

## Chapter HSS 201

## AID TO FAMILIES WITH DEPENDENT CHILDREN

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Note: Chapter HSS 201 was created as an emergency rule effective 12-31-82.

## Subchapter I — General Provisions

**HSS 201.01 Authority and purpose.** This chapter is adopted pursuant to s. 49.50 (2), Stats., for the purpose of administering the aid to families with dependent children (AFDC) program.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83.

**HSS 201.02 Applicability.** This chapter applies to all applicants for AFDC and recipients of AFDC, to all persons engaged in the administration and supervision of AFDC, and to all persons who are legally or financially responsible for any applicant or recipient of AFDC.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83.

**HSS 201.03 Definitions.** In this chapter:

(1) "AFDC" means aid to families with dependent children, a public assistance program under Title IV-A of the Social Security Act of 1935, as amended, and ss. 49.19 to 49.41, Stats.

(2) "AFDC group" means those persons whose financial eligibility for AFDC is determined together.

(3) "AFDC unemployed parent group" means an AFDC group in which the child or children are deprived of parental support because the principal wage earner in the group is unemployed.

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(4) "Agency" means the county department of social services, public welfare or human services, or a tribal agency which administers income maintenance programs.

(5) "Assistance standard" means the monthly dollar amounts under s. 49.19 (11) (a)1. and 2., Stats., used in determining need and the amount of the family allowance in the AFDC program.

(6) "Caretaker" means a qualified relative who has a child under his or her care as specified in s. HSS 201.17.

(7) "Child-in-common" means any child who is the legal responsibility of the primary person and the primary person's spouse, or the other parent when there is no marriage, when all of them are living together.

(8) "Deemed" means, in reference to income and assets, considered available to applicants or recipients for purposes of determining eligibility and grant amount.

(9) "Department" means the department of health and social services.

(10) "Exempt assets" means those assets which are not considered when determining financial eligibility for AFDC.

(11) "Family allowance" means the percentage of the assistance standard under s. 49.19 (11) (a)1. and 2., Stats., designated as the monthly payment level in the AFDC program.

(12) "Legally responsible relative" means a person liable for the support of another person as specified in s. 52.01, Stats.

(13) "Primary person" means the person whose name is listed first on the application form as the person applying for AFDC.

(14) "Principal wage earner" means the person who is listed on line one or 2 of the application for AFDC in an AFDC unemployed parent group, who earned the most income during the 24 month period preceding the most recent application, and who meets the requirements for past and current employment under 45 CFR 233.100.

(15) "Registrant" means a person registered for WEOP.

(16) "SSI" means supplemental security income, the assistance program in section 1613 of Title XVI of the Social Security Act of 1935, as amended, and s. 49.177, Stats.

(17) "WEOP" means the Wisconsin employment opportunities program established under 42 USC 645 and s. 49.50 (7), Stats., for the purpose of assisting AFDC recipients to develop marketable work skills and obtain gainful employment.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83; emerg. r. (14), renum. (13) to be (14), cr. (13) and (15), eff. 6-1-86; r. and recr. (14), renum. (3) to (13) to be (4) to (13) and (16), cr. (3), (15) and (17), Register, November, 1986, No. 371, eff. 12-1-86.

## Subchapter II -- AFDC Administration

HSS 201.04 Introduction. Agencies shall administer the AFDC program in accordance with ss. 49.19 to 49.41, Stats., and this chapter, and Register, December, 1988, No. 396

(2) UNDER THE CARE. (a) A child shall be considered under the care of a relative when the relative:

1. Exercises the primary responsibility for the care and control of the child, including making plans for the child; and

2. Maintains a home in which he or she and the child live.

(b) 1. A child may be absent from the caretaker relative's home but still be considered under the care of the caretaker relative, or the caretaker relative may be absent from the home but still be considered the caretaker relative, if the following conditions are met:

a. The continuous absence is expected to be for a period of no more than 6 months;

b. The absence is not the result of removal of the child under a dispositional order issued under s. 48.355, Stats., which places custody of a child outside the home for an indefinite period or a period of 3 months or more; and

c. The caretaker relative continues to exercise responsibility for the care and control of the child.

2. The agency may approve an extension of a child's temporary absence from the home beyond 6 months when a written plan exists which demonstrates that the intent is to return the child to the home of the caretaker relative.

(c) When a never-married minor parent is residing with his or her parent, the parent of the minor parent is considered the caretaker.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83; r. and recr. (2) (b), Register, July, 1988, No. 391, eff. 8-1-88.

**HSS 201.18 Assignment of support.** (1) The parent or caretaker shall assign all rights to child support and maintenance payments in order to be eligible for AFDC. If there is a refusal to make the assignment, the person who refuses shall not be eligible for AFDC.

(2) The agency shall refer all cases involving paternity and support to the county child support agency. The parent shall cooperate with the local child support agency in identifying or locating the absent parent, in obtaining support payments or any other payments or property and in establishing paternity. If the parent refuses to cooperate, the parent is not eligible unless it is determined under s. HSS 215.03 that there is good cause for the parent to refuse cooperation.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83.

**HSS 201.19 WEOP.** (1) **REGISTRATION.** All persons in an AFDC group shall register for WEOP as a condition of eligibility for AFDC. Participation in WEOP under ch. HSS 208 shall not be required of an AFDC recipient who is:

(a) The primary caretaker relative for a child under 2 years of age living in the home when there are only brief and infrequent absences of the caretaker relative from the child. Only one person in an AFDC group may be exempt for this reason;

(b) Age 65 or older;

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(d) Working at least 30 hours per week in a job expected to last a minimum of 30 days;

(e) Under age 16, or age 16 or age 17 and enrolled as a full-time student in an elementary or secondary school or a vocational or technical school that is equivalent to a secondary school. A student shall be considered enrolled if the student has not graduated, has not been legally excused from school attendance by the school board, or has an excused absence for no more than 30 days due to a physical or mental condition;

(f) An 18-year old full-time student in a high school, or in the equivalent level of vocational or technical training, who is reasonably expected to complete the program before reaching age 19, or, an 18-year old enrolled in and regularly attending a high school program leading to a high school diploma;

(g) Incapacitated, ill or injured with a medically-determined physical or mental impairment which prevents the person from temporarily or permanently participating in WEOP activities or holding a job. Unless the medical condition is determined by a physician to be permanent, the person shall be reexamined by a physician annually or on or before the date a physician stated the incapacity is expected to cease, whichever comes first. Any person who is exempt from participation in WEOP on the basis of incapacitation for more than 60 days shall be referred to the department's division of vocational rehabilitation;

(h) Living in a county without a WEOP office or living so far from the WEOP office that he or she cannot get to it within one hour with available transportation. The time required to take children to and from child care shall not be included in this computation. Available transportation means transportation which is available to the person on a regular basis and includes public transportation and private vehicles;

(i) Needed, as determined by the agency, to remain at home to look after another member of the household because of that person's medical condition;

(j) Medically-verified pregnant and in the third trimester of pregnancy; or

(k) Participating in learnfare under s. HSS 201.195.

(2) SANCTION. (a) Upon receiving written notice from the WEOP agency that a registrant who does not meet an exemption under sub. (1) has failed without good cause to participate in the program, the agency shall:

1. Change the WEOP status of the registrant from mandatory to sanction; and

2. Send written notice to the primary person which specifies:

a. That AFDC benefits are terminated or reduced because the registrant did not have good cause for failing to participate in WEOP and gives a specific reason for the action;

b. The beginning date, length of sanction and person or persons in the AFDC group to whom the sanction applies; and

c. The registrant's right to apply for a fair hearing in accordance with s. PW-PA 20.18 [ch. HSS 225].

(b) If the registrant does not request a fair hearing or if, after a fair hearing has been held, the hearing officer finds that the registrant has failed to participate in WEOP without good cause, the agency shall:

1. Deny aid to all persons in an AFDC unemployed parent group when the principal wage earner fails to participate in WEOP without good cause; or

2. Deny aid to any nonexempt caretaker relative or nonexempt dependent child who has failed to participate in WEOP without good cause, but continue to provide aid to each remaining eligible child and adult in the household.

(c) A sanction applied under par. (b) shall be effective:

1. For 3 calendar months following the first occurrence of nonparticipation; or

2. For 6 calendar months following the second and each subsequent occurrence of nonparticipation.

(d) If the circumstances of an AFDC unemployed parent group change during the sanction period due to the absence or incapacitation of the principal wage earner, the group members may reapply for aid and not be subject to the same sanction. If the principal wage earner reenters the group or the incapacitation ends, the sanction shall be reinstated beginning in the next possible month following the change in case status and shall continue for the time remaining in the sanction period.

(e) The sanction period under par. (c) shall include any other period during which the sanctioned AFDC unemployed parent group, nonexempt primary person or nonexempt dependent child is ineligible for AFDC.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83; emerg. r. and recr. eff. 6-1-86; r. and recr. Register, November, 1986, No. 371, eff. 12-1-86; emerg. am. (1) (intro.), (i) and (j), cr. (1) (a), eff. 11-1-87; am. (1) (intro.), (a), (l) and (j), cr. (1) (k), r. (1) (c), Register, December, 1988, No. 396, eff. 1-1-89.

**HSS 201.195 Learnfare. (1) AUTHORITY AND PURPOSE.** This section is adopted under the authority of s. 49.50(2) and (7)(h)1, Stats., to provide rules for the administration of learnfare, a program that requires that all teenagers who are included in a grant under s. 49.19, Stats., who are parents or who are residing with a natural or adoptive parent and who have not graduated from high school or received a high school equivalency diploma attend school to meet WEOP participation requirements.

**(2) APPLICABILITY.** This section applies to all school districts and all county and tribal income maintenance agencies, and to all teenagers included in an AFDC group who are parents or who are residing with a natural or adoptive parent and all AFDC groups which include a teenager who is a parent or who is residing with a natural or adoptive parent.

**(3) DEFINITIONS.** In this section:

(a) "Ceased to attend" means that the teenager has 20 consecutive full school days of unexcused absences.

(b) "Dropout" means a teenager who has ceased to attend school, continues to reside in the school district, does not attend another school, has not graduated from high school or received a high school equivalency diploma and does not have an acceptable excuse under s. 118.15(1)(b) to (d) or (3), Stats.

(c) "Excused absence" means that the reason for the absence meets the school district's definition of a valid reason for the teenager not to attend school.

(d) "Full day" means the entire school day as defined by the school district.

(e) "High school equivalency diploma" means a certificate of educational achievement issued under s. 115.29(4), Stats., and ch. PI 5 following completion of a course of study.

(f) "Learnfare" means the program established under s. 49.50(7), Stats., which requires that all teenagers attend school to meet WEOP participation requirements.

(g) "Monthly attendance requirement" means that the teenager has no more than 2 full days of unexcused absences in a calendar month.

(h) "School" has the meaning prescribed in s. 49.50(7)(a), Stats., namely, any one of the following:

1. A public school, as described in s. 115.01(1), Stats.;
2. A private school, as defined in s. 115.001(3r), Stats.;
3. A vocational, technical and adult education school pursuant to a contract under s. 118.15(2), Stats.; or
4. A course of study meeting the standards established by the state superintendent of public instruction under s. 115.29(4), Stats., for the granting of a declaration of equivalency of high school graduation.

(i) "School attendance officer" has the meaning prescribed in s. 118.16(1)(a), Stats., namely, an employe designated by the school board to deal with matters relating to school attendance and truancy.

(j) "School district" means the territorial unit for school administration as specified in s. 115.01(3), Stats.

(k) "Teenager" means a person who is 13 to 19 years of age, a member of an AFDC group and a parent or residing with his or her natural or adoptive parent.

(l) "Unexcused absence" means that the reason for the absence does not meet the school district's definition of a valid reason for the teenager not to attend school.

(4) PARTICIPATION IN LEARNFARE. (a) A teenager shall attend school full or part time except that a teenager who has graduated from high school or received a high school equivalency diploma is exempt from the school attendance requirement under this section.

(b) A teenager who is required to participate in learnfare under this section shall be considered to be meeting the school attendance requirements under the following circumstances:

1. A teenager who is required to attend school shall be considered to have met the attendance requirement by having fewer than 10 full days of unexcused absences from school during the most recently completed school semester.

2. A teenager who has 10 or more full days of unexcused absences from school during the most recently completed school semester or who was a dropout and returned to school during the semester under review or who is unable to verify previous attendance shall comply with the monthly attendance requirement.

3. If the school that the teenager is currently enrolled in does not keep daily attendance records, the teenager shall be considered to be meeting the school attendance requirement if the school verifies the continuing enrollment of the teenager in the semester under review.

4. The teenager is not required to comply with attendance requirements when the school the teenager is attending is not in regular session, including during the summer.

(c) Either the teenager or the primary person shall cooperate in providing information needed to verify enrollment information or good cause under sub. (7). If neither one cooperates, the teenager shall be ineligible for aid as provided under s. HSS 201.22.

(d) A teenager who is required to attend school but has good cause under sub. (7) for not attending may be referred by the agency to the WEOP program under ch. HSS 208.

(e) Either the teenager who is a dropout or the primary person shall notify the agency of the teenager's nonattendance at school in compliance with s. HSS 201.07.

(5) AGENCY RESPONSIBILITIES. (a) The agency shall review attendance information at all initial eligibility determinations and at all reviews under s. HSS 201.09(3).

(b) The agency shall inform the primary person that the signature of the parent, guardian, caretaker or pupil on the AFDC application for initial eligibility or eligibility redetermination constitutes permission for the release of school attendance information by the school district.

(c) 1. The agency shall request information from the school attendance officer in the teenager's school district about the teenager's attendance in the school district's most recently completed semester of attendance.

2. If information about the teenager's previous school attendance is not available or cannot be verified, the agency shall require the teenager to meet the monthly attendance requirement for one semester or until the information is obtained.

(d) The agency shall use the attendance information provided by a school to verify attendance for a teenager.

(e) The agency shall review a teenager's claim that he or she has a good cause reason under sub. (7) for not attending school and shall determine if a teenager excused under sub. (7) from attending should be referred to WEOP under ch. HSS 208.

(f) The agency shall administer day care and transportation funds available to teen parents under s. 49.50(7)(e)1, Stats. Payment for the cost of transportation to and from the child care provider shall be in the amount equal to the cost of transportation by the most appropriate means as determined by the department or the agency.

(6) SCHOOL DISTRICT RESPONSIBILITIES. (a) The school attendance officer shall provide information to the agency about the attendance of a teenager who is enrolled in a public school in the school district within 5 working days after the date of receipt of the written request from the agency.

(b) The requirement under 20 USC 1232g and s. 118.125(2), Stats., that written consent be given for a school district to make available the attendance records of a pupil shall be met in the case of a teenager in an AFDC group by the signature of the parent, guardian, caretaker or pupil on the AFDC application for initial eligibility or eligibility redetermination.

(c) The school district shall define how many hours of attendance count as a full day and shall provide that definition, upon request, to the agency.

(d) In reporting attendance, the school district may not add partial day absences together to constitute a full day of absence.

(7) GOOD CAUSE CRITERIA. (a) A teenager who is required to attend school to meet the learnfare participation requirements under s. 49.50(7)(g), Stats., shall comply except when there is good cause which shall be demonstrated by any of the following circumstances:

1. The teenager is the caretaker of a child less than 90 days old;

2. Child care services are necessary for the teenager to attend school but child care licensed under s. 48.65, Stats., certified under s. 48.651, Stats., or established under s. 120.13(14), Stats., is not available. Child care shall be considered unavailable if there is no space available for the child in day care licensed under s. 48.65, Stats., certified under s. 48.651, Stats., or established under s. 120.13(14), Stats., within reasonable travel time and distance, or if the cost of care where space is available exceeds the maximum rate established by the county under s. 46.98(4), Stats.;

3. Transportation to and from child care is necessary for the teenager's child and there is no public or private transportation available;

4. The teenager is temporarily excused from school attendance by the school district under s. 118.15(3), Stats.;

5. The teenager is prohibited by the school district from attending school and an expulsion under s. 120.13(1), Stats., is pending. This exemption no longer applies once the teenager has been formally expelled;

6. The teenager is unable to attend school because he or she was expelled under s. 120.13(1), Stats., and another school is not available because:

a. There is no public or private school within reasonable travel time or distance which will accept the teenager;

b. There is no public or private transportation available to another school; or

c. There is a public or private school which will accept the teenager but the tuition charge is prohibitive and the teenager's school district refuses to pay the tuition;

7. The teenager is age 16 to 19 and the school district determines that he or she will not graduate from high school by the age of 20; or

8. The teenager failed to attend school for one or more of the following reasons:

a. Illness, injury, or incapacity of the teenager or a member of the teenager's family. In this subparagraph, "member of the teenager's family" means a spouse, child, parent or other dependent relative who lives with the teenager;

b. Court-required appearance or temporary incarceration;

c. Medical or dental appointments for the teenager or his or her child;

d. Death of a relative or a friend;

e. Observance of a religious holiday;

f. Family emergency;

g. Breakdown in transportation;

h. Suspension; or

i. Any other circumstances beyond the control of the teenager.

(b) Additional good cause criteria may be defined by the department through the fair hearing process.

(8) **SANCTIONS FOR NOT PARTICIPATING.** (a) *Notice.* Upon determining that a teenager has failed without a good cause reason under sub. (7) to attend school, the agency shall send written notice to the primary person which specifies:

1. That the teenager will be removed from the AFDC grant in the next possible payment month because the teenager required to attend school has failed to meet attendance requirements. If the teenager is the only child in the grant and benefit continuation under par. (c) or (e) will no longer apply, the notice shall also state that the entire grant will be discontinued;

2. The beginning date of the sanction, and the teenager to whom the sanction applies;

3. How the primary person can contact the school district for information regarding the children at risk program under s. 118.153, Stats.; and

4. The teenager's or primary person's right to request a fair hearing under par. (b).

(b) *Fair hearing.* The teenager or primary person may request a fair hearing in accordance with s. 49.50(8), Stats., and s. PW-PA 20.18 on the agency's determination that the teenager has not been attending school.

(c) *Failure to meet monthly attendance requirement.* If the teenager or primary person does not request a fair hearing under par. (b) or if, after a fair hearing has been held, the hearing officer finds that the teenager has failed without good cause to meet the monthly attendance requirement, the agency shall discontinue or deny aid to the teenager in the next possible payment month in which a sanction is not already being applied for the teenager. If application of a sanction would close the case, benefit payments to meet the needs of the caretaker shall continue for one time up to 3 months the first time the teenager is sanctioned.

(d) *Effective period of sanction for failure to meet monthly attendance requirement.* A sanction applied under par. (c) shall be effective for one month for each month the teenager fails to meet the monthly attendance requirement.

(e) *Dropping out of school.* 1. If the teenager or primary person does not request a fair hearing under par. (b) or if, after a fair hearing has been held, the hearing officer finds that the teenager is a dropout, the agency shall discontinue or deny aid in the next possible payment month after the teenager dropped out to the teenager who has ceased to attend school. If application of a sanction would close the case, benefit payments to meet the needs of the caretaker shall continue for one time up to 3 months the first time the teenager is sanctioned.

2. If the fair hearing decision finds against the teenager or if the teenager failed to comply with the reporting requirements under s. HSS 201.07, the month or months the teenager was included in the grant but did not meet the school attendance requirements shall be considered an overpayment under s. HSS 201.30(3)(c).

(f) *Effective period of sanction for dropping out of school.* A sanction applied under par. (e) shall be effective until the teenager who is a dropout provides written verification from the school district that he or she has re-enrolled and has met the monthly attendance requirement under sub. (4) for one calendar month. Any month in which school is in session at least 10 days during that month may be used to meet the attendance requirement under sub. (4). This includes attendance at summer school. The sanction shall be removed in the next possible payment month.

History: Emerg. cr. eff. 11-1-87; emerg. r. and recr. eff. 12-4-87, except (7) (a) 1. to 3. and 7. and (b), eff. 3-1-88 and (8), eff. 2-1-88; emerg. am. (8) (c) (c) and (f), eff. 6-1-88; emerg. am. (1), (2) (intro.), (3) (j), (4) (b) 1. and 2., (6) (a) and (b), (8) (c) and (e) 1., renum. (4) (c) and (d), (5) (b) to (e) to be (4) (d) and (e), (5) (c) to (f) and am. (5) (c) 1., cr. (3) (hm), (4) (c), (5) (b) and (6) (c), eff. 9-1-88; cr. Register, December, 1988, No. 396, eff. 1-1-89.

**HSS 201.20 Supplemental security income recipients.** No person receiving SSI shall be eligible for AFDC. The income and assets of SSI recipients shall not be used when determining eligibility of others for AFDC or the amount of assistance to be granted.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83.

**HSS 201.21 Strikers.** Any person who is a striker on the last day of the month shall not be eligible. If the primary person or the primary person's spouse is a striker, the primary person, the primary person's spouse and all children for whom the striker is legally responsible, shall not be eligible. In this section, "striker" means a person involved in a strike or con-

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certed stoppage of work by employes or any concerted slowdown or other interruption of operations by employes.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83.

**HSS 201.22 Refusal to provide information.** If an applicant or recipient refuses to provide information necessary to determine AFDC eligibility, the people whose eligibility depends upon this information shall not be eligible. A person shall not be found ineligible for failure to provide verification if it is not within the person's power to provide verification.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83.

**HSS 201.23 Social security number.** A social security number shall be furnished for each person in the AFDC group or, if a person does not have one, application for a number shall be made. If there is a refusal to furnish a number or apply for a number, the person for whom there is a refusal shall not be eligible for AFDC.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83.

**HSS 201.24 Age.** To be eligible for AFDC as a deprived child, the individual shall be under age 18 or qualify as a dependent 18-year old. In this section, "dependent 18-year old" means a person who meets either of the following sets of criteria:

(1) **FIRST SET OF CRITERIA.** Is age 18 and a full-time student in a high school or in a equivalent level of vocational or technical training and can reasonably be expected to complete the program before reaching age 19. In this subsection, "full-time student" means a student who is classified as full-time or who is carrying sufficient credits to be reasonably expected to graduate or receive a general education diploma before reaching age 19.

(2) **SECOND SET OF CRITERIA.** Is age 18 and regularly attending a high school program leading to a high school diploma and shall be determined to be an essential person. In this subsection, "regularly attending" means attendance which conforms to school rules. A student shall not be required to participate in summer school to be considered regularly attending. In this subsection, "essential person" means a person whom the primary person recognizes to be essential to the well-being of another recipient in the home who is a child under age 18 receiving either AFDC or SSI or a pregnant relative.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83.

**HSS 201.25 Maternity care.** Even though there is no deprived child in the home, maternity care may be granted to a pregnant woman. To be eligible for maternity care the woman shall be at least 7 months pregnant. This requirement shall be met on the first of the month in which she becomes 7 months pregnant. The seventh month of pregnancy shall be established by counting back 3 calendar months from the medically verified expected date of delivery. Only the pregnant woman is eligible for maternity care. If the pregnant woman is married and living with her husband, either she or her husband shall meet the requirements under s. HSS 201.14(2), (3) or (4) for the pregnant woman to be eligible.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83.

**HSS 201.26 Requests for exclusion.** Anyone may be excluded from the AFDC grant subject to the following limitation: Persons and their in-

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come and assets may not be excluded from the eligibility determination when federal regulations prohibit the exclusion.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83.

**HSS 201.27 Assets.** (1) The total nonexempt assets of the AFDC group may not exceed \$1,000. If the nonexempt assets exceed \$1,000, the primary person, the primary person's spouse and any children for whom they are both legally responsible shall not be eligible. If there is a child in the AFDC group who is not the legal responsibility of the primary person or primary person's spouse, the child's financial eligibility shall be determined under s. HSS 201.31.

(2) Assets owned by members of the AFDC group shall be treated as follows:

(a) Up to \$1,500 of the equity value of one motor vehicle used to provide transportation of persons or goods shall be exempt. If more than one vehicle is owned, up to \$1,500 of equity value from the vehicle with the greatest equity shall be exempt. The equity value of any other vehicle shall be counted as an asset. In this paragraph, "equity value" means the wholesale value as given in a standard guide on motor vehicle values or the value as estimated by a sales representative at a local car dealership minus any encumbrances which are legally debts.

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