

Please contact our agency's representatives if you have questions about the review process, need translation services, or need help completing forms to request an appeal.

LOCAL AGENCY STICKER HERE

## **REVIEW AND APPEAL PROCESSES FOR DETERMINATIONS OF CHILD ABUSE AND NEGLECT**



DCF is an equal opportunity employer and service provider. If you have a disability and need to access this information in an alternate format, or need it translated to another language, contact (608) 266-8787 or 711 (TTY). For civil rights questions call (608) 422-6889 or 711 TTY (Toll Free).

**DIVISION OF SAFETY  
AND PERMANENCE**

**FEBRUARY 2016**

## INITIAL DETERMINATIONS

The conclusion reached by Child Protective Services (CPS) that abuse or neglect of a child occurred is called an Initial Determination.

If CPS has made an Initial Determination that you abused or neglected a child, you may request an agency review within 15 days of the Notice of Initial Determination. Please complete the portion of the form describing why you disagree with the Initial Determination.

### **AGENCY REVIEW OF AN INITIAL DETERMINATION OF CHILD ABUSE AND NEGLECT:**

Agency Review procedures:

- You may hire an attorney at your own expense. One will not be appointed to you.
- You may speak and/or present written evidence.
- You may request a translator from the agency, if needed.
- You may not present witnesses.
- You may not question agency staff.
- The agency is not required to present evidence or witnesses.
- The review will be scheduled for at least one hour.
- The review may occur by phone or in person.
- You will be notified of the Final Determination in writing within 15 days after the review.

## FINAL DETERMINATIONS

After a review occurs, OR if you do not request a review, the agency will issue a Final Determination regarding whether you abused or neglected a child.

Final determinations of child abuse or neglect may impact employment or other activities that require a caregiver background check.

You may appeal a final determination by returning the "Child Maltreatment Contested Case Hearing Request" form within 10 days of notice of Final Determination of substantiation.

### **DIVISION OF HEARINGS AND APPEALS (DHA): APPEAL OF A FINAL DETERMINATION OF CHILD ABUSE AND NEGLECT**

DHA procedures:

- You may hire an attorney at your own expense. One will not be appointed to you.
- You may request a translator, if needed.
- DHA will hold the hearing within 90 days after you have made your request, unless the judge delays the case (holds in abeyance) due to a criminal or child court matter.
- You will be notified of the DHA decision within 60 days after the appeal hearing.

## REHABILITATION REVIEW

If you have a Final Determination of child abuse and/or neglect you may be legally prevented from some types of work and activities that require a Wisconsin Caregiver Background Check.

A rehabilitation review allows you to present positive information that shows that children, vulnerable adults, or patients would be safe with you or in your care.

A rehabilitation finding may deny any caregiver actions, approve all caregiver actions, or grant limited approval for some caregiver actions that would otherwise be barred by a Final Determination of abuse or neglect under the Caregiver Law.

Rehabilitation Review information for entities regulated by the Wisconsin Department of Health Services:

- DHS Office of Legal Counsel (608-266-8428)
- <https://www.dhs.wisconsin.gov/publications/p6/p63160.pdf>

Rehabilitation Review information for entities regulated by the Wisconsin Department of Children and Families:

- DCF Office of Legal Counsel (608-261-8671)
- <https://dcf.wisconsin.gov/rehab-review>