

## Chapter DCF 121

### PUBLIC ASSISTANCE RECORD RETENTION

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**Note:** Chapter DWD 18 was renumbered to chapter DCF 121 under s. 13.92 (4) (b) 1., Stats., Register November 2008 No. 635.

**DCF 121.01 Introduction.** (1) **PURPOSE.** This chapter adopts rules for the preservation of public assistance case records and for the destruction of original case record material.

(2) **APPLICABILITY.** This chapter applies to all paper, microfilm reproduction, optical disk, and electronic records created or completed to meet the requirements of any public assistance program.

**History:** Cr. Register, November, 2000, No. 539, eff. 12-1-00.

**DCF 121.02 Definitions.** In this chapter:

(1) "CARES" or "client assistance for reemployment and economic support" means the department's computerized system which uses data provided by applicants and recipients to electronically determine the eligibility of applicants and recipients for public assistance, calculate benefit amounts, produce benefit documents, and electronically retain data in historical files.

(2) "Case record" means documentation required by statute, rule, or division policy and nonfinancial and financial information not on file in CARES.

(3) "Date of closing" means the later of either the date on which an application for public assistance benefits is withdrawn or denied, or the date on which the last public assistance benefit is paid to the recipient.

(4) "Department" means the Wisconsin department of children and families.

(5) "Division" means the division of family and economic security within the department.

(6) "Electronic format" means a method of, or plan for, creating, generating, transmitting, or storing information in digital or analog form.

(7) "Income maintenance agency" means any county, tribal, or W-2 agency under contract with the department to administer one or more public assistance programs.

(8) "Microfilm reproduction" has the meaning given in s. 16.61 (2) (am), Stats.

**Note:** Section 16.61 (2)(am), Stats., provides that "microfilm reproduction" means any manner by which an image is reduced in size and reproduced on fine-grain, high resolution film."

(9) "Public assistance" means any program of financial assistance to eligible persons administered by an income maintenance agency under the supervision of the division.

**History:** Cr. Register, November, 2000, No. 539, eff. 12-1-00; correction in (4) made under s. 13.92 (4) (b) 6., Stats., Register November 2008 No. 635.

**DCF 121.03 Schedule for retaining records.** (1) If appropriate to determine eligibility for a particular program, income maintenance agencies shall retain items that verify the following while the public assistance case is open:

- (a) Social security number.
- (b) Birth certificate.
- (c) Alien status.
- (d) Medicare card.

(2) The method of verification required under sub. (1) shall be either retention of copies of the items verified under sub. (1) in the case record or documentation with a note in the case comments

that an income maintenance worker has seen the item verified. The note shall include the date the item was verified, the worker's initials, the type of item verified, its source, the location of the item verified, and all pertinent information from the item.

(3) Income maintenance agencies shall retain in the case records copies of items that verify the following pars. (a) to (d) until the next certification period or 6 months after closing a public assistance case if the information is duplicated in CARES. If eligibility verification contained in the following items is not duplicated in CARES, the records are subject to the retention requirements of sub. (4).

- (a) Earned and unearned income.
- (b) Assets.
- (c) Residence and rent and utility expenses.
- (d) Medical expenses and medical insurance coverage.

(4) Income maintenance agencies shall retain the following items until at least 3 years from the date of closing of a public assistance case:

- (a) Written case comments.
- (b) Medical examination forms.
- (c) Third-party verifications received from outside agencies.
- (d) Child care payment calculations, provider payment verification, and receipts.
- (e) School attendance and financial aid information.
- (f) Documentation of unusual or unique assets that are difficult to duplicate.
- (g) Other paper case records that are required by ch. 49, Stats., and are not duplicated in CARES.

(5) In cases involving any of the following issues, the income maintenance agency shall retain paper case records until the department instructs the agency that it may destroy the records:

- (a) Overpayment.
- (b) Fraud.
- (c) Intentional program violation.
- (d) Federal quality control review.
- (e) Divestment and asset allocation for medicaid.

**History:** Cr. Register, November, 2000, No. 539, eff. 12-1-00.

**DCF 121.04 Reproduction in microfilm, optical disk, or electronic format.** Original case records specified in s. DCF 121.03 may be destroyed at any time if the records have been copied in microfilm reproduction, optical disk, or electronic format and all of the following conditions are met:

(1) **ACCURACY.** Any device used to reproduce the record on film or to transfer the record to optical disk or electronic format accurately reproduces the content of the original.

(2) **MINIMUM STANDARDS FOR MICROFILM REPRODUCTIONS.** The reproduction is on film that complies with the minimum standards established by the Wisconsin public records board and the film is processed and developed in accordance with the minimum standards established by the Wisconsin public records board.

**Note:** For further information, contact the Wisconsin Public Records Board, 4622 University Avenue, Madison WI 53702, (608) 266-2996.

(3) **MINIMUM STANDARDS FOR OPTICAL DISK AND ELECTRONIC FORMAT.** The optical disk or electronic format copy and the copy

generated from optical disk or electronic format comply with the minimum standards of quality established by s. 16.61, Stats., and ch. Adm 12.

**(4) IDENTIFICATION.** The record is arranged, identified, and indexed so that any individual document or component of the record can be located with the use of proper equipment.

**(5) PUBLIC ACCESS.** Policies and procedures have been established to ensure public access in accordance with ss. 19.31 to

19.39, Stats.

**History:** Cr. Register, November, 2000, No. 539, eff. 12-1-00; **correction in (intro.) made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635.**

**DCF 121.06 Destruction of records.** Destruction of public assistance case records shall be done by a method that renders them unreadable, such as burning or shredding.

**History:** Cr. Register, November, 2000, No. 539, eff. 12-1-00.