



FH  
[REDACTED]

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

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

KIN/147097

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**PRELIMINARY RECITALS**

Pursuant to a petition filed February 4, 2013, under Wis. Stat., §48.57(3m)(f), to review a decision by Perez-Pena Limited in regard to Kinship Care, a hearing was held on April 24, 2013, by telephone.

The issue for determination is whether the agency correctly denied Kinship Care when petitioner did not complete her reassessment.

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

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

By: Jazette Anderson, Perez-Pena  
Bureau of Milwaukee Child Welfare  
1555 Rivercenter Drive  
Milwaukee, WI 53212

**ADMINISTRATIVE LAW JUDGE:**

Brian C. Schneider  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. Petitioner received Kinship Care for her grandson. She was scheduled for a reassessment by the end of October, 2012.
3. On December 13, 2012, the agency sent petitioner a notice informing her that Kinship Care was denied because she did not participate in a home visit. The notice told her that if she disagreed with the decision she could appeal within 45 days.

4. Petitioner appealed the denial by a letter postmarked February 4, 2013.

**DISCUSSION**

The Kinship Care benefit is a public assistance payment of \$215 per month per child paid to a qualified relative who bears no legal responsibility to support the child. In Wisconsin, this benefit replaced the former Non-Legally Responsible Relative (NLRR) AFDC payment. To be eligible for the payments thereunder, the relative must meet all of the conditions set forth in Wis. Stat. §§48.57(3m)(am)(1-5) or 48.57(3n)(am)(1-6). An applicant must cooperate in the application/renewal process or benefits can be denied. Wis. Stat., §48.57(3m)(a)5.

When a Kinship Care case is denied or terminated, the person must appeal within 45 days of the action. Wis. Stat., §48.57(3m)(f).

The December 13, 2012 notice informed petitioner that she had 45 days to appeal from either the date of the notice or the date Kinship payments were ending. Petitioner last received Kinship Care in October because her annual eligibility period ended after that month, and thus she had 45 days from the date of the notice. Petitioner filed the appeal on February 4, 2013, 53 days after the notice. The appeal therefore was untimely, and the Division of Hearings and Appeals does not have jurisdiction to review the merits of the appeal.

Petitioner needs to reapply for Kinship Care if her grandson is still living with her.

**CONCLUSIONS OF LAW**

Petitioner appeal of a Kinship Care denial was untimely.

**THEREFORE, it is ORDERED**

That the petition for review herein 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 "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 25th day of April, 2013

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\sBrian C. Schneider  
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 25, 2013.

Perez-Pena Limited  
DCF - Kinship Care  
DCF - Kinship Care