

Chapter PW-PA 20

PUBLIC ASSISTANCE

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**PW-PA 20.02 Inmate of public institution.** (1) **PURPOSE.** The purpose of this rule is to define the term "public institution" in relation to eligibility for aid payable under sections 49.18, 49.20 to 49.38 and 49.61 of the Wisconsin statutes and to specify under what conditions federal and state reimbursement will be allowed for such aid granted to persons being cared for in public institutions. Subsections (3) and (4) shall not apply to state reimbursement for old-age assistance paid to residents of public institutions who are not prevented from receiving assistance by section 49.20 (2), Wis. Stats.

(2) **DEFINITION OF PUBLIC INSTITUTION.** The term "public institution" means an institution that provides shelter, custody, treatment, or care and that is operated by a governmental unit or over which a governmental unit exercises administrative control.

(3) **DETERMINATION OF PUBLIC OR PRIVATE NATURE OF INSTITUTION.** In all instances in which (1) any public funds are appropriated for financing the operation of an institution or in which (2) a public institution is leased to a private individual, approval shall be secured of the department before assistance under sections 49.18, 49.20 to 49.38 and 49.61, Wis. Stats., may be paid. In making the determination, consideration shall be given to whether there is public control of any aspect of the administration as a result of public financial support; through selection or appointment of the governing body; through selection, appointment, or payment of staff, through participation in establishing admission policies or fees; through control of decisions on application or control of financial arrangements with persons accepted; through control of any aspect of operation through standards that differ from those covering institutions entirely privately owned and operated. The method by which the foregoing criteria are applied shall be prescribed by the department.

(4) **PUBLIC MEDICAL INSTITUTIONS.** For the purpose of obtaining federal reimbursement for aid payable under sections 49.18, 49.20 to 49.38 and 49.61, Wis. Stats., to patients in public medical institutions,

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the term "medical institution" means an institution (other than an institution for tuberculosis or mental diseases) that meets the criteria promulgated by the state board of public welfare on the advice of the joint committee on standards, known as STANDARDS FOR MAINTENANCE AND OPERATION OF COUNTY HOMES, INFIRMARIES, GENERAL HOSPITALS AND PUBLIC MEDICAL INSTITUTIONS, ch. PW 1.

(a) The method by which the foregoing criteria are applied shall be prescribed by the department. The state of Wisconsin general hospital and the Milwaukee county general hospital and the Wisconsin orthopedic hospital for children are by the nature of their operation hereby determined to be medical institutions in accordance with the foregoing criteria.

**PW-PA 20.03 Need determination.** (1) **PURPOSE.** This rule is adopted to effectuate on a state-wide basis, the determination of need for public assistance of applicants for and recipients of old age assistance, aid to the blind, aid to dependent children, and aid to totally and permanently disabled persons in order to insure in so far as possible equitable treatment of persons in need throughout the state.

(2) **DETERMINATION OF ELIGIBILITY AND AMOUNT OF PAYMENT.** Eligibility for aid and the amount to be paid as old age assistance, aid to the blind, aid to dependent children, and aid to totally and permanently disabled persons shall be determined by the county agency in accordance with standards prescribed by the division of public assistance of the state department of public welfare. The division shall define need standards within the statutory requirements which shall include published instructions to the county operating agencies regarding the items of need to be included and how the cost of these items is to be determined, the method of considering resources, and general principles of budgeting to be applied to the individual circumstances. In effect, the division shall define need within the statutory provisions as set forth in sections 49.21 (1), 49.18 (1), 49.19 (5), and 49.61 (6), Wis. Stats.

(3) **EFFECTIVE DATE.** This rule shall be effective November 15, 1950, for purposes of determining eligibility and the amount of assistance in the program for aid to totally and permanently disabled persons, and as of a date to be specified by the division of public assistance in the other social security aid programs.

**PW-PA 20.05 Responsibility of relative to support.** When a relative enumerated in section 52.01 is not assisting an applicant for aid to the blind, aid to dependent children, old age assistance or aid to the disabled and refuses to assist and when there is reasonable doubt as to liability or ability of such relative to assist, no application for aid to the blind under section 49.18, Wis. Stats., nor aid to dependent children under section 49.19, Wis. Stats., nor old age assistance under sections 49.20 through 49.38, Wis. Stats., nor aid to the disabled under section 49.61, Wis. Stats., shall be denied by the county agency until such agency shall have secured an order from a court of competent jurisdiction under section 52.01, Wis. Stats.; provided also that it is deemed to be the responsibility of the county agency in such case to petition under section 52.01, Wis. Stats.

**PW-PA 20.10 Payment of aid to the disabled.** All payments of aid to the disabled shall be made under the following conditions: (1) **APPROVAL OF CERTIFICATE OF DISABILITY.** Before aid may be granted the report of the examining physician must be submitted by the county agency to the state department of public welfare for review by the department and its physician consultant and the county agency notified of approval by the division of public assistance. Aid to totally and permanently disabled persons shall not be granted until such division has notified the county agency of such approval; provided that when a reexamination is made to determine continued eligibility such aid may be continued until the division of public assistance notifies the county agency with respect to any case that such eligibility no longer continues.

(2) **LIMITATIONS.** (a) Constant and continuous care means that some person's time in whole or in part is regularly spent in the attendance and care of the applicant.

(b) Aid under this program is limited to persons the cost of whose care cannot be provided by parents or other legally responsible persons consistent with standards of public assistance applied in the social security aids.

**PW-PA 20.11 Payment of aids.** All payments to recipients of old age assistance, aid to dependent children (including payments on behalf of children in foster homes pursuant to section 49.19 (10), Wis. Stats.), aid to the blind, and aid to totally and permanently disabled persons, shall be made under the following provisions:

(1) **CASH.** Payment shall be made by county check payable to the beneficiary *or to a person judicially appointed as the legal representative of such beneficiary* by the courts under chapter 319, Wis. Stats., and shall not be subject to discount but redeemable in cash in the amount of its full face value upon demand; provided that in the case of aid to totally and permanently disabled persons such county check, payable to the beneficiary, may be delivered to the attorney-in-fact who has been authorized to receive it by the voluntarily executed power of attorney of such beneficiary; and provided further that nothing in this rule shall be deemed to supersede any provision of section PW-PA 20.06 governing relatives' eligibility for aid to dependent children.

(2) **RESTRICTION ON USE OF ASSISTANCE NOT PERMITTED.** Payment must consist of an unconditional transfer and delivery of said check to the recipient for expenditures by him in his discretion and shall not be made in lieu of wages or with respect to work done.

(3) **DATE.** Payment of assistance shall be made in the month for which the grant of aid is designated, either in the full amount of the monthly allowance or in two or more installments. When a single payment is made for the full amount of the monthly allowance, it shall be made not later than the fifth day of the month. When the monthly allowance is paid in installments, each installment shall be for equal periods based on a thirty-day month. Payment of the first installment shall be made no later than the fifth day of the month and each subsequent installment no later than the fifth day of each installment period. Payment of an initial allowance may be made subsequent to the fifth day of the month and shall be made within

the month. Additional payments made to meet increased budgetary needs may be made subsequent to the fifth day of the month but not later than the end of the second succeeding month following the month for which the increased payment is made. [EXCEPTION] Payment on behalf of a child in a foster home pursuant to section 49.19 (10), Wis. Stats., shall be made in arrears and not later than the tenth day of the month following the month for which the payment is made.

(4) **COVERAGE.** Payment may not include any time prior to the first of the month in which the aid applied for is officially authorized and payment is made; provided, however, that this provision shall not preclude continuing payments when an eligible recipient moves from one county to another nor adjustments when grants of aid are reinstated after suspension, nor adjustments upon order of the state department of public welfare, division of public assistance, made in accordance with section 49.50 (8), Wis. Stats.

(5) **ENDORSEMENT.** Pursuant to federal regulation, checks must be endorsed by the payee with his signature; provided that persons unable to write shall endorse their assistance checks either by mark or by finger print in the presence of two witnesses who shall append their signatures and addresses; provided that in the case of aid to totally and permanently disabled persons an attorney-in-fact voluntarily appointed by the beneficiary may cash checks payable to the beneficiary when he is authorized to do so by power of attorney.

**History:** 1-2-56; am. (1), Register, February, 1959, No. eff. 38, 3-1-59; am. Register, March, 1962, No. 75, eff. 4-1-62.

**PW-PA 20.12 Student Loans.** (1) **PURPOSE.** As available, loans will be made pursuant to section 49.42, Wis. Stats., to resident students attending state educational institutions of college rank who have good academic records, are in financial need and possess qualities of leadership.

(2) **COVERAGE.** (a) In no event shall the total loans to any student for his entire education exceed \$5,000.

(b) Loans to a student shall not exceed:

1. \$750 per year except as provided in 2.
2. \$250 for a summer session which may be in addition to the \$750 per year for the regular session.

(3) **DISCRETIONARY.** All loans are discretionary and dependent upon academic ability and financial need of the student.

(4) **RESIDENCE.** (a) Student borrowers must be residents of the state.

(b) Residence of the parent shall be considered that of the student in absence of definite proof of emancipation.

(c) Students required to pay non-resident fees will not be considered as eligible for loans unless they can satisfactorily show to the department that they are bona fide residents of the state.

(5) **NEED.** (a) Financial situation of the parent as well as the student will be considered.

(b) Loans to students 21 years of age or older may be considered on an individual basis.

(6) **APPLICATION.** (a) Application for loans will be made directly to the principal of the high school from which the applicant will re-

ceive or has received his diploma or to the educational institution which the applicant desires to attend or is attending.

(b) The institution will be sole judge of the applicant's scholastic eligibility and qualities of leadership and will assume responsibility for recommending the approval of an application.

(c) The state department of public welfare will make or cause to be made such independent investigation of the applicant's economic eligibility as it deems necessary incident to approval of the loan.

(7) AGREEMENTS. (a) Student loans are deemed to be a moral as well as a legal responsibility of the borrower.

(b) The department shall prescribe the form of note to be executed and may in its discretion require co-signers but not collateral security.

(c) A school period is defined as being from July 1 to the following July 1. Students in any branch of the armed forces are not to be considered as civilian students.

(d) Loans will bear interest at the rate of 1% per annum from the first day of the month following the date of the execution of the note until July 1 following last date of school attendance at which time the rate of interest will be increased to 5% per annum, such interest to become due and payable annually on July 1 beginning one year after the date of last school attendance.

(e) Transfers to other educational institutions and internship or apprenticeship may be considered as an extension of the original enrollment.

(f) 1. The first loan issued to a student will become due on the first day of July one year following the end of the school year in which the student will be expected to complete his education. A student who obtains loans for more than one school year will be given one additional year in the date of maturity for each year an additional loan is obtained and if the student withdraws from school before completing his course, the maturity date will be accelerated and the note will become due and payable on the first day of July one year after the last date of school attendance. The department may extend notes in default upon the execution of a new note by the student obligor if such student is continuing his college enrollment or, if in the opinion of the department, immediate payment would create an undue hardship upon the obligor.

2. Loans granted pursuant to (2) (b) 2 for attendance at a summer session shall become due on July 1 of the year after such summer session attendance unless the student was regularly attending school during the school year preceding the summer session or will be regularly attending school during the school year subsequent to the summer session in which event the loan shall become due at the same time as would a loan obtained by the student for the said subsequent school year.

**History:** 1-2-56; am. Register, December, 1957, No. 24, eff. 1-1-58; am. Register, December, 1961, No. 72, eff. 1-1-62; am. (7) (b), Register, October, 1964, No. 106, eff. 11-1-64.

**PW-PA 20.13 State relief for Indians.** (1) **PURPOSE.** The purpose of this rule is to define the terms "Indian", "tax-free land", and "relief" as used in section 49.046, Wis. Stats., and to provide regulations and administrative interpretations to implement such section.

(2) **DEFINITIONS.** (a) The term "Indian" shall include a person whose proportion of Indian blood is one-fourth or more.

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(b) "Tax-free land" is defined as land which is subject to neither assessment nor levy of a real property tax either as a general tax or as a payment in lieu of taxes.

(c) "Relief" as used in section 49.046, Wis. Stats., means relief as defined in section 49.01 (1), Wis. Stats.

(d) "Department" shall mean the state department of public welfare.

(3) ADMINISTRATION. (a) *Agency to administer relief.* The department shall whenever possible appoint the county agency administering the social security aids, subject to the approval of the county board, to administer relief under section 49.046, Wis. Stats., whenever said department determines that there is need for such relief in a county; provided that the department may elect to appoint the agency administering general relief in a municipality to administer relief under such section in such municipality.

(b) *Standards of relief.* The appointed agency shall grant such relief in accordance with the standards, policies, rules and regulations established by the department. In establishing standards the department shall give consideration to the standards used in establishing need for relief in any community under sections 49.01 and 49.02, Wis. Stats.

(c) *Determination of eligibility.* 1. No person shall be eligible for aid under section 49.046, Wis. Stats., unless he is:

a. An Indian; provided that whenever the head of a family is an Indian eligible for aid under section 49.046, Wis. Stats., the members of his immediate family who are living in the household and who are in need of relief shall also be eligible for aid under such section; and provided further that whenever the head of a family is a non-Indian, the members of his immediate family shall not be eligible for aid under such section.

b. Residing on tax-free land.

c. Ineligible for aid under sections 49.18, 49.19, 49.20 to 49.38, 49.40 or 49.61, Wis. Stats., and under chapters 45 and 48, Wis. Stats.

d. In need of relief.

(d) ALLOCATION OF STATE FUNDS. 1. Whenever the department determines that relief pursuant to section 49.046, Wis. Stats., is needed in any county or municipality, it shall request the emergency board to release a sum from the amount appropriated in section 20.670 (16), Wis. Stats., sufficient to meet such need. Out of the sum released by such board the department may allocate to the agency administering such relief in such county or municipality such amounts as it shall deem necessary. Such allocated amounts shall be paid to the county treasurer or to the municipality treasurer depending on whether the appointed welfare agency is a county or a municipality agency.

2. The department shall allocate money to the agency administering relief under section 49.046, Wis. Stats., on the same basis whether such agency elects to furnish relief in the form of money grants, commodities, or work relief. Whenever work relief is furnished, the provisions of section 49.05, Wis. Stats., shall apply.

3. The duly appointed agency administering aid under section 49.046, Wis. Stats., shall:

a. Maintain case records in a manner approved by the department.