

**Georgia Department of Human Resources  
Division of Family and Children Services**

# **Foster Parents Bill of Rights and Grievance Procedure**



## **GRIEVANCE PROCEDURES**

### **DIVISION OF FAMILY AND CHILDREN SERVICES**

The Division of Family and Children Services recognizes the need for a systematic process of expression, examination and resolution of foster parent grievances. It is further recognized that as people work together, conflicts will arise which may result in the deterioration of the quality of relationships and the quality of care provided. Each foster parent has the right to file a grievance when he/she has an irreconcilable difference.

Timely response to complaints is a critical aspect of the process. Therefore mandated timeframes have been built into the procedure. The guidelines specified here may be shortened if a report is considered urgent by the foster parent(s), especially if they fear that the life of a child is being endangered by actions that are being taken or failure on the part of the agency to take action. In these situations, the foster parent can make immediate contact with the Office of the Child Advocate, the Adoptive and Foster Parent Association of Georgia or law enforcement officials that he/she feels will provide timely response to the situation.

Foster parents that are approved by DFCS to care for children in DHR custody, whether the placement is in a regular or therapeutic foster home setting, relative foster care or related care, can use this process. This process is not intended for providers of residential care.

By implementation of this policy, foster parents have the right to file complaints and discuss concerns with County Directors, the foster parent liaison, the DFCS staff liaison, supervisors, case workers, advocates appointed by the Adoptive and Foster Parent Association of Georgia, the Office of the Child Advocate or the State Mediation Committee without being considered in violation of the rules of confidentiality. Care should always be taken to mention only case situations, not case names. Care should also be taken to avoid discussion with other individuals not listed above that might be considered in violation of the rules of confidentiality.

Foster parents should never feel alone in the process of filing a complaint. DFCS is required to ensure that every source of support for the foster parent is arranged. The foster parent can request assistance from the local county department liaison, the Office of the Child Advocate, and the state foster parent liaison (if one exists). Additionally, the Adoptive and Foster Parent Association of Georgia provides trained advocates to assist and support foster parents throughout the process. Foster parents can contact the Adoptive and Foster Parent Association of Georgia at 1-877-804-6610 or at [www.afpag.org](http://www.afpag.org) to make an advocate request.

***NOTE: Foster parents may choose not to have an AFPAG advocate but rather a personal support person of their choosing. These individuals are not provided the same access to confidential information and will be limited to portions of the grievance process, which do not violate confidentiality laws.***

Actions taken by the Department when a complaint is filed should never be retaliatory/punitive in nature. No person who files a grievance, complaint, or concern will be punished, discriminated against, threatened, or retaliated against in any way for filing such action. Caution should be taken to prevent this from becoming the agency vs. the foster parent situation. Foster parents are partners in the planning for children and have every right to have their opinions and concerns heard and the right to be considered as a valuable part of the professional treatment team.

When evidence proves that a staff member has retaliated against a foster parent, that staff member may be subject to disciplinary action, subject to the personnel rules and regulations of the State Merit System.

### **General Guidelines**

#### **STEP ONE: COUNTY DFCS LEVEL**

- A. The foster parent must submit a written complaint utilizing Form 80 "Grievance Notification: County Director" to the local DFCS County Director.

- B. The local DFCS office must acknowledge receipt of the grievance using Form 81 "Notification of Receipt: Step One Grievance". If the Form 80 indicates an agreement to receive notices via electronic mail, this and subsequent communications can be emailed and then copied via US mail.
- C. The local DFCS office must inform the foster parent of their right to have an AFPAG advocate assist and support them with their grievance. If the foster parent chooses to have an AFPAG advocate, they must be provided with the contact information: [www.afpag.org](http://www.afpag.org) where they can request an advocate via the internet or via phone at 1-877-804-6610.
- D. Local DFCS has \*(10) ten working days to resolve the complaint and send a written response. A staffing is required if the grievance cannot be resolved otherwise. For example, a grievance concerning a delayed reimbursement may not require a meeting if the check has been sent or will be sent. The staffing must include the County Director, supervisor, case manager and other pertinent staff. This includes the foster parent and advocate if one was requested. The following must be accomplished within the (10) ten working day timeframe:
- i. Acknowledge receipt of the grievance using Form 81;
  - ii. Investigate the grievance;
  - iii. Facilitate a staffing with the County Director, supervisor, case manager, foster parent, AFPAG advocate (if requested) and any other pertinent staff present unless the grievance can be successfully resolved without it; and
  - iv. Send a written response indicating the resolution or decision reached.
- E. **Under no circumstances shall the county department take more than ten (10) working days to resolve the problem unless good cause can be shown as to why it would take longer in which case county department must send the foster parent a letter, which specifies a date by which the county expects to resolve the issue.**

- F. If the complaint is not resolved within ten (10) working days from the date the complaint was received by the county department, **OR** the foster parent does not feel that there was a timely response **OR** a satisfactory resolution, then the foster parent can send the complaint to the State DFCS Division Director or his/her designee for resolution.

*\*The first day is the next business day after receipt of the grievance. Example: If the grievance is received on Tuesday, day one is counted as Wednesday.*

### **STEP TWO: DFCS DIVISION DIRECTOR LEVEL**

- A. Having determined that the complaint was not resolved within ten (10) working days from the date the complaint was received by the county department, **OR** that there was not a timely response **OR** that the local county's decision was unsatisfactory, the foster parent may proceed to Step Two.
- B. The foster parent must complete Form 82 "Grievance Notification: State Division Director" and forward it with a copy of Form 80 and the local DFCS response and any other pertinent documentation to:

Division of Family and Children Services  
Division Director  
2 Peachtree Street N.W. Suite 19-400  
Atlanta, GA 30303

- C. The foster parent must also send copies of the Step Two complaint and documentation (Forms 80 and 82 and local DFCS response) to the Office of the Child Advocate. The OCA address follows:

State Mediation Committee  
Office of the Child Advocate  
State of Georgia  
3330 Northside Drive, Suite 100  
Macon, GA 31210

- D. Upon receipt of the Step Two grievance by the State Division Director, the foster parent will be sent Form 83 "Notification Receipt: Step Two Grievance" which indicates the date of receipt and 10 day due date.
- E. The DFCS Division Director or his/her designee will review the complaint and shall attempt to resolve the problems/concerns within ten (10) working days of receipt of the complaint. The following must be accomplished within the (10) ten working day timeframe:
  - i. Acknowledge receipt of the grievance using Form 83;
  - ii. Investigate the grievance; and
  - iii. Send a written response indicating the resolution or decision reached.
- F. With the foster parent's agreement, the response timeline can be extended to allow for further investigation into the grievance.
- G. If the complaint is not resolved within ten (10) working days **OR** the foster parent does not feel that there was a timely response **OR** a satisfactory resolution to the problem, the foster parent can send the complaint to the State Mediation Committee.

### **STEP THREE: STATE MEDIATION COMMITTEE**

- A. Having determined that the complaint was not resolved within ten (10) working days **OR** the foster parent does not feel that there was a timely response **OR** that the State Division Director's decision was unsatisfactory, the foster parent may send the complaint to the State Mediation Committee.
- B. The foster parent must complete FORM 84 "Grievance Notification: State Mediation Committee" and forward it with the entire complaint packet including responses from the local DFCS office and State Division Director to:

State Mediation Committee  
Office of the Child Advocate  
State of Georgia  
3330 Northside Drive, Suite 100  
Macon, GA 31210

The State Mediation Committee (SMC) is a standing committee composed of two representatives from the Georgia Department of Human Resources/ Division of Family and Children Services ("DFCS"), two representatives from the Adoptive and Foster Parent Association of Georgia ("AFPAG"), and one representative from the Office of the Child Advocate ("OCA"), totaling five members of the committee. The OCA representative serves as the chairperson of the SMC and coordinates administrative matters through the OCA.

The SMC is subject to all applicable federal and state laws regarding confidentiality. An SMC staffing is not a legal proceeding and foster parents may have an AFPAG advocate or other personal support person present. However, personal support persons are not provided the same access to confidential information as AFPAG advocates. Therefore, they are limited to participating only in the portions of the staffing which do not violate confidentiality laws.

The SMC reviews complaints on the second Thursday of each month and as necessary. All complaints received on or before the 15<sup>th</sup> of the month, are placed on the SMC's meeting agenda for the following month unless good cause can be shown as to why the complaint should be reviewed sooner.

- C. Upon receipt of the complaint, the SMC will officially log the complaint.
- D. Upon review of the complaint and supporting documentation, the SMC may agree not to review a complaint, because the grievance concerns an issue that is not appropriate for their consideration. This would include, but is not limited to foster homes that are closed for safety reasons, or children that are moved for safety reasons, or by order of the court.

- E. If the Committee decides to review a case, the SMC will send written notification, via e-mail or US mail, to the foster parent(s), the county director, and any other person involved in the case, of the date, time and location of the review/staffing.
- F. The foster parent must confirm acceptance of the review/staffing appointment via telephone, facsimile, or letter before the complaint will be placed on the SMC's calendar.
- G. The SMC may request additional information as needed. Any requested information should be forwarded to the Office of the Child Advocate in three (3) working days from the date of receipt of the request.
- H. Depending on the nature of the complaint, the Office of the Child Advocate may recommend that certain preliminary steps be taken including, but not limited to:
  - i. Emergency steps to ensure safety of child which might include suspension of visitation; change in visitation location; safety measures to ensure careful monitoring of the case, temporary suspension of placement until safety measures are in place, etc;
  - ii. Local Quality Assurance committee review of the case record;
  - iii. Preliminary internal staffings and interviews with DFCS staff, foster parents etc...;
  - iv. A review of the case by appointed investigators, including interviews with parties to the case to gain additional information;
  - v. Requesting assistance from other county offices to assist in evaluating the complaint; and
  - vi. Requesting psychological evaluations.
- I. In reviewing the merits of a grievance, the committee may review other documents, which include, but are not limited to:
  - i. Grievances filed by other foster parents who within the past year alleged that their home was closed in retaliation for such actions, including, but not limited to speaking out at meetings, taking a



stand against a position of the agency on behalf of a child, and providing information to third party caregivers.

- ii. Statistical information regarding the number of foster homes closed by a county during a particular time period.
- J. Within three (3) working days of the conclusion of the staffing/review, the SMC will forward a written report to the State Division Director and the foster parent(s), which will include the SMC's findings and recommendations for the resolution of the grievance.
- K. Within fifteen (15) working days of receipt of the SMC's recommendation, the State Division Director must send a written response to the SMC.
- L. Within three (3) working days of the receipt of the State Division Director's response, the SMC will send a final written response to the foster parent(s), County Director and State Division Director.

The SMC's recommendations and DFCS's final response are final and determinative of all issues. Neither DFCS, AFPAG nor the OCA will review or reconsider a grievance that has been reviewed by the SMC, unless the grievance involves, new facts or issues not previously considered or decided during the grievance process.

On a quarterly basis the SMC will report to the DHR Commissioner and the Governor's Office on the committee's activities.

## **GRIEVABLE ISSUES**

Under section 49-5-281 of the Official Code of Georgia Annotated, foster parents have the following rights, which are subject to the grievance procedures outlined in this policy.

1. The right to be treated by the Division of Family and Children Services of the Department of Human Resources and other partners in the care of abused children with dignity, respect, and trust as a primary provider of foster care and a member of the professional team caring for foster children;
2. The right not to be discriminated against on the basis of religion, race, color, creed, gender, marital status, national origin, age, or physical handicap;
3. The right to continue with his or her own family values and beliefs, so long as the values and beliefs of the foster child and the birth family are not infringed upon and consideration is given to the special needs of children who have experienced trauma and separation from their families. This shall include the right to exercise parental authority within the limits of policies, procedures, and other directions of the Division of Family and Children Services and within the limits of the laws of the State of Georgia;
4. The right to receive both standardized pre-service training, including training in Division of Family and Children Services policies and procedures and appropriate ongoing training, by the Division of Family and Children Services or the placing agency at appropriate intervals to meet mutually assessed needs of the child and to improve foster parents' skills and to apprise foster parents of any changes in policies and procedures of the Division of Family and Children Services and any changes in applicable law;
5. The right to be apprised of information, laws, and guidelines on the obligations, responsibilities, and opportunities of foster parenting and to be kept informed of any changes in laws, policies, and procedures regarding foster parenting by the Division of Family and Children Services in a timely manner and at least annually;

6. The right to receive timely financial reimbursement according to the agreement between the foster parents and the Department of Human Resources from funds appropriated by the General Assembly and to be notified of any costs or expenses for which the foster parent may be eligible for reimbursement. Grievances may include the following:
  - ❑ The County Department with financial responsibility for the child fails to provide reimbursement for the child in care in accordance with established per diem rates.
  - ❑ The County Department with financial responsibility for the child fails to provide reimbursement for the child in care in accordance with established clothing allowances for initial clothing, annual clothing, and special clothing.
  - ❑ The County Department with financial responsibility for the child fails to provide reimbursement for supplemental supervision (approved childcare) for working Foster Parents in accordance with State rates and policy.
  - ❑ The County Department with financial responsibility for the child fails to pay concurrent per diem to Foster Parents when the absence of the child is planned and purposeful; e.g., visits with a parent or relative; pre-placement visits to another facility, hospitalization, admission to other institutions for evaluation, camp, respite, ILP activities, and runaway (provided the foster parent is willing to have the child returned).
7. The right to receive information from the Division of Family and Children Services on how to receive services and reach personnel 24 hours per day, seven days per week;
8. The right prior to the placement of a child to be notified of any issues relative to the child that may jeopardize the health and safety of the foster family or the child or alter the manner in which foster care should be administered;

9. The right to discuss information regarding the child prior to placement. The Division of Family and Children Services will provide such information as it becomes available as allowable under state and federal laws. Grievance may include the following:
  - ❑ The local County Department denies the Foster Parent reasonable access to non-identifying information from the placement or child protective services record, with respect to any child who has been placed in the care of the Foster parents or for whom Foster Care is being sought.
10. The right to refuse placement of a child in the foster home or to request, upon reasonable notice, the removal of a child from the foster home without fear of reprisal or any adverse affect on being assigned any future foster or adoptive placements;
11. The right to receive any information through the Division of Family and Children Services regarding the number of times a foster child has been moved and the reasons therefore; and to receive the names and phone numbers of the previous foster parents if the previous foster parents have authorized such release and as allowable under state and federal law;
12. The right, at any time during which a child is placed with the foster parent, to receive from the Division of Family and Children Services any and all additional pertinent information relevant to the care of the child;
13. The right to be provided with a written copy of the individual treatment and service plan concerning the child in the foster parent's home and to discuss such plan with the case manager, as well as reasonable notification of any changes to that plan;
14. The right to participate in the planning of visitation with the child and the child's biological family with the foster parents recognizing that visitation with his or her biological family is important to the child;
15. The right to participate in the case planning and decision-making process with the Division of Family and Children Services regarding the child as provided in Code Section 15-11-58;

16. The right to provide input concerning the plan of services for the child and to have that input considered by the department;
17. The right to communicate for the purpose of participating in the case of the foster child with other professionals who work with such child within the context of the professional team, including, but not limited to, therapists, physicians, and teachers, as allowable under state and federal law;
18. The right to be notified in advance, in writing, by the Division of Family and Children Services or the court of any hearing or review where the case plan or permanency of the child is an issue, including periodic reviews held by the court or by the Judicial Citizen Review Panel, hearings following revocation of the license of an agency which has permanent custody of a child, permanency hearings, and motions to extend custody, in accordance with Code Section 15-11-58;
19. The right to be considered, where appropriate, as a preferential placement option when a child who was formerly placed with the foster parents has reentered the foster care system;
20. The right to be considered, where appropriate, as the first choice as a permanent parent or parents for a child who, after 12 months of placement in the foster home, is released for adoption or permanent foster care;
21. The right to be provided a fair and timely investigation of complaints concerning the operation of a foster home;
22. The right to an explanation of a corrective action plan or policy violation relating to foster parents; and
23. The right, to the extent allowed under state and federal law, to have an advocate present at all portions of investigations of abuse and neglect at which an accused foster parent is present. Child abuse and neglect investigations shall be investigated pursuant to Division of Family and Children Services policies and procedures, and

any removal of a foster child shall be conducted pursuant to those policies and procedures. The Division of Family and Children Services will permit volunteers with the Adoptive and Foster Parent Association of Georgia to be educated concerning the procedures relevant to investigations of alleged abuse and neglect and the rights of accused foster parents. After such training, a volunteer will be permitted to serve as an advocate for an accused foster parent. All communication received by the advocate in this capacity shall be strictly confidential.

**Additionally, DFCS policy defines the following issues as grievable:**

1. The local County Department fails to provide face-to face contact with the foster parent(s) to discuss the reasons for the involuntary closure of their foster home and to offer support to the Foster Family as children are placed in other resources.
2. The local County Department fails to send a letter describing the reasons the home is being closed and notification of the closing date within 10 working days of the face-to-face contact.
3. The County Department denies the Foster Parent assistance with preparing a written request for access to a child's record and a response to the written request within a 14-calendar day time frame as specified in the law, O.C.G.A. 49-5-41 (D).

## GRIEVANCE PROCESS FLOW CHART

Foster Parent (FP) files Form 80 with the County Director initiating the official grievance. DFCS acknowledges receipt of the grievance via Form 81. The FP is informed of their right to have an AFPAG advocate and given contact information, if requested.



Local DFCS has 10 working days to make a determination/decision. Within this timeframe, a staffing (including all pertinent staff, the foster parent and advocate, if requested) should be held unless the grievance can be resolved without one; and a determination letter sent to the foster parent.



Grievance is successfully resolved.

**OR**



If the foster parent, determines that the complaint was not resolved within 10 working days **OR** does not feel that there was a timely response **OR** that a satisfactory resolution to the problem was presented, then the foster parent can send the complaint to the State DFCS Director or his/her designee (STEP TWO) utilizing Form 82.

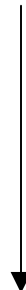


Receipt of grievance acknowledged via Form 83; The State Division Director/designee has 10 working days from receipt of the complaint to reach a resolution and send a written response.



Grievance is successfully resolved.

**OR**



## **GRIEVANCE PROCESS FLOW CHART**

If the foster parent, determines that the complaint was not resolved within 10 working days **OR** does not feel that there was a timely response **OR** that a satisfactory resolution to the problem was presented, then the foster parent can send the complaint to the State Mediation Committee (STEP THREE).



The State Mediation Committee facilitates a review with all parties and renders a finding. The finding is sent to the State Division Director.



The State Division Director has 15 working days to provide a written response to the SMC findings.



Upon review of the State Division Director's response, the SMC sends out a final response to all parties (county, state and foster parent).



Grievance is closed to further review from DFCS, OCA, AFPAG and the State Mediation Committee.