

POLICY # 213	SUBJECT: Client Concerns and Appeals Related to Critical Case Planning Decisions
EFFECTIVE DATE: April 4, 2008 REVISION DATE: February 19, 2016	Page 1 of 3
Approved By: Carla Benson-Green, Cabinet Secretary	

Delaware Children's Department Policy

I. PURPOSE

The Department strives to act in the best interest of children and their families and to be responsive to their concerns in the case planning process. We are committed to having youth and families drive our case planning (except where the Court orders case planning elements) and value their input at all levels of decision making. Divisions work to resolve disagreements with families regarding critical case planning decisions at the local level wherever possible. Where disagreements can't be resolved at the local level, families should have access to processes that address their concerns. This policy sets out expectations for Divisions regarding appeal and complaint processes.

II. GENERAL

Each Division will have complaint and appeal procedures to address opportunities for families to voice concern and appeal defined critical case planning decisions that are within the control of that Division. Case managers should educate families about their rights regarding critical case planning decisions that the Department does not have the independent authority to change (i.e. Court orders). Division complaint and appeal processes shall be consistent with processes governed by statute or regulation. This policy applies to critical case planning conducted by Department staff with youth and their families. This policy does not apply to any of the following:

- contracted providers
- licensed child care providers or approved foster care providers
- bidders for RFP awards
- entry on the Child Abuse Registry
- fair hearing rights or appeals based on the Social Security Act and other court-related appeals

III. DEFINITIONS

1. Appeal: Request for a review of a critical case planning decision for an active client that includes the relief requested. Complaints and appeals may be made by the parent/legal guardian of an individual receiving services; youth 14 and older may initiate a complaint and/or appeal regarding substance use services and outpatient mental health services.
2. Appeal Process: Steps by which a client or legal representative with standing in a case can appeal a critical case planning decision.

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3. Client: Parent/guardian and any youth who has legal authority to make decisions regarding critical case planning who is currently receiving services from the Department
4. Complaint: Expression of dissatisfaction to a Division regarding any aspect(s) of critical case planning.
5. Critical Case Planning Decision: Critical decisions are designated by each Division and specified in policy. Critical decision may include determination of approval/disapproval of eligibility, services offered or mandated, and other critical case plan decisions initiated by Department staff.
6. Notification: Communication of information from the Department to a client or their attorney or person with standing in a case regarding a critical case planning decision.
7. Relief: A description of the remedy sought by the individual initiating the appeal or complaint.

IV. PROCEDURES

A. Divisions will have established policy regarding the procedures for a parent/guardian or individual with legal standing to express complaints and/or appeal critical case planning decisions. Such policies shall be:

- Consistent with state and federal law, regulations, applicable accreditation requirements, and Department policy
- Reviewed on a regular basis
- Available for client review

B. Division appeal and complaint procedures shall include:

- A listing of critical case planning decisions that may be appealed
- A list of the steps to file an appeal or complaint
- Encouragement to resolve disputes at the lowest possible level
- Timeframes for appeal events
- Notification of appeal rights and of alternative or additional mechanisms that are available to the client
- Notification of the hearing date, time and location if applicable
- Notification of review or hearing decision and further appeal rights
- A description of the hearing process and hearing events

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- Record keeping procedures for tracking appeals and complaints
- Consumer protections against retaliation for filing an appeal or complaint

C. Divisions should consider establishing a tracking system for appeals and complaints and regularly review this data to identify opportunities to inform quality improvement activities.

V. RERENCES

A. Accreditations:

Commission on Accreditation of Rehabilitation Facilities- Business Practices Sections I, Criterion B. Rights of Persons Served, Section 3.b; and Unaccredited Providers Section 5, Criterion B. Rights of Persons Served, Section 3 a. and b.

American Correctional Association Standards Manual, Part 3 Institutional Operations, 3-JTS-3C-10 through 3-JTS-3C-24 and 3-JTS-3D-09

B. Statutes:

Child Abuse Protection and Treatment Act- Sec. 106(b)(2)(A)(xiii)(II)

Social Security Act- Section 471(a)(12), 45 CFR Parts 1355.30, 205.10 (a)(9) and 205.100(b)(1)

Delaware Code Title 16, Chapter 9, Subchapter 11