



TO: **Child Care Eligibility and Authorization Workers and Supervisors**
Income Maintenance Supervisors
Income Maintenance Lead Workers
Income Maintenance Staff
Training Staff
Child Care Coordinators

DECE/BCCSA OPERATIONS MEMO
No: 22-04
DATE: 05/06/2022
Child Care

FROM: Junior Martin, Director
Bureau of Child Care Subsidy Administration
Division of Early Care and Education
Department of Children and Families

SUBJECT: Acknowledged Father Definition for Wisconsin Shares

CROSS REFERENCE: [Wisconsin Shares Handbook](#), Sections:
1.3.7 Child Support Cooperation
1.5.10 Non-Financial Eligibility Verification
Glossary

EFFECTIVE DATE: Immediately

PURPOSE: This Operations Memo provides guidance regarding which paternity statuses to use in CARES Worker Web (CWW).

BACKGROUND: Cooperation with the Child Support Agency (CSA) is a non-financial eligibility requirement for Wisconsin Shares. The use of paternity statuses when entering Household Relationships in CWW is important to determine whether an individual is included in the Assistance Group and whether the case must be referred to the CSA. Previously, the CWW relationship of “acknowledged father” was defined differently between Wisconsin Shares, BadgerCare Plus, and Wisconsin Works (W-2). The program areas met to create a standard definition for “acknowledged fathers” because only one (1) relationship can be entered in CWW. BadgerCare Plus updated their Handbook in August 2021. This Operations Memo updates Wisconsin Shares policy to align with the BadgerCare Plus definition.

POLICY: The following policy will be added to the Wisconsin Shares Handbook with the next release. New policy is highlighted and policy that has been removed is indicated with ~~red strikethrough~~.

Glossary Terms:

The definitions of "Acknowledged Father" and "Adjudicated Father" will be revised to align with the updates to Wisconsin Shares Handbook Section 1.3.7. A definition for "Claimed Father" will be added.

Section 1.3.7 Child Support

Each parent in the Wisconsin Shares Assistance Group must cooperate with the Child Support Agency (CSA) for all their minor biological or adopted children over the age of 60 days, unless a good cause exception has been granted for a particular child.

Cooperation means that the custodial parent must assist with:

1. Identifying and locating an absent parent.
2. Establishing the ~~paternity~~ legal parentage of any child of the custodial parent.
3. Obtaining any support payments or any other payments or property to which that parent and any minor child of that parent may have rights.

Relatives or non-relative adults caring for a child that is not their biological or adopted child are not required to cooperate with the CSA for that child.

The Income Maintenance (IM) Agency must refer the following individuals to the local CSA:

1. Unmarried pregnant women, including minors;
2. Families where the biological or adoptive parent is absent from the home (but not cases where the absence is due to military service); and
3. Non-marital co-parent cases (families where the parents either are not married to each other or were not married to each other when the child was **conceived or born**), ~~and where when~~ paternity has not been established. ~~Fathers with children needing paternity establishment are:~~
 - ~~• Alleged father: Named by custodial parent as probable father; or~~
 - ~~• Claimed father: Father lives with the child, claims to be the father, but paternity has not been established.~~

~~**Process:** On the Absent Parent page in CWW, if the agency worker selects "Yes" for the "Refer to IV-D" field, CWW sends an automated referral to the CSA when Wisconsin Shares eligibility is confirmed.~~

~~Households with fathers in the home with children for whom paternity has been established should not be referred to the CSA. This would include:~~

- ~~1.—Acknowledged fathers, conclusive: Voluntary acknowledgment with an effect of a judgment of paternity (typically the father signed the voluntary Paternity Acknowledgement Through Hospitals (PATH) form or is listed on the Birth Certificate); or~~
- ~~2.—Adjudicated fathers: Paternity established through a court order.~~

Establishing Legal Parentage

For non-marital children, parentage is legally established by a court order, a Voluntary Paternity Acknowledgment (VPA) form ([F-05024](#)) filed with the Wisconsin Vital Records office, or through the administrative paternity process, in which genetic testing establishes the man as the father

and paternity is entered in the KIDS system by the CSA. When paternity is established using any of these methods, the father's name is added to the birth certificate. A father's name on a birth certificate is evidence that paternity has been established. A same-sex spouse added to the child's birth certificate through a court process is a legal parent of the child.

The following designations for a father are used in CWW:

1. Claimed father

A claimed father is an individual who claims to be the father of a child but has not had his paternity established or had a paternity action initiated. A claimed father is not included in the Wisconsin Shares Assistance Group (AG). The case must be referred to the CSA so that steps to establish paternity can be taken.

2. Acknowledged father

An acknowledged father is an individual claiming to be the father of a child who has started a process to establish paternity but has not yet been added to the child's birth certificate. An acknowledged father meets one (1) of the following criteria:

- a. The father has filed a VPA, but the Wisconsin Vital Records office has not yet finished processing it.
- b. A paternity action (adjudication) has been initiated, but the courts have not yet finalized it.

This information can be self-declared unless questionable (see 1.5.10). An acknowledged father is included in the Wisconsin Shares AG. However, because there is still no evidence of a formal adjudication, the case should be referred to the CSA so that steps to establish paternity may be taken. Once paternity is established, the father's name is added to the child's birth certificate.

3. Legal/adjudicated father

A father who has had his paternity legally established is the legal/adjudicated father. A legal/adjudicated father meets one (1) of the following criteria:

- a. The father's name appears on the birth certificate for a child.
- b. The parent provides a copy of the court adjudication or similar proof of a VPA being filed with another state.

A legal/adjudicated father is included in the Wisconsin Shares AG. A referral to the CSA is only needed if the father moves out of the home.

Marriage of one (1) biological or adoptive parent to another person does not relieve the other biological or adoptive parent of their child support obligations. Both biological or adoptive parents are responsible for supporting their children, regardless of subsequent relationships. A stepparent can only adopt a child if the child's second biological or adoptive parent has agreed to relinquish, died, voluntarily terminated their parental rights, or has had their parental rights involuntarily terminated.

Example: Angelique is applying for Wisconsin Shares. Her household consists of herself, her child Alonzo, and her spouse Albert. Albert is not Alonzo's biological parent; his relationship with Alonzo is stepparent/stepchild. Alonzo's biological parent is Finn.

Marital Presumption

If the parents are married and living together, but the mother claims that the husband is not the father of the child(ren) born during that marriage, the IM agency must not refer the case to the CSA. Under Wisconsin law there is a presumption of paternity based on the marriage of the parties. The paternity presumption may be overturned by a court with genetic evidence that shows the man is not the biological father. If the court rules that the man is not the father, the court ruling may be used to remove the man's name from the birth record. The man's name can only be removed through a court process.

If the husband moves out of the home, then the case should be referred to the CSA with the husband named as the Absent Parent, even if the wife names a different person as the father. The CSA will initiate an action naming the husband as the Absent Parent, at which time he can refute paternity and request genetic testing. If the parties are married and living together, but the husband's name is not listed on the birth certificate (due to prior genetic testing), then the case should be referred to the CSA as paternity has not been established.

The presumption of paternity does not currently apply to same sex couples spouses who are married at the time of a child's birth. Same sex partners spouses must follow a different legal process to have their name added to the birth certificate. If both parents are listed on the birth certificate, then legal parentage has been established. If one (1) parent moves out, the case must be referred to the CSA using that parent's name as the Absent Parent. If the parent's name is not listed on the birth certificate, then legal parentage has not been established. In these scenarios, the agency worker must refer the case to the CSA using either the named father or the unknown father as the Absent Parent.

Note: Local agencies are encouraged to establish a collaborative working relationship with CSAs. Each local agency is encouraged to contact its local CSA regarding any child support issues affecting the parent's Wisconsin Shares eligibility.

Section 1.5.10 Non-Financial Eligibility Verification

- **Legal Parentage:** Self-declaration unless questionable. If questionable: Certified copy of the child's birth certificate; CWW Birth Query (Wisconsin births only); adoption records; a copy of a receipt from Vital Records showing that a Voluntary Paternity Acknowledgement (VPA) was filed; copies of court documents showing that a paternity action was initiated; Wisconsin Circuit Court Access.

CARES WORKER WEB:

Currently, CWW does not schedule an Absent Parent page when the Acknowledged Father status is used for Household Relationships and a referral is not sent to the CSA. CWW will be enhanced at a future date to support this policy. Local agencies are not required to manually refer parents to the CSA.

CONTACTS:

For Wisconsin Shares policy questions outside of Milwaukee County contact your Bureau of Regional Operations (BRO), Child Care Coordinators at BRCCPolicyHelpDesk@wisconsin.gov.

For Program Integrity technical assistance, Child Care CARES/CWW and CSAW Processing Questions statewide, and policy questions in Milwaukee County, contact the Child Care Help Desk at: childcare@wisconsin.gov or 608-422-7200.

DCF/DECE/BCCSA/ERR