

## Chapter PW-PA 20

## PUBLIC ASSISTANCE

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**PW-PA 20.03 Need determination.** (1) **PURPOSE.** This rule is adopted to effectuate on a state-wide basis, the determination of need for public assistance of applicants for and recipients of aid to dependent children, in order to insure in so far as possible equitable treatment of persons in need throughout the state.

(2) **DETERMINATION OF ELIGIBILITY AND AMOUNT OF PAYMENT.** Eligibility for aid and the amount to be paid as aid to dependent children, shall be determined by the county agency in accordance with standards prescribed by the department of health and social services. The department shall define need standards within the statutory requirements which shall include published instructions to the county operating agencies regarding the items of need to be included and how the cost of these items is to be determined, the method of considering resources, and generally principles of budgeting to be applied to the individual circumstances. In effect, the department shall define need within the statutory provisions as set forth in s. 49.19 (5), Stats.

History: 1-2-56; am. Register, February, 1975, No. 230, eff. 3-1-76.

**PW-PA 20.04 Eligibility verification.** (1) As a condition of eligibility, each applicant for or recipient of aid will be required:

(a) To furnish to the state or local agency a social security account number, hereinafter referred to as the SSN, or

(b) To apply for such number through procedures adopted by the state or local agency with the social security administration and provide the number upon receipt.

(2) If the applicant or recipient has complied with the requirements of subsection (1) (b) the state or local agency shall not deny, delay, or discontinue assistance pending the issuance or certification of such numbers.

(3) "Applicant" and "recipient" include the caretaker relative, the children, and any other individual whose needs are considered in determining the amount of assistance.

(4) The state or local agency shall notify the applicant or recipient that the furnishing of the SSN is a condition of eligibility for assistance required by the Social Security Act and that the SSN will be utilized in the administration of the AFDC program.

(5) The above conditions are required by federal regulation 45 CFR 232.10 effective July 1, 1975.

(6) Effective date. January 1, 1977.

**History:** Cr. Register, March, 1977, No. 255, eff. 4-1-77.

**PW-PA 20.05 Responsibility of relative to support.** When a relative enumerated in s. 52.01, Stats., is not assisting an applicant for aid to dependent children, and refuses to assist and when there is reasonable doubt as to liability or ability of such relative to assist, no application for aid to dependent children under s. 49.19, Stats., shall be denied by the county agency until such agency shall have secured an order from a court of competent jurisdiction under s. 52.01, Stats.; provided also that is deemed to be the responsibility of the county agency in such case to petition under s. 52.01, Stats.

**History:** 1-2-56; am. Register, April, 1967, No. 136, eff. 5-1-67; am. Register February, 1975, No. 230, eff. 3-1-75.

**PW-PA 20.06 Relatives eligible for aid to dependent children.** Section 49.19 (1) (a), Stats., and Title IV, section 406 (a), Federal Social Security Act are construed to permit payments of public assistance grants in behalf of dependent children who are living with a person included in one of the following groups:

(1) Any blood relative, including first cousins, nephews, or nieces and those of half-blood.

**Note:** Relationships to persons of preceding generations as denoted by prefixes of grand, great, or great-great are within this definition.

(2) Stepfather, stepmother, stepbrother, and stepsister.

(3) Persons who legally adopt a child or his parent as well as the natural and other legally adopted children of such persons.

**Note:** Other relatives of persons who adopt children are relatives of such adopted children within this definition.

(4) Spouses of any persons named in the above groups.

**Note:** Such relatives may be considered within the scope of this provision though the marriage is terminated by death or divorce.

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

**PW-PA 20.07 Incapacitation for gainful work; dependent children.** (1) **PURPOSE.** This rule is adopted to promote the rehabilitation of dependent persons in keeping with the legislative intent expressed in s. 49.02 (6), Stats., to determine the eligibility of applicants for aid to dependent children as required under ss. 49.19 (1), (2), (3) and (4), Stats., to determine the amount of

(3) **AGREEMENTS.** (a) The department shall prescribe the form of note to be executed.

(b) Loans will bear interest at the rate of 4% per annum from the first day of the month following the date of the execution of the note, such interest to become due and payable each December until such note is paid.

(c) The period for payment of the loan shall not exceed 3 years.

(d) Defaults in interest payments shall be added to the principal of the loan.

(e) Defaults in repayment of a loan shall after 60 days of maturity date result in forfeiture of the pledged bond in the amount of the loan plus all interest. Upon such default, the par value of the bond in excess of the amount due and owing shall be returned to the owner or his estate in the form of fractionated bonds to the lowest \$100 multiple with a cash adjustment for the difference.

(f) The department may extend notes in default upon the execution of a new note by the obligor if such new note is secured by a pledge of a Menominee Enterprise, Inc. bond.

*History:* Emergency rule, eff. 1-11-64; cr. Register, March, 1964, No. 99, eff. 4-1-64.

**PW-PA 20.24 Student 18-year-old aid program (s. 49.20, Stats.)**

(1) **INTRODUCTION.** This program is based on s. 49.20 of the Wisconsin Statutes which was signed into law as part of chapter 418, Laws of 1977, on May 18, 1978.

(a) *Purpose.* In accordance with s. 49.20, Stats., this program is to provide state aid to 18-year-old high school students who become ineligible for aid to families with dependent children solely because of turning age 18.

(b) *Definitions.* 1. AFDC. "AFDC" means aid to families with dependent children.

2. AFDC case. For purposes of this rule the "AFDC case" consists of all those persons whose needs were being met by the same AFDC grant as the 18-year-old's, during the month in which he or she turned 18.

3. Caretaker relative. A "caretaker relative" includes all of the following: father, mother, stepfather, stepmother, brother, sister, stepbrother, stepsister, half brother or half sister, nephew, niece, aunt, uncle, first cousin, or any of these denoted by prefixes of grand, great or great-great.

4. Enrolled. "Enrolled" means having selected a program of studies for the semester in which a person is attending or plans to attend school. Confirmation of enrollment or of a plan to enroll may be obtained from a local school official.

5. Regularly attending. Persons attending classroom instruction during the normal school year shall be considered "regularly attending" school. When absence from school is due to illness, convalescence, a family emergency, or an official school vacation, they are also considered to be regularly attending. If summer school sessions are offered as an option in a school system, a person is not required to participate in order to

be considered regularly attending. Summer is considered to be an official school vacation.

6. Agency. The "agency" means the local agency that administers the AFDC program.

(2) APPLICATION. (a) Application for this program shall be made in behalf of the 18-year-old by the caretaker relative with whom the 18-year-old is living.

(b) Application for this program shall also constitute application for Medical Assistance for the 18-year-old. Eligibility of the 18-year-old for the Medical Assistance program shall be determined in accordance with the criteria specific to the Medical Assistance program.

(c) Application shall be made on the forms as prescribed by the department.

(3) ELIGIBILITY. The 18-year-old must meet the following nonfinancial and financial requirements:

(a) *Nonfinancial requirements.* The nonfinancial requirements are met if the person:

1. Is 18 years of age.
2. Is a Wisconsin resident.
3. Is enrolled in and regularly attending a secondary education program leading to a high school diploma.
4. Received AFDC, but not as a foster child during the month in which he or she become 18.
5. Is living with the caretaker relative.
6. Is deprived of parental support or care because of any of the following reasons:
  - a. death of a legal parent
  - b. continued absence of a legal parent from the home
  - c. incapacitation of a legal parent
  - d. unemployment of the legal father

(b) *Financial requirements.* 1. The 18-year-old's nonexempt assets shall not exceed the AFDC program asset limitations.

2. Exempt assets are:

- a. Real and personal property owned by the 18-year-old which would be exempt property under the AFDC program.
- b. One vehicle, if it is owned by the 18-year-old, is driven on the road or is a snowmobile, and is state registered.
- c. Assets which are placed in an educational fund according to the criteria in subd. 7.

3. The nonexempt income of the person whose 18th birthday caused the AFDC case to be no longer eligible for AFDC shall not exceed the appropriate family allowance for one specified in s. 49.19 (11), Stats.

4. The nonexempt income of the person whose 18th birthday causes the AFDC payment to be reduced shall not exceed the difference between the appropriate family allowance specified in s. 49.19 (11), Stats., for the number of persons in the AFDC case including the 18-year-old and the number of persons in the AFDC case, excluding the 18-year-old.

5. Nonexempt income includes all unearned income of the 18-year-old that is not subject to the criteria in subd. 7.

6. All earned income of the 18-year-old shall be exempt.

7. If, starting with the end of the second year of high school, there is a plan for the 18-year-old to continue education or training beyond high school, unearned income set aside in an education fund shall be exempted in the financial eligibility determination. This fund may contain up to an amount sufficient to defray two year's expenses.

(4) PAYMENT. (a) Payment shall be made by check or by vendor payment.

(b) The payment amount for the person whose 18th birthday caused the AFDC case to be no longer eligible for AFDC shall be the difference between the appropriate family allowance for one, specified in s. 49.19 (11), Stats., and the 18-year-old's nonexempt unearned income.

(c) The payment amount for the person whose 18th birthday causes the AFDC payment to be reduced shall be computed according to the following procedure:

1. From the appropriate family allowance specified in s. 49.19 (11), Stats., for the number of persons in the AFDC case, subtract the family allowance for that AFDC case less one.

2. From the result in subd. 1., subtract the 18-year-old's nonexempt unearned income.

The remainder in subd. 2. is the payment amount.

(5) PAYEE. The payee shall be the caretaker relative with whom the 18-year-old is living.

(6) PROGRAM ADMINISTRATION. (a) All agencies are required to administer this program.

(b) The administration of this program shall be within the same limitations and in accordance with the same procedures used to administer the AFDC program with respect to verification procedures, reimbursement to the agency, promptness on notification of decision on application, correction of overpayments and underpayments, and all other administrative procedures unless stated to the contrary within this subsection.

(c) Reimbursement to the agency for this program shall be solely from state funds which are not federally matchable.

(d) A home visit shall be made prior to the initial payment if the 18-year-old's living situation has changed.

(e) The agency shall verify the recipient's regular attendance of school every three months.

(f) The agency shall review the entire eligibility of the recipient every 6 months.

(g) The agency shall meet reporting requirements for this program as specified by the department of health and social services.

(h) Agencies shall notify all AFDC cases whose benefits are reduced or discontinued because of an AFDC case member becoming 18 years of age of this state program at the same time the 10-day notice of reduction or discontinuance of AFDC is sent.

(7) RIGHTS AND RESPONSIBILITIES. Rights and responsibilities of AFDC recipients are equally applicable to recipients of student 18-year-old aid.

**History:** Emerg. cr. eff. 8-16-78; cr. Register, December, 1978, No. 276, eff. 1-1-79.