

## Child Protective Services (CPS) Appeals FAQ

### Timelines

1. [Does the timeline include the mailing time, post mark date or other delivery related factors?](#)
2. [Are times measured in business or calendar days? How do holidays affect the timelines?](#)
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1. ***Does the timeline include the mailing time, post mark date or other delivery related factors?***

Appeals timelines are measured in reference to the action of the agency (date something is sent, date the meeting is held or decision made). For example, a written request for a review of the initial determination must be submitted within 15 days after the date the agency sent the Notice of Initial Determination.

The request for a review or hearing is considered received:

- **Mailed:** The date received is the date of the postmark.
- **Faxed:** The date received is the date and time imprinted on the facsimile machine transmission report.
- **Personally delivered:** The date received is the date it was delivered to the agency.

These dates will automatically calculate in eWiSACWIS as information is entered and can be tracked in an individual case record and in the CPS Appeals Outcome Report, SM06A114.

Because the postmark date must be used for the date the request for a review is received via US Mail, it is recommended the agency wait a sufficient time between the date the request is due and the date the Notice of Final Determination is sent to allow for delivery. Some agencies have been sending the letter the same day as the due date, to find that the request for review is received a day or two later with the acceptable postmark date. The agency has five days after the date the request is due to send the Notice of Final Determination. It is advisable to wait until the 4<sup>th</sup> or 5<sup>th</sup> day to allow for the mail delay.

2. ***Are times measured in business or calendar days? How do holidays affect the timelines?***

The Notice of Initial Determination must be sent out by the next **BUSINESS day** from the approval of the Initial Assessment (IA). All other dates are calendar dates. eWiSACWIS will automatically calculate dates based on Federal mailing schedules. When calculating a certain number of days from the Begin Date to the End Date, if the End Date falls on a **Sunday** or a **legal holiday** then the End Date will be determined to be one day later. For example, if we are to calculate a date that is 15 days after the Begin Date of June 19, we would arrive at July 4, which is a legal holiday. The function would then add one day and the End Date would be calculated as the next day that is not a Sunday or other legal holiday, typically July 5. Legal holidays include New Year's Day, MLK, Inauguration Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving, and Christmas Day.

3. ***What happens to the status of the case between the time the IA is approved and the issuance of the Notice of Final Determination? Can the agency close the case?***

Yes, for those cases not continuing on into Ongoing Services, the case may be closed at the conclusion of the IA. Cases can be closed while still allowing ticklers to be sent to the CAPTA Maltreater Review Coordinator designated for the case, and for agency personnel to enter data/review information for the case.

4. ***Clarification of timelines and Initial/Final Determination Status***

Once the Agency sends the Notice of Final Determination, and the due date for the request has passed, the maltreater no longer has the right to an agency review, and must pursue a DHA appeal as their only recourse. If a maltreater requests an agency review at any time after the due date for the request has passed and the Final Determination has been sent, they must be provided a copy of their original Notice of Final Determination and updated DHA contact information, if applicable. (In instances in which the maltreater never received the letters due to an error on the part of the agency, it is within the discretion of the agency to re-send the notices. See Maltreater Information FAQ no. 3.)

An Initial Determination of substantiated maltreatment remains an "Initial Determination" until the Notice of Final Determination is sent. Once this occurs, status remains a "Final Determination" until and unless the DHA remands the matter back to the county for an agency review, at which time, the status becomes Initial.

