

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

**Child Care Subsidy Eligibility Redeterminations**

**DCF 201**

The Wisconsin Department of Children and Families orders the amendment of s. DCF 201.04 (3) (b), relating to child care subsidy eligibility redeterminations.

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This emergency rule was approved by the governor on September 20, 2016

The statement of scope for this rule, SS 068-16, was approved by the governor on July 28, 2016, published in Register 728A2, on August 8, 2016, and approved by Secretary Eloise Anderson on August 19, 2016.

**Finding of Emergency**

Effective September 30, 2016, the federal Child Care and Development Block Grant Act of 2014 requires state child care subsidy programs to allow a family to be considered to meet all eligibility requirements and to receive assistance for not less than 12 months before the state redetermines the family's eligibility.

**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.

**Related statutes:** NA

**Explanation of Agency Authority**

The department administers the child care subsidy program under s. 49.155, Stats. Section 49.155 (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 department or agency to review and redetermine the financial and nonfinancial eligibility of individuals receiving child 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 the agency considers it necessary to effectuate the purpose of the statute.

### **Summary of the Emergency 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 emergency rule changes the minimum frequency of a redetermination of eligibility to at least every 12 months.

### **Summary of Factual Data and Analytical Methodologies**

The change is required under a federal law that becomes effective on September 30, 2016.

### **Summary of Related Federal Law**

The Child Care Development Fund (CCDF) is the primary federal funding source for programs that assist low-income families pay for child care while they are working or participating in education and training. The CCDF is authorized by the Child Care and Development Block Grant Act and Section 418 of the Social Security Act. It was reauthorized by the Child Care and Development Block Grant Act of 2014 for the first time since 1996 and is now authorized through 2020.

The Child Care and Development Block Grant Act of 2014 makes many substantive program changes, including a requirement that a state's plan for its child care subsidy program allow each child who receives assistance to be considered to meet all eligibility requirements and to receive assistance, for not less than 12 months before the state or designated local entity redetermines the eligibility of the child, regardless of a temporary change in the ongoing status of the child's parent as working or attending a job training or educational program or a change in family income for the child's family, if that family income does not exceed 85 percent of the state median income for a family of the same size. 42 USC 9858c (c)(2)(N)(i); Section 658E (c)(2)(N)(i) of the Child Care Development Block Grant Act

### **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 amended to read:**

**DCF 201.04 (3) (b)** At least every 6 12 months.

**SECTION 2. EFFECTIVE DATE.** This rule shall take effect on September 30, 2016, as provided in s. 227.24 (1) (c), Stats.