

a. Moves to Wisconsin and applies for AFDC benefits, has already received an AFDC grant from their former state of residence and that AFDC benefit amount covers the period for which they are applying; or

b. Moves from a pilot to a non-pilot county and has already received an AFDC grant based on residence in the pilot county.

2. The department may issue a supplemental AFDC benefit for an individual who was not included in the AFDC grant issued in the former state of residence or pilot county for a reason that no longer applies or for an individual added to the AFDC group such as a newborn.

(e) *Issuance of AFDC benefits after 6 months based on Wisconsin standards.* The department shall ensure that after the sixth consecutive month of residency, the family receives AFDC benefits based on Wisconsin AFDC payment standards as long as all other eligibility factors are met. In determining when the family meets the sixth consecutive month of residency, the agency shall count an initial partial month of residency as a full month. AFDC benefits based on Wisconsin AFDC payment standards shall begin in the next possible payment month.

(5) **WHO IS REQUIRED TO PARTICIPATE.** Except as provided under sub. (6), an AFDC group living in a pilot county and requesting AFDC benefits in that pilot county on or after the beginning date of the demonstration project shall participate in the demonstration project if the primary person has not previously resided in Wisconsin for at least 6 consecutive months and either:

(a) 1. Applies for AFDC benefits more than 90 days but fewer than 180 days after moving to Wisconsin; and

2. Is unable to demonstrate to the satisfaction of the economic support agency that he or she was employed for at least 13 weeks after moving to Wisconsin; or

(b) Applies for AFDC within 90 days after moving to Wisconsin.

(6) **WHO IS NOT REQUIRED TO PARTICIPATE.** An AFDC group is not required to participate in the demonstration project if the primary person is:

(a) A migrant farm worker as defined in s. HSS 201.15 (2);

(b) An individual who moves to Wisconsin solely to provide care for minor children and:

1. The minor children for whom he or she is providing care are not his or her natural or adopted children;

2. All of the minor children included in the application for benefits have lived in Wisconsin for a period of at least 6 consecutive months; and

3. The request for assistance is solely for those children;

(c) An individual who has lived in Wisconsin for at least 6 consecutive months except for brief absences which do not interrupt residency under s. HSS 201.15;

(d) Participating in the parental responsibility pilot program under s. 49.25, Stats.;

(e) An individual who was required to participate under sub. (4) and moves from a pilot to a non-pilot county; or

(f) An individual who moved to Wisconsin from a place other than the 49 other states or the District of Columbia.

(7) **AGENCY RESPONSIBILITY.** The agency shall:

(a) Determine who is required to participate in the demonstration project;

(b) In addition to the verification requirements in s. HSS 201.08, verify:

1. The primary person's former state of residence;

2. Whether the AFDC group received AFDC benefits in the former state of residence and the most recent AFDC benefit period; and

3. The primary person's or other legally responsible relative's employment, if that is the basis for claiming an exemption from participation in the demonstration project under sub. (5) (a) 2;

(c) Assist the AFDC group in obtaining the needed verifications when the AFDC group is unable to produce adequate documentation independently;

(d) 1. If the primary person claims prior Wisconsin residence but the agency is not able to verify Wisconsin residence history, presume that the primary person has failed to meet the exemption under sub. (6) (c);

2. If the primary person is complying with requirements under s. HSS 201.07 but cannot obtain the needed verification regarding previous state of residency, determine, using the best available evidence, the state on which the AFDC group's benefit amount will be based. If the primary person fails or refuses to produce the required verification regarding the previous state of residency, deny the application as provided under s. HSS 201.08; and

(e) Provide information to the applicant or recipient regarding appeal rights under sub. (8).

(8) **APPEAL RIGHTS.** An applicant or recipient may request a fair hearing in accordance with ch. HSS 225 except that a request for a fair hearing shall be received in the department's office of administrative hearings within 45 days of the effective date of the action being appealed.

History: Emerg. cr. eff. 7-1-94; cr. Register, February, 1995, No. 470, eff. 3-1-95; cr. (6) (b) 3., Register, April, 1995, No. 472, eff. 5-1-95.

TABLE 201.305

WISCONSIN AFDC TWO-TIER TABLE OF STATE MAXIMUM BENEFIT AMOUNTS BY FAMILY SIZE - EFFECTIVE 7/1/94 - 6/30/95 *

STATE	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
AL	111	137	164	194	225	252	287	315	344	372	400	428	457	485	513	541	541	541
AK	514	821	923	1025	1127	1229	1331	1433	1535	1637	1739	1841	1943	2045	2147	2249	2351	2453
AZ	204	275	347	418	489	561	632	703	775	846	917	988	1060	1131	1202	1274	1346	1416
AR	81	162	204	247	286	331	373	415	457	457	457	457	457	457	457	457	457	457
CA	299	490	607	723	824	926	1017	1108	1197	1286	1286	1286	1286	1286	1286	1286	1286	1286
CO	214	280	356	432	512	590	652	715	779	840	902	959	1016	1072	1129	1186	1243	1300
CT	356	473	581	683	781	884	997	1102	1193	1304	1359	1489	1527	1643	1744	1799	1882	1966
DE	201	270	338	407	475	544	612	681	750	819	888	957	1026	1095	1164	1233	1302	1371
DC	265	330	420	513	591	695	797	881	968	1053	1111	1194	1248	1316	1366	1434	1574	1610
FL	180	241	303	364	426	487	549	610	671	733	795	857	919	981	1043	1105	1167	1229
GA	155	235	280	330	378	410	444	470	496	530	568	568	568	568	568	568	568	568
HI	418	565	712	859	1006	1153	1300	1446	1593	1740	1887	2034	2181	2328	2475	2621	2767	2913
ID	205	251	317	382	448	513	579	645	710	776	841	906	971	1036	1101	1166	1231	1296
IL	212	233	332	424	495	560	589	624	655	689	725	761	801	842	886	931	979	1030
IN	139	229	288	346	405	463	522	580	639	697	762	827	892	957	1022	1087	1152	1217
IA	183	361	426	495	548	610	670	731	791	865	952	1039	1126	1213	1300	1387	1474	1561
KS	241	326	403	471	532	593	654	715	776	837	898	959	1020	1081	1142	1203	1264	1325
KY	162	196	228	285	333	376	419	419	419	419	419	419	419	419	419	419	419	419
LA	72	138	190	234	277	316	352	391	427	462	501	540	580	620	662	707	741	789
ME	198	312	418	526	632	739	846	953	1060	1167	1274	1381	1488	1595	1702	1809	1916	2023
MD	162	286	366	441	511	562	632	695	751	810	869	927	984	1042	1102	1161	1221	1281
MA	392	486	579	668	760	854	946	1037	1128	1220	1315	1410	1505	1600	1695	1790	1885	1980
MI	276	371	459	563	659	792	868	944	1020	1096	1172	1248	1324	1400	1476	1552	1628	1704
MN	250	437	532	621	697	773	850	916	980	1035	1089	1142	1195	1248	1301	1354	1407	1460
MS	60	96	120	144	168	192	216	240	264	288	312	336	360	384	408	432	456	480
MO	136	234	292	342	388	431	474	514	554	595	635	675	715	755	795	835	875	915

* For subsequent periods, see Wisconsin Administrative Register