

1 **AN ACT to amend** 48.72 of the statutes; **relating to:** specifying the Milwaukee child
 2 welfare agency’s right to appeal administrative hearing decisions on licensure of a
 3 foster home or treatment foster home.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the joint legislative council’s special committee on adoption and termination of parental rights law.

Under current law, s. 48.75, stats., relates to licensing of foster homes and treatment foster homes by public licensing agencies and child welfare agencies. A “public licensing agency” is defined as “a county department or, in a county having a population of 500,000 or more, the department”. [s. 48.75 (1b), Stats.] For licensing of Milwaukee county foster and treatment foster homes the department of health and social services, bureau of Milwaukee child welfare (BMCW), is the public licensing agency. Under s. 48.75 (2), any foster home or treatment foster home applicant or licensee of a public licensing agency or a child welfare agency may, if aggrieved by the failure to issue or renew its license or by revocation of its license, appeal as provided in s. 48.72. The statute further provides that judicial review of the department’s decision may be had as provided in ch. 227.

Section 48.72 sets forth the appeal procedure of licensing decisions. Under s. 48.72, any person aggrieved by the department of health and family services’ (DHFS) refusal or failure to issue, renew, or continue a license has the right to an administrative hearing provided for contested cases in ch. 227. Because this statute does not specify that the public licensing agency or child welfare agency also has a right to subsequent judicial review of the administrative law judge’s decision on a licensing issue, the BMCW has taken the position that they do not have the right to challenge decisions of administrative law judges in circuit court.

This draft specifically grants the BMCW the right to judicial review of the administrative law judge’s decision, in cases where an administrative law judge has made a licensing decision that the BMCW disagrees with and wishes to appeal.

4 **SECTION 1.** 48.72 of the statutes is amended to read:

