

Erie County FCFC Dispute Resolution Process.

The purpose of service coordination is to provide a venue for families needing services where their needs may not have been adequately addressed in traditional agency systems. Each agency system has areas of responsibility and the collaborative approach is not intended to replace or usurp the primary role of any one of these systems. Dispute resolution is an important component of any services delivery system. Although agencies and professionals are committed to meeting the needs of the child and/or family there are times when one or more members of the team may question decisions or the process. In all instances families are encouraged to ask questions and become informed as to what is available, what their child might need, and what rights and responsibilities they have as parents. Conflicts may arise in three distinct types of situations:

- ✓ The family is in disagreement with one agency;
- ✓ The family is in disagreement with the service plan; or
- ✓ One agency is in disagreement with another agency or the service plan.

If the dispute does not pertain to service coordination, parents or custodians shall use existing local agency grievance procedures to address disputes. This process is in addition to and does not replace other rights or procedures that parents or custodians may have under other sections of the Ohio Revised Code. Each agency represented on a county Family and Children First Council (FCFC) that is providing services or funding for services that are the subject of the dispute initiated by a parent shall continue to provide those services and the funding for those services during the dispute process. These rights shall not be interpreted as overriding or affecting decisions of a juvenile court regarding an out-of-home placement, long-term placement, or emergency out-of-home placement.

The FCF Council shall inform parents and/or custodians of their rights to use the dispute resolution process. Parents or custodian shall use existing local agency grievance procedures to address disputes not involving Service Coordination. FCFC of Erie County shall assure that there is a process, through the Ohio Department of Health (ODH), for complaint resolution that includes mediation and civil hearing procedures for parents of children birth to three who have a developmental delay or diagnosed disability. Parents of children birth to three determined to be eligible for HMG services shall be informed of their rights annually, at a minimum, throughout the time the child is receiving HMG services. Parents of children enrolled in HMG who are at-risk shall follow the dispute resolution process as outlined in this Service Coordination Mechanism.

Family Team Disputes

The process for handling each of the above situations is dependent on the premise that individuals and agencies will, in all instances, seek clarification and resolution at the Family Team level prior to initiating the formal conflict resolution process. The Family Team serves to utilize the recommendation of all parties, including that of the parent or guardian, that promotes the well being of the child(ren) in regards to services for the child(ren). If there is significant and unresolved conflict regarding any aspect of the

Comprehensive Service Plan by any participant (including parents) in the Wraparound process, every attempt is made to resolve that conflict with the participating members of the Family Team. If the Family Team cannot resolve the dispute, the dispute resolution process can be initiated. Each family will be notified of their right to utilize the dispute resolution process and provided information regarding the process at the first Family Team meeting. Parents who choose to utilize an advocate or mentor are encouraged to include those representatives in the process. If difficulties in resolution at this level occur, the Council Director can be asked to sit on the team as a mediator for conflict resolution. At no time during the dispute resolution process will services to the family be disrupted. This keeps the conflict mediation and dispute resolution as close to the direct level of care as possible.

The process itself is a mediating process and is based on a “stay at the table” approach, which is understood and accepted by the participants. The final Family Team plan, which emerges, is the negotiated document and contains “team” solutions.

Disputes Between Agencies

When disagreements arise between agencies as to the services or funding of services a child and/or family is to receive, any agency represented on the council may initiate the local dispute resolution process established in the county service coordination mechanism applicable to the council. If a dispute is initiated between agencies, the following timeline will be utilized:

1) Within 7 calendar days of the disagreement/dispute the disputing agency must submit a Dispute Resolution Request Form (See Additional Materials- Handout Section) to the FCFC Director communicating the desire to utilize the dispute resolution process. Supporting evidence or documentation concerning the dispute should be submitted with this request. This request should be submitted to:

ATTN: FCFC Director
Erie County Family and Children First
414 Superior Street
Sandusky, Ohio 44870

2) Upon receipt of the agency request to utilize dispute resolution, a meeting between the Wraparound Management Response Team (WMRT) and the disputing agency will be convened within 15 calendar days. This meeting will be scheduled at a mutually convenient time for the majority members of the disputing agency and the WMRT. The disputing agency will prepare a presentation for the WMRT regarding the nature of the dispute, the specific issues that are requested to be resolved, and a proposed solution. This presentation can be made by the director of the agency or an approved representative of that agency. Each WMRT member must vote on the proposed solution. A majority vote will determine resolution of the dispute. The FCF Director will act as facilitator in the process, but will not have a deciding vote. The WMRT will be responsible for preparing the responses to the disputing agency and the FCF Director will issue a written response in regards to the decision to that agency within 3 calendar days.

3) If a resolution cannot be found at the Wraparound Management Response Team of the Council, then a referral is made by the Council Director to the Council's designated Dispute Resolution Subcommittee. This Subcommittee may require any additional information or ask any participants for further details regarding the conflict. Any additional information requested will also be provided to all Family Team Members. The Subcommittee will issue a majority recommendation within 10 working days. The recommendation is then conveyed to the Family Team. This decision is considered to be locally binding.

4) If the disputing agency disagrees with the decision of the Dispute Resolution Subcommittee (DRS), the disputing agency has the right to request that the dispute be reviewed by the final arbitrator, the presiding Juvenile Court Judge. The disputing agency must submit in writing a request to move to the final stage of the dispute resolution process within 7 calendar days of receiving the DRS decision. Upon receipt of this request, the Program Coordinator for FCF will submit within 5 calendar days all documentation regarding the dispute, (including, but not limited to) the request for dispute resolution and supporting documentation, the responses made by the FFPC, treatment information, and other relevant information to the presiding Juvenile Court Judge. The Juvenile Court Judge will decide which presiding Judge will be assigned to the dispute. The court shall hold a hearing as soon as possible, but no later than ninety days after the motion or complaint is filed. At least five days before the date on which the court hearing is to be held, the court shall send each agency subject to the determination written notice by first class mail of the date, time, place, and purpose of the court hearing. This decision will direct one or more agencies represented on the council to provide services or funding for services to the child. The determination shall include a plan of care governing the manner in which the services or funding are to be provided. The presiding Juvenile Court Judge shall utilize the plan or care on the family service coordination plan developed as part of the county's service coordination mechanism and evidence presented during the local dispute resolution process in making the determination. The presiding Juvenile Court Judge may require an agency to provide services or funding only if the child's condition or needs qualify the child for services under the laws governing the agency. While the local dispute resolution process or court proceedings are pending, each agency shall provide services and funding with no interruption until a final decision is rendered. If an agency that provides services or funds during the local dispute resolution process or court proceedings is determined through the process or proceedings not to be responsible for providing them, it shall be reimbursed for the costs of providing the services or funding by the agencies determined to be responsible for providing them.

Non-Emergent Disputes Between Parent/Guardian and FCFC

A non-emergent dispute will be defined as a dispute that does not require an immediate response due to the safety or well-being of the child(ren). If a non-emergent dispute is initiated by a parent or guardian, the following timeline will be utilized:

1) Within 7 calendar days of the disagreement/dispute the family will submit a Dispute Resolution Request form to the FCF Director communicating the desire to utilize

the dispute resolution process. Supporting evidence or documentation concerning the dispute should be submitted with this request. This request should be submitted to:

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Erie County Family and Children First
414 Superior Street
Sandusky, Ohio 44870

2) Upon receipt of the family request to utilize dispute resolution, a meeting with the Wraparound Management Response Team will be convened within 15 calendar days. This meeting will be scheduled at a mutually convenient time for the majority members of the family and the Wraparound Management Response Team. The family will prepare a presentation for the Wraparound Management Response Team regarding the nature of the dispute and the specific issues that are requested to be resolved. This presentation can be made by the family, an advocate, or the Child and Family Team lead case manager.

3) At the meeting with the Wraparound Management Response Team, the family will present information regarding the nature of the dispute and identify specific issues that are requested to be resolved. All pertinent Wraparound Case information will be completed by the Family Team and the family to provide historical and current information relevant to the dispute and to specifically identify the issues sought to be resolved. The Wraparound Management Response Team will meet in closed session after the family's presentation to draft written responses to the Family Team regarding the issues identified in the dispute.

4) The Dispute Resolution Subcommittee will meet within 7 days of Wraparound Management Response Team meeting to review the responses drafted to the family. The DRS will either approve or reject the responses in writing. In the event that the DRS approves the responses of the Wraparound Management Response Team, a letter will be immediately issued to the family by mail addressing the disputes. In the event that the DRS rejects the responses of the Wraparound Management Response Team the DRS becomes responsible for preparing the responses to the family. These responses will be written the day of the DRS meeting and mailed immediately to the family. The FCF Director will be used as a neutral facilitator in this meeting and will be responsible for the written responses to the family.

5) When the provision of services cannot be resolved through the designated dispute resolution process, the final arbitrator will be a Juvenile Court Judge. The Juvenile Court Judge will determine which Judge will hear the dispute. The family must submit in writing within 7 calendar days of receipt of the responses a request to have the dispute to be decided upon by the final arbitrator. Upon receipt of this request, the Director for FCF will submit within 5 calendar days all documentation regarding the dispute, (including, but not limited to) the request for dispute resolution and supporting documentation, responses made by the Wraparound Management Response Team and the Dispute Resolution Subcommittee, treatment information, and other relevant information to the presiding Juvenile Court Judge. The presiding Judge will issue a written decision

based upon the dispute within 14 calendar days. **The entire process shall be completed in no more than 60 days.**

Emergent Disputes Between Parent/Guardian and FCFC

An emergent dispute will be defined as a dispute that requires an immediate response due to the safety or well-being of the child(ren). In these instances, the immediate decision is made collaboratively with the parents or guardians and any immediate accessible staff available. FCF will work to address the emergency in as timely and effective means possible. If an emergent dispute is initiated by a parent or guardian, the following timeline will be utilized:

1) Within 3 calendar days of the disagreement/dispute the family will submit a Dispute Resolution Request form to the FCF Director communicating the desire to utilize the dispute resolution process. Supporting evidence or documentation concerning the dispute should be submitted with this request. This request should be submitted to:

ATTN: FCFC Director
Erie County Family and Children First
414 Superior Street
Sandusky, Ohio 44870

2) Upon receipt of the family request to utilize dispute resolution, a meeting with the Wraparound Management Response Team will be convened within 5 calendar days. This meeting will be scheduled at a mutually convenient time for the majority members of the family and the Wraparound Management Response Team. The family will prepare a presentation for the Wraparound Management Response Team regarding the nature of the dispute and the specific issues that are requested to be resolved. This presentation can be made by the family, an advocate, or the Family Team lead case manager.

3) At the meeting with the Wraparound Management Response Team, the family will present information regarding the nature of the dispute and identify specific issues that are requested to be resolved. All Wraparound case information will be completed by the Family Team and the family to provide historical and current information relevant to the dispute and to specifically identify the issues sought to be resolved. The Wraparound Management Response Team will meet in closed session after the family's presentation to draft written responses to the Family Team regarding the issues identified in the dispute.

4) The Dispute Resolution Subcommittee (DRS) will meet within 3 days of Wraparound Management Response Team meeting to review the responses drafted to the family. The DRS will either approve or reject the responses in writing. In the event that the DRS approves the responses of the Wraparound Management Response Team, a letter will be immediately issued to the family by mail addressing the disputes. In the event that the DRS rejects the responses of the Wraparound Management Response Team the DRS becomes responsible for preparing the responses to the family. These responses will be written the day of the DRS meeting and mailed immediately to the family. The

FCF Director will be used as a neutral facilitator in this meeting and will be responsible for the written responses to the family.

5) When the provision of services cannot be resolved through the designated dispute resolution process, the final arbitrator will be the presiding Juvenile Court Judge. The Juvenile Court Judge will determine which Judge will hear the dispute. The family must submit in writing within 7 calendar days of receipt of the responses a request to have the dispute to be decided upon by the final arbitrator. Upon receipt of this request, the Director for FCF will submit within 2 calendar days all documentation regarding the dispute, (including, but not limited to) the request for dispute resolution and supporting documentation, responses made by the Wraparound Management Response Team and the Dispute Resolution Subcommittee, treatment information, and other relevant information to the presiding Juvenile Court Judge. The judge will issue a written decision based upon the dispute within 10 calendar days. **The entire process shall be completed in no more than 30 days.**

Please note, that when requested, the Ohio Family and Children First (OFCF) Cabinet Council (CC) will provide an administrative review of unresolved local disputes regarding conflicts among parents, agencies, and/or councils pertaining to the county council service coordination process or decisions made during the individual family service coordination process. The dispute must be concerning a decision made or a process proposed or implement during a phase of the county service coordination process regarding a family or child who is formally involved in the county Family and Children First service coordination. This includes a disagreement regarding the denial of acceptance of a family into the county service coordination process. Agencies, providers, or parent/legal guardians who have participated on a family service coordination plan team may request a dispute resolution review. The OFCF Service Coordination Committee will review such requests and make recommendations to the CC for its review and approval. With CC approval, the OFCF will respond, in writing to the county council requests for dispute resolution review within 30 days of the receipt of the request by the State Service Coordination Committee. The following requirements must be met BEFORE the county dispute case can be reviewed:

- 1. The involved family must sign a release to have its information shared with the OFCF Service Coordination Committee and the Cabinet Council.*
- 2. The family must have been referred to and accepted into some level of the county council service coordination process. Two exceptions to this requirement are:
 - a) When a family was referred to the county FCFC service coordination, either by itself or by another party, and was not accepted into the county service coordination. In this circumstance, an administrative review will be granted, if the fact of not being accepted into service coordination is the matter being disputed.*
 - b) If the dispute is regarding service being provided through Help Me Grow for a Part C eligible child.**

3. The county council must verify that the county council dispute resolution process has been completed without satisfactory resolution as determined by the concerned parties.

4. The county council must request the Cabinet Council review and submit requested documents pertaining to the dispute.

5. The county juvenile court judge may be the county's final arbiter of the county service coordination disputes. The CC will not review cases for which the complainants have sought a juvenile court ruling. The CC administrative review must be requested and completed PRIOR to seeking resolution through the county juvenile court as final arbiter of the dispute.