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TO: Income Maintenance Supervisors
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W-2 Agencies
Workforce Development Boards
Job Center Leads and Managers
Training Staff
Child Care Coordinators/Certifiers

FROM: Laura Saterfield, Bureau Director
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Division of Early Care and Education

DFES OPERATIONS MEMO					
No:	09-04				
DATE:	01/26/09				
FS	<input type="checkbox"/>	MA	<input type="checkbox"/>	BC+	<input type="checkbox"/>
SC	<input type="checkbox"/>	CTS	<input type="checkbox"/>	CC	<input checked="" type="checkbox"/>
W-2	<input checked="" type="checkbox"/>	FSET	<input type="checkbox"/>	EA	<input type="checkbox"/>
CF	<input type="checkbox"/>	JAL	<input type="checkbox"/>	JC	<input type="checkbox"/>
RAP	<input type="checkbox"/>	WIA	<input type="checkbox"/>	Other	<input type="checkbox"/> *
EP					
PRIORITY: HIGH					

SUBJECT: Foster Parent Resource Guide and Child Care Eligibility and Co-Payment Review

CROSS REFERENCE: Ops Memo 98-66, 00-71, 05-42; Child Care Manual Chapter 1, Sections 1.3.9, 1.6.21, 1.11.0-1.11.57; Chapter 3, Sections 3.7.3, 3.8.11

EFFECTIVE DATE: Immediately

PURPOSE:

The purpose of this memo is to release the Wisconsin Shares Child Care Assistance Foster Parent and Subsidized Guardianship Resource Guide and to review child care assistance eligibility and co-payment policies for foster care, subsidized guardians in Milwaukee County, and court-ordered and non-court ordered kinship care cases. The child care assistance policies for children in foster care pertain to placements that are either the result of a court order or voluntary, if the voluntary placement has been made through a licensed child welfare, county or state agency. A resource guide for child care assistance for court-ordered and non court-ordered kinship care will be released at a later date. Both resource guides will be available at <http://dcf.wisconsin.gov/childcare/wishares/default.htm>.

BACKGROUND:

Effective June 3, 1998, a new statute changed the financial eligibility criteria for foster care and kinship care parents who need child care for their foster and court-ordered kinship care children so that they can participate in an approved activity. The new statute changed the financial eligibility criteria from the foster parent or kinship care relative to the income of the child's biological or adoptive family and set a limit of no more than a 200% of the Federal Poverty Level (FPL). Kinship care cases that are not court-ordered are excluded from the eligibility criteria changes. On July 27, 2005 additional statutory changes added subsidized guardians in Milwaukee County to the same financial eligibility criteria.

Court-Ordered Kinship Care Definition

Court-ordered kinship care is defined in the Wisconsin Shares Child Care assistance program as a kinship care relative who is receiving kinship care benefits for a child that is in their care under a Children in Need of Protection or Services (CHIPS) court order or a Chapter 48 or 54/880 guardianship order. See the Child Care Manual Chapter 1, page 17 at

<http://dcf.wisconsin.gov/childcare/wishares/pdf/chapter1.pdf>. Kinship care funded cases that do not have the child placed through one of these court orders or cases where the child is placed with the applicant through a court order but there is no kinship care benefit do not meet the definition of court-ordered kinship care and cannot have their financial eligibility determined by using the child's biological or adoptive family income level under current law. Financial eligibility for non court-ordered kinship care cases is determined by using the kinship care relative's family income at the 185% level.

Determining Biological or Adoptive Parent Income

The group size for the biological or adoptive family income test includes the biological or adoptive parents and full or half siblings who were in the household before the child was placed in the foster home or court-ordered kinship care placement. Exclude the child that was removed from the home, they will be counted in the foster parent, subsidized guardian or kinship care relative's Assistance Group in CARE Worker Web (CWW).

Although the child's biological or adoptive family income may be difficult to gather, it is required under current law. Foster children have Title IV-E eligibility determination that is used for their programs, and all kinship care cases are required to be referred to Title IV-D child support. If the biological or adoptive parent income is not known at the time of placement, the eligibility worker should enter zero on the Manual Eligibility page in CARES Worker Web and document in CARES comments that the information was not available from the child welfare and child support agency. If the child support agency is not able to locate the biological or adoptive family income by the child's first six-month review, the eligibility agency may stop seeking the information if they document it in CARES case comments that IV-D child support could not locate the parent income, and continue to enter zero on the Manual Eligibility page until the child welfare or child support agency or any other source reports otherwise.

Manual Eligibility in CARES Worker Web

The Manual Eligibility page in CARES Worker Web (CWW) was designed to calculate financial eligibility determinations for children who are in foster care, living with a relative caretaker who has a court order for their care and receives kinship care benefits for the child, or placed with their subsidized guardian in Milwaukee County. CWW functionality first tests financial eligibility on the assistance group of the foster parent, kinship care provider, or subsidized guardian at 185% FPL for new cases or 200% FPL for open cases, and if the case does not pass eligibility it then tests eligibility at 200% FPL based upon the income indicated for the families of the children entered on the Manual Eligibility page. If the foster parent, kinship care provider, or subsidized guardian assistance group income is at or below 185% FPL for new cases or 200% FPL for on-going cases, all of the children in the foster parent, subsidized guardian, and court-ordered kinship care Assistance Group also become eligible for child care assistance if all non-financial eligibility requirements are met.

Foster Parent Income Disclosure

Foster parents, subsidized guardians, and kinship care parents who need child care for their foster and court-ordered kinship care children are not required to provide their own income information if they are only applying for Wisconsin Shares child care assistance. This policy was initiated in Ops Memo 98-66. The worker should enter "NV" (Not Verified) for the foster parent's family income. However, all financial information will need to be collected if the family is requesting child care assistance for their own children, or are applying for other programs of assistance such as BadgerCare Plus or FoodShare or a W-2 Employment position, or if the family receives kinship care for the child but does not have the child placed through a court order, or the child is placed with the applicant through a court order but does not receive kinship care benefits.

Non-Financial Requirements

Foster parents, subsidized guardians, and kinship care parents who need child care for their foster and court-ordered kinship care children are required to meet the non-financial eligibility requirements that have been established for all parents who receive Wisconsin Shares child care assistance as outlined in the Child Care Manual, Chapter 1, Sections 1.4.0-1.4.8.2 except they do not have to provide verification within the seven day of application limit or cooperate with child support for the child in their care (<http://dcf.wisconsin.gov/childcare/wishares/pdf/chapter1.pdf>).

Co-Payment Type Review

Co-payment types and levels have been confusing to many workers. A chart of all co-payments types for all case types is located in the Child Care Manual Appendix located at <http://dcf.wisconsin.gov/childcare/wishares/pdf/appendix.pdf>. Co-payment types and amounts and financial eligibility criteria for foster parents, subsidized guardians in Milwaukee County, and kinship care relatives for their eligible child(ren) in their substitute care is below. Note that kinship care relatives who have a court order for care receive a KIN code for a zero payment even if they do not receive kinship care benefits, but kinship care relatives who do not have a court order for care should be coded as NCK for a \$5.00 co-payment even if they do receive kinship care benefits. *The difference between the two types is whether there is a court for care of the child or not.*

Co-Payment and Financial Eligibility for Foster Care, Subsidized Guardians in Milwaukee County and Kinship Care Relatives

Case Type	Co-Payment Type	Dollar Amount
Foster Parents <i>Financial eligibility for foster child is based upon their own biological or adoptive family income.</i>	FOS	\$0.00
Subsidized Guardian in Milwaukee County <i>Financial eligibility for foster child is based upon their own biological or adoptive family income.</i>	FOS	\$0.00
Kinship Care Relative: 1. Receives kinship care payments 2. Has a court order for placement or guardianship for the child <i>Financial eligibility for kinship care child is based upon their own biological or adoptive family income.</i>	KIN	\$0.00
Kinship Care Relative: 1. Does <u>not</u> receive kinship care payments 2. Has a court order for placement or guardianship for the child <i>Financial eligibility for kinship care child is based upon the kinship care relative's family income.</i>	KIN	\$0.00
Kinship Care Relative: 1. Receives kinship care payments 2. Does not have a court order for placement or guardianship <i>Financial eligibility for kinship care child is based upon the kinship care relative's family income.</i>	NCK	\$5.00

Foster Parent, Subsidized Guardians in Milwaukee County and Kinship Care Relative Share of Cost

All Wisconsin Shares child care assistance applicants, including foster parents, subsidized guardians and kinship care relatives should be made aware that the program authorizes child care only for the hours that the child needs while the foster parent, guardian or relatives are engaged in an approved activity and at rates no higher than the provider or county/tribal maximum rate, whichever is lower. Therefore, if a child care provider is chosen who requires payment for more than the number of hours authorized or charges a higher price than the county maximum rate, the applicant is responsible if the child care provider requests payment for the difference. See the Foster Parent and Subsidized Guardians Resource Guide, page 18.

ATTACHMENT: Wisconsin Shares Child Care Assistance Foster Parent and Subsidized Guardians in Milwaukee County Resource Guide

CONTACTS

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