



MDCPS Policies & Procedures:

Administrative Appeals

Effective 7/17/2023



Overview

MDCPS provides individuals who disagree with MDCPS findings or decisions covered under this policy a right to appeal the decision. An administrative process has been implemented to offer a fair, impartial, and accessible hearing to all persons entitled to this process.

MDCPS conducts two types of administrative hearings:

1. Administrative Hearings afforded when an application for renewal of a license is denied, a license is suspended or revoked, when there is an adverse decision for an applicant or recipient of adoption assistance, or for any other administrative appeal to MDCPS required by federal or state law.
2. Administrative Hearing afforded to subgrantees who have received an adverse decision.

Any decision made by the Youth Court cannot be appealed through an Administrative Hearing. For example, a client may not appeal the decision for a child to be placed in the custody of the Department of Child Protection Services as this decision was made by the Youth Court and must be appealed through the Youth Court procedures.

Licensure Decision Appeals

Administrative review is afforded to individuals who disagree with an MDCPS decision and/or action if a renewal of a license is denied or a license is suspended or revoked.

A party aggrieved by a licensing decision may file an Administrative Appeal by checking the box for an Administrative Appeal on the 432C Notice of Action – Regional Hearing Decision form sent via DocuSign after a regional licensure hearing decision is made. The completed form must be returned to the Licensure Unit via DocuSign or by mailing it to the MDCPS Licensure Unit at P.O. Box 346 Jackson, MS 39205. This request for an administrative appeal must be received by the MDCPS Licensure Unit within 30 days of the date MDCPS's written notice of action was sent to the individual.

The administrative hearing will be held no later than 60 calendar days after the receipt of the request for a hearing.

Adoption Assistance Appeals

Administrative review is afforded to individuals if there is an adverse decision for an applicant or recipient of adoption assistance.



A party aggrieved by a decision regarding adoption assistance may file an Administrative Appeal by checking the box for an Administrative Appeal on the Notice of Action – Adoption Assistance Review form sent via mail after an Adoption Assistance Review. The completed form must be returned to the Adoption Unit via mail to the MDCPS Licensure Unit at P.O. Box 346 Jackson, MS 39205. This request for an administrative appeal must be received by the MDCPS Adoption Unit within 30 days of the date the Notice of Action was sent to the individual.

General Appeals

Any other administrative appeal required by federal or state law may be initiated by submitting, in writing, a Request for Hearing to the Office of Legal Counsel via email at adminhearings@mdcps.ms.gov. This request for hearing must be received by the Office of Legal Counsel within 30 days of the date MDCPS's written notice of action was sent to the individual.

Appeals for Subgrantees

Administrative review is afforded subgrantees appealing adverse actions, meaning demands for repayment.

An aggrieved party may file an appeal by submitting, in writing, a Request for Hearing to the MDCPS Office of Legal Counsel via email at LegalDocuments@mdcps.ms.gov within 30 days of receipt of a Notice of Final Determination.

Procedure

All administrative appeal hearings will be conducted as follows:

Office of Legal Counsel Duties:

1. Contact the hearing officer to give the individual responsible for conducting the hearing the information about the request.
2. Notify the relevant CPS personnel that a hearing has been requested.

Hearing officer duties:

1. Schedule a date, time, and place for the hearing.
2. Send a written notice of the scheduled hearing via email at least 14 days prior to the hearing date. If the individual requesting the appeal cannot appear at the time and location of the



hearing, the individual must notify the hearing officer within five calendar days of receipt of the hearing notice to reschedule.

3. Notify the relevant MDCPS personnel of the scheduled hearing and request that staff prepare to be present at the hearing and present evidence if needed.

At the Administrative Hearing, either party may be represented by an attorney. The hearing officer will have the authority to maintain the decorum of the hearing and will take reasonable steps to do so when necessary, including clearing the hearing room of any person who is disruptive. The hearing officer may clear the hearing room of witnesses not under examination.

MDCPS will present all the evidence which led to MDCPS's actions. The appealing party will follow, presenting any evidence that the reasons for the decision made are not true or not sufficient for the action taken. The appealing party must submit a witness list identifying any witnesses the appealing party intends to call as witnesses at the hearing and an exhibit list identifying documents the appealing party intends to submit at the hearing, with copies of any proposed exhibits, to adminhearings@mdcps.ms.gov at least seven days prior to the hearing.

If the appealing party, without good cause, fails to appear at the hearing, such failure will be considered a withdrawal of the appeal and the hearing officer may dismiss the appeal.

After all evidence is heard or received and the hearing is completed, the hearing officer will forward both the record and recommended decision to the MDCPS Commissioner for adoption, modification, or reversal. The final order of the MDCPS Commissioner will be emailed to the attorney of record for the appealing party or to the appealing party if not represented. The Office of Legal Counsel will maintain an appropriate record of that emailing. The appealing party or attorney of record is presumed to have been notified on the date such notice is emailed. The decision of the MDCPS Commissioner will be final and binding.