



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]

Redact

[REDACTED]

DECISION

FOS/160488

PRELIMINARY RECITALS

Pursuant to a petition filed September 08, 2014, under Wis. Stat. § 48.64(4), and Wis. Admin. Code § DCF 56.10(1), to review a decision by the Rock County Department of Social Services in regard to Foster Care, a hearing was held on October 28, 2014, at Janesville, Wisconsin.

The issue for determination is whether the respondent properly denied petitioner's foster home license.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]

Redact

[REDACTED]

Respondent:

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

By: Jennifer Wilson, Foster Care Worker
Rock County Department of Social Services
1900 Center Avenue
PO Box 1649
Janesville, WI 53546

ADMINISTRATIVE LAW JUDGE:

Peter McCombs (telephonically)
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a resident of Rock County.
2. Petitioner applied for a foster care license pursuant to Wis. Admin. Code ch. DCF 56. That application was denied by the respondent on or about September 4, 2014.

3. Petitioner and her husband have no criminal history, nor any drug or alcohol problems (or history of problems).
4. Petitioner and her husband have three children.
5. Petitioner seeks a foster care license in order to provide care for the minor child of CS; CS was fostered by petitioner's parents, and refers to petitioner as her "foster sister."

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: ...

o. A willingness to work with the supervising agency, placing agency, licensing agency, and the biological or adoptive parents in achieving a foster child's permanence goal as established in the child's permanency plan.

The agency notified the petitioner of its denial of her application, and highlighted "mature individual who is fit and qualified" and "exercises sound judgment" from the above-cited Administrative Code section in expressing that denial. Its denial letter also cited to subsection "o" regarding a willingness to work with the supervising agency. See, Exhibit 1.

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 working with the respondent. The Administrative Code specifically mandates that a licensee shall have or exhibit a willingness to work with the supervising agency, placing agency, and licensing agency. The record does not reflect that petitioner possesses this characteristic. It follows that the foster licensing agency simply cannot take a chance on a foster home with a documented history of a lack of cooperation, and thus I find the decision to deny the license to be appropriate.

Nothing in this decision shall preclude the petitioner from reapplying for a foster care license in the future, should she desire to do so.

CONCLUSIONS OF LAW

The agency correctly denied petitioner's foster home license due to petitioner's failure to demonstrate a willingness to work with the licensing agency.

THEREFORE, it is

ORDERED

That the petition for review herein be and the same 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, 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, 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 23rd day of December, 2014.

\sPeter 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 December 23, 2014.

Rock County Department of Social Services
DCF - Foster Care