



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FOS/166121

PRELIMINARY RECITALS

Pursuant to a petition filed May 19, 2015, under Wis. Stat. § 48.64(4), and Wis. Admin. Code § DCF 56.10(1), to review a decision by the Racine County Department of Human Services in regard to Foster Care, a telephonic hearing was held on October 01, 2015. The record was held open 5 days post-hearing to allow petitioner time to submit additional information; nothing further was received from petitioner in that time.

The issue for determination is whether the foster care licensing agency correctly denied petitioner a foster parent license.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

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

By: Yvette DeGeorge, Foster Care Coordinator
Racine County Department of Human Services
1717 Taylor Ave
Racine, WI 53403-2497

ADMINISTRATIVE LAW JUDGE:

Kelly Cochrane
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a resident of Racine County.
2. On or about March 4, 2015 petitioner applied for a foster care license.

3. In April 2015, the agency received copies of text messages that occurred between petitioner and the biological mother of the child for which petitioner sought the foster care license. See Exhibit 2.
4. On May 6, 2015 the agency issued notice to petitioner that her foster care license was denied. See Exhibit 3.

DISCUSSION

Chapter DCF 56 of the Wisconsin Administrative Code sets forth the licensing requirements for foster homes and foster parents so as to protect the health and safety, and promote the welfare of, the children placed in the homes. See Wis. Stat. §48.67; Wis. Admin. Code §DCF 56.01(1). When a foster care licensing agency receives a completed application for a foster home license, the licensing agency must either approve the application and issue the license, or deny the application. See Wis. Adm. Code §DCF 56.04(5)(a). If the application for a license is denied, the licensing agency shall give the applicant reasons in writing for the denial and shall provide information on how an appeal may be requested under s. DCF 56.10. *Id.* That occurred in this matter when petitioner’s application was denied.

The reasons the licensing agency gave for denying the application center around its determination that petitioner did not meet several of the licensee qualifications enumerated under the law. Specifically, the agency cited the following:

DCF 56.05 Licensee qualifications.

(1) 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 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:

...

i. Reasonably constructive social relationships and the ability to provide encouragement and understanding of a foster child's need for positive social relationships.

j. Effective intrafamilial communication and the existence of appropriate family roles, marital or other relationship stability, integration into the community, and organization in the home.

...

L. An appropriate understanding of the needs of children who have been abused or neglected and of parents who abuse or neglect their children or a motivation to learn.

...

- 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 presented 45 pages of screen shots taken from text messages that occurred between petitioner and the biological mother of the child for which petitioner sought the foster care license. See Exhibit 2. They show that on many occasions, petitioner was threatening, hostile, and unwilling or unable to show that she shared the goal of foster care – reunification.

The petitioner did not deny the texts occurred as they did and agreed that she has not been objective in the situation involving the child and her biological parents. She testified however, that she has been working with the biological mother and their relationship is improving.

The agency's decision is made at "a snapshot in time". In other words, I must look at when the agency made its decision, and was the decision made correctly at that time. Based on the information at the time, the agency used sound and experienced judgment in denying the foster license, and there is insufficient reason for me to reverse the determination.

CONCLUSIONS OF LAW

The foster care licensing agency correctly denied petitioner a foster parent license.

THEREFORE, it is

ORDERED

The petition for review herein is 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.

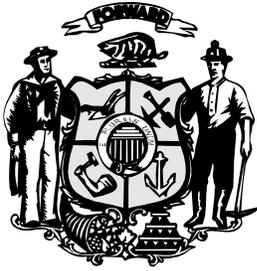
APPEAL TO COURT

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, Room G200, 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 Milwaukee,
Wisconsin, this 19th day of November, 2015

\sKelly Cochrane
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 November 19, 2015.

Racine County Department of Human Services
DCF - Foster Care