ARIZONA DEPARTMENT OF CHILD SAFETY

TITLE	POLICY NUMBER	
Office of the Ombudsman	DCS 09-01	
RESPONSIBLE AREA	EFFECTIVE DATE	REVISION
Office of Accountability	12/19/16	5

I. POLICY STATEMENT

The Department of Child Safety (DCS) Office of the Ombudsman strives to provide a conflict resolution process that is as neutral as possible, within the limits of its role as part of the DCS management structure, to facilitate fair and equitable resolutions to concerns from complainants. The DCS Office of the Ombudsman serves as an information and communication resource, upward feedback channel, advisor, dispute resolution expert, and change agent.

II. APPLICABILITY

The DCS Office of the Ombudsman is responsible for offering assistance to complainants receiving services from DCS to resolve service-related complaints in an impartial manner, as well as inquisitors who contact DCS with questions. The DCS Ombudsman may also respond to members of the public who express concerns regarding child welfare.

III. AUTHORITY

A.R.S. § 8-451	Department; purpose
A.R.S. § 8-453	Powers and duties
A.R.S. § 8-454	Department organization
A.R.S. § 8-807	DCS information; public record; use; confidentiality;

violation; classification; definition

IV. DEFINITIONS

Advocate: A staff member in the DCS Office of the Ombudsman who receives and responds to complaints or requests for information from persons who have an open or closed DCS case, as well as their family members or interested parties, and who has the authority to review DCS case records to gather information for use in addressing those complaints or requests. An advocate could be the Ombudsman, Assistant Ombudsman, or Lead Advocate.

Complainant: Any person or entity that is receiving services from the Department; any person or entity (e.g., potential kinship care providers, out-of-home care providers, service providers) providing services to the Department's clients; and members of the public who express concerns regarding child welfare.

Complaint: A complaint is a written or verbal expression of dissatisfaction about services, actions, lack of actions, ADA accommodations, or manner of treatment by the Department.

Complaint not accepted by the DCS Ombudsman: A complaint involving a contractual dispute or a specific issue before the juvenile court will not be accepted by the DCS Office of the Ombudsman.

DCS Ombudsman: A DCS employee assigned to oversee the operation of the Office of the Ombudsman, which is responsible for investigating complaints about DCS.

Department: The Arizona Department of Child Safety.

Inquisitor: An individual who contacts DCS with questions or requests for information.

V. POLICY

A. The DCS Office of the Ombudsman is accountable and reports to the Office of Accountability.

   1. Complaints made against the Office of the Ombudsman shall be directed to the State Ombudsman and/or the Governor's Office of Constituent Affairs.

2. Complaints regarding an Advocate will be communicated to the Ombudsman to address as required.

B. The DCS Office of the Ombudsman is responsible for maintaining confidentiality as required by A.R.S. § 8-807 concerning matters brought to its attention. Complainants may agree to release information about themselves but may not waive the confidentiality of any other person.

C. If the DCS Office of the Ombudsman is made aware of child abuse or neglect, the information shall be reported to the DCS Hotline pursuant to state law and agency policy.

D. The DCS Office of the Ombudsman shares general trends with assistant directors and other DCS officials in order to improve operations. All information is safeguarded to protect an individual's identity but may be shared with DCS staff to facilitate the performance of their duties.

E. The DCS Office of the Ombudsman may be required by law to provide testimony.

F. The DCS Office of the Ombudsman does not make binding decisions, mandate policy, or formally adjudicate issues.

G. The DCS Office of the Ombudsman does not address complaints involving Department actions that will be resolved by the courts or administrative tribunals as provided by law.

H. The DCS Office of the Ombudsman does not address personnel issues but refers them to the attention of DCS Human Resources.

I. When making recommendations, the DCS Office of the Ombudsman attempts to suggest actions that will be equitable to all parties, but the Department's primary responsibility is the safety and protection of children, which will not be negotiated or compromised for the sake of complaint resolution.

J. Complainants who have open dependency cases may contact the DCS Office of the Ombudsman for assistance in resolving complaints that are not currently being addressed by the juvenile court. The juvenile court has the ultimate authority to make case-related decisions.

K. Complainants who have open non-dependency cases with DCS may contact the DCS Office of the Ombudsman for assistance in resolving complaints.

L. The DCS Office of the Ombudsman shall analyze complaints to determine the

best course of action to be taken to resolve the issue. The DCS Office of the Ombudsman shall notify complainants if their concerns do not meet the criteria of a complaint and shall suggest other resources that may assist.

M. The DCS Ombudsman or Advocate may facilitate a discussion to include all involved parties to resolve the complaint in the most effective manner possible in accordance with DCS policy and Arizona law. This discussion will occur either face-to-face or virtually, at the discretion of the DCS Office of the Ombudsman.

N. The DCS Office of the Ombudsman shall ensure complaints that cannot be resolved at an informal level are directed to the client grievance process.

O. In order to comply with confidentiality laws and policy, a complainant may be required to sign a confidentiality waiver. If a complainant refuses to waive their right to confidentiality, other persons may not be able to participate in the client grievance process.

VI. PROCEDURES

The DCS Office of the Ombudsman strives to provide as neutral a process as possible to facilitate fair and equitable resolutions to concerns that arise with DCS.

A. Complainants may contact the DCS Office of the Ombudsman for assistance in the following manner:

1. Online: https://dcs.az.gov/resource/complaint-or-disagreement;

2. Telephone: (602) 364-0777 or statewide toll free at (877) 527-0765;

3. E-mail: Ombudsman@azdcs.gov;

4. Writing: DCS Office of the Ombudsman, Department of Child Safety, PO Box 6030 – Site Code C010-023, Phoenix, AZ 85005-6030.

B. Upon receipt, the inquiry is analyzed to determine the best course of action to be taken to resolve the issue. Complaints received by email or telephone will be responded to within three days, excluding weekends and holidays. For complaints that are received by letter, with no alternative contact information provided, the DCS Office of the Ombudsman will mail a written response within three working days.

1. If the complaint meets the criteria of a complaint eligible for action by the

DCS Office of the Ombudsman, the sender is notified of receipt of the complaint and the designated course of action.

2. If the complaint does not meet the criteria of an eligible complaint, the DCS Office of the Ombudsman notifies the sender that the complaint is not a matter that can be addressed by the DCS Office of the Ombudsman, and suggests other resources that may assist. If the complaint is deemed to be a request for information, an Advocate or designee provides the necessary information requested or refers the individual to the appropriate person or agency.

C. For a written or verbal complaint of dissatisfaction about services, actions, lack of actions, or manner of treatment by Department staff, the DCS Ombudsman, Advocate, or designee:

- explores with the person their specific complaint and provides them with any relevant DCS policies and procedures;
- when necessary, requests additional documentation for review to understand the complaint; and
- within two days, excluding weekends and holidays, of receipt of the complaint, emails the appropriate DCS Supervisor/Child Safety Specialist, requesting either follow-up and/or resolution of the complaint or concern.

The Regional Program Administrator, Program Manager, Program Supervisor, or Child Safety Specialist:

- contacts the person and provides follow-up or determines what actions need to occur to address the complaint in accordance with the best interests of the family being served by DCS;
- within five days, excluding weekends and holidays, of receipt of the notification, emails a response to the DCS Office of the Ombudsman identifying how the specific complaint has been addressed.

The DCS Ombudsman, Advocate, or designee determines if the complaint requires additional resolution and follow-up within five days, excluding weekends and holidays, of the email response from the Program Manager, DCS Program Supervisor, or Child Safety Specialist, in consultation with the appropriate Regional Program Manager or designee.

D. To resolve the complaint, the DCS Office of the Ombudsman may use the following conflict resolution processes:

1. a referral to the appropriate individual or program to address the issue;

2. a response by the Advocate within the DCS Office of the Ombudsman;

3. a client grievance; complaints will be considered for the client grievance process upon review by the DCS Office of the Ombudsman and only after less formal conflict resolution processes have been attempted. Complainants must have attempted to resolve their complaint through informal discussion with their Child Safety Specialist and DCS Program Supervisor;

4. a kinship placement denial grievance.

E. Each complaint is reviewed and the following information is documented in the DCS Office of the Ombudsman data base:

1. the origin, source type, and concern of the complainant;

2. the results of the investigation;

3. the resolution; and

4. any concerns with the child welfare system identified by the complaint process.

F. Grievance Process: Upon determination by the DCS Office of the Ombudsman that a complaint requires a formal response, the complaint is referred to the client grievance process. The client grievance process consists of the following:

1. Level I: Complainants complete the Client Grievance as provided by the DCS Office of the Ombudsman. The form is signed, dated, and the original submitted to the DCS Office of the Ombudsman.

   After receipt of the Client Grievance, the DCS Office of the Ombudsman determines if the Level I complaint is eligible for the process. The following complaints may not be grieved:

   - an appeal of substantiated allegations of abuse or neglect (A.R.S. § 8-811);
   - a denial of an allegation of abuse or neglect in a dependency petition (A.R.S. § 8-844);
   - removal of a child from a parent or guardian's home (A.R.S. § 8-822);

- court-ordered mediation outcomes (A.R.S. §.8-844);
- complaints involving a specific issue before the juvenile court;
- results of an evaluation such as psychological, psychiatric, substance abuse, medical, etc. (if these results are introduced as evidence, they may be disputed in the tribunal in which they are introduced);
- complaints previously reviewed or currently being reviewed by the Arizona Office of the Ombudsman-Citizens' Aide for which there has been a completed investigation and finding (A.R.S. § 41-1371 through 41-1383);
- denial or revocation of a license or certification (A.R.S. § 8-506) – foster home; (A.R.S. § 8-506.01) – child welfare agency; see rules for Appeals and Hearings, Arizona Administrative Code Title 21, Chapter 1 and Chapter 6, and Title 6, Chapter 5, Article 74;
- issues concerning contract providers where the procurement code applies;
- Arizona Revised Statutes, Title 41, Chapter 23; and
- any complaint previously grieved when there are no new circumstances.

If the grievance is not eligible for the client grievance process, the DCS Office of the Ombudsman, within five days, excluding weekends and holidays, provides a written response to the individual explaining why the issues raised do not fall within the grievance guidelines.

If the complaint is determined to be eligible, the DCS Office of the Ombudsman has one day, excluding weekends and holidays, to assign the grievance to the appropriate Regional Program Administrator or designee to address the matter.

The Program Manager or designee:

- schedules a meeting with the person who filed the grievance. This meeting is to be held within 14 days, excluding weekends and holidays, from the date it was received by the DCS Office of the Ombudsman to address the grievance.
- mails a response letter to the complainant within five days, excluding weekends and holidays, of the meeting and includes the Level II Client Grievance so the complainant may request further appeal through the DCS Office of the Ombudsman; and
- emails the response letter to all appropriate parties, including the DCS Office of the Ombudsman.

The DCS Office of the Ombudsman, in consultation with the appropriate Regional Program Administrator Program Manager, determines if a complaint requires additional resolution and if follow-up is needed.

2. Level II: If a complainant is not satisfied with the Client Grievance Level I response, they may appeal to the DCS Office of the Ombudsman by submitting a Level II Client Grievance within 30 days from the date on the written response to the Level 1 grievance. The Client Grievance Level II contains only unresolved issues from Client Grievance Level I and may not introduce new issues. The complainant submits the original signed and dated Client Grievance Level II form to the DCS Office of the Ombudsman.

   The DCS Office of the Ombudsman reviews the Client Grievance Level II form and the written response to the Client Grievance Level I to determine if additional appeal is appropriate and can bring about a resolution. If approved for further appeal, the DCS Office of the Ombudsman notifies all parties by email that a Client Grievance Level II has been received and provides a copy of the Client Grievance Level II as well as the Client Grievance Level I and written response for review to assist in preparing for the Client Grievance Level II meeting.

   The Regional Program Administrator or designee:

   a. schedules a meeting with the person who filed the grievance and the Office of the Ombudsman to be held within ten days, excluding weekends and holidays, from the date it was received by the DCS Office of the Ombudsman to address issues included in the Client Grievance Level II;

   b. mails a response letter to the client within five days, excluding weekends and holidays, of the meeting, including a Client Grievance Level III so the complainant may request further appeal through the Office of the Ombudsman; and

   c. emails the response letter to all appropriate parties, including the DCS Office of the Ombudsman.

3. Level III: If a complainant is not satisfied with the Client Grievance Level II response, they may appeal to the DCS Office of the Ombudsman by submitting a Client Grievance Level III within 30 days of the date listed on the written response for the Level II written response.

If approved for further appeal, the DCS Office of the Ombudsman notifies all parties by email that a Client Grievance Level III has been received and provides a copy of the Client Grievance Levels I and II and their respective written responses for review to assist in the preparation of the Level III written response.

The Deputy Director or designee:

a. reviews the Client Grievance Levels I and II documentation and all appropriate case information to address the complainant's issues;

b. mails a response letter to the complainant within 60 days from the date it was received at the DCS Office of the Ombudsman; and

c. emails the response letter to all appropriate parties, including the DCS Office of the Ombudsman and the Regional Program Administrator or designee.

4. Out-of-Home Care Providers and Service Provider Grievances

Complaints by out-of-home care providers and service providers that are not related to a licensing issue are addressed according to the client grievance process.

The DCS Office of the Ombudsman determines who within the Department should respond to the complaint based upon who is making the complaint and the nature of the complaint.

The DCS Office of the Ombudsman determines who is responsible for processing Level II Client Grievances.

5. Kinship Placement Denial Grievances

Potential kinship providers who have been denied placement by the Department may submit a Kinship Placement Denial Grievance which is addressed according to the client grievance process.

6. Complaints Received by the Director's Office or other Department Offices

The DCS Office of the Ombudsman (Ombudsman or designee) receives from the Director's office (directly and/or from the email inbox) correspondence from complainants who have sent a written expression of dissatisfaction, to determine the best course of action to address the

concern.

The DCS Office of the Ombudsman receives from other departments, such as the Arizona Ombudsman Citizens' Aide Office, Governor's Office, and Legislative and Senate Constituent Services, complaints from complainants and determines the best course of action to address the concern.

Responses may consist of any of the previously described methods (i.e. Advocate response, DCS Ombudsman response, or Client Grievance).

7. Resolution and Follow-up Actions

When a complaint requires additional resolution and follow-up, a corrective action plan for resolution is developed by the Program Manager, designee, or appropriate DCS Regional Program Administrator and is approved by the DCS Ombudsman or designee. The plan includes actions to be completed with due dates for their completion.

8. Complaint Quality Assurance

The DCS Ombudsman is responsible for ensuring that data management reports are generated on a monthly basis from the Inquiry Management System for review by the Department's management team. Reviews include identification of any trends, any follow-up action that is to occur as a result of this review, and if any policy revisions are required.

9. Documentation

For client grievances, document the grievance proceedings as follows:

a. The Office of the Ombudsman maintains a copy of any grievance response letters or forms;

b. Level I, II, and III information is entered into the tracking database system by the DCS Office of the Ombudsman within one day, excluding weekends and holidays, of receipt;

The documentation shall be maintained in the DCS Office of the Ombudsman for three years.

G. For additional information about the DCS Office of the Ombudsman's functions and processes, refer to the DCS Web page at https://dcs.az.gov/.

VII. FORMS INDEX

Client Grievance Level I (CSO-1016A)
Client Grievance Level I (CSO-1016S)

Client Grievance Level II (CSO-1017A)
Client Grievance Level II (CSO-1017S)

Client Grievance Level III (CSO-1018A)
Client Grievance Level III (CSO-1018S)