

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 (General) or (888) 692-1401 (TTY). For civil rights questions call (608) 422-6889 or (866) 864-4585 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)
- <http://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)
- http://www.dcf.wi.gov/rehab_review/process.htm