



South Carolina Department of Social Services

Child Welfare Services Manual **780 Appeal of an Adverse Agency Decision Policy**

Effective Date: 07-21-2016

Purpose Statement:

In the event that DSS makes a decision that is adverse to the interests or desires of the foster parents, the agency will provide fair review process. The following section sets forth the policies and procedures to be followed when a foster parent chooses to appeal an agency decision.

Policy:

1. The agency shall inform all foster families and foster family applicants of their right to appeal a denial or revocation.
2. Upon receipt of a request for an appeal, the Office of Administrative Hearing (OAH) shall schedule a Fair Hearing. The Hearing shall be conducted by a three member panel comprised of a Hearings Officer and two members appointed by the State Director. A decision shall be reached within 30 days of the hearing and the written result shall be sent to all parties.

Procedures:

1. When a license or renewal is not recommended for approval or renewal, the family must be informed of their right to appeal.
2. The ILC or FSC shall provide assistance to the family as needed to begin the appeal process, including providing services to comply with language or medical barriers.
3. If an application or renewal is denied, the ILC or FSC supervisor shall draft a letter which specifies the reason(s) for the denial, including references to applicable statutes and/or agency policies and/or applicable foster care regulations, and which advises the applicant of the right to appeal this decision by submitting a written request to the Office of Administrative Hearings (OAH), P.O. Box 1520, Columbia, SC 29202 within 30 days of the date of receipt of the letter.
4. The letter shall be submitted to the State Licensing Manager or designee for review and mailing. The letter will inform the family of the right to request a conference with the State or Regional Director or his or her designee.
5. The ILC or FSC shall cooperate with State Office staff and testify at any hearings or deposition interviews.
6. All information shall be dictated into the CAPSS Licensing screen as appropriate.

Documentation:

- Contacts with foster family
- Correspondence with agency staff
- Copy of denial letter
- Copy of written request for hearing
- Copy of final OAH order

Legal Citations:

42 U.S.C.A. § 671(a)(12): fair hearing requirements

S.C. Code Ann. § 1-23-310 et seq.: Administrative Procedures Rules of Procedure for the Administrative Law Court