

Chapter PW-PA 20

PUBLIC ASSISTANCE

PW-PA 20.14	Aid to distressed counties	PW-PA 20.19	Relief claims proceedings
PW-PA 20.15	Reimbursement for state dependents	PW-PA 20.21	Destruction of record material
PW-PA 20.17	Confidential nature of records	PW-PA 20.24	Student 18-year old aid program
PW-PA 20.18	Fair hearings		

PW-PA 20.03 Need determination. History: 1-2-56; am. Register, February, 1975, No. 230, eff. 3-1-75; r. Register, April, 1983, No. 328, eff. 5-1-83.

PW-PA 20.04 Eligibility verification. History: Cr. Register, March, 1977, No. 255, eff. 4-1-77; r. Register, April, 1983, No. 328, eff. 5-1-83.

PW-PA 20.05 Responsibility of relative to support. History: 1-2-56; am. Register, April, 1967, No. 136, eff. 5-1-67; am. Register February, 1975, No. 230, eff. 3-1-75; r. Register, April, 1983, No. 328, eff. 5-1-83.

PW-PA 20.06 Relatives eligible for aid to dependent children. History: 1-2-56; am. Register, February, 1975, No. 230, eff. 3-1-75; r. Register, April, 1983, No. 328, eff. 5-1-83.

PW-PA 20.07 Incapacitation for gainful work; dependent children. History: 1-2-56; am. Register, April, 1967, No. 136, eff. 5-1-67; r. Register, April, 1983, No. 328, eff. 5-1-83.

PW-PA 20.08 Divestment. History: Cr. Register, June, 1980, No. 294, eff. 7-1-80; r. Register, April, 1983, No. 328, eff. 5-1-83.

PW-PA 20.11 Payment of aids. 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; emerg. r. and recr. (3) and (4), eff. 1-2-81; r. Register, April, 1983, No. 328, eff. 5-1-83.

PW-PA 20.12 Overpayment of AFDC. History: Cr. Register, June, 1978, No. 270, eff. 7-1-78; r. Register, April, 1983, No. 328, eff. 5-1-83.

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:

- (a) Total indebtedness.
- (b) Tax and debt levy limitations.
- (c) Cash on hand.

PW-PA 20

- (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.

PW-PA 20.15 Reimbursement for state dependents. (1) **COUNTY CLAIMS.** Claim for reimbursement for relief granted dependent persons who do not have legal settlement in this state and who have resided less than one year in this state may be made only by a county that has granted the relief directly or has reimbursed a municipality which granted the relief.

(2) **REIMBURSABLE RELIEF.** The relief granted may be in cash or kind, but there shall be no reimbursement for work relief since the value of the labor shall be deemed to offset the payments. Any recoveries subsequently made by a county or municipality from the dependent person, his property, estate, or relatives shall be deducted from subsequent claims for reimbursement. The relief granted must 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 s. 49.11 (1), 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 s. 49.11 (1), 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

(5) SERVICE OF PAPERS. The fact of mailing and the date when a non-resident affidavit was mailed may be proved by affidavit of the clerk or deputy clerk who sent such notice. Such affidavit shall show compliance with the mailing statute in force at the time the notice was mailed. See s. 49.11 (7) (d), Stats., which requires the mailing of notices by registered or certified mail with return receipt requested.

(6) CONDITIONS PRECEDENT. No proceeding shall be maintained unless a verified claim for the amount of money due has been duly presented to and disallowed by the county or municipality sought to be charged.

(7) RESUMES AND TRANSCRIPTS. (a) The department may at any time prior to decision require or permit the parties to file briefs on either fact or law.

(b) Transcripts of testimony taken or proceedings had before the department will be furnished to parties upon request and payment of the sum of 10 cents per folio and 5 cents per folio for each additional copy thereof. After an appeal has been taken, transcripts will be furnished upon payment of the sum of 5 cents per folio.

(8) WITNESS FEES. (a) Witnesses may be paid as provided by s. 49.11 (7) (a), Stats., for attendance at hearings.

(b) Where more than one witness travels in the same car, only one mileage fee shall be allowed, except that all witnesses may receive sufficient mileage fees to cover necessary meals.

(c) Where witnesses travel by public conveyance, actual cost of conveyance plus necessary and reasonable bills for meals and hotels may be allowed.

(d) Interpreters' fees shall be the same as witness fees.

(e) In no case shall any of the above allowances be in excess of the regular mileage allowance. Witness fees shall be proved by submission of receipt of the witness.

History: 1-2-56; am. Register, October, 1962, No. 82, eff. 11-1-62.

PW-PA 20.21 Destruction of record material. (1) PURPOSE. The purpose of this rule is to define the limitations of s. 59.715 (21), Stats., pertaining to the destruction of case record and other record material in aid to dependent children, and in relief for which claim for state reimbursement is made under s. 49.04, Stats., and the destruction of records in Indian relief claims under s. 49.046, Stats.

(2) RECORDS TO BE PERMANENTLY PRESERVED. A face sheet or similar record of each case and a financial record of all payments for each aid account shall be permanently preserved.

(a) Face sheet or similar record means a sheet or sheets giving identifying data about the person or persons concerned, sufficient to distinguish the particular person or family, including such information as names, addresses, occupations, relatives, birth and marriage dates and marital status.

(b) Financial record means a financial card or ledger sheet showing all payments made to or in behalf of the individual or family aided, by month, and including a record of all refunds and collections.

PW-PA 20

(3) **CONDITIONS FOR DESTRUCTION OF OTHER RECORDS.** Records, other than those specified in sub. (2) of this rule, may be destroyed when there has been no case activity on the part of the county department and the particular person or family for a period of 5 years just preceding, except as hereinafter provided.

(a) No records may be destroyed in any case in which:

1. An estate against which the county has a claim has not been settled.
2. There is property on which the county has an old-age assistance lien and the claim has not been settled.
3. Claims for reimbursement under ss. 49.04 and 49.046, Stats., have not been settled and audited.

(b) Claims paid by the county, and papers supporting such claims, and cancelled checks for payments made to or in behalf of recipients of aid to dependent children, or relief to needy Indians may not be destroyed until after 7 years, in accordance with s. 59.175 (9) and (18), Stats.

History: 1-2-56; am. Register, October, 1962, No. 82, eff. 11-1-62; am. Register, February, 1975, No. 230, eff. 3-1-75.

PW-PA 20.22 Liquid assets. **History:** Cr. Register, May, 1961, No. 65, eff. 6-1-61; am. Register, February, 1975, No. 230, eff. 3-1-75; r. Register, April, 1983, No. 328, eff. 5-1-83.

PW-PA 20.23 Loans on Menominee Enterprises, Inc. bonds. **History:** Emergency rule, eff. 1-11-64; cr. Register, March, 1964, No. 99, eff. 4-1-64; r. Register, April, 1983, No. 328, eff. 5-1-83.

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 fam-