



# Practice Points

## **Administrative Hearings related to Adoption/Guardianship Subsidy Agreements**

The purpose of this practice point is to remind staff that Adoptive parents and legal guardians have the right to appeal any decision of the Children's Division related to an Adoption or Subsidized Guardianship Agreement through the process of a fair hearing. [Child Welfare Manual – Section 4.30.10.1](#) outlines the procedure to be followed when an Adoptive parent or Guardian has requested a Fair Hearing.

1. The Application for Fair Hearing, CD-53 must be completed within 30 calendar days of the family's receipt of written notice from the agency of the denied subsidy request.
2. The CD-53 must be forwarded to the Division of Legal Services – Hearings Unit within one working day of the request.
3. A copy of the CD-53 must be forwarded to the Division of Legal Services – Litigation Unit the same day the referral is sent to the Hearings Unit so an attorney may be assigned to represent the Children's Division.
4. When a hearing has been scheduled the worker shall send a Hearing Packet prior to the hearing to the DLS – Hearings Unit. This packet must contain the documents listed in Section 4.30.10.1.
5. Notify the Division of Legal Services – Litigation Unit immediately upon notification of a scheduled hearing.
6. Children's Division should prepare a copy of the complete adoption subsidy file and send it to the Division of Legal Services – Litigation Unit prior to the hearing date.

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