

(2) UNDER THE CARE. (a) A child shall be considered under the care of a relative when the relative:

1. Exercises the primary responsibility for the care and control of the child, including making plans for the child; and

2. Maintains a home in which he or she and the child live.

(b) 1. A child may be absent from the caretaker relative's home but still be considered under the care of the caretaker relative, or the caretaker relative may be absent from the home but still be considered the caretaker relative, if the following conditions are met:

a. The continuous absence is expected to be for a period of no more than 6 months;

b. The absence is not the result of removal of the child under a dispositional order issued under s. 48.355, Stats., which places custody of a child outside the home for an indefinite period or a period of 3 months or more; and

c. The caretaker relative continues to exercise responsibility for the care and control of the child.

2. The agency may approve an extension of a child's temporary absence from the home beyond 6 months when a written plan exists which demonstrates that the intent is to return the child to the home of the caretaker relative.

(c) When a never-married minor parent is residing with his or her parent, the parent of the minor parent is considered the caretaker.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83; r. and recr. (2) (b), Register, July, 1988, No. 391, eff. 8-1-88.

HSS 201.18 Assignment of support. (1) The parent or caretaker shall assign all rights to child support and maintenance payments in order to be eligible for AFDC. If there is a refusal to make the assignment, the person who refuses shall not be eligible for AFDC.

(2) The agency shall refer all cases involving paternity and support to the county child support agency. The parent shall cooperate with the local child support agency in identifying or locating the absent parent, in obtaining support payments or any other payments or property and in establishing paternity. If the parent refuses to cooperate, the parent is not eligible unless it is determined under s. HSS 215.03 that there is good cause for the parent to refuse cooperation.

History: Cr. Register, April, 1983, No. 328, eff. 5-1-83.

HSS 201.19 WEOP. (1) **REGISTRATION.** All persons in an AFDC group shall register for WEOP as a condition of eligibility for AFDC. Participation in WEOP shall not be required of an AFDC recipient who is:

(a) The caretaker relative for a child under age 6 living in the home, when there are only brief and infrequent absences of the caretaker relative from the child. Only one person in an AFDC group may be exempt for this reason;

(b) Age 65 or older;

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(c) The spouse of the principal wage earner if the principal wage earner is assigned mandatory status under s. HSS 208.02 (3);

(d) Working at least 30 hours per week in a job expected to last a minimum of 30 days;

(e) Under age 16, or age 16 or age 17 and enrolled as a full-time student in an elementary or secondary school or a vocational or technical school that is equivalent to a secondary school. A student shall be considered enrolled if the student has not graduated, has not been legally excused from school attendance by the school board, or has an excused absence for no more than 30 days due to a physical or mental condition;

(f) An 18-year old full-time student in a high school, or in the equivalent level of vocational or technical training, who is reasonably expected to complete the program before reaching age 19, or, an 18-year old enrolled in and regularly attending a high school program leading to a high school diploma;

(g) Incapacitated, ill or injured with a medically-determined physical or mental impairment which prevents the person from temporarily or permanently participating in WEOP activities or holding a job. Unless the medical condition is determined by a physician to be permanent, the person shall be reexamined by a physician annually or on or before the date a physician stated the incapacity is expected to cease, whichever comes first. Any person who is exempt from participation in WEOP on the basis of incapacitation for more than 60 days shall be referred to the department's division of vocational rehabilitation;

(h) Living in a county without a WEOP office or living so far from the WEOP office 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. Available transportation means transportation which is available to the person on a regular basis and includes public transportation and private vehicles;

(i) Needed, as determined by the agency, to remain at home to look after another member of the household because of that person's medical condition; or

(j) Medically-verified pregnant and in the third trimester of pregnancy.

(2) SANCTION. (a) Upon receiving written notice from the WEOP agency that a registrant who does not meet an exemption under sub. (1) has failed without good cause to participate in the program, the agency shall:

1. Change the WEOP status of the registrant from mandatory to sanction; and

2. Send written notice to the primary person which specifies:

a. That AFDC benefits are terminated or reduced because the registrant did not have good cause for failing to participate in WEOP and gives a specific reason for the action;

b. The beginning date, length of sanction and person or persons in the AFDC group to whom the sanction applies; and

c. The registrant's right to apply for a fair hearing in accordance with s. PW-PA 20.18 [ch. HSS 225].

(b) If the registrant does not request a fair hearing or if, after a fair hearing has been held, the hearing officer finds that the registrant has failed to participate in WEOP without good cause, the agency shall:

1. Deny aid to all persons in an AFDC unemployed parent group when the principal wage earner fails to participate in WEOP without good cause; or

2. Deny aid to any nonexempt caretaker relative or nonexempt dependent child who has failed to participate in WEOP without good cause, but continue to provide aid to each remaining eligible child and adult in the household.

(c) A sanction applied under par. (b) shall be effective:

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