

CR 94-94

CERTIFICATE

STATE OF WISCONSIN )  
 ) SS  
DEPARTMENT OF HEALTH AND SOCIAL SERVICES)

I, Richard W. Lorang, Acting Secretary of the Department of Health and Social Services and custodian of the official records of the Department, do hereby certify that the annexed rule relating to the two-tier benefit demonstration project under the Aid to Families with Dependent Children (AFDC) program was duly approved and adopted by this Department on February 28, 1995.

I further certify that this copy has been compared by me with the original on file in the Department and that this copy is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the State Office Building, 1 W. Wilson Street, in the city of Madison, this 28th day of February, 1995.

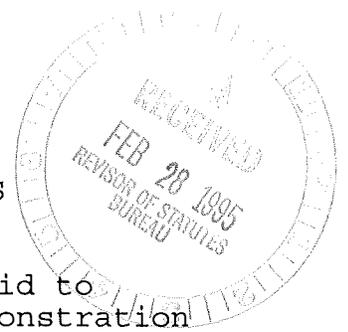
SEAL:

  
Richard W. Lorang, Acting Secretary  
Department of Health and Social Services



5-1-95

ORDER OF THE  
DEPARTMENT OF HEALTH AND SOCIAL SERVICES  
CREATING A RULE



To create HSS 201.305(6)(b)3, relating to the Aid to Families with Dependent Children (AFDC) Two-Tier Demonstration Project.

Analysis Provided by the Department of Health and Social Services

Each state sets its own benefit levels under the Aid to Families with Dependent Children (AFDC) program. These benefit levels can vary quite widely even in adjacent states. Wisconsin's AFDC benefits are a flat grant intended to cover an AFDC family's basic needs for shelter, utilities, household items, clothing, food and other essentials. Other states may choose from a wide range of federally available options in developing their AFDC need standards such as special needs provisions or variances based on location, rent costs, fuel type and other factors.

On July 1, 1994, under emergency rules, Wisconsin began conducting a federally approved demonstration project, called the Two-Tier AFDC Benefit Demonstration Project, that will measure the impact of AFDC benefit levels on migration of low income families and whether families move to states with higher AFDC benefit levels. The demonstration project is being conducted in four counties - Milwaukee, Kenosha, Racine and Rock. For the first six months that a family subject to the demonstration project lives in Wisconsin, AFDC benefits for a new arrival in the state will be paid at a level comparable to AFDC benefits paid to a typical AFDC family in that person's state of origin, regardless of whether the state of origin's benefit level is higher or lower than Wisconsin's. Applicants or recipients who came to Wisconsin to take a job and who were employed at least 90 days before applying for AFDC and those recipients who previously were residents of Wisconsin for at least 6 consecutive months are not subject to the Two-Tier AFDC Benefit Demonstration Project. The Department has also exempted certain other categories of applicants and recipients such as migrant families and individuals participating in the Parental Responsibility Pilot Program under s.49.25, Stats.

The replacement permanent rules that became effective March 1, 1995, identify who must participate in the demonstration project, establish the methods and identify the factors the Department will use to determine the maximum AFDC benefit levels that will be paid to families participating in the demonstration project based on their prior state of residence and family size, include a table listing the maximum benefit levels by state and family size for families participating in the demonstration project in effect for the period July 1, 1994, through June 30, 1995, provide how the monthly benefit amounts for families participating in the demonstration project will be determined,

and define Department and county economic support agency responsibilities. Because of the objection of the Assembly Children and Human Services Committee on December 20, 1994, the Department was unable to include a provision in the filed copy of the permanent rules that would have made nonlegally responsible relatives coming to Wisconsin to care for Wisconsin children subject to the Two-Tier Demonstration Project if they wanted to be included in the AFDC grant. However, on February 23, 1995, the Joint Committee for Review of Administrative Rules voted to nonconcur in the Assembly committee's objection. The effect of that vote is to permit the Department to file the part of the rule to which the Assembly committee objected. This is done through this rulemaking order.

The Department's authority to create this rule is found in ss.49.19(11m)(a) and 49.50(2), Stats. The rule interprets s.49.19(11)(a)7 and (17), Stats.

SECTION 1. HSS 201.305(6)(b)3 is created to read:

HSS 201.305(6)(b)3. The request for assistance is solely for those children;

The rule contained in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s.227.22(2), Stats.

Wisconsin Department of Health  
and Social Services

Dated: February 28, 1995

By:   
Richard W. Lorang  
Acting Secretary

SEAL:

