



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION
Case #: CCB - 202152

PRELIMINARY RECITALS

Pursuant to a petition filed on May 25, 2021, under Wis. Admin. Code §HA 3.03(4), to review a decision by the Milwaukee Enrollment Services regarding Child Care (CC), a hearing was held on June 16, 2021, by telephone.

There is no Child Care issue for determination.

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Children and Families
201 West Washington Avenue
Madison, WI 53703

By: [REDACTED]
Milwaukee Enrollment Services
1220 W Vliet St
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Peter McCombs
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. Petitioner was a recipient of FS in a household that included her two minor children through October of 2020.

3. In October of 2020, an Order Amending Judgment was filed in Milwaukee County Circuit Court that provided, in pertinent part, that the father of petitioner's two minor children, CN, was granted primary placement of the children.
4. The two minor children were subsequently removed from petitioner's FS case and transferred to CN's FS case by the agency.
5. In April of 2021, an Order Amending Judgment was filed in Milwaukee County Circuit Court that provided, in pertinent part, that the petitioner and CN would share placement of their minor children equally.
6. On May 4, 2021, the petitioner requested, and the agency provided, a Fair Hearing request form.
7. On May 25, 2021, petitioner filed an appeal with the Division of Hearings and Appeals.

DISCUSSION

There is no Child Care issue that is ripe for determination at this time. I note that the respondent indicated at hearing that on May 27, 2021, employment pages were added to the case for both employers and that, with this information, the petitioner can apply for Child Care benefits for her minor children. Also at hearing, petitioner testified that she does not have a job presently, and therefore does not need Child Care at this time.

As this decision is issued jointly with FoodShare and BadgerCare Plus decisions that centered on the issue of shared custody of petitioner's minor children, I would note for petitioner's information that Child Care benefits policy addresses shared custody:

Each parent with shared placement has the option to apply for Wisconsin Shares subsidy to assist with the cost of child care for the time that the child in common is residing within his or her household. Each custodial/placement parent will have his or her own case number, but the child will be assigned a unique PIN number that will be used in both Wisconsin Shares Assistance Groups (AG).

Wisconsin Shares Handbook, § 1.3.1.2.

Petitioner is advised to reapply for Child Care benefits when she is again employed or otherwise engaged in an approved activity, in order that the agency may review her eligibility.

CONCLUSIONS OF LAW

There is no Child Care issue ripe for determination.

THEREFORE, it is **ORDERED**

Petitioner's appeal 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, 4822 Madison Yards Way, 5th Floor North, 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.

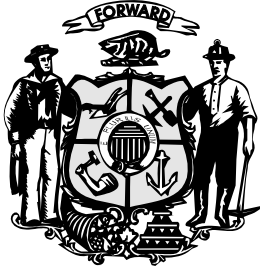
APPEAL TO COURT

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 West Washington Avenue, **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 15th day of July, 2021

\s _____
Peter McCombs
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 July 15, 2021.

Milwaukee Enrollment Services
Child Care Benefits