



# VIRGINIA DEPARTMENT OF SOCIAL SERVICES

## ***Child Protective Services Appeals Process***

*Carl E. Ayers, Director, Division of Family Services*

*Patty Pitts, Asst. Superintendent for Teacher Education  
and Licensure,*

*Department of Education*

*September 18, 2017*

*People helping people triumph over poverty, abuse and neglect  
to shape strong futures for themselves, their families and their  
communities*



# Basic CPS Appeals Process



Valid CPS  
Report and  
Investigation

§ 63.2-1505

Determine  
within 45-  
days

60 Days  
with written  
justification

Founded  
Disposition

Alleged  
Abuser/Ne  
glector  
requests  
appeal  
within 30-  
days of  
notification

Local  
Conference

45-days to  
hear  
appeal,  
render  
decision,  
and notify  
appellant

Appellant  
can  
request  
extension  
of 60-days

State  
Administrative  
Hearing

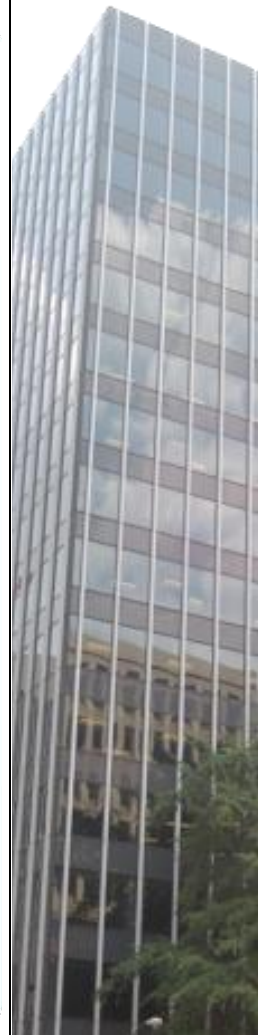
45-days to hear  
appeal

60-days to render  
decision, notify  
appellant and  
agency

May be remanded  
back to local  
agency for  
reconsideration. If  
new information is  
discovered,  
agency has 14-  
days to reconsider  
or the case is  
returned to the  
hearings officer for  
determination.

Circuit Court

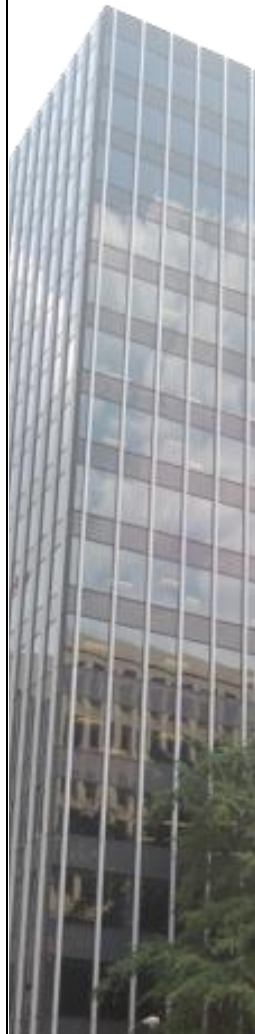
Appellant  
has right  
for further  
review by  
the Circuit  
Court.





# Child Protective Services – Validity Criteria

- Definition of Abuse and/or Neglect
- Child Must be Under the Age of 18
- The Abuse and/or Neglect Must be Perpetrated by a Caretaker
- The Local Department of Social Services Must Have Jurisdiction



# Founded Criteria

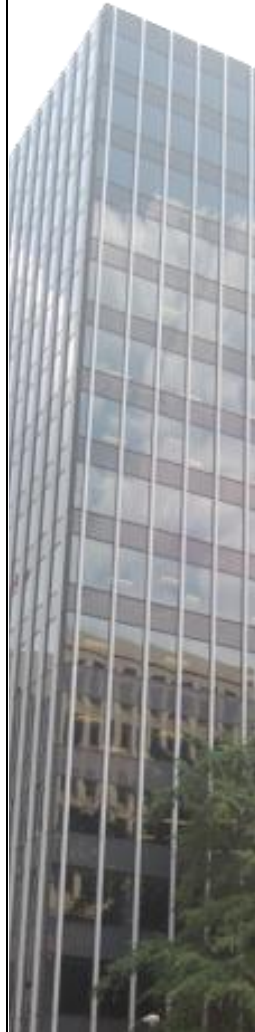


## Standard CPS

- There must be a preponderance of the evidence that abuse and/or neglect occurred

## Designated Out-of-Family

- If, after an investigation of a complaint under this section, the local department determines that the actions or omissions of a teacher, principal, or other person employed by a local school board or employed in a school operated by the Commonwealth were within such employee's scope of employment and were taken in good faith in the course of supervision, care, or discipline of students, then the standard in determining if a report of abuse or neglect is founded is whether such acts or omissions constituted gross negligence or willful misconduct.





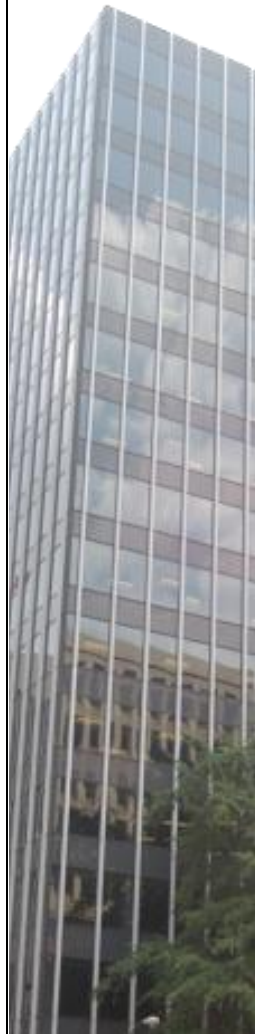
# Notifications

## Investigation

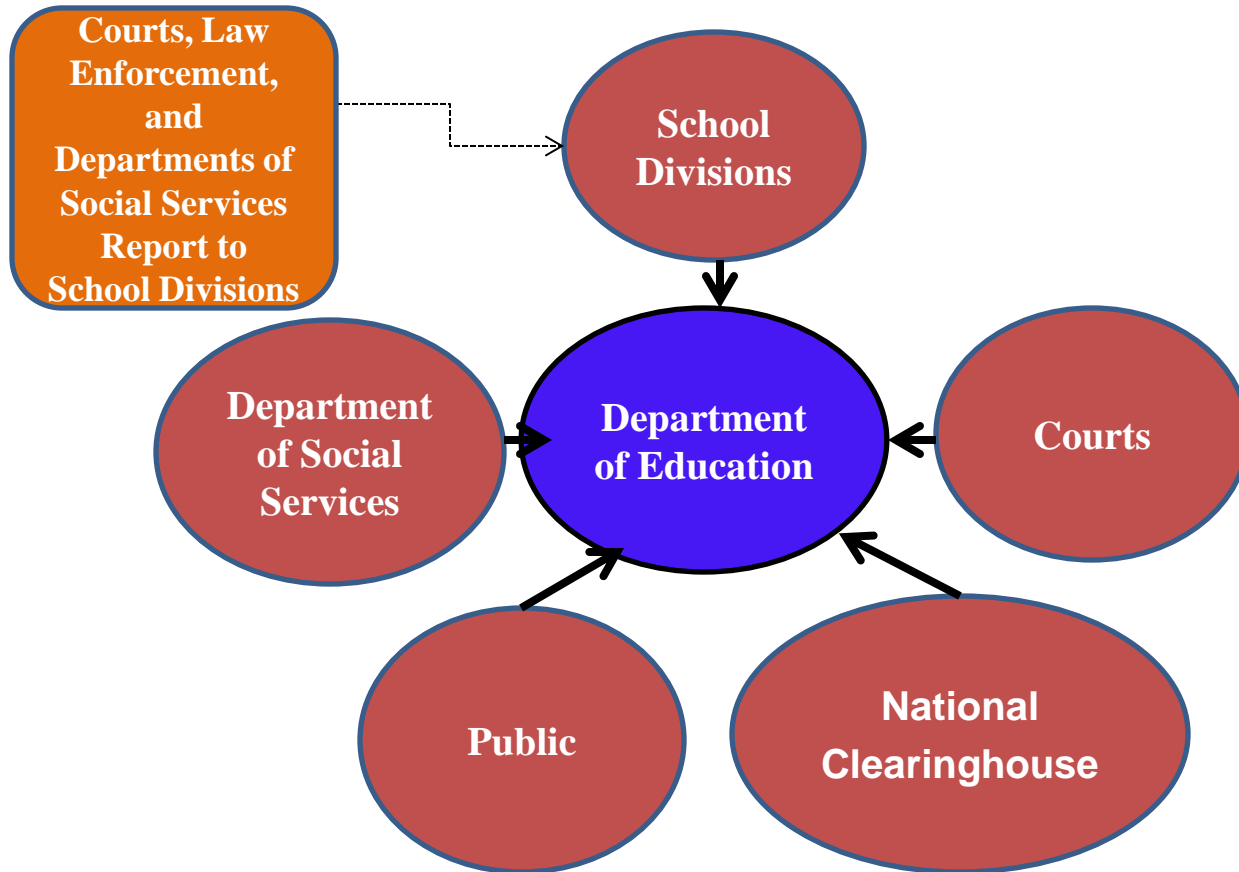
- If a report of child abuse and neglect is founded, and the subject of the report is a full-time, part-time, permanent, or temporary employee of a school division located within the Commonwealth, notify the relevant school board of the founded complaint.

## CPS Administrative Hearing

- If you hold a license issued by the Virginia Department of Education, we are required to notify the Superintendent of Public Instruction after all rights of appeal have been exhausted.



# Sources of Reports of Misconduct



# License Review Process

A complaint may proceed through one of three processes.

## **ACTION AGAINST A LICENSE INITIATED BY A SCHOOL DIVISION/BOARD**

- Investigation
- Petition
- Right to Surrender and Request Cancellation
- School Board Hearing (if license not cancelled)
- Superintendent's Investigative Panel
- Board of Education Hearing and Decision

## **ACTION AGAINST A LICENSE INITIATED BY BOARD OF EDUCATION**

- Investigation
- Superintendent of Public Instruction Petitions
- Right to Surrender and Request Cancellation
- Licensee Contests Charges/Allegations
  - Review by Superintendent's Investigative Panel
  - Board of Education Hearing and Decision
- Licensee Does not Contest Charges/Allegations
  - Board of Education Hearing and Decision

## **APPLICATION FOR A LICENSE OR LICENSE RENEWAL**

- Basis for Review
- Superintendent's Investigative Panel
- Board of Education Hearing and Decision

**Note:** Adverse actions on licenses are reported to Virginia school divisions and the NASDTEC Clearinghouse; actions are reported on the Department of Education's website.