



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

AAP/150343

PRELIMINARY RECITALS

Pursuant to a petition filed June 27, 2013, under Wis. Admin. Code §DCF 50.065, to review a decision by the Adoption Assistance in regard to Adoption Assistance Program, a hearing was scheduled for August 20, 2013, at Milwaukee, Wisconsin but not held as the parties reported settlement of the case.

No substantive issue remains for determination by the Division of Hearings and Appeals.

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Children and Families (DCF)
201 East Washington Avenue
Madison, Wisconsin 53703
Attn: *Dale W. Langer, Adoption and Consultation Section*
By: Atty. Therese Durkin
Office of legal Counsel

ADMINISTRATIVE LAW JUDGE:

David D. Fleming
Division of Hearings and Appeals

This appeal was filed to contest a decision by the DCF that concluded that Petitioner's adopted daughter did not meet the criteria necessary to be found eligible for adoption assistance. Prior to the hearing scheduled for this matter the parties reported that it had been resolved. That resolution is reflected in an Adoption Assistance Agreement finalized on July 29, 2013 and a Stipulation finalized on August 12, 2013. Those documents are incorporated herein by reference. Those documents require a maintenance adoption assistance payment of \$302.00 per month and Medicaid eligibility effective August 1, 2005 until termination as required by law. This stipulation leaves no substantive issue for determination by the Division of Hearings and Appeals.

CONCLUSIONS OF LAW

That there is no substantive issue for determination by the Division of Hearings and Appeals.

THEREFORE, it is

ORDERED

That this matter is remanded to the agency with instructions that it, within 10 days of the date of this Decision, commence the administrative steps necessary to make the maintenance adoption assistance payment of \$302.00 per month and provide Medicaid eligibility for Petitioner with the effective date for both being August 1, 2005 and to continue those benefits until required by law to terminate them.

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 Milwaukee,
Wisconsin, this 9th day of September, 2013

\sDavid D. Fleming
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 September 9, 2013.

Adoption Assistance
therese.durkin@wisconsin.gov