

## *The Erie County Family & Children First Dispute Resolution Process.*

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.

1. 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. 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.

2. If the Family Team cannot resolve the conflict, a referral is made to the Clinical Level of the Council. A referral can be made by contacting the Council Director. The Clinical Level will review all the relevant information at the regularly scheduled meeting,

Time frame: Clinical Level recommendations shall be issued within five working days beginning with the day after the Clinical level reviews the referral.

### A. Procedures for Emergency Dispute Resolution:

The family or provider brings the emergency situation to the attention of the Council Director. (An emergency situation is defined as disruption to an essential service provision, which jeopardizes the safety and well being of the child or family). The Council Director will request an emergency meeting of the Clinical Level to review the referral. Time frame for convening this meeting will vary according to situation needs response time. Once the immediate emergency is handled, any continuing conflict will follow the outlined process, but may require being placed on a fast track.

Time frame: Clinical recommendations shall be issued within five working days beginning with the day after the referral is reviewed in an emergency Clinical Level Meeting.

3. If a resolution cannot be found at the Clinical Level 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. At the regularly scheduled Administrative Board meeting, the Dispute Resolution Subcommittee will report its actions along with recommended policy changes to improve the overall delivery of services, to the full membership.

The noted time frames are binding in order to resolve the conflict in a timely manner while allowing sufficient time for concerns to be heard; so that service delivery for the child and family is minimally impacted. A reasonable request at any stage to extend the time limits can be made by those involved of additional time is needed to adequately respond. Further appeals are limited to statutory rights families may have under Ohio Law.

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.

The Family & Children First Cabinet Council has an established State Appeals Process to resolve disputes among participants of local Family & Children First Councils when local Council participants agree that reasonable responsibilities are not being shared. Local Councils may access the appeal process only by a majority vote of their local membership.

Judicial Authority

When the provision of services cannot be resolved by the above dispute resolution process it is acknowledged that formal Court involvement is necessary. Formal Court involvement requires compliance with statutory and constitutional provisions. The final determination of individual case resolution begins with and can only be accomplished through the filing of an appropriate case with the Juvenile Court. Judicial authority shall be utilized only pursuant to statutory authority upon an individual child’s case plan as submitted by the local Family & Children First Council. The case must be filed with the Juvenile Court within seven days of a failed dispute resolution.

When the juvenile court serves as the final determiner for individual cases, individual agencies may waive current program standards and eligibility mandates in order to provide services to that individual child and family. This in no way changes individual agencies program standards and eligibility criteria for other clients in the county.

I \_\_\_\_\_, have been advised of and understand my family’s rights to use the dispute resolution process.

\_\_\_\_\_  
Parent/Guardian Signature

\_\_\_\_\_  
Date