

Child Maltreatment Contested Case Hearing Request

Department of Administration Division of Hearing and Appeals

Use of form: This form will be used to begin the process to request a hearing to appeal a Final Determination of Substantiated Child Maltreatment. Personally identifiable information on the form will be used for identification purposes only.

Fully complete all of the requested information in the form below and deliver via personal service, mail, or fax, with a copy of the Notice of Final Determination of Substantiated Child Maltreatment letter, **no later than** (date) _____, to the agency listed below:

Division of Hearing and Appeals
1001 Madison Dr., Anytown, USA 03123
Fax Number: (555)-555-1234

Date of Notice of Final Determination of Substantiated Child Maltreatment and Right to Request an Appeal Letter:

Sent By: _____ Telephone Number: _____

Name - Person Requesting Appeal Martin Perez	Birthdate (mm/dd/yyyy) 10-10-##	Date of Request (mm/dd/yy)
Address (Street, City, State, Zip Code) 34 Woodlawn Dr		Telephone Number - Home (555)-778-7878

Yes ___ No Will you be represented by an attorney at this hearing?

Yes ___ No Do you expect to bring witnesses to testify?

If YES: Witness Name(s): _____ Witness Address(es): _____

**NOTE: Providing this information does not commit you to this decision or participation of any specific witness(es). You may change this decision at any time prior to the hearing*

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You may request for an expedited review if you answer Yes to any of the questions below)

Yes ___ No Do you currently hold a license/certification, have applied for, or plan to apply for a license/certification to provide care to nursing home patients, other patients of a medical care facility, childcare, or foster care?

Yes ___ No Are you currently employed or contract with, or are actively seeking employment with any facility that provides direct care to patients (such as a nursing home), licensed childcare facility, group home, residential care center, or foster care?

Yes ___ No Are you enrolled in an academic program that may lead to a license/certification for employment or other position that would be subject to the child abuse/neglect record check requirements for purposes of employment?

I am requesting an administrative hearing to appeal a Final Determination of Substantiated Child Maltreatment that identifies me as having abused and/or neglected one or more children based on a child protective service agency's investigation of suspected child maltreatment.

My reasons for disagreeing with the decision(s) are as follows:

Martin D. Perez, was indicated for sexual molestation of a 16-year-old female, referred to in this document as Jane V. Martin was 20 years old at the time the report was filed and indicated. Mr. Perez is appealing the indicated report based on the following information.

- Mr. Perez stated he had been dating Jane V. for almost a full year with her parents' permission and their full knowledge of his then age of 19.
- Mr. Perez produced photographs of himself, Jane V and her parents at several different holidays and celebrations
- Mr. Perez stated that the report to Children and Family Services alleging that he has molested Jane V. came only after he had broken up with her.
- Mr. Perez produced numerous text messages from both Jane V and her parents begging him to reconsider and reconcile the relationship.
- Mr. Perez also produced texts and voice mails that indicated that Jane V and her family were planning to cause the report to be taken if they did not reconcile.
- Mr. Perez stated and Jane V confirmed to both CPS and LE that the two of them have never had sexual intercourse but that they had engaged in activities that in this state constitute molestation. (He is legally an adult and she cannot give consent).
- Mr. Perez stated that because of the indicated report, he is restricted in the contact he can have with his own 2- year old son and his rights as a parent are being violated because of the indicated report.
- Mr. Perez has no other CPS history
- Law Enforcement did not file or seek charges against Mr. Perez
- Mr. Perez stated that in his culture it is not uncommon for parents to allow their daughters, as young as 14 years date men in their early 20's.

****If additional space is needed, attach a separate sheet.

NOTE: This form must be delivered, faxed or mailed/postmarked no later than 4/12/20XX