



2009 SENATE BILL 654

March 29, 2010 – Introduced by Senators COGGS and TAYLOR, cosponsored by Representatives GRIGSBY and YOUNG. Referred to Committee on Children and Families and Workforce Development.

1 **AN ACT** *to renumber and amend* 49.141 (3); *to amend* 49.155 (1m) (c) 1. (intro.)
2 and 49.90 (1) (b); and *to create* 49.141 (3) (b), 49.155 (1m) (c) 1c., 49.155 (1m)
3 (cm) and 49.155 (1p) of the statutes; **relating to:** participation of minor parents
4 in Wisconsin Shares and granting rule-making authority.

Analysis by the Legislative Reference Bureau

The Wisconsin Works (W-2) program under current law, which is administered by the Department of Children and Families, 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 W-2 if the individual needs child care services to participate in various specified educational or work activities, such as working in a W-2 employment position or attending school to obtain a high school diploma, and satisfies other eligibility criteria, such as an income limitation. The child care subsidy program under W-2 is known as Wisconsin Shares.

This bill specifically addresses participation of minor parents in Wisconsin Shares. The bill prohibits a W-2 agency, or other entity determining eligibility, from conditioning the eligibility of a minor parent on whether an adult relative of the minor parent is unable or unavailable to provide child care for the minor parent's child while the minor parent is participating in one of the specified educational or work activities. The bill provides that the application of a minor parent for Wisconsin Shares must be signed by the minor parent's parent or, if the minor parent demonstrates that no parent is willing or available to sign, by an adult relative,

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caseworker, or school official or health care professional from the minor parent's school who can attest to the minor parent's need for child care in order to participate in one of the specified educational or work activities. Generally, under current law, to be eligible for Wisconsin Shares an applicant's gross family income may not exceed 185 percent of the poverty line and a participant's gross family income may not exceed 200 percent of the poverty line. The bill provides that, to the extent permitted under federal law, if a minor parent is living with his or her parent and the minor parent's gross family income includes his or her parent's income, to be eligible for Wisconsin Shares the minor parent's gross family income calculated without his or her parent's income may not exceed the amount specified in current law and the gross family income calculated with his or her parent's income may not exceed the lesser of 225 percent of the poverty line or 85 percent of the state median income for a family the size of the minor parent's family. The bill also provides that a minor parent is not eligible for Wisconsin Shares if he or she is attending school and child care is available there at no cost.

Under current law, the parent of a dependent person under the age of 18 is required to maintain a child of the dependent person to the extent that the parent is able and the dependent person is unable to do so. The statute does not define a "dependent person." The bill provides that a minor parent who is receiving a child care subsidy under Wisconsin Shares is not a "dependent person" for purposes of that statute.

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

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

1 **SECTION 1.** 49.141 (3) of the statutes is renumbered 49.141 (3) (a) and amended
2 to read:

3 49.141 (3) (a) Any individual may apply for any component of Wisconsin works
4 Works. Application for each component of Wisconsin works Works shall be made on
5 a form prescribed by the department. The Except as provided in par. (b), an
6 individual shall submit a completed application form to a Wisconsin works Works
7 agency in the geographical area specified by the department under s. 49.143 (6) in
8 which the individual lives and in the manner prescribed by the department.

9 **SECTION 2.** 49.141 (3) (b) of the statutes is created to read:

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1 49.141 (3) (b) An individual applying for a child care subsidy under s. 49.155
2 shall submit a completed application to the Milwaukee County enrollment services
3 unit or to the county department or agency with which the department has
4 contracted under s. 49.155 (1m) to determine eligibility in the geographic region in
5 which the individual resides, whichever is appropriate. An individual who is under
6 18 years of age may apply for a child care subsidy under s. 49.155 if the application
7 is signed by a parent of the individual or, if the individual demonstrates, in the
8 manner required by the department by rule, that no parent of the individual is
9 willing or available to sign the application, by an adult who is a relative of the
10 individual, the individual's caseworker, or a school official or health care professional
11 from the individual's school and who can attest to the individual's need for a child
12 care subsidy in order to participate in an activity specified in s. 49.155 (1m) (a).

13 **SECTION 3.** 49.155 (1m) (c) 1. (intro.) of the statutes, as affected by 2009
14 Wisconsin Act 28, is amended to read:

15 49.155 (1m) (c) 1. (intro.) Except as provided in subds. 1c., 1g., 1h., 1m., 2., and
16 3., the gross income of the individual's family is at or below ~~185%~~ 185 percent of the
17 poverty line for a family the size of the individual's family or, for an individual who
18 is already receiving a child care subsidy under this section, the gross income of the
19 individual's family is at or below ~~200%~~ 200 percent of the poverty line for a family
20 the size of the individual's family. In calculating the gross income of the family, the
21 department or county department or agency determining eligibility shall include
22 court-ordered child or family support payments received by the individual, if those
23 support payments exceed \$1,250 per month, and income described under s. 49.145
24 (3) (b) 1. and 3., except that, in calculating farm and self-employment income, the

SENATE BILL 654**SECTION 3**

1 department or county department or agency determining eligibility shall include the
2 sum of the following:

3 **SECTION 4.** 49.155 (1m) (c) 1c. of the statutes is created to read:

4 49.155 **(1m)** (c) 1c. To the extent permitted under federal law, if the individual
5 is under 18 years of age and living with his or her parent and the gross income of the
6 individual's family, calculated in the manner provided in subd. 1., includes the
7 income of the individual's parent, all of the following are true:

8 a. The gross income of the individual's family calculated without the
9 individual's parent's income is at or below 185 percent of the poverty line for a family
10 the size of the individual's family or, for an individual who is already receiving a child
11 care subsidy under this section, the gross income of the individual's family is at or
12 below 200 percent of the poverty line for a family the size of the individual's family.

13 b. The gross income of the individual's family calculated with the individual's
14 parent's income is at or below the lesser of 225 percent of the poverty line, or 85
15 percent of the state median income, for a family the size of the individual's family.

16 **SECTION 5.** 49.155 (1m) (cm) of the statutes is created to read:

17 49.155 **(1m)** (cm) If the individual is under 18 years of age and attending school,
18 child care for the individual's child is not available at no cost at the individual's
19 school.

20 **SECTION 6.** 49.155 (1p) of the statutes is created to read:

21 49.155 **(1p)** PROHIBITED FACTOR FOR DETERMINING ELIGIBILITY. In determining the
22 eligibility of an individual who is under 18 years of age to receive a child care subsidy
23 under this section, a county department or agency or the Milwaukee County
24 enrollment services unit may not condition eligibility on a finding that no adult
25 relative, as defined in s. 48.02 (15), of the individual is available or able to provide

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1 child care for the individual's child while the individual is participating in an activity
2 to satisfy the requirement under sub. (1m) (a).

3 **SECTION 7.** 49.90 (1) (b) of the statutes is amended to read:

4 49.90 (1) (b) For purposes of this section those persons receiving benefits under
5 federal Title XVI or under s. 49.77 and parents under the age of 18 years receiving
6 child care subsidy benefits under s. 49.155 shall not be deemed dependent persons.

7 **SECTION 8. Initial applicability.**

8 (1) This act first applies to individuals who apply for a child care subsidy, and
9 to individuals already receiving a child care subsidy whose eligibility is reviewed, on
10 the effective date of this subsection.

11 (END)