



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 12-048

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated November 2011.]

1. Statutory Authority

Section DCF 201.04 (2j) (b) 1. does not permit a waiver in order to receive child care funding for child care services provided for a child by a child care provider who is the parent of the child or who resides with the child. Section 49.155 (3m) (d) 3., Stats., provides that child care funding may not be used for such child care services unless the parent has been granted a waiver. Therefore, the statutes contemplate that such parents may request and be granted waivers under conditions determined by the Department of Children and Families in its administrative rules.

4. Adequacy of References to Related Statutes, Rules and Forms

a. In s. DCF 201.04 (2j) (a), “and (c)” should be deleted because the waiver is granted under par. (b).

b. In s. DCF 201.04 (2j) (c) 3., the citation for subsidized guardianship payments under prior law should be included in the text of the rule instead of the note because it is substantive that persons receiving payments under the prior law are included in that waiver criterion. Similarly, in subd. 5. b., s. 48.62 (5), 2009 Stats., should be cited, as well.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In s. DCF 201.04 (2j) (a) and (b), it would be clearer to state in par. (a) that no child care funds may be used for the scenarios listed and then to state that a parent may apply for a waiver if he or she is a child care provider and wishes to have child care services provided to his or her child by another child care provider.

b. In s. DCF 201.04 (2j) (b) 2., “related to child care” should be replaced with “related to providing child care” or “related to employment as a child care provider”, to be clear that it does not include an activity relating to receiving training related to child care, for example. This comment also applies to par. (c) 6.

c. In s. DCF 201.04 (2j) (c) 5. a., “under the age of 18” is repetitive and could be deleted. In subd. par. b., “child’s” should be inserted before “parent for the purposes of this chapter”.