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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2009-10

(session year)

Joint

(Assembly, Senate or Joint)

Committee for Review of Administrative Rules ...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Stefanie Rose (LRB) (June 2012)

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Department of Children and Families

Rule Analysis for Legislative Review

Emergency Assistance for Families With Needy Children

**Chapter DCF 120
CR 08-068**

Basis and Purpose of the Proposed Rules

The current rule provides that the child is or, within 6 months prior to the month of application, was living with a qualified caretaker relative. The proposed rule also requires that the child is anticipated to live with the qualified caretaker relative in the month following the application date.

Public Hearing Summary

A public hearing was held on August 5, 2008. There were no hearing comments.

Response to Legislative Council Staff Recommendations

There were no Legislative Council comments.

Changes to Analysis Prepared under Section 227.14 (2), Stats.

The hearing version of the proposed rule provided that the "child will live with the qualified caretaker relative" in the month following the application date. The current version provides that the "child is anticipated to live with the qualified caretaker relative" in the month following the application date.

The analysis was also changed to reflect the transfer of agency authority from the Department of Workforce Development to the Department of Children and Families.

Final Regulatory Flexibility Analysis

The proposed rules affect small businesses but does not have a significant economic impact on a substantial number of small businesses as defined in s. 227.114 (1), Stats.

Department Contacts

Janice Peters, Director
Bureau of Working Families
Division of Family and Economic Security
266-7456

Elaine Pridgen
Administrative Rules Coordinator
Office of Legal Counsel
267-9403



State of Wisconsin
Department of Children and Families
Division of Family and Economic Security

Emergency Assistance for Families with Needy Children

DCF 120

The Wisconsin Department of Children and Families proposes to amend s. DCF 120.05 (1) (c), relating to emergency assistance for needy families.

Analysis Prepared by the Department of Children and Families

Statutory authority: Sections 49.138 and 227.11 (2) (a), Stats.

Statutes interpreted: Section 49.138, Stats.

Explanation of agency authority. Section 49.138, Stats., provides that the department shall implement a program of emergency assistance to needy persons in cases of fire, flood, natural disaster, homelessness or impending homelessness, or energy crisis. The term “needy person” has the meaning specified by the department by rule.

This rulemaking order was begun by the Department of Workforce Development as changes to DWD 16. Effective July 1, 2008, agency authority to administer the Emergency Assistance program was transferred from the Department of Workforce Development (DWD) to the Department of Children and Families (DCF).

Summary of the proposed rule. The emergency assistance program is funded by the federal Temporary Assistance for Needy Families (TANF) block grant, which requires that the funds be used for eligible needy families with a child. The proposed rule will add a provision to the nonfinancial eligibility section regarding the child for whom emergency assistance is requested. The current rule provides that the child is or, within 6 months prior to the month of application, was living with a qualified caretaker relative. The proposed rule also requires that the child is anticipated to live with the qualified caretaker relative in the month following the application date.

Summary of related federal requirements. In general, states must use TANF funds for eligible, needy families with a child and for one of the four purposes of the TANF program:

1. To provide assistance to needy families.
2. To end dependence of needy parents by promoting job preparation, work, and marriage.

3. To prevent and reduce out-of-wedlock pregnancies.
4. To encourage the formation and maintenance of two-parent families.

Comparison with rules in adjacent states. All states with an Emergency Assistance program funded by TANF must require that the assistance be used for an eligible family with a child.

Summary of factual data and analytical methodologies. The rule ensures compliance with TANF requirements.

Effect on small businesses. The rule may affect small businesses but will not have a significant economic impact on a substantial number of small businesses.

Analysis used to determine effect on small businesses. The rule affects W-2 agencies but the change in policy is minor.

Agency contact person. Rose Prochazka, Bureau of Working Families; rose.prochazka@wisconsin.gov, (608) 267-7398.

Place where comments are to be submitted and deadline for submission. Comments may be submitted to Elaine Pridgen, Office of Legal Counsel, Department of Children and Families, 201 E. Washington Avenue, Madison, WI, 53708 or elaine.pridgen@wisconsin.gov. The comment deadline is August 6, 2008.

SECTION 1. DCF 120.05 (1) (c) is amended to read:

DCF 120.05 (1) (c) The child for whom assistance is requested is or, within 6 months prior to the month of application for emergency assistance, was living with a qualified caretaker relative in a place of residence maintained as the caretaker relative's own home and is anticipated to live with the qualified caretaker relative in the month following the application date.

SECTION 2. EFFECTIVE DATE. This rule shall take effect the first day of the month following publication in the Administrative Register as provided in s. 227.22 (2) (intro.), Stats.



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE **08-068**

AN ORDER to amend DWD 16.05 (1) (c), relating to emergency assistance for needy families.

Submitted by **DEPARTMENT OF WORKFORCE DEVELOPMENT**

06-30-2008 RECEIVED BY LEGISLATIVE COUNCIL.

07-21-2008 REPORT SENT TO AGENCY.

RNS:REL

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO

LRB or Bill No./Adm. Rule No.
DWD 16

Amendment No. if Applicable

FISCAL ESTIMATE
DOA-2048 N(R03/97)

- ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

Subject

Emergency assistance for families with needy children

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

- Increase Existing Appropriation Increase Existing Revenues
 Decrease Existing Appropriation Decrease Existing Revenues
 Create New Appropriation

Increase Costs - May be possible to Absorb Within Agency's Budget Yes No

Decrease Costs

Local:

1. Increase Costs
 Permissive Mandatory
2. Decrease Costs
 Permissive Mandatory

3. Increase Revenues
 Permissive Mandatory
4. Decrease Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:
 Towns Villages Cities
 Counties Others _____
 School Districts WTCS Districts

Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

The policy change is so minor that it is not expected to have any fiscal effect.

Long-Range Fiscal Implications

none

Agency/Prepared by: (Name & Phone No.)
DWD/Elaine Pridgen (608) 267-9403

Authorized Signature/Telephone No.

Howard J. Stein 266-9427

Date

6/30/08