

CR 08-068



**State of Wisconsin
Department of Children and Families
Division of Family and Economic Security**

Emergency Assistance for Families with Needy Children

DCF 120

The Wisconsin Department of Children and Families proposes to amend s. DCF 120.05 (1) (c), relating to emergency assistance for needy families.

Analysis Prepared by the Department of Children and Families

Statutory authority: Sections 49.138 and 227.11 (2) (a), Stats.

Statutes interpreted: Section 49.138, Stats.

Explanation of agency authority. Section 49.138, Stats., provides that the department shall implement a program of emergency assistance to needy persons in cases of fire, flood, natural disaster, homelessness or impending homelessness, or energy crisis. The term “needy person” has the meaning specified by the department by rule.

This rulemaking order was begun by the Department of Workforce Development as changes to DWD 16. Effective July 1, 2008, agency authority to administer the Emergency Assistance program was transferred from the Department of Workforce Development (DWD) to the Department of Children and Families (DCF).

Summary of the proposed rule. The emergency assistance program is funded by the federal Temporary Assistance for Needy Families (TANF) block grant, which requires that the funds be used for eligible needy families with a child. The proposed rule will add a provision to the nonfinancial eligibility section regarding the child for whom emergency assistance is requested. The current rule provides that the child is or, within 6 months prior to the month of application, was living with a qualified caretaker relative. The proposed rule also requires that the child is anticipated to live with the qualified caretaker relative in the month following the application date.

Summary of related federal requirements. In general, states must use TANF funds for eligible, needy families with a child and for one of the four purposes of the TANF program:

1. To provide assistance to needy families.
2. To end dependence of needy parents by promoting job preparation, work, and marriage.
3. To prevent and reduce out-of-wedlock pregnancies.
4. To encourage the formation and maintenance of two-parent families.

Comparison with rules in adjacent states. All states with an Emergency Assistance program funded by TANF must require that the assistance be used for an eligible family with a child.

Summary of factual data and analytical methodologies. The rule ensures compliance with TANF requirements.

Effect on small businesses. The rule may affect small businesses but will not have a significant economic impact on a substantial number of small businesses.

Analysis used to determine effect on small businesses. The rule affects W-2 agencies but the change in policy is minor.

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Place where comments are to be submitted and deadline for submission. Comments may be submitted to Elaine Pridgen, Office of Legal Counsel, Department of Children and Families, 201 E. Washington Avenue, Madison, WI, 53708 or elaine.pridgen@wisconsin.gov. The comment deadline is August 6, 2008.

SECTION 1. DCF 120.05 (1) (c) is amended to read:

DCF 120.05 (1) (c) The child for whom assistance is requested is or, within 6 months prior to the month of application for emergency assistance, was living with a qualified caretaker relative in a place of residence maintained as the caretaker relative's own home and is anticipated to live with the qualified caretaker relative in the month following the application date.

SECTION 2. EFFECTIVE DATE. This rule shall take effect the first day of the month following publication in the Administrative Register as provided in s. 227.22 (2) (intro.), Stats.