



**CHILDCARE AND PARENT SERVICES (CAPS)
Georgia's Subsidy Program**

CAPS Procedure – Hearing Requests	No.: CAPS/01-7	Effective Date: 10/01/2016
		Revised: 10/01/2019
		Revision Effective: 10/01/2019

LEGAL AUTHORITY: OCGA § 50-13-1 et seq., 7 CFR 226.6(k); Federal Register: 45 Code of Federal Regulation (CFR) 98 and 99.

Cross Reference/See Also: CAPS Parent Rights and Responsibilities Policy (CAPS/00-3), CAPS Administrative Hearings Policy (CAPS/00-18), CAPS Determination of Eligibility Procedure (CAPS/01-3)

Note: Definitions of words or phrases in **bold** are located in [Definitions and Acronyms](#). Only the first occurrence of the defined words or phrases are bolded.

7 HEARING REQUESTS FOR PARENTS

7.1 Purpose

Parents may disagree with eligibility determinations, income calculations, and/or claim establishments. In these instances, a **parent** may request an **administrative hearing** to allow an Administrative Law Judge to review the action and determine if the correct determination was reached. Certain actions are not subject to administrative hearings, including changes in federal law that affect entire populations, a **parent's** selection of a **provider** who has been dismissed from the **Childcare and Parent Services (CAPS)** program, or lack of available funding. For a complete list of circumstances not subject to the administrative hearing process, please review Section 18.4.1 of CAPS policy, [Administrative Hearings \(CAPS/00-18\)](#).

Each request for an administrative hearing by a **parent** must be submitted in writing to CAPS. The purpose of this document is to define the procedure to be followed by CAPS staff when responding to hearing requests.

Note: This procedures document must be used in conjunction with CAPS policies and may not include all applicable state and federal laws. All parties who wish to receive subsidies through CAPS and those who are acting on behalf of the CAPS program, are responsible for ensuring that they are compliant with all state and federal laws and regulations that govern this program.

7.2 Scope

This procedure applies to all employees of the **Department of Early Care and Learning (DECAL)**, all parties responsible for the administration of the CAPS program; as well as, **parents** and child care **providers** who receive subsidies administered by DECAL, on behalf of **parents**.

7.3 Procedure

When a request for an administrative hearing by a **parent** is received, the CAPS staff will proceed with the following steps:

Step	CAPS Staff Action
1	Complete the Office of State Administrative Hearings (OSAH) Form 1 to initiate the request for a hearing. Note: The OSAH Form 1 can be found in Appendix G .
2	Send the completed OSAH Form 1 to the Office of Family Independence (OFI) Hearing Unit within three business days of receipt.

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Step	CAPS Staff Action
3	Contact the parent to determine if a resolution can be made prior to the hearing date. (A) If a resolution is reached, the parent must submit a written statement to withdraw the hearing request. Once the written statement is received, send it to OSAH. (B) If a resolution is not reached, inform the parent the administrative hearing will proceed as requested.
4	When parents receive notification of an adverse action , they are allowed 14 calendar days to request an administrative hearing. If the parent has requested continued eligibility within the 14 calendar days, create scholarships of on-going eligibility until there is a disposition from OSAH.
5	File all documents in the case record .
6	Take no further action until notification or a decision from OSAH is received.
7	Update the case according of the decision from OSAH and provide notification to the parent of the hearing decision and agency action. (A) If the hearing results in closure of the case, provide timely notice to the parent and child care provider of the action taken. (B) If the hearing results in continued eligibility, provide notification, and scholarships of on-going services to the appropriate parties.

PROCEDURE REVISION HISTORY

Date	Description of Change
10/01/2019	Revised language to note that CAPS will provide 14 days' notice of adverse actions.