



2015 SENATE BILL 290

October 7, 2015 - Introduced by Senators KAPENGA, STROEBEL, WANGGAARD and NASS, cosponsored by Representatives KRUG, BRANDTJEN, CRAIG, GANNON, HORLACHER, KITCHENS, KLEEFISCH, KNODL, KREMER, T. LARSON, MURPHY, SANFELIPPO, THIESFELDT and TITTL. Referred to Committee on Public Benefit and Regulatory Reform.

- 1 **AN ACT to create** 49.84 (8) of the statutes; **relating to:** requiring verification
2 from court orders for eligibility for public assistance programs.

Analysis by the Legislative Reference Bureau

The Department of Health Services (DHS) and the Department of Children and Families (DCF) administer a number of programs that provide services, benefits, and other types of assistance to eligible persons, usually persons with low incomes, who need assistance to obtain such necessities as food, health care, or child care. These programs are known as public assistance programs. Some examples are Wisconsin Works, including Wisconsin Shares; the food stamp program; the Medical Assistance program; the program that provides eligible persons with assistance in establishing the paternity of a child, establishing or modifying child support obligations, enforcing child support or maintenance (alimony) obligations, and locating persons who owe child support or children taken by parents in violation of court orders; the programs that provide state supplemental payments to persons receiving federal supplemental security income; the program that pays funeral, burial, and cemetery expenses for persons whose estates are insufficient to pay those expenses; and the disease aids program that provides assistance in paying the costs of medical treatment for eligible persons with cystic fibrosis, hemophilia, or chronic renal disease. For some public assistance programs, a person is not eligible for assistance unless he or she has a specified relationship or arrangement with a child.

This bill provides that, if a person's eligibility for a public assistance program depends on his or her relationship or arrangement with a child and that relationship or arrangement is set out in a court order, DHS or DCF, whichever department

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administers the program, must verify the information the person provides about his or her relationship or arrangement with a child by accessing the applicable court order. The bill specifies that, for purposes of the requirement, a person's relationship or arrangement with a child includes whether the person has legal custody of a child; whether a child resides with the person; whether the person is a child's parent or caretaker relative; whether the person exercises primary responsibility for a child's care and control; and any other relationship or arrangement that is relevant to eligibility for a public assistance program.

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.** 49.84 (8) of the statutes is created to read:

2 49.84 (8) (a) In this subsection:

3 1. "Applicant" means an individual who applies for assistance under any
4 assistance program.

5 2. "Assistance program" means any program administered by the department
6 of health services or the department of children and families under this chapter
7 under which the department administering the program provides services, benefits,
8 or other assistance.

9 3. "Recipient" means an individual who is receiving services, benefits, or other
10 assistance under an assistance program.

11 (b) If an applicant's eligibility or a recipient's continued eligibility for an
12 assistance program depends on the applicant's or recipient's relationship or
13 arrangement with a child and if that relationship or arrangement is set out in a court
14 order or the parameters of the relationship or arrangement are specified in a court
15 order, the department administering the assistance program or person processing
16 the application or reviewing eligibility shall verify information provided by the

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1 applicant or recipient that relates to the applicant's or recipient's relationship or
2 arrangement with a child by accessing the applicable court order.

3 (c) For purposes of par. (b), an applicant's or recipient's relationship or
4 arrangement with a child includes whether the applicant or recipient has legal
5 custody of a child; whether a child resides with the applicant or recipient; the amount
6 of time a child resides with the applicant or recipient; whether the applicant or
7 recipient is a parent, as defined in s. 49.155 (1) (c), of a child; whether the applicant
8 or recipient is a caretaker relative of a child; whether the applicant or recipient
9 exercises primary responsibility for a child's care and control; and any other
10 relationship or arrangement with, or connection to, a child that is relevant to
11 eligibility for an assistance program.

12 **SECTION 2. Initial applicability.**

13 (1) This act first applies to applications that are received and continued
14 eligibility reviews that are commenced on the effective date of this subsection.

15 (END)