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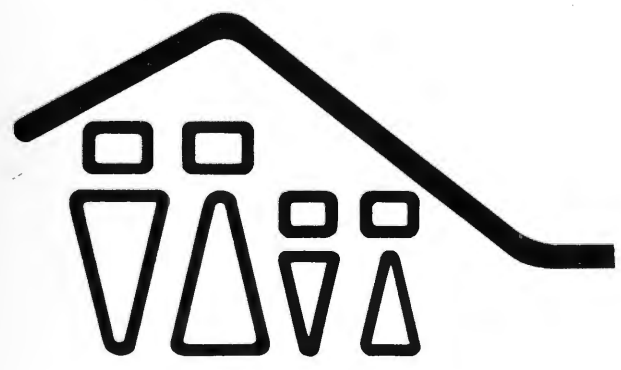
DIVISION OF YOUTH AND FAMILY SERVICES

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TITLE XX

FAIR HEARING

GUIDELINES



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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

TITLE XX FAIR HEARING GUIDELINES

State of New Jersey
Department of Human Services
Division of Youth and Family Services

(Rev. 11/78)

INTRODUCTION

The Division of Youth and Family Services, through its Administrative Hearings Unit, shall be responsible to provide a system of Fair Hearings for:

All recipients of, or applicants for, social service programs funded through Title XX of the Federal Social Security Act regardless of which agency in the State, public or private, is responsible for administering that service.

The applicant for, or recipient of, services or an individual acting on behalf of an applicant or recipient, may appeal a denial, reduction, or termination of a service, or failure to act upon a request for service with reasonable promptness.

The following materials provide an overview of the hearing process, indicating the role and responsibility of each agency and, whenever possible, the time frames related to each specific task.

(Rev. 11/78)

Policy Guidelines for the Conduct of Fair Hearings

Section I - Right to Fair Hearing

It is the right of every client (applicant for or recipient of a Title XX funded Social Service) to request and have a Fair Hearing in the manner established by these guidelines. The availability of local administrative review procedures shall be in addition to and independent of the right of Fair Hearings.

A copy of the pamphlet "How to Request a Fair Hearing" shall be furnished to every applicant for services at the time of application and to any client upon his/her request at the time of any adverse action.

The pamphlet shall include an explanation of the client's right to a conference, right to a Fair Hearing, and the circumstances under which service is continued if a Fair Hearing is requested. Whenever possible the client shall be advised verbally of his/her right to a Fair Hearing in addition to the receipt of the printed pamphlet.

The Fair Hearing shall include consideration of:

- a) Any agency action, or failure to act with reasonable promptness, on a request for services, which includes undue delay in reaching a decision on eligibility or in the provision of services.
- b) Any agency decision regarding eligibility for services in both initial and subsequent determinations.
- c) Any agency action resulting in a suspension or reduction of services.

The right to a Fair Hearing shall not extend to cases where there is:

- a) A change in the placement of a child without constituting a reduction of social services.
- b) An application by foster parents for placement of a child for adoption (NJ 30:4C26.7) which gives foster parents, who have cared for a child continuously for a period of two years or more, preference and first consideration to their application over all other applications for adoption placements.

Section II - Notification of Right to Fair Hearing

All notification of agency decisions shall state in clear, simple language the nature of the decision, the effective date of the decision and the factual and legal basis for the decision. In adverse decisions, the notification shall include, as a basis for agency action one or more of the following references:

- 1) statutory basis
- 2) state plan (including budgetary provisions)
- 3) manual reference or citation
- 4) social service transmittal
- 5) policy memorandum

Proper notice to a client must be both timely and adequate.

Timely - where the decision relates to any action which may entitle a client to a Fair Hearing, action may not be implemented until 10 days after the mailing of the notice of intent to suspend, reduce, or terminate services.

Adequate - means the notice must:

- a) be written;
- b) include a statement of proposed agency action;
- c) include the reason for agency action;
- d) include the specific regulations supporting the agency action;
- e) include a statement explaining the individual's right to a Fair Hearing;
- f) include an explanation of the conditions under which services will continue until the date of the hearing.

The agency may dispense with timely notice but shall send adequate notice not later than the date of action when:

- a) The agency has factual information confirming the death of the client.
- b) The agency received an oral or clearly written statement signed by the client that he/she no longer wishes services or that he/she gives information which requires termination or reduction of services, and, the client has indicated in writing that he/she understands that this must be the consequence of supplying such information.

- c) The client's whereabouts is unknown and agency mail directed to him/her has been returned by the post office indicating no known forwarding address, or home visit made and documentation obtained that the client no longer resides there.
- d) The client has been accepted for service in a new jurisdiction and that fact has been established by the jurisdiction previously providing services.
- e) A special service which is provided for a specific period of time is terminated and the client had been informed in writing at the time of service initiation that the service shall automatically terminate at the end of the specified period.

Section III - Complaint Procedures

Prompt and courteous attention shall be given to all complaints whether or not such complaints constitute requests for Fair Hearings. All complaints must be acknowledged in writing promptly and if it is not mentioned in the complaint, the acknowledgement must inform the client of his/her right to a Fair Hearing.

Informal efforts to resolve the problem may be made through field contacts, office interviews with supervisory personnel, and consultation with regional and central office staff. It should be made clear to the client that in no way are these informal efforts to be considered a prerequisite for a Fair Hearing, and in no event can they delay or interfere with or impede the processing of a Fair Hearing whenever a request for such is made.

Any clear expression (oral or written) by a client (or person acting for him/her such as his/her legal representative or relative) to the effect that the client wants the opportunity to present his/her case to a higher authority constitutes a request for a Fair Hearing.

Requests made to the local agency shall be immediately transmitted to the Division of Youth and Family Services, Administrative Hearings Unit no later than one work day after receipt of the request and an acknowledgement of the receipt of the request for a Fair Hearing shall be sent by the Administrative Hearings Unit to the client immediately.

Section IV - Time Limitation on Entitlement to a Fair Hearing

If the request for a Fair Hearing relates to an agency action or lack of action that occurred more than three

months (90 calendar days) prior to the date of the request, there shall be no entitlement to a hearing on such action or lack of action unless there are extraordinary or extenuating circumstances. The decision that such extraordinary or extenuating circumstances exist shall be made by the Director of the Division of Youth and Family Services.

Section V - Eligibility for Continued Services

When there is a request for a Fair Hearing within 10 days from the date of mailing of a timely notice of termination, suspension or reduction, services will be reinstated or continued at an unreduced level until the Fair Hearing is held unless the client requests a postponement. Services will be continued unreduced pending a decision if the hearing officer determines that the issue is one of fact rather than law or policy. In any case where action was taken without timely notice, if the recipient requests a hearing within 10 days of the mailing of the notice of the action and the agency determines that the action resulted from other than the application of State or Federal law, assistance shall be reinstated and continued until a decision is rendered.

It is important to note that the agency may terminate, reduce, or suspend social services any time during the month provided that the agency provides a 10 day advance notice to the client.

Upon receipt of any request for a Fair Hearing, the Administrative Hearings Unit will make a record thereof and promptly initiate arrangements for the conduct of a Fair Hearing. The Administrative Hearings Unit will send an acknowledgement of the request to the client, along with a copy of the statement entitled "How a Fair Hearing is Conducted." The local agency shall be kept informed of the arrangements for the hearing.

Section VI - Disposition of Hearing Through Withdrawal or Abandonment

The filing of a request for a Fair Hearing shall not of itself preclude continued effort to accomplish corrective action or interpretation by the Division of Youth and Family Services and/or local agency through informal adjustment procedures. If as a result of satisfactory adjustment or for any other reason, the client desires that a hearing shall be discontinued or cancelled, he/she shall so notify the agency, or the Division of Youth and Family Services. The client shall be requested to notify the agency in writing regarding his/her decision for discontinuance or cancellation of the Fair Hearing. In any such notice to withdraw or cancel the Fair Hearing such notice shall be acknowledged in writing by the Administrative Hearings Unit.

If the client fails to appear for a scheduled Fair Hearing without giving prior notice of his/her inability to attend, the Administrative Hearings Unit shall assume abandonment. The Administrative Hearings Unit shall send a notice of assumption of abandonment to the client. If there is no answer within 10 days, the Administrative Hearings Unit may deem the hearing abandoned. The client shall have the right to present to the Director of the Division of Youth and Family Services directly or through the local agency in writing such facts as reasons for the failure to appear. The Director may, in his/her sole discretion, determine whether the facts so presented by the client or his/her representative constitute such extenuating circumstances.

Section VII - Time, Place, and Notice of Fair Hearing

The Fair Hearing shall be held at a time, date, and in an agency office convenient for the client and, whenever feasible, within 21 days of the receipt of the request. The local agency is required to assist the client, if necessary, in arranging for attendance at the hearing either directly or through purchase. When illness or infirmity prevents the individual from appearing at the location of the scheduled hearing, the hearing may be held in the client's residence upon presentation of acceptable information regarding the client's inability to travel.

The Administrative Hearings Unit will give all parties concerned at least seven calendar days notice, in writing, of the time, date and place to appear for the hearing.

Should the client or local agency believe that a postponement of the hearing date designated is necessary, a request stating the reasons shall be immediately directed to the Administrative Hearings Unit for appropriate action.

Section VIII - Appellant's Right to be Represented and to Review Evidence

Generally only those persons will be admitted to the hearing whose testimony and presence are necessary for a full and fair determination. The client may exercise a right to be assisted in his/her presentation by a relative, friend, or other spokesperson, or to be legally represented by a lawyer of his/her choice. The client must attend the hearing (unless excused by the Division of Youth and Family Services). Observers may attend at the discretion of the hearing officer and with the client's consent. The hearing officer will employ all reasonable means to secure the attendance of persons who can assist the client in the presentation of his/her case. The agency should assist the client in making use of legal service, if such assistance is requested by the

client, and must inform the client of legal services available in the community that can provide legal representation at the hearing.

Section IX - Accessibility of Records

The client, or his/her representative (with the client's authorization in writing) shall have adequate opportunity to examine the contents of his/her case file and all documents and records to be used by the agency at the hearing at a reasonable time before the date of the hearing as well as during the hearing.

Note: State and Federal law prohibit disclosure of information contained in child abuse/neglect records and reports except under circumstances expressly authorized by such laws.

Section X - Hearings Involving Medical Issues

When the hearings involve medical issues, such as those concerning a diagnosis or an examining physician's report, a medical assessment other than that of the person or persons involved in making the original decision may be ordered by the hearing officer. The medical assessment will be obtained at a reasonable expense to the agency from a source satisfactory to the client and shall be made part of the record.

Section XI - Conducting the Fair Hearing

The Fair Hearing shall be informal and conducted in an atmosphere conducive to the full development of facts, but shall be subject to the requirements of due process. All parties will be encouraged to present all relevant aspects of the situation. There will be an opportunity for each party to offer evidence and to question witnesses. At the beginning of the hearing, the client or his/her representative will be given the opportunity of making a statement of the situation as he/she sees it. The hearing officer will state the point(s) at issue, subject to amendment or correction by the client or any of the other parties concerned. At the end of the hearing, the hearing officer will summarize the point(s) at issue.

At any time during the proceedings, the hearing officer, at his/her discretion, may declare an adjournment. This may be done on the hearing officer's initiative, at the request of the client or at the request of the local agency.

Adjournments will not affect a client's right to a continuation of the Fair Hearing. However, an adjournment of a

hearing shall not prolong continuation of services at an unreduced level unless such adjournment is due to delay caused by the State or local agency, or unless such adjournment is due to unavoidable causes such as an illness on the part of the client or his/her representative or to hear additional testimony. Services will also be continued if the local agency fails to provide requested assistance for transportation.

The total of all such adjournments in one case shall in no event exceed thirty days, unless a greater extension of time is requested for good cause by the client or the local agency and approved by the hearing officer.

Section XII - Group Hearings

The Director of the Division of Youth and Family Services may respond to a series of individual requests for Fair Hearings by ordering a single group hearing when the sole issue involved is one of State or Federal law or policy or changes in State or Federal law. All policies governing the conduct of individual Fair Hearings must be followed.

Each appellant must be permitted to present his/her own case or be represented by his/her authorized representative.

Section XIII - Report of the Hearing Officer and Official Record

The hearing officer will prepare a report summarizing who appeared and what transpired at the hearing and the issues, findings of fact, supporting regulations, and his/her conclusions of law, based exclusively on the evidence and on matters officially noticed.

Copies of the hearing officer's report will be made available to the client and his/her representative and to the local agency. If the parties in interest wish to take exception to the hearing officer's report, such exception must be submitted in written form to the Division of Youth and Family Services no later than seven working days after the mailing date of the hearing officer's report. Copies of written exception sent to the Division of Youth and Family Services, Administrative Hearings Unit prepared by the client or his/her representative and local agency shall be furnished to the other party.

The final decision made by the Director of the Division of Youth and Family Services may adopt, reject, or modify the findings and conclusions of the hearing officer. The client, and/or his/her representative, and the local agency shall be notified by mail of any decision or order.

Section XIV - Decision on Fair Hearing

The decision of the Director of the Division of Youth and Family Services shall be final and binding on all parties concerned and shall be rendered and implemented within 90 days of the date the request for the hearing was received, unless the hearing was postponed or delayed for good cause.

The Fair Hearing decision shall be effective on the date of final decision unless another effective date is designated.

An official and complete record of each Fair Hearing will be maintained in the files of the State Office, Division of Youth and Family Services for at least one year after the date decision is rendered. During this one-year period, the appellant or his/her legal representative may review, upon appointment, all or any part of the official and complete record of his/her Fair Hearing.

A decision requiring action by the local agency may apply either prospectively with regard to future action by the agency or retroactively to the date an incorrect action was taken. If the decision resulted from mutual agreement of the parties at the hearing, it shall be so stated in the decision.

The State Division of Youth and Family Services will take such steps as may be necessary to assure that the decision has been carried out. Any corrective action required by the decision must be completed by the agency within 15 days of the date of publication of the decision or within 90 days of the date of the request for a hearing whichever comes first, unless otherwise directed by the decision.

Section XV - Role of Local Agency Personnel During the Fair Hearing

The agency representative is an advocate of the agency, supporting the decision that the agency has made, putting aside personal feelings. He/she must be able to present the agency case, supplying the hearing officer with that information needed to substantiate the agency action. The agency representative must be attentive to new information coming to light which may impact on the original agency decision. If there is such new information the agency representative should request a brief recess. If the recess is granted, the agency representative should then present this information to those individuals in the agency who determined the original agency action. If the agency representative feels that he/she must be an advocate of the client and unable to represent the agency, then another agency staff person must appear at the hearing to fulfill the above identified role.

Section XVI - Responsibility of the Local Agency

To assure orderly and expeditious processing of complaints and hearing requests, each agency office will designate a liaison between the agency and the Division of Youth and Family Services whose duties shall include but not be limited to:

1. providing the Administrative Hearings Unit with the information prescribed by the form entitled "Request for a Fair Hearing" (if available) within one working day after an oral or written request for a hearing is received;
2. establishing a system to assure that every written request for a hearing received in the local agency is stamped with the date of receipt and forwarded to the Division of Youth and Family Services within one workday after that date;
3. reviewing incoming requests for possible corrective action prior to the hearing;
4. identifying and arranging for participation of staff individuals who are essential to a hearing, and assembling all records relevant to a hearing and arranging for an interpreter when the client is non-English speaking, and arranging for agency space for the hearing when necessary;
5. contacting the client or his/her representative not less than two days prior to a hearing to confirm attendance and arrange for transportation of client when necessary;
6. submitting special reports on hearing requests prior to the hearing date, when requested by the Administrative Hearings Unit;
7. submitting reports on implementation of State Fair Hearing decisions as soon as such action is taken; and
8. serving as the single individual in the agency regarding matters relating to hearings.

TITLE: HOW TO REQUEST A FAIR HEARING

PURPOSE: To notify and inform a client of his/her right to a Fair Hearing.

DISTRIBUTION: One copy to client.

FREQUENCY: At intake, at the point an application is taken, at any time upon request and when a Fair Hearing is requested.

RESPONSIBILITY: Agency representative.

HOW TO REQUEST A FAIR HEARING

When should you ask for a Fair Hearing?

If you are seeking or receiving social services and are not satisfied with what has been done in your particular situation, you have the right to review your complaints with the local agency and/or ask for a Fair Hearing. This right applies to all recipients of or applicants for social service programs funded through Title XX of the Federal Social Security Act, regardless of which agency in the State is responsible for providing that service.

What is a Fair Hearing?

A Fair Hearing is a hearing held by a person representing the Director of the State Division of Youth and Family Services, who will listen to your complaint and recommend a decision based on law and regulations. The Director will then issue the final decision and see that it is enforced.

You have the right to request a Fair Hearing if you have a complaint about:

- not being eligible to receive services
- failure of the agency to act upon your request for services within a reasonable time
- reduction of services
- suspension of services
- denial or end of services

How long does the agency have to decide upon your eligibility for services?

If it is reasonably possible, the agency is expected to decide whether you are eligible to receive a service you have applied for or requested and to notify you regarding the decision within 30 days of your application or request. If the agency is unable to make a decision within the 30 days, you should receive a letter before the 30 days are over explaining the reason for the delay.

How do you request a Fair Hearing?

If an agency decides that you are not eligible to receive a service you have applied for or requested, or if the agency is planning to reduce or end the services you are receiving, you will receive a notice in writing explaining the reason(s) for the action that will be taken. If you disagree with the reason(s) or if you believe that all facts concerning your particular case have not been considered, you can request a Fair Hearing.

Your request for a Fair Hearing may be oral or written. You do not need to complete a form to request a Fair Hearing.

A request for a Fair Hearing must be made to the agency to which your complaints are addressed or to the New Jersey Division of Youth and Family Services at the following address:

Department of Human Services
Division of Youth and Family Services
Administrative Hearings Unit
One South Montgomery Street
Trenton, New Jersey 08625
Telephone: (609) 292-8715

How much time is allowed for making a request for a Fair Hearing?

When a decision has been made by a local agency and you believe the decision is unfair, you have 90 days to request a Fair Hearing.

When an agency has made a decision which you believe is unfair, you may lose your right to a Fair Hearing if you allow more than 90 days to pass without requesting a hearing.

It is important for you to know that if your request for a Fair Hearing is received either by the local agency or the State Division of Youth and Family Services within 10 days from the date the agency notice was mailed to you, in most cases, service will not be ended or reduced before a hearing is held.

Who can help you in presenting your case at a hearing?

You may present your reasons and arguments yourself, or you can have a relative or friend do so on your behalf. You may arrange for representation by a lawyer of your choice. However, the local agency is not responsible for the cost of your lawyer. If you wish to obtain the names of private lawyers in your area you may contact your County Bar Association. If you wish to see a lawyer but cannot afford one you may contact your neighborhood Legal Services office. If

there is a Legal Services office in your county, the address and phone number will be provided on the notice of agency action which is mailed to you.

The most important things to remember regarding Fair Hearings are:

- 1) Request for Fair Hearings regarding denial, suspension, reduction, or termination of a service can be made to your local agency or to the State Division of Youth and Family Services.
- 2) If you want services continued until the hearing you must make your request for a Fair Hearing within 10 days from the date the agency notice was mailed to you.
- 3) You may lose your right to a Fair Hearing if you allow more than 90 days to pass without requesting a hearing.

Other actions you can take besides asking for a Fair Hearing.

There are other ways in which your complaints may be resolved besides asking for a Fair Hearing. You can ask to meet with your agency representative or his/her supervisor. Your complaint will be given prompt and courteous attention and if not settled you may still request a Fair Hearing. You must understand, however, if you wish services to be continued until the hearing a request for a hearing must be made within 10 days of the mailing date of your notice. Also remember that after 90 days have passed from the date of action or inaction, you may not have the right to a Fair Hearing.

TITLE: NOTICE OF ACCEPTANCE OF APPLICATION

PURPOSE: To advise client of his/her eligibility for services.

DISTRIBUTION: The original mailed or hand delivered to client. One copy filed in client's record.

FREQUENCY: Distributed at time of disposition of application.

RESPONSIBILITY: Agency Representative.

Note: Sending agency use
own letterhead



Exhibit B
DYFS-AD.HRG.-2
(Rev. 11/78)

State of New Jersey
DEPARTMENT OF HUMAN SERVICES
DIVISION OF YOUTH AND FAMILY SERVICES

One South Montgomery Street
Trenton, New Jersey 08625

NOTICE OF ACCEPTANCE OF APPLICATION

Case Name _____
Case Number _____

Date _____

Dear _____:

We have received an application for social services on behalf of yourself and/or one or more members of your family. This application has been accepted for the following service(s)

If at any time, now or in the future, you should disagree with any agency action or lack of action regarding the services provided to you or your family, you may request that the agency review the action by means of a Fair Hearing. This request may be verbal or written to this agency. At the Fair Hearing you may bring a friend, relative, spokesperson, or an attorney to represent you.

Further information regarding this process will be provided to you following your request for a Fair Hearing. You should remember that your request for a Fair Hearing must be received within 90 days of the date of the notice of intended action sent to you by this agency. Otherwise you may lose your right to a Fair Hearing.

Based upon the income information taken during the application process:

_____ There will be no fee for Title XX Services.

_____ There will be a fee of _____ per _____ for Title XX Services.

_____ Determination of a fee for Title XX Services will be made at a later date.

_____ Determination of a fee for non-Title XX Services will be made at a later date.

Your agency representative, _____, will be contacting you to provide more information and to answer any questions you may have.

Sincerely yours,

TITLE: NOTICE OF DENIAL OF APPLICATION

PURPOSE: To advise client of his/her ineligibility for services.

DISTRIBUTION: The original mailed or hand delivered to client. One copy filed in client's record.

FREQUENCY: Distributed at time of disposition of application.

RESPONSIBILITY: Agency Representative.

Note: Sending agency use
own letterhead



Exhibit C
DYFS-AD.HRG.-3
(Rev. 11/78)

State of New Jersey
DEPARTMENT OF HUMAN SERVICES
DIVISION OF YOUTH AND FAMILY SERVICES

One South Montgomery Street
Trenton, New Jersey 08625

NOTICE OF DENIAL OF APPLICATION

Case Name _____

Case Number _____

Date _____

Dear _____:

We have received an application for social services on behalf of yourself and/or one or more members of your family. This application has been denied for service(s) for the following reason(s): _____

Although application for service(s) has been denied, you have the right to reapply for service(s) whenever you believe that your circumstances have changed and that the reason(s) for ineligibility no longer exists.

Furthermore, you have the right to protest the denial of your application by requesting a Fair Hearing with a representative of the New Jersey Division of Youth and Family Services. You have 90 days from the mailing of this notice to request a Fair Hearing. This request for a Fair Hearing may be made orally or in writing by you or your authorized representative.

If you request a Fair Hearing and then change your mind you should notify the Division of Youth and Family Services in writing immediately.

At the hearing you will have the right to appear in person to be informed of the reason(s) that services were denied, and any other information that was considered. You also have the right to bring any written material and/or witnesses to the Fair Hearing to support your side. When you come to the Fair Hearing, you may bring a friend, relative, spokesperson or an attorney to help you.

If you wish to have a Fair Hearing, please come in person, telephone, or write either the local agency or the Division of Youth and Family Services, Administrative Hearings Unit, 1 South Montgomery St., Trenton, New Jersey 08625, Telephone (609) 292-8715.

If you wish to have the services of an attorney, you may arrange for representation by a lawyer of your choice. However, the local agency is not responsible for the cost of legal representation. If you wish to obtain the names of private lawyers contact your County Bar Association. If you wish to have a lawyer, but cannot afford one, you may consult with _____.

(local Legal Services Office)

Sincerely yours,

TITLE: NOTICE OF INTENTION TO REDUCE SERVICE(S)

PURPOSE: To notify client of adverse agency action.

RESPONSIBILITY: Agency representative prepares and mails 10 days before agency action is to be taken.

FREQUENCY: As needed.

DISTRIBUTION: Original to client, one copy in the client's record.

Note: Sending agency use
own letterhead



Exhibit D
DYFS-AD.HRG.-4
(Rev. 11/78)

State of New Jersey
DEPARTMENT OF HUMAN SERVICES
DIVISION OF YOUTH AND FAMILY SERVICES

One South Montgomery Street
Trenton, New Jersey 08625

NOTICE OF INTENTION TO REDUCE SERVICE(S)

Case Name _____

Case Number _____

Date _____

Dear _____:

This is to notify you that on _____
service(s) will be changed to _____
because _____.

This determination is based upon the provisions of _____
_____.

You have the right to protest the above action by requesting a Fair Hearing with a representative of the New Jersey Division of Youth and Family Services. This request for a Fair Hearing may be made orally or in writing, by you or an authorized representative.

If you wish service to be continued at an unreduced level until the date of the hearing, your request must be made within 10 days from the mailing date of the agency notice. You may voluntarily decide to accept service(s) at a reduced level and should tell the local agency of your decision.

At the hearing a determination will be made whether or not you will be entitled to continue to receive service(s) at an unreduced level until a Fair Hearing decision is issued. If you are found to be entitled to continue to receive service(s) and choose to continue to receive service(s) and lose your appeal, the overpayment for the service(s) may be subject to recovery from you by the agency from the date of the proposed agency action.

If you request a Fair Hearing and then change your mind, you should notify the local agency in writing.

At the hearing you will have the right to appear in person, to be informed of the reason or reasons that services are being reduced, and any other information that was considered before this action was taken. You also have the right to bring an attorney, any written material or people to the Fair Hearing to support your side.

You may also wish to request a conference at your local agency to explain your situation and need. At such a conference you may appear by yourself, with a friend, relative or spokesperson, or be represented by an attorney. If you wish to have such a conference please contact _____

(local agency)

This conference does not affect your right to a Fair Hearing, if you are not satisfied with the results.

If you wish to have a Fair Hearing, please come in person, or telephone, or write either to this agency or the Division of Youth and Family Services, Administrative Hearings Unit, 1 South Montgomery Street, Trenton, New Jersey, 08625, Telephone (609) 292-8715.

If you feel you need help in preparing or sending a request for a hearing, you may receive such help at this office.

If you wish to have the services of an attorney, you may arrange for representation by a lawyer of your choice. However, the local agency is not responsible for the cost of legal representation. If you wish to obtain the names of private lawyers, contact your County Bar Association. If you wish a lawyer, but cannot afford one, you may consult with _____

(local Legal Services office)

Sincerely yours,

TITLE: NOTICE OF INTENTION TO SUSPEND OR
TERMINATE SERVICE(S)

PURPOSE: To notify client of intention to
suspend or terminate services.

RESPONSIBILITY: Agency representative prepares and
mails 10 days before agency action
is taken.

FREQUENCY: As needed.

DISTRIBUTION: Original to client, one copy in the
client's record.

Note: Sending agency use
own letterhead



Exhibit E
DYFS-AD.HRG.-5
(Rev. 11/78)

State of New Jersey

**DEPARTMENT OF HUMAN SERVICES
DIVISION OF YOUTH AND FAMILY SERVICES**

One South Montgomery Street
Trenton, New Jersey 08625

**NOTICE OF INTENTION TO SUSPEND OR
TERMINATE SERVICE(S)**

Case Name _____

Case Number _____

Date _____

Dear _____:

This is to notify you that effective _____ you will
no longer receive _____
service(s) because _____.
This determination is based upon the provision of _____.

You have the right to protest the above action by requesting a
Fair Hearing with a representative of the New Jersey Division
of Youth and Family Services. This request for a Fair Hearing may
be made orally or in writing, by you or an authorized representative.

If you wish service(s) to be continued at an unreduced level until the
date of the hearing, your request must be made within 10 days from the
mailing date of the agency notice. You may voluntarily decide to
accept service(s) at a reduced level and should tell the local agency
of your decision.

At the hearing a determination will be made whether or not you will
be entitled to continue receiving service(s) until a written Fair
Hearing decision is issued. If you are found to be entitled to
continue to receive service(s) and choose to continue receiving service(s)
and lose your appeal, the overpayment for the service(s) may be subject
to recovery from you by the agency from the date of the proposed agency
action. If you request a Fair Hearing then change your mind, you
should notify the local agency in writing.

At the hearing, you will have the right to appear in person, to be informed of the reason or reasons that services are being ended, and any other information that was considered before this action was taken. You also have the right to bring any written material, an attorney, and/or witnesses to support your side.

You may also wish to request a conference at your local agency to explain your situation and need. At such a conference you may appear by yourself, with a friend, relative, spokesperson, or be represented by an attorney. If you wish to have such a conference please contact your agency worker. This conference does not affect your right to a Fair Hearing if you are not satisfied with the results.

If you wish to have a Fair Hearing, please come in person, or telephone, or write to your local agency or the Division of Youth and Family Services, Administrative Hearings Unit, 1 South Montgomery Street, Trenton, New Jersey 08625, Telephone: (609) 292-8715.

If you feel you need help in preparing or sending a request for a hearing you may receive such help at this office.

If you wish to have the services of an attorney, you may arrange for representation by a lawyer of your choice. However, the local agency is not responsible for the cost of legal representation. If you wish to obtain the names of private lawyers, contact your County Bar Association. If you wish a lawyer, but cannot afford one, you may consult with _____.

(local Legal Services office)

Sincerely yours,

TITLE: REQUEST FOR A FAIR HEARING

PURPOSE: To record and process the client's request for a Fair Hearing.

DISTRIBUTION: Original and copy to DYFS Administrative Hearings Unit within one working day.
One copy in client's record.

FREQUENCY: As needed.

RESPONSIBILITY: Agency representative prepares the form and clerical types and distributes it.

STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES
DIVISION OF YOUTH AND FAMILY SERVICES

For Local Use Only

- () Phoned into DYFS Adm. Hearings Unit
- () Copy sent to DYFS Adm. Hearings Unit

Exhibit F
DYFS-AD.HRG.-6
(Rev. 11/78)

Local Agency _____

REQUEST FOR A FAIR HEARING

Name of Client: _____
Enter Adult Case Number; if applicable: _____
Name & relationship of person making the request, if other than Client: _____

Name(s) of child(ren) under supervision and case number (if applicable):

- | | |
|----|----|
| 1. | 4. |
| 2. | 5. |
| 3. | 6. |

Address of Client: _____
(Street) (Town) (State) (Zip Code)

Phone number of Client: _____

Date of application for service _____ / _____ / _____
Month Day Year

Date request for Fair Hearing received _____ / _____ / _____
Month Day Year

Request was () oral () written

Summary of and reason for agency action: (Describe service, and statutory basis for agency action, including regulation, policy memorandum, transmittal and/or circular letter)

Date of notice to the Client: _____ / _____ / _____
Month Day Year

Date of proposed agency action: _____ / _____ / _____
Month Day Year

Client's statement: "I am requesting a Fair Hearing because: _____

Has Client been offered a conference with local agency staff? () Yes () No

Will client be represented by an attorney? () Yes () No

If Yes, provide name, address, and telephone number of attorney: _____

Signature of Agency Representative _____ Date _____ Signature of Supervisor _____ Date _____

TITLE: SCHEDULE FOR FAIR HEARING

PURPOSE: To notify the client of Fair Hearing
date and location.

DISTRIBUTION: Original to client. One copy to local
agency for client's record.

RESPONSIBILITY: Division of Youth and Family Services
Administrative Hearings Unit.



Exhibit G
DYFS-AD.HRG.-7
(New 11/78)

State of New Jersey
DEPARTMENT OF HUMAN SERVICES
DIVISION OF YOUTH AND FAMILY SERVICES

One South Montgomery Street
Trenton, New Jersey 08625

RE:

Dear _____:

This is to acknowledge receipt of your request for a Fair Hearing, and to inform you a hearing has been scheduled for:

DATE:

TIME:

PLACE:

Attached is a statement describing procedures followed at Fair Hearings. The statement informs you that you have the right to be represented by an attorney and that you may bring any other person who can give pertinent testimony necessary to a fair determination of your appeal.

Regulations do not authorize social services unchanged beyond a postponed hearing date unless the scheduled hearing date is postponed by the Administrative Hearings Unit as a result of an appropriate petition by the local agency or unless such postponement is due to unavoidable causes such as illness on the part of the client. In the event you request a postponement due to illness, such request will only be granted upon receipt of medical verification from your physician. Medical verification of illness must be received by this office within seven (7) days of your request for a postponement. Request for postponement must be made directly to the Administrative Hearings Unit, New Jersey Division of Youth and Family Services, One South Montgomery Street, Trenton, New Jersey 08625, Telephone: (609)292-8715.

Unless you decide you no longer desire to have a Fair Hearing and so advise this office prior to the hearing date, we will expect you to appear at the time and place specified herein. Your failure to appear without prior notice will constitute cause for considering your request for a Fair Hearing to have been abandoned.

Sincerely yours,

Bernard Goldberg, Supervisor
Administrative Hearings Unit
Division of Youth and Family Services

BG:am
Attachments

Exhibit H
DYFS-AD.HRG.-8
(New 11/78)

TITLE: HOW A FAIR HEARING IS CONDUCTED

PURPOSE: To inform client of procedures to
be followed at Fair Hearings

DISTRIBUTION: One copy to client with the schedule for
Fair Hearing, DYFS-AD.HRG.-7.

RESPONSIBILITY: Division of Youth and Family Services,
Administrative Hearings Unit.

HOW A FAIR HEARING IS CONDUCTED

You, as an applicant for or recipient of social services, have said that you are not satisfied with what has been done in your particular situation. In that case you have a right to a Fair Hearing so that your complaint can be considered. This information is being given to you so that you will know what will take place at the hearing, and then you can be prepared to tell your story at the hearing in the best way.

1. The hearing will be held by a person representing the Director of the State Division of Youth and Family Services who has the authority to decide what is right and fair and see that it is done.
2. If you feel you need help in order to tell your story, you may have some one to advise you or to speak for you at the hearing. This person may be a lawyer, a relative, or a friend.
3. When the hearing starts you will be asked to say what your complaint is and what you think should be done. This may be discussed by the other persons who are there, and then the person holding the hearing will say just what will be considered at the rest of the hearing. You will have a right to correct this if you think it does not clearly state your complaint. It is important that you understand what this is, because it is the only thing that the person holding the hearing will let anyone talk about.
4. It may be that some things have changed between the time you first made your complaint and the day the hearing is held. The person holding the hearing will want to know what these changes are, because they may be important in deciding what is right and fair.
5. If there are other persons who know something that will help you tell your story, you may have them come to the hearing as witnesses for you.
6. Only persons who have something to do with your complaint will be allowed to come to the hearing. Whatever is said there will be confidential, so you need not be afraid to say anything you believe will bring out all the facts.
7. You and your witnesses may be asked questions by the person holding the hearing or by other persons there. Also, you will be allowed to ask questions of any other persons who may speak. If there are any papers read at the hearing or given to the person holding the hearing, you will be allowed to read them yourself or have someone read them to you.
8. When the hearing is finished the person who has been holding it will let you know whether assistance or services will be continued until a written decision is issued. The hearing officer will also summarize the facts which will be contained in a written report on the hearing which you will receive within two weeks of the date the hearing was held.
9. Remember that the person who is holding the hearing is interested in all the facts that will help in reaching the correct decision.

There is no special way you should say anything and there are no special rules you will have to know as long as you are orderly and helpful. The person who is holding the hearing will try to help you in every way.

If you change your mind about a Fair Hearing and wish to withdraw your request or if you are sick, or if for some other reason you cannot attend the hearing, you must telephone 609-292-8715 or write to the Division of Youth and Family Services, Administrative Hearings Unit, 1 South Montgomery Street, Trenton, New Jersey 08625, prior to the time of the hearing. Hearings may only be postponed for unavoidable reasons, such as verified illness. If you do not come to the hearing, your appeal will be considered abandoned unless you have withdrawn your request or received approval for a postponement.

TITLE: NOTICE OF STATUS OF CONTINUING
SERVICES FOLLOWING REQUEST FOR A
FAIR HEARING

PURPOSE: To notify client of status of
continuation of services
until a hearing is held.

DISTRIBUTION: Original to client, one copy to
local agency for client's record.

RESPONSIBILITY: Division of Youth and Family Services,
Administrative Hearings Unit



Exhibit I
DYFS-AD.HRG.-9
(New 11/78)

State of New Jersey
DEPARTMENT OF HUMAN SERVICES
DIVISION OF YOUTH AND FAMILY SERVICES

1 South Montgomery Street
P. O. Box 510
Trenton, New Jersey 08625

**NOTICE OF STATUS OF CONTINUING SERVICES
FOLLOWING REQUEST FOR A FAIR HEARING**

Case Name _____
Case Number _____

Date _____

In all cases of individuals and families receiving social services, the recipient shall be provided with prior notice of not less than 10 days regarding any proposed reduction or termination of benefits and, upon receipt of a timely request (within 10 days from mailing date of notice) for a Fair Hearing, benefits may be continued without reduction until the Fair Hearing is held.

The following determination has been made on the question of your entitlement to receive such continuing benefits in an unreduced amount until the State has held a Fair Hearing. In the event that the contested issue is not decided in your favor, you may be responsible for reimbursement of all services paid for after the date of the proposed action to suspend, reduce, or terminate benefits in accordance with provisions prescribed by official regulations for recoupment of overpayment.

 Your request relates to a proposed reduction or
Yes No termination of benefits.

 Your request was made within 10 days of the date of
Yes No notice of proposed reduction or termination of benefits.

() Eligibility exists for continued benefits in an unreduced amount until the Fair Hearing.

() No eligibility exists for continued benefits in an unreduced amount during pendency of Fair Hearing.

 You have voluntarily waived your right to continued benefits
Yes No in an unreduced amount pending the Fair Hearing.

A determination will be made at the Fair Hearing whether or not you will be eligible to receive continued benefits until a Fair Hearing decision has been issued, providing you do not waive your right to such benefits.

Bernard Goldberg, Supervisor
Administrative Hearings Unit
Division of Youth and Family Services

Exhibit J
DYFS-AD.HRG.-10
(New 11/78)

TITLE: NOTICE OF STATUS OF CONTINUING
SOCIAL SERVICES PENDING FAIR
HEARING DECISION

PURPOSE: To inform client after the hearing
is held of whether or not services
will be continued pending a Fair
Hearing decision.

DISTRIBUTION: Original to client, one copy to
local agency for client's record.

RESPONSIBILITY: Division of Youth and Family Services,
Administrative Hearings Unit



Exhibit J
DYFS-AD.HRG.-10
(New 11/78)

State of New Jersey

**DEPARTMENT OF HUMAN SERVICES
DIVISION OF YOUTH AND FAMILY SERVICES**

Bernice L. Manshel
Director

One South Montgomery Street
Trenton, New Jersey 08625

**NOTICE OF STATUS OF CONTINUING BENEFITS
PENDING FAIR HEARING DECISION**

Case Name _____ Case Number _____

Fair Hearing held on _____

Eligibility to receive social services in an unchanged amount may continue while a Fair Hearing decision is pending. Services are continued when facts presented at the Fair Hearing establish that the request for a Fair Hearing contests those applied by the local agency. In your case, a de-termination has been made that:

- () Eligibility exists for continued services in an unchanged amount until a Fair Hearing decision is rendered.
- () No eligibility exists for continued services in an unchanged amount until a Fair Hearing decision is rendered.*
- () Eligibility exists, but entitlement waived by client.

HEARING OFFICER _____ DATE _____
New Jersey Division of Youth and Family Services
Administrative Hearings Unit

* The hearing officer determines that the Fair Hearing issue is one of law or policy rather than of fact.

Exhibit K
DYFS-AD.HRG.-11
(New 11/78)

TITLE: REPORT ON FAIR HEARING PROCEEDING

PURPOSE: This is a cover letter sent to the client which is attached to the report prepared by the hearing officer.

DISTRIBUTION: Original to client, one copy to local agency for client's record.

RESPONSIBILITY: Division of Youth and Family Services, Administrative Hearings Unit.



Exhibit K
DYFS-AD.HRG.-11
(New 11/78)

State of New Jersey
DEPARTMENT OF HUMAN SERVICES
DIVISION OF YOUTH AND FAMILY SERVICES

Bernice L. Manshel
Director

One South Montgomery Street
Trenton, New Jersey 08625

REPORT ON FAIR HEARING PROCEEDING

Case Name:

Case Number:

Hearing Date:

Dear

The enclosed copy of the report on the proceeding identified above is made available for your review before a Fair Hearing decision is rendered by the Director of this Division.

You are invited to comment on the content of the report with regard to testimony and evidence actually presented at the hearing. In rendering a Fair Hearing decision, any comment that is submitted to the hearing officer in writing will be considered, provided a copy of such comment is also sent to the agency servicing your case.

If a written response has not been received by the date specified below, it will be assumed that the factual content of the report is correct and a Fair Hearing decision will be processed.

Sincerely yours,

Hearing Officer,
Division of Youth and Family Services
Administrative Hearings Unit
1 South Montgomery Street
Trenton, New Jersey 08625

RESPONSE DUE
DATE: _____

Exhibit L
DYFS-AD.HRG.-12
(New 11/78)

TITLE: REPORT ON FAIR HEARING PROCEEDING

PURPOSE: This is a cover letter sent to the local agency which is attached to the report prepared by the hearing officer.

DISTRIBUTION: Original to local agency.

RESPONSIBILITY: Division of Youth and Family Services,
Administrative Hearings Unit.



Exhibit L
DYFS-AD.HRG.-12
(New 11/78)

State of New Jersey

**DEPARTMENT OF HUMAN SERVICES
DIVISION OF YOUTH AND FAMILY SERVICES**

Bernice L. Manshel
Director

One South Montgomery Street
Trenton, New Jersey 08625

REPORT ON FAIR HEARING PROCEEDING

Case Name _____

Case Number _____

Hearing Date _____

Dear

The enclosed copy of the report on the proceeding identified above is made available for your review before a Fair Hearing decision is rendered by the Director of this Division.

You are invited to comment on the content of the report with regard to testimony and evidence actually presented at the hearing. In rendering a Fair Hearing decision, the hearing officer will consider any comment that is submitted to him/her in writing provided a copy of such comment is also sent to the client or client's representative as well.

If a written response has not been received by the date specified below, it will be assumed that the factual content of the report is correct and a Fair Hearing decision will be processed.

Sincerely yours,

Hearing Officer,
Division of Youth and Family
Services, Administrative Hearings
Unit, 1 South Montgomery Street,
Trenton, New Jersey 08625

RESPONSE DUE
DATE: _____

Exhibit M
DYFS-AD.HRG.-13
(New 11/78)

TITLE: FAIR HEARING DECISION

PURPOSE: This is a cover letter which is attached to the Fair Hearing decision issued by the Director, Division of Youth and Family Services.

DISTRIBUTION: Original to client, one copy to local agency for client's record.

RESPONSIBILITY: Division of Youth and Family Services, Administrative Hearings Unit.



Exhibit M
DYFS-AD.HRG.-13
(New 11/78)

State of New Jersey

**DEPARTMENT OF HUMAN SERVICES
DIVISION OF YOUTH AND FAMILY SERVICES**

Bernice L. Manshel
Director

One South Montgomery Street
Trenton, New Jersey 08625

Date Decision Mailed _____

Report Due _____

RE:

Enclosed is the decision rendered in the above Fair Hearing. The appellant may seek judicial review by the Superior Court of New Jersey, Appellate Division, in the event of dissatisfaction with the decision as rendered. A request for judicial review must be initiated within 45 days of the Fair Hearing decision.

Any corrective action required by the decision must be completed by the agency within 15 days of the date of publication of the decision or within 90 days of the date of the request for a hearing whichever comes first, unless otherwise directed by the decision.

In each Fair Hearing decision requiring corrective action a Fair Hearing Decision Implementation Report form (DYFS-AD.HRG.-14) will be included to be completed and returned to the Administrative Hearings Unit as soon as corrective action has been completed.

Sincerely,

Bernard Goldberg,
Supervisor, Administrative
Hearings Unit,
Division of Youth and
Family Services

BG:am

Exhibit N
DYFS-AD.HRG.-14
(New 11/78)

TITLE: FAIR HEARING DECISION IMPLEMENTATION REPORT

PURPOSE: Timely implementation of corrective action
in appropriate Fair Hearing decisions issued
by the Director, Division of Youth and
Family Services.

DISTRIBUTION: Original to Administrative Hearings Unit,
copy in client's record.

RESPONSIBILITY: Local agency

STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES
DIVISION OF YOUTH AND FAMILY SERVICES

Exhibit N
DYFS-AD.HRG.-14
(New 11/78)

FAIR HEARING DECISION IMPLEMENTATION REPORT

Case Name: _____

Case Number: _____

Local Agency: _____

Date of Hearing Request: _____

Date of Hearing Decision: _____

Date Decision Mailed: _____

Due Date of Final Action: _____

Description of Action Taken (attach narrative when appropriate):

(Name and Title of Agency Representative)

Date of Agency Action: _____

Mail to: New Jersey Division of Youth and Family Services
Administrative Hearings Unit
1 South Montgomery Street
Trenton, New Jersey 08625