

## INFORMATION REGARDING CLIENT GRIEVANCES

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. **Efforts to resolve complaints must first be attempted through informal discussion with the Child Safety Specialist and DCS Unit Supervisor.**

### The following complaints may not be grieved:

- An appeal of a substantiated allegation of abuse or neglect
- A denial of an allegation of abuse or neglect in a dependency petition.
- Removal of a child from a parent or guardian's home
- Court ordered mediation outcomes
- Complaints previously or currently being reviewed by the Arizona Ombudsman-Citizens' Aide
- 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)*
- Denial or revocation of a license or certification
- Issues concerning contract providers where the procurement code applies
- Any complaint previously grieved when there are no new circumstances

**If your complaint regards one of the issues listed in this box, DO NOT start the Client Grievance Process.**

### Conflict Resolution Process

#### ► Address your Issue Directly with the Child Safety Specialist

If you are not satisfied with the outcome, then

#### ► Request a Conflict Resolution Conference by contacting the Child Safety Specialist's Supervisor

If you are not satisfied with the outcome, then

#### ► Contact the DCS Office of the Ombudsman

- 1) If the DCS Office of the Ombudsman determines a complaint requires a formal response, you will be provided with a Level I Client Grievance form. NOTE: if you received the Kinship Placement Notification with accompanying Kinship Care Recommendation – Client Grievance – Level I form, submit the form to the address specified on the form.
- 2) Complete the form specifying your complaint and your proposed resolution, **sign and date it** and submit it according to the instructions on the form.
- 3) If you want help completing the form, call the DCS Office of the Ombudsman Advocacy Line at 602-364-0777 or toll free at 1-877-527-0765.
- 4) You will be contacted to schedule a face to face meeting within 14 working days from the date the grievance is accepted by the DCS Office of the Ombudsman.

#### **If you are not satisfied with the Client Grievance Level I response, you may appeal to the DCS Office of the Ombudsman as follows:**

- 5) Submit a signed and dated Client Grievance Level II form to the DCS Office of the Ombudsman within 30 days of the date on the Client Grievance Level I written response.
- 6) The DCS Office of the Ombudsman will review and determine if additional appeal is appropriate.
- 7) If approved for further appeal, you will be contacted by the DCS Office of the Ombudsman to schedule a face to face or teleconference meeting within ten (10) working days from the date of receipt.

#### **If you are not satisfied with the Client Grievance Level II response, you may appeal to the DCS Office of the Ombudsman as follows:**

- 8) Submit a signed and dated Client Grievance Level III form to the DCS Office of the Ombudsman within 30 days of the date on the Client Grievance Level II written response.
- 9) If approved for further appeal, you will receive a written response within 60 days from the date of receipt. There will be no other contact. The Level III is a paper review only.

**PLEASE DETACH THIS SHEET AND KEEP IT FOR YOUR FUTURE REFERENCE**



ARIZONA DEPARTMENT OF CHILD SAFETY  
**CLIENT GRIEVANCE – LEVEL I**

---

**ADDITIONAL INFORMATION**

---

**What do you suggest be done to correct this problem?**

CASE NAME	CHILD SAFETY SPECIALIST'S NAME
-----------	--------------------------------

The information contained in this grievance is true to the best of my knowledge.

SIGNATURE OF PERSON INITIATING GRIEVANCE <b>*REQUIRED*</b>	DATE
--	------

**\*Mail or email this grievance to: DCS Office of the Ombudsman, Site Code C010-23, P.O. Box 6030, Phoenix, AZ 85005-6030 or [dcsembudsman@azdes.gov](mailto:dcsembudsman@azdes.gov)**

Equal Opportunity Employer/Program • Under Titles VI and VII of the Civil Rights Act of 1964 (Title VI & VII), and the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and Title II of the Genetic Information Nondiscrimination Act (GINA) of 2008; the Department prohibits discrimination in admissions, programs, services, activities, or employment based on race, color, religion, sex, national origin, age, disability, genetics and retaliation. The Department must make a reasonable accommodation to allow a person with a disability to take part in a program, service or activity. For example, this means if necessary, the Department must provide sign language interpreters for people who are deaf, a wheelchair accessible location, or enlarged print materials. It also means that the Department will take any other reasonable action that allows you to take part in and understand a program or activity, including making reasonable changes to an activity. If you believe that you will not be able to understand or take part in a program or activity because of your disability, please let us know of your disability needs in advance if at all possible. To request this document in alternative format or for further information about this policy, contact your local office; TTY/TDD Services: 7-1-1. • Free language assistance for Department services is available upon request. • Disponible en español en la oficina local.



TITLE Office of the Ombudsman	POLICY NUMBER 12-01	
RESPONSIBLE AREA Office of Quality Improvement	EFFECTIVE DATE Dec. 19, 2016	REVISION February 9, 2017

## **Office of the Ombudsman Policy**

### **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 shall serve as an information and communication resource, upward feedback channel, complainant advocate, dispute resolution expert, and change agent.

### **II. APPLICABILITY**

The DCS Office of the Ombudsman is responsible for offering assistance to DCS complainants receiving assistance or services from DCS, in order to resolve service-related complaints and issues in an impartial manner. The DCS Ombudsman may also respond to members of the public who express concerns regarding child welfare.

### **III. AUTHORITY**

<a href="#">A.R.S. § 8-451</a>	Department; purpose
<a href="#">A.R.S. 8-453</a>	Powers and duties
<a href="#">A.R.S. § 8-454</a>	Department organization
<a href="#">A.R.S. § 8-807</a>	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.

Department: The Arizona Department of Child Safety.

Complainant: Any person or entity that is applying for or 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, 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 Assistant Ombudsman: A DCS employee assigned to assist the DCS Ombudsman in providing oversight of the operation of the Office of the Ombudsman; receive and respond 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, including the Governor's Office and Legislative Liaisons; facilitate Client Grievance meetings; and who has the authority to review DCS case records to gather information for use in addressing those complaints or requests.

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

Management Review and Response: A referral to the DCS Program Administrator and/or designee or to the applicable administrator from the DCS Office of the Ombudsman for a review and reply that addresses the concerns of the complainant.

## **V. POLICY**

1. 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.
2. Complainants who have open non-dependency cases with DCS may contact the DCS Office of the Ombudsman for assistance in resolving complaints.
3. 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.
4. The DCS Ombudsman or designee will facilitate a discussion between parties to resolve the complaint in the most effective manner possible in accordance with DCS policy and Arizona law.
5. The DCS Office of the Ombudsman shall ensure complaints that cannot be resolved at an informal level are directed to the Client Grievance process.

6. The DCS Office of the Ombudsman is accountable and reports to the Office of Quality Improvement. Complaints made against the Office of the Ombudsman shall be made to the Chief Quality Improvement Officer.
7. 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.
8. 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.
9. The DCS Office of the Ombudsman shares general trends with the Chief Quality Improvement Officer and other DCS officials in order to improve operations. Confidentiality is maintained in accordance with [A.R.S § 8-807](#) but case specific and/or general information gathered may be shared with DCS staff to facilitate the performance of their duties.
10. The DCS Office of the Ombudsman may be required by law to provide testimony.
11. The DCS Office of the Ombudsman does not make binding decisions, mandate policy, or formally adjudicate issues.
12. 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.
13. The DCS Office of the Ombudsman does not address personnel issues but refers them to the attention of DCS Human Resources.
14. 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.
15. 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 his or her 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 of DCS may contact the DCS Office of the Ombudsman for assistance in the following manner:
  1. Online: <https://dcs.az.gov>;
  2. Telephone: (602) 364-0777 or statewide toll free at (877) 527-0765;

3. E-mail: [dcsombudsman@azdes.gov](mailto:dcsombudsman@azdes.gov);
  4. Writing: DCS Office of the Ombudsman, Department of Child Safety, PO Box 6030 – Site Code C010-022, Phoenix, AZ 85005-6030.
- B. Upon receipt, the complaint is analyzed to determine the best course of action to be taken to resolve the issue. The DCS Ombudsman, Assistant Ombudsman, Advocate or designee responds to the person as soon as possible and no later than three (3) working days either by telephone, email, or letter to inform the person their complaint has been received and the manner in which it will be addressed.
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, Assistant 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
  - Emails the appropriate DCS Program Supervisor, Child Safety Specialist, and DCS Program Manager or Program Administrator when necessary requesting either follow-up and/or resolution of the complaint or concern.

The DCS Program Supervisor, Child Safety Specialist or DCS Program Manager/Program Administrator:

- 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 (5) working days 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, Assistant Ombudsman, Advocate or Designee:

- Within two (2) working days of the email response from the DCS Program Manager, DCS Program Supervisor, or Child Safety Specialist, in consultation with the appropriate DCS

Program Administrator or designee, determines if the complaint requires additional resolution and follow-up.

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 an Advocate within the DCS Office of the Ombudsman.
3. A response by the DCS Ombudsman or Assistant Ombudsman.
4. A Client Grievance\*.
5. A Kinship Placement Denial 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.

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

- the origin, source type, and concern of the complainant;
- the results of the investigation;
- the resolution; and
- 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 Level I](#) 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 Level I](#), 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 a 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.;

- 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 [A.R.S. § 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 (5) working days, provides a written response to the individual explaining why the issues raised do not fall within the grievance guidelines.

If the complaint is eligible for Client Grievance process, within one (1) working day of receipt of the grievance, the DCS Office of the Ombudsman assigns the grievance to the appropriate DCS Program Administrator to address the matter.

The DCS Program Administrator or designee:

- schedules a face-to-face meeting with the person who filed the grievance within fourteen (14) working days from the date it was received by the DCS Office of the Ombudsman to address the grievance (a teleconference will be scheduled if a face-to-face meeting is not possible);
- mails a response letter to the complainant within five (5) working days of the meeting and includes [Client Grievance Level II](#) so the client 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 DCS Program Administrator or DCS 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, he or she may appeal to the DCS Office of the Ombudsman by submitting a [Client Grievance Level II](#) within 30 days of mailing of the Client Grievance Level I written response. 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 DCS Office of the Ombudsman, in conjunction with the DCS Program Administrator or designee:

- schedules a face-to-face meeting with the person who filed the grievance to be held within ten (10) working days from the date it was received by the DCS Office of the Ombudsman to address issues included in the Client Grievance Level II, or schedules a teleconference if a face-to-face meeting is not possible;
  - mails a response letter to the client within five (5) working days of the meeting, including a [Client Grievance Level III](#) so the client may request further appeal through the Office of the Ombudsman; and
  - Emails the response letter to all appropriate parties, including the DCS Program Administrator or designee.
3. Level III: If a complainant is not satisfied with the Client Grievance Level II response, he or she may appeal to the DCS Office of the Ombudsman by submitting a [Client Grievance Level III](#) within thirty (30) days of the mailing of the Client Grievance 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:

- reviews the Client Grievance Levels I and II documentation and all appropriate case information to address the complaint's issues;
  - mails a response letter to the complainant within sixty (60) days from the date it was received at the DCS Office of the Ombudsman; and
  - Emails the response letter to all appropriate parties, including the DCS Office of the Ombudsman and the DCS 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 or procurement 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, Assistant 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 entities, 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/Assistant Ombudsman response, or Client Grievance).

In situations where significant case review is required, the DCS Ombudsman, Assistant Ombudsman or designee use Management Review and Response (formerly known as Actions) for problem resolution and response.

Within one (1) working day of receipt, the DCS Office of the Ombudsman assesses the Management Review and Response to make a determination as to which DCS Program Administrator, DCS Program Manager, or designee the Management Review and Response is to be assigned. The Management Review and Response is then emailed to the identified DCS Program Administrator, DCS Program Manager, or designee.

Within six (6) working days from the day assigned, the Department staff reviews the Management Review and Response, completes the necessary background information, addresses the critical issues in the Management Review and Response and drafts a written response for the DCS Ombudsman's or designee's signature.

Within three (3) working days of receipt of this information, the DCS Ombudsman or designee reviews the background information and written draft responses to ensure critical issues are addressed. The written correspondence is then mailed to the complainant.

The DCS Ombudsman or designee, in consultation with others as determined appropriate, determines if the complaint requires additional follow-up or resolution.

## 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 DCS Program Administrator, or designee, or appropriate DCS Program Manager 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 or designee is responsible for ensuring that corrective action plans are completed.

The DCS Ombudsman is responsible for ensuring that Data Management Reports are generated on a semi-annual basis from the complaint tracking database for review by the Department's Management Team. Reviews include identification of any trends and factors that influence practice and policy.

#### 9. Documentation

For client grievances, document the grievance proceedings as follows:

- Central Office maintains a copy of any grievance response letters or forms;
- Level I, II and III information is entered into the tracking database system by the DCS Office of the Ombudsman within one (1) working day of receipt;
- Management Review and Responses are entered into the tracking database system by the Administrative Assistant within one (1) working day of receipt;
- Complaints received by the DCS Office of the Ombudsman are entered into the database tracking system by the DCS Ombudsman, Assistant Ombudsman, Advocate or designee within two (2) working days of receipt.

The documentation shall be maintained in the DCS Office of the Ombudsman for three (3) 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 II \(CSO-1017A\)](#)

[Client Grievance Level III \(CSO-1018A\)](#)

# DCS Office of the Ombudsman

The DCS Office of the Ombudsman is responsible for offering assistance to DCS complainants receiving assistance or services from DCS to resolve service-related complaints and issues in an impartial manner. The DCS Ombudsman may also respond to members of the public who express concerns regarding child welfare.

## Sources of Complaints/Concerns/Inquiries

- Governor's Office
- Legislative/Senate Constituent Services
- Arizona Ombudsman Citizens' Aide Office
- Director's Office
- Grievances
- General Public/Parents/Relatives Etc.

## Types of Responses

### A referral to the appropriate DCS management staff:

This occurs when it is determined that the problem can be readily resolved by speaking with the correct management staff.

### A response by the DCS Office of the Ombudsman:

This occurs when it is determined that the problem requires a review of the case record and contact with field staff by DCS Office of the Ombudsman staff to obtain a needed response or action. DCS Office of the Ombudsman staff can also assist by explaining the DCS process for investigations, dependency/court actions, providing information on policies, procedures and statutory requirements, mediating disagreements between specific Department personnel, and assisting with the elimination of barriers to services.

### A Client Grievance:

This occurs when other conflict resolution methods have been unsuccessful and a more formal process is needed. If this is determined to be the appropriate response, the DCS Office of the Ombudsman will provide a Level I Client Grievance form and further explain the grievance process. A grievance ensures complaints are addressed at the lowest management level by those most familiar with the situation, provides for a face to face meeting with management staff, and requires specific response time frames with thorough documentation of the complaint and resolution process.



## Contact Information

Ombudsman  
Casey Melsek

Assistant Ombudsman  
Cindy Copp

Advocate  
Latanya Evans

Advocate  
Sarah Bruce

Support staff:  
Amy Strike  
Aurea Talas

**P.O. Box 6030, Site  
Code C010-23  
Phoenix, AZ 85005-  
6030**

**Online submission:  
[www.dcs.az.gov](http://www.dcs.az.gov)**

**Email:  
[Ombudsman@azdcs.gov](mailto:Ombudsman@azdcs.gov)**

**Call: 602-364-0777  
1-877-527-0765**

