

Chapter PW-PA 20

PUBLIC ASSISTANCE

PW-PA 20.03	Need determination	PW-PA 20.16	County agency official bond
PW-PA 20.04	Eligibility verification	PW-PA 20.17	Confidential nature of records
PW-PA 20.05	Responsibility of relative to support	PW-PA 20.18	Fair hearings
PW-PA 20.06	Relatives eligible for aid to dependent children	PW-PA 20.19	Relief claims proceedings
PW-PA 20.07	Incapacitation for gainful work; dependent children	PW-PA 20.21	Destruction of record material
PW-PA 20.08	Divestment	PW-PA 20.22	Liquid assets
PW-PA 20.11	Payment of aids	PW-PA 20.23	Loans on Menominee Enterprises, Inc. bonds
PW-PA 20.12	Overpayment of AFDC	PW-PA 20.24	Student 18-year old aid program
PW-PA 20.14	Aid to distressed counties		
PW-PA 20.15	Reimbursement for state dependents		

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 aid to dependent children, 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 aid to dependent children, shall be determined by the county agency in accordance with standards prescribed by the department of health and social services. The department 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 generally principles of budgeting to be applied to the individual circumstances. In effect, the department shall define need within the statutory provisions as set forth in s. 49.19 (5), Stats.

History: 1-2-56; am. Register, February, 1976, No. 230, eff. 3-1-76.

PW-PA 20.04 Eligibility verification. (1) As a condition of eligibility, each applicant for or recipient of aid will be required:

(a) To furnish to the state or local agency a social security account number, hereinafter referred to as the SSN, or

(b) To apply for such number through procedures adopted by the state or local agency with the social security administration and provide the number upon receipt.

(2) If the applicant or recipient has complied with the requirements of sub. (1) (b) the state or local agency shall not deny, delay, or discontinue assistance pending the issuance or certification of such numbers.

(3) "Applicant" and "recipient" include the caretaker relative, the children, and any other individual whose needs are considered in determining the amount of assistance.

Register, March, 1981, No. 303
Public Welfare

(4) The state or local agency shall notify the applicant or recipient that the furnishing of the SSN is a condition of eligibility for assistance required by the Social Security Act and that the SSN will be utilized in the administration of the AFDC program.

(5) The above conditions are required by federal regulation 45 CFR 232.10 effective July 1, 1975.

(6) Effective date, January 1, 1977.

History: Cr. Register, March, 1977, No. 255, eff. 4-1-77.

PW-PA 20.05 Responsibility of relative to support. When a relative enumerated in s. 52.01, Stats., is not assisting an applicant for aid to dependent children, 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 dependent children under s. 49.19, Stats., shall be denied by the county agency until such agency shall have secured an order from a court of competent jurisdiction under s. 52.01, Stats.; provided also that is deemed to be the responsibility of the county agency in such case to petition under s. 52.01, Stats.

History: 1-2-56; am. Register, April, 1967, No. 136, eff. 5-1-67; am. Register February, 1976, No. 230, eff. 3-1-76.

PW-PA 20.06 Relatives eligible for aid to dependent children. Section 49.19 (1) (a), Stats., and Title IV, section 406 (a), Federal Social Security Act are construed to permit payments of public assistance grants in behalf of dependent children who are living with a person included in one of the following groups:

(1) Any blood relative, including first cousins, nephews, or nieces and those of half-blood.

Note: Relationships to persons of preceding generations as denoted by prefixes of grand, great, or great-great are within this definition.

(2) Stepfather, stepmother, stepbrother, and stepsister.

(3) Persons who legally adopt a child or his parent as well as the natural and other legally adopted children of such persons.

Note: Other relatives of persons who adopt children are relatives of such adopted children within this definition.

(4) Spouses of any persons named in the above groups.

Note: Such relatives may be considered within the scope of this provision though the marriage is terminated by death or divorce.

History: 1-2-56; am. Register, February, 1976, No. 230, eff. 3-1-76.

PW-PA 20.07 Incapacitation for gainful work; dependent children. (1) PURPOSE. This rule is adopted to promote the rehabilitation of dependent persons in keeping with the legislative intent expressed in s. 49.02 (6), Stats., to determine the eligibility of applicants for aid to dependent children as required under ss. 49.19 (1), (2), (3) and (4), Stats., to determine the amount of aid needed (including necessary medical aid for the incapacitated parent) as directed under ss. 49.19 (5) and 49.46, Stats., and further to carry out the department's responsibilities as expressly stated or implied under ss. 46.206 and 49.50 (2) and (6), Stats.

Register, March, 1981, No. 303
Public Welfare

mailing of notices by registered or certified mail with return receipt requested.

(6) **CONDITIONS PRECEDENT.** No proceeding shall be maintained unless a verified claim for the amount of money due has been duly presented to and disallowed by the county or municipality sought to be charged.

(7) **RESUMES AND TRANSCRIPTS.** (a) The department may at any time prior to decision require or permit the parties to file briefs on either fact or law.

(b) Transcripts of testimony taken or proceedings had before the department will be furnished to parties upon request and payment of the sum of 10 cents per folio and 5 cents per folio for each additional copy thereof. After an appeal has been taken, transcripts will be furnished upon payment of the sum of 5 cents per folio.

(8) **WITNESS FEES.** (a) Witnesses may be paid as provided by s. 49.11 (7) (a), Stats., for attendance at hearings.

(b) Where more than one witness travels in the same car, only one mileage fee shall be allowed, except that all witnesses may receive sufficient mileage fees to cover necessary meals.

(c) Where witnesses travel by public conveyance, actual cost of conveyance plus necessary and reasonable bills for meals and hotels may be allowed.

(d) Interpreters' fees shall be the same as witness fees.

(e) In no case shall any of the above allowances be in excess of the regular mileage allowance. Witness fees shall be proved by submission of receipt of the witness.

History: 1-2-56; am. Register, October, 1962, No. 82, eff. 11-1-62.

PW-PA 20.20 Reimbursement of county administrative costs. History: 1-2-56; am. (2), Register, June, 1967, No. 138, eff. 7-1-67; r. Register, March, 1981, No. 303, eff. 4-1-81.

PW-PA 20.21 Destruction of record material. (1) **PURPOSE.** The purpose of this rule is to define the limitations of s. 59.715 (21), Stats., pertaining to the destruction of case record and other record material in aid to dependent children, and in relief for which claim for state reimbursement is made under s. 49.04, Stats., and the destruction of records in Indian relief claims under s. 49.046, Stats.

(2) **RECORDS TO BE PERMANENTLY PRESERVED.** A face sheet or similar record of each case and a financial record of all payments for each aid account shall be permanently preserved.

(a) **Face sheet or similar record** means a sheet or sheets giving identifying data about the person or persons concerned, sufficient to distinguish the particular person or family, including such information as names, addresses, occupations, relatives, birth and marriage dates and marital status.

(b) **Financial record** means a financial card or ledger sheet showing all payments made to or in behalf of the individual or family aided, by month, and including a record of all refunds and collections.

Register, March, 1981, No. 303
Public Welfare

PW-PA 20

(3) **CONDITIONS FOR DESTRUCTION OF OTHER RECORDS.** Records, other than those specified in sub. (2) of this rule, may be destroyed when there has been no case activity on the part of the county department and the particular person or family for a period of 5 years just preceding, except as hereinafter provided.

(a) No records may be destroyed in any case in which:

1. An estate against which the county has a claim has not been settled.
2. There is property on which the county has an old-age assistance lien and the claim has not been settled.
3. Claims for reimbursement under ss. 49.04 and 49.046, Stats., have not been settled and audited.

(b) Claims paid by the county, and papers supporting such claims, and cancelled checks for payments made to or in behalf of recipients of aid to dependent children, or relief to needy Indians may not be destroyed until after 7 years, in accordance with s. 59.175 (9) and (18), Stats.

History: 1-2-68; am. Register, October, 1962, No. 82, eff. 11-1-62; am. Register, February, 1975, No. 230, eff. 3-1-75.

PW-PA 20.22 Liquid assets. AID TO FAMILIES WITH DEPENDENT CHILDREN. Where a dependent child or children otherwise eligible for a grant of aid to families with dependent children together with the relatives included in the grant of such aid have more than \$1,500 in liquid assets, including cash or loan value of insurance, eligibility for a grant of aid to families with dependent children does not exist.

History: Cr. Register, May, 1961, No. 65, eff. 6-1-61; am. Register, February, 1975, No. 230, eff. 3-1-75.

PW-PA 20.23 Loans on Menominee Enterprises, Inc. bonds. (1) PURPOSE. Loans will be made to owners of bonds of Menominee Enterprises, Inc. who are dependent persons in need of a loan for welfare purposes.

(2) **AMOUNT.** The amount of the loan shall not exceed the par value of bonds available for pledging to the state as security for such loan.