

DEPARTMENT OF SOCIAL SERVICES

CHILDREN'S DIVISION

P. O. BOX 88

JEFFERSON CITY, MISSOURI

October 4, 2010

What's Inside:
CD Request for
Legal Counsel
at a Fair
Hearing

M E M O R A N D U M

TO: REGIONAL EXECUTIVE STAFF, CIRCUIT MANAGERS, AND CHILDREN'S DIVISION STAFF
FROM: CANDACE A. SHIVELY, DIRECTOR
SUBJECT: CHILDREN'S DIVISION REQUEST FOR LEGAL COUNSEL AT A FAIR HEARING

DISCUSSION:

The purpose of this memorandum is to clarify two specific steps regarding notifying the two separate units of the Division of Legal Services, DLS, when an Application for Fair Hearing, CD-53, is received.

Once the Children's Service Worker has received a written request from the applicant/resource provider requesting a Fair Hearing, the Children's Service Worker shall complete the following:

- Advise the Regional Director/Designee of this request;
- Forward the CD-53 to the DLS Hearings Unit within one (1) working day after the date of the hearing request was received; and
- If legal counsel and/or representation is required by the Division, the DLS form for legal representation, [Case Referral Form](#), shall be sent to the DLS, Litigation Unit.

There are two separate DLS units; Hearing and Litigation. There is no communication between these two units regarding Fair Hearing cases due to client confidentiality. If the Children's Division desires legal counsel and/or representation regarding a Fair Hearing, a Case Referral for legal representation shall be sent to the DLS, Litigation Unit.

NECESSARY ACTION

1. Review this memorandum with all Children's Division staff.
2. Review revised Child Welfare Manual chapters as indicated below.
3. Review revised Division of Legal Services form as indicated below.
4. All questions should be cleared through normal supervisory channels and directed to:

PDS CONTACT Elizabeth Tattershall 573-522-1191 ElizabethTattershall@dss.mo.gov	PROGRAM MANAGER Dena Driver 573-751-3171 Dena.D.Driver@dss.mo.gov
CHILD WELFARE MANUAL REVISIONS Children's Division Fair Hearing Process, Section 6 Chapter 7 Subsection 1	
<u>FORMS AND INSTRUCTIONS</u> Division of Legal Services Case Referral Form	
REFERENCE DOCUMENTS AND RESOURCES N/A	
RELATED STATUTE N/A	
ADMINISTRATIVE RULE N/A	
COUNCIL ON ACCREDITATION (COA) STANDARDS N/A	
CHILD AND FAMILY SERVICES REVIEW (CFSR) N/A	
PROTECTIVE FACTORS Parental Resilience N/A Social Connections N/A Knowledge of Parenting and Child Development N/A Concrete Support in Times of Need N/A Social and Emotional Competence of Children N/A	
FACES REQUIREMENTS N/A	