

DEPARTMENT OF SOCIAL SERVICES

CHILDREN'S DIVISION

P. O. BOX 88

JEFFERSON CITY, MISSOURI

November 10, 2008

MEMORANDUM

**WHAT'S INSIDE?**

Revision of Fair Hearing  
Process and Forms

**TO:** REGIONAL EXECUTIVE STAFF, CIRCUIT MANAGERS AND  
CHILDREN'S DIVISION STAFF

**FROM:** JAMES C. HARRISON, ACTING DIRECTOR

**SUBJECT:** CHILDREN'S DIVISION FAIR HEARING PROCESS, INTRODUCTION OF  
THE APPLICATION FOR A CHILDREN'S DIVISION FAIR HEARING, CD-  
53, AND CHILDREN'S DIVISION WITHDRAWAL OF REQUEST, CD-54

**DISCUSSION:**

The purpose of this memorandum is to explain the Fair Hearing process and introduce the new Children's Division Fair Hearing forms.

Effective with this memorandum, the Application for State Hearing, IM-87, will no longer be used for Children's Division Fair Hearings. The new Application for Fair Hearing, CD-53, will be used for all grievances made by a Children's Division applicant or provider who disagrees with a decision regarding the Children's Division services listed below. Those individuals who have grievance regarding Family Support Division services will continue to use the IM-87 form.

The Application for Fair Hearing, CD-53, is to be used by an applicant who is dissatisfied with the action taken on their application or by a provider who disagrees with a proposed action on their license or subsidy. A hearing may also be requested if the claimant believes a change in subsidy benefits should have occurred.

**The Fair Hearing process is to be used for the following:**

- Foster/Relative/Kinship Home License Denial/Suspension/Revocation
- Adoptive Home Denial
- Adoption Subsidy Maintenance Denial/Change
- Adoption Subsidy Services Denial/Change
- Legal Guardianship Subsidy Denial

- Residential Child Care and/or Child Placing Agency License Denial, Revocation or Suspension

### **Fair Hearing Process**

To initiate the fair hearing process, the foster/relative/kinship/adoptive or foster/adoptive care applicant/provider must notify the Children's Service Worker in writing within thirty (30) days of receipt of the Notification of Resource Home Adverse Action, CS-20a, indicating the request for a Fair Hearing. CD-53 and the Withdrawal of Request for Fair Hearing, CD-54, will be in the same mailing as the CS-20a.

The worker will attempt to resolve the issue with the applicant informally while concurrently preparing for the Fair Hearing. The worker shall arrange an administrative review within ten (10) working days of receipt of the request. Participants in the meeting should include the resource provider, the Circuit Manager/Designee, appropriate Regional Director/Designee and Supervisor. The purpose of this meeting is to:

- Review information provided by the applicant or resource provider and Division staff to see if the issue can be resolved prior to filing a request for a Fair Hearing.

Once the Children's Service Worker has received a written request from the resource provider requesting a Fair Hearing, the Children's Service Worker shall advise the Regional Director/Designee of this request and automatically forward the CD-53 to the Hearings Unit at Division of Legal Services (DLS) within one (1) working day after the date of the hearing request. The worker will also submit a Hearing Packet which includes three copies of the CD-53, a copy of the recommendation summary and the adverse action letter. To expedite the hearing process, the worker must ensure the CD-53 is complete with accurate information and includes all necessary signatures. The Children's Service Worker shall provide one copy of the case record materials that directly relate to the action upon request to the applicant/resource provider.

The worker shall complete the CD-53 for the applicant if requested. If the worker completes the CD-53, the worker must be specific as to the reason a hearing is being requested. The applicant does not need to sign the form prior to the request being forwarded to the DLS Hearings Unit; however, the applicant's signature must be obtained prior to the actual hearing. The immediate supervisor's signature is required.

DLS Hearing Unit will require the county office to obtain a signed Withdrawal of Request for Hearing, CD-54, from the household, before the matter can be withdrawn.

### **Withdrawal of Request for Hearing**

This memorandum also introduces the new Withdrawal of Request for Fair Hearing, CD-54. This form will be completed when the provider or the Children's Division requests a Fair Hearing withdrawal. This would include:

- The claimant is requesting withdrawal from a previously requested hearing; or
- The Children's Division determines that information is inadequate to support the agency's proposed action and the agency wishes to rescind the decision.

The worker should immediately send the completed and signed Withdrawal of Request for Hearing, CD-54, to the DLS Hearing Unit within one (1) working day. This form will replace the Withdrawal of Request for Hearing, IM-90, for withdrawal from a Children Service's Fair Hearing.

**Form Revision**

The Notification of Resource Home Adverse Action, CS-20a, and Notification Letter for Adoption and Guardianship Subsidy Denial, CD-87, have been revised to correspond with policy changes effective with this memorandum.

**NECESSARY ACTIONS:**

1. Please review this memorandum with all Children's Division Staff.
2. Review revised Child Welfare Manual chapters as indicated below.
3. Destroy old copies of the CS-20a and begin using the revised version immediately.
4. CD staff will begin using the CD-87 immediately.
4. All questions should be cleared through normal supervisory channels and directed to:

**PROGRAM DEVELOPMENT SPECIALIST**

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**CHILD WELFARE MANUAL REVISIONS**

- Section 4 Chapter 30.8 [Review Process](#)
- Section 4 Chapter 30.10 [Miscellaneous](#)
- Section 6 Chapter 7.1 [Children Division's Fair Hearing Process](#)

**FORMS AND INSTRUCTIONS**

- CS-20a and Instructions
- CD-53 and Instructions
- CD-54 and Instructions
- CD-87 and Instructions

**RELATED STATUTE**

[Section 208.100.RSMO](#)

**ADMINISTRATIVE RULES:**

State Code of Regulation [Title 13 CRS 35-60.010](#)