

Where are the hearings held?

You will be notified in writing of the time and place of the hearing well in advance.

How long does the hearing take?

The length of time will depend on the number of witnesses called and the amount of testimony. The average hearing lasts 30 to 45 minutes.

What happens at the hearing?

In general, most hearings proceed as follows:

- The licensing agency or the agency that conducted an independent investigation presents its case and submits evidence to the hearing examiner. Witnesses will testify on their behalf.
- The appealing party (you or your attorney) presents arguments to the licensing agency's case and also submits evidence to the hearing examiner. Your witnesses will testify.
- The licensing agency or the agency that conducted an independent investigation can ask questions of you and your witnesses.
- The hearing examiner can ask questions at any time.
- After all testimony has been heard, the hearing examiner will close the hearing.
- The hearing examiner will make the final decision and will send it to you in writing.
- If you believe there has been a mistake in the interpretation of the facts or the law, you may request a rehearing. You also may appeal the decision to your county's circuit court. The instructions for appealing will be included in the materials that are sent from the Division of Hearings and Appeals.

To learn more about becoming a foster parent or an adoptive parent for a child in foster care, contact Children's Wisconsin at (414) KID-HERO (414-543-4376).



PO Box 1997, MS 4110
Milwaukee, WI 53201-1997

(414) KID-HERO (414-543-4376)

Foster parenting: What are my rights?



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Frequently asked questions

What is a fair hearing?

You have the right to a fair hearing if your application or re-application for a foster home license has been denied or revoked. During a fair hearing, an administrative law judge hears the facts in your case and makes an informed decision. However, if there has been a finding of substantiated child abuse or neglect you also can apply for a Child Abuse Prevention Treatment Act (CAPTA) hearing.

What is a Child Abuse Prevention Treatment Act hearing?

CAPTA states that if you were found to have abused or neglected a child after October 1998, you have the right to a CAPTA hearing and rehabilitation review. If you were found to have abused or neglected a child prior to October 1998, you have the right to a rehabilitation review.

CAPTA is a two-part process

CAPTA Part I: The paper review. This is done by a person designated by the agency that conducted the independent investigation. That person reviews the allegation and supporting documents and makes a decision whether to uphold the original decision. You will be notified within 30 days as to whether the original decision has been changed. If the decision remains the same, you will receive a CAPTA appeal form along with a letter stating that the substantiation has been upheld.

CAPTA Part II: The hearing. At this point, if you want a hearing, you should fill out the appeal form and send it to the Division of Hearings and Appeals. You will be informed of the hearing time and place at least 10 days in advance. The judge will determine, based on the facts of the case, whether to uphold the substantiated finding.

What is the rehabilitation review?

If you have a substantiated child abuse or neglect finding prior to October 1998 or are otherwise

barred from being a foster parent under current caregiver laws, you have the right to appeal to the rehabilitation review panel. This panel reviews the circumstances surrounding the case and then makes a decision as to whether you have shown that you are rehabilitated. The panel gets their information from your application and the records that are kept by the Division of Milwaukee Child Protective Services. You may attend this panel review and give your account of the facts, but your attendance is not mandatory. You may call the Office of Legal Counsel at **(608) 266-8428** to request a rehabilitation review application. You will be notified of the panel's decision generally within one week.

Who is entitled to a fair hearing regarding licensing?

Any of the following individuals are entitled to a hearing:

- Any person who applied for a foster care license and was denied
- A foster parent whose license was revoked
- Any person who applied for a license renewal and was denied
- A person who believes that there was an error in an abuse or neglect substantiation

How do I get a hearing or rehabilitation review panel meeting?

You must submit your request in writing to:

Fair hearing:

Division of Hearings and Appeals
PO Box 7875
Madison, WI 53707

DMCPS Administrative Office Kinship Appeal Rights
635 N. 26th St.
Milwaukee, WI 53233

CAPTA hearing:

Community Impact Programs, Inc.
CAPTA Coordinator
1126 S. 70th St., Suite 5507
West Allis, WI 53214

Rehabilitation review:

Department of Health and Family Services
Office of Legal Counsel
PO Box 7850
Madison, WI 53707-7850

What are my rights?

For a fair hearing, you have the right to:

- Be represented by an attorney.
- Bring witnesses.
- Testify.
- Bring all documents that may support your case.
Note: Bring copies of your documents to submit. The documents you submit as evidence will remain in your case file.

The rehabilitation review is not a fair hearing, but is a form of review to which you are entitled if your foster care license is in jeopardy.

Who attends the hearing?

The type of hearing will dictate who attends. At a fair hearing, a representative from the licensing agency, the specialist who manages your case, his or her supervisor and any other witnesses will attend.

At the CAPTA hearing, a representative of the agency who conducted the investigation will attend, as well as the individual who conducted the investigation. Agencies listed above also will attend. For either type of case, you must attend the hearing. If you do not attend, your case will be dismissed. In addition, your attorney (should you choose to be represented), along with any other witnesses, also will attend.

Does a judge hear the case?

The hearing examiner is an administrative law judge. He or she is an attorney hired by the state of Wisconsin. There will be an administrative law judge at every hearing, regardless of the type of hearing. He or she will make a decision regarding the case.