



STATE OF WISCONSIN  
Division of Hearings and Appeals

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

KIN/168829

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**PRELIMINARY RECITALS**

Pursuant to a petition filed September 18, 2015, under Wis. Stat. § 48.57(3m)(f), and Wis. Admin. Code § DCF 58.08(2)(b), to review a decision by the Kinship-DCF in regard to Kinship Care, a hearing was held on October 07, 2015, at Milwaukee, Wisconsin.

There remains no issue for determination.

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, Room G200  
Madison, Wisconsin 53703

By: Julie Bischoff, Kinship Care Worker  
Bureau of Milwaukee Child Welfare  
1555 Rivercenter Drive  
Milwaukee, WI 53212

**ADMINISTRATIVE LAW JUDGE:**

Corinne Balter  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. The petitioner is a resident of Milwaukee County.
2. The petitioner was receiving kinship payments for a child in her care.
3. The kinships payments were scheduled to stop because the petitioner did not complete and return foster licensing paperwork to the agency.

4. The petitioner appealed to the Division of Hearings and Appeals, and her kinship payments continued pending the outcome of the appeal.
5. During the pendency of the petitioner's appeal, she completed the necessary paperwork, and returned that paperwork to the agency. The agency has agreed to continue the kinship payments to the petitioner as long as she continues to cooperate with the foster care licensing process. Upon becoming a licensed foster care, she will receive foster care, rather than kinship care payments.

### DISCUSSION

The Kinship Care benefit is a public assistance payment paid to a qualified relative who has the child in her home, and 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. Admin. Code §§ HSS 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) or 48.57(3n)(am). Kinship payments are allowed for a limited period of time while the relative becomes a licensed foster care home. See Wis. Admin. Code, §DCF 58.065. When the relative become a licensed foster home, the relative becomes eligible for foster care payments.

In this case there remains no issue for determination. The agency sought to terminate the kinship care payments when the petitioner failed to return the foster licensing paperwork. The petitioner has since returned that paperwork. The foster care licensing process has started. The agency agreed to continue the petitioner's kinship payments as long as she continues to cooperate with the foster care licensing process. Once she becomes a licensed foster care home, she will receive foster care payments, instead of kinship payments. At this point there remains no issue for determination.

### CONCLUSIONS OF LAW

There remains no issue for determination.

**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, Room G200, 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 Milwaukee,  
Wisconsin, this 13th day of October, 2015

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\sCorinne Balter  
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 October 13, 2015.

Kinship-DCF

DCF - Kinship Care