

Appealing Decisions That Affect Your Foster Home License

You have a right to appeal a decision to deny your application for a foster home license or renewal of a license. You can also appeal a decision to revoke your license.



If the license was denied for any reason other than a substantiation of child maltreatment, you may request a hearing by writing to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. This information will be made available to you in the letter denying your license or license renewal. In your letter to the Division of Hearings and Appeals include your name, your social security number, your signature, which county or agency denied / revoked the license, and your explanation of why you disagree with the decision. You may also fill out a form to request a hearing. You can get the form online at <http://dha.state.wi.us/home/WFS/WFSHrgReqForm.pdf> or from the agency that denied your request. You will receive a letter with the date, time, and location of the review. The licensing agency will present their reasons for the decision at the hearing. You can bring people to support you to the hearing or any documents, such as reference letters, to support your case.

If the denial was due to a substantiation of maltreatment, you may follow the process outlined below to appeal the decision.

Appeal Process for a Substantiated Maltreatment Finding

Under the federal Child Abuse Prevention and Treatment Act (CAPTA) and Wisconsin state law, a person who has been named as a maltreater in a substantiated case of child abuse or neglect has the right to appeal.

This appeal process starts with Bureau of Milwaukee Child Welfare (BMCW) staff.

1. You will get a letter if you are named as a maltreater in a substantiated case of child abuse or neglect. It will tell you how to appeal the determination. Return the form sent with the letter to the BMCW CAPTA Coordinator as directed on the form.
2. A CAPTA reviewer will schedule an interview with the Substantiation Review

Panel at the Bureau of Milwaukee Child Welfare's administrative office. You will receive a letter with details.

You have a right to send additional written information to the reviewers that you feel is relevant to your case. You may also request written information about the substantiation before the hearing. You may have an attorney present, but it is not necessary, and the attorney does not participate in the interview. During the interview, you will be asked about the case. The interview will be audio taped.

3. The Substantiation Review Panel is composed of BMCW employees who will decide whether to uphold or overturn the substantiation. They will interview you and

review the documentation on file. You will be notified of their decision by letter within 30 days.

4. If the substantiation is overturned, the panel's findings will be entered into the case record and the BMCW database will be updated accordingly. The agency that licensed you will also be notified.

If the substantiation is upheld, you may appeal further to the Division of Hearings and Appeals as described below.

Administrative Appeal at the Division of Hearings and Appeals

This appeal must be requested within 30 days of receipt of the Substantiation Review Panel's decision letter.

1. As stated above, if the Substantiation Review Panel upholds the substantiation, you will be notified by letter. A Request for Administrative Appeal - CAPTA Substantiation Decision form will be included with the letter. Send the appeal request letter to the Division of Hearing and Appeals within *30 days* of the date on the panel decision letter.
2. You will get a letter back from the Division of Hearings and Appeals telling you that your request form was received. A second letter will tell you which Administrative Law judge will be presiding over your case and provide contact information for that judge. The judge will then be in touch with you to schedule your hearing. You must attend the hearing.
3. After the hearing, the judge will issue a written decision by letter notifying you

of his or her decision. If the substantiation is overturned, the findings will be entered into the case record and the database will be updated accordingly. The agency that licensed you will also be notified.

Rehabilitation Review Process

Wisconsin also offers a Rehabilitation Review Process for those substantiated for maltreatment who would like to clear their records for employment and licensing purposes. This process is separate from the administrative appeal process. To find out more about this process and receive an application, contact the office listed below or go to

<http://www.dhs.wisconsin.gov/forms/F8/F83263.pdf>

Department of Children and Families
Office of Legal Counsel
201 E. Washington Ave. G 200
P. O. Box 8916
Madison, WI 53707-8916
Ph. (608) 266-8428



Frequently Asked Questions

Do I need to hire an attorney for the CAPTA panel interview?

You have the right to be represented by an attorney at the panel interview but the attorney will not be allowed to participate in the interview. You also have the right to have your attorney present during the Administrative Appeal hearing. Your attorney may participate in that hearing.

Who will be at a CAPTA administrative appeal hearing?

Staff from the BMCW will be there, as well as staff from the agency that named you as the maltreater. The agency that licensed you may also send staff. The BMCW will have its attorney at the hearing. You may bring witnesses and documents you think are relevant to your case. In some cases, the judge may require you to disclose which witnesses and documents you will bring prior to the date of the hearing.

What goes on at a hearing?

The hearing is not like a trial, but more of a meeting. Those attending will have reviewed the documents related to the decision. The hearing examiner leads the process. The agency that made the decision will be asked to state why the decision was made. You can then state your view and give reasons you disagree with the decision. Witnesses on your behalf can also make statements. The hearing examiner makes the final decision following the meeting.

If the substantiation is overturned, will my public record be expunged so my name is cleared?

A substantiation of maltreatment is not a criminal offense unless the maltreatment is serious and criminal charges are filed by the district attorney's office. Maltreatment decisions are recorded in the child protective services database, which is not public. The case record in the database will be changed to show the substantiation was overturned.

The substantiation does not appear in the Wisconsin court records (C-CAP) unless criminal charges were filed. The BMCW is not able to remove criminal charges. You would need to contact a criminal attorney once the criminal case has been resolved.

What if I miss the appeal dates?

If you do not appeal substantiation and at a later day it is found to affect your employment, you may ask for a Rehabilitative Review from the Department of Children and Families. (See previous page.)



DCF is an equal opportunity employer and service provider. If you have a disability and need to access this information in an alternate format, or need it translated to another language, please contact (414) 220-7000. For civil rights questions call (608) 266-5335 or (866) 864-4585 TTY (Toll Free).