

## Appeal Process Fact Sheet

This document was created on behalf of Autism Nova Scotia to be used as a reference for caregivers and individuals seeking to appeal the decision made on behalf of the Disability Support Program for funding.

### Direct Family Support for Children (under 19 years old)

The Direct Family Support for Children program is covered under the Children and Family Services Act and does not have a formal appeal process. The caregiver can ask the Care Coordinator for a review and a Casework Supervisor who was not involved in the original decision will review the case and the decision they are appealing.

### Flex (age 19 or over)

Adult programs under the Disability Support Program are covered by the Social Assistance Act and individuals and caregivers have the right to appeal the decision made on behalf of the Disability Support Program.

*If you are dissatisfied with the decision made by your care coordinator, the appeal process is as follows:*

1. You must submit in writing a request to appeal the decision to your care coordinator within 30 days. Appeal forms can be obtained at any Department of Community Services Office or through your care coordinator. Once you have filled out the form, either mail it or drop it off at your local office.
2. Within 10 days of the Department receiving your appeal form, the Department of Community Services conducts an Administrative Review. You are not present for the review.
3. Once you have received the results of the review and if you are dissatisfied with the results, you will have 25 days to appeal the decision of the Administrative Review and request an Appeal Hearing.
4. You will receive the date of the Appeal Hearing by mail. In preparation of the hearing, you are encouraged to collect any documentation necessary that you feel will support your case for the Hearing. You are encouraged to bring someone to support you, such as a friend or family member. If you feel it is necessary, you are allowed to bring legal representation or counsel. You must however let the Department of Community Services know. *The Department of Community Services will only bring legal representation if you choose to do so as well.*
5. The Minister of Community Services appoints a board member in front of whom the appeal hearing is held. They are not an employee of the Department. **The decision will be provided to you within 7 days of the appeal hearing.**
6. If you are dissatisfied with the results of the appeal hearing and you feel as though there has been an error in the law, you can seek to submit a Judicial Review of the decision through the Supreme Court of Nova Scotia. You must contact the Scheduling Office at 424-5782 or 424-7963 to obtain the date for your motion for directions in advance of filing the Notice for Judicial Review.

#### References:

How to Appeal Decisions about Assistance 2017: <http://novascotia.ca/coms/disabilities/documents/HowtoAppeal.html>

How to File a Judicial Review Supreme Court of Nova Scotia 2017: [http://courts.ns.ca/supreme\\_court/forms/nssc\\_judicial\\_review\\_instructions\\_13-04.pdf](http://courts.ns.ca/supreme_court/forms/nssc_judicial_review_instructions_13-04.pdf)