



## 1995 ASSEMBLY BILL 427

June 1, 1995 - Introduced by Representatives NOTESTEIN, GARD, RILEY, OLSEN, R. YOUNG, PLOMBON, MORRIS-TATUM, BALDWIN and BOYLE, cosponsored by Senators DARLING, MOEN and MOORE. Referred to Committee on Welfare Reform.

1     **AN ACT to amend** 49.53 (1m), 49.53 (2) (a) and 49.53 (2) (b); and **to create** 49.53  
2           (5) of the statutes; **relating to:** the content and public inspection of reports on  
3           public assistance recipients and the disclosure of the addresses of public  
4           assistance recipients and providing a penalty.

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### *Analysis by the Legislative Reference Bureau*

Under current law, county departments administering aid to families with dependent children (AFDC) and agencies administering general relief are subject to restrictions on the disclosure of information concerning public assistance recipients. Current law does provide for a number of exceptions from these restrictions. For example, current law requires county departments and general relief agencies to maintain a monthly report showing the name and address of each person receiving AFDC or general relief, together with the amount paid to each person during the preceding month. Current law requires these reports to be open to public inspection during regular office hours. In addition, current law requires the agency to notify, within 72 hours, a person whose record in the report has been inspected of the name and address of the person who inspected the record.

Under the bill, these reports may no longer include the addresses of AFDC and general relief recipients. Instead, the bill creates a new exception to allow disclosure of the addresses of AFDC and general relief recipients in certain cases where the recipient is involved in a legal action or proceeding. Under the bill, a county department or general relief agency must release the current address of an AFDC or general relief recipient (upon request and after providing notice to the recipient) to a person, the person's attorney or an employe or agent of the attorney, if the person is a party to a legal action or proceeding in which the recipient is a party or a witness. The person requesting the address must prove his or her identity and status in the legal action or proceeding involving the recipient. No address may be released until 21 days after the address has been requested. The county department or general

relief agency is required to notify an AFDC or general relief recipient that a request for his or her current address has been made. The notice is required to include the name and address of the person requesting disclosure of the address, the reason for the request and a statement that the address will be released 21 days after the request is made.

The bill makes a number of other changes to the reports on AFDC and general relief recipients in addition to eliminating recipients' addresses. This bill eliminates the current 72-hour notification requirement for public assistance recipients whose records in the report have been inspected by a member of the public. Instead, the county department or general relief agency is required to notify the person whose record has been inspected within 7 days after the record is inspected or on the next regularly scheduled communication with that person, whichever is sooner. This bill also allows county departments and general relief agencies to withhold the right to inspect a record from private individuals who are not inspecting this information for public, educational, organizational, governmental or research purposes, until the person whose record is to be inspected is notified by the general relief agency or county department, but in no case may the agency or department withhold the information in the record for more than 5 working days. Finally, this bill also requires the general relief agency or county department to record the name, address, employer and telephone number of persons requesting to inspect a record and allows the general relief agency or county department to deny such a request if the person refuses to provide this information.

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

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

1           **SECTION 1.** 49.53 (1m) of the statutes is amended to read:

2           49.53 **(1m)** Except as provided under sub. (2), (3) ~~or~~, (4) or (5), no person may  
3 use or disclose information concerning applicants and recipients of general relief  
4 under s. 49.02, aid to families with dependent children, social services, child and  
5 spousal support and establishment of paternity services under s. 46.25, or  
6 supplemental payments under s. 49.177, for any purpose not connected with the  
7 administration of the programs. Any person violating this subsection may be fined  
8 not less than \$25 nor more than \$500 or imprisoned in the county jail not less than  
9 10 days nor more than one year or both.

1           **SECTION 2.** 49.53 (2) (a) of the statutes is amended to read:

2           49.53 (2) (a) Each county department under s. 46.215 or 46.22 administering  
3 aid to families with dependent children and each official or agency administering  
4 general relief shall maintain a monthly report at its office showing the names and  
5 addresses of all persons receiving such aids together with the amount paid during  
6 the preceding month. Nothing in this paragraph shall be construed to authorize or  
7 require the disclosure in the report of any information (names, addresses, amounts  
8 of aid or otherwise) pertaining to adoptions, or aid furnished for the care of children  
9 in foster homes or treatment foster homes under s. 49.19 (10).

10           **SECTION 3.** 49.53 (2) (b) of the statutes is amended to read:

11           49.53 (2) (b) Such report shall be open to public inspection at all times during  
12 regular office hours and may be destroyed after the next succeeding report becomes  
13 available. Any person, except any public officer, seeking permission to inspect such  
14 book shall be required to prove his or her identity and to sign a statement setting  
15 forth his or her address and the reasons for making the request and indicating that  
16 he or she understands the provisions of par. (c) with respect to the use of the  
17 information obtained. The use of a fictitious name is a violation of this section.  
18 ~~Within 72 hours after any such record has been inspected, the agency shall mail to~~  
19 ~~each person whose record was inspected a notification of that fact and the name and~~  
20 ~~address of the person making such inspection. Within 7 days after the record is~~  
21 ~~inspected, or on the next regularly scheduled communication with that person,~~  
22 ~~whichever is sooner, the department or agency shall notify each person whose name~~  
23 ~~and amount of aid was inspected that the record was inspected and of the name and~~  
24 ~~address of the person making such inspection. County departments under ss. 46.215~~  
25 ~~and 46.22 administering aid to families with dependent children and general relief~~

1 agencies may withhold the right to inspect the name of and amount paid to recipients  
2 from private individuals who are not inspecting this information for purposes related  
3 to public, educational, organizational, governmental or research purposes until the  
4 person whose record is to be inspected is notified by the county department or general  
5 relief agency, but in no case may the agency withhold this information for more than  
6 5 working days. The county department or agency shall keep a record of such  
7 requests. The record shall indicate the name, address, employer and telephone  
8 number of the person making the request. If the person refuses to provide his or her  
9 name, address, employer and telephone number, the request to inspect this  
10 information may be denied.

11 **SECTION 4.** 49.53 (5) of the statutes is created to read:

12 49.53 (5) (a) A county department or general relief agency shall, upon request  
13 and after providing the notice to the recipient required by this paragraph, release the  
14 current address of a recipient of general relief or aid to families with dependent  
15 children to a person, the person's attorney or an employe or agent of that attorney,  
16 if the person is a party to a legal action or proceeding in which the recipient is a party  
17 or a witness. No county department or general relief agency may release an address  
18 under this paragraph until 21 days after the address has been requested. A person  
19 requesting an address under this paragraph shall be required to prove his or her  
20 identity and his or her participation as a party in a legal action or proceeding in which  
21 the recipient is a party or a witness. The person shall also be required to sign a  
22 statement setting forth his or her name, address and the reasons for making the  
23 request and indicating that he or she understands the provisions of par. (b) with  
24 respect to the use of the information obtained. The statement shall be made on a form  
25 prescribed by the department and shall be sworn and notarized. Within 7 days after

1 an address has been requested under this paragraph, the county department or  
2 general relief agency shall mail to each recipient whose address has been requested  
3 a notification of that fact on a form prescribed by the department. The form shall also  
4 include the date on which the address was requested, the name and address of the  
5 person who requested the disclosure of the address, the reason that the address was  
6 requested and a statement that the address will be released to the person who  
7 requested the address no sooner than 21 days after the date on which the request for  
8 the address was made. County departments and general relief agencies shall keep  
9 a record of each request for an address under this paragraph.

10 (b) No person may use an address obtained under this subsection for a purpose  
11 that is not connected with the legal action or proceeding to which the person  
12 requesting the address is a party. No person may use an address obtained under this  
13 subsection for political or commercial purposes. No person may request an address  
14 under par. (a) using a fictitious name. Any person who violates this paragraph is  
15 subject to the penalties under sub. (1m).

16 **SECTION 5. Effective date.**

17 (1) This act takes effect on January 1, 1996.

18 (END)