

## Chapter PW-PA 20

## PUBLIC ASSISTANCE

PW-PA 20.02	Inmate of public institution	PW-PA 20.15	Reimbursement for state dependents
PW-PA 20.03	Need determination	PW-PA 20.16	County agency official bond
PW-PA 20.05	Responsibility of relative to support	PW-PA 20.17	Confidential nature of records
PW-PA 20.06	Relatives eligible for aid to dependent children	PW-PA 20.18	Fair hearings
PW-PA 20.07	Incapacitation for gainful work; dependent children	PW-PA 20.19	Relief claims proceedings
PW-PA 20.09	Determination of blindness for aid	PW-PA 20.20	Reimbursement of county administrative costs
PW-PA 20.10	Payment of aid to the disabled	PW-PA 20.21	Destruction of record material
PW-PA 20.11	Payment of aids	PW-PA 20.22	Liquid assets
PW-PA 20.13	State relief for Indians	PW-PA 20.23	Loans on Menominee Enterprises, Inc. bonds
PW-PA 20.14	Aid to distressed counties		

**PW-PA 20.02 Inmate of public institution.** (1) **PURPOSE.** The purpose of this rule is to define the term "public institution" in relation to eligibility for aid payable under sections 49.18, 49.20 to 49.37 and 49.61, Wis. Stats., and to specify under what conditions federal and state reimbursement will be allowed for such aid granted to persons being cared for in public institutions. Subsections (3) and (4) shall not apply to state reimbursement for old-age assistance paid to residents of public institutions who are not prevented from receiving assistance by section 49.20 (2), Wis. Stats.

(2) **DEFINITION OF PUBLIC INSTITUTION.** The term "public institution" means an institution that provides shelter, custody, treatment, or care and that is operated by a governmental unit or over which a governmental unit exercises administrative control.

(3) **DETERMINATION OF PUBLIC OR PRIVATE NATURE OF INSTITUTION.** In all instances in which (a) any public funds are appropriated for financing the operation of an institution or in which (b) a public institution is leased to a private individual, approval shall be secured of the department before assistance under sections 49.18, 49.20 to 49.37 and 49.61, Wis. Stats., may be paid. In making the determination, consideration shall be given to whether there is public control of any aspect of the administration as a result of public financial support; through selection or appointment of the governing body; through selection, appointment, or payment of staff; through participation in establishing admission policies or fees; through control of decisions on applications or control of financial arrangements with persons accepted; through control of any aspect of operation through standards that differ from those covering institutions entirely privately owned and operated. The method by which the foregoing criteria are applied shall be prescribed by the department.

(4) **PUBLIC MEDICAL INSTITUTIONS.** For the purpose of obtaining federal reimbursement for aid payable under sections 49.18 and 49.61, Wis. Stats., to patients in public medical institutions, the term "medical institution" means an institution (other than an institution for tuberculosis or mental diseases) and for aid payable under sections

49.20 to 49.37 the term "medical institution" means an institution (other than an institution for tuberculosis) that meets the criteria promulgated by the state board of public welfare on the advice of the joint committee on standards, known as STANDARDS FOR MAINTENANCE AND OPERATION OF COUNTY HOMES, INFIRMARIES, GENERAL HOSPITALS AND PUBLIC MEDICAL INSTITUTIONS, Ch. PW 1.

(a) The method by which the foregoing criteria are applied shall be prescribed by the department. The state of Wisconsin general hospital and the Milwaukee county general hospital and the Wisconsin orthopedic hospital for children are by the nature of their operation hereby determined to be medical institutions in accordance with the foregoing criteria.

**History:** 1-2-56; am. Register, January, 1967, No. 133, eff. 2-1-67.

**PW-PA 20.03 Need determination.** (1) **PURPOSE.** This rule is adopted to effectuate on a state-wide basis, the determination of need for public assistance of applicants for and recipients of old age assistance, aid to the blind, aid to dependent children, and aid to totally and permanently disabled persons in order to insure in so far as possible equitable treatment of persons in need throughout the state.

(2) **DETERMINATION OF ELIGIBILITY AND AMOUNT OF PAYMENT.** Eligibility for aid and the amount to be paid as old age assistance, aid to the blind, aid to dependent children, and aid to totally and permanently disabled persons shall be determined by the county agency in accordance with standards prescribed by the division of public assistance of the state department of public welfare. The division shall define need standards within the statutory requirements which shall include published instructions to the county operating agencies regarding the items of need to be included and how the cost of these items is to be determined, the method of considering resources, and general principles of budgeting to be applied to the individual circumstances. In effect, the division shall define need within the statutory provisions as set forth in sections 49.21 (1), 49.18 (1), 49.19 (5), and 49.61 (6), Wis. Stats.

(3) **EFFECTIVE DATE.** This rule shall be effective November 15, 1950, for purposes of determining eligibility and the amount of assistance in the program for aid to totally and permanently disabled persons, and as of a date to be specified by the division of public assistance in the other social security aid programs.

**PW-PA 20.05 Responsibility of relative to support.** When a relative enumerated in section 52.01 is not assisting an applicant for aid to the blind, aid to dependent children, old age assistance or aid to the disabled and refuses to assist and when there is reasonable doubt as to liability or ability of such relative to assist, no application for aid to the blind under section 49.18, Wis. Stats., nor aid to dependent children under section 49.19, Wis. Stats., nor old age assistance under sections 49.20 through 49.33, Wis. Stats., nor aid to the disabled under section 49.61, Wis. Stats., shall be denied by the county agency until such agency shall have secured an order from a court of competent jurisdiction under section 52.01, Wis. Stats.; provided also that it is deemed to be the responsibility of the county agency in such case to petition under section 52.01, Wis. Stats.

**PW-PA 20.10 Payment of aid to the disabled.** All payments of aid to the disabled shall be made under the following conditions: (1) **APPROVAL OF CERTIFICATE OF DISABILITY.** Before aid may be granted the report of the examining physician must be submitted by the county agency to the state department of public welfare for review by the department and its physician consultant and the county agency notified of approval by the division of public assistance. Aid to totally and permanently disabled persons shall not be granted until such division has notified the county agency of such approval; provided that when a reexamination is made to determine continued eligibility such aid may be continued until the division of public assistance notifies the county agency with respect to any case that such eligibility no longer continues.

(2) **LIMITATIONS.** (a) Constant and continuous care means that some person's time in whole or in part is regularly spent in the attendance and care of the applicant.

(b) Aid under this program is limited to persons the cost of whose care cannot be provided by parents or other legally responsible persons consistent with standards of public assistance applied in the social security aids.

**PW-PA 20.11 Payment of aids.** All payments to recipients of old age assistance, aid to dependent children (including payments on behalf of children in foster homes pursuant to section 49.19 (10), Wis. Stats.), aid to the blind, and aid to totally and permanently disabled persons, shall be made under the following provisions:

(1) **CASH.** Payment shall be made by county check payable to the beneficiary *or to a person judicially appointed as the legal representative of such beneficiary* by the courts under chapter 319, Wis. Stats., and shall not be subject to discount but redeemable in cash in the amount of its full face value upon demand; provided that in the case of aid to totally and permanently disabled persons such county check, payable to the beneficiary, may be delivered to the attorney-in-fact who has been authorized to receive it by the voluntarily executed power of attorney of such beneficiary; and provided further that nothing in this rule shall be deemed to supersede any provision of section PW-PA 20.06 governing relatives' eligibility for aid to dependent children.

(2) **RESTRICTION ON USE OF ASSISTANCE NOT PERMITTED.** Payment must consist of an unconditional transfer and delivery of said check to the recipient for expenditures by him in his discretion and shall not be made in lieu of wages or with respect to work done.

(3) **DATE.** Payment of assistance shall be made in the month for which the grant of aid is designated, either in the full amount of the monthly allowance or in two or more installments. When a single payment is made for the full amount of the monthly allowance, it shall be made not later than the fifth day of the month. When the monthly allowance is paid in installments, each installment shall be for equal periods based on a thirty-day month. Payment of the first installment shall be made no later than the fifth day of the month and each subsequent installment no later than the fifth day of each installment period. Payment of an initial allowance may be made subsequent to the fifth day of the month and shall be made within

the month. Additional payments made to meet increased budgetary needs may be made subsequent to the fifth day of the month but not later than the end of the second succeeding month following the month for which the increased payment is made. [EXCEPTION] Payment on behalf of a child in a foster home pursuant to section 49.19 (10), Wis. Stats., shall be made in arrears and not later than the tenth day of the month following the month for which the payment is made.

(4) **COVERAGE.** Payment may not include any time prior to the first of the month in which the aid applied for is officially authorized and payment is made; provided, however, that this provision shall not preclude continuing payments when an eligible recipient moves from one county to another nor adjustments when grants of aid are reinstated after suspension, nor adjustments upon order of the state department of public welfare, division of public assistance, made in accordance with section 49.50 (8), Wis. Stats.

(5) **ENDORSEMENT.** Pursuant to federal regulation, checks must be endorsed by the payee with his signature; provided that persons unable to write shall endorse their assistance checks either by mark or by finger print in the presence of two witnesses who shall append their signatures and addresses; provided that in the case of aid to totally and permanently disabled persons an attorney-in-fact voluntarily appointed by the beneficiary may cash checks payable to the beneficiary when he is authorized to do so by power of attorney.

**History:** 1-2-56; am. (1), Register, February, 1959, No. eff. 38, 3-1-59; am. Register, March, 1962, No. 75, eff. 4-1-62.

**PW-PA 20.12 History:** 1-2-56; am. Register, December, 1957, No. 24, eff. 1-1-58; am. Register, December, 1961, No. 72, eff. 1-1-62; am. (7) (b), Register, October, 1964, No. 106, eff. 11-1-64; r. Register, January, 1967, No. 133, eff. 2-1-67.

**PW-PA 20.13 State relief for Indians.** (1) **PURPOSE.** The purpose of this rule is to define the terms "Indian", "tax-free land", and "relief" as used in section 49.046, Wis. Stats., and to provide regulations and administrative interpretations to implement such section.

(2) **DEFINITIONS.** (a) The term "Indian" shall include a person whose proportion of Indian blood is one-fourth or more.

(b) "Tax-free land" is defined as land which is subject to neither assessment nor levy of a real property tax either as a general tax or as a payment in lieu of taxes.

(c) "Relief" as used in section 49.046, Wis. Stats., means relief as defined in section 49.01 (1), Wis. Stats.

(d) "Department" shall mean the state department of public welfare.

(3) **ADMINISTRATION.** (a) *Agency to administer relief.* The department shall whenever possible appoint the county agency administering the social security aids, subject to the approval of the county board, to administer relief under section 49.046, Wis. Stats., whenever said department determines that there is need for such relief in a county; provided that the department may elect to appoint the agency administering general relief in a municipality to administer relief under such section in such municipality.

(b) *Standards of relief.* The appointed agency shall grant such relief in accordance with the standards, policies, rules and regula-

tions established by the department. In establishing standards the department shall give consideration to the standards used in establishing need for relief in any community under sections 49.01 and 49.02, Wis. Stats.

(c) *Determination of eligibility.* 1. No person shall be eligible for aid under section 49.046, Wis. Stats., unless he is:

a. An Indian; provided that whenever the head of a family is an Indian eligible for aid under section 49.046, Wis. Stats., the members of his immediate family who are living in the household and who are in need of relief shall also be eligible for aid under such section; and provided further that whenever the head of a family is a non-Indian, the members of his immediate family shall not be eligible for aid under such section.

b. Residing on tax-free land.

c. Ineligible for aid under sections 49.18, 49.19, 49.20 to 49.38, 49.40 or 49.61, Wis. Stats., and under chapters 45 and 48, Wis. Stats.

d. In need of relief.

(d) ALLOCATION OF STATE FUNDS. 1. Whenever the department determines that relief pursuant to section 49.046, Wis. Stats., is needed in any county or municipality, it shall request the emergency board to release a sum from the amount appropriated in section 20.670 (16), Wis. Stats., sufficient to meet such need. Out of the sum released by such board the department may allocate to the agency administering such relief in such county or municipality such amounts as it shall deem necessary. Such allocated amounts shall be paid to the county treasurer or to the municipality treasurer depending on whether the appointed welfare agency is a county or a municipality agency.

2. The department shall allocate money to the agency administering relief under section 49.046, Wis. Stats., on the same basis whether such agency elects to furnish relief in the form of money grants, commodities, or work relief. Whenever work relief is furnished, the provisions of section 49.05, Wis. Stats., shall apply.

3. The duly appointed agency administering aid under section 49.046, Wis. Stats., shall:

a. Maintain case records in a manner approved by the department.

Next page is numbered 87

