

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE DEPARTMENT OF HUMAN SERVICES

In the Matter of the Revocation of the  
Child Foster Care License of Yolanda  
Eulia Renett Hulett

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
AND RECOMMENDATION**

The above-entitled matter came before Administrative Law Judge Barbara Case for an evidentiary hearing on May 10, 2016. The record closed on the same date.

Jada Lewis, Assistant Ramsey County Attorney, appeared on behalf of the Minnesota Department of Human Services (Department). Yolanda Renett Hulett (Licensee) appeared on her own behalf without counsel.

**STATEMENT OF THE ISSUES**

1. Did the Department demonstrate, by a preponderance of the evidence, reasonable cause that sanctions should be imposed upon the Licensee's child foster care license?
2. If the Department demonstrated reasonable cause to show that sanctions should be imposed upon the Licensee's child foster care licensee, did the Licensee show, by a preponderance of the evidence that she was in compliance with all applicable statutory and rule requirements?
3. If sanctions are to be imposed, is revocation of the license appropriate?

**SUMMARY OF RECOMMENDATION**

The Administrative Law Judge concludes that the Department demonstrated reasonable cause for sanctions to be imposed upon the child foster care license and that the Licensee failed to show full compliance with all applicable statutory and rule requirements. The Administrative Law Judge further concludes that revocation of Licensee's license is an appropriate regulatory sanction.

Based on the evidence in the hearing record, the Administrative Law Judge makes the following:

## FINDINGS OF FACT

1. The Licensee has been a licensed child foster care provider since January 2015.<sup>1</sup>

2. Karen Franklin is a social worker with Ramsey County (County). Ms. Franklin has 17 years of experience in the foster care field and has been a foster care licenser with the County for three years. In that capacity, she was the initial licenser when the Licensee received her foster care license. Ms. Franklin was also instrumental in making referrals for children to be placed in Licensee's home.<sup>2</sup>

3. Ms. Franklin began working with Licensee as her licensing social worker on or about April 15, 2014, when Licensee submitted an application for a foster care license. A home study was completed on December 14, 2014. Licensee was licensed by the County on January 1, 2015.<sup>3</sup>

4. As of June of 2015, the Licensee had two foster children placed in her home. The children were approximately ages 6 months and 18 months.<sup>4</sup> Licensee also has a biological daughter who is currently 17 years old, and was 16 years old at the time relevant to this report.<sup>5</sup>

5. In June of 2015, Ms. Franklin received a vulnerable adult report which stated that Licensee had told a therapist (an Adult Rehabilitative Mental Health Services Program (ARMHS) worker)<sup>6</sup> that she was unable to provide care for herself, her child or for the foster children placed in her home.<sup>7</sup> The ARMHS worker was concerned for the safety of the children in Licensee's care.<sup>8</sup>

6. A person who is assigned an ARMHS worker must have a mental health diagnosis that results in a significant impairment.<sup>9</sup>

7. When this report was received by Ms. Franklin, she was concerned about the safety of the children in Licensee's care. Ms. Franklin was also concerned that Licensee had not informed her at the time Licensee applied for her license or subsequently, that Licensee had significant mental health issues.<sup>10</sup>

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<sup>1</sup> Testimony (Test.) of Karen Franklin.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> Ex. 4.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*; Ex. 3.

<sup>9</sup> Test. of K. Franklin.

<sup>10</sup> *Id.*; Ex. 7.

8. The County, specifically staff in the child protection unit, decided that for their safety the two foster children should be removed from Licensee's care.<sup>11</sup>

9. On June 3, 2015, after receiving the report about the Licensee's statements, Ms. Franklin made an unannounced visit to Licensee's home to speak with her about the reported statements.<sup>12</sup>

10. Licensee denied mental health issues and explained that she was stressed due to her son's prison sentence and Licensee's upcoming surgery. She also stated that she saw an ARMHS worker in order to maintain social security for her daughter and overall therapy for the family.<sup>13</sup>

11. Ms. Franklin asked Licensee to sign a release of information so that she could speak with the ARMHS worker. Licensee refused to provide the release of information.<sup>14</sup>

12. On June 3, 2015, Ms. Franklin, her supervisors and child protection staff decided to remove the children from Licensee's home.<sup>15</sup>

13. On June 3, 2015, the six-month-old foster child was removed from Licensee's home. Licensee was home at the time and was very upset by the removal.<sup>16</sup>

14. At approximately 3:45 p.m., on June 4, 2015, a County social worker went to Licensee's home to remove the 18-month-old. The social worker attempted to reach Licensee by phone and by knocking on the door of her home. The social worker waited outside the home for approximately two hours when she saw Licensee's daughter approach Licensee's house. The social worker asked Licensee's daughter if the foster child was home and she replied that he was in the house with her cousin. Licensee's daughter then entered the home, locked the front door and refused to answer it.<sup>17</sup>

15. At 5:46 p.m. the social worker called the police to assist her in retrieving the foster child. The police arrived at 7:26 p.m. After the police arrived, the first social worker left and was replaced by a coworker. The police knocked on the door, announced themselves as police and told the people inside to open the door. The police could hear a baby crying inside the house. The police knocked and announced themselves approximately three times. They also attempted to reach Licensee by phone. An officer then entered through a window and opened the front door for other officers to enter. Inside the home the police found Licensee's daughter, two other youth and the foster child. The social worker then entered the home and took custody of the foster child.<sup>18</sup>

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<sup>11</sup> *Id.*

<sup>12</sup> Ex. 5, at RC 52; Test. of K. Franklin.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> Test. of K. Franklin.

<sup>16</sup> *Id.*; Ex. 7.

<sup>17</sup> Test. of L. Anderson, Test. of K. Franklin; Exs. 4, 7.

<sup>18</sup> Ex. 7; Test. of L. Anderson.

16. Licensee's daughter told an officer that she was the person who had come home at approximately 6:00 p.m., and had spoken with the social worker. She also told the officer that she had called Licensee who told her not to open the door for anyone and to block the doors.<sup>19</sup>

17. The foster child was home without an authorized caregiver for at least four hours.<sup>20</sup>

18. Licensee did not have authorization for any substitute care givers.<sup>21</sup>

19. The County decided to go forward with the revocation action because of concerns about the safety of the children and Licensee's lack of cooperation with the agency.

20. The County recommended revocation to the Department by letter on June 18, 2015.<sup>22</sup>

21. The Department issued an Order of Revocation to Licensee on November 30, 2015, which summarized the rules the Department found Licensee violated and a supporting narrative.<sup>23</sup>

22. Licensee appealed the license revocation on January 5, 2016.<sup>24</sup>

23. The County extended Licensee's license pending the outcome of the appeal.<sup>25</sup>

24. Licensee appealed the license revocation on January 5, 2016.<sup>26</sup>

25. No children have been placed with Licensee since June 4, 2015.<sup>27</sup>

Based on these Findings of Fact, the Administrative Law Judge makes the following:

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<sup>19</sup> Ex. 7.

<sup>20</sup> Exs. 4, 7.

<sup>21</sup> Test. of K. Franklin.

<sup>22</sup> Ex. 2.

<sup>23</sup> Ex. 1.

<sup>24</sup> Ex. 15.

<sup>25</sup> Ex. 9.

<sup>26</sup> Ex. 15.

<sup>27</sup> Test. of K. Franklin.

## CONCLUSIONS OF LAW

1. The Commissioner of Human Services and the Administrative Law Judge have jurisdiction in this matter under Minn. Stat. §§ 14.50, 245A.08 (2014).

2. The Department of Human Services gave proper and timely notice of the hearing in this matter.

3. The Department and Ramsey County have complied with all substantive and procedural requirements of law and rule.<sup>28</sup>

4. The burden of proof first lies with the Commissioner, who may demonstrate reasonable cause for the action taken by submitting statements, reports, or affidavits to substantiate the allegations that the licensee failed to comply fully with applicable law or rule. If the Commissioner demonstrates that reasonable cause existed, the burden shifts to the licensee to demonstrate by a preponderance of the evidence that she was in full compliance with those laws or rules allegedly violated, at the time that the commissioner alleges the violations occurred.<sup>29</sup>

5. Minn. R. 2960.3060, subp. 1 (2015) requires that a license holder must cooperate with the licensing agency.

6. The Department proved by a preponderance of the evidence that the Licensee violated this rule when she refused to sign a release so that Ramsey County could speak with her therapist.

7. Minn. R. 2960.3060, subp. 3 (2015) requires that a license holder must sign a statement that they are able to care for foster care children and indicate any limitations they may have.

8. The Department proved by a preponderance of the evidence that the Licensee violated this rule when she did not reveal her inability to care for her children, or her history of mental health concerns to Ramsey County.

9. Minn. R. 2960.3090, subp. 3 requires short-term caregivers to meet certain qualifications.

10. The Department proved by a preponderance of the evidence that Licensee violated this rule when she left a foster child with unqualified care givers.

11. Minnesota Statutes section 245A.07 (2014) states, in part:

Subdivision 1. Sanctions; appeals; license. (a) In addition to making a license conditional under section 245A.06, the commissioner may suspend or revoke the license, impose a fine, or secure an injunction against the

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<sup>28</sup> Minn. Stat. § 245A.07, subd. 3 (2014).

<sup>29</sup> Minn. Stat. § 245A.08, subd. 3(a).

continuing operation of the program of a license holder who does not comply with applicable law or rule. When applying sanctions authorized under this section, the commissioner shall consider the nature, chronicity, or severity of the violation of law or rule and the effect of the violation on the health, safety, or rights of persons served by the program.

Subd. 3. License suspension, revocation, or fine. (a) The commissioner may suspend or revoke a license, or impose a fine if:

(1) A license holder fails to comply fully with applicable laws or rules.

12. The Department has demonstrated, by a preponderance of the evidence, that it has reasonable cause to take disciplinary action against the Licensee's license.

13. The Licensee has failed to demonstrate, by a preponderance of the evidence, that she was in full compliance with all applicable law and rules at all times relevant to this proceeding.

14. The Commissioner has reasonable cause to revoke Licensee's foster care license.

Based upon these Findings of Fact and Conclusions of Law, and for the reasons explained in the accompanying Memorandum, the Administrative Law Judge makes the following:

### RECOMMENDATION

It is respectfully recommended that Department's Order of Revocation be **UPHELD**.

Dated: June 3, 2016

  
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BARBARA J. CASE  
Administrative Law Judge

Reported: Digitally Recorded  
No transcript prepared

## NOTICE

This Report is a recommendation, not a final decision. The Commissioner of Human Services (the Commissioner) will make the final decision after a review of the record. Under Minn. Stat. § 14.61 (2014), the Commissioner shall not make a final decision until this Report has been made available to the parties for at least ten calendar days. The parties may file exceptions to this Report and the Commissioner must consider the exceptions in making a final decision. Parties should contact Debra Schumacher, Administrative Law Attorney, PO Box 64254, St. Paul, MN 55164-0254, (651) 431-4319 to learn the procedure for filing exceptions or presenting argument.

The record closes upon the filing of exceptions to the Report and the presentation of argument to the Commissioner, or upon the expiration of the deadline for doing so. The Commissioner must notify the parties and Administrative Law Judge of the date the record closes. If the Commissioner fails to issue a final decision within 90 days of the close of the record, this Report will constitute the final agency decision under Minn. Stat. § 14.62, subd. 2a (2014). In order to comply with this statute, the Commissioner must then return the record to the Administrative Law Judge within ten working days to allow the Judge to determine the discipline imposed.

Under Minn. Stat. § 14.62, subd. 1 (2014), the Commissioner is required to serve her final decision upon each party and the Administrative Law Judge by first class mail or as otherwise provided by law.

## MEMORANDUM

On June 1, 2015, Ramsey County became concerned about the health and safety of the foster children in Ms. Hulett's care after receiving a report that Ms. Hulett had "limitations in caring for herself and minor children."<sup>30</sup> The report indicated that Ms. Hulett had some serious mental health diagnoses.<sup>31</sup> The report also stated that Ms. Hulett self-reported that she was unable to consistently care for her children or herself.<sup>32</sup> At the time, Ms. Hulett had two foster care children in her care. This report concerned the County because of Ms. Hulett's self-reported inability to care for herself and the children and because the County was unaware of Ms. Hulett's mental health issues. Therefore, the County removed the two children from her care.

Ms. Hulett went through the application and licensing process during 2014 and did not disclose any mental health issues, limitations or inability to care for her children during the application process. Disclosure of these facts is required as part of the foster care licensing process.<sup>33</sup> At the hearing Ms. Hulett denied that these facts were true and alleged that the ARMHS worker was not being truthful. She questioned why the Department had not produced a recording of her conversation with the ARMHS worker.

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<sup>30</sup> Exs. 2, 3.

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> Minn. R. 2960.3060, subp. 3.

Her argument is unavailing because it is she who has the ability to release the information that is with the ARMHS worker. She did not attempt to bring the ARMHS worker forward to testify at the hearing. She refused to provide the County with a release so that it could address its concerns with the ARMHS worker and obtain more information. This refusal made it impossible for the County to resolve its concerns in a way that might have proved more favorable to Ms. Hulett's foster care license and was also a violation of the rule that license holders must cooperate with the County.<sup>34</sup>

The County removed one child without incident. However, when the County went to remove the second child it found that Ms. Hulett was not home and that three juveniles, none of them an unauthorized caregiver, were with the child. At the hearing, Ms. Hulett and her daughter testified that Ms. Hulett had just gone to the corner store. However, the police report of the incident shows that she was gone for at least four hours. Her daughter called her for instruction at least two hours before the police entered her home but she still did not return by the time of the forced entry. Although she conveyed her love of providing foster care at the hearing, Ms. Hulett's lack of candor with the County at the time of her application and about her whereabouts on June 4, 2015, her lack of cooperation with the licensor and her decision to leave the foster children with unqualified caregivers, all raise serious concerns.

Ms. Hulett committed multiple rule violations, and the rule violations were serious because they jeopardized the safety of the very young, vulnerable children entrusted to Ms. Hulett's care. Therefore, based on the nature, chronicity and severity of the rule violations, revocation is an appropriate sanction in this case.

**B. J. C.**

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<sup>34</sup> Minn. R. 2960.3060, subp. 1.