

CR 92-58

RECEIVED

DEC 23 1992

9:50 am

Revisor of Statutes  
Bureau

CERTIFICATE

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

I, Gerald Whitburn, 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 eligibility for Aid to Families with Dependent Children (AFDC) were duly approved and adopted by this Department on December 10, 1992.

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 10th day of December, 1992.



SEAL:

\_\_\_\_\_  
Gerald Whitburn, Secretary  
Department of Health and Social Services

ORDER OF THE  
DEPARTMENT OF HEALTH AND SOCIAL SERVICES  
AMENDING RULES

To amend HSS 201.15(1), 201.16 and 201.28(1)(a) and (b), relating to eligibility for the Aid to Families with Dependent Children (AFDC) program.

Analysis Prepared by the Department of Health and Social Services

This rulemaking order amends s.HSS 201.15(1) on residence for AFDC eligibility to bring it into conformance with federal regulations found at 45 CFR 233.40. In addition, the order updates s.HSS 201.16 on citizenship or qualifying alien status for eligibility, s.HSS 201.28(1)(a) and (b) on treatment of student loans and grants in determining financial eligibility for AFDC and s.HSS 201.28(1)(b) on the treatment of payments received by work and training program participants.

The Department's authority to amend these rules is found in s.49.50(2), Stats. The rules interpret s.49.19(1), (2), (4), and (5), Stats.

SECTION 1. HSS 201.15(1) is amended to read:

HSS 201.15(1) To be eligible for AFDC, a person shall live ~~in a dwelling located~~ in Wisconsin and intend to reside in Wisconsin, except as provided in subs. (2) and (3).

SECTION 2. HSS 201.16 is amended to read:

HSS 201.16 CITIZENSHIP. To be eligible for AFDC, a person shall be either a U.S. citizen or a qualifying alien. In this section, "qualifying alien" means an alien lawfully admitted to the United States for permanent residence; an alien lawfully present in the United States ~~as a result of s.203(a)(7), 207(e), 208, or 212(d)(5) of the Immigration and Nationality Act of 1952, as amended, pursuant to 8 USC 1153, 1157, 1158, 1160 and 1182; an alien granted lawful temporary resident status pursuant to 8 USC 1161 or 1255a who is a Cuban or Haitian applicant as defined in paragraph (1) or (2)(A) of section 501(e) of P.L. 96-422, as in effect on April 1, 1983, or who is not a Cuban or Haitian applicant but who was adjusted to lawful temporary resident status more than 5 years prior to application for AFDC; or an alien otherwise permanently residing in the United States under color of law.~~

SECTION 3. HSS 201.28(1)(a) and (b) are amended to read:

HSS 201.28(1)(a) Loans and grants for undergraduate educational purposes ~~made or insured under any program administered by the federal commissioner of education, including work study,~~ shall be exempt. ~~Loans and grants obtained and used under conditions that prevent using them for current living costs~~

~~shall be exempt. Any other loans or grants available for current living costs after payment of tuition, fees, books, transportation essential to education or training, and dependent care, shall be treated as unearned income.~~

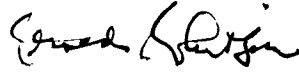
(b) Payments received by a participant in the WEOP JOBS program to reimburse him or her for the costs of participation or to serve as an incentive for participation shall be exempt.

The rules 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.227.22(2), Stats.

Wisconsin Department of  
Health and Social Services

Dated: December 10, 1992

By:



\_\_\_\_\_  
Gerald Whitburn  
Secretary

SEAL: