

## **Section 6- Complaint and Advocacy**

**a) Complaint Procedure**

Explanation of what to expect when an allegation is made.

**b) Notice of Privacy Practices**

Describes how private information about you may be used and disclosed and how you can get access to this information.

**c) Allegations Happen: How to Prevent and Survive Them**

Guidelines from the North American Council on Adoptable Children (NACAC) on how to protect foster parents from allegations of abuse and neglect.

**d) Foster Care Provider Grievance Procedure**

Guidelines for foster parents if they have a grievance they would like to make against agency staff involving agency policy, procedure, or practice.

## FAMILY FOSTER CARE COMPLAINT PROCEDURE

### 1. Allegation/Complaint

An allegation or complaint is an accusation or charge from a party who is objecting or questioning the behavior(s) of the provider and/or treatment of the client(s). Who makes complaints? Foster child/children, birth parent(s), neighbors, school officials, social workers, medical professionals or any person in the community may make an allegation.

### 2. There are different complaint categories

- Maltreatment (family only)--investigated by Child Protection
- Maltreatment/Licensing (foster child/children)--investigated by Child Protection and your Licensor
- Licensing (foster child/children)--investigated by your Licensor
- Neither (A concern, but not listed under the Child Foster Care Rule or Child Protection)--May be addressed by the foster care licensor.

### 3. An Assessment is completed

- Talk to the reporter and others who may have information.
- You can provide names of other persons who may have information about the complaint.
- Consult other foster care staff and supervisor

### 4. A Determination Is Made

- Child Protection-Maltreatment or no maltreatment; services needed or services not needed
- Licensing-Occurred; did not occur; no determination could be made

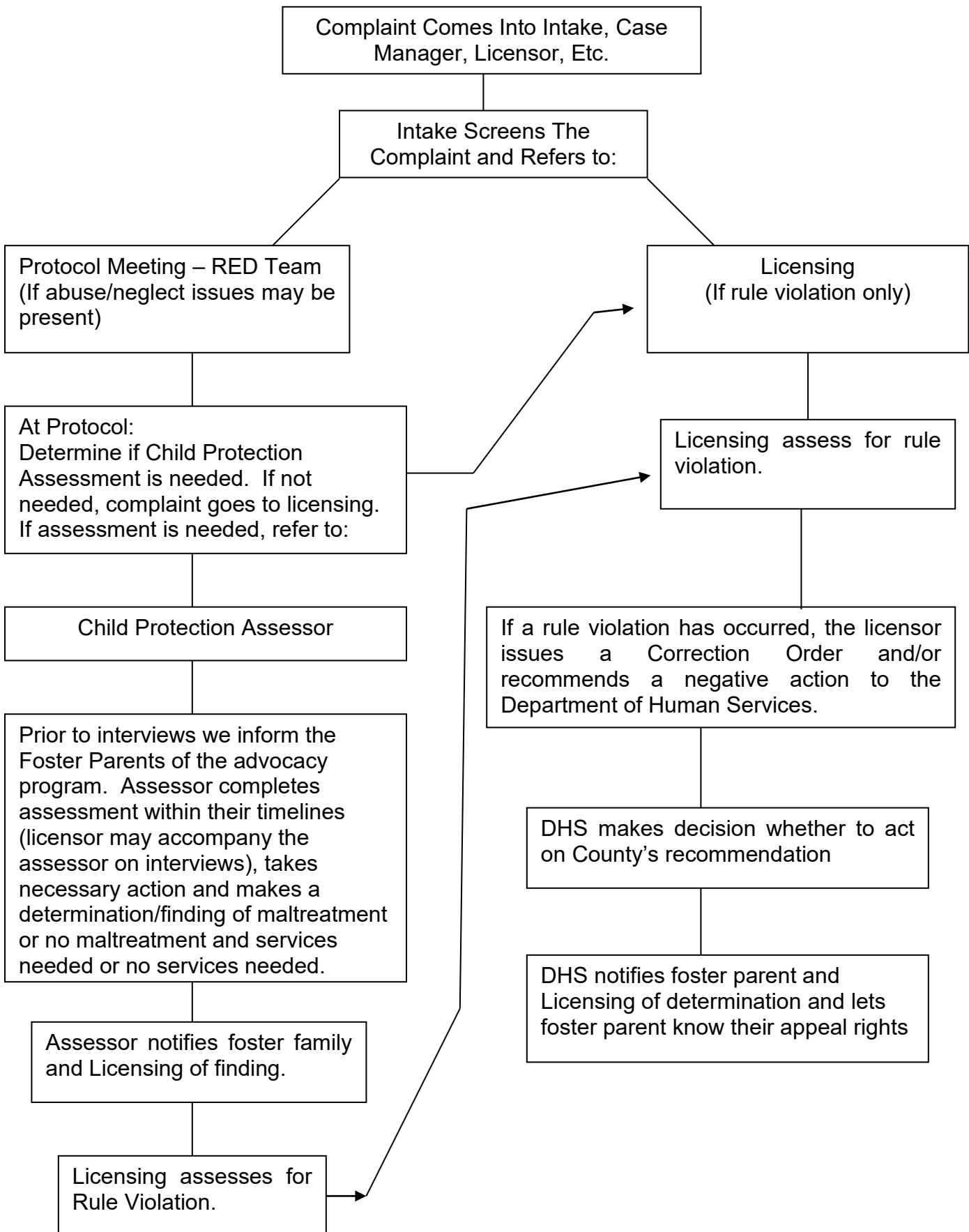
### 5. Outcomes or Actions

- Discussion
- Correction Order- (written citation of licensing violation)
- **Recommendation to the Department of Human Services for a Negative Licensing Action**
  - Conditional License-(involves restrictions, additional training, additional visits)
  - Suspension-(discontinuing care for a specific period of time)
  - Revocation-(license to provide foster care is taken away)
  - Immediate suspension-(must stop providing foster care services immediately)

Complaints are discussed with the provider. You are given the opportunity to relate your side of the situation. When the finding is made and you are in disagreement, you do have the right to request reconsideration of the decision.

The purpose of this hand out is to raise your awareness of what may happen if an allegation is made against you. Remember to document incidents as they occur. Familiarize yourself with the licensing rule (Child Foster Care Rule) as it defines expectations. If you have questions regarding the allegation/complaint process or the Child Foster Care Rule, please contact your licensor.

## Child Protection/Licensing Complaint Protocol





Division of Licensing/Office of Inspector General

## NOTICE OF PRIVACY PRACTICES

This notice describes how medical information and other private information about you may be used and disclosed and how you can get access to this information. Review it carefully.

This information is available in other forms to people with disabilities by contacting us at (651) 431-6500 (voice). TTY/TDD users can call the Minnesota Relay at 711 or (800) 627-3529. For the Speech-to-Speech Relay, call (877) 627-3848.

You have privacy rights under the Minnesota Government Data Practices Act and the federal Health Insurance Portability and Accountability Act (HIPAA). These laws protect your privacy, but also let us give information about you to others if a law requires it. We may tell you before we give the information.

### Why are we asking you for this information?

We have received a report of possible maltreatment and/ or licensing violations occurring in a program licensed by the Minnesota Department of Human Services (DHS) or Minnesota Department of Corrections (DOC).

### Do you have to answer the questions we ask?

Generally the law does not say you have to give us this information. You have the right to refuse to answer our questions.

### How will we use the information that you give us?

The information you supply us with will assist us in determining: (1) whether maltreatment has occurred and, if maltreatment has occurred, whether an individual or the facility is responsible; and/or (2) whether any violations of Minnesota rules and/or statutes have occurred. The information you supply may also be used to make reports, do research, do audits and evaluate our programs.

### What will happen if you don't answer the questions we ask?

If you refuse to answer our questions, we must conduct our investigation and make our determination without the information you may be able to provide. If you knowingly withhold relevant information, or give false or misleading information in connection with an investigation, it may result in a licensing action.

### Who will get a copy of this information and with whom will we share this information?

**During an investigation:** All information that we collect is confidential until the investigation is completed. Confidential means that we cannot share the information with anyone other than authorized government agencies, such as county adult or child protection workers, the Health Department, the Department of Corrections, the Ombudsman's Office or a law enforcement agency if one of those agencies is also investigating this report. Confidential also means

that the subject of the information has no right to see the information.

**When the investigation is completed:** Some information becomes public, some becomes private data about individuals and some remains confidential.

- Your name or the name of a license holder, or both will be public if:
- A court issues an order making it public or if the information becomes a part of a judicial or administrative proceeding; or
- You are a license holder or you work for, live with, or are otherwise affiliated with a license holder, and as a result of an investigation you are determined to be responsible for maltreatment, if:
  - A licensing action has been taken against the license holder based upon your maltreatment determination; and
  - The license holder provides any of these services: family child care, child care center, foster care in a provider's own home, adult foster care or adult day care in the provider's own home.
- If you are a reporter of an incident we are investigating, your identity as the reporter will remain confidential.

Public means that anyone can have access to the information. Private means that the person whom the information is about may access the information or may give permission for others to access the information.

Confidential information is not accessible to the subject of the information, but is accessible to individuals or agencies that need it to do their job. We may give information about you to anyone else authorized under the state or federal law.

**What will happen when the investigation is completed?**

When the investigation is completed a public summary will be prepared that contains some of the factual information obtained during the investigation. The public summary will be written in a way that keeps the identity of anyone who gave us the information private. Some readers of the public summary may believe that they recognize the persons referred to in the public summary. Without your permission, our office will not confirm or deny your identity to anyone, other than you or authorized governmental agencies.

If licensing violations and/or maltreatment occurred, DHS or DOC will determine if a licensing action will be ordered.

If an individual is found responsible for serious and/or recurring maltreatment s/he may be disqualified from a direct contact position.

At the time of the investigation an individual will be advised of any rights to challenge these determinations.

**You have the right to information we have about you.**

- You may ask if we have information about you and get copies. You may have to pay for copies.
- You may give other people permission to see and have copies of private information about you.
- If we have collected health information about you, we may use it only for purposes that we have listed in this notice.
- You have the right to ask us to share health information with you in a certain way or in a certain place. If we find that your request is reasonable, we will grant it.
- You can ask us to restrict uses or disclosures of your health information. We are not required to agree to your restrictions.
- You have the right to receive a record of the people or organizations that we have shared your health information with. If you want a copy of this record, you must send a request in writing to our privacy official.
- If you do not understand the information, you may ask to have it explained to you.

**What privacy rights do children have?**

If you are under 18, parents may see information about you and allow others to see this information, unless you have

asked that this information not be shared with your parents or it involved medical treatment for which parental consent is not required. You must make this request in writing and say what information you want withheld and why. If the agency agrees that sharing the information is not in your best interest, the information will not be shared with your parents. If the agency does not agree, the information will be shared with your parents if they ask for it. When parental consent for medical treatment is not required, information will not be shown to parents unless the health care provider believes that failing to share this information would jeopardize your health.

**What if you believe your privacy rights have been violated?**

You may complain if your privacy rights have been violated. You cannot be denied service or treated badly because you have made a complaint. If you believe that your medical privacy was violated by your doctor or clinic, a health insurer, a health plan, or a pharmacy, you may send a written complaint either:

- Directly to that organization, *or*
- To the federal Office of Civil Rights at:

U.S. Department of Health and Human Services  
Office of Civil Rights, Region V  
233 N. Michigan Ave., Suite 240  
Chicago, IL 60601

(312) 886-2359 (Voice) *or*  
Toll free (800) 368-1019/(866) 282-0659  
(312) 353-5693 (TTY/TDD)  
(312) 886-1807 (Fax)

If you think that the Minnesota Department of Human Services has violated your privacy rights you may send a written complaint to the U.S. Department of Health and Human Services at the address above, or to:

Minnesota Department of Human Services  
Privacy Official  
PO Box 64998  
St. Paul, MN 55164-0998

**Sign below to indicate that you have received this privacy notice.**

RECIPIENT OF NOTICE OR LEGALLY AUTHORIZED REPRESENTATIVE	DATE
--	------

## OLMSTED COUNTY COMMUNITY SERVICES DEPARTMENT

### POLICY STATEMENT

Code: 5.108

TITLE: **Foster Care Provider Grievance Procedure**

PURPOSE: The Foster Care Provider Grievance Procedure is established to resolve areas of disagreement between foster care providers and agency staff involving agency policy, procedure or practice.

REFERENCE: **Department of Human Services Rules**

MN Rules, 9543.0060 LICENSING FOSTER CARE PROGRAMS, Subpart 5.  
Duties of Agency. The agency shall:

D. Establish a grievance mechanism for resolving differences between the agency and the license holder and provide the license holder with a written description of grievance procedures.

PERSONNEL

RESPONSIBLE: Agency personnel are responsible for responding to grievances which involve foster care provider disagreements with agency policy, procedure or practice.

The Department of Human Services is responsible for appeals regarding such items as the denial of licensure, revocation or suspension of a license.

EFFECTIVE: 08/13/96, Updated 12/99, 3/06, Updated 1/12, Updated 11/15

POLICY:

Olmsted County Community Services must:

- have a foster care provider grievance procedure in effect.
- furnish license holders with a written description of grievance procedures.
- offer initial training on the grievance procedure to providers.

A copy of the "Foster Care Provider Grievance Procedure" is included in the "Olmsted County Community Services Foster Parent Handbook" and is reviewed with providers at initial licensing.

PROCEDURES:

Certain issues are not grievable: contractual agreement, placement decisions, civil rights – related or statute/rule requirements. The County Attorney's Office will decide if an issue is grievable according to applicable standards. Decisions will be available within ten (10) working days.

Individuals have the right to pursue citizen, civil or legal avenues after a decision on the grievance, or after response that an issue is not grievable.

**Before filling a written grievance, the following conciliation steps are expected to be taken:**

1. Foster care provider and case manager or probation officer make direct efforts to resolve disagreement.
2. Provider contacts the case manager/probation officer's supervisor about unresolved client-related or program-specific concerns. The provider can decide what type of interaction is preferred: telephone, face-to-face and/or written contact.
3. Adoption/Foster Care/Child Care Unit Supervisor may participate as needed regarding concerns involving Adult Foster Care or Family Foster Care.

**In the event that the disagreement remains unresolved, the provider may file a formal grievance.**

A formal grievance procedure begins when a foster care provider files a written grievance requesting resolution of a disagreement between themselves and the agency:

1. Provider files a written grievance, requesting resolution of a disagreement between themselves and the agency.
2. Written requests should:
  - ◆ include a statement of the issues or concerns and the action desired,
  - ◆ state the type of interaction preferred: telephone, face-to-face and/or written contact,
  - ◆ be directed to the Associate Director of Social Services or designee, and
  - ◆ copied to the Adoption/Foster Care/Child Care Unit Supervisor and placed in the provider's case file.
3. Within ten (10) working days of receipt of the request, the Associate Director of Social Services will convene a meeting to address the grievance, unless another form of contacts is preferred by the provider, i.e., telephone or written response.
  - ◆ Attendance at the meeting may include: the provider, a provider advocate, the case manager or probation officer, the case manager's or probation officer's supervisor, the provider's licenser, and the Adoption/Foster Care/Child Care Unit Supervisor.
  - ◆ The client and/or legal guardian must provide a written release for his/her data to be discussed/shared in this (and any subsequent) meeting.

**Outcomes:**

1. The grievance is resolved. The resolution is signed by the provider and an agency representative.
2. The grievance is not resolved. The process ends.

APPROVED BY:	DATE:	AUTHOR:		
Human Services Committee	07/09/96 08/13/96		Belinda J. Krenik, Community Services Supervisor Foster/Day Care Unit	
Olmsted County Board	08/13/96		With assistance/consideration by:	
			Adult Foster Care Committee – Work Group	06/06/96
			Adult Foster Care Committee	06/13/96
			Community Services Supervisors: Social Services	06/17/96
			Corrections – Adult & Juvenile Divisions	6/26/96

			Family Foster Care Committee – AD H	06/24/96
			Leadership Team	06/24/96
			County Attorney's Office	07/01/96, 07/17/96
			Adult Foster Care Committee by special request	07/11/96
Leadership	12/13/99	UPDATED:	Dan Judd	
			Adult Foster Care Advisory Committee	11/18/99
			Child Foster Care Advisory Committee	12/17/99)
			County Attorney's Office: Geoff Hjerleid and/or Bob McIntosh	12/7/99
			Heather Johnson	3/06
Senior Management	2/6/12		Michelle Freiderich, Social Worker, Child Foster Care Rich Hacker, Supervisor, Adoption/ Foster Care/Child Care Jennifer Bagne-Walsh, Supervisor, Adult Foster Care	1/25/12
Senior Management			Michelle Freiderich, Sr. Social Worker, Child Foster Care Rich Hacker, Supervisor, Adoption/ Foster Care/Child Care Jennifer Bagne-Walsh, Supervisor, Adult Foster Care	11/05/15



## **Allegations Happen: How to Prevent and Survive Them**

*From Spring 2002 Adoptalk, North American Council on Adoptable Children (NACAC)  
By Diane Martin-Hushman, Parent Group Coordinator*

"It's the worst thing that's ever happened to me," said one parent about the time her foster daughter filed an abuse allegation against her. Most often false, allegations of abuse against parents who foster and adopt children with special needs are frighteningly common. When parenting these special children, it is in our best interest to prevent situations that could be construed as inappropriate, and seek out help when an allegation disrupts our lives.

Whether false or confirmed, allegations arise for different reasons. We hope that children who are abused by their caregivers will notify a teacher, social worker, or someone else in authority. But sometimes children whose backgrounds include abuse are highly sensitized to triggers that they associate with abuse. You may just be leading a child to a time out after he kicks his sister; but the instant you grab his arm, your foster son may flash back to times when he was dragged to a room and whipped with his birth father's belt. As children age through the foster care system, and grow in street wisdom and anger, many also learn that allegations are a ticket out of a placement, a means of getting attention, and a way to keep parents who are starting to get too close a safe distance away.

The general public is concerned about child abuse and neglect, but not very knowledgeable about how parents must try to deal with some very difficult behaviors presented by abused children. The media is quick to shine the spotlight on a few foster and adoptive parents who abuse children in their care, and say little about those who are diligently working to improve children's lives. Once they happen, allegations are hard to live down.

### **Consequences of Allegations**

When I was a social worker, a 13-year-old girl in my caseload alleged that her 71-year-old foster grandfather had sexually abused her. The grandfather had a heart condition and I thought the reports would kill him! After looking into the charges, investigators discovered that the girl was distorting the situation and reenacting a previous abuse situation with her birth grandfather.

Though not substantiated, the charge became part of the family's case file, and the stress family members experienced lingered on. Many parents describe allegations and the subsequent investigation as a process of loss and grief. Parents may lose their sense of identity, their self-esteem, and their trust in the worker or agency. Children may be removed—another painful loss for both the children and parents. Even after child protection closes the case, a parent may feel that the family's good name is forever tarnished and the episode will never be resolved.

Allegations that uncover licensing violations or substantiated abuse claims can cause additional stress. Depending on the severity of the infraction, foster parents may be placed on probation, be issued a correction order, or have their license temporarily suspended or permanently revoked. Serious allegations may result in a criminal charge that could land a parent in jail, and forever ruin chances of fostering or adopting another child.

## Allegation Prevention Strategies

Foster and adoptive families who have lots of children, including children of different races, and who have been fostering for a long time are at greater risk of being reported for alleged abuse. All families who care for children with special needs face some risk, and every parent can take steps to keep situations from turning into allegations. Below are some ideas for parents to consider.

- **Know your limits.** If you are not comfortable handling children with certain challenging backgrounds and behaviors, don't set yourself up by bringing such children into your home.
- **Learn all you can about each child before placement.** You have a right to know about previous abuse and allegations. Ask: "Has this child been abused? In what way? Who were the perpetrators? Have there been any abuse allegations?" Had the foster family whose 13-year-old girl charged the grandfather with abuse known about her abuse history, they would never have left the foster grandfather alone with her.
- **Make sure that men and boys in your house are never alone with a girl who has been sexually abused.** Proactive precautions are very important in this situation, especially at the beginning of the placement. Talk with your partner and others in the household about this safety plan, and stay proactive.
- **Give each sexually abused child his or her own bedroom.** I know this is difficult, but why put another child in your home at risk? If a child's boundaries have been invaded, he or she needs to re-learn proper boundaries.
- **Be crystal clear about rules for dress, privacy, touching, etc.** Caregivers must agree on house rules, boundaries, and consequences. Each child comes from a different culture of parenting, sexuality, sleeping habits, dress, touch, and more, and needs to learn what is appropriate. As a foster mom, I talked about sexuality as one of the house rules. "In this house," I would say, "my husband gets his sexual needs met with me and only me." Sound crude? Yes, but I said it in a matter-of-fact way and set a very clear boundary that the teenage girls we worked with really needed.
- **Never use physical discipline.** Corporal punishment is not allowed in foster care, but I know some folks think that once the kids are adopted, physical discipline is okay. Don't do it. Children with a history of physical, sexual, or emotional abuse often misinterpret physical discipline and an allegation is likely. Physical discipline can also undermine attachment.
- **Avoid teasing, horseplay, wrestling, and suggestive language.** These are acts of intimacy, and intimacy is just what abused children often resist. In addition, the child may get a different message than you intend during the close physical contact involved.
- **Document sexual acting out in writing.** Send reports to the child's social worker and therapist. Then, if another incident comes to light, the worker and therapist can see that there might be a pattern to the child's acting out that perhaps relates to past experiences.

- **Document behavior patterns.** When a child enters your home, use a calendar to record changes in the child's behavior; inappropriate words or actions during birth parent visits; the child's behavior following visits; the cause of scratches, bruises, or other injuries; and any patterns of behavior that seem to follow specific events or times of the year (like anniversaries of certain past events).
- **Participate in a support group.** As foster and adoptive parents of children with special needs, we need to share the struggles and joys that are a part of our lives with those who can empathize and support us. We need folks who can laugh and cry with us and really understand foster and adoptive parents' journey.
- **Reserve personal time to reduce stress.** Know what really pushes your buttons, and establish a calming plan. Post 20 calming tips on your refrigerator and model stress-reduction techniques for your children. Then, make plans for a weekly—yes, weekly—time away from the children. Take care of yourself; you are the child's greatest gift!

## Allegation Survival Strategies

Sometimes, despite a family's efforts to prevent them, allegations will happen. Maybe things are going a little too well with Jimmy—a 12-year-old with a history of sexual abuse—and he starts to get scared. The week after a lively game of Twister with his foster dad, Jimmy tells his worker that the foster dad was touching and pressing his body against Jimmy's. Jimmy claims it was sexual abuse, and soon child protection opens a case file to investigate Jimmy's allegation.

The foster family is looking at weeks or months of investigation, and Jimmy moves to an emergency shelter. What can the parents do to take care of themselves?

- **Try to stay positive.** Assume that the charge will be proven false, and try not to presume guilt. Statistics I've seen say that about 65 to 70 percent of all allegations are false. Child protection has to investigate to make certain that the child is not being abused. The best thing you can do is cooperate.
- **Document everything.** Start a notebook to record details of every phone conversation, personal interview, and correspondence related to the allegation. Write in pen, and be prepared to use the notebook to back up your story in court if need be. Request copies of the written charge against your family, as well as the letter that formally states that the allegations were unfounded.
- **Educate yourself.** Insist on getting a copy of your state's foster care rules and laws pertaining to allegations and abuse, and learn about county or agency policies and procedures too. Find out what will happen during the investigation, what your rights are, and how you can appeal an investigator's determination.
- **Behave appropriately.** During interviews, make your point and then stop talking. Speak with confidence, and be factual, honest, respectful, and business like. Avoid emotional language when telling your side of the story. It may be extremely hard, but you must try to be objective.

- **Meet with people who are gathering information.** If an investigator asks to meet with you, don't keep her waiting. If you need to, bring along a friend or someone from your support group who can give you perspective on how the meeting went.
- **Communicate with your partner.** Allegations, especially those of sexual abuse, can really drive a wedge between partners. The husband thinks, "How could they think I would do something like that?!" The wife wonders, "Could it possibly be true?!" If not openly discussed, these questions can pull couples apart just when they need each other's support the most.
- **Know your rights.** Don't be afraid to appeal, request a waiver, and learn how the grievance procedure works. If need be, hire legal counsel. I would especially recommend hiring a good attorney for sexual abuse allegations.

## How Support Groups Can Help

In addition to counseling new foster and adoptive families about taking conscious steps to prevent allegations, support groups can be very helpful when a family is going through or has just concluded an allegation investigation. Sometimes, the best help is just being there. To support family members who are going through an investigation:

- **Offer a sympathetic ear.** This is a time when families really need the support group! Make them feel welcome by respectfully listening.
- **Stay neutral.** It is not the group's job to fix the problem. There are many sides to the story, and the group should be objective. Agency bashing helps no one.
- **Share information.** Encourage members to talk about their experiences with allegations, and share local allegation policy and procedural information with the entire group.
- **Suggest resources.** Direct the family to legal services and suggest how they can obtain agency policies concerning allegations.
- **Assign a mentor.** Parents going through an allegation may have an easier time talking to one person who has experienced an allegation rather than the whole group. A call from someone who can say, "I've walked the walk," can mean so much during this time.

After the investigation is over, ask for help to regain your equilibrium, rebuild, and move on. Take really good care of yourself. Think hard and give yourself some time off before bringing a child back into your home, or accepting another placement. Take care of the children still in the home. Difficult times can be therapeutic and healing, showing children that we can have tough times, but as families we are strong and resilient. If you can't prevent an allegation, at least do what you can to survive, learn, and thrive.

**North American Council on Adoptable Children  
(NACAC)**

970 Raymond Avenue, Suite 106  
St. Paul, MN 55114  
Phone: 651-644-3036  
Fax: 651-644-9848  
E-mail: [info@nacac.org](mailto:info@nacac.org)