



1997 ASSEMBLY BILL 202

March 20, 1997 - Introduced by Representatives NOTESTEIN, GARD, J. LEHMAN, HANSON, R. YOUNG, BALDWIN, DOBYNS, RYBA, BOYLE, ROBSON and RILEY, cosponsored by Senators PLACHE, HUELSMAN and WIRCH. Referred to Committee on Wisconsin Works Oversight.

- 1 **AN ACT to amend** 49.32 (9) (a), 49.32 (9) (b) and 49.32 (10m) (a) of the statutes;
2 **relating to:** public assistance reports under Wisconsin works.

Analysis by the Legislative Reference Bureau

Under current law, each county department of human or social services (county department) that administers aid to families with dependent children (AFDC) must maintain a monthly report at its office showing the names of all persons receiving AFDC. Each Wisconsin works (W-2) agency must maintain a monthly report at its office showing the names and addresses of all persons receiving certain benefits under W-2.

Also, under current law, a county department may withhold for not more than 5 days the right to inspect the name of and amount paid to AFDC recipients from private individuals who are not inspecting this information for purposes related to public, educational, organizational, governmental or research purposes until the person whose record is to be inspected is notified by the county department.

This bill eliminates the requirement that the report maintained by a W-2 agency contain the addresses of all persons receiving certain benefits under W-2. Instead, the report must contain only the names of those persons. The bill also permits a W-2 agency to withhold for not more than 5 days the right to inspect the name of and amount paid to W-2 recipients from private individuals who are not inspecting this information for purposes related to public, educational,

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organizational, governmental or research purposes until the person whose record is to be inspected is notified by the W-2 agency.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 49.32 (9) (a) of the statutes is amended to read:

2 49.32 **(9)** (a) Each county department under s. 46.215, 46.22 or 46.23
3 administering aid to families with dependent children shall maintain a monthly
4 report at its office showing the names of all persons receiving such aid together with
5 the amount paid during the preceding month. Each Wisconsin works agency
6 administering Wisconsin works under ss. 49.141 to 49.161 shall maintain a monthly
7 report at its office showing the names and addresses of all persons receiving benefits
8 under s. 49.148 together with the amount paid during the preceding month. Nothing
9 in this paragraph shall be construed to authorize or require the disclosure in the
10 report of any information (names, amounts of aid or otherwise) pertaining to
11 adoptions, or aid furnished for the care of children in foster homes or treatment foster
12 homes under s. ~~42.261~~ 46.261 or 49.19 (10).

13 **SECTION 2.** 49.32 (9) (b) of the statutes is amended to read:

14 49.32 **(9)** (b) The report under par. (a) shall be open to public inspection at all
15 times during regular office hours and may be destroyed after the next succeeding
16 report becomes available. Any person except any public officer, seeking permission
17 to inspect such report shall be required to prove his or her identity and to sign a
18 statement setting forth his or her address and the reasons for making the request
19 and indicating that he or she understands the provisions of par. (c) with respect to
20 the use of the information obtained. The use of a fictitious name is a violation of this
21 section. ~~or Wisconsin works agency~~ Within 7 days after the record is inspected, or on

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1 the next regularly scheduled communication with that person, whichever is sooner,
2 the county department under s. 46.215, 46.22 or 46.23 or the Wisconsin works agency
3 shall notify each person whose name and amount of aid was inspected that the record
4 was inspected and of the name and address of the person making such inspection.
5 County departments under ss. 46.215 ~~and~~, 46.22 ~~and~~ 46.23 administering aid to
6 families with dependent children and Wisconsin works agencies may withhold the
7 right to inspect the name of and amount paid to recipients from private individuals
8 who are not inspecting this information for purposes related to public, educational,
9 organizational, governmental or research purposes until the person whose record is
10 to be inspected is notified by the county department or Wisconsin works agency, but
11 in no case may the county department or Wisconsin works agency withhold this
12 information for more than 5 working days. The county department or Wisconsin
13 works agency shall keep a record of such requests. The record shall indicate the
14 name, address, employer and telephone number of the person making the request.
15 If the person refuses to provide his or her name, address, employer and telephone
16 number, the request to inspect this information may be denied.

17 **SECTION 3.** 49.32 (10m) (a) of the statutes is amended to read:

18 49.32 (10m) (a) A county department ~~or~~, relief agency under s. 49.01 (3m) or
19 Wisconsin works agency shall, upon request, and after providing the notice to the
20 recipient required by this paragraph, release the current address of a recipient of
21 relief under s. 49.01 (3) ~~or~~, aid to families with dependent children or benefits under
22 s. 49.148 to a person, the person's attorney or an employe or agent of that attorney,
23 if the person is a party to a legal action or proceeding in which the recipient is a party
24 or a witness, unless the person is a respondent in an action commenced by the
25 recipient under s. 813.12, 813.122, 813.123, 813.125 or 813.127. If the person is a

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1 respondent in an action commenced by the recipient under s. 813.12, 813.122,
2 813.123, 813.125 or 813.127, the county department ~~or~~, relief agency or Wisconsin
3 works agency may not release the current address of the recipient. No county
4 department ~~or~~, relief agency or Wisconsin works agency may not release an address
5 under this paragraph until 21 days after the address has been requested. A person
6 requesting an address under this paragraph shall be required to prove his or her
7 identity and his or her participation as a party in a legal action or proceeding in which
8 the recipient is a party or a witness by presenting a copy of the pleading or a copy of
9 the subpoena for the witness. The person shall also be required to sign a statement
10 setting forth his or her name, address and the reasons for making the request and
11 indicating that he or she understands the provisions of par. (b) with respect to the
12 use of the information obtained. The statement shall be made on a form prescribed
13 by the department and shall be sworn and notarized. Within 7 days after an address
14 has been requested under this paragraph, the county department ~~or~~, relief agency
15 or Wisconsin works agency shall mail to each recipient whose address has been
16 requested a notification of that fact on a form prescribed by the department. The
17 form shall also include the date on which the address was requested, the name and
18 address of the person who requested the disclosure of the address, the reason that
19 the address was requested and a statement that the address will be released to the
20 person who requested the address no sooner than 21 days after the date on which the
21 request for the address was made. County departments ~~and~~, relief agencies and
22 Wisconsin works agencies shall keep a record of each request for an address under
23 this paragraph.

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(END)