



Practice Points

Appropriate Facts to Present at a Fair Hearing

The purpose of this Practice Point is to provide a reminder to Children's Division staff of the responsibility of presenting **facts** in a Fair Hearing. Several Children's Division adverse action decisions have been overturned recently through the Fair Hearing process.

When a worker is deciding whether or not to deny, revoke, or approve a license to provide foster care or an adoption subsidy, they must use Missouri [Statute 210.496](#), the [Licensing Rules](#), and the [STARS competencies](#) upon which to base their decision. There must be grounds, documented as a violation of statute, rule or competency to take an adverse action. The worker should list these specific grounds on the Notification of Resource Home Adverse Action, CS-20a.

At the Fair Hearing the worker must report the documented facts indicating that the provider was in violation of statute, or rule, or was unable to meet a competency therefore resulting in a denial or revocation of a license or subsidy with the Children's Division. The Hearing Officer will review the documented grounds, violations, and inability to meet competencies when making a decision in the Fair Hearing.

Further reference regarding Fair Hearings is located in the Child Welfare Manual at:

<http://www.dss.mo.gov/cd/info/cwmanual/section6/ch7/sec6ch7sub1.htm>

Further reference regarding licensure or approval denial and revocation is located in the Child Welfare Manual at:

<http://www.dss.mo.gov/cd/info/cwmanual/section6/ch3/sec6ch3sub1.htm>

Further reference regarding termination/denial of subsidy agreements is located in the Child Welfare Manual in the following: [Section 4 Chapter 30 Subsection 3](#), [Section 4, Chapter 30 Subsection 8](#), [Section 4 Chapter 30 Subsection 10](#), and [Section 4 Chapter 30 Attachment D](#).