

Chapter PW-PA 20

PUBLIC ASSISTANCE

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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, 1975, No. 230, eff. 3-1-75.

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 subsection (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.

(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, 1975, No. 230, eff. 3-1-75.

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, 1975, No. 230, eff. 3-1-75.

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.

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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 section 49.11 (7) (a), Wis. 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. For the purpose of promulgating more uniform and standard administrative procedures in county agencies, reimbursement from state and federal funds will be made toward county administrative costs incurred for payments to employes for expenses incurred in performing their duties on the following basis:

(1) The reimbursable portion of the traveling expenses of such employes shall be subject to the same limitations and requirements as are imposed on state employes when such employes incur expenses for similar purposes.

(2) As a limitation on state reimbursement, the provisions of section 20.941, [1965], Wis. Stats., relating to the allowance for the use of a personal automobile shall apply to county employes, any part of whose salary or expenses is paid directly or indirectly, by the state.

History: 1-2-56; am. (2), Register, June, 1967, No. 138, eff. 7-1-67.

PW-PA 20.21 Destruction of record material. (1) **PURPOSE.** The purpose of this rule is to define the limitations of section 59.715 (21), Wis. 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 section 49.04. Wis.

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Stats., and the destruction of records in Indian relief claims under section 49.046, Wis. 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.

(3) **CONDITIONS FOR DESTRUCTION OF OTHER RECORDS.** Records, other than those specified in subsection (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 section 49.04 and section 49.046, Wis. 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 subsections 59.175 (9) and (18), Wis. Stats.

History: 1-2-56; 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. (1) **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.

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(1) **REQUIRED PERSONNEL.** At least 40 hours each of psychiatry, psychology and social work services shall be provided weekly for the initial 50,000 population to be served by the outpatient program. Counties of less than 50,000 persons shall provide services at least proportionate to their population. For every additional 10,000 population to be served, the outpatient program shall add 40 hours of additional qualified professional or paraprofessional's time as specifically approved by the department.

(2) **PROGRAM OPERATION AND CONTENT.** (a) *Accessibility.* Each outpatient program shall be open for a minimum of 40 hours weekly and shall include evening or Saturday hours of operation or both for direct patient services. The outpatient program shall make provision for services to walk-in clients, provide for home visits and offer clinical consultation for patients in hospitals, nursing homes and other community facilities.

(b) *Program content.* 1. The outpatient program shall provide for preadmission screening and evaluation and shall offer a broad range of treatment services including but not limited to such modalities as time limited individual psychotherapy, group psychotherapy, family and couples therapy, drug therapy and behavior modification techniques.

2. The outpatient program shall provide aftercare services for patients formerly hospitalized, working closely with social service agencies, courts, public health nurses, family physicians and others.

3. The outpatient program shall assure accessibility of appropriate services as needed to all segments of the population including minority non-indigenous population groups such as college students, seasonal workers and others.

(3) **PRIVATE FACILITY REQUIREMENTS.** Any facility not operated by or contracted with a board may be designated an approved facility by the department by meeting the personnel qualification standards set forth in the General Provisions of Standards for Community Mental Health Developmental Disabilities, and Alcoholism and Other Drug Abuse Services, chapter PW-MH 60, or the requirements of H24 Wis. Adm. Code. Such facility shall have demonstrated procedure for ensuring continuity of care for the client through either the facility itself or other appropriate program.

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

PW-MH 60.66 Emergency care program. The emergency care program of a community based system organized under section 51.42, Wis. Stats., shall provide immediate evaluation and mental health care to persons in crisis on a 24 hour a day, 7 day week basis. Emergency services shall be available within the outpatient, inpatient or day treatment programs and shall be shared among these elements as indicated. The program must be organized with assignment of responsibility, staff and resources to provide a clearly identifiable program.

(1) **REQUIRED PERSONNEL.** Psychiatrists, psychologists, social workers and other mental health personnel who meet the personnel requirements established under the rules for inpatient and outpatient programs may be assigned to emergency duty. Telephone emergency

service may be provided by volunteers after careful selection for aptitude and after a period of orientation and inservice training approved by the department. A regular staff member must be available to provide assistance to volunteers at all times, and medical, preferably psychiatric, consultation must also be available to staff members at all times.

(2) PROGRAM OPERATION AND CONTENT. (a) Emergency services shall be available 24 hours a day, 7 days a week.

(b) There shall be a 24 hour a day crisis telephone service system manned either by mental health professionals or paraprofessionals or trained mental health volunteers backed up by mental health professionals. A published telephone number should be provided with wide dissemination of this number to community agencies and the public.

(c) Face to face contact for crisis intervention may be provided as a function of the outpatient program during regular hours of operation, backed up by an on call system at all other times. The program shall include the capability of making home visits, or seeing patients at other off-headquarter locations, and shall have the resources to carry out on-site interventions when this is clinically desirable.

(d) When appropriate the emergency staff may transfer patients to other program elements to assure adequate services and followup. A patient may be admitted to the inpatient service only with a physician's approval.

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

PW-MH 60.67 Day treatment program. Day treatment is a basic element of the mental health program providing treatment while the patient is living in the community. Its services shall be closely integrated with other program elements to ensure easy accessibility, effective utilization and coordinated provision of services to a broad segment of the population. Day treatment provides treatment services for patients with mental or emotional disturbances, who spend only part of the 24 hour period in the services. Day treatment is conducted during day or evening hours.

(1) REQUIRED PERSONNEL. (a) Day treatment staff shall include various professionals composing a mental health team. They shall be directly involved in the evaluation of patients for admission to the service, determining plan of treatment and amount of time the patient participates in the service and in evaluating patients for changes in treatment or discharge.

(b) A qualified mental health professional shall be on duty whenever patients are present.

(c) A psychiatrist shall be present at least weekly on a scheduled basis and shall be available on call whenever the day treatment service is operating.

(d) A social worker shall participate in program planning and implementation.

(e) A psychologist shall be available for psychological services as indicated.