

# A Guide to Appeal

*Family Support for Children with Disabilities Act (FSCD Act)*

## Related Documents

Thinking About Filing an Appeal under the FSCD Act

Preparing and Presenting Your Case – Appellant – FSCD Act

Preparing and Presenting Your Case – Director – FSCD Act

Appeal Tip Sheet for Legal Counsel

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Appeals Secretariat

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# Purpose of the Guide

The Community and Social Services Appeals Secretariat has prepared A Guide to Appeal – *Family Support for Children with Disabilities Act* (FSCD Act) to assist parties to:

- understand the appeal process;
- understand their role in the appeal process; and
- prepare for the hearing.

**The appeal process described in this guide and those listed below may be amended from time to time. The guides provide information about the general process for appeals and serve only as broad guidelines of what to expect.**

Other guides available to assist you with the appeal are:

- Thinking About Filing an Appeal under the *Family Support for Children with Disabilities Act*;
- Preparing and Presenting Your Case – Appellant – *Family Support for Children with Disabilities Act*;
- Preparing and Presenting Your Case – Director – *Family Support for Children with Disabilities Act*; and
- Appeal Tip Sheet for Legal Counsel.

## Commonly used terms

In this document and the other documents listed above, the following terms are used:

- **Appellant** – this is the person who filed the Notice of Appeal (biological parent or guardian).
- **Director** – this is the person (or representative) who made the decision that is being appealed. This can be the Family Support for Children with Disabilities caseworker, caseworker supervisor, manager or any other person designated by the Minister of Community and Social Services as a director.
- **Family Support for Children with Disabilities Appeal Committee (Appeal Committee)** this is a committee of Albertans from the community appointed by the Community and Social Services Minister and trained to hear appeals under the *Family Support for Children with Disabilities Act* (FSCD Act). Three members of this committee will serve as the hearing panel for the appeal. It is important to note that the committee members are volunteers; they are not employees of Community and Social Services and they are not a part of the Child and Family Services Authorities (CFSA).
- **Appeals Secretariat** – this is an impartial government body that provides administrative support to the appeal process and the Appeal Committee. The Appeals Secretariat schedules hearings and provides information to all parties about the appeal process. In addition, the Appeals Secretariat maintains a website, [www.appeals.gov.ab.ca](http://www.appeals.gov.ab.ca), which contains information about the appeal process. The Appeals Secretariat operates at arm's length from all parties and focuses on providing support services.

The information that follows regarding who can appeal and what decisions can be appealed is a simplified version. A more detailed description is provided in the FSCD Act. A copy of the *Family Support for Children with Disabilities Act* and Regulation is posted on the Community and Social Services website at [www.appeals.gov.ab.ca](http://www.appeals.gov.ab.ca).

As you use this guide to prepare for an appeal, please feel free to call the Appeals Secretariat office at 780-427-2709 (Edmonton and Area) or toll-free at 310-0000 then dial 780-427-2709 if you need assistance.

# Who Can Appeal

A Notice of Appeal may be filed under the FSCD Act by:

- a biological parent;
- a person who is or is appointed as a guardian under the *Family Law Act* (formerly the *Domestic Relations Act*); or
- a person who is a guardian of a child under an agreement or order.

# What Decisions can be Appealed

Under sections 3(1)(b), 4 or 5(1) of the FSCD Act and under the FSCD Regulation, decisions made by the director that may be appealed are:

- a) the provision of family support services;
- b) the provision of child-focused services; or
- c) the cancellation of an agreement with the Child and Family Services Authority.

Under the FSCD Act, the Appeal Committee may confirm, vary or rescind the director's decision.

# Mediation

Although not a requirement, parties may choose to engage in mediation. Mediation is a flexible, voluntary process where the appellant and Child and Family Services Authority (CFSA) program staff meet with an independent mediator for the purpose of finding a solution agreeable to both parties. **Mediation may be requested by speaking directly with the other party.**

Once mediation has been asked for and agreed to by both the appellant and the director, the regional Child and Family Services Authority program manager will ask the provincial Family Support for Children with Disabilities (FSCD) program to arrange for a qualified mediator to provide mediation services at the nearest location to the appellant's home community.

Mediation may be asked for at any time during the appeal process, but should be requested before the appeal hearing begins. Mediation also impacts the time limits for filing an appeal. Please see the Time Limits section on page 3 for further clarification.

If mediation results in an agreement, the appellant will be asked to withdraw the appeal. Please see the Withdrawing an Appeal section on page 6 for details on this process.

# Filing an Appeal

The person appealing a decision of the director fills out the Notice of Appeal form, signs and dates it. A sample copy of the Notice of Appeal form is included as Appendix 1. After completing the Notice of Appeal form, it must be sent or delivered to a CFSA office. Although it is preferred that the appellant deliver the completed Notice of Appeal to the CFSA office handling the case, any CFSA office will accept it and then forward it to the appropriate location. **The completed form must be received by the director within 45 days of the director's decision** (see also Time limits when mediation is requested below).

## Time Limits for Filing a Notice of Appeal

A Notice of Appeal must be filed **within 45 days** of the date of the director's decision. The Appeal Committee has no authority to hear an appeal if it is filed after the 45-day time limit. A common legal term used when indicating that the Appeal Committee does not have authority to hear an appeal is to state that they do not have jurisdiction.

The 45-day time limit starts the day after the appellant is advised of the decision and is calculated using calendar days, **not** business days. The number of days that pass from the director's decision until mediation is started are counted as part of the 45-day time limit. Once mediation is started, no further days will be counted until mediation is concluded or abandoned. If mediation is not successful, the day count continues, allowing for the number of days that were remaining in the 45-day time limit on the date that mediation started.

### Time limits when mediation is requested

As stated on page 2, mediation is a voluntary process where the appellant and director meet with an independent mediator in an attempt to reach a solution. If mediation is asked for **after the Notice of Appeal has been filed**, the appeal hearing process will be placed on hold until after mediation is concluded or abandoned. Either party may discontinue mediation at any stage.

If mediation is asked for **before the Notice of Appeal is filed**, the appellant must be aware of the time limit to file the appeal. The number of days that pass from the director's decision until mediation is requested are counted as part of the 45-day time limit. Once mediation is requested, no further days will be counted until mediation is concluded or abandoned. If mediation is not successful, the day count continues, allowing for the number of days that were remaining in the 45-day time limit on the date that the appellant asked for mediation.

Notice of Appeal forms are available from any CFSA or from the Community and Social Services Appeals Secretariat at 201 Agronomy Centre, 6903 - 116 Street, Edmonton, Alberta, T6H 5Z2.

If the appellant is unsure about how to complete the Notice of Appeal form or about whom to send the form to, he/she should contact his/her caseworker or the Appeals Secretariat office at 780-427-2709 (Edmonton and Area) or toll-free at 310-0000 then dial 780-427-2709.

For clarification on the time limits involved when filing an appeal, or information about the processing of an appeal, please contact Appeals Secretariat at 780-427-2709 (Edmonton and Area) or toll-free by dialing 310-0000 then dialing 780-427-2709.

To assist with understanding the time limit for filing the Notice of Appeal when mediation is started, please review the example below.

An appellant is notified of the director's decision on May 1, 2008. The appellant asks for mediation with the caseworker and mediation starts on May 15. Thirteen days of the 45-day time limit have been used (e.g. May 2 to May 14). The time limit stops running until the mediation is concluded or abandoned. Once the mediation is concluded or abandoned, the appellant will have 32 days left on the appeal time limit. If the mediation concludes on May 20, the appellant will have to file a Notice of Appeal within 32 days (e.g. by June 21).

## Processing the Appeal

When a Notice of Appeal is filed, the Appeals Secretariat opens a file and handles all the steps necessary to:

- schedule the hearing;
- arrange the hearing location;
- send out hearing confirmation letters which include information about where and when the hearing will be held, who must submit and exchange information, and the date by which the information must be exchanged; and
- receive and distribute submitted information to the hearing panel before the hearing.

After the hearing is completed, the Appeals Secretariat will send out the hearing panel's written decision to all parties involved.

## Jurisdiction

Jurisdiction means the Appeal Committee's authority to hear and decide the issue being appealed. The Appeal Committee's jurisdiction is set out in section 7 of the FSCD Act. If the issue being appealed does not fall under section 7 of the FSCD Act, the Appeal Committee will not have jurisdiction to hear or make a decision on the matter.

One example of a situation when the Appeal Committee would not have jurisdiction to hear an appeal, regardless of the nature of the issue, is when the hearing panel has determined that the Notice of Appeal was filed too late. The required number of days to file a Notice of Appeal is set out in section 7 of the FSCD Act.

If there is an objection to jurisdiction, it should be communicated to the Appeals Secretariat as soon as possible before the appeal hearing. When a party advises the Appeals Secretariat and the other party that they will be raising an objection regarding the jurisdiction of the Appeal Committee, a hearing on the jurisdiction issue is scheduled and both parties prepare written submissions on their arguments. These submissions must be sent to the Appeals Secretariat, to be forwarded to the Appeal Committee, and exchanged between the parties on a date determined by the Appeals Secretariat.

# The Appeal Committee

The Minister appoints between three and seven individuals to the Family Support for Children with Disabilities Appeal Committee to hear appeals under the FSCD Act. These individuals have a variety of backgrounds and come from different parts of the province. They are not employed by Community and Social Services. They are volunteers who are not paid for their work, but receive honoraria and reimbursement for their expenses.

The Appeal Committee operates at arm's length from the Ministry of Community and Social Services. The ministry manages and operates the programs under the FSCD legislation. The Appeal Committee only hears appeals from persons who disagree with decisions made by a director and have filed a Notice of Appeal. The Appeal Committee is bound by the FSCD Act and Regulation but is not bound by ministry policy.

The members of the Appeal Committee participate in ongoing training on all aspects of the appeal process. A comprehensive training plan has been developed which includes sessions focusing on understanding and interpreting legislation, decision making, decision writing and conducting a fair and impartial hearing.

The Appeal Committee is responsible for its own procedures and has control over hearings.

To view information about members of the Appeal Committee online, please visit [www.appeals.gov.ab.ca](http://www.appeals.gov.ab.ca).

## The hearing panel

For each hearing, three of the Appeal Committee members will form the hearing panel. The selection of panel members is done by the Appeal Committee's Chair.

The Appeal Committee members will have no contact with any party before or after the appeal hearing.

The hearing panel will review all of the submitted documents, hear all of the evidence and arguments at the appeal hearing, and make the decision about the appeal. Although they do not follow court procedures, they do follow the rules of natural justice and the duty of fairness. The principles of natural justice and fairness include the right to adequate notice, the right to be heard, the right to an unbiased decision maker, and the opportunity for both parties to inform the hearing panel about any fact or argument related to the issue under appeal that they would need in order to make a fair decision.

The decisions of the Appeal Committee do not set precedent (serve as an example or justification for a later decision).

The Appeal Committee has independent (not government) legal counsel. The legal counsel does not usually attend the hearing, but the hearing panel can access their advice prior to the hearing, during the hearing and when writing the decision. Legal counsel will not tell the hearing panel how to decide an issue during an appeal, but they may provide advice on administrative law and the interpretation of legislation.

For assistance with asking for an adjournment or to obtain an Adjournment Request Form, please contact the Appeals Secretariat at 780-427-2709 (Edmonton and Area) or toll-free by dialing 310-0000 then dialing 780-427-2709.

For assistance with withdrawing an appeal or to obtain a Withdrawal Form, please contact the Appeals Secretariat.

The Appeal Committee's legal counsel may also review draft decisions made by the hearing panel.

All attending Appeal Committee members will be present throughout the entire hearing and decision making process.

## Adjournments

Once an appeal hearing is scheduled, unexpected circumstances or events, such as an illness or other emergency, may arise that require the hearing to be adjourned (postponed). Any party to an appeal can ask for an adjournment of the hearing. The request must be made in writing by completing the Adjournment Request Form (Appendix 2) and sending it to the Appeals Secretariat **as soon as the need for an adjournment is realized**. The request must include:

- how much of a delay is required (e.g. number of days, weeks or months); and
- the reason(s) for the delay (please be specific and give as much detail as possible).

The party asking for an adjournment must send copies of the written request to the other parties involved in the appeal (e.g. the appellant, FSCD caseworker).

The hearing panel will meet privately or contact each other to consider the request using the written submissions from all parties, and may grant or deny the requested adjournment. The hearing panel will then notify the Appeals Secretariat to advise all parties whether the adjournment is allowed. If the hearing is adjourned, the Appeals Secretariat will schedule a new hearing date (if applicable) and send a new hearing confirmation letter to all of the parties. If the hearing panel does not adjourn the hearing, as requested, all parties must attend the hearing and present their case as originally scheduled.

## Withdrawing an Appeal

Appellants may withdraw or abandon their appeal at any time. After filing a Notice of Appeal, the matter(s) under appeal may be able to be resolved before an appeal hearing takes place, or the appellant may change his/her mind and decide not to continue with an appeal. If an appeal is withdrawn or abandoned, the file will be closed.

The appellant must contact the Appeals Secretariat as soon as he/she decides not to continue with the appeal. The appellant will be sent a Withdrawal Form (Appendix 3). After completing the form, the appellant must send one copy to the Appeals Secretariat and one copy to the other parties involved in the appeal (e.g. caseworker). The other parties may also be advised of the intention to withdraw an appeal via a letter from the appellant or the appellant's legal counsel, if legal counsel has been involved with the appeal.



# Where and When Appeal Hearings are Held

Hearings are generally held in the region or community where the appellant resides and where the Child and Family Services Authority office is located. Hearing room arrangements are made using government meeting facilities within the region, though hearings may also take place by teleconference or videoconference. Hearings are held from 9:00 a.m. to 4:30 p.m. Normally the hearing panel will discuss break, lunch and closing times with the parties at the hearing. The Appeals Secretariat will advise the parties by letter of the date, time and location of the hearing.

# Who May be in Attendance at a Hearing

The three members of the hearing panel, the appellant and the director must attend the appeal hearing.

In addition to the parties listed above, the following persons may attend a hearing:

- other CFSA staff;
- representatives (including legal counsel) for the appellant and/or director;
- witnesses;
- support persons;
- a note taker for the appeal panel only; and/or
- a court reporter (the party bringing a court reporter does so at his/her own expense).

Please let the Appeals Secretariat know the number of witnesses and support people who will be attending. This will assist in the booking of appropriate facilities and an adequate number of days needed to hear the appeal.

**Legal counsel is not required for an appeal hearing; however, it is each party's option to have legal representation. If a party chooses to have legal representation, all other parties must be told. For further information, an Appeal Tip Sheet for Legal Counsel is available.**

# The Parties and Their Roles

**All persons involved in an appeal must take steps to ensure that the confidentiality of information provided through the appeal process is protected.**

- **An Appellant** is the party (biological parent or guardian) affected by a decision of a director of the CFSA who has filed a Notice of Appeal under the FSCD Act.
- **Representatives** (including legal counsel), are not required, although the appellant or the director may choose to have representation. A representative assumes the responsibility of presenting the case for a party and is subject to the rules of the appeal hearing as instructed by the hearing panel. Although a representative will represent his/her client by asking witnesses questions, the appellant or director will be able to explain his/her viewpoint, describe the impact of, or reasons for, the director's decision, etc., by answering questions posed by their representative. However, the hearing panel may allow both the representative and the party to present the case and ask questions.

**Legal counsel must be made aware that this is a less formal process than court proceedings and does not follow the Rules of Court.** For further information see the Appeal Tip Sheet for Legal Counsel. The hearing panel is bound by the *Administrative Procedures and Jurisdiction Act*, and therefore can set its own procedure (e.g. hearsay evidence may be admitted).

- **A Support Person** is someone (a family member, friend or other interested person) that a party may choose to bring for support during the hearing. A support person should be able to attend the full hearing; however, he/she does not provide evidence, does not participate in the presentation of a party's case and does not ask questions. A support person attends the hearing to give moral support and help with staying organized. The appellant, director, or any other party to the appeal may bring one or more support persons to the hearing.
- **Witnesses** are individuals, including children or youth, who have first-hand knowledge of events or information related to the matter under appeal. Each party may bring witnesses who can provide any information believed important and relevant for the hearing panel to know in deciding on the appeal. Witnesses are excluded from the hearing until they are called in to make submissions. A party can ask any person believed relevant to the appeal to be a witness, but if the witness is not able to attend, for any reason, the hearing panel cannot compel him/her to do so.
- **The Director** is the party that has made the decision under the appeal that is directly affecting the appellant. (Persons designated by the Minister of Children's Services as directors include FSCD caseworkers, supervisors or managers.)

# Preparing for the Hearing

The following is a general overview for both parties about preparing for the hearing. For more detailed information please refer to one of the following:

- Preparing and Presenting Your Case – Appellant – *Family Support for Children with Disabilities Act*;
- Preparing and Presenting Your Case – Director – *Family Support for Children with Disabilities Act*; or
- Appeal Tip Sheet for Legal Counsel.

These preparation guides are available from the Appeals Secretariat or on the Alberta Community and Social Services website: [www.appeals.gov.ab.ca](http://www.appeals.gov.ab.ca)

In order to ensure both parties are prepared for the hearing, parties must exchange information with each other and provide this same information to the Appeals Secretariat for distribution to the hearing panel by a date prior to the appeal hearing. The document submission date, usually three weeks before the hearing date, is identified and confirmed by the Appeals Secretariat. The information that each party must provide includes:

- name of legal counsel or representative, if applicable;
- any objections or rebuttal to the Appeal Committee's jurisdiction to hear and decide the issue under appeal;
- the names of witnesses who will present information at the hearing, if any;
- the number of support people who will be attending; and
- the documents that are being submitted to the hearing panel as information to be considered in the appeal.

If the appellant or director is bringing legal counsel, the Appeals Secretariat must be informed as soon as possible so the other party can be notified and then decide if they wish to also bring legal counsel. This helps to avoid delays in scheduling the hearing.

The hearing panel does not have any information about the situation that has led to the appeal other than the documents submitted to the Appeals Secretariat and exchanged between the parties. The hearing panel relies on verbal and written information presented during the hearing by all parties. The hearing panel does not conduct its own investigation about a case, so the parties must present the information that they want considered at the hearing.

**It is your responsibility to organize and send copies of your document submissions to the other parties (e.g. the appellant, the director, legal counsel) and four copies must be sent to the Appeals Secretariat for the hearing panel, by a date determined by the Appeals Secretariat. Only those documents received by the Appeals Secretariat will be given to the hearing panel prior to the hearing. This allows the hearing panel some time for review in advance.**

If new documents are submitted at the hearing, it will likely cause a delay in the process because both the hearing panel and other party may need the opportunity to review and consider this additional information. In some cases, the other party may also ask for time to prepare rebuttal evidence (e.g. complex medical reports), which could result in an adjournment of the hearing to another date days or weeks away.

## Information Presented at the Hearing

The hearing panel can accept any information (verbal or written) that it believes will assist it in making a decision. A key factor for the panel is whether the information relates to the matter under appeal. The best evidence is from persons (witnesses) who have first-hand knowledge of events or have first-hand information related to what they are speaking about. The hearing panel must consider any evidence that is, in its opinion, reliable and relevant to the matter being heard and weigh it accordingly.

## Recording of Hearings

No person will make a written transcript, audio recording or video recording of any appeal hearing. If a party wishes to bring a court reporter to the hearing, the party must call the Appeals Secretariat as early as possible. The Appeals Secretariat will inform the hearing panel chair and the other party. When a party brings a court reporter to a hearing, the expense is the responsibility of that party. All other parties will be able to purchase copies of the transcript at their own expense.

## The Order of Proceeding at the Hearing

### Introductions

All of the parties will be asked by the hearing chair if everyone expected to be present at the beginning of the hearing has arrived. All persons will enter the hearing room together and will take their seats. The hearing will be called to order by the hearing chair. Introductions of all persons in attendance at the hearing will be completed, including:

- hearing panel members;
- appellant(s) and their legal counsel or representative; and
- director and their legal counsel or representative.

## Housekeeping matters

The hearing chair will provide information to the parties that will assist with the smooth running of the hearing, such as a reminder to turn cell phones and Blackberries off throughout the hearing, the location of restrooms and the timing of breaks. When breaks are taken, the parties will always leave and re-enter the room at the same time.

**Prior to the start of the hearing, after lunch and during breaks, the parties are to wait outside the hearing room until the hearing panel calls them in. Panel members will not speak privately with any of the parties at any time.**

## Roles

The hearing chair will confirm or explain the role of each party in attendance at the hearing (a detailed summary of these roles was previously provided on page 8).

## Confidentiality

The hearing panel does not share any personal or confidential information that it learns before, during, or after the hearing, with anyone other than those involved with the case, unless allowed by the *Freedom of Information and Protection of Privacy Act* (FOIP Act). All persons involved in an appeal must take steps to ensure that the confidentiality of information provided through the appeal process is protected.

## Confirm the issue and documents submitted

Prior to hearing opening statements from the parties:

- the hearing chair will confirm the issue or matter being appealed; and
- the hearing chair will provide a list of all documents the hearing panel has received.

## Confirm the jurisdiction of the Appeal Committee

If no objection regarding jurisdiction was raised prior to the hearing for the issue under appeal, the hearing chair will ask the parties at the beginning of the hearing if there is any objection regarding the jurisdiction of the Appeal Committee. If an objection is not raised, the hearing chair will proceed with the hearing of the issue under appeal.

If an objection concerning jurisdiction is raised, the hearing panel will either:

- hear each party's position on jurisdiction, then adjourn the hearing and provide a written decision on jurisdiction at a later date; or
- hear each party's position on jurisdiction, then call a break to allow the hearing panel time to make a decision on jurisdiction and provide a verbal decision on jurisdiction after the break. If the hearing panel decides it has jurisdiction, the hearing panel may:
  - proceed to the issue under appeal; or
  - schedule a hearing date for the issue under appeal; or

- hear each party's position on jurisdiction, reserve its decision on jurisdiction to a later date and directly proceed to hear the issue under appeal, with the parties understanding that if the hearing panel decides it does not have jurisdiction, it will not make a decision on the issue under appeal.

## Brief opening statements

The director, followed by the appellant, will make brief opening statements on the decision that is being appealed, specifying the outcome each is seeking from the hearing panel on the matter.

## Order of presentations

Each person who will be providing evidence at the hearing will have the opportunity to present his/her information without interruption and then be questioned by the other parties. The order of presentations is generally as follows:

- the director and witnesses for the director; then
- the appellant and witnesses for the appellant.

The director is asked to present first so that the appellant can hear what the director has to say about how and why the decision was made. Once the director has finished his/her presentation, the hearing panel will provide the appellant the opportunity to ask questions. The hearing panel will then ask their questions. Next, the director's witnesses will present, one at a time, answering questions from the director. They will then be questioned by the appellant, or the appellant's representative, and the hearing panel members.

The appellant will then present information to the hearing panel in the same way as the director. After the appellant's submission, the director and hearing panel will each ask questions. The same process will be followed for each of the appellant's witnesses.

If more than one appellant has appealed a decision of the director (e.g. spouses), and they are not represented by legal counsel or an advocate, one appellant should take the lead in making their presentation. The other appellant may add information to the presentation if desired. Both appellants may participate in questioning and answering questions.

**Although the appeal hearing does not follow the formalities of a court proceeding, all persons in attendance are expected to conduct themselves appropriately and show respect and courtesy to all participants in the process. All persons should refrain from making distracting comments and gestures while another person is presenting information to the hearing panel.**

## Summary of presentations before the close of a hearing

Just before the conclusion of the hearing, the hearing panel chair will invite both parties to provide a brief summary of the information presented in their case.

- The director summarizes the information already provided to support the position that the decision was correct and should be upheld (confirmed) by the hearing panel.
- The appellant summarizes the information already provided to support the position that the director's decision should be overturned (rescinded) or varied by the hearing panel.

**No further questioning or new information is permitted during or after the giving of summaries.**

## Closing remarks by the hearing panel chair

The hearing panel chair will make closing remarks and advise the parties about the timeline for issuing the hearing panel's decision. The parties are to exit the hearing room at the same time.

## After the Appeal Hearing

The hearing panel meets privately after the conclusion of the hearing and reviews all the evidence presented by the parties. The hearing panel determines which evidence is reliable, relevant and important, reviews the relevant legislation and then reaches a decision. The hearing panel will prepare a written decision which includes:

- a statement of the issue considered;
- the findings of fact on which it based its decision;
- the decision; and
- the reason(s) for the decision.

Findings of fact are information presented by the parties that the hearing panel found to be relevant, important and credible. Reasons explain why the hearing panel decided to confirm, vary or rescind the decision of the director.

The hearing panel's decision will normally be sent to the parties by the Appeals Secretariat within 45 calendar days of the appeal hearing. In some instances, it may take longer than 45 calendar days to issue a decision.

## If a Party is Dissatisfied with the Hearing or the Committee's Decision

A party who is not satisfied with the hearing process or the decision of the Appeal Committee under the FSCD Act may apply to the Court of Queen's Bench for a judicial review of the decision. **The time limit to apply for a judicial review is six months from the date of the hearing panel's decision.** A judicial review is not a re-hearing; rather, it is a review of the process by which the decision was arrived at. Upon completion of the judicial review, the Court of Queen's Bench may confirm the decision of the Appeal Committee or it may send the issue back to the Appeal Committee to be re-heard.

In order to have a decision of the Appeal Committee judicially reviewed by the Court of Queen's Bench, the assistance of a lawyer will likely be required. Contact information for legal assistance can be found in Appendix 4 of this guide. Contact information for the Court of Queen's Bench locations around Alberta can be found online at [www.albertacourts.ab.ca/qb/](http://www.albertacourts.ab.ca/qb/).

If a party believes the hearing was unfair, he/she may file a complaint with the Office of the Ombudsman. The Office of the Ombudsman cannot change a decision of the hearing panel; however, it can review the process and make recommendations. The Ombudsman's office number is 780-427-2756 in Edmonton or 403-297-6185 in Calgary. Additional information is available online at [www.ombudsman.ab.ca](http://www.ombudsman.ab.ca).



# Contact Us

For more information about filing an appeal under the *Family Support for Children with Disabilities Act* or the appeal hearing process, please contact the Community and Social Services Appeals Secretariat by:

**Phone:**

780-427-2709 (Edmonton and Area) or toll-free at 310-0000 then dial 780-427-2709

**Mail or in person:**

Community and Social Services  
Appeals Secretariat  
201 Agronomy Centre  
6903 - 116 Street  
Edmonton, Alberta T6H 5Z2

Information is also provided on the Community and Social Services' website:  
[www.appeals.gov.ab.ca](http://www.appeals.gov.ab.ca)

# Appendix 1 – Sample Notice of Appeal Form for Appeals under the FSCD Act



## Notice of Appeal to the Appeal Committee

Family Support for Children with Disabilities Program

1 I am a Parent/Guardian of the Child named \_\_\_\_\_ child's name  
born \_\_\_\_\_ birthdate (yyyy/mm/dd)  
My name is \_\_\_\_\_  
My address is \_\_\_\_\_ address  
My telephone numbers are: \_\_\_\_\_ home telephone number \_\_\_\_\_ cellular phone number  
\_\_\_\_\_ work telephone number \_\_\_\_\_ other

2 I understand that I must return this Notice of Appeal to the Director or Director's Delegate within 45 days of being notified of the decision.

### 3 Notice

I have been affected by a decision of the director made under section 3(1)(b), 4 or 5(1) of the Family Support for Children with Disabilities Act.

I was notified of the decision on: \_\_\_\_\_ date (yyyy/mm/dd)

I participated in a Review of the Director's decision  Yes  No

→ If yes, date of Review \_\_\_\_\_ date (yyyy/mm/dd)

I participated in Mediation  Yes

→ If yes, date of Mediation \_\_\_\_\_ date (yyyy/mm/dd)

The decision I am appealing is \_\_\_\_\_

SAMPLE

Signature of Person Appealing \_\_\_\_\_ date (yyyy/mm/dd)  
For Office Use Only  
Notice of Appeal received by \_\_\_\_\_ ate (yyyy/mm/dd) Ch Id's File I.D. # \_\_\_\_\_ rksite Number Worksite Name

CS3579 (2004/07)

Worksite File

# Appendix 2 - Sample Adjournment Request Form

## Adjournment Request

For convenience, this form is being provided in the event that a party to the appeal needs to request an adjournment. Please ensure that a copy is provided to the other parties as well as to the Appeals Secretariat. The hearing panel will review the request and make a decision to grant or deny adjournment. Please note adjournments are only granted in exceptional circumstances.

(Individual Requesting Adjournment)

Mailing Address:		(Town or City)
(Province)		(Postal Code)
(Home Phone #)	(Work Phone #)	
(Cell Phone #)	(Fax Number)	
(Appellant Name)		
I am requesting to adjourn (postpone) the hearing for the following reasons:		
Have you notified the other parties of your request to adjourn?		Yes _____
		No _____
_____ (Signature of Party Making Request)		_____ (Date)
Approved by:		
_____ (Hearing Chair)		_____ (Date)
Not approved:		
_____ (Hearing Chair)		_____ (Date)
Reasons not approved:		

Please return a copy of this form to:

Community and Services  
 Appeals Secretariat  
 201 Agronomy Centre  
 6903 - 116 Street  
 Edmonton, Alberta T6H 5Z2  
 Fax: 780-422-1088

Name of Director Representative  
 Address of Director Representative  
 Fax Number of Director Representative

# Appendix 3 - Sample Withdrawal Form

## Withdrawal Form

Only the appellant(s) or their legal counsel may withdraw an appeal. Once the Appeals Secretariat office has been notified of your intent to withdraw your appeal, please confirm your intention to withdraw your appeal by completing this form. Please ensure that copies are provided to the other parties as well as to the Appeals Secretariat.

(Appellant First and Last Name)	
(Appellant Mailing Address)	(Town or City)
(Province)	(Postal Code)
(Home Phone #)	(Work Phone #)
(Cell Phone #)	(Fax Number)
Have you notified the other parties of your request to withdraw? <span style="float: right;">Yes _____ No _____</span>	
If you no longer want to continue with the appeal (are withdrawing the appeal) please tell us why:	
_____ (Signature)	_____ (Date)

Please return a copy of this form to:

Community and Services  
 Appeals Secretariat  
 201 Agronomy Centre  
 6903 - 116 Street  
 Edmonton, Alberta T6H 5Z2  
 Fax: 780-422-1088

Name of Director Representative  
 Address of Director Representative  
 Fax Number of Director Representative

# Appendix 4 – Resources

Alberta Association for Community Living	780-451-3055 Edmonton  403-717-0361 Calgary	<a href="http://www.aacl.org">www.aacl.org</a>
Appeals Secretariat	780-427-2709	<a href="http://www.appeals.gov.ab.ca">www.appeals.gov.ab.ca</a>
Court of Queen's Bench	310-0000, and ask for the location nearest you	<a href="http://www.albertacourts.ab.ca/qb/">www.albertacourts.ab.ca/qb/</a>
Law Society of Alberta • Lawyer Referral Service	1-800-661-1095	
Legal Aid Alberta • Law Line	1-866-845-3425	<a href="http://www.legalaid.ab.ca">www.legalaid.ab.ca</a>
Office of the Ombudsman	780-427-2756 Edmonton	<a href="http://www.ombudsman.ab.ca">www.ombudsman.ab.ca</a>
	403-297-6185 Calgary	





