

**Cuyahoga County Division of Children and Family Services
(CCDCFS)
Policy Statement**

Policy Chapter: Intake and Investigations
Policy Number: 2.03.05
Policy Name: Appeals of Report Disposition

Original Effective Date: 07/09/2001
Revision Date(s): 01/01/2019, 10/01/2014, 01/01/2014, 05/05/2008
Current Revision Date: 01/01/2022
Approved By: Cynthia G. Weiskittel

PURPOSE: CCDCFS is required by Ohio Administrative Code (OAC) 5101:2-33-20 (A) (2) to develop and implement a written policy for receiving, reviewing, and resolving timely appeals of “indicated” or “substantiated” case dispositions of a report of child abuse or neglect.

SCOPE: This policy applies to all staff who are involved in decision-making regarding dispositions of investigations. The policy addresses the review process available to an alleged perpetrator (AP) who disagrees with the dispositional finding or resolution of a child abuse or neglect report.

POLICY

- I. An appeal is requested by the alleged perpetrator (AP) who disagrees with the “indicated” or “substantiated” disposition issued by CCDCFS at the conclusion of the investigation of a report of child abuse or neglect.
- II. An appeal can only be requested by the alleged perpetrator or his or her authorized representative. The appeal process is available only to individuals identified as an alleged perpetrator of abuse or neglect. No other principals having received a disposition letter may request an appeal of disposition.
- III. Copies of this Appeal of Report Disposition Policy shall be made available to all individuals upon written or verbal request within three (3) working days of the request being made.

PROCEDURES

I. NOTIFICATION OF DISPOSITION & RIGHT TO APPEAL:

- A. A disposition letter (written notice of the report disposition) is mailed to the alleged perpetrator of a child abuse and neglect report, notifying him/her of the outcome of the investigation and their right to appeal. Refer to Policy 2.03.00 Investigations and Assessments.

II. REQUEST FOR APPEAL OF DISPOSITION:

- A.** When the disposition of a child abuse or neglect investigation is found to be “indicated” or “substantiated”, the AP may appeal that disposition within 30 calendar days of the date of the disposition letter.
- B.** If the AP is a minor child, or an adult with mental incapacity, the request can be made by a parent, legal guardian, or legal representative.
- C.** A request for an appeal must be made in writing to the DCFS Customer Relations Unit:
Customer Relations Unit
Cuyahoga County Division of Children and Family Services
3955 Euclid Avenue, Room 112-W
Cleveland, Ohio 44115
- D.** Any questions regarding an appeal or the appeal process may be directed to the DCFS Customer Relations Unit at 216-432-2273.
- E.** A request for an appeal should include the following information:
 - Name of alleged perpetrator (AP).
 - Mailing address and contact phone number of the AP
 - Disclosure of any current or potential court activity involving the subject matter being investigated. (Examples include civil or criminal matters pending before a Court involving the issues investigated by CCDCFS).
 - A copy of the Disposition letter.
- F.** Upon request of the AP, the CCDCFS will provide an interpreter and/or translated documents for any client who has limited English proficiency or has a hearing or visual impairment.

III. DENIAL OF A REQUEST FOR APPEAL OF DISPOSITION/GOOD CAUSE

- A.** A request for Appeal received more than 30 calendar days from the date of the disposition letter will be denied unless good cause is established.
 1. To determine good cause, the AP must provide written justification for the late request. Reasons for good cause may include a person’s inability to receive the disposition letter in a timely manner (i.e. absence from the mailing address due to illness or incarceration or delayed receipt of the letter that was not within their control (i.e. issues with mail service)).
 2. Reasons for good cause also include court proceedings related to the child abuse and neglect case. A Request for Appeal is not permitted when there are pending court actions or ongoing legal proceedings involving the incidents or circumstance of the report of child abuse or neglect for which the appeal is being sought. This

includes criminal proceedings; child abuse, neglect, and dependency proceedings; custody proceedings; and other civil actions. The senior supervisor/ administrator sends the letter informing the AP of the dismissal decision.

3. An AP can submit or re-submit a Request for Appeal at the conclusion of and court actions or proceedings and a good cause appeal may be held if the request for appeal is made within ten (10) business days following the conclusion of the criminal or civil matter.
4. An AP may also submit a Request for Appeal for any new report that is received and found to be “indicated” or “substantiated” AND is unrelated to current court actions or proceedings.

IV. ASSIGNMENT OF APPEAL

- A.** Upon the receipt of a Request for Appeal, the Customer Relations Program Officer (CRPO) screens the request to verify the information provided and timeliness of the request.
- B.** The CRPO sends an e-mail notification within 1 business day of receipt of the appeal request to the Worker of Record (WOR) and/or the staff who completed the investigation and issued the disposition letter to inquire if there is any pending criminal court action or legal proceedings related to this appeal. The workers, supervisors and senior supervisors will receive email notification advising them of the Request for Appeal if there are no known current court actions or legal proceedings.
- C.** The WOR checks any and all relevant county and municipal court dockets for activity involving this request and responds to the CRPO within two (2) business days with information that would impact the Request for Appeal. An e-mail response is sufficient. If the case is closed, the CRPO checks the county and municipal court dockets.
- D.** Unless there is reason to deny the Request for Appeal, the CRPO assigns the appeal to the next designated Hearing Panel Chair (senior supervisor/administrator), who is not directly in the chain of supervision of any persons involved with the investigation, per the established rotation log.
- E.** The CRPO emails the assigned Hearing Panel Chair:
 1. the Appeal Form;
 2. the SACWIS referral screen; and
 3. the written Request for Appeal from the AP, if available.

- F. In situations where the assigned Hearing Panel Chair cannot complete the appeal, another designee is assigned by a deputy director. In the event that another designee is assigned, the deputy director notifies the CRPO.

V. NOTIFICATION TO CLIENT REGARDING STATUS OF REQUEST

- A. The CRPO mails the AP a confirmation of receipt in the Appeal of Report Disposition Form and the Frequently Asked Questions document within 5 business days of the receipt of the request. This provides the AP with the contact name and phone number of the Hearing Panel Chair assigned to hear the appeal.
- B. The Hearing Panel Chair notifies the AP, the other members of the hearing panel, investigations worker/supervisor, CRPO and county prosecutor (if applicable) of the appeal date, time, and location.
- C. When the AP is represented by a legal representative, the Hearing Panel Chair notifies the county prosecutor's office to request their attendance at the hearing.

VI. HEARING THE APPEAL

- A. The appeal is scheduled (by the Hearing Panel Chair) and held within 30 calendar days of the receipt of the request for the appeal at a time acceptable to both parties. An extension of ten (10) days can be granted if information or parties are not available or either party requires more time to prepare.
- B. The Appeal is conducted using the following guidelines:
 1. Due to the confidentiality of the information which may be discussed, the Hearing Panel Chair may require the alleged perpetrator to complete a release form permitting others to hear the information about the AP.
 2. The AP and /or representative are provided a reasonable amount of time to present new information, which could include documents he or she deems relevant to assist the review panel in understanding the circumstances at the time of the incident or investigation.
 3. The AP and/or representative are expected to present their information in a respectful and non-adversarial manner.
 4. The hearing panel may ask questions or request additional clarification regarding their understanding of the circumstances as outlined by the AP.

VII. THE APPEAL DECISION

- A.** The Hearing Panel Chair may change the disposition if the panel concurs that any of the following circumstances occur:
 - 1. The report disposition was made in error.
 - 2. The appellant did not engage in conduct constituting child abuse or neglect as defined in sections 2151.03 and 2151.031 of the Ohio Revised Code.
 - 3. The report disposition is not supported by the totality of the information presented by the appellant or the agency or contained in the case record.
- B.** The decision issued by the Hearing Panel is final and not subject to state hearing review under section 5101.35 of the Ohio Revised Code.

VIII. DOCUMENTATION

- A.** When an appeal of a disposition of a report of child abuse or neglect is heard, the assigned Hearing Panel Chair completes all of the following:
 - 1. Documents the report disposition appeal hearing process and findings in the case record.
 - 2. Updates the Statewide Automated Child Welfare Information System (SACWIS) if the disposition changes according to procedures contained in 5101:2-33-70 of the Ohio Administrative Code and notifies the principals (the alleged child victim, the parent or caretaker, and the alleged perpetrator) of the result of the appeal in writing within 14 days from the conclusion of the appeal, with a copy of the notice letter sent to Customer Relations.
 - 3. Completes service center request within 2 business days of final decision if the disposition changed as a result of the appeal.
 - 4. Maintains all documents submitted or reviewed during the disposition appeal hearing in the case record.

IX. SPECIAL OR MEDICAL INVESTIGATIONS UNIT (SIU/MIU) APPEALS

- A.** Due to the confidentiality, variance in applicable rules, and the complexity of the circumstances involving disposition decisions made by the SIU/MIU staff, the following exceptions to the above policy and procedure will apply to any request for appeal of a disposition decision made by the SIU/MIU.
 - 1. SIU/MIU appeals are assigned to a Hearing Panel of deputy directors or designee who are NOT in the chain of command of the staff involved with the investigation or disposition decision.

2. The CRPO notifies the assigned deputy director or administrator and SIU/MIU staff of the request for an SIU appeal.
3. Notice of Disposition is issued to the principals involved as well as any other persons or agencies as required by statute.

SEE ALSO:

Ohio Administrative Code Section 5101:2-33-20

FORMS

Appeal of Report Dispositions Form
Frequently Asked Questions
CCDCFS Appeal form