



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FOS/170168

PRELIMINARY RECITALS

Pursuant to a petition filed November 16, 2015, under Wis. Stat. § 48.64(4), and Wis. Admin. Code § DCF 56.10(1), to review a decision by the Iowa County Department of Social Services in regard to Foster Care, a hearing was held on December 09, 2015, at Dodgeville, Wisconsin.

The issue for determination is whether DHA has jurisdiction in this matter.

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: [REDACTED], Corporation Counsel, Foster Care Worker
Iowa County Department of Social Services
303 W Chapel Street, Ste 2300
Dodgeville, WI 53533

ADMINISTRATIVE LAW JUDGE:

John P. Tedesco
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a resident of Iowa County.
2. Petitioner is a licensed foster care provider.
3. On September 30, 2015, the Iowa County Department of Social Services issued a "Foster Parent Corrective Action Plan" to petitioner relating to an alleged violation involving a child accessing

alcoholic beverage and becoming intoxicated. The plan calls for petitioner to undergo certain training before any children are placed with him again.

4. Petitioner filed a request for hearing on November 16, 2015 claiming the appeal was relating to a license revocation and a removal of a child.

DISCUSSION

A person has a statutory right to appeal a removal of a foster child under Wis. Stat. § 48.64(4)(b). A person has a right to appeal to DHA regarding a license revocation or denial under Wis. Admin. Code DCF § 56.10.

This matter does not relate to any of those actions. This is a corrective action plan that the petitioner disagrees with. Petitioner could offer no legal authority for a review of such action by DHA. Petitioner argued that this is a de facto license revocation. I disagree, The license is still intact and no revocation action has been pursued by the agency under DHS Chapter 56.

CONCLUSIONS OF LAW

DHA has no jurisdiction to consider the petitioner's disagreement with the corrective action plan.

THEREFORE, it is

ORDERED

That this appeal 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 Madison,
Wisconsin, this 10th day of December, 2015

\sJohn P. Tedesco
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 10, 2015.

Iowa County Department of Social Services
DCF - Foster Care