

## CHAPTER 49.

## PUBLIC ASSISTANCE.

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[49.01 to 49.53 Stats. 1943 repealed by 1945 c. 585]

## GENERAL RELIEF

## 49.01 Definitions. As used in chapter 49:

(1) "Relief" means such services, commodities or money as are reasonable and necessary under the circumstances to provide food, housing, clothing, fuel, light, water, medicine, medical, dental, and surgical treatment (including hospital care), optometrical services, nursing, transportation, and funeral expenses, and include wages for work relief. The food furnished shall be of a kind and quantity sufficient to provide a nourishing diet. The housing provided shall be adequate for health and decency. Where there are children of school age the relief furnished shall include necessities for which no other provision is made by law.

(2) "Work relief" means any moneys paid to dependent persons entitled to relief who have been required by any municipality or county to work on any work relief project.

(3) "Work relief project" means any undertaking performed in whole or in part by persons receiving work relief.

(4) "Dependent person" or "dependent" means a person without the present available money or income or property or credit, or other means by which the same can be presently obtained, sufficient to provide the necessary commodities and services specified in subsection (1).

(5) "Municipality" means any town, city or village.

(6) "Department" means the state department of public welfare.

49.02 Relief administration. (1) Every municipality shall furnish relief to all dependent persons therein and shall establish or designate an official or agency to administer the same.

(2) Every county may furnish relief to all dependent persons within the county but not having a legal settlement therein, and if it elects to do so, it shall establish or designate an official or agency to administer the same.

(3) When the settlement of a dependent person is unknown or in doubt relief may be initially administered by the municipality in which such person is found in need,

but the matter shall be promptly investigated and reported or referred as the case may be to the county in which the municipality is situated.

(4) Nothing in this section shall prevent any county or municipality from entering into a joint or co-operative agreement under section 66.30.

(5) Except in counties having a population of 250,000 or more, 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 section 49.11.

(6) Officials and agencies administering relief shall assist dependent persons to regain a condition of self-support through every proper means at their disposal and shall give such service and counsel to those likely to become dependent as may prevent such dependency.

A retired and pensioned minister, removing from Green Lake county to Milwaukee county on April 1, 1927, and there residing in a Lutheran home for the aged, acquired a legal settlement in Milwaukee county on April 1, 1928, under 49.02 (4) (Stats. 1927); he continued thus to reside in Milwaukee county until admitted as a mental patient to a state hospital in September, 1937; his legal settlement, for the purpose of charging or apportioning the expense of his maintenance under 51.08 as a patient in such hospital from September, 1937, was not affected by, and did not revert back to Green Lake county under, an amendment made to 49.02 in 1933, providing that the time spent by any person as an inmate of any home for the care of aged persons, maintained by any society, shall not be included as part of the year necessary to acquire legal settlement in the municipality in which such home is located. *Milwaukee County v. State Dept. of Public Welfare*, 258 W 113, 45 NW (2d) 82. The provisions of chs. 45 and 49 provide

for 2 separate systems of public assistance. A veteran is entitled to relief under proper circumstances under the provisions of ch. 49 in the same manner as any other dependent person. Municipal authorities are not relieved from their obligations under ch. 49 by the provisions of ch. 45. A municipality granting relief under ch. 49 to a veteran may not require reimbursement from the county for such relief by reason of any provisions of ch. 45. 39 Atty. Gen. 26.

A county is liable for medical and hospital care only if it is established that the person receiving such care is a dependent person "entitled to" relief. 39 Atty. Gen. 75.

The county or municipality in which a dependent person is present is the one obligated to make the initial grant of relief. If he does not have settlement in the county or municipality granting the relief, the question to what unit the relief should be charged is dependent on legal settlement, which is an issue of fact to be determined under 49.11 (7). 39 Atty. Gen. 295.

**49.03 Optional county systems.** (1) The county board may, by a resolution adopted by an affirmative vote of a majority of all its members:

(a) Provide that the county shall bear the expense of maintaining all dependents therein and thereupon the county shall relieve all dependents in the county; and all powers conferred and duties imposed by this chapter upon municipalities shall be exercised and performed by the county, or

(b) Abolish all distinction between county dependents and municipal dependents as to medical, surgical, dental, hospital and nursing care and optometrical services; and have the entire expense of such care a county charge.

(2) The county board by a resolution adopted by an affirmative vote of majority of all its members may repeal any resolution adopted under subsection (1).

Dependent persons residing on an Indian reservation in a county administering relief are entitled to relief from the county under (1) (a), regardless of whether they have legal settlement. 38 Atty. Gen. 531.

**49.04 State dependents.** (1) From the appropriation made in section 20.18 (10) the state shall reimburse the counties for the relief of all dependent persons who do not have a settlement within any county in this state and who have resided in the state less than one year.

(2) The state department of public welfare shall make suitable rules and regulations governing notification of reimbursement charges, the relief to be provided, the presentation of claims for reimbursement and other matters necessary to the provision of relief to such state dependent persons. The observance of such rules and regulations by a county shall be a condition for reimbursement.

(3) The presentation of a claim for reimbursement shall be accompanied by a verified copy of the sworn statement required by section 49.11 (1), and an affidavit that diligent effort was made to ascertain the facts relating to the dependent's legal settlement and

period of residence in the state, and reciting such other facts as the department requires. If the department is satisfied as to the correctness of the claim it shall certify the same to the director of budget and accounts for payment to the county entitled thereto. Any necessary audit adjustments for any month of the current or prior fiscal years may be included in subsequent certifications.

(4) Any county aggrieved by the disallowance of its claim for reimbursement hereunder may petition the department for a hearing which shall be accorded after due notice. The department may of its own motion order such investigation and hearing as it deems necessary. Such hearing shall be governed by chapter 227.

**49.045 Relief for former Camp Hayward inmates.** (1) The state accepts the responsibility for the relief necessary for any person who was an inmate of Camp Hayward on June 30, 1951, and for whose care no other suitable arrangement has been or thereafter may be made.

(2) Relief to any such person eligible therefor shall be as provided in section 49.01 (1). The department shall enter into contracts and make arrangements for the relief and make certifications for all necessary payments therefor from the appropriation made by section 20.18 (12).

(3) On and after June 27, 1951, the department shall undertake such arrangements as may be necessary for the relief of such persons to insure their proper care when Camp Hayward is closed.

**History:** 1951 c. 319 s. 203.

**49.046 Relief to needy Indians.** From the appropriation made in section 20.18 (13) the department may grant relief to needy Indians not eligible for aid under 49.18, 49.19, 49.20 to 49.38, 49.40 or 49.61 and residing on tax-free lands or may appoint the welfare agency in the county or municipality wherein such needy Indians reside to administer such relief. Any such agency so appointed shall make such reports as are required and such accounting for funds as are made available under this section. The department shall adopt and publish suitable rules and regulations governing eligibility for the amount of and the furnishing and paying of relief under this section. The department may enter into suitable agreements with any appropriate agency of the federal government for provision of relief to needy Indians. The sums appropriated in section 20.18 (13) for the purposes of this section shall not become available until released by the emergency board. Such sums shall be made available by the emergency board at such times and in such amounts as the board may determine to be necessary to adequately provide for the purposes for which they are appropriated, with due regard for the whole amount available for such purposes. If the provision relating to release by the emergency board is invalid, the appropriation in section 20.18 (13) shall not be invalidated but shall be considered to be made without any condition as to time or manner of release.

**History:** 1951 c. 484.

**49.05 Work relief.** (1) Any municipality or county required by law to administer relief may require persons entitled to relief to labor on any work relief project authorized and sponsored by the municipality or county, at work which they are capable of performing. When a work relief project requires the employment of skilled tradesmen, and the number of such tradesmen listed on the relief rolls of the municipality or county sponsoring the project is not sufficient to meet the requirements of the project, the municipality or county may hire tradesmen who are not receiving public relief, and they shall be paid at the prevailing wage for such labor in the municipality or county.

(2) The basis of payment of persons granted work relief shall be determined by the unit of government responsible for the person's relief.

(3) Municipalities or counties may authorize work relief projects for the performance of any work not prohibited by law, provided that such projects are not operated so as to supplant regular employees of the municipality or county or the other municipal or county units hereinafter mentioned. Municipalities or counties may, by mutual agreement, assign persons entitled to work relief to work on work relief projects operated by the state or by other municipalities, counties, school districts, drainage districts, utility districts, metropolitan sewerage areas or other governmental units. Such agreements may or may not provide for full or partial work relief reimbursement to the municipality or county loaning such persons by the municipality or county or unit to which such persons are loaned.

(4) Municipalities or counties granting work relief shall be directly liable to persons granted work relief for any benefits legally recoverable under the workmen's compensation law of Wisconsin, but may contract with another governmental unit, for whose benefit such work relief project is primarily designed, to share such liability or wholly assume

the same, and such other governmental unit is hereby authorized to make such contracts of sharing or total assumption of liability.

(5) Municipalities or counties may authorize the sale of products made on any work relief project to governmental units, and to religious, charitable or educational institutions.

(6) Municipalities or counties may operate work relief projects which will serve to rehabilitate disabled persons so as to enable such persons to qualify for employment in public or private industry.

(7) The value of work relief labor shall be deemed to offset the payments made therefor and such payments shall not be recoverable under section 49.11.

**49.06 Home and insurance exempt.** No person shall be denied relief on the ground that he has an equity in the home in which he lives or a cash or loan value not in excess of \$300 in a policy of insurance. No applicant for relief shall be required to assign such equity or insurance policy as a condition for receiving relief. Where persons are not in fact dependent, as defined by this chapter, but who, if they converted their limited holdings, real or personal, would, by reason of a fallen market or by reason of economic or other conditions, be required to suffer a substantial loss, then and in that event such persons shall be permitted, by proper assignments to the county or municipality, to render themselves qualified to receive relief. The county or municipal agency may sell, lease or transfer the property, or defend and prosecute all actions concerning it, and pay all just claims against it, and do all other things necessary for the protection, preservation and management of the property.

**49.07 Liability of relatives; enforcement.** (1) The father, mother, husband, wife and children of any dependent person who is unable to maintain himself, shall maintain such dependent person, so far as able, in a manner approved by the authorities having charge of the dependent, or by the board in charge of the institution where such dependent person may be; but no child of school age shall be compelled to labor contrary to the child labor laws.

(2) Upon failure of relatives so to do said authorities or board may apply to the county judge of the county in which such dependent person resides for an order to compel such maintenance.

(3) At least 10 days prior to the hearing on said application notice thereof shall be served upon such relatives in the manner provided for the service of summons in courts of record.

(4) The county judge shall in a summary way hear the allegations and proofs of the parties and by order require maintenance from such relatives, if of sufficient ability (having due regard for their own future maintenance and making reasonable allowance for the protection of the property and investments from which they derive their living and their care and protection in old age) in the following order: First the husband or wife; then the father; then the children; and lastly the mother. Such order shall specify a sum which will be sufficient for the support of such dependent person, to be paid weekly or monthly, during a period fixed therein, or until the further order of the court. If satisfied that any such relative is unable wholly to maintain such dependent person, but is able to contribute to his support, the judge may direct 2 or more such relatives to maintain him and prescribe the proportion each shall contribute and if satisfied that such relatives are unable together wholly to maintain such dependent person, but are able to contribute something therefor, the judge shall direct a sum to be paid weekly or monthly by each such relative in proportion to his ability. Upon application of any party affected thereby and upon like notice and procedure, the said judge may modify such order. Obedience to such order may be enforced by proceedings as for a contempt.

(5) Any party aggrieved by such order may appeal therefrom to the circuit court pursuant to the provisions of chapter 324, so far as applicable and necessary, but when the appeal is taken by the authorities having charge of the dependent person an undertaking need not be filed.

(6) If any relative who has been ordered to maintain a dependent person neglects to do as ordered, the authorities or board may recover in an action on behalf of the municipality or institution for relief or support accorded the dependent person against such relative the sum prescribed for each week the order was disobeyed up to the time of judgment, with costs.

**49.08 Recovery from dependents.** If any person at the time of receiving relief under sections 49.01 to 49.17 or as an inmate of any county or municipal institution in which the state is not chargeable with all or a part of the inmate's maintenance or as a tuberculosis patient provided for in chapter 50 and section 53.06 (2), or at any time thereafter, is the owner of property, the authorities charged with the care of the dependent, or the board in charge of the institution, may sue for the value of the relief from

such person or his estate. In such action the statutes of limitation shall not be pleaded in defense, except that nothing herein shall eliminate the bar of section 313.08. The court may refuse to render judgment or allow the claim in any case where a parent, wife or child is dependent on such property for support, provided that the court in rendering judgment shall take into account the current family budget requirement as fixed by the United States department of labor for such community or as fixed by the authorities of such community in charge of public assistance. The records kept by the municipality or institution are prima facie evidence of the value of the relief furnished. This section shall not apply to any person who shall receive care for pulmonary tuberculosis as provided in section 50.03 (2a) and section 50.07 (2a).

Homestead is not exempt from execution that the homestead shall not be exempt. 39 of judgment in favor of county for relief advanced by county when judgment provides Atty. Gen. 539.

**49.09 Removal of dependents.** (1) When a dependent person, other than a recipient of old-age assistance, aid to blind, aid to dependent children, or aid to totally and permanently disabled persons is receiving relief elsewhere than at his place of settlement and refuses to return thereto, the officer or agency of the place administering relief or of the place of settlement may petition the judge of the county court or the judge of any other court of record of the county in which the relief is furnished for an order directing such person to return to his place of settlement. The petition shall state specifically the reasons upon which the order is sought and copies shall be served upon the dependent person, the officer or agency of the place of residence or the place of legal settlement. Notice of hearing shall be served upon the same parties at least 10 days in advance of the hearing. Service may be made personally or by registered mail with return receipt requested.

(2) If the judge finds that return to the place of legal settlement does not substantially reduce the employment and earning opportunities of the dependent person, does not materially disrupt family ties, and does not work any material injustice to him, he may order the dependent person to return to his place of settlement. The order of the judge for removal shall specify a time beyond which no further relief shall be granted the dependent person unless he returns to the place of his legal settlement and shall further specify the conditions to be complied with by the petitioning municipality to provide suitable transportation to the place of settlement. The cost of transportation shall be chargeable to the place of legal settlement and may be recovered as any other relief costs, pursuant to section 49.11. If the place of legal settlement is the petitioner, the entry of such order shall not be a defense to collection of future relief charges unless it can show affirmatively that all conditions as to providing transportation specified in the order were fully complied with. Any such removal order may be suspended by the judge at any time without notice or hearing upon application of the relief agency of the place of residence for authority to issue relief to meet an emergency medical condition, and further the judge may in his discretion at any time entertain an application by the dependent person or either municipality to revoke such removal order and upon giving of notice and hearing as provided in subsection (1), may revoke such order temporarily or permanently. A copy of the order suspending the removal order or a copy of revocation of the removal order shall be served on the place of legal settlement within 10 days of the entry thereof and any and all relief granted pursuant to the suspension of revocation order will be chargeable to the place of legal settlement to the same extent as though no removal order had been entered. Any removal order entered by a judge shall affect and be binding on only those municipalities which have been served with the petition and notice of hearing.

**History:** 1951 c. 725.

**49.10 Legal settlement, how determined.** (1) A wife has the settlement of her husband if he has any within the state; but if he has none, she has none.

(2) Legitimate minor children have the settlement of their father if living, or of their mother if their father is deceased; but if the parents are divorced, the children have the settlement of the parent who has legal custody, and if such parent has no settlement, the children have none.

(3) Illegitimate minor children have the settlement of their mother unless her parental rights are terminated; and if her settlement is lost, theirs is lost.

(4) Every person (except as otherwise provided in this section) who resides in any municipality one whole year without receipt of aid under this chapter gains a legal settlement therein; and every person who resides in a county for one year without receipt of such aid who has not acquired legal settlement in a municipality acquires legal settlement in such county. Time spent by a person in any municipality while supported therein as a dependent person or while residing in a transient camp or while employed on any municipal, county, state or federal work relief project or program or as an inmate of any home, asylum or institution for the care of aged, neglected or dependent persons, maintained by

any lodge, society or corporation, or of any state or United States institution for the care of veterans of the military and naval services, or while residing or while employed on any Indian reservation over which the state has no jurisdiction, shall not be included as part of the year necessary to acquire or lose a settlement. No legal settlement shall be lost, acquired or changed while a person is supported in whole or in part in any institution or foster home as a public charge. The time spent by any person while residing on lands owned, operated or controlled by another municipality shall not be included as part of the year necessary to acquire a legal settlement in the town, city or village wherein such lands are located, but shall be included as part of the year necessary to acquire a legal settlement in such other municipality.

(5) After September 16, 1940, the time spent by any person in the service of the United States army, navy, marine corps, coast guard, or any branch thereof, shall not be included as part of the year necessary to acquire or lose a settlement in any municipality. The provisions of this subsection are retroactive, except that payments or determinations made before July 11, 1943 on the basis of legal settlement under this section before said date are not affected but any findings or determinations on settlement made before such effective date shall not be determinative of settlement in subsequent cases where the application of this subsection would result in a different finding or determination on settlement.

(6) Marriage emancipates minors so that they acquire settlement in their own right.

(7) Every settlement continues until it is lost by acquiring a new one in this state or by residing for one whole year elsewhere than the municipality in which such settlement exists; and upon acquiring a new settlement or upon residing for one whole year elsewhere than the municipality of settlement all former settlements are lost.

(8) Where a divorce has been granted, the date from which a new settlement may be acquired by a married woman shall be the day on which the divorce is granted and not the termination of the year period thereafter when the divorce judgment becomes final.

(9) When any territory is organized into or attached to any municipality every person having a settlement in such territory, and who actually dwells or has his home, or if absent, had his last dwelling place or home therein, thereafter has a settlement in such new municipality or the one to which such territory is so attached. The organization into or attachment to any municipality of any territory shall not prevent any person from acquiring a legal settlement therein within the time and by the means by which he would have gained it there if no new municipality had been organized or such territory had not been attached.

(10) The provisions of this section shall not affect any commitments to institutions, payments or decisions made or actions, proceedings or petitions pending or causes of action existing on the basis of legal settlement before the effective date of this section.

(11) When this section is applied to any county operating under the county system of administering public assistance the term "municipality" as used herein shall mean and include such county unless the context clearly requires otherwise.

(12) Any person without legal settlement in any municipality in a county (which is not operating on the county system) who resides in that county one whole year gains a legal settlement in the county; that which interrupts residence toward the gaining or losing of legal settlement in a municipality likewise interrupts residence toward the gaining or losing of a county legal settlement; every such settlement continues until it is lost by acquiring a new one in this state or by residing for one whole year elsewhere than the county of legal settlement or by residing one whole year in a municipality within the county of legal settlement, and the residence which went toward the gaining of the county legal settlement shall, if continuous in the municipality, be included toward the gaining of legal settlement in that municipality.

**History:** 1951 c. 702.

The legal settlement of children of a mother who has been granted their legal custody upon divorce from their father is the same as that of the mother under (2), and if she remarries, their settlement becomes that of the second husband under (1). 38 Atty. Gen. 624.

See note to 49.37, citing 38 Atty. Gen. 494. Under (1), a wife whose husband has no legal settlement in the state cannot acquire a settlement in the state. 38 Atty. Gen. 626.

An insane person cannot voluntarily fix his residence in any place, nor his legal settlement. 21 Atty. Gen. 390, 39 Atty. Gen. 227.

Where parents of minor children are divorced, and neither parent has legal custody, the children have no legal settlement. An agency to which a child is committed under this section may not recover from a county under (6) for the support of children who

have no legal settlement. The state is not chargeable for the support of children without legal settlement, who are committed to the custody of an agency under this section unless the commitment is to a state agency or institution. 39 Atty. Gen. 423.

An adult person who becomes mentally incompetent retains the legal settlement which he had at the time when he became incompetent. 39 Atty. Gen. 575.

The receipt of public assistance outside of this state by a nonresident who had settlement in Wisconsin does not stop the running of the one-year period of absence necessary to lose settlement. Settlement in a municipality in this state is lost by one year's residence in a foreign state even though the person involved is continuously supported as a dependent person. 39 Atty. Gen. 570.

**49.11 Legal settlement, collection from.** (1) **SWORN STATEMENT OF SETTLEMENT.** When relief is granted to a dependent person he shall be required to make a sworn statement of facts relating to his legal settlement; but if he is unable to make a sworn statement it may be made by any person having knowledge of the facts.

(2) **RIGHT TO COLLECT FROM PLACE OF SETTLEMENT.** When the person so relieved claims a settlement outside the county where the relief is granted or claims to have a county settlement in the county or no settlement, the expenses shall be a charge against the county. The charge shall be audited by the county board, and may be recovered by such county from the county of his settlement, and such county in turn (except when operating under the county system of relief) may recover from the municipality of his settlement. If the county wherein the aid is granted fails to pay the charge to the granting municipality within 8 months after it is filed with its clerk, the municipality may proceed against said county under this section to recover for the relief granted. In such proceedings the county may set up the defenses that the settlement of the recipient is in the municipality which granted the aid or that he was not in need of the aid furnished or that the notices required to be served were defective to the prejudice of the county. If a county is unable to recover due to the negligence of the municipality in ascertaining the facts relating to the recipient's settlement or in giving the notices required or in ascertaining the need for the aid or because his settlement is in the municipality, the department may order the municipality to reimburse the county. When the person relieved has his settlement in a municipality in the county where relieved, and the county system of relief is not in operation, the municipality furnishing the relief may recover therefor from the municipality of his settlement.

(3) **NOTICE OF CLAIMED SETTLEMENT.** (a) *County system.* When a county grants relief to a person claiming settlement in another county, its clerk shall within 20 days after he becomes a public charge file with the clerk of the other county a notice as provided in paragraph (f).

(b) *Municipal system.* If a municipality grants relief to a person claiming settlement in another county the municipal clerk shall within 20 days after he becomes a public charge file with the clerk of his county a notice as provided in paragraph (f) and that county clerk shall within 20 days after the receipt thereof file a copy of said notice with the clerk of the county in which such person claims a settlement.

(c) *Filing and transmitting.* When a county clerk receives notice from another county clerk as provided for in paragraphs (a) and (b) and his county is not operating under the county system of maintaining its dependents, he shall within 20 days after such receipt file a copy of the notice with the clerk of the municipality in which the dependent claims a settlement. If the county is operating under such county system, its clerk need not file notice with the municipal clerk until the county ceases to operate under the county system and operates on the municipal system.

(d) *Settled in county.* If a municipality grants relief to a person claiming settlement in a municipality in the same county, the municipal clerk shall within 20 days after such person becomes a public charge file with the clerk of the municipality in which the dependent claims a settlement a notice as provided for in paragraph (f).

(e) *Nonsettled.* If a municipality grants relief to a person who claims a county settlement in the county or who appears to be without a settlement in Wisconsin, a copy of his sworn statement and a notice as provided for in paragraph (f) shall be filed with the clerk of the county within 20 days after such person becomes a public charge.

(f) *Content of notice.* The nonresident notice filed under paragraphs (a), (b), (c), (d) and (e) shall be on a standard form prescribed by the department and shall state the name of the municipality granting the relief, the name of the person and members of his household who have received public aid, the name of the municipality or county where he claims his settlement, or, if such place could not after due diligence be ascertained, a statement of such fact, and the date on which the relief was furnished. Along with the nonresident notice the clerk shall file a copy of the sworn statement taken as provided in section 49.11 (1).

(g) *Late filing.* If the required nonresident notices are not given within 20 days after the person becomes a public charge but are given later the municipality or county notified shall be liable only for the expense incurred for support from the time such notices are given.

(h) *Notice denying settlement.* Unless the municipality (or county when on the county system or when the dependent persons are county settled) upon which such nonresident notice is filed shall within 20 days deny that the dependent's settlement is as claimed, it shall be liable for his support until said denial is made. The denial shall state the facts upon which settlement is disputed, and copies shall be filed with all municipal and county clerks involved in the giving or transmission of the nonresident notice.

(i) *Lapse of nonresidence notice.* The effect of a nonresident notice is terminated by voluntary absence of the relief recipient for one year from the municipality or county originating such notice.

(4) **VERIFIED CLAIMS TO BE FILED.** Verified claims for relief granted shall be filed with the same parties and the procedure for the filing of claims shall be the same as is provided in section 49.11 (3) for the filing of nonresident notices. When a defendant county operates on the municipal system of relief, a copy of the verified claim shall be filed against the municipality of legal settlement by the clerk of the defendant county within 30 days after such claim has been filed with him and failure to so file shall bar recovery by a defendant county from the municipality.

(5) **STATUTE OF LIMITATIONS.** (a) *Accounts against county.* When relief is administered by municipalities, claims therefor against the county are barred unless they are filed within one year from the date the relief is granted.

(b) *Intracounty claims.* When the dependent's settlement is claimed to be within the county wherein the relief is granted, claims not filed with the municipality of alleged settlement within one year after granting the relief are barred.

(c) *Intercounty claims.* When the settlement is alleged to be within another county claims not filed within 2 years from the date the relief is granted are barred.

(d) *Notice of disallowance.* When a claim for relief is disallowed (either by action or lapse of time) the clerk shall within 30 days file notice of disallowance with the clerk of the claimant who shall promptly notify his relief official or agency, and action on the claim must be commenced within 6 months after such filing and within 6 years after the relief was granted.

(e) *Old claims.* A claim for relief granted prior to July 1, 1943, which was valid on said date shall be subject to the provisions of this subsection in like manner as if such relief had been granted on said date, except that filing of a claim for such relief prior to said date in the manner then prescribed shall for all purposes satisfy the filing requirements of this section; but nothing in this subsection shall toll the 6-year statute of limitations on any such claims.

(f) *Six-year limitation.* Any right growing out of a relief claim, (not barred by the 6-year statute of limitations) which a county or municipality had against another county or municipality prior to July 1, 1943, may be enforced in a proceeding before the department as provided in section 49.03 of the 1943 statutes.

(g) *Accounts against state.* All claims by counties against the state under the terms of section 49.04, which are not filed within 2 years from the date the relief is granted, are barred.

(6) **WHO MAY SUE.** (a) *County.* Upon receipt of notice of the disallowance of the claim of any county, its clerk shall forthwith notify the district attorney of his county, who may institute an action in the name of the county for the recovery of so much of said claim as has been disallowed, and in such action the county shall not be required to give bond.

(b) *Municipality.* Upon receipt of notice of disallowance of the claim of any municipality against another municipality within the same county the clerk receiving such notice shall notify the governing body of his municipality which may thereupon institute a proceeding under subsection (7).

(7) **PROCEEDINGS.** (a) *Jurisdiction and practice.* All relief claims by one municipality or county against another municipality or county, which have been disallowed or which have not been acted upon as required by statute, may be prosecuted before the department which is hereby given the exclusive power and duty to try and determine such controversies. In any such proceeding all municipalities or counties liable presently or ultimately, or connected with the controversy are necessary parties to the proceeding. The parties have the right to be present at any hearing, by attorney, or any other authorized agent approved by the department, and to present pertinent testimony and argument. The department may appoint examiners to conduct such hearings. The department or an examiner thereof, for the purpose of carrying out such powers and duties, may issue subpoenas. The department may make such regulations and adopt such rules of practice not inconsistent herewith or with chapter 227 as will enable it to effectually perform its duties hereunder. The department may grant to the prevailing party and against the losing party actual expenses incurred for witnesses but not to exceed \$2 per day for witness fees nor 5 cents per mile for travel.

(b) *Pleadings and hearing.* Such proceedings shall be commenced by complaint which shall be entitled "Before the state department of public welfare of Wisconsin". The complaint shall contain the names of the parties and matters and prayers as in complaints generally. It may be served, with sufficient copies, upon the department by



registered mail; the department shall thereupon note such service upon the original complaint and so notify the claimant. The department shall immediately transmit a copy by registered mail to the defendant county or municipality, which shall have 20 days from the time of the mailing of such copy to serve by registered mail an answer, with sufficient copies, upon the department. The department shall acknowledge such service and mail a copy of the answer to the claimant. When the department has determined that the matter is at issue, it shall notify the parties of the time and place of hearing thereon and in its discretion may continue or adjourn such hearing for a reasonable period. The department shall make its findings and order and transmit copies thereof to the parties by registered mail as soon as possible after such hearing.

(c) *Judicial review.* Such order shall be subject to review in the manner provided in chapter 227, except that such review shall be instituted in the circuit court in one of the following counties: Douglas, Eau Claire, Marathon, Brown, La Crosse, Dane, Milwaukee, and may be heard at a regular or special term.

(d) *Service by mail.* The mailing within such 20 days, of any notice herein provided for shall be by registered mail with return receipt requested.

(e) *State special charge.* When a matter is finally determined on appeal, or if no appeal is taken within the prescribed time, the amount owing by a county or municipality shall be certified by the department to the director of budget and accounts and shall thereafter be collected as are other special state charges against counties and municipalities, with interest at the rate of 6 per cent per annum to be computed to March 22 following. The state treasurer shall remit to the prevailing county or municipality such amount, as soon after March 1 of each year, as may be, upon order of the director of budget and accounts.

**History:** 1951 c. 702.

The state may not reimburse a county which has reimbursed a municipality for relief furnished an indigent without legal set- tlement where such claim was filed by the municipality more than one year late and barred by (5) (a). 39 Atty. Gen. 69.

**49.12 Penalties.** (1) Any person who, with intent to secure public assistance under any provision of chapter 49, whether for himself or for some other person, wilfully makes any false representations shall, if the value of such assistance so secured does not exceed \$50, be punished by imprisonment not more than 6 months or by a fine not to exceed \$100, and, if the value of the assistance does exceed \$50, by imprisonment not more than 5 years nor less than one year, or by a fine not exceeding \$100.

(2) Any person who wilfully does any act designed to interfere with the proper administration of public assistance shall be fined not less than \$10 nor more than \$100 or be punished by imprisonment for not less than 10 nor more than 60 days.

(3) Any dependent person who sells or exchanges supplies or articles furnished him as assistance or who disposes of such supplies or articles in any other way than as directed, with intent thereby to defraud the county or municipality furnishing him assistance, and any person who purchases any article knowing it to have been furnished to another person as assistance shall be punished as provided in subsection (2).

(4) Any person who without legal authority sends or brings, causes to be sent or brought, or advises any dependent person to go to any municipality for the purpose of making him a charge upon such municipality shall be punished as provided in subsection (2).

(5) Any person in charge of public assistance or any of his assistants who receives or solicits any commission or derives or seeks to obtain any personal financial gain through any purchase, sale, disbursement or contract for supplies or other property used in the administration of public assistance shall be punished as provided in section 348.28.

(6) Where a person is originally eligible for assistance and receives any income or assets or both thereafter and fails to notify the proper officer or agency of the receipt of such assets within 15 days after such receipt and continues to receive aid, such failure to so notify the proper officer or agency of receipt of such assets or income or both shall be considered a fraud and the penalties as set forth in subsection (1) shall apply.

(7) Any dependent person who uses money furnished him as relief for purposes other than as directed by the county or municipality furnishing such relief shall be punished as provided in subsection (2).

**History:** 1951 c. 331.

**49.13 Abandonment of wife and child.** (1) When the father, or mother, being a widow or living separate from her husband, absconds or is about to abscond from his or her children, or a husband from his wife, or when such father, mother or husband is about to remove permanently from the municipality in which he or she resides, leaving a wife or children, or both, chargeable or likely to become chargeable upon the public for support, or neglects or refuses to support or provide for such wife or children, the county or municipality where such wife or children may be, by the official or agency des-

ignated to administer public assistance, may apply to the county judge or any justice of the peace of any county in which any property, real or personal, of said father, mother or husband is situated for a warrant to seize the property.

(2) Upon due proof of the facts aforesaid such judge or justice shall issue his warrant authorizing such county or municipality to seize the property of such person, wherever found in said county; and they shall, respectively, be vested with all the rights and title, as limited in this section, to such property which such person had at the time of his departure. They shall immediately make an inventory thereof and return the same with said warrant and their proceedings thereon to the county court. All sales and transfers of any real or personal property left in such county, made by him after the issuing of such warrant, shall be absolutely void.

(3) Upon such return the county court may inquire into the facts and circumstances and may confirm such seizure or discharge the same; and if the same be confirmed shall from time to time direct what part of the personal property shall be sold and how much of the proceeds of such sales and the rents and profits of the real estate shall be applied toward the maintenance of the wife or children of such person. All such sales shall be at public auction in accordance with the laws relating to execution sales of personalty and realty as provided in sections 272.29 and 272.31.

(4) The county or municipality, respectively, shall receive the proceeds of all property so sold and the rents and profits of the real estate of such person and apply the same to the maintenance and support of the wife or children of such person; and they shall account to the court for the moneys so received and for the application thereof from time to time.

(5) If the person whose property has been so seized shall return and support the wife or children so abandoned or give security to the county or municipality, respectively, (to be approved by them) that such wife or children shall not thereafter be chargeable to such municipality, the court shall discharge such warrant and order the restoration of the property seized by virtue thereof and remaining unappropriated, or the unappropriated proceeds thereof, after deducting the expenses of such proceedings.

**49.135 Uniform reciprocal enforcement of support act.** (1) **PURPOSES.** The purposes of this section are to improve and extend by reciprocal legislation the enforcement of duties of support and to make uniform the law with respect thereto.

(2) **DEFINITIONS.** As used in this section unless the context requires otherwise:

(a) "State" includes any state, territory or possession of the United States in which this or a substantially similar reciprocal law has been enacted.

(b) "Initiating state" means any state in which a proceeding pursuant to this or a substantially similar reciprocal law is commenced.

(c) "Responding state" means any state in which any proceeding pursuant to the proceeding in the initiating state is or may be commenced.

(d) "Court" means juvenile court or family court branch of circuit court and when the context requires, means the court of any other state as defined in a substantially similar reciprocal law.

(e) "Law" includes both common and statute law.

(f) "Duty of support" includes any duty of support imposed or imposable by law, or by any court order, decree or judgment, whether interlocutory or final, whether incidental to a proceeding for divorce, judicial separation, separate maintenance or otherwise.

(g) "Obligor" means any person owing a duty of support.

(h) "Obligee" means any person to whom a duty of support is owed.

(3) **REMEDIES ADDITIONAL TO THOSE NOW EXISTING.** The remedies herein provided are in addition to and not in substitution for any other remedies.

(4) **EXTENT OF DUTIES OF SUPPORT.** The duty of support imposed by the laws of this state or by the laws of the state where the obligee was present when the failure to support commenced as provided in subsection (5) and the remedies provided for enforcement thereof, including any penalty imposed thereby, bind the obligor regardless of the presence or residence of the obligee.

(5) **WHAT DUTIES ARE ENFORCEABLE.** Duties of support enforceable under this section are those imposed or imposable under the laws of any state where the alleged obligor was present during the period for which support is sought or where the obligee was present when the failure to support commenced, at the election of the obligee. Duties of support are enforceable by petition irrespective of relationship between the obligor and obligee.

(6) **REMEDIES OF A STATE OR POLITICAL SUBDIVISION FURNISHING SUPPORT.** If the state or a political subdivision thereof has furnished support to an obligee it shall have the same right to invoke the provisions hereof as the obligee to whom the support was furnished for the purpose of securing reimbursement of expenditures so made.

(7) CONTENTS OF PETITION FOR SUPPORT. The petition shall be verified and shall state the name and, so far as known to the petitioner, the address and circumstances of the defendant and his dependents for whom support is sought and all other pertinent information.

(8) DUTY OF COURT OF THIS STATE AS INITIATING STATE. If the court of this state acting as an initiating state finds that the petition sets forth facts from which it may be determined that the defendant owes a duty of support and that a court of the responding state may obtain jurisdiction of the defendant or his property, he shall so certify and shall send certified copies of the petition, the certificate and an authenticated copy of this section to the court of the responding state.

(9) DUTY OF COURT OF THIS STATE AS RESPONDING STATE. When the court of this state, acting as a responding state, receives from the court of an initiating state the material mentioned in subsection (8), it shall docket the cause, notify the district attorney, set a time and place for a hearing, and take action to obtain jurisdiction.

(10) ORDER OF SUPPORT. If the court of this state acting as the responding state finds a duty of support, it may order the defendant to furnish support or reimbursement therefor and subject the property of the defendant to such order.

(11) RESPONDING STATE TO TRANSMIT COPIES TO INITIATING STATE. The court of this state when acting as a responding state shall transmit to the court of the initiating state a copy of all orders of support or for reimbursement therefor.

(12) ADDITIONAL POWERS OF COURT. The court of this state when acting as the responding state has the power to subject the defendant to such terms and conditions as the court may deem proper to assure compliance with its orders and in particular:

(a) To require the defendant to furnish recognizance in the form of a cash deposit or bond of such character and in such amount as the court may deem proper to assure payment of any amount required to be paid by the defendant.

(b) To require the defendant to make payments at specified intervals to an officer of the court or to the obligee and to report personally to such officer at such times as may be deemed necessary.

(c) To punish the defendant who violates any order of the court to the same extent as is provided by law for contempt of court.

(13) ADDITIONAL DUTIES OF COURT OF THIS STATE AS RESPONDING STATE. The court of this state when acting as a responding state shall have the following duties which may be carried out through an officer of the court:

(a) Upon the receipt of a payment made by the defendant pursuant to any order of the court or otherwise, to transmit the same forthwith to the court of the initiating state, and

(b) Upon request to furnish to the court of the initiating state a certified statement of all payments made by the defendant.

(14) ADDITIONAL DUTY OF COURT OF THIS STATE AS INITIATING STATE. The court of this state when acting as an initiating state shall have the duty which may be carried out through officers of the court to receive and disburse forthwith all payments made by the defendant or transmitted by the court of the responding state.

(15) EVIDENCE OF HUSBAND AND WIFE. Laws attaching a privilege against the disclosure of communications between husband and wife are inapplicable to proceedings under this section. Husband and wife are competent witnesses and may be compelled to testify to any relevant matter, including marriage and parentage.

(16) EXTRADITION. The governor may demand from the governor of any other state the surrender of any person found in such other state who is charged in this state with the crime of failing to provide for the support of any person in this state. The governor may surrender on demand by the governor of any other state any person found in this state who is charged in such other state with the crime of failing to provide for the support of a person in such other state. The provisions for extradition of criminals not inconsistent herewith shall apply to any such demand although the person whose surrender is demanded was not in the demanding state at the time of the commission of the crime and although he had not fled therefrom. Neither the demand, the oath nor any proceedings for extradition pursuant to this subsection need state or show that the person whose surrender is demanded has fled from justice, or at the time of the commission of the crime was in the demanding or the other state. Any obligor who submits to the jurisdiction of the court of such other state and complies with the court's order of support shall be relieved of extradition for desertion or nonsupport entered in the courts of this state during the period of such compliance.

**49.14 County home; establishment.** (1) Each county may establish a county home for the relief and support of dependent persons pursuant to section 46.17.

(2) In all counties whose population is less than 250,000 such county home shall be governed pursuant to sections 46.18, 46.19 and 46.20.

(3) No county in which a county home is established shall contract to conduct the same or to support and maintain the inmates thereof; and all agreements in violation of this subsection are void.

(4) The trustees or any person employed by the county board pursuant to subsections (1) and (2), may administer oaths concerning any matter submitted to him or them, in connection with their functions.

**49.15 County home; commitments; admissions.** (1) When it appears to the satisfaction of any judge of a court of record upon petition that a person is without a home or necessary care or is living in a state of filth and squalor likely to induce disease, such judge, after affording such person an opportunity to be heard in person or by someone in his behalf, may commit such person to the county home of his county, if there be one therein, otherwise to the county home of some other county, for an indefinite time subject to further order. If the person sought to be committed has a legal settlement, the petition for commitment shall be signed by the relief officer of the municipality of settlement and the cost of care and maintenance shall be a charge against such municipality; but if the person has no legal settlement or the county in which he has settlement operates on the county system of relief the petition shall be signed by the relief officer of the county and the cost of care and maintenance shall be a charge against the county. Any order or process issued by such judge may be served and such commitment may be made by the petitioning officer.

(2) Any person upon application to the board of trustees may be admitted to the county home upon such terms as may be prescribed by the board. If such person or his relatives are unable to pay for his care and maintenance he may be admitted as a charge of the municipality of his legal settlement or the county if he has no settlement, but no municipality or county shall be bound without the written approval of its relief officer or agency, except as provided in subsection (3).

(3) The actual cost for care and maintenance rendered a relief recipient who has legal settlement in another county shall be a proper relief charge and a liability against the place of settlement and recoverable pursuant to section 49.11.

(4) The county board of any county may by resolution provide that the county shall bear the expense of maintaining all dependent persons committed or admitted to the county home, and may repeal any resolution adopted under this subsection.

**49.16 County hospital; establishment.** (1) Each county may establish a county hospital for the treatment of dependent persons, pursuant to section 46.17.

(2) In counties with a population of 250,000 or more such institution shall be governed pursuant to section 46.21, but in all other counties it shall be governed pursuant to sections 46.18, 46.19 and 46.20.

**49.17 County hospitals; admissions.** (1) Any person upon application to the board of trustees may be admitted to the county hospital upon such terms as may be prescribed by the board. If such person or his relatives are unable to pay for his care and maintenance he may be admitted as a charge of the municipality of his legal settlement or the county if he has no settlement, but no municipality or county shall be bound without the written approval of its relief officer or agency, except as provided in subsection (2).

(2) The actual cost for hospitalization and treatment rendered a relief recipient who has legal settlement in another county shall be a proper relief charge and a liability against the place of settlement and recoverable pursuant to section 49.11.

(3) The county board of any county may by resolution provide that the county shall bear the expense of maintaining all dependent persons admitted to the county hospital, and may repeal any resolution adopted under this subsection.

**49.171 County infirmaries; establishment.** (1) Each county, or any 2 or more counties jointly, may establish, pursuant to section 46.17 or 46.20 a county infirmary for the treatment, care and maintenance of the aged infirm.

(2) In counties with a population of 500,000 or more, such institution shall be governed pursuant to section 46.21, but in all other counties it shall be governed pursuant to sections 46.18, 46.19 and 46.20.

(3) As used in sections 49.171 to 49.173:

(a) An aged infirm person is a person over the age of 65 years so incapacitated mentally by the degenerative processes of old age, or so incapacitated physically, as to require continuing infirmary care.

(b) A county infirmary is a county institution created pursuant to subsection (1) or (2) under the general supervision and inspection of the state department of public welfare pursuant to sections 46.16 and 46.17 as to adequacy of equipment and staff to treat, care for and maintain the physical and mental needs of aged infirm persons.

**History:** 1951 c. 724.

**49.172 County infirmaries, admissions; standards.** (1) The following standards shall apply to admissions to a county infirmary:

(a) The primary standard shall be need of infirmary care, rather than ability to pay for such care, and no person shall be excluded from an infirmary solely because of his ability or inability to pay for his care.

(b) The person admitted must be an aged infirm individual, and it must be reasonably apparent that unless admitted he will be without care adequate for his needs.

(c) Except as provided in subsection [paragraph] (d), any person who has resided in this state for at least one year, and who meets the other standards for admission, is eligible for admission, and no person shall be excluded solely on the ground that he has no legal settlement in the county or counties which operate the infirmary. The time spent by any person in a county infirmary either as a voluntary or a committed patient shall not be included as time necessary to acquire or lose a legal settlement in any municipality.

(d) An applicant who has removed his residence to Wisconsin from a state which requires that one who has removed his residence from Wisconsin to such state, reside in the latter more than one year before being eligible for a similar type of care, shall be required to reside in this state for a like period before becoming eligible for admission.

(2) The board of trustees of a county infirmary (subject to regulations approved by the county board) shall establish rules and regulations governing the admission and discharge of voluntary patients.

(3) When it appears to the satisfaction of the county judge of the county in which an infirmary is located, upon petition for commitment, that a person meets the standards set forth in subsection (1), he may, after affording such person an opportunity to be heard in person or by someone on his behalf, commit him to a county infirmary. The power to commit includes persons who entered an infirmary voluntarily. The judge may also, on petition and after a hearing, order the discharge of any patient, upon a showing that he is no longer in need of infirmary care, or that he can be adequately cared for elsewhere.

(4) The board of trustees on receipt of an application for voluntary admission, or the county judge on the filing of a petition for commitment, shall appoint a person licensed to practice medicine and surgery in this state to examine personally the applicant or the subject of the petition and to advise the board or judge whether such person meets the standard prescribed by subsection (1) (a).

(5) The state department of public welfare shall prescribe and prepare the forms to be used for the voluntary admission or commitment of patients.

(6) The county judge in the case of a commitment, and the board of trustees in the case of a voluntary admission, shall pass on the economic status of the patient at the time of commitment or admission, and in all cases in which the patient has legal settlement in another county shall notify the county of legal settlement of the fact of such commitment or admission.

**History:** 1951 c. 724.

**49.173 County infirmaries; cost of treatment, care and maintenance of patients.**

(1) In the first instance the county or counties operating an infirmary shall defray the actual per capita cost of treatment, care and maintenance. To the extent that a patient is a public charge, such county or counties shall be reimbursed for such expenditures on the following basis as determined from annual infirmary reports filed with the state department of public welfare under section 46.18 (8), (9) and (10):

(a) By the state, 100 per cent of the actual cost for each patient who has no legal settlement in this state;

(b) By the state, 50 per cent of such cost for every other patient;

(c) If a patient has a legal settlement in some other county of this state, 50 per cent of such cost, by the county of his legal settlement. The procedure for making such reimbursement shall be as provided by section 46.106.

(2) To the extent that a patient is not a public charge, such cost shall be charged and paid in advance for each calendar month, and payment may be enforced by the board of trustees.

(3) The state department of public welfare may at any time examine any patient, the cost of whose care is charged in whole or part to the state, to determine if he is still in need of infirmary care. If the department determines such care is no longer needed, the state's liability for such cost ceases upon notice to the infirmary.

(4) Beginning with the fiscal year ending June 30, 1952, the records and accounts of each county infirmary shall be audited annually. Such audits shall be made by the department of state audit as provided in section 15.22 (12) (d) and (e) as soon as practicable following the close of the infirmary's fiscal year. In addition to other findings, such audits shall ascertain compliance with the mandatory uniform cost record-keeping system requirements of section 46.18 (8), (9) and (10), and verify the actual per capita cost of maintenance, care and treatment of patients. Any resulting adjustments to settlements already made under sections 49.173 and 46.106 shall be carried into the next such settlement.

**History:** 1951 c. 724.

**49.174 Fees and expenses of proceedings.** The fees of judges, examining physicians, witnesses and guardians ad litem and other expenses of proceedings under sections 49.171 to 49.173 shall be governed by section 51.07.

**History:** 1951 c. 724.

#### AID TO THE BLIND

**49.18 Aid to the blind.** (1) (a) Any needy person who is blind shall receive aid from the county of his residence as provided in this section. The amount granted shall be determined on the basis of need taking into consideration all income and resources as well as ordinary and special expenses incidental to blindness, except that as permitted or required for federal aid in making such determination of need the first \$50 of earned income shall be disregarded. The maximum aid per month shall not exceed twice the maximum amount of federal reimbursement for such aid.

**Note:** (1) (a) is printed as last amended income (ch. 228, Laws 1951) and to \$75 maximum and renumbered (ch. 725, Laws 1951). Earlier imum aid (ch. 432, Laws 1951), are not amendments, relating to permissible earned shown here.

(b) For the purposes of this section, the term "aid to the blind" means money payments to, or medical care in behalf of or any type of remedial care recognized under this section or section 49.40 in behalf of blind individuals who are needy, but does not include any such payments to or care in behalf of any individual who is an inmate of a public institution (except as a patient in a medical institution) or any individual (a) who is a patient in an institution for tuberculosis or mental diseases, or (b) who has been diagnosed as having tuberculosis or psychosis and is a patient in a medical institution as a result thereof, except that the exclusion of money payments to needy individuals described in clause (a) or (b) shall, in the case of any such individuals who are not patients in a public institution, be effective July 1, 1952. Beginning July 1, 1953, no payment of aid to the blind shall be made to any individual in a private or public institution unless a standard setting authority has been designated or established which shall be responsible for establishing and maintaining standards for such institution.

(c) The department shall by rule establish a definition of blindness in terms of ophthalmic measurements.

(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 judge directs.

(2) To entitle an applicant to such aid:

(a) He must have resided in this state at the time he lost his sight, or for one year preceding his application. An applicant who has resided less than one year in Wisconsin may be granted aid to the blind if the state from which he removed his residence to Wisconsin grants such aid to any resident of Wisconsin who has moved to such state and lived there less than one year; provided that aid to the blind may not be continued to exceed one year to any recipient who removes his residence to another state;

(b) He must not be in attendance at any state, county or municipally owned school for the blind or deaf wherein instruction, room and board and other incidentals are furnished free, except the summer school of the Wisconsin school for the visually handicapped;

(c) He must not while receiving aid to the blind be publicly soliciting alms;

(d) He must not have relatives legally responsible for his support and able to support him as provided in section 49.07.

(4) All applicants for aid to the blind shall be examined by a physician skilled in diseases of the eye who shall keep such records and render such reports as the department prescribes. If it be a requirement for federal aid the applicant shall be given the opportunity to select an optometrist to make the examination and such report as the department prescribes. Reexamination shall also be made when necessary. A reasonable fee for each examination shall be established by the department. An applicant for a peddler's license shall pay for his own examination, not to exceed \$2, and obtain a certificate showing whether he is blind.

(5) Any person believing himself to be eligible for aid to the blind under this section shall be entitled to file his sworn application with the county agency of the county in which he resides, in such manner and form and containing such information as the department may prescribe.

(6) (a) The county agency shall promptly make such further investigation of the conditions and circumstances of the applicant as may be necessary or as is required by the rules and regulations of the department. Every applicant shall be promptly notified in writing of the disposition made of his application. Aid to the blind shall be furnished with reasonable promptness to any eligible individual. Such aid shall be paid monthly.

(b) The decision of the agency shall be final unless a proceeding for review by the department is taken under section 49.50 (8) or (9). The agency may, however, after affording a fair opportunity to the recipient to be heard, revoke or modify any aid, as warranted by new information or altered conditions.

(7) Any person receiving aid shall submit to a reexamination as to his blindness and furnish other information whenever requested so to do by the county agency.

(8) No aid to the blind shall be payable under this section to any person for any period with respect to which he is receiving aid to dependent children under section 49.19, old-age assistance under sections 49.20 to 49.39 or aid to totally and permanently disabled persons under section 49.61.

(9) The county board shall annually levy a property tax sufficient to pay the aid provided by this section, taking into account the available state and federal aid.

(10) The county treasurer and county agency administrator of each county shall monthly certify under oath to the department in such manner as the department prescribes, the claim of the county for state and federal reimbursement under this section, and if the department approves it, it shall certify to the director of budget and accounts for reimbursement to the county 30 per cent of the approved amount paid by the county for blind aid pursuant to this section, plus federal aid received for such expenditure plus 30 per cent of any amount paid to an eligible recipient in excess of the amount which the federal government will take into account in making reimbursement but not in excess of \$75, as provided in section 49.18 (1). If the total amount due all counties exceeds the sum appropriated by section 20.18 (4), the appropriation shall be prorated by the department among the counties according to the amounts due them. To facilitate prompt reimbursement, the certification of the department may be based upon the certified statements of the county officers, provided that any necessary audit adjustments for any month of current or prior fiscal years may be made and included in subsequent certifications. The director of budget and accounts shall draw his warrant forthwith for reimbursement to the respective counties in accordance with the certification of the department.

**History:** 1951 c. 228, 432, 725.

#### AID TO DEPENDENT CHILDREN

**49.19 Aid to dependent children.** (1) (a) A "dependent child" as this term is used in this section is a child under the age of 16, or under the age of 18 if found by the department to be regularly attending school, who has been deprived of parental support or care by reason of the death, continued absence from the home, or incapacity of a parent, and who is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle or aunt in a residence maintained by one or more such relatives as his or their own home, or who is living in a foster home having a permit under section 48.38, when a permit is required under such section and placed in such home by a county agency pursuant to chapter 48.

(b) Any individual wishing to make application for aid to dependent children shall have opportunity to do so. Application for aid shall be made on forms prescribed by the department. Any person having knowledge that any child is dependent upon the public for proper support or that the interest of the public requires that such child be granted aid may bring the facts to the notice of an agency administering such aid in the county in which the child resides.

(c) The term "aid to dependent children" means money payments with respect to, or medical care in behalf of or any type of remedial care recognized under subsections (1) to (9) or section 49.40 in behalf of, a dependent child or dependent children, and includes money payments or medical care or any type of remedial care recognized under said subsections for any month to meet the needs of the relative with whom any dependent child is living if money payments have been made under the state plan with respect to such child for such month.

(2) A prompt investigation of the circumstances of the child shall be made (which shall include a visit to its home) before granting aid. A report upon such investigation shall be made in writing and become a part of the record in the case. Every applicant

shall be promptly notified in writing of the disposition of his application. Aid shall be furnished with reasonable promptness to any eligible individual.

(3) After the investigation and report, aid may be granted to the person having the care and custody of the child as the best interest of the child requires. No such aid shall be furnished any person for any period during which he is receiving old-age assistance, aid to the blind or aid to totally and permanently disabled persons.

(4) The aid shall be granted only upon the following conditions:

(a) There must be a dependent child who is living with the person charged with its care and custody and dependent upon the public for proper support and who is under the age of 16 years (or under the age of 18 if found by the department to be regularly attending school). Aid may also be granted for minors other than to those specified.

(d) The person having such care and custody must be fit and proper to have the same, and the period of aid must be likely to continue for at least 3 months. Aid may not be granted to the mother or stepmother of a dependent child unless such mother or stepmother is without a husband, or the wife of a husband who is incapacitated for gainful work by mental or physical disability, likely to continue for at least 3 months in the opinion of a competent physician, or the wife of a husband who has been sentenced to a penal institution for a period of at least 3 months, or the wife of a husband who has continuously abandoned her for at least 3 months, if the husband has been legally charged with abandonment under section 351.30, or if the mother or stepmother has been divorced from her husband for a period of at least 3 months, dating from the interlocutory order, and unable through use of the provisions of law to compel her former husband to support the child for whom aid is sought.

(e) The ownership of a homestead by a person having the care and custody of any dependent child shall not prevent the granting of aid if the cost of maintenance of said homestead does not exceed the rental which the family would be obliged to pay for living quarters.

(f) Whenever better provisions, public or private, can be made for the care of such dependent child, aid under this section shall cease. Prompt notice shall be given to the appropriate law enforcement officials of the county of the furnishing of aid under this section in respect of a child who has been deserted or abandoned by a parent.

(g) Aid shall be granted to a mother during the period extending from 6 months before to 6 months after the birth of her child, if her financial circumstances are such as to deprive either the mother or child of proper care. The aid allowed under this paragraph may be given in the form of supplies, nursing, medical or other assistance in lieu of money.

(5) The aid shall be sufficient to enable the person having the care and custody of such children to care properly for them. The amount granted shall be determined by a budget for the family in which all income as well as expenses shall be considered. Such family budget shall be based on a standard budget, including the parents or other person who may be found eligible to receive aid under this section. Medical and dental aid may be granted to a minor child, to the person having his care and custody, and to the incapacitated father when he is in the home, as necessary. Not to exceed \$150 shall be allowed to cover the burial expenses of a dependent child or its parents. Aid pursuant to this section shall be the only form of public assistance granted to the family for the benefit of such child; and no aid shall continue longer than one year without reinvestigation. This subsection does not prohibit such public assistance as may legitimately accrue directly to persons other than the beneficiaries of this section who may reside in the same household.

(6) The judge may require the mother to do such remunerative work as in his 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.

(7) The county board shall annually appropriate a sum of money sufficient to carry out the provisions of this section. The county treasurer shall pay out the amounts ordered paid under this section.

(8) (a) The county treasurer and the county agency administrator shall certify monthly under oath to the department in such manner as the department prescribes, the claim of the county for state and federal reimbursement for aid under this section, setting forth separately the amount paid in cases for which no federal aid is recoverable, and the amount paid in all other cases.

(b) If the department is satisfied that the amount claimed is correct and that the aid allowed has been granted in compliance with the requirements of this section it shall certify to the director of budget and accounts one-third of the amount paid by the county plus federal aid received for such expenditures. If the total amount due to counties from the



state under this section is more than the amount appropriated from state funds for aid to dependent children, the department shall prorate among the various counties according to the amounts due them. To facilitate prompt reimbursement the certification of the department may be based upon the certified statements of the county officers, provided that any necessary audit adjustments for any month of current or prior years may be included in subsequent certifications. The director of budget and accounts shall draw his warrant forthwith for reimbursement to the respective counties in accordance with the certification of the department. In determining the amount available for distribution to the counties, one-half of the annual appropriation from state funds shall be allotted to each half year.

(9) If the head of a family is a war veteran and is hospitalized or institutionalized because of disabilities in a county other than that of his residence or settlement at time of admission, aid shall be granted to the dependent children of such veteran by the county wherein the head of the family had his residence or settlement at the time of admission so long as he remains hospitalized or institutionalized.

(10) Aid under this section may also be granted to a nonrelative who cares for a child dependent upon the public for proper support in a foster home having a permit under section 48.38, regardless of the cause or prospective period of dependency. The state shall reimburse any county for one-third of the amount of aid granted under this subsection. The county treasurer and the county agency administrator shall certify monthly in the manner provided in subsection (8) to the state department of public welfare the claim of the county for state reimbursement under this subsection, setting forth the entire amount granted by the county under this subsection. If the state department of public welfare is satisfied that the aid was granted under this subsection it shall certify to the director of budget and accounts for payment to the county one-third of such entire amount from the appropriation for state aid made under section 20.18 (1) and in the event that there shall be federal reimbursement for such aid then such certification shall also include for payment to the county the amount allowed as federal aid to be paid out of the appropriation made by section 20.18 (1).

**History:** 1951 c. 725.

Where children, whose custody has been awarded to a parent by decree of divorce, do not reside with the parent but live with another relative in a different county, the county in which they reside with such relative is the one in which request for aid should be made. 39 Atty. Gen. 345.

#### OLD-AGE ASSISTANCE

**49.20 County old-age assistance.** (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 judge, 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 section 49.38.

(2) The term "old-age assistance" means money payments to, or medical care in behalf of or any type of remedial care recognized under sections 49.20 to 49.38 or section 49.40 in behalf of needy individuals who are 65 years of age or older (or 60 years or older in the event of the change in the federal law as provided in section 49.22 (1)) but does not include any such payments or care in behalf of any individual who is an inmate of a public institution (except as a patient in a medical institution) or any individual (a) who is a patient in an institution for tuberculosis or mental diseases, or (b) who has been diagnosed as having tuberculosis or psychosis and is a patient in a mental institution as a result thereof, except that the exclusion of money payments to needy individuals described in clause (a) or (b) shall, in the case of any such individuals who are not patients in a public institution, be effective July 1, 1952. Beginning July 1, 1953, no payment of old-age assistance shall be made to any individual in a private or public institution unless a standard setting authority has been designated or established which shall be responsible for establishing and maintaining standards for such institutions. Old-age assistance shall also be granted to aged dependent persons residing voluntarily in county or city homes and the department shall make claim for federal reimbursement therefor when federal funds are made available for that purpose and pay the same to the county.

**History:** 1951 c. 725.

**49.21 Recipients, who may be.** (1) Any person who complies with the provisions of sections 49.20 to 49.38 shall be entitled to financial assistance in old age. The amount granted shall be determined by a budget in which all income and resources as well as expenses shall be considered, and the aid per month shall not exceed \$75.

**History:** 1951 c. 432, 725.

**49.22 Persons eligible.** Old-age assistance may be granted only to a dependent person who:

(1) Has attained the age of 65 years. This minimum age shall be reduced to 60 years whenever the federal government makes aid available to the states for old-age assistance to persons between 60 and 65 years of age.

(2) Has resided in the state continuously during the year immediately preceding the date of application. An applicant who has resided less than one year in Wisconsin may be granted old-age assistance if the state from which he removed his residence to Wisconsin grants assistance to any resident of Wisconsin who has moved to such state and lived there less than one year; provided that an applicant who has removed his residence to Wisconsin from a state which requires that an applicant who has removed his residence from Wisconsin to such state, reside in such state more than one year before he is eligible for old-age assistance, be required to reside in this state for a like period before becoming eligible for old-age assistance in this state; and provided, further, that old-age assistance may be continued when a recipient removes his residence to another state until he satisfies the residence requirements for eligibility for old-age assistance in such state.

(3) Has no person responsible for his support and able to support him as provided in section 49.07.

**History:** 1951 c. 305.

**49.23 Persons ineligible.** Old-age assistance shall not be granted or paid to a person:

(2) If the value of his property or the value of the combined property of husband and wife living together exceeds \$5,000.

(3) Who has deprived himself, directly or indirectly, of any property for the purpose of qualifying for assistance or to avoid the provisions of chapter 49.

**History:** 1951 c. 725.

Disposal of an incompetent's estate by a guardian pursuant to a court order does not constitute depriving oneself of property for the purpose of qualifying for assistance, even though application for old-age assistance was contemplated at the time. 38 Atty. Gen. 490.

**49.235 Members of Grand Army home.** Persons who are members of the Grand Army home for veterans at King may be granted old-age assistance if they are otherwise eligible for such aid pursuant to the provisions of chapter 49. The provisions of section 45.37 (2) (h) shall not apply to money payments of old-age assistance paid to or in behalf of such members.

**History:** 1951 c. 718.

**49.25 Assistance recovered.** On the death of a person who has received old-age assistance, the total amount of such assistance paid (including aid paid under sections 49.30 and 49.40 as old-age assistance) shall be a claim against his estate, but such claim shall not take precedence over the allowances under section 313.15 or over any claim for care or maintenance furnished by the state or its political subdivisions. The court may disallow such claim or any part thereof if satisfied that such disallowance is necessary to provide for the maintenance or support of a surviving spouse or minor or incapacitated adult children, and thereupon the claim shall be waived to the extent of the amount disallowed and that amount assigned to such spouse or children for maintenance or support. The net amount recovered pursuant to this section or section 49.26 shall be paid to the United States, the state and its political subdivisions, in the proportion in which they respectively contributed to such old-age assistance. The county agency of the county from which the deceased beneficiary received old-age assistance shall file the claim herein provided.

**49.26 Transfer of property; liens on real property.** (1) **PERSONALTY AND FOREIGN REALTY.** If the county agency deems it necessary, it may require as a condition to a grant of assistance that all or any part of an applicant's personal property (except that mentioned in section 272.18 (6), and cash or loan value not in excess of \$1,000 in a policy of insurance) and real property not situated in Wisconsin be transferred to the county agency. The property shall be managed by the county agency who shall pay the net income to those entitled thereto. The county agency may sell, lease or transfer the property, or defend and prosecute all actions concerning it, and pay all just claims against it, and do all other things necessary for the protection, preservation and management of the property. No person shall be denied old-age assistance on the ground that he has cash or loan value not in excess of \$1,000 in a policy of insurance.

(2) **RETURN OF EXCESS.** If old-age assistance is discontinued during the life of the beneficiary and the property thus transferred exceeds the total amount of assistance paid (including medical expense paid as old-age assistance), the excess of such property shall be returned to the beneficiary; and in the event of his death such excess, less funeral expenses paid as old-age assistance, shall be considered the property of the beneficiary for

administration proceedings. The county agency shall execute and deliver all necessary instruments to give effect to this subsection.

(3) **DISTRICT ATTORNEY, DUTIES AND FEES, COLLECTIONS, PROBATE OF ESTATES.** (a) The district attorney shall take the necessary proceedings and represent the county in respect to any matters under this section. Out of the amount collected on any claim for old-age assistance, the county court in which the estate is probated may authorize the payment of a collection fee of 10 per cent but not in excess of \$50 for the services of the district attorney which fee shall be paid into the county treasury, but any part-time district attorney acting as the attorney for the administrator of an estate in probate shall be entitled to retain any fee allowed to him by the court as attorney for the administrator. The district attorney shall report to the county board at its November meeting concerning collections made, fees allowed and estates pending. The county board may authorize the district attorney to act for the county generally to collect old-age assistance liens and claims for hospitalization, institutional care and general poor relief. It may authorize him to compromise the payment of such claim, with the approval of such judge, officer or agency or of such committee of the county board as the board designates, but such compromise shall be made only when the collection of the full amount would produce undue hardship upon the debtor or the debt is uncollectible.

(b) If no qualified person shall apply for administration of the estate of a beneficiary of old-age assistance within 60 days after death, the county agency shall so apply. Any fee allowed a full-time or part-time employe of the county welfare department as administrator of such estate shall be paid by him into the county treasury to be credited to the agency's appropriation as a reduction in cost. The agency shall report to the county board at the November meeting concerning collections so made, fees allowed employes and pending probate proceedings.

(4) **CERTIFICATE OF LIEN, FILING.** All old-age assistance paid to any beneficiary (including aid paid under sections 49.30 and 49.40 as old-age assistance) constitutes a lien as hereafter provided and remains a lien until satisfied. When old-age assistance is granted, the name and residence of the beneficiary, the amount of assistance granted, the date when granted, the name of the county, and such other information as the department requires, shall be entered on a certificate, the form of which shall be prescribed by the department. The county agency shall file such certificate, or a copy thereof, in the office of the register of deeds of every county in which real property of the beneficiary is situated.

(5) **LIEN, COVERAGE, EXCEPTIONS; JOINT TENANCY.** Upon such filing the lien herein imposed attaches to all real property of the beneficiary presently owned or subsequently acquired (including joint tenancy and homestead interests) in any county in which such certificate is filed for any amount paid or thereafter paid under sections 49.20 to 49.38 and 49.40, and remain such lien until satisfied. Such lien shall not sever a joint tenancy nor affect the right of survivorship except that the lien shall be enforceable to the extent that the beneficiary had an interest prior to his decease. The county court may order sale of such realty free and clear of the lien and the lien shall attach to the net proceeds of such sale after taxes, prior incumbrances and the costs of the sale have been deducted. Such lien shall take priority over any lien or conveyance subsequently acquired, made or recorded except tax liens and except that the amounts allowed by court in the estate of any deceased beneficiary and remaining unpaid after all funds and personal property in the estate have been applied according to law, for administration and funeral expense, for hospitalization, nursing and professional medical care furnished such decedent during his last sickness, not to exceed \$300 in the aggregate, shall be charges against all real property of such deceased upon which an old-age assistance lien has attached, and which in such order shall be paid and satisfied prior to such lien out of the proceeds derived from such real property upon liquidation of such old-age assistance lien. The certificate need not be recorded at length by the register of deeds, but upon the filing thereof all persons are hereby charged with notice of the lien and of the rights of the county.

(6) **REGISTER OF DEEDS, INDEX, FEES.** The register of deeds shall keep a separate book, properly indexed, in which shall be entered an abstract of every certificate so filed which shall show the time of filing, the name and residence of the beneficiary, the date of the certificate, the name of the grantor county, and a record of releases and satisfactions. No fee shall be charged for filing such certificate, release or satisfaction or the entry of the abstract thereof except in counties wherein the register of deeds is compensated otherwise than by salary, and in such counties a fee of 25 cents shall be paid to the register of deeds by the county filing the certificate, release or satisfaction.

(7) **LIENS, ENFORCEMENT.** Such liens shall be enforceable by the county filing the certificate after transfer of title of the real property by conveyance, sale, succession, inheritance or will, in the manner provided for the enforcement of mechanics' liens upon

real property; provided, however, that in any action to foreclose such a lien the statute of limitations shall not be pleaded in defense. No such lien and no claim under section 49.25 shall be enforced against the homestead of the beneficiary while it is occupied by a surviving spouse or by any surviving minor children, or any incapacitated adult children of the beneficiary.

(7a) NONPRIORITY OF LIEN. The old-age assistance lien shall not take precedence over any claim for care or maintenance furnished by the state or its political subdivisions, but all such public claims when allowed by the court shall share pro rata.

(8) LIENS, RELEASE. When the county agency of the lienor county is satisfied that collection of the amount paid as old-age assistance will not thereby be jeopardized or that the release of the lien in whole or in part is necessary to provide for the maintenance of the beneficiary, his spouse, or minor children, or incapacitated adult child, it may release the lien as to all or any part of the real property of the beneficiary, which release shall be filed in the office of the register of deeds of the county in which the certificate is filed. The beneficiary, his heirs, personal representatives or assigns may discharge such lien at any time by paying the amount thereof to the treasurer of the proper county who, with the approval of the county agency, shall execute a satisfaction which shall be filed with the register of deeds.

(9) LIENS, LIQUIDATION. The county board may authorize any county agency or official to bid in property at foreclosure under this section at a price not to exceed the amount of the claim for assistance, which claim or any part thereof may be applied as a credit on such a bid, or such agency or official may accept a conveyance in lieu of foreclosure. Title to property acquired under this section vests in such agency for the purpose of liquidation, and may be sold and title transferred by it without regard to section 59.67. In the event the county acquires such property, payment as provided by section 49.25 shall not be made until the property is sold and payment thereon shall be based on the sale price.

(10) LIENS, TAXES, REPAIRS, LAND CONTRACTS. The county agency with the consent of the county board may from its appropriation for old-age assistance make and pay for necessary and essential repairs or purchase tax certificates or pay balances due on land contracts so as to enable a recipient of old-age assistance to receive a deed, or pay and cause to be satisfied existing mortgages or any other prior liens on property on which the county has an old-age assistance lien, and such expenditures shall be deducted and returned to the appropriation as a priority in determining the net amount recovered to be shared by the federal, state and county governments under section 49.25.

(11) CHECKS NOT CASHED BEFORE DEATH; SPECIAL ADMINISTRATION. (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 pension department 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 court house, 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 court house, on the first Tuesday of . . . ., A. D. 19. . .

Dated . . . ., 19. . .

By the court:

.....  
Judge

(b) If such special administrator is not satisfied with the justness of any such claim he may object thereto and the matter shall be heard before the court upon proper notice. No money shall be disbursed hereunder without court order. If any such recipient was under guardianship such guardian as such shall have the authority to disburse the proceeds of such checks as provided in paragraph (a). If probate, or administration (whether general or special) shall be granted of such recipient's will or estate, the proceeds of such checks shall be disbursed by such administrator or executor upon the above claims pursuant to general probate or administration practice except that in the case of special administration the notice provided for in paragraph (a) shall be given.

(c) In the event that probate, general or special administration is granted prior to the time of the disbursement of the proceeds of such checks then the special administrator appointed under paragraph (a) shall, upon order of the county court, pay the amount of such pension checks unpaid, less the cost of publication, to such personal representative of such deceased person.

**History:** 1951 c. 319 s. 204, 708, 725, 727.

32 O.A.G. 10 modified to conform to amendment of 233.23, which enlarges husband's right of curtesy. Old-age assistance lien enforceable against curtesy right in real estate. 39 Atty. Gen. 148.

When a county takes a tax deed to realty on which it has an old-age assistance lien the lien is extinguished so that there is no need to execute a release. 39 Atty. Gen. 402.

Lien for old-age assistance attaches only to property owned by the recipient at the time the lien is filed or thereafter acquired. Where a bona fide conveyance has preceded the initial assistance, there can be no present interest in existence upon which the lien may properly attach. 39 Atty. Gen. 432.  
"Special tax" assessed by a city under 144.06 is a tax lien under 49.26 (5). 39 Atty. Gen. 479.

**49.27 Application for assistance; continued eligibility; county liability.** (1) An applicant for old-age assistance shall file his sworn application in writing with the county in which he resides, in such manner and form as shall be prescribed by the department. Any individual wishing to make application for old-age assistance shall have opportunity to do so. Every applicant shall be promptly notified in writing of the disposition made of his application. Old-age assistance shall be furnished with reasonable promptness to any eligible individual.

(2) If a person eligible for or receiving old-age assistance goes to another county to reside in a private tax-exempt, charitable, benevolent or fraternal institution or home for the aged, or a county home, or a municipal home, or a private nursing or convalescent home, and continues to be eligible for old-age assistance as defined in section 49.20 (2) while therein residing, he shall receive such assistance, including care given under the provisions of section 49.40, from the county from which he moved, or continue to receive his assistance from the county paying the same at the time he moved, respectively, unless he has a legal settlement under section 49.11 in the county in which the institution or home is located, in which case such county shall make payment of such old-age assistance as he is eligible to receive. As used herein a private nursing or convalescent home means a place not public, admitting 3 or more unrelated persons for indefinite residence for the purpose of furnishing them board, room, laundry and care because of prolonged illness or defect or during recovery from injury or disease, including the procedures commonly employed in waiting on the sick, such as administration of medicines, preparation of diets, bedside care, application of dressings and bandages and treatments prescribed by a physician.

**History:** 1951 c. 219, 725.

**Note:** (2) is printed as last created (ch. 725, Laws 1951). A slightly different (2), created by an earlier act (ch. 219, Laws 1951) is not shown here. It included persons receiving any type of public assistance and did not specify the number of persons admitted in defining a private nursing or convalescent home.

Where person receiving old-age assistance moved to fraternal home in another county, and thereby became ineligible for further aid under 49.23 (1), Stats. 1947, county paying the same at time recipient moved is not responsible, under 49.27, for continuing benefits after change in 49.23 (1) in 1949 permitted him again to become eligible. 39 Atty. Gen. 576.

**49.28 Investigation.** Every application shall be promptly investigated. Grants shall be reinvestigated as often as necessary and at least once each year. All investigations shall be reported in writing and appropriately filed.

**49.29 Certificate, conditions, revocation, recovery of excess.**

(1) A certificate shall be issued to each applicant when old-age assistance is allowed stating the date upon which payments shall commence and the amount of each monthly instalment.

(2) Each beneficiary shall file such reports as the department may require. If it appears at any time that the beneficiary's circumstances have changed his certificate may be modified or revoked. Any sum paid in excess of the amount due shall be returned to the county and may be recovered as a debt due the county.

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

[49.31 Stats. 1945 repealed by 1947 c. 121 s. 16]

**49.32 Payments exempt from levy.** All amounts received as old-age assistance shall be exempt from every tax, and from execution, garnishment, attachment or any other process whatsoever and shall be inalienable.

Persons living in private institutions county homes may be eligible for old-age assistance grants whether "committed" or "admitted" under 49.15. 39 Atty. Gen. 622.

(1) having been eliminated. Inmates of

**49.33 Special inquiry.** If there is a reason to believe that a certificate has been improperly obtained a special inquiry shall be made, and payment may be suspended pending the inquiry. If on inquiry it appears that the certificate was improperly obtained, it shall be canceled; but if it appears that it was properly obtained the suspended instalments shall be paid.

**49.34 Frauds punished.** Any person who by means of a wilfully false statement, representation, impersonation or other fraudulent device, obtains, or attempts to obtain, or aids or abets any person to obtain a certificate to which he is not entitled, a larger allowance than that to which he is justly entitled, payment of any forfeited instalment grant, or aids or abets in buying or in any way disposing of the property of a beneficiary without the consent of the county agency, shall be fined not more than \$500, or imprisoned not more than one year, or be punished by both such fine and imprisonment.

**49.35 General penalty.** (1) Any person who violates any provision of sections 49.21 to 49.33, for which no penalty is specifically provided, shall be subject to a fine not exceeding \$500 or to imprisonment not exceeding one year, or both.

(2) When a beneficiary is convicted under this section his certificate may be canceled.

**49.36 Effect of conviction of offense.** If a beneficiary is convicted of any offense, punishable by imprisonment for one month or longer, payments shall not be made during the period of imprisonment.

**49.37 County appropriation, disbursement of funds, reimbursement of county.**

(1) The county board shall annually appropriate a sum of money sufficient to carry out the provisions of sections 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 judge, the county treasurer shall pay out the amounts ordered to be paid as old-age assistance.

(2) The county board may cause each municipality to reimburse the county for all amounts paid in old-age assistance to persons having a settlement therein, less the amounts received by the county from the state and federal governments pursuant to section 49.38. If the county board has taken such action the county clerk shall make a report to the board at its annual November meeting showing in detail the amounts which are chargeable to each municipality, and the board at such meeting shall determine the amount to be raised and paid by each municipality to reimburse the county.

(3) The county clerk shall charge the amount so determined to such municipality and shall certify the same to the municipal clerk. Each municipality shall annually levy a tax sufficient to meet such charges, and shall pay to the county the amount so certified. Such tax shall be a county special tax for tax settlement purposes but the municipality shall pay to the county on or before March 22 in each year the percentage of such tax actually collected, which percentage shall be determined by applying the ratio of collection of its entire tax roll excepting special assessments and taxes levied pursuant to section 59.96 to the amount of such county special tax.

49.10 (11) does not alter the liability of the municipalities to reimburse counties on the county system of relief for old-age assistance granted to persons having legal settlement in such municipalities pursuant to 49.37 (2) and (3). 38 Atty. Gen. 494.

**49.38 State aid; reimbursement to county.** (1) The county treasurer and county agency administrator shall monthly certify under oath, to the department, in such manner as the department prescribes, the claim of the county for state and federal reimbursement of aid paid under sections 49.20 to 49.38. If the department is satisfied that the amount claimed has actually been expended in accordance with sections 49.20 to 49.38, it shall certify to the director of budget and accounts 30 per cent of the approved amount paid by each county plus federal aid received for such expenditures plus 30 per cent of any amount paid to an eligible recipient in excess of the amount which the federal government will take into account in making reimbursement but not in excess of \$75, as provided in section 49.21 (1); provided that the department shall certify to the director of budget and accounts 100 per cent of the approved amount paid by each county to eligible persons pursuant to section 49.235 or in behalf of such eligible persons as medical aid pursuant to section 49.40, which certified amount shall include any federal aid received for such expenditures. To facilitate prompt reimbursement the certification of the department may be based upon the certified statements of the county officers, provided that any necessary audit adjustments for any month of current or prior fiscal years may be included in subsequent certifications.

(2) The director of budget and accounts shall forthwith draw his warrant for reimbursement to the counties in accordance with the certification of the department. If the total amount payable to all counties exceeds the amount available under the appropriations made in section 20.18 (5), (15), the department shall prorate the amount available among the counties according to the amount paid out by each. Whenever the department prorates the amount available to the various counties, the counties in the next following month may prorate to the recipients of old-age assistance such proportion of the amount allowed as the amount paid by the state bears to the full amount due from the state.

(3) Whenever the amount certified by the county treasurer and county agency administrator under [section] 49.38 (1) shall include old-age assistance under [sections] 49.20 to 49.38 and 49.40 furnished to a person who would otherwise be eligible for relief under [section] 49.045 the department shall include in the certification under [section] 49.38 (1) to the director of budget and accounts 100 per cent of such approved amount paid by the county which amount shall include any federal aid received for such expenditures.

**History:** 1951 c. 432, 718, 725.

**49.39 State aid to counties.** Any county which is financially unable to fully perform its duties under sections 49.18 to 49.38 and 49.61 after having received payments under sections 20.18 (14) and 49.395, may make application to the department for financial assistance to enable it to perform such duties. Before making a determination upon the application, the department shall hold hearings, investigate and obtain or receive proof as to total indebtedness, and tax levy limitations, cash on hand, anticipated revenues from all sources, reasonableness of amounts of its expenditures and necessity therefor, tax delinquencies, reasonableness of valuation for taxation purposes and such other factors not enumerated which are probative on the applicant's financial condition. If the department is satisfied that the applicant's financial condition is such that it cannot provide money for such forms of public assistance, the department shall certify to the director of budget and accounts for payment to the applicant out of the appropriations provided by section 20.18 (9) an amount which will, together with money that the applicant can provide, be sufficient to enable the applicant to properly perform its duties. No such payment shall be made unless the department's certification is approved by the emergency board. The department shall fix the time and place of hearing, issue subpoenas, take testimony and make reasonable rules and regulations which are necessary to enable it to effectively perform its duties under this section.

**History:** 1951 c. 432.

**49.395 Additional aid to certain counties.** Where the required total mill levy in any county for costs of old-age assistance including payments under section 49.40 made in behalf of such recipients exceeds the average mill levy (the mill levy for all counties being based on the total valuation of personal and real property in such counties as determined by the department of taxation pursuant to section 70.57) for such welfare purposes in all counties in the state by 50 per cent or more but is insufficient to pay the county's share of the cost thereof, the state shall bear 60 per cent of such costs in that county which are in excess of the amount which would be produced by a levy in the county of one and one-half times the average state mill levy for such welfare purposes. The department shall certify to the director of budget and accounts for payment to the counties out of the appropriations provided by section 20.18 (14) such amounts as they shall be entitled to receive under the terms of this section. The department may so certify on an estimated basis subject to audit and adjustment at the end of each year.

**History:** 1951 c. 432.

**49.40 Medical care.** (1) The county agency administering aid to the blind, aid to dependent children, and old-age assistance may provide for medical care needed by recipients of such aids. A person shall be considered to be a recipient if at the time such care is authorized aid to the blind, aid to dependent children or old-age assistance is being granted to him. The provisions of section 49.11 shall not apply to this section. Medical care shall, as necessary, be authorized and paid for by such county agency in addition to or in lieu of money payments made within the amounts allowed by sections 49.18 (1) (a), 49.19 (5), and 49.21 (1). Medical care provided under this section includes hospitalization and nursing home care; physicians', dentists', and nurses' services; drugs, medical supplies and equipment, prosthetic appliances and other medical services as each is prescribed by a physician; optometrical services; transportation to obtain medical care; and prepayment of medical care.

(2) Upon forms prescribed by the department claims by counties for reimbursement shall be made at the same time and in the same manner as other claims for aid to the blind, aid to dependent children, and old-age assistance and if approved by the department 35 per cent of such expenditures plus any federal aid that may be received for such expenditures shall be certified by the department to the director of budget and accounts as reimbursement to the counties. To facilitate prompt reimbursement the certification of the department may be based upon the certified statements of the county officers, provided that any necessary audit adjustments for any month of current or prior years may be included in subsequent certifications.

**History:** 1951 c. 222, 725.

Provisions in (1), that the county agency administering old-age assistance and certain other aids may "supplementary to such aids" authorize and pay for medical, hospital and certain other care for "recipients" of such aids, and in (2) that the state will reimburse the county in part, require the contribution of state funds only in cases where the patient was simultaneously receiving some cash payment from old-age assistance, and not where the payment of checks or other cash benefits from old-age assistance was discontinued by the county during the period of hospitalization. *Milwaukee County v. Bayley*, 259 W 38, 47 NW (2d) 319.

Supplementary medical care given by a county to an old-age recipient is part of old-age assistance and not general relief. It cannot be charged back to the county of legal settlement. A county of legal settlement cannot grant supplementary medical assistance to an old-age assistance recipient residing in and receiving assistance from another county. 38 Atty. Gen. 602.

**49.41 Assistance grants exempt from levy.** All grants of old-age assistance, aid to dependent children, aid to the blind, and aid to totally and permanently disabled persons shall be exempt from every tax, and from execution, garnishment, attachment and every other process and shall be inalienable.

#### STUDENT LOANS

**49.42 Loans to students.** (1) From the appropriation provided by section 20.17 (35), the department shall make loans to needy and qualified residents of the state desirous of attending the university, the state teachers' colleges, Stout institute, Wisconsin institute of technology, or other educational institutions in this state of like rank above the high school.

(2) Such loans shall be made to students who are either unemployed or would otherwise be unable to continue their education.

(3) Loans shall be made on the student's application indorsed by the authorities of the institution which the applicant desires to attend or is attending. The terms of the loans shall be prescribed by the department, which may adopt and enforce all necessary rules to carry out this section.

(4) Loans may be made to minors; and minority shall not be a defense to the collection of the debt.

#### ADMINISTRATION OF SECURITY AIDS

**49.50 State supervision.** (1) **PLANS AND RECORDS.** 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 relating to these forms of public assistance shall be open to inspection, at all reasonable hours, by representatives of the federal government. Such merit system status as any employe may have on the effective date of this section (1945) shall not be deemed changed or interrupted by the provisions hereof.

(2) **RULES AND REGULATIONS, MERIT SYSTEM.** The department shall adopt rules and regulations, not in conflict with law, for the efficient administration of these forms of public assistance, in agreement with the requirement for federal aid, including the estab-



lishment 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.

(3) PERSONNEL EXAMINATIONS. State-wide examinations to ascertain qualifications of applicants in any county department administering old-age assistance, aid to dependent children, aid to the blind or aid to totally and permanently disabled persons shall be given by the state bureau of personnel. The bureau shall be reimbursed for actual expenditures incurred in the performance of its functions under this section from the appropriations available to the department for administrative expenditures.

(4) PERSONNEL LISTS. All persons who are qualified as a result of examinations shall be certified to the counties in which they reside at the time of examination; if there are no resident qualified persons for any class of positions on the list certified to the county, appointments shall be made from available lists without regard to residence within the county.

(5) COUNTY PERSONNEL SYSTEMS. In counties having a civil service system, the department may delegate to the civil service agency in such county responsibility for determining qualifications of applicants by merit examination, provided the standards of qualifications and examinations have been approved by the department and the state bureau of personnel. The personnel in such counties shall be exempt from such re-examination provided such personnel has qualified for present positions by examinations conducted pursuant to standards acceptable to the department.

(6) DEPARTMENT TO ADVISE COUNTIES. The department shall advise all county officers charged with the administration of such laws of these requirements and shall render all possible assistance in securing compliance therewith, including the preparation of necessary blanks and reports. The department shall also publish such information as it deems advisable to acquaint persons entitled to public assistance and the public generally with the laws governing the same.

(7) COUNTIES TO OBSERVE REGULATIONS AND KEEP RECORDS. All county officers and employes performing any duties in connection with the administration of these forms of public assistance shall observe all rules and regulations promulgated by the department pursuant to subsection (2) and shall keep such records and furnish such reports as the department requires in relation to their performance of such duties. All records relating to the administration of these forms of public assistance shall be open to inspection at all reasonable hours, by the department and any authorized employe thereof or by any authorized representative of the federal government.

(8) FAIR HEARING AND REVIEW. Any person whose application for any of these forms of assistance 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, 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.

(9) HEARING TO INSURE PROPER ADMINISTRATION. The department may at any time terminate payment of state or federal aid on any grant of old-age assistance, aid to dependent children, aid to the blind or aid to totally and permanently disabled persons which may have been improperly allowed or which is no longer warranted due to altered conditions. Such action shall be taken only after thorough investigation and after fair notice and hearing. Such notice shall be given to the recipient of the assistance, the county clerk, and the county officer charged with the administration of such assistance, and their statements may be presented either orally or in writing, or by counsel. Any decision of the department terminating the payment of state and federal aid shall be transmitted to the county treasurer, and after receipt of such notice he shall not include any payments thereafter made in such case in the certified statement of the expenditures of the county for which state or federal aid is claimed.

(10) JOINT COMMITTEE ON STANDARDS. A joint committee on county institution standards consisting of 6 members shall develop minimum uniform standards for the care, treatment, health, safety, welfare and comfort of patients in county institutions in accord-

ance with the provisions of sections 49.18 (1) (b), 49.20 (2) and 49.61 (1m). Three members shall be from the membership of the state board of public welfare chosen by such board. Three members shall be chosen by the governor and shall be designated as the county board member, the county trustee member and the county superintendent member. The county board member shall be chosen from a list of 5 names of county board chairmen submitted by the Wisconsin county boards association. The county trustee and superintendent members shall be chosen from a list of 5 names for each position submitted by the Wisconsin county hospital association. Terms of office shall begin on January 1, 1952 and shall continue for a period of 2 years. Any member shall be disqualified and cease to be a member of the committee upon losing the status upon which his appointment as a member was based. Vacancies shall be filled in the original manner for the unexpired term. All members shall serve without compensation. A uniform standards plan shall be submitted to the state board of public welfare on or before June 1, 1952. The board shall have power to establish and enforce the standards submitted by the joint committee. Annually, between January 1 and June 1 of each year the joint committee on standards shall review the minimum standards and rules and regulations for their establishment and enforcement and recommend to the state board of public welfare any changes. Such changes shall be effective as of July 1 of that year. If any county home or infirmary fails within 90 days to comply with the uniform standards in a manner satisfactory to the department it may suspend state aid to such institution.

**History:** 1951 c. 725.

Under 49.50 (2) and 46.016, the department is authorized to establish uniform standards for the granting of old-age assistance, aid to dependent children, aid to the blind, and aid to the totally and permanently disabled, and under 49.50 (7), county agencies administering these programs are required to use such standards in determining eligibility and need. 39 Atty. Gen. 403.

**49.51 County administration.** (1) **COUNTY OFFICERS AND AGENCIES.** 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. The county board may provide assistants for such officers and agencies and prescribe their qualifications and fix their compensation in conformity with the rules and regulations of the department as provided in section 49.50 (2). The county board may direct the county judge to administer such assistance and may fix his compensation therefor.

(2) **COUNTY DEPARTMENTS OF PUBLIC WELFARE.** (a) *Administration in counties having a population of 500,000.* In counties having a population of 500,000 or more, the administration of welfare services shall be vested in a department of public welfare under the jurisdiction of the county board of public welfare as provided in section 46.21 and in conformity with the provisions of section 49.50. The director of county institutions and departments shall appoint a director of public welfare and such director of public welfare shall appoint his assistants, provided that the present director of public welfare acting on July 13, 1951 shall continue as such director during the balance of his legal tenure. The civil service status of persons presently appointed to the several welfare services hereinafter listed as of July 3, 1949 is continued. The county department of public welfare shall have the following functions, duties and powers, and such other welfare functions as may be delegated to it:

1. To make investigations relating to relief or welfare administration and admissions to state and county institutions upon request of court, superintendent, district attorney, veterans' service commission or any other county official.

2. Furnishing 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.

3. 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.

4. Making investigations which relate to welfare services upon request by the state department of public welfare.

5. The maintenance of administrative and reporting relationships with all pertinent state departments.

6. The administration of relief under sections 49.02 and 49.03 in the event that the county administers relief under those sections.

7. The administration of aid to dependent children under section 49.19.

8. The administration of aid to the needy blind under section 49.18.

9. The administration of old-age assistance under sections 49.20 to 49.38.

10. The administration of aid to permanently and totally disabled persons under section 49.61.

11. To administer child welfare service under and subject to the provisions of section 48.315, thereby administering the functions otherwise administered by county children's board and licensed child welfare agencies and the authority to accept permanent care and custody and guardianship of any child upon the order of a competent court to this effect and to place children for adoption and to give consent to the adoption of such child pursuant to the statutes regulating adoption proceedings.

12. To make such investigations as are provided for in section 322.02 (1), if the court having jurisdiction so directs.

(b) *County departments.* In counties containing a population of less than 500,000, the county board may by ordinance provide for a county pension department with such personnel, qualifications, duties and compensation as the county board may determine in conformity with the rules and regulations of the department as provided in section 49.50. The county department shall administer within such county all laws relating to old-age assistance, aid to dependent children, aid to the blind, and aid to totally and permanently disabled persons, or any or all of such forms of assistance. The creation of such county pension department shall not prevent the discontinuance thereof by subsequent adoption of an ordinance reinstating the prior method of administering such forms of assistance.

(3) REIMBURSEMENT. (a) *Federal aid.* The state shall reimburse the counties for expenditures incurred in the administration of old-age assistance, aid to dependent children, aid to the blind and aid to totally and permanently disabled persons, to be prorated in accordance with the amount expended by each county for such administration and be paid from the appropriation made by section 20.18 (6) (a).

(b) *State aid.* The state shall also reimburse the counties 25 per cent of the expenditures incurred in the administration of old-age assistance, aid to dependent children, aid to the blind, and aid to totally and permanently disabled persons, and for related welfare services performed by a county agency administering such aids in co-operation with or at the request of the state department pursuant to express authorization; provided, that if the appropriation in section 20.18 (6) (b) is insufficient for the payment in full of the amounts due the counties under this provision such appropriation shall be prorated. In no event shall reimbursement to any county under this subsection exceed its total expenditures for administration and if any reduction is necessary to avoid payments over such total, the amount available under this paragraph shall be reduced.

(c) *Reimbursement made monthly.* Payment of the state aid for administration under this section shall be made monthly on certification of the state department of public welfare, at the same time and in the same manner as state and federal aid for old-age assistance, aid to dependent children, aid to the blind and aid to totally and permanently disabled persons.

(4) PRORATION WHEN STATE APPROPRIATIONS ARE INSUFFICIENT. Whenever the state prorates the appropriations for state aid for old-age assistance, aid to dependent children, aid to the blind and aid to totally and permanently disabled persons among the counties, the counties may reduce the amounts allowed to the beneficiaries in the following month, by the amount of the state and federal aid unpaid. Such reduction shall be made on a pro rata basis and shall apply until the state and federal aid is paid in full. The amount unpaid by the state as determined with respect to amounts actually expended by the counties for any of these forms of public assistance shall remain as a charge against the state.

(5) ALTERNATIVE OFFICIAL DESIGNATIONS. The use of the words "county court," "county judge," or "juvenile judge" in any statute relating to old-age assistance, aid to dependent children, aid to the blind and aid to totally and permanently disabled persons, unless the context indicates otherwise, means the county court, county judge, juvenile judge, county department of public welfare, or county pension department, whichever has been designated by the county board under this section to administer assistance and aid in the county.

**History:** 1951 c. 314, 725.

**49.53 Limitation on giving information; department rules.** The use or disclosure of information concerning applicants and recipients for any purpose not connected with the administration of aid to dependent children, aid to the blind, old-age assistance and aid to totally and permanently disabled persons is prohibited. The department shall in conformity with the federal social security act and rules or regulations made pursuant thereto adopt rules and regulations restricting the use and disclosure of information concerning such applicants and recipients to become effective upon publication in the official state paper, and copies thereof shall be filed with the secretary of state and county clerks. Any person violating this section or any rule or regulation promulgated hereunder shall

be punished by a fine of not less than \$25 nor more than \$500 or by imprisonment not less than 10 days nor more than one year, or by both fine and imprisonment.

**History:** 1951 c. 725.

County pension director may not furnish to county board member list of persons in his district with amounts of aid they have received monthly as aid to blind, aid to dependent children, or old-age assistance. 39 Atty. Gen. 205.

**49.61 Aid to totally and permanently disabled persons.** (1) **DEFINITION.** As used in this section a totally and permanently physically disabled person is a person found by medical authority to be so totally and permanently disabled physically as to require constant and continuous care.

(1m) **DEFINITION OF AID; INSTITUTION INMATES.** For the purpose of this section, the term "aid to the totally and permanently disabled" means money payments to, or medical care in behalf of, or any type of remedial care recognized under this section or section 49.40 in behalf of, needy individuals more than 18 and less than 65 years of age who are totally and permanently disabled, but does not include any such payments to or care in behalf of any individual who is an inmate of a public institution (except as a patient in a medical institution) or any individual (a) who is a patient in an institution for tuberculosis or mental diseases, or (b) who has been diagnosed as having tuberculosis or psychosis and is a patient in a medical institution as a result thereof. Beginning July 1, 1953, no payment of aid to totally and permanently disabled persons shall be made to any individual in a private or public institution unless a standard setting authority has been designated or established which shall be responsible for establishing and maintaining standards for such institutions.

(2) **ELIGIBILITY REQUIREMENTS.** Aid under this section shall be granted only to an applicant:

(a) Who is more than 18 and less than 65 years of age;

**Note:** (2) (a) is printed as last amended (ch. 595, Laws 1951), deleting the words (ch. 725, Laws 1951). An earlier amendment "and less than 65" is not shown here.

(b) Who has resided in Wisconsin continuously for one year or more preceding the date of making application or of being granted aid;

(c) Who is a citizen of the United States;

(d) Who has no relatives able to support him and responsible for his support under section 49.07;

(f) Whose property does not exceed a home of reasonable value together with ownership of other property such as cash, securities and insurance with a cash surrender value in an amount not to exceed \$1,000 to provide a reasonable reserve for expenses of burial, last sickness and other emergency needs not covered by this section;

(g) Who is by certification of a licensed physician or panel of physicians on forms to be prescribed by the state department of public welfare found to be totally and permanently physically disabled, provided that such certification of disability shall be subject to review by a panel of physicians advisory to the state department of public welfare.

(3) **APPLICATION.** Application may be made by an agent or the legal guardian of a person believing himself to be eligible. Application shall be made on forms prescribed by the state department of public welfare to the welfare agency of the county in which he resides. Any individual wishing to make application for aid to the totally and permanently disabled shall have opportunity to do so.

(4) **DETERMINATION OF ELIGIBILITY.** The county agency shall promptly make an investigation to ascertain all pertinent facts as to the applicant's eligibility.

(5) **NOTIFICATION TO APPLICANT.** The county agency shall promptly notify the applicant, his agent or his legal guardian, in writing, as to whether or not he has been found to be eligible for this form of aid and the amount, if any, which he will be granted, provided that any applicant dissatisfied with the decision of the county agency upon his application or whose application is not acted upon with reasonable promptness may file a petition for review as provided in section 49.50 (8). Aid shall be furnished to any eligible individual with reasonable promptness.

(6) **AMOUNT OF AID.** The amount of aid which a person may receive under this section shall be according to his need but shall not exceed \$80 per month. The agency shall, in determining need, take into consideration any other income and resources of an individual claiming aid under this section. Any person receiving aid under this section shall not be eligible for old-age assistance, aid to the blind or aid to dependent children.

(7) **ORDER DIRECTING PAYMENT.** If the county agency shall find a person eligible for aid under this section, such agency shall on a form to be prescribed by the state department of public welfare, direct the payment of such aid by order upon the county clerk or county treasurer of the county; all payments of aid shall be made monthly.

(8) COUNTY APPROPRIATION. The county board of each county shall annually appropriate a sum of money sufficient to carry out the provisions of this section taking into account the money expected to be received during the ensuing year as state aid.

(9) STATE AID REIMBURSEMENT TO COUNTY. The county treasurer and county agency administrator of each county shall monthly certify under oath to the state department of public welfare in such manner as the department prescribes, the claim of the county for state and federal reimbursement under this section, and if the department approves such claim, it shall certify to the director of budget and accounts for reimbursement to the county 50 per cent of the approved amount paid by the county for aid to the disabled pursuant to this section, plus federal aid received for such expenditure. If the total amount due all counties exceeds the sum appropriated by section 20.18 (11) the appropriation shall be prorated by the department among the counties according to the amounts due them. To facilitate prompt reimbursement, the certification of the department may be based upon the certified statements of the county officers, provided that any necessary audit adjustments for any month of the current or prior fiscal years may be made and included in subsequent certifications. The director of budget and accounts shall draw his warrant forthwith for reimbursement to the respective counties in accordance with the certification of the department.

**History:** 1951 c. 595, 725.