

Taking on the responsibility of caring for a relative impacts a family in many ways, especially financially. No matter what your financial status may be, raising children can be costly. Food, clothing, and school needs are just a few of the added expenses to your monthly budget. There are financial resources for relatives, such as child support. **Nothing in this fact sheet should be considered legal advice from the Department of Children and Families (DCF). Please consult with an attorney with any legal questions.**

## The Wisconsin Child Support Program

The Wisconsin Child Support Program is supervised by DCF and administered by local county child support agencies. In some cases, a relative caregiver can be the assigned payee to a child support court order.

### What is child support?

Child support orders provide financial support for minor children. Payments are typically made by the noncustodial parent(s).

### Who can receive child support assistance?

Any parent or person with custody of a child who needs help to establish a child support order or to collect support payments can apply for child support services. A referral can be automatically sent to the local child support agency for people who receive assistance through the Child Care, Temporary Assistance for Needy Families (TANF), Medicaid, and federally assisted Foster Care programs.

### How do I apply for child support assistance?

You can complete an application for child support services at your local child support agency. Sometimes a referral is automatically sent to the local child support agency for people who receive assistance through the Temporary Assistance for Needy Families (TANF), Medicaid, and federally assisted Foster Care programs. In those cases, the state may have already assigned its right to the child support order. If you are unsure about your rights when it comes to child support services, or if you want to find out if there is a current order, you should contact your local child support agency. To find your local child support agency, visit: <https://dcf.wisconsin.gov/cs/agencylist> or call 2-1-1.

### How much child support do parents pay?

Child support payments are determined by the court. The court uses the Child Support Standard Wis. Admin. Code § DCF 150. In special circumstances, the court may use different guidelines, such as in a low-income payer case or in a high-income payer case.

Factors used to determine how much support to order may include, but are not limited to, gross income, income from assets, and the payer's ability to earn. The court can consider a parent's ability to earn based on past earnings, current physical and mental health, education and training, and local job openings.

**When a child is placed in out-of-home care**, both parents of a child placed outside the home may be required to pay child support. Out-of-home placement settings include relative homes, foster homes, group homes, residential care centers, and juvenile correctional facilities.

Parents may owe child support back to the time the child was first placed outside the home.

If there is a child support order for a child placed in out-of-home care, the agency with "Placement and Care Responsibility" is assigned to the payments. Any funds that remain after covering the child's cost of care will be retained in a child specific trust account and will be provided to the child (if the child ages out) or the child's caregiver upon their exit from care.

### Will I receive a child support payment if I am receiving kinship care payments?

If you are receiving kinship care payments to help support a child in your home, all child support payments are assigned to the state. At the end of each month, a review is conducted that compares the amount of child support paid to the total amount of kinship care payments received. If the child support payments paid in a month add up to more than the kinship care payment, you may receive the difference.

#### Example 1

- You are approved for kinship care payments beginning on June 1.
- In June, you get a \$300 kinship care payment. Child Support paid was \$200.
- At the end of June, the Life of Case review shows that the child support paid (\$200) was less than the kinship care payment (\$300).
- You will not get any child support in June.

#### Example 2

- You were approved for kinship care payments beginning on June 1.
- In June, you get a \$300 kinship care payment. Child Support paid was \$400.
- At the end of June, the Life of Case review shows that the child support paid (\$400) was greater than the kinship care payment (\$300).
- You may receive a check for the difference (\$100), depending on what the court order states.

## Good Cause Claim

### If I was automatically referred, can I opt-out of child support services?

Generally, if you are receiving assistance from a public benefit program, you must cooperate with child support services unless you have good cause not to. For example, if you are receiving assistance from the kinship care or SSI caretaker supplement program and do not cooperate, you will not get cash benefits from the kinship care or SSI caretaker supplement program until you cooperate.

### How do I file a good cause claim to not cooperate with child support services?

If you believe you or the children in your care would be harmed if you cooperate, you should talk with your benefits case worker and file a good cause claim. The benefit agency will decide whether good cause exists. You may be asked to give written evidence to support your good cause claim. You must cooperate with child support services unless you were granted good cause.

Good cause exists when:

- You believe that cooperating might cause physical or emotional harm to you or the child in your care.
- The child was conceived as a result of incest or sexual assault.
- An adoption petition has been filed with the court.

### Are there privacy protections available to me regarding my personal information?

If a release of your address, phone number, employer, or other information would put you or the child in your care at risk, you may ask your local child support agency for privacy protection. You may qualify for privacy protection if you meet any of the following conditions:

- You or the child in your care is covered by a protective order.
- A child support agency has reason to believe that you or the child in your care might be physically or emotionally harmed if information is released.
- You or the child in your care have a history of domestic violence or are at risk of domestic violence.
- If you have been granted good cause for non-cooperation with child support by a Wisconsin Works (W-2) agency or another county social services agency.

The Department of Children and Families is an equal opportunity employer and service provider. If you have a disability and need to access services, receive information in an alternate format, or need information translated to another language, please call the Bureau of Permanence and Out-of-Home Care or Division of Safety and Permanency at 608-422-7000. Individuals who are deaf, hard of hearing, deaf-blind or speech disabled can use the free Wisconsin Relay Service (WRS) – 711 to contact the department.