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TO: **Income Maintenance Supervisors  
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Income Maintenance Staff  
W-2 Agencies  
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:	07-36				
DATE:	07/10/2007				
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: **Legal Custody For Wisconsin Works (W-2) Participants – Change To  
CARES Worker Web (CWW)**

**CROSS REFERENCE:** Ops Memo 06-27  
DXBM dated 6/24/2007

**EFFECTIVE DATE:** June 24, 2007

### **PURPOSE**

The purpose of this memo is to update W-2 agencies on a change to the Cares Worker Web (CWW) Household Relationship page.

### **BACKGROUND**

The Department of Workforce Development (DWD) has identified a problem in CARES where the children in some Wisconsin Works (W-2) cases are incorrectly being determined to have a participation status of excluded child (XC) or included child (IC). Children with a participation status of either IC or XC are not considered in CARES to be an eligible member of the W-2 assistance group. In some cases, this may be appropriate. However, based on a review of cases, it appears that many children have an incorrect participation status because the worker did not properly code the fields for the child on the Household Relationships page in CWW. If properly coded, the child would have a participation status of eligible child (EC).

This incorrect coding is creating problems with existing monitoring reports as well as with Temporary Assistance for Needy Families (TANF) federal reporting requirements.

### ***CURRENT POLICY AND CARES PROCESSING***

In order to be determined eligible for W-2, a parent must be designated as a custodial parent. A custodial parent, as defined in the W-2 Manual, is *a parent who with respect to a dependent child, resides with that child and, if there has been a determination of legal custody with respect to the dependent child, has legal custody of that child.* It is clear that if there has been a determination of legal custody, the custody belongs to whomever was identified in the legal proceedings. In the absence of a determination of legal custody, it is assumed that the parent with whom the child resides has legal custody. When determining legal custody of a child when divorced parents share custody, the FEP must refer to the IM Manual, Chapter 1, Part A, 5.0.0.

On the Household Relationship page, the *“Has Legal Custody of <Reference Person>”* field must be completed for all children in the W-2 assistance group (AG). The current default is <No>. Based on the policy above, the Financial and Employment Planner (FEP) must change the default from <No> to <Yes> for a majority of children in the W-2 AG. Because this is not happening in some scenarios, a change to CWW processing has been made.

### ***NEW CARES PROCESSING***

#### ***CWW HOUSEHOLD RELATIONSHIPS PAGE***

The policy stated above has not changed. However, a change has been made to CWW in order to avoid ongoing problems related to the *“Has Legal Custody of <Reference Person>”* switch.

Effective June 24, 2007, the *“Has Legal Custody of <Reference Person>”* switch was defaulted to <Yes> for each child (son or daughter) living with a mother, father or acknowledged father in the W-2 assistance group. If the reference person does not have legal custody of the child, the FEP must flip the <Yes> switch to <No>. See ***CURRENT POLICY AND CARES PROCESSING*** for instructions on determining legal custody.

**Example 1:** Mom applies for W-2. She lives with her husband and they have two children in common. For both children, on the Household Relationship page *“Has Legal Custody of <Reference Person>”* field will default to <Y>. No further action needs to be taken by the FEP as this is a correct determination.

**Example 2:** Mom applies for W-2. There are no other adults in the household. She has legal custody of one child (Child A) and the child resides with her. Her ex-husband was granted legal custody of her other child (Child B) even though Child B lives with her Mom 3 days a week. For Child A, no further action needs to be taken by the FEP as the default <Yes> is the correct determination of legal custody. However, for Child B, the FEP must change the <Yes> to <No> in the *“Has Legal Custody of <Reference Person>”* field because the Mom does not have legal custody of Child B.

**Example 3:** Mom applies for W-2. There are no other adults in the household. She has legal custody of one child (Child A) and the child resides with her. She and her ex-husband were granted joint custody of her other child (Child B). Therefore, using guidance in the Income Maintenance Manual, Chapter 1, Part A, 5.0.0, the FEP determines that the primary caretaker is the ex-husband. Based on that information, the FEP must change the <Yes> to <No> in the “Has Legal Custody of <Reference Person>” field because although the Mom shares joint custody, she is not the primary caretaker of Child B. The FEP does not have to take any action on Child A as the default to <Yes> is correct.

### RUNNING WITH DATES

In the past, running W-2 eligibility with dates to establish new W-2 payment amounts each time a paid placement began, changed or ended was confusing and error prone. With the implementation of the Move Placements Project ([Operations Memo 06-27](#)), it was thought that running W-2 eligibility with dates was only required in the following scenarios:

1. To determine or redetermine W-2 Eligibility for a prior month.
2. To correctly close a case when .determined ineligible.
3. To close one type of W-2 AG and reopen another type of W-2 AG.

Based on a review of cases with incorrectly coded children, there is one additional scenario in which the FEP should run with dates. Workers must run with dates when adding a person to the W-2 AG or deleting a person from the W-2 AG (person add or delete).

Running with dates will ensure the person is added to the W-2 AG in CARES immediately upon becoming a member of the W-2 group. This is important because the age of the children and the number of parents in the W-2 AG directly impacts the Temporary Assistance for Needy Families (TANF) work participation requirement for a W-2 case in any given month.

### **Running with Dates for a Person Add**

Workers should use the following guidelines for adding a person to the W-2 AG:

1. In the case of a newborn child, the worker must run with dates using the child’s date of birth;
2. If the W-2 participant takes custody of a child who is not a newborn, the worker must run with dates using the date the participant took custody of the child;
3. If an adult is added to the W-2 AG because s/he has moved into the household, the worker must run with dates using the date the adult entered the household;
4. If an adult already resides in the household but is added to the W-2 AG because of a change in relationships (e.g., the adult is determined through paternity tests to be the parent of a child in the W-2 AG; the adult is now married to the W-2 participant), the worker must run with dates using the date of the change in relationships.

**Example 4:** Mary is in a W-2 Transition (W-2T) and gives birth to a baby girl on June 3. On June 8<sup>th</sup>, Mary’s worker receives verification of the child’s date of birth. The worker changes the placement to CMC and runs eligibility with dates using the baby’s date of birth in order for the baby to be an eligible child EC in the W-2 AG for the month of June.

**Example 5:** Susie has two children residing with her and is in an ongoing CSJ placement. On July 18, she becomes the legal custodian to her 8-year old son, Phil, who had previously been living with his father. On July 25<sup>th</sup>, Susie's worker receives verification of the new legal custody arrangement and adds Phil to the W-2 case. The worker runs eligibility with dates using July 18<sup>th</sup>, and confirms, then runs with dates again using August 1st, in order for Phil to be an eligible child in the W-2 AG for the months of July and August.

**Example 6:** Joan has one son, Scott residing with her. She is in a CSJ placement. Joan's husband John, who is also the father of Scott, is released from jail and moves back in the home with Joan on August 12th. On August 18<sup>th</sup>, the worker adds John to the W-2 AG. The worker must run eligibility with dates using August 12<sup>th</sup> and confirm, then run with dates again using September 1<sup>st</sup>, so that John is found to be an eligible adult for the months of August and September. At the time of the person-add, the worker must also update CARES screen WPTP to make a determination on whether the case must meet two-parent participation requirements.

### **Running with Dates for a Person Delete**

When a person must be removed from the W-2 AG due to death, a move out of the household or a change in relationships (e.g., participant no longer has custody of a child), the worker must run with dates using the date the change in circumstances took place.

## **CONTACTS**

For Policy Related Questions: BW-2 Regional Office Staff

For CARES Processing Questions: W-2/CC Call Service Center

Program Categories – FS – FoodShare, MA – Medicaid, SC – Senior Care, CTS – Caretaker Supplement, CC – Child Care, W-2 – Wisconsin Works, FSET – FoodShare 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/mmm