

DEPARTMENT OF CHILDREN
AND FAMILIES
201 East Washington Avenue, Room G200
P.O. Box 8916
Madison, WI 53708-8916
Telephone: 608-266-8684
Fax: 608-261-6972
www.dcf.wisconsin.gov



State of Wisconsin
Governor Scott Walker

TO: **Income Maintenance Supervisors
Income Maintenance Lead Workers
Income Maintenance Staff
Training Staff
Child Care Coordinators**

FROM: Kath McGurk, Director
Bureau of Early Learning and Policy
Division of Early Care and Education
Department of Children and Families

Junior Martin, Director
Bureau of Program Integrity
Division of Early Care and Education
Department of Children and Families

DECE/BELP OPERATIONS MEMO

No: 17-36

DATE: 07/10/2017

Child Care

SUBJECT: Updates to Wisconsin Shares "Hardship" Policy and Procedures

CROSS REFERENCE: [Wisconsin Shares Child Care Subsidy Policy Manual](#) Section 2.2.12 and 2.2.14; Operations Memo 17-13

EFFECTIVE DATE: July 10, 2017

PURPOSE: This Operations Memo provides updates to Wisconsin Shares Child Care Subsidy Policy section 2.2.12 *Authorizations in Situations of Hardship* and procedures surrounding its implementation.

BACKGROUND: The implementation of MyWICChildCare EBT cards resulted in many policy changes to the Wisconsin Shares program, including the elimination of a parent's ability to change providers at the beginning of any given week.

New policy restricts the ability of a parent to receive a new authorization for the current month to a different provider after their EBT card has been loaded except in **timely** reported situations that meet hardship criteria. These authorizations have commonly been referred to as "hardship authorizations."

In the nine months since Phase I of MyWICChildCare, the Wisconsin Shares policy unit has identified gaps in this new policy. This policy update ensures that families who are facing unforeseen circumstances are able to get a new authorization to a different provider mid-month.

It was previously required that all decisions to approve an authorization under this policy were made by DCF staff. Agencies may now make these decisions at the local level.

POLICY:

Below is the policy section in its entirety. Policy additions/changes are highlighted; deletions are struck out.

2.2.12 Authorizations in Situations of Hardship

Families experiencing unforeseen circumstances that are no fault of their own and inhibit them from utilizing the originally authorized child care provider during the current month may be eligible for a new authorization to a different child care provider location during the current month if continuing with the original child care provider would cause a hardship for the family.

Families may be eligible for a new authorization in situations of hardship when the subsidy amount has been loaded to the EBT card in the current month for a previously authorized child care provider if the family's situation meets the criteria of this policy. The request for this change in authorization must be made by the parent within 10 days of the start of the unforeseen circumstance. Untimely reported hardship requests must be denied.

In order to be eligible for an authorization in this situation, the child care assistance group must meet one of the following criteria and the situation must create a legitimate and unforeseen hardship for the child or children to continue to attend the current child care provider location for the remainder of the current month:

- The child is relocated from his or her current residence so the family can escape domestic abuse and it is not reasonable to travel to the current child care provider location.
- The child is ill and is not able to attend his or her current child care provider due to that illness, but another child care provider will allow the child to attend child care at his or her facility. **This may be a chronic or temporary illness not otherwise qualified under special needs.**
- There is alleged abuse or neglect of the child by his or her current child care provider **and a complaint has been made to the appropriate [certification](#) or [licensing](#) agency.**
- The child is expelled from his or her current child care provider for behavior issues.
- The child's special needs are no longer being met by the current child care provider (for example, a teacher who supported the child has suddenly left the child care facility).
- **The safety of the parent or child is threatened by remaining at the current child care provider.**
- The family is evicted from their current home and it is not reasonable to travel to the current child care provider location.
- **A formerly homeless family finds stable housing and it is unreasonable to use the current child care provider.**
- There are sudden changes in a parent's approved activity location that makes the use of the current child care provider ~~impossible~~ **unreasonable.**
- There are sudden changes in a parent's approved activity schedule ~~that makes the use of the current child care provider impossible because~~ and the provider's hours of operation do not meet the family's needs.

- One parent dies or unexpectedly leaves a two-parent or multi-generational child care assistance group and the current child care provider either does not have the facility capacity to handle the additional hours of the family's child care need or the hours of operation of the child care facility no longer supports the family's need for child care.
- There is damage to the child care facility that creates an unsafe environment for children, such that it is impossible for them to continue to attend the same provider.
- The child care provider has a **voluntary**, unforeseen **permanent** closure and the family needs to attend an alternate provider.
- ~~The child care provider passed away~~
- **The provider does not allow the child(ren) to attend due to circumstances that are outside of the parent's control (for example, the center has reached their regulatory capacity or provider-to-child ratios).**
- ~~The child care provider is terminated by the Wisconsin Shares Child Care Subsidy Program~~
- The child care provider's regulation is ~~terminated~~ **suspended or revoked** by a regulatory authority.

Upon request, DCF Wisconsin Shares policy staff may approve limited situations of hardship at their discretion. Agencies that receive a request which does not fall under the criteria above, but is demonstrated to be a hardship on the family, should email the Wisconsin Shares Subsidy and Technical Assistance staff for review and approval or denial.

In situations where a hardship authorization is granted due to circumstances regarding the child (for example, the child is expelled from his or her current child care provider for behavior issues), all other children on the case may also change providers as long as those children were attending the same child care center as the child receiving the hardship authorization.

The local agency will determine the duration of the subsequent authorization for the new child care provider location. Subsequent authorizations do not need to be for a full month depending on the circumstance and point in time in the current month that the hardship is requested.

~~Decisions to utilize this policy must be clearly documented in the EBT CSAW Authorization Module Comments.~~

Any cases that are being reviewed for a possible hardship authorization must be documented in the new EBT CSAW Hardship page. Local agencies **must** utilize this page for each situation that is reviewed, *even those which are denied for untimely reporting.*

Note: ~~Agencies need to send these scenarios~~ **must send cases involving foster or other placement children** to the Child Care Subsidy and Technical Assistance Staff for approval or denial. Child Care Subsidy and Technical Assistance staff will ~~assess the situation and create these authorizations~~ **make hardship decisions for these cases.**

PROCEDURES: Workers should not provide information to parents about the hardship policy and its requirements. If a parent calls requesting to change providers after their MyWICChildCare card has been loaded, parents should be told that Wisconsin Shares policy prohibits issuing subsidy for a second provider midmonth.

The authorization worker should ask the parent why they are making the request and document that information thoroughly in CWW Case Comments and EBT CSAW. Workers **must** ask the

parent if the child/ren are able to continue attending their current child care provider through the end of the current month.

If the worker believes the parent may qualify for a second authorization, the worker can tell the parent their situation will be referred for a possible exemption to the policy. It is best practice that hardship situations are reviewed and approved or denied by a supervisor or other designated worker to ensure consistency and objectivity.

Agency workers should use caution to not mistake licensing violations or poor choices on the part of providers (or parents) for situations of hardship. Parents who are requesting a hardship authorization for the current month due to alleged child abuse or neglect by their provider must report the incident to the appropriate [certification](#) or [licensing](#) agency.

The parent's self-declaration of a report is acceptable to approve a hardship authorization, and no hardship authorization should be approved until the parent has made the report. However, just because a parent has made a report does not mean an agency must approve the hardship authorization. For example, if a parent has made a report to the regulatory agency, but their concern is clearly not abuse or neglect, the request should be denied.

If an agency discovers that a parent has provided false information about filing a report with the certification or licensing agency, the case should be referred to BPI regardless if the hardship was approved or denied.

Workers should provide the appropriate licensing or certification office contact information to parents who have not filed a complaint. Allegations and the report of suspected abuse and/or neglect is a serious matter and parents should be informed that all reports are taken seriously by the department.

Agencies should not wait for a substantiation of abuse or neglect by Child Protective Services or the completion of a licensing investigation. However, any information that is available (for example, complaint investigations in WISCCRS) may be used to aid in decision making.

When receiving information regarding alleged abuse and neglect, workers should consider their obligations as mandated reporters.

Moving is not a hardship situation itself; the policy permits a hardship authorization in certain situations when a family moves. Occurrences of hardship are unforeseen and moving from one home to another is typically a planned event. Workers should find out why the family moved, and when they knew they would be moving, and determine if it was a possible hardship. If so, the situation may be emailed to the Child Care Subsidy and Technical Assistance Staff for review under the new policy which permits approval in limited situations at DCF discretion.

Parents who do not agree with the denial of a second authorization midmonth may request a fair hearing and dispute the start date of the new authorization. Information about how to request a fair hearing is located on the authorization notice.

Cases that are granted a hardship may be eligible for retraction (the removal of funds from the client's EBT card). There should be discussion with the parent regarding any remaining balance on the EBT card or owed monies to the provider once a hardship has been approved.

The amount permitted to be removed will be based on the period of time for which the child(ren) attended the provider. If payment was made to the provider, an overpayment may NOT be assessed. If the provider offers to return the funds on their own, they may do so via the Voluntary Repayment Agreement process.

Example: A client calls requesting a hardship due to a change in approved activity location. The children attended the original provider from May 1 through May 10, 2017, but starting on May 12, the children are attending a new provider closer to the parent's new location for employment. The client has not yet paid the previous provider. The parent states that they would like the other funds removed so that they do not misspend them and that their account is current with their previous provider. Complete a PLBC adjustment for the first provider, and alter the end date of the authorization to May 10, 2017. The system tells us that the parent should have only received \$200 not \$500. In this case, the additional \$300 can be retracted. Send an email to the Bureau of Program Integrity's Technical Assistance mailbox to request these funds be removed. Be sure to include the following information: case number, child(ren), provider, benefit month, amount, and a brief reason.

EBT CSAW Update:

Any cases that are being reviewed for a possible hardship authorization must be documented in the new EBT CSAW Hardship page. This new page is located in the left Navigation Menu.



This page allows for data tracking for both approved and denied hardships. It is **critical** that local agencies utilize this page for each situation that is reviewed, even those which are denied for untimely reporting. This data will be used to evaluate policy and complete trend analysis. Trend analysis will include families who repeatedly make hardship requests and providers with high percentage of their families seeking hardships from their facility. There may be serious integrity concerns that may require further investigation and documentation of each instance will allow for a historical review of requests.

When the Hardship link is selected, the *List of Hardship Request* page is displayed. This page displays the case's history of hardship requests, and includes information such as the received date, the date of occurrence, the date of hardship request (Requested Date), whether it was timely requested, the reason for the hardship request, and the status of the request.

List of Hardship Requests							
Case Details							
Case Number	1003253113			Admin Agency	Milwaukee County (40)		
Primary Person	[REDACTED]			RFA Date	06/01/2015		
Address	123 W Main St Milwaukee, WI 53233 Milwaukee County			Review Date	11/30/2017		
				CC AG Status	Open		
List of Hardship Requests							
Received Date	Occurrence Date	Requested Date	Timely	Reasons	Status	Decision Date	
06/26/2017	06/26/2017	06/26/2017	Yes	Child Illness	Pending		  
06/25/2017	06/25/2017	06/25/2017	Yes	Child's Special Needs Are Not Met By Provider	Pending		  
New Request							

To create a new hardship request, select the New Request hyperlink. This will bring you to the *Add – Hardship Request* page.

Required information on the screen is designated by an asterisk (*) and includes:

- Received Date: This is the date that the client requested a “hardship” from the local agency.
- Occurrence Date: This the date the event occurred that is causing the request.
- Reported Date: This is the date that the client reported the date to the local agency. This typically is the same as the received date, but may be different depending on the situation.

Example: Tina reports on June 9 that her job is transferring her to a new location on June 13 (June 13 would be the Occurrence Date). Tina says she may need a new provider due to the travel time between her new job location and her current provider, but says she will try it for a few days and call back if she thinks she needs to change. This would be the Reported Date. On June 15, Tina calls back and requests to change providers because the travel time is too great. This would be the Received Date.

- Timely Indicator: If the reported date is within 10 days of the occurrence date, this would qualify as a timely reported event, and “Yes” should be selected.
Note: If you select “No,” the hardship should be automatically denied unless approval is granted by the Child Care Subsidy and Technical Assistance staff.
- Primary Reason: This field lists all of the hardship policy criteria found in Chapter 2. Select the most appropriate reason. If the scenario does not fall under any policy criteria, enter the request as a “DCF Review” scenario and email the Help Desk for review of the case.
- Secondary Reason: If the hardship request meets more than one policy criteria, enter a second policy reason in this field.
- Status: There are three statuses - Approved, Denied, or Pending. The request should be left in pending status while a request is being researched and a decision is being made. This status should be changed to Approved or Denied when a final decision is made regarding the request.
- Decision Date: The date that the Status is changed to Approved or Denied is the Decision Date.
- Upload Checklist: If your agency chooses so, you may upload the Hardship Approval Checklist if you use this document for approval ([DCF-F-5203](#)). (Note: This feature should **not** be used until further instruction is provided from DCF. Please see below regarding the retention of the checklist.)
- Comments: Enter comments as your agency sees fit. This will be particularly important for agencies that do not require the use of the Hardship Approval Checklist.

Add - Hardship Request

Case Details

Case Number	1003253113	Admin Agency	Milwaukee County (40)
Primary Person	██████████	RFA Date	06/01/2015
Address	123 W Main St Milwaukee, WI 53233 Milwaukee County	Review Date	11/30/2017
		CC AG Status	Open

Add - Hardship Request

Received Date *

Occurrence Date *

Reported Date *

Timely * Yes No

Primary Reason *

Secondary Reason

Status *

Decision Date

Upload Checklist
 X Remove
 →

Comments

32 of 500 characters.

Any individual with the worker security profile will have update access to this page.

The EBT CSAW Authorization User Guide will be updated to include information on how to use this page.

Users will have the ability to edit (using the pencil icon) or delete (using the trash can icon) any Hardship requests when they are in Pending Status. When the request is in Approved or Denied Status, the hardship request will be in read-only mode and cannot be modified or deleted.

List of Hardship Requests

Case Details

Case Number	1003253113	Admin Agency	Milwaukee County (40)
Primary Person	██████████	RFA Date	06/01/2015
Address	123 W Main St Milwaukee, WI 53233 Milwaukee County	Review Date	11/30/2017
		CC AG Status	Open

List of Hardship Requests

Received Date	Occurrence Date	Requested Date	Timely	Reasons	Status	Decision Date	
06/26/2017	06/26/2017	06/26/2017	Yes	Child Illness	Pending		
06/25/2017	06/25/2017	06/25/2017	Yes	Child's Special Needs Are Not Met By Provider	Pending		

Hardship Approval Checklist:

To assist with the processing of hardship requests, a Hardship Approval Checklist ([DCF-F-5203](#)) has been created. This document is available in the Forms Repository on the DCF website. The checklist is not required for agencies to utilize, but it is a recommended tool especially when first implementing hardship reviews. The checklist provides the recommended supplemental questions that should be asked for each request based on the hardship policy criteria that it meets.

The General Case Demographics section should always be completed if the agency is using the checklist. After the General Case Demographics section is complete, the worker should locate the most appropriate policy criteria for the request in the Hardship Criteria section. Select the relevant policy box and enter all of the follow up questions that are listed under the policy criteria.

At any point the reviewer may keep case and decision notes in the Additional Notes section. The section titled Hardship Granted should be completed when the decision is made. If the case is being denied, make sure to select the appropriate denial reason.

If utilizing this form, make sure to upload it to the appropriate hardship request in the EBT CSAW Hardship Page. Once the form is loaded, a hyperlink to the form will be displayed on the top of the page.

*Note: The Hardship Checklist should **not** be uploaded until further instruction is received from DCF. If agencies choose to use this form, the paper form must be retained by the agency. EBT CSAW must be enhanced to ensure the confidentiality of the information on the form. Agencies will be notified when this change has been made, and should upload the form at that time. The Hardship Checklist form will be incorporated into the EBT CSAW Hardship page in the future.*

Modify - Hardship Request			
Case Details			
Case Number	1003253113	Admin Agency	Milwaukee County (40)
Primary Person	[REDACTED]	RFA Date	06/01/2015
Address	123 W Main St Milwaukee, WI 53233 Milwaukee County	Review Date	11/30/2017
		CC AG Status	Open
List of Uploaded Documents			
Uploaded Date	Document		
6/26/2017	Hardship Request Document(1000029833) 		

CONTACTS:

For Wisconsin Shares Child Care policy questions outside of Milwaukee County contact your Bureau of Regional Operations (BRO), Child Care Coordinators at <https://dcf.wisconsin.gov/files/regionaloperations/pdf/bro-contacts.pdf>

For Child Care CARES/CWW, CSAW and CCPI Processing Questions statewide and policy questions in Milwaukee County contact the Child Care Subsidy and Technical Assistance line at: childcare@wisconsin.gov or (608) 422-7200.

For overpayment, retraction, fraud, or Chapters 3 and 4 of the Wisconsin Shares Policy Manual, please contact the Bureau of Program Integrity (BPI) at DCFBPITArequest@wisconsin.gov.

For referrals regarding alleged fraud or other program integrity concerns, please submit a referral to the Child Care Fraud Mailbox at DCFMBCHILDCAREFRAUD@wisconsin.gov.

DCF/DECE/BELP/HJF/BPI/KDM