

Child Protective Services: Investigation

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2104.30 CPS Review

Requirement

County DFCS offices are responsible for receiving requests for a review of a CPS case determination and for initiating the review response process. A request is for:

- **Panel (in-person) review** -- the review panel has thirty days from the receipt of the request by the county office to schedule and hold a review meeting with the parents.
- **Administrative (paper) review** -- the state reviewer has thirty days from the receipt of the request by the county office to review the investigation record and mail a decision to the parents.

A parent may request either a panel review or an administrative review, but not both. No review will be scheduled when a decision regarding the same allegations that the county investigated has been made or is pending in either the Juvenile Court or the Superior Court, as the court is then the parent's recourse to differ with the department's decision. A criminal action pending against the parent in the Superior Court does not affect the parent's ability to seek a review of the county decision.

Procedures/Practice Issues

The Child Abuse Prevention and Treatment Act (CAPTA) requires a procedure for parents, who disagree with an official finding of abuse or neglect, to request a review of the finding.

A case determination letter directs a parent who wishes a review of the case determination to:

- Request the review in writing to the county DFCS office.
- Include an address and telephone number with the review request.
- Select either an administrative review or a panel review.

The request must be received at the county office within ten days of the parent's receiving the determination letter. The county office:

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- Allows fifteen calendar days from the date the determination letter is mailed to receive a request for review.
- Directs the review request to either a panel review or to an administrative review, depending on the requester's choice and after determining that there is neither Juvenile Court nor Superior Court involvement on the allegations investigated by CPS. If there is court involvement, notify the parent or respondent that a review will not be scheduled, because the matter is before the court. The court's decision determines whether the substantiation is upheld.
- Immediately alerts the Field Director's office by telephone of the request for a panel review and faxes that office a copy of the appeal request.
- Attends the panel review (case manager who investigated the report and the supervisor) and participates as requested.
- Arranges, if needed when parents have indicated that they will have legal representation, for the SAAG to attend and represent the county. If this option is chosen, provide the SAAG with a copy of this requirement and procedure.
- Immediately, upon receipt of the panel or administrative review findings, corrects a case determination in PSDS, if review finding disagree with the original case determination.

There is no further review process beyond the panel or administrative review.

PANEL REVIEW

A review panel consists of two persons appointed by the field director's office. The panel has thirty days from the date the county receives a request to schedule and complete the review.

The field director's office:

- Selects panel members. Persons selected may be a field director, county director, county supervisor or a consultant. They may not be in the decision line of authority of staff who investigated the CPS allegations; however, they must be familiar with CPS policy.
- Schedules a time and a meeting site for the review that accommodates, to the degree possible, the parent's schedule. The meeting site may be a DFCS office or an available community site.
- Mails letter to the parent with time and location (including directions) of review. Include instructions asking the parent to notify the field office if unable to attend or if a decision is made to cancel the request for review.
- Notifies panel members and investigating county by telephone of time and location.
- Prepares and mails, within three days of the panel review, the decision to the parent. Mails a copy of the decision to the investigating county

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- director and supervisor, C & S consultant and state Protective Services Unit Manager. Indicate in the letter that "the county decision is upheld, based on the review of information presented to the panel" or "the county decision of 'substantiated' is changed to 'unsubstantiated,' based on information presented to the panel, and the case will be closed."
- Sends a separate letter to the county about any policy error or practice concerns. Address this to the director with copies to the supervisor, C & S consultant and state Protective Services Unit Manager.

The panel determines whether policy was followed and whether the greater weight of the believable facts supports the decision. If the majority of the facts or those with greatest weight support the decision to substantiate, the panel upholds the county's decision. Formal minutes or recording are not required. A summary of each party's issues and the panel's conclusion is recorded. Panel members determine who has this responsibility.

Even when the panel determines that some points of policy were not followed, if, taking into account the safety and well-being of the child, a majority of the facts support the decision to substantiate, the county decision must be upheld.

ADMINISTRATIVE REVIEW

When a respondent or parent requests an administrative review, the county:

- Immediately mails a Response to Review Request letter to the requester. The parent may present information to the reviewer and it is the county's responsibility to notify the parent of this right.
- Immediately copies the **complete** case record, including **the entire investigation documentation** that begins with the initial report and includes all material through the case determination decision. Previous history helps with understanding current circumstances.
- Stamps "Confidential" on the mailing envelope and stamps or writes "To be opened by addressee only." Mails the copied case record to:

Gwinnett County DFCS
Attention: Administrative Case Reviewer
1 Justice Square
446 West Crogan Street
Suite 300
Lawrenceville, Georgia 30045

Administrative reviews are coordinated from the Gwinnett County DFCS office by a reviewer, appointed through the state DFCS director's office. The reviewer reads the investigation to determine whether policy was followed and whether a majority of the facts or those with greatest weight support the decision to

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substantiate. The reviewer may request a face-to-face contact with the respondent and the parents, if deemed necessary.

The reviewer mails the administrative review decision to the parent with copies to the area field director, C & S consultant, county director, county CPS supervisor and state Protective Services Unit manager. The reviewer may also, in a separate letter to the county director, with copies to the above listed people, make recommendations regarding policy issues and good practice.