

FAQs – Appeals Procedure

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CLOSING LETTER FAQs

Why am I receiving this letter? (Why did I receive a closing letter?)

The Office of Children's Services received a concern that a child in your life may have been the victim of maltreatment. Maltreatment means a child was a victim of physical abuse, sexual abuse, emotional abuse, or neglect as defined by statute. OCS conducted an investigation and assessment as mandated by law to assure child safety. The closing letter tells you the outcome of the investigation and assessment.

What does substantiated mean?

At the conclusion of the assessment, regardless of whether the case is opened for intervention or closed, a final determination must be made regarding the allegations of maltreatment (substantiated or not substantiated) along with appropriate identification of the maltreater. A substantiated finding means through the investigation and assessment, OCS determined by a preponderance of the evidence that is more likely true than not that maltreatment occurred.

What does not substantiated mean?

Through the investigation and assessment, OCS determined by a preponderance of the evidence that is more likely true than not that maltreatment did not occur.

What does closed without finding mean?

A closed without finding means the family could not be located, a child's safety, well-being, and functioning could not be investigated or assessed, or the Tribe has exclusive jurisdiction.

How will a substantiated finding affect me?

Findings of maltreatment are not subject to public inspection and are **confidential** but may be placed on the Child Protection Registry. Having your name on the registry may have an impact on you. You may not be able to adopt a child or be a foster parent. Substantiated findings can also be included in Civil History check reviewed by the Department of Health, Division of Health Care Services Background Check Program for those that provide for the health, safety, and welfare of Alaska's vulnerable population, and you may not be able to work in certain places.

If the finding says not substantiated or closed without finding, do I need to request an appeal?

No. A not substantiated or closed finding does not place you on the Child Protection Registry.

Who can request an appeal of a substantiated finding?

Only an individual with a substantiated finding of child maltreatment.

Is a substantiated finding a criminal conviction?

No. It is an administrative finding.

Can everyone find out about a substantiated finding?

No. It is not available to the public.

How will employers find out about a substantiated finding against me?

OCS reports substantiated findings to the Department of Health (DOH), Division of Health Care Services Background Check Program (BCP). If you apply to work with programs that provide for the health, safety, and welfare of persons who are served by the programs administered by the Department of Family and Community Services and/or the Department of Health, your employer will ask for a report from the BCP.

What if I do not agree with OCS's finding?

If you do not agree with OCS's substantiated finding, you can appeal the decision.

What if I agree with OCS's finding, but would still like to work with a vulnerable population?

In the event, that you receive notification from the Background Check Program (BCP) stating you have been issued a "Not Eligible" determination a variance request may be submitted. Either you or your current or proposed employer may submit a variance request. If you want to apply for a variance online, you can go to the [Alaska Background Check Unit](https://health.alaska.gov/dhcs/Pages/cl/bgcheck/default.aspx). <https://health.alaska.gov/dhcs/Pages/cl/bgcheck/default.aspx>

You may also request a paper copy of the application from your employer or the [Variance Committee](#) by contacting (907) 334-4475 or BCPVariance@alaska.gov.

How do I appeal OCS's substantiated decision?

If you would like to appeal the substantiated maltreatment decision, you have **30 days** from the date OCS sent the closing letter to ask for OCS to review the decision.

- OCS **must receive** your appeal request within 30 days of getting the letter.
- You must ask for your appeal in writing.
- Include your full current mailing address, phone number, email address, OCS case number, and date of the investigation and assessment.
- You must date your letter to OCS.
- You may provide OCS with more information to consider. You may provide any information you think is important and may provide a written explanation or witness declarations.
- You may mail, email, or fax your appeal.

What is the appeal process?

Once your appeal request is received, your request will be reviewed by someone new within the Office of Children's Services who did not conduct the Investigation and Assessment. The reviewer will contact you regarding your appeal request. The OCS reviewer may decide to overturn (undo) the substantiation without an appeal hearing. This means that your name will be removed from the Child Protection Registry, or may decide to refer your appeal request to the [Office of Administrative Hearings \(OAH\)](https://doa.alaska.gov/oah/), <https://doa.alaska.gov/oah/> for a hearing.