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**PART 9
APPEALS**

OASIS: Information on appeals must be entered into OASIS. The path is: Workload, Adopt, Subsidy, Appeals.

9.A. Adoptive applicants and adoptive parents shall have the right to appeal services and guidance related issues including, but not limited to:

9.A.1 failure of the agency to provide full, factual information that the agency has about the child and the child's birth family, except information that would reveal the identity of the child's family of origin;

9.A.2 failure of the agency to inform the parents of the child's eligibility for subsidy;

9.A.3 agency decisions related to the child's eligibility for subsidy;

9.A.4 agency decisions related to subsidy payments and services; and

9.A.5 agency decisions related to changing or terminating a subsidy agreement.

Title IV-E, Section 471(a)(12). In order for a state to be eligible for payments under this part, it shall have a plan...which...provides for granting an opportunity for a fair hearing before the State agency to any individual whose claim for benefits available pursuant to this part is denied or is not acted upon with reasonable promptness.

9.B. Adoptive applicants must be informed in writing of their right to appeal items 1-6 above. This notice must be given to adoptive applicants during the home study process. A copy of the Statement of Information shared with the family, which shows that this information was given to the family, must be maintained in the child's record.

9.C Appeals Process

Appeals shall be processed in accordance with procedures established by the Virginia Board of Social Services (See Volume VII, Section I, Chapter H) and in accordance with Section 63.2-517 of the Code of Virginia. There are three levels of appeal:

- 9.C.1 Agency Conference. This conference provides an opportunity for discussion of the problem at the agency. Whenever possible, issues should be resolved at this level.
- 9.C.2 Appeal. An appeal can be brought to the Hearing Authority in the State Department of Social Services instead of or after the agency conference. After reviewing the appeal request, the Hearing Authority may:
- 9.C.2.1 Rule the appeal invalid;
- 9.C.2.2 Rule the appeal valid and instruct the agency to take corrective action;
- 9.C.2.3 Rule the appeal valid and grant a hearing.
- 9.C.3 Administrative Review. The Commissioner has established an Appeals Review Panel to review administrative hearing decisions upon the request of either the applicant or local board. The purpose of the panel is to make recommendations to the Commissioner regarding whether changes are needed in future guidance or in the conduct of future hearings. The Review Panel cannot change the decision of the Hearing Officer. A request for review of the Hearing Officer's decision by the Appeals Review Panel must be submitted in writing within ten (10) days of receipt of the decision.
- 9.C.4** The applicant may appeal the decision of the hearing officer to the appropriate Circuit Court. Such appeal must be made directly with the appropriate court and not with the department.
- Requests for appeals must be submitted to:
- Appeals and Fair Hearings Unit
Virginia Department of Social Services
7 North Eighth Street
Richmond, VA 23219-3301
- Effective October 27, 2009 send all appeals to:
Virginia Department of Social Services
801 East Main Street
Richmond, VA 23219-2901**