



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

██████████
██████████
████████████████████

REHEARING DECISION

KIN/151440

PRELIMINARY RECITALS

Pursuant to a petition filed August 16, 2013, 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, Inc. (PSG) in regard to Kinship Care, a rehearing was held on November 13, 2013, at Milwaukee, Wisconsin. The petitioner failed to appear for her September 11, 2013 hearing and her appeal was dismissed as abandoned. The petitioner requested a rehearing, and that rehearing request was granted for good cause. At the request of the parties, the record was held open for the petitioner to submit new evidence to PSG (Attention: Ms. Purpero) and DHA, and then for Ms. Purpero to submit a reconsideration summary to DHA and petitioner by November 27, 2013. In that November 20, 2013 reconsideration, Ms. Purpero stated in pertinent part that: "██████████ Provided copies of her exhibits to PSG on 11-15-13. Upon review of these documents as well as the case as a whole, PSG has determined that ██████████ has adequately proven her eligibility for the Kinship assistance for her granddaughter . . ."

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

██████████
██████████
████████████████████

Respondent:

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

By: Stephanie Purpero, Kinship Care assessor (appeared at hearing and written reconsideration submission)

Bureau of Milwaukee Child Welfare
1555 Rivercenter Drive
Milwaukee, WI 53212

ADMINISTRATIVE LAW JUDGE:

Gary M. Wolkstein
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a resident of Milwaukee County.
2. The petitioner is the maternal grandmother of AC (age 7) and AC has been residing with the petitioner since shortly after her birth.
3. On July 1, 2013, petitioner completed her application for initial Kinship Care benefits for her care of AC.
4. The mother of AC is [REDACTED] who entered the Milwaukee Mental Health Complex during May, 2013.
5. [REDACTED] [REDACTED] has ongoing mental health issues and is unable to care AC. See October 28, 2013 letter by Family Care Manager of Child Welfare, Nancy Brook.
6. The petitioner's father is [REDACTED] who is unable to care for AC.
7. On July 13, 2013, Ms. Stephanie Purpero conducted a Kinship Care home visit assessment of the petitioner's home with petitioner and AC present.
8. The Department sent an August 9, 2013 notice to the petitioner stating her Kinship Care application was denied due to not meeting any of the criteria for legal need for Kinship Care eligibility.
9. During the November 13, 2013 hearing, the petitioner and the Professional Services Group, Inc. (PSG) representative, Stephanie Purpero, agreed that the record would be held open for the petitioner to submit new evidence to PSG (Attention: Ms. Purpero) and DHA, and then for Ms. Purpero to submit a reconsideration summary to DHA and petitioner by November 27, 2013.
10. In her November 20, 2013 reconsideration, Ms. Purpero stipulated that: "[REDACTED] [REDACTED] provided copies of her exhibits to PSG on 11-15-13. Upon review of these documents as well as the case as a whole, PSG has determined that [REDACTED] [REDACTED] has adequately proven her eligibility for the Kinship assistance for her granddaughter . . ."

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. Wis. Adm. Code, §§DHS 201.17; 201.31. 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).

CONCLUSIONS OF LAW

The Kinship Care representative stipulated that petitioner was eligible for Kinship Care benefits for her granddaughter, AC, retroactive to her July 1, 2013 application date, based upon new evidence submitted by petitioner.

THEREFORE, it is

ORDERED

The matter is remanded to the Kinship Care program with the following instructions: a) send a notice to the petitioner stating that petitioner is eligible for Kinship Care benefits retroactive to her July 1, 2013 application date; and b) take the necessary administrative action to issue Kinship Care benefits to the petitioner for her granddaughter, AC, retroactive to July 1, 2013, within 10 days of the date of this Decision.

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 2nd day of December, 2013

\sGary M. Wolkstein
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 December 2, 2013.

Professional Services Group - PSG
DCF - Kinship Care
DCF - Kinship Care