



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-1392/P3  
EAW:jld

DOA:.....Bong, BB0239 - Child care 3-month period before termination

**FOR 2017-2019 BUDGET -- NOT READY FOR INTRODUCTION**

**AN ACT** ...; **relating to:** the budget.

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*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**WISCONSIN WORKS**

This bill provides a grace period after an individual permanently ceases participating in an approved activity before the individual will lose eligibility to receive a child care subsidy under the Wisconsin Shares program. This bill also provides that a parent will not lose eligibility to receive a child care subsidy under the Wisconsin Shares program due to a temporary break from participating in an approved activity.

Under current law, the Wisconsin Works (W-2) program, which is administered by DCF, provides work experience and benefits for low-income custodial parents who are at least 18 years old. Also, an individual who is the parent of a child under the age of 13 or, if the child is disabled, under the age of 19 may receive a child care subsidy under the part of the W-2 program known as Wisconsin Shares if the individual needs child care services to participate in various educational or work activities (approved activities) and satisfies other eligibility criteria.

The bill provides that, if an individual who is eligible for a child care subsidy under Wisconsin Shares permanently ceases participating in an approved activity, the individual will remain eligible for the child care subsidy for a period of three months after the individual ceases participation or until the individual's eligibility is redetermined, whichever is earlier. The bill also provides that an individual will

remain eligible for a child care subsidy while the individual experiences a temporary break in an authorized activity, such as a break due to illness, to care for a family member, a school or holiday break, a regular break from seasonal work, or any other temporary break from an approved activity that does not exceed three months.

Under current law, if a payment to a child care provider under the Wisconsin Shares program is based on authorized hours of child care, DCF is required to track a child's hourly usage of child care authorizations over a six-week period, and, if the child's hourly usage over that six-week period is less than 60 percent of the authorized hours, DCF must reduce the authorized hours to 90 percent of the maximum number of hours that the child attended during that six-week period. Current law excludes some vacation and sick leave when calculating the number of hours a child attended during a six-week period. This bill adds that DCF must not reduce the authorized hours based on a reduction in hours attended due to a temporary break from an approved activity.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

**SECTION 1.** 49.155 (1) (cm) of the statutes is created to read:

49.155 (1) (cm) "Temporary break" means an individual's time-limited absence from an authorized activity due to illness, leave to care for an individual's family member, a student or holiday break, an interruption in work for a seasonal worker who is not working between regular industry work seasons, or any other cessation of an authorized activity as long as the individual continues to be employed or enrolled in the authorized activity and the absence does not exceed 3 months.

**SECTION 2.** 49.155 (1m) (a) (intro.) of the statutes is amended to read:

49.155 (1m) (a) (intro.) The Subject to sub. (2), the individual is a parent of a child who meets the requirement under s. 49.145 (2) (c) and who is under the age of 13 or, if the child is disabled, is under the age of 19; or is a relative who, under s. 48.57 (3m) or (3n) or 48.62, is providing care and maintenance for a child who meets the requirement under s. 49.145 (2) (c) and who is under the age of 13 or, if the child is

disabled, is under the age of 19; and child care services for that child are needed in order for the individual to ~~de~~ participate in an approved activity. An individual who is eligible to receive a child care subsidy under this subsection shall remain eligible for that subsidy for a period of 3 months after the individual permanently ceases participation in the approved activity or until the department or the county department or agency redetermines the individual's eligibility, whichever is earlier. In this paragraph, "approved activity" means any of the following:

\*\*\*\*NOTE: This is reconciled s. 49.155 (1m) (a) (intro.). This SECTION has been affected by drafts with the following LRB numbers: LRB-1392/P2 and -1413/P2.

**SECTION 3.** 49.155 (1m) (a) 1. of the statutes is amended to read:

49.155 **(1m)** (a) 1. ~~Meet~~ Meeting the school attendance requirement under s. 49.26 (1) (ge).

**SECTION 4.** 49.155 (1m) (a) 1m. (intro.) of the statutes is amended to read:

49.155 **(1m)** (a) 1m. (intro.) ~~Obtain~~ Obtaining a high school diploma or ~~participate~~ participating in a course of study meeting the standards established by the state superintendent of public instruction for the granting of a declaration of equivalency of high school graduation, if the individual is not subject to the school attendance requirement under s. 49.26 (1) (ge) and at least one of the following conditions is met:

**SECTION 5.** 49.155 (1m) (a) 2. of the statutes is amended to read:

49.155 **(1m)** (a) 2. ~~Work~~ Working in an unsubsidized job, including training provided by an employer during the regular hours of employment.

**SECTION 6.** 49.155 (1m) (a) 3. of the statutes is amended to read:

49.155 **(1m)** (a) 3. ~~Work~~ Working in a Wisconsin works employment position, including participation in job search, orientation, and training activities under s.

49.147 (2) (a) and in education or training activities under s. 49.147 (3) (am), (4) (am), or (5) (bm).

**SECTION 7.** 49.155 (1m) (a) 3m. of the statutes is amended to read:

49.155 (1m) (a) 3m. ~~Participate~~ Participating in a ~~job search or work experience~~ component of the food stamp employment and training program under s. 49.79 (9).

\*\*\*\*NOTE: This is reconciled s. 49.155 (1m) (a) 3m). This SECTION has been affected by drafts with the following LRB numbers: LRB-1392/P2 and -0956/P5.

**SECTION 8.** 49.155 (1m) (a) 3r. of the statutes is amended to read:

49.155 (1m) (a) 3r. ~~Participate~~ Participating in the Transform Milwaukee Jobs program, or the Transitional Jobs program, under s. 49.163.

**SECTION 9.** 49.155 (1m) (a) 4. of the statutes is amended to read:

49.155 (1m) (a) 4. ~~Participate~~ Participating in basic education, including an English as a 2nd language course; literacy tutoring; or a course of study meeting the standards established by the state superintendent of public instruction under s. 115.29 (4) for the granting of a declaration of equivalency of high school graduation, if the department or the county department or agency determining eligibility determines that basic education would facilitate the individual's efforts to maintain employment. An individual may receive aid under this subdivision for up to 2 years.

**SECTION 10.** 49.155 (1m) (a) 5. of the statutes is amended to read:

49.155 (1m) (a) 5. ~~Participate~~ Participating in a course of study at a technical college, or ~~participate~~ participating in educational courses that provide an employment skill, as determined by the department, if the department or the county department or agency determining eligibility determines that the course or courses

would facilitate the individual's efforts to maintain employment. An individual may receive aid under this subdivision for up to 2 years.

**SECTION 11.** 49.155 (1m) (a) 6. of the statutes is created to read:

49.155 **(1m)** (a) 6. Taking a temporary break from an authorized activity specified in subds. 1. to 5.

**SECTION 12.** 49.155 (6g) (b) 4. of the statutes is created to read:

49.155 **(6g)** (b) 4. Any reduction in hours due to a temporary break from an authorized activity.

**SECTION 9306. Initial applicability; Children and Families.**

(1) ELIGIBILITY FOR WISCONSIN SHARES CHILD CARE SUBSIDY.

(a) The treatment of section 49.155 (1m) (a) (intro.) (as it relates to continued eligibility after ceasing participation in an approved activity) of the statutes first applies to an individual who is eligible to receive a child care subsidy under section 49.155 (1m) of the statutes and who permanently ceases participation in an approved activity, as defined in section 49.155 (1m) (a) of the statutes, on the effective date of this subsection.

(b) The treatment of section 49.155 (1) (cm), (1m) (a) 6., and (6g) (b) 4. of the statutes first applies to an individual who is eligible to receive a child care subsidy under section 49.155 (1m) of the statutes and who takes a temporary break, as defined in section 49.155 (1) (cm) of the statutes, from an approved activity, as defined in section 49.155 (1m) (a) of the statutes, on the effective date of this subsection.

(END)