

1        **AN ACT** *to create* 49.161 (2m) of the statutes; **relating to:** recovery of overpayments  
 2            in the emergency assistance for families with needy children program.

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

**JOINT LEGISLATIVE COUNCIL PREFATORY NOTE:** This draft was prepared for the Joint Legislative Council’s Special Committee on Public Assistance Program Integrity.

The draft requires the Department of Children and Families (DCF) to recover overpayments made under the emergency assistance for families with needy children program. Under the draft, the amount recovered may not exceed the amount of emergency assistance paid. The draft requires DCF to promulgate rules to implement the provision.

3            **SECTION 1.** 49.161 (2m) of the statutes is created to read:

4            49.161 (2m) EMERGENCY ASSISTANCE. (a) The department shall recover an overpayment  
 5 of benefits paid under s. 49.138 (1m) from an individual who receives benefits under s. 49.138  
 6 (1m). The value of the benefit for recovery under this paragraph may not exceed the amount  
 7 that the department paid in emergency assistance with respect to that particular recipient while  
 8 the recipient was ineligible to receive emergency assistance.

9            (b) The department shall recover assistance paid under s. 49.138 (1m) to a person in the  
 10 form of a voucher or other payment method for the purpose of providing housing or a service  
 11 to a recipient of assistance under s. 49.138 (1m) in the amount of assistance paid by the voucher  
 12 or other payment method that the person does not use as required by the department.

13            (c) The department shall promulgate rules establishing policies and procedures for  
 14 administering this subsection.

**NOTE:** Requires DCF to recover overpayments of assistance under the emergency assistance for families with needy children program paid to a

recipient or another person to provide housing or another service to an emergency assistance recipient. Under the draft, DCF must promulgate rules relating to the administration of these provisions.

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(END)