



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION
Case #: KIN - 175195

PRELIMINARY RECITALS

Pursuant to a petition filed on June 24, 2016, under Wis. Stat. § 48.57(3m)(f), and Wis. Admin. Code § DCF 58.08(2)(b), to review a decision by the St. Croix County Health & Human Services regarding Kinship Care, a hearing was held on August 10, 2016, by telephone.

The issue for determination is whether the county agency correctly ended the petitioner's Kinship Care benefits because she failed to disclose all of her household's members.

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:



Respondent:

Department of Children and Families
201 East Washington Avenue, Room G200
Madison, WI 53703

By:

St. Croix County Health & Human Services
1752 Dorset Lane
New Richmond, WI 54017-1063

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. The petitioner (CARES # [redacted]) is a resident of St. Croix County.
2. The petitioner had received Kinship Care. She received her last payment in June 2016.

3. The petitioner correctly stated her household composition to the county agency.

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(3m) 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 eligibility after she received her June 2016 payment because she allegedly failed to report that her former boyfriend lived with her. Apparently, he used her address on a court document. She cannot control what address he uses. She testified that he did not live with her, and there was no evidence in the record that he did. In fact, the agency did not submit any documentation, or even a letter supporting its position. Based on the record before me, I will order it to reinstate the petitioner retroactive to July 1, 2016.

CONCLUSIONS OF LAW

The county agency has not provided any evidence supporting its decision to end the petitioner's Kinship Care eligibility.

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 July 1, 2016, and make any past payments due to her.

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, **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 30th day of August, 2016

\s _____
Michael D. O'Brien
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 30, 2016.

St. Croix County Health & Human Services
DCF - Kinship Care
DCF - Kinship Care