



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FOS/151914

PRELIMINARY RECITALS

Pursuant to a petition filed September 5, 2013, under Wis. Stat., §48.72, to review a decision by Vernon County Human Services to revoke a foster care license, a hearing was held on December 5, 2013, by telephone.

The issue for determination is whether the agency had a basis for revoking petitioner's foster license.

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Children and Families
201 East Washington Avenue
Madison, Wisconsin 53703

By: Marla Sutton, Foster Care Coordinator
Vernon County Human Services
318 Fairlane Drive, Suite 100
Viroqua, WI 54665-6131

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a resident of Vernon County.
2. Petitioner has been a foster parent for an autistic nephew for the past years. In 2013 she has had particular problems with depression and anxiety, and she began to use alcohol to relieve her stress. On July 22, 2013, the social service agency staff had a meeting with petitioner concerning her situation, in particular to address her use of alcohol.

3. On July 23 police responded to a report that petitioner was having chest pains. Petitioner was intoxicated when police arrived. The foster child was removed from the home, and the agency then reevaluated petitioner's home as a foster placement resource.
4. By a notice dated August 29, 2013, the agency informed petitioner that it was revoking her foster home license.

DISCUSSION

Wis. Admin. Code, §DCF 56.05(1) provides, in relevant part, as follows:

PERSONAL REQUIREMENTS AND BACKGROUND. (a) *General*. 1. A person licensed to operate a foster home shall be a responsible, mature individual who is fit and qualified, who does not abuse alcohol or drugs or have a history of a civil or criminal conviction or administrative rule violation that substantially relates to caring for children or operating a foster home, as described in ch. DHS 12, and who exercises sound judgment and displays the capacity to successfully nurture foster children....

(b) Characteristics.

1. 'All foster parents.' As evidenced through interviews with foster family members, the use of formalized assessment systems, communication with references, and other methods considered to be effective components of a comprehensive foster home study, a licensee shall have or exhibit all of the following characteristics to a degree that will allow the licensee to adequately provide foster care services: ...

b. A history of managing or an indication of the ability to manage stress related to economic resources, employment, home, neighborhood, family size, health problems, or other factors and an indication of an ability to cope with an additional stress factor of the placement of a foster child.

Wis. Admin. Code, §DCF 56.05(1)(e) provides that foster licensees should be free of physical or mental conditions that would interfere with the ability of the family to provide care for a foster child.

The agency sought to revoke petitioner's license because of concerns with petitioner's mental health and ability to cope with the added stress of a foster child. After reviewing the evidence and listening to both sides I agree with the agency's determination. It is evident that petitioner is well meaning but she clearly had difficulty handling the added stress of having a special needs child in the home. Even now, months later, petitioner testified to ongoing family issues (she stated that the extended family has taken sides over the issues with the foster child and various family members are not speaking to each other as a result). It follows that the foster licensing agency simply cannot take a chance on a foster home with mental health, family stress, and possible alcoholism issues, and thus I find the decision to revoke the license to be appropriate.

CONCLUSIONS OF LAW

The agency correctly sought to revoke petitioner's foster home license due to petitioner's mental health and stress issues.

THEREFORE, it is

ORDERED

That the petition for review herein be and the same is hereby dismissed.

REQUEST FOR A REHEARING

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found 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 served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Children and Families. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 201 East Washington Avenue, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Madison,
Wisconsin, this 9th day of December, 2013

\sBrian C. Schneider
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 December 9, 2013.

Vernon County Human Services
DCF - Foster Care