



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

KIN/170306

PRELIMINARY RECITALS

Pursuant to a petition filed November 25, 2015, under Wis. Stat. § 48.57(3m)(f), and Wis. Admin. Code § DCF 58.08(2)(b), to review a decision by the Professional Services Group - PSG in regard to Kinship Care, a hearing was held on December 17, 2015, at Milwaukee, Wisconsin.

The issue for determination is whether the agency properly discontinued Kinship care payments to the Petitioner.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Children and Families
201 East Washington Avenue, Room G200
Madison, Wisconsin 53703

By: [REDACTED], Kinship Care Worker
Bureau of Milwaukee Child Welfare
1555 Rivercenter Drive
Milwaukee, WI 53212

ADMINISTRATIVE LAW JUDGE:

Debra Bursinger
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a resident of Milwaukee County.
2. Petitioner is the sister of minor child [REDACTED]. The father of [REDACTED] passed away in April, 2014. The mother of [REDACTED] is [REDACTED].
3. [REDACTED] currently resides in a studio apartment in [REDACTED] with a boyfriend. At the time of assessment in November, 2015, [REDACTED] had been fired from her job at [REDACTED]. [REDACTED] also

Because this is a discontinuance of benefits, the agency must show that the instability previously supporting the need for placement has been remedied, and I cannot make that finding here. [REDACTED]'s living situation remains unstable and she is again unemployed. [REDACTED] remains at risk of neglect or abuse based on [REDACTED]'s unstable living arrangements and lifestyle. At this time, it is in the best interests of [REDACTED] to remain with the Petitioner.

CONCLUSIONS OF LAW

The agency has not met its burden for discontinuing Kinship care benefits to the Petitioner.

THEREFORE, it is ORDERED

That the matter is remanded to the agency with instructions to rescind and reverse the termination of the Petitioner's Kinship Care benefits. The agency shall pay the Petitioner for any benefits that were not paid to the Petitioner as a result of the termination action. These actions shall be completed within 10 days of the date of this decision.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Children and Families, 201 East Washington Avenue, Room G200, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Milwaukee,
Wisconsin, this 21st day of March, 2016

\sDebra Bursinger
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin \DIVISION OF HEARINGS AND APPEALS

Brian Hayes, Administrator
Suite 201
5005 University Avenue
Madison, WI 53705-5400

Telephone: (608) 266-3096
FAX: (608) 264-9885
email: DHAmail@wisconsin.gov
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on March 21, 2016.

Professional Services Group - PSG

DCF - Kinship Care

DCF - Kinship Care