

TRUMBULL COUNTY CHILDREN SERVICES

POLICIES AND PROCEDURES

FOR

CONSUMER COMPLAINT RESOLUTION

Reviewed and Approved 06/22/2010
Reviewed and Approved 6/21/2011
Reviewed and Approved 11/18/2014
Approved & Effective Dates: 10/17/2016, 11/01/2016
Approved & Effective Dates: 08/28/2018, 09/01/2018

I. COMPLAINTS

Although Trumbull County Children Services prefers complaints to be resolved informally within the administrative chain of command, this formal complaint review procedure has been created for consumer complaints which cannot be resolved through informal discussions and good faith negotiation. The policies and procedures outlined herein do not eliminate or replace the present policy preferring informal discussion and resolution of problems with the caseworker, supervisor, senior supervisor, director, or the Executive Director.

If informal means are exhausted and prove unsuccessful, consumers may file a formal complaint. Individuals who may file a complaint include parents, custodians, legal guardians, foster caregivers, kinship caretakers, applicants or providers of adult-supervised living arrangements and children. The Complaint Procedures for Children in Residential Care must be used to address concerns regarding the Agency's Residential Treatment Program. Examples of potentially appropriate consumer complaints include, but are not limited to, the following:

- Concerns involving action taken by Agency staff and issues with service delivery;
- Alleged perpetrators who disagree with the Agency's disposition/resolution of a report of child abuse or neglect;
- A foster parent or foster parent applicant's disagreement with the Agency's interpretation and application of the requirements of Chapter 5101:2-7 of the Ohio Administrative Code or Agency policies (i.e., Alleged Rule Violations) *(See Note 1 at the end of this section.)*;
- A foster parent or foster parent applicant's disagreement with the Agency's decision to recommend denial of their initial certification, denial of their recertification, or revocation of a foster home certificate. *(See Note 2 at the end of this section.)*

While informal discussions may occur, the following may not be reviewed by the filing of a consumer complaint:

- Changes in service provision and custody where court action is involved;
- Foster care or adoptive placement decisions made by the Agency in accordance with the requirements of Ohio Revised and Administrative Codes.

Both the Board and the Executive Director desire that all complaints be resolved in the most efficient and speedy fashion. To this end, the complaint being reviewed must have occurred within the past 14 days. *(See Note 3 at the end of this section.)* Complaints submitted after 14 days will not be accepted.

At the sole discretion of the Agency's Executive Director, and only when new information is brought forward by the consumer, the Agency may allow a case-by-case exception of the 14-day filing requirement for a complaint.

Consumer inactivity or delays exceeding thirty (30) days from the initial filing of the complaint will result in the termination of the complaint. Examples that constitute inactivity and delays may include the

following: failure to respond to phone calls, letters or requests for information.

All parties are charged with the responsibility of working in good faith and promoting harmonious and considerate relationships. There will be no retaliation by any Agency staff against a consumer for filing a complaint. In this way, staff energies can continue to be channeled toward the goal of maintaining a quality program of family and children services in Trumbull County.

Note 1: A foster parent or foster parent applicant who disagrees with the Agency's decision regarding their foster caregiver certification, or application, must file a complaint within 14 days of the mailing of the Agency's decision to deny or revoke their foster home certificate.

Note 2: When a foster parent disagrees with the Agency's decision to recommend denial of their recertification, or the revocation of a foster home certificate, due to the enforcement of Section 5103.0326 (B) of Ohio Revised Code, the review procedures outlined in Exhibit 4 will be followed.

Note 3: Alleged perpetrators who disagree with the Agency's disposition/resolution of a report of child abuse or neglect must file their complaint within 14 days from the date that the Agency mailed the Assessment/ Investigation Dispositional letters.

II. CONSUMER RIGHTS

The consumer has the right to be accompanied by one (1) representative of his/her own choosing throughout the resolution process. Unless the consumer designates otherwise, the representative will receive all appropriate forms and notifications. In order to avoid any potential conflict of interests, a consumer's representative cannot be an active client with the Agency. Consumers are also permitted to have witnesses appear/testify on their behalf. Consumers and their representatives shall be assured freedom from reprisal for availing themselves of the complaint procedure.

In the event that the consumer is hearing impaired, visually impaired, or speaks a language other than English, Trumbull County Children Services will arrange for the provision of any required communication services to accommodate the consumer's hearing, visual or language need.

The consumer will be allowed to have one postponement of a scheduled complaint review at each step. Asking for a second postponement will mean cancellation of the complaint review for that complaint.

III. RESPONSIBILITIES OF AGENCY STAFF MEMBERS

It is the obligation of Agency staff members to openly receive consumer complaints and to assure that all complaints receive a fair and equitable hearing. Children Services shall provide access to the complaint resolution process and resolve all complaints in a manner consistent with Ohio Administrative Code Rules. To this end, consumers will be provided information to access this complaint resolution process within three days of request. At all times throughout the complaint review process, all Agency staff members shall remain committed to work toward the informal resolution of complaints through discussion and other open-door problem-solving techniques. If a formal complaint is prepared and submitted, it is the obligation of Agency staff members to implement the procedures outlined in Section IV to ensure a fair hearing.

When an appeal of a PCSA disposition/resolution of a report of child abuse or neglect is heard and the PCSA changes the original disposition/resolution, the PCSA shall update the statewide automated child welfare information system and notify the principals of the report in writing as to the revised report disposition.

IV. PROCEDURES

In order to protect confidentiality and assure that all complaints are processed properly, all complaints will be filed through the Agency's Ombudsperson. The consumer will be given the appropriate forms, and the Ombudsperson may assist the consumer in completing them. The Ombudsperson will also secure communication services when necessary.

In cases where a problem cannot be resolved by informal discussions, the following steps must be observed. A new Consumer Complaint form must be completed at each step (**See Exhibits 1 through 3**) to document that the submission and response dates comply with the stipulated timetable.

A. Step One - Caseworker/Supervisory/Management Staff

1. The consumer having a complaint will present it to the Agency, usually following discussion of his/her concern with the Agency Ombudsperson. The complaint will be in writing on the Consumer Complaint Form (**See Exhibit 1**) and will be presented to the staff member who has provided the services in question or to the Agency Ombudsperson.
2. Once the signed Consumer Complaint Form is received, a Consumer Complaint Conference will be arranged within ten (10) working days. The Ombudsperson will work with Agency involved staff in the selection of a management staff member who will facilitate the Consumer Complaint Conference. The Consumer Complaint Conference Facilitator must not have been involved in the case, including the assessment/investigation of the incident or approval of the report disposition. The Ombudsperson will work with all parties to the complaint to schedule a date and time convenient for their schedules. The Ombudsperson will be responsible for informing all parties of the date and time of the meeting.
3. All involved parties may request the presence of any persons they believe can assist in making a fair decision. In addition to the involved Agency staff members, the consumer and his/her representative, and witnesses while testifying, will be the only persons present during the Consumer Complaint Conference. The Consumer Complaint Conference Facilitator must exclude unauthorized persons from the Hearing unless all parties involved consent to their presence. All documents, copies of documents, and physical evidence which are accepted as evidence at the Consumer Complaint Conference must be retained as a part of the Consumer Complaint Conference Record.
4. The facilitator will furnish a written reply to the consumer within ten (10) working days after the Consumer Complaint Conference (**Exhibit 2**). If the complaint is not resolved to the satisfaction of the consumer, and he/she wishes to appeal the complaint to step two, the appeal must be completed within five (5) working days of the receipt of the facilitator's decision, or the consumer will be deemed to have waived the right of appeal. The appeal is filed by forwarding a copy of **Exhibit 2** to the facilitator. (The facilitator will inform the staff, the supervisor and the ombudsperson of the response.)

B. Step Two – Executive Director

1. Upon receipt, the facilitator shall immediately forward the complaint copy (**Exhibit 2**) to the Executive Director.

2. Within ten (10) working days after receiving the appealed complaint, an appeal conference for the consumer to meet with the Executive Director. The Ombudsperson will work with all parties to the complaint to schedule a date and time convenient for all. The Ombudsperson will be responsible for informing all parties of the date and time of the meeting. The Executive Director may request the presence of any persons he/she believes can assist in making a fair decision.
3. The Executive Director shall render a written decision including the reason for such decision **(Exhibit 3)**. The decision shall be based upon the evidence presented at the appeal conference. A copy of the decision shall be provided to all parties to the appeal conference within ten (10) working days.

V. STATUS UPDATES

The Agency, through the Ombudsperson or other designated staff member, will apprise the consumer of the status of the complaint. The Agency will also advise the consumer that he/she may take the complaint to the Ohio Department of Job & Family Services for further review if the complaint does not involve a personnel issue.

When an appeal of a PCSA report disposition of a report of child abuse or neglect is heard, the PCSA shall follow steps outlined in Ohio Administrative Code Rule 5101:2-33-20. The final decision involving appeals to case disposition will be documented in the record.

In the case of consumer complaints regarding disposition/resolution of a report of child abuse or neglect, the decision of the Agency shall be final and decisions are not subject to state hearing review under Section 5101.35 of the Ohio Revised Code.

VI. DOCUMENT FILING

Upon resolution of the complaint, all parties and persons present at a hearing on the complaint shall receive a copy of the complaint which includes the resolution.

As all complaints are filed through the Agency's Ombudsperson, the Ombudsperson shall receive copies of all complaint forms, including the resolution.

The original complaint documents will be filed in the office of the Executive Director, and copies of the documents will be filed in the appropriate case record.

EXHIBIT 1
TRUMBULL COUNTY CHILDREN SERVICES BOARD
Consumer Complaint Form

Name of Complainant _____

Complaint # (office use only) _____

A. Date & Time of Incident leading to complaint: Date _____ Time _____
(Must have occurred within the past 14 days)

B. Describe your complaint: (Be specific & attach additional documentation)

C. Recommended Solution:

D. I request CSB to notify my representative of the Complaint Meeting.

Do you have legal representation? _____yes _____no

Name Affiliation (pastor, counselor, etc.)

Address

E. Client Information:

Name _____

Address _____ Date Submitted _____

Signature: _____

(office use only)

Received by _____ Date Received _____

EXHIBIT 2
TRUMBULL COUNTY CHILDREN SERVICES BOARD

STEP ONE

Name: _____ Complaint #: _____

Date original complaint form submitted to Caseworker: _____

Date discussed with Supervisory/Management Staff: _____

Meeting must be held within ten (10) working days of the date the original form was submitted to Supervisor.

Date of Supervisory/Management Staff's written reply: _____

Written reply must be furnished to the consumer within ten (10) working days of the date discussed.

Supervisory/Management Staff's reply:

Caseworker's Signature: _____

Supervisory/Management Staff's Signature: _____

I wish to proceed to Step Two of the Complaint Procedure.

Consumer's Signature _____ Date _____

Request for Step Two hearing must be within ten (10) working days of Step One reply.

I do not wish to proceed to Step Two of the Complaint Procedure.

Consumer's Signature _____ Date _____

EXHIBIT 3
TRUMBULL COUNTY CHILDREN SERVICES BOARD

STEP TWO

Name: _____ Complaint #: _____

Date submitted to Supervisory/Management Staff requesting to proceed to Step Two: _____

(Form will be submitted to Executive Director)

Date discussed with Executive Director: _____

Meeting must be held within ten (10) working days of the date consumer requested to proceed to Step Two.

Date of Executive Director's written resolution: _____

Must be forwarded to the consumer within ten (10) working days of the date discussed with Executive Director.

Exhibit 4

R.C. 5103.0326 (B) Foster Caregiver Complaint Reviews

Section 5103.036 (B) of Ohio Revised Code (R.C.) states that the Ohio Department of Job and Family Services (ODJFS) may revoke the certification of any foster caregiver who has not cared for a foster child within the preceding twelve months. This statute does not require a foster caregiver fault component; it only requires a finding of fact that a foster caregiver has gone 12 months without a foster child being placed in their home¹.

Within 7 days of receiving a Complaint filed by a foster caregiver regarding the Agency's decision to enforce R.C. 5103.0326(B), the Agency's Ombudsman will conduct a review of the foster caregiver's Agency Record. The purpose of this review will be to verify that there is reliable, probative and substantial evidence that the foster caregiver has not had a foster child placed in their home during the preceding 12-months.

- If the Ombudsman finds that the foster parent has not had a foster child placed in their home during the preceding twelve months, the Agency will consider the foster parent's Complaint resolved and no further action will be taken.
- If the Ombudsman finds that the foster parent has had a foster child placed in their home during the preceding twelve months, the procedures outlined in the Agency's Consumer Complaint Resolution Policy will be applied and followed.

The Ombudsman will notify the foster caregiver in writing within 7 days of the completion of a R.C. 5103.0326 (B) Foster Parent Complaint Review what further action the Agency will take, if any.

The result of a R.C. 5103.0326(B) Foster Parent Complaint Review shall in no way interfere with a foster caregiver's ability to seek a State Hearing under R.C. Chapter 119.

Once there is a resolution regarding the Agency's decision to recommend the denial of the recertification, or the revocation, of a foster home certificate for any reason, including the enforcement of R.C. 5103. 0326(B), the Agency will follow all subsequent recommendations made by ODJFS regarding the status of the foster caregiver's certification.

¹*Taulbee v. Ohio Department of Job and Family Service*, Scioto C.P. No. 12-CIF-010 (July 3, 2014)