

CR 94-123

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 participation of Aid to Families with Dependent Children (AFDC) recipients in the Parental and Family Responsibility Demonstration Project were duly approved and adopted by this Department on December 29, 1994.

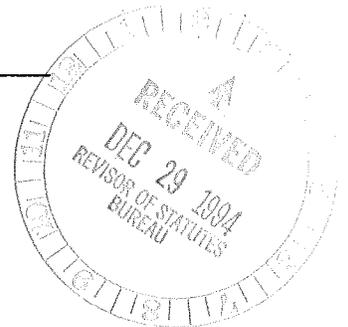
I further certify that this copy has been compared by me with the original on file in the Department and that this copy is a true copy of the original, and of the whole of the original.

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 29th day of December, 1994.



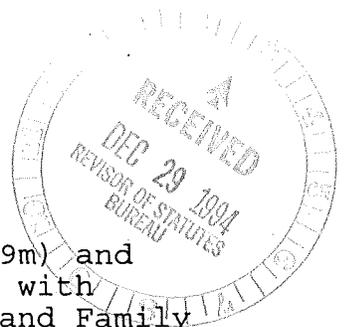
SEAL:

Gerald Whitburn, Secretary
Department of Health and Social Services



3-1-95

ORDER OF THE
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
AMENDING AND CREATING RULES



To amend HSS 201.03(4) and to create HSS 201.03(9m) and 201.198, relating to participation of Aid to Families with Dependent Children (AFDC) recipients in the Parental and Family Responsibility Demonstration project.

Analysis Prepared by the Department of Health and Social Services

To be eligible for the Aid to Families with Dependent Children (AFDC) program an applicant must be a single parent or, if the applicants are married, one of them must have an employment history. The policy which requires an employment history for two-parent families discourages family formation and preservation of the family unit. The barrier to family formation is greater when the parents are young teens who have not had an opportunity to establish an employment history.

The Parental and Family Responsibility (PFR) Demonstration project is an AFDC pilot program designed to promote and preserve families. The program will target AFDC applicants and recipients under the age of 20 who are experiencing a first pregnancy and enter their third trimester of pregnancy after June 30, 1994, or who are first-time parents of a child or children born as the result of one pregnancy, after June 30, 1994, and their spouses, the adjudicated parents of their children, or non-custodial parents of their children. The Department is implementing PFR to determine whether fundamental changes in the AFDC program and early social service intervention strategies will encourage a PFR group to delay having additional children until able to support a family both emotionally and financially, enable the formation and preservation of two-parent families, ensure absent parent financial and emotional support and reduce welfare dependency among families headed by teen parents by encouraging gainful employment.

The Parental and Family Responsibility (PFR) Demonstration project is being piloted in Juneau, Milwaukee, Oneida and Rock counties. The Department implemented PFR on July 1, 1994. A young married couple participating in PFR will not have to meet the AFDC-Unemployed parent criteria for work quarters, working less than 100 hours a month, or the 30 day unemployment period. In addition, PFR participants will be encouraged to work by being allowed to keep the first \$200 and one-half of earnings per month. Families participating in PFR will be encouraged to delay having additional children by receiving a smaller grant increase for a second baby than nonparticipants and will not receive any grant increase if a third or subsequent child is born. To increase parenting skills, all PFR participants and their spouses or the adjudicated parent who is living in the household will be

required to participate in comprehensive educational and employment-related services which include parenting and family life education as an AFDC eligibility requirement.

An underemployed or unemployed non-custodial parent of a child whose custodial parent is required to participate in the PFR demonstration project and who is living in a pilot county may be ordered by a court to seek employment by reporting to the local PFR administrative agency. An underemployed or unemployed non-custodial parent who does not fulfill his or her child support obligations may be required to participate for up to 40 hours per week in a combination of education, parenting and work activities. If the non-custodial parent fails to cooperate with work experience and training activities, he or she may have to return to court in contempt of the court order.

These are the proposed rules to implement the PFR demonstration project under s.49.25(7), Stats., as created by 1993 Wisconsin Act 16. The rules identify AFDC recipients who must participate in PFR, detail the case management services provided under PFR and outline the responsibilities of the county economic support agency in administering the demonstration project.

The Department's authority to create these rules is found in s.49.25(7)(b), Stats., as created by 1993 Wisconsin Act 16, and s.49.50(2), Stats. The rules interpret ss.49.25 and 767.078(1)(d), Stats., as amended and created by 1993 Wisconsin Act 16.

SECTION 1. HSS 201.03(4) is amended to read:

HSS 201.03(4) "Agency" means the county department of social services, ~~public welfare~~ or human services, or a tribal agency which administers ~~income maintenance~~ economic support programs.

SECTION 2. HSS 201.03(9m) is created to read:

HSS 201.03(9m) "Economic support specialist" means a person employed by a county agency or tribal agency whose duties, as specified in his or her position description, include determination or redetermination of economic support eligibility and benefits.

SECTION 3. HSS 201.198 is created to read:

HSS 201.198 PARENTAL AND FAMILY RESPONSIBILITY DEMONSTRATION PROJECT. (1) AUTHORITY AND PURPOSE. This section is adopted under the authority of ss.49.25(7) and 49.50(2), Stats., to provide rules for the administration of the parental and family responsibility demonstration project, in pilot counties, for applicants for and recipients of AFDC who are under the age of 20

and first-time parents, and for their spouses or adjudicated fathers of their children who are living with them and non-custodial parents.

(2) APPLICABILITY. This section applies to the department, to county economic support agencies participating in the project, to PFR administrative agencies and to AFDC applicants and recipients and noncustodial parents living in a pilot county who are required to participate in the parental and family responsibility demonstration project.

(3) DEFINITIONS. In this section:

(a) "Adjudicated father" means a parent whose paternity of a child is established as provided under s.HSS 201.05(4)(b)1 to 3.

(b) "Case management" means the client-centered, goal-oriented process for assessing the needs of a PFR participant and his or her family for education on parenting, human growth and development, family planning, independent living skills, education and employment training and supportive services and assisting the PFR participant in obtaining those services.

(c) "Economic support agency" means the county department of social services or human services, or a tribal agency which administers economic support programs including AFDC.

(d) "Non-custodial parent" means an individual living in a pilot county whose child is deprived by reason of the continued absence of that parent from the home under s.49.19(1)(a)1, Stats., and who is required to participate in the parental and family responsibility demonstration project under s.767.078(1)(d), Stats.

(e) "Parental and family responsibility demonstration project" or "PFR" means the pilot program under s.49.25, Stats., designed to promote and preserve families by encouraging couples to delay having additional children and removing disincentives in the welfare system that serve as barriers to young couples marrying and working.

(f) "PFR administrative agency" means a public or private organization having a contract with the department to provide PFR services to AFDC recipients referred to the agency by economic support agencies.

(g) "PFR participant" means an AFDC recipient who lives in a pilot county and has been assigned to a PFR demonstration group by the department.

(h) "Spouse" means a person who is legally married as recognized under state law.

(4) DEPARTMENT RESPONSIBILITIES. (a) Selection of pilot counties. The department shall select the counties to participate in the demonstration project in accordance with s.49.25(1), Stats.

(b) Provision of case management services. The department shall contract with the county department under s.46.215, 46.22 or 46.23, Stats., in each county selected to be a pilot county, to provide case management services to persons subject to PFR and to persons subject to orders under s.767.078(1)(d), Stats. The county department may contract with other agencies for the provision of these services.

(c) Assignment to PFR. The department shall randomly assign an applicant or recipient who lives in a pilot county and who meets the eligibility criteria for PFR participation under sub. (5) to either a demonstration group or a control group.

(5) PARTICIPATION IN PFR. (a) Who is required to participate. Except as provided in par. (c), an individual shall participate in PFR if he or she is living in a pilot county, is assigned to the demonstration group under sub. (4)(c), receives AFDC on behalf of a dependent child or for himself or herself on or after the date the demonstration project begins, and is:

1. A woman who is under the age of 20, has no children of her own and has entered the third trimester of pregnancy, if that third trimester of pregnancy began after June 30, 1994;

2. A woman who is under the age of 20, is not pregnant and is the mother of only one child, if that child was born after June 30, 1994;

3. A woman who is under the age of 20, is not pregnant and is the mother of more than one child, if the children were all born as a result of one pregnancy and were born after June 30, 1994;

4. A man who is under the age of 20 and is the father of only one child living, if that child was born after June 30, 1994, and, if the man is married and living with his spouse, whose spouse is not pregnant;

5. A man who is under the age of 20 and is the father of more than one child, if the children were all born as a result of one pregnancy and were born after June 30, 1994, and, if the man is married and living with his spouse, whose spouse is not pregnant; or

6. A man who has been adjudicated to be the father of a child of a woman subject to PFR under subd. 1, 2 or 3, if the man is living with the woman.

(b) Who may be required to participate. 1. A court may refer a non-custodial parent of a child whose custodial parent is required to participate in the PFR project to the PFR administrative agency to participate in PFR employment training and education activities under s.767.078(1)(d), Stats.

2. The PFR administrative agency shall report to the court on the comprehensive service plan that is developed for the non-custodial parent under sub. (11)(c) and on the parent's progress in following the plan. The agency may recommend to the court modifications in the order under s.767.078(1)(d)1, Stats., based on the non-custodial parent's employment, progress in following the plan or on the PFR administrative agency's evaluation of the non-custodial parent's needs.

(c) Who is not required to participate. An AFDC group is not required to participate in PFR if:

1. The parent in a single-parent AFDC case is an SSI recipient or an alien who does not meet the definition of a qualifying alien under s.HSS 201.16; or

2. Both parents in a two-parent AFDC case are living in the home and are SSI recipients or aliens who do not meet the definition of a qualifying alien under s.HSS 201.16.

(d) Inclusion of a stepparent in the AFDC group. An AFDC applicant or recipient who is required to participate in the PFR project may choose to have the needs and income of his or her spouse who is the stepparent of the PFR participant's child or children and who is living in the household taken into consideration and included in the assistance unit as an AFDC recipient. If the stepparent is included in the AFDC grant, he or she shall participate in the PFR project.

(e) Continuing participation. An AFDC recipient required to participate in PFR shall continue in the demonstration project as long as he or she lives in a pilot county and the program is in effect, unless the family leaves AFDC for at least 36 consecutive months. An AFDC recipient who was required to participate in PFR, who continues to live in a pilot county and who becomes eligible for AFDC again after having been off AFDC for less than 36 consecutive months shall again be subject to the PFR provisions.

(6) ELIGIBILITY FACTORS SPECIFIC TO PFR. (a) If the parents are married, neither member of the couple is required to meet the AFDC-Unemployed parent eligibility requirements under s.HSS 201.14(3)(c), (d) and (e).

(b) A stepparent who is the spouse of a PFR participant and who is included in the AFDC group under sub. (5)(d) shall have his or her needs and income taken into consideration in determining the AFDC benefit, shall receive the same earned income disregards as the mandatory PFR participant and shall participate in PFR case management activities.

(7) DEDUCTIONS FROM EARNED INCOME. Each PFR participant who is included in an AFDC group and has earned income shall receive the following earned income disregards:

(a) Instead of the amounts provided in s.HSS 201.28(15)(b)1 and 2, \$200 plus an amount equal to 1/2 of the remaining earned income shall be deducted from the earned income in determining the AFDC benefit amount and in determining AFDC eligibility, except that the \$90 standard work expense deduction under s.HSS 201.28(15)(b)1 shall be included in the eligibility test under s.HSS 201.28(16)(a) for a participant who did not receive AFDC benefits in one of the 4 months before he or she applied for AFDC; and

(b) When employment cannot be maintained without dependent care for a dependent child or incapacitated adult in the AFDC group, the dependent care costs actually paid shall be deducted, but not more than \$175 each month for each dependent child age 2 or over or incapacitated adult or \$200 each month for each dependent child under 2.

(8) ADJUSTMENT OF GRANT FOR ADDITIONAL FAMILY MEMBERS.

(a) When a child or a child's parent is a member of a PFR family, the economic support agency shall adjust the grant amount for additional AFDC group members as provided under s.49.25(4), Stats., as follows:

1. If the child is or children are born or adopted after the family includes either one child of that parent or more than one child who were all born as a result of one pregnancy, the grant amount increase when a second child is born or adopted shall be \$38 for a single child or \$38 for one of the children and a full payment as provided under s.49.19(11)(a), Stats., for the other children who are all born as a result of one pregnancy; and

2. No grant amount increase may be provided to a family participating in PFR when a third or subsequent child is born or adopted.

(b) The agency shall add a pregnancy allowance to the assistance standard under s.49.19(11)(a), Stats., for a PFR participant as appropriate under s.HSS 201.30(3).

(9) ECONOMIC SUPPORT AGENCY RESPONSIBILITIES. In a PFR county, the economic support agency shall:

(a) Administer the PFR demonstration project;

(b) Determine who is required to participate in PFR;

(c) Refer recipients to the PFR administrative agency for case management services;

(d) Notify each recipient in writing of the referral to the PFR administrative agency. The notice shall include information regarding program activities, availability of supportive services and the sanctions a participant may incur for failure to cooperate with his or her comprehensive service plan and shall direct the recipient to send a copy of his or her school or work schedule to the PFR administrative agency. The notice shall also inform the participant that no sanctions for failure or refusal to cooperate with PFR case management services will be applied if the participant is:

1. Age 60 or older;

2. Incapacitated, ill or injured with a medically-determined physical or mental impairment which prevents the person from temporarily or permanently participating in PFR activities or holding a job. This shall include a period of recuperation after childbirth if prescribed by the woman's physician;

3. Living so far from the PFR administrative agency 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. In this subdivision, "available transportation" means transportation which is available to the person on a regular basis and includes public transportation and transportation by private vehicle;

4. Needed, as determined by the economic support agency, to remain at home to look after another member of the household because of that person's medical condition;

5. A full-time volunteer serving under the Volunteers in Service to America (VISTA) program, pursuant to Title I of the Domestic Volunteer Service Act of 1973, as amended, 42 USC 4951 to 4958;

6. An SSI recipient who is the parent of a dependent child included in an AFDC group required to participate in PFR under sub. (5)(a); or

7. An alien who does not meet the definition of qualifying alien under s.HSS 201.16 who is the parent of a dependent child included in an AFDC group required to participate in PFR under sub. (5)(a).

(10) ENROLLMENT IN PFR CASE MANAGEMENT. (a) Initial appointment. Upon receiving a referral from the economic support agency, the PFR case manager shall schedule an initial appointment with the participant. The PFR case manager shall schedule the appointment at a time when it will not interfere with the participant's school or work schedule or required learnfare or JOBS program activities if the participant has provided a copy of his or her school or work schedule to the PFR case manager. The PFR case manager shall send written notice of the initial appointment to the participant at least 7 calendar days before the appointment date. The notice shall:

1. Ask the participant to provide a copy of his or her school or work schedule to the PFR case manager if not already provided;

2. Clearly state that if the participant is unable to attend, he or she shall contact the PFR case manager before the scheduled appointment date to reschedule the appointment; and

3. Inform the participant that a contact with the economic support agency is not sufficient for this purpose.

(b) Rescheduling the initial appointment. 1. The PFR case manager shall reschedule the initial appointment upon request of the participant and shall send a written notice to the participant confirming the new appointment.

2. If the participant fails to report for the initial appointment or fails to reschedule the first appointment, the PFR case manager shall send a second appointment notice which shall serve as notice to the participant that conciliation under sub. (12) is available if requested.

(c) Failure to keep initial appointment. The PFR case manager shall refer a participant back to the economic support agency for sanction under s. HSS 201.19(2) after the participant fails to respond to 2 initial appointment notices, the second of which constitutes the offer of conciliation under sub. (12), without good cause as determined under sub. (12)(c).

(11) CASE MANAGEMENT. (a) Orientation. The PFR case manager shall orient the PFR participant to the PFR program components and requirements. The case manager shall provide information regarding:

1. PFR eligibility, earned income disregards and sanctions for failure to cooperate;

2. Employment, education and training opportunities available to a PFR participant;

3. Supportive services available through the PFR program such as transportation, child care and assistance with other work-related expenses to enable participants to participate in PFR;

4. Types of child care, availability and location of child care providers and information on how to select a child care provider; and

5. The PFR participant's rights, responsibilities and obligations under the PFR project.

(b) Assessment. Within 30 days after receiving a referral, the PFR case manager shall complete an assessment of the PFR participant's needs to determine needed services. The assessment shall take into consideration the participant's:

1. Educational background including the highest grade completed;

2. Prior training and work experience;

3. Independent living skills, including the ability to achieve financial self-sufficiency;

4. Child development and parenting skills;

5. Health and personal development;

6. Emotional self-sufficiency; and

7. Family circumstances.

(c) Comprehensive service plan. 1. The PFR case manager shall develop a comprehensive service plan based on the assessment under par. (b) for a participant and the PFR family to assist the parent or parents in acquiring the knowledge, skills, decision-making abilities and parenting skills he or she needs to

support his or her family. Each PFR participant and the case manager shall sign the service plan. The plan shall address the following areas:

a. Needed coordination with required learnfare or JOBS program activities;

b. Appropriate education or training activities under s.49.193, Stats.;

c. Education on parenting, human growth and development, family planning and independent living skills;

d. Referrals to social service agencies to meet social service needs such as alcohol and other drug abuse treatment; and

e. Necessary supportive services needed to enable the PFR participant to participate in PFR activities.

2. The PFR case manager shall closely monitor the family's circumstances and shall monitor the PFR participant's compliance with the service plan. The PFR case manager shall fully review the service plan with the PFR participant when needed but at least every 6 months.

3. The PFR case manager shall keep the PFR case active and provide PFR services until the AFDC case is closed for more than 30 days.

(12) CONCILIATION. (a) Initiation of conciliation. The PFR case manager shall initiate conciliation when a PFR participant:

1. Fails or refuses to keep an initial or review appointment; or

2. Fails or refuses to participate in PFR program activities included in his or her service plan.

(b) Fact-finding interview. The PFR case manager shall schedule a fact-finding interview with a participant who has failed to cooperate with his or her service plan to determine:

1. If he or she had good cause as determined under par. (c) for failure to cooperate and the participant will agree to return to program activities;

2. If he or she did not have good cause as determined under par. (c) for failure to cooperate and the participant will agree to return to program activities or will be referred for appropriate program activities; or

3. If he or she did not have good cause as determined under par. (c) for failure to cooperate and refuses to return to PFR program activities.

(c) Good cause. The PFR case manager shall determine if a participant had good cause for failing to keep an initial or review appointment or not cooperating with the PFR service plan. In making the determination, the PFR case manager may require the participant to provide written documentation that good cause existed. Good cause for failing to keep an initial or review appointment or not cooperating with the PFR service plan shall be any of the following circumstances:

1. A family emergency, which means the illness, injury, incapacity or death of the participant or a member of the participant's family. In this paragraph, "member of the participant's family" means a spouse, child, parent, adjudicated father of the participant's child who lives with the participant or a dependent relative who lives with the participant;

2. A court-required appearance;

3. Temporary incarceration;

4. Child care was necessary for the participant to participate, child care was unavailable and the PFR case manager was unable to provide child care or refer for alternative child care arrangements;

5. Failure to be properly notified of a PFR program activity;

6. Participation in learnfare or JOBS program activities or employment hours conflicted with PFR activities; or

7. Other circumstances beyond the control of the participant but only as determined by the PFR case manager.

(d) Agreement. The PFR case manager shall prepare a resolution agreement when the participant agrees to satisfactorily participate in PFR. The participant and the PFR case manager shall sign and date the resolution agreement. The agreement shall include a statement that if the participant fails to adhere to the agreement within 30 days after signing it, the PFR case manager may refer him or her to the economic support agency for sanction without another fact-finding interview.

(13) SANCTIONS FOR NOT COOPERATING. (a) Notice. 1. Upon receiving notice from the PFR case manager that a sanction should be applied and determining that application of a sanction is

appropriate, the economic support agency shall send written notice of the sanction to the primary person and the PFR case manager. The notice shall specify:

a. That the person who has failed to participate will be removed from the AFDC grant in the next possible payment month;

b. That the primary person has a right to request a fair hearing as provided under s.HSS 201.11; and

c. That the sanction will continue until the participant cooperates. In this subparagraph, "cooperates" means that the participant contacts the PFR case manager and resumes participating in PFR activities. The PFR case manager shall provide the PFR participant with the opportunity to resume participating in PFR activities within 10 calendar days after the date the participant contacts the PFR case manager.

2. If the economic support specialist determines under subd. 1 that no sanction will be applied, the economic support specialist shall notify the PFR case manager accordingly.

(b) Failure to cooperate with the PFR service plan. The economic support agency shall remove a recipient from the AFDC grant for failure to cooperate with the PFR service plan without good cause.

(c) Effective period of sanction. 1. The economic support agency shall end a sanction when the PFR case manager contacts the agency and indicates that the PFR participant is cooperating with the service plan or the PFR participant meets an exemption reason under sub. (9)(d). The economic support agency shall add the individual who has been sanctioned to the grant from the date he or she resumes cooperation or meets an exemption reason if all other eligibility factors are met.

2. If an AFDC case assigned to PFR has been closed for more than 30 days and includes an individual who was sanctioned for failing or refusing to enroll in PFR case management or for failing or refusing to cooperate with his or her service plan, the individual shall reapply for AFDC through the economic support agency and shall be rereferred to PFR. A PFR sanction ends after the PFR case has been closed for more than 30 days and does not carry over to the new application.

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 29, 1994

By: 
Gerald Whitburn
Secretary

SEAL:

