

**WISCONSIN DEPARTMENT OF HEALTH SERVICES**  
**Division of Medicaid Services**  
**1 W. Wilson St.**  
**Madison WI 53703**

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To: Caretaker Supplement (CTS) Handbook Users

From: Rebecca McAtee, Bureau Director  
Bureau of Eligibility and Enrollment Policy

Re: **Caretaker Supplement (CTS) Release 21-01**

Release Date: 03/29/2021

Effective Date: 03/29/2021

POLICY UPDATES		The following policy additions or changes are <b>effective 11/23/2020</b> unless otherwise noted.
<b>3.3</b>	<b>Beuning Cases – Special Rules for Two Parent Cases</b>	Added clarification about who to include in a Standard Filing Unit in Buening cases
<b>4.1</b>	<b>Reserved</b>	Removed section
<b>5.4.1</b>	<b>Scenarios</b>	Added scenario example about a Buening case

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### **3.3 ~~EXCEPTIONAL ELIGIBILITY~~ BUENING CASES - SPECIAL RULES FOR TWO PARENT CASES**

#### **3.3.1 Two Parent Households (including Non-Marital Co-parents and Married Parents)**

In a decision dated and released on September 30, 1996, the U.S. Court of Appeals, District IV, ruled in the case of Buening v. Wisconsin Department of Health and Social Services that special consideration must occur when the income of ~~non-marital~~ co-parents is calculated in ~~AFDC and AFDC-Medicaid~~ eligibility determinations. For the sake of simplicity, cases to which this court decision applies are referred to as Buening cases. Since **CTS** eligibility is based on criteria that applied to AFDC eligibility prior to the elimination of AFDC by the federal government in 1997, the Buening decision applies to CTS rules, as well.

Normal Standard Filing Unit (SFU) (Section 3.1.1) rules require us to count the income and assets of any non-SSI co-parent, his or her child in common with the SSI parent and all of that child in common's full and half siblings in the home, unless the child is also an SSI recipient. The Buening ruling means that the non-SSI co-parent and any children in common may only be included in the SFU if it is determined that these children in common and the non-SSI parent are "needy." To meet the definition of needy, the gross and net income and assets for the non-SSI parent and child(ren) in common have to be at or below the CTS eligibility limits for their smaller group size.

Buening cases occur in two-parent households in which ~~the parents have:~~

- There is a child ~~in common~~ of the SSI parent who is being tested for CTS
- The SSI parent and the ~~income of the non-SSI eligible~~ co-parent have at least one child in common
- The income or assets of the non-SSI parent and the child (or children) in common causes ~~any the~~ child(ren) of the SSI parent to be financially ineligible for CTS.

**NOTE:** The non-SSI co-parent is treated in the same way whether or not he or she is married to the SSI parent.

See [5.4 Illustrations](#), ~~Scenario~~ Scenarios 12 and 13 for a visual ~~depiction~~ depictions of a Buening case ~~configuration. The ruling states that any half siblings and their associated parent are to be excluded from the SFU if it is determined that the half sibling, his/ her full siblings and his/her parent~~ configurations.

If the non-SSI parent and child in common are ~~not~~ considered needy. ~~To meet~~ the definition whole group of needy, three conditions children along with the non-SSI parent are considered one SFU and must ~~be true:~~

- ~~1. The child of the non-SSI parent is deprived and~~

~~2. The~~ have their income and assets ~~for counted together.~~ If the child(ren) in common and the non-SSI parent ~~and child(ren) are below the AFDC eligibility limits and~~

~~3. The child is under the care of a qualified relative~~

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A child is not considered ~~deprived when a parent is continuously absent from the home. If all three conditions are true~~ needy, the child(ren) in common ~~is considered~~ needy. ~~The whole group is considered one SFU and remains together. If at least one of the three criteria is not met, the child(ren) in common are not considered needy. The child(ren) in common and~~ and their non-SSI parent must be excluded from the CTS SFU ~~and~~, which means their income and assets are not considered when determining financial testing to allow eligibility for the SSI parent's other child(ren) to be tested for CTS alone.

**Example 1:** Mary is on SSI and is requesting CTS for her daughter Jill. Mary also has a son, Tim. Tim's father, Dan, who is not on SSI, is also in the home. Since Tim's dad is not on SSI, Tim is not eligible for CTS. The CTS SFU originally consists of Jill, Tim and Dan. Dan is getting \$700 of unemployment insurance monthly. The net income limit for an SFU of three is \$647, so the \$700 would make Jill ineligible for CTS. This requires the Buening rules to be applied. To determine if Tim and Dan are needy, their income is tested against the income limit for a group of two. The net income limit for Tim and Dan alone is \$550. Since their income exceeds the limit, Tim is not considered needy. As such, Tim and Dan are excluded from Jill's SFU. Jill has no income and is eligible, so Mary will receive a CTS payment of \$250 for Jill.

**Example 2:** Same case as above, except Jill is getting Social Security Survivor benefits of \$200 per month and Dan is getting only \$500 in unemployment insurance. Again, the original SFU consists of Jill, Tim and Dan. The net income limit for an SFU of three is \$647, so the combined income of \$700 makes Jill ineligible for CTS. This time when the Buening rule is applied, Dan's income of \$500 is less than the \$550 net income limit for 2. This means Tim and Dan are needy, so Tim and Dan must be included in the SFU, and Dan's income may not be excluded. Jill is not eligible and Mary will receive no CTS payment for Jill.



## **4.1 BENEFIT ISSUANCE**RESERVED

### **4.1.1 Electronic Eligibility Interface**

Once CTS eligibility is determined by an income maintenance worker using the CARES system, the names, payment months and SSNs of CTS eligible parents and children are transmitted by the CARES system to the DHS SSI program. Data processing for the SSI program is performed by the fiscal agent under contract to DHS.

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The transmission of CTS eligibility data from CARES to the SSI program is referred to as an interface. Data is interfaced twice per month from CARES to the SSI program. The initial interface occurs immediately after CARES processes eligibility for all programs of assistance for the following month (CARES adverse action date). A second interface occurs on the last date possible in order to have CTS benefits included in the first of the month SSI payment received by the SSI eligible parent (CARES benefit issuance pull-down date).

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Although the CTS data interface occurs twice per month, local agency workers can determine and confirm CTS eligibility on any day of the month. The CARES system holds the information on file until the next scheduled interface date. An example of a typical monthly interface schedule may be seen in Illustration 3 of 5.4 Illustrations, CTS Interface Timeline.

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CTS payments are made on the first of the month for that month. When a local agency worker confirms eligibility for CTS for the following month prior to the second monthly interface date, the CTS payment will appear on the SSI parent's SSI payment on the first of the next month. However, if a local agency worker confirms eligibility for any month after the second interface date, the CTS benefits will remain on file in the CARES system, awaiting the first interface in the following month.

### **4.1.2 Manual Benefits**

With two exceptions, the SSI program will always accept the interfaced information and add any CTS benefits to an SSI recipient's payment. These two exceptions are:

1. When there is no record of the parent's eligibility for SSI in Wisconsin at the State SSI Program.
2. When the CTS parent's state SSI payment has been suspended due to lack of current address or when the representative payee for the SSI payment is changing.

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When the first exception occurs, the SSI program will contact the local agency worker regarding the discrepancy. These instances should be very rare, since the local agency worker has several tools available to verify SSI eligibility in Wisconsin and the CARES system regularly receives automatic updates of SSI eligibility information. When the

~~second exception occurs, the payment will remain on file and will be dispersed to the parent when the suspension is cleared.~~

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~~Due to a limited set of circumstances, an electronic interface of CTS eligibility and payment information is not possible. One such situation arises when, after benefits have been interfaced for a given month, the parent is found to be eligible for payment for an additional child; usually this child is a newborn or has returned to the home from another living arrangement, typically foster care. Another instance occurs when an SSI parent who has been receiving CTS is found to be eligible for SSI for a previous time period. CTS benefits for this previous time period must be manually authorized by the local agency worker.~~

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~~When manual benefit authorization is required, local agency workers complete and fax form F-22564 "Authorization For Retroactive Caretaker Supplement (CTS)" to the SSI program. The SSI program insures that the benefit is included with the SSI parent's next scheduled SSI payment.~~

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~~Detailed instructions are available to guide *IM* agency workers in identifying situations where manual authorization for CTS benefits is required. See Process Help 9.9.7.2 Running CTS Eligibility with Dates for information.~~

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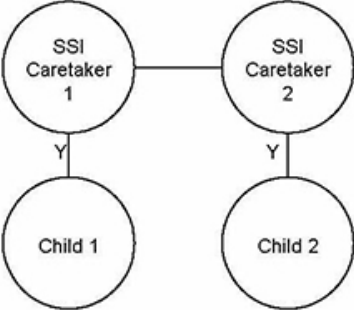
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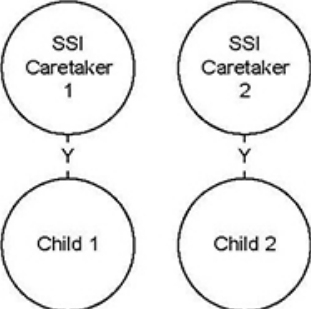
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## 5.4 ILLUSTRATIONS

### 5.4.1 Scenarios

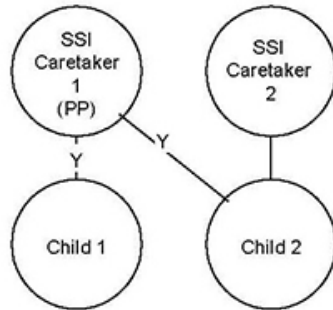
	<p><b>Scenario 1</b> Mom and Dad are married but do not have any children in common.</p> <p><b>Explanation</b> Without a child in common, CARES cannot create a “link” to pull Child 1 and Child 2 into the same SFU. Because the parents are married, CARES can process this situation in one case.</p> <p><b>CARES Processing</b> CARES will create two CTS AGs in one case.</p> <p><b>CTS Benefits</b> There will be two CTS supplements in the amount of \$250 each.</p>
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	<p><b>Scenario 2</b> Two SSI caretakers are living together in one household. They are not married and do not have any children in common.</p> <p><b>Explanation</b> Without a child in common, CARES cannot create a “link” to pull Child 1 and Child 2 into the same SFU. Because the parents are not married, CARES cannot process this situation in one case.</p> <p><b>CARES Processing</b> This household must be processed in two cases.</p> <p><b>CTS Benefits</b> There will be two CTS supplements in the amount of \$250 each.</p>
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**Scenario 3**

The parents in this household are not married. They have at least one child in common. One of the parents has his/her own child(ren).

**Explanation**

The oldest child in common is the target child. The child in common provides a link for his/her siblings to be pulled in to the SFU.

**CARES Processing**

Parents should be coded on ANHR as caring for all of their children. Because Caretaker 1 is the parent for both Child 1 and Child 2, that parent is coded as caring for both children on ANHR.

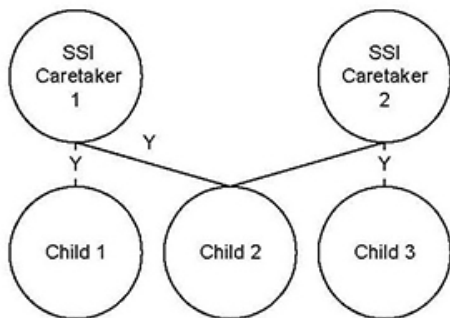
This will produce one AG in CARES.

**CTS Benefits**

The CTS supplement will be \$400, paid to Caretaker 1.

**Scenario 4**

The parents in this household are not married. They have at least one child in common and each has his/her own child(ren).

**Explanation**

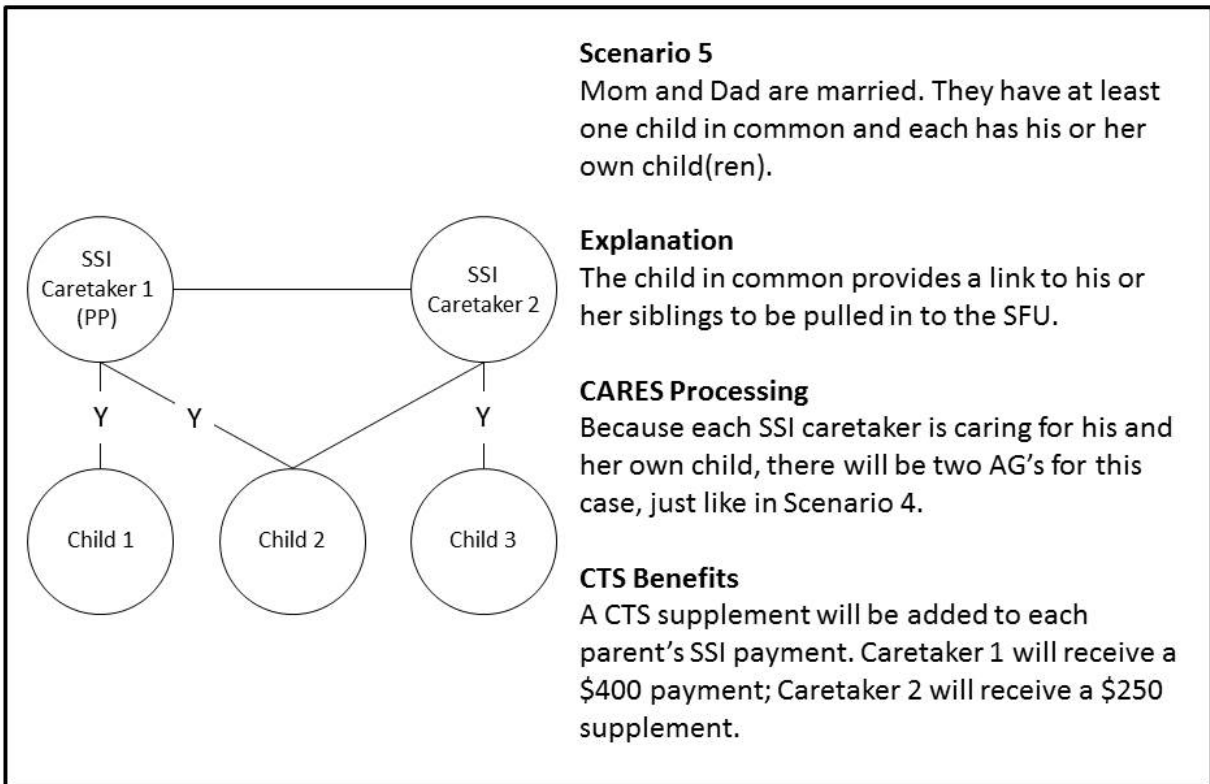
The child in common provides a link to his/her siblings to be pulled in to the SFU.

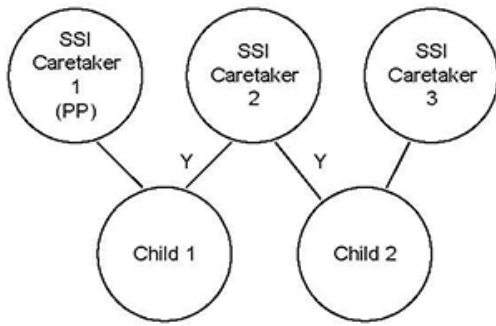
**CARES Processing**

Because everyone is pulled into one SFU, this scenario will be processed in one AG. Because Caretaker 1 has no qualifying relationship to care for Child 3, Child 3 cannot be included in his/her CTS supplemental payment.

**CTS Benefits**

A CTS Supplement will be added to each parent's state SSI payment. Caretaker 1 will receive a \$400 payment; Caretaker 2 will receive a \$250 supplement.





### Scenario 6

There are more than 2 parents in the household, all of which have children, and more than one in common with another parent.

### Explanation

In this scenario, the target child will be the oldest child in common and will pull in all of his/her siblings. Pulling in those siblings will also pull in their parents.

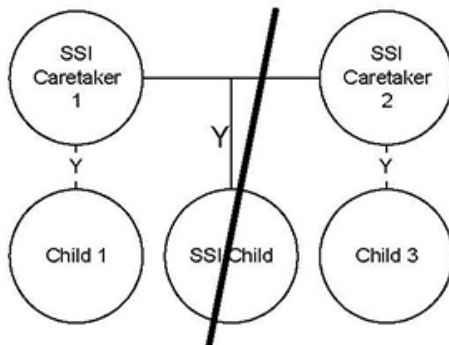
### CARES Processing

This particular scenario will be one SFU and one AG (everyone is pulled into the group.)

In this scenario, it is important to analyze which parent has the most children in the household; who is the primary caretaker of the majority of the children. That parent (in this diagram, Caretaker 2) should be coded as caring for all of his/her children on ANHR.

### CTS Benefits

This case will be paid one CTS supplement to Caretaker 2 in the amount of \$400.



### Scenario 7

Mom and Dad are married. They have a child in common and a child(ren) of their own. The only child in common is an SSI recipient.

### Explanation

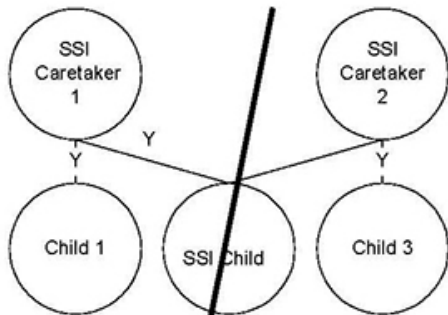
The SSI child breaks the link between Child 1 and Child 3. No relationship exists between Child 1 and Child 3 (they are not full or half siblings) to pull the children into one SFU.

### CARES Processing

Because the parents are married, this scenario can be processed in one case, 2 AGs.

### CTS Benefits

This case will receive two CTS payments of \$250 each.



### Scenario 8

Mom and Dad are not married. They have a child in common and a child(ren) of their own. The only child in common is an SSI recipient.

### Explanation

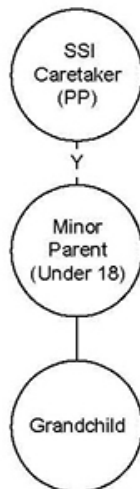
The SSI child breaks the link between Child 1 and Child 3. No relationship exists between Child 1 and Child 3 (they are not full or half siblings) to pull the children into one SFU.

### CARES Processing

Because the parents are not married, this scenario cannot be processed in one case. It must be processed in two separate cases.

### CTS Benefits

Each case will receive one CTS payment of \$250.



### Scenario 9

Three-generation case. Grandma is receiving SSI; the minor parent is not. Grandma is requesting CTS.

### Explanation

The minor parent is the target child, the grandchild is not pulled into the SFU.

### CARES Processing

Grandma should be coded as caring for the minor parent. Even if she's coded as caring for the grandchild, the grandchild will not be pulled into the CTS SFU. Grandma cannot receive CTS for her grandchild.

### CTS Benefits

The CTS benefit will be added to Grandma's SSI state check in the amount of \$250.



#### **Scenario 10**

Three-generation case. Grandma is not receiving SSI; the minor parent is. The minor parent is requesting CTS.

#### **Explanation**

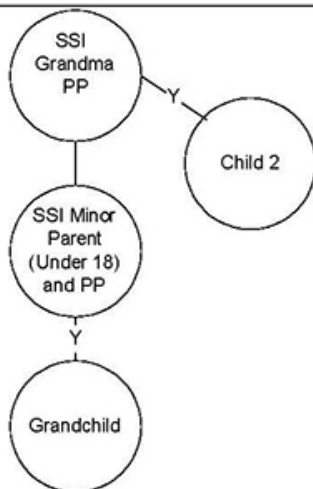
The grandchild is the target child. The minor parent and grandchild will comprise the SFU.

#### **CARES Processing**

The minor parent must be coded as caring for the grandchild.

#### **CTS Benefits**

The CTS benefit will be added to the minor parent's SSI state check in the amount of \$250.



#### **Scenario 11**

Three-generation case. Both Grandma and the SSI child are receiving SSI.

#### **Explanation**

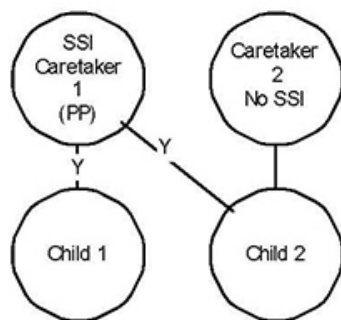
The SSI minor parent cannot be pulled into Grandma's SFU. The household cannot be processed in one case. It must be two separate cases.

#### **CARES Processing**

Grandma should be coded as caring for her non-SSI child in her case. The minor parent should be coded as caring for his/her child in his/her case.

#### **CTS Benefits**

Each case will be paid a CTS benefit of \$250.



### Scenario 12

The parents in this household are not married. They have at least one child in common. One of the parents has his/her own child(ren).

### Explanation

The oldest child in common is the target child. The child in common provides a link for his/her siblings to be pulled in to the SFU.

### CARES Processing

Parents should be coded on ANHR as caring for all of their children. Because Caretaker 1 is the parent for both Child 1 and Child 2, that parent is coded as caring for both children on ANHR. This will produce one AG in CARES.

### CTS Benefits

The CTS supplement will be \$250, paid to Caretaker 1. (Child 2 is ineligible because only one of his/her parents is an SSI recipient.)

### Buening Implications

This case has the potential of becoming a Buening case. If the group fails the CTS eligibility test for financial reasons, the worker must determine whether Child 2 is "needy." If Child 2 is needy, the group should be confirmed as ineligible for CTS.

If Child 2 is not needy, the worker must change the request on ACPA to "N" for both Child 2 and SSI Caretaker 2 and retest the group for CTS eligibility.

### Scenario 13

The parents in this household are married. They have one child in common. The mom has two of her own children under age 18. None of the children have any income of their own.

### Explanation

All 3 dependent children of the SSI Mom and the Non-SSI Dad of Child 3, are initially included in the Standard Filing Unit (SFU). The income and assets of all 4 members of the SFU are used to determine financial eligibility for CTS.

### Buening Implications

This household may also end up as a Buening case. If the assets are over the limit or the income for the SFU exceeds the gross or net income limit for the group of 4, the worker must determine whether Dad and Child 3 are “needy”. If the Dad’s and Child 3’s income exceeds the gross or net income limit for Dad and Child 3, Child 3 is not needy and should be excluded along with his/her Dad from the SFU.

### CTS Benefits

If it is determined to be a Buening case and Child 3 is not considered needy, Child 3 and Dad should be excluded from the SFU. If the income and assets of Child 1 & 2 are at or below the limits for an SFU group of 2, they will be eligible for a CTS supplement of \$400, paid to the SSI Mom. Child 3 is ineligible because only one of his/her parents is an SSI recipient.

