



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of:

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

KIN/159024

PRELIMINARY RECITALS

Pursuant to a petition filed July 11, 2014, 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 ["PSG"] in regard to Kinship Care, a Hearing was held via telephone on August 5, 2014.

The issue for determination is whether it was correct to deny Kinship Care payments to petitioner.

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: Stephanie Purpero, Lead Kinship Assessor
Bureau of Milwaukee Child Welfare
1555 Rivercenter Drive
Milwaukee, WI 53212

ADMINISTRATIVE LAW JUDGE:

Sean P. Maloney
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a resident of Milwaukee County, Wisconsin.

2. On June 9, 2014 petitioner applied for Kinship Care benefits for her grandson (“JLH”; 7 years old); petitioner has cared for JLH since his birth because his mother showed no interest in caring for him.
3. The mother of JLH is JMT (27 years old).
4. JMT has 5 other children of her own that she cares for; she has no criminal history, no involvement with Child Protective Services [“CPS”], and no known alcohol or other drug issues (although petitioner states she has observed JMT drunk many times); she is not employed and receives Wisconsin Works [“W-2”] benefits; she has her own housing.
5. By a letter dated July 9, 2014 PSG denied petitioner’s application for Kinship Care benefits because there is no need for JLH to be placed with petitioner.

DISCUSSION

Eligibility for Kinship Care payments is governed by state law. Wis. Stat. § 48.57(3m) (2011-12); Wis. Admin. Code § DCF 58.01 (September 2010). Under state law, a person must satisfy several requirements to be eligible for Kinship Care. Wis. Stat. § 48.57(3m)(am) (2011-12); Wis. Admin. Code § DCF 58.10 (September 2010). If a person satisfies these requirements, he or she is eligible for Kinship Care.

One of the requirements for Kinship Care is that there is a need for the child to be placed with the Kinship Care relative. Wis. Stat. § 48.57(3m)(am)1m. (2011-12); Wis. Admin. Code § DCF 58.10(1) (September 2010). Given the evidence in the record of this matter I must conclude that PSG was correct to deny Kinship Care. JMT has 5 other children of her own that she cares for. She has no criminal history, no involvement with CPS, and no known alcohol or other drug issues (although petitioner states she has observed JMT drunk many times). She is not employed but receives W-2 benefits. She has her own housing. There is nothing in the record of this matter that shows that JLH could not live with his mother (JMT).

Petitioner argues that she has had JLH since birth and that his mother (JMT) refuses to bond with him and will not love him. Petitioner describes a sad and unfortunate situation -- but JMT could still care for JLH as she does for her other children.

This *Decision* only means that petitioner cannot receive Kinship Care payments for taking care of JLH, it does not mean that JLH cannot live with petitioner.

CONCLUSIONS OF LAW

For the reasons discussed above, PSG was correct to deny Kinship Care payments to petitioner.

NOW, THEREFORE, it is

ORDERED

That the petition for review herein be and the same is hereby 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, 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 Madison,
Wisconsin, this 18th day of August, 2014

\sSean P. Maloney
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin \DIVISION OF HEARINGS AND APPEALS

Brian Hayes, Administrator
Suite 201
5005 University Avenue
Madison, WI 53705-5400

Telephone: (608) 266-3096
FAX: (608) 264-9885
email: DHAmail@wisconsin.gov
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on August 18, 2014.

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