



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

KIN/159456

PRELIMINARY RECITALS

Pursuant to a petition filed July 31, 2014, under Wis. Stat. § 48.57(3m)(f), and Wis. Admin. Code § DCF 58.08(2)(b), to review a decision by the Department's agent, Professional Services Group - PSG in regard to Kinship Care, a hearing was held on August 20, 2014, at Milwaukee, Wisconsin.

The issue for determination is whether the agency correctly discontinued the petitioner's Kinship Care benefits July 31, 2014.

There appeared at that time and place 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, Kinship Care Worker
Professional Services Group

ADMINISTRATIVE LAW JUDGE:

Nancy J. Gagnon (telephonically)
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a resident of Milwaukee County.
2. The petitioner had been receiving Kinship Care benefits for the child KH for at least one year preceding August 1, 2014. The case was due for a required annual review in July 2014.
3. The agency sent a renewal application to the petitioner on July 8, 2014. Although the application must be completed and returned to the agency, the petitioner did not respond. A second renewal notice was sent to her on July 8, 2014. Again, there was no response.

4. On July 21, 2014, the agency issued written notice of discontinuance to the petitioner, advising that the Kinship Care benefit would end July 31, 2014, due to failure to complete the annual renewal. The petitioner appealed.
5. At hearing, the petitioner acknowledged that the renewal notices had been sent to her. Another family member intercepted these letters and did not hand them over to the petitioner; she did however tell the petitioner that Kinship Care documents had come in the mail. The petitioner did not follow-up with the Kinship Care agency until after the discontinuance notice was issued. As part of her follow-up efforts, she did not complete a renewal application.

DISCUSSION

The Kinship Care benefit is a public assistance payment of \$220 per month per child paid to a qualified relative who bears no legal responsibility to support the child. In Wisconsin, this benefit replaces the former Non-Legally Responsible Relative (NLRR) Aid to Families with Dependent Children (AFDC) payment (see, Wis. Stat. § 49.19). 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). See also, Wis. Admin. Code ch. DCF 58.

One of those conditions is that the Kinship Care relative must complete an annual review. The petitioner did not do so, so the agency's discontinuance of the benefit was correct.

After the hearing, the agency realized that the child KH has reached the age of 18, so there is no longer any eligibility for the Kinship Care benefit for this child.

CONCLUSIONS OF LAW

1. The agency's discontinuance of Kinship Care benefits as of July 31, 2014, was correct.

THEREFORE, it is

ORDERED

That the petition is 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 21st day of August, 2014

\sNancy J. Gagnon
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 21, 2014.

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