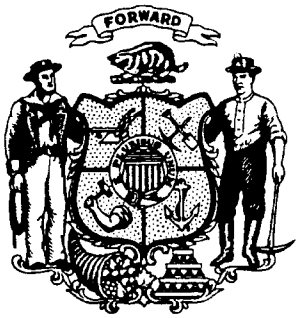
State of Wisconsin



1995 Assembly Bill 427

Date of enactment: **May 28, 1996**
Date of publication*: **June 11, 1996**

1995 WISCONSIN ACT 361

AN ACT *to amend* 49.32 (9) (a), 49.32 (9) (b) and 49.83; and *to create* 49.32 (10m) of the statutes; **relating to:** the content and public inspection of reports on public assistance recipients and the disclosure of the addresses of public assistance recipients and providing a penalty.

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

SECTION **1m.** 49.32 (9) (a) of the statutes, as affected by 1995 Wisconsin Act 27, is amended to read:

49.32 **(9)** (a) Each county department under s. 46.215, 46.22 or 46.23 administering aid to families with dependent children shall maintain a monthly report at its office showing the names ~~and addresses~~ of all persons receiving such aid together with the amount paid during the preceding month. Nothing in this paragraph shall be construed to authorize or require the disclosure in the report of any information (names, ~~addresses,~~ amounts of aid or otherwise) pertaining to adoptions, or aid furnished for the care of children in foster homes or treatment foster homes under s. 49.19 (10).

SECTION **3m.** 49.32 (9) (b) of the statutes, as affected by 1995 Wisconsin Act 27, is amended to read:

49.32 **(9)** (b) The report under par. (a) shall be open to public inspection at all times during regular office hours and may be destroyed after the next succeeding report becomes available. Any person, except any public officer, seeking permission to inspect such report shall be required to prove his or her identity and to sign a statement setting forth his or her address and the reasons for making the request and indicating that he or she understands the provisions of par. (c) with respect to the use of the information obtained. The use of a fictitious name is a violation of this section. ~~Within 72 hours after any such record has been inspected, the county department shall mail to each person whose record was inspected a notification of that fact and the name and address of the person making such inspection.~~ Within 7 days after the record is inspected, or on the next regularly scheduled communication with that person, whichever is sooner, the department shall notify each person whose name and amount of aid was inspected that the record was inspected and of the name and address of the person making such inspection. County departments under ss. 46.215 and 46.22 administering aid to families with dependent children may withhold the right to inspect the name of and amount paid to recipients from private individuals who are not inspecting this information for purposes related to public, educational, organizational, governmental or research purposes until the person whose record is to be inspected is notified by the county department, but in no case may the department withhold this information for more than 5 working days. The county department shall keep a record of such requests. The record shall indicate the name, address, employer and telephone number of the person making the request. If the person refuses to provide his or her name, address, employer and telephone number, the request to inspect this information may be denied.

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* Section 991.11, WISCONSIN STATUTES 1993–94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

SECTION 4m. 49.32 (10m) of the statutes is created to read:

49.32 **(10m)** RELEASE OF ADDRESSES OF RECIPIENTS INVOLVED IN LEGAL PROCEEDINGS. (a) A county department or relief agency under s. 49.01 (3m) shall, upon request, and after providing the notice to the recipient required by this paragraph, release the current address of a recipient of relief under s. 49.01 (3) or aid to families with dependent children to a person, the person's attorney or an employe or agent of that attorney, if the person is a party to a legal action or proceeding in which the recipient is a party or a witness, unless the person is a respondent in an action commenced by the recipient under s. 813.12, 813.122, 813.123, 813.125 or 813.127. If the person is a respondent in an action commenced by the recipient under s. 813.12, 813.122, 813.123, 813.125 or 813.127, the county department or relief agency may not release the current address of the recipient. No county department or relief agency may release an address under this paragraph until 21 days after the address has been requested. A person requesting an address under this paragraph shall be required to prove his or her identity and his or her participation as a party in a legal action or proceeding in which the recipient is a party or a witness by presenting a copy of the pleading or a copy of the subpoena for the witness. The person shall also be required to sign a statement setting forth his or her name, address and the reasons for making the request and indicating that he or she understands the provisions of par. (b) with respect to the use of the information obtained. The statement shall be made on a form prescribed by the department and shall be sworn and notarized. Within 7 days after an address has been requested under this paragraph, the county department or relief agency shall mail to each recipient whose address has been requested a notification of that fact on a form prescribed by the department. The form shall also include the date on which the address was requested, the name and address of the person who requested the disclosure of the address, the reason that the address was requested and a statement that the address will be released to the person who requested the address no sooner than 21 days after the date on which the request for the address was made. County departments and relief agencies shall keep a record of each request for an address under this paragraph.

(b) No person may use an address obtained under this subsection for a purpose that is not connected with the legal action or proceeding to which the person requesting the address is a party. No person may use an address obtained under this subsection for political or commercial purposes. No person may request an address under par. (a) using a fictitious name. Any person who violates this paragraph is subject to the penalties under s. 49.83.

SECTION 4s. 49.83 of the statutes, as affected by 1995 Wisconsin Act 27, is amended to read:

49.83 Limitation on giving information. Except as provided under s. 49.32 (9) ~~and~~, (10) <u>and (10m)</u>, no person may use or disclose information concerning applicants and recipients of relief funded by a relief block grant, aid to families with dependent children, social services or supplemental payments under s. 49.77, for any purpose not connected with the administration of the programs. Any person violating this ~~subsection~~ <u>section</u> may be fined not less than $25 nor more than $500 or imprisoned in the county jail not less than 10 days nor more than one year or both.

SECTION 5. **Effective date.**

(1) This act takes effect on July 1, 1996, or on the day after publication, whichever is later.