

Wisconsin Works (W-2) and Other Economic Support Programs

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Prepared by

Kim Swissdorf, Sam Austin, and Eric Peck

Wisconsin Legislative Fiscal Bureau
One East Main, Suite 301
Madison, WI 53703
<http://legis.wisconsin.gov/lfb>

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Introduction

Public assistance for children in need had been provided under the aid to families with dependent children (AFDC) program beginning in 1935. However, in 1996, the federal government enacted P.L. 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act, which replaced the AFDC program with a block grant program called temporary assistance for needy families (TANF).

Under the TANF program, public assistance benefits are funded with block grants to states. States are also required to contribute state funds under maintenance-of-effort provisions. Although the TANF program allows states to develop, operate, and implement their own public assistance programs, the federal legislation imposes work requirements and time limits on recipients of TANF benefits, and eliminates the federal entitlement to public assistance that was provided under the AFDC program.

In order to receive federal funding, states must submit a plan describing how the state will conduct its statewide TANF program.

At the state level, Wisconsin implemented a number of welfare reform initiatives beginning in 1987, leading to the replacement of the AFDC program in Wisconsin. Under 1993 Wisconsin Act 99, the AFDC program was to be repealed on January 1, 1999, and the Department of Health and Social Services was required to submit to the Legislature a proposal for welfare reform in Wisconsin that provided for the replacement of the basic AFDC program by December 31, 1998.

The proposal for the replacement of AFDC in Wisconsin was introduced as 1995 Assembly Bill 591 on October 2, 1995. AB 591 was passed by the Legislature on March 13, 1996, and signed by the Governor as 1995 Wisconsin Act 289 on April 25, 1996. The new program is referred to as "Wisconsin Works" (W-2).

The W-2 program was implemented on a pilot basis in two counties -- Pierce and Fond du Lac -- beginning on March 1, 1997, and began statewide on September 1, 1997. Some recipients continued to receive benefits under the AFDC program until March, 1998, when the AFDC program ended.

The Department of Children and Families (DCF) administers the W-2 program and other economic support and work programs based on provisions under Chapter 49 of the state's statutes. At the local level, individual W-2 agencies under contract with DCF are responsible for program administration.

As shown in Table 1, \$630.5 million in 2011-12 was expended in DCF and other agencies for W-2 and other TANF-funded programs. State general purpose revenue (GPR) expenditures for the program totaled \$150.6 million. Federal funding (FED) includes the federal TANF block grant, child care block grant funding, one-time TANF contingency funding, and other federal dollars. The program revenue (PR) is primarily from child support collections assigned to the state by public assistance recipients and child care licensing fees. The segregated revenue (SEG) is from low-income public benefits funding, which is transferred to DCF to support W-2.

**Table 1: W-2 and Other TANF-Funded Programs
Total Expenditures (2011-12)**

GPR	\$150,591,000
PR	9,096,300
SEG	9,139,700
FED	<u>461,657,500</u>
Total	\$630,484,500

Program expenditures include state and local administration, several types of benefit payments, child care assistance, and other support services. A detailed listing of these revenues and expenditures is provided in this paper under "Program Funding and Participation."

The remainder of this paper provides detailed information regarding W-2 employment positions, child care subsidies, other benefits, and program administration. In addition, information is presented concerning FoodShare (formerly food stamps), kinship care, the caretaker supplement, and other related programs. Data on program funding, expenditures, and participation are also provided. Finally, Appendix E outlines the restrictions that apply to the use of federal TANF and child care funds and the types of state expenditures that may be counted toward the TANF maintenance-of-effort requirement.

Since enactment of 1995 Wisconsin Act 289, other state legislation has modified the W-2 program. Many of the statutory modifications and funding changes can be found in each of the biennial budget acts since enactment of the original legislation. For example, 2007 Wisconsin Act 20, the 2005-07 biennial budget act, transferred W-2 and all TANF-related programs from the Department of Workforce Development (DWD) to DCF, beginning July 1, 2008.

It should be noted that the federal TANF program was set to sunset on September 30, 2002. However, Congress passed a number of continuing resolutions to extend the program through March 31, 2006. Congress then reauthorized the program through September 30, 2010, at the

same funding levels, by including the reauthorization provision in P.L. 109-171, the Deficit Reduction Act of 2005. The Deficit Reduction Act made several changes to the program, including new work participation verification procedures, a change in the credit states receive for work participation rates, elimination of high performance bonus funds, and new grants to promote healthy marriage and responsible fatherhood. Several continuing resolutions have extended the program through March 27, 2013. Changes included in the reauthorizations and continuing resolutions are discussed in further detail in Appendix E.

In addition to the continuing resolutions, reauthorization, and extensions, the federal American Recovery and Reinvestment Act of 2009 (ARRA) temporarily modified the TANF program by providing additional child care and TANF emergency funding through September 30, 2010. The TANF emergency fund is discussed in further detail in Appendix E.

W-2 Employment Positions

Under the original W-2 program, participants were assigned by the local W-2 agency to either unsubsidized employment or one of three types of subsidized employment. Subsidized employment included trial jobs, community service jobs (CSJs), and transitional placements. Provisions of 2009 Wisconsin Act 28 created a new subsidized private sector employment position. In addition, there was a real work, real pay pilot project, similar to trial jobs, which ended December 31, 2009.

Act 28, as modified by 2009 Wisconsin Act 333, also authorized a transitional jobs program for low-income adults that are ineligible for W-2. While not part of the W-2 program, this demonstration project is described in this paper as

a similar job program for low-income adults.

The following sections describe the eligibility requirements for W-2 employment positions and job access loans. Notwithstanding fulfillment of the eligibility requirements for any component, an individual is not entitled to services or benefits under the W-2 program.

Eligibility

In order to be eligible for a W-2 employment position or job access loan for any month, an individual must meet the nonfinancial and financial eligibility requirements described below. Most of those requirements are included in the statutes; however, the Department has promulgated rules establishing certain eligibility criteria.

Nonfinancial Eligibility Requirements. An individual must meet certain nonfinancial eligibility requirements. The main requirements are summarized below. All nonfinancial eligibility requirements are fully described in Appendix A.

1. The individual is a custodial parent who has attained the age of 18.

2. The individual is a U.S. citizen or qualifying alien.

3. The individual has residence in Wisconsin.

4. Every parent of the individual's W-2 group (the individual, his or her spouse or nonmarital coparent, and any dependent children and grandchildren who reside together) fully cooperates in efforts to establish paternity of the dependent child and obtain support payments, unless it is determined that the parent has good cause for not cooperating.

5. The individual has made a good faith effort to obtain employment and has not refused a bona fide job offer within the 180 days immediately preceding the application for W-2 services.

6. The individual is not receiving federal or state supplemental security income (SSI) payments or federal social security disability insurance (SSDI) payments. If the individual is a dependent child, the custodial parent of the individual may not be receiving an SSI caretaker supplement payment on behalf of the individual.

7. No other individual in the W-2 group is a participant in a W-2 employment position. This provision does not apply to an individual applying for a job access loan.

8. The individual assigns to the state any right of the individual or of any dependent child of the individual to support or maintenance from any other person that accrues during the time that any W-2 benefit is paid to the individual.

Financial Eligibility Requirements. An individual also must meet all of the following financial eligibility requirements in order to qualify for a W-2 employment position or a job access loan.

Resource Limitation. The individual is a member of a W-2 group whose assets do not exceed \$2,500 in combined equity value, excluding the equity value of vehicles up to a total value of \$10,000 and one home that serves as the group's homestead.

Income Limitation. The individual is a member of a W-2 group whose gross income is at or below 115% of the federal poverty level (FPL). The following sources of income are included in calculating gross income:

1. All earned and unearned income of the individual, except for: (a) benefits received for participation in a W-2 employment position, parent of infant grant, and high-risk pregnancy grant; (b) kinship care and foster care payments received for children who are not included in the W-2 group; (c) federal and state earned income tax credits and any federal income tax refund; (d) specific types of loans, in-kind income, and

vendor payments; (e) income earned by a dependent child of an individual; (f) child support payments; and (g) federal or state student financial aid or any scholarship used for tuition and books.

2. The income of a nonmarital coparent or of the individual's spouse, if the spouse resides in the same home as the dependent child.

In addition, under rules promulgated by the Department and in accordance with federal law, if the individual is a sponsored alien, the resources of the sponsor and the income of the sponsor and his or her spouse are attributed to the individual.

The definition of gross income under current law suggests a very broad measure of income. However, under administrative rules, any income from sources that are required to be disregarded by federal or state law for purposes of determining eligibility for means-tested programs must not be counted as income. These sources include food stamps, the women, infants, and children (WIC) program, Indian tribal settlements, and low-income energy assistance.

State Sixty-Month Time Limit. In addition to the above requirements, the length of time an adult in a W-2 group may receive benefits is limited to 60 months. The months do not have to be consecutive. Under this provision, the time limit begins on the date when the individual has attained the age of 18. The limit applies to the total number of months in which the individual has actively participated in the job opportunities and basic skills (JOBS) program under prior law, has received benefits under a subsidized W-2 employment position, or has received benefits in Wisconsin or any other state that were funded by federal TANF dollars. Participation in the JOBS program counts toward the 60-month limit beginning on October 1, 1996. Therefore, participants were first subject to the time limit beginning in October, 2001.

Time also counts against an individual's time limit when another adult in the W-2 group

receives benefits while in that W-2 group, except while that adult was living on an American Indian reservation. The months in which an individual receives a reduced or no W-2 benefit due to a sanction also count toward the time limit.

The 60-month time limit may be extended if the W-2 agency determines that unusual circumstances warrant an extension. However, under administrative rules, the Department may review, approve, or overturn the W-2 agency's decision. According to the rules, "unusual circumstances" means that the W-2 participant: (a) is unable to work because of a personal disability, or is needed at home to care for a member of the W-2 group whose incapacity is so severe that without in-home care provided by the W-2 participant the incapacitated W-2 group member's health and well-being would be significantly affected; (b) has low achievement ability, a learning disability, or emotional problems of such severity that they prevent the individual from obtaining or retaining employment, but are not sufficient to meet the criteria for eligibility for SSI or SSDI; (c) has severe family problems that prevent the W-2 participant from obtaining or retaining employment; or (d) has made all appropriate efforts to find work and is unable to find employment because local labor market conditions preclude finding a job that pays minimum wage and conforms to all applicable federal and state laws.

The 60-month time limit for receiving assistance is also part of federal law. States may exempt up to 20% of the average monthly number of families receiving assistance in a year from the 60-month time limit by reason of hardship or if the family includes a member who has been battered or subjected to extreme cruelty. Based on a total TANF caseload of 27,642 in September, 2012, including W-2 and TANF child-only cases (kinship care and caretaker supplement recipients), the maximum number of cases that could exceed the 60-month time limit under this provision would be 5,528 cases. [Child only cases are not subject to the time limits, but

are included in the calculation of maximum number of cases that may be exempt.] As of September, 2012, there were 834 active extension cases in the W-2 program.

It should be noted that not all of the W-2 paid benefit caseload fits the federal definition of cash assistance, so the state's caseload data may vary from what is reported to the federal Department of Health and Human Services (DHHS). The figures above are based on the state's collected data and not on the data reported to DHHS. As a result, the maximum number of cases that could exceed the 60-month time limit under federal law would be different than the numbers cited above. However, the 834 active extension cases in the W-2 program in September, 2012, were less than the approximately 5,000 cases that could be exempt under federal law.

Review of Eligibility. Except for individuals receiving follow-up case management services, which are provided regardless of income and assets, the W-2 agency is required to review an individual's eligibility periodically. The individual remains eligible until the W-2 group's assets or income is expected to exceed the respective limits described above for at least two consecutive months.

Prospective Budgeting. Rather than determining eligibility based on the family's actual assets and income in prior months, the Department uses prospective budgeting for both initial eligibility determinations and reviews of eligibility. Under prospective budgeting, the financial and employment planner at the local W-2 agency estimates the income and assets that will be available to the family in future months. Income and assets are considered unavailable when the individual can reasonably document that they cannot be accessed for 31 or more days. Except for follow-up case management services, a W-2 group must be prospectively ineligible for two consecutive months before the case closes.

Placement in Employment Positions

According to DCF administrative rules, as soon as possible, but no later than five working days after the date the W-2 agency receives a signed application, the W-2 agency is required to schedule and hold a personal interview with the applicant. The applicant will then have seven working days to provide any requested information. The financial and employment planner in the W-2 agency who is assigned to an individual is required to assess and place individuals within seven days of the initial interview. However, the financial and employment planner may extend the application process to 30 days only if the applicant needs extra time to meet verification requirements.

The financial and employment planner is required to develop a written employability plan, in consultation with the W-2 participant, that includes the participant's W-2 employment position placement, required activities, and an identified goal for obtaining unsubsidized employment. In determining appropriate placement for a participant, priority must be given to placement in unsubsidized employment first, followed in order by trial jobs, community service jobs, and transitional placements. Each of these employment positions is described in more detail below.

W-2 agencies are also required to conduct an educational needs assessment of each individual who applies for a W-2 employment position. If the individual and the W-2 agency determine that the individual needs, or would benefit from, education or training, and if the W-2 agency determines that the individual is eligible for a W-2 employment position, the W-2 agency must include education or training activities in any employability plan developed for the individual. If the agency determines the appropriate placement for the individual is unsubsidized employment or a trial job, and the individual needs basic education and wishes to participate, then basic education will be included in the employability plan and will be paid for by the W-2 agency.

Table 2: Grant Amounts and Work Requirements for W-2 Positions

Type of W-2 Position	Maximum Grant or Wage Per Month	Maximum Subsidy to Employer	Maximum Hours of Work	Maximum Hrs. of Educ. & Training
Trial Job	At least min. wage	\$300	N.A.	Incl. in work hrs.
Community Service Job	\$653	N.A.	40	10
Transitional Placement	608	N.A.	40	12
Technical College Program - CSJ	653	N.A.	25	15
Technical College Program - Transitional Placement	608	N.A.	25	15
Parent of Infant	673	N.A.	0	0
At-Risk Pregnant Woman	673	N.A.	0	0
Two-Parent Families*	653	\$300 if trial job otherwise \$0		55

*Grant amount for two-parent families is based on the W-2 position for the participant parent. The 55-hour requirement includes unsubsidized or subsidized employment, work experience, on-the-job training, or community service program and education activities.

N.A. = Not applicable

Work Requirements and Time Limits

Federal law governing the use of TANF dollars imposes certain work participation rates that affect the state and the individual: the state is held accountable for ensuring that minimum participation rates are met, and individuals receiving TANF assistance are subject to specified work requirements.

Under state law, participants in each of the W-2 employment positions must meet certain work requirements and are subject to the time limits described below. The work requirements for each type of employment position are summarized in Table 2.

Unsubsidized Employment. As a condition of eligibility, an individual who applies for a W-2 employment position may be required by the W-2 agency to search for unsubsidized employment during the period that his or her application is being processed. In addition, the W-2 agency may require applicants for W-2 employment positions to participate in job orientation during the time the application is being processed.

All participants in W-2 employment positions

or who are receiving case management services are required to search for unsubsidized employment throughout their participation. They may be required to engage in training activities as well. The agency is required to assist a participant in his or her search for unsubsidized employment.

Prior to June of 2007, individuals who had been determined by the financial and employment planner as appropriate for placement into unsubsidized employment could have been either employed or unemployed. Unemployed individuals could receive case management services, in lieu of an employment position, to assist in finding a job if they stated in writing that they wished to receive such services.

An unemployed individual could have been placed in the unsubsidized employment (or "job-ready") category if the individual displayed all of the following characteristics: (a) had no barriers to work which could not be addressed through supportive services; (b) was capable of working and had a willing attitude; (c) had a steady and/or recent working experience; and (d) had an educational or training background that allowed the individual to compete for available jobs in the unsubsidized labor market.

For an unemployed individual placed in the unsubsidized employment category, DWD required the financial and employment planner to maintain contact with the individual at least once per week. If the participant had not obtained unsubsidized employment within 30 days, the financial and employment planner had to consider placing the individual in a trial job or a community service job.

However, on June 19, 2007, the Court of Appeals issued a decision that prohibited DWD from placing an unemployed individual in the unsubsidized employment category.

In *Weston v. Wisconsin Department of Workforce Development* and *Nelson v. Wisconsin Department of Workforce Development*, both women were unemployed and were placed in the "job-ready" category for case management services only. As a result, neither woman received a monthly benefit payment.

These women challenged this placement as contrary to the Wisconsin statutes that implement the W-2 program. The court found that the statutory definition of unsubsidized employment necessitates that there be employment and an employer. Therefore, unemployed individuals, who do not have employment or an employer, could not be appropriately placed in unsubsidized employment. This decision eliminated the "job-ready" category for unemployed applicants.

Instead, participants who were ready for work, but were unemployed, had to be placed in a trial job, community service job, or transitional placement, and received public assistance benefits associated with that placement as described below.

2009 Wisconsin Act 28 further specified that DCF had to include a provision in the 2010-2012 contracts that prohibited a W-2 agency from requiring a W-2 applicant or participant to conduct a job search prior to actual participation in W-2 such that the effect was to delay, during the job

search, the individual's participation in and receipt of benefits under W-2.

Provisions of 2011 Wisconsin Act 32 made statutory changes to reinstate the "job-ready" category. Pursuant to Act 32, W-2 agencies are authorized to provide case management services to an individual who applies for a W-2 employment position in lieu of placing that individual in an employment position if the W-2 agency determines all of the following: (a) the individual meets the W-2 eligibility requirements; (b) the individual is willing to work and has no barriers to employment that cannot be addressed with W-2 services; (c) the individual is job-ready, based on the individual's employment history or education; and (d) the most appropriate placement for the individual is in unsubsidized employment. W-2 agencies are required to review the placement every 30 days to determine whether the individual should be moved into a W-2 employment position.

For individuals who move from a subsidized employment position to an unsubsidized job, W-2 agencies must provide follow-up case management services for at least 12 months. These services include: employment skills training; English as a second language classes if necessary; a course of study meeting the standards for granting a declaration of equivalency of high school graduation; or other remedial education courses. These services are provided regardless of income and assets.

Trial Jobs. Trial jobs provide work experience and training to assist participants to move into unsubsidized employment. The W-2 agency must pay a wage subsidy to an employer that employs a participant in a trial job and agrees to make good faith efforts to retain the participant as a permanent, unsubsidized employee after the wage subsidy is terminated. The employer is also required to provide worker's compensation coverage.

The trial job wage subsidy may not exceed

\$300 per month for full-time employment of a participant. For less than full-time employment, the \$300 maximum wage subsidy is reduced to reflect the number of hours actually worked in proportion to full-time employment.

Trial jobs may include educational and training activities prescribed by the employer as an integral part of the work performed in the trial job placement. Hours spent participating in such activities are included in determining the number of hours actually worked.

A W-2 participant may participate in a trial job for a maximum of three months, with an opportunity for a three-month extension under circumstances determined by the W-2 agency. An individual may participate in more than one trial job, but generally may not exceed a total of 24 months of participation in all trial job placements, which need not be consecutive.

The Department, or the W-2 agency with the Department's approval, may grant an extension of the 24-month limit on a case-by-case basis if the participant has made all appropriate efforts to find unsubsidized employment and local labor market conditions preclude a reasonable job opportunity for that participant, as determined by the agency and approved by the Department.

Community Service Jobs. Community service jobs are intended to provide work experience and training to assist participants to move into unsubsidized employment or a trial job. Community service jobs are limited to projects that the Department determines would serve a useful public purpose or to projects whose cost is partially or wholly offset by revenue generated by such projects.

Community service jobs may include education and training assigned as part of an employability plan developed by the W-2 agency. Such educational and training activities are defined by DCF by rule and include a course of study for

GED or high school equivalency, technical college courses, and educational courses that provide an employment skill. Permissible educational and training activities also include employer-sponsored training, English as a second language, and basic educational courses that the W-2 agency determines would facilitate the individual's efforts to obtain employment.

The W-2 agency may require a community service job participant to work for the number of hours determined by the W-2 agency to be appropriate for the participant at the time of application or review. A W-2 agency may not require a participant to spend more than 40 hours per week in combined work and educational activities, with a maximum limit of 10 hours per week in educational and training activities.

W-2 agencies may also require individuals to participate in an initial two-week assessment and motivational training program, including training on parenting skills, as part of the required activities. Participation in such programs may not exceed 40 hours per week and satisfies the work, education, and training requirements during the initial two-week period.

A W-2 agency is required to allow 18- and 19-year old individuals who have not obtained a high school diploma or declaration of equivalency of high school graduation to attend high school or enroll in a course of study meeting the standards for the granting of a declaration of equivalency of high school education. Participation in such educational activities must be counted, in whole or in part, toward satisfying the work, educational, and training requirements under a W-2 community service job.

An individual may participate in a community service job for a maximum of six months, with an opportunity for a three-month extension under circumstances approved by the Department. After each six months of an individual's participation in

a community service job and at the conclusion of each community service job assignment, the W-2 agency must reassess the individual's employability. An individual may participate in more than one community service job, but generally may not exceed a total of 24 months of participation in all community service job placements, which need not be consecutive.

The Department, or the W-2 agency with the Department's approval, may grant an extension of the 24-month time limit on a case-by-case basis if the participant has made all appropriate efforts to find unsubsidized employment and has been unable to do so because local labor market conditions preclude a reasonable job opportunity for that participant. In addition, the W-2 agency, with DCF's approval, must also determine that no trial job opportunities are available.

Transitional Placements. In order to be eligible for a W-2 transitional placement, an individual must meet one or more of the following eligibility requirements in addition to the financial and nonfinancial eligibility requirements outlined above.

1. The W-2 agency determines, on the basis of an independent assessment by the Division of Vocational Rehabilitation (within DWD) or similar agency or business, that the individual has been incapacitated for a period of at least 60 days or will be incapacitated for a period of at least 60 days;

2. The W-2 agency determines that the individual is needed in the home because of the illness or incapacity of another member of the W-2 group; or

3. The W-2 agency determines that the individual is incapable of performing a trial job or community service job.

The W-2 agency is required to assign a W-2

transitional placement participant to work activities such as a community rehabilitation program or a job similar to a community service job or a volunteer activity. A transitional placement may also include the same education and training activities as are allowed for community service jobs.

In addition, the agency may require participation in any of the following: (a) an alcohol and other drug abuse (AODA) evaluation, prescribed assessment, and treatment program; (b) mental health activities such as evaluation, therapy, and medication management; (c) counseling or physical rehabilitation activities; or (d) other activities that the W-2 agency determines are consistent with the individual's capabilities.

Transitional placements may be required to engage in work activities (including the AODA, mental health, counseling, and physical rehabilitation activities identified above) and education and training activities for no more than 40 hours per week, with a limit on the education and training activities of 12 hours per week. The education and training activities must be assigned as part of an employability plan developed by the W-2 agency.

As with community service job placements, W-2 agencies may also require individuals to participate in an initial two-week assessment and motivational training program, which counts toward the individual's work and training requirements.

An individual may participate in a transitional placement for a maximum of 24 months, which need not be consecutive. The 24-month period may be extended on a case-by-case basis by the Department or the W-2 agency with the Department's approval.

Subsidized Private Sector Employment. Provisions of 2009 Act 28 created a new W-2 employment position, the subsidized private sector employment position. Similar to a trial job, the subsidized private sector employment position would pay a participant state or federal minimum

wage, whichever is higher. However, rather than pay a subsidy to an employer, participants would work in projects that DCF determines would serve a useful public purpose or projects where the cost is partially or wholly offset by revenue generated from such projects. An individual may participate for a maximum of six months, with an opportunity for an extension.

This W-2 employment position is to become operational only if the DCF Secretary: (a) structures the position in such a manner that the total cost for a participant does not exceed what the total cost would be for the participant in a community service job placement; (b) determines that the cash flow to a participant in the position, including the advance payment of any tax credit, is not less than what the cash flow would be to a community service job participant; and (c) determines that administering the position is permitted under federal law or under a waiver, or an amendment to a waiver, approved by the federal Department of Health and Human Services for the operation of W-2. DCF is required to seek any waivers, amendments, or federal changes necessary in order to implement this W-2 employment position.

DCF indicates that the subsidized private sector employment position has never been implemented. DCF has requested that the statutory authorization to create this position be repealed in its 2013-15 agency budget request.

Technical College Program for Community Service Job and Transitional Placements. 1999 Wisconsin Act 9 allowed community service job and transitional placements to participate in a technical college program.

All of the following requirements must be met to participate in the technical college program: (a) the W-2 agency, in consultation with the community steering committee required under W-2 and the technical college district board, determines that

the technical college education program is likely to lead to employment; (b) the participant maintains full-time status in the technical college education program, as determined by the technical college, and regularly attends all classes; (c) the participant maintains a grade point average of at least 2.0, or the equivalent as determined by the technical college; and (d) the participant is employed or engages in a community service job or transitional placement for 25 hours per week.

Participants can be in this program for a maximum of two years. The W-2 agency is required to work with the community steering committee and the technical college district board to monitor the participant's progress and the effectiveness of the program in leading to employment.

Real Work, Real Pay Pilot Project. Provisions under 2007 Wisconsin Act 20 established a demonstration project for W-2 participants called the real work, real pay pilot project. Placements into the pilot project were similar to trial job placements in that they were intended to give participants real work experience. However, W-2 agencies reimbursed employers participating in the real work, real pay pilot project more than the \$300 monthly subsidy provided under a trial job placement. W-2 agencies were required to pay a wage subsidy to a participating employer in an amount that did not exceed the federal minimum wage for 30 hours of work each week. In addition, W-2 agencies were required to reimburse the employer for up to 100% of all of the following costs related to the W-2 participant's employment: (a) federal social security taxes; (b) state and federal unemployment contributions or taxes, if any; and (c) worker's compensation insurance premiums, if any.

Employers that participated in the pilot project were required to make a good faith effort to hire the W-2 participant as a permanent unsubsidized employee after the employer's wage subsidy ended

if the W-2 participant successfully completed participation in the pilot project. If the employer did not hire the W-2 participant, then the employer had to either: (a) serve as an employment reference; or (b) provide DCF with a written performance evaluation of the W-2 participant, including recommendations for improvement.

All provisions of the statutes related to the trial job program, such as eligibility criteria, also applied to the real work, real pay pilot project.

The real work, real pay pilot project began on June 1, 2008, and ended on December 31, 2009. The pilot project was limited to 100 W-2 participants and operated in Milwaukee County, Kenosha County, and Marathon County.

Transitional Jobs Program. Provisions of 2009 Act 28 and 2009 Act 333 established the transitional jobs program that offers transitional jobs to low-income adults.

In order to be eligible for the demonstration project, an individual must satisfy all of the following criteria: (a) be at least 21 years of age, but not more than 64 years of age; (b) be ineligible for W-2; (c) have an annual household income below 150% of the federal poverty level; (d) be unemployed for at least four weeks; and (e) be ineligible to receive unemployment insurance benefits.

In addition, if the employment of an individual as a transitional worker is expected to be funded with TANF funds, then the individual must be one or more of the following at the time of eligibility determination: (a) less than 25 years of age; (b) the biological or adoptive parent of a child under the age of 18; or (c) a primary relative caregiver for a child under the age of 18. This additional requirement is necessary to comply with federal TANF regulations. The TANF block grant has provided the funding for the transitional jobs program.

Under the transitional jobs program, DCF must: (a) provide a wage subsidy to an employer equal to the amount of wages that the employer actually pays the participant, up to 40 hours per week at minimum wage; (b) pay the employer's share of federal social security and medicare taxes, state and federal unemployment contributions or taxes, if any, and worker's compensation insurance premiums, if any; (c) require the employer to employ the participant at least 20 hours per week; and (d) allow a participant to work in a transitional job for a maximum of 1,040 hours. In addition, the employer would be required to pay the individual for hours actually worked, up to 40 hours per week at not less than minimum wage.

Initially considered a two-year demonstration project from July 1, 2010, through June 30, 2012, 2011 Act 32 extended the program through June 30, 2013. Although Act 32 provided funding of \$12.0 million in 2011-12, no additional funding was allocated for the program in 2012-13. However, in May, 2012, the Department of Administration reallocated TANF funds to provide \$3.0 million in 2012-13.

Through September 30, 2012, the number of individuals served through transitional jobs orientation services and training totaled approximately 3,800. Of these, approximately 3,100 worked in a transitional job and 1,700 secured unsubsidized employment. During this same time period, approximately 800 businesses and organizations served as transitional job sites across the state.

Two-Parent Families. Under state law, and in accordance with federal law, if one parent in a two-parent family is participating in a W-2 employment position, the second parent is generally required to participate in unsubsidized or subsidized employment, work experience, on-the-job training, or community service programs. In addition, the W-2 agency is required to create an employability plan for the second parent. The family does not receive any additional W-2 cash assistance for the work performed by the second

parent.

The second parent is not subject to this work requirement if: (a) the family is not receiving federally-funded child care assistance; (b) the second parent is disabled; or (c) the second parent is caring for a severely disabled child. The second parent can elect to participate in work activities, even if the W-2 group is not receiving child care assistance.

If the second parent is subject to the work requirement, the combined number of hours of required participation in work activities for both parents is 55 hours per week. In these cases, the first parent must participate in up to 40 hours of W-2 activities. This means that the second parent would be assigned to at least 15 hours of work activities.

Employer Criteria

Under rules promulgated by the Department, a trial job employer is required to do all of the following: (a) pay the participant the amount established by contract, but not less than the minimum wage for every hour worked; (b) make a good faith effort to retain the participant as a permanent unsubsidized employee after the wage subsidy is terminated; (c) provide worker's compensation; (d) inform the participant of his or her eligibility for the federal and state earned income tax credits; (e) provide the same education and training opportunities provided to other employees; and (f) provide a grievance procedure for regular employees of the worksite to resolve any complaints related to displacement.

In addition, employers of community service job and transitional placement participants must do all of the following: (a) provide a structured work environment that includes close supervision and willingness to mentor and coach participants to succeed in the workplace; (b) provide a position that replicates actual conditions of work and provides responsibilities and expectations similar to

unsubsidized employees of the employer; (c) cooperate with the W-2 agency to provide verification of the participant's hours of participation and missed hours; and (d) provide a grievance procedure for regular employees of the worksite to resolve any complaints related to displacement.

An employer that does not meet these criteria is ineligible to receive any subsidy for any position provided to the participant.

Nondisplacement Provisions

No W-2 employment position or transitional job may be implemented so as to: (a) have the effect of filling a vacancy created by an employer terminating a regular employee or otherwise reducing its work force for the purpose of hiring a W-2 participant; (b) fill a position when any other person is on layoff or strike from the same job or any substantially equivalent job within the same organizational unit; or (c) fill a position when any other person is engaged in a labor dispute regarding the same or a substantially equivalent job within the same organizational unit. DCF must promulgate rules that specify a grievance procedure for resolving complaints involving a violation of these prohibitions.

Cash Benefits

A recipient's monthly benefit amount under W-2 depends upon the type of placement and the number of hours worked during the month. Unlike the AFDC program, there is no family-size adjustment. The cash benefits for each type of employment position are summarized in Table 2.

Trial Jobs. Participants in trial jobs receive the amount established in a contract between the W-2 agency and the trial job employer. The employer pays participants no less than the state or federal minimum wage, whichever is applicable, for every hour worked in a trial job. Currently, the state and federal minimum wage is generally \$7.25 per

hour. As noted, hours spent participating in educational and training activities are included in determining the number of hours worked for trial jobs.

Community Service Jobs. Beginning October 1, 2011, the grant amount for community service jobs is \$653 per month. Prior to this date, the monthly grant was \$673 per month. Provisions of 2011 Act 32 reduced the monthly benefit amount by \$20. The same grant amount applies to community service job participants in the technical college program. For every hour that the participant misses required work or educational activities without good cause, the grant is reduced by \$5.00, based on an hourly wage amount under the monthly grant of \$653. Good cause is determined by the agency's financial and employment planner and includes: (a) a required court appearance for any reason, including for a victim of domestic abuse; (b) unavailability of child care; (c) lack of transportation; (d) W-2 group member's illness, injury, disability, or incapacity; (e) accommodations necessary to participate are not available to complete the assigned activity; (f) conflict with another assigned W-2 activity or job search attempts; (g) inclement weather that impedes transportation or travel; (h) school emergency; (i) domestic violence issues; (j) death in immediate family; (k) routine medical or school appointments that cannot be scheduled at times other than assigned activities; (l) observance of religious holiday (by participant, child's school, or employer); and (m) other circumstances beyond the control of the participant, but only as determined by the financial and employment planner.

Benefit levels are prorated for participants in community service jobs who are required to work fewer than 30 hours per week because the participant has unsubsidized employment.

Transitional Placements. Beginning October 1, 2011, the monthly grant amount for transitional placements is \$608. Prior to this date, the monthly grant was \$628. Provisions of 2011 Act 32

reduced the monthly benefit amount by \$20. The cash benefit is the same for transitional placements in the technical college program. The sanctions described above for community service jobs also apply to transitional placements.

Subsidized Private Sector Employment. Participants in subsidized private sector employment positions are paid state or federal minimum wage, whichever is higher, for each hour actually worked in projects that serve a useful public purpose or where the cost is wholly or partially offset by revenue generated from such projects.

Custodial Parent of Infant. Beginning January 1, 2012, a participant who meets the nonfinancial and financial eligibility requirements for a W-2 employment position and who is a custodial parent of a child who is eight weeks old or younger is eligible to receive a monthly grant of \$673. Prior to January 1, 2012, receipt of this grant extended to the custodial parent of a child who was 12 weeks old or younger. Provisions of 2011 Act 32 shortened the grant period from 12 weeks to eight weeks.

The W-2 agency may not require caretakers of infants to participate in a W-2 employment position. Receipt of a grant under these provisions does not constitute participation in a W-2 employment position for purposes of the 60-month time limit for participation in all W-2 employment positions, if the child was born less than 10 months after the parent was first determined to be eligible for AFDC or for a W-2 employment position. If the child is born more than 10 months after the parent was first determined to be eligible, receipt of the grant counts against the time limit unless the child was conceived as a result of incest or sexual assault.

At-Risk Pregnant Women. An unmarried woman who would be eligible for a W-2 employment position except that she is not the custodian of a dependent child and who is in her third tri-

mester of a medically-verified at-risk pregnancy such that the woman cannot participate in the work force is eligible to receive a monthly grant of \$673.

The W-2 agency may not require at-risk pregnant women to participate in a W-2 employment position. Receipt of a grant under these provisions does not constitute participation in a W-2 employment position for purposes of the 60-month time limit for participation in all W-2 employment positions.

Payment Procedures

The original W-2 legislation did not establish procedures related to the payment of grants for participation in W-2 employment positions, nor did it require procedures to be established by rule. According to the W-2 policy manual, the W-2 participation period is from the 16th day of a month to the 15th day of the next month. The W-2 payment is issued for completed participation on the 30th day of the month the participation period ends. Therefore, participants in W-2 employment positions receive payments as follows:

- If participation in W-2 begins between the first day and the 15th day of a month, a prorated initial payment is issued on the 30th day of that month, as shown in Table 3, Example 1. The second and subsequent payments are made on the 30th day of each month thereafter.
- If participation begins between the 16th

day and the last day of Month A, a prorated initial payment is provided in two parts: (a) the first partial payment is provided on the 10th day of the following month (Month B) to cover participation from the beginning date to the end of Month A; and (b) the second payment is issued on the 30th day of the second month (Month B) for participation from the first day through the 15th day of Month B. The first full payment will be provided on the 30th day of the third month (Month C) for participation from the 16th day of Month B to the 15th day of Month C. These payments are depicted in Table 3, Example 2.

Since 2002, W-2 agencies have been required to implement an emergency payments program to assist W-2 participants who have an emergency need while waiting for their first payment. The amount of an emergency payment is determined by the W-2 agency. Emergency payments may be used to pay for needs such as shelter, food, and work-related expenses. Prior to 2002, emergency payments were a voluntary component of the W-2 agency contracts.

Child Support

As noted above, an individual must assign to the state any right of the individual or of any dependent child of the individual to support or maintenance from any other person that accrues during the time that any W-2 benefit is paid to the individual. Under current state law, the state must first pay the federal government its share of the assigned child support collected and then pass

Table 3: Payment Schedule Examples

	Example 1	Example 2
If participation begins:	April 6	April 18
Partial payment provided:	April 30, for participation April 6 – April 15.	May 10, for participation April 18 – April 30; and May 30, for participation May 1 – May 15.
First full payment provided:	May 30, for participation April 16 - May 15.	June 30, for participation May 16 – June 15.

the remainder of the support collected through to the W-2 participant. 2009 Act 28 calculated the federal share, after consideration of provisions of the federal Deficit Reduction Act of 2005, to be 25%. As a result 75% of the assigned child support collected, beginning October 1, 2010, is passed through to the W-2 participant.

Legislative Fiscal Bureau Informational Paper "Child Support Enforcement Program" provides additional information regarding the pass-through of child support.

Other Benefits

In addition to the employment benefits outlined above, W-2 participants are eligible for FoodShare and child care subsidies. Participants may also be eligible for medical assistance. Further, participants in unsubsidized employment, trial jobs, and subsidized private sector employment positions are eligible for the federal and state earned income tax credits.

Worker's Compensation

For W-2 trial jobs, the employer must provide the participant with worker's compensation coverage. Participants in community service jobs and transitional placements are employees of the W-2 agency for purposes of worker's compensation coverage, unless the employer provides coverage. A participant in a community service job or transitional placement who is provided coverage by the W-2 agency and who makes a claim for worker's compensation may not make a claim or maintain an action in tort against the employer who provided the community service job or transitional placement from which the claim arose.

Child Care Under W-2

The child care subsidy program was established as part of the initial W-2 legislation (1995

Act 289) and is currently administered by DCF in Milwaukee County and by local county human and social services departments and tribes in the balance of state through child care administration and certification contracts with DCF. The subsidy program is called "Wisconsin Shares."

Under the program, the state subsidizes the cost of child care for qualified families by making payments to the child care provider chosen by the parent. The parent is also required to contribute to the cost of child care; the parent's copay amount is based on income, family size, and the number of children in care.

Prior to the W-2 legislation, the state provided child care assistance through four separate programs: low-income child care, at-risk child care, AFDC child care, and JOBS child care.

Child Care Subsidy Program

Eligibility Criteria. In order to be eligible for a child care subsidy, an individual must meet all of the following conditions, as determined by the county department:

Criteria for Parent, Child, and Employment. The individual must be a custodial or placement parent, biological, adoptive, or foster parent, subsidized guardian, interim caretaker, legal custodian, person acting in the place of a parent, or a person providing kinship care for a child under the age of 13 (under the age of 19 if the child has a documented emotional, behavioral, physical, or personal need requiring more than the usual amount of care and supervision for the child's age), for whom child care is needed to do any of the following:

1. Work in an unsubsidized job, including training provided by an employer during regular hours of employment.
2. Work in a W-2 employment position, including participation in job search, orientation,

education, and training activities required under W-2.

3. Participate in a job search or work experience component of the food stamp employment and training (FSET) program.

4. Participate in a course of study at a technical college, or participate in educational courses that provide an employment skill, as determined by DCF, if the W-2 agency determines that the course would facilitate the individual's efforts to maintain employment. An individual may receive a child care subsidy under this provision for up to two years.

5. Participate in basic education, including an English as a second language course, literacy tutoring, or a course of study to obtain a GED if the W-2 agency determines that basic education would facilitate the individual's efforts to maintain employment. An individual may receive a child care subsidy under this provision for up to two years.

6. Obtain a high school diploma or participate in a course of study to obtain a GED if the parent is 19 years of age or younger. If the parent is age 17 or younger, the individual must also reside with his or her custodial parent, with a kinship care relative, in a foster home, a subsidized guardianship home, a group home, or an independent living arrangement supervised by an adult.

7. Meet the Learnfare school attendance requirements.

Income and Resource Criteria. Initial eligibility for the child care subsidy program is limited to families with gross income of no more than 185% of the federal poverty level. Once eligible, families retain eligibility until gross income exceeds 200% of poverty for two consecutive months. Once a case has been closed for more than 30 days, the family must reapply. In order to

be eligible, their gross income must be at or below 185% of the federal poverty level. The definition of gross income is the same as used for purposes of determining eligibility for W-2 employment positions, except: (a) the income of farmers and self-employed persons is adjusted to allow for the subtraction of business expenses; and (b) child support is included in the calculation of gross income if the monthly amount of child support exceeds \$1,250. Participants in the subsidy program are not required to meet the resource limitation requirements that are required of W-2 employment position participants.

Foster and kinship care parents (who are caring for a child under court order and receiving kinship care payments), as well as subsidized guardians and interim caretakers, may be eligible to receive a child care subsidy if the natural or adoptive parent's income at the time the child was removed from the home was at or below 200% of the federal poverty level. 2001 Act 16 extended this eligibility criterion to include long-term kinship care as well. Previously, long-term kinship relatives were subject to the general financial eligibility standards described above.

In addition to the requirements outlined above, DCF may establish other eligibility criteria by rule.

Non-Financial Criteria. To be eligible for the child care subsidy program, the child receiving care must be a U.S. citizen, or a qualifying alien. In addition, an individual must meet all of the following non-financial eligibility criteria.

1. Fully cooperate with efforts to establish paternity for any minor child and in obtaining support payments for that child.

2. Assign to the state any right of the individual to support or maintenance from any other person when child care is provided for parents receiving cash assistance under W-2.

3. Furnish the W-2 agency with any relevant information the agency determines is necessary within seven working days after receiving the request. The time limit may be extended if the agency determines that seven days would be unduly burdensome.

Local Administration of Child Care. Prior to 2009 Act 28, a W-2 agency determined eligibility for the child care subsidy program and referred those determined eligible to a county department of social or human services or similar tribal body for child care assistance.

Counties Outside of Milwaukee. For geographic regions outside of Milwaukee County, Act 28 now requires DCF to contract with a county department or another agency to determine eligibility for the child care subsidy program and requires that contracted entity to also administer the child care subsidy program in that geographic region or tribal unit.

As part of the administration of child care, DCF may require the contracted entity to do all of the following: (a) determine a parent's copayment; (b) determine and authorize the amount of child care for which an individual may receive a subsidy; (c) determine maximum reimbursement rates for child care providers; (d) review and re-determine the financial and nonfinancial eligibility of individuals receiving child care subsidies; and (e) assist eligible individuals to identify and select appropriate child care. According to administrative rule, the child care administrative agency must re-determine need for service and eligibility at least every six months.

A county or tribe that receives Wisconsin Shares funding for direct child care services may provide child care services itself, purchase child care services from a provider, provide vouchers to an eligible parent for the payment of services, reimburse an eligible parent for payments made to a provider, adopt any other appropriate arrangements (subject to DCF approval), or use

any combination of these methods.

In calendar year 2012, a total of \$12.6 million was allocated for local administration of child care outside of Milwaukee County. DCF allocated \$10.7 million to counties and tribes for child care administration, including eligibility determinations, \$1.4 million for certification activities and \$0.5 million for fraud detection and prevention activities.

Milwaukee County. To resolve ongoing issues in Milwaukee County, such as untimely responses to applications and instances of fraud, Act 28 required the state, through DCF, to take over the child care subsidy program in Milwaukee County. Act 28 authorized DCF to either contract with the Milwaukee County enrollment services unit in the Department of Health Services (DHS) or to establish its own child care provider services unit.

DCF contracted with the Milwaukee County enrollment services unit in DHS to determine and re-determine eligibility for Wisconsin Shares.

DCF also created its own bureau, the Milwaukee Early Care Administration (MECA), within its Division of Early Care and Education, to oversee Wisconsin Shares in Milwaukee County. MECA has 89.0 FTE positions, including the director, human services supervisor, program assistant and 4.0 FTE positions in the operations and training section. The remaining 82.0 FTE positions are located in the authorization services section, the provider services section, the program integrity section, and the child care certification section.

The MECA authorization section has 29.0 FTE and completes all child care authorizations for Milwaukee County Wisconsin Shares recipients. This section receives an average of 3,000 to 6,000 requests for authorizations each month. MECA generally processes these requests within 24 to 72 business hours.

The provider services section has 11.0 FTE and processes Wisconsin Shares payments for licensed and certified providers in Milwaukee County. This section is responsible for: (a) timely entry of attendance reports and processing of online attendance; (b) assurance of accurate provider payments, including reconciliation of provider submissions; (c) identification and prevention of fraudulent activity in the Wisconsin Shares program; and (d) serving as a resource to providers by providing technical assistance and problem resolution.

The MECA program integrity section has 25.0 FTE and monitors, identifies, enforces, and prevents improper payments and fraud in the Wisconsin Shares program. This section investigates any potential claim of recipient fraud as it relates to the over-issuance of child care benefits due to agency error, recipient error, and intentional program violations. The purposes of this unit are to: (a) achieve cost savings in the Wisconsin Shares budget by reducing overpayments; (b) focus on prevention of child care fraud and program abuse, rather than react to fraud and abuse; and (c) project a positive image of the Wisconsin Shares program to the public.

The MECA certification section has 17.0 FTE positions that certify and evaluate child care providers in Milwaukee County to determine compliance with regulations established by DCF in order to protect and promote the health, safety, and welfare of the children in day care homes serving six or less children. Staff monitors conduct both announced and unannounced visits four times each year, report findings of certified programs, and provide technical assistance to individuals involved in certified child care to improve professionalism, best practices, and quality.

Finally, DCF contracts with Community Coordinated Child Care, Inc. (4C) to perform the following services for child care providers in Milwaukee County: (a) assist potential and cur-

rent child care providers who contact the MECA child care reception area in Milwaukee County; (b) provide information regarding mandatory orientation sessions for potential and current child care providers; (c) receive, review, and validate child care certification and recertification applications and related documents; and (d) conduct orientation sessions for individuals seeking certification to provide child care.

In 2012-13, DCF has budgeted \$9.3 million for the administration of Wisconsin Shares in Milwaukee County. Of this amount, \$7.8 million is for administration and certification activities and \$1.5 million is for eligibility determinations.

Allowable Child Care Providers. An eligible parent may choose the child care provider from four types: (a) a licensed child care center; (b) a Level I family certified child care provider; (c) a Level II family certified child care provider; or (d) a child care program provided or contracted for by a school board. A child care center that provides care for four or more children under the age of seven must be licensed by DCF. Licensed child care is further broken down into family child care centers that provide care for four to eight children and group child care centers that provide care for nine or more children. Child care providers that are not required to be licensed by the state or established by a school board, but are reimbursed under the subsidy program, must be certified by the entity contracted to administer the child care subsidy program.

Certifications are broken down into two categories: Level I (regular) family child care and Level II (provisional) family child care. Regularly certified family child care providers must complete two credits of early childhood training or non-credit Department-approved training. Prior to issuing a certification, an applicant may be required to graduate from high school or obtain an HSED or GED. Up to five hours of annual training may also be required. In order to receive the Level I payment rate, the provider must care

for at least one unrelated child. Provisionally certified providers are not subject to the two-credit training requirements. Both regularly and provisionally certified providers, and all employees, substitutes, and volunteers of those providers, must have training in the most current, medically accepted methods of preventing sudden infant death syndrome and shaken baby syndrome. Training in connection with military service may count towards satisfying the training requirement regarding the accepted methods of preventing sudden infant death syndrome if the training is substantially equivalent to the training required of other certified child care providers.

State law prohibits subsidies from being used to provide care for a child by the child's parent or by a person who resides with the child or to provide care for a child by a child care provider who is not the child's parent if the child's parent is a child care provider, unless DCF grants a waiver of this prohibition.

Provisions of 2009 Wisconsin Act 28 authorized certified or licensed child care providers who care for and supervise not more than eight children who are not related to the provider to form a single collective bargaining unit. This unit was intended to be able to collectively bargain with the state, counties, and other administrative entities involved in regulation and subsidization of child care providers. These provisions were repealed under 2011 Act 10.

Copayment Liability. The statutes specify that eligible families are liable for "the percentage of the cost of the child care as specified by DCF." According to administrative rule, the Department must set a schedule for parent copayments that requires all families to have a payment responsibility, unless prohibited by state or federal law. In addition, the copayment amounts must be based on family size, family gross income, and the number of children in a given family in child care. However, there are exceptions to the

copay schedule:

a. State law specifies that an individual who is under the age of 20 and is attending high school or participating in a course of study to obtain a GED may not be liable for more than the minimum copayment amount for the number of children receiving child care.

b. Foster care parents, subsidized guardians, interim caretakers, and kinship care parents who have court-ordered placement of a child are not subject to copay requirements.

c. Kinship care parents who are providing care for a child without a court order are subject to the minimum copayment.

d. Parents who have left a W-2 employment position for an unsubsidized job qualify for the minimum copay for one month.

e. Families with children who receive child care services for 20 hours or less in a week are subject to one half of the usual copay amount.

f. State law prohibits a copayment responsibility for minor teen parents who are Learnfare participants.

Attachment 1 shows the copayment schedule in effect at the time of this writing. This schedule was first implemented May 10, 2012. As the schedule shows, the weekly copayment amount varies based on the family's size and income and the number of children in subsidized care. The copayment schedule is structured so that the required copayment will not exceed 12.5% of the family's income. For example, the weekly copayment for a family of two with \$1,261 in monthly income (approximately 100% of poverty) and one child in child care is \$21 (or \$1,092 per year). This copayment amount makes up 7.2% of the parent's annual income.

Prior to the 2008 copayment schedule, parents

paid different copayment amounts based on whether the child was served in licensed child care or certified child care. Because licensed child care costs more than certified child care, higher copayments were required for licensed child care. However, under federal law, parents cannot be charged a different copayment amount for the type of child care used. Therefore, to comply with federal law, beginning in 2008, the copayment schedule has the same copayment for all types of child care.

The copayment amounts may be adjusted by DCF to reflect the following changes: (a) child care prices or rates; (b) the amount of available child care funding; (c) inflation; (d) the federal poverty level; and (e) other economic factors that affect the cost of child care, such as a change in demand. If a proposed change would increase copayments by 10% or more, the change must be promulgated by rule. DCF may not issue emergency rules to implement such an adjustment before providing at least one month of advance notice to the public.

Child Care Subsidy Reimbursement Rates.

Prior to February, 2006, each county established the maximum child care reimbursement that could be paid to a licensed child care provider on an annual basis, subject to review and approval by DWD. The rates were determined by survey-

ing licensed group and licensed family child care centers for the rates they charge to the general community. The rate was set so that at least 75% of the number of places for children with licensed providers could be purchased at or below the maximum rate. The maximum rate for Level I certified providers could not exceed 75% of the rate for licensed family child care providers and the maximum rate for Level II certified providers could not exceed 50% of the rate for licensed family child care providers.

DWD modified the methodology of calculating reimbursement rates, effective February 25, 2006. DWD established four rate zones based on the percent of the population in each county that lives in an urban area: (a) 0-24%; (b) 25-49%; (c) 50-74%; and (d) 75-100%. Each county and tribe was placed into one of these four zones based on U.S. census data. Rates were then set so that at least 75% of the number of places for children with licensed providers could be purchased at or below the maximum rate in each zone, rather than in each county. In addition, DWD did not increase or decrease any county's reimbursement rate by more than 10%. Table 4 shows in which zone each county and tribe was placed in 2006.

Separate rates are provided for the different types of child care (licensed family, licensed

Table 4: Urban Rate Zones

Zone	County/Tribe
0-24%	Adams, Bayfield, Buffalo, Burnett, Clark, Florence, Forest, Iowa, Juneau, Kewaunee, Lafayette, Marquette, Menominee, Oconto, Pepin, Polk, Price, Sawyer, Shawano, Taylor, Trempealeau, Vernon, Vilas, Washburn, Waushara, Red Cliff, Sokaogon, La Courte Oreilles, Lac du Flambeau, and Stockbridge-Munsee
25-49%	Ashland, Barron, Chippewa, Columbia, Crawford, Dodge, Door, Dunn, Grant, Green, Green Lake, Iron, Jackson, Langlade, Lincoln, Marinette, Monroe, Oneida, Pierce, Richland, Rusk, St. Croix, Waupaca, and Bad River
50-74%	Calumet, Douglas, Fond du Lac, Manitowoc, Marathon, Jefferson, Outagamie, Ozaukee, Portage, Sauk, Sheboygan, Walworth, Washington, and Wood
75-100%	Brown, Dane, Eau Claire, Kenosha, La Crosse, Milwaukee, Racine, Rock, Waukesha, Winnebago, and Oneida Tribe

group, regular certified, provisionally certified, and certified in-home). Separate rates are also set based on the child's age (under two, two to three, four to five, and six to 13). Higher rates than the established maximum are allowed on a case-by-case basis for children with special needs. A child care administrative agency may establish its own rates for child care provided for less than a two-week period, provided sporadically, or provided for care of an ill child through negotiations with the child care provider. Lower rates are provided for before- and after-school child care. Finally, higher or lower reimbursement rates may be set for individual child care providers based on the provider's YoungStar rating, discussed in further detail below under "Quality Rating and Improvement System."

As a result of increased costs for the child care subsidy program and a limited amount of federal funding, the child care reimbursement rates have been frozen at the 2006 level. Administrative rules indicate that notwithstanding the requirement to set child care rates annually, the rates have been set at the 2006 level. In addition, provisions of 2011 Act 32 prohibit DCF from increasing these rates before June 30, 2013. The 2006-2012 subsidy rates for each county and tribal agency are shown in Attachment 2.

Underutilization and Attendance Policies.

Payments to child care providers under Wisconsin Shares may be based on the number of hours a child is authorized to attend (enrollment-based) or based on the number of hours the child actually attended (attendance-based). Enrollment-based payments pay for the child care "slot," whether or not the child actually attends. Under administrative rules, licensed child care providers generally receive enrollment-based payments, and certified child care providers only receive attendance-based payments.

However, 2011 Act 32 authorized DCF to implement a number of cost saving measures for the

Wisconsin Shares program to ensure that expenditures for the program would not exceed the amounts budgeted. A complete description of these measures is discussed further below under "Other Program Integrity and Cost-Saving Initiatives." Beginning August 28, 2011, using this authority, DCF required all licensed family child care providers to receive attendance-based payments. As a result, only licensed group child care providers may receive enrollment-based payments.

In addition, licensed group child care providers may be reimbursed based on attendance if the child's schedule varies widely from week to week (with a 10% rate increase) or if the provider has significantly over-reported attendance in the past.

Underutilization. From April 1, 2007, through October 27, 2007, and again from March 30, 2008, through May 17, 2008, DWD implemented an attendance-based reimbursement policy for all licensed child care providers such that Wisconsin Shares would no longer pay providers for absences in child care when attendance was less than half the number of authorized hours per week under the enrollment-based reimbursement policy. This change in reimbursement policy was designed to lower costs for Wisconsin Shares by limiting payments for the underutilization of enrollment-based authorizations.

In 2007 Wisconsin Act 226, the Legislature passed provisions that prohibited DWD from implementing an underutilization attendance-based reimbursement policy for licensed child care providers. However, these provisions were vetoed by the Governor with the understanding that DWD would discontinue the policy because additional funding was provided to fund the program. DWD discontinued the policy on May 17, 2008.

Under 2009 Act 28, a new underutilization policy was enacted. If reimbursement to a child

care provider is enrollment-based, DCF must: (a) track a child's weekly usage of child care authorizations over a six-week period; (b) if the tracked hours show that less than 60% of the authorized hours are used, then reduce the authorized hours of child care to 90% of the maximum number of hours of child care that the child attended during any week of that six-week period; (c) provide written notice of the adjustment to the child's parent, the child care provider, and the applicable child care administrative agency; and (d) provide a grace period of two weeks after the number of authorized hours are reduced before implementation of the reduced payments to the child care provider.

DCF must exclude the following from calculating the child's hourly usage: (a) one week per year of vacation time for the child's provider; (b) one week per year of sick time for the child's provider; (c) two weeks per year of vacation time for the child and his/her parent; and (d) weeks for which the child care administrative agency approved payment to a provider to hold a slot during a parent's temporary break in employment.

Attendance. 2009 Wisconsin Act 2 authorized DCF to implement a system to monitor child care attendance through an automated system in licensed child care centers. Provisions of 2009 Act 28 provided additional funding for the automated attendance tracking system (AATS), but the funding was placed in a Joint Committee on Finance appropriation for DCF to access with a detailed plan for the AATS. DCF presented its plan on November 22, 2010. The Joint Committee on Finance approved \$1 million in TANF to fund the AATS.

For the child care providers participating in the AATS, arrival and departure times of children participating in Wisconsin Shares would automatically be recorded with a biometric finger scan of the child or authorized adult. A pilot of the AATS was scheduled to take place in 2010-

11 and was to include child care providers in the following counties: Dane, Dodge, Kenosha, Milwaukee, Waukesha, and Washington. In 2011-12, the AATS was scheduled to be implemented statewide with approximately 600 child care providers participating.

The AATS project was cancelled because the system could not accurately produce a biometric finger scan of small children. Under 2011 Act 32, the Joint Committee on Finance placed \$1 million TANF annually in its federal funds general program supplementation appropriation for a new AATS and required DCF to submit a request for the funds under a 14-day passive review process, along with a plan that details how the AATS would work and how the funds would be spent. No plan has yet been submitted. However, a report to the Committee, dated July 31, 2012, indicated that DCF is reviewing information regarding other states' AATS programs. A specific plan for Wisconsin has not yet been determined, but DCF anticipates moving forward with some recommendations by the end of 2012.

In addition, 2009 Act 28 specifically limited the number of hours that could be authorized for child care under Wisconsin Shares. A child may not receive more than 12 hours of child care per day, unless the parent provides written documentation of work or transportation requirements that exceed 12 hours in a day. If the written documentation is provided, no more than 16 hours per day may be authorized. If the number of authorized hours will be reduced from more than 12 to 12 or fewer hours because the required written documentation is not provided, the parent and child care provider must receive four weeks' notice of the reduction in authorized hours before the hours are actually reduced.

Finally, Act 28 required a child care provider to maintain a written record of the daily hours of attendance of each child for whom a subsidy is provided, including the actual arrival and depart-

ture times, for at least three years after the child's last day of attendance, regardless of whether the child care provider is still receiving or eligible to receive payments under the Wisconsin Shares program.

Criminal History, Background Investigations, and Penalties. Current law requires DCF, county departments, or child care administrative agencies to obtain certain information on persons who have or seek a license, certification, or contract to operate a child care facility, the employees or prospective employees of a provider, any person age 12 and older who resides at the site, and any other caregiver at the site between the ages of 12 and 18. The required information includes: (a) a criminal history search from the Department of Justice; (b) information from the registry of nurses aids maintained by DHS; (c) information maintained by the Department of Safety and Professional Services regarding the status of the person's credentials, if applicable; (d) information maintained by DCF on substantiated reports of child abuse or neglect against the person; (e) information regarding the denial of a license, certification, contract, designation as, or payments to operate a child care facility, a foster home, a child welfare agency, a school board child care program, as an interim caretaker, or other similar entity for the reasons noted above; (f) information from the sex offender registry regarding whether the person has committed a sex offense that is a serious crime; and (g) in some cases, information maintained by the Federal Bureau of Investigation.

A background information disclosure form must be completed prior to working with children and annually thereafter for all individuals subject to these requirements. DCF, a child care administrative agency, or a county department conducts background checks on every licensed and certified child care provider at least every three months. Annual background checks are conducted on household members, minor employees, and all employees of certified providers. Licensed

child care providers conduct annual background checks on adult employees and on volunteers who are counted in their staff-to-child ratios. 2009 Wisconsin Act 76 added information from the sex registry as required background information and increased the frequency of these background checks from every four years to either three months or annually as described above.

DCF, a child care administrative agency, or a county department will not issue, continue, or renew a license, certification, or contract to a provider if: (a) the provider has been convicted or adjudicated delinquent of a serious crime; (b) the provider is the subject of a pending criminal charge or delinquency petition alleging the provider has committed a serious crime; (c) the provider is found to have abused or neglected children or any client or misappropriated the property of a client; or (d) the person who holds the position must be credentialed by the Department of Safety and Professional Services and the person's credentials are not current or are too limited so as to restrict their ability to provide adequate care to a client. A provider is also prohibited from employing or contracting with a person who will have access to children under the same conditions.

An individual who has violated these provisions may still receive a license, certification, or employment in a child care center if they demonstrate by clear and convincing evidence that they have been rehabilitated. Based on the offense involved, an individual may be permanently barred from providing child care, barred from providing child care for a period of five years after completion of any sentence, or barred from providing child care until rehabilitated. Pursuant to 2009 Act 76, providers, caregivers, and residents cannot be rehabilitated for the purpose of providing child care services if convicted or adjudicated delinquent of a serious crime. A list of these crimes is shown in Appendix B. In addition, Act 76 prohibits only the child care providers (not

caregivers or residents) from being rehabilitated for other crimes, which are listed in Appendix C.

DCF and the county departments may refuse to pay a child care provider an authorized subsidy if it is determined that the provider, an employee, or any other person living on the premises where the child care is provided: (a) has been convicted or adjudicated delinquent, at age 12 or older, of a felony or misdemeanor that substantially relates to the care of children or to the operation of a business; (b) is the subject of a pending criminal charge that substantially relates to the care of children; (c) has been determined to have abused or neglected a child; or (d) has violated any provision or rule of the child care subsidy program. 2009 Wisconsin Act 28 added the ability to refuse to pay for convictions related to the operation of a business and for any violation of Wisconsin Shares.

A person who provides false information under these provisions can be required to forfeit not more than \$1,000 and may be subject to other sanctions. DCF, the county departments, contracted agencies, or school boards may charge a reasonable fee for any background investigation required under these provisions.

In addition, 2009 Act 28 authorized DCF to recoup payments, withhold payments, and impose a forfeiture on a child care provider if the provider submits false, misleading, or irregular information or fails to comply with the terms of the child care subsidy program. The forfeiture amount ranges from \$100 to \$10,000 and is based on the following factors: (a) seriousness of the violation; (b) extent of the violation; (c) history of prior violations; (d) prior imposition of penalties; (e) provider willingness to obey program rules; and (f) size and type of child care provider.

2009 Wisconsin Act 77 extended these penalties to officers, directors, and employees of child care providers. If any officer, director, or em-

ployee of a child care provider that is a corporation, and any member, manager, or employee of a child care provider that is a limited liability company (LLC), who holds at least 20% of the ownership interest of the corporation or LLC and who has control or supervision of or responsibility for operating the child care business may be found personally liable for such amounts if the business, corporation, or LLC is unable to pay the penalty amounts to DCF.

Administrative rules also specify that a child care provider and a parent are jointly and severally liable for an overpayment if the provider and parent collude to violate the child care subsidy program.

Beginning November 1, 2012, if an individual applying for or receiving benefits under the Wisconsin Shares program, for the purpose of establishing or maintaining eligibility for those benefits, has committed an intentional program violation related to any provision or rule of the child care subsidy program, DCF, county departments, or contracted agencies must deny benefits to the individual as follows: (a) six months for the first intentional program violation; (b) one year for the second intentional program violation; and (c) permanently for the third intentional program violation. An intentional program violation means intentionally making a false or misleading statement, intentionally misrepresenting or withholding facts, or intentionally committing any act that constitutes a violation of state or federal law for the purpose of using, presenting, transferring, acquiring, receiving, possessing, or trafficking benefits.

Other Program Integrity and Cost-Saving Initiatives. 2009 Acts 2, 19, and 28, as well as other Department initiatives provided further measures to assist in DCF's fraud detection and prevention activities in the child care subsidy program. 2011 Act 32 provided DCF with the authority to establish additional cost-saving measures and required additional fraud detection

and prevention activities.

2009 Act 2. In addition to the AATS, described above, Act 2 authorized DCF to establish a program integrity unit. Funding was provided for additional staff to review potential fraud in Wisconsin Shares and suspend payments to suspected fraudulent providers.

2009 Act 19. Act 19 required certain vehicles that transport children to and from a child care provider to have child safety alarms installed. The penalty is a fine of not more than \$1,000 or imprisonment for not more than one year in the county jail, or both, if the required alarm is not installed, is not properly maintained, or is not in good working order. It is a class I felony (fine not to exceed \$10,000, imprisonment not to exceed three years, six months, or both) to remove, disconnect, tamper with, or otherwise circumvent the operation of the alarm.

2009 Act 28. In addition to the changes noted above, Act 28 prohibited DCF from distributing subsidy payments to a provider if the child care services are for an employee who is either the parent of the child or a person who resides with the child, unless the provider is licensed. If the child care provider is licensed, then a maximum of 40% of the children may be a child of or residing with an employee of the provider. However, payments may not be suspended if, within six weeks of exceeding the 40% maximum, the child care provider is able to fill vacant slots or otherwise alter the mix of children being cared for such that the 40% maximum requirement is met.

2011 Act 32. Act 32 authorized DCF to implement a number of cost saving measures for the Wisconsin Shares program to ensure that expenditures for the program would not exceed the amounts budgeted. Using this authority, DCF may: (a) adjust the amount of reimbursement paid to child care providers who provide child care services under Wisconsin Shares; (b)

increase the copayment amount that an individual must pay toward the cost of child care received under Wisconsin Shares; (c) implement a waiting list for the receipt of a child care subsidy; and (d) adjust the gross income levels for eligibility for receipt of a child care subsidy under Wisconsin Shares. DCF may not place W-2 participants on a waiting list. As of September, 2012, DCF has used this authority to modify reimbursements to licensed family care providers from enrollment-based to attendance-based.

Act 32 also prohibited an individual eligible under the Wisconsin Shares program from benefiting personally from any marketing or promotional offerings made by a child care provider to attract clients or increase business. This provision does not apply to marketing or promotional offerings that directly benefit an eligible individual's child for whom the child care providers is providing child care services.

In addition, Act 32 prohibited child care subsidies under Wisconsin Shares from being distributed for services provided to a child: (a) by a child care provider who is the parent of the child or who resides with the child; or (b) if the child's parent is a child care provider and child care services are provided by another child care provider who is not the child's parent, unless a child's parent has applied for and been granted a waiver by a county department or agency or by DCF. An emergency rule for this waiver has been drafted. DCF anticipates the permanent rule to be effective in May, 2013.

Finally, under Act 32, the Legislature required child care providers to be fingerprinted. However, the Governor vetoed this provision. In his veto message, he indicated that he would instruct DCF to amend the administrative rules for certified and licensed child care providers to require child care providers who wish to participate in Wisconsin Shares to submit fingerprints. In its 2013-15 budget request, DCF indicates that statutory language only allows child care provider appli-

cants that live out of state or have lived out of state in the recent past to be fingerprinted. DCF is requesting statutory language changes to require all adult future child care providers who will participate in Wisconsin Shares, as well as their non-client residents and employees, to submit fingerprints at the time of the application for licensure or certification. In addition, the requested statutory changes would require current child care providers participating in Wisconsin Shares, as well as their non-client residents and employees, to submit fingerprints at the time of renewal of their licensure or certification.

DCF Initiatives. In addition to legislative requirements that strengthened fraud detection and prevention measures, DCF instituted its own initiatives to enhance program integrity in Wisconsin Shares. These initiatives include: (a) monthly "red flag" reports, which highlight indicators that certain child care providers may be participating in fraudulent activity; (b) a child care anti-fraud task force to deal with parents, child care providers, and others who fraudulently receive child care subsidies in Milwaukee County; (c) new attendance reporting methods for child care providers; (d) increasing staff within DCF's Office of Legal Counsel for fair hearings during the appeals process of child care providers appealing the termination of their Shares payments; (e) a child care fraud reporting hot line and a "report child care fraud" form available on the DCF website; (f) an internal referral network among all public assistance regulators and licensors/certifiers to identify and report suspected fraud; (g) regional fraud trainings to counties and tribes relating to prevention, detection, and investigation within the program; and (h) technical assistance and collaborative investigations with counties and tribes relating to program integrity.

Finally, DCF has created a database of licensed and certified child care providers that is posted on its public website, which shows whether the child care provider has had any violations.

Act 28 required DCF to also include on its website the specific violation committed and a description of any steps the provider has taken to correct the violation. Enforcement actions are also posted on this website.

Indirect Child Care Services

Child Care Quality and Availability.

Federal law requires states to use 4% of certain federal and state funding sources for child care quality improvements. In addition, some funds the state receives under the federal child care and development program are earmarked for certain kinds of activities including expansion of child care, child care quality improvements, and resource and referral services.

Approximately \$13.5 million in 2011-12 and \$13.2 million in 2012-13 is budgeted for programs to improve child care quality and availability. The funding is allocated for the following programs:

Technical Assistance. Technical assistance expenditures to child care providers totaled \$446,800 in 2011-12 and are budgeted at \$491,000 in 2012-13. Funding in 2011-12 and 2012-13 is provided for: (a) the Registry (a system that documents verified formal and informal education on individuals in the early care and education workforce); (b) the Supporting Families Together Association (SFTA); and (c) other technical and training opportunities.

The Registry provides YoungStar educational qualification verification and quality indicator training competency verification, an award of a career level within a six- to eight-week window, enhanced reporting capabilities for access by multiple agencies including DCF, and outreach and technical assistance for increased child care workforce participation with the Registry.

SFTA provides YoungStar training and technical assistance to support child care providers

and programs working towards quality enhancement, training on the Wisconsin model early learning standards and the Wisconsin pyramid model, collaboration and quality improvement efforts with the child care resource and referral delivery system for tribal child care needs, and support in tribal and rural areas for family child care programs to move from two to three stars.

Other opportunities include accreditation support, professional practices, mentoring and coaching support, and credit for prior learning.

Resource and Referral Agencies. Expenditures for Wisconsin's eight hub and three partner child care resource and referral agencies (CCRRs) totaled \$964,400 in 2011-12 and are budgeted at \$1,298,600 in 2012-13. These agencies: (a) connect parents with child care services and consumer education to make informed choices in selecting child care; (b) use a strengthening families philosophy to appropriately support families; (c) provide guidance to parents on child development, early learning, child abuse and neglect prevention, health and wellness, early care and education, and school-readiness; (d) develop professionals who care for and educate children; (e) deliver training and professional development, conferences, on-site consultation, and networking opportunities; (f) design, implement, and evaluate child care quality improvement initiatives; and (g) collect, analyze, and share data about early child care and education.

Child Care Scholarships and Stipends. Expenditures for two programs to attract and retain quality child care workers totaled \$4,901,800 in 2011-12 and are budgeted at \$3,975,000 in 2012-13. Almost two-thirds of these funds are expended for Wisconsin's teacher education and compensation helps (TEACH) program for scholarships to child care providers to attend a Wisconsin-based college or university to achieve a higher educational level by completing a specific education path. The remaining funds are expended

for the rewarding education with wages and respect for dedication (REWARD) program which provides stipends to child care teachers, providers, and directors based on their level of education specific to, and the longevity of their employment in, the child care field.

Child Care Information Center. The child care information center (CCIC) is a mail-order lending library and information center that serves those who work in the field of child care and early childhood education. The CCIC provides free information services, library services, and education and training services to help Wisconsin's child care professionals. The CCIC is administered by the Department of Public Instruction's reference and loan library. Expenditures for the CCIC totaled \$110,700 in 2011-12 and are budgeted at \$120,000 in 2012-13.

Other Expenditures. Other funding that may count, in part, toward the federal requirement includes DCF child care administration costs, which includes child care center licensing activities, (\$27,438,300 in 2011-12 and \$29,593,200 in 2012-13) and the quality rating and improvement system (QRIS) discussed below (\$7,602,100 in 2011-12 and \$7,284,800 in 2012-13).

Quality Rating and Improvement System.

Following a recommendation in 2004 from the Quality Counts for Kids Task Force to establish a child care quality rating system, Governor Doyle introduced a proposal for a rating system in his budget in 2005, 2007, and 2009. The Legislature deleted this provision in both 2005 and 2007.

Under 2009 Wisconsin Act 28, the Legislature deleted funding for the quality rating and improvement system (QRIS) and required DCF to return to the Joint Committee on Finance with a specific plan under a 14-day passive review process. DCF submitted its plan for the QRIS, called YoungStar, on March 24, 2010. The Joint Committee on Finance required DCF to prepare a five-year sustainability plan for YoungStar and

seek approval of this plan from the Committee by November 22, 2010. DCF submitted its five-year plan on November 22, 2010. The Joint Committee on Finance approved the plan with a few modifications. Provisions of 2011 Act 32 made additional modifications to YoungStar, including the tiered reimbursement rates.

YoungStar is a five-star system. Child care providers are assigned one star if their licenses or certifications have been revoked, suspended, or denied, or if their payments under Wisconsin Shares have ended due to fraud or suspected fraud. One-star providers cannot receive reimbursement under Wisconsin Shares. Child care providers accredited by several national organizations and by the City of Madison automatically receive a four- or five-star rating. The remaining child care providers participating in YoungStar receive a star level based on the number of points earned in the following categories of quality indicators: (a) provider or staff education and training; (b) learning environment and curriculum; (c) business and professional practices; and (d) health and wellness. Ratings are posted on the DCF website. There is an appeals process for child care providers who disagree with the rating. Child care providers must be willing to accept Wisconsin Shares participants in order to participate in YoungStar. Assessments are done annually when the child care providers renew their YoungStar contracts.

Under 2011 Act 32, beginning in 2012-13, child care providers receive reimbursement under Wisconsin Shares based on the number of stars earned. This tiered reimbursement system has been implemented as follows: (a) one-star providers are prohibited from receiving reimbursement under Wisconsin Shares; (b) two-star providers receive a decrease of up to 5% from the maximum reimbursement rate; (c) three-star providers receive up to the maximum reimbursement rate; (d) four-star providers receive an increase of up to a 5% from the maximum reimbursement rate; and (e) five-star providers receive an in-

crease of up to 10% from the maximum reimbursement rate. Under the original five-year plan, no child care provider would have received a decrease in the reimbursement rate. Increases to the reimbursement rate would have been applied to three-star providers (5% increase), four-star providers (10% increase), and five-star providers (25% increase).

In addition, under Act 32, DCF is authorized to increase the maximum reimbursement rate for five-star providers by up to 25% beginning January 1, 2013.

YoungStar expenditures totaled \$9,629,300 in 2011-12 and are budgeted at \$8,027,200 in 2012-13 for: (a) quality assurance monitoring (\$1,875,500 in 2011-12 and \$3,249,000 in 2012-13); (b) training and technical assistance (\$3,354,500 in 2011-12 and \$2,219,200 in 2012-13); (c) improvement grants (\$1,863,600 in 2011-12 and \$1,154,300 in 2012-13); (d) local administration and start-up grants (\$1,078,400 in 2011-12 and \$662,300 in 2012-13); (e) communication (\$86,300 in 2011-12 and \$120,000 in 2012-13); (f) information technology (\$788,300 in 2011-12 and \$150,000 in 2012-13); (g) state staff (\$582,700 in 2011-12 and \$316,900 in 2012-13); and (h) ongoing evaluation (\$155,500 in 2012-13). In addition, Act 32 estimated savings to the Wisconsin Shares program from implementation of the tiered reimbursement system to be \$5,500,000 in 2012-13.

As of October 1, 2012, 4,265 providers have been rated using the five-star rating system. Of these providers, 3,393 were serving children who were in the Wisconsin Shares program. An additional 632 providers applied for and were in the process of being rated. Of those providers rated: (a) 36 were rated at the one-star level (0.8%); (b) 2,980 were rated at the two-star level (69.9%); (c) 852 were rated at the three-star level (20.0%); (d) 128 were rated at the four-star level (3.0%); and (e) 269 were rated at the five-star level (6.3%).

Other W-2 Benefits and Services

Job Access Loans

Individuals who meet the nonfinancial and financial eligibility requirements for participation in a W-2 employment position may also be eligible for a job access loan if the individual: (a) needs the loan to address an immediate and discrete financial crisis that is not the result of the individual's failure to accept a bona fide job offer or the individual's termination of a job without good cause; (b) needs the loan to obtain or continue employment or to repair or purchase a vehicle that is needed to obtain or continue employment; (c) is not in default with respect to the repayment of any previous job access loan or repayment of any W-2 grant or wage overpayments; and (d) is not a migrant worker.

Under rules promulgated by the Department, W-2 agencies issue job access loans to individuals. The minimum loan amount available is \$25, and the maximum an individual may receive is \$1,600 in any 12-month period. Emergency payments may be made within 24 to 96 hours of the approval of the job access loan.

The W-2 agency must determine a minimum monthly repayment amount for each loan, and an individual receiving a loan must submit to the agency a repayment plan for the loan which includes the maximum cash repayment amount and the shortest repayment period that the W-2 agency determines is feasible. At least 25% of the loan amount must be repaid in cash. The remaining 75% may be repaid in cash or through a combination of cash and volunteer in-kind community work approved by the W-2 agency. The participant must repay a job access loan within 12 months, which may be extended to 24 months with W-2 agency approval.

2003 Act 33 authorized DWD (now DCF) to

certify delinquent job access loan repayments to the Department of Revenue for setoff against any state tax refund or credit owed to the person who received the loan. Any revenues recovered must be used to make additional job access loans. DCF may also collect delinquent repayments through other legal means.

2005 Act 25 specified that the sole source of funding for job access loans would be job access loan repayments. In addition, repayments may be used to fund administrative costs associated with collecting delinquent job access loan repayments.

In general, individuals who are less than 18 years old are not eligible for W-2 employment positions or job access loans. However, if the person will be 18 within two months of the date of application, the person may be eligible for a loan if the individual is in kinship care, a foster home, a group home, or an adult-supervised independent living arrangement approved by the W-2 agency. In addition, the individual must have graduated from high school or met the standards for the granting of a declaration of equivalency of high school graduation.

Transportation Assistance

The statutes provide that W-2 agencies may provide transportation assistance in the manner prescribed by DCF by rule. Under administrative rules, a W-2 agency must provide, refer, or facilitate transportation arrangements to enable participation in W-2 activities. Additional guidelines for providing transportation assistance have been included in the W-2 manual. These guidelines specify that the W-2 agency must provide transportation assistance to W-2 applicants and participants when it is necessary to ensure participation in W-2 activities. The types of transportation services provided may vary from agency to agency based on the options in the area that are both available and reasonable. A reasonable transportation option must meet all of the following criteria:

1. The transportation option is safe;
2. All out-of-pocket transportation costs are reasonable with respect to the applicant's or participant's income;
3. The one-way travel time between home, child care, and work or activities is no more than 60, or in some cases 90, minutes; and
4. All relevant factors have been considered (e.g. whether the option is the most convenient and reliable one that also meets the other criteria).

Pregnant Women

A pregnant woman who would be eligible for a W-2 employment position except that she is not a custodial parent of a dependent child and who is not considered an at-risk pregnant woman described above under "W-2 Employment Positions," is eligible for employment training, job search assistance services, and case management, provided by the W-2 agency. The pregnancy must be medically-verified.

Noncustodial Parents

An individual who would be eligible for W-2 services except that the individual is the noncustodial parent of a dependent child is eligible for certain services if the child's custodial parent is a W-2 participant and if the individual is subject to a child support order. The types of services that may be provided by the W-2 agency under this provision include job search and retention assistance, case management, career advancement services, and education and training designed to enable the individual to obtain and retain employment.

Minor Custodial Parents

Under the W-2 program, an individual must be at least 18 years old in order to participate in a subsidized employment position. However, a custodial parent under the age of 18 is eligible to meet with a financial and employment planner,

regardless of the income or assets of that individual or the individual's parents. The planner may provide the individual with information regarding W-2 eligibility, available child care services, employment and financial planning, family planning services, community resources, and eligibility for FoodShare and other food and nutrition programs.

Sanctions, Dispute Resolution, Overpayments and Fraud

Sanctions

As noted earlier, a \$5.00 hourly sanction is imposed if a participant in a community service job or transitional placement misses required work or educational activities without good cause. As described below, additional sanctions may be imposed upon recipients for refusal to participate in an employment position, not cooperating with child support requirements, intentional program violations, and for failing a drug test.

2005 Act 25 required W-2 agencies to do all of the following before taking any action against a W-2 participant that would result in a 20% or more reduction in the participant's benefits or in termination of the participant's eligibility to participate in W-2: (a) provide written notice of the proposed action and of the reasons for the proposed action to the W-2 participant; (b) after providing written notice, explain orally in person or by phone, or make reasonable attempts to explain orally in person or by phone, the proposed action and the reasons for the proposed action; and (c) after providing written notice and an oral explanation, allow the W-2 participant reasonable time to rectify the deficiency, failure, or other behavior to avoid the proposed action. 2009 Act 28 modified these provisions to require oral notice first, written notice second, and a reasonable time to rectify the deficiency only if the participant was

not already afforded a conciliation period, described below under "Refusal to Participate." Provisions of 2011 Act 32 eliminated the requirement that the W-2 agency explain the proposed action and the reasons for the proposed action orally in person or by phone. As a result, only written notice is required, along with time to rectify the deficiency, failure, or other behavior to avoid the penalty.

Refusal to Participate. 2009 Act 28 modified the sanction for nonparticipation. Rather than making a participant ineligible to participate in a W-2 employment position component if the participant refuses to participate three times in that component, Act 28 makes a participant ineligible to participate in the entire W-2 program for three months for any refusal to participate.

A participant is considered to have refused to participate if he or she: (a) expresses verbally or in writing to a W-2 agency that he or she refuses to participate; (b) fails to appear for an interview with a prospective employer or, if the participant is in a W-2 transitional placement, fails to appear for an assigned activity without good cause; (c) voluntarily leaves appropriate employment or training without good cause; (d) loses employment as a result of being discharged for cause; (e) refuses to accept a bona fide offer of employment; or (f) demonstrates through other behavior or action, as determined by the financial and employment planner, that he or she refuses to participate.

Under Act 28, W-2 agencies were required to: (a) determine whether the failure of the participant or individual to participate is because the participant or individual refuses to participate or is unable to participate; (b) ensure that the services offered to the participant or individual are appropriate for him or her; and (c) determine whether good cause exists for the failure to participate. However, 2011 Act 32 eliminated these requirements for the W-2 agency.

Under 2009 Act 28, if the W-2 agency determined that a participant or individual had refused to participate without good cause, W-2 agencies were required to allow the participant or individual a conciliation period during which he or she had to participate in all assigned activities unless good cause existed that prevented compliance during the conciliation period. This provision was eliminated under 2011 Act 32.

Cooperation With Child Support Efforts. In order to be eligible for a W-2 employment position or child care, every parent in an individual's W-2 group must fully cooperate in efforts to establish paternity and obtain support payments or any other payments or property to which that parent and the dependent child may have rights, unless it is determined that the parent has good cause for not cooperating or is exempt because the child is 60 days old or younger. An individual who fails three times to meet these requirements remains ineligible until all members of the individual's W-2 work group cooperate or for a period of six months, whichever is later.

Intentional Program Violations. If an individual applying for or receiving benefits under W-2, Wisconsin Shares, or emergency assistance intentionally violates any provision or rule related to these programs, the individual must be denied benefits as follows: (a) for six months for a first intentional program violation; (b) for one year for a second program violation; and (c) permanently for a third intentional program violation.

Drug Testing. Individuals applying for a W-2 employment position or job access loan must state in writing whether they have been convicted of a felony that has as an element possession, use, or distribution of a controlled substance. If a participant in a community service job or transitional placement was convicted in any state or federal court of such a felony after August 22, 1996, and within five years of applying for a W-2 employment position, the W-2 agency must require the individual to submit to a test for use of a controlled substance as a condition of continued eli-

gibility. If the test results are positive, the W-2 agency must decrease the pre-sanction benefit amount for that participant by up to 15% for at least 12 months, or for the remainder of the participant's period of participation in the employment position, if less than 12 months. If, at the end of 12 months, the individual is still a participant in the employment position and submits to another test for the use of controlled substances, and if the results of the test are negative, the full benefit amount must be restored. The W-2 agency may require an individual who tests positive for use of a controlled substance to participate in a drug abuse evaluation, assessment, and treatment program as part of the work or education and training requirements for that employment position.

Dispute Resolution

Under state law, a two-part process is established for reviewing decisions by local W-2 agencies. The first step of the process allows individuals to petition the local agency for review of certain decisions. If the agency's review does not result in a decision that is acceptable to the individual, he or she can then petition DCF for review of the agency's decision. The W-2 agency may also request a review by the Department.

W-2 Agency Review. Any individual whose application for a W-2 employment position is not acted upon by the local W-2 agency with reasonable promptness may petition the W-2 agency for review of such action. A petition for review may also be made if the application is denied in whole or in part, if the individual's benefit is modified or canceled, if the individual believes that the benefit was calculated incorrectly, or if the individual believes that he or she was placed in an inappropriate employment position. Review is not available if the agency's action occurred more than 45 days prior to submission of the petition.

Upon a timely petition for review, the agency

must give the applicant or participant reasonable notice and opportunity for a review. The agency must render its decision as soon as possible after the review and send by first class mail a certified copy of its decision to the applicant or participant. The agency is required to deny a petition for review or refuse to grant relief if the petitioner withdraws the petition in writing or abandons the petition. Abandonment occurs if the petitioner fails to appear in person or by representative at a scheduled hearing without good cause, as defined by DCF by rule.

DCF Review of Financial Eligibility Determinations. If the W-2 agency's decision involved denial of an application based solely on the determination of financial ineligibility, DCF is required to review the W-2 agency's decision if: (a) the applicant or participant petitions the Department for review of the decision within 21 days after the certified copy of the W-2 agency decision is mailed; or (b) the W-2 agency requests DCF to review the agency's decision. DCF must make a decision as soon as possible and must send a certified copy of its decision to the applicant or participant, county clerk, and W-2 agency. The Department's decision is the final ruling, but may be revoked or modified as conditions change.

Reviews of financial eligibility are referred to and conducted by the Division of Hearings and Appeals in the Department of Administration (DOA).

DCF Review of Other Agency Decisions. If the agency's decision does not involve denial of an application based solely on the determination of financial ineligibility, DCF is authorized, but not required, to review a decision by a W-2 agency. These reviews are also referred to and conducted by DOA.

Corrective Actions. The W-2 agency must place an individual in the first available W-2 employment position that is appropriate for that in-

dividual if: (a) the individual's application for a W-2 employment position was denied and the W-2 agency or the Department determines that the individual was in fact eligible; or (b) the individual was placed in an inappropriate W-2 employment position. The individual would be eligible for the benefit for the W-2 employment position beginning on the date on which the individual begins employment or education and training activities for that position. Further, if the W-2 agency or the Department determines that a person's benefit was improperly modified, canceled, or calculated, the W-2 agency must restore the benefit to the appropriate level retroactive to the date on which the error first occurred.

Overpayments and Fraud

The Department is required to recover all overpayments of benefits paid for participation in W-2 employment positions, and of child care subsidies and transportation assistance.

For community service jobs and transitional placements, the Department is required to recover an overpayment of employment benefits from an individual who continues to receive such benefits by reducing the amount of the individual's benefit payment by no more than 10%. A participant may make a voluntary repayment in addition to the amount withheld.

For trial jobs, the value of the benefit subject to recovery may not exceed the amount that DCF paid in wage subsidies with respect to that participant while the individual was ineligible to participate.

The W-2 agency, county, or tribal governing body must ask a former participant in a trial job, community service job, or transitional placement who received an overpayment to voluntarily repay the overpayment amount. If the former participant refuses, the W-2 agency must refer the individual to the Department for collection or court action.

In cases of intentional program violations, the Department must recover the overpayment by deducting the following amounts from subsequent monthly W-2 employment benefits:

- a. If the amount of the overpayment is less than \$300; 10% of the monthly benefit payment.
- b. If the overpayment is at least \$300, but less than \$1,000; \$75.
- c. If the overpayment is at least \$1,000, but less than \$2,500; \$100.
- d. If the overpayment is \$2,500 or more; \$200.

W-2 agencies may recover, on behalf of the Department, payments made to a recipient who receives a "windfall" by gift, inheritance, sale of assets, court judgment or settlement of any damage claim, or by winning a lottery prize.

Whenever W-2 payments are made as the result of fraud or error, these payments may be recovered through a tax intercept program. The state share of these recovered payments may be used to fund state and local welfare fraud and error reduction efforts.

If a person receives an overpayment of W-2, child care, or transportation benefits, the W-2 agency must provide notification to the person, who can choose to follow the dispute resolution procedures outlined in this paper. If still not satisfied, the person can request a hearing. If a person fails to repay after the dispute resolution procedures, DCF may issue a warrant to a county circuit court clerk that places a lien against any of the person's property. DCF can direct the county sheriff to levy and seize property. The first \$1,000 in a bank account is exempt from any levy. In addition, the greater of the following is exempt from the levy: (a) a subsistence allowance of 75% of the individual's disposable earnings; or (b) an amount equal to 30 times the federal minimum

hourly wage for each full week of the individual's pay period.

Local Fraud Investigation. Provisions of 2007 Wisconsin Act 20 and 2009 Act 28 authorized counties, tribal governing bodies, and W-2 agencies to establish a program to investigate suspected fraudulent activity by W-2 and child care recipients and to recover any incorrect payments made. Under these provisions, counties, W-2 agencies, or tribal governing bodies that established such a program were authorized to retain all fraud recoveries received and were required to use any recoveries received to pay cash benefits to W-2 participants.

Provisions of 2011 Act 32 replaced this local fraud investigation incentive program with a new program that establishes the amount of an incentive payment to county departments, W-2 agencies, and tribal governing bodies for discovering fraud in the Wisconsin Shares program. In a plan approved by the Joint Committee on Finance under a 14-day passive review process, a county department, W-2 agency, or tribal governing body would get credit for discovering fraud if an investigation proposed by the county, agency, or governing body leads to a suspension of payments to a child care provider under the Wisconsin Shares program. Incentive payments to the county, agency, or governing body are then based on a formula. The county, agency, or governing body could use the incentive payment to either: (a) add to its existing child-care fraud contract with DCF; or (b) for another TANF-related purpose, with DCF approval.

The incentive payment is an amount equal to the average monthly subsidy payment per child during the prior fiscal year, multiplied by the number of children participating in the subsidy program for whom the provider provides care, multiplied by 1.5 months. For example, in 2010-11, DCF paid \$276,539,300 in Wisconsin Shares subsidies to a monthly average of 54,055 children statewide, or a monthly average payment of \$426

per child. If DCF suspended payments to a provider that had been authorized to care for, on average, five children for whom care was authorized under the Wisconsin Shares program in the 12 months prior to suspension, then the incentive payment earned would be \$3,195 (\$426 x 5 children x 1.5 months).

Mandatory Fraud Reporting. Provisions of 2009 Act 76 require any employee of DCF, a county, or a tribal governing body to immediately report suspected fraudulent activity in public assistance programs to their immediate supervisor. The supervisor then must evaluate the report to determine whether there is reason to suspect that the fraudulent activity has occurred or is occurring. If so, the supervisor must report the fraudulent activity to DCF and, if in a county having a population of 145,000 or more, to the sheriff. Any person who fails to report suspected fraudulent activity may be required to forfeit not more than \$1,000.

The identity of the employee reporting fraud must remain confidential if it is reasonably possible to do so. Any person who reports suspected fraudulent activity in good faith has immunity from any liability, civil or criminal, that may result. DCF, a county, a tribal governing body, and their employees are prohibited from taking disciplinary action against, or threatening to take disciplinary action against, any person because the person in good faith reported suspected fraudulent activities. Any employee subjected to, or threatened with, disciplinary action is allowed to file an equal rights complaint or a fair employment claim.

Other Related Programs

FoodShare Wisconsin

FoodShare provides federally-funded benefits

to individuals and families to purchase food from participating grocery stores and other retailers. This is Wisconsin's version of the federal supplemental nutrition assistance program, formerly called the food stamp program. The Department of Health Services administers the program at the state level according to federal laws and regulations, with multi-county income maintenance consortia and the state-run Milwaukee County Enrollment Services Center conducting eligibility determinations and ongoing case management.

In Wisconsin, households are "categorically eligible" to receive FoodShare benefits if the household has income under 200% of the FPL and is eligible to receive a TANF-funded service. All notices of FoodShare eligibility include a description of partially TANF-funded "Job Center of Wisconsin" employment services, which meets the criteria for a TANF-funded service. Participants must also meet various non-financial criteria, such as citizenship requirements.

For additional information on this program, see Legislative Fiscal Bureau Informational Paper "FoodShare Wisconsin."

Kinship Care

TANF funds are budgeted to support monthly payments to certain qualifying individuals who care for relative children. Beginning January 1, 2011, a qualifying caregiver receives \$220 per month (\$215 per month prior to January 1, 2011) per child as a "kinship care" payment. In addition, a relative who has been appointed as a guardian of a child may be eligible to receive "long-term kinship care payments," which are similar to kinship care payments. In counties and tribes other than Milwaukee County, relative caregivers receive these payments from the county or tribe, while caregivers in Milwaukee County receive these payments from DCF, which administers child welfare services in that county. Each calendar year, DCF allocates funding to counties to support the estimated costs of making

these payments.

The state has implemented a foster care licensing system in the child welfare system based on the level of care needed for a child. As a part of this effort, there has been a shift to try to license kinship care relatives in order to be able to claim additional federal funds. If a child is placed in the home of a kinship care relative under a court order, the relative is required to apply for a foster home license. However, the kinship care program still exists for relative caregivers who do not become licensed foster parents.

Relatives, who are defined by rule, of minor children are eligible for kinship care payments if the following conditions apply:

1. The relative applies to the county, tribe, or DCF for kinship care payments and, if the placement is court-ordered, applies for a foster home license as well;
2. The county, tribe, or DCF determines that there is a need for the child to be placed with the relative and that placement with the relative is in the best interests of the child;
3. The county, tribe, or DCF determines that the child meets one or more of the criteria for children in need of protection or services or juveniles in need of protection or services, or that the child would be at risk of meeting one or more of these criteria;
4. The county, tribe, or DCF conducts a background investigation of the relative, any employee or prospective employee of the relative who has or would have regular contact with the child, and any other adult resident in the relative's home to determine if the individual has any arrests or convictions that could adversely affect the child or the relative's ability to care for the child, and the kinship care relative makes a statement to that effect; and

5. The relative cooperates with the county, tribe, or DCF in the application process, including applying for other forms of assistance for which the child may be eligible.

There are no financial eligibility requirements individuals must meet to receive kinship care benefits. However, a caregiver who receives an SSI or foster care payment on behalf of a child may not receive a kinship care payment on behalf of the child.

The program is not administered as a statewide benefits program with a single budget. For this reason, although total funding budgeted for the program on a statewide basis may be sufficient to support all kinship care benefits costs, individual counties and tribes may have surpluses and shortfalls in their kinship care budgets when their actual caseloads do not correspond with the initial funding allocations they receive from DCF. The Department makes adjustments to the initial calendar year county allocations, based on caseload information the agency receives from counties. By rule, DCF, counties, and tribes may place eligible caregivers on waiting lists to receive kinship care benefits if the amount of funding allocated for these payments is insufficient to support caseloads. However, individuals who care for children under a court order may not be placed on waiting lists to receive these payments.

SSI Caretaker Supplement

The supplemental security income (SSI) program provides cash benefits to low-income individuals who are elderly, blind or disabled. SSI recipients with dependent children receive a "caretaker supplement" payment in addition to state and federal SSI benefits. Eligible SSI participants receive \$250 per month for the first child and \$150 per month for each additional child. SSI recipients qualify for the caretaker supplement if (among other criteria) all custodial parents receive state SSI benefits, the child does not receive an SSI benefit, and the child would

have qualified for the former AFDC program under that program's eligibility requirements. SSI recipients may not participate in W-2 employment positions.

For additional information on this program, see Legislative Fiscal Bureau Informational Paper "Supplemental Security Income."

BadgerCare Plus

Federal law requires states to provide medical assistance (MA) coverage to all persons who would have been eligible for cash assistance under the AFDC program on July 16, 1996. States can also extend coverage to other individuals who do not meet all of the AFDC program requirements. In Wisconsin, most W-2 recipients are eligible for MA benefits because they meet eligibility requirements for BadgerCare Plus.

Legislative Fiscal Bureau Informational Paper "Medical Assistance and Related Programs (BadgerCare Plus, Family Care, SeniorCare)" provides additional information on these health programs.

Learnfare

Dependent children age six through 17 in a W-2 group that includes a participant in a trial job, community service job, or transitional placement are subject to the Learnfare school attendance requirement unless otherwise exempt. Each child must be enrolled in school, or must have been enrolled in the immediately preceding semester. In addition, minor parents, habitual truants (absent from school without an acceptable excuse for part or all of five or more school days during a semester), dropouts, and returning dropouts must participate in case management services.

The W-2 agency is required to verify enrollment during a case review. If the children and parent do not provide all information necessary for

the W-2 agency to verify enrollment, the parent is not eligible for a W-2 employment position.

A financial penalty may be imposed if a child fails to meet the enrollment requirement or does not cooperate with case management services without good cause. According to the administrative rules, the penalty is a reduction in the W-2 participant's cash benefit of \$50 per month per penalty, not to exceed \$150 per month. The penalty is imposed each month until the child complies with the Learnfare requirements.

The child or W-2 participant may request a review of an agency decision. If a review is requested within 10 days of the notice of a financial penalty, the penalty will not be imposed until after the review is completed, unless the petition is withdrawn or abandoned.

Children First

The children first program provides job training and work experience to noncustodial parents to promote the emotional and financial responsibility that a noncustodial parent has for his or her children. A noncustodial parent who has no current means of meeting a child support obligation may be ordered by the court into the program. A participant in children first is considered an employee of the W-2 agency, county department, or tribal governing body for purposes of worker's compensation benefits only. Participants are reimbursed a maximum of \$25 per month for transportation costs associated with participating in the program. The program requires a formal partnership between the county child support agency, the county/tribal judicial system, and the W-2 agency, county department, or tribal governing body. DCF is required to pay a W-2 agency, county, or tribal governing body administering the program not more than \$400 for each participant. Allocations for participating agencies, county departments, or tribal governing bodies are budgeted at \$400 for each estimated participant. Additional program costs are paid by

the agency, county, or tribal governing body. A participant successfully completes the program when he or she either fulfills child support obligations for three consecutive months, or completes 16 weeks of employment and training activities.

Emergency Assistance

The emergency assistance program provides assistance to needy persons with children in cases of fire, flood, natural disaster, energy crisis, homelessness, or impending homelessness. The W-2 agencies administer the emergency assistance program at the local level.

According to administrative rule, recipients must meet nonfinancial and financial eligibility requirements to be considered a needy person. The nonfinancial eligibility criteria include: (a) the emergency resulted from a fire, flood, natural disaster, energy crisis, homelessness, or impending homelessness; (b) the family must be living and intending to reside in Wisconsin; (c) the family must be U.S. citizens or qualifying aliens; (d) the child involved was living with a qualified caretaker within six months prior to the application; and (e) assistance is needed to avoid destitution of the child or to provide living arrangements and the need is not due to the caretaker refusing to accept employment or training without good cause.

1999 Wisconsin Act 9 expanded emergency assistance to persons facing impending homelessness, in addition to those who were already homeless. A family is considered homeless or facing impending homelessness if: (a) the family has left or must leave its current housing because it is uninhabitable; (b) the family is experiencing a financial crisis that makes it very difficult to make a rent, mortgage, or property tax payment and the family has been notified that it will be required to leave if the payment is not made immediately; (c) the family has a current shelter that is designed for temporary accommodations such as a motel, hotel, or other shelter facility; (d) a member of the fami-

ly was a victim of domestic abuse; (e) the family is without a fixed, regular, and adequate nighttime residence; (f) the family is living in a place that is not designed for, or ordinarily used as, a regular sleeping accommodation; or (g) the family has received written or oral notice that they will be removed from their rental housing because of a foreclosure action against the owner.

To be eligible for assistance due to an energy crisis, the family: (a) must have exhausted resources available through the Wisconsin home energy assistance program; (b) needs assistance to obtain or maintain heat, electricity, water, or sewer service provided by a utility company; (c) has or is likely to have an immediate threat to their health or safety due to the lack of the utility service; and (d) has an energy crisis due to reasons beyond the control of all adult members or the reasons constitute good cause, as determined by the W-2 agency.

The financial eligibility criteria include: (a) gross income at or below 115% of the poverty line; and (b) assets at or below \$2,500 in combined equity value, excluding vehicles with an equity value of up to \$10,000 and one home. Gross income is measured similar to W-2, but excludes kinship care and foster care payments

The actual payment amount for emergencies other than energy crisis is calculated as the lower of the following two amounts: (a) the total of the maximum payment amount per group member for that group size multiplied by the number of members in the group; or (b) the total financial need. The actual payment for energy crisis is the maximum payment amount for the group (\$500) or the amount needed to obtain or maintain essential utility service, whichever is lower.

The maximum payment amount per group member for emergencies other than energy crisis is as follows: (a) \$258 per group member when the group is two members; (b) \$172 per group

member when the group is three members; (c) \$129 per group member when the group is four or five members; and (d) \$110 per group member when the group is six or more members.

Financial need due to impending homelessness is the unpaid rent and related late fees and court costs. The financial need due to homelessness is the first month's rent, security deposit, and necessary household items. Financial need due to fire, flood, or natural disaster is the total need from all of the following: (a) temporary housing; (b) first month's rent and security deposit; (c) clothing; (d) food; (e) medical care; (f) transportation; (g) necessary appliances and household items; and (h) necessary home repairs.

Emergency assistance payments can only be used for temporary or transitional shelter in cases where the need arises out of a fire, flood, or natural disaster. Recipients who are homeless or facing impending homelessness may only use assistance to obtain or retain permanent living accommodations. W-2 agencies are also required to determine the emergency assistance group's social service needs and make appropriate referrals for services such as counseling, family shelter, and child care funding.

Emergency assistance may be provided once in a 12-month period. Prior to 2005 Act 25, emergency assistance in cases of homelessness or impending homelessness not related to domestic violence could only be provided once every 36 months.

W-2 agencies must determine eligibility for emergency assistance within five working days. If the group is found eligible, assistance must be provided within the same five working days. Benefits are in the form of cash, voucher, or vendor payment. An individual may petition the W-2 agency for a review within 45 days of the agency's action if: (a) the application for emergency assistance is not acted upon promptly; (b) assistance is partially or wholly denied; (c) the

award is modified or canceled; or (d) the reward is insufficient. The person must be given reasonable notice and opportunity for a review, and a decision must be rendered as soon as possible. In addition, the individual may request that DCF review the agency's decision within 14 days of the decision.

Miscellaneous Provisions

Periodic Earnings Check

DCF is required to periodically review the earnings of participants in the W-2 program by checking amounts credited to the recipient's social security number. Any discrepancy between the amounts reported as earnings and the amounts credited to the social security number must be investigated. Federal law requires the state to implement such a verification system. If the state does not implement this system, the federal TANF grant could be reduced by 2% per year.

Release of Participant Information

W-2 agencies are required to maintain a monthly report at their offices showing the names of all W-2 participants and the amounts paid to those individuals during the preceding month. The agency is required to notify a W-2 participant when the report has been inspected. The W-2 agency must maintain a record of the inspection requests with the name and address of the person making the inspection. W-2 agencies may withhold the right to inspect the name and benefit amount of participants from private individuals who are not inspecting the information for public, educational, organizational, governmental, or research purposes until the person whose record is to be inspected has been notified, but not for more than five working days.

In general, no person may use or disclose in-

formation concerning applicants and participants of the W-2 program for any purpose not connected with the administration of the program. However, W-2 agencies are permitted to release the current address of a participant to a law enforcement officer if the officer provides in writing the name of the participant and demonstrates in writing that: (a) the participant is a fugitive felon, is violating a condition of probation, extended supervision, or parole imposed under state or federal law, or has information necessary for the officer to conduct the official duties of the officer; (b) the location or apprehension of the participant under (a) is within the official duties of the officer; and (c) the officer is making the request in the proper exercise of his or her duties under (b). If a law enforcement officer believes, on reasonable grounds, that a warrant has been issued and is outstanding for the arrest of a W-2 participant, the officer may request that an officer be notified when the participant appears to obtain his or her benefits under the W-2 program. Upon such request, a W-2 agency employee who disburses benefits may notify an officer when the participant appears to obtain W-2 benefits.

In addition to the above provisions, W-2 agencies are required to release the current address of a recipient of benefits under a W-2 subsidized employment position or as a custodial parent of an infant, to a person, the person's attorney, or an employee or agent of the attorney if the person is a party to a legal action or proceeding in which the recipient is a party or witness, except in certain cases of abuse or harassment. No W-2 agency may release an address until 21 days after the address has been requested, and the participant must have been notified.

W-2 and Child Care Subsidy Evaluations

Under prior law, the statutes required DWD to contract with the Legislative Audit Bureau (LAB) for a financial and performance audit of the W-2 program. The audit was required to include the program's effect on wages paid to par-

ticipants, and the provision of child care services. The Audit Bureau was required to file its report no later than July 1, 2000. The Audit Bureau released six reports: *Wisconsin Works (W-2) Expenditures* (February, 1999); *Food Stamp Program* (July, 2000); *Review of Maximus, Inc.* (July, 2000); *Wisconsin Shares Child Care Subsidy Program* (January, 2001); *Review of Employment Solutions, Inc., and Other Selected Agencies* (February, 2001); and *Wisconsin Works (W-2) Program* (April, 2001). These six reports concluded the required audit by LAB, and the statute requiring this audit was repealed in 2001 Wisconsin Act 105.

However, a request for a follow-up audit to the *Wisconsin Works (W-2) Program* (April, 2001) resulted in another audit, *Sanctioning of Wisconsin Works (W-2) Participants* (December, 2002). In addition, the Joint Legislative Audit Committee requested another comprehensive audit of the W-2 program by LAB. LAB released an initial report on November 9, 2004, which reviewed the W-2 agency of Opportunities Industrialization Center of Greater Milwaukee, Inc. The more comprehensive report of W-2 by LAB, *Wisconsin Works (W-2) Program*, was released in April, 2005. Finally, a follow-up letter report, *Financial Management of Selected W-2 Agencies*, was issued in July, 2005.

With a series of newspaper articles in the *Milwaukee Journal Sentinel*, entitled *Cashing in on Kids*, that highlighted fraud in the Wisconsin Shares program, the Joint Legislative Audit Committee requested another comprehensive audit of the Wisconsin Shares program. LAB released an initial letter report on June 12, 2009, *Wisconsin Shares Child Care Subsidy Program*, which identified problems with eligibility determinations, attendance records, and child care rings (providers caring for each other's children). Another letter report, *Matching Addresses of Sex Offenders and Child Care Providers*, was issued on September 23, 2009, which identified several matches between addresses on the sex offender

registry and addresses of child care providers. The final audit addressing the effectiveness of Wisconsin Shares, *Child Care Regulation*, was issued in December, 2009.

Eligibility for Other Programs

Weatherization Assistance. A W-2 group in which one member is a participant in a trial job, subsidized private sector employment position, community service job, or transitional placement is eligible for assistance under the state weatherization program.

Low-Income Home Energy Assistance Program. In cases where adult members of a household are eligible for a W-2 trial job, subsidized private sector employment position, community service job, or transitional placement, the household is eligible for assistance under the low-income home energy assistance program.

Federal Nutrition Program. Children receiving TANF assistance are automatically eligible for free school meals and other child nutrition programs. Women, infants, and children receiving TANF assistance are also eligible for the supplemental nutrition program for women, infants, and children (WIC).

County Relief Block Grant. No person may be eligible for relief under the county block grant program in a month in which the person has participated in a W-2 employment position or in which a W-2 employment position is immediately available to the individual.

Homestead Tax Credit. Property taxes or rent under the homestead tax credit are reduced by one-twelfth for each month or portion of a month that a claimant participated in a W-2 community service job or transitional placement or received W-2 benefits as the custodial parent of an infant or as a pregnant woman in the third trimester of an at-risk pregnancy.

Cemetery, Funeral, and Burial Costs.

Counties and tribes are required to pay cemetery, funeral, and burial expenses for most individuals who, at the time they died, were receiving W-2, SSI, or MA benefits, and whose estates are insufficient to pay these expenses. The payment for cemetery expenses is the lesser of \$1,000 or the amount not paid by the decedent's estate or by other persons. The payment for funeral and burial expenses is the lesser of \$1,500 or the amount not paid by the decedent's estate or by other persons. Counties and tribes are not required to pay for any cemetery expenses, however, if the total cemetery expenses exceed \$3,500, nor are counties or tribes required to pay for any funeral and burial expenses if the total funeral and burial expenses exceed \$4,500 (\$3,500 prior to January 1, 2011). In addition, counties and tribes are not required to pay for any cemetery, funeral, or burial costs if the request for payment is made more than 12 months after the death of the recipient. DHS reimburses counties and tribes for the cemetery, funeral, and burial expenses they are required to pay under these provisions. Counties and tribes can also be reimbursed by DHS for cemetery, funeral, and burial expenses they were not required to pay, but only under unusual circumstance as determined by DHS.

Other Miscellaneous Provisions

It is illegal to send or bring a person to a county, tribal governing body, or municipality for the purpose of obtaining W-2 benefits. DCF is required to investigate suspected fraudulent activity on the part of W-2 participants and to conduct activities to reduce payment errors. DCF is also required to distribute funds to W-2 agencies for the administrative costs of reducing payment errors.

Payments for kinship care, community service jobs, transitional placements, custodial parents of infants, at-risk pregnant women, child care, and transportation are exempt from every tax, and from execution, garnishment, attachment, and every other process and are inalienable.

W-2 Administration

W-2 Agency Contracts

The AFDC program was administered by county agencies and tribes at the local level. In contrast, the W-2 program can be administered by governmental and private agencies that enter into contracts with DCF. There have been six sets of contracts since W-2 replaced AFDC. The sixth contract period covers calendar years 2010 through 2012. DCF is in the process of finalizing the seventh set of contracts, which will cover calendar years 2013 through 2016.

Contracting Process

As a general provision, state law authorizes DCF to award a contract to any person to administer the W-2 program in a geographical area determined by the Department on the basis of a competitive process approved by DOA. For the first set of contracts, county departments of human or social services and tribes were given the right of first refusal to administer the program, if the county department or tribe met caseload reduction goals established by DWD. For subsequent contracts, agencies awarded a contract in the previous round are given the right of first selection (RFS) if they meet financial and performance criteria established by DWD (now DCF). 2001 Act 16 specified that the competitive process used to award contracts must include cost and prior experience criteria.

It should be noted that due to significant changes to the geographic areas, no W-2 agency earned RFS for the 2013-2016 W-2 agency contracts. As a result, the entire state was opened to the competitive bidding process for this seventh set of contracts. This is discussed in further detail below under "2013-2016 W-2 Agency Contracts."

Geographical Areas. The Department must determine the geographical area that each W-2

agency will cover. No area can be smaller than one county, except on federally recognized American Indian reservations and in counties with a population of 500,000 or more (Milwaukee County). An area may include more than one county.

If any changes are made to the geographical area for which a W-2 agency is responsible, DCF is required to use a competitive process to award the W-2 contract for that area, regardless of whether the W-2 agency has met the performance standards required for the right of first selection.

Contract Requirements. The contracts require each W-2 agency to establish a community steering committee to participate in the implementation of the W-2 program including: advising the agency; helping to identify available employment and training opportunities and motivational training programs; creating and encouraging others to create permanent jobs, subsidized jobs, and on-the-job training; fostering and guiding entrepreneurial efforts of participants; providing mentors; identifying child care needs; and coordinating with the council on workforce investment created by the federal Workforce Investment Act (WIA). Each committee consists of at least 12, but not more than 15, individuals. The committee must appoint a chairperson who represents business interests.

Each agency contract also must contain provisions requiring the W-2 agency to perform several activities including: (a) establish a children's services network to provide information about community resources available to dependent children in W-2 groups; (b) employ at least one financial and employment planner to work with participants; (c) employ staff to meet the needs of participants who are refugees and have cultural or linguistic barriers; and (d) ensure that services delivered under W-2, the FoodShare program, and medical assistance (MA) are coordinated in a manner that most effectively serves the recipients of those services. In addition, W-2 agencies are required to: (a) determine eligibility for and

administer child care assistance if DCF contracts with the W-2 agency to do so; (b) provide, or contract with another person to provide, credit establishment and credit repair assistance after submission of a proposed plan to DCF; (c) provide a single-page description of all benefits and services that may be provided to any individual by a W-2 agency; and (d) perform any other tasks specified by DCF in the W-2 agency contract that the Department determines are necessary for W-2 administration.

W-2 agencies may also establish a nutrition outreach program with the community steering committee, and may coordinate with local food pantries and food banks and other interested parties to increase the supply of food available.

W-2 agencies are also required to establish a referral relationship with other employment and training programs, to encourage employers to make training available on business sites for participants, and to work with the Wisconsin Economic Development Corporation to coordinate services.

Prior to 2001 Act 16, W-2 agencies were required to certify eligibility for and issue food stamps to W-2 participants to the extent allowed by federal law. The 2000-2001 contracts also required W-2 agencies to determine MA eligibility for persons who applied for W-2. Because federal law does not allow private agencies to perform this eligibility determination, the private W-2 agencies contracted with local governments to perform these functions. When the W-2 agency is a county agency or county consortium, county staff are able to perform these functions. Act 16 transferred the responsibility for food stamp and MA eligibility determination for W-2 participants from the W-2 contracts to the county income maintenance (IM) contracts so that the private W-2 agencies would no longer have to contract with the counties to perform these functions. The IM contracts are administered by DHS.

Audits of W-2 Agencies. W-2 agencies are subject to audit by the Legislative Audit Bureau. The LAB may inspect, at any time, any W-2 agency's records as the Bureau deems appropriate and necessary. In performing audits of W-2 agencies, the LAB may audit only the records and operations of the agencies that pertain to the receipt, disbursement, or other handling of state appropriations. If the LAB inspects the records of individual participants, it must protect the confidentiality of those records. The Department may also require a W-2 agency to submit to an independent annual audit paid for by the agency.

Requests for Information. In accordance with rules promulgated by the Department, a W-2 agency may request from any person any information that it determines appropriate and necessary for the administration of W-2. The W-2 agency may disclose information obtained under this provision only in the administration of W-2.

The Department may request, from any W-2 agency, any information that the Department determines appropriate and necessary for the overall administration of the program, and the agency must provide the information through written reports, computer reports, and other appropriate forms. The Department may also inspect, at any time, any W-2 agency's records as the Department determines appropriate and necessary for the overall administration of the program.

Financial Accountability. 2001 Act 16 required that for the 2002-2003 contracts, agencies were sanctioned an amount equal to 50% of unallowable expenses. Unallowable expenses included those identified by DWD (now DCF) or an audit sponsored by DWD (now DCF) or by the Legislative Audit Bureau. The 2004-2005 contracts included language that required a W-2 agency to return all payments determined to be disallowed under the contract. The 2006-2009 and 2010-2012 contracts included the same language.

Under the 2013-2016 contracts, discussed in

further detail below, payments have been restructured from a cost-reimbursement model to a performance-based model. As a result, W-2 agencies will be paid for achieving outcomes for participants and not reimbursed for spending up to their contract amounts. Other changes in the 2013-2016 contracts that affect financial accountability include: (a) fewer W-2 agencies to allow for greater attention to monitoring and auditing; (b) a longer contract period to give the W-2 agencies an incentive to meet all legal and contractual responsibilities; (c) no payments when W-2 agencies submit reports or claims required for payment that are incomplete or lacking in documentation; and (d) annual fiscal reviews to ensure expenditures are for eligible individuals and are allowable under federal regulations. DCF may withhold, deduct, reduce, or recover payments for disallowed costs.

While W-2 agencies will not be paid according to costs incurred, they are required to report all program expenses incurred for operating W-2 and related programs. These costs must be allowable costs that comply with federal TANF cost reporting guidelines. However, W-2 agencies may spend money in the manner in which they determine will be most effective in reaching the performance outcomes.

Statement of Economic Interests. 2005 Act 25 required all W-2 agencies, which are not county departments or tribal governing bodies, to include a statement of economic interests and a \$50 filing fee with the submission of a bid to participate in W-2 under the W-2 agency contracts. The statement of economic interests must include all of the following: (a) the agency's assets and liabilities; (b) the sources of the agency's income; (c) all of the agency's other clients, as well as a description of the goods or services provided to those clients; and (d) the identity of all of the agency's subsidiaries, affiliates, and parent companies, if any.

If the W-2 agency is not required to submit a bid because it has been awarded RFS, the agency must, before executing the succeeding contract,

submit to DCF a statement of economic interests and a \$50 filing fee. All agencies that are required to submit a statement of economic interests must also submit an updated statement and a \$50 filing fee to DCF one year after entering into a contract.

2013-2016 W-2 Agency Contracts

As of October 1, 2012, nine tribes operate their own TANF programs as allowed under federal law. An additional tribe has requested tribal TANF grants (St. Croix). This request is under review and is close to approval. If approved, the state's TANF grant will be reduced by the amount of the grant awarded directly to the tribes. Members of other tribes may receive W-2 benefits and services from the W-2 agency in the county in which the individuals reside. With the balance of the TANF grant, DCF contracts with W-2 agencies to administer the W-2 program at the local level.

Under the 2010-2012 contracts, W-2 is administered at the local level as follows: (a) 37 counties are served by county human/social services agencies; (b) 34 counties outside of Milwaukee County are served by non-county agencies; and (c) six non-county agencies cover five regions in Milwaukee County. There are five for-profit W-2 agencies: Maximus, Public Consulting Group, and Policy Studies, Inc. in Milwaukee County; Arbor Education and Training in Ozaukee, Washington, and Waukesha Counties; and the Kaiser Group in Walworth County. All other non-county agencies are non-profit organizations. Under the 2010-2012 contracts, each W-2 agency is allocated funding for local administration of the W-2 program, providing W-2 services, and payment of W-2 benefits.

The 2013-2016 W-2 agency contracts include a number of significant changes. First, the state will be consolidated into 10 geographical areas--four areas in Milwaukee County and six that divide the rest of the state. Second, W-2 agencies will no longer be responsible for payment of W-2 bene-

fits. Instead, DCF will pay W-2 benefits as a direct state activity and may impose enrollment limits on any geographic area at any time during the contract period. Finally, the payment structure for W-2 agencies will change from reimbursement for allowable costs to a capitated payment based on enrollment numbers. Agencies may earn additional payments based on attaining specified performance outcomes. W-2 agencies will still be reimbursed for allowable costs for emergency assistance benefit payments, contracted child care, refugee cash assistance, and other refugee services.

Under the 2013-2016 W-2 agency contracts, each of the W-2 agencies for the 10 geographical areas must maintain the following minimum staff positions: (a) W-2 program director; (b) W-2 program manager; (c) quality assurance manager; (d) finance manager; (e) IT Manager; and (f) financial and employment manager.

Table 5 displays the W-2 agency, the geographical area, the counties located within each geographical area, and the total maximum allocation for each geographical area for capitated payments, performance outcome payments, and work participation rate payments in calendar year 2013. The total amount budgeted cannot be exceeded in terms of payment for capitated enrollment, performance payments, or those parts of the W-2 program reimbursed on a cost basis. If the agency reaches the maximum amount, DCF may pay for additional employment outcomes. Reimbursements for allowable costs in W-2 related programs listed above are separate from these allocations as well. Individual capitation rates and enrollment targets, performance-based payments and targets, whether to delete or add any performance outcomes, and any other adjustments to the geographic area's budget may be renegotiated annually if mutually agreed to do so by the W-2 agency and DCF. This process will begin in August of each contract year.

W-2 agencies will be paid a monthly capitated

Table 5: 2013 W-2 Agency Contract Amounts

Geographical Region	Counties Covered	W-2 Agency	Capitated Payment Allocation	Performance-Based Allocation	Work Participation Rate Allocation	Total Allocation
North Central	Adams, Green Lake, Juneau, Langlade, Lincoln, Marathon, Marquette, Menominee, Oneida, Portage, Price, Shawano, Taylor, Vilas, Waupaca, Waushara, and Wood	Forward Service Corporation	\$1,260,057	\$933,195	\$38,000	\$2,231,252
Northeast	Brown, Calumet, Door, Florence, Fond du Lac, Forest, Kewaunee, Manitowoc, Marinette, Oconto, Outagamie, Sheboygan, and Winnebago	Forward Service Corporation	1,998,478	1,376,625	58,000	3,433,103
Northwest	Ashland, Barron, Bayfield, Burnett, Chippewa, Clark, Douglas, Dunn, Eau Claire, Iron, Pierce, Polk, Rusk, Sawyer, St. Croix, and Washburn	Workforce Resources	1,006,400	734,816	25,000	1,766,216
Southeast	Kenosha, Ozaukee, Racine, Walworth, Washington, and Waukesha	Rescare Inc.	2,862,178	1,945,788	82,000	4,889,966
Southwest	Columbia, Dane, Dodge, Grant, Green, Iowa, Jefferson, Lafayette, Richland, Rock, and Sauk	Forward Service Corporation	2,222,036	1,502,435	80,000	3,804,471
Western	Buffalo, Crawford, Jackson, La Crosse, Monroe, Pepin, Trempealeau, and Vernon	Workforce Connections	514,800	341,970	10,000	866,770
Milwaukee East Central	Milwaukee	America Works	5,210,700	3,624,750	176,752	9,012,202
Milwaukee Northern	Milwaukee	Ross Innovative Employment Solutions	5,301,380	3,457,248	176,752	8,935,380
Milwaukee Southern	Milwaukee	United Migrant Opportunity Services	5,299,710	3,536,090	176,752	9,012,552
Milwaukee West Central	Milwaukee	MAXIMUS	<u>5,301,450</u>	<u>3,534,299</u>	<u>176,752</u>	<u>9,012,501</u>
Total			\$30,977,189	\$20,987,216	\$1,000,008	\$52,964,413

Source: Department of Children and Families

amount that equals the capitated rate times the number of participant families eligible and enrolled in the W-2 program at any time during a month. Eligible participant families who are enrolled in case management services after obtaining unsubsidized employment while on W-2 are included in the calculation for the monthly capitated amount for a maximum of three consecutive months. The capitated payment amount also includes administrative and services costs for emergency assistance recipients and job access loan recipients. The target capitated rate was determined by the estimated enrollment level for each geographical area based on calendar year 2011 enrollment and target costs per participant based on current cost and assumed efficiencies with larger W-2 agencies. The target cost per participant ranges from \$132 in all areas of Milwaukee County and in the Southwest area to \$245 in the Western area. Following the competitive bidding process, the negotiated cost per participant ranges from \$130 in the Southern area of Milwaukee County to \$215 in the Western area.

Capitated payments to W-2 agencies may not exceed 60% of the total allocated amount in calendar year 2013, 50% during calendar year 2014, and 40% during calendar years 2015 and 2016. The remainder of the allocation for each geographic area may be earned through performance-based incentive payments. If the capitated payments combined with the performance-based incentive payments are less than the maximum allocation, W-2 agencies may not use the balance of the allocation for additional capitated payments.

Performance Standards and Incentives Under the W-2 Agency Contracts

The Department must establish performance standards for the administration of W-2. If an agency does not meet these standards, the Department may withhold any or all payment from the agency.

In addition to the statutorily-required criteria, the 2013-2016 contracts require agencies to meet additional minimum standards of performance. As well as the capitated payments described above, W-2 agencies will be paid for meeting the performance-based standards. DCF may negotiate with a W-2 agency for additional outcomes if the agency has attained all of their outcomes under the contract.

Performance payments will be paid to W-2 agencies each month on a per-outcome basis as negotiated with each W-2 agency under the contracts. DCF may pay for additional outcomes above these targets up to the maximum total allocation for the geographical area. If the capitation payments are less than the 60% set aside for this purpose, unspent capitation payments may be used for these additional payments.

DCF may also make payments to W-2 agencies in addition to the total maximum allocation for additional outcomes. In addition, W-2 agencies that meet federal work participation rate will be eligible for funding in excess of the total allocation amount.

Appendix D to this paper provides a summary of the calendar year 2013, 2014, 2015, and 2016 contract performance standards and the additional incentive standards.

Future W-2 Agency Contracts

Under current law, DCF may either award a contract on the basis of a competitive process approved by DOA or award a contract to a W-2 agency if that agency has met specific performance standards. Agencies that do not meet the performance standards are permitted to apply for a contract under a competitive process. Agencies that meet the performance standards but opt not to compete for a subsequent contract must notify their employees at least six months prior to the expiration of the contract.

If no acceptable provider in a geographical area is selected under the competitive bidding process, DCF must administer the program in that area. However, the Secretary of DOA is authorized to waive the normal state procurement requirements with respect to a contract entered into by DCF for the administration of W-2 under certain conditions.

As noted above, if DCF changes a geographical area, DCF must use a competitive process to award the contract for that area regardless of whether a W-2 agency has met the performance standards.

In addition to the four-year period of the 2013-2016 W-2 agency contracts, the new set of contracts provides for up to four additional two-year extensions on the contract. As a result, this seventh set of contracts could remain in effect for a period of 12 years until December of 2024.

Program Funding and Participation

Program Funding

The primary source of funding for the W-2 and child care programs is the federal TANF block grant. Additional funding is provided by the federal child care development block grant, state GPR appropriated to DCF, segregated funding from low-income public benefits, and other program revenues. During the 2009-11 biennium, the federal American Recovery and Reinvestment Act provided additional one-time federal monies under the TANF emergency fund (created under ARRA), and child care funding.

Wisconsin's annual TANF block grant allocation from the federal government is \$318.2 million. Under federal law, a tribal organization in a

state may elect to operate a separate tribal public assistance program. For a tribe that submits an acceptable plan, the federal government will provide funding to the tribe and reduce the state's TANF block grant by an equivalent amount. After accounting for the nine separate tribal programs (Bad River, Forest County Potawatomi, Red Cliff, Mole Lake Sokaogon, Lac du Flambeau, Stockbridge-Munsee Mohican, Oneida, Menominee, and Lac Courte Oreilles), Wisconsin's TANF block grant is estimated at \$313.9 million in 2012-13. One additional tribe (St. Croix) has requested its own TANF tribal grant. DCF estimates that approval of this request, which is anticipated to occur shortly, would reduce the state's annual TANF block grant by another \$0.3 million.

A key provision of federal law is a maintenance-of-effort (MOE) requirement, which obligates the state to spend an amount of state dollars equal to 75% of historic state expenditures if the state meets federal mandatory work requirements, or 80% if the state does not meet these requirements. Historic state expenditures generally means federal fiscal year (FFY) 1994 expenditures for the former AFDC and JOBS programs, AFDC-emergency assistance, AFDC-related child care, and at-risk child care. In addition, the MOE may be reduced by the percentage reduction in the state's TANF block grant attributable to tribal programs. The state's MOE requirement is currently \$158.5 million annually, based on 75% of historic state expenditures. Once the additional tribal grants are finalized, the state's MOE requirement will be slightly less. Certain other programs also count towards MOE. More information regarding allowable state expenditures for the MOE requirement is provided in Appendix E.

2011-13 Revenues and Expenditures

Table 6 shows actual and budgeted revenues and expenditures for W-2 and other economic

Table 6: TANF-Related Revenues and Expenditures

	2011-12 Budget	2011-12 Actual	2012-13 Budget
Revenues			
State General Purpose Revenue*	\$160,313,500	\$150,591,000	\$171,804,400
Program Revenue in DCF	393,900	204,400	265,400
TANF Block Grant	314,057,800	314,499,400	313,837,000
TANF Contingency Fund	0	27,358,000	0
TANF Emergency Fund	6,000,000	0	5,042,500
Child Care Block Grant	87,418,000	89,851,700	90,662,900
TANF and CCDBG Recoveries*	3,530,000	1,970,900	6,060,900
Public Benefits Funding	9,139,700	9,139,700	9,139,700
Child Support Collections	4,163,300	7,244,500	7,244,500
Child Care Licensing Fees	1,577,800	1,647,400	1,577,800
Carryover from Prior Year	66,281,900	69,817,900	41,840,400
Total Available	<u>\$652,875,900</u>	<u>\$672,324,900</u>	<u>\$647,475,500</u>
Expenditures			
W-2 Agency Contract Allocations			
Subsidized Employment Benefits	\$74,650,100	\$94,178,000	\$84,062,900
Administration	10,107,200	10,320,600	10,107,200
Services	47,229,300	54,081,000	47,229,300
Transitional Jobs	12,000,000	11,604,500	3,395,400
Child Care			
Direct Child Care Subsidies	293,894,800	281,116,800	276,844,600
Child Care State Administration	27,438,300	27,153,800	29,593,200
Quality Care for Quality Kids	13,486,700	14,599,400	13,169,400
Automated Attendance Tracking System	1,000,000	0	1,000,000
Other Benefits			
Kinship Care Benefits	21,375,800	19,253,200	20,582,700
Caretaker Supplement for Children of SSI Recipients	31,232,200	32,888,500	33,750,300
Emergency Assistance	6,200,000	7,515,000	7,500,000
Child Support Related to W-2			
Children First	1,140,000	1,031,900	1,140,000
Administrative Support			
State Administration	11,568,000	11,403,900	11,568,000
Fraud Prevention/Program Integrity	605,500	517,200	605,500
Grant Programs			
Grants to Boys and Girls Clubs of America	350,000	252,300	350,000
Summer Food Program	0	19,900	0
Expenditures in Other Programs			
Earned Income Tax Credit	43,664,200	43,664,200	43,664,200
SSBG Transfer to DHFS/Community Aids	15,422,200	15,422,200	15,422,200
Child Welfare Intensive In-Home Services	6,350,300	3,686,800	6,350,300
Child Welfare Program Improvement Plan	680,400	128,000	1,360,800
Child Welfare Information System	1,350,900	744,900	1,350,900
Child Welfare Prevention Services	1,489,600	902,400	1,489,600
Total Expenditures	<u>\$621,235,500</u>	<u>\$630,484,500</u>	<u>\$610,536,500</u>
Ending Balance	\$31,640,400	\$41,840,400	\$36,939,000

*\$11.5 million GPR encumbered for spending in 2012-13; \$4.5 million in TANF recoveries received, but unspent, and will be carried over into 2012-13.

Source: Based on information available from the Department of Children and Families as of November, 2012.

support programs for the 2011-13 biennium. The 2011-12 figures reflect amounts budgeted in 2011 Wisconsin Act 32, additional actions by the Joint Committee on Finance, and more recent estimates of actual expenditures in that year as provided by DCF.

The figures for 2012-13 are budgeted amounts, which reflect 2011 Wisconsin Act 32, more recent expenditure estimates and reallocations, and more recent revenue estimates. A description of these revenues and expenditures follows.

Revenues Available for Public Assistance Programs. The following revenues are available for the W-2 program, child care, and other related programs. As shown in the table, total revenues available for public assistance programs in 2011-12 were \$672.3 million compared to the budgeted amount of \$652.9 million. Revenues are estimated at \$647.5 million for 2012-13.

State Funding. State funding included \$168.8 million (\$150.6 million GPR, \$9.1 million PR, and \$9.1 million SEG) in 2011-12, and is estimated at \$190.0 million (\$171.8 million GPR, \$9.1 million PR, and \$9.1 million SEG) for 2012-13. The program revenue is primarily from child support collections assigned to the state by public assistance recipients. It also includes funds from welfare fraud and overpayment recoveries, W-2 agency filing fees, and child care licensing fees. The segregated revenue was established in 2003 Act 33, which created an annual appropriation funded from segregated low-income public benefits funding, beginning in 2004-05.

Federal Funding. Federal funding totaled \$503.6 million in 2011-12 and \$457.4 million in 2012-13, which includes the TANF block grant (\$314.5 million in 2011-12 and \$313.8 million in 2012-13), the child care development block grant (\$89.9 million in 2011-12 and \$90.7 million in 2012-13), TANF and CCDBG fraud recoveries

(\$2.0 million in 2011-12 and \$6.1 million in 2012-13), TANF contingency funds (\$27.4 million in 2011-12), TANF emergency funds under ARRA (\$5.0 million in 2012-13), and carryover funds from the prior year (\$69.8 million in 2011-12 and \$41.8 million in 2012-13).

Public Assistance Expenditures. Funding for W-2 and other economic support programs is allocated in 2011-13 as shown in the following paragraphs. In some cases in which more funds were spent than were budgeted in 2011-12 (such as the W-2 program and the transitional jobs program), the additional funds came from programs with underspending in that year and from additional revenue.

W-2 Subsidized Employment Benefits. Budgeted expenditures include \$74.7 million in 2011-12 and \$84.1 million in 2012-13 for wage subsidies and cash grants for participants in W-2 trial jobs, community service jobs, transitional placements, custodial parents of newborn infants, and at-risk pregnant women. Actual expenditures for subsidized employment benefits in 2011-12 were \$94.2 million.

Administration and Services. Funding of \$10.1 million annually is budgeted for W-2 agency office costs. Administration funds generally cannot exceed 15% of the contract amount and are provided for office costs such as salaries and fringe benefits. Actual expenditures for W-2 administration in 2011-12 were \$10.3 million.

Funding of \$47.2 million annually is budgeted for non-cash services to W-2 participants. These funds are used to provide services such as job training, job readiness, motivation, education, and social services to W-2 recipients. Actual expenditures for services in 2011-12 were \$54.1 million.

Total budgeted expenditures in 2011-12 for benefits, administration, and services were \$132.0 million. Actual expenditures for admin-

istration, services, and benefits totaled \$158.6 million in 2011-12. Total budgeted expenditures in 2012-13 for benefits, administration, and services are \$141.4 million.

For the 2011-13 biennium, funding is budgeted for the last 18 months of the 2010-2012 W-2 agency contracts (July 1, 2011, through December 31, 2012) and for the first six months of the 2013-2016 W-2 agency contracts (January 1, 2013, through June 30, 2013). The next 24 months of the 2013-2016 W-2 agency contracts will be funded in the 2013-15 biennial budget.

Transitional Jobs. 2009 Act 28 created a pilot project that offers transitional jobs to low-income adults. This program is scheduled to sunset on June 30, 2013. Costs for this project are budgeted at \$12.0 million in 2011-12 and at \$3.4 million in 2012-13. Actual expenditures in 2011-12 totaled \$11.6 million.

Child Care Program. The child care program provides funds for subsidies, programs to improve child care quality and availability, and state administration of child care, including child care licensing, as described below. The total amount budgeted for the child care program is \$335.8 million in 2011-12 and \$320.6 million in 2012-13.

a. Child Care Subsidies. A total of \$293.9 million in 2011-12 and \$276.8 million in 2012-13 is budgeted for child care subsidies. Actual subsidies for 2011-12 totaled \$281.1 million.

b. Child Care State Administration. A total of \$27.4 million in 2011-12 and \$29.6 million in 2012-13 is budgeted for state administration of the child care program, including fraud detection and prevention activities and child care licensing to license and monitor family and group child care facilities. Funding also includes local administration in Milwaukee County following the state takeover of these activities pursuant to 2009 Act 28. Actual expenditures for state administration of the child care program for 2011-12 totaled

\$27.2 million.

c. Quality Care for Quality Kids. A total of \$13.5 million in 2011-12 and \$13.2 million in 2012-13 is budgeted for programs to improve child care quality and availability, including the quality rating and improvement system, called YoungStar. These funds are for activities designed to increase the capacity and quality of child care providers in the state. A more thorough description of programs funded under this program is included in the "Indirect Child Care Services" section of this paper. Actual expenditures totaled \$14.6 million in 2011-12.

d. Automated Attendance Tracking System. 2011 Act 32 set aside \$1.0 million annually to implement an automated attendance tracking system for child care providers. DCF is in the process of reviewing information gathered from other states' programs and anticipates moving forward with some recommendations by the end of 2012. As a result, no funds for the AATS were expended in 2011-12.

Kinship Care. Budgeted expenditures for kinship care were \$21.4 million in 2011-12 compared to actual expenditures of \$19.3 million. For 2012-13, budgeted expenditures total \$20.6 million for the \$220 monthly benefit.

Caretaker Supplement Program. Prior to 2006-07, the caretaker supplement program had been funded by TANF and GPR. Beginning in 2006-07 the program was funded entirely with TANF funds. In the 2011-13 biennium, TANF funds budgeted for benefits and administrative costs were \$31.2 million in 2011-12 and are \$33.8 million in 2012-13. A total of \$32.9 million TANF was expended in 2011-12 for the caretaker supplement program. The caretaker supplement benefit is \$250 for the first eligible child and \$150 for each additional eligible child.

Emergency Assistance. A total of \$6.2 million in 2011-12 and \$7.5 million in 2012-13 is budg-

eted for the emergency assistance program. Actual expenditures were \$7.5 million in 2011-12. DWD began tracking emergency assistance grants in January, 2002. The number of grants issued in calendar year 2002 totaled 7,820. After 2005 Act 25 allowed emergency assistance to be provided for homelessness or impending homelessness not related to domestic violence once in a 12-month period, rather than once in a 36-month period under prior law, emergency assistance grants issued increased to 13,180 in CY 2011 and 7,735 for the 9-month period from January through September of 2012.

Children First. Budgeted expenditures for the children first employment program for noncustodial parents were \$1.1 million annually. Actual expenditures for 2011-12 were \$1.0 million. A total of 3,328 participants were served in calendar year 2011.

State Administration and Program Integrity. The budget provided \$12.2 million annually for state administration of the W-2 program and other public assistance programs being funded by TANF, as well as fraud prevention and program integrity activities. Actual expenditures on state administration in 2011-12 were \$11.9 million.

Boys and Girls Clubs. Budgeted expenditures included \$350,000 annually for grants to the Boys and Girls Clubs of America. Actual expenditures in 2011-12 totaled \$252,300.

Summer Food Program. TANF emergency funds were allowed to be expended on costs associated with operating a summer food site that were not otherwise reimbursed. The Joint Committee on Finance approved expenditures of \$300,000 for this purpose for the summer of 2010. Not all of the funds were expended in the summer of 2010, and most of the remaining funds were used in the summer of 2011. Expenditures totaled \$19,900 in 2011-12 from the summer of 2011.

Earned Income Tax Credit (EITC). The federal TANF regulations allow states to utilize TANF funds for the refundable portion of state earned income tax credits. In total, the EITC cost \$103.3 million in 2011-12. TANF funding budgeted for the EITC totals \$43.7 million annually. The remaining portion of the credit is paid by GPR. Actual TANF expenditures for 2011-12 were \$43.7 million.

TANF for Community Aids and Children and Family Aids. Under current federal law, states are allowed to transfer up to 10% of the state's TANF block grant funds to be used to carry out programs under the social services block grant (SSBG). In the past, the transfer amount has varied between 4.25% and 10%. These TANF funds are distributed to counties through community aids and children and family aids. A total of \$15.4 million (4.9%) of the TANF block grant was budgeted for the SSBG in 2011-12 and 2012-13 to be used for community aids and children and family aids. The actual amount transferred in 2011-12 was \$15.4 million.

Child Welfare Intensive In-Home Services. The biennial budget provides \$6.4 million in TANF funds annually for child welfare safety services in Milwaukee County. Safety services are available to families in Milwaukee County where abuse or neglect issues have been identified, but the Bureau of Milwaukee Child Welfare (BMCW) has determined that the child or children can remain at home safely if appropriate, intensive in-home services are provided to the family.

These services may include: (a) supervision, observation, basic parenting assistance, social and emotional support, and basic home management; (b) child care; (c) routine and emergency drug and alcohol screening and treatment services; (d) family crisis counseling; (e) routine and emergency mental health services; (f) respite care; (g) housing assistance; and (h) transportation. Families receive services that are appropri-

ate to their specific situations based on the safety plan. In 2011, an average of 224 families per month received intensive in-home services through BMCW. In 2011-12, TANF expenditures for safety services totaled approximately \$3.7 million.

Child Welfare Program Improvement Plan. 2011 Act 32 provided additional TANF funds for the child welfare program improvement plan, which is a comprehensive child welfare plan to address deficiencies identified in the second federal child and family services review of Wisconsin. The state must make progress on this plan or face financial penalties. TANF funds are budgeted at \$0.7 million in 2011-12 and \$1.4 million in 2012-13 to expand intensive in-home services. Actual expenditures in 2011-12 were \$0.1 million.

Intensive in-home services provide concentrated, in-home services so that families may remain safely together, averting the need for out-of-home care placement whenever possible. Services address the individualized needs of the family to control identified threats to child safety, enhance parental capacity to provide a safe environment for the children, and provide an environment free of current and future incidents of maltreatment. Grants were awarded to four consortia that cover 16 counties. From March, 2012, through October 1, 2012, 62 families received intensive in-home services under this initiative.

Child Welfare Information System. 2003 Act 33 created a new statutory allocation under the TANF program for the electronic Wisconsin statewide automated child welfare information system (eWISACWIS). Case workers and administrators use eWISACWIS for managing child welfare services, including intake, assessment, eligibility determinations, case management, court processing, financial reporting, and administration.

The budget for eWISACWIS is \$1.4 million annually in TANF funds for the 2011-13 bienni-

um. In 2011-12, \$0.7 million in TANF funds were spent to support eWISACWIS. The TANF funds support the portion of implementation and ongoing support costs of the system that are related to the kinship care program.

Child Welfare Prevention Services. The biennial budget provides \$1.5 million in TANF funds annually for child abuse prevention services in Milwaukee County. DCF provides funding to reduce the incidence of child abuse and neglect in Milwaukee County through two different services: (a) home-visiting services for parents in Milwaukee County; and (b) community-based grants for prevention services. TANF expenditures totaled \$0.9 million in 2011-12.

Ending TANF Balance. Table 6 shows an estimated ending TANF balance of \$36.9 million in 2012-13. However, this is subject to change as the figures for 2012-13 are budgeted amounts.

Table 7 shows the annual ongoing TANF revenues and expenditures based on amounts budgeted in 2012-13 with adjustments to account for one-time revenues (encumbered GPR, final reduction in the TANF block grant due to the St. Croix tribe receiving a TANF grant directly, TANF emergency funds, and carryover funds) and one-time expenditures (transitional jobs, which sunsets June 30, 2013). As shown in the table, annual expenditures exceed annual revenues by \$18.0 million.

Table 7: 2012-13 TANF Structural Deficit

Annual Revenues	\$589.1
Annual Expenditures	607.1
Structural Deficit	- \$18.0

As noted above, Table 7 is based on budgeted amounts in 2012-13. The TANF structural deficit could be more if actual expenditures exceed the amounts budgeted. On the other hand, if actual expenditures are less than the amounts budgeted, the structural deficit would be lower.

Program Participation

Table 8 shows the number of AFDC, W-2, kinship care, and SSI caretaker supplement cases receiving benefits or other services for 1997 through 2012. Table 8 also has a chart showing the change in the number of cases receiving cash benefits from these programs from 1985 to 2012. Since August, 1997, was the last month of the AFDC program, the 1997 data is for August. All other data in the table and chart is for the month of September.

AFDC and W-2 Recipients. The AFDC caseload data for August, 1997, includes those cases in which the child receiving AFDC was living with a non-legally responsible relative or was the child of an SSI parent. Beginning in September, 1997, W-2 agencies began converting AFDC cases to the W-2 program. Cases converted to the W-2 program could have been placed in a W-2 employment position and received a cash benefit under one of those W-2 employment positions.

Alternatively, in some cases the W-2 applicant may have been determined to be eligible for case management services only. Those receiving only case management services include: (a) individuals who are currently working in unsubsidized employment and are receiving case management to retain or advance in their jobs; (b) pregnant women with no other children; (c) non-custodial parents; or (d) minor parents.

Breakdown into W-2 Employment Positions. During the month of September, 2012, DCF reported 17,315 cases receiving a W-2 cash benefit or case management services. Of those,

25.0% were placed in transitional placements, 48.8% were placed in a community service job, 0.1% were placed in a trial job, 5.8% received a benefit as a caretaker of a child under eight weeks of age, and 0.2% received at-risk pregnancy cash benefits. The remaining 20.1% were re-

ceiving case management services only.

Kinship Care and Caretaker Supplement Recipients. When comparing caseloads for the AFDC program with the W-2 program, it is important to include the kinship care and SSI caretaker supplement cases, as these cases previously received AFDC benefits and are included in the August, 1997, AFDC caseloads.

Kinship Care. Counties began transitioning cases from AFDC to kinship care on January 1, 1997. Beginning April 1, 1997, all new cases were assessed for kinship care eligibility. As shown in the table, it was estimated that there were 457 caretakers receiving kinship care payments in August, 1997.

Counties were required to transfer all eligible cases to kinship care by December 31, 1997. The number of kinship care cases was at a high of 8,655 in September, 2009, and was at 6,571 in September, 2012. With an effort to have kinship care parents become licensed foster parents, beginning during the 2009-11 biennium, the kinship care caseload has been declining.

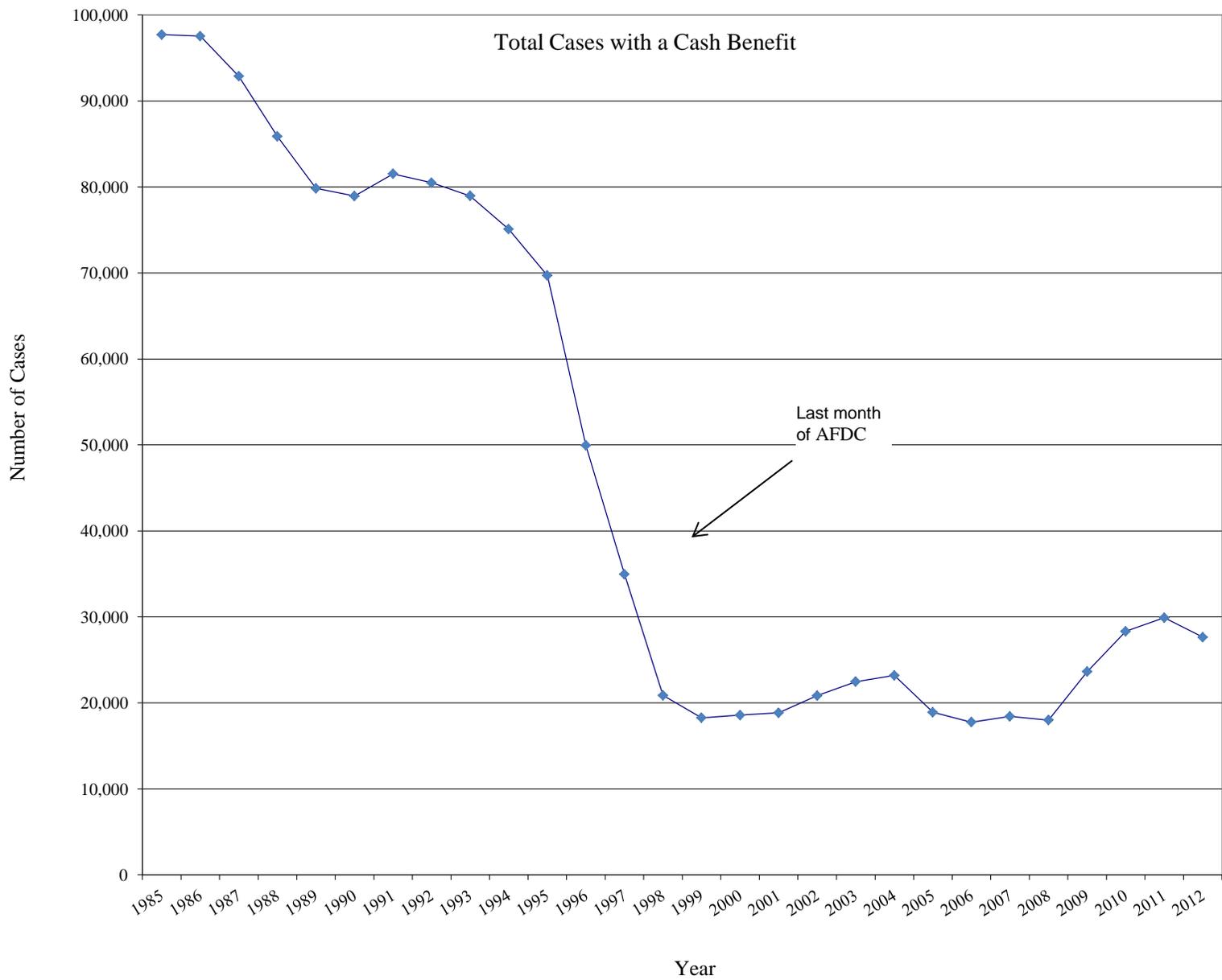
Caretaker Supplement. Beginning January 1, 1998, AFDC cases involving dependent children of SSI recipients were converted to the SSI caretaker supplement. The number of families receiving a caretaker supplement was 7,241 in September, 2012.

Historically, Wisconsin's AFDC caseload peaked at over 100,300 in April, 1986, and then began to decline. By 1990, the average monthly number of cases had fallen 19.2% as compared to the average monthly caseload for 1986. From 1991 to 1992 the average monthly number of cases increased slightly before beginning an extended decline. In March 1996, the caseload was 62,900, when the state implemented two significant reforms—the self-sufficiency first and pay-for-performance initiatives. By August, 1997, the

Table 8: Program Participation

	Aug. 1997	Sept. 1998	Sept. 1999	Sept. 2000	Sept. 2001	Sept. 2002	Sept. 2003	Sept. 2004	Sept. 2005	Sept. 2006	Sept. 2007	Sept. 2008	Sept. 2009	Sept. 2010	Sept. 2011	Sept. 2012
The AFDC Program	34,491	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
The W-2 Program - Total	---	15,241	11,388	11,172	11,796	13,657	14,790	15,849	11,305	10,198	10,376	9,189	10,828	16,850	19,874	17,315
W-2 Cash Benefit	---	10,047	7,389	6,772	8,062	9,993	11,287	12,013	7,881	6,701	6,706	6,365	8,364	13,599	15,939	13,830
W-2 Case Management	---	5,194	3,999	4,400	3,734	3,664	3,503	3,836	3,424	3,497	3,670	2,824	2,464	3,251	3,935	3,485
W-2 Employment Positions																
Transitional Placements	---	2,261	2,452	2,510	2,665	3,335	4,003	4,703	3,513	2,953	2,858	2,543	2,822	3,981	4,593	4,322
Community Service Jobs	---	6,822	3,899	3,159	4,133	5,325	5,737	5,889	2,951	2,396	2,371	2,229	3,875	7,910	9,613	8,443
Trial Jobs	---	83	42	25	19	37	18	29	21	13	11	5	9	20	15	14
Real Work, Real Pay Pilot	---	---	---	---	---	---	---	---	---	---	---	9	15	---	---	---
Caring for a Newborn	---	881	996	1,078	1,245	1,296	1,529	1,392	1,396	1,339	1,466	1,579	1,643	1,652	1,677	1,011
At-Risk Pregnant Women	---	---	---	---	---	---	---	---	---	---	---	---	---	36	41	40
Kinship Care	457	5,163	5,368	6,232	4,893	5,200	5,263	5,188	5,149	5,320	5,581	5,603	8,655	7,770	6,773	6,571
Caretaker Supplement	---	<u>5,668</u>	<u>5,516</u>	<u>5,576</u>	<u>5,889</u>	<u>5,646</u>	<u>5,925</u>	<u>5,992</u>	<u>5,883</u>	<u>5,744</u>	<u>6,150</u>	<u>6,029</u>	<u>6,607</u>	<u>6,955</u>	<u>7,195</u>	<u>7,241</u>
Total Cases with a Cash Benefit	34,948	20,878	18,273	18,580	18,844	20,839	22,475	23,193	18,913	17,765	18,437	17,997	23,626	28,324	29,907	27,642
Percent Change		-40.3%	-12.5%	1.7%	1.4%	10.6%	7.9%	3.2%	-18.5%	-6.1%	3.8%	-2.4%	31.3%	19.9%	5.6%	-7.6%
Cumulative Change Since 1997		-40.3%	-47.7%	-46.8%	-46.1%	-40.4%	-35.7%	-33.6%	-45.9%	-49.2%	-47.2%	-48.5%	-32.4%	-19.0%	-14.4%	-20.9%

Source: Department of Children and Families



caseload had declined 44.4% compared to the March, 1996, caseload. Since the peak caseload in April, 1986, the number of cases receiving cash benefits in Wisconsin has declined by 72.4%.

Nationwide, the number of families receiving cash benefits under the AFDC program increased nearly every year from 1986 to 1994. In 1986, there were approximately 11 million AFDC recipients, representing 4.6% of the total U.S. population. In 1994, the caseload had increased to 14.2 million recipients representing 5.5% of the total population. After 1994, however, national caseloads began to decline, and continued to decline after the enactment of the federal welfare reform legislation in August, 1996. According to the federal Department of Health and Human Services, from August, 1996, to December, 2011, caseloads declined in every state and territory, resulting in a drop in the caseload over that time period of 65.2% nationwide. As of December, 2011, the number of TANF recipients nationwide was 4.3 million, which represented 1.4% of the population.

It should be noted that it is unclear how many cases nationwide now receive benefits under programs similar to the kinship care program and the caretaker supplement program in Wisconsin. These cases are not all included in national caseload data because they are not all funded with TANF. Therefore, the national decline in caseloads of 65.2% is likely overstated by an unknown amount.

Additional W-2 Caseload Information

More information regarding the current W-2 caseload is presented in Attachments 3 through 6. Attachment 3 shows the subsidized employment caseload for each W-2 agency in the state for September, 2012. Attachment 4 shows the number of W-2 participants in September, 2012, including both subsidized and unsubsidized employment, by age of the W-2 participant. All W-2 participants

must be 18 years of age or older. Attachment 5 provides information regarding the number of children in W-2 groups in September, 2012, showing an average number of children of 1.9 per family. It should be noted that the number of participants in Attachment 4 is higher than the number of W-2 groups in Attachment 5 because a W-2 group may have more than one participant. Finally, Attachment 6 provides information on the interaction between W-2 and other services. It shows the total number of cases where participants were receiving W-2 cash assistance and/or case management services for the month of April for 2012. It compares the total W-2 caseload with the number of W-2 cases that also receive medical assistance, FoodShare, or child care services.

Child Care Participation

Child care subsidies have increased from \$127.2 million in 1998-99 to \$348.8 million in 2008-09 and \$270.9 million in 2011-12. These figures do not include expenditures for local administration, on-site child care, and migrant child care. Direct child care subsidies expenditures in Table 6 do include these expenditures.

Table 9 shows the level of growth in the subsidy program by comparing data for fiscal years 1998-99 through 2011-12. As reflected in the table, until 2008-09, the growth is due primarily to the increase in child care caseloads, although the average family subsidy amount had also increased. The table shows that program growth has begun to decline, beginning in 2009-10. The decline is primarily due to the initiatives to detect and prevent fraudulent activities in Wisconsin Shares and to the economic downturn. DCF has also reduced reimbursements to licensed family child care providers by paying for actual attendance of children, rather than the number of hours authorized for care. Finally, the type of child care being used has remained fairly constant at about 88% of families using more expensive licensed child care, as opposed to certified care.

Table 9: Child Care Subsidy Growth

Fiscal Year	Average Monthly Subsidies	Percent Growth	Average Number of Children	Percent Growth	Average Number of Families	Percent Growth	Average Subsidy Per Family	Percent Growth
1998-99*	\$10,597,636		26,763		15,412		\$688	
1999-00	13,006,963	22.7%	31,486	17.6%	17,750	15.2%	733	6.6%
2000-01	18,181,669	39.8	39,520	25.5	22,435	26.4	810	10.6
2001-02	20,875,288	14.8	44,985	13.8	25,769	14.9	810	0.0
2002-03	22,487,129	7.7	48,584	8.0	27,897	8.3	806	-0.5
2003-04	23,485,024	4.4	51,328	5.6	29,496	5.7	796	-1.2
2004-05	24,527,416	4.4	52,341	2.0	30,166	2.3	813	2.1
2005-06	25,995,189	6.0	54,561	4.2	31,183	3.4	834	2.5
2006-07	26,659,373	2.6	56,566	3.7	32,199	3.3	828	-0.7
2007-08	27,824,584	4.4	58,379	3.2	32,820	1.9	848	2.4
2008-09	29,069,562	4.5	59,730	2.3	33,436	1.9	869	2.5
2009-10	26,319,216	-9.5	56,720	-5.0	32,421	-3.0	812	-6.6
2010-11	23,044,945	-12.4	54,055	-4.7	31,748	-2.1	726	-10.6
2011-12	22,571,848	-2.1	52,812	-2.3	31,501	-0.8	717	-1.3
Total Growth		113.0%		97.3%		104.4%		4.2%

*First full year for which data is available. The program began in 1997-98.

Source: Department of Children and Families

ATTACHMENT 1

Child Care Copayment Schedule 2012*

FPL	Gross Monthly Income by Family Size									Weekly Copay Requirement Children in Subsidized Care				
	2	3	4	5	6	7	8	9	10+	1	2	3	4	5+
70%	\$883	\$1,114	\$1,345	\$1,576	\$1,807	\$2,038	\$2,269	\$2,500	\$2,731	\$6	\$10	\$16	\$20	\$26
75	946	1,193	1,441	1,688	1,936	2,183	2,431	2,678	2,926	6	13	19	25	31
80	1,009	1,273	1,537	1,801	2,065	2,329	2,593	2,857	3,121	9	15	21	28	34
85	1,072	1,352	1,633	1,913	2,194	2,474	2,755	3,035	3,316	13	19	25	31	40
90	1,135	1,432	1,729	2,026	2,323	2,620	2,917	3,214	3,511	14	23	30	38	45
95	1,198	1,511	1,825	2,138	2,452	2,765	3,079	3,392	3,706	19	28	36	45	52
100	1,261	1,591	1,921	2,251	2,581	2,911	3,241	3,571	3,901	21	31	39	50	58
105	1,324	1,670	2,017	2,363	2,710	3,056	3,403	3,749	4,096	24	33	44	52	61
110	1,387	1,750	2,113	2,476	2,839	3,202	3,565	3,928	4,291	27	37	45	55	64
115	1,450	1,829	2,209	2,588	2,968	3,347	3,727	4,106	4,486	30	39	49	59	67
120	1,513	1,909	2,305	2,701	3,097	3,493	3,889	4,285	4,681	33	44	52	61	72
125	1,576	1,989	2,401	2,814	3,226	3,639	4,051	4,464	4,876	37	47	55	66	76
130	1,639	2,068	2,497	2,926	3,355	3,784	4,213	4,642	5,071	39	51	61	73	83
135	1,702	2,148	2,593	3,039	3,484	3,930	4,375	4,821	5,266	43	55	67	79	91
140	1,765	2,227	2,689	3,151	3,613	4,075	4,537	4,999	5,461	45	58	71	83	97
145	1,828	2,307	2,785	3,264	3,742	4,221	4,699	5,178	5,656	49	61	72	86	99
150	1,891	2,386	2,881	3,376	3,871	4,366	4,861	5,356	5,851	52	64	77	89	103
155	1,954	2,466	2,977	3,489	4,000	4,512	5,023	5,535	6,046	54	66	80	92	105
160	2,017	2,545	3,073	3,601	4,129	4,657	5,185	5,713	6,241	58	71	83	96	109
165	2,080	2,625	3,169	3,714	4,258	4,803	5,347	5,892	6,436	59	73	86	98	111
170	2,143	2,704	3,265	3,826	4,387	4,948	5,509	6,070	6,631	60	77	89	103	114
175	2,206	2,784	3,361	3,939	4,516	5,094	5,671	6,249	6,826	62	78	92	106	117
180	2,269	2,863	3,457	4,051	4,645	5,239	5,833	6,427	7,021	65	81	96	109	120
185	2,333	2,943	3,554	4,164	4,775	5,385	5,996	6,606	7,217	66	84	99	111	123
190	2,396	3,023	3,650	4,277	4,904	5,531	6,158	6,785	7,412	67	85	102	114	126
195	2,459	3,102	3,746	4,389	5,033	5,676	6,320	6,963	7,607	70	88	105	117	130
200	2,522	3,182	3,842	4,502	5,162	5,822	6,482	7,142	7,802	72	90	107	120	132

Look down the column of the appropriate family size until locating the gross monthly family income level or just less than the family income. Look to the right to find the co-pay.

* Non-court ordered kinship care parents and teen parents who are not Learnfare participants are subject to the minimum copay, which is found by selecting the lowest income line (70% FPL) and then finding the copayment listed for the appropriate number of children. Parents who have left a W-2 employment position for unsubsidized work also qualify for the minimum copay for one month. Children who are authorized for 20 hours or less are subject to one-half of their share of the family copay listed above. Foster care and kinship care parents who have court-ordered placement of a child, as well as Learnfare and food stamp employment and training participants, subsidized guardians, and interim caretakers are not subject to copay requirements.

Source: Department of Children and Families

ATTACHMENT 2

2006-2012 Maximum Child Care Reimbursement Rates

	Licensed Group								Licensed Family								Regularly Certified				Provisionally Certified				
	0 - 2		2 - 3		4 - 5		6+		0 - 2		2 - 3		4 - 5		6+		0 - 2	2 - 3	4 - 5	6+	0 - 2	2 - 3	4 - 5	6+	
	Weekly Ceiling	Hourly Rate	Weekly Ceiling	Hourly Rate	Weekly Ceiling	Hourly Rate	Weekly Ceiling	Hourly Rate	Weekly Ceiling	Hourly Rate	Hourly Rate	Hourly Rate	Hourly Rate	Hourly Rate	Hourly Rate	Hourly Rate	Hourly Rate	Hourly Rate							
Counties																									
Adams	\$98.04	\$2.80	\$90.71	\$2.59	\$90.71	\$2.59	\$90.71	\$2.59	\$110.00	\$3.14	\$110.00	\$3.14	\$110.00	\$3.14	\$104.50	\$2.99	\$2.36	\$2.36	\$2.36	\$2.24	\$1.57	\$1.57	\$1.57	\$1.49	
Ashland	145.75	4.16	145.00	4.14	132.00	3.77	130.00	3.71	131.00	3.74	110.00	3.14	110.00	3.14	110.00	3.14	2.81	2.36	2.36	2.36	1.87	1.57	1.57	1.57	
Barron	121.00	3.46	110.00	3.14	104.50	2.99	99.00	2.83	115.00	3.29	110.00	3.14	110.00	3.14	110.00	3.14	2.46	2.36	2.36	2.36	1.64	1.57	1.57	1.57	
Bayfield	138.00	3.94	125.00	3.57	120.00	3.43	115.43	3.30	125.00	3.57	110.00	3.14	110.00	3.14	110.00	3.14	2.68	2.36	2.36	2.36	1.79	1.57	1.57	1.57	
Brown	206.80	5.91	169.40	4.84	148.50	4.24	147.40	4.21	143.00	4.09	132.00	3.77	126.50	3.61	122.10	3.49	3.06	2.83	2.71	2.62	2.04	1.89	1.81	1.74	
Buffalo	137.50	3.93	110.00	3.14	110.00	3.14	110.00	3.14	123.75	3.54	110.00	3.14	110.00	3.14	110.00	3.14	2.65	2.36	2.36	2.36	1.77	1.57	1.57	1.57	
Burnett	138.00	3.94	126.00	3.60	126.00	3.60	126.00	3.60	126.00	3.60	110.00	3.14	110.00	3.14	110.00	3.14	2.70	2.36	2.36	2.36	1.80	1.57	1.57	1.57	
Calumet	181.50	5.19	165.00	4.71	153.00	4.37	143.00	4.09	150.00	4.29	135.00	3.86	135.00	3.86	130.00	3.71	3.21	2.89	2.89	2.79	2.14	1.93	1.93	1.86	
Chippewa	162.00	4.63	145.00	4.14	140.00	4.00	130.00	3.71	131.00	3.74	125.00	3.57	120.00	3.43	120.00	3.43	2.81	2.68	2.57	2.57	1.87	1.79	1.71	1.71	
Clark	121.00	3.46	115.50	3.30	104.50	2.99	104.50	2.99	111.38	3.18	110.00	3.14	110.00	3.14	110.00	3.14	2.39	2.36	2.36	2.36	1.59	1.57	1.57	1.57	
Columbia	162.00	4.63	145.00	4.14	140.00	4.00	130.00	3.71	131.00	3.74	125.00	3.57	120.00	3.43	120.00	3.43	2.81	2.68	2.57	2.57	1.87	1.79	1.71	1.71	
Crawford	157.38	4.50	145.00	4.14	126.93	3.63	126.93	3.63	131.00	3.74	110.00	3.14	110.00	3.14	110.00	3.14	2.81	2.36	2.36	2.36	1.87	1.57	1.57	1.57	
Dane	232.00	6.63	200.00	5.71	180.00	5.14	175.00	5.00	190.00	5.43	175.50	5.01	165.00	4.71	157.50	4.50	4.07	3.76	3.57	3.38	2.71	2.51	2.36	2.25	
Dodge	162.00	4.63	145.00	4.14	140.00	4.00	142.88	4.08	135.00	3.86	125.00	3.57	120.00	3.43	121.50	3.47	2.89	2.68	2.57	2.60	1.93	1.79	1.71	1.74	
Door	162.00	4.63	145.00	4.14	140.00	4.00	130.00	3.71	131.00	3.74	125.00	3.57	120.00	3.43	120.00	3.43	2.81	2.68	2.57	2.57	1.87	1.79	1.71	1.71	
Douglas	165.00	4.71	156.75	4.48	140.25	4.01	132.00	3.77	150.00	4.29	135.00	3.86	135.00	3.86	130.00	3.71	3.21	2.89	2.89	2.79	2.14	1.93	1.93	1.86	
Dunn	143.00	4.09	145.00	4.14	137.50	3.93	121.00	3.46	131.00	3.74	125.00	3.57	120.00	3.43	120.00	3.43	2.81	2.68	2.57	2.57	1.87	1.79	1.71	1.71	
Eau Claire	183.43	5.24	171.60	4.90	157.30	4.49	143.00	4.09	165.00	4.71	148.50	4.24	148.50	4.24	148.50	4.24	3.54	3.18	3.18	3.18	2.36	2.12	2.12	2.12	
Florence	153.00	4.37	144.00	4.11	135.00	3.86	126.00	3.60	153.00	4.37	153.00	4.37	117.00	3.34	117.00	3.34	3.28	3.28	2.51	2.51	2.19	2.19	1.67	1.67	
Fond du Lac	170.50	4.87	152.90	4.37	137.50	3.93	136.13	3.89	137.50	3.93	126.50	3.61	126.50	3.61	124.30	3.55	2.95	2.71	2.71	2.66	1.96	1.81	1.81	1.78	
Forest	110.00	3.14	110.00	3.14	110.00	3.14	110.00	3.14	157.50	4.50	135.00	3.86	135.00	3.86	112.50	3.21	3.38	2.89	2.89	2.41	2.25	1.93	1.93	1.61	
Grant	129.25	3.69	129.25	3.69	128.25	3.66	123.75	3.54	121.00	3.46	110.00	3.14	110.00	3.14	110.00	3.14	2.59	2.36	2.36	2.36	1.73	1.57	1.57	1.57	
Green	171.00	4.89	149.40	4.27	140.00	4.00	130.00	3.71	131.00	3.74	125.00	3.57	120.00	3.43	120.00	3.43	2.81	2.68	2.57	2.57	1.87	1.79	1.71	1.71	
Green Lake	160.60	4.59	145.00	4.14	138.60	3.96	130.00	3.71	131.00	3.74	125.00	3.57	120.00	3.43	120.00	3.43	2.81	2.68	2.57	2.57	1.87	1.79	1.71	1.71	
Iowa	138.00	3.94	125.00	3.57	120.00	3.43	115.00	3.29	125.00	3.57	110.00	3.14	110.00	3.14	110.00	3.14	2.68	2.36	2.36	2.36	1.79	1.57	1.57	1.57	
Iron	134.75	3.85	123.75	3.54	123.75	3.54	123.75	3.54	135.00	3.86	125.00	3.57	120.00	3.43	120.00	3.43	2.89	2.68	2.57	2.57	1.93	1.79	1.71	1.71	
Jackson	154.00	4.40	107.25	3.06	107.25	3.06	116.60	3.33	111.38	3.18	110.00	3.14	99.00	2.83	99.00	2.83	2.39	2.36	2.12	2.12	1.59	1.57	1.41	1.41	
Jefferson	181.50	5.19	148.50	4.24	134.20	3.83	136.13	3.89	150.00	4.29	135.00	3.86	135.00	3.86	130.00	3.71	3.21	2.89	2.89	2.79	2.14	1.93	1.93	1.86	
Juneau	138.00	3.94	130.50	3.73	126.00	3.60	126.00	3.60	123.75	3.54	110.00	3.14	110.00	3.14	110.00	3.14	2.65	2.36	2.36	2.36	1.77	1.57	1.57	1.57	
Kenosha	221.10	6.32	200.00	5.71	176.00	5.03	170.50	4.87	190.00	5.43	175.00	5.00	165.00	4.71	155.00	4.43	4.07	3.75	3.54	3.32	2.71	2.50	2.36	2.21	
Kewaunee	138.00	3.94	125.00	3.57	120.00	3.43	115.00	3.29	118.80	3.39	110.00	3.14	110.00	3.14	110.00	3.14	2.55	2.36	2.36	2.36	1.70	1.57	1.57	1.57	
La Crosse	170.50	4.87	143.00	4.09	143.00	4.09	140.80	4.02	143.00	4.09	132.00	3.77	126.50	3.61	115.50	3.30	3.06	2.83	2.71	2.48	2.04	1.89	1.81	1.65	
Lafayette	121.00	3.46	104.50	2.99	104.50	2.99	104.50	2.99	125.00	3.57	110.00	3.14	110.00	3.14	110.00	3.14	2.68	2.36	2.36	2.36	1.79	1.57	1.57	1.57	
Langlade	162.00	4.63	145.00	4.14	140.00	4.00	130.00	3.71	131.00	3.74	125.00	3.57	120.00	3.43	120.00	3.43	2.81	2.68	2.57	2.57	1.87	1.79	1.71	1.71	
Lincoln	149.88	4.28	116.88	3.34	105.88	3.03	110.00	3.14	135.00	3.86	125.00	3.57	120.00	3.43	120.00	3.43	2.89	2.68	2.57	2.57	1.93	1.79	1.71	1.71	

ATTACHMENT 2 (continued)

2006-2012 Maximum Child Care Reimbursement Rates

	Licensed Group								Licensed Family								Regularly Certified				Provisionally Certified			
	0 - 2		2 - 3		4 - 5		6+		0 - 2		2 - 3		4 - 5		6+		0 - 2	2 - 3	4 - 5	6+	0 - 2	2 - 3	4 - 5	6+
	Weekly Ceiling	Hourly Rate	Weekly Ceiling	Hourly Rate	Weekly Ceiling	Hourly Rate	Weekly Ceiling	Hourly Rate	Weekly Ceiling	Hourly Rate	Hourly Rate	Hourly Rate	Hourly Rate	Hourly Rate	Hourly Rate	Hourly Rate	Hourly Rate	Hourly Rate						
Manitowoc	\$165.00	\$4.71	\$148.50	\$4.24	\$148.50	\$4.24	\$145.00	\$4.14	\$148.50	\$4.24	\$135.00	\$3.86	\$135.00	\$3.86	\$130.00	\$3.71	\$3.18	\$2.89	\$2.89	\$2.79	\$2.12	\$1.93	\$1.93	\$1.86
Marathon	189.00	5.40	165.00	4.71	153.00	4.37	148.50	4.24	150.00	4.29	135.00	3.86	135.00	3.86	130.00	3.71	3.21	2.89	2.89	2.79	2.14	1.93	1.93	1.86
Marinette	137.50	3.93	121.00	3.46	121.00	3.46	121.00	3.46	131.00	3.74	115.50	3.30	115.50	3.30	115.50	3.30	2.81	2.48	2.48	2.48	1.87	1.65	1.65	1.65
Marquette	138.00	3.94	125.00	3.57	120.00	3.43	115.00	3.29	125.00	3.57	121.50	3.47	121.50	3.47	121.50	3.47	2.68	2.60	2.60	2.60	1.79	1.74	1.74	1.74
Menominee	137.50	3.93	125.00	3.57	120.00	3.43	115.00	3.29	125.00	3.57	112.50	3.21	110.00	3.14	110.00	3.14	2.68	2.41	2.36	2.36	1.79	1.61	1.57	1.57
Milwaukee	232.00	6.63	200.00	5.71	180.00	5.14	175.00	5.00	190.00	5.43	175.00	5.00	165.00	4.71	155.00	4.43	4.07	3.75	3.54	3.32	2.71	2.50	2.36	2.21
Monroe	145.20	4.15	128.70	3.68	119.90	3.43	115.50	3.30	131.00	3.74	115.50	3.30	115.50	3.30	110.00	3.14	2.81	2.48	2.48	2.36	1.87	1.65	1.65	1.57
Oconto	144.00	4.11	125.00	3.57	120.00	3.43	115.00	3.29	125.00	3.57	110.00	3.14	110.00	3.14	110.00	3.14	2.68	2.36	2.36	2.36	1.79	1.57	1.57	1.57
Oneida	162.00	4.63	137.50	3.93	121.00	3.46	121.00	3.46	135.00	3.86	115.50	3.30	115.50	3.30	115.50	3.30	2.89	2.48	2.48	2.48	1.93	1.65	1.65	1.65
Outagamie	189.00	5.40	165.00	4.71	153.00	4.37	145.00	4.14	150.00	4.29	135.00	3.86	135.00	3.86	130.00	3.71	3.21	2.89	2.89	2.79	2.14	1.93	1.93	1.86
Ozaukee	195.98	5.60	180.00	5.14	157.50	4.50	145.00	4.14	153.00	4.37	153.00	4.37	148.50	4.24	148.50	4.24	3.28	3.28	3.18	3.18	2.19	2.19	2.12	2.12
Pepin	138.00	3.94	114.84	3.28	120.00	3.43	115.00	3.29	125.00	3.57	110.00	3.14	110.00	3.14	110.00	3.14	2.68	2.36	2.36	2.36	1.79	1.57	1.57	1.57
Pierce	162.00	4.63	145.00	4.14	140.00	4.00	130.00	3.71	131.00	3.74	125.00	3.57	120.00	3.43	120.00	3.43	2.81	2.68	2.57	2.57	1.87	1.79	1.71	1.71
Polk	138.00	3.94	125.00	3.57	120.00	3.43	115.00	3.29	125.00	3.57	110.00	3.14	110.00	3.14	110.00	3.14	2.68	2.36	2.36	2.36	1.79	1.57	1.57	1.57
Portage	189.00	5.40	165.00	4.71	153.00	4.37	145.00	4.14	150.00	4.29	135.00	3.86	135.00	3.86	130.00	3.71	3.21	2.89	2.89	2.79	2.14	1.93	1.93	1.86
Price	126.50	3.61	125.00	3.57	110.00	3.14	110.00	3.14	125.00	3.57	110.00	3.14	110.00	3.14	110.00	3.14	2.68	2.36	2.36	2.36	1.79	1.57	1.57	1.57
Racine	214.50	6.13	187.00	5.34	170.00	4.86	162.80	4.65	181.50	5.19	175.00	5.00	165.00	4.71	155.00	4.43	3.89	3.75	3.54	3.32	2.59	2.50	2.36	2.21
Richland	160.60	4.59	137.50	3.93	137.50	3.93	130.00	3.71	131.00	3.74	110.00	3.14	110.00	3.14	110.00	3.14	2.81	2.36	2.36	2.36	1.87	1.57	1.57	1.57
Rock	192.50	5.50	172.70	4.93	170.50	4.87	154.00	4.40	160.88	4.60	148.50	4.24	148.50	4.24	148.50	4.24	3.45	3.18	3.18	3.18	2.30	2.12	2.12	2.12
Rusk	132.00	3.77	115.50	3.30	115.50	3.30	93.50	2.67	123.75	3.54	110.00	3.14	110.00	3.14	110.00	3.14	2.65	2.36	2.36	2.36	1.77	1.57	1.57	1.57
St. Croix	175.50	5.01	157.50	4.50	144.00	4.11	130.00	3.71	139.50	3.99	126.00	3.60	121.50	3.47	121.50	3.47	2.99	2.70	2.60	2.60	1.99	1.80	1.74	1.74
Sauk	176.00	5.03	143.00	4.09	143.00	4.09	126.50	3.61	150.00	4.29	135.00	3.86	135.00	3.86	130.00	3.71	3.21	2.89	2.89	2.79	2.14	1.93	1.93	1.86
Sawyer	126.50	3.61	104.50	2.99	104.50	2.99	104.50	2.99	125.00	3.57	110.00	3.14	110.00	3.14	110.00	3.14	2.68	2.36	2.36	2.36	1.79	1.57	1.57	1.57
Shawano	138.00	3.94	125.00	3.57	120.00	3.43	115.00	3.29	125.00	3.57	110.00	3.14	110.00	3.14	110.00	3.14	2.68	2.36	2.36	2.36	1.79	1.57	1.57	1.57
Sheboygan	189.00	5.40	165.00	4.71	143.00	4.09	144.10	4.12	150.00	4.29	135.00	3.86	135.00	3.86	130.00	3.71	3.21	2.89	2.89	2.79	2.14	1.93	1.93	1.86
Taylor	126.50	3.61	125.00	3.57	120.00	3.43	115.00	3.29	110.00	3.14	110.00	3.14	110.00	3.14	110.00	3.14	2.36	2.36	2.36	2.36	1.57	1.57	1.57	1.57
Trempealeau	132.00	3.77	121.00	3.46	120.00	3.43	115.00	3.29	125.00	3.57	110.00	3.14	110.00	3.14	110.00	3.14	2.68	2.36	2.36	2.36	1.79	1.57	1.57	1.57
Vernon	138.00	3.94	115.50	3.30	115.50	3.30	115.00	3.29	110.00	3.14	110.00	3.14	110.00	3.14	110.00	3.14	2.36	2.36	2.36	2.36	1.57	1.57	1.57	1.57
Vilas	180.00	5.14	121.00	3.46	110.00	3.14	115.00	3.29	125.00	3.57	111.38	3.18	110.00	3.14	110.00	3.14	2.68	2.39	2.36	2.36	1.79	1.59	1.57	1.57
Walworth	176.00	5.03	154.00	4.40	138.60	3.96	137.50	3.93	150.00	4.29	135.00	3.86	135.00	3.86	130.00	3.71	3.21	2.89	2.89	2.79	2.14	1.93	1.93	1.86
Washburn	138.00	3.94	125.00	3.57	120.00	3.43	110.00	3.14	125.00	3.57	110.00	3.14	110.00	3.14	110.00	3.14	2.68	2.36	2.36	2.36	1.79	1.57	1.57	1.57
Washington	189.00	5.40	165.00	4.71	153.00	4.37	145.00	4.14	150.00	4.29	135.00	3.86	135.00	3.86	130.00	3.71	3.21	2.89	2.89	2.79	2.14	1.93	1.93	1.86
Waukesha	232.00	6.63	200.00	5.71	180.00	5.14	175.00	5.00	190.00	5.43	175.00	5.00	165.00	4.71	155.00	4.43	4.07	3.75	3.54	3.32	2.71	2.50	2.36	2.21
Waupaca	148.50	4.24	145.00	4.14	121.00	3.46	121.00	3.46	121.00	3.46	110.00	3.14	110.00	3.14	104.50	2.99	2.59	2.36	2.36	2.24	1.73	1.57	1.57	1.49
Waushara	138.00	3.94	125.00	3.57	120.00	3.43	115.00	3.29	125.00	3.57	110.00	3.14	110.00	3.14	110.00	3.14	2.68	2.36	2.36	2.36	1.79	1.57	1.57	1.57

ATTACHMENT 2 (continued)

2006-2012 Maximum Child Care Reimbursement Rates

	Licensed Group								Licensed Family								Regularly Certified				Provisionally Certified			
	0 - 2		2 - 3		4 - 5		6+		0 - 2		2 - 3		4 - 5		6+		0 - 2	2 - 3	4 - 5	6+	0 - 2	2 - 3	4 - 5	6+
	Weekly Ceiling	Hourly Rate	Weekly Ceiling	Hourly Rate	Weekly Ceiling	Hourly Rate	Weekly Ceiling	Hourly Rate	Weekly Ceiling	Hourly Rate	Hourly Rate	Hourly Rate	Hourly Rate	Hourly Rate	Hourly Rate	Hourly Rate	Hourly Rate	Hourly Rate						
Winnebago	\$225.50	\$6.44	\$183.70	\$5.25	\$169.40	\$4.84	\$159.50	\$4.56	\$165.00	\$4.71	\$148.50	\$4.24	\$143.00	\$4.09	\$143.00	\$4.09	\$3.54	\$3.18	\$3.06	\$3.06	\$2.36	\$2.12	\$2.04	\$2.04
Wood	154.00	4.40	137.50	3.93	137.50	3.93	132.00	3.77	137.50	3.93	126.50	3.61	126.50	3.61	126.50	3.61	2.95	2.71	2.71	2.71	1.96	1.81	1.81	1.81
Tribes*																								
Bad River	\$145.75	\$4.16	\$145.00	\$4.14	\$132.00	\$3.77	\$130.00	\$3.71	\$131.00	\$3.74	\$110.00	\$3.14	\$110.00	\$3.14	\$110.00	\$3.14	\$2.81	\$2.36	\$2.36	\$2.36	\$1.87	\$1.57	\$1.57	\$1.57
La Courte																								
Oreilles	126.50	3.61	104.50	2.99	104.50	2.99	104.50	2.99	125.00	3.57	110.00	3.14	110.00	3.14	110.00	3.14	2.68	2.36	2.36	2.36	1.79	1.57	1.57	1.57
Lac du																								
Flambeau	180.00	5.14	121.00	3.46	110.00	3.14	115.00	3.29	125.00	3.57	111.38	3.18	110.00	3.14	110.00	3.14	2.68	2.39	2.36	2.36	1.79	1.59	1.57	1.57
Oneida	206.80	5.91	169.40	4.84	148.50	4.24	147.40	4.21	143.00	4.09	132.00	3.77	126.50	3.61	122.10	3.49	3.06	2.83	2.71	2.62	2.04	1.89	1.81	1.74
Red Cliff	138.00	3.94	125.00	3.57	120.00	3.43	115.43	3.30	125.00	3.57	110.00	3.14	110.00	3.14	110.00	3.14	2.68	2.36	2.36	2.36	1.79	1.57	1.57	1.57
Sokaogon	110.00	3.14	110.00	3.14	110.00	3.14	110.00	3.14	157.50	4.50	135.00	3.86	135.00	3.86	112.50	3.21	3.38	2.89	2.89	2.41	2.25	1.93	1.93	1.61

*Forest County Potawtomi, HoChunk, St. Croix, and Stockbridge-Munsee do not administer a child care subsidy program.

Source: Department of Children and Families

ATTACHMENT 3

Subsidized Employment Caseload By Agency September, 2012

Agency	Total Cases	Trial Job	At-Risk Pregnancy	CSJ*	Trans.	Parent of Infant	Agency	Total Cases	Trial Job	At-Risk Pregnancy	CSJ*	Trans.	Parent of Infant
Counties							Milwaukee Agencies						
Adams	24	0	0	14	6	4	Maximus WEA	2,507	3	0	1,762	652	90
Ashland	22	0	0	11	7	4	YWCA WEA	1,742	0	0	1,287	416	39
Bayfield	12	0	0	4	5	3	UMOS WEA	1,552	0	0	1,055	463	34
Burnett	1	0	0	0	1	0	PSI WEA	2,007	10	0	1,528	412	57
Calumet	23	0	1	15	5	2	SDC EEA	566	0	13	192	133	228
Crawford	5	0	0	0	5	0	PCG SSIA	407	0	0	15	389	3
Dane	772	0	6	361	327	78	UMOS SSIA	<u>355</u>	<u>0</u>	<u>0</u>	<u>3</u>	<u>351</u>	<u>1</u>
Dodge	43	0	0	22	17	4	Subtotal	9,136	13	13	5,842	2,816	452
Door	9	0	0	6	3	0	Other Non-County						
Dunn	34	0	0	23	8	3	Barron	28	0	0	17	7	4
Eau Claire	44	0	0	15	18	11	Brown	221	0	1	130	38	52
Fond du Lac	115	0	2	62	32	19	Buffalo	1	0	0	0	0	1
Grant	7	0	0	1	3	3	Chippewa	16	0	1	5	5	5
Green	46	0	1	25	17	3	Clark	32	0	0	23	9	0
Green Lake	25	0	0	18	4	3	Columbia	43	0	0	22	14	7
Iowa	4	0	0	3	0	1	Douglas	12	0	1	3	5	3
Iron	12	0	0	8	3	1	Florence	2	0	0	2	0	0
Jefferson	23	0	0	7	9	7	Forest	19	0	0	8	10	1
Kenosha	566	0	0	376	158	32	Jackson	10	0	0	6	2	2
La Crosse	44	0	0	13	18	13	Juneau	5	0	0	0	2	3
Lafayette	4	0	0	1	3	0	Kewaunee	16	0	0	10	3	3
Manitowoc	27	0	0	10	11	6	Langlade	53	0	2	24	23	4
Oconto	24	0	0	12	7	5	Lincoln	69	0	0	53	13	3
Outagamie	110	0	3	54	39	14	Marathon	281	0	0	194	73	14
Pepin	1	0	0	0	1	0	Marquette	31	0	0	11	17	3
Polk	7	0	0	2	4	1	Menominee	15	0	0	7	8	0
Portage	24	0	0	6	6	12	Monroe	24	0	0	20	4	0
Price	3	0	0	1	2	0	Oneida	28	0	0	11	10	7
Racine	554	1	0	400	90	63	Ozaukee	56	0	0	32	21	3
Richland	10	0	0	1	7	2	Pierce	15	0	0	13	2	0
Rock	193	0	1	46	121	25	Rusk	7	0	0	3	4	0
Sauk	34	0	0	9	17	8	Sawyer	13	0	0	9	3	1
Sheboygan	82	0	0	44	18	20	Shawano	1	0	0	1	0	0
Taylor	5	0	0	0	5	0	St. Croix	74	0	0	53	13	8
Waupaca	57	0	2	34	14	7	Trempealeau	5	0	0	5	0	0
Winnebago	298	0	3	188	82	25	Vernon	9	0	0	7	1	1
Wood	<u>80</u>	<u>0</u>	<u>2</u>	<u>34</u>	<u>29</u>	<u>15</u>	Vilas	6	0	0	3	1	2
Subtotal	3,344	1	21	1,826	1,102	394	Walworth	6	0	0	2	3	1
							Washburn	55	0	1	12	29	13
							Washington	3	0	0	3	0	0
							Waukesha	46	0	0	25	12	9
							Waushara	136	0	0	51	70	15
							Subtotal	<u>12</u>	<u>0</u>	<u>0</u>	<u>10</u>	<u>2</u>	<u>0</u>
							Subtotal	1,350	0	6	775	404	165
							Total	13,830	14	40	8,443	4,322	1,011

* Community Service Jobs

Source: Department of Children and Families.

ATTACHMENT 4

W-2 Participants by Age Including Subsidized Employment and Case Management Cases September, 2012

Age of W-2 Participant	Number of Participants
Under 20	900
20-24	5,566
25-29	4,496
30-34	3,053
35-39	1,927
40 and over	<u>2,367</u>
Total Participants	18,309

Source: Department of Children and Families

ATTACHMENT 5

Number of Children in W-2 Assistance Groups September, 2012

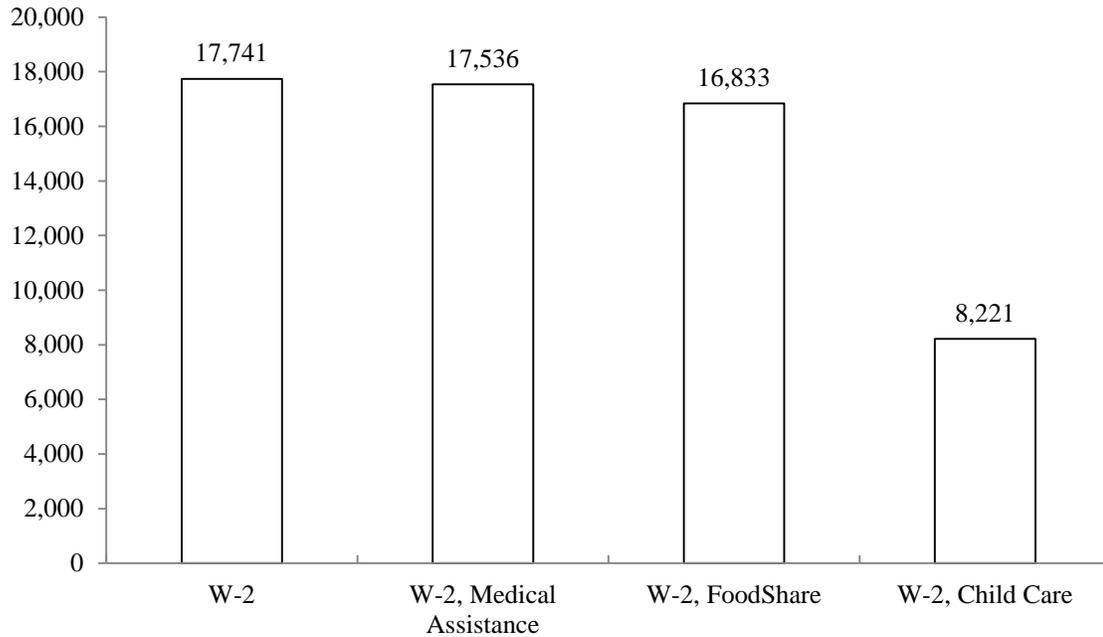
Number of Children	Number of Assistance Groups
0*	124
1	8,232
2	4,970
3	2,477
4 or more	<u>1,512</u>
Total Groups	17,315
Average Number of Children	1.9

*At-risk pregnant women and case management only pregnant women with no eligible children.

Source: Department of Children and Families

ATTACHMENT 6

Interaction Between W-2 and Other Programs April, 2012



- Nearly all W-2 participants are also enrolled in medical assistance. The percentage of W-2 participants that were also enrolled in medical assistance in April, 2012, was 98.8%.

- W-2 participants automatically meet the financial eligibility requirements for the FoodShare program. The percentage of W-2 participants that were also receiving FoodShare in April, 2012, was 94.9%.

- About half of W-2 participants are determined eligible for child care subsidies. The percentage of W-2 participants determined eligible for child care subsidies in April, 2012, was 46.3%.

Source: Department of Children and Families

APPENDIX A

Nonfinancial Eligibility Requirements for W-2 Employment Positions and Job Access Loans

1. The individual is a custodial parent who has attained the age of 18.

2. The individual is a U.S. citizen or qualifying alien who is: (a) lawfully admitted to the United States for permanent residence; (b) granted asylum; (c) a refugee; (d) paroled into the U.S. for a period of at least one year; (e) in the U.S. but whose deportation is being withheld; (f) granted conditional entry; (g) an Amerasian immigrant as defined in section 584 of the Foreign Operations, Export Financing and Related Programs Appropriations Act of 1988; (h) a Cuban and Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980; (i) a battered immigrant or an immigrant whose child or children have been battered, who is no longer residing with the batterer; (j) certified as a victim of trafficking; (k) an American Indian born in Canada who is at least 50% American Indian by blood; (l) an American Indian born outside of the United States who is a member of a federally-recognized Indian tribe; (m) lawfully residing in the United States and is either an armed forces veteran who received an honorable discharge, on active duty, or the spouse of a veteran or an individual on active duty; or (n) lawfully residing in the United States and authorized to work by the immigration and naturalization service.

3. The individual has residence in Wisconsin. Prior to 1999 Wisconsin Act 9, there was a 60-day residency requirement.

4. Every parent in the individual's W-2 group fully cooperates in good faith with efforts to establish paternity of the dependent child and obtain support payments or any other payments or

property to which that parent and the dependent child may have rights, unless it is determined that the parent has good cause for not cooperating. An individual in the W-2 group who fails three times to cooperate may not be eligible until all members of the W-2 group cooperate or for a period of six months, whichever is later.

Good cause for not cooperating includes the following: (a) cooperation is reasonably anticipated to result in physical or emotional harm to the child for whom support is being sought, or to the parent with whom the child is living; (b) cooperating with the child support agency would make it more difficult to escape domestic abuse or unfairly penalize the individual victimized or at risk of being victimized of domestic abuse; (c) the child for whom support is sought was conceived as a result of incest or sexual assault; (d) a petition for the adoption of the child has been filed with the court, and proceeding to establish paternity or secure support would be detrimental to the child; or (e) the parent is being assisted by a public or private social services agency in deciding whether or not to terminate parental rights and the discussions have not lasted for more than three months.

5. The individual furnishes the W-2 agency with any relevant information that the agency determines is necessary, within seven working days after receiving a request for the information. The agency may extend the seven-day requirement if the agency determines that compliance within seven days would be unduly burdensome for an individual. W-2 agencies must keep all information regarding victims of domestic abuse strictly confidential, except to the extent needed to administer W-2.

6. The individual has made a good faith effort, as determined by the W-2 agency on a case-by-case basis, to obtain employment and has not refused a bona fide job offer within the 180 days immediately preceding the application.

7. The individual is not receiving federal or state supplemental security income payments. If the individual is a dependent child, the custodial parent of the individual may not be receiving an SSI caretaker supplement payment on behalf of the individual. Under administrative rule, the individual also may not be receiving federal social security disability insurance payments.

8. On the last day of the month, the individual is not participating in a strike.

9. The individual applies for or provides a social security number for all W-2 group members.

10. The individual reports any change in circumstances that may affect his or her eligibility to the W-2 agency within 10 days after the change. A temporary absence of a child must be reported within five working days.

11. If the individual has applied for W-2 within the 180 days immediately preceding the current application, the individual has cooperated with the efforts of a W-2 agency to assist the individual in obtaining employment.

12. No other individual in the W-2 group is a participant in a W-2 employment position. This provision does not apply to an individual applying for a job access loan.

13. The individual is not a fugitive felon, or violating a condition of probation, extended supervision, or parole imposed under federal or state law.

14. The individual assigns to the state any right of the individual or of any dependent child of the individual to support or maintenance from any other person that accrues during the time that any W-2 benefit is paid to the individual. No amount of support that begins to accrue after the individual ceases to receive benefits under W-2 may be assigned to the state. Under Wisconsin law, all support assigned to the state that does not have to be provided to the federal government as the federal share of assigned support is passed through to the family. Beginning October 1, 2010, the amount passed through to the family (the state's share) is 75% of the support amount.

15. The individual states in writing whether the individual has been convicted in any state or federal court of a felony relating to possession, use, or distribution of a controlled substance.

16. The individual cooperates in providing information needed to verify enrollment or good cause for the Learnfare program.

17. The individual cooperates in the requirement to search for unsubsidized employment throughout his or her participation in a W-2 employment position.

18. The individual cooperates in applying for other public assistance programs or resources that the financial and employment planner in the W-2 agency believes may be available to the individual.

19. The individual cooperates with providing eligibility information for other members of the W-2 group.

20. The individual cooperates with providing information for quality assurance reviews.

APPENDIX B

Serious Crimes from which Child Care Providers, Caregivers, and Residents Cannot be Rehabilitated for Reinstatement

1. Any felony crime against children, except for failure to pay child support and hazing.
2. Substantial or aggravated battery to a spouse.
3. Battery by prisoners, if the victim is a spouse.
4. Battery to a spouse when subject to certain injunctions.
5. First degree intentional homicide.
6. First degree reckless homicide.
7. Felony murder.
8. Second degree intentional homicide.
9. Second degree reckless homicide.
10. Mayhem.
11. First degree sexual assault.
12. Second degree sexual assault.
13. Third degree sexual assault.
14. Reckless injury.
15. Taking hostages.
16. Kidnapping.
17. Endangering safety by use of a dangerous weapon.
18. Disarming a peace officer.
19. Burglary with use of a dangerous weapon or with battery.
20. Robbery with use of a dangerous weapon.
21. Providing false information to, or intentionally withholding information from, DCF, a county department, a contracted agency, a school board, or other entity during the background check process.

22. An offense involving fraudulent activity as a participant in the W-2 program, including as a recipient of a child care subsidy, AFDC, medical assistance, food stamp benefits, supplemental security income payments, payments for the support of children of supplemental security income recipients, or health care benefits under the BadgerCare health care program.
23. Injury or death by providing alcoholic beverages to a minor, if the person completed his or her sentence, including any probation, parole, or extended supervision, or was discharged by the Department of Corrections, within the previous five years.
24. Falsification of proof of age for money or other consideration, if the person completed his or her sentence, including any probation, parole, or extended supervision, or was discharged by the Department of Corrections, within the previous five years.
25. Impersonating an officer to commit, or abet the commission of, a crime, if the person completed his or her sentence, including any probation, parole, or extended supervision, or was discharged by the Department of Corrections, within the previous five years.
26. Manufacturing or rectifying intoxicating liquor, or selling of this liquor, without a permit, if the person completed his or her sentence, including any probation, parole, or extended supervision, or was discharged by the Department of Corrections, within the previous five years.
27. Recovering, using, selling, concealing, or disposing of alcohol or alcoholic liquid derived from denatured alcohol, if the person completed his or her sentence, including any probation, parole, or extended supervision, or was discharged by the Department of Corrections, within the previous five years.
28. Homicide by intoxicated use of vehicle or firearm, if the person completed his or her sentence, including any probation, parole, or extended supervision, or was discharged by the Department of Corrections, within the previous five years.
29. Substantial or aggravated battery, if the person completed his or her sentence, including any probation, parole, or extended supervision, or was discharged by the Department of Corrections, within the previous five years.
30. Battery under special circumstances, if the person completed his or her sentence, including any probation, parole, or extended supervision, or was discharged by the Department of Corrections, within the previous five years.
31. Battery or threat to a judge, if the person completed his or her sentence, including any probation, parole, or extended supervision, or was discharged by the Department of Corrections, within the previous five years.
32. Battery or threat to a Department of Revenue employee, if the person completed his or her sentence, including any probation, parole, or extended supervision, or was discharged by the Department of Corrections, within the previous five years.
33. Battery or threat to a Department of Safety and Professional Services or Department of Workforce Development employee, if the person completed his or her sentence, including any

probation, parole, or extended supervision, or was discharged by the Department of Corrections, within the previous five years.

34. Injury by intoxicated use of a vehicle, if the person completed his or her sentence, including any probation, parole, or extended supervision, or was discharged by the Department of Corrections, within the previous five years.
35. Operating a vehicle without the owner's consent while possessing a dangerous weapon, if the person completed his or her sentence, including any probation, parole, or extended supervision, or was discharged by the Department of Corrections, within the previous five years.
36. Felony hazing, if the person completed his or her sentence, including any probation, parole, or extended supervision, or was discharged by the Department of Corrections, within the previous five years.
37. Felony operating a vehicle under the influence of an intoxicant or other drug or felony causing injury while operating a vehicle under the influence of an intoxicant or other drug, if the person completed his or her sentence, including probation, parole, or extended supervision, or was discharged by the Department of Corrections, within the previous five years.
38. Felony violation of the uniform controlled substances act, if the person completed his or her sentence, including any probation, parole, or extended supervision, or was discharged by the Department of Corrections, within the previous five years.
39. Felony failure to pay child support, if the person completed his or her sentence, including any probation, parole, or extended supervision, or was discharged by the Department of Corrections, within the previous five years, unless the person has paid all arrearages due and is meeting current support obligations.

APPENDIX C

Serious Crimes from which Child Care Providers Cannot be Rehabilitated for Reinstatement

1. Unauthorized use of an individual's personal identifying information or documents.
2. Unauthorized use of an entity's identifying information or documents.
3. Felony forgery.
4. Felony receiving stolen property.
5. Felony fraudulent insurance and employee benefit program claims.
6. Felony receiving a stolen financial transaction card.
7. Felony forgery of a financial transaction card.
8. Felony fraudulent use of a financial transaction card.
9. Felony fraudulent use of a financial transaction card by other persons.
10. Felony factoring prohibited (e.g. prohibiting a person from receiving payment from the issuer of a buyer's financial transaction card if that person did not, or did not agree to, furnish the money, goods, services, or anything else of value represented to be furnished by the transaction record).
11. Felony theft of telecommunications service.
12. Felony theft of commercial mobile service.
13. Felony theft of video service.
14. Felony theft of satellite cable programming.
15. Felony retail theft.
16. Felony offense against computer data and programs.
17. Felony causing interruption in computer services.
18. Felony offense against computers, computer equipment, or supplies.
19. Felony crime against a financial institution.

APPENDIX D

2013-2016 W-2 Agency Contract Performance Outcomes

Job Attainment

Payment from \$1,000 to \$1,627 per individual payable once the W-2 agency has verified all of the following:

- The individual has secured unsubsidized employment that complies with all applicable state and federal labor laws;
- A single employment lasted at least 31 calendar days;
- Either the total hours worked equals or exceeds 110 hours in the 31 calendar days following the first day of employment or the participant has earned at least \$870 in gross, unsubsidized wages in the 31 calendar days following the first day of employment;
- The individual who obtained employment was in an open W-2 placement one business day prior to the employment begin date or the individual's W-2 program request date is at least one business day prior to the employment begin date;
- The W-2 agency has not received another job attainment payment for the individual in the 12 months prior to the employment begin date; and
- All verification submitted by the W-2 agency was received by the W-2 agency while the individual had an open W-2 placement and was in the same W-2 episode as the first day of employment.

Long-Term Participant Job Attainment

Payment from \$1,000 to \$1,022 per individual payable once the W-2 agency has verified all of the following:

- The individual who obtained employment met all the requirements for the job attainment performance outcome described above;
- The W-2 agency has not received another long-term participant payment for the individual; and
- The participant, as of the contract begin date, has used at least 24 months of the 60-month state clock and used six or more months in 2012.

High Wage Job

Payment from \$188 to \$750 per individual payable once the W-2 agency has verified all of the following:

- The individual has secured unsubsidized employment that complies with all applicable state and federal labor laws;

- A single high wage employment lasted at least 31 calendar days;
- The total hours worked in the high wage job equals or exceeds 110 hours in the 31 calendar days following the first day of employment;
- The individual who obtained employment was in an open W-2 placement or the individual's W-2 program request date at least one business day prior to the employment begin date;
- The W-2 agency has not received another high wage payment for the individual in the 12 months prior to the employment begin date; and
- The hourly wage paid at the start of employment is equal or greater to a set wage in each geographical area, ranging from \$10.70 in the Northwest area to \$11.99 in the Southwest area.

Job Retention

Payment from \$1,760 to \$2,270 per individual payable, beginning after the first quarter of 2013, once the W-2 agency has verified all of the following:

- The individual has secured unsubsidized employment that complies with all applicable state and federal labor laws;
- Employment lasted at least 93 calendar days with no more than a single interruption of no more than 14 calendar days;
- Either the total hours worked equals 330 hours in the 93 calendar days following the first day of employment or the participant has earned at least \$2,610 in gross, unsubsidized wages in the 93 calendar days following the first day of employment;
- The individual who obtained employment was in an open W-2 placement or the individual's W-2 program request date is at least one business day prior to the employment begin date; and
- The W-2 agency has not received another job retention payment for the individual in the 12 months prior to the employment begin date.

SSI/SSDI Attainment

Payment from \$625 to \$1,250 per individual payable once the W-2 agency has verified all of the following:

- The individual is eligible for SSI or SSDI;
- The family had an open W-2 placement and the W-2 agency claiming payment was providing SSI advocacy services to that individual for at least 60 days prior to the date that the individual became eligible for SSI or SSDI; and
- The individual's W-2 case has closed as a result of being determined eligible for SSI/SSDI.

Payments vary for each geographic region and are not limited to one payment per individual per year. A single individual may attain different outcomes during a contract year, and the W-2 agency may be paid once per contract year per participant for each applicable performance outcome attained.

**2013-2016 W-2 Agency Contracts
Additional Incentive Payments**

Payment for Additional Outcomes above the Maximum Allocation for the Geographical Area

DCF may negotiate additional payments above the total maximum allocation in the geographical area for outcomes achieved beyond the target number of individuals in each performance measure as negotiated. Payments may be made for outcomes that exceed the following anticipated number of performance-based outcome payments per individual for each area for each outcome:

Area	Job Attainment	Long-Term Attainment	High Wage Attainment	Retention Attainment	SSI/SSDI Attainment
North Central	322	2	42	250	39
Northeast	473	2	56	378	48
Northwest	210	4	48	190	31
Southeast	615	40	225	559	125
Southwest	516	7	106	365	108
Western	115	3	22	100	16
Milwaukee East Central	1,044	217	189	944	175
Milwaukee North	950	227	195	975	168
Milwaukee South	864	226	196	944	162
Milwaukee West Central	1,101	229	208	800	191

Federal Work Participation Rate

W-2 agencies that meet the federal all families work participation rate of 50% for their geographical area will be eligible for the following quarterly payments above their total allocation amounts:

Geographical Area	Quarterly Amount
North Central	\$9,500
Northeast	14,500
Northwest	6,250
Southeast	20,500
Southwest	20,000
Western	2,500
Milwaukee East Central	44,188
Milwaukee North	44,188
Milwaukee South	44,188
Milwaukee West Central	44,188

APPENDIX E

General Provisions Regarding the Use of Federal Funding Under the Temporary Assistance for Needy Families Program and the Child Care Development Block Grant

TANF Funding

Wisconsin's annual TANF block grant allocation from the federal government is currently \$318.2 million. Under federal law, a tribal organization in a state may elect to operate a separate tribal public assistance program. For a tribe that submits an acceptable plan, the federal government will provide funding to the tribe and reduce the state's TANF block grant by an equivalent amount. After accounting for the nine separate tribal programs (Bad River, Forest County Potawatomi, Red Cliff, Mole Lake Sokaogon, Lac du Flambeau, Stockbridge-Munsee Mohican, Oneida, Menominee, and Lac Courte Oreilles), Wisconsin's annual TANF grant is \$313.9 million. One additional tribe (St. Croix) has requested its own TANF tribal grant. Once approved, DCF anticipates the state's TANF block grant could be reduced by approximately \$0.3 million.

Congress reauthorized the program through September 30, 2010, by including the reauthorization provision in the federal Deficit Reduction Act of 2005. The TANF block grant was reauthorized at the same funding level. A continuing resolution extended the TANF program until December 3, 2010. Another extension (until September 30, 2011) was included in the federal Claims Resolution Act of 2010. TANF was granted another three-month extension through December 31, 2011, and then another two-month extension, through February 28, 2012. The federal Middle Class Tax Relief and Job Creation Act of 2012 extended TANF through September 30, 2012. A continuing resolution has extended

TANF, again, through March 27, 2013. In addition, state funding is provided for the W-2 program under maintenance-of-effort requirements. The MOE requirements are discussed in the following section.

General Requirements

There are three ways in which a state may use TANF funds. First, a state may transfer up to 30% of the TANF block grant to the programs funded by the federal child care block grant and the social services block grant (SSBG). Current federal regulations limit the amount that can be transferred to the SSBG to 10% of TANF funds.

Second, a state may expend TANF funds for any use that was allowable under the previous AFDC, JOBS, emergency assistance, and child care programs.

Third, a state may expend TANF funds in any manner that is reasonably calculated to accomplish one of the purposes of the TANF program. There are four purposes specified in federal law. These are: (a) to provide assistance to "needy families" so children may be cared for in their homes or in the homes of relatives; (b) to end the dependence of "needy parents" on government by promoting job preparation, work, and marriage; (c) to prevent and reduce the incidence of out-of-wedlock pregnancies; and (d) to encourage the formation and maintenance of two-parent families.

Programs that meet the first or second purposes of TANF must serve "needy" families or parents. Generally, "needy" means having in-

come and assets at or below the income or asset levels set by the state in the TANF plan submitted to the federal government. Therefore, the state may establish the level at which a family or parent is considered needy. In Wisconsin, the income limits range from 115% of the federal poverty level for W-2 employment positions to 200% of the federal poverty level for grants to Boys and Girls Clubs of America to provide services to low income, TANF-eligible youth and for child care assistance after meeting the initial threshold of 185%. These income limits could be higher; however, the state must be able to justify that the income limit chosen is a low-income standard.

Programs that meet the third and fourth purposes of the TANF program can serve both needy and non-needy families. Expenditures for non-needy families under the third and fourth purposes of TANF can only be funded with TANF and not MOE, due to the definition of eligible families for MOE funds discussed later in this appendix.

Expenditures Classified as Assistance

The federal regulations make a distinction between an expenditure that provides "assistance" and one that does not. Expenditures that are classified as "assistance" include cash, payments, vouchers, and other forms of benefits designed to meet a family's ongoing basic needs such as food, clothing, shelter, utilities, household goods, personal care items, and general incidental expenses. These benefits also include supportive services such as child care and transportation for families that are not employed.

Expenditures that are not considered "assistance" include: (a) nonrecurring short-term benefits that are designed to deal with a specific crisis situation or episode of need, are not intended to meet recurrent or ongoing needs, and will not extend beyond four months; (b) work subsidies; (c) supportive services such as child care and

transportation for families that are employed; (d) refundable earned income tax credits; (e) contributions to and distributions from individual development accounts; (f) services such as counseling, case management, peer support, child care information and referral, transitional services, job retention, job advancement, and other employment-related activities that do not provide basic income support; and (g) certain transportation benefits related to the job access and reverse commute program.

If the expenditure is for "assistance," then several requirements will apply as discussed below:

Child Living with Relative. States may only provide TANF assistance to pregnant women and men or women who have dependent minor children living in the home. States may define families to include noncustodial parents, who may then engage in work activities, counseling, educational activities, parenting classes, or money management classes.

Paternity Establishment and Assignment of Child Support. Federal law requires families receiving TANF assistance to cooperate in establishing paternity for each minor child. If the individual fails to cooperate with establishing paternity and enforcing a support order with respect to a minor child, the state is required to reduce the amount of assistance provided to the family by 25%. The state may also deny the family any assistance. In addition, any right a family member may have to support from any other person must be assigned to the state. These requirements do not apply if the family has good cause to not cooperate or meets another exception defined by the state.

Time Limit. An individual may receive TANF assistance for a maximum of 60 months. States have the option to extend assistance paid for by federal TANF funds beyond the five-year limit for up to 20% of the average monthly number of

families receiving assistance during the fiscal year or the immediately preceding fiscal year. States can extend assistance on the basis of: (a) hardship as defined by the state; or (b) the fact that the family includes someone who has been battered or subject to extreme cruelty.

If the federal government determines that a state has not complied with the time limit, there will be a 5% grant reduction. The TANF regulations indicate that this penalty may be avoided only if: (a) the failure is due to extensions in cases of domestic abuse; (b) the state had reasonable cause due to natural disasters, incorrect federal guidance, or isolated problems of minimal impact; or (c) the state achieves compliance under a corrective compliance plan.

Work Participation Requirements. Federal law requires that a work-eligible individual engage in work once the state determines the individual is ready, or after 24 months of receiving TANF assistance, whichever is earlier. A work-eligible individual is defined as an adult (or minor child head-of-household) who receives assistance under TANF or a separate state program or a non-recipient parent living with a child who receives such assistance unless the parent is: (a) a minor parent and not the head-of-household; (b) a non-citizen who is ineligible to receive assistance due to his or her immigration status; or (c) on a case-by-case basis, an SSI recipient. A work-eligible individual does not include a parent providing care for a disabled family member, an individual receiving MOE-funded assistance under an approved tribal TANF program, or, on a case-by-case basis, an SSDI recipient.

For purposes of this provision, the types of required work activities are defined by the state. If a parent or caretaker has received assistance for two months, they must participate in community service employment unless the recipient is participating in work requirements or the state has exempted the recipient from work requirements.

In addition, the state must meet certain minimum work participation rates or incur financial penalties. For purposes of the work participation targets, federal law defines the types of activities that may be counted. The state's work participation rates had been reduced based on caseload reductions that have occurred since 1995. Under the federal Deficit Reduction Act of 2005, beginning in FFY 2007, the state's work participation rates may be reduced based on caseload reductions that have occurred since 2005. However, states may not count caseload reductions that have occurred due to changes in federal requirements or state eligibility requirements. Finally, states are also allowed to receive caseload reduction credit for excess MOE spending (the excess MOE caseload credit is calculated by dividing total annual excess MOE spending on assistance by the average monthly expenditures for assistance per case for the fiscal year).

In an information memorandum dated July 12, 2012, the federal Administration for Children and Families, within the federal Department of Health and Human Services (DHHS), indicated that states may apply for a waiver of the work participation requirements to encourage states to consider new, more effective ways to meet the goals of the TANF program. The information memorandum indicated that the waiver application should include approaches to increase employment outcomes. Subsequent communication from the DHHS Secretary indicated that a waiver would only be considered if the application contained a plan to move at least 20% more people from welfare to work than the current work participation rates would require. Wisconsin did not apply for a waiver.

Table 10 shows the following information for all families and two-parent families by federal fiscal year: the original federal work participation requirement; the credit Wisconsin received for reduced caseloads; the adjusted target; and the actual worker participation rate.

Table 10: Work Participation Rates

FFY	All Families				Two-Parent Families			
	Target	Federal Credit**	Adjusted Target	Actual	Target	Federal Credit**	Adjusted Target	Actual
1998	30%	-42%	0%	64%	75%	-73%	2%	39%
1999	35	-70	0	80	90	-70	20	56
2000	40	-50	0	73	90	-50	40	35
2001	45	-56	0	75	90	-56	34	39
2002	50	-54	0	69	90	-54	36	39
2003	50	-52	0	67	90	-69	21	40
2004	50	-50	0	61	90	-69	21	33
2005	50	-49	1	44	90	-69	21	26
2006	50	-53	0	36	90	-78	12	17
2007*	50	-19	31	37	90	-100	0	21
2008*	50	-54	0	37	90	-100	0	32
2009*	50	-24	26	40	90	-68	22	33
2010*	50	-24	26	43	90	-73	17	31
2011*	50	-50	0	38	90	-90	0	22

*Use 2005 as base comparative year, rather than 1995.

**Beginning in 2007, the credit includes the sum of the caseload reduction credit and the excess MOE adjustment.

The percentage credits for work participation rates in Table 10 from FFY 1998 through FFY 2006 are based on caseload reductions that occurred since 1995. Beginning with FFY 2007, the credits are based on caseload reductions that occurred since 2005.

If a state does not comply with the minimum participation requirements, the federal government can reduce the TANF grant from 5% to 21%, depending on how many years the state fails to meet the requirements and the degree of noncompliance. However, federal law states that grant reductions will be based on the degree of noncompliance and penalties may be reduced if non-compliance was due to a high rate of unemployment or extraordinary circumstances, such as a natural disaster or regional recession.

Recipients who refuse to work must be penalized unless they have good cause as defined by the state. The family's grant award must be reduced at least by the pro-rata share of the award for the time the family refused to comply

with work requirements. If a state does not impose penalties on families, the TANF grant can be reduced from 1% to 5%.

Failure to establish or comply with work participation verification procedures, established under the federal Deficit Reduction Act of 2005, could result in a grant reduction from 1% to 5%. Failure to maintain adequate internal controls to ensure a consistent measurement of work participation could result in a grant reduction from 1% to 5%, depending on the number of years in violation of this requirement.

Minor Parents. Assistance may be provided to unmarried minor parents only if the minor parent has a high school diploma or participates in educational activities toward attaining a high school diploma or its equivalent. In addition, no assistance may be provided to unmarried minor parents who are not living in an adult-supervised living arrangement.

Data Reporting. States are required to report

detailed information regarding individuals and families receiving TANF assistance. This information includes demographic information and detail on the type, amount, and length of assistance received.

Fraud Cases. States are required to deny assistance for a period of ten years to individuals convicted in federal or state court of having made a fraudulent statement or representation with respect to the individual's place of residence in order to receive TANF assistance, Medicaid, or food stamps simultaneously in two or more states.

Fugitive Felons and Drug Felons. States are required to deny assistance to fugitive felons and persons violating a condition of parole under state or federal law. In addition, individuals convicted of a felony involving possession, use, or distribution of a controlled substance after August, 1996, are barred from receiving assistance from TANF or food stamps. However, the family of the drug felon can receive a reduced amount from these grants. States may opt out of the drug felon prohibition or limit the prohibition to a certain time period.

Accessing Benefits. The federal Middle Class Tax Relief and Job Creation Act of 2012 requires states to establish policies that prevent TANF recipients from accessing benefits at automated teller machines located in liquor stores, casinos, or adult entertainment establishments.

Expenditures Classified as "Non-Assistance"

If the expenditure can be classified as "non-assistance," the following TANF requirements do not need to apply: presence of a child living with a relative; assignment of child support and cooperation with paternity establishment; time limit on assistance; work requirements and sanctions; requirements on minor parents; data reporting requirements; and exclusions for fraud cases, fugitive felons, and drug felons. Financial eligibil-

ity levels for non-assistance can be higher or lower than for cash assistance. The different requirements for "assistance" versus "non-assistance" are shown in Table 11.

Other Restrictions

Whether for "assistance" or "non-assistance," federal law contains other restrictions regarding the use of TANF funds.

Medical Services. Federal law prohibits TANF funds from being used for medical services, except pre-pregnancy family planning services. States may use TANF funds for non-medical substance abuse treatment services, including room and board costs at residential treatment programs.

Legal Immigrants. Federal law contains certain restrictions on using federal TANF funds to provide assistance to families that include a qualified legal immigrant, depending upon the individual's immigration status and when the person entered the United States.

States have the option to provide TANF assistance to all qualified legal immigrants who entered the U.S. prior to August 22, 1996. Qualified legal immigrants are defined as lawful permanent residents, refugees, asylees, those granted parole for more than one year, those whose deportation has been withheld, those considered conditional entrants before 1980, Cuban and Haitian entrants, and certain victims of domestic violence.

Qualified legal immigrants who enter the U.S. after August 22, 1996, are not eligible for assistance funded with federal TANF dollars until five years after the date they enter. After this time, the state has the option to provide assistance to these families.

However, the following qualified aliens are exempt from this five-year ban: refugees,

asylees, immigrants who have been granted withholding of deportation, Amerasian immigrants, Cuban-Haitian refugees, veterans, active duty military personnel, and spouses and dependents of veterans or active duty military personnel.

Immigrants who are not qualified generally include unauthorized immigrants, immigrants who are categorized as persons residing under the color of law (PRUCOL aliens), students, tourists, and asylum applicants. These nonqualified immigrants are ineligible for TANF funded assistance.

Non-Displacement. TANF funds may not be used to fill a job vacancy when another individual has been laid off from the same or any substantially equivalent job. In addition, an employer cannot terminate a regular employee in order to fill the vacancy with a TANF-funded position.

Administration. Administrative costs may not exceed 15% of all TANF expenditures. Expenditures of federal funds for information technology and computerization needed for tracking or monitoring activities are not subject to the 15% limit.

Penalties. Federal law includes several penalties that may be imposed against the state for failing to meet various requirements of the TANF program. Penalties are generally taken as a percentage of the state's TANF block grant. If the TANF block grant is reduced, the state must expend its own funds in the following fiscal year to replace the reduction in the grant. If the state fails to expend its own funds, an additional 2% of the block grant plus the amount the state has failed to expend of its own funds may be reduced from the state's block grant. The total reduction in the state's grant may not exceed 25%. If the reduction exceeds 25%, the federal government will continue to apply a penalty in subsequent years until the full amount of the penalty is taken.

States can avoid some penalties by demonstrating reasonable cause or by obtaining approv-

al of a corrective compliance plan which identifies time periods and milestones to correct the problem. Reasonable cause can only be due to natural disasters, incorrect federal guidance, or isolated problems of minimal impact. If a state fails to meet the provisions of its corrective compliance plan but made significant progress or could not correct the problem because of a natural disaster or recession, the federal government may impose a lower penalty.

Child-Only Cases

In some cases, only the child receives assistance. In Wisconsin, this is the case for the kinship care program and the SSI caretaker supplement. Under the federal Deficit Reduction Act of 2005, a non-recipient parent living with a child receiving assistance is a work-eligible individual subject to work participation requirements, unless the parent is: (a) a minor parent who is not a head-of-household; (b) an alien who is ineligible to receive assistance due to his or her immigration status; or (c) an SSI or SSDI recipient, on a case-by-case basis. Formerly, work participation requirements did not apply to child-only cases because the parent did not receive assistance.

Maintenance-of-Effort (MOE) Requirements

Under federal law, a state must spend an amount of state dollars equal to 75% of historic state expenditures if the state meets federal mandatory work requirements, or 80% if the state does not meet these requirements. Historic state expenditures generally means federal fiscal year 1994 expenditures for the former AFDC and JOBS programs, AFDC-emergency assistance, AFDC-related child care, and at-risk child care. In addition, the MOE requirement may be reduced by the percentage reduction in the state's TANF block grant attributable to tribal programs.

The state's basic annual MOE requirement is currently \$158.5 million, based on 75% of historic state expenditures. This amount will be slightly less once the state's TANF block grant is reduced due to two additional tribes receiving TANF funds directly. The major provisions regarding expenditures of state dollars that could count toward the MOE requirement are described in the following sections.

Unless expenditures are for non-assistance pro-family activities, in order to count toward the maintenance-of-effort requirement, expenditures must be made for "eligible families." Eligible families must meet the income and resource requirements for needy families under the TANF program. In addition, an eligible family must have a minor child living with a parent or include a pregnant individual.

Expenditures for eligible families that may count toward the MOE include: (a) cash assistance; (b) child care assistance; (c) educational activities to increase self-sufficiency, job training, and work; (d) any other use of funds that would accomplish the purposes of the TANF program, described in the previous section (including nonmedical treatment services for alcohol and drug abuse, some medical treatment services, and pro-family activities that do not constitute assistance); and (e) up to 15% can be used for administrative costs. MOE funds can be used for activities that are classified as "assistance" as well as "non-assistance." Expenditures for educational activities may not include public education expenditures, unless the expenditure is for services to a member of an eligible family to increase self-sufficiency, job training, and work and is not generally available to persons who are not members of eligible families. Expenditures for child care can include state funds to meet the requirements of the matching fund for the child care development block grant.

Expenditures in state- or local-funded programs can count towards the MOE requirement

only if: (a) the expenditures exceed the amount expended for the same program in FFY 1995; or (b) the expenditures would have been previously authorized and allowable under the former AFDC, JOBS, or emergency assistance programs. State funds used to meet the healthy marriage promotion and responsible fatherhood grant [a new grant provided under the federal Deficit Reduction Act] match requirement may also count to meet the MOE requirement provided the expenditure also meets all the other MOE requirements.

Unlike TANF expenditures, MOE funds can be used for services to all lawfully present immigrants, medical services, and persons who have reached the time limit for assistance.

Expenditures for eligible families that count toward MOE may not include expenditures of any federal dollars, state expenditures under the medicaid program, any state funds used to match federal funds or spent as a condition of receiving federal funds, expenditures that a state made in a prior fiscal year, expenditures used to match federal welfare-to-work funds, and expenditures made to replace reductions resulting from penalties. However, matching expenditures for the healthy marriage promotion and responsible fatherhood grant may be counted as MOE.

Under federal law, the state's basic TANF grant will be reduced by the amount, if any, by which qualified state expenditures in the previous year are less than the MOE requirement.

States may spend their MOE funds in three different funding configurations: commingled with TANF funds; segregated from TANF funds but spent on services that are funded with TANF funds; and through a separate state program. Depending on how the funds are spent, varying federal requirements will apply. These requirements are summarized in Table 11.

Table 11: Overview of TANF Provisions Under Different Funding Configurations

Provision	Federally Funded TANF "Assistance" Programs & "Assistance" Programs Funded with Commingled TANF and MOE Funds	Federally Funded TANF "Non-Assistance" Programs & "Non-Assistance" Programs Funded with Commingled TANF and MOE Funds	TANF Programs Funded with Segregated State MOE Funds	Separate State MOE Programs
State required to set income standards	If TANF only, income standard only required for 1 st and 2 nd purposes of TANF. If comingled, income standard required for all TANF purposes.	If TANF only, income standard only required for 1 st and 2 nd purposes of TANF. If comingled, income standard required for all TANF purposes.	Yes	Yes
Allowable expenditures	(1) Expenditures meeting the TANF purposes; or (2) expenditures authorized under old AFDC, JOBS, emergency assistance, and child care programs	(1) Expenditures meeting the TANF purposes; or (2) expenditures authorized under old AFDC, JOBS, emergency assistance, and child care programs	Must be for purposes of TANF and for cash assistance, child care, certain education, administrative costs or other activities related to TANF purposes	Same as prior column
Child living with relative requirement	Yes	No	Yes	Yes
Child support assignment and paternity cooperation requirements	Yes	No	Yes	No
Time limit on assistance	Yes	No	No	No
Work requirements	Yes	No	Yes	Yes, if MOE is for "assistance"
Work sanctions	Yes	No	Yes	No
Minor parent requirements	Yes	No	No	No
Data reporting requirements	Yes	No	Yes	Yes, if states want caseload reduction credit
Fraud case exclusion	Yes	No	No	No
Fugitive felons exclusion	Yes	No	No	No
Drug felons reduced benefits	Yes	No	Yes	No
Medical services	Only pre-pregnancy family planning	Only pre-pregnancy family planning	No specific restriction	No specific restriction
Non-displacement	Yes	Yes	No	No
15% administrative cap	Yes	Yes	Yes	Yes

(a) *Commingled with TANF.* State MOE funds may be commingled with TANF revenues. These funds are subject to federal funding restrictions, TANF requirements, and MOE limitations. If the expenditure qualifies as "assistance", all of the "assistance" requirements apply.

(b) *Segregated from Federal Funds but Spent in TANF.* If a state chooses to segregate its MOE expenditures from federal funds but spend them on services that are also funded with TANF funds, many of the TANF requirements will apply, including the work participation requirements, child support assignment, and reporting. However, time limits and some federal requirements do not apply such as restrictions for minor parents.

(c) *Separate State Programs.* A state can choose to use a separate state program operated outside of the TANF program. These expenditures are very flexible and are not subject to the general TANF requirements such as work sanctions, time limits, and child support assignment, even if the expenditures would be normally classified as "assistance." However, they must be consistent with the goals of the TANF statute and other MOE requirements. They are also subject to the 15% administrative cap for MOE and case-record reporting requirements.

DCF reported MOE in the amount of \$277.9 million to the federal government for FFY 2011 from the following sources: (a) state funding appropriated in DCF (\$150.6 million); (b) DHS funding for alcohol and other drug abuse programs (\$6.2 million); (c) child support pass-through to W2 participants (\$2.5 million); (d) DCF brighter futures program (\$0.8 million); (e) low income energy assistance program (\$29.2 million); (f) TANF burials (\$0.1 million); (g) DCF domestic violence program (\$5.9 million); (h) Department of Public Instruction targeted high poverty/high risk funds (\$79.1 million); and (i) morning milk and breakfast program (\$3.5 million). It should be noted that due to the receipt

of TANF contingency funds, described below, additional MOE was required in 2011.

Contingency Fund

The federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 changed public assistance from an entitlement to a capped block grant. A contingency fund was also established to provide additional matching grants to states during times of economic downturns if certain conditions are met.

Eligibility

In order to receive a payment of contingency funds, a state must: (a) be a needy state; and (b) submit a request for contingency funds during an eligible month.

A needy state may be defined in two ways. First, a state is needy if the average rate of total unemployment for the most recent three-month period equals or exceeds 6.5% and this average rate equals or exceeds 110% of the average rate for either of the corresponding three-month periods in the two preceding calendar years. Second, a state is needy if the Secretary of the federal Department of Agriculture has determined that the average number of individuals participating in the FoodShare program has grown at least 10% in the most recent three-month period over the corresponding three-month period in 1994 or 1995 (whichever year had the lower caseload).

If a state is determined needy for a given month, the state is then eligible to receive a provisional payment of contingency funds for two consecutive months.

Payments to States

Payments from the contingency fund are made to states determined to be needy in the or-

der in which the requests for payments are made. The total number of payments made cannot exceed the amount appropriated for this purpose.

The maximum amount of payments in a year is 20% of the state's TANF block grant. A state can only receive a portion of this 20% that corresponds to the number of eligible months for which the state has requested contingency funds. For example, if a state has requested contingency funds for three months of the fiscal year, the maximum the state could receive in contingency funds is 25% (three months is 25% of a year) of the 20% of the state's TANF block grant (or 5% of the TANF block grant).

States must spend contingency funds in the fiscal year in which they are awarded. None of the funds may be transferred to any other block grant. The restrictions and prohibitions regarding TANF funds also apply to contingency funds.

Maintenance-of-Effort and Match Requirements

In order to receive contingency funds, a state must spend an amount of state dollars equal to 100% of historic state expenditures. Adjusted for tribal allocations, 100% of historic state expenditures (MOE for TANF contingency funds) totals \$211.3 million for Wisconsin. In addition, a state must provide matching funds at the state's federal medical assistance percentage applicable for the fiscal year in which funds are awarded.

States must complete an annual reconciliation to determine how much, if any, of the contingency funds received in a fiscal year may be retained based on maintenance-of-effort and matching funds expended. If, based on the annual reconciliation, it is determined that the state failed to meet the maintenance-of-effort and/or matching requirements, then the state must pay back all, or a portion, of the contingency funds. These funds must be paid back within one year after it is determined that the state is no longer a needy state.

The one-year period begins after the state fails to meet the definition of "needy" for three consecutive months.

If a state fails to pay back the contingency funds, the state's TANF block grant for the next fiscal year is reduced by the amount of contingency funds that was required to be paid back.

The appropriation for the TANF contingency fund was eliminated under the federal Claims Re-settlement Act of 2010. As a result, the state did not apply for TANF contingency funds in FFY 2010. However, the continuing resolutions extending the TANF program through March, 2013, retained the appropriation and continued to provide funding for the contingency fund. Therefore, the state applied for TANF contingency funds in FFY 2011 and FFY 2012. Whether TANF contingency funds will continue to be available depends on TANF reauthorization language or language contained in any other continuing resolutions.

The state applied for contingency funds, and was determined to be a needy state, in FFY 2009, 2011, 2012, and in 2013 (through March). The state received \$62.9 million in contingency funds in FFY 2009, \$15.7 million in FFY 2011, \$27.7 million in FFY 2012, and has been awarded an estimated \$26.9 million in FFY 2013.

Emergency Fund

The American Recovery and Reinvestment Act of 2009 (ARRA) established a TANF emergency fund of \$5 billion, which set aside a maximum amount that each state could access equal to one-half of the state's TANF block grant. States were only allowed to access these funds until September 30, 2010.

Qualified Expenditures for Reimbursement

Until September 30, 2010, states could claim emergency funds in an amount equal to 80% of the increased expenditures in the following areas: (a) TANF caseload and basic assistance costs; (b) non-recurrent, short-term benefits; (c) subsidized employment costs; and (d) certain costs of running a summer food service site under the summer food service program. Once claimed, TANF emergency funds can be spent for any TANF-approved purpose. Because TANF emergency funds may only be claimed for these specified expenditures, a state may receive less of these funds than the amount set aside under the federal ARRA if the state does not have sufficient expenditures in one or more of these categories.

Wisconsin's Allocation

Under the federal ARRA, Wisconsin's maximum allocation of TANF emergency funds is \$157.2 million (one-half of the \$314.5 million TANF block grant). However, in FFY 2009, the state applied for and was awarded \$62.9 million in TANF contingency funds described above. These contingency funds were deducted from the maximum allocation amount under the TANF emergency fund. Therefore, \$94.3 million remained available to claim for expenditures made for one of the qualified expenditures under the federal ARRA.

Status of TANF Emergency Fund

The ability to access the TANF emergency funds ended on September 30, 2010. The approved and pending applications from all states exceeded the \$5 billion set aside for the TANF emergency fund. As a result, the federal Administration for Children and Families implemented a queue system to review the applications for payment with the remaining available TANF emergency funds. Those states that submitted their applications first will have their applications reviewed for payment first.

As of October 1, 2012, Wisconsin has received \$50.5 million in TANF emergency funds as reimbursement for qualified expenditures from the \$94.3 million allocated for the state. The state received notice on September 24, 2012 that the final TANF emergency fund award will total \$5,042,500.

Federal Child Care Program and Funding

Financing

The child care and development block grant (CCDBG) provides a combination of discretionary and entitlement funds for child care services for low-income families and to improve the quality and supply of child care for all families. States receive discretionary funds based on each state's share of children under age five, the state's share of children receiving free or reduced-price lunches, and state per capita income. There is no state matching requirement. Discretionary funds must be obligated in the year received or in the following year. Unused funds are reallocated.

CCDBG entitlement funds are allocated to states in two components. First, each state receives a fixed amount based on funding received under the three child care programs previously authorized under AFDC. These funds are often referred to as "mandatory" funds. States are not required to match mandatory entitlements, which remain available until expended.

Second, after the mandatory entitlements are allocated, any remaining entitlement funds are distributed according to each state's share of children under age 13. States must meet maintenance-of-effort and matching requirements for these funds. Specifically, states must spend all of their "mandatory" entitlement funds plus state funds equal to 100% of the amount spent in FFY 94 or FFY 95, whichever is higher, under the

AFDC-related child care programs. In addition, states must provide matching funds at the medicaid matching rate (approximately 40% in Wisconsin). Matching funds must be spent within the year received or obligated in the year received and spent within the next fiscal year.

Wisconsin's CCDBG funding for FFY 2012 totaled \$91.0 million, which is made up of the following allocations: (a) \$36.0 million in discretionary funds; (b) \$24.5 million in mandatory entitlement funds; (c) \$30.1 million in matching entitlement funds; and (d) \$0.4 million in reallocated awards received in FFY 2009.

Eligibility

Under the federal CCDBG program, states are allowed to provide services to children in families with income equal to or less than 85% of the state's median income. According to the U.S. Census Bureau American Community Survey, the estimated median income for a Wisconsin family of four in 2011 is \$79,648 (85% of which is equal to \$67,701). As noted, Wisconsin limits initial eligibility for the W-2 child care program to families with income of no more than 185% of the federal poverty level (\$42,643 for a family of four in 2012), who remain eligible until income exceeds 200% of poverty (\$46,100 for a family of four in 2012).

Under the federal program, the children must be less than 13 years old and living with parents who are working or enrolled in school or training, or be in the need of protective services. Federal regulations also allow, at the state's option, children over the age of 12 and under 19 to be eligible if the child is physically or mentally incapable of caring for himself or herself.

Use of Funds

There are a number of federal provisions related to the states' use of CCDBG funds. These requirements include:

a. Federal law requires states to use at least 70% of their total entitlement funds for child care services for families that are trying to become independent of TANF through work activities and families at risk of becoming dependent on TANF. States must ensure that a substantial portion of remaining funds is used to provide assistance to other low-income working families.

b. CCDBG funds may be used for child care services provided on a sliding fee scale. Federal regulations specify that fees be based on family size and income. States are also allowed to waive child care fees for families with incomes at or below the poverty level. Payment rates must ensure equal access for eligible children as compared to services provided to children whose parents are not eligible for child care subsidies.

c. States are required to spend a minimum of 4% of their child care allotments (discretionary and entitlements) for consumer education activities for parents and the public, to increase parental choice, and to improve quality and availability (including resource and referral services).

d. Child care providers must meet all state and local registration, licensing, and regulatory requirements in order to receive federal funds. States are also required to have licensing requirements in effect. States must establish minimum health and safety standards covering prevention and control of infectious diseases (including immunization), building and physical premises safety, and health and safety training.

e. Parents must be given an option to enroll their children with a provider under contract with the state or be given a certificate or voucher to receive services from an eligible provider of the parent's choice. Eligible providers may also include individuals age 18 and older who provide child care for their grandchildren, great grandchildren, nieces or nephews, or siblings if the provider lives in a separate residence.

f. There are specific federal requirements in regard to sectarian providers of child care services. Funds received through direct grants or contracts with a government agency may not be used for any sectarian purpose or activity, including religious worship, and instruction. However, a sectarian provider that receives a child care certificate or voucher from a parent is not so restricted.

g. No more than 5% of a state's federal child care allotment may be used for administrative costs. In addition, states must submit two-year plans to the federal Secretary of the Department of Health and Human Services, in conform-

ance with federal requirements, outlining how child care programs will be administered. States are also required to submit disaggregated data on children and families receiving subsidized child care to the federal Department of Health and Human Services every quarter and aggregate data annually. States must also report error rates and improper payments.

Federal CCDBG funds do not guarantee child care to an eligible family. However, single parents with children under the age of six who cannot find child care may not be penalized for failure to engage in work activities.