen parent, if the parent is at least 17 years old and the supervising adult is a relative, a former foster parent, a subsidized guardian, an interim caretaker, or a representative from a licensed private or public child welfare, social service, or state corrections agency.

**Systematic Alien Verification for Entitlements (SAVE)** A web-based service that provides immigration status verification to federal, state, and local benefit-granting agencies and institutions.

**Tribe** A Wisconsin Native American Indian tribe recognized by the federal government.

**Two-Parent Household** A household that includes either two married parents or two non-married co-parents with a child(ren) in common and includes step-parents.

**Unbanked Provider** A child care provider who is unable to open a checking account with a financial institution due to negative information with a checking account reporting company regarding financial behavior such as writing bad checks and or unpaid overdraft fees, or having had a joint account with someone who had these types of problems.

**Unregulated Child Care Provider** A child care provider that is located in Wisconsin and is not licensed by the state or certified by the county/tribe, and not eligible for Wisconsin Shares authorizations (see License Exempt).

**Verification** Proof from third-party sources that establish accuracy or truth. This is a process of comparing two or more items to ensure the accuracy of information.

**Voucher** As referenced in Wisconsin Statutes this refers to an authorization for child care subsidy.

**Weekly Ceiling** The weekly maximum subsidy amount for the geographical area based on an annual survey of licensed child care providers.

**Wisconsin Child Care Regulatory System (WISCCRS)** A statewide database of child care providers used by licensing and certification staff.

**Wisconsin Shares** A program that subsidizes a portion of the cost of child care while parents work or are engaged in another approved activity which prepares them to enter the workforce.

**Work-Study** Employment provided by or through an educational institution for its students and as part of its students' financial aid package. The work-study position may be at the educational institution or off campus, so long as it equals or exceeds Wisconsin's minimum wage. Work-study is not a stand-alone approved activity, but it may meet the 20 hour per month work requirement when education is the approved activity for a parent.

**YoungStar Adjustment** An adjustment amount paid to child care providers based on the child care provider's quality rating.

**YoungStar Program** The Wisconsin **5 Star** quality rating and improvement system for child care providers based on education, learning environment, business methods, and practices around child health and well-being.

**YoungStar Rating** The quality rating that Wisconsin's child care program's earn based on objective and observable measures of quality. Ratings range from 1 Star to 5 Stars.

## 1.3 The Application Process

This section applies to all child care cases unless otherwise specified in sections 1.7 or 1.8.

### 1.3.1 Application Process

Child care cases must be managed within the applicant's county of residence unless the applicant's county of residence is within a Child Care Consortium that is pooling its caseload and has been approved by the Department. In that instance, the child care case must be managed within the Child Care Consortium in which the family resides.

### 1.3.2 Request for Assistance (RFA)

To begin the process of applying for child care assistance, an individual may call the local agency, may apply in person at the local agency, or may apply online through the ACCESS website. The following sections describe the details of the process of applying for child care assistance for each method.

**The filing date and the Request for Assistance (RFA) have the same meaning.**

#### 1.3.2.1 Apply by Telephone

On the date the applicant contacts the agency by telephone, the agency must complete 1, 2, or 3 below:

1. Complete Client Registration in CARES Worker Web (CWW) with a signature according to either a. or b. below:
  - a. Generate the registration form through CWW and complete one of the following:
    - i. Collect a telephonic signature and either mail the printed form to the applicant or leave the form at the front desk for the applicant to pick up; or
    - ii. Print the CWW Application/Registration form and either mail it to the applicant to review, sign, and return or leave the form at the front desk for the applicant to review, sign, and return.**or;**
  - b. Print the DCF-F- 2835 form and either mail it to the applicant to complete, sign, and return, or leave it at the front desk for the applicant to complete, sign, and return.

The filing date/**RFA date** is the date the agency receives the signed DCF-F-2835 form, signed CWW Application/Registration form, or a telephonic signature.

The agency must schedule the interactive interview to occur no later than five (5) business days after the date the agency receives the signature. The applicant has the option to reschedule the appointment to a time that better fits his or her schedule, if requested.

If the applicant fails or declines to sign the DCF-F-2835 form, or the registration form that is generated by CWW, the agency must still schedule the interview to occur no later than five (5) business days and the filing date will then be established as the date of the interactive interview.

2. Complete the interactive interview immediately and do one of the following:
  - a. Collect a telephonic signature and generate a current Case Summary. The worker must mail the Case Summary to the applicant unless the applicant prefers to pick it up at the agency;  
**or;**
  - b. Generate and print the Case Summary and mail it to the applicant to review, sign, and return unless the applicant prefers to complete the signature at the agency.
3. If the applicant prefers to skip the registration signature and process, advise the applicant that the filing date will be the date of the interactive interview. Schedule the interactive interview to occur no later than five (5) business days after this contact. The applicant has the option to reschedule the appointment to a time that better fits his or her schedule, if requested.

### **1.3.2.2 Apply in Person**

When an individual applies in person, the local agency must complete 1, 2, or 3 below:

1. Complete the client registration driver flow in CWW and **immediately** continue through the interactive interview. Generate and print the Case Summary, provide the Case Summary to the applicant to review and sign, and provide a copy of the signed Case Summary to the applicant.
2. Complete the client registration pages in CWW and schedule the interactive interview. The agency must either:
  - a. Print the CWW Application/Registration form, collect the written signature and provide a signed copy of the form to the applicant, and schedule an interactive interview;  
**or;**

- b. Print the DCF-F-2835 form and collect the signature on this form, provide a signed copy of the form to the applicant, and schedule an interactive interview.

The filing date/**RFA date** is the date the agency receives the signed form DCF-F-2835 or signed CWW Application/Registration form. The agency must schedule the interactive interview to occur no later than five (5) business days after the date the agency receives the signature. The applicant has the option to reschedule the appointment to a time that better fits his or her schedule, if requested.

3. If the applicant prefers to skip the registration signature and instead complete the interactive interview immediately only the Case Summary signature needs to be collected. The filing date and the interview date are the same date.

### **1.3.2.3 Apply Online Through ACCESS**

ACCESS applications for child care are routed to the county of residence and must be processed at the county of residence, with the exception of counties that are in a Child Care Consortium. Child Care Consortia will determine routing rules for their own counties.

When an applicant applies for child care assistance through ACCESS, the agency must schedule the interactive interview to occur no later than five (5) business days after the receipt of the ACCESS application. The filing date for requests that are received through ACCESS are set to the date the applicant submits the online form, unless the ACCESS request is submitted after 4:30 p.m. If the ACCESS request is submitted after 4:30 p.m., the filing date is set for the next business day, according to the CARES calendar.

If the applicant contacts the agency to reschedule the interview, it may be rescheduled to the next available appointment time to accommodate the applicant's needs.

### **1.3.3 Program Add**

If an individual has another **assistance** program open and requests child care assistance before an existing program is due for a renewal, the individual must complete the Request for Assistance (RFA) process through ACCESS, by phone, or in person as outlined in section 1.3.2, and the interview and signature requirements outlined in 1.3.4 through 1.3.7.

### **1.3.4 Interactive Interview**

The agency must schedule an interactive interview for each application, renewal, and Child Care program add to an existing case.



The interview must be documented in CWW on the Application/Review Interview Details page and a Case Summary must be generated upon completion of the interview. The Case Summary must always be presented to the customer for review. The Case Summary is essential for meeting the legal requirement that the applicant has an opportunity to review the responses that the worker entered on their behalf, as well as receiving information about rights and responsibilities.

Intake interviews may be held either face-to-face, or by telephone. The agency must hold a face-to-face interview if the applicant requests a face-to-face interview or if the applicant has had a previous Wisconsin Shares Intentional Program Violation (IPV).

For telephone interviews, the agency must contact the applicant at the scheduled interview time with the telephone number that was confirmed in the interview appointment notice.

If the first attempt to contact the applicant is unsuccessful, the agency must attempt to contact the applicant again within fifteen (15) minutes of the first call. If the second attempt is unsuccessful, document in case comments that the applicant was unavailable at the appointment time and indicate when the follow up call was made. The Notice of Missed Interview (NOMI) informs the applicant that the interview was missed and informs the applicant to contact the agency to reschedule the interview. The NOMI letter is generated by CWW when:

- There is a Child Care Request recorded in CWW and the request is less than thirty (30) days old;
- The child care indicator box is checked on the Integrated Client Scheduler (ICS) appointment detail page;
- The status at the end of the appointment date is marked as scheduled, waiting, or abandoned;
- The appointment type is one of the following:
  - EO – Eligibility Review/Office
  - IF – ES Intake Interview/Office
  - IP – ES Intake Interview/Phone
  - IR – ES Intake Interview/2<sup>nd</sup>
  - MP – ES Intake Interview 2<sup>nd</sup> Phone
  - RP – ES Eligibility Review/Phone
  - IN – Intake/No Phone

If the ICS is not used to schedule appointments, the agency is strongly encouraged to manually generate this letter.

During the interview, the agency must advise the applicant of the verification items that he or she will need and the change reporting requirements.

At the conclusion of the interview the Good Cause Notice DCF-F-DWSP2018, must be provided to the applicant.

### **1.3.5 Application/Review Interview Details Page**

In CWW, the agency must document on the Application/Review Interview Details Page the interview method that was conducted (telephone or face-to-face). The agency must make sure that a Case Summary was generated and either provided or sent to the applicant following the interview.

### **1.3.6 Signature Requirements**

A signature is required from the applicant for every application, renewal, and Child Care program add. The signature requirements for the Wisconsin Shares Child Care Subsidy Program are as follows:

- The electronic signature that is submitted through ACCESS Apply for Benefits (AFB) satisfies the signature requirement to set the application filing date/**Request for Assistance (RFA)** and also meets the signature requirement at the conclusion of the intake interview.
- A telephonic signature received during the RFA is a valid form of signature for setting the filing date and meets the signature requirement at the conclusion of the interactive interview.
- A telephonic signature is a valid form of signature on the Case Summary following an intake interview, or a renewal interview **completed by telephone**.
- With a new application, if the intake interview occurs simultaneously with the phone request, a telephonic or written signature on the Case Summary meets the signature requirement.
- The electronic signature that is submitted through ACCESS Renew my Benefits (RMB) satisfies the renewal signature requirement that follows the renewal interview, however, the interview must be documented in CWW on the Application/Review Interview Details page.
- When a renewal interview is completed, either a telephonic or a written signature is needed on the Case Summary when the child care renewal interview is completed. However, if there has been either an ACCESS AFB or RMB, no additional signature is needed at the conclusion of the interview.
- If a written Request for Assistance (RFA) signature has been collected on form DCF-F-2835 (Wisconsin Shares Child Care Registration form), the signature requirement has been met.

### **1.3.7 Initial Eligibility Determination**

The agency must determine eligibility without delay after the individual's verification requirements are complete. Upon receipt of the required verification from the individual, CWW will set eligibility to begin on the first of the month of the application filing date.

### **1.3.8 Child Care Eligibility Closed for a Calendar Month or Longer**

If Wisconsin Shares Child Care eligibility is closed for one calendar month or longer, the individual must re-apply for child care assistance and must meet the initial financial eligibility threshold of 185% FPL.

## **1.4 Non-Financial Eligibility Requirements**

This section applies to all child care cases unless otherwise specified in sections 1.7 or 1.8.

### **1.4.1 Assistance Groups (AG)**

One of the first components of non-financial eligibility is to determine the individuals that are to be included in the Assistance Group (AG). The AG includes any of the following individuals who reside in the same household:

- An individual who is a parent caring for a child
- The individual's dependent children
  - Including 18 year olds who live at home, attend high school, and are expected to graduate by their 19<sup>th</sup> birthday
  - **Note: 18 year old teen parents may apply on their own and are not required to be included in their parent's case**
- Any dependent children of the individual's dependent children
- The individual's spouse or any non-marital co-parent
- The spouse's dependent children
- The non-marital co-parent's dependent children

When paternity has been established for a child in the child care Assistance Group, the father is presumed to continue residing in the household, unless a child support referral has been made. Likewise, any parent is presumed to continue to reside in the household unless a child support referral has been made.

If an adult, biological, adoptive, or custodial parent of a child is living in the household, the child care Assistance Group must not include another adult who resides in the same household unless the other adult is the spouse of the custodial parent, paternity has been established between the other adult and the child, or the other adult has

guardianship of both the child and the biological, adoptive, or custodial parent. Domestic partners who do not have a child in common are not treated as married and therefore are not included in the Assistance Group.

Examples of individuals to be included in the Assistance Group:

**Example:** A grandmother, an adult mother, and the adult mother's baby live in the same house. The AG consists of the adult mother and her baby. The applicant is not the grandmother. The grandmother is not in the AG unless the grandparent has guardianship of both the adult mother and her dependent child.

**Example:** A grandmother has guardianship of her 2-year-old granddaughter. The child is reunited with her mother and the mother will now also reside in the grandmother's home. Once the adult mother moves into the house, the AG must change because the mother and grandmother cannot be in the same AG, even though the grandmother has court-ordered guardianship. Eligibility for the grandmother must end and the mother must apply for child care assistance.

**Example:** A grandparent or other adult has legal guardianship of the adult parent and the adult parent's dependent child. The AG consists of the grandparent/guardian, the adult parent, and the child. The applicant is the grandparent.

#### **1.4.1.1 Incarceration**

An individual who is in a child care Assistance Group and who is incarcerated for thirty (30) calendar days or less will remain in the child care Assistance Group, unless a child support referral has been made.

An individual who is in a child care Assistance Group and who is incarcerated for more than thirty (30) calendar days is excluded from the Assistance Group. The Assistance Group must cooperate with child support requirements, as necessary.

An individual who is living in the home under a restricted release, such as work release, home monitoring, and other alternative to incarceration, is not incarcerated for Wisconsin Shares purposes. The individual's membership in the AG is determined according to household relationships, and if included in the AG, their income is counted and Approved Activity requirements apply.

#### **1.4.1.2 Shared Placement of Children**

Each parent with shared placement has the option to apply for Wisconsin Shares child care assistance to assist with the cost of child care for the time that the child in common is residing within his or her household. Each custodial/placement parent will have his or

her own case number, but the child will be assigned a unique PIN number that will be used in both child care assistance cases.

Examples of cases with shared placement:

**Example:** Melissa is an adult and has one child who is in her home on a shared placement basis. The child spends part of the week with her father and part of the week with the mother. The AG consists of mom and her child.

**Example:** Jessica and Mathew have shared placement of Megan, age 11. Mathew lives with Betty and they have one child together. Jessica's AG consists of herself and Megan. Mathew's AG consists of himself, Megan, Betty, and their one child in common.

#### 1.4.2 Applicant Age

The applicant for child care assistance must be at least 18 years of age unless the minor applicant:

- Is living in a group home licensed by the State of Wisconsin or an approved and supervised independent living situation, **and**
- Is a high school student **or is enrolled in an equivalent program approved by the Wisconsin Department of Public Instruction;**  
**or**
- The applicant is married.

#### 1.4.3 Ages of Eligible Children

In order to be eligible for child care subsidy, the child for whom the parent is requesting care must be:

- **At initial eligibility or renewal,** under age 13, or
- **For a child turning 13 within their eligibility period, under age 14,** or
- Under age 19 if the child has a verified special need and the child is not capable of caring for him or herself physically or mentally.

#### 1.4.4 Wisconsin Residency

Applicants must be residents of Wisconsin and intend to remain in Wisconsin unless the applicant is a migrant farmworker. See section 1.7 regarding migrant farmworkers.

#### 1.4.5 US Citizen or Qualified Immigrant

The beneficiary of the child care subsidy must be a child who is either a United States citizen or a qualified immigrant. The child's immigration status or citizenship must be verified.

**Example:** Juanita and Carlos work full time, but are not U.S. citizens or qualified immigrants. Juanita has applied for child care for their two school-aged children, who are U.S. citizens. The AG consists of Juanita, Carlos, and the two children.

#### **1.4.6 Social Security Numbers (SSN)**

As a condition of eligibility, applicants must provide or apply for a Social Security Number (SSN) for any child for which they want child care assistance. Any child who does not have an SSN or an SSN Application filed with the Social Security Administration (SSA) will not be eligible for child care assistance.

If the applicant has provided verification of an SSN application that was filed with the SSA to initially qualify for child care assistance, the SSN must be provided to the agency when the number is received and no later than 90 days after the SSN application.

If an SSN is not provided after 90 days, the child without an SSN is no longer eligible. The Permanent Demographics page in CWW must be updated and eligibility must be re-run. This child will then be an included child in the assistance group, but not an eligible child, and the authorization for that child must end. Eligibility may continue for other children in the Child Care Assistance Group for whom a valid SSN has been provided.

Parents are not required to provide an SSN for themselves.

#### **1.4.7 Child Support Cooperation**

As a condition of eligibility, each parent in the child care assistance group must cooperate with the Child Support Agency (CSA) for all of his or her minor **biological or adoptive** children over the age of sixty (60) days, unless a good cause exception has been granted for a particular child.

**Relatives or non-relative adults caring for a child are not required to cooperate with child support for a child that is not their biological or adoptive child.**

##### **1.4.7.1 Failure to Cooperate with the Child Support Agency**

The CSA determines child support cooperation for all individuals. The CSA will notify the Wisconsin Shares administrative agency and the applicable parent if they have determined that the parent is not cooperating, along with their justification for the decision.

Within seven (7) calendar days of the receipt of the notice of non-cooperation from the CSA, the local Child Care agency is required to send a Notice of Action Needed (also known as the Verification Checklist) to the individual informing him or her of the child support non-cooperation determination and informing the individual that he or she has

seven (7) business days from the issuance date on the Notice of Action Needed to cooperate with CSA or file a good cause claim. The Notice of Action Needed includes a link to the electronic format of the Good Cause Claim form (DCF-F-DWSP2019).

If, on the eighth (8<sup>th</sup>) business day, the individual is still not cooperating with the CSA and has not filed a claim for good cause with the local agency, an instance of non-cooperation is recorded and the entire child care assistance group is not eligible for a Wisconsin Shares child care subsidy until cooperation with the CSA occurs or until the individual files a good cause claim.

If an individual fails three (3) or more times to meet the child support cooperation requirements without good cause, the child care assistance group is not eligible for child care assistance for a period of at least six (6) months and until all of the members of the child care assistance group cooperate with the CSA.

CWW has been enhanced to allow the Child Care agency to track instances of non-cooperation.

#### **1.4.7.2 Exemptions to Cooperating with the Child Support Agency**

Parents with a child that is younger than sixty (60) days and parents with unborn children are exempt from cooperating with the CSA for that child. Foster parents, subsidized guardians, interim caretakers, and relatives with court-ordered placement who receive a kinship care payment are also exempt from the child support cooperation requirements for the children placed in their care.

#### **1.4.7.3 Good Cause Notice**

A Good Cause Notice (DCF-F-DWSP2018) must be provided to all Wisconsin Shares applicants and participants at the following times:

- At application for child care assistance
- When a child is added to the child care assistance group
- When a parent leaves the child care assistance group
- At the annual eligibility review for child care assistance
- When a participant discloses to his or her eligibility or authorization worker circumstances that may meet the good cause criteria

The Good Cause Notice describes the requirement to cooperate with child support, the right to claim good cause as an exception to the cooperation requirement, and the criteria for good cause.

#### **1.4.7.4 Good Cause Criteria**

The criteria for good cause are as follows:

- Cooperation is reasonably anticipated to result in either physical or emotional harm to the child, including threats of domestic abuse or child kidnapping.
- Cooperation is reasonably anticipated to result in either physical or emotional harm to the parent, including domestic abuse.
- Cooperating with the CSA would make it more difficult for the individual to escape domestic abuse or unfairly penalize the individual who is or has been victimized by such abuse, or the individual is at risk of further domestic abuse.
- The child was conceived as a result of incest or sexual assault.
- The parent is considering whether to terminate parental rights and has sought the assistance of a public or licensed private social services agency not more than three months ago.
- A petition for the adoption of the child has been filed with a court, except this does not apply as a good cause exemption from the responsibility to make payments under an existing court order.

#### **1.4.7.5 Good Cause Claim**

Good cause claims for not cooperating with CSA for child care cases are determined by the county and tribal agencies that administer the Wisconsin Shares Child Care Subsidy Program.

The local county or tribal agency that administers the Wisconsin Shares Child Care Subsidy Program shall provide a Good Cause Claim form (DCF-F-DWSP2019) to any applicant or participant upon request. The Good Cause Claim form describes the good cause criteria and the documentation that will be needed to support a good cause claim.

The form must be returned to the agency within seven (7) business days from the issuance date of the Notice of Action Needed when the applicant or participant has requested the form during a period of non-cooperation with the CSA. When completing the Good Cause Claim form, the applicant or participant must specify the circumstances that meet the good cause criteria for not cooperating.

Upon receipt of the Good Cause Claim form, the local agency must notify the CSA within two (2) days (through an automated process) that no further child support action may be taken until the local agency determines whether good cause exists.

If an individual is cooperating with the local agency in furnishing evidence and information to be used in determining the good cause claim and other eligibility criteria are met, child care subsidy shall not be denied, delayed, reduced, or discontinued pending the determination of the good cause claim.



#### **1.4.7.6 Good Cause Claim Documentation and Supporting Evidence**

The local agency shall require the individual to submit at least one document of corroborative evidence and a statement specifying the circumstances that the applicant or participant believes provide sufficient good cause for not cooperating. The applicant or participant must submit supporting evidence to the local agency within twenty (20) days from the date the Good Cause Claim form was signed. The local agency must encourage the applicant or participant to submit as many types of supporting evidence as possible, and must inform the individual that if assistance is needed in obtaining evidence, the worker will assist him or her. The worker must make every reasonable effort to obtain specific documents or information that the individual is having difficulty obtaining.

If an applicant or participant does not submit sufficient evidence to substantiate the good cause claim, the local agency shall notify the individual that additional evidence is required and shall outline the types of evidence that may be used.

The good cause claim may be supported with any of the following types of documents:

- Court, medical, criminal, child protective services, social services, psychological, school, or law enforcement records regarding domestic abuse or physical or emotional harm to the parent or child.
- Medical records or written statements from a mental health professional that pertain to the emotional health history, present emotional health status, or prognosis of the parent or child.
- Birth certificates, medical records, or law enforcement records that indicate that the child may have been conceived as a result of incest or sexual assault.
- Court documents or other records that indicate that a petition for the adoption of the child has been filed with a court.
- A written statement from a public or private social services agency that the parent is being assisted by the agency in deciding whether to terminate parental rights.
- Written and signed statements from others with knowledge of the circumstances on which the good cause claim is based, including, but not limited to, statements from neighbors, friends, family, or clergy.
- Any other supporting or corroborative evidence.

#### **1.4.7.7 Good Cause Claim Investigation**

The applicant or participant must cooperate with the investigation by the local agency.

The local agency must investigate any good cause claim based on anticipated harm, even when the claim is credible without corroborative evidence and when the agency

knows corroborative evidence is not available. Good cause must be found when the individual's statement and the agency's investigation satisfy the agency that good cause exists.

The local agency may investigate any other good cause claim when the individual's statement and the corroborative evidence do not provide sufficient information to make a determination. The individual must cooperate with the investigation by the agency.

The local agency may contact the child support agency during any good cause claim investigation. The agency is not allowed to contact the individual alleged to have committed acts that are the basis of a good cause claim.

#### **1.4.7.8 Good Cause Determination**

The local agency must determine if good cause exists within forty-five (45) calendar days of the date the Good Cause Claim form was signed unless an extension has been granted because more time is necessary to obtain evidence. The worker may, with supervisory approval, determine that more time is needed due to difficulty in obtaining corroborative evidence. If the good cause claim is based on domestic abuse, and no corroborative evidence is currently available, the local agency may permit the applicant or participant to submit evidence to the local agency within sixty (60) days from the date the Good Cause Claim form was signed. If the local agency grants up to sixty (60) calendar days to submit evidence for a claim of domestic abuse, the agency shall determine if good cause exists within eighty-five (85) calendar days from the date the Good Cause Claim form was signed.

The CSA must be given the opportunity to review and comment on the findings of the local agency prior to the final determination on good cause by the agency. The agency must consider any recommendations from the CSA.

#### **1.4.7.9 Determination that Good Cause Does Not Exist**

If the local agency determines that the individual does not have good cause for failing to cooperate with child support, the local agency must promptly notify the individual of the determination and the right to a fair hearing based on the agency's decision. The individual then has ten (10) calendar days from the date of the notice that good cause does not exist to withdraw the child care application, request the child care case be closed, or request a fair hearing of the agency decision before the CSA proceeds with child support services.

After the individual has had ten (10) calendar days and if the individual did not request a fair hearing of the agency decision, the agency must notify the CSA that it may proceed with child support services and require the cooperation of the individual.

If the individual requests a fair hearing based on the local agency's decision, the agency

shall instruct the CSA to suspend child support services during the fair hearing process.

#### **1.4.7.10 Determination that Good Cause Exists**

If the local agency determines that the individual does have good cause for failing to cooperate with the CSA, the agency must promptly notify the individual of the determination and the basis for the determination in writing.

The agency must also either:

1. Direct the CSA to suspend all further case activities if the individual did not request that the CSA proceed without his or her cooperation; **or**
2. Notify the CSA that it may proceed with child support services if the individual requested that the CSA proceed without his or her cooperation.

#### **1.4.7.11 Fair Hearing Request**

An individual whose good cause claim was denied or who disputes a decision by the local agency may petition the local agency for a fair hearing.

The CSA must be given reasonable notice and may participate in any fair hearing resulting from a good cause investigation or good cause determination.

In the event that a W-2 fact-finding review and a fair hearing are based on the same issues and facts, the fair hearing decision takes precedence over the fact-finding.

#### **1.4.7.12 Ongoing Agency Review of Good Cause Determinations**

The local agency must review good cause determinations that are based on circumstances subject to change at each review of eligibility or upon new evidence. Good cause determinations based on permanent circumstances do not need to be reviewed again. If the local agency determines that good cause for failing to cooperate with the CSA no longer exists, the individual must be allowed ten (10) calendar days before cooperation requirements are imposed to request that the child care case be closed or request a fair hearing.

#### **1.4.8 Participation in Approved Activities**

Every parent or related adult who is responsible for caring for a child in the Child Care Assistance Group must participate in an approved activity in order for the Assistance Group to be eligible for child care assistance.

The following lists all of the acceptable approved activities that qualify an individual for the Wisconsin Shares Child Care Subsidy Program.

#### **1.4.8.1 Learnfare**

Participation in the Learnfare school attendance requirements. Within the Wisconsin Shares Child Care Subsidy Program, Learnfare includes the teen parent whose parent is enrolled in W-2.

#### **1.4.8.2 High School**

Individuals under 20 years of age and enrolled in a high school or participating in a course of study meeting the standards established by the state superintendent of public instruction for a high school equivalency.

If the individual is under the age of 18, he or she must meet one of the following requirements:

- Residing with his or her custodial parent
- Residing with a kinship relative who may or may not be receiving the Kinship Care benefit
- Residing in a foster home
- Residing in a subsidized guardianship or interim caretaker home
- Residing in an independent living arrangement that is approved by a licensed or public child welfare agency and is supervised by an adult; the supervised living arrangement must be documented in CWW case comments
- Married

On-line high school equivalency courses are contingent upon the child care authorizing agency's approval. The student's satisfactory progress must be documented by scanning the grade report in ECF and the agency must record case comments in CWW. Satisfactory progress is assumed if the student has passing grades for the term, or if passing grades are not achieved there must be documentation that the student took part in the required classes and performed the required work.

**Note:** The 24-month limit does not apply to participation under this section. The 24-month restriction applies only for high school equivalency students who are age 20 or older.

#### **1.4.8.3 Employment**

Participation in an activity which produces income, such as:

- Regular employment.
- Self-employment.
- Employer-sponsored training.
- Apprenticeship.

- Sheltered employment.
- Participation in the Transform Milwaukee Jobs Program (TMJ) or the Transitional Jobs Program under Wisconsin Statute section 49.163.
- Participation in the Trial Employment Match Program (TEMP). (TEMP is a W-2 Employment Position, but is included in the employment category for Wisconsin Shares.)
- Participation in an AmeriCorps employment program as long as the stipend equals Wisconsin minimum wage.

#### **1.4.8.3.1 Employed by a Child Care Provider**

If the employer is a child care provider or a business owned or managed by a provider, each of the following requirements must be met:

- The employer must have a Worker's Compensation insurance policy for its employees unless legally exempt.
- The employer must comply with Wisconsin minimum wage law for all employees.
- The employer must file a Wisconsin New Hire report on the employee within thirty (30) days of the hiring date.
- The employer must report wages to Unemployment Insurance unless exempt.

#### **1.4.8.3.2 Self-Employment**

A self-employed individual:

- Carries on a trade or business as a sole proprietor or an independent contractor; or
- Is a member of a partnership that carries on a trade or business; or
- Is otherwise in business for him or herself (including a part-time business).

Parents who operate self-employment businesses must file taxes with the IRS in order to participate in the Wisconsin Shares Program. Filed IRS tax documents for the most recent tax year must be provided for parents who wish to receive child care subsidy while self-employed.

Income is reported to the IRS by the process of filing taxes. Workers should request verification that the tax forms were submitted if the document is questionable.

Proof of filing taxes may include:

- Email confirmation if the parent filed online
- A tax form signed by the tax professional who filed on behalf of the parent

- A canceled check if taxes were owed after filing
- Bank statements clearly showing a deposit from the IRS
- Transcript of tax return from the IRS
- Other verification at agency discretion

Self-employed parents who have not filed taxes because the business has not yet operated in a calendar year and the subsequent tax season has not occurred must provide a Self-Employment Income Report form (SEIRF) (form DCF-F-DWSP2131 or form DHS F-00107) for the last thirty (30) days.

SEIRFs may also be submitted for months when the previous year's filed IRS tax documents do not represent the current income for the business. Additionally, when a new business is six (6) months old, a SEIRF must be provided so that an accurate authorization can be written. See Chapter 2 for information about authorizations for self-employment.

If IRS tax documents or SEIRFs appear questionable or need clarification, local agency staff must follow up with the parent and request additional verification, such as documentation of receipts, contracts, or expenses. Also see section 1.6. Any additional verification requirements must be documented in CWW case comments.

Self-employment as an unregulated child care provider is not allowable as an approved activity for Wisconsin Shares Child Care Subsidy eligibility.

#### **1.4.8.3.3 On-Call Employment**

Participation in on-call employment is an approved activity. On-call employment is employment in which the employee may be called on short notice to work an uncertain work schedule, examples are: substitute teachers or on-call health care staff.

Documentation must include employment verification and a work schedule. For periodic episodes of increased work, the parent must contact the agency within ten (10) calendar days of the occurrence to request additional child care hours.

#### **1.4.8.4 Participation in a Tribal TANF Program**

Participation in a Tribal TANF program based on activities assigned on the Individual Self-Sufficiency Case Plan.

The 24-month education limit does not apply to individuals in a Tribal TANF placement if the education is part of their approved plan.

Wisconsin Shares Child Care Subsidy may be available for study time if it is part of the Self-Sufficiency Case plan.

#### **1.4.8.5 Participation in a W-2 Placement**

Participation in a Wisconsin Works (W-2) Placement and corresponding activities assigned on an Employability Plan (EP).

The 24-month education limit does not apply to individuals in a W-2 placement when the education program is part of the EP.

Wisconsin Shares Child Care Subsidy may be available for study time when it is included on the EP.

#### **1.4.8.6 FoodShare Employment and Training Program (FSET)**

Participation in the job search or work experience component of the FSET program.

#### **1.4.8.7 Basic Education**

Participation in basic education, including English as a second language course; literacy tutoring; high school or course of study meeting the standards established by the state superintendent of public instruction for the high school equivalency.

**Note:** Study time shall not be included in the activity schedule, however, if the parent has a verified disability, time spent with a tutor can be included in the activity schedule for basic education.

Eligibility requirements for Basic Education:

- If the basic education is high school or equivalent and the parent is age 19 or younger (a teen parent), education can be a standalone approved activity. Please see section 1.4.8.2 on High School.
- If the basic education is high school or equivalent and the parent is age 19 or younger (a teen parent), the child care authorization will not count against the parent's 24-month limit for child care for basic education. Please see section 1.4.8.2 on High School.
- If the basic education is high school or equivalent and the parent is age 20 or older, the parent must be working at least twenty (20) hours per month throughout the semester to maintain eligibility for education-related child care and the authorized weeks will count toward the parent's 24-month limit for child care for basic education.

- If the basic education program is English as a second language or literacy tutoring, the parent must be working at least twenty (20) hours per month regardless of the parent's age. The authorized weeks of care will count toward the parent's 24-month limit for child care for basic education.
- Local agencies do not have discretion to require more than twenty (20) hours per month of employment.
- The child care agency must determine that participation in basic education will facilitate the individual's efforts to maintain employment. The agency must document this decision in CWW case comments.
- Other than a parent age 19 or younger (a teen parent) attending high school or equivalent, participation in basic education under this section is limited to no more than 24 months during the lifetime of the parent. The 24 months need not be consecutive. The 24 months must be recorded in the CSAW system Parent Education Tracking page.
- School and work schedules are required for all individuals.
- The student's satisfactory progress must be documented by scanning the grade report in ECF and updating CWW case comments. Satisfactory progress is assumed if the student has passing grades for the term, or if passing grades are not achieved, there must be documentation that the student took part in the required classes and performed the required work.
  - **Note:** Future authorizations cannot be withheld or denied for a previous semester's lack of progress or attendance.

#### **1.4.8.8 Technical College or Course of Study Leading to Employment**

Participation in a course of study at a technical college, or educational courses that provide an employment skill, as determined by the agency, and would help the individual's efforts to maintain employment.

**Note:** Study time shall not be included in the activity schedule, however, if the parent has a verified disability, time spent with a tutor can be included in the activity schedule for Technical College or Course of Study Leading to Employment.

#### **Eligibility requirements for this activity:**

- The child care agency must determine that participation in this activity will facilitate the individual's efforts to maintain employment. The agency must document this decision in CWW case comments.



- The individual must be working at least twenty (20) hours per month throughout the entire period of education. Work study can be considered to meet the employment requirement when work study is a component of the financial aid package.
- Local agencies do not have discretion to require more than twenty (20) hours per month of employment.
- Participation in education is limited to no more than 24 months during the lifetime of the parent. The 24 months need not be consecutive. The 24 months must be recorded in the CSAW system Parent Education Tracking page.
- School and work schedules are required for all individuals.
- Field placement, such as unpaid student teaching and unpaid internships, do not meet the employment criteria of this section, but may be included as part of the educational activity if school credits are awarded for completion.
- The student's satisfactory progress must be documented by scanning the grade report in ECF and updating CWW case comments. Satisfactory progress is assumed if the student has passing grades for the term, or if passing grades are not achieved, there must be documentation that the student took part in the required classes and performed the required work.
  - **Note:** Future authorizations cannot be withheld or denied for a previous semester's lack of progress or attendance.

#### **1.4.8.9 Online Education**

Participation in courses delivered online qualify as part or all of a parent's basic or post-secondary education activity regardless of whether the course requires specific log-in times or is entirely self-paced.

The course credit hours documented by the educational institution and the schedule provided by the parent are only part of the determination of hours eligible for authorization. The worker must also consider any shared placement or child school schedule, and approved activity schedule of a second parent in the Assistance Group. Authorized hours should also reflect any work schedule of the parent who is the online student.

**Note:** Study time shall not be included in the activity schedule, however, if the parent has a verified disability, time spent with a tutor can be included in the activity schedule for online education in order to assist the individual in passing the class.

In addition to existing criteria for basic education or technical college education, online education must:

- Be provided by an accredited educational institution.
- Provide credit hours for the completed course for either high school or post-secondary purpose.
- Course enrollment must be documented by letters or other documents provided by the educational institution.
- Authorizations for self-paced online education are limited to one hour per week per enrolled credit, plus reasonable travel time. Additional hours can be authorized for summer school if the institution documents that the course is delivered over an accelerated period with more hours of instruction provided per week.
- Travel time is the time between the provider location and the location that the parent logs into the course.
- The parent must inform the authorization worker of the location of the computer that will be used for logging into the course. If this is any location but the parent's home, the worker should consider the reasonableness of the location, and must require verification if questionable.
- The parent must provide a planned log-in schedule for the worker's use in establishing an authorization that considers the school schedule as well as factors such as a child's shared placement or the child's school schedule, or a second parent's overlapping approved activity.
- Once child care is authorized for a semester, students must report if a class is cancelled or they withdraw from a class so that authorizations can be adjusted.
- The student's satisfactory progress must be documented by scanning the grade report in ECF and updating CWW case comments. Satisfactory progress is assumed if the student has passing grades for the term, or if passing grades are not achieved, there must be documentation that the student took part in the required classes and performed the required work.
  - **Note:** Future authorizations cannot be withheld or denied for a previous semester's lack of progress or attendance.

#### **1.4.9 Exception to the Approved Activity Requirement**

A parent who is a member of a two-parent or three-generation Child Care Assistance Group may be exempt from the approved activity requirement if he or she is medically certified by a physician, psychiatrist, or psychologist as both:

- Unable to care for children, **and**
- Unable to participate in any approved activity.

This exception may be temporary or permanent depending on the medical certification. The child care assistance must be needed so that the other individual(s) in the Child Care Assistance Group can participate in their approved activities.

**Example:** Mary and John have 6-month-old twins who need child care assistance so that Mary can keep her employment. John drove a delivery van for UPS but is now temporarily not able to work due to a back injury. His doctor wrote a letter to verify that John's back injury specifically prohibits him from being able to take care of his children due to a lifting restriction and that he cannot work at any job. Mary and John meet the non-financial requirement for participation in approved activities for two-parent families.

**Example:** Sarah and her husband Jerome, minor teen daughter Fanta, and Fanta's baby live in one household. Fanta attends high school, her father Jerome works full time, second shift. Sarah, Fanta's mother is not employed and has a history of alcohol and drug abuse. If Sarah is not able to work and not able to care for her grandchild, she must obtain a written statement from a doctor, psychiatrist, or psychologist that she cannot work and cannot care for the child.

## **1.5 Financial Eligibility Requirements**

This section applies to all child care cases unless otherwise specified in sections 1.7 or 1.8.

### **1.5.1 Gross Income**

To determine eligibility for the Wisconsin Shares Child Care Subsidy Program, count all available earned and unearned income for the child care Assistance Group in the child care budget, except as detailed for income under sections 1.5.2, 1.5.3, and 1.5.4.

Income is available if the individual has a legal interest in it and has the legal ability to make it available for support and maintenance. Income is presumed to be available, unless proven unavailable.

Income is unavailable if the individual cannot access it for a calendar month or more. The individual must verify that the income is unavailable. The individual may verify that income is unavailable by a letter from an agency or the source stating when the individual will receive the income. Verified unavailable income must not be counted in determining financial eligibility.

#### **1.5.1.1 Maximum Gross Income for Initial Eligibility**

The gross income limit for new applicants and Assistance Groups that have closed for more than one calendar month is 185% of the Federal Poverty Level (FPL).

### 1.5.1.2 Maximum Gross Income for Ongoing Cases

The maximum gross income threshold is 200% of the Federal Poverty Level (FPL).

### 1.5.2 Income that is Included in the Financial Eligibility Test

Income that is counted towards the child care budget includes, but is not limited to:

- Money, wages or salary; for individuals enrolled in Trial Employment Match Program (TEMP), Transform Milwaukee Jobs (TMJ), or Transitional Jobs (TJ) include the portion of the wage that is unsubsidized according to the Employer Agreement Form.
- Income from self-employment: the sum of net earnings as reported to the Internal Revenue Service (IRS) plus depreciation expenses, personal business and entertainment expenses, personal transportation costs, purchases of capital equipment, and payments on the principal of loans
- Dividends
- Interest on savings or bonds
- Income from estates or trusts
- Net rental income or royalties
- Supplemental Security Income (SSI)
- Social Security payments (including old age, survivorship, and disability)
- Pensions and annuities
- Unemployment insurance
- Worker's compensation
- Alimony and other maintenance payments
- All of the child care Assistance Group's monthly child or family support payments if the amount is greater than \$1,250.00 per month
- Veteran pensions
- Private student loans that are **not** used for tuition or books
- Educational aid including grants and scholarships that are **not** used for tuition and books
- Capital gains income from selling securities and other property, rental income, and royalties
- Any other amounts paid to members of the child care Assistance Group, unless the income is excluded as provided in sections 1.5.3. and 1.5.4

### 1.5.3 Income that is Not Included in the Financial Eligibility Test

The income types listed below are excluded from the Child Care budget:

- **Overpayment collections** that are withheld from Social Security, Unemployment Compensation or other programs that do not base eligibility on income and assets
- Child Support Payments: Court-ordered child support or family support payments if the aggregate amount paid to the child care Assistance Group members is \$1,250.00 or less per month. Note: If the aggregate amount exceeds \$1,250 per month, the entire amount is counted as income in the child care budget.
- Earned Income of Minor Dependents
- Earned Income Credit (EIC), income received under the federal/state EIC, or payments made by an employer under the federal advanced EIC
- State and federal tax refunds and Homestead Credit Payments
- Education Programs: Higher Education Act of 1965 (PL 89-329) and the Employment Skills Advancement Program
- Educational Aid: educational aid received under a state or federal program or scholarship funds used for tuition and books
- Work Study Income
- Income received for Foster Care, Kinship Care, Subsidized Guardianship, or Adoption Assistance payments
- Loans (not including educational aid)
- Reverse Mortgage Loan Proceeds (1993 Wisconsin Act 88)
- Job Access Loans
- In-Kind Income: non-cash reimbursements such as meals, clothing, housing, and garden produce
- Benefits for students aged 18 years old
- **W-2 payments (CSJ, W-2 T, CMC, ARP, or TSP payments), Emergency Assistance payments, and Wisconsin Shares subsidy**
- **The wage subsidy portion of income from Trial Employment Match Program (TEMP), Transform Milwaukee Jobs (TMJ), or Transitional Jobs (TJ)**
- Reimbursements: money paid to the individual to reimburse actual expenses incurred or paid, or both. May include a per diem allowance for travel, uniforms, transportation, out-of-pocket expenses, medical reimbursements, or reimbursement for a volunteer's out-of-pocket expenses incurred in the course of his/her work

- Gifts: Cash gifts, such as for birthdays, graduation, and holidays
- Earmarked Funds (previously titled “Windfalls”): Any amount received that is earmarked and used for the purpose it was paid, such as back medical bills from an accident or injury, funeral and cemetery costs, and replacement or repairs. For medical services which can be provided only at a future date: Disregard any amount earmarked for those services, provided there is a signed agreement specifying: the source and amount of the settlement; the purpose for which it is earmarked; that the amount is held in its own account; and that it is agreed to and understood that if all or part of the settlement is used for a purpose other than for what it is earmarked, that amount used will be considered available income and counted when determining eligibility and copayments.
- Federally-Funded Benefits: Any income from sources required to be disregarded by federal or state law. Such sources include, but are not limited to: Nutrition Program benefits from National School Lunch Act (PL 79-396), Food Stamp Act of 1977 (PL 88-525), Child Nutrition Act of 1996 (PL 89-642); Indian Tribal Federal Settlements; Housing Act of 1949 (PL 81-171); Older Americans Act (PL 89-73); Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (PL 91-646); Robert T. Stanford Disaster Relief and Emergency Act (PL 93-288); Housing and Community Development Amendments of 1978 (PL 95-557), however, wages from the act may be counted as income; Low Income Energy Assistance Act of 1981 (PL 97-35); Old Age Assistance Claims Settlement Act (PL 98-500); Workforce Investment Act: WIA for Adults, Rapid Response, and Dislocated Workers, National Emergency Grants, Trade Adjustment Act, unless specifically earmarked for child care expenses; Refugee Resettlement Reception and Placement income for Iraqi and Afghan immigrants who have been granted Special Immigration Visa’s (SIV’s) under Section 1059 of the National Defense Authorization Act (PL 109-163).

#### **1.5.4 Limited Income Exclusions from the Financial Eligibility Test**

The following types of income are excluded as income in the child care budget under the limited circumstances as detailed below:

- AmeriCorps and or VISTA (PL 93-113): Exclude income if the stipend amount divided by the number of hours of activity equals less than minimum wage.
- Operation Fresh Start: Disregard Operation Fresh Start income unless the agency director verifies that participants are receiving the equivalent of minimum wage. If the Operation Fresh Start participant is receiving minimum wage or more, count the income in determining gross income.
- Indian Tribal Judgment Funds Use or Distribution Act (PL 93-134): Disregard per capita shares and income of \$2,000 per year or less.

- Rehabilitation Act of 1973 (PL 93-112): Disregard wages, allowances or reimbursements for transportation or personal assistance services costs paid to reasonably accommodate an employee, such as a vehicle modification made to accommodate a disability or a payment by the Division of Vocational Rehabilitation to support a rehabilitation plan.

### 1.5.5 Monthly Income Calculations

Unless otherwise stated in sections 1.5.5.1, 1.5.5.2, or 1.5.5.3, monthly income is budgeted prospectively by making the best estimate of income based upon the information available. When converting income to monthly income:

- Weekly income is multiplied by 4.3 to get a monthly income amount.
- Bi-weekly income is multiplied by 2.15 to get a monthly income amount.
  - Paid every other week (for example every other Thursday with 26 paychecks a year).
- Semi-monthly income is multiplied by 2 to get the monthly income amount.
  - Paid twice a month (for example on the 1<sup>st</sup> and 15<sup>th</sup> of the month with 24 paychecks a year).

**Example:** Convert income received on a weekly basis to a monthly amount:  $\$7.50 \times 40$  hours =  $\$300$  per week. Then, multiply the weekly amount by 4.3 weeks to arrive at an average monthly income:  $\$300 \times 4.3$  weeks =  $\$1,290$  per month.

#### 1.5.5.1 Contractual Income

- Contractual income that is annual income (intended to provide support for the entire year), and is not paid on an hourly or piecework basis, must be prorated over 12 months.

**Example:** Joe works for a public school as a teacher's aide. Joe has worked there for the last 3 years and receives a 9.5-month contract every August. He earns  $\$13,480.50$  annually. He lives off his salary as a teacher's aide for the full year and does not supplement his income during the summer. Average his income over 12 months:  $\$13,480.50 \div 12 = \$1,123.40$  per month.

- Contractual income that is not annual income (intended to provide support for the child care Assistance Group for only a portion of the year), and is not paid on an hourly or piecework basis, must be prorated over the period the income is intended to cover.

**Example:** Nancy works for the public school as a part time nurse. She receives a contract for 10 months every August. She earns  $\$10,000$  per school year. In the

summer, she supplements her income as a life guard at the city pool. Average Nancy's school year income of \$10,000 by 10 months.  $\$10,000 \div 10 = \$1,000$  per month for the school year. Then for the summer months calculate her income by her summer earnings.

#### 1.5.5.2 Fluctuating Income

- If the amount of regularly received income varies, use an average.

**Example:** Harold is a salesman and receives a commission payment every quarter. His last commission check was \$150. Divide \$150 by three (3) months and average it over the three months.

- Income that is normally obtained, but received on an irregular basis, is to be averaged over the period between payments.

**Example:** Felicia is a salesperson who doesn't always receive a commission check every quarter. She did not receive a commission last quarter. Her last check was \$200 and was received six (6) months ago. Divide the \$200 by six (6) months and count \$33.33 per month as her income until she reports receiving another commission check.

- If neither the amount nor the frequency is consistent or predictable, count it only for the month in which it is received as non-recurring income.

**Example:** Rau is a salesman and he receives a sales commission check whenever his company determines that their profits will allow them to pay out commissions. Rau has not received a commission check for 9 months although before that he was getting them on a quarterly basis. Rau reports that he received a \$175 check this month, but doesn't know when he will receive one again. \$175 is this month's income.

#### 1.5.5.3 Non-Recurring Income

Income that is received on a one-time basis is to be budgeted in the month that it is received. Examples of this include lottery winnings, a one-time bonus, or a lump sum payment.

#### 1.5.5.4 Self-Employment Income

Self-employment income for child care eligibility is defined in statute as the sum of net earnings reported to the Internal Revenue Service and depreciation expenses, personal business and entertainment expenses, personal transportation costs, purchases of capital equipment, and payments on the principal of loans.

The expenses noted above are invalid expenses for child care and are added to the net income field in CWW during child care eligibility determination.



CARES Worker Web will calculate the monthly self-employment income for the Child Care Assistance Group when the self-employment page is completed. CWW has a field to enter depreciation expenses. Add together personal business and entertainment expenses, personal transportation costs, purchases of capital equipment, and payments on the principal of loans and enter it in the CC Only Invalid Expenses field.

**Example:** John has been a self-employed construction worker for several years. He generally works many hours during the summer months, and very little during the winter. He applies for Wisconsin Shares Child Care Subsidy in November and provides an IRS tax form for the previous year to verify his yearly income and expenses. His total yearly self-employment income minus his total yearly allowable expenses and excluding the invalid self-employment expenses for child care from his expenses is divided by 12 to determine a monthly income average. Based upon his monthly income he may meet financial eligibility criteria.

John reports on January 7<sup>th</sup> that he has not worked since December 30<sup>th</sup>. This is a normal fluctuation in his business so there would be no change in the income budgeted, however, John's eligibility for child care ends due to his non-participation in an approved activity.

### 1.5.6 Asset Testing

Total liquid assets belonging to the Assistance Group shall not exceed \$25,000.

Verification of the family's liquid assets is self-declared and no further verification is necessary when a parent states that their liquid assets do not exceed the limit. If a family claims to have \$25,000 or more in liquid assets, the local agency must request documentation of the liquid assets to ensure that eligibility is correctly denied.

The applicant shall have seven (7) business days to provide verification of their claimed liquid assets. If verification is provided and demonstrates liquid assets of \$25,000 or more, the entire assistance group will fail financial eligibility. If the family fails to provide verification within seven business days, the case will fail for failure to provide verification.

If either the family provides verification that demonstrates they do not have \$25,000 in liquid assets or they incorrectly answered "yes" to the asset test and subsequently self-declare that they do not exceed the liquid asset limit, the family shall pass the asset test.

Information about the family's liquid assets must be documented in the comments field on the CWW "Assets for Child Care" page unless the family initially indicates that they do not meet the asset limit.

Any business liquid assets encumbered by a legal entity, such as an LLC, shall not be included in the family's asset test.

Foster parents, subsidized guardians, interim caretakers, and relatives who have both a court order for placement of a child under Wisconsin Statutes Chapters 48 or 938, or substantially similar Wisconsin tribal law, and who receive a Kinship Care payment are not subject to the asset test. However, if child care is needed for any of their biological children, the asset test will be part of the eligibility determination.

The asset test is required at the initial eligibility determination and at each eligibility renewal.

## **1.6 Verification Requirements**

This section applies to all child care cases unless otherwise specified in sections 1.7 or 1.8.

### **1.6.1 Documentation**

Documentation means information recorded in case comments, or saved in ECF. Each item used in the Wisconsin Shares Child Care eligibility determination process must be documented. Photocopies of verification items should be marked with the date the document was received along with the initials of the agency staff person who obtained the documents.

If the document that was used to support the eligibility determination is scanned into the Electronic Case File (ECF), or if the verification occurred through a CARES data exchange, the worker is not required to record case comments in CWW to substantiate the data exchange. However, when there is no original or copy of the document such as when there is a collateral contact, worker observation, a home visit, or a verbal statement, a CWW case comment must contain enough information to describe the nature and source of the information.

### **1.6.2 Authority to Request Information**

The agency may request any additional information that is necessary and appropriate in order to make a correct eligibility decision. The agency does not need to verify an item that is not required or is not questionable.

A release of information is not required when the agency worker is assisting the client to obtain employment verification through collateral contact.

### **1.6.3 Responsibility for Providing Verification**

The Wisconsin Shares applicant has the primary responsibility for providing verification and resolving questionable information.

### **1.6.4 Required Agency Assistance**

If the applicant has made a reasonable effort and cannot obtain the information, the agency must assist the applicant in obtaining the verification. No signed release of information is needed when assisting the client to obtain this information.

If neither the applicant nor the agency can get the required verification by the 30th day from the application **date**, eligibility must be denied.

### **1.6.5 Notice of Verification Required**

The applicant must be informed in writing of the verification items that are needed along with a due date.

### **1.6.6 Verification Due Date**

The applicant has seven (7) business days from the date the “Notice of Verification Needed” was mailed to submit the needed verification to the agency. If verification has not been received from the applicant within seven (7) business days, the agency should run eligibility to generate a Denial Notice alerting the applicant the Child Care request is denied.

If the applicant requests more time to provide the verification, the agency may extend the verification due date to not more than thirty (30) calendar days from the application filing date. The need for more time may be an indication to the agency worker that the applicant requires assistance. See section **1.6.4**.

### **1.6.7 Applicant Refusal to Produce Verification**

If the applicant is able to produce the verification, but refuses or fails to do so, eligibility must be denied.

### **1.6.8 Contradictory or Questionable Information**

If at any point an agency receives contradictory or questionable information regarding any eligibility item, the agency should request documentation to substantiate the **parent's** claim and allow the **parent** seven (7) business days to obtain such documentation.

Questionable or contradictory verification or reporting must be resolved or referred for Front-End Verification according to the agency's fraud plan.

### 1.6.9 Required Verification

The agency must receive verification for all of the items listed in sections 1.6.10, 1.6.11, and 1.6.12 as specified, before the eligibility determination can be completed.

### 1.6.10 Non-Financial Eligibility Verification

The following lists the non-financial eligibility items that must be verified and includes a list of document types that satisfy the corresponding requirement. The only sources of verification accepted and valid for Wisconsin Shares eligibility are those that are listed below.

- **Identity of the applicant and all parents in the Assistance Group:** A photo ID, (except those excluded by Wis. Stat. s. 66.0438) such as, but not limited to: Driver's license; state-issued ID card; Photo Employee ID card; Photo Student ID card; Military ID card; Native American ID card issued by a federally recognized tribe; Photo ID issued by USCIS; U.S. Passport, or data exchange with SCHIP-I.
- **Social Security Number (SSN) for children for whom assistance is requested:** Application for SSN on form SS-5; a letter from the Social Security Administration stating that the application has been received; hospital confirmation of the SSN application when it was completed at the hospital for newborns; verbal report of SSN by parent if verified by the SOLQ-I data exchange; Social Security card.
- **Date of Birth of each Assistance Group Member:** Certified copy of Birth Certificate; Driver's License; U.S. Passport; state-issued ID card; Certificate of Naturalization; Certificate of Citizenship; Native American ID card issued by a federally recognized tribe; Photo ID issued by USCIS; any unexpired immigration document that has a photo identification; CWW Birth Query (Wisconsin births); Medicaid Birth Record; SOLQ-I data exchange.
- **Wisconsin Residency and Residence (home address):** Lease agreement; Utility bill for water, gas, electricity, or telephone that includes name and address; Mortgage receipt; Subsidized housing program approval document; Weatherization program approval document; Paycheck stub that includes name, address, and employer; current Wisconsin Driver's license; current Wisconsin ID card; current motor vehicle registration.  
**Note:** Homeless individuals and families are exempt from having to provide verification for a home address, but must certify that they reside in Wisconsin and during the interview must certify that they intend to continue to reside in Wisconsin.
- **U.S. Citizenship of children:** Certified copy of Birth Certificate; U.S. Passport; data exchange with SCHIP-I; CARES Birth Query (Wisconsin births only); Native American ID card issued by a federally recognized tribe; Certificate of

Naturalization; Certificate of Citizenship; Medicaid Birth as documented by a Wisconsin hospital.

- **Immigration status of children:** If the applicant is not a U.S. citizen or U.S. national he or she must present immigration documentation that the agency will verify through SAVE. Any documents issued by USCIS that contain a photo and are unexpired serve as verification of immigration status. Children of immigrants may have derivative immigration status based on parents' status.
- **Marital status:** Self-declaration is acceptable. If questionable, obtain a certified copy of Marriage Certificate or Judgement of Divorce or Legal Separation.
- **Placement of children:**
  - Shared Placement: Legal documents stating child placement; Self-declaration
  - **Out-of-Home Care Placements:**
    - Foster Care/Subsidized Guardianship/Interim Caretaker Placements: current Voluntary Placement Agreement; current Temporary Physical Custody order; current court order under Wisconsin Statute Chapters 48 or 938 or any Wisconsin tribal law that is substantially similar to Wisconsin Statute Chapters 48 or 938; a letter from the child's caseworker (county or tribal) that includes the name and address of the foster parent with whom the child is placed, plus the name and date of birth of the child, as well as the date the out-of-home care placement began, the date the out-of-home care placement will end (if applicable), and the name, date the letter was completed, and the telephone number for the caseworker; or DCF-F-5190-E.
    - Relatives with court-ordered placement of a child: current court order (any court order under Wisconsin Statute Chapters 48, 54, or 938 or any Wisconsin tribal law that is substantially similar to Wisconsin Statute Chapters 48, 54, or 938 is acceptable); a letter from the child's caseworker (county or tribal) for Wisconsin Statute Chapters 48 or 938 or any Wisconsin tribal law that is substantially similar to Wisconsin Statute Chapters 48 or 938 that includes the name and address of the relative with whom the child is placed, plus the name and date of birth of the child, as well as the date the court ordered placement with the relative began, the date the child's court ordered placement with the relative will end (if applicable), and the name, date the letter was completed, and the telephone number for the caseworker; or DCF-F-5190-E (when the placement was ordered under Wisconsin Statute Chapters 48 or 938 or any Wisconsin tribal law that is substantially similar to Wisconsin Statute Chapters 48 or 938).

Please note that voluntary kinship or guardianships under Wisconsin Statute Chapter 54 or any Wisconsin tribal law that is substantially similar to Wisconsin Statute Chapter 54 must be verified using the current court order only.

#### **1.6.10.1 Vital Record Documentation**

Vital records are maintained by the Wisconsin Department of Health Services and are official records of births, deaths, marriages and divorce. These documents are referred to as Birth Certificates, Death Certificates, Marriage Certificates, and Divorce Certificates. Every time an official vital record is used in the eligibility process, it must be marked “Administrative Use Only” per Wisconsin Statute section 69.30 (2).

When these documents are scanned at the local agency, the agency must photocopy the original document, stamp it with “Administrative Use Only” and then scan the document into Electronic Case File (ECF). Originals must be returned to the applicant.

Certificates of Naturalization and Certificates of Citizenship are not considered vital records, but must also be treated as vital records because they are also official documents.

#### **1.6.10.2 Verify Only Once**

The items that are verified only once per lifetime are:

- Identity
- Social Security Number
- Date of Birth
- Citizenship

Verify “only once” means once per lifetime in CWW. To assure that these items are only verified once, the agency must scan copies of documents used to verify these items and upload them to in the Electronic Case File (ECF), except when the information has been verified via data exchange.

If the information was auto-populated by data exchange, the item is verified. If the worker entered the verification code, the worker will need to confirm that the underlying data exchange actually occurred.

#### **1.6.11 Approved Activity Verification**

The following lists the approved activity eligibility items that must be verified and includes a list of document types that satisfy the corresponding requirement. All parents in the assistance group must be participating in a verified approved activity. Frequently, items that verify income will also serve to verify the approved activity.

Parents can self-declare their activity schedules for employment. **but the schedule must correspond to the paystubs. Parents may also** self-declare activity schedules for W-2, Tribal TANF, and FSET when the activities in the Employability Plan or Self-Sufficiency Plan do not have set times. **Lastly, only online classes that do not have set times can be self-declared. All classes that have set class time require the parent to provide a copy of the class schedule.** See Chapter 2 for further information on the authorization assessment.

### **Acceptable Sources of Verification for Approved Activity Types:**

**Employment:** Dated pay stubs and pay statements for the immediately preceding thirty (30) days must include the employer and employee name, rate of pay, and hours worked. If the applicant or participant has recently started a job and has received only three (3) pay stubs in the preceding thirty (30) days and submits all three (3) pay stubs for verification, then they have met the requirement of providing all the pay stubs for the preceding thirty (30) days.

Sources include: Employer Verification Form – Earnings (EVF-E) with the employer’s signature, number of hours of work per week, company name, and rate of pay; a letter from the employer bearing the employer’s legible name, contact information, and signature, and includes the employee’s name, rate of pay, and hours of work; employment verification obtained through The Work Number, and Equifax verification through the Federal Data Services Hub (FDSH) wage match (so long as the data is correct and reports on the approved activity income within the past thirty (30) days).

Collateral contact with the employer is a valid form of approved activity verification when the agency worker is assisting the client to obtain earned income and employment verification. The worker must document the phone conversation in CWW case comments including the date and time, and name and phone number of the person that was contacted.

Local agencies may ask for pay stubs for the entire preceding thirty (30) days when employment is not new and there is an expectation that pay checks would have been issued. The EVF-E carries the same validity of pay stubs, but if there is suspicion that it is being completed by the applicant instead of the employer the local agency must follow guidance in section 1.6.7 **Contradictory or Questionable Information.**

### **Transform Milwaukee Jobs, Transitional Jobs, or Trial Employment Match**

**Program jobs:** Verified by the Employability Plan in CARES, or through pay stubs.

**Apprenticeships:** A copy of the signed apprenticeship contract between the applicant, employer, and the Wisconsin Department of Workforce Development.

**Self-Employment:** Parents who operate self-employment businesses must file taxes with the IRS in order to participate in the Wisconsin Shares Program. Filed IRS tax documents for the most recent tax year must be provided for parents who wish to receive child care subsidy while self-employed. Tax documents must be provided at the annual review that follows the most recent tax filing season.

Self-employed parents who have not filed taxes because the business has not yet operated in a calendar year and subsequent tax season must provide a Self-Employment Income Report form (SEIRF) (form DCF-F-DWSP2131 or form DHS F-00107) for the last thirty (30) days.

SEIRFs may also be submitted for months when the previous year's filed IRS tax documents do not represent the current income for the business. Additionally, when a new business is six (6) months old, a SEIRF must be provided so that an accurate authorization can be written. See Chapter 2 for information about authorizations for self-employment.

If IRS tax documents or SEIRFs appear questionable or need clarification, local agency staff must request additional verification from the parent, such as documentation of receipts, contracts, or expenses. Any additional verification requirements must be documented in CWW case comments.

If the validity of the self-employment is questionable, seven (7) or more of the following conditions must be met by the individual:

1. The individual holds or has applied for an identification number with the Internal Revenue Service (IRS).
2. The individual has filed business or self-employment tax returns with the IRS based on such services in the previous year or, in the case of a new business, in the year in which such services were first performed, or has paid quarterly estimated taxes.
3. The individual maintains a separate business with his or her own office, equipment, materials, and other facilities.
4. The individual operates under contracts to perform specific services for specific amounts of money and under which the individual controls the means and methods of performing such services.
5. The individual incurs the main expenses related to the services that he or she performs under contract.
6. The individual is responsible for the satisfactory completion of services that he or she contracts to perform and is liable for a failure to satisfactorily complete the services.



7. The individual receives compensation for services performed under a contract on a commission or per-job basis and not on any other basis.
8. The individual may realize a profit or suffer a loss under contracts to perform such services.
9. The individual has recurring business liabilities or obligations.
10. The success or failure of the individual's business depends on the relationship of business receipts to expenditures.

If the parent does not meet at least seven (7) of the ten (10) conditions above, it is not self-employment for child care eligibility purposes. If this is the case, agency workers could explore whether the activity is not an approved activity or if it might be regular employment. Workers should use the acceptable sources of verification for employment noted in this section.

**Wisconsin Works (W-2) Placement:** Verified by the W-2 Employability Plan in CARES.

**Tribal TANF:** Verified by the Individual Self-Sufficiency Plan, the applicant will be able to provide a printed copy.

**FoodShare Employment & Training:** Verified by the FSET Employment Plan in **CWW (Worker Tools-FSET Tool-Employment Plan)**.

**Learnfare:** Verified by the Learnfare Case Management Plan in CARES.

**HSED, GED, High School:** Enrollment letter from school. The most current grade report for the student must be obtained to review for satisfactory progress; if passing grades are not achieved there must be documentation that the student took part in the required classes and performed the required work. If a teen parent will remain a dependent child on their parent's case, the agency must collect written documentation from education institution which identifies the high school graduation or high school equivalency requirements and the progress the teen parent has made; and based on this information the documentation must show that the student is expected to achieve graduation or its equivalent by their nineteenth (19<sup>th</sup>) birthday.

**Basic Education and Employment:** Proof of school enrollment and class schedule and employment verification of at least twenty (20) hours per month. The most current grade report for the student must be obtained to review for satisfactory progress; if passing grades are not achieved there must be documentation that the student took part in the required classes and performed the required work.

**Technical College and Employment:** Proof of school enrollment and class schedule and employment verification of at least twenty (20) hours per month. The most current grade report for the student must be obtained to review for satisfactory progress; if passing grades are not achieved there must be documentation that the student took part in the required classes and performed the required work. Work-study is verified by the educational aid package or a letter from the school.

**Online Education:** Proof of school enrollment and class schedule and employment verification of at least twenty (20) hours per month. The most current grade report for the student must be obtained to review for satisfactory progress or if passing grades are not achieved, there must be documentation that the student took part in the required classes and performed the required work.

#### **1.6.11.1 Employment Verification for Newly Employed Parents when the Employer Uses Equifax/The Work Number**

When all of the following conditions have been met, Child Care eligibility may be determined based on the parent's statement of employment and/or income:

- The parent is newly employed;
- The parent's employer uses Equifax/The Work Number for employment verification;
- The parent has not yet received any pay stubs;
- The employer has refused to complete an EVF-E, send an acceptable letter, or confirm the parent's employment and/or income through collateral contact;
- The employment and/or income cannot be confirmed through any data exchange; and
- The employment and/or income cannot yet be confirmed through Equifax/The Work Number.

In situations where all of the above criteria have been met, the parent's word serves as temporary verification of employment and/or income until paystubs or other acceptable written verification is available.

When eligibility is determined under this policy, the worker must continue to require verification and issue a Notice of Verification Required through CARES Worker Web (CWW).

A new case summary and signature are not needed if there is already a signature that satisfies the requirements of Section 1.3.6 Signature Requirements.

### 1.6.12 Financial Eligibility Verification

The following lists the financial eligibility items that must be verified and includes a list of document types that satisfy the corresponding requirement. The only sources of verification accepted and valid for Wisconsin Shares eligibility are those that are listed below.

- **Earned Income of all adults in the Assistance Group:** Dated pay stubs and pay statements for the immediately preceding thirty (30) days must include the employer and employee name, rate of pay, and hours worked. If the applicant or participant has started a new job in the past thirty (30) days and, as a result, does not have pay stubs for the entire thirty (30) day period, but has all of the pay stubs for the new job that have been issued, then they have met the requirement of providing all the pay stubs for the preceding thirty (30) days.

Sources include: Employer Verification of Earnings (EVF-E) form with the employer's signature, number of hours of work per week, company name, and rate of pay; a letter from the employer bearing the employer's legible name, contact information and signature and includes the employee's name, rate of pay, and hours of work; earned income verification through The Work Number; or Equifax verification through the Federal Data Services Hub (FDSH) wage match (so long as the data is correct and reports on the approved activity income within the past thirty (30) days).

As a last resort, collateral contact with the employer is a valid form of employment verification when the agency worker is assisting the client to obtain earned income and employment verification. The worker must document the phone conversation in CWW case comments including the date and time, and name and phone number of the person that was contacted. This form of verification may be coded as Collateral Contact in CWW.

If any form of employment verification appears questionable or the worker is suspicious of falsification of the documentation, the worker must document this in case comments and request a second form of verification.

Parents who operate self-employment businesses must file taxes with the IRS in order to participate in the Wisconsin Shares Program. Filed IRS tax documents for the most recent tax year must be provided for parents who wish to receive child care subsidy while self-employed.

Self-employed parents who have not filed taxes because the business has not yet operated in a calendar year and subsequent tax season must provide a Self-Employment Income Report form (SEIRF) (form DCF-F-DWSP2131 or form DHS F-00107) for the last thirty (30) days.

SEIRFs may also be submitted for months when the previous year's filed IRS tax documents do not represent the current income for the business. Additionally, when a new business is six months old, a SEIRF must be provided so that an accurate authorization can be written. See Chapter 2 for information about authorizations for self-employment.

If IRS tax documents or SEIRFs appear questionable or need clarification, local agency staff must follow up with the parent and request additional verification, such as documentation of receipts, contracts, or expenses. Any additional verification requirements must be documented in CWW case comments.

- **Unearned Income for all Assistance Group members:** Unemployment Compensation award letter unless the income is auto-populated in CWW by the UI data exchange; divorce documents showing financial settlement, maintenance, family support, or child support; documentation of court-awarded settlement; Social Security award letter; Veteran's Administration award letter; compensation award letter; Financial Aid award letter; other tax records showing unearned income, and documentation from any other source of income. Proof of a Kinship Care payment, Foster Care payment, or Subsidized Guardian payment or Interim Caretaker payment may be provided by verbal or written confirmation from the Child Protective Services (CPS) agency.
- **Proof of Natural or Adoptive Parent Income:** The eligibility worker must obtain the natural or adoptive parent income at the time the child was removed from the home. This information is available from the local Child Protective Services agency. This income information shall be noted in case comments and recorded on the Manual Eligibility page.

#### 1.6.12.1 Verifying **Income from Employment that Ended Prior to Application Date**

If an applicant's employment income ended prior to the application date, the local agency worker must determine whether information related to that employment income is needed.

If employment income ended in a month prior to the RFA, the agency does not need to require verification that the employment income ended unless there is a documented reason why the information is questionable (i.e. the agency reasonably believes the applicant continues to be employed).

**Example 1:** An application for Wisconsin Shares Child Care Subsidy is submitted in February 2017. The applicant states that she left her job at Shopko in December and started working at Target in January. She is requesting child care assistance starting in February. The applicant received their last check from Shopko in January. Verification is not necessary that employment ended at Shopko because the income was received in

the month prior to the eligibility period. Verification of her employment at Target is required.

Employment income ending must be verified if it ended recently and it is reasonable to believe income will be received in a month for which eligibility is being determined.

**Example 2:** An application for Wisconsin Shares Child Care Subsidy is submitted on February 13. The applicant states her employment ended January 30 and her last paycheck will be received February 15. The applicant started a new job on February 1. Because the income from the ended employment is needed to determine eligibility for month one of the application period, verification is required of the income and that the employment ended as well as verification from the new employment.

## **1.7 Migrant Farmworker Families**

All eligibility requirements as stated in sections 1.4, 1.5, 1.6, 1.8, and 1.9 apply to migrant farmworker families that are served through a contracted non-profit organization unless specifically exempted.

### **1.7.1 Child Care Applications for Migrant Farmworker Families**

Migrant farmworker families may apply for Wisconsin Shares Child Care Subsidy through the local agencies in their county or tribe of residence, or may apply for child care through a Department-contracted non-profit organization that provides child care services to migrant families.

### **1.7.2 Eligibility through the Migrant Child Care Contract (MCC)**

The Contractor will conduct an in-person or telephone eligibility interview with each family. Once a child is determined eligible, he or she will remain eligible through the end of the migrant farmworker season. The Contractor will determine and verify financial and non-financial eligibility for children served under this contract based on Migrant Head Start eligibility criteria, as outlined below:

#### **Financial Eligibility**

1. The migrant farmworker family's annual income comes primarily from agricultural work.
2. The migrant farmworker family's annual income is less than 185% FPL for the family size and income.

The Contractor must verify financial eligibility based on income, and may use previous year tax forms, current pay stubs, work agreements (contracts), or other proof of income

to determine the anticipated family income for the period (next consecutive three (3) months). If the family cannot provide tax forms, pay stubs, or other proof of income for the relevant time period, program staff may accept written statements from employers for the relevant time period and use the income information to calculate total annual income and FPL.

The child's eligibility file must contain a statement that identifies whether the family's income is below income guidelines for its size, and must list the family's size.

### **Non-Financial Eligibility**

1. The child to be served is between the ages of birth through 12 years, or up to age 19 for children with special needs.
2. The child is a US Citizen or qualified immigrant.
3. The parents of the child meet the definition of migrant farmworker. This may be supported by a combination of proof that the parent is employed in migrant farm work and proof that the family has resided outside of Wisconsin for ten (10) of the past twelve (12) months.

### **Documentation Requirements for families served through the MCC**

Each child served under this contract must have an eligibility file, which may be kept electronically. Each eligibility file must contain the following:

1. The Head Start application form
2. The date, time and method of the eligibility interview.
3. A copy of the child's birth certificate or other documentation to substantiate the child's status.
4. A copy of pay stubs or any other form of documentation as listed above in the financial eligibility section to verify household income.
5. A copy of documentation that identifies the family's poverty level at the time of application.
6. A copy of the child's individual attendance records.

Eligibility documentation and child attendance records must be kept for three (3) years after the last day the child was served.

### ***1.8 Foster Care, Subsidized Guardianship, Interim Caretaker, and Relatives with Court-Ordered Placement who Receive Kinship Care***

Unless otherwise specified in this section, all requirements for these individuals remain as stated in sections 1.3, 1.4, 1.5, 1.6, and 1.9.

Wisconsin Shares Child Care does not allow categorical eligibility for any groups of family types. Foster care, subsidized guardians, interim caretakers, tribal placements, and relatives with court-ordered placement who receive the Kinship Care payment must all complete the same eligibility determination process including verification of approved activity and income just as all other families are required to do.

### **1.8.1 Financial Eligibility**

The financial eligibility test for foster care, subsidized guardianship, interim caretaker, and relatives with court-ordered placement who receive a Kinship Care payment and children in tribal placement homes under a substantially similar Wisconsin tribal law, is based upon the child's biological or adoptive parents' income tested at 200% Federal Poverty Level (FPL) at the time the child was removed from the home. This income information is usually available from the Child Protective Services (CPS) agency that is involved in the case; the verbal or written statement regarding the income information from the social worker involved in the case is sufficient to document the biological or adoptive parent's income. When determining the group size and income for the biological or adoptive family, include all parents and children in the home the day before the child was removed and all household income the day before the child was removed.

Being on the Kinship Care payment waitlist does not qualify as receipt of a Kinship Care payment.

If the biological or adoptive parents' income exceeds 200% FPL, the eligibility worker must fail eligibility on the Manual Eligibility page in CWW and the financial eligibility test is then based on the caregiver household income and is tested at 185% FPL. With the exception of this financial eligibility variation, all other requirements under section 1.5 must be met for foster care parents, subsidized guardians, interim caretakers, and relatives with court-ordered placement who receive Kinship Care. If the caregivers' household exceeds 185% FPL, there is no eligibility for child care subsidy.

Foster care parents, subsidized guardians, interim caretakers, and relatives with court-ordered placement who receive Kinship Care that need child care for their own children must meet all requirements as provided under section 1.5; there is no financial eligibility exception for their own children.

### **1.8.2 Exemption from Cooperation with Child Support**

Foster care parents, subsidized guardians, interim caretakers, and relatives with court-ordered placement who receive Kinship Care are not required to cooperate with child support for their foster care child, subsidized guardianship child, interim caretaker child, or child for whom they have court-ordered placement and receive Kinship Care as a condition of eligibility. With the exception of this non-financial eligibility variation, all other requirements under section 1.4 must be met for foster care parents, subsidized

guardians, interim caretakers, and relatives with court-ordered placement who receive Kinship Care.

Foster care parents, subsidized guardians, interim caretakers, and relatives with court-ordered placement who receive Kinship Care must cooperate with the child support agency for their own children under section 1.4.7.

### **1.8.3 Exemption from Providing Verification within 7 Days**

Foster care parents, subsidized guardians, and interim caretakers are exempt from the non-financial requirement to provide verification within seven (7) business days as detailed under section 1.6. However, verification remains required within thirty (30) days. Outside of this exception, all other requirements under section 1.6 still apply to foster care parents, subsidized guardians, and interim caretakers.

Foster care parents, subsidized guardians, and interim caretakers are not exempt from the requirement to provide verification within seven (7) business days when they are applying for child care assistance for their own children.

Relatives with court-ordered placement who receive Kinship Care are not exempt from the requirement to provide verification within seven (7) business days as required in section 1.6.

Foster care parents, subsidized guardians, interim caretakers and relatives with court-ordered placement who receive Kinship Care are always required to provide income verification as detailed in sections 1.5 and 1.6.

## **1.9 Ongoing Eligibility**

Eligibility information must be reviewed at every 12-month review, and when a reported change is being processed on the case.

Also covered in this section are situations in which a Child Care case closure can be confirmed after adverse action to apply the change to the next consecutive month.

### **1.9.1 Reporting Requirements**

Individuals receiving Wisconsin Shares Child Care Subsidy must report any changes in circumstances to the child care agency within ten (10) calendar days after the change if the changes may affect eligibility or the amount of child care needed. Changes in child care provider needs must be reported before the last business day of the current month for the following month.

Reporting changes that may affect eligibility in ACCESS RMC (Report My Changes) meets program requirements for reporting changes if timelines are met.



Participants of the Wisconsin Shares program are required to report the following changes by the 10<sup>th</sup> day after the change has occurred:

- A change of residence address
- A change in mailing address
- A change in the household members, including when someone moves into or out of the home
- A change in the relationship with a child in the household (i.e. adoption, paternity establishment or legal parentage, foster care, subsidized guardianship, interim caretaker, or kinship care)
- A change in marital status
- A change in the shared placement schedule of a child
- A change in monthly income, whether earned or unearned, (for example: a change in rate of pay or a change in the number of hours worked) which increases monthly income by \$250.00 or decreases the monthly income by \$100.00 or any increase in income that raises the child care Assistance Group's monthly gross income above 200% of Federal Poverty Level (FPL)
- A change in child support and/or a change in family support that increases the aggregate amount of the support received for all household members to greater than \$1,250.00 per month
- A change in an individual's approved activity, such as
  - A change in approved activity schedule
  - Starting or ending an approved activity
  - A change in employer
  - Loss of employment
- A change in the need for child care
- A change in child care providers
  - If the parent intends to change to a new child care provider next month the change needs to be reported before the last business day of the current month in order to receive subsidy funds to the new provider, with limited exceptions. See Chapter 2.
- The child is no longer attending the child care provider

During on-going eligibility, when any of these items are reported as changed or become unclear or are incomplete, further verification is required.

Questionable or contradictory verification or reporting must be resolved or referred for Front End Verification according to the agency's fraud plan. See 1.6.7 for Contradictory or Questionable Information.

### **1.9.2 Annual Reviews**

Eligibility must be re-determined annually. At the time of the eligibility re-determination the household income must not exceed 200% FPL to continue eligibility. Individuals receiving Wisconsin Shares Child Care Subsidy may initiate their annual review by contacting their agency, or online through MyACCESS. The interview may be completed in person or by telephone. The annual eligibility review, including the interview, must be completed in the county or tribe of residence, or within an approved child care consortium.

To complete the annual review, an interactive interview must be completed. The local agency worker must generate a new Case Summary and provide it to the participant. If the interview takes place by phone, the Case Summary must be provided to the participant after the interview. If the request for the review was completed through ACCESS, the electronic signature obtained in ACCESS meets the signature requirement however; the Case Summary must also be generated and provided to the participant after the interview.

A summary of the renewal interview must be documented in CWW case comments describing the interview, signature type obtained, and verification requirements that remain to be met.

The applicant has seven (7) business days from the date the "Notice of Verification Needed" was mailed to submit the needed verification to the agency. If verification has not been received from the applicant within seven (7) business days, run eligibility to generate a Denial Notice alerting the applicant the Child Care eligibility has ended.

If the applicant requests more time to provide the verification, the agency may extend the verification due date to not more than one (1) month from the renewal date. The need for more time may be an indication to the agency worker that the applicant requires assistance. See section 1.6.6.

Upon completion of the review and verification requirements, a new authorization for Wisconsin Shares Child Care Subsidy may be written.

If the annual review is not fully completed by the last day of the 13<sup>th</sup> month the family will be required to reapply for child care assistance.

The words "review" and "renewal" both refer to the annual eligibility redetermination.

### 1.9.3 Case Transfers

Case transfers within the WREA and Northern child care consortia do not require an eligibility review at transfer; any existing authorization will not end when the case is transferred within either of these consortia.

All case transfers outside of WREA or Northern Consortium do require an eligibility review by the county/tribe receiving the case; any existing authorization will be ended at the last business day of the month that the case transfer occurred. An eligibility review must occur before a new child care authorization can be written in EBT CSAW.

### 1.9.4 Running with Dates after Adverse Action to Confirm Child Care Closed for the Next Consecutive Month

Workers must run eligibility with dates after adverse action to confirm Child Care closures for the next consecutive month for the following specific reasons:

- Any instance of Child Support non-cooperation;
- When the parent no longer resides in Wisconsin;
- When there are no eligible children in the household; or
- When the required verification was not returned within the seven (7) business day time frame from the date the Notice of Verification Needed was mailed.

When any of these above reasons occur, the agency worker must use the following process to close the Child Care AG for the next consecutive month when running eligibility after adverse action:

- First, the agency worker must run without dates for recurring months and confirm;
- Next, the agency worker must change the Child Care request on the Child Care Request page in CWW back to "Yes" (leaving the dates as they appear);
- Finally, the agency worker must run with dates (using the begin date of the first day of the next consecutive month) to close the Child Care AG for the next consecutive month.

**Note:** If the agency worker accidentally runs for recurring and forgets to change the Child Care request to "Yes," then when the agency worker runs with dates to confirm the Child Care closure for the next consecutive month, Child Care will fail for "054" reason code and the agency worker will not be able to confirm the Child Care AG closed. To fix this, the agency worker will need to change the Child Care request to "Yes" and then run with dates again to confirm the Child Care closure for the next consecutive month for the correct closure reason.

