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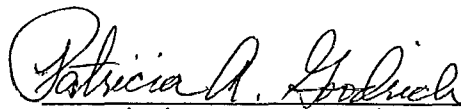
STATE OF WISCONSIN)
) SS
DEPARTMENT OF HEALTH AND SOCIAL SERVICES)

I, Patricia A. Goodrich, Secretary of the Department of Health and Social Services and custodian of the official records of the Department, do hereby certify that the annexed rules relating to student 18-year old aid were duly approved and adopted by this Department on March 16, 1989.

I further certify that this copy has been compared by me with the original on file in the Department and that this copy is a true copy of the original, and of the whole of the 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 16th day of March, 1989.

SEAL:



Patricia A. Goodrich, Secretary
Department of Health and Social Services

7-1-89

ORDER OF THE
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
REPEALING AND ADOPTING RULES

To repeal PW-PA 20.24 and to create HSS 222, relating to aid to 18-year-old high school students who become ineligible for AFDC.

Analysis Prepared by the Department of Health and Social Services

This order repeals s. PW-PA 20.24, rules on state aid to 18-year-old high school students who lose their eligibility for AFDC when they reach the age of 18, and repromulgates it as ch. HSS 222. This action is taken mainly to bring the rules into the HSS series in the Wisconsin Administrative Code, where all rules of the Department of Health and Social Services will eventually be located.

The order also updates the rules to conform to current drafting standards, statutes and other rules. The most significant changes are in provisions relating to exemption of assets for purposes of determining financial eligibility. The new rules clarify the requirements for exempting monies set aside for educational purposes and exempt up to \$1500 of the equity value of a motor vehicle rather than the entire equity value of a motor vehicle. The vehicle exemption change makes these rules consistent with rules for Aid to Families with Dependent Children (AFDC).

Chapter HSS 222 specifies criteria for eligibility determination and grant computation, and delineates procedures for applying for assistance and for administration of the Student 18-Year-Old-Aid program.

The Department's authority to repeal and adopt these rules is found in s. 49.20(4), Stats. The rules interpret s.49.20, Stats.

SECTION 1. PW-PA 20.24 is repealed.

SECTION 2. HSS 222 is created to read:

Chapter HSS 222

AID FOR 18-YEAR-OLD HIGH SCHOOL STUDENTS

HSS 222.01 Authority and Purpose	HSS 222.05 Application
HSS 222.02 Applicability	HSS 222.06 Eligibility
HSS 222.03 Definitions	HSS 222.07 Payment
HSS 222.04 Administration	HSS 222.08 Grant Continuation

HSS 222.01 AUTHORITY AND PURPOSE. This chapter is adopted pursuant to s. 49.20(4), Stats., for the purpose of implementing the student 18-year-old aid (SEA) program, which provides aid to 18-year-old high school students who become ineligible for aid to families with dependent children (AFDC) solely as a result of reaching the age of 18.

HSS 222.02 APPLICABILITY. This chapter applies to all applicants for and recipients of student 18-year-old-aid, to persons engaged in the administration and supervision of SEA, and to all persons who are legally or financially responsible for any applicant for or recipient of SEA.

HSS 222.03 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) "Agency" means a county department of social services or human services, or a tribal agency which administers income maintenance programs.
- (4) "Applicant" means an 18-year-old high school student on whose behalf application for aid is made under this chapter.
- (5) "Caretaker relative" means any of the following relatives who has the applicant under his or her care: father, mother, stepfather, stepmother, brother, sister, stepbrother, stepsister, half-brother, half-sister, nephew, niece, aunt, uncle, first cousin, or any of these persons of preceding generations as denoted by prefixes of grand, great- or great-great. "Caretaker relative" includes the spouse of any of the relatives listed under this subsection even after the marriage is ended by death or divorce.
- (6) "Department" means the Wisconsin department of health and social services.
- (7) "Enrolled" means the applicant is registered in a program of studies leading to a high school diploma for the semester in which he or she is attending or plans to attend school.
- (8) "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.
- (9) "Food stamps" means the assistance program under 7 USC 2011 to 2029.
- (10) "Medical assistance" means the assistance program operated by the department under ss. 49.43 to 49.497, Stats.
- (11) "Protective payment" means a payment to a payee appointed by the agency, other than the parent or other caretaker relative.

(12) "Regularly attending" means attending classroom instruction during the school year and includes absence from school due to illness, convalescence, a family emergency or an official school vacation. Attendance during optional summer school sessions is not required for a student to be considered to be regularly attending school.

(13) "SEA" means student 18-year-old aid, a public assistance program under s. 49.20, Stats.

HSS 222.04 ADMINISTRATION. (1) All agencies shall administer the student 18-year-old-aid program.

(2) Unless stated to the contrary in this section, agencies shall administer the SEA program under the limitations of and in accordance with the procedures specified for the administration of AFDC in s. 49.19, Stats., and ch. HSS 201.

(3) Reimbursement of agencies for administration of the SEA program and for payments made under the SEA program shall be from state funds which are not federally matchable.

(4) If an AFDC group's benefits are reduced or terminated solely because a group member reached the age of 18, the agency shall notify the group of the SEA program at the time notification of AFDC reduction or discontinuation is sent under s. 49.19(13), Stats.

(5) The agency may make a home visit prior to the initial payment under the SEA program if the applicant's living situation has changed from the time that he or she was included in the AFDC grant.

(6) The agency shall verify every 3 months that a SEA recipient is regularly attending school by contacting the school attendance officer. In this subsection, "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.

(7) The agency shall review an SEA recipient's eligibility for SEA every 6 months.

(8) Agencies shall report any information to the department that the department determines it needs in order to monitor administration of the program.

(9) Recipients of aid under the SEA program shall have the same rights and responsibilities as those specified for AFDC recipients under ch. 49, Stats., ch. HSS 201 and s. PW-PA 20.18 [HSS 225].

HSS 222.05 APPLICATION. (1) Application for student 18-year-old-aid shall be made on a form prescribed by the department and provided by an agency and shall be made on behalf of the applicant by the caretaker relative with whom the applicant resides.

(2) Application for SEA shall also constitute application for medical assistance and food stamps. Eligibility of the applicant for medical assistance shall be determined in accordance with criteria specified for that program in ss. 49.46 and 49.47, Stats., and chs. HSS 102 and 103. Eligibility of the applicant for food stamps shall be determined in accordance with criteria specified for that program in 7 CFR 273.

HSS 222.06 ELIGIBILITY. An agency shall determine eligibility for student 18-year-old-aid in accordance with this section, as follows:

(1) NONFINANCIAL CONDITIONS FOR ELIGIBILITY. A person is eligible for SEA only if the person:

- (a) Is 18 years of age;
- (b) Is a Wisconsin resident;
- (c) Received AFDC, but not as a foster child, during the month in which he or she reached the age of 18;
- (d) Does not meet criteria specified in s. HSS 201.24 for AFDC eligibility as a dependent 18-year-old;
- (e) Is living in the home of a caretaker relative;
- (f) Is deprived of parental support or care as a result of the death, incapacitation or unemployment of a parent, or continued absence of a parent from the home unless the absence is due solely to the performance of active duty in the uniformed service of the United States; and
- (g) Is enrolled in and regularly attends a secondary education program leading to a high school diploma. Confirmation of enrollment shall be obtained from a local school district official.

(2) FINANCIAL CONDITIONS FOR ELIGIBILITY. (a) To be eligible for SEA, an applicant shall meet the following financial eligibility criteria:

1. The applicant's total assets which are not exempt under par. (b) may not exceed \$1,000; and

2. The applicant's unearned income may not exceed the family allowance for one.

(b) The following assets and income of an applicant are exempt from being taken into consideration for determining eligibility for SEA:

1. Any real and personal property owned by the applicant which is exempt from AFDC eligibility determination under s. HSS 201.27;

2. Up to \$1,500 of the equity value of one motor vehicle owned by the applicant. 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 subdivision "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 agency minus any encumbrances which are legally debts;

3. Monies set aside in an education fund for the purpose of post-secondary education or training. An applicant claiming an education fund

shall provide a signed statement identifying the bank, credit union or savings and loan association where the fund is located, the amount in the fund, and the account number of the fund. The fund shall remain exempt from consideration as long as the monies are not used for any purpose other than post-secondary education or training; and

4. All earned income of the applicant.

HSS 222.07 PAYMENT. (1) Payment shall be made either by check to the caretaker relative with whom the applicant is living or by protective payment.

(2) The monthly payment amount for an applicant whose 18th birthday caused ineligibility of the AFDC group for AFDC shall be the difference between the family allowance for one and the applicant's nonexempt unearned income.

(3) The monthly payment amount for an applicant whose 18th birthday caused the AFDC group's AFDC payment to be reduced shall be computed according to the following procedure:

(a) From the family allowance for the number of persons in the AFDC group, including the applicant, subtract the family allowance for the number of persons in the AFDC group excluding the applicant; and

(b) From the result in par. (a), subtract the applicant's nonexempt unearned income.

HSS 222.08 GRANT CONTINUATION. (1) A recipient of student 18-year-old-aid shall remain eligible for benefits under this chapter until he or she reaches the age of 19, for as long as he or she meets the conditions of eligibility specified in s. HSS 222.06 and if:

(a) The deprivation reason under s. HSS 222.06(1)(f) existed throughout the calendar month in which the recipient became 18 years of age and the 18th birthday was the sole reason for discontinuance of AFDC benefits to the AFDC group in which the SEA recipient had been included; or

(b) The deprivation reason under s. HSS 222.06(1)(f) continues, and benefits to the AFDC group in which the SEA recipient had been included were discontinued for other reasons.

(2) If the 18th birthday of the SEA recipient caused reduction of the AFDC grant to a continuing AFDC group and the AFDC group is subsequently discontinued because the deprivation reason under s. HSS 222.06(1)(f) no longer exists, the SEA recipient's benefits shall be discontinued for the same reason.

(3) If an agency determines that an SEA recipient is no longer eligible for benefits under this chapter, the agency shall notify the recipient as required under s. HSS 201.09(2)(a).

The repeal and rules contained in this order shall take effect on July 1, 1989.

Wisconsin Department of Health
and Social Services

DATED: March 16, 1989

By: Patricia A. Goodrich
Patricia A. Goodrich
Secretary

SEAL:



State of Wisconsin \

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
1 West Wilson Street, Madison, Wisconsin 53702

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Patricia A. Goodrich
Secretary

Mailing Address:
Post Office Box 7850
Madison, WI 53707

Tommy G. Thompson
Governor

March 16, 1989

Mr. Orlan Prestegard
Revisor of Statutes
7th Floor - 30 on the Square
Madison, Wisconsin 53702

Dear Mr. Prestegard:

As provided in s. 227.20, Stats., there is hereby submitted a certified copy of HSS 222, administrative rules relating to student 18-year old aid.

These rules are also being submitted to the Secretary of State as required by s. 227.20, Stats.

These rules concern county administration of a state public assistance program. They do not directly affect small business as defined in s. 227.114(1)(a), Stats.

Please delay publication of ch. HSS 222 until the June 1989 Register, for a July 1, 1989 effective date.

Sincerely,

Patricia A. Goodrich
SECRETARY

Enclosure