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# BEST BEGINNINGS CHILD CARE SCHOLARSHIP SUPPLEMENT 2 RIGHTS TO APPEAL PROCEDURES ADMINISTRATIVE REVIEWS, (APPEALS) AND FAIR HEARINGS

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## **A. ACTIONS SUBJECT TO ADMINISTRATIVE REVIEW, (APPEAL):**

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1. A failure of the Department or of the Child Care Agency to provide a parent an opportunity to make an application or reapplication for a child care scholarship;
2. A failure of the Department or of the Child Care Agency to act with reasonable promptness on a parent's application for a child care scholarship (reasonable promptness is 30 calendar days from the date of application);
3. A failure of the Department or of the Child Care Agency to provide timely or adequate notice when an adverse action will be taken; and
4. An action by the Department or the Child Care Agency denying, suspending, reducing or terminating a scholarship of a parent or payment(s) to a provider, or an action by the Department demanding repayment of an overpayment.

## **B. PROCEDURES:**

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Actions taken by a Child Care Agency must conform to applicable laws, regulations and policies. Parents and providers who are subject to any adverse action, (as defined in section 1-3 of this manual), by the Child Care Agency are entitled to a fair hearing. However, there is no right to a fair hearing if denial or termination of benefits is based solely on depletion of Child Care and Development Fund (CCDF) funding.

## **C. REPRESENTATION:**

The State agency and the institution and its' responsible principals and individuals may retain legal counsel, or may be represented by another person.

## **D. TIMEFRAMES:**

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The request must be made within the time limits stated below, following the mailing date of the notice of the Department's adverse action:

- 90 calendar days – Parent, whose benefits are reduced or terminated; and
- 30 calendar days – Provider, who has been notified of overpayment.

## **E. BASIS FOR DECISION:**

The administrative review official must make a determination based solely on the information provided by the State agency, the institution, the responsible principals and individuals, and based on Federal and State laws, regulations, policies, and procedures governing the Program.

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## **THE WRITTEN REQUEST FOR AN ADMINISTRATIVE REVIEW, (APPEAL) MUST BE ADDRESSED TO EITHER THE REGIONAL Child Care Agency OFFICE OR TO:**

Office of Administrative Hearings,  
Department of Public Health and Human Services  
PO Box 202922,  
Helena, MT 59620-2953  
Fax (406) 444-6565

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