

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

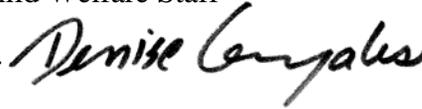
Policy Guide 2014.01

Service Appeal Process

DATE: January 7, 2014

TO: All DCFS and Private Agency Child Welfare Staff

FROM: Denise Gonzales, Acting Director



EFFECTIVE: Immediately

I. PURPOSE

The purpose of this Policy Guide is to issue amendments to Rules 337.80(e) and 337.110(a)(4) pending rulemaking. These amendments implement Public Act 98-249 and become effective on January 1, 2014.

II. PRIMARY USERS

Primary users are DCFS and POS Child Welfare Staff and Supervisors, the DCFS Administrative Hearings Unit, and the DCFS Office of Legal Services.

III. BACKGROUND AND INSTRUCTIONS

Per **Rule 337.80(e), What May Not Be Appealed**, when a court has made a determination or issued an order on the issue being appealed, the issue is inappropriate for a service appeal. **Rule 337.110 (a)(4), Grounds for Dismissal of a Service Appeal Request** requires that a request for service appeal be dismissed after a court has made a judicial determination or issued an order on the issue being appealed.

Public Act 98-249 added the following language to Section 5(o) of the Child and Family Services Act [20 ILCS 505/5(o)]:

A court determination that a current foster home placement is necessary and appropriate under Section 2-28 of the Juvenile Court Act of 1987 does not constitute a judicial determination on the merits of an administrative appeal, filed by a former foster parent, involving a change of placement decision.

Therefore, pending formal rulemaking affecting Rules 337.80(e) and 337.110 (a)(4), the Administrative Hearings Unit shall not dismiss a request for a service appeal, filed by a former foster parent or relative caregiver, involving a change of placement decision, where a juvenile court has made a finding that the current placement is necessary and appropriate.



IV. QUESTIONS

Questions regarding this Policy Guide may be directed to the Office of Child and Family Policy at 217-524-1983 or via Outlook at OCFP – Mailbox. Non Outlook users may e-mail questions to cfpolicy@idcfs.state.il.us.

V. FILING INSTRUCTIONS

Place a copy of this Policy Guide behind **Rule 337 Service Appeal Process**.