



Appeal Hearing Preparation Guide

Representing DHS in an Administrative Hearing Without Legal Counsel

Upon Receipt of Appeal

- Put the date on your calendar
- Verify the issues
- Determine the parties to the hearing
- Determine whether the hearing is a prehearing or evidentiary hearing
- Determine if you need to be represented
 - If yes:
 - Consult manual for criteria necessary to be represented (See 16-G, *Dependent Adult Protective Services*, [Appeal Process](#))
 - Contact the Help Desk
 - Follow procedure to request representation

Consider Settlement Possibilities

- Weigh risks and benefits of moving forward with the case
- Consider the evidence and witnesses available
- Consider whether circumstances have changed since the original agency actions were made
- Apply Iowa law to circumstances of your case
- If settlement offer is possible:
 - Contact all parties and explain offer. All parties to the appeal need to agree in order to settle the case.
 - If all parties are in agreement, advise all parties the settlement will be explained to the ALJ at the time set for the hearing and an order will be issued.
 - Email the ALJ, making certain to cc all parties to the appeal, and advise the ALJ the parties have reached a settlement and will make a record of the settlement at the time set for the hearing.
 - Contact any witnesses you have scheduled to testify and advise them you will not need them to testify.

Prepare Your Case

- Review governing law: Code, administrative rules, and manual
- Read the evaluation or assessment
- Read the appeal letter
- Brainstorm
 - What information exists in the entire world to support my conclusions as a social worker?
 - What information refutes the arguments in the appeal letter?
 - Who could testify to support our case?
 - What documents help our case?

- Verify the issue
- Put deadlines for witness and exhibit lists on your calendar
- Determine strategy for appeal
- Notify witnesses of hearing date and time
- Issue subpoenas to witnesses
- Coordinate the time for testimony with each witness
- Secure all exhibits
- Organize and mark exhibits
- Consider a theme for your case
- Make a preliminary list of questions for your witnesses
- Anticipate defenses

Representing DHS in an Evidentiary Appeal

- Make sure only ALJ and parties are present for the appeal hearing
- Opening **statements** (DHS, appellant, interested parties)
- Move to admit your exhibits
- Call your witnesses
- Cross examine appellant's witnesses
- Cross examine interested party's witnesses
- Rebuttal (additional witnesses or exhibits)
- Evidentiary record closes**
- Closing **arguments**
- Wait for written decision from ALJ (30 days post hearing on average)

Upon Receipt of ALJ's Decision

- Read the decision (facts, conclusions, order)
- Consider if an appeal is necessary (consult with Help Desk as soon as possible)
- If requesting an appeal, draft appeal recommendation to Appeals Advisory Committee
- Any appeal must be requested, approved by the Appeals Advisory Committee, and filed within 10 days of the decision

Considerations During the Appeal Process

- No ex parte communications with the ALJ.** Do not speak to the ALJ without all parties present.
- Contact the Help Desk if you need assistance at any point

*Give me six hours to chop down a tree, and I will spend the first four hours sharpening the axe.
~Abraham Lincoln*

Caution: This document is not an exhaustive list of considerations in preparing for an appeal hearing. This document contains general considerations to help protective services workers prepare for a hearing. Always consult with a supervisor or the DHS Help Desk if you have specific questions unique to your case.