

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.