

## 9. Complaint Review for Certified Providers

### Procedure:

- A certifier in most cases, is the staff person with whom a certified family has the most contact and may be the certified family's most consistent link to other staff in the office.
  1. As an employee of the Department of Human Services, it is a professional responsibility to uphold Department rules and procedures related to complaints, investigations and hearings.
  2. When a family has requested an informal or formal Complaint Review, Contested Case Hearing, or Founded Disposition Review, a Department employee does not have an advocacy role in the process as this conflicts with Department rules.
- Inform every relative caregiver and foster parent of the right to have a complaint reviewed when they disagree with an action or decision made by the Department or believe their rights have been violated under the Foster Parents Bill of Rights ORS 418.648.
- Inform the family of the four procedures available to certified families to have a specific issue resolved:
  1. Informal Complaint Review
  2. Written Complaint Review
  3. Review of a CPS Founded Disposition
  4. Contested Case hearing Review



Certified families always have the option of bypassing branch review procedures by sending a written a letter of complaint directly to the Deputy Administrator of Field Operations or the Governor's Advocacy Office. In this event the Governor's Advocacy Office will review and investigate the complaint. This may involve contacting all persons connected to the complaint. The Governor's Advocacy Office will issue a final determination n and the provider will have no further review rights. (OAR 407- 005-0100 thru 407-005-0120).

## **Procedure**

### **Informal Complaint Review**

- When a certified family notifies their certifier or the certifier's supervisor with a complaint for which they are seeking assistance for resolution inquire about the nature of the complaint and determine with the provider if there are steps that can be taken to resolve the issue on an informal basis. Frequently the complaint is directly or indirectly related to caseworker actions or decisions that the certified family does not fully understand.
- Prior to beginning a complaint review process facilitate communication between the the certified family and involved parties to meet and discuss the issues with a goal to resolve the presenting issues.
  1. Frequently the issue that generated the complaint can be resolved when the family is able to meet with caseworkers and their supervisors and engage in a candid conversation geared towards resolution.
  2. When this process does not end in a satisfactory resolution provide the certified family with information clarifying the processes available for further review and resolution of the complaint.
    - a. Branch review process;
    - b. Submitting a written request to the Governor's Advocacy Office by filing a Client Complaint or Report of Discrimination Form (DHS 0170).
- Notify the identified caseworker and caseworker's supervisor of the nature of the complaint and the provider's request for an Informal Complaint Review when a certified provider requests to proceed with the branch's Informal Complaint Review.
- Contact the certified family within one week of the request to schedule a meeting with the caseworker and caseworker's supervisor and others who have information relevant to the complaint if their presence is requested. This meeting should be inclusive in nature, focus on defining the nature of the complaint, identifying the desired outcome, and establishing a plan for resolution.
  1. Every effort should be made to resolve the issue in this meeting. When the certified family is not satisfied with the results after the informal review, the certified family may request a meeting with the branch program manager - if the branch program manager did not attend the previous meeting. The branch program manager meets with the certified family to further review the complaint and work toward a satisfactory resolution. The certifier may be asked to attend this meeting.

2. After meeting with the certified family, the program manager informs the certified family of his or her responsibility to make the final determination regarding the complaint.
3. Within 5 working days of this meeting, the program manager is sends written notification to the certified family documenting his or her final decision. The written notification includes information about procedures available to the certified family to file a written letter of complaint or Report of Discrimination when the certified family is not satisfied with the decision. ( DHS 0170 ) Copies of resolved and unresolved complaints are sent to the District Manager.
4. The District Manager has the discretion to contact the certified family for further follow-up.

## Written Complaint Review

A written complaint review is reviewed and investigated by the Governor's Advocacy Office. The Governor's Advocacy Office makes the final decision on a written complaint.

- Written Complaint Reviews do not apply to the following circumstances:
  1. The certified family is entitled to or has requested a Contested Case Hearing
  2. The complaint should be or is being reviewed by a judge
  3. An Adoption Committee decision
  4. A Child Protective Service disposition
  5. A Juvenile Court ruling
  6. Complaints filed anonymously
- When an informal review has not resolved a provider's complaint the certified family has 5 days from the receipt of the program manager's written notification to file a "Client Complaint or Report of Discrimination" ( DHS 0170). This completed form is submitted to the local branch office. The branch office is responsible to forward the completed form to the Governors Advocacy Office with 5 business days.
- The Governor's Advocacy Office will begin the review within 2 business days of receiving the written complaint request.
- The Governor's Advocacy Office, after reviewing the complaint may speak with the certified family and other parties in order to make an informed final decision. The Governor's Advocacy Office issues the final determination and the complainant will have no further rights to review.

## Review of a CPS Founded Disposition:

- When a certified family has been the subject of a CPS assessment which results in a Founded disposition, the CPS worker or supervisor, and the certifier or supervisor must meet with the provider within 10 business days of the completion of the assessment and explain the disposition and any certification actions which will be taken.

1. When the disposition is Founded, the Department must notify the provider in writing using the “Notice of a Founded Disposition (CF 313). The notice contains instructions on how to request a review of the Founded disposition.



- When requested, review with the certified family the specific timelines and requirements connected with submitting a request for review as well as the parameters of the review.

“Review of Client Complaint” (DHS 0170A) should be completed by the branch to document a complaint response, review process and results of each level of review: Supervisor review; Program Manager Review; District Manager and Governor’s Advocacy Review. This 3 page form is also a tool which includes procedures for review and documentation of the results for each level of review. Information contained in the completion of this form may prove to be important in the event a complainant seeks legal action.

1. The certified family must submit a written request to the local Child Welfare Office for a Founded disposition review within 30 calendar days of from the receipt of the Notice of a Founded Disposition. Exceptions to conducting a review are described below:
  - a. Founded dispositions are not subject to review when there is a legal finding consistent with the Founded disposition or
  - b. When there is a legal proceeding underway the local Child Welfare Office will not review a founded disposition until the legal proceedings are concluded.
2. Within 30 days after the legal proceeding has concluded, the certified family may submit a written request for review.
3. When the local branch has concluded their review and upheld the Founded disposition; they must provide written notification to the certified family of the findings of the review within 30 days of the request for review and of the right to submit a written request to Central Office for further review of the Founded disposition.

4. The certified family may send a copy of the request for local office review or prepare a new request for Central Office review and submit the request to the local branch within 30 calendar days of receiving the branch's decision to uphold the Founded disposition.
5. Within 10 calendar days the local branch is responsible to forward the certified family's request to the Central Office CPS Program unit.
6. The CPS Program Office Review procedure is to be completed within 60 days of receiving the request for review.
7. CPS Program Review Committee will review the Founded disposition and provide their recommendation to the CPS Program Manager.
8. The CPS Program Manager or designee reviews the Committee's recommendation and makes the final decision to uphold the Founded disposition, change the disposition to Unfounded or Unable to Determine or change the type of abuse for which the Founded disposition was based.
9. A Notice of Central Office CPS Founded Disposition Review Decision is sent to the certified family.

### **Requesting Contested Case Hearings:**

A certified family has the right to file a Request for A Contested Case Hearing to review the following decisions made by the Department:

- Within a 30 day period of receiving notification by the Department a certified family may request a contested case hearing on behalf and as a representative of a child in their care when:
  1. The base foster care rate has been reduced or terminated;
  2. Level of Care rates have been denied, reduced or terminated;
  3. Level of Personal Care rates have been denied, reduced or terminated.
  4. Denial or revocation of a Certificate of Approval
  5. A determination based solely on criminal history
- Certified Providers can request a contested case hearing when a decision has been made to revoke their Certificate of Approval to provide care for a child in the legal custody of the Department.
- Persons who's application to become a certified provider has been denied based the Department's determination they are not able to meet Certification Standards required of all certified providers, or they have been denied based on criminal offender history or making a false statement regarding their criminal history or that of another person in their household also have contested case hearing rights.

- For details regarding a certifier's responsibilities in preparing a Notice of denial and revocation, refer to Section 10 of this Chapter.



## **Role of the Supervisor:**

### **Informal Complaint Review**

- Ensure the certifier has appropriate support when facilitating a meeting to resolve a certified family's complaint during the informal review process.
- Attend the informal meeting.
- Keep the program manager apprised of the resolution of informal review and whether subsequent meetings will be scheduled.

### **Founded Disposition Review**

- Ensure the certifier has accurate information regarding the Founded Disposition review process

### **Contested Case Hearing**

- Advise the certifier throughout the contested case hearing process.



## **References and Forms:**

### **Child Welfare Policies:**

- I-A.5.1 Complaint Review  
[http://www.dhs.state.or.us/policy/childwelfare/manual\\_1/i-a51.pdf](http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-a51.pdf)
- Oregon Administrative Review 407-005-0100 thru 407-005-0120  
[http://arcweb.sos.state.or.us/pages/rules/oars\\_400/oar\\_407/407\\_005.html](http://arcweb.sos.state.or.us/pages/rules/oars_400/oar_407/407_005.html)
- I-B.2.2.4 Department Responsibilities During Screening and Assessment of a Child Abuse or Neglect Report Involving the Home of a Department Certified Foster or Relative Provider .  
[http://www.dhs.state.or.us/policy/childwelfare/manual\\_1/i-b223.pdf](http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-b223.pdf)

- I-A.6.1 Notice of Review of CPS Founded Dispositions  
[http://www.dhs.state.or.us/policy/childwelfare/manual\\_1/i-a61.pdf](http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-a61.pdf)
- I.A.5.2 Contested Case Hearings  
[http://www.dhs.state.or.us/policy/childwelfare/manual\\_1/i-a52.pdf](http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-a52.pdf)

**Forms:**

- DHS 0170 Client Complaint or Report of Discrimination  
<http://dhsforms.hr.state.or.us/Forms/Served/DE0170.pdf>
- DHS 0170A Review of Client Complaint  
<http://dhsforms.hr.state.or.us/Forms/Served/DE0170A.pdf>
- Pam 1537 “What you Need to Know about a CPS Assessment”  
<http://dhsforms.hr.state.or.us/Forms/Served/DE1537.pdf>
- CF313 Notice of CPS Founded Disposition  
<https://apps.state.or.us/Forms/Served/ce0313.doc>
- CF314A Request for Review; Local Child Welfare office Committee Decision  
<https://apps.state.or.us/Forms/Served/ce0314a.doc>
- CF 315A “RE: Request for Review; Central Office Committee Decision”  
<https://apps.state.or.us/Forms/Served/ce315a.doc>
- CF 344 Child Welfare Administrative Hearing Request  
<http://dhsforms.hr.state.or.us/WordDocs/CF344.doc>