



Guide to Child Protective Services Administrative Review

BACKGROUND

The Georgia Division of Family and Children Services (DFCS) carefully considers all information prior to deciding to substantiate child abuse. When we determine that child abuse is substantiated, we will send you a letter explaining the decision. If you disagree with the decision, you have the right to appeal that decision through an administrative review. During the administrative review, we will re-examine all the information that led to the decision to substantiate child abuse. If the review process determines that the decision was wrong, we will change it. If it determines the decision to substantiate child abuse was correct, then the original decision will stand.

WHEN AND HOW CAN I REQUEST AN ADMINISTRATIVE REVIEW?

If you recently had a child protective services (CPS) investigation and child abuse was substantiated and you were identified as the person responsible for the child abuse, you may request an administrative review for us to take a look at the decision again. Your request must be in writing and received within 45 calendar days of the date you received the letter containing the substantiated decision. We presume you received the letter within five business days after the date on the letter, unless you can show us you received it later.

When you receive the substantiated decision identifying you as the person responsible for the child abuse, there will also be a "Request for 1st Level Child Protective Services Administrative Review" form enclosed. Fill out the entire form, choosing if you are requesting a desk review or

an in-person review. Submit the Request for 1st Level Child Protective Services Administrative Review form and a copy of the letter from DFCS containing the substantiated decision to:

DFCS-ACRRequest@dhs.ga.gov

In the subject line of the email, please type the following: **1st Level Review – (First Initial, Last Name). Example: 1St Level Review – J. Doe.**

When we receive your request for an administrative review, we will send you a letter acknowledging receipt of your request. You have 10 calendar days from the date of receipt of the acknowledgement letter to submit any evidence you would like considered during the review.

HOW MANY ADMINISTRATIVE REVIEW LEVELS ARE THERE?

1st level review

A 1st level review is a complete review of the decision to substantiate child abuse. We will look at all the evidence gathered when the original decision was made, plus any new evidence you provide. A decision will be made to uphold or overturn the original substantiation decision.

The 1st level review will be conducted by someone who did not take part in the original decision. You can request a 1st level desk review or in-person review. The amount of time to complete the 1st level review will depend on if you choose a desk review or in-person review. We will send you a letter with the 1st level review decision. If you disagree with the 1st level administrative review decision, you may request a 2nd level review.

2nd level review—Internal review

The 2nd level review is a complete review of all the evidence gathered when the original decision was made, plus any new evidence you provide. A recommendation to uphold or overturn the original substantiation decision will be provided to the DFCS Division Director for the 3rd level review.

The 2nd level review will be conducted by an Administrative Review Specialist (ARS) at the DFCS State Office who was not involved in the original decision to substantiate child abuse or the 1st level administrative review decision. You can request a desk review or in-person review. The amount of time we take to complete the 2nd level review will depend on if you choose a desk review or in-person review. We will not send you a letter with the 2nd level recommendation. Your information will be submitted for the final review, the 3rd level review.

3rd level review—Final review

You do not need to request a 3rd level review. The 3rd level review is completed automatically at the conclusion of the 2nd level review. The 3rd level review will be the final decision.

A 3rd level review is a desk review conducted by the DFCS Division Director. The Division Director will look at all the evidence gathered when the original decision was made, plus any new evidence you provide. The Division Director will decide to uphold or overturn the substantiation decision. The 3rd level review will be completed within 45 business days of the Division Director receiving the 2nd level review recommendation. We will send you a letter of the 3rd level review decision.

WHAT ARE THE TYPE OF REVIEWS?

Desk review

A desk review involves looking at all the information gathered when the original decision was made, and

any new evidence you provide, without the need for you to be present. Desk reviews will be completed within 45 business days of DFCS receipt of the request for the review.

In-person review

An in-person review involves you meeting with a DFCS representative to explain why you believe the decision should be changed. The DFCS case manager who completed the investigation will also be present. If you choose an in-person review, you will receive a written letter confirming the review date, time, location, and directions. In-person reviews will be concluded within 60 business days of the receipt of the request for the review.

WHAT EVIDENCE CAN I PROVIDE?

Evidence can include, but is not limited to, written statements, video, audio, or other information that you want to be included in the review.

CAN I BRING SOMEONE WITH ME TO THE IN-PERSON REVIEW?

You may bring an adult (friend, relative, or other person) with you to the in-person review for support. He/she may only observe; they may not participate in the review process.

WHAT ABOUT MY ATTORNEY?

You may have an attorney present, but the attorney will not be allowed to present evidence and will not be allowed to cross-examine (question) anyone during the review.

WHAT IF DFCS STILL HAS AN OPEN CASE?

While your administrative review is pending DFCS will continue to provide services to you and your family until a final decision is made.