

Instructions for Completing the Appeal Rights Template

Initial Eligibility Denial for Children's Long-Term Support Notice of Action

Purpose and Requirements

It is natural and anticipated that participants may sometimes disagree with initial eligibility determinations for Children's Long-Term Support (CLTS) Program. These instructions and the associated [template](#) support consistency and standardized notification practices statewide.

This template provides County Waiver Agencies (CWAs) with step-by-step instructions needed to meet notice of action (NOA) requirements. All CLTS notices must be communicated in the participant's primary method of communication, at no cost to the participant or family.

The notice must cover the following:

- The denial
- The reasons for the denial
- The effective date of the action (which is the same as the notice date and the mailing date)
- The participant's rights, including information on and procedures for:
 - State fair hearings by the Wisconsin Department of Administration's Division of Hearings and Appeals (DHA)
 - Local county grievances

Federal law entitles participants to fair hearings to contest initial eligibility denials. Participants who wish to address a concern with formal action may choose to pursue a state fair hearing, a local county grievance, or both, with assistance from the CWA provided at all steps along the way.

The appeal rights template for the NOA for initial eligibility denials is a notice of adverse benefit determination. Using this NOA is mandatory for all initial eligibility denials to the CLTS Program. This requirement is included in Chapter 8 of the [CLTS Program Manual, P-02256](#). The requirement for advance notice of adverse action explained in Chapter 8 of the manual does not apply to denial of initial eligibility determinations. Federal and state requirements are also cited at the bottom of the template.

Key Date and Timeline Information

The notice date, date of action, effective date, and mailing date are all the same for an initial denial of eligibility appeal rights NOA. The following requirements apply to this section:

- CWAs must mail the letter out on the date the determination is made (also known as the date of the action).
- The family's 45-calendar-day timeframe for requesting a DHA hearing begins on the effective date (which is the same as the notice date, mailing date, and date of action).
- The only two dates appearing on the form will be:
 - 1) The notice date, date of action, mailing date, and effective date (all the same day).
 - 2) The deadline to file the appeal.

Step by Step Instructions on How to Complete the Fillable Fields

When completing the [Appeal Rights Template for CLTS Initial Eligibility Denial](#), fill out the letter as outlined below. Shaded areas on the form are fields that need to be filled in by the CWA, including the following sections:

1. Letterhead

The first page header should include the CWA's letterhead or the CWA's logo and agency information on the top of the document.

2. Name and Address

Enter the child's first name, last name, and address.

3. Notice Date

Click or tap to enter the date the letter will be mailed. CWAs must mail the letter out on the date the determination is made (also known as the date of the action).

4. Letter Title

Enter the child's name in the title of the letter.

5. Reason for this Letter

Enter the child's first and last name.

6. Decision and Timeline**a. First box: "What decision was made?"**

Enter the child's first and last name to the sentence which reads, "Child's Name was not eligible for the Children's Long-Term Support Program."

b. Second box: "What is the date of the decision?"

Select the date the CWA acted on the screen denial, and enter that date in the box.

The notice date, date of action, mailing date, and effective date are all the same for an initial denial of eligibility appeal rights NOA.

7. Options if You Disagree**a. Third box: "Appeal the Decision with the Wisconsin Division of Hearings and Appeals (DHA)"**

Per Wis. Admin. Code HA 3.05(3):

- The family has 45 days to appeal this decision.
- The 45-calendar-day timeframe for requesting a DHA hearing begins on the effective date (which is the same as the notice date, date of action, and mailing date) for an initial denial of eligibility.
- In instances where the county is making the decision prior to mailing out the letter, the county should choose the mailing date as the date from which to count the 45 calendar day period to ensure the family has the full allotment of time with which to file an appeal.
- Count 45 calendar days from the date in the "What decision was made?" box, or the notice date at the top of the letter, and put that date in the box (count the day you send the notice as day 1 of the 45-day calculation).
- Only 2 separate dates will appear on the letter—the date of mailing (which is the same as the notice date, the effective date, and the date of action for initial eligibility denials) and the deadline for filing the appeal (which occurs 45 days from the date the notice is sent).

8. Reason for Decision

a. Box titled “Why was this decision made?”

Use the “Reason for Decision” box of the template to include specifics on why the child was denied eligibility or a service.

CWAs must provide the reason for the action using easy-to-understand language. The reason for the action needs to be specific and clear, and should explain how the decision complies with the law or policies, per the appropriate section of the [CLTS Waiver Program Manual, P-02256](#).

9. County Contacts

Enter the names, title, and contact information for county staff or management members for the family to contact if they have screen questions or grievance issues.

Other Requirements When Using the Template

1. Answering Questions, Assisting in Filing Processes, Updating Screen Answers, and Providing Community Resource Information

The subsection titled “The county is available to answer your questions” tells families that the CWA must help answer questions and assist families with any or all of the following:

- Filing a request for a fair hearing
- Filing a county grievance
- Updating answers to the functional screen (if needed due to incorrect information)
- Finding other resources in the county and within the community to help children with exceptional needs

2. Required Attachments

CWAs need to attach the following documents to the eligibility denial letter:

- The Functional Screen with Eligibility Report
- Fair Hearings with the Wisconsin Division of Hearings and Appeals (DHA) (This is already attached to the template.)
- [Participant Rights and Responsibilities Notification, F-20985](#), available in English, Spanish, and Hmong

3. Translations

The template in other languages is provided by the state. The CWA is responsible for filling in and translating additional details, as needed.

4. Final Review before Mailing

Before sending the letter, double check that you have:

- Completed all required fields
- Tailored the letter to the family’s situation
- Provided the family with a full explanation of the reasons for the action
- Included all attachments

Personal Information

- Under [Wis. Stat. § 49.45\(4\)](#), personally identifiable information must be kept confidential and may only be used for the direct administration of the program.
- Because an NOA contains personal, confidential information, CWAs are required to use the utmost discretion and care in communicating this information to parents and guardians of applicants for the program.

Please email the [Bureau of Children's Services \(BCS\) Technical Assistance Center](#) or call 608-267-6767 with any questions or concerns.