

W-2 Emergency Assistance Manual

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Table of Contents

Welcome	1
01 Emergency Assistance Overview and Application.....	2
1.1 Emergency Assistance (EA) Overview.....	2
1.2 Completion of an EA Application.....	4
1.3 Referral and Case Management	6
1.4 Stay of Eviction Proceedings.....	7
1.5 Five Working Days Timeframe for Processing EA Applications	9
1.5.1 Determining Eligibility-Overview	9
1.5.2 Issuing an Eligibility Notice of Decision.....	10
1.5.3 Issuing Payment	11
02 Verification Requirements	12
2.1 Verification of Eligibility Criteria	12
2.2 Verifying Questionable or Inconsistent Information	16
03 Financial Eligibility	19
3.1 Financial Eligibility Overview	19
3.2 Available Income	20
3.3 Available Assets.....	21
3.4 Verification of Financial Eligibility	22
04 Non-Financial Eligibility	23
4.1 Non-financial Eligibility Overview.....	23
4.2 Twelve Month Requirement: Verification of Prior EA Payments.....	24
4.3 EA Group	26

4.3.1 Dependent Child 26

4.3.2 Caretaker Relative 27

4.3.3 Minor Caretaker Relatives 28

4.3.4 Verification of EA Group Information 28

4.4 Qualifying Emergency Eligibility Criteria 30

4.5 Fire, Flood or Natural Disaster 31

 4.5.1 Verification of Fire, Flood or Natural Disaster 31

4.6 Homelessness..... 33

 4.6.1 Temporary Living Accommodations Including "Doubled-Up" Housing..... 33

 4.6.2 Homelessness due to Uninhabitable Housing 34

 4.6.3 Homelessness due to Domestic Abuse 35

 4.6.4 Verification of Homelessness..... 35

4.7 Impending Homelessness Overview 37

 4.7.1 Impending Homelessness due to Uninhabitable Housing..... 37

 4.7.2 Impending Homelessness due to Domestic Abuse..... 37

 4.7.3 Impending Homelessness due to Foreclosure of Rental Housing 38

 4.7.4 Verification of Impending Homelessness..... 39

4.8 Impending Homelessness due to Financial Crisis and Notice to Terminate Tenancy
..... 40

 4.8.1 Verification of Financial Crisis for Impending Homelessness 41

 4.8.2 Verification of Notice to Terminate Tenancy: Eviction Notice 42

 4.8.3 Verification of Notice to Terminate Tenancy: Home Foreclosure..... 43

4.9 Energy Crisis 45

 4.9.1 Pursuit of Other Payment Options 45

W-2 Emergency Assistance Manual

4.9.2 Immediate Threat to Health and Safety	46
4.9.3 Financial Crisis Reasons Beyond the Control of the Caretaker Relative	47
05 Processing EA Payment.....	48
5.1 Payment Processing Overview	48
5.2 Determining EA Payment Amount.....	49
5.3 Determining How and Where to Send the EA Payment	54
5.3.1 Verification of Current Housing.....	54
5.3.2 Verification of New Housing.....	55
5.4 Timeframe for Issuing EA Payment.....	56
5.4.1 Payment Delay Exceptions.....	56
06 Dispute Resolution	58
6.1 EA Fact Finding Reviews and Departmental Reviews	58
07 EA Documentation	59
7.1 Emergency Assistance Tracking System (EATS)	59
7.2 EA Documentation in CARES and Electronic Case File (ECF).....	62
7.3 EA Expense Reporting	63
7.3.1 Emergency Assistance Payments in CORE.....	63
7.3.2 Emergency Assistance Eligibility Determination Expenses	63
7.3.3 Emergency Assistance Case Management Expenses	63
08 Overpayment Recoupment	65
8.1 EA Overpayment Recoupment.....	65
09 Intentional Program Violation (IPV)	66
9.1 Intentional Program Violation (IPV)	66

- 9.2 IPV Determination and Notification of an IPV 67
 - 9.2.1 IPV Determination..... 67
 - 9.2.2 Determining the Date of an IPV 67
 - 9.2.3 EA IPV Notification 68
- 9.3 IPV Penalties..... 70
- 9.4 Imposing an IPV Penalty 71
- 9.5 IPV Automation 73
- 9.6 Overpayment Recoupment for EA IPV's 74
- 9.7 Additional IPV Enforcement Actions..... 75
- 9.8 Dispute Resolution Process 76
- Glossary 77

Welcome

Welcome to the Emergency Assistance Manual. This manual contains policies and procedures used by W-2 agency workers who determine eligibility and provide case management services.

The content within this manual is the sole responsibility of the State of Wisconsin's Department of Children and Families (DCF). This site will link to sites outside of DCF where appropriate. DCF is in no way responsible for the content of sites outside of DCF.

NOTE: Prior to the publication of this manual, the Emergency Assistance policy was located in Chapter 17 of the W-2 Manual.

View [W-2 Manual Chapter 17](#) (*Release 12-04 effective June 1, 2012*)

To sign up for emails notifying you of a new Emergency Assistance Manual release, go to http://dcf.wisconsin.gov/w2/mailling_list/signup.htm

01 Emergency Assistance Overview and Application

1.1 Emergency Assistance (EA) Overview

Emergency Assistance provides funding to families with a child(ren) who meet all eligibility criteria. Among other requirements, to be eligible for EA, the applicant must be experiencing a current emergency due to fire, flood or natural disaster, impending homelessness, homelessness, or energy crisis. EA is one of many housing and emergency resource programs.

The Wisconsin Works (W-2) agency that administers the EA program must provide information to EA applicants regarding all local housing and emergency financial resources including W-2 Emergency Payments. (See W-2 Manual [19.1](#)). The W-2 agency must document the information that was provided to the EA applicant in EATS comments. EATS is the Emergency Assistance Tracking System, a web-based application used to track EA applications.

Within 5 working days after the date the W-2 agency receives the completed EA Application form, the W-2 agency must:

1. Determine EA eligibility by considering all circumstances of the case; and if eligible,
2. Issue the EA payment, unless there is a qualifying Payment Delay Exception. (See [5.4.1](#))

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01 Emergency Assistance Overview and Application

1.2 Completion of an EA Application

The W-2 agency must provide an [Emergency Assistance \(EA\) Application form \(2010\)](#) to all persons who request EA. The W-2 agency must provide applicants the opportunity to complete and sign the EA Application form in the presence of a W-2 agency staff person on the same day as the request or inquiry. The W-2 agency must date-stamp the completed EA Application form on the date it is received by the agency.

An EA Application is considered complete when it has:

1. A legible name;
2. An address, if available;
3. A reason for the emergency;
4. A signature by the applicant or his or her representative, and
5. Been completed to the best of the applicant's ability.

The applicant, or that person's representative, must complete [Part I, Pages 1 and 2](#) of the EA Application form to the best of his or her ability. A W-2 agency staff person must complete any missing information from the EA Application form with information provided by the applicant.

A W-2 agency staff person must review each of the assurance statements on [Part I, Page 3](#) of the EA Application form with the EA applicant to ensure that the applicant has an opportunity to ask for clarification of each item. The EA applicant must initial each statement in the presence of the W-2 agency staff person to verify that he or she understands each statement, and must sign the form. If the EA applicant already initialed the statements, then the EA applicant must initial each statement again.

The W-2 agency staff person must sign and date the form. If the agency date stamp is different from the date the EA Applicant or the W-2 staff person signed the application form, the date stamp is the date that is used to calculate the 5 working days timeframe for processing EA. (See [1.5](#))

Example: Inez inquired about EA on Tuesday, May 29th. She completed an EA Application on the same day and the W-2 agency date stamped the completed EA Application as received on May 29th. Inez had to pick up her children from school, so she was unable to wait to meet with an EA worker that day to complete the face to face meeting. An appointment was set for Inez to meet with an EA worker on Thursday, May 31st. On May 31st Inez met with an EA worker. The EA worker reviewed Part 1, Page 3 of the EA Application and Inez initialed each statement. The EA worker signed and dated the EA Application on May 31st. The

W-2 agency used the date of the agency date stamp (May 29th) to begin the 5 working days timeframe for processing the EA Application.

Tuesday May 29: Date the completed application was received and date stamped by the W-2 agency.

Wednesday May 30: Day 1 of the 5 working days (1st working day after the date the application was date stamped).

Thursday May 31: Date Inez and W-2 worker completed the EA Application "Assurances" page.

Tuesday June 5 at close of business: Day 5 of the 5 working days timeframe for processing EA Application.

The EA Application must be completed in the geographical area where the EA applicant resides. If the EA applicant is homeless, the applicant may apply wherever he or she is residing at the time of application and in the absence of other verification, a statement from the applicant may be used to verify residence in the area. If the EA applicant is moving to a residence in another geographical area, the EA applicant may apply in that geographical area. The W-2 agency that takes the EA Application must determine eligibility and issue any EA payment.

The W-2 agency must verify that the EA Application has been submitted either in the calendar month of the emergency or in the next calendar month after the emergency. The month of the emergency is the calendar month in which the family experienced the emergency, i.e. impending homelessness, homelessness, energy crisis, fire, flood or natural disaster. When the emergency is caused by a financial crisis, the financial crisis and the emergency do not have to occur in the same month. However, the emergency must be a result of the financial crisis.

The W-2 agency must scan and store all pages of the EA Application in ECF or place a copy in the paper file. (See [7.2](#))

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1.3 Referral and Case Management

The W-2 agency must evaluate the immediate and long-term needs of the EA applicant and must provide resources and make appropriate referrals. Referrals may be made at the time of application to address immediate needs (prior to processing the EA Application) or at anytime during the EA Application processing time. Applicants applying for EA due to energy crisis are required to pursue other resources as part of the EA Application process. (See [4.9.1](#))

When making referrals, the W-2 agency must give the applicant all available information about how to access services through referral agencies and programs. This includes a description of the program, eligibility criteria, and how to apply, including: the contact person, accurate phone number, and place and time that applications are accepted. As a best practice, when the EA applicant requires assistance, the W-2 agency should assist with any necessary paperwork and schedule an appointment for the applicant with the referral agency. The W-2 agency must document in EATS comments what resources and referrals were provided.

Following are some examples:

- Low Income Home Energy Assistance Program (LIHEAP);
- Wisconsin Home Energy Assistance Program (WHEAP);
- Counseling;
- Securing family shelter funded through other assistance programs;
- Budgeting classes;
- Wisconsin Shares child care; and
- Other resources such as FoodShare, Medicaid/BadgerCare, W-2, and other local services.

In addition, the W-2 agency is encouraged to provide appropriate case management services to the EA applicant. These services may be particularly important for applicants who apply for EA year after year, and for applicants who are found ineligible for EA.

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1.4 Stay of Eviction Proceedings

In cases of impending homelessness with a court ordered eviction, if the EA applicant wishes to petition the court to postpone the eviction, the W-2 agency must provide immediate assistance, prior to processing the EA Application. This section of policy outlines steps the W-2 agency must take at the time of the EA application, and what steps are optional.

If an EA applicant is facing impending homelessness due to an eviction action filed with the court, the EA applicant may request that the eviction be stayed (postponed) by the court. However, the EA applicant is not required to request a stay of eviction as a requirement of EA eligibility.

In a court proceeding for eviction, the grounds for eviction could include non-payment of rent and may also include other reasons. A court ordered stay of an eviction stays all proceedings in the case. If the court stays the eviction, the stay remains in effect until the tenant's eligibility for EA is determined and, if the tenant is determined to be eligible, until the EA payment is received by or on behalf of the EA Group.

In addition to processing the EA Application and issuing an eligibility decision in writing, the following are the steps the W-2 agency must take in cases of impending homelessness with a court ordered eviction:

1. Inform the EA applicant that he or she may petition the court for a stay (postponement) of eviction pending the outcome of the EA Application.
2. Provide the EA applicant with a copy of the EA Application that has been date stamped as received by the W-2 agency. The EA applicant must submit this documentation with the petition.
3. Inform the EA applicant that he or she will be notified in writing of the EA eligibility decision.

The following are steps the W-2 agency may take in cases of impending homelessness with a court ordered eviction:

- Provide the EA applicant with copies of the stay of eviction court forms: [Petition for Stay of Eviction Based on Applicant's Application for Emergency Assistance](#) form (SC-5510) and [Statement on Eligibility to Receive or Receipt of Emergency Assistance](#) form (SC-5500). Both forms can be completed at the same time, however, the applicant will submit the SC-5510 form initially and the SC-5500 form when the EA eligibility decision is made. Forms are available at [Wisconsin Circuit Court forms](#).
- Inform the EA applicant that form SC-5510 must be signed in the presence of a notary public. Also inform the EA applicant that a valid form of identification is needed in order to have the form notarized. If the W-2 agency does not have a

W-2 Emergency Assistance Manual

Notary Public on staff, inform the EA applicant where to go to get the form notarized.

- Inform the EA applicant how and where to file the SC-5500 form with the court.
- Inform the EA applicant that when the Notice of Decision is received, he or she must inform the court of the eligibility decision by submitting the SC-5500 form along with a copy of the eligibility determination.

The W-2 agency must document in EATS comments the steps that were taken to assist EA applicants with a court ordered eviction.

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1.5 Five Working Days Timeframe for Processing EA Applications

[1.5.1 Determining Eligibility-Overview](#)

[1.5.2 Issuing an Eligibility Notice of Decision](#)

[1.5.3 Issuing Payment](#)

The W-2 agency must process the EA Application within 5 working days after the date the agency receives the completed EA Application. Day 1 is the first working day after the completed application is received. Day 5 ends at the close of business on the 5th working day after the completed EA Application is received. Because the agency must date stamp the application when it is received, this date is used to determine the 5 working days timeframe.

There are 2 steps to take during the 5 working days timeframe when processing EA applications. The first step is the eligibility determination and the second step is issuing the payment.

Example: The W-2 agency received a completed EA Application on Tuesday, November 25th in a week that included a legal holiday on Thursday, November 27th. The first day of the 5 working days timeframe would be Wednesday, November 26th, the day after the EA Application was received. The legal holiday on Thursday, November 27th would not be counted, and the 5 working days timeframe would end at the close of business on Wednesday, December 3rd.

1.5.1 Determining Eligibility-Overview

The first step in processing the EA Application is determining eligibility. To determine eligibility within the 5 working days timeframe, the W-2 agency must:

1. Have at least 1 face-to-face contact with the EA applicant or his or her representative to go through the application and the assurance statements on Part 1, Page 3 of the EA Application; (See [1.2](#))
2. Determine financial eligibility and complete Part 2, Page 1 of the EA Application; (See [3.1](#))
3. Determine non-financial eligibility; (See [4.1](#))
4. Request and complete all necessary information and verification; (See [2.1](#))
5. For energy crisis only, assist the EA Group in obtaining payment from other funding sources for utility expenses; (See [4.9.1](#))

6. Issue a written Notice of Decision to approved and denied EA applicants; (See [1.5.2](#))
7. Determine if a Payment Delay Exception applies; (See [5.4.1](#)) and
8. Enter all approved and denied EA applications in EATS. (See [7.1](#))

1.5.2 Issuing an Eligibility Notice of Decision

Once eligibility has been determined, the W-2 agency must, within the 5 working days timeframe, issue a notice of decision regarding eligibility to all EA applicants using the manual state Notice of Decision forms. The forms are the [Negative Notice](#) (16001) and the [Positive Notice](#) (16015).

When the EA Application is approved, but a Payment Delay Exception applies because the EA applicant does not have new housing at the time of application, the [Positive Notice](#) (16015) must inform the EA applicant that:

1. The approved EA Application is valid for 30 calendar days from the date of application;
2. The applicant must notify the W-2 agency when he or she has found new permanent housing;
3. If the EA applicant is unable to find new permanent housing within this timeframe, he or she may request an extension of the timeframe to search for housing; and
4. If the EA applicant is unable to find new permanent housing, he or she may reapply at any time.

The W-2 agency must extend this timeframe if within these 30 days, one of the following occurs:

1. The EA applicant notifies the W-2 agency that permanent housing has not been obtained; or
2. The EA applicant requests an additional 30 days to search for housing.

The W-2 agency must issue a [Negative Notice](#) (16001) to EA applicants who were approved, but did not find housing within 30 calendar days of the application date or during the 30 day extension period. This notice must inform the applicant that:

1. The EA Application is being denied because the EA applicant did not notify the W-2 agency that he or she had obtained housing; and
2. The EA applicant can reapply for EA at anytime.

1.5.3 Issuing Payment

The second step in processing the EA Application is making the payment. This step must also be completed within 5 working days after the EA application is received, unless a Payment Delay Exception applies. There are two situations where the EA payment may be delayed. Refer to [Ch. 5](#) for information on determining payment amount and guidelines for issuing EA payments.

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02 Verification Requirements

2.1 Verification of Eligibility Criteria

As part of determining eligibility for EA, the W-2 agency must, within 5 working days after receipt of the completed EA Application, attempt to verify:

1. The EA Group information; (See [4.3](#))
2. That the EA applicant has not received EA in the past 12 months; (See [4.2](#))
3. The qualifying emergency; (See [4.4](#))
4. Financial eligibility; (See [3.1](#))
5. For energy crisis and impending homelessness/financial crisis only: That there is a financial crisis beyond the control of the applicant. (See [4.8.1](#) and [4.9.3](#))

If the EA applicant is experiencing more than one type of emergency, and is requesting an EA payment for more than one type of emergency at the time of application, the W-2 agency must request verification related to all emergency types.

Verification should consist of a reliable report from an independent source (i.e. third party) or the agency's direct observation whenever possible. Written verification is preferable to oral verification. For EA applicants that are already in CARES, EA application and verification information must be scanned and stored in ECF. For all other applicants, all documents must be retained in a paper file. The W-2 agency must document information that is received orally or through observation in EATS comments. (See [7.1](#))

Where not otherwise specified in EA policy, the W-2 agency may utilize the [W-2 Manual 4.1.2](#) for a list of suggested sources of verification. However, the timeframe for obtaining verification for EA applications must fall within the required 5 working days timeframe.

The W-2 agency must complete a query in CARES and KIDS as one step in the verification process. The W-2 agency must also utilize documents found in ECF that can be used for EA verification. Documentation must be current. Information found in CARES, KIDS and ECF that is used for EA financial and non-financial eligibility must be explained in EATS comments, or screen prints or copies must be included with the EA Application.

When third party verification is not available, the W-2 agency may accept a signed statement from the EA applicant in place of the missing information. While the signed EA Application is considered a signed statement, the W-2 agency may also develop its own forms for this purpose. For example, a W-2 agency may ask the EA applicant to sign a statement regarding the emergency (e.g. homeless and living in a car), or his or her current income or loss of income.

Example 1: Belinda applied for EA on May 7th. She presented an eviction notice for unpaid rent of \$1,400. Belinda stated that she was in a car accident and was unable to work for the past year. She stated that her grandmother had been paying her rent, but a few months ago her grandmother went into the nursing home and could no longer pay Belinda's rent. Belinda states she is experiencing a financial crisis due to the loss of support from her grandmother. Belinda was able to provide documentation of her car accident. She is not able to get any documentation from her grandmother as her grandmother is incapacitated. As there is no other documentation available to verify Belinda's financial crisis, the W-2 agency asks Belinda to sign a statement about the facts of her situation. Belinda is found eligible for EA for impending homelessness.

If information that would typically be required for verification cannot be provided by the applicant, or cannot be obtained with the assistance of the W-2 agency within the 5 working days timeframe, an eligibility determination must be made based upon available information. Verification of eligibility must not delay the provision of assistance.

The agency must request any necessary verification from the EA applicant as quickly as possible in order to allow the EA applicant sufficient time to obtain and provide the requested information, while still allowing the agency enough time within the 5 working days timeframe to determine eligibility. If the EA applicant requests assistance in obtaining the verification information, the W-2 agency must provide assistance.

Example 2: Rosie applied for EA on June 4th. She did not bring verification of income for her new job. The EA worker gave Rosie a form indicating that the agency is requesting wage information to document financial eligibility for EA. The form stated that Rosie must submit the information no later than the close of business on June 8th or the EA Application would be denied. This is incorrect for the following reasons:

1. The W-2 agency has until the end of the 5th working day after receiving the EA Application (June 11th) to process the application (including obtaining verification) and make an eligibility decision.
2. In the absence of other verification, the W-2 agency must consider whether there is enough information or other sources of information to verify eligibility, including a signed statement from the EA applicant.

Example 3: George applied for EA on June 4th. He did not bring verification of income for his new job when he applied. The EA worker gave George a form requesting that this information be submitted as soon as possible. The form indicated that the agency is requesting wage information to document financial eligibility for EA, and that the agency must complete processing George's EA Application by the end of the day on June 11th (the end of the 5th working day after receipt of the EA Application). The form also indicated that an eligibility decision would be made based on information that is available on that date. In addition, the form stated that if the EA applicant could not provide the information or needed assistance to obtain the information, he must contact the W-2 agency as soon as possible. This is correct for the following reasons:

1. The agency informed George that they must complete his application by the end of the day on June 11th (end of the 5th working day after receiving George's application).
2. The agency informed George they would make the eligibility decision based on information that is available at that time.

Information required by the W-2 agency for accounting or tax purposes (for example, a W-9 form provided by the landlord) is not considered verification for determining EA eligibility. While the W-2 agency may request this accounting or tax information from the EA applicant or directly from the landlord in order to determine how to issue the EA payment, it cannot be required or delay determining eligibility. (See [5.3](#) for information on payment options.)

The W-2 agency must scan and store all approved and denied EA Applications, eligibility notices and verification documents in ECF or place a copy in the paper file. For EA applicants that are already in CARES, application and verification information must be scanned and stored in ECF. For all other applicants, all documents must be retained in a paper file. (See [7.2](#))

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2.2 Verifying Questionable or Inconsistent Information

In some cases, information provided by the EA applicant may appear questionable or inconsistent, such as:

- The EA applicant or a member of the EA Group is a relative of the landlord;
- The EA applicant is an employee of a W-2 agency;
- An EA applicant lists a child as a dependent/household member, but the child is also listed on another application, or in another Assistance Group in CARES;
- An EA applicant with more than one child does not list all of the children on the application;
- Documents received for verification appear to have been altered; or
- Other inconsistencies in or between the EA Application, information given by the EA applicant, or verification sources.

When documents or other information appear questionable or inconsistent, the W-2 agency must attempt to verify the authenticity of the documents and information with the issuing entity. Additionally, agencies may choose to require that a supervisor approve the eligibility decision, and issuance of any EA payment, in cases when documentation or other information is questionable. These actions must be documented in EATS comments.

If the W-2 agency has taken steps to verify the questionable or inconsistent information but has been unable to do so within the 5 working days timeframe, the W-2 agency must make an eligibility decision based on available information. If the available information is not sufficient to demonstrate the applicant's non-financial and financial eligibility, the W-2 agency must deny the application and communicate to the EA applicant that he or she may reapply at any time.

Example 1: Bonnie applied for EA on September 8th. Bonnie stated that her niece is currently living with her and she is supporting and caring for her niece. Bonnie provided a statement signed by the child's mother stating that the child is currently residing with Bonnie. The W-2 agency does a CARES query to verify that the information Bonnie provided was accurate. The W-2 agency found that Bonnie's niece is listed as a dependent child in another household (Assistance Group) in an open case for FoodShare. Although Bonnie signed a statement regarding the facts of her situation, the W-2 agency denies her EA Application as the information she provided was not consistent with other information (found in CARES).

Example 2: Lori applied for EA due to impending homelessness. She gave the W-2 agency a “5-Day Notice to Pay or Vacate.” This document listed her name, address, amount owed and date. However, the form was not an original document. It was a copy that appeared to have been altered. In addition, the signature and date the form was signed by the landlord appeared to have been altered as well and new information written in. Because the documentation was questionable, the W-2 agency contacted the landlord to verify the eviction prior to making an eligibility decision.

Example 3: Paula submitted an EA Application stating that she was homeless. However, as verification for the emergency, Paula submitted a copy of a court order with the following wording:

Summons and Complaint
 Small Claims
 Case No. xxxxxxxx

- Claim for money (\$10,000 or less)
- Return of property
- Eviction
- Eviction due to foreclosure

The W-2 agency approved Paula’s EA Application and entered the case into EATS using the emergency type “Homelessness.” However, the case file indicates that the family will be residing at the same residence until they find new housing. The information provided in this case is inconsistent. The family is not homeless; they are still residing in the home from which they are being evicted. The family would therefore be facing impending homelessness. Based on the situation, this case does not meet the criteria for homelessness. The case should have been handled as a case of “impending homelessness with notice to terminate tenancy” and therefore would require verification of a financial crisis that led to the eviction.

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03 Financial Eligibility

3.1 Financial Eligibility Overview

Financial eligibility for EA requires that the combined total earned and unearned income of the EA Group be at or below 115% of the Federal Poverty Level (FPL) and that the EA Group have assets valued at \$2,500 or less at the time of application.

If the EA applicant is in any W-2 placement except CMF at the time of the EA Application, financial eligibility for EA has been met. (CMF is not included because W-2 participants do not need to be financially eligible to receive W-2 follow-up services once they have found employment.) The W-2 agency must use the 'check box' at the top of the EA Application, [Part 2, Page 1](#). For EA applicants in a qualifying W-2 placement, the W-2 agency must attach a screen print of CARES screen WPWW to the EA Application materials to verify that financial eligibility has been met.

If the applicant is **not** in a qualifying W-2 placement at the time of the EA Application, the W-2 agency must complete [Part 2, Page 1](#) of the EA Application to determine financial eligibility. This form is a MS Excel worksheet that calculates financial eligibility using information that is entered by the worker.

EA applicants who are open in CARES for CC, FS, or MA do NOT automatically meet EA financial eligibility. These programs have different eligibility criteria and different income thresholds. The W-2 agency must collect income and asset information from these applicants at the time of application.

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3.2 Available Income

The EA Group must not have income greater than 115% of the FPL. To determine available income, count the total income at the time of the EA Application. Only count income from the EA Group members. (See [4.3](#)) To determine which sources of income are countable, use the W-2 income policy for:

- Estimating Income; (See [W-2 Manual 3.2.3](#))
- Income Availability; (See [W-2 Manual 3.2.4](#))
- Fluctuating Income; (See [W-2 Manual 3.2.5](#))
- Prorating Income; (See [W-2 Manual 3.2.6](#))
- Farm & Self-Employment Income; (See [W-2 Manual 3.2.8.2](#))
- Child Support Income; (See [W-2 Manual 3.2.8.3](#))
- SSI Supplemental Security Income and Caretaker Supplement Income; (See [W-2 Manual 3.2.8.4](#))
- Census Employment and Other Temporary Employment Income; (See [W-2 Manual 3.2.8.5](#))
- List of Disregarded Income types (See [W-2 Manual 3.2.9.1](#)). In addition to the W-2 disregarded income types, for EA, disregard Kinship Care payments and Foster Care payments for a child who is a relative; and
- Income with Limited Disregards. (See [W-2 Manual 3.2.9.2](#))

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3.3 Available Assets

The EA Group may not have assets valued at greater than \$2,500. Only count assets from the EA Group members. (See [4.3](#)) To determine assets for the EA Group available at the time of the EA Application, use the W-2 asset policy for:

- \$2,500 Gross Asset Test; (See [W-2 Manual 3.3.1](#))
- Asset Availability; (See [W-2 Manual 3.3.2](#))
- Joint Accounts and Property; (See [W-2 Manual 3.3.2.1](#))
- Counting Assets; (See [W-2 Manual 3.3.4](#))
- Homestead; (See [W-2 Manual 3.3.4.1](#))
- Vehicles; (See [W-2 Manual 3.3.4.2](#))
- Other Assets; (See [W-2 Manual 3.3.4.3](#)) and
- Individual Development Accounts. (See [W-2 Manual 3.3.4.4](#))

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3.4 Verification of Financial Eligibility

The W-2 agency must use current information to determine financial eligibility. Refer to [Ch. 2](#) for guidelines on sources of verification, timeframes for obtaining verification and documenting verification information.

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04 Non-Financial Eligibility

4.1 Non-financial Eligibility Overview

To meet non-financial eligibility for EA:

1. The applicant must not have received an EA payment in the 12 months prior to the EA Application; (See [4.2](#))
2. The applicant must be a resident of Wisconsin and intend to reside in Wisconsin (Note: Migrant workers are not required to intend to reside in Wisconsin); (See [W-2 Manual 4.1.2](#))
3. The applicant must be a citizen or qualified alien; (See [W-2 Manual 2.4.1](#) and [4.1.2](#))
4. The applicant must be an eligible member of an EA Group; (See [4.3](#))
5. The applicant must have a qualifying emergency; (See [4.4](#));
6. The emergency must not be caused by the EA applicant's refusal without good cause to accept employment or training for employment; and
7. For impending homeless due to eviction or foreclosure and for energy crisis there must be a financial crisis (See [4.8.1](#) and [4.9.3](#))

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4.2 Twelve Month Requirement: Verification of Prior EA Payments

The caretaker relative(s) in an Emergency Assistance Group is eligible to receive EA once in a 12 month period. Agencies must use EATS to verify whether the caretaker relative has received EA in the past 12 months. If the caretaker relative(s) previously received EA, the caretaker relative would be eligible to receive EA again 12 months after the date the last approved EA Application was received. The date that the W-2 agency receives the completed EA Application starts the 12 month clock.

Children may be included in more than one EA Group within the 12 month EA payment limit when the children live with a different caretaker relative(s) during that time. The caretaker relative(s) of the EA Group (not the dependent children) is considered in determining the 12 month EA payment limit. When there is a family reconfiguration which results in a potential EA payment for the same child(ren) who had been included in an EA payment within the prior 12 months, the W-2 agency must verify the residency of the adult(s) who has care and control of the child(ren).

When a household includes a caretaker relative(s) who already received EA within the past 12 months and a caretaker relative(s) who did not receive EA within the past 12 months, the caretaker relative(s) who did not receive EA within the past 12 months may be included in a new EA Group. A caretaker relative(s) who already received EA within the past 12 months must be excluded from any EA Group. (See [4.3.2](#) for the criteria for caretaker relative.)

The examples below illustrate various configurations of EA Groups for the 12 month EA payment limit.

Example 1: Daria and her two children received EA in September for impending homelessness. Later the children went to live with their dad, Tony, who applied for EA in January for impending homelessness. Tony and his children may be eligible for EA although his children were part of an EA Group four months earlier when living with Daria.

Example 2: Tia, Tyrone, and their four children received EA in July for impending homelessness. Tia moved out. Tyrone reapplied for EA for himself and the children the following December after his hours were cut at work and he could not make the rent payments. Tyrone is not eligible for EA because his last approved EA Application was within the past 12 months. He is not eligible again until July of the next year (12 months after his last approved EA Application). Although Tyrone is not eligible for EA, the W-2 agency worked with Tyrone to provide him case management services and referrals to other housing and emergency resources.

Example 3: In June, Julia and her daughter, Carla, applied for and received EA for impending homelessness. Julia experienced some difficulties in July and arranged for Carla to live with Julia's sister, her Aunt Maria. Aunt Maria applied for EA with Carla in August for impending homelessness. Aunt Maria's receipt of EA (including her niece Carla) would be allowed by the 12 month EA payment limit. In this scenario, Aunt Maria is the adult caretaker relative and is eligible to receive EA once in a 12 month timeframe. Aunt Maria exercises care and control for Carla as she is responsible for Carla's school attendance, medical care and other major decisions. Carla can be included in more than one EA Group during a 12 month timeframe.

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4.3 EA Group

[4.3.1 Dependent Child](#)

[4.3.2 Caretaker Relative](#)

[4.3.3 Minor Caretaker Relatives](#)

[4.3.4 Verification of EA Group Information](#)

The EA Group must consist of at least one dependent child and one caretaker relative of that dependent child. All members of the EA Group must be either a qualified caretaker relative or a dependent child. See [4.3.2](#) for information on caretaker relatives.

The EA applicant should list all household members on the EA Application. However, the W-2 agency must determine whether all individuals residing in the household are eligible members of the EA Group. The W-2 agency must exclude from the EA Group any household member who does not meet all EA non-financial eligibility criteria.

An SSI recipient who meets the criteria to be an EA Group member must be included in the EA Group. (See [3.2](#) for information on calculating income for the EA Group.)

The income and assets from excluded household members are not included in determining financial eligibility. (See [3.2](#) and [3.3](#))

After excluding household members who do not meet EA non-financial eligibility criteria, the W-2 agency must determine if the EA Group has at least one caretaker relative and at least one dependent child.

Example: Miranda applied for EA due to impending homelessness. She listed herself, three friends and Miranda's three-year-old child on her EA Application. The EA Group would consist of Miranda and her child. The three other adults would not be included in the EA Group because they are not relatives of Miranda's child and do not have caretaker responsibility for Miranda's child. Only Miranda's income and assets would be counted.

4.3.1 Dependent Child

A dependent child is a child who is:

1. Anticipated to live with the caretaker relative(s) listed on the EA Application during the 1 month period after the date of the EA Application; and
2. Currently living with the caretaker relative(s) or lived with the caretaker relative(s) at sometime within the 6 months prior to the emergency; and

3. Is under the age of 18 or, if age 18 is a full-time student at a secondary school or a vocational or technical equivalent and is reasonably expected to complete the program before turning age 19.

4.3.2 Caretaker Relative

A caretaker relative must be the dependent child's:

1. Natural or adoptive parent;
2. Stepfather or stepmother;
3. Natural, legally adopted, half-, or step-brother or -sister;
4. Grandmother or grandfather, aunt or uncle, first cousin, niece or nephew, or any preceding generation denoted by the prefix grand-, great-, or great-great, and including those through adoption; or
5. Spouse of anyone of the above even after the marriage is ended by death, divorce or separation. A spouse is that person recognized by Wisconsin law, as the caretaker relative's legal husband or wife. (Wisconsin law does not recognize common law marriage.)

Each caretaker relative in the EA Group must be:

1. At least 18 years of age (unless the individual is a Minor Caretaker Relative); (See [4.3.3](#))
2. Currently living with the dependent child(ren) or have lived with the dependent child(ren) at sometime within the 6 months prior to the emergency;
3. Anticipated to live with the dependent child(ren) during the 1 month period after the date of the EA Application;
4. Related to at least one dependent child in the EA Group; and
5. Exercising care and control for that dependent child(ren). For purposes of EA policy, exercising care and control of the child(ren) includes decisions about the child's education, health care, and any treatment, hospitalization, and long distance travel.

Example 1: Linda's niece, Anna, lives with Linda full-time and attends high school near Linda's home. Anna's mother lives in Seattle. Prior to moving to Seattle, Anna's mother signed a statement giving Linda "care and control" for Anna. There was no legal transfer of guardianship; however, Linda is authorized to make

decisions regarding Anna's health care, education and long distance travel. Linda would meet the definition of "caretaker relative" for purposes of EA eligibility.

Example 2: Jane and her daughter, Jamie, and grandson, Larry, live together and share living expenses. Jane works full-time. Jamie works part-time, about 20 hours per week. While Jamie is working, Jane provides child care for Larry. Even though Jane lives with Jamie and Larry, and provides child care, Jane does not exercise "care and control" for Larry. Jamie makes all decisions regarding Larry's health care, education, etc. Even if Jane needed to take Larry to the hospital for emergency care, this does not mean she is exercising care and control for Larry. Jane would not meet the definition of "caretaker relative" for EA eligibility.

4.3.3 Minor Caretaker Relatives

An individual under 18 years of age is not eligible to be a qualified caretaker relative unless one of the following applies:

1. The minor is or has ever been married;
2. The minor has no parent, legal guardian, or other appropriate adult relative who is living or whose whereabouts are known;
3. No living parent, legal guardian, or other appropriate adult relative allows the minor to live in their home;
4. The minor or the minor's child for whom assistance is requested is being or has been subjected to serious physical or emotional harm, sexual abuse, or exploitation in the residence of the minor's own parent or legal guardian;
5. Substantial evidence exists that an act or failure to act would present imminent or serious harm if the minor and his or her child lived in the same residence with the minor's own parent or legal guardian; or
6. The W-2 agency otherwise determines that it is in the best interest of the minor's child to waive the prohibition on assistance to unmarried caretakers who are under 18 years of age.

4.3.4 Verification of EA Group Information

Information regarding EA Group members must be verified. This includes verifying identity, citizenship, Wisconsin residency of the EA applicant and caretaker relative(s), child(ren) in the EA Group and the relationships of the EA Group members. The W-2 agency may use the list of suggested sources for verification in the [W-2 Manual 4.1.2](#).

To verify members of the household, the agency must query information systems such as CARES, ECF, and KIDS and review other household configurations. The W-2 agency may also contact the county Department of Human/Social Services, or county child support agency. In some cases, documentation may be available to determine if the EA applicant has custody or placement of the child(ren) listed on the EA Application. If not, the W-2 agency must attempt to verify whether the EA applicant is providing care and control of the child(ren).

For additional information regarding verification refer to [Ch. 2](#).

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4.4 Qualifying Emergency Eligibility Criteria

To be eligible for EA, the EA Group must need assistance because of a current emergency due to at least one of the following:

1. Fire, flood, natural disaster; (See [4.5](#))
2. Homelessness; (See [4.6](#))
3. Impending homelessness; (See [4.7](#) and [4.8](#)) or
4. Energy crisis. (See [4.9](#))

The need for assistance must not result from the caretaker relative's or the child's refusal to accept employment or training, or both, without good cause as determined by the W-2 agency.

The W-2 agency must verify that the emergency has occurred. Verification information will differ depending upon the type of emergency.

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4.5 Fire, Flood or Natural Disaster

[4.5.1 Verification of Fire, Flood or Natural Disaster](#)

Applicants may be eligible for EA when experiencing an emergency due to a fire, flood, or natural disaster. Natural disasters are caused by nature and include but are not limited to:

- Tornadoes;
- Earthquakes;
- Electrical storms;
- Wind storms;
- Hail;
- Sleet;
- Mud or rock slides; or
- Explosions or fires resulting from lightning strikes.

EA eligibility for fire, flood, or natural disaster does not require a financial crisis.

4.5.1 Verification of Fire, Flood or Natural Disaster

Whenever possible, verification of fire, flood, or natural disaster by the W-2 agency should be done by a reliable report, such as a report from a neutral third party.

The W-2 agency may visit the scene or ask the EA applicant whether information about the incident was published in a local newspaper. If the EA applicant applied for resources through the county emergency management agency, the W-2 agency may be able to obtain verification from Emergency Management.

The W-2 agency may accept valid and current photos of the property that was damaged (by camera or cell phone) or accept a signed statement in lieu of missing information.

See [Ch. 2](#) for general information regarding verification.

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4.6 Homelessness

[4.6.1 Temporary Living Accommodations Including "Doubled-Up" Housing](#)

[4.6.2 Homelessness due to Uninhabitable Housing](#)

[4.6.3 Homelessness due to Domestic Abuse](#)

[4.6.4 Verification of Homelessness](#)

An EA Group is eligible under the condition of homelessness when the EA Group needs funds to obtain permanent housing and the EA Group meets one of the following criteria:

1. The EA Group is living in a place that is not designed for, or ordinarily used as, a regular sleeping accommodation (examples include cars, public hallways, parks, bus stations, and building entrances); (See [4.6.1](#))
2. The EA Group is in a shelter that is designed for temporary accommodation (examples include motel, hotel or emergency/homeless shelter facility); (See [4.6.1](#))
3. The EA Group lacks a fixed, regular, and adequate nighttime residence;
4. The EA Group has left the current housing situation because the housing is uninhabitable; (See [4.6.2](#)) or
5. A member of the EA Group is a victim of domestic abuse. (See [4.6.3](#))

EA eligibility for any of the homelessness reasons listed above does not require a financial crisis.

4.6.1 Temporary Living Accommodations Including "Doubled-Up" Housing

An EA Group is considered homeless if the EA Group has a current residence that is not designed for, or ordinarily used as, a regular sleeping accommodation or is designed for providing a temporary living accommodation such as an emergency shelter facility, or other temporary or transitional living arrangement.

Generally motels and hotels are temporary living accommodations; however, the W-2 agency must consider the specific circumstances. For example, a homeless family may be residing in a hotel until they find permanent housing. In other cases, a motel or hotel may offer a monthly lease to indicate permanent housing similar to other rental homes. The EA applicant's intent to stay in a motel or hotel long term does not indicate that the motel or hotel is permanent housing unless documentation is provided that states it is a permanent housing situation.

A family living in “doubled-up” housing may also be considered to be in a temporary living arrangement. Generally for EA purposes, an EA Group residing in doubled-up housing meets the homelessness definition when the EA Group meets all of the following criteria:

1. Is not on the lease/mortgage (in cases where the “host” family has a lease/mortgage, the lease would not include the EA Group members);
2. Is using the doubled-up housing as a short term housing solution and otherwise the EA Group would be homeless; and
3. Has been residing in doubled-up housing for one month (30 days) or less.

Often those living in a temporary or transitional doubled-up living arrangement are residing in a home that has more people living in it than the house was designed to accommodate.

See [4.6.4](#) for information regarding verification of homelessness for temporary living accommodations. See [Ch. 2](#) for general information regarding verification.

Example 1: To save money, Wayne and his children moved in with his sister three months ago. He is not on the lease and would like to find housing of his own for himself and his three children. Although Wayne is sharing housing with his sister, he and his children have been residing there for more than 30 days, and there are no indications that this is not an adequate living arrangement. Therefore, Wayne is not eligible for EA. Although Wayne is not eligible for EA, the W-2 agency worked with Wayne to provide him with case management services and referrals to other housing and emergency resources.

Example 2: Crystal and her son Justin lived with Crystal’s boyfriend, Tom. Two weeks ago, Crystal got into a huge fight with Tom and he kicked her out of the apartment. Crystal and Justin are staying with Crystal’s friend Belinda. Belinda has three kids and lives in a 3-bedroom duplex. Crystal is eligible for EA, as she and her son are residing in doubled up housing for less than 30 days and would otherwise be homeless.

4.6.2 Homelessness due to Uninhabitable Housing

An EA Group is eligible under the condition of homelessness due to uninhabitable housing if the EA Group has left the current housing situation because that housing is

uninhabitable as determined by the local building inspector, local health department, or other appropriate local authority, such as the local Community Action Program agency. The W-2 agency is not considered an appropriate authority to determine that housing is uninhabitable.

See [4.6.4](#) for information regarding verification of homelessness for uninhabitable housing. See [Ch. 2](#) for general information regarding verification.

4.6.3 Homelessness due to Domestic Abuse

An EA Group is eligible under the condition of homelessness due to domestic abuse if the homelessness is caused by a member of the EA Group being subject to domestic abuse.

Section 968.075(1)(a) Wis. Stats. defines domestic abuse to mean any of the following engaged in by an adult person against his or her spouse or former spouse, against an adult with whom the person resides or formerly resided, or against an adult with whom the person has a child in common:

1. Intentional infliction of physical pain, physical injury, or illness;
2. Intentional impairment of physical condition;
3. Sexual assault as defined in section 940.225(1), (2) or (3) Wis. Stats.; or
4. A physical act that may cause the other person reasonably to fear imminent engagement in the conducts described in the previous three items.

The goal of EA is to provide safe and permanent housing for the caretaker relative and the dependent child(ren). W-2 agencies are encouraged to provide case management and referral services in domestic abuse situations.

See [4.6.4](#) for information regarding verification of homelessness for domestic abuse housing. See [Ch. 2](#) for general information regarding verification.

4.6.4 Verification of Homelessness

Following are some examples of verification that may be appropriate to verify homelessness. For additional information regarding verification see [Ch. 2](#).

- **Temporary living accommodations**
 - Shelter: The W-2 agency may contact the shelter where the family is residing.

- Hotel/motel: The W-2 agency may verify with the motel or hotel that the EA applicant is residing there temporarily and does not have a monthly or long-term lease.
- **Not designed as sleeping accommodation (such as cars, public hallways, parks, bus stations, and building entrances):** The W-2 agency may accept a signed statement from the EA applicant in the absence of third party verification.
- **Doubled-up housing:** The W-2 agency may ask the EA applicant to try to obtain a copy of the lease from the “host family” to verify that the EA applicant is not on the lease. The agency may also obtain a statement from the person the family is residing with to confirm that the EA Group:
 1. Is residing there temporarily;
 2. Has been living there for less than 30 calendar days; and
 3. Cannot continue to reside there.
- **Uninhabitable housing:** The W-2 agency may obtain a statement from the building inspector, health department, or other appropriate local authority. Staff from the local Community Action Program are familiar with building codes, and may be an appropriate source of verification. These are also appropriate types of verification for impending homelessness due to uninhabitable housing. (See [4.7.1](#))
- **Domestic abuse:** In the case of domestic abuse, verification from a third party may not be possible. The agency may accept whatever verification is available. In some cases, the completed and signed EA Application may be the only verification available. This is also appropriate verification for impending homelessness due to domestic abuse. (See [4.7.2](#))

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4.7 Impending Homelessness Overview

[4.7.1 Impending Homelessness due to Uninhabitable Housing](#)

[4.7.2 Impending Homelessness due to Domestic Abuse](#)

[4.7.3 Impending Homelessness due to Foreclosure of Rental Housing](#)

[4.7.4 Verification of Impending Homelessness](#)

An EA Group may be eligible under the condition of impending homelessness due to:

1. A determination of uninhabitable housing; (See [4.7.1](#))
2. Domestic abuse; (See [4.7.2](#))
3. A foreclosure of rental housing; (See [4.7.3](#)) or
4. A qualifying financial crisis, which resulted in a legal notice to terminate tenancy for non-payment of rent or mortgage. (See [4.8](#))

4.7.1 Impending Homelessness due to Uninhabitable Housing

An EA Group is eligible under the condition of impending homelessness due to uninhabitable housing if the EA Group must leave the current housing situation because that housing is uninhabitable as determined by the local building inspector, local health department, or other appropriate local authority such as the local Community Action Program agency. The W-2 agency is not considered an appropriate authority to determine that housing is uninhabitable.

EA eligibility for impending homelessness due to uninhabitable housing does not require a financial crisis.

For information regarding verification of impending homelessness for uninhabitable housing see [4.7.4](#). See [Ch. 2](#) for general information regarding verification.

4.7.2 Impending Homelessness due to Domestic Abuse

An EA Group is eligible under the condition of impending homelessness due to domestic abuse if the impending homelessness is caused by a member of the EA Group being subject to domestic abuse.

[Section 968.075\(1\)\(a\) Wis. Stats.](#) defines domestic abuse to mean any of the following engaged in by an adult person against his or her spouse or former spouse, against an adult with whom the person resides or formerly resided, or against an adult with whom the person has a child in common:

1. Intentional infliction of physical pain, physical injury or illness;
2. Intentional impairment of physical condition;
3. Sexual assault as defined in [section 940.225\(1\), \(2\) or \(3\) Wis. Stats.](#); or
4. A physical act that may cause the other person reasonably to fear imminent engagement in the conducts described in the previous three items.

The goal of EA is to provide safe and permanent housing for the caretaker relative and the dependent child(ren). W-2 agencies are encouraged to provide case management and referral services in domestic abuse situations.

EA eligibility for impending homelessness due to domestic violence does not require a financial crisis.

For information regarding verification of impending homelessness for domestic violence see [4.7.4](#). See [Ch. 2](#) for general information regarding verification.

4.7.3 Impending Homelessness due to Foreclosure of Rental Housing

An EA Group is eligible under the condition of impending homelessness due to foreclosure of rental housing when all of the following conditions apply:

1. The EA Group is residing in rental housing that is currently subject to a foreclosure action;
2. The EA Group has received written or oral notice to vacate the rental housing within 30 days of the EA Application date because of a foreclosure action against the owner; and
3. The EA Group needs Emergency Assistance to obtain a permanent living accommodation.

EA eligibility for impending homelessness due to foreclosure of rental housing does not require a financial crisis.

For information regarding verification of impending homelessness due to foreclosure of rental housing see [4.7.4](#). See [Ch. 2](#) for additional information regarding verification.

4.7.4 Verification of Impending Homelessness

The following are examples of verification that may be appropriate to verify impending homelessness. For additional information regarding verification refer to [Ch. 2](#).

- Uninhabitable housing: (See [4.6.4](#))
- Domestic abuse: (See [4.6.4](#))
- Foreclosure of rental housing: The W-2 agency may verify that a foreclosure action has been filed with the court in the name of the landlord. Search for a foreclosure notice filed with the court on the Wisconsin Circuit Court Access website at: <http://wcca.wicourts.gov/index.xsl>

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4.8 Impending Homelessness due to Financial Crisis and Notice to Terminate Tenancy

[4.8.1 Verification of Financial Crisis for Impending Homelessness](#)

[4.8.2 Verification of Notice to Terminate Tenancy: Eviction Notice](#)

[4.8.3 Verification of Notice to Terminate Tenancy: Home Foreclosure](#)

An EA Group is eligible under the condition of impending homelessness for reasons of financial crisis if the group meets the following two criteria:

1. The EA Group is experiencing a financial crisis that is due to reasons beyond the control of the caretaker relative(s) or that constitute good cause as determined by the W-2 agency. The financial crisis must be caused by one of the following:
 - a. Loss of employment that does not include voluntarily leaving employment without good cause;
 - b. Substantial loss of wages due to illness or injury of an EA Group member, domestic violence, lack of child care, a transportation breakdown, or a reduction of work hours by an employer, including temporary employment;
 - c. Loss of income due to a second parent leaving the EA Group;
 - d. Exceptional, unexpected, and necessary expenses that are not the responsibility of a third party, such as car repair expenses necessary for transportation to work or medical expenses not covered by insurance;
 - e. Loss of W-2 benefits due to a sanction that is subsequently overturned through the Fact Finding process; or
 - f. Other reasonable circumstances that constitute good cause, including but not limited to:
 - The substantial depletion/loss of income from child support;
 - Support from another caretaker relative, other adult household member, relative or other person outside the home who provided financial support to the EA Group;
 - Unemployment Insurance (UI);
 - Student financial aid for housing;
 - The substantial depletion/loss of income from an income tax refund; or
 - Decrease in a W-2 payment due to a sanction for which the W-2 participant is subsequently found to have good cause.

2. As a result of the financial crisis, the EA Group received a notice in the name of the EA applicant to terminate tenancy because of non-payment of rent or mortgage (or land contract). (See [4.8.2](#) and [4.8.3](#)) The financial crisis and the notice to terminate tenancy do not need to occur in the same month. However, the emergency must be a result of the financial crisis.

Example 1: Janet has one daughter. She lost her job due to down-sizing in May. Janet managed to pay her bills including her rent through September, before depleting her savings and financial help from her family and friends. Then Janet missed her October rent payment. She received a legal eviction notice in November and applied for EA. Janet is eligible for EA based on her lost employment in May and, after depleting savings and help from others, her eviction notice in November.

Example 2: Emily worked various temporary office assistant jobs for several months in placements by a local temporary employment agency. Then the agency informed Emily it had not received any more requests for office assistants and had no other job placements to offer her. Emily missed the next rent payment for her apartment for herself and her two children. She received a legal eviction notice and applied for EA. Emily's loss of income from her temporary jobs would qualify as a financial crisis for EA in policy section [4.8](#).

See [4.8.1](#) and [4.8.2](#) for information regarding verification of impending homelessness due to a financial crisis and notice to terminate tenancy.

4.8.1 Verification of Financial Crisis for Impending Homelessness

The agency's verification of a financial crisis for impending homelessness may include, but is not limited to:

1. Employer's documentation of reduced paid hours or employment termination;
2. Pay stubs over a period of time that demonstrate a reduction in, or elimination of, work hours or pay;
3. Employer's documentation about employment termination;
4. Documentation by a third party of income reduction for self-employment or independent contract employment;

5. Evidence (possibly in KIDS) of reduced child support payments;
6. Documentation of substantial depletion or loss of support from another caretaker relative or other adult household member, relative or other person outside the home who provided financial support to the EA Group, student financial aid, or income tax refund;
7. Layoff notice;
8. Unemployment Insurance information;
9. Receipts from a medical facility showing medical expenses;
10. Receipts from a mechanic for repair expenses of a vehicle, which will be used to obtain or maintain employment, along with documentation of vehicle ownership; or
11. Copies of relevant CARES screens documenting good cause for sanction or Fact Finding decision.

For additional information regarding verification refer to [Ch. 2](#).

4.8.2 Verification of Notice to Terminate Tenancy: Eviction Notice

The agency must request verification of eviction. The following notices qualify as an eviction notice for EA eligibility:

1. A notice terminating tenancy for failure to pay rent that meets the minimum requirements of [Sections 704.17 Wis. Stats](#). The type and contents of the notice may differ depending on the type and length of rental lease, but for the purposes of EA, this means the notice must:
 - a. Be in writing and be dated; and
 - b. Indicate that the “tenancy is terminated” and the eviction is due to failure to pay rent. The eviction notice may also list additional grounds for eviction. As long as the eviction notice lists failure to pay rent as one of the grounds, it meets the EA eligibility requirements; or
2. A summons and complaint for an eviction action that is based on failure to pay rent. This action is filed with the court.

Some eviction notices allow the EA applicant the right to “cure” or stop the eviction, i.e. if the rent is paid, the applicant can remain in the rental property. Other eviction notices do not allow the applicant the right to cure the eviction, i.e. the applicant will be evicted even if the rent is paid. W-2 agencies do not need to determine whether there is a right to cure. As long as the eviction notice is for non-payment of rent, it meets the EA eligibility requirements for impending homelessness. However, to determine where to

send the EA payment, the W-2 agency must verify whether the current landlord is willing to accept the EA payment and stop the eviction when the EA payment is received.

If the landlord is unwilling to stop the eviction process, the W-2 agency must not pay EA to the landlord for that eviction notice. The W-2 agency must inform the EA applicant of the option to move to new housing, and is encouraged to provide referral information and case management services to assist the EA Group in obtaining permanent housing.

One of the most common eviction notices is a “5 day notice,” which gives the tenant 5 days to pay the past due rent. This notice is not filed with the court. However, if the tenant does not pay the full amount of past due rent within the time stated in the notice, and the landlord begins an eviction action in court, the subsequent eviction notices are filed with the court.

For detailed information regarding eviction notices, refer to [Sections 704.17](#) and [704.19 Wis. Stats](#). The W-2 agency is encouraged to request that the agency’s legal counsel review its most commonly received eviction notices to ensure the notices comply with Wisconsin Statutes Chapter 704 requirements.

An information sheet on eviction, including eviction notices, may be accessed at the following web address: <http://tenantresourcecenter.org/pc/documents/eviction.pdf>

For additional information about eviction notices for rental tenants (not foreclosure notices), agencies may:

- Contact the Wisconsin Department of Agriculture, Trade and Consumer Protection at (800) 422-7128;
- Contact the Wisconsin Tenant Resource Center at (608) 257-0143 or toll-free outside Dane County at (877) 238-7368;
- Search for an eviction notice filed with the court on the Wisconsin Circuit Court Access website at: <http://wcca.wicourts.gov/index.xsl>; or
- For additional information about notices related to subsidized housing, contact the subsidized housing program that issued the notice.

4.8.3 Verification of Notice to Terminate Tenancy: Home Foreclosure

If an EA applicant is a homeowner and has a financial crisis as outlined in [4.8](#) and has failed to pay mortgage or property taxes, the W-2 agency must verify that the EA applicant has one of the following notices:

1. A notice of foreclosure for failure to pay property taxes or a mortgage from a financial institution, city or county;

W-2 Emergency Assistance Manual

2. A summons and complaint for a foreclosure action that is based on failure to pay property taxes or a mortgage; or
3. A writ of assistance, notice of sale, or other verifiable documentation that a foreclosure judgment has been entered against a member of the EA Group requiring the EA Group to vacate the premises imminently.

For additional information about property ownership and foreclosure notices, agencies may:

- Contact the agency's legal counsel;
- Search for a foreclosure notice filed with the court on the Wisconsin Circuit Court Access website at: <http://wcca.wicourts.gov/index.xsl>; or
- Contact the city or county real estate assessor's office to verify property ownership (homeowner or rental property).

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4.9 Energy Crisis

[4.9.1 Pursuit of Other Payment Options](#)

[4.9.2 Immediate Threat to Health and Safety](#)

[4.9.3 Financial Crisis Reasons Beyond the Control of the Caretaker Relative](#)

To be eligible for an EA payment for energy crisis all of the following conditions must apply:

1. The EA Group has pursued other payment options or assistance for energy related costs and has exhausted resources or has been denied services from the other sources or other funding sources do not cover the full cost of the EA Group's energy crisis; (See [4.9.1](#))
2. The EA Group needs financial assistance to obtain or maintain heat, electricity, water, or sewer service provided by a utility company;
3. The lack of, or imminent lack of, utility service providing heat, electricity, water, or sewer is or is likely to be an immediate threat to the health or safety of any member of the EA Group; (See [4.9.2](#)) and
4. The energy crisis is due to reasons beyond the control of the caretaker or that constitute good cause as determined by the W-2 agency. For the energy crisis to be beyond the control of the caretaker relative, the caretaker relative must be experiencing a financial crisis caused by one or more of the circumstances outlined in [4.9.3](#).

For information on verification for energy crisis see sections [4.9.1](#), [4.9.2](#) and [4.9.3](#)

4.9.1 Pursuit of Other Payment Options

The EA Group may only receive an EA payment for energy crisis if there is an unmet energy crisis after pursuing all other appropriate payment options. The W-2 agency must assist the EA Group in pursuing other payment options for energy crisis. If the EA Group has not already pursued other appropriate payment options, the EA Group must attempt to do so during the 5 working days timeframe. If the EA Group has received assistance from other energy assistance programs and still has unpaid energy costs, the individual may also be eligible to receive an EA payment.

The EA Group must pursue services and assistance from:

1. The Low Income Home Energy Assistance Program ([LIHEAP](#)) known in Wisconsin as the Wisconsin Home Energy Assistance Program ([WHEAP](#));

2. The local utility company/companies; and
3. Any other available program.

Local electric, gas, and water utility companies are required by state regulations to provide the following assistance to customers:

- Utility Service for Medical Problems: Local utility companies are required, upon request by the customer, to maintain a customer's utility service when there is a serious illness of an EA Group member.
- Reasonable Payment Plan: Local utility companies are required to provide a payment plan based on the customer's ability to pay upon request by the customer. Even if the customer previously may have been denied a payment plan, once a customer's utility service has been disconnected, the customer has a new right to a payment plan based on ability to pay.
- "Winter Moratorium" plus additional Regional Days: Local utility companies are not permitted to disconnect customers' utility service during the November 1st through April 15th "winter moratorium" period. In addition, on a regional basis state regulations require local utility companies to not disconnect a customer's utility service on any other days when the temperature is forecasted at 32 degrees or colder, or the National Weather Service issues a heat advisory.

When a customer already has attempted to resolve a problem with the local utility company and the problem has not been resolved, then the customer may contact the State of Wisconsin Public Service Commission (PSC) at (800) 225-7729 or <http://psc.wi.gov/>. The PSC regulates local electric, gas and water utility companies.

The W-2 agency must verify that the applicant has exhausted all other resources available to them. The W-2 agency must document in EATS comments what other payment options were available to the EA applicant, whether the EA applicant applied for other payment options, and the outcome of the efforts to obtain other resources.

For additional information regarding verification refer to [Ch. 2](#).

4.9.2 Immediate Threat to Health and Safety

The W-2 agency must verify whether there is an immediate threat to the EA Group's health or safety from the lack of or imminent loss of utility services. While the W-2 agency determination must be based on the circumstances of the specific situation, the lack of, or imminent loss of utility service is likely to be an immediate threat to the health or safety if:

- The home includes an infant or young child (defined for energy crisis as a child age 5 or younger);
- The home includes a person who requires utility service to operate essential medical equipment; or
- The home includes a high risk individual of any age, for example, a person whose physical health is frail or compromised.

See [Ch. 2](#) for additional information regarding verification.

4.9.3 Financial Crisis Reasons Beyond the Control of the Caretaker Relative

The W-2 agency must verify that the energy crisis is due to reasons beyond the control of the caretaker relative. For the energy crisis to be beyond the control of the caretaker relative, the EA Group must be experiencing a financial crisis.

Financial crisis for energy crisis is defined and verified in the same ways as for impending homelessness. Refer to Ch. [4.8](#) and [4.8.1](#).

See [Ch. 2](#) for additional information regarding verification.

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05 Processing EA Payment

5.1 Payment Processing Overview

In order to determine the EA payment amount, the agency must complete the Emergency Assistance Payment Calculation Worksheet, which is [Part 2, Page 2](#) of the EA Application form. This is an on-line, fillable form that calculates the EA payment amount based on the emergency type, maximum allowable EA payment amount, actual emergency related financial need of the EA Group, and the EA Group size. The completed form must be stored with the EA application materials and documentation. See [7.2](#).

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5.2 Determining EA Payment Amount

To calculate the EA payment amount for an eligible EA Group, pay the lesser amount of either (1) or (2):

1. Maximum payment amount:
 - a. The maximum payment amount for an EA Group experiencing an energy crisis is \$500 regardless of group size.
 - b. For all other emergency types the following maximum payment amounts apply:
 - \$516 for an EA Group with 2-4 members;
 - \$645 for an EA Group with 5 members;
 - \$110 per group member for an EA Group with 6 or more members. See Example below.

Example 1: John and Susan applied for EA as they were being evicted due to non-payment of rent. They were determined eligible due to impending homelessness. John and Susan have 4 children. Therefore, this would be an EA Group of 6 people. The maximum payment amount would be \$110 x 6 or \$660.

2. The financial need resulting from the emergency:

To calculate financial need, use the EA Application form [Part 2, Page 2](#). When the EA Group is experiencing more than one emergency type, list the expenses for all emergency types.

Example 2: Marlise applied for EA as she received an eviction notice. Marlise has 2 children. Marlise provided a copy of her rental lease to verify residency which showed that her rent was \$700/month. The eviction notice that Marlise provided indicated that the past due rent was \$400. The W-2 agency completed Part 2, Page 2 of the EA Application for Impending Homelessness, including Marlise's past due rent of \$400 and the EA Group size of 3. The maximum payment amount for Impending Homelessness for an EA Group of 3 is \$516. The EA payment amount was calculated in the amount of \$400 because this is the lesser amount (comparing actual financial need to the maximum payment amount).

The chart below shows the types of expenses to include in the financial need calculation for each emergency type. Include only these expenses when determining the financial need, but do not include expenses that are covered by another resource, such as insurance, FoodShare, LIHEAP, or a charitable organization. This same chart shows the allowable uses for each emergency type.

Emergency	Allowable Uses	Included Expenses
Fire, Flood, Natural Disaster	<ul style="list-style-type: none"> • Temporary housing • Retain current housing • Obtain new housing • Other household costs 	<ul style="list-style-type: none"> • Temporary housing • First month's rent • Security deposit • Clothing • Medical care • Transportation • Household appliances and household items • Home repairs
Energy Crisis	<ul style="list-style-type: none"> • Maintain utilities • Obtain utilities 	<ul style="list-style-type: none"> • Heat, electricity, water or sewer service provided by a utility company
Homelessness	<ul style="list-style-type: none"> • Obtain new housing • Other household costs 	<ul style="list-style-type: none"> • First month's rent • Security deposit • Necessary household items
Impending Homelessness: <ul style="list-style-type: none"> • Domestic Abuse 	<ul style="list-style-type: none"> • Retain current housing • Obtain new housing 	<ul style="list-style-type: none"> • Unpaid rent/mortgage • Late fees for past rent/mortgage • First month's rent • Security deposit • Court costs for eviction proceedings
Impending Homelessness: <ul style="list-style-type: none"> • Uninhabitable Housing • Foreclosure of rental housing 	<ul style="list-style-type: none"> • Obtain new housing 	<ul style="list-style-type: none"> • Unpaid rent/mortgage • Late fees for past rent/mortgage • First month's rent • Security deposit • Court costs for eviction

<ul style="list-style-type: none"> Eviction or Foreclosure – No Agreement to end eviction 		proceedings
<p>Impending Homelessness:</p> <ul style="list-style-type: none"> Eviction or Foreclosure – Agreement to end eviction 	<ul style="list-style-type: none"> Retain current housing Obtain new housing 	<ul style="list-style-type: none"> Unpaid rent/mortgage Late fees for past rent/mortgage First month's rent Security deposit Court costs for eviction proceedings

The W-2 agency may issue more than one EA payment as long as it is within 30 calendar days of the EA Application date. There are two situations where multiple payments may be made:

1. The EA applicant lists more than one emergency type on the EA Application. In this situation, the W-2 agency must use the EA Application form [Part 2, Page 2](#) and list expenses for all emergency types. From this, the worker must use the higher of the maximum payment amounts. The total amount of the EA payment(s) cannot exceed the maximum payment amount. When entering this information into EATS, the worker must select the emergency type for the higher maximum payment and must include comments in EATS to explain the specifics of the situation.

Example 3: A 3-member EA Group is experiencing an energy crisis plus impending homelessness. The W-2 agency has verified both emergency types. The maximum payment for energy crisis is \$500. The maximum payment for impending homelessness for an EA Group size of 3 is \$516. The higher maximum payment amount would be \$516. In this situation, the W-2 agency may issue one payment to the utility company and one payment to the landlord as long as the total does not exceed \$516.

Example 4: Mecca and her husband Ford applied for EA on November 10th because they received an eviction notice for non-payment of rent. They also received a disconnect notice for utilities. Mecca is not employed. Ford had a good

job and his income was the only income they had, but recently he was laid off when the company he worked for closed. Ford is receiving unemployment but it is not enough to pay the rent and utilities so they got behind. Mecca and Ford live in a small rural town and Ford has been unable to find work in their home town. He has been looking for work, but has to travel 30-50 miles to put in applications and attend job interviews. The added travel expenses have also made it difficult to make their rent and utility payments. Mecca and Ford meet all non-financial and financial eligibility. A financial need calculation was done including the financial need for unpaid rent and the financial need for energy crisis. Mecca and Ford have 3 children so this is an EA Group of 5. The maximum payment for past due rent for a group of 5 is \$645, and the maximum payment for energy crisis for all EA Groups is \$500. Mecca and Ford would be eligible for the higher of these two maximum payment amounts, which is \$645. If Mecca and Ford want to remain in their current home, the W-2 agency must contact the landlord to ask if the landlord will accept the EA payment and end the eviction. In addition, the W-2 agency must provide appropriate referrals to other available resources for this family and should consider providing appropriate case management services.

2. An individual applies for EA, is found eligible and receives an EA payment, and later discovers additional eligible expenses related to the same emergency type. An additional EA payment may be issued if it is within 30 calendar days of the EA Application date and as long as it does not exceed the maximum payment amount for the emergency type. All payments must be recorded in EATS.

Example 5: After a fire in their home, Anna and Peter, who have two children, received an EA payment of \$400. A week later, Anna and Peter discovered additional needs totaling \$100 that resulted from the fire. Because they had not already received the maximum EA payment amount of \$516, Anna and Peter may receive an additional EA payment as part of the same EA eligibility, provided the additional EA payment is within 30 calendar days from the EA Application date.

05 Processing EA Payment

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5.3 Determining How and Where to Send the EA Payment

[5.3.1 Verification of Current Housing](#)

[5.3.2 Verification of New Housing](#)

The W-2 agency may make the EA payment by check to the applicant, landlord, or vendor; or by voucher to the landlord or vendor. The type of emergency or the planned living arrangement will determine where to send the EA payment.

Prior to paying for rent, security deposits, or mortgage payments, the W-2 agency must verify that:

1. The landlord will not evict the EA Group in cases where the EA Group is retaining current housing; (See [5.3.1](#)) or
2. The landlord has agreed to rent to the EA Group in cases where the EA Group is obtaining new permanent housing. (See [5.3.2](#))

5.3.1 Verification of Current Housing

Prior to issuing the EA payment for impending homelessness due to financial crisis and notice to terminate tenancy, the landlord, bank, or local government agency that issued the notice to terminate tenancy must agree not to proceed with the eviction or foreclosure if the EA payment is accepted.

The worker must attempt to obtain this verification prior to issuing the EA payment and within the 5 working days timeframe. However, if unable to do so within 5 working days, the EA payment may be delayed. (See [5.4.1](#))

The agreement may be verbal or in writing based on the agency's assessment of the specific situation. When the agreement is verbal, the agency must document this conversation in EATS comments and must follow up by sending a cover letter enclosed with the EA payment to the landlord, bank, or local government agency, which states:

- For eviction: "You already agreed to not proceed with the eviction. Your acceptance and retention of this payment further ratifies this agreement and constitutes a stipulation to dismiss the eviction." or
- For foreclosure: "You already agreed to not proceed with the foreclosure for non-payment of mortgage. Your acceptance and retention of this payment further ratifies this agreement."

This cover letter language means the landlord, bank, or local government agency agrees to end any pending eviction action or stop any pending foreclosure action.

5.3.2 Verification of New Housing

Prior to issuing the EA payment to cover first month's rent or security deposit when an EA Group is moving to new permanent housing, the W-2 Agency must verify with the landlord that the EA Group has secured housing with that landlord. Verification of a permanent living arrangement may include the EA Group's lease agreement, which may contain all household members, or other documentation such as title to the home.

If the EA applicant is seeking new permanent housing but does not have new permanent housing, or is unable to locate new permanent housing within 5 working days after the day of the EA Application, a Payment Delay Exception may apply. (See [5.4.1](#))

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5.4 Timeframe for Issuing EA Payment

[5.4.1 Payment Delay Exceptions](#)

The EA payment must be made within 5 working days after the date the W-2 agency receives the completed EA Application, unless there is a Payment Delay Exception. (See [1.5.3](#))

5.4.1 Payment Delay Exceptions

There are two exceptions to the 5 working days requirement for issuing EA payments:

1. **For homelessness or impending homelessness when the EA Group is found eligible for EA and is moving to a new residence, but does not have a new permanent residence at the time of application.** In this circumstance, the agency must issue a payment within 5 working days of the date the EA Group notifies the W-2 agency that a permanent living arrangement has been obtained. See [1.5.2](#) for information on the required Notice of Decision to applicants who have not found permanent residence at the time of application.

Example 1: Harriet applied for EA on November 5th. Within 5 working days of her application, the W-2 agency verified non-financial and financial eligibility criteria and determined that Harriet was eligible for EA due to impending homelessness. At the time of application, Harriet informed the W-2 agency that she had not yet found a new permanent residence. On November 20th, Harriet contacted the W-2 agency to give them the name and address of her new residence. A payment was issued to her new landlord on November 22nd.

Example 2: James applied for EA on May 15th. Within 5 working days of his application, the W-2 agency made a non-financial and financial eligibility determination and James was found eligible for EA due to homelessness. When James applied for EA, he provided the W-2 agency with the name and address of his new landlord. As James was able to provide the name and address of his landlord at the time of application, a Payment Delay Exception does not apply. An EA payment in the form of a check was sent to James' landlord on May 22nd, within 5 working days of the W-2 agency receiving his completed application.

- The EA Group is facing impending homelessness and plans to remain in the current housing situation, but the W-2 agency has not yet received confirmation from the landlord, bank, or local government agency agreeing to waive any right to proceed with an eviction or foreclosure based on the notice served.** (See [5.3.1](#)) In this circumstance, the W-2 agency must issue the EA payment within 5 working days after receiving confirmation from the landlord, bank, or local government agency agreeing to waive any right to proceed with the eviction/foreclosure for non-payment in exchange for the EA payment. The W-2 agency may receive the confirmation verbally or in writing. The W-2 agency must issue the payment within 5 working days from the date of the first confirmation, whether verbal or written.

Example 3: Mary applied for EA on October 8th as she had received an eviction notice from her landlord for non-payment of rent. Within 5 working days of her application, a non-financial and financial eligibility determination was made and Mary was found eligible for EA due to impending homelessness. The W-2 agency requested that Mary inform her landlord that an EA payment was available if the landlord waived the right to proceed with the eviction. The W-2 agency issued a payment to Mary's landlord upon a verbal confirmation from the landlord that he/she would not proceed with the eviction. The W-2 agency mailed a letter to Mary's landlord to confirm that upon receipt of the EA payment, the landlord would not proceed with evicting Mary.

As with all EA applications, even in the case of a Payment Delay Exception, the W-2 agency must notify the EA Group in writing of the EA eligibility status within 5 working days after the completed EA Application is received. (See [1.5.2](#))

Information regarding the rationale for Payment Delay Exceptions must be recorded in EATS comments.

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06 Dispute Resolution

6.1 EA Fact Finding Reviews and Departmental Reviews

EA applicants and recipients have the right to request a Fact Finding Review when they believe:

- The agency has not acted upon the EA Application within 5 working days after receiving the completed application;
- The EA Application amount is not funded in part or whole; and
- The EA Payment amount was calculated incorrectly.

The Fact Finding Review request must be made within 45 days of the agency action that is in dispute. See [W-2 Manual 12.2.2](#) for the details of the Fact Finding policy.

If an individual disagrees with the final Fact Finding decision, they may appeal the decision by requesting a Departmental Review. The request for a Departmental Review of an EA decision must be received by the Wisconsin Department of Administration, Division of Hearings and Appeals (DHA) within 14 calendar days after the date on which the certified copy of the W-2 Fact Finding decision is mailed (the same date as the Fact Finding decision). The W-2 agency cannot appeal an EA Fact Finding decision. See the [W-2 Manual Ch. 12](#).

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07 EA Documentation

7.1 Emergency Assistance Tracking System (EATS)

The Emergency Assistance Tracking System is the internet based tracking system for use by W-2 agencies to:

- Search and verify that each caretaker relative's history of any EA applications are beyond the 12 month EA limit;
- Track data for all approved and denied EA applications;
- Provide reports on approved EA payment amounts and denied EA applications; and
- Reconcile EA payment amounts in EATS with the agency's accounting system/check register.

Agencies can access EATS through the following web address:

<https://www.dwd.state.wi.us/dwseats>

Agencies must use EATS in accordance with EATS materials available through the [EATS Self Study Guide](#).

The data agencies enter in EATS comes from the EA Application and verification and the agency's fiscal records. Entering information into EATS is mandatory. W-2 agencies must:

1. Complete EATS searches for caretaker relatives to prevent issuance of EA payments to caretaker relatives who have received EA in the previous 12 month period.
2. Enter information in all fields required by EATS.
3. When completing the 'W-2 Contract Agency' field on the "EA Request Details" screen, the W-2 agency must select the county in which the EA applicant resides (or intends to reside), even if the W-2 agency that processes the EA application is located in another county.
4. Enter information within 5 working days after the receipt of the completed EA Application for an EA denial, including using the most appropriate denial reason in the EATS Status field. EATS will produce denial reports for statewide data and for each geographical area.
5. Enter information in EATS within 5 working days after the receipt of the completed EA Application for EA approvals. Information must be entered in EATS prior to issuing an EA payment. The Voucher/Check Date must be within 5 working days of the EA Application date, unless extended when a Payment Delay Exception applies. (See [5.4.1](#))
6. Record the following information in EATS comments:

- a. Verification of information that was received orally;
 - b. Location of written documentation already found in ECF; and
 - c. Explanation of factors leading to financial and non-financial eligibility determinations that cannot be understood using paper documentation.
7. In the case of a Payment Delay, all information on the EA Application except the payment information must be entered into EATS upon making the eligibility decision. Information supporting the rationale for Payment Delay Exceptions must be recorded in EATS comments. The application must be “confirmed” in EATS. Once the payment is issued, the payment information must be entered into EATS. If the payment is not issued, an “edit” must be made in EATS to change the “approved” application to “denied” with the denial reason “Denied-Application lapsed. Unable to obtain permanent housing within Payment Delay Exception timeframe.” Comments must be added to explain that the application had been approved but the applicant was not able to find new permanent housing. Only an individual with supervisor access can make this type of edit in EATS.
 8. Applications entered in EATS with the “On Hold” status must be changed to a denial or approval and “confirmed” within 5 working days of the application date, or the EATS system will delete the application and all information will have to be entered again.
 9. A voucher/check number must be entered into the EATS Voucher/Check Number field, along with the Voucher/Check Date and the Voucher/Check Amount for the respective EA payment. Information must be entered within 10 calendar days of the Voucher/Check Date. In addition to the required EATS fields, W-2 agencies are strongly encouraged to utilize optional EATS fields, such as Payee Address. These fields facilitate reconciliation of EA Voucher/Check Amounts in EATS with the agency’s accounting records. If an application was entered in EATS as “approved” but the payment is returned for any reason, an “edit” must be made in the Payment Details section to zero out the payment amount. Comments must be added to explain that the application had been approved, but the payment was returned. In addition, an “edit” must be done to change the “approved” application to “denied” with the denial reason “Denied-Payment Returned.” Only an individual with supervisor access can make this type of edit in EATS.
 10. Monitor EA payment information reported in EATS to ensure accuracy and completeness.
 11. On a monthly basis, reconcile EA payments in EATS with EA payment amounts submitted to DCF in CORE. See [7.3.1](#).

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7.2 EA Documentation in CARES and Electronic Case File (ECF)

For EA applicants that are already in CARES, application and verification information must be scanned and stored in ECF. For all other applicants, all documents must be retained in a paper file. The W-2 agency must not create a Request for Assistance (RFA) in CWW for the purpose of storing EA Application materials in ECF.

Documents must be scanned into ECF according to policy in the [W-2 Manual 4.4.2](#). Information received as verification for an EA Application is considered a part of the EA Application and should be attached to and scanned with the application in the ECF under Document Type “Applications (non CAF).” EA eligibility notices should be scanned separately under “Notice of Decision (NOD).”

In cases where an EA applicant also has an open case in CARES for another type of assistance, in addition to what must be entered into EATS, the W-2 agency may also enter information regarding the EA Application and payment into case comments in CWW or on the Supportive Services screen in CARES.

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7.3 EA Expense Reporting

[7.3.1 Emergency Assistance Payments in CORE](#)

[7.3.2 Emergency Assistance Eligibility Determination Expenses](#)

[7.3.3 Emergency Assistance Case Management Expenses](#)

W-2 agencies must utilize the state Central Office Reporting (CORE) system to submit EA expenses to DCF. CORE instructions, account information and reports can be found at [CORE Homepage](#).

7.3.1 Emergency Assistance Payments in CORE

Emergency Assistance payments for EA applicants that are determined eligible must be issued by the W-2 agency. See [Ch. 5](#). The W-2 agency must report EA payments using CORE code 2328. DCF will process EA reimbursement requests according to the schedule outlined in the W-2 contract.

7.3.2 Emergency Assistance Eligibility Determination Expenses

Activities included in EA eligibility determination must be reported using CORE code 2110. Eligibility determination includes verifying:

- The EA applicant has not received EA in the past 12 months;
- The EA applicant is caretaker relative of a dependent child;
- The qualifying emergency;
- Available income and assets; and
- Other information crucial to the determination of eligibility.

See [Ch. 2](#), [Ch. 3](#) and [Ch. 4](#).

7.3.3 Emergency Assistance Case Management Expenses

EA case management and other services must be reported using CORE code 2241. Following are some examples of activities that are considered EA case management:

- Resource information and referrals for EA applicants;
- Coordination with other local, state and/or federal programs; and

W-2 Emergency Assistance Manual

- Contact with vendors, landlords, banks or local government.

The purpose of case management activities is to ensure that the eviction or foreclosure action does not proceed, that housing is secured and/or that the EA applicant has resources to assist in resolving the emergency situation. See [1.3](#).

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08 Overpayment Recoupment

8.1 EA Overpayment Recoupment

An EA overpayment may occur due to a variety of circumstances, including when incorrect information is provided by an EA applicant or landlord.

Agencies cannot recoup EA overpayments from other program payments because it is not specifically authorized by state law.

Although agencies cannot recoup EA overpayments from other program payments, agencies may elect to recover EA overpayments on a manual and voluntary basis. To do this, the agency would send a letter(s) to the appropriate person(s) to request recovery of an EA overpayment. The agency may select applicable language from other program's letters or forms to insert in the EA overpayment letter. The agency must customize the letter to the specific EA overpayment situation.

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09 Intentional Program Violation (IPV)

9.1 Intentional Program Violation (IPV)

An IPV means that an individual did any of the following for the purpose of establishing, using, maintaining, increasing, receiving, transferring, or trafficking W-2 payments and services including Emergency Assistance (EA):

1. Intentionally made a false or misleading statement;
2. Intentionally misrepresented or withheld facts; or
3. Intentionally committed any act that constitutes a violation of state or federal law.

The following are examples of IPV's:

- Concealing or intentionally not reporting unearned income or assets when failure to do so would have affected the individual's eligibility;
- Failing to report employment;
- Failing to report household composition change (including minor children) when failure to do so would have affected the individual's eligibility;
- Failing to disclose/report non-Wisconsin residency;
- Submitting documentation that has been forged or tampered with; or
- Submitting false information.

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9.2 IPV Determination and Notification of an IPV

[9.2.1 IPV Determination](#)

[9.2.2 Determining the Date of an IPV](#)

[9.2.3 EA IPV Notification](#)

Within seven working days of receiving a fraud investigation report, the W-2 agency must:

1. Determine if an IPV has occurred;
2. Determine whether an IPV penalty can be applied based on the November 1, 2012 effective date of [ss. 49.151 \(2\) Stats](#); and
3. Notify the individual that he or she has been determined to have committed an IPV.

9.2.1 IPV Determination

If the outcome of a fraud investigation confirms that an individual committed a fraudulent act, the W-2 agency must ensure that the fraudulent act meets the definition of an Intentional Program Violation (IPV). (See [9.1](#)) It is likely that if the investigation concluded that an act was, in fact, fraudulent, then it will also be an IPV. A W-2 supervisor or a supervisor's designee must review and approve all IPV determinations to ensure uniform application of IPV policy.

If the W-2 agency discovers that more than one act of fraud occurs at the same time, i.e. on one EA application, then the W-2 agency must impose only one IPV. If the agency discovers another fraudulent act that occurred on a different EA application, the agency must impose another IPV penalty for that fraudulent act. If the W-2 agency determines that it must impose another IPV penalty prior to the end of the previous IPV penalty, the penalty periods must be imposed consecutively.

9.2.2 Determining the Date of an IPV

Effective November 1, 2012 Wisconsin statutes allow W-2 agencies to determine if an IPV occurred. The law prohibits W-2 agencies from imposing IPV penalties for IPV determined prior to November 1, 2012.

To determine whether to impose an IPV penalty, the IPV must have been committed on or after November 1, 2012. An applicant does not have to receive payments or services prior to the agency imposing an IPV penalty.

If the fraudulent act is committed prior to November 1, 2012, then the agency must not impose an IPV. The W-2 agency may still process an overpayment if one exists. Refer to section [8.1](#) for information on EA overpayments.

Example: Louis applied for EA on September 15, 2012. He was determined eligible based on the information on his application. In March 2013, the agency discovers that Louis did not report his part-time employment and a savings account with a balance of \$5000. The agency must not impose an IPV because the fraudulent act occurred prior to November 2012.

9.2.3 EA IPV Notification

If the W-2 agency determines that an EA applicant or recipient has committed an EA IPV, the W-2 agency must notify the individual using the [Negative Notice \(16001\)](#) form. In the “Additional Comments” section of the form, the W-2 agency must include the following:

1. The fraudulent act that resulted in the IPV penalty;
2. Whether this is the individual’s first, second or third IPV;
3. The penalty period; (See [9.4](#)) and
4. The W-2 agency contact information.

NOTE: Unlike W-2 IPV, W-2 agencies are not required to notify an EA applicant or recipient in writing that he or she committed an IPV to allow the individual seven working days to rectify the IPV.

09 Intentional Program Violation (IPV)

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9.3 IPV Penalties

If the W-2 agency determines that an individual has committed an IPV, the W-2 agency must impose an IPV penalty for the appropriate time period. When an IPV is determined, the agency must deny EA payments to the individual for the following timeframes:

1. Six months for the first IPV;
2. One year for the second IPV; and
3. Permanently for the third IPV.

If the IPV was the result of a Denied EA Application, the penalty period begins the first day of the month following the IPV determination.

Individuals who receive an EA payment are not eligible to receive EA for 12 months following the EA Application date. For this reason, if the EA IPV was the result of an Approved EA Application, the penalty period begins the day following the end of this 12 month timeframe.

If more than one IPV is entered in EATS for the same individual, EATS will calculate the penalty periods consecutively. If an IPV is deleted or edited, EATS will still calculate the penalty period start and end date based on the IPV Determination Date.

Once a W-2 agency imposes an IPV penalty, the penalty continues uninterrupted for the duration of the ineligibility period unless reversed under the W-2 dispute resolution process (See [W-2 Manual Chapter 12](#)). The duration of the ineligibility period is never subject to review.

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9.4 Imposing an IPV Penalty

IPV determinations for EA, W-2 (including JALs), and Wisconsin Shares (childcare) are independent of each other. If an individual commits an EA IPV, the penalty applies only to EA eligibility. If an individual is determined to have committed a W-2 or JAL IPV, the penalty applies to both W-2 and JAL payments. If an individual commits a childcare IPV, the penalty applies only to childcare.

Example: Cathy applied for W-2 in January 2013. During the W-2 application process, Cathy stated that she and her two children reside in her home and that her husband James moved out two months ago. Cathy stated she is unsure where James is living and she has not talked to him since he moved out. The FEP completed the W-2 intake and confirmed eligibility. The FEP reviewed all W-2 forms with Cathy before she signed them. After the appointment, the FEP's co-worker approached her and stated that Cathy is her neighbor and that James resides in the home. The FEP calls Cathy and she admits that James is in the home and that she did provide false information. The FEP discusses the situation with the Fraud Coordinator who determines that Cathy committed a W-2 IPV. The following month, Cathy is not able to pay her rent. She applies for EA and lists herself, her husband, and two children on the EA Application. The W-2 IPV does not prevent Cathy from being determined eligible for EA. She may be eligible for EA if she meets all of the nonfinancial and financial eligibility.

More than one adult in the EA Group may be determined to have committed an IPV and can be subject to the penalty. However, only the individual(s) determined to have committed an IPV must receive the penalty. For EA, the ineligible individual must not be included in the EA Group and the income and assets of the ineligible individual must not be included when calculating financial eligibility for EA (see [3.2](#) and [3.3](#)). For a household with two parents, if one parent is determined not to have been involved in the IPV activity, he or she may apply for and may be eligible for EA. The eligible parent and the dependent children would be included in an EA Group and may receive an EA payment based on that group size.

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9.5 IPV Automation

When the W-2 agency determines that an EA applicant has committed an IPV, the W-2 agency must enter the IPV in the [Emergency Assistance Tracking System \(EATS\)](#). EATS will calculate the IPV penalty period. W-2 agency staff with EATS supervisor access must enter IPV's. A W-2 agency supervisor may also edit or delete an IPV. In some cases, an individual may have more than one IPV in EATS. When an IPV is deleted, the W-2 agency must edit other IPV's so the penalty period for any remaining IPV's can be recalculated. W-2 agency staff can find instructions for entering EA IPV's into EATS in the [Emergency Assistance IPV Desk Aid](#).

All W-2 agency staff can view IPV history in EATS. When a W-2 agency enters an individual into EATS as an EA Group member, EATS completes a 'search' to determine if the individual has received an EA payment in the past 12 months. In the same way, EATS will search for IPV history for all adults.

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9.6 Overpayment Recoupment for EA IPVs

State law does not authorize the recoupment of EA overpayments from other benefit payments, i.e., W-2 payments. The W-2 agency may elect to recover EA overpayments on a manual and voluntary basis. See [8.1](#) for additional information.

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9.7 Additional IPV Enforcement Actions

After the W-2 agency determines that an IPV has occurred, the agency may decide to take additional enforcement action(s). The additional enforcement action(s) include:

- A. **Refer for possible criminal prosecution.** The W-2 agency must communicate with its Corporation Counsel to discuss and establish thresholds and criteria regarding when to refer individuals to local law enforcement or the district attorney for consideration of possible criminal prosecution.
- B. **Obtain a Disqualification Consent Agreement.** If the W-2 agency decides to refer an individual to the District Attorney for prosecution for civil or criminal misrepresentation or fraud, the agency may offer the individual the option to sign a consent agreement with the agency to defer the referral for prosecution. Individuals who choose to sign this waiver still receive an IPV penalty.

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9.8 Dispute Resolution Process

Individuals may appeal an IPV determination by requesting a Fact Finding Review. (See [W-2 Manual Chapter 12](#))

An IPV determination and the establishment of an IPV-related overpayment are considered two separate actions. The individual must appeal each action separately.

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Glossary

A

Address: The actual place where the EA Group resides. An address is required to be provided unless the group is homeless, headed by a migrant worker, or newly arrived in Wisconsin. The group does not have to reside in a permanent dwelling.

Applicant: An individual who applies for any benefit or service of the W-2 and Related Programs including Emergency Assistance (EA).

Assistance group: The primary person and any individuals living in his/her household whose income and/or needs are considered when determining eligibility for benefits or services.

B

Badger Care/Medicaid: Government funded medical insurance program for eligible low-income individuals and families.

C

CARES Worker Web (CWW): The web based computer program used in Wisconsin to collect information and determine eligibility for the W-2, JAL, FoodShare, Badger Care, and Wisconsin Shares programs.

Caretaker Relative: An adult in the EA Group who has a qualifying relationship to a dependent child, resides with the dependent child and provides care and control for the dependent child.

Caretaker Supplement Program (CTS): A monthly cash benefit for an eligible child(ren) living with his/her Supplemental Security Income (SSI) parent. Caretaker Supplement benefits are administered by the county/tribal human social services agency.

Case Management: The family-centered and goal-oriented process for assessing the needs of a family for financial resources, employment, training and supportive services and assisting the family in obtaining the resources and services.

Case Management Follow Up Placement (CMF): A placement for individuals who have obtained unsubsidized employment while in a paid placement.

Central Office Reporting (CORE): The DCF system for reporting certain program expenditures.

Child Care (CC): The Wisconsin Shares Child Care program helps families pay for child care. If the parent is eligible, child care can be subsidized for children under the age of 13 (up to 19 if special needs).

Client Assistance for Reemployment and Economic Support (CARES): The Client Assistance for Reemployment and Economic Support (CARES) is Wisconsin's

automated eligibility determination, benefit calculation and management system for the W-2, Child Care, FoodShare, and Medicaid programs.

Community Action Program: Non-profit, community based agencies that administer various social programs.

Custodial Parent (CP): With respect to a dependent child, a parent who resides with that child and, if there has been a determination of legal custody with respect to the dependent child, has legal custody of that child.

D

Dependent Child: A person who resides with a parent and who is under the age of 18 or, if the person is a full-time student at a secondary school or a vocational or technical equivalent and is reasonably expected to complete the program before attaining the age of 19, is under the age of 19.

Disregard: Do not count, exempt, or exclude

Doubled-Up: Term used to describe a family that is residing in a home that has more people living in it than the house was designed to accommodate.

E

EA: Emergency Assistance

Electronic Case File (ECF): Web based filing system that collects all verification and documentation for the W-2, JAL, Emergency Assistance, FoodShare, Badger Care, and Wisconsin Shares Child Care programs. The ECF Handbook, including information on software and hardware requirements can be found at: <http://www.emhandbooks.wisconsin.gov/ecf/ecf.htm>

Emergency Assistance Tracking System (EATS): Web based system used to track and store information regarding Approved and Denied EA applications and payments.

Emergency Management: Assists with coordination of emergency services and resources in disaster situations.

F

Federal Poverty Level (FPL): The federal government's statistical poverty threshold used in the gross income test to determine financial eligibility for W-2.

Financial and Employment Planner (FEP): A case manager employed or contracted for a W-2 agency who provides eligibility determination, job readiness screening, employability planning, financial and employment case management services, makes referrals to other public or private assistance programs or resources, and determines eligibility for supportive services such as food stamps, Medical Assistance, Job Access Loans, child care, and Emergency Assistance.

FoodShare (FS): Government funded program to help low-income individuals and families to purchase food.

G

Good cause: In W-2, the determination of the W-2 agency regarding whether there is a valid reason for non-participation.

I

Intentional Program Violation (IPV): Intentionally making a false or misleading statement, intentionally misrepresenting or withholding facts, or intentionally committing any act that constitutes a violation of state or federal law for the purpose of receiving W-2 benefits.

K

KIDS Information Data System (KIDS): System used by child support agencies to store child support and paternity information. The system also interfaces with the CARES system.

Kinship Care: Program administered by county or tribal human/social services departments. Kinship Care provides cash payments to caretaker relatives (grandparents, aunts, uncles, etc.) of minor children when certain requirements are met.

L

Legal Custody: Regarding the definition of a custodial parent, any person granted legal custody of a child, other than a county agency or licensed child welfare agency, who has the right and responsibility to make major decisions concerning the child, except with respect to specified decisions as set forth by the court or the parties in the final judgment order. Major decisions include, but are not limited to, decisions regarding consent to marry, consent to enter military service, consent to obtain a motor vehicle operator's license, authorization for non-emergency health care, and choice of school and religion.

Low Income Home Energy Assistance Program (LIHEAP): Federally funded program to provide assistance to low-income individuals for utility services. Also known in Wisconsin as the WHEAP

M

Medicaid/Badger Care: Government funded medical insurance program for eligible low-income individuals and families.

Medical Assistance (MA): Government funded medical insurance program for eligible low-income individuals and families. Also known as Medicaid or Title 19.

Minor Parent: A custodial parent under the age of 18.

N

Non-citizens: All members of the EA group must be U.S. citizens or have qualified non-citizen status. For documentation verifying U.S. citizenship, refer to the W-2 Manual section 4.1.2.

Noncustodial Parent (NCP): With respect to a dependent child, a parent who is not the custodial parent.

O

Overpayment: An assistance payment received by an individual due to fraud, participant or administrative error.

P

Public Holiday: A holiday authorized by law and limiting work or official business.

Public Service Commission (PSC): The agency responsible for the regulation of Wisconsin public utilities, including those that are municipally-owned.

R

Residence: Residence refers to Wisconsin residency and not the mailing address. Verification of Wisconsin residence is required as part of W-2 nonfinancial eligibility requirements.

S

Supplemental Security Income (SSI): A Federally-funded needs-based disability program for adults and children which provides monthly cash benefits and automatic Medicaid eligibility. SSI is administered by the Social Security Administration.

Supportive Services Planner (SSP): A W-2 agency employee, county government employee or contracted employee who determines eligibility for W-2 supportive services such as food stamps, Medical Assistance, child care, and Emergency Assistance. The SSP will not provide case management to participants in W-2 employment positions.

U

UI: Unemployment Insurance

V

Vehicle: A passenger car or other motor vehicle used to transport persons or goods and is owned by someone in the W-2 group.

Vendor Payment: A money payment made on behalf of a participant directly to a provider of goods or services.

Vendor Payments: Payments made on behalf of the household by a third party to another source.

W

W-2 Placement: Within the W-2 program, an individual may be placed in up to one of ten W-2 placement types, all of which are identified by a CARES W-2 placement code (in parentheses). Case Management Follow-up (CMF)* Case Management Underemployed (CMU)* Trial Job (TBJ) Community Service Job (CSJ) W-2 Transition (W2T) Case Management Pregnant Women (CMP) Case Management Noncustodial Parent (CMN) Case Management Minor Parent (CMM) Custodial Parent of an Infant (CMC) Case Management Denied (CMD)
*These placement types represent one of two possible placements under the Unsubsidized Employment (UE) component.

Wisconsin Home Energy Assistance Program (WHEAP): Federally funded program to provide assistance to low-income individuals for utility services. Also known as LIHEAP.

Wisconsin Shares: Wisconsin's Child Care Subsidy program that helps families pay for child care. If the parent is eligible, child care can be subsidized for children under the age of 13 (up to 19 if special needs).

Working Day: Any day of the week except Saturday, Sunday and public holidays.

WPWW: CARES screen that records W-2 placement.