



To request an administrative hearing, write to:
Commissioner
Virginia Department of Social Services
801 East Main Street
Richmond, Virginia 23219

What Can I Expect Once I Have Requested An Administrative Hearing?

The Virginia Department of Social Services will send a written acknowledgement of your request for an administrative hearing.

If your request for a hearing is valid, you will receive a letter explaining the administrative appeal process and hearing, as well as your right to request, in writing, a copy of your CPS record from the local social services agency. Subsequently, you will receive a letter advising you of the time and place of your hearing. Administrative hearings are conducted by a hearing officer employed by the Virginia Department of Social Services.

At the hearing, you may submit oral and written testimony and other documents. You may depose a non-party at your own expense, with the exception of certain individuals excluded by law, and submit depositions authorized by the hearing officer at the hearing. You may request, with good cause shown, that the hearing officer issue subpoenas for documents and/or witnesses except for those witnesses excluded by law.

At the hearing you will be asked to state your objection to the founded disposition(s) reached by the local department of social services, and summarize the evidence supporting your position, including any further relevant evidence that you think is important. You may choose to be represented by an attorney at the hearing.

How Do I Request A Judicial Review?

Once the administrative hearing has been conducted, you will receive a written decision from the hearing officer. Your right to request a judicial review is indicated in the decision. If you are dissatisfied with the hearing officer's decision, you may seek further review by the appropriate Circuit Court in accordance with Article 4 (Section 9-6.14:15 et seq.) of the *Administrative Process Act*.



VIRGINIA DEPARTMENT OF
SOCIAL SERVICES
Division of Family Services
801 East Main Street
Richmond, Virginia 23219
www.dss.virginia.gov

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Child Protective Services

Appeals and Fair Hearings



Your Right To Appeal

Section 63.2-1526 of the *Code of Virginia* specifies that any individual who is found to have committed child abuse and/or neglect has the right to appeal.

What Is An Appeal?

An appeal is the process by which an individual may seek review and amendment to their Child Protective Services (CPS) record and the entry of their name in the Child Abuse and Neglect Central Registry.

What Can Be Appealed?

A local agency's founded disposition that abuse and/or neglect has occurred.

Who Can Appeal?

Any individual against whom a founded disposition of abuse and/or neglect has been made by a local department of social services.

The Following Information Contained In The CPS Record May Be Appealed:

- ▶ Inaccurate information.
 - ▶ Irrelevant information.
 - ▶ Founded Disposition of the allegation of abuse or neglect.



What Are The Levels Of Appeal?

There are three levels of appeal:

- ▶ Conference with the local department of social services.
- ▶ Administrative hearing before a state hearing officer.
- ▶ Judicial review by the circuit court.

How Do I Request A Local Conference?

Subsequent to the CPS investigation, you will receive a written notice from the local department of social services that includes:

- ▶ The CPS disposition(s) and level(s).
- ▶ The length of time your name will be listed in the Child Abuse and Neglect Central Registry.
- ▶ Your right to review the information used by the local department of social services in making a founded disposition(s), except for information protected by law or regulation.
- ▶ Your right to appeal the local department of social services' founded disposition(s).

If you are dissatisfied with the CPS disposition(s) and want your record amended, you or your legal representative must complete the following step:

- ▶ **Within 30 calendar days** after receiving the notice of founded disposition(s), write to the local department of social services and request a local conference and a copy of the investigation record.

The purpose of the local conference is to:

- 1) Meet informally to discuss your concerns.
- 2) Review the CPS record to understand the basis for the local department of social services' founded disposition(s).
- 3) Present testimony of witnesses, documents, arguments, submissions of proof, or any additional relevant information you want to have considered by the local department of social services. You may seek assistance of counsel at this appeal level.

Pending Criminal Matters

If, at the time you are notified of the founded disposition and you have either been charged criminally or under investigation, your right to appeal will be stayed until criminal prosecution in trial court is complete, or the criminal investigation is closed, or if the investigation is not completed within 180 days of your written request for an appeal. Regardless, all requests for appeal of CPS findings must be submitted in writing **within 30 calendar days** after receiving the written notice from CPS.

How Do I Request An Administrative Hearing?

If, after you request a local conference, the Department of Social Services:

- ▶ Does not favorably amend your records.
- ▶ Fails to send you a written decision within 45 calendar days of your written request for an amendment.

You or your authorized representative may, **within 30 calendar days** thereafter, write the Commissioner of the Virginia Department of Social Services to request an administrative hearing.