

## **MCCS COMPLAINT, GRIEVANCE & REPORT DISPOSITION APPEAL POLICY**

**POLICY STATEMENT:** Marion County Children Services (MCCS) and its employees assist families in understanding services and works with them to achieve the best outcomes for everyone involved. MCCS treats everyone with respect, works collaboratively and strives to minimize potential conflict. MCCS provides a process for all those receiving services from MCCS to express their complaints concerning the provision of services from parents, custodians, legal guardians, foster caregivers, kinship caretakers, applicants or providers of approved adult-supervised living arrangements, children and report disposition appeals by alleged perpetrators who disagree with the MCCS report disposition. Concerned individuals will receive a response and/or assistance in understanding and navigating services. MCCS uses the information received to improve services, outcomes and overall satisfaction.

**PURPOSE:** To provide a fair, equitable, orderly and efficient process for resolving complaints from individuals served by MCCS, grievances filed by eligible parties and report disposition appeals requested by alleged perpetrators. The following procedure is the sole and exclusive means by which those receiving services from MCCS can share complaints, request a formal grievance, and file report disposition appeals in accordance with 5180:2-33-20 of the Ohio Administrative Code.

## **MCCS COMPLAINT, GRIEVANCE & REPORT DISPOSITION APPEAL PROCEDURE**

### **RESPONDING TO CONCERNS**

The most effective way to voice a concern is to discuss the issue thoroughly with your caseworker, who will try to help resolve the issue(s). The more information you can provide about your situation, the sooner a resolution may be identified.

1. Concerns are first directed to the assigned caseworker to resolve the issue. The caseworker will attempt to resolve the issue with the party.
2. If discussing it with the caseworker does not result in a satisfactory solution, the assigned caseworker will connect the party with the assigned supervisor to resolve the issue.
3. If the concerns of the eligible party remain unresolved after exhausting the methods outlined in Steps 1 and 2 above, the assigned supervisor will connect the party to the MCCS Grievance Officer (Grievance Officer).

### **RESPONDING TO FORMAL GRIEVANCES**

Formal grievances are generally issues that could not be resolved by the assigned caseworker and supervisor. They require additional review, decisions, or further action and often requires a response in writing.

MCCS shall maintain a list of staff and contracted providers able to provide translation services when needed for visually or hearing impaired or non-English speaking applicants. For persons with special communication needs and/or developmental disability, services are coordinated through the Marion County Board of Developmental Disabilities.

The Grievance Officer conducting the review will be a MCCS staff member not directly involved in the grievance and knowledgeable of program services and capable of objectively reviewing the grievance.

1. An eligible party may make a formal grievance either in writing or verbally to the Grievance Officer. He/she may also request an opportunity for a face to face meeting with the Grievance Officer to communicate their concerns.
  - If the complaint is the result of a court decision, MCCS has no authority to overturn the court's ruling. In these situations, the court itself is the avenue for resolution of such complaints. It is recommended that the individual contact their attorney regarding an appeal of the court's orders.
2. A written copy of the *MCCS Complaint, Grievance & Report Disposition Appeal Policy and Procedure* will be provided to an individual within three working days of the request.
3. The Grievance Officer will gather information regarding the complaint from knowledgeable parties including but not limited to the person making the complaint, the caseworker, and the supervisor. The Grievance Officer will also review the case record, as necessary, along with any applicable state regulations and MCCS policies and procedures that apply.
4. The Grievance Officer will issue a written determination regarding the grievance within 30 calendar days of receipt of the formal grievance and the determination will be documented in the case record. All grievances that are considered will be resolved as expeditiously as possible with no matter being under consideration for longer than 30 calendar days from MCCS' receipt of the grievance without justification being provided.
5. The Grievance Officer will document the formal grievance including all documents / written statements submitted or reviewed during the grievance in the case record.
6. If the concern is not resolved at this level or persists, the eligible party may be referred to the Ohio Department of Job and Family Services Youth and Family Ombudsman. The office investigates and resolves concerns and complaints submitted by or on behalf of children and families involved with public children services agencies, Title IV-E agencies, or private provider agencies.
  - Phone: 1-877-OH YOUTH or 1-877-649-6884
  - Website: <https://youthandfamilyombudsmen.ohio.gov/>

## **REPORT DISPOSITIONS APPEAL**

If the alleged perpetrator disagrees with the disposition of a report of alleged child abuse or neglect, he/she may appeal this within 30 calendar days of the date on the letter notifying you of the disposition.

If the alleged perpetrator is a minor child, or an adult with mental deficit, the request can be made by a parent, legal guardian, or legal representative.

MCCS shall maintain a list of staff and contracted providers able to provide translation services when needed for visually or hearing impaired or non-English speaking applicants. For persons with special communication needs and/or developmental disability, services are coordinated through the Marion County Board of Developmental Disabilities.

The Grievance Officer conducting the appeal will be a MCCS staff member not directly involved in the investigation of the incident or the approval of the case disposition, capable of objectively reviewing the appeal and has the authority to recommend to the Director that the original agency decision be changed, should the facts warrant such action.

To appeal the disposition, the following steps are to be taken:

1. An alleged perpetrator may request an appeal either in writing or verbally to the Grievance Officer.
2. A written copy of the *MCCS Complaint, Grievance & Report Disposition Appeal Policy and Procedure* will be provided to the appellant within three working days of the request.
3. No later than 10 calendar days from the date the *MCCS Complaint, Grievance & Report Disposition Policy and Procedure* was mailed, the appellant must provide in writing or verbally the following information:
  - Name of the appellant;
  - Mailing address and contact information of the appellant;
  - Disclosure of any current or potential court activity involving the subject matter being investigated. (Examples include civil or criminal matters pending before a Court involving the issues investigated by MCCS.);
  - Reason for the appeal of the case disposition;
  - Evidence to support the appeal; and
  - Request for a Review and/or Hearing.
4. If the Appeal is accepted and the alleged perpetrator did not request a Hearing, the Grievance Officer will conduct the Review solely based on the information provided.
5. If the appeal is accepted and the appellant requested a Hearing, the Grievance Officer will schedule and facilitate the Hearing.
6. Once the Grievance Officer has received / heard the appeal, they will gather information regarding the complaint from knowledgeable parties including but not limited to the appellant, caseworker, and supervisor. The Grievance Officer will also review the case record, as necessary, along with any applicable state regulations and MCCS policies and procedures that apply.
7. The Grievance Officer will issue a written determination regarding the appeal within 30 calendar days of receipt of the formal written / verbal appeal and the determination will be documented in the case record. The decision must be based upon the facts / evidence presented during the Review and/or Hearing. All report disposition appeals that are considered will be resolved as expeditiously as possible with no matter being under consideration for longer than 30 calendar days from MCCS' receipt of the appeal without justification being provided.
8. The Grievance Officer will update the Ohio Statewide Automated Child Welfare Information System (SACWIS) if the disposition changes according to procedures contained in 5180:2-33-70 of the Ohio Administrative Code and notifies the principals of the case (alleged child victim, the parent or caretaker, and the appellant) of the result of the review and/or hearing.

9. The Grievance Officer will document the report appeal Review and / or Hearing including all documents / evidence submitted or reviewed during the disposition appeal Review and/or Hearing in the case record.

### **APPEAL DECISION**

The Grievance Officer may change the disposition if any of the following circumstance occur:

- The report disposition was made in error.
- The appellant did not engage in conduct constituting children abuse or neglect as defined in Sections 2151.03 and 2151.031 of the Ohio Revised Code.
- The report disposition is not supported by the totality of the information presented by the appellant or the agency or contained in the case records.

The decision issued by the Grievance Officer is final and not subject to state hearing under section 5101.35 of the Ohio Revised Code.

### **APPEAL HEARING**

1. If requested, the Grievance Officer will schedule the appeal Hearing within 10 calendar days of receipt of the appeal request at a time acceptable to both parties. An extension of 10 days can be granted if information or parties are not available or either party requires more time to prepare.
2. The Hearing is conducted using the following guidelines:
  - All reviews will be conducted in a respectful and non-adversarial atmosphere.
  - If the alleged perpetrator is represented by an attorney, MCCS reserves the right to ensure legal representation during the Hearing.
  - The appellant and/or representative will be provided a reasonable amount of time to present new information, which could include documents deemed relevant to assist the Grievance Officer in understanding the circumstances at the time of the incident or investigation.
  - Due to the confidentiality of the information which may be discussed, the parties and their representatives will be the only authorized persons present during the Hearing. Witnesses will be provided an opportunity to present when called upon by the Grievance Officer.
  - Copies of documents presented at the Hearing which are accepted as evidence at the Hearing must be retained as part of the case record.
  - The Grievance Officer may ask questions or request additional clarification regarding their understanding of the circumstances as outlined by the appellant.

### **DENIAL OF APPEAL OF REPORT DISPOSITION**

A request for an appeal received more than 30 calendar days from the date of the disposition letter will be denied unless good cause is established.

- To determine good cause, the alleged perpetrator must provide written / verbal justification for the late request. Reasons for good cause may include a person's inability

to receive the disposition letter in a timely manner (i.e. absence from the mailing address or delayed receipt of the letter that was not within their control).

- Reasons for good cause also include court proceedings related to the child abuse and neglect case.

A request for an appeal is not permitted when there are pending court actions or ongoing legal proceedings involving the incident or circumstance of the report of child abuse or neglect for which the appeal is being sought. This includes criminal proceedings, child abuse, neglect, and dependency proceedings, custody proceedings and other civil actions. The Grievance Officer will send the letter informing the appellant of the dismissal decision.

If court actions or legal proceedings involving the incident or circumstance of the report of child abuse or neglect for which the appeal is being sought commence during the appeal process, the appeal will be dismissed. This includes criminal proceedings, child abuse, neglect, and dependency proceedings, custody proceedings and other civil actions. The Grievance Officer will send the letter informing the appellant of the dismissal decision.


An alleged perpetrator can submit or re-submit a request for appeal at the conclusion of court actions or proceedings and a good cause appeal may be held if the request for appeal is made within 30 calendar days following the conclusion of the civil or criminal matter.

An alleged perpetrator may also submit a request for appeal for any new report disposition and is unrelated to current court actions or proceedings.

### **CIVIL RIGHTS COMPLAINTS**

Any worker or supervisor who receives a complaint from a client regarding a violation of their civil rights shall immediately forward the concern or direct the concerned party to the Civil Rights Coordinator.

- Primary: Dan Downes, Business Manager
  - Phone: 740-386-0421
  - Email: [dan.downes@jfs.ohio.gov](mailto:dan.downes@jfs.ohio.gov)
- Alternative: Jacqueline Ringer, Director
  - Phone: 740-386-0410
  - Email: [jacqueline.ringer@jfs.ohio.gov](mailto:jacqueline.ringer@jfs.ohio.gov)

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