



**STATE OF WISCONSIN
Division of Hearings and Appeals**

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

DECISION
Case #: CWK - 220567

PRELIMINARY RECITALS

Pursuant to a petition filed October 22, 2025, under Wis. Admin. Code, §HA 3.03(1), to review a decision by the Sauk County Dept. of Human Services regarding the Children's Long-Term Care Program (CLTS), a hearing was held on January 7, 2026, by telephone. A hearing set for December 10, 2025 was rescheduled at the petitioner's request.

The issue for determination is whether the agency correctly denied a request for a service dog based upon the information presented at the request.

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

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

By: Bridgette Bodette
Sauk County Dept. of Human Services
PO Box 29
Baraboo, WI 53913

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a 6-year-old resident of Sauk County.

2. Petitioner is diagnosed with autism. She is enrolled in CLTS with Sauk County DHS as the managing agency. She formerly was in Adams County, and she transitioned to Sauk County in October, 2025.
3. At the initial meeting between petitioner's parents and Sauk County CLTS personnel, her parents mentioned that they would like to request a service dog to help prevent petitioner from eloping, with the potential provider being [REDACTED].
4. By a notice dated October 8, 2025, the agency denied the request because use of the service dog would be considered a restraint.
5. At the time of the request, [REDACTED] was not an approved CLTS provider. The owners currently are in the process of seeking approval. Petitioner's parents, [REDACTED], and the Sauk County CLTS personnel have also discussed resubmitting the request with more information on the service dog's potential use, including as a seizure identifier.

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.

Service animals are allowed though CLTS under the Assistive Technology provisions. They can be provided to do work or perform tasks for the benefit of the disabled child. The tasks would support the person's disability-related functional impairments. See Manual, §4.6.2.1. As noted by Ms. Bodette, Department training materials point out specifically that if the only purpose of the animal is to keep the child from eloping, it would be considered a non-allowed restraint.

Petitioner's father testified that when they mentioned the potential service dog, they just did so in passing and had not yet formed a specific request. At this point they are working with [REDACTED] for more information, and as noted, [REDACTED] is not even an authorized provider yet. CLTS staff agree now that under the correct circumstances a service dog could be approved.

The upshot is that the request and denial in October were both premature. Both sides agreed that petitioner's parents and [REDACTED] can submit a new request with better information about the dog's potential benefit. I thus will dismiss this appeal because, at the time the denial letter was sent, there was not a basis for granting approval. As I noted, the denial does not mean that the parents are unable to file a new request, and that appears to be the avenue both sides are pursuing.

CONCLUSIONS OF LAW

The request for a service dog was premature as no specific plan had been formulated with the potential provider.

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.

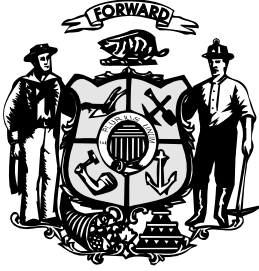
APPEAL TO COURT

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 8th day of January, 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 January 8, 2026.

Sauk Cty Department of Human Services
Bureau of Long-Term Support

