

To: Office of Child Safety Employees
Office of Child Programs Employees
Office of the General Counsel Employees

From: Scott J. Modell, Ph.D., Deputy Commissioner 
Sherri Hale, Deputy Commissioner 
Douglas E. Dimond, General Counsel 

Date: July 18, 2016

Re: Settling Appeals of Substantiations

Several cases have come to light where substantiations were withdrawn or other terms of settlement were agreed to without the knowledge or consent of the appropriate supervisory staff. In order to ensure that Due Process appeals are handled consistently, the following protocol has been approved by Deputy Commissioner Scott J. Modell, Deputy Commissioner Sherri Hale, and General Counsel Douglas E. Dimond.

1. No settlement of case or substantiation appeal, before or during a hearing, can occur without the approval of the supervising Investigations Coordinator (IC) or Team Coordinator (TC).
2. In order to ensure that timely decisions can be made, please copy the direct supervisor of the TC or IC involved on any correspondence.
3. Any disagreements between program and legal staff shall be resolved through the chain of command.
4. If a case or substantiation is recommended for settlement and neither the worker nor the supervisor is still employed by DCS, the TC or IC will be contacted in order to determine if other witnesses can be identified.
5. This protocol in no way limits consultation with other DCS staff that may have an interest in the outcome of the case or substantiation.

This protocol will take effect immediately.