

BUTLER COUNTY CHILDREN SERVICES

POLICY NO.: 10.7	SUBJECT: GRIEVANCE REVIEW HEARING
OAC: 5101:2-33-4	EFFECTIVE DATE: 5/25/04
PCSAO: 10.8 Non-Employee Grievances	REVISION DATE: 10/25/05, 11/21/06
	REVIEW DATE: 4/26/05, 10/25/05, 1/23/07, 8/1/08

PURPOSE:

The Butler County Children Services (BCCS) desires to provide its clients with the opportunity to inquire into the investigative process and to provide a formal process for alleged perpetrators who disagree with the BCCS's findings, and accordingly promulgates this grievance appeal process.

POLICY 10.7

1. The Butler County Children Services shall designate a hearing officer for all disposition hearings and shall conduct said hearings in accordance with this policy. The BCCS shall appoint the Ombudsman, or a designated hearing officer, for all disposition hearings and the Ombudsman, or other person designated by the Executive Director, shall conduct resolution hearings. Both types of hearings shall be conducted in accordance with this policy.
2. The Individual conducting the hearing cannot be involved in any other stage of the case, including the assessment /investigation of the incident or the approval of the case disposition; and the individual will have the authority to overturn the case disposition.
3. Notice of the right to appeal the case disposition shall be provided in writing to the alleged perpetrator at the time of the official notification of the case disposition.
4. Written copies of this policy shall be provided to an individual within three working days of the request being made.
5. Alleged perpetrators who disagree with the Butler County Children Services disposition shall be instructed that they must submit a written request for a grievance hearing to the Ombudsman within two weeks of receipt of the investigative disposition/resolution.
6. The Butler County Children Services shall communicate the grievance policies pursuant to Policy # 10.4 Title VI Language access policy for individuals who are hearing or visually impaired or speak a language other than English.

PROCEDURE:

- (1) Upon receipt of said notification BCCS shall determine if the client seeks review of the disposition or resolution portion of the finding.
- (2) The Ombudsman shall determine through inquiries with workers, if the complainant has a pending criminal investigation and/or pending criminal charges related to the disposition. When a criminal investigation and/or criminal charges are pending, the determination to grant a Grievance Hearing shall be made on a case-by-case basis.
- (3) Upon notification of a request for hearing, a clerical staff shall coordinate with the hearing officer's calendar to schedule a hearing within twenty calendar days.
- (4) The clerical staff shall then notify all parties in writing of the date, time and location of the hearing and request written confirmation back from the client as to their intent to appear. The clerical staff shall also include an Involved Party Form in the notification, requesting the names of persons the client desires to be heard.
- (5) The clerical staff will forward all requests for a hearing to the Ombudsman.
- (6) The Director of Assessment and Short Term Services shall also be notified of the hearing via e-mail, and make available those employees involved in the investigation to offer testimony about the agency's decision-making process. A copy of this e-mail shall be placed into the hearing file.
- (7) Upon return receipt of the client's confirmation, the hearing officer shall notify affected Children Services personnel via e-mail the hearing will be held and cause a copy of this e-mail to be placed into the file.
- (8) Failure by the client to return confirmation shall be considered a waiver of the process and no additional hearings will be set.
- (9) Hearings are administrative in nature and as such, shall not be governed by the legal rules of evidence. All hearings shall be conducted in a non-adversarial setting and shall be recorded to protect information for possible future review. Recordings of hearings shall be retained in accordance with applicable records retention laws.
- (10) Hearings are scheduled for ninety minutes, but may be extended at the discretion of the hearing officer. The hearing officer may grant one continuance upon a showing of good cause. Failure to appear by the client, or failure to request a continuance within ten calendar days of the hearing, shall be considered a waiver of the process and no additional hearings shall be set.
- (11) All hearings shall be considered closed to the public, in accordance with current confidentiality laws.
- (12) Clients may, at their own expense, retain legal counsel to be present at the hearing.
- (13) Hearings shall be conducted in the following manner:

- a) Children Services presents information about the investigative process and the substance of the investigation leading to the disposition.
- b) The client presents information to demonstrate the investigative findings were in error and/or a basis for changing the finding.
- c) Children Services is afforded an opportunity to respond to the client's presentation.
- d) The client is afforded an opportunity to respond.

- (14) The hearing officer shall render a written report containing a summary of the facts as presented by each side; conclusions or findings; and a decision to the CS Executive Director and the client within ten calendar days of the hearing. A copy of the hearing officer's report shall be placed into the hearing file.
- (15) If the review decision changes the original disposition, the assigned social worker/supervisor shall be responsible for updating/changing the Central Registry Information in accordance with OAC 5101:2-35-16.
- (16) The Ombudsman shall notify the client in writing within ten calendar days of the decision and cause a copy of the decision to be placed into the file.
- (17) For clients seeking a change in the resolution of their case, the Ombudsman or such other employee as may be designated by the Executive Director, shall be responsible for hearing the matter.
- (18) Resolution concerns do not require a formal hearing process and may be conducted via telephone or through face-to-face contact with the client, with the latter being the preferred option.
- (19) Following the meeting with the client, the Ombudsman or designated employee, shall submit a written report with findings and recommendations to the Executive Director and cause a copy of the report to be made a part of the case file. A copy of the report shall also be forwarded to the Ombudsman.
- (20) If the review decision changes the resolution, a letter shall be forwarded to the client by the hearing officer indicating the change is authorized.



Michael A. Fox, Executive Director