

CR 84-253
CERTIFICATE

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APR 15 1985
3:40 pm
Revisor of Statutes
Bureau

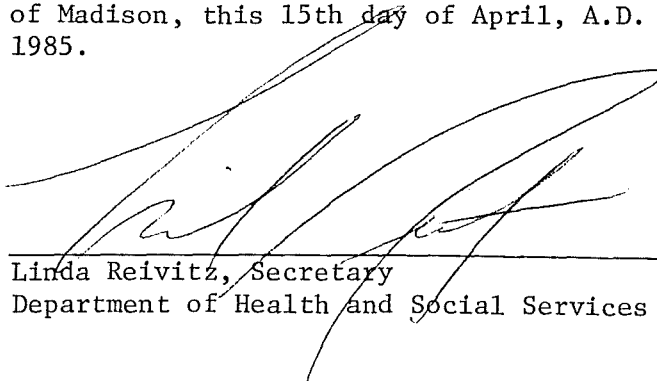
STATE OF WISCONSIN)
) SS
DEPARTMENT OF HEALTH AND SOCIAL SERVICES)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Linda Reivitz, Secretary of the Department of Health and Social Services and custodian of the official records of said Department, do hereby certify that the annexed repeal of a rule relating to the treatment of the earned income tax credit in determining AFDC eligibility and grant size was duly approved and adopted by this Department on April 15, 1985.

I further certify that this copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the State Office Building, 1 W. Wilson Street, in the city of Madison, this 15th day of April, A.D. 1985.



Linda Reivitz, Secretary
Department of Health and Social Services

SEAL:

6-1-85

ORDER OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES
REPEALING RULES

To repeal HSS 201.28(13), relating to the treatment of the earned income tax credit in determining AFDC eligibility and grant size.

Analysis Prepared by the Department of Health and Social Services

Section 49.19(4)(es), (k) and (5)(a), Stats., direct the Department to consider all earned and unearned income of the applicant in determining eligibility for aid to families with dependent children (AFDC). The total income of the AFDC group may not exceed the applicable need standard. Moreover, the amount granted is to be determined by a budget for the family in which all income is considered. Section HSS 201.28(13) of the Wisconsin Administrative Code provides that the earned income tax credit shall be budgeted on a monthly basis when a individual is expected to be eligible for the earned income tax credit and shall be counted whether or not the individual chooses to receive advanced monthly payments. Section 2629 of Public Law 98-369 amends s.402(d)(1) of the Federal Social Security Act so that the earned income tax credit is budgeted for AFDC purposes only when it is actually received. No Wisconsin statute deals specifically with the earned income tax credit, but until the administrative rule is changed the earned income tax credit must be counted as monthly income whether or not it is received. Counting income of an AFDC family even when it is not received can work an undue hardship on a family whose grant is currently less than the poverty level. The repeal of this rule is necessary so that the department can provide a correct and equitable grant amount for AFDC recipients by counting earned income tax credit only when and if it is received.

Pursuant to the authority vested in the Department of Health and Social Services by ss. 49.50(2), and 227.027(1), Stats., the Department of Health and Social Services hereby repeals a rule interpreting ss. 46.016, 46.03(8), and 49.14(4) and (5), Stats., as follows:

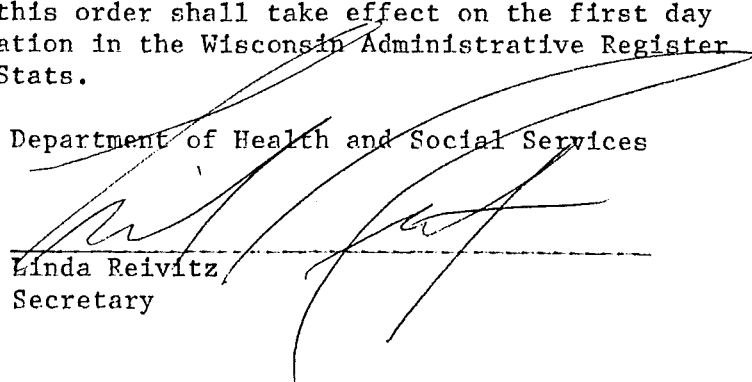
SECTION 1. HSS 201.28(13) is repealed.

The repeal contained in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s.227.026(1), Stats.

Department of Health and Social Services

Dated: 4-15-85

Seal:

by: 
Linda Reivitz,
Secretary



State of Wisconsin \ DEPARTMENT OF HEALTH AND SOCIAL SERVICES

1 West Wilson Street, Madison, Wisconsin 53702

Anthony S. Earl
Governor

Linda Reivitz
Secretary

April 15, 1985

Mailing Address:
Post Office Box 7850
Madison, WI 53707

Mr. Orlan Prestegard
Revisor of Statutes
411 West, State Capitol
Madison, Wisconsin 53702

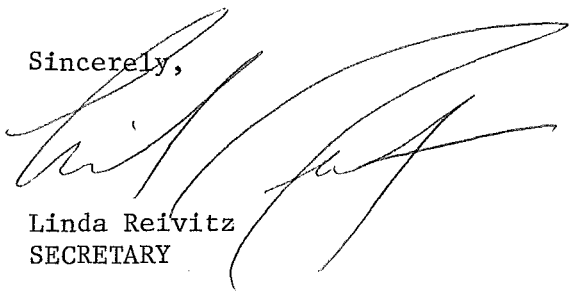
Dear Mr. Prestegard:

As provided in s. 227.023, Stats., there is hereby submitted a certified copy of the repeal of HSS 201.28(13), relating to the treatment of the earned income tax credit in determining AFDC eligibility and grant size.

This rule repeal is also being submitted to the Secretary of State as required by s. 227.023, Stats.

This repeal of a rule does not affect small businesses as defined in s. 227.016(1)(a), Stats.

Sincerely,


Linda Reivitz
SECRETARY

Enclosure