



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FOS/156070

PRELIMINARY RECITALS

Pursuant to a petition filed March 11, 2014, under Wis. Stat. § 48.64(4), and Wis. Admin. Code § DCF 56.10(1), to review a decision by the St. Charles Youth & Family Services in regard to Foster Care, a hearing was held on April 10, 2014, at Milwaukee, Wisconsin.

The issue for determination is whether the agency has offered evidence sufficient to demonstrate that it correctly revoked Petitioner's foster home license.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Petitioner's Representative:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

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

By: Jacqueline Rice

St. Charles Youth & Family Services
4757 N 76th St
Milwaukee, WI 53218

ADMINISTRATIVE LAW JUDGE:

David D. Fleming
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a resident of Milwaukee County.
2. Petitioner has been a licensed treatment foster home.

3. Petitioner was sent a letter by St. Charles Youth and Family Services, dated March 3, 2014, that informed Petitioner that St. Charles was revoking Petitioner's foster home (FH) license.
4. The reason for the revocation of Petitioner's FH license by St. Charles was a finding of maltreatment of a child by an investigator from Community Impact Programs, Inc. There is no other information or evidence as to this investigation or its findings.
5. Petitioner, her attorney and witnesses were all present on the date and at the time of this hearing and were prepared to proceed.

DISCUSSION

A foster home license may lawfully be revoked if the licensee fails to meet the minimum requirements for a license. *Wis. Stat. § 48.75(1d)*. In order to meet the minimum requirements for a license, it is necessary to meet all requirements contained in DCF foster care rules unless an exception has been granted. *Wis. Stat. § 48.67; Wis. Admin. Code §§ DCF 56.02(2) & 56.05(1)(c)1*. Furthermore, a licensee is required to be familiar with DCF foster care rules and comply with their requirements. *Wis. Admin. Code § DCF 56.05(1)(c)intro. & 56.05(1)(c)1*. Thus, a foster home license may be revoked for any failure to meet a requirement contained in DCF foster care rules (absent, where allowed, an exception). Beyond that it is not known what other provision or provisions of foster licensing law are relevant here.

No evidence has been presented here that provides any detail as to what this revocation is based on. The agency has not, therefore, met its burden of proof. I do note, however, that it has no obligation to place any children in Petitioner's home regardless of this licensing decision.

CONCLUSIONS OF LAW

That the agency has not offered any evidence at hearing in support of its decision to revoke Petitioner's foster home license and has not, therefore, met its burden of proof.

NOW, THEREFORE, it is

ORDERED

That this matter is remanded to St. Charles Youth and Family Services with instructions to reverse its revocation of Petitioner's foster home license. This must be done within 10 days of the date of this hearing.

It is noted again that this Decision does not require that children be returned to or placed in Petitioner's home.

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 Milwaukee,
Wisconsin, this 8th day of July, 2014

\sDavid D. Fleming
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 8, 2014.

St. Charles Youth & Family Services
DCF - Foster Care
Attorney Michael Winter