



From Complaint to Resolution: Understanding the Child Welfare Grievance Process

A number of personal or environmental conditions or circumstances may affect a parent or caregiver's ability to care for their children. When this happens, child protective services (CPS) may respond to a report of child abuse or neglect and conduct an investigation to verify the alleged report and assess the risk of further harm to a child. Families that come to the attention of the child welfare system are required to collaborate with agencies and courts, participate in services to improve conditions in the home, and provide a safe environment for the child.

Being involved in the child protection process may be challenging at times. Parents may find themselves in disagreement with an agency or a court ruling. Parents may be dissatisfied with the quality of assistance they receive, the denial of or inability to access services, or the management of their case. Sometimes, parents are unsure of which steps to take in the process or how to express their concerns.

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This factsheet is designed to help parents (birth, foster, and adoptive) and other caregivers seeking information about the best way to resolve their differences with a service provider or other child welfare professional. Because child welfare agency policies and procedures are State-specific, this factsheet provides information from a national perspective and points to additional resources about where to find information related to a particular State.

The course of child protection cases can be both stressful and difficult to manage at times. The path toward family preservation or reunification requires parents to participate in a variety of services including, but not limited to, substance use and/or mental health treatment, employment services, parenting or anger management classes, and possibly identifying safe child care. Some parents experience dissatisfaction with the quality of services they receive. Parents may encounter conflicts with caseworkers or other professionals. Assumptions about an agency's intentions or poor communication can also lead to misunderstandings that negatively impact the caseworker-family relationship.

What Are Some Common Grievances?

The following list reflects some common parent and caregiver grievances related to the delivery of child welfare services. Parents or caregivers may make complaints when:

- They lose custody of a child and the child is placed in foster care.
- They complied with their case plan, but their child still remains in State care.
- They are dissatisfied with foster care placement(s) because placement preference was not given to a relative caregiver.
- They were the victims of false accusations of child abuse.
- They witness policy violations by agency staff.
- They feel they were treated poorly by agency staff.
- They are unable to foster or adopt a child.
- They feel resentment over an agency's service or intervention.
- They experience a breakdown in communication with caseworkers, service providers, or others.

Mary's Story

Mary's children were removed from her home and placed in foster care after their school made several reports of alleged neglect to CPS. Her children, ages 5 and 9, were absent often, and when they did attend school, staff noted a number of concerns regarding their health, hygiene, and overall welfare. Mary, a single mother experiencing financial difficulties, acknowledged that her family had fallen on hard times and was eager to work proactively with her caseworker to reunite with her children. After several months, Mary's circumstances improved; she was able to secure and maintain steady employment. She complied with the various elements set forth in her service plan and completed required parenting classes. However, Mary became increasingly frustrated when her caseworker appeared to become unresponsive by failing to return phone calls. Worried that she would now face additional obstacles to reunification, Mary wanted to express her grievance constructively, but did not know how or where to start.

There are steps parents and caregivers can take to express and resolve their concerns. Sometimes, parents think that the best way to address a disagreement is to express their dissatisfaction at the highest level of authority. However, a complete review and investigation of the situation must start at the local level. Clients who choose to bypass the established channels are usually redirected to their local office.

Families have the right to consult with an attorney at any stage of the CPS and court processes. A directory of attorneys in each State and extensive legal resources are available on the American Bar Association's website at <http://apps.americanbar.org/legalservices/findlegalhelp/home.cfm>.

What Is the General Grievance Process?

Regardless of the nature of the disagreement, State and local agencies and courts generally offer an avenue for recourse. As every agency has its own grievance mechanism, it is particularly important to understand and follow the specific complaint procedure and chain of command that applies to your State and agency. Below are some general steps in this process. See Figure 1 for an illustration of the process.

Youth in foster care who are experiencing problems with their placement or who are dissatisfied with the quality of services they are receiving are encouraged to follow the same process outlined above, beginning with their caseworker or guardian ad litem. Several States have an official complaint system specifically for youth. The Child Welfare Information Gateway list of child welfare State complaint offices (https://www.childwelfare.gov/organizations/?CWIGFunctionsaction=rols:main.dspROL&rolType=Custom&RS_ID=31) links to those youth-specific ombudsman agencies.

Start With Open Communication

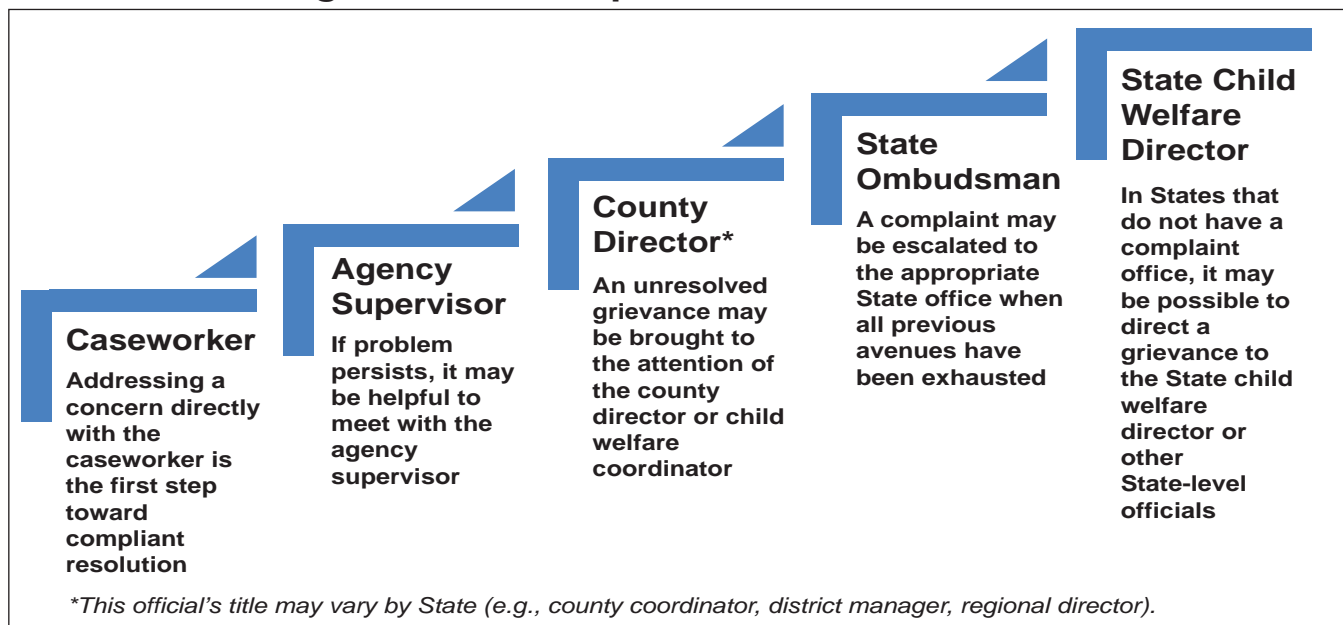
Before filing an official complaint, engage in an open conversation with the case manager or service provider with whom you are experiencing a conflict. Discuss your concerns in a calm manner. Straightforward and honest communication may correct good-faith mistakes or clear up any confusion. Addressing problems as they arise with agency staff, rather than waiting until issues pile up, may facilitate a better understanding and promote quick resolution.

Speak With a Supervisor or Manager

If, after speaking openly with your caseworker or other service provider, the situation does not improve, it may be a good idea to request an appointment with a supervisor. During this meeting, it is important to provide any relevant or supporting documentation such as emails, case plans, health assessments, or school records. The agency supervisor should be able to provide answers to your questions and take action based on agency policies and guidelines, if appropriate.

If you still experience complications after speaking with a supervisor, you may elevate your grievance to the attention of the county or district agency director.

Figure 1. Basic Steps of the Grievance Process



Contact the County or District Agency Director

Child Welfare Information Gateway offers a list of local and county child welfare agencies and provides links to State directories of county offices. It is available at https://www.childwelfare.gov/organizations/?CWIGFunctionsaction=rols:main.dspROL&rolType=Custom&RS_ID=56.

If you cannot reach an agreement after making contact with the designated authority, most States have a central office responsible for reviewing case records and mediating disputes between families and child welfare agencies. It is important to note that States may have specific timeframes or set time limits mandated by law for appealing a case or lodging a complaint.

Who Is an Ombudsman/Ombudsperson?

Child welfare departments designate specific offices to monitor the delivery of services and to receive and investigate customer complaints. When a grievance cannot be resolved at the local level, in most States, you have the option to contact the child welfare ombudsman. The ombudsman is an impartial and independent official appointed to provide oversight and review child welfare services.

Sometimes called the “child or family advocate,” the purpose, responsibilities, and duties of the ombudsman office vary by State. Not all States have one central ombudsman office to address customer complaints. Many States have a child welfare-specific ombudsman/child advocate office at the State level. In other States, such as New York and Pennsylvania, grievances are handled by regional offices. In Florida, county-specific client relations coordinators work with families to address complaints.

Ombudsman/Ombudsperson:

An advocate or spokesperson for a group that is served by an organization to ensure that the organization’s obligations, ethical duties, and rules are being followed; investigates possible illegal, unethical activities or harmful, unforeseen consequences of that organization’s actions; and facilitates negotiations or actions for satisfactory solutions.

To find the child welfare ombudsman in your State, see the list of Child Welfare State Complaint Offices at https://www.childwelfare.gov/organizations/?CWIGFunctionsaction=rols:main.dspROL&rolType=Custom&RS_ID=31.

Regardless of the variety of offices and their respective titles and duties, each State and/or jurisdiction provides a channel to address concerns. Parents and caregivers involved with child welfare should know their rights and responsibilities, including their right to appeal an agency’s finding and file a complaint about their concerns. Caseworkers and agency staff should be able to provide families with their rights, which are often available in written materials. If these resources are not provided, you should request a copy for your records.

If the agency does not have a procedure for filing an appeal, an ombudsman’s office, or a formal system for handling complaints and all other avenues have been exhausted, you may direct your grievance to the State child welfare agency director or administrator. State directors administer, supervise, coordinate, and monitor child welfare programs and can answer questions related to service delivery. Child Welfare Information Gateway maintains a list of State directors at https://www.childwelfare.gov/organizations/?CWIGFunctionsaction=rols:main.dspROL&rolType=Custom&RS_ID=45.

Foster Care. For issues that center on the foster care system as a whole, you might seek the assistance of a State official. The State foster care program manager (who has oversight responsibility for all foster care services provided to children in the custody of the State) is the key point of contact for related complaints that cannot be resolved by existing procedures. When concerns focus on the operation of residential settings and facilities (group homes, for example), it may be possible to file a complaint with the State licensing authority. These entities also vary by State, and contact information should be available through your agency.

Adoption. Similarly, the State adoption program manager is the expert and authority on adoption policy in each State and can assist you with adoption-related issues. Contact information for these and other State officials may be accessed via the Child Welfare Information Gateway website at <https://www.childwelfare.gov/organizations/>.

What if I Have a Complaint About a Specific Person or Organization?

In addition to the general grievance process, there are channels for registering a complaint with particular professionals or groups.

Caseworkers. Complaints of alleged violations of the Code of Ethics by a caseworker may be reported to the State licensing board. A list of social work boards is available on the National Association of Social Workers website at <https://www.socialworkers.org/nasw/ethics/boards.asp>.

Lawyers. For the most serious examples of lawyer misconduct, you can file a formal grievance with the State Bar Association. A State office can determine whether the lawyer has engaged in unethical or unlawful practices that warrant disciplinary action. The American Bar Association provides a directory of lawyer disciplinary agencies

by State at http://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/current_disciplinary_agency_directory_online.authcheckdam.pdf.

Judges. When you disagree with a court's ruling or believe that a judge made an error in applying the law, the appropriate recourse is the State appellate court; however, every State has a Judicial Commission or entity with the authority to investigate complaints of judicial misconduct and impose discipline and removal, if appropriate. Contact information for each State office is available through the Clerk of the Court. Each State's Attorney General's website typically provides broad grievance-specific resources for consumers. State-specific contact information is available at <http://www.justice.gov/usao/find-your-united-states-attorney>.

Regardless of the nature of a complaint, you should make an effort to familiarize yourself with the laws of your State. Links to individual State's statute information are available on the Child Welfare Information Gateway's website at <https://www.childwelfare.gov/topics/systemwide/laws-policies/state/>.

Tribes. The Indian Child Welfare Act (ICWA) is a Federal law that sets strict requirements for State courts and social services in State child custody proceedings involving children who are members of (or eligible for membership in) a federally recognized Tribe. ICWA establishes standards for the removal and placement of Indian children in foster/adoptive homes and protocols for Tribal intervention. Many questions and answers regarding ICWA's application and related issues are addressed by the National Indian Child Welfare Association on its website at http://www.nicwa.org/Indian_Child_Welfare_Act/.

All Tribal justice systems provide an opportunity to appeal rulings of the Tribal court. The range, form, and timing of appeals vary by jurisdiction. Those who disagree with a court's decision may want to consult with an attorney with expertise in Tribal legal issues and court practices. The National Indian Child Welfare Association provides the factsheet *How to Find Free & Low-Cost Legal Assistance* at http://www.nicwa.org/Indian_Child_Welfare_Act/documents/LowCostLegalAssistanceHelpLawyerHelpYou.pdf. Also, the Native American Rights Fund website

provides a list of legal associations that specialize in Native American issues at <http://www.narf.org/nill/resources/lawyer.html>.

Parents may direct their complaint to their State ICWA manager. Child Welfare Information Gateway's list of State child welfare agency websites allows quick access to State information. Many websites are easily searchable for State ICWA contacts at https://www.childwelfare.gov/organizations/?CWIGFunctionsaction=rols:main.dspROL&rolType=Custom&RS_ID=16.

Elected Officials. When you have concerns related to the system as a whole, you may find it helpful to contact your State senators or representatives. These officials are responsible for developing and reforming State legislation. Contact information for your elected officials is available at <http://www.usa.gov/Contact/Elected.shtml>.

When Can the Federal Government Intervene?

Child maltreatment is defined by Federal law, but each State is responsible for providing its own definitions. The Federal Government provides funding and guidance to States to operate child protection systems; it does not have the authority to intervene in individual cases or investigate State policies and practices. These responsibilities fall under each State. However, in some cases, it may be appropriate to elevate your concerns beyond the local or State level to the Federal Government.

If you feel you are being unfairly treated or discriminated against due to race, color, national origin, disability, age, sex (gender), or religion, you can file a complaint with your State's human services Office for Civil Rights (OCR). The OCR is responsible for reviewing claims of discrimination and determining whether the reported incident(s) require corrective action. If your State does not have an OCR, complaints can be elevated to the OCR within the U.S. Department of Health and Human Services (HHS) at the Federal level. For more information on filing complaints, and a list of regional HHS OCR offices, visit the OCR website at <http://www.hhs.gov/ocr/office/index.html>.

The Office of Inspector General (OIG) within HHS handles complaints related to fraud, waste, abuse of funds, and mismanagement in HHS-funded child welfare programs.

In addition, many States have OIGs within their own human services departments that are responsible for reviewing grievances at a State level. It is usually best to seek the assistance of the State office *first*. Specific details about the type of reports investigated by the Federal OIG are provided at <https://oig.hhs.gov/fraud/report-fraud/index.asp>. Matters involving fraud, waste, and mismanagement may be reported to the OIG Hotline Operations, 1.800.HHS.TIPS (1.800.447.8477), or online at <https://forms.oig.hhs.gov/hotlineoperations/report-fraud-form.aspx>.

For Tribal issues or concerns, social workers within the Division of Human Services at the Bureau of Indian Affairs serve as the contact point for the social service agencies responsible for child protection, placement, and adoption of Indian children. The Regional Social Workers Contact list is available on the U.S. Department of the Interior Department of Indian Affairs website at <http://www.indianaffairs.gov/WhoWeAre/BIA/OIS/HumanServices/index.htm>.

Additional Resources

- To see how States define child abuse and neglect, see Child Welfare Information Gateway's *Definitions of Child Abuse and Neglect* at <https://www.childwelfare.gov/pubPDFs/define.pdf>. For an overview of the CPS investigative process, please refer to *How the Child Welfare System Works* at <https://www.childwelfare.gov/pubPDFs/cpswork.pdf>.
- Child Welfare Information Gateway offers the State Guides & Manuals Search, which links to online publications created by State agencies. The database is searchable by both topic and audience. The most common types of publications include policy or procedure manuals, administrative rules, licensing standards, handbooks for parents and caregivers, or other guides explaining how the State provides child welfare services to families. Search for materials in your State at <https://www.childwelfare.gov/topics/systemwide/sgm/>.
- Foster parents with complaints may seek the support and guidance of their State Foster Parent Association. A list of State associations is available at https://www.childwelfare.gov/organizations/?CWIGFunctionsaction=rols:main.dspROL&rolType=Custom&RS_ID=32.

- The Child Welfare League of America, the oldest national organization serving vulnerable children, youth, and families, shares a wealth of information on emerging issues that impact children who have experienced abuse or neglect at <http://www.cwla.org/>.
- Rise Magazine, a publication geared toward families involved with the child welfare system, seeks to educate parents about their rights and illustrates the steps parents can take to reunite with their children. Rise is available at <http://www.risemagazine.org/>.

Other Related Non-Child Welfare Grievances

Families involved with the child welfare system often interact with other State systems, such as law enforcement and other related departments. In addition to child welfare grievances that may be directed to the ombudsman, families may also develop concerns related to these other systems. Most of these service providers have some mechanism in place to receive and investigate complaints.

For example, many law enforcement agencies include the citizens' complaint procedures on their websites. Typically, the Office of Internal Affairs is responsible for handling concerns related to an officer's misconduct.

Concerns related to child support should be directed to the State or local child support agency. A list of general contact information for these offices is available at <http://www.acf.hhs.gov/programs/css/resource/state-and-tribal-child-support-agency-contacts>.

Issues pertaining to housing services fall under the regional U.S. Department of Housing and Urban Development offices. Contact information for these offices is available at http://portal.hud.gov/hudportal/HUD?src=/program_offices/field_policy_mgt/localoffices.

Conclusion

The information and resources provided in this factsheet address the majority of complaints associated with the CPS system. Other State systems, such as the Temporary Assistance for Needy Families (TANF), health care, education, child care, and others also designate specific offices that can address customer complaints and assist in resolving concerns.

Ultimately, collaboration and open communication between parents, caregivers, child welfare staff, or related staff can help facilitate a better understanding of child welfare policy and practice and minimize the risk of conflict that would result in a formal complaint.

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