POLICY TITLE: Fair Hearings		PAGE 1 OF 16
	CHILD AND FAMILY SERVICES AGENCY **Approved by: Roque Gerald** Agency Director **Date: March 10, 2009**	**REVISION HISTORY:**
LATEST REVISION: March 10, 2009	**EFFECTIVE DATE:** March 10, 2009	

I. AUTHORITY	The Director of Child and Family Services Agency (CFSA) adopts this policy to be consistent with the Agency's mission and applicable federal and District of Columbia laws, rules and regulations. The legal authority for these procedures is pursuant to the LaShawn Amended Implementation Plan; DC Code § 4-1303 *et seq.* (2008 Supp.); DC Official Code § 4-251 *et seq.* (2008 Supp.); DC Official Code § 7-2101 *et seq*. (2008 Supp.); DC Code § 16-2381 *et seq.* (2008 Supp.); DC Code § 16-2320 *et seq.* (2008 Supp.) and 29 DC Municipal Regulations 5900, et seq.
II. APPLICABILITY	All CFSA employees and contract agency personnel.
III. RATIONALE	Under Federal and District law, the District of Columbia's Child and Family Services Agency (CFSA) must ensure that any person aggrieved by the Agency shall receive a Fair Hearing upon request and qualifying circumstances. This policy outlines and details the Fair Hearing process.
IV. POLICY	The Child and Family Services Agency (CFSA) shall grant a Fair Hearing to: 1. An applicant for, or recipient of, an adoption subsidy who appeals a decision by CFSA to deny, reduce, or terminate the subsidy; 2. An applicant for, or recipient of, a permanent guardianship subsidy, or grandparent caregiver subsidy who appeals a decision by CFSA to deny, reduce, or terminate the subsidy; 3. A person identified in the Child Protection Register who appeals a finding by CFSA of substantiated or inconclusive abuse or neglect; 4. An applicant for a foster home license or a licensed foster parent who appeals a decision by CFSA to deny, modify, suspend, convert, revoke or take another action concerning the application or license; 5. A parent/legal guardian with an active case with CFSA and/or youth age 14 or older with the legal status of "commitment" who appeal a service decision. 6. A youth residential facility or independent living program licensed by CFSA. *Note: Fair Hearings regarding youth residential facility or independent living programs shall be heard by the DC Office of Administrative Hearings, not the CFSA Office of Fair Hearings and Appeals*.

	When an appellant's grievance falls under one or more of the above-mentioned circumstances, the appellant shall receive a Request for a Fair Hearing Form from the department under which the decision was made or the appellant may request a Fair Hearing Request Form from the CFSA Office of Fair Hearings and Appeals. Generally, the appellant shall complete and return the form within 30 days of receipt of notification of the decision; date of action; or date by which CFSA was to act but failed or refused to act and return it to the address listed on the form. The date that the form is received shall be considered to be the filing date of the request for a Fair Hearing. An appellant's failure to request a Fair Hearing timely shall result in the denial of a request for a Fair Hearing. The appellant shall include a brief statement in the request, with factual support if appropriate, asserting why the decision or proposed decision of CFSA is incorrect. If a request for a Fair Hearing is received without the statement required, CFSA may refuse to consider the request or require re-submission of the statement before it will consider the request.
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VI. ATTACHMENTS	**A.** Request for a Fair Hearing Form **B.** The Service Appeal Process Brochure **C.** Notice of Action Form (Level of Foster Care Reimbursement) **D.** Notice of Action Form (Re: Adoption Subsidy) **E.** Notice of Action Form (Re: Permanent Guardianship Subsidy) **F.** Notice of Action Form (Re: Grandparent Subsidy) **G.** Notice of Action Form (Re: Denial of Initial Foster Home License) **H.** Notice of Action Form (Re: Restriction/Suspension of a Current Foster Home License) **I.** Request for Name Removal Form (i.e. Expungement Form)

VII. PROCEDURES	**Procedure A: Appeal of a Substantiated or Inconclusive Determination of Child Abuse and Neglect.**

1. When the investigation of an individual results in a substantiation or an inconclusive finding of child maltreatment, the Child Protective Services (CPS) Worker shall generate through FACES a Letter of Notification of Disposition (hereinafter, Notification Letter) and submit it to the CPS Supervisor for review and approval.

2. Upon supervisory approval of the Notification Letter, the CPS Worker shall mail the Notification Letter, along with a Fair Hearing Request Form (Attachment A), to the individual within seven (7) calendar days from the date that a report is entered in the Child Protection Register.

3. The CPS Worker shall document sending both the Notification Letter and the Fair Hearing Request Form (Attachment A) to the appellant in FACES. A copy of the Notification Letter should also be retained in the client's case record.

4. Upon receiving notification of an abuse and neglect finding, an appellant shall have 30 days to complete and return the Fair Hearing Request Form (Attachment A) to CFSA's Office of Fair Hearings and Appeals.

5. Once an appeal request has been received by the Fair Hearings Coordinator (FHC), the FHC shall schedule the Fair Hearing within 45 days of receipt of the Fair Hearing request.

6. The FHC shall provide written notice to the appellant(s) of a Fair Hearing date and time within ten (10) days of receipt of the Fair Hearing Request Form and at least ten (10) business days in advance of the Fair Hearing.

7. The FHC shall also notify the appropriate CFSA Program Administrator that a request for a Program Administrator's Review (PAR) and/or a Fair Hearing has been received within two (2) business days of receipt of the request.

8. The appropriate Program Administrator (or the designees) shall coordinate directly with the appellant to schedule a PAR within ten (10) days of receipt of the request for a Fair Hearing, or at least ten (10) days in advance of the scheduled Fair Hearing. *(See Procedure G, Program Admin. Review for more details.)*

9. If appellant(s) elects not to participate in a PAR, or they attend the PAR and are not satisfied with the Administrator's decision, then the appellant shall proceed to the scheduled Fair Hearing.

10. If the appellant(s) disagrees with the outcome of the Fair Hearing, they shall have the right to file an exception with the Fair Hearing Examiner within ten (10) calendar days of receipt of the Fair Hearing decision.

11. When an appellant does not agree with the exception decision of the

	Fair Hearing Examiner, the FHC shall inform the appellant of the right to have the DC Court of Appeals review the decision and provide information on how to request that review.
	Procedure B: Service Appeals Service Appeals allow for dispute resolution related to the delivery and/or the quality of services provided and/or referred by CFSA (or CFSA-contracted agencies) to a client or family. Only the parent(s) or legal guardian(s) with an active case with CFSA, and/or the youth (age 14 and older) who is committed to CFSA may appeal CFSA service decisions. 1. As an ongoing practice, case-carrying social workers shall review service appeal rights with all clients during initiation of new services at case planning meetings, including the Youth Connections meeting and/or the Individual Transitional Independent Living Plan (ITILP) meeting. In the event that a dispute arises related to delivery and/or quality of a service, the social worker shall once again review the appeal rights with the client, family, and/or youth during a case planning meeting. *Note: The appropriate CFSA staff shall distribute The Service Appeal Process brochure (Attachment B) and the Fair Hearing Request Form (Attachment A) to the client(s) at the initiation of a new service and/or at the point that a dispute arises.* 2. A service appeal may address but is not limited to the following situations: a. A copy of the case plan is not provided to the client within 30 days of the case being opened. b. Services listed in the case plan were never delivered. c. Denial, postponement, reduction, or termination of a service takes place without notice or an alternative service being put into place. d. The client does not consider the services provided to be necessary. e. Failure to take into account the client's choice of service. f. The determination that the client must participate in a particular service program. g. The manner in which the client is served by a service program in which the client is participating. 3. Service appeals do not apply under the following circumstances: a. A client may not appeal any court-ordered service action taken by CFSA or CFSA-contracted agency. b. A party without an active case may not appeal CFSA's failure to provide services. c. A client may not appeal a service that CFSA does not directly

provide.

4. If a client elects to request a service appeal, the client shall complete the Fair Hearing Request Form (Attachment A) and return it to the CFSA Office of Fair Hearings and Appeals within 30 days of notifying the case worker of the dispute, or within 30 days of the case plan/ITILP/Youth Connections meeting.

5. Once the Fair Hearing Coordinator (FHC) is in receipt of the request for a Fair Hearing, steps 5 - 11 of Procedure A shall be followed accordingly.

Procedure C: Foster Care Reimbursement Appeals

When a determination has been made to reimburse a foster parent for providing foster care to a child or youth, the assigned social worker shall provide oral, or written notice through a Notice of Action (Attachment C), that informs the foster parent of the amount to be received for the child's care, and the right to appeal through the child's Guardian *ad Litem* (GAL). Only a GAL can appeal a foster care reimbursement due to the reimbursement being of direct benefit to the child in foster care.

1. The CFSA or CFSA-contracted agency social worker is required to notify a client's GAL within two (2) business days of being notified of a reimbursement dispute.

2. The social worker shall record the date of notification of a reimbursement dispute in the client's case file.

3. The GAL shall represent the child's legal interests whenever there is an appeal of a decision related to a change in the level of foster care reimbursement.

Note: It is not necessary to notify a GAL of unilateral foster care board rate changes.

3. If the GAL elects to appeal a decision related to foster care reimbursement, the GAL must file the Request for Fair Hearing Form (Attachment A) with the CFSA Office of Fair Hearings and Appeals within 30 days from the date of notification of the initial dispute.

4. Once the FHC is in receipt of the request for a Fair Hearing, steps 5 - 11 of Procedure A shall be followed accordingly.

Procedure D: Adoption, Permanent Guardianship and Grandparent Subsidy Rate Appeals

An applicant for, or a recipient of, an adoption, permanent guardianship or grandparent subsidy who is aggrieved by a decision of the Agency, (including the Agency's failure to act on a request for a subsidy review) has the right to challenge the decision through a written request for a Fair Hearing. However, there is no right to a Fair Hearing if subsidy funds are unavailable.

Note: D.C Official Code § 4-251.02 (2006 Supp.), D.C. Law 16-69, § 102 requires the establishment of subsidies for Grandparent Caregivers. This pilot program provides subsidies to certain District residents who are grandparents, great-grandparents, great-aunts or great-uncles of children and who have been granted legal custody or standby guardianship of the children. These individuals have a right to appeal a subsidy decision made by the Agency and are eligible for a Fair Hearing.

1. When a determination has been made to reduce, suspend or terminate a subsidy, CFSA and/or the CFSA-contracted agency shall send written notice to the recipient of the subsidy through a Notice of Action (Attachment D, E or F) at least ten (10) business days before the subsidy modification. The Notice of Action shall inform the clients of the right to appeal and shall include the Request for Fair Hearing Form (Attachment A).

2. When a determination has been made to deny a subsidy, CFSA and/or CFSA-contracted agency social workers shall send written notice to the applicant for the subsidy through a Notice of Action (Attachment D, E or F) within 20 business days of its decision to deny the subsidy. The Notice of Action shall inform the clients of the right to appeal and shall include the Request for Fair Hearing Form (Attachment A*).*

   Note: The social worker shall provide immediate notice to a client whose subsidy is denied, reduced, suspended or terminated on an emergency basis.

3. The appellant must file the Request for Fair Hearing Form with the CFSA Office of Fair Hearings and Appeals within 30 days from receipt of the Notice of Action or within 30 days from notification of the Agency's denial of a request for a subsidy review or modification.

4. Once the FHC is in timely receipt of the request for a Fair Hearing, steps 5- 11 of Procedure A shall be followed accordingly.

Procedure E: Appeals of an Adverse Licensing Action taken by CFSA

1. When a license for a foster home is to be suspended, revoked, or denied by CFSA, the Agency's Office of Licensing & Monitoring (OLM) shall send the licensee/applicant a Notice of Action (Attachment G or H) notifying him or her of the Agency's decision within ten (10) business days of the decision, along with a Request for a Fair Hearing Form (Attachment A).

2. When an applicant or licensee of a youth residential facility or an independent living program's application or license is to be denied, or modified, suspended, converted, or revoked by

CFSA, the Agency's Office of Facility Licensing shall send notice to the youth residential facility or the independent living program of the decision through a Notice of Action (Attachment G or H) within ten (10) business days of its decision.

Note: CFSA's Office of Hearing and Appeals does not hear disputes regarding an adverse licensing decision against a youth residential facility or an independent living program. The Agency's Office of Facility Licensing or the FHC shall direct an applicant/provider wishing to appeal such a decision to contact the Office of Administrative Hearings at 825 North Capitol Street, NE, Suite 4150, Washington D.C. 20002 202-442-9091 to challenge the decision.

3. The Agency shall provide immediate notice to a licensee of its decision to suspend, restrict, revoke or convert a license to operate a foster home, youth residential facility or independent living program on an emergency basis.

4. The Notice of Action shall inform the applicant/provider of the particular deficiencies preventing the licensure and provide guidance for corrective action(s), including the time, place and issues involved.

5. To appeal the adverse licensing action regarding a foster home license, the foster parent must file a Request for Fair Hearing Form (Attachment A) with the CFSA Office of Fair Hearings and Appeals within 30 days of receipt of notification of the adverse licensing action.

6. Once the FHC is in receipt of the request for a Fair Hearing, steps 5-11 of Procedure A shall be followed accordingly.

7. In instances where the Agency revokes or suspends the license of a foster parent because the CFSA determines that existing deficiencies constitute an immediate or serious continuing danger to the health, safety or welfare of its residents, the foster parent may request an Expedited Preliminary Review.

   a. The request for the Expedited Preliminary Review must be received within seven (7) days from the date the notice to suspend the license is received.

   b. CFSA shall hold the hearing within three (3) business days after receiving a timely request for an Expedited Preliminary Review Hearing.

   c. The Fair Hearing Examiner may consolidate the Expedited Preliminary Review Hearing and the Fair Hearing with the consent of all parties.

d. At the conclusion of the Expedited Preliminary Review Hearing, the Hearing Examiner shall either affirm or vacate the suspension or conversion. If the Expedited Preliminary Review has been consolidated with the Fair Hearing, the Hearing Examiner shall issue a decision.

e. If the Hearing Examiner affirms the suspension or conversion, the suspension or conversion shall remain in effect for no longer than 30 days, unless intended for no more than an additional 30 days upon agreement of all parties or for good cause shown.

f. A final Fair Hearing to determine whether to revoke the licensure or continue the restrictions on licensure shall be held within 30 days, unless it has been consolidated with the Expedited Preliminary Review Hearing or extended upon the agreement of all parties and for good cause.

g. In the event that an Expedited Preliminary Review Hearing is not requested, the order to suspend or revoke the license remains in effect until terminated by CFSA or until the decision following the Fair Hearing.

Procedure F: Appeal of Foster Home Placement Changes

The CFSA or CFSA-contracted agencies may periodically make a clinical determination that it is in the best interest of a child/youth to change his or her foster home placement. The appropriate staff shall notify the foster parent(s), biological parents, and GAL of the placement change and inform them of the right to appeal the decision through a Fair Hearing. Notice of change in placement need not be given to the parent when the judge has determined that visitation would be detrimental to the child or the judge has determined that the parent should not be apprised of the child's location.

1. When a determination has been made that it is in the best interest of a foster child/youth to change placements prior to the disposition of a case, the social worker shall provide notice of the placement change to the foster parents, biological parents and GAL within 48 hours prior to the change in placement except in the case of an emergency.

   a. At post-disposition of a case, the Agency shall provide notice of a change in placement to the appropriate parties within ten (10) days prior to the placement change except in the case of an emergency.

   b. In an emergency removal and change in placement, notice of the placement change shall be given within 24 hours of the placement change.

Note: Clinical determinations must be justified prior to changing a child's placement. Such determinations shall be made in direct consultation with

the social worker's supervisor and/or program manager (or when applicable, the executive director of the contracted agency). This is especially true in the event of an emergency whereby the scheduling of a Fair Hearing is impossible prior to the placement change.

2. The Agency shall provide notice to foster parents, biological parents and the GAL of the intent to change the child's/youth's placement. If the notification is oral, it shall be immediately documented in the client's file (FACES) and followed up through written notification or certified mail when appropriate.

    a. The notification shall advise the interested parties of the intended date and reason for the removal, and of their right to request a Fair Hearing within 30 calendar days of receipt of the placement change notification. A Fair Hearing Request Form (Attachment A) shall be included in the official notification.

    b. In the event of an emergency removal due to health or safety concerns, the parents, GAL, and the foster parent(s) shall receive notification within 24 hours of the change in placement, excluding weekends and legal holidays.

3. If the foster parent(s) parent(s) or GAL(s) elect(s) to request a Fair Hearing, the request must be made within ten (10) business days of the placement change notification.

4. If the Fair Hearing is requested within ten (10) business days of the notice of the intent to remove time frame, post case disposition, the child(ren) may remain in the foster home pending the outcome of the Fair Hearing, except in an emergency as previously described above. However, if the Fair Hearing request is not made within the ten (10) day time frame, the Agency may remove the child prior to the Fair Hearing.

Note: The foster parent(s) shall not have a right to a Fair Hearing if they are not a party to the case.

5. Both the Program Administrator's Review (PAR) *(see Procedure G, Program Administrator's Review for more details)* and the Fair Hearing process *(see Procedure H, Fair Hearing, for more details)* shall be expedited in order to minimize stress for the child(ren) and foster parent(s).

6. The PAR shall occur within five (5) business days of the request for a hearing and the Fair Hearing shall occur within ten (10) business days of the request.

7. Prior to the Fair Hearing, the informal PAR meeting (scheduled within five (5) business days of the request for a Fair Hearing) shall provide interested parties an opportunity to discuss the Agency's determination to effect a placement change and the reasons for the determination, and to share any relevant information suggesting that the determination was

erroneous, including facts that may not have been previously available.

8. The appropriate CFSA Program Administrator or, when applicable, the Executive Director of a private agency (or either of their designees) shall consider the information presented at the Review and make a decision regarding the placement change no later than 48 hours or two (2) business days after the meeting.

9. If a resolution does not occur at the PAR meeting, the matter shall proceed to the Fair Hearing. The Fair Hearing shall be held within ten (10) days of the request.

    a. The Fair Hearing Examiner shall issue a decision on the removal of the child within 48 hours of the Hearing and provide written notification to the biological parents, GAL and/or foster parent(s), and/or GAL.

    b. If the Fair Hearing Examiner decides that it is in the best interest of the child(ren) to change placement, CFSA may remove the child(ren) immediately upon notification of the decision.

Note: CFSA shall have the right to remove children prior to notification of the hearing examiner's decision if there are substantiated health and/or safety concerns.

10. If the appellants still disagree with the decision to change the child's placement, they shall have the right to file an exception with the Fair Hearing Examiner within ten (10) calendar days of receipt of the Fair Hearing decision.

11. If the appellants do not agree with the exception decision of the Fair Hearing Examiner, the Office of Fair Hearings and Appeals shall inform foster parents of their right to ask the DC Court of Appeals to review the decision and shall provide information on how to request that review.

Procedure G: The Program Administrator's Review (PAR)

The PAR is an optional, informal meeting between the appellant(s) and the CFSA Program Administrator or, when applicable, the Executive Director of a CFSA-contracted private agency (or either of their designees) for purposes of expediting the dispute resolution and dispelling the need for the formal Fair Hearing. During the PAR mediation process, the Program Administrator or Executive Director may find in favor of the appellant and overturn the initial Agency decision. If this occurs, the decision is final and negates the need for a Fair Hearing. If the decision is not in favor of the appellant(s) or the appellant(s) are not fully satisfied with the decision, the appeal shall proceed to the Fair Hearing.

The scheduling of a PAR shall include the following steps:

1. The appellant(s) or their representative must submit the completed Request for Fair Hearing Form to CFSA's Office of Fair Hearings and

Appeals within 30 days of being notified of the Agency's decision.

2. The FHC shall notify the appropriate CFSA Program Administrator or, when applicable, the contract agency's Executive Director (or the designees) that a request for a PAR and/or a Fair Hearing has been received. Notification shall be given within 48 hours or two (2) business days of receipt of the request.

3. The appropriate Program Administrator (or the designees) shall coordinate directly with the appellant to schedule a PAR within ten (10) days of receipt of the request for a Fair Hearing, or at least ten (10) days in advance of the scheduled Fair Hearing. *(See Procedure G, Program Admin. Review for more details.)* The notification shall include time, date, and location of the informal Program Administrator's Review and any other relevant information such as contact persons and telephone numbers.

   Note: Different time frames exist for a PAR for change of placement appeals. (See Procedure F, Appeal of Foster Home Placement Changes.)

4. The appropriate Program Administrator or Executive Director (or their designees) shall chair the meeting and discuss the purpose of the meeting with the appellant, allowing for discussion of and reasons for the Agency's determination, and providing opportunity for the presentation of any relevant information or facts that may not have been previously available.

   Note: PAR participants may include, but not be limited to, the social worker/supervisor, appellant(s), and/or their representative. Appellant(s) is entitled to have an attorney in attendance at the PAR and to present witnesses and/or or evidence supporting their position in dispute of the Agency's decision. The Agency is not required to pay for the Appellant's attorney.

5. When an appellant requests the presence of either an attorney or a GAL, the presence of an attorney from the CFSA's OGC shall be required. Upon the oral or written request from the appellant, the CFSA Program Administrator or contract agency Executive Director shall provide the OGC with timely notice in order for an OGC attorney to attend the PAR.

   Note: Foster and biological parents shall be strongly encouraged to attend the PAR meeting; their participation is entirely optional, however.

The PAR process shall include the following steps:

1. The social worker/supervisor shall explain the justification for the disputed decision. CFSA or CFSA-contracted agency shall have the opportunity to present witnesses or evidence supporting its position.

2. The appellant shall have an opportunity to ask further questions, and to

address issues raised by CFSA or CFSA-contracted agency.

3. If a satisfactory agreement is reached by all parties at the PAR meeting, the agreement shall be documented and signed by all present.

4. If an agreement cannot be reached, the CFSA Program Administrator or the contracted agency Executive Director [or either of their designees] shall have the right to request further information, consult with colleagues, and/or make an immediate decision regarding the outcome of the dispute.

5. If an immediate decision is not made, then a decision to agree or disagree with the appellant's position on the disputed decision shall be made within 72 hours or three (3) business days of the PAR meeting.

6. The Administrator or Executive Director (or either of their designees) shall provide the appellant(s) with written notice of the results of the PAR within five (5) business days of the PAR meeting. If the decision is made in favor of the appellant(s), the notice shall inform the appellant(s) that the scheduled Fair Hearing is cancelled. If the decision is not made in favor of the appellant(s), the notice shall inform the appellant(s) of the right to proceed to a Fair Hearing.
   a. The Administrator or Executive Director shall forward a copy of the final decision to the Office of Fair Hearings and Appeals and the OGC within the same five (5) business days.
   b. A second copy of the PAR decision shall be forwarded by the Administrator or Executive Director to the assigned social worker within the same time frame.

7. The social worker shall be responsible for ensuring that all notices, correspondence and contacts regarding the PAR meeting are entered in FACES within five (5) business days of notification of the decision.

8. The social worker shall be responsible for ensuring that a hard copy of the decision is filed in the record in the court section (Fair Hearings) within five (5) business days.

9. The Office of Fair Hearings and Appeals shall track all PAR meetings and share the information with the appropriate CFSA management.

10. If a resolution does not occur at the PAR meeting, the matter shall proceed to a Fair Hearing.

Note: The appellant may withdraw a request for a PAR or a Fair Hearing at any time. Such withdrawal shall be in writing and delivered to the Office of Fair Hearings and Appeals, 955 L'Enfant Plaza, SW, Washington, DC 20024.

Procedure H: The Fair Hearing

The Fair Hearing is a formal meeting requested by parents, or youth (14 years of age or older), foster parent(s), custodians, GALs, or applicants/providers, if and when prior efforts to resolve a dispute have

failed. During the Fair Hearing, CFSA or when applicable its contracting agencies, and the appellant shall each provide information concerning the dispute to an impartial Fair Hearing Examiner. The Hearing Examiner shall make a final decision based on the best interest of the child, as well as all pertinent Federal/District laws and regulations, and any other relevant information presented by the appellant and the Agency.

1. The FHC shall schedule the Fair Hearing within 45 days of receipt of the request for a Fair Hearing.

2. The FHC shall provide notice to the OGC of a date and time of the Fair Hearing within two (2) business days from the receipt of the request for a Fair Hearing.

3. Within two (2) business days of receipt of the request, the FHC shall also notify the appropriate CFSA Program Administrator or, when applicable, the contract agency's Executive Director (or their designees) that a request for a PAR and/or a Fair Hearing has been received.

4. The FHC shall provide written notice to the appellant(s) of a Fair Hearing date and time within ten (10) days of receipt of the Fair Hearing Request Form and at least ten (10) business days in advance of the Fair Hearing.

5. The FHC shall include the following information in the notice:

   a. A summary of or a copy of the rules governing the Fair Hearing process;

   b. The following advice to the applicant:

      i. His or her right to be represented by a lawyer or other person at the Fair Hearing (excluding a government employee), at the appellant's own expense;

      ii. The availability of any known free legal services;

      iii. The right to present documents and witnesses, including CFSA employees, in support of the appeal;

      iv. The right to examine the case record, except for information that CFSA is required by law to keep confidential;

      v. If appellant or witness is deaf or cannot readily understand or communicate the spoken English language, the appellant may apply to CFSA for the appointment of a qualified interpreter;

      vi. The name and telephone number of the person to call if the appellant cannot attend the Fair Hearing;

      vii. Failure to attend the Fair Hearing without good cause may result in dismissal of the appeal.

6. During the Fair Hearing, the appellant(s) shall be given an opportunity to state their position regarding their dispute with the CFSA or CFSA-

contracted agency's decision. The CFSA or the contracted agency representative shall present the reason for the decision in dispute.

7. The Fair Hearing Examiner shall issue a final written decision of the Fair Hearing outcome to the appellant and to the CFSA representative within 30 days of the Fair Hearing.
8. If the appellant(s) disagrees with the Fair Hearing Examiner's decision, they shall have the right to file an exception(s) with the Hearing Examiner within ten (10) calendar days of receipt of the decision.
9. If the appellant does not agree with the Fair Hearing Examiner's final decision, the appellant may request a judicial review of the decision before the DC Court of Appeals.

Note: The appellant may withdraw a request for a Fair Hearing at any time. Such withdrawal shall be in writing and delivered to the Office of Fair Hearings and Appeals, 955 L'Enfant Plaza, SW, Washington DC 20024.

Procedure I: Expungement of Identifying information from the Child Protection Register

CFSA is committed to preserving and strengthening families. In the event that an individual is erroneously identified as a maltreater, or a substantiated report was possibly made in bad faith, the individual identified as the maltreater has the right to seek to have the information removed from his/her record.

1. As a result of the informal PAR, if the final decision of the CPS Program Administrator (or designee) is to expunge the name of the alleged maltreater from the CPR, CFSA's Office of Fair Hearings and Appeals shall forward both the Request for Name Removal Form (Attachment I) and the written decision of the appropriate Program Administrator (or when applicable, the Executive Director of the contracted agency) to FACES and the CPR Unit within three (3) business days of the decision.

   a. The CFSA Office of Fair Hearings and Appeals shall maintain a copy of this notice.

   b. FACES shall expunge the name from the CPR within 10 - 15 business days of its receipt of the Request for Name Removal. FACES shall also notify the CPR Unit of the actual name removal.

   c. The CPR Unit shall verify that the name has been expunged from the Register and shall send written notice to the client of the removal of his/her name from the CPR within three (3) business days of the name being removed from the Register. The Office of Fair Hearings and Appeals shall receive a copy of the correspondence.

2. If, as a result of the Fair Hearing, the Hearing Examiner recommends that the appellant's name be expunged from the CPR, the FHC shall

forward both the Request for Name Removal Form (Attachment I) and the Fair Hearing Examiner's written decision to FACES and the CPR Unit within three (3) business days to have the appellant's name expunged from the CPR.

a. The CFSA Office of Fair Hearings and Appeals shall maintain a copy of this notice.

b. FACES shall expunge the name from the CPR within 10 – 15 business days of its receipt of the Request for Name Removal. FACES shall also notify the CPR Unit of the actual name removal.

c. The CPR Unit shall verify that the name has been expunged from the Register and shall send written notice to the client of the removal of his/her name from the CPR within three (3) business days of the name being removed from the Register. The Office of Fair Hearings and Appeals shall receive a copy of the correspondence.

Procedure J: Good Cause Justification for Continuance of a Fair Hearing

In the event a party is unable to appear on the date and time scheduled for a Fair Hearing, he or she may request a continuance with the Fair Hearing Examiner. If the Hearing Examiner finds that good cause for a change exists, the FHC shall set another date, time, or place for the Fair Hearing. Expedited Fair Hearings may not be continued unless all parties agree to the continuance.

1. Requests to continue a Fair Hearing must be communicated in writing to the Office of Fair Hearings and Appeals at least five (5) business days in advance of the Fair Hearing. Requests may be submitted via mail, email or fax.

   Note: If the government is requesting a continuance, the OGC shall submit the written request to the FHC and provide a copy to the appellant within five (5) business days in advance of the Fair Hearing.

2. The FHC shall immediately notify the Fair Hearing Examiner of the request for a continuance. The FHC shall inform all parties of the Hearing Examiners decision to approve or deny the request within one (1) business day from receipt of a decision.

3. Acceptable reasons for requesting a continuance include illness, child care issues, work-related issues, transportation problems, or court-related appearances.

4. Continuances will not be granted without notification of at least five (5) business days in advance, except under emergency circumstances. Emergencies include, but not limited to, hospitalization, serious illness,

	or death in the immediate family. Emergencies also include the unavailability of a CFSA witness with an emergency requiring their attendance in a court hearing or casework. Any continuance requested under emergency circumstances requires written verification of the emergency. 5. If a continuance is not granted, all individuals shall attend the Fair Hearing. If any individual fails to appear for the Fair Hearing, the Hearing Examiner has the right to find in favor of those present. 6. In the event that a party requires an additional continuance, the Hearing Examiner may grant the continuance only upon a showing of "good cause".
	Procedure K: Fair Hearing Request Denial 1. A request for a Fair Hearing may be denied in the following situations: a. If the individual requesting the Fair Hearing does not qualify for a Fair Hearing; b. If the individual requesting the Fair Hearing does not timely submit the Request for a Fair Hearing Form (Attachment A) within the specified time-frame; or c. If at the completion of the fact-finding hearing or a criminal trial, the court determines that the individual committed the abuse or neglect; 2. When the FHC denies the request for Fair Hearing, the FHC shall send written notice of the denial to the requesting individual. *Note: If a Fair Hearing is requested and a neglect or criminal case on the abuse or neglect is pending before the court, CFSA may not act on the request for Fair Hearing until the conclusion of the fact-finding hearing or criminal trial. If the court determines that the person did not commit the abuse or neglect, the FHC shall grant the request for Fair Hearing. The date that the FHC is notified of the court decision shall be considered the filing date of the request for a Fair Hearing. The appellant has 30 days after the court decision to request a fair hearing. Once the FHC is notified of the court decision, steps 5 - 11 of Procedure A shall be followed accordingly.*