

Chapter PW-PA 20

PUBLIC ASSISTANCE

PW-PA 20.03	Need determination	PW-PA 20.17	Confidential nature of records
PW-PA 20.04	Eligibility verification	PW-PA 20.18	Fair hearings
PW-PA 20.05	Responsibility of relative to support	PW-PA 20.19	Relief claims proceedings
PW-PA 20.06	Relatives eligible for aid to dependent children	PW-PA 20.20	Reimbursement of county administrative costs
PW-PA 20.07	Incapacitation for gainful work; dependent children	PW-PA 20.21	Destruction of record material
PW-PA 20.11	Payment of aids	PW-PA 20.22	Liquid assets
PW-PA 20.12	Overpayment of AFDC	PW-PA 20.23	Loans on Menominee Enterprises, Inc. bonds
PW-PA 20.14	Aid to distressed counties	PW-PA 20.24	Student 18-year old aid program
PW-PA 20.15	Reimbursement for state dependents		
PW-PA 20.16	County agency official bond		

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. 3-1-75.

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 aid needed (including necessary medical aid for the incapacitated parent) as directed under ss. 49.19 (5) and 49.46, Stats., and further to carry out the department's responsibilities as expressly stated or implied under ss. 46.206 and 49.50 (2) and (6), Stats.

Register, October, 1979, No. 286
Public Welfare

(2) **DETERMINATION OF ELIGIBILITY.** The decision as to eligibility because of the incapacitation of a parent shall be made by the county agency. Such decision shall be based upon a physician's opinion as to whether or not there is physical or mental disability and a consideration of relevant social and employability factors.

(3) **EXAMINATION AND REPORT.** With respect to any application for aid to dependent children in which incapacitation of a parent is claimed as the basis for eligibility, such parent shall be examined by a licensed physician and he shall report his findings in writing on a form prescribed by the department for this purpose. For purposes of reimbursement under s. 49.52, Stats., fees paid physicians for examinations made under this rule may be reported as expenditures incurred in administration. A physician's report shall be obtained and the decision of the county administrator recorded on the prescribed form before aid may be granted. A completed copy of the report shall be sent to the department for all examinations made. Reexamination for purposes of determining continuing eligibility shall be made as often as indicated by the physician's report or by observation of the person's physical condition, but at least once in any 12-month period.

(4) **EXCEPTIONS.** (a) A medical examination is not required if the incapacitated parent has been found eligible for aid to the blind or for aid to totally and permanently disabled persons.

(b) A medical reexamination for purposes of determining continuing eligibility may not be required in the discretion of the county agency if the examining physician indicates in his report that 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 20.11 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 s. 49.19 (10), 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 ch. 319, 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 s. 49.19 (10), 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 s. 49.50 (8), 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 Overpayment of AFDC. (s. 49.195 (3) Stats.) (1)
DEFINITION. Overpayment is that amount of a payment to which a recipient is not entitled.

(2) **CONTINUED PAYMENTS THAT ARE OVERPAYMENTS.** Excess amount of payments ordered continued pending a fair hearing when the fair hearing decision is subsequently adverse to the client are overpayments.

(3) **CONTINUED PAYMENTS THAT ARE NOT OVERPAYMENTS.** Excess amount of payments received when the county agency's advance notice period of adverse action extends into the next month are not overpayments.

(4) **RECOVERY OF OVERPAYMENTS.** (a) Recoupment from the grant shall not be done for overpayments made prior to the effective date of this rule unless court ordered.

(b) Recovery may be waived when the amount of the overpayment is less than \$12 since the cost to collect exceeds the amount to be recovered.

Register, October, 1979, No. 286
Public Welfare

(c) Overpayments may be recovered through one or more of these methods:

1. Voluntary payments which all persons shall be offered the opportunity to make.

2. Recoupment from the grants of persons who are currently receiving AFDC payments by reducing the monthly grant within the following criteria:

a. Persons having no earned income shall not have their grant reduced unless the overpayment was due to a willful error (See c. below) on the part of such person in which case the monthly grant reduction shall not exceed \$10.

b. Persons having earned income shall not have their monthly grant reduced more than $\frac{1}{2}$ of the $\$30 + \frac{1}{2}$ earned income disregard plus \$10 when the overpayment is due to willful error (See c. below) on the part of the recipient, or $\frac{1}{3}$ of the $\$30 + \frac{1}{2}$ earned income disregard in other errors of overpayment.

c. Willful error exists only if there is a court determination of fraud or there is evidence of recipient misrepresentation and the recipient agrees in writing to have the overpayment dollars recouped from the grant.

3. Court ordered payments.

(d) Persons no longer receiving aid shall be asked to voluntarily repay overpayments. Those persons unwilling to do so with respect to overpayments made after the effective date of this rule shall be referred to the appropriate legal counsel for action.

(5) FILES. County agencies shall establish separate files regarding recovery of overpayment sufficient to meet reporting requirements of the department of health and social services.

History: Cr. Register, June, 1978, No. 270, eff. 7-1-78.

PW-PA 20.13 Relief of needy Indian persons. History: 1-2-56; am. Register, April, 1967, No. 138, eff. 5-1-67; am. Register, February, 1975, No. 230, eff. 3-1-75; r. and recr. Register, July, 1975, No. 235, eff. 8-1-75; renum. to be ch. HSS 211 and am., Register, October, 1979, No. 286, eff. 11-1-79.

PW-PA 20.14 Aid to distressed counties. (1) APPLICATION. (a) Any county which is financially unable fully to perform its duties with respect to aid to dependent children, may apply for state aid by submitting to the state department of health and social services a request in writing together with a statement giving the information required by s. 49.52 (5), Stats., certified by the proper county officer or officers, or verified under oath.

(b) This rule also applies to allotment of funds under s. 20.670 (3) (d), Stats., upon application of any county or local unit of government claiming financial inability to perform its duties with respect to general relief.

(c) Effective January 1, 1975, this rule no longer applies to aid to dependent children.

(2) INFORMATION REQUIRED. The information required as it may apply to the financial situation of the particular county will generally fall under the following classes:

Register, October, 1979, No. 286
Public Welfare

- (a) Total indebtedness.
- (b) Tax and debt levy limitations.
- (c) Cash on hand.
- (d) Anticipated revenues from all sources.
- (e) Borrowing ability under ch. 67, Stats.
- (f) Tax delinquences.
- (g) Reasonableness of valuation for taxation purposes.
- (h) Reasonableness of amounts of county expenditures and necessity therefore.
- (i) Such other factors not enumerated which are probative of county's financial condition.

(3) **INVESTIGATION OF APPLICATIONS.** Applications and supporting statements shall be subject to review and investigation by the state department of health and social services.

(4) **HEARINGS ON APPLICATIONS.** Hearings on applications may be formal or informal in the discretion of the state agency, and will be scheduled to meet the convenience of the state and county officers.

(5) **PERIODIC REVIEW OF CONTINUING FINANCIAL AID.** Receipt by any county of continued financial aid under s. 49.51 (5), [49.52], Stats., shall be subject to periodic review by the department. Hearings thereon may be held on motion of the department notice to the proper county officers.

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