

**Department of Human Resources
Social Services Administration
311 West Saratoga Street
Baltimore, Maryland 21201**

DATE: June 15, 2012

POLICY: SSA #12- 31

TO: Local Department of Social Services, Directors,
Assistant Directors of Service, Appeal Coordinators, In-
Home Services Supervisors, CPS Supervisors

FROM: Carnitra D. White, Executive Director
Social Services Administration

RE: CHILD PROTECTIVE SERVICES APPEALS AND
HEARINGS FORMS

PROGRAM AFFECTED: Child Protective Services Investigation and In-Home
Family Services

ORIGINATION OFFICE: Social Services Administration, In-Home Family Services

BACKGROUND: Instructions and clarification on the CPS appeals and
hearings process, the function of the CPS appeals and
hearing forms for appropriate use with customers

ACTION REQUIRED OF: All CPS Appeal Coordinators and Appeal Supervisors

REQUIRED ACTION: Proper statewide use of all CPS Appeal and Hearing forms

ACTION DUE DATE: June 30, 2012

CONTACT PERSON: Steve Berry, LCSW-C
Program Manager, In-Home Family Services
Social Services Administration
410-767-7018
SBerry@dhr.state.md.us

Purpose:

The purpose of this directive is to establish statewide guidelines for the proper use of CPS appeal and hearing forms. This directive clarifies for local departments of social services (LDSSs) each CPS appeal and hearing form, when each form should be used and the timeframes attached to the use of each form.

Background:

The Maryland Department of Human Resources (DHR) is responsible for administering and monitoring policies related to the appeals and hearings process for Child Protective Services (CPS) investigations. When a LDSS makes a finding of “indicated” or “unsubstantiated” child abuse or neglect, the LDSS must provide individuals involved in a CPS investigation, the opportunity to appeal the CPS finding AND the closure of the CPS investigation, When a case results in a “ruled out” finding, the LDSS must offer individuals involved in the case an opportunity to appeal the closing of the investigation.

Authority:

Under the authority of Maryland Family Law Article 5-701 to 5-714, and COMAR 07.01.04, 07.02.07, and 07.02.26, persons involved in a CPS investigation must be offered an opportunity to appeal the Departments finding and the Department’s plan to close the investigation regarding their family.

According to **COMAR 07.02.07.16**, upon the completion of a CPS investigation and before a LDSS closes its record of investigation, it shall:

- A. Ensure that the record is complete;
- B. Send notice to the individual found responsible for alleged abuse or neglect of the finding and, if applicable, of the right to appeal under COMAR 07.02.26; and
- C. Send notice to the individual or individuals responsible for the alleged victim's welfare of the finding, stating that:
 - (1) Services are being terminated and that the individual has a right to appeal the termination of services pursuant to COMAR 07.01.04; or
 - (2) The case is being referred for additional services.

COMAR 07.02.07.22 requires that:

An individual who is identified as an alleged abuser or alleged neglecter in an investigation resulting in an indicated or unsubstantiated finding may request a hearing in accordance with COMAR 07.02.26

COMAR 07.02.07.26.01 also requires that:

A. Except as set forth in §B of this regulation, an individual found responsible by a local department for indicated or unsubstantiated child abuse or neglect is entitled to an opportunity to appeal in accordance with this chapter.

B. In those cases in which, before June 1, 1999, a local department offered an individual an opportunity to appeal a finding of child abuse or neglect, that appeal will be conducted in accordance with the procedures applicable at the time the local department notified the individual of the opportunity to request a hearing.

Outline of Maryland Policy:

DHR requires that LDSS appeals units offer each individual with a finding of “**indicated**” or “**unsubstantiated**” child abuse or neglect the opportunity to appeal both the closing of the CPS investigation and the finding. Even when the LDSS does not name an alleged abuser or neglector, it must provide appeal rights to the individual associated with the report as a suspected maltreater.

DHR, SSA has developed several forms for the appeals units to use to ensure that all parties eligible for a fair hearing and appeal of the finding are offered the opportunity to appeal. The forms are as follows:

- 1) Notice of Investigation Closure form- side 1 and side 2 (*DHR/SSA 2052 side 1 and side 2*)
- 2) Notice of Investigation Closure and Referral for Services form- side 1 and side 2 (*DHR/SSA 2053 side 1 and side 2*)
- 3) Indicated Hearing form- side 1 and side 2 (*DHR/SSA 2054 side 1 and side 2*)
- 4) Indicated Hearing Instructions form- side 1 and side 2 (*DHR/SSA 2054A side 1 and side 2*)
- 5) Indicated Hearing Unnamed form- side 1 and side 2 (*DHR/SSA 2055 side 1 and side 2*)
- 6) Indicated Hearing Unnamed Instructions form- side 1 and side 2 (*DHR/SSA 2055A side 1 and side 2*)
- 7) Unsub Conference form- side 1 and side 2 (*DHR/SSA 2056 side 1 and side 2*)
- 8) Summary of Conference form- side 1 (only) (*DHR/SSA 2057 side 1 only*)
- 9) Unsub Hearing form- side 1 and side 2 (*DHR/SSA 2058 side 1 and side 2*)
- 10) Unsub Hearing Instructions form – side 1 and side 2 (*DHR/SSA 2058A side 1 and side 2*)
- 11) Unsub Unnamed Conference form- side 1 and side 2 (*DHR/SSA 2059- CPS8 side 1 and side 2*)
- 12) Unsub Unnamed Hearing form- side 1 and side 2 (*DHR/SSA 2060 side 1 and side 2*)
- 13) Unsub Unnamed Hearing Instructions form- side 1 and side 2 (*DHR/SSA 2060A side 1 and side 2*)

These forms replace and supersede all previous appeal forms. All prior versions of these forms are now obsolete. Upon receipt of these new forms, programs are instructed to discard any previous versions.

When to use:

Form Name	Form Number	Circumstance of Use	Timeframe to Appeal	Applicable Procedures
Notice of Investigation Closing <i>(new)</i>	DHR/SSA 2052	To individuals responsible for the alleged victim's welfare of the finding with rights to appeal closing of the CPS investigation	90 days from investigation finding date	Fair Hearing Procedures COMAR 07.01.04
Notice of Investigation Closing and Referral for Services <i>(new)</i>	DHR/SSA 2053	To individuals responsible for the alleged victim's welfare of the finding who were referred for services with rights to appeal the closing of the CPS investigation	90 days from investigation finding date	Fair Hearing Procedures COMAR 07.01.04
Indicated Hearing form- side 1 and side 2 <i>(Replaces DHR/SSA 2013)</i>	DHR/SSA 2054	To individuals named as responsible for indicated abuse or neglect with rights to appeal the finding	60 days from receipt of the notice of action	CAN Hearing COMAR 07.02.26
Indicated Hearing Instruction form- side 1 and side 2 <i>(Replaces DHR/SSA 2013A)</i>	DHR/SSA 2054A	Must accompany 2054		
Indicated Hearing Unnamed form- side 1 and side 2 <i>(new)</i>	DHR/SSA 2055	In indicated cases where no maltreater is identified, to individuals reported as suspected maltreaters with rights to appeal the finding	60 days from receipt of notice of action	CAN Hearing COMAR 07.02.26
Indicated Hearing Unnamed Instructions form- side 1 and side 2 <i>(new)</i>	DHR/SSA 2055A	Must accompany 2055		
Unsubstantiated Conference form- side 1 and side 2 <i>(Replaces DHR/SSA 1227)</i>	DHR/SSA 2056	To individuals named as responsible for unsubstantiated abuse or neglect with rights to appeal the finding through a conference	60 days from receipt of the notice of action Conference scheduled within 30 days of the individual's request for a conference	At LDSS Conference COMAR 07.02.26
Summary of Conference form- side 1 (only) <i>(Replaces DHR/SSA 1232)</i>	DHR/SSA 2057	To individuals who have completed an appeal conference (named or unnamed)	Sent within 7 days of a completed conference	

Form Name	Form Number	Circumstance of Use	Timeframe to Appeal	Applicable Procedures
Unsubstantiated Hearing form- side 1 and side 2 <i>(Replaces DHR/SSA 2013.1)</i>	DHR/SSA 2058	To individuals named as alleged maltreators who have completed an appeal conference that did not result in a ruled out finding with rights to appeal the finding.	60 days from receipt of summary of conference	CAN Hearing 07.02.26
Unsubstantiated Hearing Instructions form- side 1 and side 2 <i>(Replaces DHR/SSA 2013.1A)</i>	DHR/SSA 2058A	Must accompany 2058		
Unsubstantiated Unnamed Conference form- side 1 and side 2 <i>(Replaces DHR/SSA 1227B)</i>	DHR/SSA 2059	In unsubstantiated cases where no maltreater is identified ,to individuals reported as suspected maltreators with rights to appeal the finding through a conference through a conference	60 days from receipt of the notice of action Conference scheduled within 30 days of the individual's request for a conference	At LDSS Conference COMAR 07.02.26
Unsubstantiated Unnamed Hearing form- side 1 and side 2 <i>(new addition)</i>	DHR/SSA 2060	To individuals who were not named as alleged maltreators who have completed an appeal conference that did not result in a ruled out finding with rights to appeal the finding	60 days from summary of conference	CAN Hearing COMAR 07.02.26
Unsubstantiated Unnamed Hearing Instructions form- side 1 and side 2 <i>(new addition)</i>	DHR/SSA 2060A	Must accompany 2060		

Essential Action Required:

It is essential that LDSSs provide all individuals involved in CPS investigations the opportunity to appeal both the closing of an investigation and the finding. DHR expects each LDSS to offer appeals to individuals through the use of the attached forms within the mandated timeframes allotted for appeal.

Each Appeals Coordinator should document the offer of appeal rights on the Appeal tabs in MD CHESSIE with the date the appeal forms were mailed.

Where to find appeal forms:

All state sanctioned appeal forms can be found on:

<http://dhrnet.dhr/ssanet/InHomeServices.html>.

Additionally appeal forms can be found in MD CHESSIE in the documents section of the folder. The appeal forms are also available in Spanish, French and Korean on SSA Net.