



**Wisconsin Shares Child Care Policy and Process  
Handbook – Chapter 1  
Eligibility**

**November 1, 2019**

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.

*This section last updated 10/24/2016*

### **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 (1) nonprofit agency delivers child care services for children of migrant farmworkers.

*This section last updated 10/30/2017*

#### **1.1.2.1 Agency Procedures**

Local agencies are prohibited from establishing procedures that are more restrictive than the policies and guidance described in the Wisconsin Shares Child Care Policy and Process Handbook.

*This page last updated 11/01/2019*

### **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 Wis. Stat. ss. 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 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 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 (6) months of employment.
- Responding to requests for program information.
- Ensuring that eligibility is accurately determined, including a review of a family's eligibility every 12 months.
- Assessing the family's need for child care according to Wisconsin Shares Child Care 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.
- 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 local agency staff. 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.

*This section last updated 03/01/2019*

#### 1.1.4 Confidentiality

All Wisconsin Shares Child Care 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 Wisconsin Shares Child Care Subsidy Program.

No information regarding a Safe at Home participant's actual address, including home, work, or school, may be shared under any circumstances, absent a court order. Any questions regarding this prohibition should be directed to the Department of Children and Families (DCF) BEFORE releasing any information to anyone. This rule is absolute and includes sharing with other government programs and agencies. The parent's Safe at Home mailing address can be shared with other programs as necessary.

Other information that is needed in order to administer the Wisconsin Shares Child Care Subsidy Program may be exchanged with other government agencies or third parties. This includes:

- Communication with Wisconsin Works (W-2) Financial and Employment Planners (FEPs) and FoodShare Employment and Training (FSET) workers regarding program activities.
- Communication with the Child Support Agency (CSA) regarding good cause claims, information needed to establish a child support case, and household composition.
- Communication with employers or other third parties when assisting the parent with obtaining verification.
- Communication with child care providers regarding discounts or authorizations.

There is no reason that local agencies need the actual home, work, or school address of a Safe at Home participant in order to determine eligibility or establish an authorization. Any verification received that includes the parent's actual address must be redacted (made not readable) prior to scanning the verification into the Electronic Case File (ECF). Anything regarding the parent's actual address, including home, work, or school, must not be entered in CARES Worker Web (CWW).

Certain case information is highly confidential and subject to additional safeguarding. Please refer to the Electronic Case File (ECF) Handbook "Reference\Document Types\Confidential and Restricted Documents" section for additional information on Restricted Documents.

The laws governing the protection of health information are stricter than the laws governing protection of other confidential information that is used to administer the Wisconsin Shares Child Care program. The disclosure and use of health information is

limited to others on a bona fide need to know basis only. A person or program in possession of such information shall not release it except as authorized by the individual. A person or program who receives such confidential information shall not retain the information unless implementation of additional safeguards can and will occur.

When **assisting the parent with** obtaining any health 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). **This includes information needed to verify that the parent meets the policy in Section 1.3.9.1 regarding parents who are both unable to work and unable to care for children. The form is not required when the parent provides verification without requiring assistance from the agency.**

*This page last updated 11/01/2019 ~~03/01/2019~~*

## **1.2 The Application Process**

This section applies to all Wisconsin Shares Child Care cases unless otherwise specified in Sections 1.6 or 1.7.

*This section last updated 10/24/2016*

### **1.2.1 Application Process**

Wisconsin Shares 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.

*This section last updated 10/24/2016*

### **1.2.2 Request for Assistance (RFA)**

To begin the process of applying for Wisconsin Shares Child Care authorizations and subsidy payments, 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 Wisconsin Shares Child Care for each method.

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

*This section last updated 10/30/2017*

#### **1.2.2.1 Apply by Telephone**

On the date the applicant contacts the local agency by telephone, the local 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 (1) 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 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 local agency receives the signed DCF-F-2835 form, signed CWW Application/Registration form, or a telephonic signature.

The agency worker must schedule the interactive interview to occur no later than five (5) business days after the date the local 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 worker 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 (1) of the following:
  - a. Collect a telephonic signature and generate a current Case Summary. The agency worker must mail the Case Summary to the applicant unless the applicant prefers to pick it up at the local 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 local agency.
3. If the applicant prefers to skip the registration signature and process, the agency worker must advise the applicant that the filing date will be the date of the interactive interview. The agency worker must 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.

*This section last updated 10/30/2017*

### **1.2.2.2 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 local 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 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 local agency receives the signed form DCF-F-2835 or signed CWW Application/Registration form. The local agency must schedule the interactive interview to occur no later than five (5) business days after the date the local 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.

*This section last updated 10/30/2017*

### **1.2.2.3 Apply Online Through ACCESS**

ACCESS applications for Wisconsin Shares 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 Wisconsin Shares Child Care through ACCESS, the agency worker 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 local agency to reschedule the interview, it may be rescheduled to the next available appointment time to accommodate the applicant's needs.

*This section last updated 9/28/2015*

### **1.2.3 Program Add**

If an individual has another assistance program open in CARES Worker Web (CWW) and requests Wisconsin Shares Child Care 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 1.2.2, and the interview and signature requirements outlined in Sections 1.2.4 and 1.2.5.

*This section last updated 10/30/2017*

### **1.2.4 Interactive Interview**

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

The interview must be documented in CARES Worker Web (CWW) on the Application/Review Interview Details page and a Case Summary must be generated **immediately** 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 agency 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 worker 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 Child Care Intentional Program Violation (IPV).

For telephone interviews, the agency worker 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 worker must attempt to contact the applicant again within 15 minutes of the first call. If the second attempt is unsuccessful, the agency worker must 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 Child Care Missed Interview (NCMI) informs the applicant that the interview was missed and informs the applicant to contact the local agency to reschedule the interview. The NCMI letter is generated by CWW when:

- There is a Wisconsin Shares Child Care Request recorded in CWW and the request is less than 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 (1) 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 local agency is strongly encouraged to manually generate this letter.

During the interview, the agency worker must advise the applicant of the verification items that he or she will need (see 1.5.10 through 1.5.12) and the change reporting requirements (see 1.8.1).

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

*This section last updated 11/01/2019 ~~10/30/2017~~*

#### **~~1.2.5 Application/Review Interview Details Page~~**

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

~~*This section last updated 10/24/2016*~~

### 1.2.56 Signature Requirements

A signature is required from the applicant for every application, renewal, and Wisconsin Shares 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) **date** 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 CARES Worker Web (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 Wisconsin Shares Child Care renewal interview is completed. However, if **the renewal was submitted through** ~~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) or on the CWW Application/Registration, the signature requirement has been met.

*This section last updated 11/01/2019 03/01/2019*

### 1.2.67 Initial Eligibility Determination

The local agency must determine eligibility without delay after the interactive interview, signature requirements, and all of the individual's verification requirements are completed. Upon completion of these items, CARES Worker Web (CWW) will set the eligibility period. The eligibility period will begin on the first day of the month of the application filing date and will end on the last day of the 12th month following the eligibility begin month. The eligibility period must not be less than 12 months, unless the parent consents to complete an early renewal (see 1.8.3.1).

*This section last updated 11/01/2019 03/01/2019*

### **1.2.7~~8~~ Child Care Eligibility Closed for a Calendar Month or Longer**

If Wisconsin Shares Child Care eligibility is closed for one (1) calendar month or longer, the individual must re-apply for Wisconsin Shares Child Care and must meet the initial financial eligibility threshold of 185% FPL. **If Wisconsin Shares Child Care eligibility is closed for less than a calendar month, the individual does not need to re-apply.**

*This section last updated 11/01/2019 ~~10/24/2016~~*

## **1.3 Non-Financial Eligibility Requirements**

This section applies to all Wisconsin Shares Child Care cases unless otherwise specified in **S**ections 1.6 or 1.7.

*This section last updated 10/24/2016*

### **1.3.1 Assistance Groups (AG)**

One (1) 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, according to the Wisconsin Shares Child Care definition
- The individual's dependent children
  - Including **es** 18-year-olds who are enrolled in high school and are expected to graduate by their 19<sup>th</sup> birthday **and are** residing with ~~his or her~~ **a** parents,
  - Including **es** minor teen parents and their dependent children residing with the teen's parent
- 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 Wisconsin Shares Child Care AG, 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 Wisconsin Shares Child Care AG 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 AG.

Examples of individuals to be included in the AG:

**Example 1:** 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 2:** 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 Wisconsin Shares Child Care.

**Example 3:** 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.

*This section last updated 11/01/2019 ~~08/01/2018~~*

### **1.3.1.1 Incarceration**

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

An individual who is in a Wisconsin Shares Child Care AG and who is incarcerated for more than 30 calendar days is excluded from the AG. The AG 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 alternatives to incarceration, is not incarcerated for Wisconsin Shares Child Care 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.

*This section last updated 9/28/2015*

### **1.3.1.2 Shared Placement of Children**

Each parent with shared placement has the option to apply for Wisconsin Shares Child Care subsidy 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 Wisconsin Shares Child Care Assistance Groups (AG).

Examples of cases with shared placement:

**Example 1:** Melissa has one (1) 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 2:** Jessica and Mathew have shared placement of Megan, age 11. Mathew lives with Betty and they have one (1) child together. Jessica's AG consists of herself and Megan. Mathew's AG consists of himself, Megan, Betty, and their one (1) child in common.

*This section last updated 10/24/2016*

### 1.3.2 Applicant Age

The applicant for Wisconsin Shares Child Care 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.

**Note:** An approved and supervised independent living arrangement is an arrangement that allows individuals between the ages of 17 to 21, who are in a court-ordered out-of-home care (OHC) placement, the ability to live in their own (or shared) apartment, flat, or room under supervision and support from a child welfare caseworker and/or provider from a contracted agency in their county. If the teen parent does not meet the criteria above, an adult parent (according to the Wisconsin Shares Child Care definition) needs to apply on behalf of the teen parent.

**Example 1:** Kylie, age 17, and her son, Jordan, are living in their own apartment through a court ordered placement with ongoing supervision from a child welfare caseworker. Kylie is attending high school and needs child care for Jordan while she is in school. Because she is in an approved and supervised independent living arrangement and attending high school, she can be the applicant for Wisconsin Shares Child Care for Jordan.



**Example 2:** Mike, age 16, and his daughter, Jean, are living with Mike's grandparents. There is no court order for the placement. Mike is attending high school and needs child care for Jean while in school. Because Mike is a minor living with his grandparents, a grandparent must apply for Wisconsin Shares Child Care on behalf of Mike.

*This section last updated 11/01/2019 ~~10/30/2017~~*

### 1.3.3 Ages of Eligible Children

In order to be eligible for Wisconsin Shares Child Care, the child for whom the parent is requesting care must be:

- At initial eligibility or renewal, ~~under age 13~~ age 12 or younger; however, a child who turns 13 years old during the eligibility period may continue to be eligible until the next annual renewal, 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 physically or mentally capable of caring for him or herself.

*This section last updated 11/01/2019 ~~10/30/2017~~*

### 1.3.4 Wisconsin Residency

Applicants must be residents of Wisconsin and intend to remain in Wisconsin unless the applicant is a migrant farmworker (see 1.6 for migrant farmworkers).

*This section last updated 10/24/2016*

### 1.3.5 U.S. Citizen or Qualified Immigrant

The beneficiary of the Wisconsin Shares 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 and are not U.S. citizens or qualified immigrants. Juanita has applied for Wisconsin Shares Child Care for their two school-aged children, who are U.S. citizens. The AG consists of Juanita, Carlos, and the two children.

A qualified immigrant is a person who is not a United States citizen, but who meets one of the following criteria:

1. An immigrant lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act
2. An immigrant who is granted asylum under section 208 of such Act

3. A refugee who is admitted to the United States under section 207 of such Act, including Special Visa Immigrants from Iraq and Afghanistan under section 1059 of H.R. 1815
4. An immigrant who has been certified as a victim of trafficking
5. 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
6. An immigrant whose deportation is being withheld under section 243(h) or 241(b)(3) of such Act
7. Cuban and Haitian immigrants, as defined in section 501(e) of the Refugee Education Assistance Act of 1980
8. 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
9. 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)
10. An immigrant who is granted conditional entry pursuant to section 203(a)(7) of such Act as in effect prior to April 1, 1980
11. Amerasian immigrants, as defined in section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988
12. An Immigrant who is lawfully residing and is one of the following:
  - a. 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.
  - b. On active duty in the armed forces of the United States, other than active duty for training.
  - c. The spouse of an individual described in subdivision a. or b., or the unremarried 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.
13. An immigrant who is lawfully residing in the United States and authorized to work by the immigration and naturalization service
14. A dependent child of an individual who meets one of the above criteria

*This section last updated 11/01/2019 ~~10/30/2017~~*

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

As a condition of eligibility, applicants must provide or apply for a Social Security Number (SSN) for any child for whom they are requesting Wisconsin Shares Child Care

authorizations and subsidy payments. Parents are not required to provide an SSN for themselves.

Any child who does not have an SSN or an SSN application filed with the Social Security Administration (SSA) will not be eligible for Wisconsin Shares Child Care authorizations.

If the applicant has provided verification of an SSN application that was filed with the SSA to initially qualify for Wisconsin Shares Child Care, the SSN must be provided to the local agency when the SSN is received or when the SSN verification is requested. The worker must request verification when the alert is generated in CARES Worker Web (CWW) six (6) full months after the SSN application date and no later than the following annual eligibility renewal.

If an SSN is not provided after the SSN verification is requested, the child without an SSN is no longer eligible. Eligibility may continue for other children in the Wisconsin Shares Child Care Assistance Group for whom a valid SSN has been provided.

**Process:** After six (6) full months have passed since the SSN Application Date, the agency worker will receive an alert to pend eligibility for SSN for that particular child. The alert will be generated on the first Friday between the 20th and 28th day of the sixth eligibility month (excluding the month of SSN application) after the SSN application date. If no SSN is received by the verification due date, the Permanent Demographics page in CWW must be updated accordingly and eligibility must be run. The child without an SSN will then be an “Included Child” in the Wisconsin Shares Child Care Assistance Group, but not an “Eligible Child”. Any authorizations for that child will be systematically ended on the last day of the last month that the child is an “Eligible Child”.

*This section last updated 03/01/2019*

### **1.3.7 Child Support Cooperation**

As a condition of eligibility, each parent in the Wisconsin Shares Child Care Assistance Group must cooperate with the Child Support Agency (CSA) for all of his or her minor biological or adopted children over the age of 60 days, unless a good cause exception has been granted for a particular child.

**Cooperation means that the custodial parent must assist with:**

- 1. Identifying and locating an absent parent.**
- 2. Establishing the paternity of any child of the custodial parent.**
- 3. Obtaining any support payments or any other payments or property to which that parent and any minor child of that parent may have rights.**

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 adopted child.

**Process:** On the Absent Parent page in CARES Worker Web (CWW), the agency worker should select “No” for the “Refer to IV-D” field. This will prevent CWW from sending an automated referral to the CSA. Agency workers should select “OUT-Child out of the home” for the “Reason for Not Referring” field. This process should only be completed on the Absent Parent pages for children who are not the biological or adopted child of an adult or minor parent on the case (or if the parent does not meet one of the reasons for referring the individual to the CSA as indicated below).

The Income Maintenance (IM) Agency must refer the following individuals to the local CSA:

1. Unmarried pregnant women, including minors;
2. Families where the biological or adoptive parent is absent from the home (but not cases where the absence is due to military service); and
3. Non-marital Co-parent cases (families where the parents either are not married to each other or were not married to each other when the child was born), and where paternity has not been established by legitimation, court action, or paternity acknowledgement. Fathers with children needing paternity establishment are:
  - **Alleged father:** Named by custodial parent as probable father; or
  - **Claimed father:** Father lives with the child, claims to be the father, but paternity has not been established.

**Process:** On the Absent Parent page in CWW, if the agency worker selects “Yes” for the “Refer to IV-D” field, CWW sends an automated referral to the CSA when Wisconsin Shares Child Care eligibility is confirmed.

Households with fathers in the home with children for whom paternity has been established should not be referred to the CSA. This would include:

1. **Acknowledged fathers, conclusive:** Voluntary acknowledgment with an effect of a judgment of paternity (typically the father signed the voluntary Paternity Acknowledgement Through Hospitals (PATH) form or is listed on the Birth Certificate); or
2. **Adjudicated fathers:** Paternity established through a court order.

If the parents are married and living together, but the mother claims that the husband is not the father of the child(ren) born during that marriage, the IM agency must **not** refer

the case to the CSA. Under Wis. Stat. s. 891.41 there is a presumption of paternity based on the marriage of the parties. The paternity presumption may be overturned by a court with genetic evidence that shows the man is not the biological father. If the court rules that the man is not the father, the court ruling may be used to remove the man's name from the birth record. The man's name can only be removed through a court process.

If the husband moves out of the home, then the case must be referred to the CSA with the husband named as the Absent Parent, even if the wife names a different person as the father. The CSA will initiate an action naming the husband as the Absent Parent, at which time he can refute paternity and request genetic testing. If the parties are married and living together, but the husband's name is not listed on the birth certificate (due to prior genetic testing), then the case must be referred to the CSA as paternity has not been established.

The presumption of paternity does not currently apply to same sex couples who are married at the time of a child's birth. Same sex partners must follow a different legal process to have their name added to the birth certificate. If both parents are listed on the birth certificate, then legal parentage has been established. If one (1) parent moves out, the case must be referred to the CSA using the other parent's name as the Absent Parent. If the other parent's name is not listed on the birth certificate, then legal parentage has not been established. In these scenarios, the agency worker must refer the case to the CSA using either the named father or the unknown father as the Absent Parent.

Marriage of one (1) parent to another person does not relieve the biological parent of their child support obligations. Both biological parents are responsible for supporting their children, regardless of subsequent relationships. A stepparent can only adopt a child if the child's biological parent has agreed to relinquish his or her parental rights.

**Example:** Angelique is applying for Wisconsin Shares Child Care. Her household consists of herself, her son Alonzo, and her husband Albert. Albert is not Alonzo's father; his relationship with Alonzo is stepfather/stepson. Alonzo's biological father is Finn. Finn is the absent parent, and the IM Worker must create an Absent Parent page for Finn in CWW and mark "Refer to IV-D" as "Yes".

**Note:** Agencies are encouraged to establish a collaborative working relationship with CSAs. Each IM agency is encouraged to contact its local CSA regarding any child support issues affecting the parent's Wisconsin Shares Child Care eligibility.

*This section last updated 11/01/2019 03/01/2019*

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

The Child Support Agency (CSA) determines child support cooperation for all individuals. The CSA will notify the Wisconsin Shares Child Care 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 the CSA or file a good cause claim. The Notice of Action Needed includes a copy of the Good Cause Claim form, as well as 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 Wisconsin Shares Child Care agency, the agency worker must run eligibility to close Wisconsin Shares Child Care eligibility and an instance of non-cooperation will be automatically recorded in CARES Worker Web (CWW). The entire Wisconsin Shares Child Care Assistance Group is not eligible for Wisconsin Shares Child Care until the individual cooperates with the CSA or 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 Assistance Group is not eligible for Wisconsin Shares Child Care for a period of at least six (6) months **and** until all of the members of the Assistance Group cooperate with the CSA.

*This section last updated 03/01/2019*

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

Parents with a child that is younger than 60 days and parents with unborn children are exempt from cooperating with the Child Support Agency (CSA) for that 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 adopted child.

*This section last updated 08/01/2018*

### **1.3.7.3 Good Cause Notice**

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

- At application for Wisconsin Shares Child Care;
- When a child is added to the Assistance Group;

- When a parent leaves the Assistance Group;
- At the annual eligibility review for Wisconsin Shares Child Care; and
- 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.

**Note:** The Good Cause Notice (DCF-F-DWSP2018) is not automatically generated, unlike the Good Cause Claim form (DCF-F-DWSP2019). Local agencies must print the Good Cause Notice from the online DCF Forms Repository and manually provide a copy to the parent.

If the parent is exempt from cooperating with child support per 1.3.7 or 1.7.2, and the parent has no other biological or adopted children which require cooperation with child support, the local agency does not need to provide the parent with the Good Cause Notice.

*This section last updated 11/01/2019 ~~01/31/2018~~*

#### **1.3.7.4 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 Child Support Agency (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 (3) 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.

*This section last updated 10/30/2017*

### 1.3.7.5 Good Cause Claim

Good cause claims for not cooperating with the Child Support Agency (CSA) for Wisconsin Shares Child Care cases are determined by the county and tribal agencies that administer the Wisconsin Shares Child Care Subsidy Program. If the parent is also participating in the Wisconsin Works (W-2) program, the W-2 Financial and Employment Planner (FEP) determines good cause.

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.

When the applicant or participant has been sent the Good Cause Claim form during a period of non-cooperation with the CSA, the form must be returned to the local 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 (see 1.3.7.4).

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.

**Process:** When the agency worker updates the “Good Cause Claimed” field to “Yes”, the information interfaces overnight with the child support KIDS system to alert the CSA that the individual has claimed good cause.

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, Wisconsin Shares Child Care subsidy shall not be denied, delayed, reduced, or discontinued pending the determination of the good cause claim.

*This section last updated 11/01/2019 04/31/2018*

### 1.3.7.6 Good Cause Claim Documentation and Supporting Evidence

The local agency shall require the individual to submit at least one (1) 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 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 agency



worker will assist him or her. The agency 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.

*This section last updated 09/28/2015*

#### **1.3.7.7 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 local agency knows corroborative evidence is not available. Good cause must be found when the individual's statement and the local agency's investigation satisfy the local 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 local

agency.

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

*This section last updated 09/28/2015*

### **1.3.7.8 Good Cause Determination**

The local agency must determine if good cause exists within 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 agency 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 60 days from the date the Good Cause Claim form was signed. If the local agency grants up to 60 calendar days to submit evidence for a claim of domestic abuse, the local agency shall determine if good cause exists within 85 calendar days from the date the Good Cause Claim form was signed.

The Child Support Agency (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 local agency. The local agency must consider any recommendations from the CSA.

*This section last updated 10/20/2015*

### **1.3.7.9 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 local agency's decision. If the parent is participating in both Wisconsin Shares Child Care and Wisconsin Works (W-2), the parent can request a W-2 Fact Finding of the W-2 agency's decision. The individual then has 10 calendar days from the date of the notice that good cause does not exist to withdraw the Wisconsin Shares Child Care application, request the Wisconsin Shares Child Care case be closed, or request a Fair Hearing or W-2 Fact Finding of the agency decision before the Child Support Agency (CSA) proceeds with child support services.

After the individual has had 10 calendar days and if the individual did not request a Fair Hearing of the local agency's decision, the local 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 local

agency shall instruct the CSA to suspend child support services during the Fair Hearing process.

*This section last updated 01/31/2018*

#### **1.3.7.10 Determination that Good Cause Exists**

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

The local 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.

*This section last updated 09/28/2015*

#### **1.3.7.11 Good Cause Disputes**

Pursuant to Wis. Admin. Code DCF s. 102.10(5), 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. If the good cause determination was made by the W-2 agency, the parent may request a W-2 Fact Finding.

The Child Support Agency (CSA) must be given reasonable notice and may participate in any Fair Hearing resulting from a good cause investigation or good cause determination.

~~Pursuant to Wis. Admin. Code DCF s. 102.10(4), in the event that a W-2 Fact Finding and a Fair Hearing are based on the same issues and facts, the Fair Hearing decision shall be controlling in the W-2 review.~~

*This section last updated 11/01/2019 08/01/2018*

#### **1.3.7.12 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 Child Support Agency (CSA) no longer exists, the individual must be allowed 10 calendar days before cooperation requirements are imposed to request that the Wisconsin Shares Child Care case be closed or request a Fair Hearing.

*This section last updated 09/28/2015*

### 1.3.8 Participation in Approved Activities

Every parent or related adult who is responsible for caring for a child in the Wisconsin Shares Child Care Assistance Group must participate in an approved activity in order for the Assistance Group to be eligible for Wisconsin Shares Child Care authorizations and subsidy payments. Participation in an approved activity must be verified during the application and eligibility determination process, during the annual eligibility renewal, and when an increase of authorization hours is requested.

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

*This section last updated 03/01/2019*

#### 1.3.8.1 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 Wisconsin Works (W-2).

*This section last updated 09/28/2015*

#### 1.3.8.2 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.

To determine if the individual parent who is under the age of 18 is participating in an approved activity, he or she must meet one (1) 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

**Note:** For policy regarding when an individual under the age of 18 may apply on his or her own, see Section 1.3.2.

**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.

**Note:** The 20 hour per month work requirement does not apply if the parent is age 19 or younger (a teen parent) and participating in High School. For these parents, education can be a stand-alone approved activity.

*This section last updated 11/01/2019 ~~03/01/2019~~*

### 1.3.8.3 Employment

Participation in an activity which produces income, such as:

- ~~Regular~~ Employment for which the employer controls or has the ability to control the work, how the work is done, and provides tools and equipment to the individual to do the work.
- Self-employment, including independent contractors who determine when (days or times) and where work is performed, provide their own tools and equipment, and are subject to the self-employment tax.
- Employer-sponsored training.
- Apprenticeship.
- Sheltered employment.
- Participation in the Transform Milwaukee Jobs Program (TMJ) or the Transitional Jobs Program under Wis. Stat. s. 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 a Case Management Follow-Up (CMF) or CMF+ Placement. (CMF and CMF+ are W-2 Placements, but are included in the employment category for Wisconsin Shares.)
- Participation in an AmeriCorps employment program as long as the stipend equals Wisconsin minimum wage.

*This section last updated 11/01/2019 ~~10/01/2018~~*

#### 1.3.8.3.1 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 30 days of the hiring date.
- The employer must report wages to Unemployment Insurance unless exempt.

*This section last updated 10/30/2017*

### **1.3.8.3.2 Self-Employment**

Parents who are self-employed must file taxes with the Internal Revenue Service (IRS) in order for the self-employment to be an approved activity for the Wisconsin Shares Child Care Subsidy Program.

A self-employed individual is a person who:

- 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).

When 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 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, tools and 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.
11. The business has a Wisconsin's Seller's Permit.
12. The business is registered with the Wisconsin Department of Financial Institutions.

If the parent does not meet at least 7 of the 10 12 conditions above, the activity does not meet the requirements to be included as an approved activity for Wisconsin Shares Child Care eligibility purposes. If this is the case, agency workers could explore if the approved activity might be regular employment. Agency workers should use the acceptable sources of verification for employment noted in Section 1.5.121.

**Example 1 (Employment):** Sarah works for her neighbor, Betty. Betty pays Sarah in cash, with no taxes withheld. Sarah cleans Betty's home, mows her lawn, does her laundry, and anything else that Betty asks of her. Because Sarah is working under the direction of Betty, this would be considered employment, not self-employment. ~~Whether or not Betty withholds payroll taxes from Sarah's income is not relevant.~~

**Example 2 (Self-Employment):** Rochelle decides that she is going to open her own cleaning business. She will drive to different homes, use her own cleaning supplies, and control her own work schedule. Rochelle would be considered self-employed.

**Example 3 (Employment and Self-Employment):** Steve works for Smith Farms during the week taking care of the animals on the farm, under the direction of Mr. Smith. Mr. Smith instructs Steve as to what jobs need to be done during the workday on the farm and pays him cash. Steve also has his own landscaping business. Mr. Smith is one (1) of Steve's customers for whom he mows the lawn. Steve indicates to Mr. Smith what days and times he will be there to mow the lawn and also provides his own lawn equipment. Steve would be considered an employee of Smith Farms, but his landscaping business would be considered self-employment.

**Example 4 (Employment):** Chelsea goes to Sabrina's home to care for her children for 40 hours every week. Sabrina controls or has the ability to control Chelsea's work and how the work is done. Chelsea is Sabrina's household employee.

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

**Example 5 (Self-Employment):** Judy runs a baby-sitting service in her own home. She only cares for one (1) child at a time and is not certified or licensed according to Wisconsin Child Care provider regulations. Judy is self-employed, but her activity is not an approved activity that will allow her to qualify for Wisconsin Shares Child Care because she is an unregulated child care provider.

*This section last updated 11/01/2019 ~~10/01/2018~~*

#### **1.3.8.3.3 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, such as 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 local agency within 10 calendar days of the occurrence to request additional child care hours.

*This section last updated 10/24/2016*

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

Participation in a Tribal Temporary Assistance for Needy Families (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.

*This section last updated 12/23/2015*

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

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

**Note:** **TEMP**, CMF, and CMF+ Placements are considered Employment rather than W-2 (see 1.3.8.3). However, if there are other activities on the parent's EP and the parent requests child care for those activities, those hours must be included in the authorization.



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

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

*This section last updated 11/01/2019 ~~03/01/2019~~*

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

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

*This section last updated 09/28/2015*

### **1.3.8.7 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 that, as determined by the local agency, will 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 basic education. There may be an exception for parents participating in Tribal TANF or W-2 (see 1.3.8.4 and 1.3.8.5).

**Note:** If the basic education is high school or equivalent and the parent is age 19 or younger (a teen parent), see 1.3.8.2.

Eligibility requirements for Basic Education:

- The local agency must determine that participation in basic education will facilitate the individual's efforts to maintain employment. The local agency must document this decision in CWW case comments.
- 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 on the CSAW Parent Education Tracking page.
- If the basic education is high school or equivalent and the parent is age 20 or older, the parent must be working at least 20 hours per month throughout the semester to maintain eligibility for education-related child care and the activity will count toward the parent's 24-month limit for basic education.
- If the basic education program is English as a second language or literacy tutoring, the parent must be working at least 20 hours per month regardless of the parent's age. The activity will count toward the parent's 24-month limit for basic education.

- Local agencies do not have discretion to require more than 20 hours per month of employment.
- School and work schedules are required for all individuals.

*This section last updated 03/01/2019*

#### **1.3.8.8 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 local 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. There may be an exception for parents participating in Tribal TANF or W-2 (see 1.3.8.4 and 1.3.8.5).

Eligibility requirements for this activity:

- The local agency must determine that participation in this activity will facilitate the individual's efforts to maintain employment. The local agency must document this decision in CARES Worker Web (CWW) case comments.
- The individual must be working at least 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 20 hours per month of employment.
- Participation in 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 on the CSAW 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.

*This section last updated 03/01/2019*

#### **1.3.8.9 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 agency 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. There may be an exception for parents participating in Tribal TANF or W-2 (see 1.3.8.4 and 1.3.8.5).

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 purposes.

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 (1) 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 may be included in the authorization. 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 agency 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 agency 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.

*This section last updated 03/01/2019*

### 1.3.9 Exception to the Approved Activity Requirement

Every eligible adult and minor teen parent(s) in the assistance group must participate in an approved activity in order to be eligible for Wisconsin Shares Child Care authorizations and subsidy payments, unless the parent meets one (1) of the exceptions within Sections 1.3.9.1 or 1.3.9.2.

*This section last updated 10/01/2018*

#### 1.3.9.1 Parents with Limitations

A parent who is a member of a two-parent or three-generation Wisconsin Shares Child Care Assistance Group may be exempt from the approved activity requirement if he or she is medically certified by a physician, **physician assistant, nurse practitioner**, 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 Wisconsin Shares Child Care authorizations and subsidy amounts must be needed so that the other individual(s) in the Wisconsin Shares Child Care Assistance Group can participate in their approved activities.

**Note:** When obtaining health-related information, certain confidentiality requirements must be met. For more information about these requirements, see Section 1.1.4.

**Example 1:** Mary and John have 6-month-old twins who need Wisconsin Shares Child Care subsidy 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 2:** Sarah and her husband Jerome, minor teen daughter Fanta, and Fanta's baby live in one (1) 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, physician, physician assistant, nurse practitioner**, psychiatrist, or psychologist that she cannot work and cannot care for the child.

*This section last updated 11/01/2019 ~~10/24/2016~~*

### 1.3.9.2 Approved-Activity Search Break Periods

Federal requirements in the Child Care and Development Block Grant (CCDBG) requires states to provide three (3) months of continued assistance following a permanent loss of approved activity. CCDBG also requires states to allow a parent to retain eligibility during a temporary absence from their approved activity. These policies are intended to support continuity of care for the child during a parent's permanent loss of or temporary absence from an approved activity.

The Approved Activity Search Period (ACTS) and Temporary Break Period (TBRK) are collectively referred to as Activity Break Periods. For additional criteria that a parent must meet in order to be eligible for ACTS or TBRK, see Section 1.3.9.2.1.

Parents who are eligible for an Activity Break Period are able to retain eligibility and maintain any authorizations at the same number of hours for a period of up to three (3) months following a permanent loss or temporary break in their approved activity. An ACTS period may be ended earlier than three (3) months if the parent is completing an annual eligibility renewal or one of the other criteria in Section 1.3.9.2.3 are met.

**Note:** If a parent is absent or expected to be absent from their approved activity for less than 30 calendar days, they are still considered to be actively participating in their approved activity. A gap of less than 30 calendar days does not need to be evaluated for either ACTS or TBRK; the parent's approved activity status would remain the same.

Parents must continue to meet all financial and non-financial eligibility requirements during this 3-month period. Agency workers must not require parents to provide verification of a job ending or of a parent starting a temporary break unless it is questionable whether the parent has resumed or permanently lost the approved activity and did not report it. Parents are also not required to provide job search logs or other verification of searching for an approved activity during an ACTS period.

#### Permanent Break (ACTS)

Wis. Stat. s. 49.155(1m)(a) states that an individual who is eligible to receive a Wisconsin Shares Child Care subsidy may remain eligible for that subsidy for a period of three (3) months after the individual permanently ceases participation in the approved activity or until the local agency re-determines the individual's eligibility, whichever is earlier (see 1.3.9.2.3).

A parent must not expect to return to the same approved activity in order to be eligible for ACTS period.

## Temporary Break (TBRK)

Per 45 C.F.R. s. 98.21 and Wis. Stat. s. 49.155(1)(cm), if a child was eligible at their most recent eligibility determination (application or renewal) the child must be allowed to remain eligible and receive benefits at the same level following a parent's reported temporary break in approved activity. A temporary break is defined as a parent's time-limited absence from an approved activity due to:

- Illness,
- The need to care for a family member,
- A student or holiday break,
- An interruption in work for a seasonal worker who is not working between regular industry work seasons, or
- Any other cessation of an approved activity as long as the parent continues to be employed or enrolled in the approved activity and the absence does not exceed three (3) months.

A parent who meets the above criteria may be eligible for a TBRK period.

*This section last updated 11/01/2019 ~~10/01/2018~~*

### 1.3.9.2.1 Eligibility for an Approved Activity Search Break Period

A parent must have ongoing Wisconsin Shares Child Care eligibility, including a verified approved activity, at the time of the permanent loss or temporary break in approved activity in order to be eligible for an Approved Activity Break Period.

Parents who are applying for Wisconsin Shares Child Care must have a verified approved activity at application and are not eligible for an Approved Activity Break Period. This includes parents added to an ongoing case (Person Add). Parents must have completed the application process [including interview, verification, and confirmation of eligibility in CARES Worker Web (CWW)] with an approved activity prior to experiencing the permanent loss or temporary break in approved activity in order to be eligible for an Approved Activity Search Period (ACTS) or Temporary Break Period (TBRK).

Parents are not eligible to begin or continue an ACTS period at their annual eligibility renewal. Parents are eligible to continue a TBRK period that had already started prior to the annual ~~at~~ renewal (see 1.3.9.2.2) after they complete the renewal; however, parents are not allowed to start a new TBRK period the month following a renewal.

**Example 1:** Harper calls the local agency on April 12 to complete her annual eligibility renewal. She currently has an authorization for her son, Mason. Her annual eligibility renewal is due April 30. Harper informs the agency worker that she just had a baby and will be on maternity leave from April 1 – June 30. Because TBRK cannot start at

renewal, Harper does not have an approved activity for May, the month following her renewal. Even though she has completed her renewal, her eligibility must be ended on April 30 due to lack of approved activity.

Parents must continue to meet all financial and non-financial criteria during an **Approved** Activity Break Period, including reporting changes within 10 calendar days of the change (see 1.8.1). This includes reporting the start or end of an approved activity, a return to the same approved activity, or a change in child care need.

As stated in Section 1.3.9.2, both federal regulations and state law require local agencies to allow parents to maintain eligibility following a permanent loss or temporary break in approved activity. Parents are not required to have an authorization in order to maintain eligibility.

However, parents must indicate that they anticipate needing child care during ~~an ACTS or TBRK period~~ or after an ACTS or TBRK period. A parent may choose not to have an authorization during the ACTS or TBRK period; however, no new authorizations can be written during an ACTS or TBRK period if the parent does not have an authorization for that child at the start of the loss or break (see 2.4.3.4).

**Example 2:** Jamie reports to the agency worker on May 24 that she lost her job on May 15. Jamie has two (2) children, Alanna and Jasmine, but does not have an authorization for either child. The agency worker informs Jamie that she may maintain eligibility for up to three (3) months, but that Alanna and Jasmine will not be eligible for authorizations during that time because they did not have authorizations in place at the time of the job loss. The agency worker asks Jamie if she anticipates needing child care when she finds a new approved activity. Jamie states that she would like to keep her Wisconsin Shares Child Care eligibility until she can find a new job, and that she does anticipate sending her children to child care when school starts in the fall if she has found a new job by then. The agency worker changes Jamie's Approved Activity Status in CWW to ACTS for June, even though Jamie's children do not have authorizations.

A parent may report a temporary or permanent change in their approved activity over the phone, in person, or through ACCESS. When the local agency receives the reported change information, the local agency must contact the parent to inform them that they can continue to be eligible and can continue using any existing authorization(s). The agency worker must ask the parent if they anticipate needing child care during or after the ACTS or TBRK period before placing the parent in the ACTS or TBRK activity in CWW. The agency worker may contact the parent by telephone to obtain this information or ask the question using the Notice of Proof Needed. Agency workers must send the Notice of Proof Needed if they attempt to contact the parent by phone but are unable to reach them.

**Process:** Agency workers must include the following text (or text substantially similar) as a note on the Notice of Proof Needed: *“You may be able to keep your Wisconsin Shares Child Care eligibility and any subsidy authorizations you have following this change in approved activity. Your subsidy amount may increase, but you will still be responsible for paying the difference between the subsidy amount and the price your child care provider charges. Please contact your local agency if you are interested in this. Failure to respond to this request will result in your Wisconsin Shares Child Care eligibility ending.”*

Parents are not eligible for an ACTS or TBRK period after declining the offer. The following circumstances are considered to be declining an ACTS or TBRK period.

- Parents who state they do not anticipate needing child care during or after an ACTS or TBRK period.
- Parents who state they no longer want to maintain Wisconsin Shares Child Care eligibility or otherwise indicate that they will reapply at a later time.
- Parents who do not respond to the agency worker’s verbal or written request on the Notice of Proof Needed of whether they anticipate needing child care following a reported change. Parents have seven (7) business days to respond to the Notice of Proof Needed.

**Process:** If the parent’s response (or lack of response) to either the phone call or the Notice of Proof Needed meets one of the circumstances above, the agency worker must change the Approved Activity Status in CWW to “No” and the parent’s eligibility for Wisconsin Shares Child Care will end according to adverse action (see 1.8.4). The authorization will systematically end on the last day of the last month that the child had eligibility. Agency workers do not need to manually end the authorization early unless the parent indicates they no longer need the authorization (see 2.4.3.4).

**Example 3:** On August 26, Naomi calls the local agency to report that she had a baby and is on maternity leave from her job. Her maternity leave started August 15 and she expects to return to work on October 15. She currently has an authorization for her older child, Jodie. The agency worker informs Naomi that she may maintain eligibility for up to three (3) months, and that Jodie’s authorization may remain at the same number of hours during that time. The agency worker asks Naomi if she will continue to use child care for Jodie until she returns to work. Naomi indicates that she does not need child care during this time, and that she will reapply for Wisconsin Shares Child Care when she returns to work. The agency worker changes Naomi’s Approved Activity Status in CWW to “No” and Naomi’s eligibility for Wisconsin Shares Child Care ends on September 30 (according to adverse action). Jodie’s authorization will also



systematically end on September 30; the agency worker does not need to update the authorization end date unless Naomi indicates she will not need child care in September.

**Example 4:** George reports through ACCESS on Saturday, March 2, that he lost his job on February 25. On Monday, March 4, when the agency worker receives the report, she pends the Approved Activity Status in CWW and adds a note to the Notice of Proof Needed to see if he needs the ACTS period. George does not respond to the local agency within seven (7) business days. George's worker changes the Approved Activity Status to "No" and runs eligibility to close Wisconsin Shares Child Care. If George later calls to request the ACTS period, the agency worker must inform George that he is no longer eligible and must be in an approved activity in order to reapply for Wisconsin Shares Child Care.

Parents are not limited to one (1) ACTS or one (1) TBRK period within their 12-month eligibility period; however, a parent must be engaged in a verified approved activity between each ACTS or TBRK period. If a parent reports a new approved activity during an ACTS or TBRK period, but does not verify it, the parent is not eligible for a new ACTS or TBRK period based on the unverified approved activity. However, the parent is eligible to continue utilizing the remainder of the original ACTS or TBRK period. A new approved activity must be verified in order for a parent to receive a subsequent ACTS or TBRK period.

Once an ACTS or TBRK period has been established, agency workers should not pend or change the Approved Activity Status in CWW until a new approved activity has been verified. Parents will need to verify a new approved activity by the end of their ACTS period (or TBRK period, if the temporary break changed to a permanent break during this period) in order to maintain Wisconsin Shares Child Care eligibility.

**Process:** The agency worker should pend on the Employment page for verification of new employment, and **not** update the Approved Activity Status page. If verification is not received, the agency worker should enter a verification code on the Employment page indicating that the information was not verified (i.e. NV-Not Verified, QV-Questionable Not Verified, etc.), but should still **not** update the Approved Activity Status page because a parent does not need another verified approved activity until the end of the ACTS or TBRK period.

ACTS and TBRK periods cannot be consecutive. Parents cannot be in an ACTS period and then immediately follow it with a TBRK period, and parents cannot be in a TBRK period and then immediately follow it with an ACTS period. There must be a verified approved activity between ACTS or TBRK periods, even if the months of ACTS or TBRK are consecutive. There is not a minimum number of days that a parent must be

engaged in an approved activity in order to qualify for a new ACTS or TBRK period, but the approved activity must be verified. If any verification received appears questionable, local agencies must follow the guidance in Section 1.5.8.

**Example 5:** Celeste is in an ACTS period from November 1 – January 31 following a job loss in October. On December 9, Celeste reports that she obtained new employment, but only worked for a week. Celeste provides the only paystub she received to verify the employment on December 12. The agency worker updates the Approved Activity Status in CWW to EMPL for December and runs with dates to confirm eligibility for December. Next, the agency worker goes back to the Approved Activity Status page in CWW and updates the Approved Activity to ACTS for January. The agency worker runs and confirms eligibility. Although it appears that Celeste had consecutive ACTS period (November to January and January to March), she did have verified employment between the two (2) ACTS periods.

A parent who expects to be temporarily absent for more than three (3) months is eligible for TBRK; however, the parent will only be eligible for Wisconsin Shares Child Care for the first three (3) months of the temporary break. Eligibility and any authorizations will end systematically at the end of the third month if the parent has not reported a return to his or her approved activity.

Parents engaged in Self-Employment (see 1.3.8.3.2) are eligible for an ACTS or TBRK period the same as parents who are regularly employed. For authorization policy in these situations, see 2.4.3.4.

If the parent is employed by a temporary employment agency (or “temp agency”), and the parent reports that their job assignment has ended, the agency worker must ask follow-up questions in order to determine if the parent is eligible for an ACTS or TBRK period. If the parent expects to receive a new assignment within the next 30 calendar days, the parent’s Approved Activity Status in CWW should continue to be Employment (EMPL). If the parent does not expect to receive a new assignment in the next 30 calendar days, does not know when their next assignment will be, or reports that they are no longer employed with the temp agency, the case can be evaluated for an ACTS or TBRK period.

Teen parents enrolled in high school, parents employed through the school district, and parents participating in other school-year-based approved activities are eligible for a TBRK period while school is not in session for the summer.

Parents participating in basic education (see 1.3.8.7) or post-secondary education (see 1.3.8.8) who are also employed may be eligible for a TBRK period during semester breaks. If the break is less than a month (i.e. winter break, spring break, or a break between fall or spring semester and summer semester), the parent is still considered to

be in their approved activity and the Approved Activity Status in CWW does not need to be updated.

Parents participating in basic or post-secondary education who are also employed (Approved Activity Status of EMGE or EMTS in CWW), but lose their employment are eligible for an ACTS period. This is because they are no longer meeting the 20 hours per month work requirement to be eligible for Basic Education (see 1.3.8.7) or Technical College or Course of Study Leading to Employment (see 1.3.8.8). Parents who are eligible for an ACTS period under this policy may maintain the same number of authorized hours during the ACTS period (see 2.4.3.4)

Parents who are participating in basic or post-secondary education and are still employed but are no longer meet the 20 hours per month work requirement would be considered to only be employed (EMPL as the Approved Activity Status in CWW). These parents are not eligible for ACTS because they are still working. Although the parent may continue participating in basic or post-secondary education, the parent does not meet the work requirement so the approved activity must be changed to employment (EMPL). Parents who experience a decrease in approved activity hours (i.e. no longer qualifying for education as an approved activity) may maintain the same number of authorized hours based on continuity of care (see 2.4.2.2).

*This section last updated 11/01/2019 ~~10/01/2018~~*

#### **1.3.9.2.2 Starting and Ending an Approved Activity Search Break Period**

Both an Approved Activity Search Period (ACTS) and a Temporary Break Period (TBRK) begin the month following the start of ~~the~~ a reported permanent loss or temporary break. If the parent reports a temporary or permanent break in an approved activity untimely, the ACTS or TBRK period must be granted; however, the begin date will be backdated. A change in approved activity reported and verified during an ACTS or TBRK period must be entered in CARES Worker Web (CWW) with a begin date of the month that the reported change starts (this allows CSAW to display the correct approved activity when the parent requests a new authorization).

**Example 1:** Roxanne reports to the agency worker on June 28 that she lost her job on June 21 and indicates that she wants the ACTS period. The agency worker enters the ACTS activity in CWW with a July begin date. The ACTS period is set for July 1 – September 30. On August 12, Roxanne reports that she obtained new employment starting August 15. The agency worker pends the Employment page for verification of her new employment. On August 29, Roxanne provides the verification and the agency worker updates the Approved Activity Status to EMPL with August begin dates.

**Example 2:** Maranda reports a permanent loss of activity on June 15, but the last day she worked was April 20. Maranda's ACTS period will be backdated to start on May 1

and will end on July 31. Maranda must have a verified approved activity entered in CWW for the month of August by July 31 in order to remain eligible for Wisconsin Shares Child Care.

An ACTS period cannot begin at application or renewal. Parents must be engaged in an approved activity when applying for Wisconsin Shares Child Care and when completing an annual renewal (see 1.3.9.2.1).

**Example 3:** Shannon applies for Wisconsin Shares Child Care on July 25 because she is searching for a job, but she hasn't started a job yet. Shannon is not eligible for Wisconsin Shares Child Care because she does not have an approved activity at the time of her application.

**Example 4:** Luna calls the local agency on January 4 to complete her annual renewal. Her annual renewal is due January 31, and she has authorizations for her children, Aurora and Asher. Luna tells the agency worker that she just lost her job on January 1 and will be looking for new work. Because ACTS cannot start at renewal, Luna does not have an approved activity for February (the month following her renewal). The agency worker updates her Approved Activity Status in CWW to "No" for February, and her Wisconsin Shares Child Care eligibility ends systematically on January 31.

A TBRK period also cannot begin at application or renewal, but can cross a renewal period.

**Example 5:** Gabriella begins a TBRK period in September to care for her sick mother. Her TBRK period is September 1 – November 30, and her annual renewal date is October 31. When Gabriella calls on October 21 to complete her annual renewal, the agency worker leaves TBRK as her Approved Activity Status for November. Gabriella can remain in the TBRK period until November 30 (the end of the 3-month period) as long as she provides all other information necessary to complete her annual renewal.

**Example 6:** On March 17, Noah calls to complete his annual renewal for Wisconsin Shares Child Care, which is due on March 31. However, he is having surgery on March 29 and will be off of work for the next three (3) months. Because TBRK cannot begin at renewal, Noah does not have an approved activity for April (the month following his annual renewal). The agency worker updates his Approved Activity Status in CWW to "No" for April, and his Wisconsin Shares Child Care eligibility ends systematically on March 31.

If a parent begins a TBRK period and that temporary break status changes into a permanent loss of an approved activity, the parent may continue to use the remainder of the TBRK period to search for another approved activity if any remainder of the three (3)

months is available. Agency workers should leave TBRK as the Approved Activity Status in CWW, unless the parent reports and verifies a new approved activity before the end of the 3-month TBRK period or requests that the local agency end his or her Wisconsin Shares Child Care eligibility (see 1.3.9.2.3).

**Example 7:** In April, Aparna goes on maternity leave. She has an authorization for her child, Barakaa, and is placed in a TBRK period from May 1 – July 31. However, in June she reports to her agency worker that she will not be returning to her job. Aparna can use the remainder of her TBRK period (June and July) to search for a new approved activity. The agency worker leaves the Approved Activity Status as TBRK and does not change it to ACTS. Aparna must find a new approved activity by the end of July in order to remain eligible for Wisconsin Shares Child Care.

*This section last updated 11/01/2019 ~~10/01/2018~~*

### 1.3.9.2.3 Ending an Activity Break Period

As stated in Section 1.3.9.2, parents who are eligible for an Approved Activity Search Period (ACTS) or Temporary Break Period (TBRK) must be allowed to maintain Wisconsin Shares Child Care eligibility and any current authorizations may remain at the same number of hours for a period of up to three (3) months following the temporary or permanent break from their approved activity.

However, an ACTS period cannot cross a parent's annual eligibility renewal. CARES Worker Web (CWW) will fail the Assistance Group (AG) for a lack of approved activity for any months following the annual eligibility renewal date if a new approved activity is not entered on the Approved Activity Status page. This includes prospective months (see Example 3 below). TBRK periods are allowed to cross the annual eligibility renewal (see 1.3.9.2.2).

In order to support the eligibility policy, CWW automatically sets an Activity Break Period once the worker updates the Approved Activity Status page with either ACTS or TBRK and confirms eligibility. The Activity Break Period will either be for three (3) months or, for ACTS, for the period remaining until the parent's annual eligibility renewal if the renewal due date is prior to three (3) months.

CWW will also systematically end eligibility during the 12-month eligibility period at the end of the 3-month ACTS or TBRK period if an approved activity has not been entered for the month following the end of the 3-month period. If the parent does not report a new approved activity, the worker does not need to take any action to end eligibility.

~~The agency worker may end~~ An ACTS or TBRK period may end earlier than the 3-month period set in CWW if:

- The parent begins a verified new approved activity during an ACTS period or reports that they have returned to their approved activity during a TBRK period.
- The parent contacts the local agency and requests that the agency worker end the ACTS or TBRK period or otherwise indicates that they no longer want to receive Wisconsin Shares Child Care.
- Eligibility fails for any financial or non-financial reason. Examples include, but are not limited to, the family moving out of state, failing to cooperate with the Child Support Agency, or a new parent moving into the household who is not participating in an approved activity.
- Another parent in the Assistance Group (AG) reaches the end of his or her ACTS or TBRK period in a two-parent or three-generation family.

**Process:** Workers are not required to manually override the ACTS or TBRK period in CWW in these situations; updating the case according to the change is sufficient for ending the ACTS or TBRK period.

Parents must be in an approved activity beginning the month following the end of the ACTS or TBRK period in order to remain eligible for Wisconsin Shares Child Care.

**Note:** Even if the parent has an expected return date following a temporary break, the agency worker must not end the TBRK period in CWW until the parent reports that they have returned to their approved activity. Circumstances could change before the parent returns to their approved activity which would require different worker action and create duplicate work. The same policy applies to authorizations (see 2.4.3.4).

New employment or other approved activity following an ACTS period must be verified (see 1.5.11). A parent must report when he or she returns to an approved activity following a TBRK period, but this does not need to be verified. However, an increase in income, change in work hours, or change in child care need following a TBRK period must be reported (see 1.8.1).

**Example 1:** Molly is in an ACTS period from January to March and her husband Peter is in an ACTS period from February to April. If Molly does not start a new verified approved activity by the end of March, eligibility will end because at that time, there is one (1) parent in the AG who is not engaged in an approved activity.

**Example 2:** On August 20, Jolene reports that she is going on maternity leave starting August 22 and indicates that she should be returning to work on September 28. The agency worker updates her Approved Activity Status to TBRK for September. The

agency worker should leave the TBRK period as September 1 – November 30 until Jolene reports that she has returned to work.

**Example 3:** On September 6, Anya reports that she lost her job on August 28. Her annual eligibility renewal is due on October 31. Anya's ACTS period should be from September 1 to November 30, but because an ACTS period cannot cross renewal, her eligibility will end October 31 if she does not have a verified approved activity entered in CWW for November. The agency worker changes the Approved Activity Status to ACTS in CWW for September and runs eligibility. When the agency worker runs eligibility, they see that September and October are passing, but November is failing for lack of approved activity. This is correct due to Anya's renewal date of October 31. Anya will need to have a verified approved activity entered in CWW for the month of November by October 31 in order to complete her annual eligibility renewal and remain eligible for Wisconsin Shares Child Care.

**Example 4:** Regina reports on July 1 that she will be on maternity leave beginning July 6. Regina's annual eligibility renewal is due on September 30. The agency worker updates her approved activity to TBRK for August and a TBRK period is created for August 1 to October 31. As long as Regina completes her annual eligibility renewal by September 30 (or completes a late renewal by October 31), her TBRK period can continue until October 31. If Regina completes a late renewal, she must have an approved activity entered in CWW for November or her Wisconsin Shares Child Care eligibility will end on October 31.

There are some situations where Wisconsin Shares Child Care eligibility may fail but then reopen within a calendar month of eligibility ending, such as when a parent has failed to cooperate with child support but then starts cooperating again, or when non-financial verification was not provided but is subsequently provided to the local agency (see 1.2.7). If Wisconsin Shares Child Care eligibility fails, but reopens within ~~30~~ **calendar days** a calendar month, the parent is allowed to continue in their ACTS or TBRK period for the remainder of the 3-month period. For process related to this policy, see Process Help 76.1.

An ACTS or TBRK period will systematically end on the last day of the 3-month period. If a parent's renewal is also due on the last day of the ACTS or TBRK period, the parent will need a new approved activity or a return to the same approved activity entered in CWW for the month following the renewal date in order for eligibility to continue. This is true whether a parent completes a timely or late renewal; the month following the renewal due date must have an approved activity. The approved activity can only be TBRK for the month following the renewal due date if the parent started the 3-month TBRK period prior to the renewal date.

**Example 5:** Leonard is in an ACTS period from October 1 – December 31. Leonard's annual eligibility renewal is also due on December 31. Leonard does not complete his annual eligibility renewal by December 31, and his Wisconsin Shares Child Care eligibility ends on December 31. On January 10, Leonard calls the local agency to complete his late renewal. Leonard must have an approved activity for January at the time that he completes his renewal on January 10 in order for Wisconsin Shares Child Care eligibility to reopen.

**Example 6:** Raquel is in a TBRK period from January 1 – March 31. Raquel's annual eligibility renewal is due February 28. Raquel does not complete her annual eligibility renewal, and her Wisconsin Shares Child Care eligibility ends on February 28. On March 10, Raquel calls the local agency to complete her late renewal. Raquel's renewal is completed with TBRK as her approved activity for March and Wisconsin Shares Child Care eligibility reopens for March. However, April and May eligibility will still fail if Raquel does not have an approved activity entered in CWW for April.

For policy and system functionality regarding authorizations during an ACTS or TBRK period, see Section 2.4.3.4.

*This section last updated 11/01/2019*

### **1.3.9.3 Temporary Break Periods**

~~The Temporary Break period is intended to support continuity of care for the child during a parent's time-limited absence from their approved activity. Parents are required to report a temporary break from their approved activity within 10 calendar days of the onset of the break if the parent expects the break to last one (1) month or more.~~

~~Local agencies must not require parents to provide verification of a temporary break, unless it is questionable whether the parent has resumed or permanently lost the approved activity and did not report it.~~

~~*This section last updated 10/01/2018*~~

#### **1.3.9.3.1 Eligibility for a Temporary Break Period**

~~Parents are eligible for Wisconsin Shares Child Care authorizations while being temporarily absent from their approved activity for up to three (3) months, if the parent continues to meet all financial and non-financial eligibility requirements. Parents must expect to return to their approved activity following the temporary break and must intend to continue to use child care during this period.~~

~~The TBRK period is available to parents who currently have ongoing Wisconsin Shares Child Care eligibility. Following a reported temporary break, if the parent has ongoing eligibility and intends to continue using child care, the agency worker must place the~~



parent in TBRK. A parent must report a change in need if the parent does not utilize child care during their TBRK period (see 1.8.1).

**Process:** If the parent reports a temporary break in approved activity, the agency worker must change the parent's Approved Activity to TBRK on the Child Care Activity Status page in CARES Worker Web (CWW). CWW will automatically generate the Approved Activity Break Period letter when the agency worker updates the Child Care Activity Status page to TBRK.

Parents who report a temporary break and explicitly state that he or she does not intend to use child care **and** decline the TBRK period are not eligible for the TBRK period after declining.

The temporary break can be for reasons such as, but not limited to:

- Parent illness;
- Leave to care for a parent's family member;
- A student or holiday break;
- An interruption in work for a seasonal worker who is not working between regular industry work seasons; or
- Any other cessation as long as the individual expects to return to their same approved activity and the break does not exceed three (3) months.

Parents who are applying for initial eligibility cannot enter into a TBRK period at application. Eligible adults added later to the case through the Person Add process are also not eligible for the TBRK period at the time they are added to the case.

Parents participating in Self-Employment (see 1.3.8.3.2), who are operating at a loss (see 2.4.3.7) and choosing to take a temporary break from their self-employment are not eligible for the TBRK period.

**Note:** When a business is operating a loss, the authorization at the time of the parent's break from self-employment would be zero hours and there would be no existing authorization to maintain.

Parents are not limited to a certain number of TBRK periods during the 12-month eligibility period; however, a parent must be engaged in and verify an approved activity as outlined in 1.3.8 and 1.5.11 between TBRK periods.

*-This section last updated 10/01/2018*

### 1.3.9.3.2 Starting and Ending a Temporary Break Period

The Temporary Break (TBRK) period will begin the month following the break in the approved activity. If the parent reports the break in the approved activity untimely, the TBRK period must be granted; however, the begin date will be backdated (see 1.3.9.2.2).

The TBRK period shall remain in place for up to three (3) months. The agency worker may only end the TBRK period earlier if:

- The parent resumes his or her approved activity during the TBRK period.
- The parent contacts the local agency and requests that the agency worker end the TBRK period.
- Eligibility fails for any other financial or non-financial reason, including but not limited to, the family moving out of state or failing to cooperate with the Child Support Agency.
- Another parent in the Assistance Group reaches the end of his or her TBRK or Approved Activity Search period (ACTS) in a two-parent or three-generation family.

**Example 1:** Jodie begins a TBRK period on July 1 and reports resuming her approved activity on August 5. Jodie's TBRK period will end on August 4. Jodie's worker completes an authorization assessment on August 5 to determine if Jodie's authorized hours need to be adjusted.

**Example 2:** Sarah is in a TBRK period from January to March and her husband Daniel is in an ACTS period from February to April. If Sarah does not return to her approved activity by the end of March, eligibility will end because at that time, no parent is engaged in an approved activity.

The TBRK period can exceed the eligibility renewal date, unlike the ACTS period (where eligibility will end at renewal).

**Example 3:** Lucy's Assistance Group has an eligibility period from January 1 to December 31. She reports a temporary break from her job to the local agency on October 6. Lucy's TBRK period would begin on November 1 and, as long as Lucy completes her renewal, can continue until January 31.

If eligibility fails and then reopens within one (1) calendar month, the parent may return to the existing TBRK period to utilize any remaining TBRK time. The agency worker must not establish a new TBRK period when the case reopens.

~~**Process:** If the parent has not resumed the approved activity at the end of the TBRK period, eligibility in CWW and the authorization in CSAW will be ended systematically. The agency worker is not required to take action.~~

~~*This section last updated 10/01/2018*~~

#### ~~**1.3.9.4 Consecutive Permanent Losses or Temporary Break Periods**~~

~~Approved Activity Search periods (ACTS) and Temporary Break periods (TBRK) cannot be consecutive. Parents must be engaged in and verify an approved activity as outlined in 1.3.8 and 1.5.11 between ACTS and TBRK periods~~

~~Parents cannot be in an ACTS period and then immediately follow it with a TBRK period, and conversely, parents cannot be in a TBRK period and then immediately follow it with an ACTS period.~~

~~If a parent begins a TBRK period and that temporary break status changes into a permanent loss of an approved activity, the parent may continue to use the remainder of the TBRK period to search for another approved activity if any remainder of the three (3) months is available.~~

~~*This section last updated 10/01/2018*~~

### **1.4 Financial Eligibility Requirements**

This section applies to all Wisconsin Shares Child Care cases unless otherwise specified in Sections 1.6 or 1.7.

*This section last updated 10/24/2016*

#### **1.4.1 Gross Income**

To determine eligibility for the Wisconsin Shares Child Care Subsidy Program, agency workers must include all available earned and unearned income for the Wisconsin Shares Child Care Assistance Group in the Wisconsin Shares Child Care financial eligibility test, except as detailed for income under Sections 1.4.3, 1.4.4, and 1.4.5.

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 to be unavailable. This policy refers to settlements and other income that a person may be granted, but may not actually receive for several years. This policy does not apply to deductions to earned income withheld by an employer, including but not limited to: taxes, child support payments, health insurance deductions, health savings accounts, wage garnishments, etc.

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 included when determining financial eligibility.

**Example 1:** Michelle was injured in a slip-and-fall accident at a store in November 2016. After a lengthy trial, the store is found liable for negligence, and Michelle is awarded \$750,000 for pain and suffering. When Michelle applies for Wisconsin Shares Child Care in April 2018, she tells her worker about the unearned income. However, the store’s insurance company is not going to pay Michelle until November 2018. Michelle provides the letter that the insurance company sent her as verification, and this income is not counted until November 2018.

**Example 2:** Jonathan applies for Wisconsin Shares Child Care in November 2017. Jonathan’s ex-wife has primary placement of their child, JoEllen, but Jonathan is requesting child care for the days that JoEllen is with him. Jonathan’s employer withholds funds from his paycheck for child support. Jonathan’s gross income, before any deductions or withholdings, is used to determine his eligibility for Wisconsin Shares Child Care.

*This section last updated 08/01/2018*

**1.4.1.1 Maximum Gross Income for Initial Eligibility**

The gross income limit for new applicants and Assistance Groups that have closed for more than one (1) calendar month is 185% of the Federal Poverty Level (FPL).

These figures were effective February 1, 2019. FPL amounts are updated annually.

<b>Assistance Group (AG) Size</b>	<b>Annual 185% FPL</b>	<b>Monthly 185% FPL</b>
<b>2</b>	\$31,284	\$2,607
<b>3</b>	\$39,461	\$3,288
<b>4</b>	\$47,638	\$3,970
<b>5</b>	\$55,815	\$4,651
<b>6</b>	\$63,992	\$5,333
<b>7</b>	\$72,169	\$6,014
<b>8</b>	\$80,346	\$6,695

<b>Assistance Group (AG) Size</b>	<b>Annual 185% FPL</b>	<b>Monthly 185% FPL</b>
<b>9</b>	\$88,523	\$7,377
<b>10</b>	\$96,700	\$8,058
<b>Each Additional Person Add</b>	\$8,177	\$681

*This section last updated 03/01/2019*

#### **1.4.1.2 Maximum Gross Income for Ongoing Cases**

The maximum gross income threshold is 85% of the State Median Income (SMI) for each Assistance Group (AG).

These figures were effective February 1, 2019. 85% SMI and the corresponding FPL are updated annually.

<b>AG Size</b>	<b>Loss of Eligibility (85% SMI)</b>	<b>Loss of Eligibility (Monthly Dollar Amount)</b>
<b>2</b>	301% FPL	\$4,242
<b>3</b>	295% FPL	\$5,241
<b>4</b>	291% FPL	\$6,239
<b>5</b>	288% FPL	\$7,237
<b>6</b>	286% FPL	\$8,235
<b>7</b>	259% FPL	\$8,422
<b>8</b>	238% FPL	\$8,609
<b>9</b>	221% FPL	\$8,797
<b>10</b>	206% FPL	\$8,984

*This section last updated 03/01/2019*

#### **1.4.2 Income that is Included in the Financial Eligibility Test**

Income that is ~~counted towards~~ **included in** the Wisconsin Shares Child Care **financial eligibility test 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) of adults in the Assistance Group
- Social Security payments (including old age, survivorship, and disability) of all members in the Assistance Group
- Pensions and annuities
- Unemployment insurance
- Worker's compensation
- Alimony and other maintenance payments
- All of the Wisconsin Shares Child Care Assistance Group's monthly child or family support payments if the amount is greater than \$1,250 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 Wisconsin Shares Child Care Assistance Group, unless the income is excluded as provided in Sections 1.4.3. and 1.4.4

*This section last updated 11/01/2019 03/01/2019*

### **1.4.3 Income that is Not Included in the Financial Eligibility Test**

The income types listed below are excluded from the Wisconsin Shares Child Care ~~budget~~ financial eligibility test:

- 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 Wisconsin Shares Child Care Assistance Group members is \$1,250 or less per month. **Note:** If the aggregate amount exceeds \$1,250 per month, the entire amount is counted as income in the Wisconsin Shares Child Care **budget financial eligibility test**.
- Earned Income and Supplemental Security Income (SSI) payments 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 **loans and private student loans**)
- 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 (Community Service Job [CSJ], W-2 Transition [W-2 T], Custodial Parent of an Infant [CMC], At Risk Pregnancy [ARP], Stipends for Noncustodial Parents [TSP], or Case Management Follow-Up Plus [CMF+]), Emergency Assistance payments, and Wisconsin Shares Child Care subsidy payments
- 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 Visas (SIVs) under Section 1059 of the National Defense Authorization Act (PL 109-163).

**Note:** Any work or activity in which a parent is paid "in-kind" rather than money is not considered income for Wisconsin Shares Child Care. This would include goods such as meals, clothing, housing, garden produce, livestock, etc. provided in exchange for services or labor.

*This section last updated 11/01/2019 ~~03/01/2019~~*

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

The following types of income are excluded as income in the Wisconsin Shares Child Care financial eligibility test 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.

*This page last updated 10/30/2017*

### **1.4.5 Monthly Income Calculations**

Unless otherwise stated in Sections 1.4.5.1, 1.4.5.2, or 1.4.5.3, 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.
- Biweekly 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.

*This section last updated 10/24/2016*

#### **1.4.5.1 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 1:** Joe works for a public school as a teacher's aide. Joe has worked there for the last three (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 Wisconsin Shares 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 2:** 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 lifeguard 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.

*This section last updated 09/28/2015*

#### 1.4.5.2 Fluctuating Income

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

**Example 1:** 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 (3) months.

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

**Example 2:** 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 3:** 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 nine (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 another check. \$175 is counted as part of this month's income.

*This section last updated 09/28/2015*

### 1.4.5.3 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.

*This section last updated 09/28/2015*

### 1.4.5.4 Self-Employment Income

Self-employment income for Wisconsin Shares Child Care eligibility is defined in statute as the sum of net earnings reported to the Internal Revenue Service plus depreciation expenses, personal business and entertainment expenses, personal transportation costs, purchases of capital equipment, and payments on the principal of loans. See Process Help 16.2.3 for further guidance.

**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 in November and provides an IRS tax form for the previous year to verify his yearly income and expenses. His net yearly self-employment income plus ~~invalid~~ ~~disallowed~~ self-employment expenses for Wisconsin Shares Child Care are divided by 12 to determine a monthly income average. Based upon his monthly income he meets financial eligibility criteria for initial eligibility.

John reports on January 7 that he has not worked since December 30. This is a normal fluctuation in his business so there would be no change in the income budgeted. John is expecting to return to work in mid-March, which is less than three (3) months, and John will continue to send his child to the child care program. John's eligibility for Wisconsin Shares Child Care will continue as he is in a Temporary Break Period (see 1.3.9.2.1).

The Tax Cut and Jobs Act (TCJA) of 2017 included a new deduction for Sole Proprietorships, S Corporations, and Partnerships. The Qualified Business Income Deduction (QBID) (line 9 on tax form 1040) is applied after the Standard Deduction. It has no impact on Wisconsin Shares Child Care financial eligibility. The QBID is not an expense and should not be included as an expense to offset self-employment income. If the QBID is entered as an expense in error, agency workers should utilize the Disallowed Expense Override on the CARES Worker Web (CWW) Self-Employment page to add the QBID back into the net earnings.

*This section last updated 11/01/2019 03/01/2019*

### 1.4.6 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 (7) 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 CARES Worker Web (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 a Limited Liability Company (LLC), shall not be included in the family's asset test.

Foster parents, subsidized guardians, interim caretakers, relatives with court-ordered placement who receive the Kinship Care payment, and children in tribal placement homes under a substantially similar Wisconsin tribal law, are not subject to the asset test. (See Glossary for "Receiving a Kinship Care Payment") However, if Wisconsin Shares Child Care subsidy 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.

*This section last updated 10/01/2018*

## **1.5 Verification Requirements**

This section applies to all Wisconsin Shares Child Care cases unless otherwise specified in Sections 1.6 or 1.7.

*This section last updated 10/30/2017*

### **1.5.1 Documentation**

Documentation means information recorded in case comments, or saved in the Electronic Case File (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 ECF, or if the verification occurred through a CARES data exchange, the agency 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, agency 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.

*This section last updated 10/30/2017*

### **1.5.2 Authority to Request Information**

The local agency may request any additional information that is necessary and appropriate in order to make a correct eligibility decision. The local 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.

*This section last updated 10/24/2016*

### **1.5.3 Responsibility for Providing Verification**

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

*This section last updated 10/24/2016*

### **1.5.4 Required Agency Assistance**

If the applicant has made a reasonable effort and cannot obtain the information, the local 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 local agency can get the required verification by the 30th day from the application date, eligibility must be denied.

*This section last updated 10/30/2017*

### **1.5.5 Notice of Verification Required**

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

*This section last updated 10/30/2017*

### **1.5.6 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 local agency. If verification has not been received from the applicant within seven (7) business days, the local agency must run eligibility to generate a Denial Notice alerting the applicant the Wisconsin Shares Child Care request is denied.

If the applicant requests more time to provide the verification, the local agency may extend the verification due date to not more than 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 1.5.4).

*This section last updated 10/30/2017*

### **1.5.7 Applicant Refusal to Produce Verification**

At initial eligibility and renewal, if the applicant is able to produce the verification, but refuses or fails to do so, eligibility must be denied.

During ongoing eligibility, if the parent is able to produce financial verification, but refuses or fails to do so, eligibility must not be ended if the parent has at least one (1) verified approved activity (see 1.5.12.1).

If a new person is added to an ongoing case, and the new person fails or refuses to verify financial information, eligibility must be ended (see 1.8.2).

*This section last updated 10/01/2018*

### **1.5.8 Contradictory or Questionable Information**

If at any point a local agency receives contradictory or questionable information regarding any eligibility item, the local 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 local agency’s fraud plan.

*This section last updated 10/30/2017*

### **1.5.9 Required Verification**

The local agency must receive verification for all of the items listed in Sections 1.5.10, 1.5.11, and 1.5.12 as specified, before the eligibility determination can be completed.

*This section last updated 10/24/2016*

### 1.5.10 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; or U.S. Passport. The following are also acceptable sources for verifying identity: **Social Security Administration (SSA) data exchange with ~~SCHIP-I~~**; Online Wisconsin Department of Motor Vehicles (DMV) Driver's License query **limited to a valid or expired status only (see CWW Process Help Chapter 44)**; or verification of participation in the Safe at Home program (see CWW Process Help Chapter 77).
- **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~~ **SSA** data exchange; Social Security card; Numerical Identification System (Numident) record.
- **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~~ **SSA** 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 State of Wisconsin Driver's license; current Wisconsin ID card; current motor vehicle registration; school registration record; verification of participation in the Safe at Home program (see CWW Process Help Chapter 77); any other reliable document **or data exchange, if applicable**, that verifies Wisconsin residency and residence. Forms of identification as identified in Wis. Stat. s. 66.0438 that include the residence address cannot be used for address verification.

**Note:** Local agency staff must not use the Child Support KIDS system to verify Wisconsin residency or residence address.

~~**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.~~

**Note:** The following situations are exempt from the requirement 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:

- Homeless individuals and families;
- Individuals and families living “doubled up” due to loss of housing, economic hardship or a similar reason and coded as ‘DB – Doubled Up Housing’ in the Address Verification field on the General Case Information page in CWW; and
- Safe at Home participants (see CWW Process Help Chapter 77).

- **U.S. Citizenship of children for whom assistance is requested:** Certified copy of Birth Certificate; U.S. Passport; SSA data exchange ~~with SCHIP-I;~~ GARES CWW Birth Query (Wisconsin births only); Native American ID card issued by a federally recognized tribe; Certificate of Naturalization; Certificate of Citizenship; Medicaid Birth Claim as documented by a Wisconsin hospital.
- **Immigration status of children for whom assistance is requested:** If the applicant is not a U.S. citizen or U.S national he or she must present immigration documentation that the local 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: Self-declaration unless questionable; Legal documents stating child placement as submitted by the parent. ~~Self-declaration~~



**Note:** Local agencies must not collect placement documents and make changes to the parent's case without the parent's knowledge.

- Out-of-Home Care Placements: Foster Care/Subsidized Guardianship/Interim Caretaker Placements **and relatives with court-ordered placement of a child**: current Voluntary Placement Agreement; current Temporary Physical Custody order; current court order under Wis. Stat. Ch. 48 or 938 or any Wisconsin tribal law that is substantially similar to Wisconsin Stat. Ch. 48 or 938; a letter from the child's caseworker (county or tribal) that includes the name and address of the **foster parent individual** 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 Wis. Stat. Chs. 48, 54, or 938 or any Wisconsin tribal law that is substantially similar to Wis. Stat. Chs. 48, 54, or 938 is acceptable); a letter from the child's caseworker (county or tribal) for Wis. Stat. Ch. 48 or 938 or any Wisconsin tribal law that is substantially similar to Wis. Stat. Ch. 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 Wis. Stat. Ch. 48 or 938 or any Wisconsin tribal law that is substantially similar to Wis. Stat. Ch. 48 or 938).~~

~~Please note that k~~ Kinship placements for which the relative volunteered to have the child placed with him or her, or guardianships under Wis. Stat. Ch. 54 or any Wisconsin tribal law that is substantially similar to Wis. Stat. Ch. 54 must be verified using the current court order only.

Court orders from states other than Wisconsin are allowable as verification of a court order.

*This section last updated 11/01/2019 03/01/2019*

### 1.5.10.1 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 Wis. Stat. s. 69.30(2).

When these documents are scanned at the local agency, the local 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.

*This section last updated 10/24/2016*

### **1.5.10.2 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 local agency must scan copies of documents used to verify these items and upload them to 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 agency worker entered the verification code, the agency worker will need to confirm that the underlying data exchange actually occurred.

*This section last updated 10/24/2016*

### **1.5.11 Approved Activity Verification**

All parents in the Wisconsin Shares Child Care Assistance Group must be in a verified approved activity.

Parents can self-declare their activity schedules for employment, but the schedule must correspond to the pay stubs. Parents may also self-declare their activity schedules for W-2, Tribal TANF, and FSET when the activities in the Employability Plan (EP) 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 Section 2.4** for further information on the authorization assessment.

Frequently, items that verify income will also serve to verify the approved activity.

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

**Employment:** See Section 1.5.12. All sources of verification that are acceptable for financial verification are acceptable to verify employment. ~~Dated pay stubs and pay statements for the immediately preceding 30 days must include the employer and employee name, rate of pay, and hours worked.~~

- ~~• If the individual is classified as exempt or salaried under the Fair Labor Standards Act, the hours worked may not be included on their pay stubs. If the hours are not included on the pay stubs, document the individual's stated hours worked on the Employment page in CWW.~~
- ~~• If the applicant or participant has recently started a job and has received only three (3) pay stubs in the preceding 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 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 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 agency worker must document the phone conversation in CARES Worker Web (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 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 1.5.8.~~

### **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 (see 1.3.8.3.2) must file taxes with the Internal Revenue Service (IRS) in order for the self-employment to qualify as an approved activity for the Wisconsin Shares Child Care Subsidy Program. All filed IRS tax documents for the most recent tax year must be provided for parents who want to receive Wisconsin Shares Child Care subsidy while self-employed. Tax documents must be provided at application and the annual renewal.

At application or renewal, if the self-employment taxes have not yet been filed for the most recent tax filing year because it is prior to the current year tax filing deadline, local agencies may use the previous year's filed taxes when determining eligibility. However, if the parent indicates there has been a significant change in circumstances from the previous tax year, or if the parent did not file taxes the previous year, the parent will need to provide Self-Employment Income Report forms (SEIRFs) (form DHS F-00107) for all months from the significant change or the start of the business to the current month in order for the agency worker to process the application or renewal.

If a parent with ongoing eligibility begins new self-employment during the 12-month eligibility period, the parent must provide a SEIRF indicating their new approved activity and expected income. At renewal, SEIRFs must be provided for all **full** months since the start of the new self-employment (or taxes if available).

**Example 1:** Kendall's renewal is due November 2019. On May 10, 2019, Kendall reports she started a new self-employment business on May 6 and requests authorized hours for her new activity. She provides a SEIRF for May to verify her income and approved activity. At renewal in November, the worker collects SEIRFs for June through October to verify income and to verify her approved activity. At her next renewal in November 2020, the worker will use the income information from Kendall's 2019 tax documents to update the income information for the case.

If the approved activity of self-employment is questionable, the agency worker **may** **must** request additional verification, such as receipts, contracts, or other documentation of income ~~or~~ **and** expenses.

**Wisconsin Works (W-2) Placement:** Verified by the W-2 Employability Plan (EP), including Case Management Follow-Up (CMF) and CMF+ placements **if** the parent is requesting child care for W-2 activities other than employment. If the parent **only** requires child care for employment, then the activity verification would be the same as required for Employment and the agency worker does not need the EP. Agency workers may obtain a copy of the EP from the Electronic Case File (ECF), may request a copy from the Financial and Employment Planner (FEP), or may ask the parent for a copy.

**Tribal Temporary Assistance for Needy Families (TANF):** Verified by the Individual Self-Sufficiency Plan. The applicant must provide a printed copy.

**FoodShare Employment & Training (FSET):** Verified by the FSET Employment Plan (EP). Agency workers may access the EP in CWW (Worker Tools-FSET Tool-Employment Plan), or may obtain a copy from ECF, may request a copy from the FSET worker, or may ask the parent for a copy.

**Learnfare:** Verified by the Learnfare Case Management Plan. Agency workers may obtain a copy of the Learnfare Case Management Plan from ECF, may request a copy from the FEP, or may ask the parent for a copy.

**HSED, GED, High School:** Enrollment letter from school. If a teen parent will remain a dependent child on their parent's case, the local agency must collect written documentation from the 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 19<sup>th</sup> birthday.

**Basic Education and Employment:** Proof of school enrollment and class schedule and employment verification of at least 20 hours per month.

**Technical College and Employment:** Proof of school enrollment and class schedule and employment verification of at least 20 hours per month. 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 20 hours per month.

**Process:** During ongoing eligibility, when a parent reports gaining new employment as their approved activity, the agency worker should first pend for employment verification on the Employment page in CWW. If the parent's approved activity is questionable due to failure to respond to a request for verification following a report of a change in employment, a questionable EVF-E, or a third-party fraud report, the agency worker must then pend for Approved Activity on the Child Care Activity Status page in CWW.

When the agency worker pends for the parent's approved activity in CWW, the system will generate the Notice of Proof Needed. The agency worker must add a note to the Notice of Proof Needed asking the parent to contact the local agency if they intend to continue to utilize child care while they search for a new approved activity (see 1.3.9.2.1) ~~engage in an approved activity or job search~~. If the parent indicates states they do not need ~~the~~ an Approved Activity Search Period (ACTS) period or does not respond, the agency worker shall ~~must~~ change the Approved Activity status to "No" and

the Assistance Group will systematically close for lack of an approved activity according to adverse action (see 1.8.4).

**Note:** If the parent is currently in an ACTS period or Temporary Break Period (TBRK) period, the agency worker must not pend for Approved Activity. The parent is not required to provide proof of a new or resumed approved activity until the end of the ACTS or TBRK period.

**Example 2:** Brittany is receiving Wisconsin Shares Child Care and is working at Pizza Pub. In August, she reports that she is no longer working at Pizza Pub, and has started a new job at Burger House. Brittany's worker requests verification of the new employment at Burger House. Brittany does not respond to the request for verification. Brittany's worker pends for Approved Activity on the Child Care Activity Status page because Brittany does not have a verified approved activity. Brittany's worker also adds a note to the Notice of Proof Needed asking if Brittany would like the Approved Activity Search Period. Brittany does not respond to this request either. Brittany's worker enters "No" for Approved Activity on the Child Care Activity Status page and Brittany's Wisconsin Shares Child Care closes for lack of approved activity.

*This section last updated 11/01/2019 03/01/2019*

#### 1.5.11.1 Self-Declaration of New Employment Verification for Newly Employed Parents when the Employer Uses Equifax/The Work Number

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

- The parent is newly employed;
- The parent's employer uses Equifax/The Work Number for employment verification, but the employment and/or income cannot yet be confirmed through Equifax;
- 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; and
- The employment and/or income cannot be confirmed through any other 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 pay stubs or other acceptable written verification is available. The following process may be completed in order to

open and confirm Wisconsin Shares Child Care eligibility so that child care authorizations may be written in CSAW.

**Process:** When a parent is self-declaring their employment and eligibility is determined under this policy, the agency worker must complete the following steps to run and confirm eligibility and request ~~continue to require~~ employment verification ~~and issue~~ using a Notice of Proof Needed 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 1.2.5 ~~6~~.

1. In the Employment Description section of the Employment Page, the agency worker should use <NQ – Not Questionable> as the verification type for the Employment Begin Date.
2. In the Detailed Wage Information section, the agency worker should use <UA – Unavailable> as the verification type for Average Hours Per Pay Period.
3. The agency worker should choose <Yes> and <EMPL – Employment> on the Child Care Activity Status page.
4. The agency worker should then run and confirm Wisconsin Shares Child Care eligibility. Agency workers must NOT confirm eligibility for any other program.
5. After running and confirming eligibility, the agency worker should immediately return to the Employment page and enter <Q? – Questionable Not Yet Verified> for verification of the Average Hours Per Pay Period in the Detailed Wage Information section.
6. The agency worker should then re-run eligibility to pend the case for Wisconsin Shares Child Care (and other programs as necessary) and generate a Notice of Proof Needed.
7. The agency worker must record case comments describing the justification for using this policy including previous failed attempts to obtain employment verification through other means.

Parents must provide verification by the verification due date of seven (7) business days (see 1.5.6). If verification is not received timely, the agency worker must run eligibility to end Wisconsin Shares Child Care.

To end Wisconsin Shares Child Care eligibility, the agency worker must enter <NV-Not Verified> or <QV-Questionable Not Verified> on the Employment page and change the Child Care Activity Status to <No>. Wisconsin Shares Child Care eligibility will fail for lack of approved activity, and the Income Maintenance (IM) programs will fail (as applicable according to the relevant program policy) for lack of verification.

*This section last updated 11/01/2019 ~~10/30/2017~~*

### 1.5.12 Financial Eligibility Verification

Financial eligibility must be verified during the eligibility determination process and at each annual renewal.

#### **Earned Income Employment**

At application and renewal, each adult in the Assistance Group (AG) must verify earned income by providing dated pay stubs and pay statements for the immediately preceding 30 days. The pay stubs must include the employer and employee name, rate of pay, and number of hours worked. Paystubs showing year-to-date (YTD) can be used to calculate missing pay stubs if the parent has paystubs from the beginning and end of the 30-day period. For more information about calculating missing pay stubs, see Process Help Section 16.4.2.

If the individual is classified as exempt or salaried under the Fair Labor Standards Act, the hours worked may not be included on their pay stubs. If the hours are not included on the pay stubs, document the individual's stated hours worked on the Employment page in CARES Worker Web (CWW).

If the parent has started a new job in the past 30 days and, as a result, does not have pay stubs for the entire 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 30 days.

**Note:** Local agencies may ask for pay stubs for the entire preceding 30 days when employment is not new and there is an expectation that pay checks would have been issued. The Employer Verification Form – Earnings (EVF-E) is as valid as pay stubs to verify employment and income, but if it is questionable whether the form is being completed by the parent instead of the employer, the local agency must follow guidance in Section 1.5.8.

#### **Other Sources of Employment Verification Include:**

- A completed ~~Employer Verification of Earnings (EVF-E)~~ (form DHS F-10146) 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 received directly from Equifax or 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 30 days).



Local agencies are not required to enter the Federal Employer Identification Number (FEIN) on the Employment page in CWW for Wisconsin Shares Child Care.

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 agency 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.

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

**Process:** Agency workers must update CWW to reflect changes in income by running eligibility and then running with dates if necessary to ensure the income updates for the correct month. Agency workers must confirm eligibility after running eligibility each time eligibility is run in order for CSAW to use the new income in determining copayments and copayment periods.

### **Self-Employment**

Self-Employment financial eligibility must be verified during the application and eligibility determination process and during the annual eligibility renewal.

Parents who are self-employed must file taxes with the Internal Revenue Service (IRS). For Wisconsin Shares Child Care eligibility, self-employed parents must provide copies of both their personal and business filed IRS tax documents, including all schedules and attachments, for the most recent tax year at application and the annual eligibility renewal. Agency workers may request verification that the tax forms have actually been submitted to the IRS if the documents are 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 when filing
- Bank statements clearly showing a deposit from the IRS
- Transcript of tax return from the IRS
- Verification that IRS form 4868 Application for Automatic Extension of Time to File U.S. Individual Income Tax Return has been filed with the IRS
- ~~Other verification at agency discretion~~

If ~~either the IRS tax documents or SEIRFs~~ verification appears questionable or needs clarification, agency workers must request additional supporting evidence verification, such as receipts, contracts, or other documentation of income ~~or~~ and expenses, to verify that the parent is engaged in self-employment.

If taxes were filed in the previous year, the previous year's tax information may be used if the parent is applying or completing a renewal **and**:

- It is prior to the next tax filing deadline; or
- The parent has filed for a tax filing extension.

If the Wisconsin Shares Child Care application or annual renewal takes place after the current tax year filing deadline and taxes have not been filed, the parent must provide verification that the IRS form 4868 Application for Automatic Extension of Time to File U.S. Individual Income Tax Return has been filed with the IRS.

To process the application or renewal, the parent may submit Self-Employment Income Report forms (SEIRFs) (form DHS F-00107) if:

- There has been a significant change since the previous year's tax filing; or
- Taxes have not yet been filed because the business was not in operation during the previous year; or
- It is prior to the tax filing deadline.

In these situations, parents must provide SEIRFs for each month the business was in operation if the business is new, or each month since the significant change if taxes were previously filed, up to the month of the Wisconsin Shares application or annual eligibility renewal.

Agency workers should first attempt to obtain the most recently filed taxes from the parent. If the most recent taxes are not available, then the previous year's taxes are acceptable. If there has been a significant change since the previous year's taxes were filed, or one (1) of the other conditions listed above for accepting SEIRFs are met, then SEIRFs are acceptable.

**Example:** Karen applies for Wisconsin Shares Child Care in January 2019. She has been operating her own salon for the past five (5) years. At application, her 2018 taxes have not yet been filed. Karen may submit her 2017 taxes if there has been no change between her 2017 operations and her 2018 operations. If there has been a significant change, Karen can submit SEIRFs for the past 12 months (in this example, January 2018 through December 2018).

## Unearned Income for all Assistance Group members

Unearned income that is included in the Wisconsin Shares Child Care budget (see 1.4.2) for all AG members must be verified.

~~The documentation needed to verify unearned income will depend on the type of unearned income that is being received, and may include~~ Types of unearned income verification include but are not limited to:

- Unemployment Compensation award letter (unless the income is auto-populated in CWW by the UI data exchange);
- Divorce documents showing family support, child support, maintenance, or financial settlement;
- Documentation of court-awarded settlement;
- Social Security award letter;
- Veteran's Administration award letter;
- Financial Aid award letter; and
- Tax records showing unearned income. ~~and~~
- ~~Documentation of any other income from the source that is issuing the income (i.e. Department, Agency, Court, etc.).~~

## Biological or Adoptive Parent Income

The eligibility worker must obtain the biological or adoptive parent income and AG size at the time the child was removed from the home. This information is available from the local Child Protective Services (CPS) agency. The eligibility worker must enter a case comment that includes the following: the name and title of the individual at the CPS agency that the eligibility worker spoke to, the date and time of the conversation, whether or not they were able to provide the information, and the biological or adoptive parents' income and AG size (if available).

*This section last updated 11/01/2019 03/01/2019*

### 1.5.12.1 Ongoing Financial Verification

This policy is specific to Wisconsin Shares Child Care cases that are between application and renewal and cases that are between subsequent renewal periods.

If a parent reports an increase in income, the agency worker must request verification of the income. Parents are not required to verify a loss of income from a temporary break or permanent loss of approved activity. If an increase in income is not verified, Wisconsin Shares Child Care eligibility will not end due to lack of verification of income.

### **Authorization Hours**

After an Assistance Group (AG) has been determined eligible for Wisconsin Shares Child Care, the AG will continue to be eligible for Wisconsin Shares and will continue to receive the same number of authorized hours when the parent reports a new employment or additional employment but does not provide verification. If the parent is requesting an increase in their authorized hours, the parent must verify the new or additional employment hours.

~~If a mandatory authorization assessment occurs at the same time that an increase in income is verified, the number of authorized hours may change (see 2.4.2).~~

### **Copayment Amount**

If the AG is in the Copayment Stabilization period, an increase in income will not increase the hourly copayment amount.

If the AG is in the Gradual Phase Out (GPO) or Exit period, the hourly copayment amount is reactive to an increase in income. Even if the increase is not verified, the hourly copayment amount will increase and the monthly subsidy amount will decrease.

**Process:** If the agency worker requests verification which the parent does not provide by the due date, the agency worker must enter a failing code (NV, QV, FN, or WN) on the corresponding income page in CARES Worker Web (CWW), and run eligibility. The case will pass if all other eligibility requirements are met. The agency worker must confirm eligibility after running eligibility. The hourly copayment amount will remain unchanged if the AG is in Copayment Stabilization, but will change if the AG is in GPO or Exit.

**Example:** In September, when Joan applies for Wisconsin Shares, she has an approved activity of working at Wal-Mart. In November, she picks up second shift hours at Shopko, while remaining employed at Wal-Mart. The worker must request verification of the new income at Shopko, but Joan will not lose eligibility if she does not verify the income with Shopko. The NV code entered on the Shopko Employment page will not cause the case to fail. Joan's worker knows that she is still working at Wal-Mart, so her Approved Activity is not questionable. If Joan is requesting additional subsidy for the hours she is working at Shopko, she must verify the need for the increased subsidy.

If a person is added to an ongoing case, all financial information related to that individual must be verified (see 1.8.2).

Families that report their income exceeds 85% State Median Income (SMI) at any time are ineligible for Wisconsin Shares Child Care (see 1.4.1.2).

**Process:** If the parent reports income over 85% SMI, the agency worker must enter this information in CWW. The AG will fail for being over the income limit and CWW will generate a Notice of Eligibility to inform the family of the loss of eligibility.

*This section last updated 11/01/2019 ~~03/01/2019~~*

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

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

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

**Example 1:** An application for Wisconsin Shares Child Care is submitted in February. The applicant states that she left her job at Shopko in December and started working at Target in January. She is requesting Wisconsin Shares Child Care subsidy starting in February. The applicant received her last check from Shopko in January. Verification is not necessary that her 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 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 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 the first month of the application period (February), verification is required of the income and that the employment ended, as well as verification of the new employment.

*This section last updated 10/30/2017*

### **1.5.12.3 Verifying Employment Income for a SWICA Discrepancy**

If processing a State Wage Income Collection Agency (SWICA) discrepancy for a time after November 1, 2018, and it is found that the discrepancy occurred at initial application or annual renewal, the agency worker must request verification and the parent must verify the income. Verifying the income will ensure eligibility was determined correctly for the 12-month eligibility period. If the income from the SWICA discrepancy is not verified, the local agency worker must use the manual override

process in CARES mainframe to fail the Assistance Group (AG) for lack of verification. If the verified income shows the AG exceeds 85% SMI, the AG will fail for exceeding income limits for Wisconsin Shares Child Care.

**Process:** When the local agency worker receives a SWICA discrepancy, he or she should enter a 'Q?' on the Employment page and run eligibility, which will pend eligibility in CWW. A Notice of Proof Needed (VCL) will be mailed to the parent and the parent will have seven (7) business days to provide the requested verification.

The local agency worker must manually add additional language to the VCL informing the parent why verification of income is being requested. The language to add is:

*“The local agency has received wage information that is different from what you reported and was used to determine your eligibility. You need to verify your employment and income within seven (7) business days. Accurate income needs to be used to correctly determine eligibility and to calculate your Wisconsin Shares Child Care benefits or it could result in an overpayment.”*

<b>Initial Application, Annual Renewal and Person-Add</b>			
<b>SWICA discrepancy was received for which timeframe</b>	<b>Income Verification Required:</b>	<b>If verified, what happens:</b>	<b>If not verified, what happens:</b>
Initial Application and Annual Renewal	Needs to be verified	Correct income is used for ongoing benefit calculations. The local agency should complete a Post-load Benefit Correction (PLBC) for prior month's benefit calculations.	Agency worker uses manual override process in CARES Mainframe to fail the case for lack of verification of earned income using reason code 767 and possibly an Intentional Program Violation (IPV).
Person Add	Needs to be verified only for newly added person	Updated income is used for ongoing benefit calculation.	Local agency worker uses manual override process in CARES Mainframe to fail the case for lack of verification of earned income using reason

			code 759 and possibly an IPV.
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If the SWICA discrepancy is for a time during the AG’s 12-month eligibility period, and the AG is in the Copayment Stabilization period, increases in income will not affect the copayment; however, the increase in income should still be verified. If the AG is in either the Gradual Phase Out or Exit period, when the copayment is reactive to income, the AG should verify the increase as it does affect the copayment.

<b>During the 12-Month Eligibility Period</b>		
<b>Copayment Period</b>	<b>Income Verification Required:</b>	<b>If verified or not verified, what happens:</b>
Copayment Stabilization	Should be verified	The Employment page should be created in CWW; however, the copayment amount is not affected by an increase in income during this copayment period, unless it exceeds 85% SMI. The ongoing case will not fail for lack of verification of income.
Gradual Phase Out and Exit Periods	Should be verified	The Employment page should be created in CWW and when confirmed will be used to determine the copayment amount for ongoing months. The ongoing case will not fail for lack of verification of income.  The local agency should use PLBC to determine the correct copayment going back to the effective date of the increase.

For guidance on when an overpayment may or may not be established due to a SWICA discrepancy, see Section 4.3.2.

*This section last updated 03/01/2019*

## **1.6 Migrant Farmworker Families**

All eligibility requirements as stated in Sections 1.3, 1.4, 1.5, 1.7, and 1.8 apply to migrant farmworker families that are served through a contracted nonprofit organization unless specifically exempted.

*This section last updated 10/24/2016*

### **1.6.1 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 nonprofit organization that provides child care services to migrant families.

*This section last updated 10/30/2017*

### **1.6.2 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 temporarily left their principal place of residence outside of Wisconsin and come to this state for not more than 10 months in a year to accept seasonal employment in the planting, cultivating, raising, harvesting, handling, drying, packaging, processing, freezing, or storing any agricultural or horticultural commodity in its unmanufactured state.



## **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 citizenship or immigration status. (See Section 1.5.10 for documents that verify citizenship and immigration 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.

*This section last updated 11/01/2019 ~~08/01/2018~~*

### **1.7 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 1.2, 1.3, 1.4, 1.5, and 1.8.

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.

*This section last updated 11/01/2019 ~~10/30/2017~~*

#### **1.7.1 Financial Eligibility**

The financial eligibility test for children placed with foster care parents, subsidized guardians, interim caretakers, and relatives with court-ordered placement who receive a Kinship Care payment (see Glossary for "Receiving 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 at the time the child was removed from the home tested against 200% Federal Poverty Level (FPL).

AG Size	200% FPL Limit (2019)
2	\$2,818
3	\$3,555
4	\$4,292
5	\$5,028
6	\$5,765
7	\$6,502
8	\$7,238
9	\$7,975
10+	\$8,712

The income and Assistance Group (AG) size is usually available from the Child Protective Services (CPS) agency that is involved in the child's case; a verbal or written statement regarding the income information from the social worker involved in the child's case is sufficient to document the biological or adoptive parent's income. If the CPS worker is unable to provide the biological or adoptive parents' income and AG size, the child shall be considered financially eligible. The agency worker must follow the process below for entering this correctly in CWW.

**Process:** If the CPS worker involved in the child's case is able to provide the biological or adoptive parents' income and AG size, the agency worker must enter the information on the Manual Eligibility page in CWW. The agency worker must manually determine the FPL based on the income amount and AG size (see chart above). If FPL is 200% or less, the worker must enter "S – Passes the income test" as the Eligibility Result.

If the FPL is more than 200%, the agency worker must enter "F – Fails the income test" as the Eligibility Result. Eligibility is then systematically tested against the caregiver household income at 185% FPL. If the caregivers' household income exceeds 185% FPL, there is no eligibility for Wisconsin Shares Child Care subsidy.

If the CPS worker is unable to provide the biological or adoptive parents' income and AG size, the agency worker must leave the Family Size and Total Income fields blank and enter "S – Passes the income test" as the Eligibility Result. The agency worker must enter a Case Comment that the CPS worker was unable to provide the information.

**Note:** This financial eligibility determination and verification process is separate from the requirement that all parents must verify participation in approved activity as stated in Section 1.7.

For the purpose of Wisconsin Shares policy, approval to receive the Kinship Care payment qualifies as receiving the Kinship Care payment. Being on the Kinship Care

payment wait-list does not qualify as receipt of a Kinship Care payment. Proof of Kinship Care approval may be provided by written confirmation from or collateral contact with the Kinship Care Coordinator. Note that the confirmation must state that the Kinship Care payment has been approved. Stating that the family will probably receive the Kinship Care payment does not qualify as approval to receive a Kinship Care payment. If the agency worker verifies this information through collateral contact, the agency worker must enter a case comment that includes the following: the name and title of the individual that the agency worker spoke to, the date and time of the conversation, and whether or not the family has been approved to receive the Kinship Care payment.

With the exception of this 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 that need Wisconsin Shares Child Care subsidy for their own children must meet all requirements as provided under Section 1.4; there is no financial eligibility exception for their own children.

*This section last updated 11/01/2019 ~~03/01/2019~~*

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

Foster care parents, subsidized guardians, interim caretakers, and relatives with court-ordered placement who receive Kinship Care (see Glossary for “Receiving a Kinship Care Payment”) 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. (For any other relatives and non-relatives caring for children who are not their biological or adopted children, see 1.3.7.) With the exception of this non-financial eligibility variation, all other requirements under Section 1.3 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 1.3.7.

*This section last updated 08/01/2018*

### **1.7.3 Exemption from Providing Verification within 7 Business 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 1.5.6. However, verification remains required within 30 days.

Outside of this exception, all other requirements under Section 1.5 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 Wisconsin Shares Child Care subsidy 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 1.5.6.

~~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 1.4 and 1.5.~~

*This section last updated 11/01/2019 08/01/2018*

#### **1.7.4 Request for Assistance (RFA) via Child Welfare Agency**

To assist foster parents, interim caretakers, and subsidized guardians in setting a Request for Assistance (RFA) date as soon as a child is placed in their homes, the Division of Early Care and Education (DECE) and the Division of Safety and Permanence (DSP) have agreed that these individuals may sign the Wisconsin Shares Child Care Registration form (DCF-F-2835) at the time the foster care license is issued by the Child Welfare agency. The Child Welfare agency will keep the signed form on file and when a child is placed into the home, the Child Welfare agency will fax or deliver the signed form to the local child care agency. The RFA date is the date the form is received by the local child care agency.

Relatives who have a court order for placement under Wis. Stat. Ch. 48 or 938, or substantially similar Wisconsin tribal law, may also use this option for submitting a Wisconsin Shares Child Care Registration form (DCF-F-2835). Once the Kinship Care payment is received (see Glossary for "Receiving a Kinship Care Payment"), the Child Welfare agency will fax or deliver the signed form to the local child care agency. The RFA date is the date the form is received by the local child care agency.

All families may apply for Wisconsin Shares by phone, in person, or through ACCESS. However, this alternative option for getting the Wisconsin Shares Child Care Registration form (DCF-F-2835) to the local child care eligibility agency is a way of assisting these individuals with making sure that the RFA date is established as soon as possible.

Please note that the date the local child care agency receives the form establishes the RFA date, not the date the form is signed.

*This section last updated 08/01/2018*

## 1.8 Ongoing Eligibility

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

**Note:** An eligibility renewal date is not reset when a case transfers to a different county.

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

*This section last updated 10/30/2017*

### 1.8.1 Reporting Requirements

Individuals receiving Wisconsin Shares Child Care must report any change in circumstances to the local agency within 10 calendar days after the change, if the change may affect eligibility or impact the authorization.

Reporting changes in ACCESS Report My Changes (RMC) meets program requirements for reporting changes if the 10-calendar day reporting timelines are met.

#### Income Changes:

The income reporting requirements depend on whether the Assistance Group (AG) is at or below 185% Federal Poverty Level (FPL) or above 185% FPL. If the AG's income is between two (2) FPL 5% increments, CWW will use the lower of the two (2) FPL percentages to determine the AG's reporting requirements.

- An AG at or below 185% FPL must report if their gross monthly household income, whether earned or unearned, increases by \$250 or more.
- An AG above 185% FPL must report if their household's gross monthly income, whether earned or unearned, exceeds a dollar amount that will bring the AG to above the next 5% FPL increment.

**Example:** Maria's income places her AG at 187% FPL. Maria's reporting requirement will be \$250 because CWW rounds down to 185% FPL in order to determine her reporting requirement.

The Child Care Notice of Eligibility, Wisconsin Shares Parent Authorization Notice, and ACCESS Report My Changes (RMC), Apply for Benefits (AFB) and Add a Program (AAP) all display the income reporting requirement (either \$250 or a dollar amount) for the AG depending on the FPL of the Assistance Group.

**Note:** Parents are not required to report decreases in monthly household income; however, doing so may increase a family's subsidy amount by reducing the hourly copayment per the reduction in income.

### **Child Care Provider Changes:**

A change in child care providers must be reported before the change occurs. If a 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 payable to the new provider. There are limited exceptions (see 2.4.9 and 2.4.9.1).

An individual must report within 10 calendar days after the change if someone in the household:

- Has a change in child care need (for example, an increase of child care hours or no longer needing child care); or
- Receives a provider price discount (for example, a sibling discount).

A parent must report within 10 calendar days if their child has not attended their authorized child care provider for 20 consecutive calendar days.

### **All Other Eligibility Changes:**

Parents must report within 10 calendar days after the change if anyone in the household:

- Has a new address
- Moves out of state
- Has a change in where he or she is staying
- Moves into or out of the home
- Gets married or divorced
- Has a change in their approved activity, such as
  - A change in approved activity status (for example, switching jobs)
  - Permanent loss of approved activity (for example, a job loss)
  - Temporary absence from their current approved activity that is expected to last one (1) month or more

During ongoing eligibility, when any of these changes are reported, or become unclear, or are incomplete, further verification may be required.

Questionable or contradictory verification or reporting must be resolved or referred for Front-End Verification according to the local agency's fraud plan (see 1.5.8).

### 1.8.2 Person Add

When a person(s) is added to an ongoing Assistance Group (AG), all non-financial and financial information must be verified for the new person(s). Reverification of eligibility items is not required for existing members of the AG.

**Process (Non-financial Verification):** If the verification for the new person(s) is not received by the due date, the agency worker must record that the information was not received on the corresponding pages in CARES Worker Web (CWW). CWW will fail the entire AG as of the end of the current month (or the next consecutive month if after Adverse Action) and will automatically generate a Notice of Eligibility informing the parent of the closure of Wisconsin Shares Child Care due to lack of verification.

**Process (Financial Verification):** If the parent does not provide the required financial verification for the new person by the due date, the agency worker must record that the information was not received on the corresponding pages in CWW and run eligibility with dates (see 1.8.4.1). CWW will pass the entire AG because the case is ongoing. The agency worker must manually override this result to fail the Assistance Group for Wisconsin Shares Child Care using the manual override process in CARES mainframe and failure code 759 (earned income) or 760 (unearned income).

If all verification is received, and the AG remains eligible for Wisconsin Shares Child Care, the agency worker must complete an authorization assessment (see 2.4.2.1).

If the new person's income causes the AG to exceed the 85% State Median Income (SMI) limit, the entire AG will fail, and CWW will automatically generate a Child Care Notice of Eligibility.

This section last updated 11/01/2019 ~~10/01/2018~~

### 1.8.3 Annual Renewals

Eligibility must be re-determined annually. At the time of the eligibility re-determination the household income must not exceed 85% State Median Income (SMI) to continue eligibility. Individuals receiving Wisconsin Shares Child Care may initiate their annual renewal by contacting their local agency, or online through ACCESS. The interview may be completed in person or by telephone. The annual eligibility renewal, including the interview, must be completed in the county or tribe of residence, or within an approved child care consortium.

To complete the annual renewal, an interactive interview must be completed. The agency worker must generate a new Case Summary and provide it to the parent. If the interview takes place by phone, the Case Summary must be provided to the parent after

the interview. If the request for the renewal 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 parent after the interview.

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

The parent has seven (7) business days from the mailing date of the “Notice of Proof Needed” to submit the needed verification to the local agency. If verification has not been received from the parent within the seven (7) business days, the agency worker must run eligibility to generate a Notice of Eligibility informing the parent that Wisconsin Shares Child Care eligibility will be ending.

If the parent requests more time to provide the verification, the local agency may extend the verification due date to not more than one (1) calendar month from the renewal date. The need for more time may be an indication to the agency worker that the parent requires assistance (see 1.5.4).

A renewal is considered complete when the parent has completed the interactive interview, provided a signature and all necessary verification, and the agency worker has confirmed eligibility in CWW.

Upon completion of the renewal and verification requirements, a new authorization for Wisconsin Shares Child Care subsidy may be written. If the annual renewal is not fully completed, including all verification items requested, by the last day of the 13<sup>th</sup> month, the parent will be required to reapply.

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

*This section last updated 11/01/2019 ~~10/01/2018~~*

### **1.8.3.1 Early Renewals**

The eligibility period between renewals is 12 months. The parent may only complete an early renewal if he or she has stated his or her consent to complete an early renewal in order to align the Wisconsin Shares Child Care eligibility period with the eligibility period of another Income Maintenance (IM) assistance program and the renewal month of the IM program is no more than one (1) month prior to the current Wisconsin Shares Child Care renewal date on the Override AG Renewal/Review Dates page in CARES Worker Web (CWW).

Agency workers must inform parents of the potential consequences of the early renewal, including that the current household income will be applied, which could result



in early movement to a different copayment period (see 2.5.3) and potentially reduce the Wisconsin Shares Child Care subsidy amount a month earlier than it would if the parent did not complete an early renewal. The early renewal will require the agency worker to end the current authorization as of the last day of the early renewal month, and will require a new authorization assessment in CSAW (see 2.4.2).

The agency worker will not be able to reset the eligibility period back to the previous eligibility period or copayment period once an early renewal has been completed. CWW will set the next renewal date 12 months from the month the early renewal is confirmed, which shortens the current eligibility period by one (1) month.

**Process:** When Wisconsin Shares Child Care is the only program open on the case, or when no other IM assistance program is due for a timely renewal, CWW will prevent the agency worker from initiating an **early** eligibility renewal prior to **Adverse Action** in the 11th month of eligibility. **When a timely renewal for another IM assistance program is initiated, CWW will prevent the agency worker from initiating a Wisconsin Shares Child Care renewal if it is prior to the first day of the 11th month of eligibility.** ACCESS will prevent the parent from initiating an early renewal prior to the first business day following the second Saturday of the 11th month of eligibility. Agency workers must not update renewal dates for Wisconsin Shares Child Care or other programs in CWW for the sole reason of allowing an early Wisconsin Shares Child Care renewal.

**Process:** Agency workers can initiate an early Wisconsin Shares Child Care renewal in CWW as early as the first business day of the month prior to the Wisconsin Shares Child Care renewal month. When the agency worker attempts to initiate an early Wisconsin Shares Child Care renewal in CWW, a soft stop yellow message will be displayed in CWW to prompt the agency worker to inform the parent of the potential impact the early renewal may have on their Wisconsin Shares Child Care subsidy amount. Parents will see a similar message in ACCESS when initiating an early renewal.

**Note:** A renewal is considered timely (not early or late) when it is completed (including the interview, verification, and confirmation) between Adverse Action in the month prior to the renewal due date and the renewal due date that is located on the Override AG Renewal/Review Dates page in CWW.

*This section last updated 11/01/2019 ~~03/01/2019~~*

#### **1.8.4 Ending Eligibility**

Per Wis. Admin. Code DCF s. 201.036(5), during a parent's 12-month eligibility period, the local agency must terminate a parent's eligibility if any of the following conditions are met:

1. The gross income of the Assistance Group (AG) exceeds 85 percent of the State Median Income (SMI) for a household of the same size.
2. The parent is not participating in an approved activity, is not in a Temporary Break Period (TBRK), and is not in an Approved Activity Search Period (ACTS).
3. The local agency or the Department determines that the parent committed an Intentional Program Violation (IPV) that invalidates a prior determination of the parent's eligibility.
4. The parent has not cooperated with efforts to establish paternity, support payments, or other payments or property to which that parent or child may have rights to (see 1.3.7) and the parent does not have good cause for noncooperation (see 1.3.7.4).
5. The entire AG (or Primary Person) moves out of the state

Parents may also lose eligibility for failing to meet non-financial eligibility criteria during the eligibility period. Parents will not lose eligibility for failing to verify increases in income below 85% SMI during the eligibility period (see 1.5.12.1) but must verify income at the time of the annual eligibility renewal.

There are certain instances where agency workers must run eligibility with dates in CARES Worker Web (CWW) in order to end eligibility at the end of the current month (see 1.8.4.1). All other instances of eligibility ending will end according to adverse action at either the end of the current month or the end of the following month depending on when eligibility is run (see Glossary for "Adverse Action").

*This section last updated 11/01/2019*

#### **1.8.4.1 Running Eligibility with Dates to End Eligibility**

There are certain instances where agency workers must run eligibility with dates in CARES Worker Web (CWW) in order to end eligibility at the end of the current month. All other instances of eligibility ending will end according to adverse action at either the end of the current month or the end of the following month depending on when eligibility is run (see Glossary for "Adverse Action").

Agency workers must run eligibility with dates after adverse action to confirm Wisconsin Shares 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 mailing date of the Notice of Proof Needed.

For process related to running eligibility with dates for Wisconsin Shares Child Care, see Process Help Section 5.3.

~~**Process:** When any of these above reasons occur, the agency worker must use the following process to close the Wisconsin Shares Child Care Assistance Group (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 Wisconsin Shares 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 Wisconsin Shares 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 Wisconsin Shares 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 Wisconsin Shares Child Care closure for the next consecutive month for the correct closure reason.~~

**Note:** For ongoing cases that fail to verify earned or unearned income, running with dates will not cause the Assistance Group (AG) to fail (see 1.5.12.1).

The following table shows the failing reason code at each the individual level and the AG level (as applicable) that will display in CWW when eligibility is run. These reason codes will fail eligibility at the end of the current month. All other failing reason codes will end eligibility according to adverse action.

Reason Code	Short Description
005	Failed to cooperate with the Child Support agency
050	Primary person does not reside or intend to reside in WI
112	Did not verify answers (Only affects non-financial for ongoing Wisconsin Shares Child Care eligibility)
211	You have failed to cooperate with child support

212	You have failed to cooperate a 2nd time with child support
213	You have failed 3 times to cooperate with child support
238	The primary person does not reside in Wisconsin
250	There is no eligible child in the home
263	Failed three times to cooperate with child support
267	There is no eligible adult caring for an eligible child
352	The minor is no longer under the care of the PP/PP spouse
366	PP/PP spouse no longer filling parental role for target
370	There is no minor in the Assistance Group

This section last updated 11/01/2019 ~~10/01/2018~~