

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 Eligibility and
Authorization Workers
Child Care Coordinators**

DECE/BELP OPERATIONS MEMO

No: 18-44

DATE: 10/01/2018

Wisconsin Shares Child Care

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

**SUBJECT: When to Refer an Individual Receiving Wisconsin Shares Child Care
to Child Support**

CROSS REFERENCE: Wisconsin Statutes ss. [49.155\(1m\)\(b\)1.](#) and [49.145\(2\)\(f\);](#)
Wisconsin Administrative Code [DCF Chapter 102;](#)
[Wisconsin Shares Child Care Policy and Process Handbook,](#)
Section 1.3.7*;
[Wisconsin Works \(W-2\) Manual,](#) Section [15.2.1;](#)
Operations Memos: [15-13;](#) [15-J3;](#) [15-J5;](#)
Process Help for Absent Parent Page;
* **Note:** All policy section references are specific to the
October 1, 2018, publication of the Policy Handbook.

EFFECTIVE DATE: October 1, 2018

PURPOSE: This memo describes when to refer an individual receiving Wisconsin Shares Child Care to the local Child Support Agency (CSA).

BACKGROUND: Wisconsin Statutes s. [49.155\(1m\)\(b\)1.](#) requires parents receiving Wisconsin Shares Child Care to comply with Wis. Stat. s. [49.145\(2\)\(f\),](#) the Wisconsin Works (W-2) requirement to cooperate with Child Support, as a condition of eligibility. Wisconsin Administrative Code [DCF Chapter 102](#) further defines these requirements. As workers have expressed confusion regarding when to refer a parent to the CSA, this policy is being added to the Wisconsin Shares Policy and Process Handbook. This policy aligns with W-2's Child

Support policy in Section [15.2.1](#) of the W-2 Manual. Operations Memos [15-13](#) and [15-J5](#) describe the child support requirements for parents applying for or receiving Wisconsin Shares Child Care, and outlines procedures for handling noncooperation and good cause claims determinations.

POLICY UPDATE: As part of a larger reorganization of the Wisconsin Shares Policy and Process Handbook, the Child Support section is moving from section 1.4.7 to section 1.3.7 in the October 1, 2018 release. All related references will be updated in the Fall 2018 publication of the Policy Handbook.

1.3.7 Child Support

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

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

The IM Agency must refer the following individuals to the local CSA:

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

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

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

If the parents are married and living together, but the mother claims that the husband is not the father of the child(ren) born during that marriage, the IM agency must **not** refer the case to the CSA. Under Wis. Stat. s. 891.41 there is a presumption of paternity based on the marriage of the parties. The paternity presumption may be overturned by a court with genetic evidence that shows the man is not the biological father. If the court rules that the man is not the father, the court ruling may be used to remove the man's name from the birth record. The man's name can only be removed through a court process.

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

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

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

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

CARES WORKER WEB (CWW): There are no changes to CWW. Workers can refer to operations memos [15-J3](#), [15-J5](#), and [15-13](#) for information on how CWW supports Child Support cooperation policy. For process help refer to Process Help for Absent Parent Page.

CONTACTS:

For Wisconsin Shares Child Care policy questions outside of Milwaukee County contact your Bureau of Regional Operations (BRO), Child Care Coordinators at BROCCPolicyHelpDesk@wisconsin.gov.

For Child Care CARES/CWW and CSAW 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.

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