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**STATE OF WISCONSIN
Division of Hearings and Appeals**

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FOS/146276

PRELIMINARY RECITALS

Pursuant to a petition filed January 02, 2013, under Wis. Stat. § 48.64(4), and Wis. Admin. Code § DCF 56.10(1), to review a decision by the Richland County Health and Human Services ["County"] in regard to Foster Care, a Hearing was held via telephone on January 28, 2013.

The issue for determination is whether the County was correct to reduce petitioner's monthly foster care payment by no longer paying petitioner the Administrative Rate of \$1,850.00 per month.

There appeared at that time via telephone the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

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

By: Amanda Coorough, Children Services Manager
Cherith Dilley, Case Worker
Richland County Health and Human Services
221 W Seminary St.
PO Box 673
Richland Center, WI 53581

OTHER PERSON PRESENT:

Curt Moe, Social Worker, Family Works Program, Inc.

ADMINISTRATIVE LAW JUDGE:

Sean P. Maloney
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a resident of Vernon County.
2. Due to County administrative error the Administrative Rate of \$1,850.00 per month was being paid directly to petitioner for foster children in his care; this was in addition to other payments being made to petitioner for foster children in his care.
3. Effective December 1, 2012 the County corrected the error and the Administrative Rate of \$1,850.00 per month was no longer paid to petitioner for foster children in his care (although other payments continued to be made to petitioner for foster children in his care).

DISCUSSION

The amount of any payment made directly to a foster parent for the care and maintenance of a foster child includes only the following payments: Basic Maintenance; Supplemental; Exceptional; and, Initial Clothing Allowance. It does not include the Administrative Rate. Wis. Admin. Code DCF 56.23(1)(a) (February 2012). Petitioner does not dispute this nor does petitioner dispute that the County was in error to pay the Administrative Rate directly to him.¹ Therefore, the County was correct to reduce petitioner's monthly foster care payment by no longer paying petitioner the Administrative Rate of \$1,850.00 per month.

Petitioner continues to receive payment amounts for Basic Maintenance, Supplemental, and Exceptional. If petitioner believes that those amounts are not correct he can request a Hearing concerning those amounts.

CONCLUSIONS OF LAW

For the reasons discussed above, the County was correct to reduce petitioner's monthly foster care payment by no longer paying petitioner the Administrative Rate of \$1,850.00 per month.

THEREFORE, it is

ORDERED

That the petition for review here be and the same is hereby DISMISSED.

REQUEST FOR A REHEARING

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as

¹ The Social Worker from Family Works Program, Inc. argued that the County produced no evidence to support its claim that the Administrative Rate was erroneously paid directly to petitioner. However, the County produced *eWiSACWIS* computer print-outs to support its position.

"PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found 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 served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Children and Families. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 201 East Washington Avenue, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Madison,
Wisconsin, this 9th day of April, 2013

\sSean P. Maloney
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 April 9, 2013.

Richland County Health and Human Services
DCF - Foster Care