



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2011 Wisconsin Act 202
[2011 Senate Bill 426]

**Wisconsin Works
Intentional Program Violations**

2011 Wisconsin Act 202 relates to intentional program violations (IPVs) of the Wisconsin Works Program (W-2).

Act 202 creates a definition of IPV. Under the Act, IPV means intentionally making a false or misleading statement, intentionally misrepresenting or withholding facts, or committing any act that constitutes an intentional violation of state or federal law for the purpose of using, presenting, transferring, acquiring, receiving, possessing, or trafficking public assistance benefits.

For W-2, the Act provides that if the Department of Children and Families (DCF), a W-2 agency, or a county department or agency under contract with DCF to determine eligibility of individuals to receive Wisconsin Shares (collectively, "agency") determines that an individual applying for or receiving W-2 benefits or emergency assistance has committed an IPV relating to any provision of W-2 or emergency assistance statutes or rules for the purpose of establishing or maintaining eligibility for those benefits or increasing the value of those benefits, the agency must deny W-2 or emergency assistance benefits to the individual as follows:

- For a first IPV, for six months.
- For a 2nd IPV, for one year.
- For a 3rd IPV, permanently.

Prior to the enactment of Act 202, an IPV was determined by a court or at an administrative hearing. After determining that three IPV's had been committed, benefits could be permanently denied.

The Act provides that an individual who is denied benefits, as described above, may request a review of the denial. If the alleged IPV relates to the Wisconsin Shares Child Care Subsidy Program, the individual may request a contested case hearing.

Effective date: Act 202 takes effect on November 1, 2012, and first applies to acts or omissions that occur on that date.

Prepared by: Anne Sappenfield, Senior Staff Attorney

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.