

STATE OF WISCONSIN
Department of Health and Family Services
Division of Children and Family Services

DCFS Memo Series 2003 - 07
March 18, 2003
Re: COUNTY CHILD WELFARE
AND YOUTH SERVICES
COMPLAINT PROCEDURE

Superseded DCFS Memo Series 2002-16

To: Area Administrators/Assistant Area Administrators
Bureau Directors
County Departments of Community Programs Directors
County Departments of Developmental Disabilities Services Directors
County Departments of Human Services Directors
County Departments of Social Services Directors
Licensing Chiefs/Section Chiefs
Tribal Chairpersons/Human Services Facilitators
Division of Juvenile Corrections Management Staff
Juvenile Court Intake Workers

From: Kitty Kocol
Administrator

In the past few months, we have experienced an increase in the number of complaints we have received related to county child welfare and youth services cases. These calls have come from parents and other relatives of children and youth receiving services in their homes and in out-of-home care. When we receive these calls, we attempt to determine if the caller has exhausted his or her options with the county complaint process. In many cases, the callers indicate that the county does not have such a process or that the callers are not aware of the existence of the process. In some cases, we then attempt to get the issue resolved or refer the caller to the appropriate regional office. In either case, this is consuming an inordinate amount of state staff time when the issue could be more appropriately, quickly and effectively resolved at the county level. Counties with formal processes tell us that this limits the escalation of issues when problems can be resolved locally.

In addition, the best management of child welfare and youth services decision making is assured when a county agency reviews and is accountable for decisions made and actions taken by agency staff. Handling complaints and concerns at the local level assures that managers are informed of concerns and reinforces the agency's accountability and position of responsibility in the community. Problem solving at the local level can also reinforce the community's responsibility to support child and youth well-being and the county agency's connections to these community resources. In most instances, a complete review and investigation of complaints must occur at the local level before DHFS or DOC will investigate or become involved.

Document Summary

This numbered memo is being reissued to correct an error in the attachment to the previous memo (DCFS 2002-16). In that attachment, it was indicated that an individual who files a complaint against a county department has the right to appeal any final county decision to the Division of Hearings (DHA) and Appeals. This is incorrect. A right to appeal to the Division of Hearings and Appeals exists only if it is specifically authorized. For example, Ch. HFS 56, regarding foster care, and Ch. HFS 58, regarding Kinship Care, specifically authorize appeals to DHA under certain circumstances. Many complaints that might be filed against a county do not have that appeal authorization. Please note this change and revise any complaint policy that you may have developed to reflect this change. We apologize for any confusion or problems this may have created. With the exception of the change made in the attachment, this numbered memo remains unchanged.

County Departments of Human Services/Community Programs are required, pursuant to Ch. HFS 94, Adm. Code, and s. 51.61, Stats., to have a county complaint procedure. This procedure is for individuals with mental illness, developmental disabilities or alcohol and other drug abuse issues who are or have been receiving services through county operated or county contracted programs. While a similar process for child welfare and youth services has been incorporated into this procedure or otherwise established in some counties, there has not been an expectation that all counties have an established complaint procedure for all human service programs. This memo requires that all county agencies adopt a complaint process for individuals who have concerns about the child welfare or youth services system in your county.

The complaint procedure does not need to be a complicated process. Some criteria for developing a complaint process are described below. If you do not already have an appropriate process in place, your agency can use this to help structure your procedure or make changes to your existing procedure. A human services agency could also incorporate child welfare and youth services into the HFS 94 procedure already in place. Attached for your convenience and assistance is the complaint procedure adopted by Marathon County.

Exceptions

Certain programs or services have statutorily mandated appeal processes. These include the Kinship Care Program. The Kinship Care appeal process can be found at s. 48.57 (3m), (3n), and (3p), Stats., and s. HFS 58.08, Adm. Code. Appeals of decisions within DOC/DJC are handled in accordance with the Case Management Procedures specified by DOC.

At some point in the future, there will be a separate appeal process for substantiated child abuse and neglect (CAN) appeals. This will occur when Ch. HFS 43, Adm. Code, (currently draft) is promulgated.

Notice of Complaint Procedure

When your agency has developed your complaint process for child welfare and youth services, the procedure should be posted in the visitor/reception area of your agency and copies should be forwarded to the DHFS Area Administrator for your region and to DOC/DJC. This should be completed no later than March 31, 2003. If you already have a child welfare and youth services complaint process in place, please send copies to your Area Administrator and DOC/DJC when you receive this memo. In addition, your complaint process should be given to any person who expresses a concern about child welfare and youth services. Individuals involved in ongoing cases should also be advised that your agency has a formal complaint process.

When DHFS or DOC receives a complaint from an individual regarding your agency decision making or services provided, Department staff will advise that individual of your internal complaint process and refer them back to your agency. Only if they believe their concerns were not resolved through this process will the Department consider reviewing the complaint. In this instance, Department staff will review the complaint and will assist the complainant in working with your agency to seek a resolution to their identified concerns when possible.

The child welfare and youth services complaint process must include the following characteristics:

- Be written clearly and in a format friendly to the public;
- Be distributed, in writing and, preferably, verbally, to any person who has expressed a concern about how a case is being or has been handled;
- Recognize all confidentiality requirements;
- Ultimately allow access to the agency director or designee assigned to act on behalf of the director, if the complaint cannot be resolved on a lower level;
- Assure a formal, written response to the complainant for all written complaints;
- Assure timely follow-through; and

- Be familiar to child welfare, youth services and other appropriate agency staff in order to allow those individuals to refer complainants to the proper person in the agency.

In addition, the policy may establish a process for the complainant to forward concerns to the County Human/Social Services Board if the complainant is not satisfied with the response from the agency director.

Having an internal complaint resolution process will help you to better manage child welfare and youth services in your agency. It will also improve service quality for those in the system by having a mechanism to resolve complaints appropriately, allow for quicker resolution of individual concerns and reduce the possibility of concerns being raised to the level of legislators, the Governor, federal officials and the media. It is much more appropriate and effective to resolve complaints quickly at the local level before the concerns escalate and outside entities get involved.

If you would like assistance in developing a complaint process for your agency, please contact your Area Administrator. Thank you for your attention to this matter.

REGIONAL OFFICE CONTACT: Area Administrator

CENTRAL OFFICE CONTACT: Child Welfare/Family Violence Programs Section
P.O. Box 8916
Madison, WI 53708-8916