



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

██████████
██████████
██████████
██████████

DECISION
Case #: CWK - 221161

PRELIMINARY RECITALS

Pursuant to a petition filed December 11, 2025, under Wis. Admin. Code, §HA 3.03(1), to review a decision by Brown County Human Services regarding the Children's Long-Term Support Program (CLTS), a hearing was held on January 29, 2026, by telephone. The record was held open for seven days for petitioner's to provide documents; nothing was received.

The issue for determination is whether petitioner's co-parent can be paid for providing respite care.

PARTIES IN INTEREST:

Petitioner:

██████████
██████████
██████████
██████████

Respondent:

Department of Health Services
201 E. Washington Ave.
Madison, WI 53703

By: Megan Kolton
Brown County Human Services
111 N. Jefferson St.
Green Bay, WI 54301

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a resident of Brown County.

2. Petitioner is eligible for CLTS through Brown County HHS. One of the services covered by CLTS is respite care. Petitioner's respite care provider is B.S. (initials are used for confidentiality).
3. In the fall, 2025, the agency investigated the family's living situation. It determined that B.S. lives in the household and essentially acts as a co-parent of petitioner.
4. Petitioner's mother and B.S. are co-owners of the residence. Petitioner's medical records show that petitioner lives with his "moms" and have as an email one shared by the two women. Petitioner's mother asked that B.S. be listed as her wife on petitioner's most recent functional screen, and school records show that petitioner lives with his mother and B.S. CLTS home visit records also show that petitioner's mother and B.S. report that they live together.
5. By a notice dated December 10, 2025, the agency informed petitioner's mother that B.S. would no longer be paid for providing respite care. The notice did not discontinue respite care services; it meant only that B.S. could not be a paid respite care provider.

DISCUSSION

The CLTS program started on January 1, 2004 after the federal Department of Health and Human Services informed the state department (DHS) that federal MA funding would no longer be available for in-home autism services. The department drafted and released the Medicaid Home and Community-Based Waiver Manual for the CLTS Program ("the Manual"), with a current update as of December, 2025. It can be found on the internet at <https://www.dhs.wisconsin.gov/publications/p02256.pdf>. It does not appear that any changes in the update affect the issue in this matter.

Respite care is a covered service under CLTS, and petitioner's care plan includes respite care. Manual, §4.6.26. The issue in this appeal is the limitation found in the Manual, §4.4.1: "Payment to a parent or a primary caregiver in the participant's household is not allowed, except in certain circumstances for the transportation service." The issue here is factual. B.S. has been a respite provider for petitioner, but the agency obtained evidence that B.S. both lives in the household and is essentially a co-parent of the children.

Evidence is overwhelming that B.S. lives with petitioner and is a primary caregiver along with petitioner's mother. Petitioner's mother testified that B.S. lives elsewhere. The record was held open for petitioner's mother to provide a copy of B.S.'s lease. Nothing was received. I conclude that the agency action was correct.

CONCLUSIONS OF LAW

The CLTS agency correctly removed B.S. as a respite care provider under petitioner's care plan because B.S. lives with petitioner and acts as a co-parent.

THEREFORE, it is

ORDERED

That the petition for review is hereby 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, 4822 Madison Yards Way, 5th Floor North, 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.

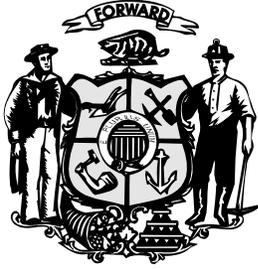
APPEAL TO COURT

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 Health Services, 201 E. Washington Ave., **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 9th day of February, 2026

\s _____
Brian C. Schneider
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 February 9, 2026.

Brown County Human Services
Bureau of Long-Term Support

