



State of Florida
Department of Children and Families

Charlie Crist
Governor

Robert A. Butterworth
Secretary

DATE: April 4, 2008

TO: Regional Directors

THROUGH: George Sheldon, Assistant Secretary for Operations
David Fairbanks, Assistant Secretary for Programs
Patricia Badland

FROM: Patricia Badland, Director of Office of Family Safety

SUBJECT: Independent Living Fair Hearings and the Office of the Attorney General

PURPOSE: The purpose of this memo is to modify the flow of required paperwork when a young adult formerly in foster care requests a fair hearing regarding his/her services/benefits. This new process will ensure the necessary paperwork is received from the community-based care lead agency by the Office of the Attorney General, Regional Legal Counsel, and the designated Hearing Officer.

BACKGROUND: Florida Administrative Code, 65C-31.009 (12) provides the requirements for the routing of appeals paperwork, including the "Oral Request for Fair Hearing" or "Request for Fair Hearing on Denial, Termination, or Reduction of Independent Living Benefits" and a copy of the "Due Process" letter, using the "Independent Living Fair Hearing Request" within one day of the denial, termination, or reduction. Currently, Florida Administrative Code requires this paperwork to be sent to the Regional Legal Counsel, the Attorney General's Office, and the Office of Appeal Hearing of the Department of Children and Families Services.

Starting May 1, 2008, all paperwork listed above shall be sent directly to the Office of the Attorney General of Florida by mail to:

Fair Hearings
Diane L. Guillemette,
Office of the Attorney General,
PL-01, The Capitol,
Tallahassee, FL 32399-1050

or by email to: diane.Guillemette@myfloridalegal.com and
suvonna.willis@myfloridalegal.com

Once this paperwork has been received, an email response will be generated by the Office of the Attorney General of Florida to the sender indicating the paperwork has been received. If paperwork is mailed please include sender's e-mail address for confirmation.

1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

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The Office of the Attorney General will be responsible for sending this paperwork to the assigned Hearing Officer to schedule the hearing for the appeal.

In addition, at least a copy of the "Independent Living Fair Hearing Request" must be sent via mail or email to the community-based care lead agency's Regional Legal Counsel.

Once a month, a list will be generated of outstanding appeals by the Office of the Attorney General. Each community-based care agency will designate one person to verify that the list is correct and that the appeal is still outstanding. This list will need to be verified by the fifteenth of the following month and returned to individuals at the email addresses above.

ACTION REQUIRED: Please disseminate this memorandum to circuit administrators, community-based care lead agencies, and staff involved in the provision of services for young adults formerly in foster care. Each community-based care lead agency will need to identify a point of contact for Independent Living services appeals by May 1, 2008. Please submit the name of the contact to Catherine Heath at catherine_heath@dcf.state.fl.us.

CONTACT INFORMATION: If you have any further questions, please contact Catherine Heath, Office of Family Safety, at catherine_heath@dcf.state.fl.us or (850) 922-2425.

cc: Diane Guillemette, Office of the Attorney General
John Slye, Office of the General Counsel