

Senate Bill 7

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CHAPTER 9, LAWS OF 1967

AN ACT to amend 20.670 (9) (n) 1, 46.206, 46.22 (4) (b) and (7), 49.05 (8), 49.09 (1), 49.18 (1) (a) and (8), 49.19 (1), (4) (b) and (dm) (intro.), 49.41, 49.46 (1) (a), (c) and (d) 1, 49.47 (4) (f), 49.50 (2), (3), (8) and (9), 49.51 (2) (a) 7, 49.52 (1) and (2) (a) (intro.), 49.53 (1) and (2) (a), 49.61 (6) (a) and 59.715 (21) of the statutes, relating to "aid to families with dependent children."

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

SECTION 1. 20.670 (9) (n) 1 of the statutes is amended to read:

20.670 (9) (n) 1. Federal aid for administration. All moneys received from the federal government to the extent earned by each county for the administration of old-age assistance, aid to *families with* dependent children, aid to the blind and aid to the totally and permanently disabled persons to be allotted under s. 49.52. All moneys received from the federal government, to the extent earned by the state for the administration of these forms of public assistance, shall be paid into the general fund as general purpose revenues.

SECTION 2. 46.206 of the statutes is amended to read:

46.206 (1) The department shall supervise the administration of old-age assistance, aid to *families with* dependent children, aid to the blind and aid to totally and permanently disabled persons. The department shall submit to the federal authorities state plans for the administration of these forms of public assistance in such form and containing such information as the federal authorities require and shall comply with all requirements prescribed to insure ~~the~~ *their* correctness. All records of the department and all county records relating to these forms of public assistance shall be open to inspection, at all reasonable hours, by authorized representatives of the federal government. All county records relating to the administration of these forms of public assistance shall be open to inspection at all reasonable hours by authorized representatives of the department. The department may at any time audit all county records relating to the administration of these forms of assistance and may also at any time conduct administrative reviews of county departments of public welfare created by ss. 49.51 (2) (a) and 46.22. Whenever the department conducts such audit or administrative review in a county it shall furnish a copy of the audit or administrative review report to the chairman of the county board, to the county clerk, to the chairman of the county board of public welfare, and to the director of the county department of public welfare, of such county.

(2) The county administration of all laws relating to old-age assistance, aid to *families with* dependent children, aid to the blind and aid to totally and permanently disabled persons shall be vested in the officers and agencies designated in the statutes.

(3) The use of the words "county agency" in any statute relating to old-age assistance, aid to *families with dependent children*, aid to the blind, and aid to totally and permanently disabled persons means the county department of public welfare as created by s. 49.51 (2) (a) or 46.22 (1), provided that the provisions of this subsection shall not deprive the juvenile court of any authority it otherwise has under the law.

SECTION 3. 46.22 (4) (b) and (7) of the statutes are amended to read:

46.22 (4) (b) To administer aid to *families with dependent children* under s. 49.19.

(7) The county department of public welfare and all county officers and employes performing any duties in connection with the administration of aid to the blind, old-age assistance, aid to *families with dependent children*, and aid to totally and permanently disabled persons shall observe all rules and regulations promulgated by the department pursuant to s. 49.50 (2) and shall keep such records and furnish such reports as the department requires in relation to their performance of such duties.

SECTION 4. 49.05 (8) of the statutes is amended to read:

49.05 (8) (a) For the purpose of conserving and developing work skills through community work and training programs of a constructive nature, the department may authorize work and training projects which are designed to provide opportunity for employable recipients of aid to *families with dependent children* who have attained the age of 18 to perform work for any public agency. The department shall reimburse county welfare departments pursuant to s. 49.52 (1) and (2) for payments made by such county welfare departments to recipients of aid to *families with dependent children* for work performed under this section, but it shall not make reimbursement for any equipment, materials, supplies or supervision of such work and training projects. The department through its supervision shall ascertain that:

1. ~~That~~ Appropriate standards for the health, safety and other work conditions on the job are established and maintained.

2. ~~That~~ The rate of pay for such work is not less than exists for similar work in the community.

3. ~~That~~ Such projects serve a public purpose, do not supplant any regular workers or employes of the state or public agency, except emergencies or nonrecurring projects, and are of a type not normally performed in the past by the state or public agencies.

4. ~~That~~ The workers will be covered by workmen's compensation.

(b) The department may make any necessary rules in relation to the administration of work relief and retraining projects as are necessary to carry out the purposes of the employment and retraining of unemployed recipients of aid to *families with dependent children*.

SECTION 5. 49.09 (1) of the statutes is amended to read:

49.09 (1) When a dependent person, other than a recipient of old-age assistance, aid to blind, aid to *families with dependent children*, or aid to totally and permanently disabled persons is receiving relief elsewhere than at his place of settlement and refuses to return thereto, the officer or agency of the place administering relief or of the place of settlement may petition the judge of the county court or the judge of any other court of record of the county in which the relief is furnished for an order directing such person to return to his place of settlement. The petition shall state specifically the reasons upon which the order is sought and copies shall be served upon the dependent person, the officer or agency of the place of residence or the place of legal settlement. Notice of hearing shall be served upon the same parties at least 10 days in advance of the hearing. Service may be made personally or by registered mail with return receipt requested.

SECTION 6. 49.18 (1) (a) and (8) of the statutes are amended to read:

49.18 (1) (a) Any needy person who is blind shall receive aid from the county of his residence as provided in this section. The amount granted shall be determined on the basis of need taking into consideration all income and resources as well as ordinary and special expenses incidental to blindness, except that the first \$85 plus one-half of the excess over \$85 of payments made to or on behalf of any person for or with respect to any month under Title I or II of the federal economic opportunity act of 1964 or such payment made to or in behalf of any person and any excess remaining after this exclusion shall be considered as income for any other individual only to the extent made available to or for the benefit of such other individual and except that as permitted or required for federal aid in making such determination of need, the first \$85 per month of earned income together with one-half of any earned income in excess of the first \$85 shall be disregarded in determining such amount. Any amount of earned income so disregarded in determining the amount of aid to the blind a recipient of such aid is eligible for, shall not be taken into consideration in determining the need of any other individual for aid to the blind, old-age assistance, aid to *families with* dependent children or aid to totally and permanently disabled persons. Under a plan approved by the department a recipient may during a period not in excess of 12 months accumulate additional amounts of other income and resources for the purpose of achieving self-support through self-activity as set out in the approved plan.

(8) No aid to the blind shall be payable under this section to any person for any period with respect to which he is receiving aid to *families with* dependent children under s. 49.19, old-age assistance under ss. 49.20 to 49.37 or aid to totally and permanently disabled persons under s. 49.61.

SECTION 7. 49.19 (1), (4) (b) and (dm) (intro.) of the statutes are amended to read:

49.19 AID TO FAMILIES WITH DEPENDENT CHILDREN. (1)

(a) A "dependent child" ~~as used~~ in this section means a child under the age of 18, who has been deprived of parental support or care by reason of the death, continued absence from the home or incapacity of a parent, or the financial inability of his parent ~~or parents~~ to support him due to the unemployment of such parent, and who is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousins, nephews or nieces in a residence maintained by one or more such relatives as his or their own home, or living in a residence maintained by one or more such relatives as his or their own home because the parents of said child have been found unfit to have its care and custody, or who is living in a foster home having a license under s. 48.62, when a license is required under such section, or a child-caring institution licensed under s. 48.60 and placed in such home or institution by a county agency pursuant to ch. 48.

(b) Any individual ~~wishing to make application~~ *may apply* for aid to *families with* dependent children and shall have opportunity to do so. Application for aid shall be made on forms prescribed by the department. Any person having knowledge that any child is dependent upon the public for proper support or that the interest of the public requires that such child be granted aid may bring the facts to the notice of an agency administering such aid in the county in which the child resides.

(c) "Aid to *families with* dependent children" means money payments with respect to, or medical care in behalf of or any type of remedial care recognized under subs. (1) to (10) or s. 49.46 or necessary burial expenses as defined in sub. (5) in behalf of, a dependent child or dependent children including such aid to meet the needs of the relative with whom any dependent child is living and the spouse of such relative if living with him and if such relative is the child's parent and the child is a dependent child

by reason of the physical or mental incapacity of a parent or payments made to another individual not a relative enumerated under par. (a), pursuant to federal regulations, when such individual has been appointed by a court of competent jurisdiction as a legal representative of the dependent child or when such individual who may be a caseworker has been designated by the county welfare department to receive payment of the aid or cash payments to recipients who are engaged in an approved work relief or training project.

(4) (b) Each child to be eligible for aid shall have resided in the state for one year immediately preceding the application for such aid or if born within one year immediately preceding the application the parent or other relative as described in sub. (1) (a) with whom the child is living shall have resided in the state for one year immediately preceding the birth of the child. Notwithstanding the foregoing whenever anyone leaves the state and was at the time of his departure eligible for aid to *families with dependent children* on the basis of residence, such person upon returning within one year to this state shall be eligible to receive such aid.

(dm) (intro.) Aid may be paid to parents of a dependent child if the parents are unable to supply the needs of the child because of unemployment of the parent or parents if the parent or parents have been in the labor market sometime during the 12-month period prior to application but are not currently gainfully employed. Parents are not included if they have been self-employed or unless they are working fewer hours than is customary with those employed in their industry. No benefits shall be paid until a parent has been unemployed for 2 weeks. Aid to *families with dependent children* of unemployed parents may be granted only so long as federal aid for this purpose is available to the state. No aid shall be granted when the unemployed parent, without good cause, refuses to:

SECTION 8. 49.41 of the statutes is amended to read:

49.41 All grants of old-age assistance, aid to *families with dependent children*, aid to the blind, and aid to totally and permanently disabled persons shall be exempt from every tax, and from execution, garnishment, attachment and every other process and shall be inalienable.

SECTION 9. 49.46 (1) (a), (c) and (d) 1 of the statutes are amended to read:

49.46 (1) (a) All persons included in the grant of old-age assistance, aid to *families with dependent children*, aid to the blind or aid to totally and permanently disabled shall be furnished medical assistance pursuant to this section.

(c) Medical assistance shall be paid to any person currently not receiving old-age assistance, aid to the blind, aid to *families with dependent children* or aid to totally and permanently disabled persons if the only reason that such person is not eligible for such aid is the lack of the required period of residence within the state.

(d) 1. Children placed in licensed foster homes by the division for children and youth and which children would be eligible for payment of aid to *families with dependent children* in foster homes except that such placement is not made by a county agency will be considered as recipients of aid to *families with dependent children*.

SECTION 10. 49.47 (4) (f) of the statutes is amended to read:

49.47 (4) (f) If the application under sub. (3) shows the income and resources of the applicant are within the limitations of the old-age assistance, aid to the blind, aid to *families with dependent children*, or aid to totally and permanently disabled persons programs, such person or persons shall be found eligible for the benefits enumerated under s. 49.46 (2).

SECTION 11. 49.50 (2), (3), (8) and (9) of the statutes are amended to read:

49.50 (2) The department shall adopt rules and regulations, not in conflict with law, for the efficient administration of aid to the blind, old-age assistance, aid to *families with* dependent children and aid to totally and permanently disabled persons, in agreement with the requirement for federal aid, including the establishment and maintenance of personnel standards on a merit basis. The provisions of this section relating to personnel standards on a merit basis supersede any inconsistent provisions of any law relating to county personnel; ~~provided that the provisions of~~ *but* this subsection shall not be construed to invalidate the provisions of s. 46.22 (6).

(3) State-wide examinations to ascertain qualifications of applicants in any county department administering old-age assistance, aid to *families with* dependent children, aid to the blind or aid to totally and permanently disabled persons shall be given by the state bureau of personnel. The bureau shall be reimbursed for actual expenditures incurred in the performance of its functions under this section from the appropriations available to the department for administrative expenditures.

(8) Any person whose application for aid to the blind, old-age assistance, aid to *families with* dependent children and aid to totally and permanently disabled persons is not acted upon by the county agency with reasonable promptness after the filing of the application, or is denied in whole or in part, or whose award is modified or canceled, or who believes his award to be insufficient, may petition the department for a review of such action. The department shall, upon receipt of such petition, give the applicant or recipient reasonable notice and opportunity for a fair hearing. The department may make such additional investigation as it deems necessary. Notice of the hearing shall be given to the applicant and to the county clerk; and the county shall be entitled to be represented at such hearing. The department shall render its decision as soon as possible after the hearing and shall send a certified copy of its decision to the applicant, the county clerk and the county officer charged with administration of such assistance. The decision of the department shall have the same effect as an order of the county officer charged with the administration of such form of assistance. Such decision shall be final, but may be revoked or modified as altered conditions may require. Whenever any municipality or county receives a nonresident notice pursuant to s. 49.11 and there is reasonable basis for belief that the recipient of such relief may be eligible for assistance under s. 49.18, 49.19, 49.20 to ~~49.40~~ *49.37* or 49.61, such municipality or county may after 60 days request the county department of public welfare of the county wherein the recipient of relief is residing to investigate the possible eligibility of such relief recipient for assistance under one of said sections and if the latter county refuses to grant such assistance, the municipality or county wherein liability for paying the relief ultimately rests may petition the department for a hearing hereunder to determine eligibility of the relief recipient for such assistance. Copies of the petition shall be sent to the county wherein the dependent person may be residing or receiving relief by the county or municipality liable for ultimately paying said relief. The aforesaid procedure or any subsequent decision of the department shall not bar recovery of any claim under s. 49.11 to the date of the final decision.

(9) The department may at any time terminate payment of state or federal aid on any grant of old-age assistance, aid to *families with* dependent children, aid to the blind or aid to totally and permanently disabled persons which may have been improperly allowed or which is no longer warranted due to altered conditions. Such action shall be taken only after thorough investigation and after fair notice and hearing. Such notice shall be given to the recipient of the assistance, the county clerk, and the county officer charged with the administration of such assistance, and their statements

may be presented either orally or in writing, or by counsel. Any decision of the department terminating the payment of state and federal aid shall be transmitted to the county treasurer, and after receipt of such notice he shall not include any payments thereafter made in such case in the certified statement of the expenditures of the county for which state or federal aid is claimed.

SECTION 12. 49.51 (2) (a) 7 of the statutes is amended to read:

49.51 (2) (a) 7. The administration of aid to *families with dependent children* under s. 49.19.

SECTION 13. 49.52 (1) and (2) (a) (intro.) of the statutes are amended to read:

49.52 (1) (a). From the federal funds received by the state for grants of aid, excluding medical aid issued under s. 49.46, in the aid to the blind, aid to *families with dependent children*, old-age assistance and aid to totally and permanently disabled persons there shall be determined in each of said programs the percentage of the federal fund in relation to the total amount expended for such purpose and the state shall reimburse from these moneys to each county the percentage as computed of the total amount expended by such county in each program.

(b) From the federal funds received by the state for the administration by counties of aid to the blind, aid to *families with dependent children*, old-age assistance and aid to totally and permanently disabled persons including medical assistance there shall be computed the percentage that such federal funds relate to the total cost of county administration of said programs and the state shall pay to the counties from these moneys the amount determined on the basis of such percentage to the total administrative costs of each county.

(2) (a) (intro.) The state aid to which any county shall be entitled shall be determined according to the amount expended by the county for aid to the blind, aid to *families with dependent children*, old-age assistance and aid to totally and permanently disabled persons including services and medical administration and child welfare services, mental hygiene services and other welfare services performed by the county agency administering such aids in co-operation with or at the request of the state department, pursuant to express authorization, but excluding general relief, after deducting the reimbursement received from federal funds pursuant to sub. (1) and paid as follows:

SECTION 14. 49.53 (1) and (2) (a) of the statutes is amended to read:

49.53 (1) The use or disclosure of information concerning applicants and recipients ~~for any purpose not connected with the administration of aid to *families with dependent children*, aid to the blind, old-age assistance and aid to totally and permanently disabled persons for any purpose not connected with the administration of the programs, except as provided under sub. (2), is prohibited. Any person violating this section shall be punished by a fine of~~ *may be fined* not less than \$25 nor more than \$500 or ~~by imprisonment imprisoned in the county jail not less than 10 days nor more than one year or both.~~

(2) (a) Each county agency administering aid to the blind, aid to *families with dependent children*, old-age assistance or aid to totally and permanently disabled persons shall ~~monthly~~ maintain a *monthly* report at its office showing the names and addresses of all persons receiving such aids together with the amount paid during the preceding month, ~~provided that~~ *but* nothing herein contained shall be construed to authorize or require the disclosure in such report of any information (names, addresses, amounts of aid or otherwise) pertaining to adoptions, to aid furnished to or in behalf of unmarried mothers pursuant to s. 49.19 (4) (d) and (g), or to aid furnished for the care of children in foster homes pursuant to s. 49.19 (10).

SECTION 15. 49.61 (6) (a) of the statutes is amended to read:

49.61 (6) (a) The amount of aid which a person may receive under this section shall be according to his need. The agency shall, in determining need, take into consideration any other income and resources, but when permitted by federal regulation the first \$50 of earned income shall be disregarded but in making such determination, of the first \$80 per month of income which is earned there shall be disregarded the first \$20 thereof plus one-half of the remaining \$60 in determining the amount of the grant and the earned income exemption provided in s. 49.18 (1) (a) shall not be considered in computing a grant of disabled aid when the disabled person is a member of the family of a recipient of blind aid and except that the first \$85 plus one-half of the excess over \$85 of payments made to or on behalf of any person for or with respect to any month under Title I or II of the federal economic opportunity act of 1964 or such payment made to or in behalf of any person and any excess remaining after this exclusion shall be considered as income for any other individual only to the extent made available to or for the benefit of such other individual. Any person receiving aid under this section shall not be eligible for old-age assistance, aid to the blind or aid to *families with* dependent children.

SECTION 16. 59.715 (21) of the statutes is amended to read:

59.715 (21) Case records and other record material of all public assistance kept pursuant to ch. 49 where no payments have been made for 5 years or more; provided that a face sheet or similar record of each case and a financial record of all payments for each aid account ~~shall be~~ *is* permanently preserved, and that records of aid to the blind, aid to *families with* dependent children, old-age assistance and aid to disabled persons, and all case records of relief when a claim for reimbursement from the state is pending under s. 49.04 ~~shall be~~ *is* destroyed only in accordance with the rules adopted by the state department of public welfare.

Approved March 24, 1967.