

Senate Bill 197

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CHAPTER 295, LAWS OF 1967

AN ACT to amend 49.18 (1a), 49.19 (5), 49.22 (3) (b), 49.26 (5) (c), 49.30, 49.61 (6) (b) and 319.26 (3) of the statutes, relating to increase in assistance allowance for funeral expenses and for depleted guardianships.

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

SECTION 1. 49.18 (1a) of the statutes is amended to read:

49.18 (1a) On the death of a recipient of such aid, if the estate of the deceased is insufficient to defray the funeral and burial expenses, such reasonable amount not exceeding ~~\$200~~ \$300 shall be paid for such expenses as the county agency directs, exclusive of and in addition to the actual cemetery charges which shall also be paid by the county responsible for the burial of the recipient.

SECTION 1m. 49.19 (5) of the statutes is amended to read:

49.19 (5) The aid shall be sufficient to enable the person having the care and custody of such children to care properly for them. The amount granted shall be determined by a budget for the family in which all income except under s. 49.18 (1) (a) as well as expenses shall be considered, 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 of the first \$80 of earned income of each dependent child under the age of 18 the first \$20 shall be disregarded together with one-half of the remaining \$60 per month but the total so disregarded shall not exceed \$150 per month for earned income of children in the same home. Such family budget shall be based on a standard budget, including the parents or other person who may be found eligible to receive aid under this section. Medical and dental aid may be granted to a minor child, to the person having his care and custody, and to the incapacitated father when he is in the home, as necessary. The aid allowed under this subsection may be given in the form of supplies or commodities or vouchers for the same, in lieu of money, as a type of remedial care authorized under sub. (1) (c), whenever the giving of aid in such form is deemed advisable by the county welfare director dispensing such aid as a means either of attempting to rehabilitate a particular person having the care and custody of any such children or of preventing the misuse or mismanagement by such person of aid in the form of money payments. Not to exceed ~~\$200~~ \$300 shall be allowed to cover the funeral and burial expenses of a dependent child or its parents, exclusive of and in addition to the actual cemetery charges which shall also be paid by the county responsible for the burial of the recipient. No aid shall continue longer than one year without reinvestigation. This subsection does not prohibit such public assistance as may legitimately accrue directly to persons other than the beneficiaries of this section who may reside in the same household.

SECTION 1n. 49.22 (3) (b) of the statutes is amended to read:

49.22 (3) (b) Any person applying for or receiving old-age assistance who owns an insurance policy with a cash value not to exceed \$1,000

and requests the county welfare agency to provide for payment of premiums thereon shall name the county welfare agency as beneficiary of the policy and in naming the county welfare agency as beneficiary shall provide that the beneficiary so named cannot be changed nor such policy cashed without the written consent of said beneficiary. From the proceeds of such policy, the welfare department shall first make an allowance for recipient's funeral expenses in an amount which combined with other funds of recipient shall not exceed ~~\$300~~ \$400. After payment of funeral expenses, the proceeds from the policy shall be retained by the county agency named as beneficiary in payment of aid paid under ss. 49.20 to 49.37 or 49.46 furnished by such agency or other county agencies (on a pro rata basis if insufficient to pay in full) and any proceeds in excess of the amount needed to pay the claim for old-age assistance shall be disposed of as provided by the insured.

SECTION 2. 49.26 (5) (c) of the statutes is amended to read:

49.26 (5) (c) The amount allowed by the court in any such estate for funeral expenses not to exceed ~~\$300~~ \$400 shall be a charge against all real property of such deceased upon which an old-age assistance lien has attached and shall be paid and satisfied before such lien out of the proceeds derived from such real property upon liquidation of such lien.

SECTION 3. 49.30 of the statutes is amended to read:

49.30 On the death of a beneficiary, if the estate of the deceased is insufficient to defray the funeral and burial expenses, such reasonable funeral and burial expenses shall be paid to such persons as the county agency directs; provided that these expenses do not exceed ~~\$200~~ \$300, exclusive of and in addition to the actual cemetery charges which shall also be paid by the county responsible for the burial of the recipient.

SECTION 4. 49.61 (6) (b) of the statutes is amended to read:

49.61 (6) (b) On the death of a recipient of such aid, if the estate of the deceased is insufficient to defray the funeral and burial expenses, such reasonable amount not exceeding ~~\$200~~ \$300 shall be paid for funeral and burial expenses to such persons as the county agency directs, exclusive of and in addition to the actual cemetery charges which shall also be paid by the county responsible for the burial of the recipient.

SECTION 5. 319.26 (3) of the statutes is amended to read:

319.26 (3) When the court determines that the estate of the ward is below \$1,500 and reduced to a point where it is to the advantage of the ward to dispense with the guardianship, the court may terminate the guardianship and authorize disposition of the remaining assets as provided by s. 319.04 (2); and the court as a part of such disposition may order a suitable amount paid to the county treasurer under order of the court or reserved in the guardianship to assure the ward a decent burial, a marker, and perpetual care for the grave; and in case of an insolvent guardianship the court may order an amount not exceeding ~~\$300~~ \$400 reserved in the guardianship or paid to the county treasurer under order of the court to assure such ward a decent burial.

Approved January 3, 1968.