



STATE OF WISCONSIN  
Division of Hearings and Appeals

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

KIN/168944

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**PRELIMINARY RECITALS**

Pursuant to a petition filed September 22, 2015, under Wis. Stat. § 48.57(3m)(f), and Wis. Admin. Code § DCF 58.08(2)(b), to review a decision by the Polk County Department of Social Services in regard to Kinship Care, a hearing was held on October 15, 2015, at Balsam Lake, Wisconsin.

The issue for determination is whether the petitioner took sufficient steps to continue receiving kinship care benefits.

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: [REDACTED], Kinship Care Worker  
Polk County Department of Social Services  
100 Polk County Plaza, Suite 50  
Balsam Lake, WI 54810

**ADMINISTRATIVE LAW JUDGE:**

Michael D. O'Brien  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. The petitioner is a resident of Polk County.
2. The petitioner had been receiving kinship care. The county agency ended those benefits on August 31, 2015, after determining that she did not complete her annual review.

3. On May 11, 2015, the county agency sent the petitioner a background information disclosure form and notified her that she had to renew her benefit. She returned the form on June 10, 2015.
4. The county agency tried to call the petitioner by telephone on June 23, 2015, July 17, 2015, and August 14, 2015, to set up her annual reassessment. Her phone was not working any of these times.
5. The agency wrote to her on July 10 and 17, 2015, to schedule an assessment, but she did not receive the letters.
6. The petitioner provides for the kinship child's needs and the kinship placement is in the child's best interest.

### **DISCUSSION**

The kinship care program pays \$232 per month per child to a qualified relative who cares for a child she bears no legal responsibility to support. *See, generally*, Wis. Stat. § 48.57 and Wis. Admin. Code, Ch. DCF 58. The kinship agency must reassess kinship relatives at least every 12 months to determine if they continue to meet the program's eligibility criteria. Wis. Admin. Code, § DCF 58.13(1). The county agency ended the petitioner's benefits on August 31, 2015, when she did not complete the renewal process.

The petitioner received the agency's initial letter sent on May 11, 2015, and returned the background information disclosure form included with that letter on June 10, 2015. But the agency tried unsuccessfully to contact her by telephone and mail several times over the next two months. She testified that she had to move with no notice because her house was unsafe and that she lost her telephone service for a few months.

The petitioner's responsibilities include keeping the agency informed about where she is living, telling it how to call her, and filling out the necessary kinship paperwork. But the petitioner has had a number of problems related to her living situation and phone that were not her fault. And the agency worker testified that she has been an excellent kinship parent who the worker hopes can continue to care for her relative. The renewal process is not meant to be an obstacle course but rather a means to ensure that the kinship parent remains fit to provide for the child's needs and that the arrangement is in the child's best interest. Because the agency agrees that these criteria have been met, I will remand this to them with instructions to reinstate the petitioner into the program retroactive to August 31, 2015.

### **CONCLUSIONS OF LAW**

The petitioner continues to meet the qualifications necessary to remain a kinship relative.

**THEREFORE, it is**

**ORDERED**

That this matter is remanded to the county agency with instructions that within 10 days of the date of this decision it reinstate the petitioner into the kinship care program retroactive to August 31, 2015.

### **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 Madison,  
Wisconsin, this 16th day of October, 2015

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\sMichael D. O'Brien  
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 16, 2015.

Polk County Department of Social Services  
DCF - Kinship Care  
DCF - Kinship Care