

**State of Wisconsin
Department of Children and Families**

Child Care Subsidy Eligibility Redeterminations

DCF 201

The Wisconsin Department of Children and Families proposes to repeal and recreate s. DC 201.04 (3) (b), relating to child care subsidy eligibility redeterminations.

Analysis Prepared by the Department of Children and Families

Statutory authority: Sections 49.155 (1m) (d) and 227.11 (2) (a), Stats.

Statutes interpreted: Section 49.155, Stats.; 42 USC 9858c (c) (2) (N) (i)

Related statutes or rules: 45 CFR 98.21 (a) (intro.)

Explanation of Agency Authority

The department administers the child care subsidy program under s. 49.155, Stats. Section (1m), Stats., specifies the eligibility criteria for the program, and s. 49.155 (1m) (d), Stats., allows the department to establish other eligibility criteria established by rule.

Section 49.155 (3) (e), Stats., provides that the department may require the county departmental agency to review and redetermine the financial and nonfinancial eligibility of individuals receiving care subsidies, at intervals or as otherwise required by the department.

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

Summary of the Proposed Rule

Section DCF 201.04 (3) (b) provides that a child care administrative agency shall redetermine a parent's need for service and eligibility at least every 6 months. The proposed rule will change the minimum frequency of a redetermination of parent eligibility to no sooner than 12 months following the initial determination or most recent redetermination.

Summary of Factual Data and Analytical Methodologies

The change is required under federal law.

Summary of Related Federal Law

A CCDF rule based on the Act was adopted on September 30, 2016. The newly-created 45 98.21 (a) (intro.) provides that an agency shall re-determine a child's eligibility for child care a no sooner than 12 months following the initial determination or most recent redetermination. In period of time between determinations or redeterminations, the child shall be considered eligible receive services at least at the same level, regardless of specified changes in the family's circumstances. A similar statutory provision is at 42 USC 9858c (c) (2) (N) (i).

Comparison to Adjacent States

All states are required to comply with federal Child Care Development Fund requirements.

Effect on Small Businesses

The rules do not affect small businesses under s. 227.114 (1), Stats.

Analysis Used to Determine Effect on Small Businesses

Most of the child care administrative agencies are counties or tribes. The only contracted nongovernmental agency affected is UMOS, and it is not a small business.

Agency Contacts

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SECTION 1. DCF 201.04 (3) (b) is repealed and recreated to read:

DCF 201.04 (3) (b) No sooner than 12 months following the initial determination or most redetermination.

SECTION 2. EFFECTIVE DATE. This rule shall take effect the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Stats.