



1995 ASSEMBLY BILL 31

January 19, 1995 - Introduced by Representatives LADWIG, OWENS, DOBYNS, NASS, HANDRICK, AINSWORTH, SERATTI, DUFF, FREESE, MUSSER and WARD, cosponsored by Senators DRZEWIECKI, PETAK and A. LASEE. Referred to Committee on Welfare Reform.

1 **AN ACT** *to amend* 49.19 (11) (a) 1. a. (intro.); and *to create* 49.19 (11s) of the
2 statutes; **relating to:** requesting a waiver under the aid to families with
3 dependent children program and limiting payments under that program with
4 respect to dependent children who commit certain acts.

Analysis by the Legislative Reference Bureau

Under current law, the aid to families with dependent children program (AFDC) provides certain aid payments to families with dependent children. The term "dependent children" is defined to include children who are living with certain relatives or in a foster home. As a result, a child who is adjudicated delinquent or is convicted of a crime and is taken out of the home is not considered a dependent child and no AFDC payments are made with respect to the child. The bill requires the department of health and social services (DHSS) to request a waiver from the secretary of the federal department of health and human services that would allow the reduction of the amount of an AFDC payment for a family, if a dependent child in the family commits a felony or an act that would be a felony if committed by an adult, even if the child remains in the home.

Under the bill, if a waiver is granted, a dependent child will not be included in determining the amount of the AFDC payment if the dependent child commits a felony or an act that would be a felony if committed by an adult and if the dependent child is sentenced, placed on probation or placed under the supervision of an agency under a dispositional order. The dependent child is not included in determining the amount of the AFDC payment as long as the dependent child remains subject to the sentence, probation order or dispositional order. If, as a result of these provisions, all dependent children in a family are excluded in determining the amount of the AFDC payment but at least one dependent child remains in the home, DHSS is required to make an AFDC payment to meet only the needs of the parents. The bill does not cover AFDC payments made to dependent children in foster care.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 49.19 (11) (a) 1. a. (intro.) of the statutes is amended to read:

2 49.19 (11) (a) 1. a. (intro.) Except as provided in ~~sub.~~ subs. (11m) and (11s),
3 monthly payments made under s. 20.435 (4) (d) and (p) to persons or to families with
4 dependent children shall be based on family size and shall be at 80% of the total of
5 the allowances under subds. 2. and 4. plus the following standards of assistance
6 beginning on September 1, 1987:

7 **SECTION 2.** 49.19 (11s) of the statutes is created to read:

8 49.19 (11s) (a) The department shall request a waiver from the secretary of the
9 federal department of health and human services to permit the application of par.
10 (b). Paragraph (b) applies only while a waiver under this paragraph is in effect and
11 only with respect to acts committed while a waiver under this paragraph is in effect.

12 (b) 1. Except as provided in subd. 3., if a dependent child receiving aid to
13 families with dependent children commits a felony or an act that would be a felony
14 if committed by an adult and if the dependent child is sentenced under ch. 973, placed
15 on probation under s. 973.09 or placed under the supervision of an agency, as defined
16 in s. 48.38 (1) (a), under a dispositional order under s. 48.34, the dependent child may
17 not be included in determining the amount of a grant of aid under this section while
18 the dependent child remains subject to the sentence, the order under s. 973.09 or the
19 dispositional order.

20 2. If, as a result of the application of subd. 1., no dependent child in a family
21 receives a payment under this section and if at least one dependent child remains in

1 the family's home, the department shall make a payment under this section to meet
2 only the needs of the parent or parents who would otherwise be eligible for aid under
3 this section.

4 3. This paragraph does not apply to dependent children under sub. (1) (a) 2. b.

5 **SECTION 3. Nonstatutory provisions.**

6 (1) The department of health and social services shall request the waiver
7 required under section 49.19 (11s) of the statutes, as created by this act, no later than
8 the first day of the 7th month beginning after the effective date of this subsection.

9 (END)