

**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):** 05/05/2008, 01/01/2014  
**Current Revision Date:** 10/01/2014  
**Approved By:** Patricia L. Rideout *PLR*

**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 appeals of 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

- A. 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.
- B. 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.
- C. 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

**A. NOTIFICATION OF DISPOSITION & RIGHT TO APPEAL:**

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 Investigations Policy 2.03.00.

## **B. REQUEST FOR APPEAL OF DISPOSITION:**

1. When the disposition of a child abuse or neglect investigation is found to be "indicated" or "substantiated", the AP can request an appeal within 30 calendar days of the date of the disposition letter.
2. 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.
3. Upon request of the AP, the CCDCFS provides a translator or other appropriate accommodation, if the AP has a disability, limited English proficiency or has hearing or visual impairment,
4. The written request is made to the Community Relations Unit.
5. A request for an appeal contains the following information:
  - Name of alleged perpetrator
  - Mailing address and contact phone number of the AP
  - Disclosure of 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).
6. Written requests are sent to:  
Community Relations Unit  
Cuyahoga County Division of Children and Family Services  
3955 Euclid Avenue, Room 112-W  
Cleveland, Ohio 44115

## **C. DENIAL OF A REQUEST FOR APPEAL OF DISPOSITION**

1. A request for Appeal received more than 30 calendar days from the date of the disposition letter is denied unless good cause is established.
2. To determine good cause, the AP must provide written justification for the untimely 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).
3. 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. An AP can request, in private custody proceedings and other civil actions only, to have the appeal reinstated by contacting the Community Relations Unit.

4. An AP can submit or re-submit a Request for Appeal at the conclusion of and court actions or proceedings.
5. A good cause appeal may be held if you were a party to a criminal or civil matter involving the subject matter of the CCDCFs disposition and request for appeal is made within ten (10) business days following the conclusion of the criminal or civil matter.
6. An AP can submit a Request of Appeal for any new report that is received and found to be "indicated" or "substantiated" AND is unrelated to current court actions or proceedings.

#### **D. ASSIGNMENT OF APPEAL**

1. Upon the receipt of a Request for Appeal, the Community Relations Program Officer (CRPO) screens the request to verify the information provided and timeliness of the request.
2. 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 a 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.
3. The WOR checks any and all relevant county and municipal court dockets for criminal activity involving this request and respond 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.
4. Unless there is reason to deny the Request for Appeal, the CRPO assigns the appeal to an appropriate senior supervisor/administrator, who is not directly in the chain of supervision of any persons involved with the investigation, per the established rotation log.
5. The CRPO emails the assigned senior supervisor/administrator:
  - the Appeal Form from the Respond database;
  - the SACWIS referral screen;
  - the written Request for Appeal from the AP if available
6. In situations where the assigned person cannot complete the appeal, another designee is assigned by a deputy administrator. In the event that another designee is assigned, the deputy administrator notifies the CRPO.

## **E. NOTIFICATION REGARDING STATUS OF REQUEST**

1. 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. See attached. This provides the AP with the contact name and phone number of the senior supervisor/administrator assigned to hear the appeal.
2. The senior supervisor/administrator notifies the AP, investigations worker/supervisor, CRPO and county prosecutor (if applicable) of the appeal date, time, and location.
3. When the AP is represented by a legal representative, the senior supervisor/administrator notifies the county prosecutor's office to request their attendance at the hearing.

## **F. HEARING THE APPEAL**

1. The appeal is scheduled and held within 30 calendar days of the receipt of the request for the appeal. An extension of ten (10) days can be granted if information or parties are not available.
2. The Appeal is conducted using the following guidelines:
  - a. Due to the confidentiality of the information which may be discussed, the senior supervisor/administrator may require the alleged perpetrator to complete a release form permitting others to hear the information about the AP.
  - b. The AP and /or representative is allowed a reasonable amount of time to present new information, which could include documents he or she deems relevant to assist the reviewer.
  - c. The AP and/or representative presents the information in a respectful and non-adversarial manner.

## **G. THE APPEAL DECISION**

1. The senior supervisor/administrator hearing the appeal changes the report disposition if any of the following circumstances occur:
  - a. The report disposition was made in error.
  - b. 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.

- c. 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.
2. The decision issued by the senior supervisor/administrator is final and not subject to state hearing review under section 5101.35 of the Ohio Revised Code.

## **H. DOCUMENTATION**

1. When an appeal of a report disposition of a report of child abuse or neglect is heard, the assigned senior supervisor/administrator completes all of the following:
  - a. Documents the report disposition appeal hearing process and findings in the case record.
  - b. Updates the Statewide Automated Child Welfare Information System (SACWIS) if the disposition changes according to procedures contained in 5101:2-33-05 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 Community Relations.
  - c. Completes service center request within 2 business days of final decision if the disposition changed as a result of the appeal.
  - d. Maintains all documents submitted or reviewed during the disposition appeal hearing in the case record.

## **I. SPECIAL OR MEDICAL INVESTIGATIONS UNIT (SIU/MIU) APPEALS**

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 deputy administrators or administrators 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 administrator 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

**RELATED FORM:**

Appeal of Report Dispositions Form

Frequently Asked Questions

CCDCFS Appeal form



Cuyahoga County Division of Children and Family Services  
 Community Relations Unit  
 3955 Euclid Avenue #112W  
 Cleveland, Ohio 44115  
 Attn: Appeals  
 PH (216) 432-2273(CARE), Fax (216) 432-5047  
 CustomerServiceCCDCFS@jfs.ohio.gov

### APPEAL OF REPORT DISPOSITION FORM

**TO BE PROVIDED TO PERSON REQUESTING APPEAL**  
 (To be mailed by Community Relations Unit prior to appeal)

1. NAME OF PERSON REQUESTING APPEAL:	DATE OF REQUEST:
2. NAME OF PERSON CONDUCTING THE APPEAL:	TELEPHONE NO.
3. DATE REQUEST RECEIVED BY CUYAHOGA COUNTY DIVISION OF CHILDREN & FAMILY SERVICES :	

**Purpose of this Form:**

This Appeal of Report Disposition Form has been completed by Cuyahoga County Division of Children and Family Services (CCDCFS) staff and provided to the person requesting an appeal. Ohio Administrative Code section 5101:2-33-20 permits an appeal by an alleged perpetrator of abuse or neglect who has received a (CCDCFS) dispositional letter which found abuse or neglect was either “indicated” or “substantiated.” The purpose of this appeal is for you to have an opportunity to provide information as to why the disposition, and corresponding report to the Statewide Automated Child Welfare Information System (SACWIS), should be changed. This Appeal of Report Disposition Form will provide basic information to you.

***What if I need a translator, or I am unable to read or understand English, or accommodations for any disability, such as I am deaf or visually impaired?***

CCDCFS will provide a translator for those with limited English proficiency or other accommodation. Please notify assigned CCDCFS staff of your request or can contact the Community Relations Unit for assistance.



## **INFORMATION AND RESPONSES TO FREQUENTLY ASKED QUESTIONS FOR THOSE SEEKING TO APPEAL A DISPOSITION ISSUED BY THE CCDCFS**

This document provides a basic overview of what can be expected during the appeal process.

### **FREQUENTLY ASKED QUESTIONS:**

#### **Who can request an appeal?**

The only person who can request an appeal is the “alleged perpetrator” of abuse or neglect. The alleged perpetrator is defined as “the individual suspected of being responsible for the abuse or neglect of a child.” See, Ohio Administrative Code 5101:2-1-01(B)(16). This person would have received notice from CCDCFS that abuse or neglect was “indicated” or “substantiated” and the person was identified as the “alleged perpetrator” of the abuse or neglect.

#### **How do I request an appeal?**

A written request for appeal may be completed in person during normal business hours 8:30-4:30pm at The Division of Children and Family Services, 3955 Euclid Ave #112W, Cleveland Ohio 44115. You may also email or fax requests to Community Relations.

\*Please provide your current address and phone number with all requests should CCDCFS need to contact you for additional information.

#### **How much time do I have to request an appeal?**

You have thirty (30) calendar days from the date on which you receive the notice from CCDCFS to request an appeal. If the time period has elapsed and you wish to request an appeal, then you must explain the reasons the thirty (30) calendar day time period was not met. A proper explanation will be deemed good cause and permit the appeal to be scheduled. For example, good cause could be present if you were a party to a criminal or civil matter involving the subject matter of the CCDCFS disposition and the request was made within ten (10) business days following the conclusion of the criminal or civil matter. This is an opportunity for the person requesting the appeal to establish good cause for the exception to the timeliness of the request.



### **Who cannot request an appeal?**

An appeal request cannot be made by a person who is not the alleged perpetrator of abuse or neglect as identified in the CCDCFS notice. In addition, an appeal is not permitted from an “unsubstantiated” finding.

### **What do the Dispositional Terms “Substantiated Report,” “Unsubstantiated Report” and “Indicated” Mean?**

The definitions which follow were copied from the Ohio Administrative Code. The Ohio Administrative Code sets forth rules issued by the State of Ohio. The Administrative Code can change from time to time, so you should check the current version of the Administrative Code to make sure the definitions are still current. You can check for the current version of the Ohio Administrative Code online through the State of Ohio’s website or at your local library.

Definitions (as of 8/1/2013):

“*Indicated*” means the report disposition in which there is circumstantial or other isolated indicators of child abuse or neglect lacking confirmation; or a determination by the caseworker that the child may have been abused or neglected based upon completion of an assessment/investigation. Ohio Administrative Code 5101:2-1-01(B)(149).

“*Substantiated report*” means the report disposition in which there is an admission of child abuse or neglect by the person(s) responsible; an adjudication of child abuse or neglect; or other forms of confirmation deemed valid by the PCSA. Ohio Administrative Code 5101:2-1-01(B)(297).

“*Unsubstantiated report*” means the report disposition in which the assessment/ investigation determined no occurrence of child abuse or neglect. Ohio Administrative Code 5101:2-1-01(B)(330).

### **Who will be conducting the appeal?**

The appeal will be conducted by a CCDCFS Senior Supervisor/Administrator who is not in the chain of command of the staff who conducted the investigation.

### **Is this a court or judicial hearing?**

No. The appeal is not a court or judicial proceeding. Since it is not a judicial or court proceeding, there is no judge, no record made, and you will not be appointed an attorney.

**Will an appeal meeting be held and is it formal or informal?**

The appeal process will include an informal meeting to permit you an opportunity to present information you deem relevant concerning the indicated or substantiated report finding.

**What if I am involved with a criminal or civil court case involving the same or similar situation which would be discussed during the appeal?**

If you are involved with an ongoing judicial proceeding at the time of the request for an appeal, or such matter is ongoing prior to the decision on an appeal, CCDCFS will not hear and will dismiss the request for an appeal until after the judicial proceeding has been completed. You must request an appeal within 10 business days *after* the judicial matter has concluded. By hearing the appeal after the conclusion of the ongoing court matter, any potential conflicts with the ongoing judicial matters are avoided.

**Can I bring an attorney?**

Yes. You can retain an attorney, at your own expense. Notify CCDCFS in advance if you chose to have an attorney present for this meeting.

**Will I be subject to cross examination?**

No. Cross-examination of you, your witnesses, or CCDCFS staff, will not be permitted. You may provide a statement and information to CCDCFS. If you would like to ask a question, it must be addressed to the CCDCFS Senior Supervisor/Administrator leading the meeting. This will maintain the proper decorum and allow you to present the information you think important to CCDCFS.

**Should I bring documents and witnesses?**

This is your decision. You should be prepared to provide information to CCDCFS which would support your assertion that the disposition should be changed. If providing documents would assist your claim that the disposition should be changed, then you should consider providing the documentation or other information you think important. You can bring witnesses with you. However, CCDCFS cannot issue a subpoena to compel the attendance of a witness, so you must arrange for any witness to attend. You can provide a written statement from the witness (a notarized statement is preferred, although not required) as an alternative.

**Will I be told who called the KIDS Hotline or who the CCDCFS investigating staff talked to?**

No. Ohio law prohibits provision of the names of the person who made the reports, statement of witnesses or police or other investigative reports. Please reference Ohio Revised Code sections 2151.421(H); 5101.131, 5153.17, as well as Ohio Administrative Code sections 5101:2-33-21 and 5101:2-33-22.

**What will the CCDCFS Senior Supervisor/Administrator leading the appeal consider?**

The CCDCFS Senior Supervisor/Administrator leading the appeal will consider the totality of the information including the assessment/investigation information contained in the case record which led to the report disposition as well as any information presented by the PCSA and the appellant.

**What are the possible results of the appeal?**

The decision of the CCDCFS Senior Supervisor/Administrator leading the appeal could include affirming the disposition previously found, or changing the disposition. The CCDCFS Senior Supervisor/Administrator leading the appeal could, alternatively, request the investigating CCDCFS staff to obtain additional information prior to issuing a decision on the appeal. In such a situation, the decision will be issued after the additional information has been obtained. The CCDCFS Senior Supervisor/ Administrator will issue a disposition that could include a finding that the report was unsubstantiated, indicated or substantiated. Any change in the disposition would be updated in SACWIS as required by Ohio Administrative Code 5101:2-33-20(K)(2).

**Under what circumstances will the CCDCFS Senior Supervisor/Administrator leading the appeal change the disposition?**

The report disposition will be changed if any of the following circumstances occur:

- (1) The report disposition was made in error.
- (2) The person requesting the appeal did not engage in conduct constituting child abuse or neglect as defined in sections 2151.03 and 2151.031 of the Revised Code.
- (3) The report disposition is not supported by the totality of the information presented by the person requesting the appeal, CCDCFS or contained in the case record.

### **When will I receive the results of this appeal?**

If no additional information is required, then it is the goal of CCDCFS to send the results of the appeal to you, in writing, within ten (10) business days following the appeal meeting.

### **Can I request the CCDCFS policy on appeals and what if I have additional questions?**

CCDCFS policies are available to the public online at <http://cfs.cuyahogacounty.us/en-US/policies-procedures-manual.aspx>. You may request a copy of the appeal process or ask additional questions by contacting the Community Relations Unit.

### **Can I request an accommodation from CCDCFS?**

Upon request of the person who is requesting the appeal to the Community Relations Unit, the CCDCFS will provide a translator or other appropriate accommodation, if the AP has a disability, limited English proficiency or has hearing or visual impairment.



# Division of Children and Family Services

## Community Relations Unit

### Administrative Appeal Request Form

3955 Euclid Avenue, Cleveland, Ohio 44115 #112W

(216) 432-2273 [24-Hour KIDS Hotline: 696-5437]

**From:**

**Date Received by the Community Relations Unit:**

**Date Forwarded to the Senior Supervisor/Administrator:**

**Due Date:**

#### Investigation Information

**Social Worker:**

**Senior Supervisor:**

**Supervisor:**

**Deputy Director:**

**Family Case Name:**

**Primary Child's Name:**

**Family Case Number:**

**D.O.B**

#### Staff Information

**Worker:**

**Chief:**

**Supervisor:**

**Deputy Director:**

#### Appeal Request Information

**Person Requesting Appeal (AP):**

**Relationship to primary child (ACV):**

**Requestor's Address:**

**Requestor's Phone Number:**

#### Summary of Appeal

**Intake ID#**

#### Instructions

##### **Steps for an Administrative Appeal:**

- 1) Community Relations receives the request for an appeal.
- 2) Community Relations assigns the appeal to a Senior Supervisor or Administrator.
- 3) Appeal request assignments are rotated among DCFS Senior Supervisors or Administrators.
- 4) Chiefs are not assigned to hear cases within their supervisory units.
- 5) The appeal is scheduled and held within 30 days of the receipt of the request. An extension of 10 days can be granted if information or parties are not available.
- 6) The assigned Senior Supervisor or Administrator will invite pertinent parties to the appeal, obtain a meeting room and pull the record if not scanned.
- 7) If the AP is represented by legal counsel, contact the Prosecutor's Office to arrange a date and time when one of them can be available to represent the agency.
- 8) During the appeal, parties may state their side of the incident and offer new information. The assigned Senior Supervisor or Administrator may request staff to follow up on issues before making a final disposition. Notice of the appeal decision is provided in a response letter.
- 8) A copy of the decision letter is sent to recipients of the initial Disposition Letter, Community Relations, and copied to the client case record.
- 9) Community Relations will maintain the records on all Administrative Appeals.

**Please forward a copy of your signed response with this form to Program Officer \_\_\_\_\_ at 112W or call (216) 432-2273.**