

No. 589, A.]

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CHAPTER 513

AN ACT to repeal 46.30 to 46.36, 49.50 (1) and (7), 49.51 (1), (2) (b), and (5); to amend 48.315, 49.18 (1a), 49.02 (5), 49.19 (6), 49.20 (1), 49.26 (11) (a), 49.30, 49.37 (1), 49.50 (2) and (8); and to create 46.206 and 46.22 of the statutes, relating to the administration of welfare services.

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

SECTION 1. 46.206 of the statutes is created to read:

46.206 WELFARE SERVICES; SUPERVISORY FUNCTIONS OF STATE DEPARTMENT. (1) The department shall supervise the administration of old-age assistance, aid to dependent children, aid to the blind and aid to totally and permanently disabled persons. The department shall submit to the federal authorities state plans for the administration of these forms of public assistance in such form and containing such information as the federal authorities require and shall comply with all requirements prescribed to insure the correctness. All records of the department and all county records relating to these forms of public assistance shall be open to inspection, at all reasonable hours, by authorized representatives of the federal government. All county records relating to the administration of these forms of public assistance shall be open to inspection at all reasonable hours by authorized representatives of the department. The department may at any time audit all county records relating to the administration of these forms of assistance and may also at any time conduct administrative reviews of county departments of public welfare created by ss. 49.51 (2) (a) and 46.22. Whenever the department conducts such audit or administrative review in a county it shall furnish a copy of the audit or administrative review report to the chairman of the county board, to the county clerk, to the chairman of the county board of public welfare, and to the director of the county department of public welfare, of such county.

(2) The county administration of all laws relating to old-age assistance, aid to dependent children, aid to the blind and aid to totally and permanently disabled persons shall be vested in the officers and agencies designated in the statutes.

(3) The use of the words "county agency" in any statute relating to old-age assistance, aid to dependent children, aid to the blind, and aid to totally and permanently disabled persons means the county department of public welfare as created by ss. 49.51 (2) (a) or 46.22 (1), provided that the provisions of this subsection shall not deprive the juvenile court of any authority it otherwise has under the law.

SECTION 2. 46.22 of the statutes is created to read:

46.22 COUNTY PUBLIC WELFARE DEPARTMENT. (1) In every county having a population of less than 500,000 there is hereby created a county department of public welfare. Such county department shall consist of a county board of public welfare, a county director of public welfare, and necessary personnel; provided that in any county

where aid to the blind, aid to dependent children, old-age assistance or aid to totally and permanently disabled persons are on the effective date of this section being administered by the county judge pursuant to s. 49.51 (1) of the 1951 statutes, the county board may continue to authorize the county judge to administer such assistance and may fix his compensation therefor. All rules and regulations relating to personnel under his administration on the effective date of this section shall continue in effect until the county board acts to place the administration of these aids in a department other than under the county judge or until the department changes such rules and regulations pursuant to s. 49.50 (2).

(2) The county board of public welfare shall consist of a board of 3, 5 or 7 residents of the county (as determined by the county board of supervisors) elected by the county board of supervisors or appointed by the chairman of said county board, in accordance with the rules and regulations of said board. The members of such county board of public welfare shall be elected or appointed either from members of such county board of the county board of supervisors or from the county at large, or both, on the basis of knowledge and interest in public welfare and shall hold office for a term fixed by the county board of supervisors. The members of the county board of public welfare shall receive such compensation as shall be fixed by the county board of supervisors. The county board of public welfare shall:

(a) At the first meeting of such board, elect from their number, a chairman, a secretary, and such other officers as they deem necessary. Vacancies in such offices shall be filled for the unexpired terms. The chairman shall preside at all meetings when present, and shall countersign all actions taken by the board. In case of the absence of a chairman for any meeting the members present shall choose a temporary chairman.

(b) Appoint a county director of public welfare subject to the provisions of s. 49.50 (2) to (5) and the rules and regulations promulgated thereunder.

(c) Supervise the working of the county department of public welfare and shall be a policy-making body determining the broad outlines and principles governing the administration of the functions, duties and powers assigned to said department under s. 46.22 (4) and (5).

(d) Whenever it determines that there is a need therefor, appoint committees consisting of residents of the county, which committee shall advise with the board on any matters for which they are created, but members of such committees shall serve without compensation.

(e) Consult with the county director of public welfare concerning the preparation of the annual budget, the annual report of the operation of the county department of public welfare and the appointment of necessary personnel.

(3) The county director of public welfare shall serve as the executive and administrative officer of the county department of public welfare. In consultation and agreement with the county board of public welfare he shall prepare and submit to the county board of supervisors an annual budget of all funds necessary for the county department, and shall prepare annually a full report of the operations and administration of the department. He shall recommend to the county board of public welfare the appointment and fixing of salaries of employes necessary to administer the functions of the department, subject to the provisions of sub. (6) and s. 49.50 (2) to (5) and the rules and regulations promulgated thereunder.

(4) The county department of public welfare shall have the following functions, duties and powers in accordance with the rules and regulations promulgated by the state department of public welfare and subject to the supervision of said state department of public welfare:

(a) To administer aid to the needy blind under s. 49.18.

(b) To administer aid to dependent children under s. 49.19.

(c) To administer old-age assistance under ss. 49.20 to 49.38.

(d) To administer aid to totally and permanently disabled persons under s. 49.61.

(e) To maintain administrative and reporting relationships with all pertinent state departments.

(f) To make investigations which relate to welfare services upon request by the state department of public welfare.

(g) To administer relief to needy Indians under s. 49.046 when appointed by the department under such section.

(5) The county board of supervisors may provide that the county department of public welfare shall, in addition to exercising the mandatory functions, duties, and powers as provided in sub. (4), have any or all of the following functions, duties and powers and such other welfare functions as may be delegated to it by such county board of supervisors:

(a) Make investigations in co-operation with the court, institution superintendent,

district attorney and other agencies and officials operating in the welfare field regarding admissions to and release (or conditional release) from the following county and state institutions:

1. County institutions. County infirmary, home, hospital (for mental diseases, tuberculosis or otherwise) or asylum.

2. State institutions. Mendota state hospital, Winnebago state hospital, Wisconsin general hospital, Wisconsin orthopedic hospital for children, southern colony and training school, northern colony and training school, central state hospital, Wisconsin school for boys, and Wisconsin school for girls.

(am) The provisions of par. (a) shall not be construed to authorize the county department of public welfare to make investigations regarding admission to or release from the Wisconsin state prison, the Wisconsin state reformatory, the Wisconsin home for women, county houses of correction, jails, detention homes or reforestation camps.

(b) Administer relief under ss. 49.02 and 49.03 in the event that the county administers relief under those sections.

c. Make investigations which are provided for under s. 322.02 (1) if the court having jurisdiction so directs.

(d) Perform the duties and functions of a juvenile probation department as defined in s. 48.03 when requested to do so by the juvenile judge of the county.

(e) To furnish services to families or persons other than the granting of financial or material aid where such services may prevent such families or persons from becoming public charges or restore them to a condition of self-support.

(f) To make certification or referral of eligibles for state or federal works or other assistance programs, eligibility for which is based on need, when designated to perform such certification or referral services, and to certify eligibility for and distribute surplus commodities and foodstuffs.

(g) To administer child welfare services including services to children who are mentally defective, dependent, neglected, delinquent, or illegitimate, and to other children who are in need of such services. In administering child welfare services the county agency shall be governed by the following:

1. The county agency may avail itself of the co-operation of any individual or private agency or organization interested in the social welfare of children in such county.

2. The county agency shall administer and expend such amounts as may be necessary out of any moneys which may be appropriated for child welfare purposes by the county board or donated by individuals or private organizations.

3. Upon the request of the judge of the juvenile court, the county agency shall investigate the home environment and other factors in the life of any child brought to the attention of the court for alleged dependency, neglect, or delinquency, and to assume guidance and supervision of any child placed on probation by such court.

4. Upon the request of the state department of public welfare and under its direction, the county agency shall assume the oversight of any juvenile under parole from or otherwise subject to the supervision of any state institution.

5. The county agency shall, without being licensed pursuant to s. 48.37 (2), have and exercise any additional powers and duties that are authorized for child welfare agencies under ss. 48.35 to 48.38 except that the county department of public welfare shall not have authority to accept permanent care, custody and control of any child, to place children for adoption, or to place children in foster homes in another state.

(gm) The authority given to the county department of public welfare under par. (g) to function as an authorized child welfare agency shall not be interpreted as excluding agencies licensed pursuant to s. 48.37 from also exercising such functions.

(6) The provisions of s. 49.50 (2) to (5) shall be applicable to the county department of public welfare created by this section. Such merit system status as any county employe may have on the effective date of this section shall not be deemed changed or interrupted by the provisions hereof; provided that any county agency employe performing children's services on said effective date becoming subject to the provisions of s. 49.50 (2) to (5) shall be admitted to a merit system examination pursuant to s. 49.50 (2) to (5) regardless of the minimum qualifications established for such position.

(7) The county department of public welfare and all county officers and employes performing any duties in connection with the administration of aid to the blind, old-age assistance, aid to dependent children, and aid to totally and permanently disabled persons shall observe all rules and regulations promulgated by the department pursuant to s. 49.50 (2) and shall keep such records and furnish such reports as the department requires in relation to their performance of such duties.

SECTION 3. 46.30 to 46.36 of the statutes are repealed.

SECTION 4. 48.315 of the statutes is amended to read:

48.315 If the county board of supervisors of any county having a population of less than 500,000 shall decide to have child welfare services administered by the county department of public welfare under the provisions of s. * * * 46.22 (5) (g), then such county department of public welfare shall have the additional powers and duties given county children's board under s. 48.30 (1) to (8) (introductory paragraph not to apply) and shall have and exercise all the powers and duties that are authorized for licensed child welfare agencies under ss. 48.35 to 48.38, except that such county welfare department shall not have authority to accept permanent care and custody of any child or to place children for adoption. Such county department shall not be required to be licensed or approved by the state department of public welfare to issue permits to foster homes under s. 48.38 or to function as an authorized child welfare agency; but any such permit to a foster home may be revoked by the state department of public welfare pursuant to s. 48.39 (2).

SECTION 5. 49.02 (5) of the statutes is amended to read:

49.02 (5) * * * The municipality or county shall be liable for the hospitalization of and care rendered by a physician and surgeon to a person entitled to relief under this chapter, without previously authorizing the same, when, in the reasonable opinion of a physician, immediate and indispensable care or hospitalization is required, and prior authorization therefor cannot be obtained without delay likely to injure the patient. There shall be no liability for such care or hospitalization beyond what is reasonably required by the circumstances of the case, and liability shall not attach unless, within 48 hours after furnishing the first care or hospitalization of the patient, written notices by the attending physician and by the hospital be mailed or delivered to the official or agency designated in accordance with this section, reciting the name and address of the patient, so far as known, and the nature of the illness or injury, and the probable duration of necessary treatment and hospitalization. Any municipality giving care or hospitalization as provided in this section to a person who has settlement in some other municipality may recover from such other municipality as provided in s. 49.11.

SECTION 6. 49.18 (1a) of the statutes is amended to read:

49.18 (1a) On the death of a recipient of such aid, if the estate of the deceased is insufficient to defray the funeral and burial expenses, such reasonable amount not exceeding \$150 shall be paid for such expenses as the county * * * agency directs.

SECTION 7. 49.19 (6) of the statutes is amended to read:

49.19 (6) The * * * county agency may require the mother to do such remunerative work as in * * * its judgment she can do without detriment to her health or the neglect of her children or her home; and may prescribe the hours during which the mother may work outside of her home.

SECTION 8. 49.20 (1) of the statutes is amended to read:

49.20 (1) For the more humane care of aged, dependent persons a state system of old-age assistance is hereby established. Such system of old-age assistance shall be administered in each county by the county * * * agency, under the supervision of the state department of public welfare. The cost of old-age assistance shall in the first instance be borne by the county, but the county shall be entitled to state and federal aid as provided in s. 49.38.

SECTION 9. 49.26 (11) (a) of the statutes is amended to read:

49.26 (11) (a) When a person receiving such assistance shall die not having cashed his old-age assistance checks issued immediately prior to death, the director or employe of the * * * county agency shall have authority to do so upon being appointed special administrator for the sole purpose to disburse the proceeds of such checks without bond as herein provided upon order of the county court of his county. Such money shall be used to pay for expenses incurred by such old-age recipient for his room, board, lodging, care, medical service, nursing home care, hospitalization or necessities during the period for which such checks were issued. All persons having such claims shall file same, upon the usual claim form, with such county court within 2 months of the date of the order for the hereinafter provided notice of the date or forfeit any claim to the proceeds of such checks. Such notice shall contain the name of the recipient as shown on such old-age assistance checks, and require all persons having such claims to file same within 2 months of the date of the order therefor. Such notice may be published once in some newspaper published or circulated in such county or be posted in 2 public places in such county as the court shall direct, within 15 days of the date of such order. From the proceeds of such checks the cost of such publication, if any, shall first be paid; if the remainder is not sufficient to pay all of the above enumerated claims then nursing home care shall next be paid and the balance prorated among the other claimants. Any such unpaid claimant shall have the right otherwise provided by law to file a claim for any unpaid balance

against the estate of such deceased person. The unclaimed portion of the proceeds of such checks shall be refunded to such county, except that where there is probate, general or special administration proceedings pending then such balance shall be paid to the administrator or executor. Such notice shall be in substantially the following form:

STATE OF WISCONSIN
County Court: County.

All persons having claims for room, board, lodging, care, medical service, nursing home care, hospitalization, or necessities furnished to, an old-age assistance recipient of county, which were incurred from and after shall be presented to said court, at the courthouse, in the city of, in said county, on or before the day of, A. D. 19. . ., or be forever barred from making any claim to the proceeds of certain old-age assistance checks of said deceased.

All said claims will be heard and adjusted by said court, at said courthouse, on the first Tuesday of, A.D. 19. . .

Dated, 19. . .

By the court:

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Judge

SECTION 10. 49.30 of the statutes is amended to read:

49.30 On the death of a beneficiary reasonable funeral expenses shall be paid to such persons as the county * * * agency directs; provided, that these expenses do not exceed \$150 and the estate of the deceased is insufficient to defray these expenses.

SECTION 11. 49.37 (1) of the statutes is amended to read:

49.37 (1) The county board shall annually appropriate a sum of money sufficient to carry out the provisions of ss. 49.20 to 49.38, taking into account the money expected to be received during the ensuing year as state and federal aid. Upon the orders of the county * * * agency, the county treasurer shall pay out the amounts ordered to be paid as old-age assistance.

SECTION 12. 49.50 (1) of the statutes is repealed.

SECTION 13. 49.50 (2) of the statutes is amended to read:

49.50 (2) The department shall adopt rules and regulations, not in conflict with law, for the efficient administration of * * * aid to the blind, old-age assistance, aid to dependent children and aid to totally and permanently disabled persons, in agreement with the requirement for federal aid, including the establishment and maintenance of personnel standards on a merit basis. The provisions of this section relating to personnel standards on a merit basis supersede any inconsistent provisions of any law relating to county personnel; provided that the provisions of this subsection shall not be construed to invalidate the provisions of s. 46.22 (6).

SECTION 14. 49.50 (7) of the statutes is repealed.

SECTION 15. 49.50 (8) of the statutes is amended to read:

49.50 (8) Any person whose application for * * * aid to the blind, old-age assistance, aid to dependent children and aid to totally and permanently disabled persons is not acted upon by the county agency with reasonable promptness after the filing of the application, or is denied in whole or in part, or whose award is modified or canceled, or who believes his award to be insufficient, may petition the department for a review of such action. The department shall, upon receipt of such petition, give the applicant or recipient reasonable notice and opportunity for a fair hearing. The department may make such additional investigation as it may deem necessary. Notice of the hearing shall be given to the applicant and to the county clerk; and the county shall be entitled to be represented at such hearing. The department shall render its decision as soon as possible after the hearing and shall send a certified copy of its decision to the applicant, the county clerk and the county officer charged with administration of such assistance. The decision of the department shall have the same effect as an order of the county officer charged with the administration of such form of assistance. Such decision shall be final, but may be revoked or modified as altered conditions may require.

SECTION 16. 49.51 (1), (2) (b) and (5) of the statutes are repealed.

SECTION 17. This act shall take effect January 1, 1954.

Approved July 9, 1953.