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

FROM: Janice Peters, Director
Bureau of Wisconsin Works
Division of Family Supports

DFS OPERATIONS MEMO					
No:	07-20 (Corrected)				
DATE:	4/11/2007 (Corrected) 01/4/2008				
FS	<input type="checkbox"/>	MA	<input type="checkbox"/>	SC	<input type="checkbox"/>
CTS	<input type="checkbox"/>	CC	<input 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	EP	<input type="checkbox"/>	
PRIORITY: HIGH					

SUBJECT: REVISED W-2 POLICY ON TEMPORARY ABSENCE OF A CHILD

CROSS REFERENCE: Wisconsin Works Policy Manual, Chapter 4, Section 4.4.1

EFFECTIVE DATE: Immediately

PURPOSE

This Operations Memo revises current Wisconsin Works (W-2) policy on Temporary Absence of a Child. This revision clarifies current policy on providing W-2 services when a child is temporarily absent from the home, and for specific circumstances, implements a case-by-case exception to the up-to-three months time period for providing W-2 services in current policy.

BACKGROUND

CURRENT TEMPORARY ABSENCE OF A CHILD POLICY

Generally W-2 requires a dependant child to reside in the home as a non-financial eligibility requirement. However, when all of the following requirements are met, current W-2 Temporary Absence of a Child policy allows W-2 services to be provided to families for a time period of up-to-three months when their children are temporarily absent from the home and no children remain in the home:

- The child(ren) will not be absent from the home for longer than three months and are expected to return to the parent's home within the no-longer-than three months period;
- The child(ren) are not placed out-of-home indefinitely or for longer than three months by a dispositional order under Wisconsin Statutes section 48.355;
- The custodial parent continues to exercise responsibility for the care and control of the child(ren) while the child(ren) are placed out-of-home; and
- The W-2 applicant or participant reports the absence of the child(ren) within five working days.

The current W-2 Temporary Absence of a Child policy applies to both applicants for W-2 services and on-going W-2 participants with W-2 benefit payments and/or case management services. W-2 applicants with previously closed or denied W-2 cases may meet requirements for W-2 Temporary Absence of a Child policy.

CASE-BY-CASE EXCEPTION

The Division of Family Supports (DFS) convened a Temporary Absence Policy Workgroup to review and make recommendations on the W-2 temporary absence policy. To support service integration between W-2 and Child Welfare and to help stabilize and support families for reunification with their children, the Workgroup recommended an extension to the time period for providing W-2 services when children are temporarily absent from their homes due to child welfare issues. The Workgroup identified advantages of a case-by-case exception which allows the time period for providing W-2 services to be customized to:

- Enhance effective provision of case management and other W-2 services;
- Utilize W-2 resources efficiently; and
- Provide encouragement to parents/caretakers to effectively utilize services during the extension time period.

The employment goal of the W-2 program is critical in helping families attain income stability and move from poverty toward self-sufficiency. This is a goal for all families, including those families with a child(ren) temporarily absent from their homes. Strategies to assist parents whose children are temporarily absent from the home may include part-time or full-time employment and/or job skills training. W-2 planning also includes other activities that are consistent with reunification and permanency planning such as counseling and treatment for alcohol and other drug abuse (AODA), domestic violence, and/or mental health issues.

REVISED POLICY

The current Temporary Absence of a Child policy, based on W-2 Manual section 4.4.1, with clarifying revisions underlined, is:

4.4.1 Temporary Absence of a Child

Applicants and participants who meet all financial and non-financial requirements are eligible for a W-2 employment position or W-2 case management services even if the dependent child(ren) is temporarily absent from the home, provided these four conditions are met:

1. The child will not be or has not been continuously absent for more than three months, and is expected to return to the parent's household;
2. The child's absence is not the result of removing the child under a dispositional order (s. 48.355, Wis. Stats.) which places custody of the child outside the home, indefinitely or for three or more months;

3. The custodial parent continues to exercise responsibility for the care and control of the child while the child is placed out-of-home (see definition of care and control of the child below); and
4. The applicant or participant must report the absence of a child within five working days regardless of the number of children in the home. Note: The five day notification period is a federal Temporary Assistance for Needy Families (TANF) requirement and the time frame differs from the W-2 10-day notice of change requirement.

The parent's requirement to report the child's absence to the W-2 agency within five working days begins on the day when the parent knows the child is absent from the home.

The W-2 agency will accept a report of a child's temporary absence from the Child Welfare agency as a report from the parent. The W-2 agency must inform a parent of any temporary absence report made by the Child Welfare agency on behalf of the parent.

When the Child Welfare agency is involved with the family, the W-2 agency must work with the Child Welfare agency to develop and implement procedures to meet the reporting requirement.

The temporary absence of a child policy is not applicable if there is at least one dependent child remaining in the home because then the dependant child requirement is met for W-2 non-financial eligibility.

In addition to the revisions underlined in the current policy above, DFS is adding the following Temporary Absence of a Child due to Child Welfare Issues Case-by-Case Exception policy:

TEMPORARY ABSENCE OF A CHILD DUE TO CHILD WELFARE ISSUES CASE-BY-CASE EXCEPTION POLICY

A case-by-case exception to the up-to-three months time period for providing W-2 services applies when:

- Within five working days of their child(ren) being temporarily absent from their home due to child welfare issues, the applicant or participant reported to the W-2 agency that their child(ren) are temporarily absent from the home due to child welfare issues;
- No other child(ren) remain in the home; and
- All of the following requirements are met:

The parent's requirement to report the child's absence to the W-2 agency within five working days begins on the day when the parent knows the child is absent from the home.

The W-2 agency will accept a report of a child's temporary absence from the Child Welfare agency as a report from the parent. The W-2 agency must inform a parent of any temporary absence report made by the Child Welfare agency on behalf of the parent.

When the Child Welfare agency is involved with the family, the W-2 agency must work with the Child Welfare agency to develop and implement procedures to meet the reporting requirement.

1. The Child Welfare agency confirms the child was removed from the home due to child welfare issues (e.g. when juvenile justice issues are involved, only child welfare issues are considered for meeting this policy requirement);
2. The parent maintains an appropriate home for the child based on determinations by the W-2 and Child Welfare agencies (e.g. the parent is not in a treatment center or other

out-of-home placement). Because the Child Welfare agency has expertise in making determinations regarding safe and appropriate housing for the reunification of parents with their children, the W-2 agency should base their determination of an appropriate home for the child on the Child Welfare agency's decision.

Before the Child Welfare agency decides to reunify children in the parent's home, the Child Welfare agency assesses the home for safety and appropriateness, including factors such as properly functioning utilities and home furnishings. A safe and appropriate home may be an owned or rented home, or a suitable home shared with another family member(s). A car or shelter is never considered to be a safe and appropriate living arrangement for reunification with children.

Note: The parent's participation in out-of-home care for mental health, alcohol or other drug abuse (AODA) and/or medical care for no longer than one month during the child's absence from the home does not preclude a Case-by-Case Exception provided the parent meets the requirement to maintain an appropriate home for the child based on determinations by the W-2 and Child Welfare agencies;

3. The permanency plan and any other Child Welfare agency plan state that the child is expected to be reunified with the parent in the parent's household within six months (e.g. child is not expected to "age out" of child status while in the out-of-home placement);
4. The child's out-of-home placement type is consistent with reuniting the child with the parent in the parent's household within six months of the child's temporary absence from the home (e.g. child is not in a pre-adoptive placement);
5. The child's absence is not the result of removing the child under a dispositional order (Wis. Stats. sec. 48.355) which places the child outside the home, indefinitely or for longer than six months;
6. The custodial parent continues to exercise responsibility for the care and control of the child while the child is placed out-of-home (see definition of care and control of the child below);
7. The custodial parent is cooperating and participating in W-2 agency appointments, activities, training and employment services;
8. The custodial parent is participating in, following-through and satisfactorily completing Employability Plan activities and any other requirements of the W-2 agency; and
9. The custodial parent is cooperating, following-through and satisfactorily completing Child Welfare agency appointments and all activities required for reunification with the child.

For each month of the Case-by-Case Exception, the W-2 agency must contact the Child Welfare agency to determine whether requirements #1-6 and #9 above are met, and the W-2 agency must determine whether requirements #7-8 are met. The requirements for the W-2 agency's contact and coordination with the Child Welfare agency are outlined below under Coordination of Services with the Child Welfare Agency.

The Case-by-Case Exception policy applies to on-going W-2 participants with W-2 benefit payments and/or case management services.

DEFINITION OF CARE AND CONTROL OF THE CHILD

For purposes of W-2 Temporary Absence Policy and W-2 Case-by-Case Exception Policy, “The custodial parent continues to exercise responsibility for care and control of the child while the child is placed out-of-home” is defined to mean the parent is responsible for decisions about the child’s education, health-care, and any treatment, hospitalization, and long-distance travel.

COORDINATION OF SERVICES WITH THE CHILD WELFARE AGENCY

The Case-by-Case Exception policy, and the current temporary absence policy for child welfare situations, require significant communication and collaboration between the W-2 agency and Child Welfare agency. To ensure communication and coordination between the two agencies, the W-2 agency is required to develop and implement procedures for the following:

- a) Identification of families involved in services from both agencies;
- b) At a minimum contact every other week with the Child Welfare agency’s primary worker for the family, and more frequent contact as appropriate when there are relevant changes, to discuss W-2 participation and to determine the family’s progress in meeting goals including reunification with their child(ren) (e.g. participation in joint staffing meetings between both agencies with the family or family members);
- c) Sharing assessments and other relevant information between both agencies about the family, including confidential information in accordance with federal and state confidentiality laws;
- d) Clarification about the impact of any out-of-home placement or other legal orders on the custodial parent’s on-going care and control of the child(ren);
- e) Coordination of referrals to other resources, including AODA, mental health, etc., to ensure that services are not duplicated; and
- f) When activities that may be required by the Child Welfare agency for the parent’s reunification with the child(ren), such as parenting classes, are approvable W-2 activities, then the W-2 agency must coordinate with the Child Welfare agency so that these activities are included in the parent’s W-2 Employability Plan (EP).

SYSTEMS

CARES/CARES Worker Web (CWW) currently support implementation of the Temporary Absence of a Child and the Case-by-Case Exception policies by allowing W-2 services when there is a W-2 application or on-going W-2 case, and the case is not open for another assistance program. In these situations, the W-2 agency must take the following steps:

1. On the CARES Current Demographics page, in the Living Arrangement section, do not update the Living Arrangement for the child(ren) to 15 – Out of Home. Instead leave the Living Arrangement as 01 – In the home; and
2. Make timely and clear entries on the CARES Case Comments page to document the agency’s steps, including how the situation meets policy requirements for Temporary Absence of a Child and any Case-by-Case Exception.

However when the case is open for another assistance program other than BadgerCare Plus, then the Living Arrangement code for the child(ren) will be updated by the other assistance program to 15 – Out of home. When the case is open for BadgerCare Plus and there is a child who meets the BadgerCare Plus Temporary Absence policy, the Living Arrangement code for the child(ren) will be updated by BadgerCare Plus to 1 – Independent (home/Apt/Trlr). In addition, the BadgerCare Plus worker will respond Yes to the question “Is this a child living outside this home and in Foster Care or court-ordered Kinship Care? For these situations, when there is a W-2 application or on-going W-2 case which meets all policy requirements for Temporary Absence of a Child and any Case-by-Case Exception, the W-2 agency must take the following steps:

1. On the CARES Current Demographics page, check that the Living Arrangement code for the child(ren) is 15 – Out of Home for another assistance program besides BadgerCare Plus or the Living Arrangement code for the child(ren) is 1 – Independent (home/Apt/Trlr) for BadgerCare Plus (however per requirement step #1 above, this would not have been entered by the W-2 agency);
2. Confirm the W-2 Assistance Group (AG) closure on CARES AGECE is 352 stating “The target is not in a qualifying living arrangement.” (Because the closure is from SFU, the W-2 AG cannot be over-ridden);
3. Communicate with the W-2 participant that due to automated system limitations for Temporary Absence of a Child and any Case-by-Case Exception, a W-2 closure notice automatically will be sent with reason code 352 stating “The person who might make you eligible for this program is not living in your home.” Advise the W-2 participant that they can disregard this notice (and only that notice) provided they continue to meet requirements. Make timely and clear entries on the CARES Case Comments page to document these communications with the W-2 participant;
4. CARES Alert 414 stating “W-2 ended – please disenroll” will be generated to the Financial and Employment Specialist (FEP) and/or Work Programs Case Manager after the W-2 closure has been confirmed. Disregard this alert and do not disenroll the W-2 participant;
5. The W-2 participant will appear on the Work Programs Disenrollment list. Disregard this and instead leave the participant and placement as is in CARES WPWW;
6. Based on the above steps, for those W-2 participants in a W-2 employment position CARES will continue to allow issuance of W-2 benefit payments for an additional few months after eligibility ended. Clearly document on the CARES Case Comments page each W-2 benefit payment for Temporary Absence of a Child and any Case-by-Case Exception;
7. CARES automatically will end the W-2 placement in a few months after eligibility ended. After this happens, if there are any additional W-2 benefit payments to be issued for the participant due to Temporary Absence of a Child and any Case-by-Case Exception, then issue an auxiliary payment for each of these benefit payments as follows:
 - a. On CARES BICS indicate that the auxiliary payment is for the last month the W-2 AG was open. Continue to designate that same month for each auxiliary payment due to Temporary Absence of a Child and any Case-by-Case Exception. (Note: This same month is required to assist with tracking these payments in CARES);

- b. Use auxiliary payment reason 955 (titled Temp Absence Payment) for any payment associated with the time period for Temporary Absence of a Child. Use auxiliary payment reason 956 (titled Temp Absence Case-by-Case Exception Payment) for any payment associated with the time period for any Case-by-Case Exception;
 - c. If the W-2 participant receives FoodShare, then notify the FoodShare worker each month about which month the payment actually is for (to ensure accurate FoodShare budget calculations);
 - d. Follow DFS Operations Memo [06-51](#) to add an OTF clock tick for each payment; and
 - e. Make timely and clear entries on the CARES Case Comments page to document each auxiliary payment for Temporary Absence of a Child and any Case-by-Case Exception, including:
 - i. date of the auxiliary payment;
 - ii. payment amount;
 - iii. auxiliary payment reason code;
 - iv. month the auxiliary payment was indicated for; and
 - v. month the payment actually is for as a benefit payment.
8. After the W-2 AG has closed, maintain manual tracking and documentation of the participant's continued W-2 eligibility, including any reported changes in non-financial or financial eligibility and when the eligibility and Employability Plan reviews are due and have been completed;
9. If the W-2 participant loses W-2 eligibility, send a manual W-2 closure notice.

OTHER PROGRAMS IMPACT

The FoodShare and Medicaid programs each have policies on temporary absence of children from the home, and those policies are not changed by this Memo. These policies include the different timeframes these programs allow for temporary absence of children and also reduced benefits when there are fewer individuals in the assistance group.

Child Welfare funding may cover costs for AODA counseling and treatment, mental health and other services when the services are included in goals for reunifying children with their families. (W-2 funding cannot be used for medical services.)

The family is no longer eligible for Child Care when a child is temporarily absent from the home and no children remain in the home.

TANF funding requirements do not allow W-2 services for a child under Temporary Absence of a Child or Case-by-Case Exception policies when a child is in Kinship Care. However, when at least one child is in an out-of-home placement that is not Kinship Care (e.g. foster care), then W-2 services may be provided under Temporary Absence of a Child and Case-by-Case Exception policies provided all policy requirements are met.

NEXT STEPS

DFS will announce updated training resources in "The Training Times." This monthly newsletter is available through a list serve. To participate in the list serve, access the DWD Learning Center

website at <https://wss.ccdet.uwosh.edu/stc/dwd> and scroll down to access the link to the "PTS Training Times". In the "PTS Training Times" website, scroll down to "To Subscribe or Unsubscribe".

A CARES/CWW change will be developed to allow W-2 agencies to identify a W-2 case for Temporary Absence of a Child or Case-by-Case Exception even when the case is open for another assistance program showing no children in the home. Information about this CARES/CWW change will be issued later in an Operations Memo.

CONTACTS

DFS W-2 Regional Administrators

*Program Categories – FS – FoodShare, MA – Medicaid, SC – Senior Care, CTS – Caretaker Supplement, CC – Child Care, W-2 – Wisconsin Works, FSET – Food Stamp Employment and Training, CF – Children First, EA – Emergency Assistance, JAL – Job Access Loan, JC - Job Center Programs, RAP – Refugee Assistance Program, WIA – Workforce Investment Act, Other EP – Other Employment Programs.

DWD/DFS/BW-2/JM