



STATE OF WISCONSIN  
Division of Hearings and Appeals

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

FOS/170356

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**PRELIMINARY RECITALS**

Pursuant to a petition filed November 17, 2015, under Wis. Stat. § 48.64(4), and Wis. Admin. Code § DCF 56.10(1), to review a decision by the Department of Children and Families in regard to Foster Care, a hearing was held on December 17, 2015, at Milwaukee, Wisconsin.

There is no issue for determination related to foster care.

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: Attorney [REDACTED], Foster Care Worker  
Children's Hospital of WI Community Services  
620 S 76th Street, Suite 120  
Milwaukee, WI 53214

**ADMINISTRATIVE LAW JUDGE:**

Debra Bursinger  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner is a resident of Milwaukee County.
2. Petitioner and her husband were foster parents to three minor children and received foster care subsidies for their care of the children. On August 10, 2015, Petitioner and her husband became the legal guardians of the three children.

3. On November 17, 2015, the Petitioner filed an appeal with the Division of Hearings and Appeals. DHA opened two appeal files designated as Case No. SGA/[REDACTED] and the instant case, FOS/170356.

### DISCUSSION

At the hearing in this matter, DCF moved to dismiss this matter on the grounds that there is no issue that DHA can determine related to foster care. It noted that the children that are the subject of the Petitioner's appeal are no longer in foster care effective August 10, 2015 and the Petitioner's dispute is in regard to the subsidized guardianship agreement and the amount of the subsidized guardianship payments for the children. Because the children are no longer in foster care and the dispute is related to the subsidized guardianship agreement which is the subject of Case No. SGA/[REDACTED], I am dismissing this matter.

### CONCLUSIONS OF LAW

There is no issue for determination related to foster care.

**THEREFORE, it is**

**ORDERED**

That this matter be dismissed.

### **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 14th day of March, 2016

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\sDebra Bursinger  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin \DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on March 14, 2016.

Children's Hospital of WI Community Services  
DCF - Foster Care