

WISCONSIN DEPARTMENT OF HEALTH SERVICES
Division of Health Care Access and Accountability
1 W. Wilson St.
Madison WI 53703

To: Caretaker Supplement (CTS) Handbook Users

From: Angela Dombrowicki, Director
Bureau of Enrollment Management

Re: **Caretaker Supplement (CTS) Release 09-02**
Release Date: July 14, 2009
Effective Date: July 14, 2009

EFFECTIVE DATE

The following process additions or changes are effective 07/14/09 unless otherwise noted. **Bold text in the new process section denotes new text. Text with a strike through it in the old process section denotes deleted text.**

Changes

All
3 Eligibility > 3.1
Nonfinancial> 3.1.10> Joint
Custody Arrangements

Old Text:

When custody of a child is shared between parents, the parent with whom the ~~parent~~ resides the majority of the time is identified as caring for the child for CTS purposes.

New Text:

When custody of a child is shared between parents, the parent with whom the **child** resides the majority of the time is identified as caring for the child for CTS purposes.

When the natural or adoptive parents of a child do not live together, and have joint custody (through a mutually agreed upon arrangement or court order) and you cannot determine who the child is living with the majority of the time, act on the CTS case as follows:

- 1) **Determine if the agreement or court order awarding joint custody designates a “primary caretaker.” A parent designated as the primary caretaker is the primary person.**
- 2) **If one parent is not designated, ask the parents to decide which one is the “primary caretaker.” If they decide within the 30-day processing, act on the application as based on what they decided.**
- 3) **If no decision is made within the 30 days of the application date, review the parents’ activities and responsibilities to determine which parent is the primary caretaker. Use the list below:**
 - a. **If the parents reside in different school districts, where does the child attend school? Who selected the school?**
 - b. **Who assists the child with homework or school-related tasks?**
 - c. **Are there tuition costs for the child’s education? If so, who pays those costs?**
 - d. **If the child is enrolled in day care, who arranges for and pays these costs?**
 - e. **Who is responsible for taking the child to and from school**

- and/or day care?
- f. Which parent is listed as the contact for emergencies at the child's school or day care provider?
 - g. Who arranges medical and dental care for the child? Who selects the physician and dentist? Who maintains the child's medical records?
 - h. Who initiates decisions regarding the child's future?
 - i. Who responds to medical or law enforcement emergencies involving the child?
 - j. Who spends money on food or clothing for the child when the child visits the absent parent?
 - k. Who disciplines the child?
 - l. Who plays with the child and arranges for entertainment?
 - m. Are more of the child's toys, clothing, etc., kept at one parent's home than the other's?

This list is not exclusive, and there may be situations where you find additional criteria to apply.

There are cases in which these questions may be answered positively for both parents. However, in reviewing parental responsibilities and roles, usually you will find one parent more often identified. Identify this parent as the primary person for determining eligibility.

Document your decision in the case record.

**3 Eligibility > 3.2 Financial>
3.2.1 Income> 3.2.1.1
American Recovery And
Reinvestment Act of 2009**

New Text:

3.2.1.1 American Recovery and Reinvestment Act of 2009

Disregard the one-time payment of \$250 to persons receiving Social Security Benefits as a result of the American Recovery and Reinvestment Act of 2009 (Economic Stimulus Package). Payments have been received in May or June 2009.

**3 Eligibility > 3.2 Financial>
3.2.2 Assets> 3.2.2.1
American Recovery And
Reinvestment Act of 2009**

New Text:

3.2.2.1 American Recovery and Reinvestment Act of 2009

Disregard as an asset the one-time payment of \$250 to persons receiving Social Security Benefits as a result of the American Recovery and Reinvestment Act of 2009 (Economic Stimulus Package) in the month of receipt and for nine months after receipt. Payments have been received in May or June 2009.

**4 Administrative Policy and
Procedure > 4.7 Fair Hearing**

New Text:

CTS applicants who are denied CTS eligibility and ongoing CTS recipients who are given notice of adverse action (benefit reduction, termination or overpayment and recoupment) have a right to a fair hearing regarding the agency action. The right to a fair hearing and hearing procedures are specified in ss. Ch. 227, Administrative Procedure and Review. **Customers have up to 45 days after the effective date of an adverse action to appeal a decision.**

The Division of Hearings and Appeals (DHA) will arrange for a hearing examiner to hear the appeal at the local agency office or by phone. Notice of the place and time for the hearing and the hearing decision will be sent to the SSI parent, his or her representative, the local agency, and the SSI program. In some instances, **when the recipient requests a hearing before the effective date of the adverse action**, the DHA will order continuation of CTS benefits pending the outcome of a hearing. When this

occurs, the local agency worker is responsible for assuring that benefits continue. When benefits have continued and the decision of the hearing examiner is not in the SSI parent's favor, the parent is responsible for repaying any benefits for which he or she was not entitled.

5 Appendix > 5.3 Forms and Publications

Broken links on this page were fixed.