

## FAIR HEARINGS

The Secretary of the Department for Children and Families is authorized by law (K.S.A. 75-3306) to provide fair hearings for applicants or recipients who are dissatisfied with any decision or final action of any agency or employee of the Secretary.

### **Q. What is a fair hearing?**

**A.** A fair hearing is very similar to a trial in court with witnesses, exhibits, and rules of evidence. The hearing is your only chance to tell your side to an impartial Presiding Officer. The hearing is tape recorded. The recording will become part of the official record of your case.

### **Q. How do I request a fair hearing?**

**A.** The local DCF office will explain the hearing procedure and supply you with the necessary forms. If requested, staff at the local office will assist you in filling out the forms and mail them to the Office of Administrative Hearings. You must request a fair hearing within 30 days of the decision or final action you want reviewed. You must request a fair hearing for food stamps only, within 90 days of the decision or final action you want reviewed.

### **Q. When will the hearing be held and how will I be notified of the hearing date?**

**A.** Generally, the hearing is held within 45 days after your request is filed with the agency. Notice of the date, time, and place of the hearing will be sent to you at least 10 days before the hearing.

### **Q. Where will the hearing be held?**

**A.** Hearings are usually held at your local or area office. The hearing may be conducted by telephone.

### **Q. May I review the information relied upon by the agency in making the decision or taking the final action?**

**A.** Yes. You or your representative may review such information at your local office prior to the hearing date.

### **Q. What will I need to bring to the hearing?**

**A.** Please bring a copy of the summary statement sent to you by the Office of Administrative Hearings which outlines the facts of your case. You may bring any other information that you think will help to prove that the agency's decision

or final action was incorrect.

### **Q. May I bring an attorney or other representative to the hearing?**

**A.** Yes. You may have an attorney or other person represent you at the hearing. The attorney or other representative will be at your expense.

### **Q. May I bring a witness to the hearing?**

**A.** Yes. You may bring any person with you to the hearing that has information about your case.

### **Q. Can witnesses be subpoenaed?**

**A.** Yes. The Presiding Officer can issue a subpoena that requires the subpoenaed person to attend the hearing. If you want a subpoena issued, you must inform the Presiding Officer of the witness's name and address at least 7 days before the hearing.

### **Q. Who conducts the fair hearing?**

**A.** A Presiding Officer from the Office of Administrative Hearings conducts the hearing.

**Q. Does the Presiding Officer represent me or the agency?**

**A.** Neither. The Presiding Officer is impartial and he or she will enter an initial order based upon what is presented by the agency and by you.

**Q. If I am dissatisfied with the initial order of the Presiding Officer, may I ask the State Appeals Committee to review my case?**

**A.** Yes. Your request must be in writing and sent to the State Appeals Committee, Office of Administrative Hearings, 1020 S. Kansas Ave., Topeka, Kansas 66612-1327, within 15 days of the initial order. Your request should include the specific reasons why you feel that the initial order was in error.

**Q. If I remain dissatisfied with the final order of the State Appeals Committee, may I appeal the case to the District Court?**

**A.** Yes. You may appeal to the district court in the county which the order or agency action you are appealing was issued by filing a petition for judicial

review with the clerk of the court pursuant to K.S.A. 77-601 et seq. and by mailing a copy of the petition to the Secretary of DCF.

**IF YOU HAVE ANY QUESTIONS REGARDING YOUR APPEAL, PLEASE CALL YOUR LOCAL DCF OFFICE.**



STATE OF KANSAS

OFFICE OF  
ADMINISTRATIVE  
HEARINGS

DCF  
FAIR HEARING  
PROCEDURES

