

Ops Memo 21-08 Attachment 2: Chapter 2 Activity Break Period Authorization Policy Changes

Section 2.4.3.4 Authorizations During an Activity Break Period

As stated in Section 1.3.9.2, federal regulations require states to provide up to three (3) months of continued assistance following a permanent loss of or temporary break in approved activity. These policies are intended to support continuity of care for the child during a parent's permanent loss of or temporary absence from an approved activity.

During an Approved Activity Search Period (ACTS) or Temporary Break Period (TBRK), agency workers must allow the parent to continue using the current authorization or request a reduced authorization. If an existing authorization ends during a break period, agency workers must offer the parent an authorization for up to the same number of hours as the child's previous authorization, **unless the criteria in Section 2.4.2.1 for an authorization to be based on the assessment results are met.**

Note: If eligibility is ending according to adverse action due to a parent's permanent loss or temporary break in approved activity during the renewal month, agency workers must manually end or delete any authorizations created for the new eligibility period (see 1.3.9.2.1). This is to ensure that the same policy to not allow an Activity Break Period to begin the month following renewal is applied to all parents regardless of when they complete the renewal.

~~Parents engaged in ongoing Self-Employment (see 1.3.8.3.2) who are operating at a loss (see 2.4.3.6) and choose to end their self-employment or take a temporary break from their self-employment, are eligible for an ACTS or TBRK period to maintain eligibility, but are not eligible for an authorization. Due to the self-employment operating at a loss, the authorization at the time of the loss would be zero hours and there would be no level of child care assistance to continue.~~

~~Parents who are engaged in new self-employment (see 2.4.3.5) who are not subject to the minimum wage calculation, parents engaged in ongoing self-employment who are not operating at a loss, and foster parents engaged in new or ongoing self-employment (see 2.4.3.7) are eligible to maintain their authorizations during an ACTS or TBRK period.~~

Section 2.4.3.4.1 Authorization Assessments During an Activity Break Period

Authorization assessments must still be completed during an Activity Break Period according to the criteria listed in Section 2.4.2.1. The agency worker must enter the authorization with the same parent schedule as the previous authorization. ~~and override the Approved Authorization Hours in CSAW if necessary to maintain authorization hours.~~

If the new authorization meets the criteria in Section 2.4.2.1 for Authorizations Based on Assessment Results, the agency worker must not override Approved Authorization Hours to maintain authorized hours. When the authorization must be based on the assessment results, the authorization hours may need to be reduced. This is because the assessment must be based on the parent's approved activity schedule from the *last approved activity* rather than the total *authorization hours* in the previous authorization.

Example 1 (ACTS-Change Providers): In January, Morgan was working 40 hours per week and her son, Aaron, had an authorization for the times when she was working.

Change 1 (Decrease in Hours): In April, Morgan reported that her work hours decreased to 20 hours per week. The agency worker completed an authorization assessment using Morgan's new 20-hour per week schedule and determined that Morgan was eligible to keep the higher hours per the policy in Section 2.4.2.2. Morgan chose to continue Aaron's authorization for 40 hours per week. The agency worker used the "Copy from Prior Authorization" button to maintain the authorization at 40 hours per week.

Change 2 (Job Loss): In June, Morgan reported that she lost her job. An ACTS period was created for July 1 – September 30 and the agency worker left the current authorization in place.

Change 3 (Change Providers): In July, during Morgan's ACTS period, Morgan reports that she would like to send Aaron to a new provider starting August 1. The agency worker enters the same 20-hour per week schedule that Morgan was working prior to the job loss, which she reported in Change 1. However, a change in provider requires the authorization to be based on the assessment results. Aaron's new authorization must be based on Morgan's 20-hour per week schedule that she was working prior to starting the ACTS period.

If the new authorization results in fewer hours and the criteria in Section 2.4.2.2 for Authorizations Based on Continuity of Care are met, the agency worker should use the "Copy from Prior Authorization" button or override the Approved Authorization Hours in CSAW to maintain authorization hours (unless the parent requests fewer hours). If the parent requests fewer hours, the agency worker must document this decision in case comments (see 2.4.1 and 2.4.2.2). For more information on this process, see the CSAW Authorizations - Processing Various Change Scenarios User Guide).

The 24-month education time limit (see 1.3.8.6.5, ~~1.3.8.7 and 1.3.8.8~~) does not count for parents engaged in basic, ~~or~~ post-secondary, or online education as described in Section 1.3.9.2.1 during an ~~ACTS or TBRK~~ Activity Break Period. Parents can continue utilizing child care while they attend classes during the ~~ACTS or TBRK~~ Activity Break Period.

During an Activity Break Period, the parent has the option to utilize authorization hours during whichever hours they prefer as long as the provider is open and regulated during that time.

Example 2 8: Mariana is open and ongoing for Wisconsin Shares and has an authorization for her child, Paulo. Mariana is working third shift when she loses her job, and Paulo's authorization is for overnight care. Mariana contacts the local agency, and the agency worker ~~places her in~~ updates the Approved Activity Status in CWW to ACTS. The agency worker does not need to update Paulo's authorization unless Mariana requests fewer hours or the criteria in Section 2.4.2.1 for an Authorization Based on Assessment Results are met ~~changes child care providers~~. Mariana can continue using the same number of authorized hours to send Paulo to child care during the day while she looks for a job. Mariana will need to work out the child care schedule with her child care provider.

Section 2.4.3.4.2 No Increased Hours During an Activity Break Period

Parents are not eligible for an increase in hours (including additional school closed days [see 2.4.4.4.1]) during an Approved Activity Search Period (ACTS) or Temporary Break Period (TBRK). This also includes a parent's change in schedule in a two-parent or three-generation household.

In a two-parent or three-generation household in which more than one (1) adult is participating in an ~~ACTS or TBRK~~ Activity Break Period, the local agency must maintain authorizations at the same number of hours until all parents are again engaged and participating in approved activities (see 1.3.8 and 1.3.9). Authorized hours may be reduced at the parent's request, but authorized hours cannot be increased if there is a change in one parent's schedule or other change resulting in an authorization assessment (see 2.4.2.1 and 2.4.2.2) during the ~~ACTS or TBRK~~ Activity Break Period.

Example 1: Cora is in a TBRK period, and her husband, Finn, is in an ACTS period. Their child, Leo, has an authorization for 20 hours per week. Finn obtains new employment and provides financial verification, while Cora remains in a TBRK period. The agency worker completes an authorization assessment using Cora's previous schedule and Finn's new schedule. The authorization assessment shows that Leo is now eligible for an authorization of 40 hours per week based on the new overlap. However, Leo's authorized hours can only be 20 hours per week (or less at the parent's request) during Cora's TBRK period because authorized hours cannot be increased during a TBRK period. The agency worker must either override the approved authorization hours or use the "Copy from Prior Authorization" button to maintain the authorization at 20 hours per week.

Example 2: Penelope is in an ACTS period. Her child, Hazel, has a school-year authorization of 10 hours per week for before and after school care. When school lets out for the summer, Penelope wants to send Hazel to the full-time summer camp program at her child care provider and is requesting 40 hours per week based on her previous work schedule. However, Hazel is not eligible for an increase in hours due to Penelope being in an ACTS period. Penelope can use the 10 hours per week based on Hazel's previous authorization for summer camp because it is at the same provider and location, but she will need to pay the rest of the child care cost out of pocket.

Example 3: Kristine has a school-year authorization for her child, Ingrid, when she loses her job. Kristine is placed in an ACTS period from November 1 – January 31. In December, Ingrid's school is closed for several days due to inclement weather. Kristine calls to request additional school closed hours. However, because Kristine is in an ACTS period, no additional hours can be added to Ingrid's authorization. Kristine's request for additional school closed hours is denied.

Section 2.4.3.4.3 No New Authorizations During an Activity Break Period for Children Not Previously Authorized

The intent of the Approved Activity Search Period (ACTS) and the Temporary Break Period (TBRK) is to continue benefits at the same level ~~during a time of change~~ following a permanent loss or temporary break in the parent's approved activity. If the child does not have an authorization ~~at the time of the change~~ that started prior to the day the parent lost their approved activity or began an absence from their approved activity, then there are no benefits to continue at the same level. Parents may maintain eligibility even if their child does not have an authorization (see 1.3.9.2.1).

Children who do not have authorizations that started prior to the day the parent lost their approved activity or began an absence from their approved activity are not eligible to receive new authorizations to continue during the Activity Break Period. If a child had an authorization that started prior to the day the parent lost their approved activity or began an absence from their approved activity, the authorization can be extended into the Activity Break Period if the parent makes a timely request (see 2.3.7). New authorizations cannot be created to extend into the Activity Break Period; only benefits that previously existed can be continued.

Authorizations during an Activity Break Period must be consecutive. The child's authorization that the parent was using prior to the Activity Break Period should continue through the Activity Break Period unless the parent requests fewer hours, decides that they no longer need an authorization, or the criteria in Section 2.4.2.1 for an authorization to be based on the assessment results are met. This is because there cannot be a gap in authorizations during a time when benefits are being continued at the same level.

Example 1: Khloe has three (3) children: Sydney (age 2), Ja'mal (age 5), and Demarcus (age 8). Khloe has an authorization for Sydney but does not have authorizations for her school-age children. On May 9, she reports that she lost her job on May 7 and also requests authorizations for Ja'mal and Demarcus starting **on May 25. in June when school ends.** Because Ja'mal and Demarcus did not have authorizations **at the start of Khloe's loss of employment that started prior to the day that Khloe lost her job (May 7),** they are not eligible for authorizations during Khloe's ACTS period. However, Khloe can choose to maintain Sydney's authorization at the same number of hours until the end of her 3-month ACTS period.

Example 2: Rhonda has two (2) children: Roberta (age 6) and Chad (age 8). She does not have authorizations for the children during the school year, but she ~~does have~~ **previously requested** authorizations for June ~~19~~ – August 31 for both children. On May 8, Rhonda reports that she lost her job **that day**, and is placed in an ACTS period for June 1 – August 31. Because ~~Rhonda had the summer authorizations in place prior to the permanent loss of approved activity~~ **the summer authorizations did not start prior to the day that Rhonda lost her job (May 8),** she is not able to keep the ~~summer~~ **future** authorizations ~~for her children.~~ The agency worker must delete the future authorizations for both children. Rhonda may still maintain Wisconsin Shares eligibility without authorizations.

Example 3: Pam has a part-time authorization during the school year for her child, Tina, for February 1 – June 12 and then a full-time summer authorization for June 20 – August 31. She reports to the local agency on June 20 that she lost her job on June 15. Pam's ACTS period will be July 1 – September 30. Because the full-time authorization did not start prior to the day that Tina lost her job (June 15), Tina's full-time authorization may not be used for Pam's ACTS period. However, Pam may choose to maintain the hours from the part-time authorization during the ACTS period because that authorization started prior to the day that Tina lost her job.

~~**Example 4:** Samantha does not have an authorization in place for her school-age child during the school year. She is terminated from her job at the same time school lets out for the summer. Because Samantha did not have an authorization for her school-age child prior to losing her job, her child is not eligible for an authorization. However, Samantha can keep her Wisconsin Shares eligibility if she anticipates sending her child to child care after she finds a new approved activity. If Samantha chooses to maintain Wisconsin Shares eligibility, the agency worker would~~

~~update Samantha's Approved Activity Status in CWW to ACTS but would not create any new authorizations.~~

Example 4: Catalina has one child, Javier (age 8). Javier has an authorization from January 1 – April 16 at Rosa's Playhouse. On April 20, Catalina reports that she started maternity leave on April 18. A TBRK period is created from May 1 – July 31. The agency worker extends Javier's authorization to July 31 because the authorization started prior to the first day of Catalina's maternity leave (April 18).

~~The only exception to this policy is if eligibility was confirmed open for Wisconsin Shares within the past 30 calendar days and the parent was in the process of selecting a provider or providing authorization assessment information when the permanent loss or temporary break occurred.~~

~~In this situation, the child would be eligible for an authorization based on the parent's previous work schedule and any other relevant authorization assessment information that was already provided.~~

Example 6: ~~Josie has an approved activity of working full-time and is determined eligible for Wisconsin Shares. Josie begins the authorization assessment process, but still needs to choose a provider. Before Josie can choose a provider, she is laid off from her job. Josie's child is still eligible for an authorization, and the authorization assessment of hours must be based on Josie's work hours in addition to other relevant authorization assessment information that was in place prior to the end of employment.~~

Section 2.4.3.4.41 Ending Authorizations During or Following an Activity Break Period

Wisconsin Shares eligibility will end systematically at the end of the third month in CARES Worker Web (CWW) if a parent has not started a new verified approved activity or returned to their approved activity by the end of an Activity Break Period (see 1.3.9.2.3). Authorizations will end systematically in CSAW on the last day of the last month in which the child was eligible if there is no eligibility for the following month. Agency workers do not need to take any action to end authorizations following an Approved Activity Search Period (ACTS) or Temporary Break Period (TBRK).

If Wisconsin Shares eligibility closes ~~or fails~~ in CWW for a different reason during an ~~ACTS or TBRK~~ Activity Break Period (see 1.3.9.2.3), the authorization will also end systematically in CSAW at the end of the last month of the child's eligibility. If Wisconsin Shares eligibility is closing according to Adverse Action (see 1.8.4), agency workers do not need to take action to end an authorization earlier unless:

- The parent indicates that they do not plan to use child care; **or**
- **The case is closing due to the parent not being eligible for an Activity Break Period the first month of a new eligibility period after the renewal has been completed (see 2.4.3.4).**

If Wisconsin Shares eligibility closes and reopens in CWW within one (1) calendar month **while the parent is in an Activity Break Period**, the agency worker will need to recreate or extend the end date on the previous authorization in CSAW as the authorization will have been systematically ended when eligibility ended.

If eligibility closes at the end of an Activity Break Period and reopens in CWW within one (1) calendar month because the parent gains a new approved activity or returns to their approved activity, the case is ongoing and the local agency must follow the policy in Section 2.3.7 for determining the authorization begin date.

Example 1 (Eligibility closes and reopens): Krystal is in an ACTS period from June 1 – August 31 and her daughter, Mallory, has an authorization at Kelly's Kuddles. When Krystal's ACTS period is ending in August, Krystal does not have a new approved activity for September. Eligibility systematically ends on August 31. On September 23, Krystal reports that she has started a new job and provides verification. Eligibility reopens effective September 1. Mallory has been attending Kelly's Kuddles since her authorization ended. However, Mallory's new authorization can only begin on September 23 because this was the date that both criteria of Krystal participating in her approved activity and Mallory attending the child care provider were met.

If a parent who is in a TBRK period intends to return to their approved activity prior to the end of the 3-month period, the authorization should remain in place until the parent reports that they have returned to their approved activity, unless there is an expected change within that period (see 2.3.8). An expected return to an approved activity prior to the end of the 3-month period should not be considered an expected change for the purposes of ending authorizations.

Example 2 (TBRK): Adeline reports on January 12 that she had a baby and is on maternity leave until February 28. The agency worker updates her Approved Activity Status in CWW to TBRK for February 1 – April 30. Adeline has an authorization for her older child, Phoebe. The agency worker leaves the original end date of June 7 in place for Phoebe's authorization as the authorization will be ended systematically on April 30 when eligibility ends if Adeline does not report she has returned to work by April 30. Adeline will need to report if she returns to work before April 30 and if she has a change in child care need following her return to work.

Example 3 (ACTS): Mia loses her job on March 10 and the agency worker ~~places her in an~~ updates her Approved Activity Status in CWW to ACTS ~~period from~~ for April 1 – June 30. Mia's child, Milo, has an authorization with an end date of Mia's annual renewal date, August 31. The agency worker does not need to update Milo's authorization (unless Mia requests changes to the authorization). If Mia does not have a verified approved activity by June 30, Mia's eligibility in CWW and Milo's authorization in CSAW will systematically end on June 30.

Agency workers must complete an authorization assessment at the end of an ~~ACTS or TBRK~~ Activity Break Period. If a TBRK period crosses a renewal, an authorization assessment must be completed for the month following the end of the TBRK period and the authorized hours must be based on the assessment results. This would be considered their renewal authorization assessment (see 2.4.2.1) because the authorization assessment completed at renewal may not have been reflective of their child care needs after they return to their approved activity.

If the end of a parent's ~~ACTS or TBRK~~ Activity Break Period is within their 12-month eligibility period (not crossing renewal), an authorization assessment must be completed for the month following the end of the 3-month period ~~based on the parent's actual schedule following the break, but~~ Parents have the option to continue using the same number of authorized hours

based on continuity of care (see 2.4.2.2) unless the criteria for an authorization to be based on the assessment results are met (see 2.4.2.1).