

I. CHAPTER OVERVIEW

This chapter describes the situations in which parents and providers have the right to [appeal](#) decisions made by the local purchasing agency (LPA) and how to schedule a [hearing](#). Parents may appeal the termination or denial of child care services. Providers may appeal decisions by the LPA with regard to the termination or denial of their participation in the Subsidized Child Care (SCC) Program or with regard to the recoupment of overpayments to providers.

II. PARENTAL APPEALS

If an applicant or recipient disagrees with a decision made by the LPA about her child care assistance regarding denial of subsidy services, a change in fees, termination of payment or sanctions related to fraud, she has the right to appeal the decision and to request and receive a hearing. The applicant or recipient cannot appeal the termination or denial of a specific child care provider. The Application for Child Care Services ([DCD-0456](#)), Child Care Voucher ([DCD-0446](#)), and Child Care Action Notice ([DCD-0450](#)) contain information that advises the individual of this right to appeal, of the procedures to follow, and documents that the information was provided to the individual.

To request a local hearing, the individual must contact the child care social worker of the county department of social services (DSS) or the LPA. Requests orally or in writing can be made within 60 calendar days after the effective date of the action taken. The 60 calendar days begins on the day following the date of the action. If the sixtieth day falls on a non-workday, the parent has until the end of the next workday to request a hearing. Failure to notify the child care social worker before the end of the sixtieth day constitutes a waiver of the individual's right to a hearing; however, the individual may reapply for child care services if services were terminated.

If a request is received within 60 days, a local hearing is then scheduled with an official of the LPA. This hearing is held within five (5) calendar days (except agency observed holidays) of the individual's request, unless the individual postpones it for good reason. Good cause to delay the hearing includes illness or death in the family of the person requesting the appeal, the inability to secure transportation, the inability to obtain representation, or the individual has a conflict with the scheduled date. The hearing may be delayed up to ten (10) additional calendar days; however, a local hearing may not be held more than 15 calendar days after a request for a hearing is received.

The procedures for conducting the local hearing are described in the Local Appeal Hearing Officer's Handbook. A copy of the handbook can be obtained by contacting the Division of Social Services Local Hearing and Appeals Section at 919-733-3289. The individual has the right to review material which will be used at the hearing and has the right to access her child care record. In addition, she