

Statement of Scope

Department of Children and Families

Rule Number: Chapter DCF 201

Relating to: Child care subsidy program

Rule Type: Emergency and permanent

This statement of scope was approved by the governor on January 29, 2020.

1. Finding/nature of emergency (for emergency rules only)

An emergency rule is necessary to ensure legal authority for policies and procedures in department guidance documents on administration of the child care subsidy program.

2. Detailed description of the objective of the rules

Section 227.112, Stats., as created by 2017 Wisconsin Act 369, establishes a process for state agencies to certify that memos, handbooks, and other guidance documents issued by the agency do not contain policies or procedures that are not supported in statute or rule. In reviewing proposed guidance documents for the child care subsidy program, the department has identified various policies and procedures that are required to be promulgated as rules under ss. 227.10 and 227.11, Stats., to allow adoption of the guidance documents under s. 227.112, Stats.

The proposed permanent and emergency rules will update the department's child care subsidy rules to incorporate existing policies and procedures in proposed guidance documents and make other minor updates to the rules.

3. Detailed explanation of statutory authority for the rule

The department administers the child care subsidy program under s. 49.155, Stats.

Section 49.155 (1m) (d), Stats., authorizes the department to establish other eligibility criteria by rule.

Section 49.155 (7m), Stats., directs the department to by rule establish policies and procedures permitting the department to do all of the following if a child care provider submits false, misleading, or irregular information to the department or if a child care provider fails to comply with the terms of the program under this section and fails to provide to the satisfaction of the department an explanation for the noncompliance:

1. Recoup payments made to the child care provider.
2. Withhold payments to be made to the child care provider.
3. Impose a forfeiture on the child care provider.

Section 227.11 (2) (a) (intro.), Stats., expressly confers rule-making authority on each agency to promulgate rules interpreting the provisions of any statute enforced or administered by the agency.

4. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule

200 hours

5. List with description of all entities that may be affected by the rule

Child care administrative agencies and low-income parents applying for or receiving a child care subsidy under s. 49.155, Stats.

6. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the rule

The child care subsidy program is funded in part by the Child Care Development Fund and must comply with the requirements of 45 CFR Part 98.

7. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses)

None or minimal

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