

CR 87-96

RECEIVED

JUN 8 1988

3:00 pm
Revisor of Statutes
Bureau

CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPARTMENT OF HEALTH AND SOCIAL SERVICES)

I, Timothy F. Cullen, Secretary of the Department of Health and Social Services and custodian of the official records of the Department, do hereby certify that the annexed rules relating to the temporary absence of an AFDC child or caretaker relative from the caretaker relative's home were duly approved and adopted by this Department on June 7, 1988.

I further certify that this copy has been compared by me with the original on file in the Department and that this copy is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the State Office Building, 1 W. Wilson Street, in the city of Madison, this 7th day of June, 1988.



Timothy F. Cullen, Secretary
Department of Health and Social Services

SEAL:

8-1-88

ORDER OF THE
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
REPEALING AND RECREATING RULES

To repeal and recreate HSS 201.17(2)(b), relating to the temporary absence of an AFDC child or caretaker relative from the caretaker relative's home.

Analysis Prepared by the Department of Health and Social Services

One requirement for eligibility for Aid to Families with Dependent Children (AFDC) is that the child who is deprived of parental support must be under the care of a qualified relative, called the caretaker relative, who may be a parent, a grandparent or another relative identified in s. HSS 201.17(1). Being under the care of a caretaker relative means that the child lives in the caretaker relative's home and the caretaker relative is primarily responsible for the care and control of the child, including making plans for the child. However, a current rule, s. HSS 201.17(2)(b), provides that the child or caretaker relative may be temporarily absent from the home, with the child still considered to be under the care of the caretaker relative. What is meant by "temporary absence" is not evident from the language of the current rule.

Section HSS 201.17(2)(b) is revised through this order to state that the permitted temporary absence of the child or caretaker relative is for no more than six months, except that in the case of the child the income maintenance agency can extend the period beyond six months if there is a written plan that demonstrates the intention of eventually returning the child to the caretaker relative's home. The revised rule also provides that the absence of the child from the home is not to be the result of removal under a dispositional order issued under s. 48.355, Stats., and that the caretaker relative is to continue to exercise responsibility for the care and control of the child.

The Department's authority to repeal and recreate this rule is found in s. 49.50(2), Stats. The rule interprets ss. 46.03(8) and 49.19(1)(a)2a, Stats.

SECTION 1. HSS 201.17(2)(b) is repealed and recreated to read:

HSS 201.17(2)(b)1. A child may be absent from the caretaker relative's home but still be considered under the care of the caretaker relative, or the caretaker relative may be absent from the home but still be considered the caretaker relative, if the following conditions are met:

a. The continuous absence is expected to be for a period of no more than 6 months;

b. The absence is not the result of removal of the child under a dispositional order issued under s. 48.355, Stats., which places custody of a child outside the home for an indefinite period or a period of 3 months or more; and

c. The caretaker relative continues to exercise responsibility for the care and control of the child.

2. The agency may approve an extension of a child's temporary absence from the home beyond 6 months when a written plan exists which demonstrates that the intent is to return the child to the home of the caretaker relative.

The rule contained in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

Wisconsin Department of Health and Social Services

Date: June 7, 1988

By:



Timothy F. Cullen
Secretary

Seal:



State of Wisconsin

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
1 West Wilson Street, Madison, Wisconsin 53702

Tommy G. Thompson
Governor

Timothy F. Cullen
Secretary

RECEIVED

June 7, 1988

JUN 8 1988

Mailing Address:
Post Office Box 7850
Madison, WI 53707

Revisor of Statutes
Bureau

Mr. Orlan Prestegard
Revisor of Statutes
7th Floor - 30 on the Square
Madison, Wisconsin 53702

Dear Mr. Prestegard:

As provided in s. 227.20, Stats., there is hereby submitted a certified copy of HSS 201.17(2)(b), administrative rules relating to the temporary absence of an AFDC child or caretaker relative from the caretaker relative's home.

These rules are also being submitted to the Secretary of State as required by s. 227.20, Stats.

The rules concern county administration of a Federal-State public assistance program. They do not directly affect small businesses as defined in s. 227.114(1)(a), Stats.

Sincerely,

Timothy F. Cullen
SECRETARY

Enclosure