

HEALTH AND SOCIAL SERVICES

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the disability is permanent and that the incapacitated parent will never be employable.

(c) If the incapacitated parent is receiving care at a mental, tuberculosis, or veteran's hospital, a reexamination is not required during the time he is receiving such care.

History: 1-2-56; am. Register, April, 1967, No. 136, eff. 5-1-67.

PW-PA 20.09 Determination of blindness for aid. **History:** 1-2-56; am. (1) and (2), Register, March, 1963, No. 87, eff. 4-1-63; am. Register, April, 1967, No. 136, eff. 5-1-67; r. Register, February, 1975, No. 230, eff. 3-1-75.

PW-PA 20.10 Payment of aid to the disabled. **History:** 1-2-56; r. (2) (a), Register, June, 1967, No. 138, eff. 7-1-67; r. Register, February, 1975, No. 230, eff. 3-1-75.

PW-PA 20.11 Payment of aids. All payments to recipients of aid to families with dependent children (including payments on behalf of children in foster homes or a child-caring institution pursuant to section 49.19(10), Wis. Stats.), shall be made under the following provisions:

(1) **CASH.** Payment shall be made by county check payable to the beneficiary or to a person judicially appointed as the legal representative of such beneficiary by the courts under chapter 319, Wis. Stats., or a protective payee and shall not be subject to discount but redeemable in cash in the amount of its full face value upon demand, provided that nothing in this rule shall be deemed to supersede any provision of section PW-PA 20.06 governing relatives' eligibility for aid to families with dependent children.

(2) **RESTRICTION ON USE OF ASSISTANCE NOT PERMITTED.** Payment must consist of an unconditional transfer and delivery of said check to the recipient for expenditures by him in his discretion and shall not be made in lieu of wages or with respect to work done.

(3) **DATE.** Payment of assistance shall be made in the month for which the grant of aid is designated, either in the full amount of the monthly allowance or in 2 or more installments. When a single payment is made for the full amount of the monthly allowance, it shall be made not later than the fifth day of the month. When the monthly allowance is made in installments, each installment shall be for equal periods based on a 30-day month. Payment of the first installment shall be made no later than the fifth day of the month and each subsequent installment no later than the fifth day of each installment period. Payment of an initial allowance may be made subsequent to the fifth day of the month and shall be made within the month. Additional payments made to meet increased budgetary needs may be made subsequent to the fifth day of the month and payments correcting any prior underpayment may be made any time prior to the end of the twelfth month following the month in which such underpayment occurred.

(3m) **EXCEPTION.** Payment on behalf of a child in a foster home or child-caring institution pursuant to section 49.19 (10), Wis. Stats., shall be made in arrears and not later than the tenth day of the month following the month for which the payment is made.

(4) **COVERAGE.** Initial payment may include the needs to the first of the month in which aid is applied for and eligibility is shown to have existed as of the first of such month; provided, however, that this provision shall not preclude continuing payments when an eligible

recipient moves from one county to another nor adjustments when grants of aid are reinstated after suspension, nor adjustments upon order of the state department of health and social services, division of family services, made in accordance with section 49.50 (8), Wis. Stats., nor in any case or similar cases in which a court decision changes the regulation upon which the case was denied, discontinued or the budget of the recipient was improperly computed, resulting in an improper reduction in the amount of aid.

(5) **ENDORSEMENT.** Pursuant to federal regulation, checks must be endorsed by the payee with his signature; provided that persons unable to write shall endorse their assistance checks either by mark or by finger print in the presence of 2 witnesses who shall append their signatures and addresses.

History: 1-2-56; am. (1), Register, February, 1959, No. 38, eff. 3-1-59; am. Register, March, 1962, No. 75, eff. 4-1-62; am. (4) Register, June, 1970, No. 180, eff. 1-1-71; am. Register, February, 1975, No. 230, eff. 3-1-75.

PW-PA 20.12 History: 1-2-56; am. Register, December, 1957, No. 24, eff. 1-1-58; am. Register, December 1961, No. 72, eff. 1-1-62; am. (7) (b), Register, October, 1964, No. 106, eff. 11-1-64; r. Register, January, 1967, No. 133, eff. 2-1-67.

PW-PA 20.13 Relief of needy indian persons. (1) INTRODUCTION.
 (a) *Statement of intent.* The intent of these rules is to establish the eligibility requirements and the uniform administration of such eligibility requirements and amounts of aid under the relief of needy Indian persons program, section 49.046, Wis. Stats.

(b) *Effect of rules.* The following rules shall have the full effect and force of law under section 227.01, Wis. Stats. These rules do not repeat the laws related to relief of needy Indian persons. Users of these rules should also be aware of and familiar with the statutory sections related to these rules so that they are knowledgeable about the requirements of the law as well as the rules.

(c) *To whom the rules apply.* The rules apply to county welfare agencies, tribal councils, and other appropriate Indian organizations or other agencies appointed by the department to administer the relief of needy Indian persons program.

(d) *Definitions.* 1. "Department" unless qualified, means the state of Wisconsin department of health and social services.

2. "Division" unless qualified, means the division of family services of the department.

3. "Rule" means a regulation, standard, statement of policy or general order (including the amendment or repeal of any of the foregoing) of general application and having the effect of law.

4. "Tribal council" means the governing body of a federally recognized Indian tribe or band.

5. "Appropriate Indian organization" means an Indian organization recognized and certified by the local tribal council or governing body as having the capability of administering aid under section 49.046 Wis. Stats. and appointed by the department with the consent of the local tribal council or governing body if there is no tribal council.

6. "Indian" means any person: a. whose proportion of Indian blood is one-fourth or more; or b. who is enrolled in a recognized band or

be reasonable and necessary and adequate for health and decency, and there shall be no discrimination between state dependents and other recipients in the standard of relief given.

(3) **NOTIFICATION TO STATE.** (a) When a county grants relief or reimburses a municipality for relief accorded a person as a state dependent its county clerk shall file with the state department of public welfare a verified copy of the sworn statement taken under section 49.11 (1), Wis. Stats., together with an affidavit that diligent effort has been made to ascertain the facts relating to the dependent's legal settlement and period of residence in this state and stating the facts relating to such settlement and residence.

(b) The sworn statement of the relief recipient (or other person) under section 49.11 (1), Wis. Stats., must be taken at the time relief is granted, but the verified copy thereof and the clerk's affidavit of investigation on Form AD-256 should be filed together, and the filing with the state department is not limited to 20 days as otherwise provided for the filing of non-resident notices under section 49.11 (3), Wis. Stats., as between counties and municipalities.

(4) **PRESENTATION OF CLAIM TO STATE.** Claim for state reimbursement may be made by the county treasurer either monthly or in aggregate at the expiration of the state dependency status on forms prescribed by the state department of public welfare showing an itemized statement of the account.

(5) **SUPPORTING RECORDS.** Each county shall maintain sufficient records, vouchers, authorizations and receipts as may be necessary to support its claim for reimbursement, which shall be subject to inspection and audit by duly authorized representatives of the state department of public welfare.

Note: All references to the department of public welfare should be taken as references to the department of health and social services.

PW-PA 20.16 County agency official bond. (1) **SURETY BOND.** The person in charge of the administration in each county of aid to dependent children shall furnish a bond having as surety a company authorized to do surety business in this state. The cost of such bond shall be paid for as provided in section 204.11, Wis. Stats. The cost of such bond shall be deemed an administrative expense. Such bond shall be for such amount as shall be fixed by the board of supervisors of the county wherein the bonded person is to perform his functions and shall be substantially in the form provided in section 19.01 (2), Wis. Stats.

(2) **APPROVAL AND FILING.** Each such bond shall be approved as to form by the district attorney and shall be filed in the office of the clerk of the county in which the bonded person performs his functions.

(3) **NOTICE OF BOND.** The clerk shall give notice in writing to the county board or its chairman and to the state department of health and social services stating the amount of the bond filed, the name of the surety, the date of filing and the date of approval by the district attorney. The notice herein required shall be given within 5 days after the person required to be bonded has entered upon his office or

employment. Each such notice shall be published with the proceedings of the county board.

(4) **AMOUNT FIXED BY COUNTY BOARD.** The provisions of sections 19.01 (2), (3), (5), (6) and (8), 19.015, 19.02 to 19.06 inclusive, Wis. Stats., and all other provisions of law relating to official bonds unless clearly inapplicable or inconsistent herewith shall apply to all matters in connection with the official bonds required by this rule. As soon as possible after the convening of the November annual meeting of the county board of supervisors in each county, each such board shall by resolution fix, and at any subsequent meeting may change the amount of the bond herein required.

(5) **JUDGES EXEMPT.** This rule shall not apply to judges.

History: 1-2-56; am. Register, February, 1975, No. 230, eff. 3-1-75.

PW-PA 20.17 Confidential nature of records. (1) **RECORDS AND OFFICES AFFECTED.** Pursuant to section 49.53, Wis. Stats., case records and all financial data pertaining thereto on file in the county agency administering aid to dependent children, medical assistance, food stamps, social security aid payrolls on file in the offices of the county clerk and county treasurer, and old age assistance liens filed in the office of the register of deeds fall within the purview of this rule.

(2) **ADMINISTRATIVE AGENCY RECORDS.** (a) *Custody.* All agency records shall be safely kept and shall not be removed from the files and offices except when in the custody of a responsible official or employe of the agency.

(b) *Inspection of records.* Inspection of agency records by persons other than employes of the county agency administering aid to dependent children, medical assistance, and food stamps of the state department of health and social services and of the federal department of health, education and welfare shall be permitted only pursuant to signed request and written permission of the chief administrative officer of the agency, and a record shall be kept of said permission; provided that officials of the county shall not be required to sign such a request but shall be entitled to secure information for any purpose connected with the administration of the social security aids in accordance with the provisions and limitations of the law.

(c) *Privileged communications.* Social and medical information shall be deemed to be strictly confidential.

(3) **ADMINISTRATIVE USES DEFINED.** (a) Use of disclosure of information concerning applicants and recipients for any purpose connected with the administration of aid to dependent children, medical assistance and food stamps shall be deemed to permit providing pertinent information to other agencies administering relief, providing hospital or medical care or service, to assist applicants or recipients or their families so as to ameliorate or eliminate public dependency and to assure economical expenditures of public funds.

(b) The use or disclosure of financial information secured by proper public officials from the records of the county treasurer or county clerk in connection with fiscal governmental functions is