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Chapter:	Planning With Children and Families	
Subject:	Reviewing Case Plan Decisions	Page 1 of 4
Approved:	Don Mandelkorn, Division Director	Effective: 12/31/03 FINAL
Supersedes:	Social Services Policy No. 123	Dated: 1/25/99

Purpose

To outline how clients and specified other persons affected by case decisions made by division staff may ask for a review of a decision.

Policy

Certain persons affected by decisions made by division staff will be given the opportunity for an objective review of those decisions. Whenever possible, concerns should be resolved using an informal, collaborative approach to problem solving. When this approach fails to resolve concerns, several options are available:

- any person may make a complaint;
- certain persons listed below may ask for a formal review of a specific decision as outlined in this procedure;
- any person with party status in a juvenile court case may request a judicial hearing, except that the decision about where a child will live is not reviewable by the court.

Decisions Subject to Formal Review

The following persons may request a formal review:

- the child, his or her legal representative or guardian ad litem;
- the child's parents (except when parental rights are terminated) or legal guardians;
- the substitute care provider who has cared for the child for at least the previous three months

The following decisions are subject to formal review after attempts to resolve the disagreement more informally have failed:

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Decision	Exceptions
Where a child in custody will live	<ul style="list-style-type: none"> • Placements at Woodside are governed by separate policy. • If a child is free for adoption, and the resource family with whom the child is living has not signed an intent to adopt, that family may not ask for a review of the decision to move the child for the purposes of adoption.
Child's Case Plan Goal	<ul style="list-style-type: none"> • decisions to pursue termination of parental rights will be reviewed by the court and not by this review process unless there is reason to believe that there will be significant delay before the matter will be heard in court.
Arrangements for visits and contact with family members	<ul style="list-style-type: none"> • Court-ordered arrangements for visits and contact will be reviewed by the court.

Review of Matters Pending in Court

Any decision that will be discussed in court within thirty days will not be reviewed. Decisions to pursue termination of parental rights will be reviewed by the court and not by this review process unless there is reason to believe that there will be significant delay before the matter will be heard in court.


Available Levels of Review

- Level I – A review by the district director;
- Commissioner's Level – Following a Level I review, the aggrieved party may request a formal review conducted by the commissioner or designee, with the final decision being made by the commissioner. The commissioner's decision is final.

When and How to File a Request for Review

At any level, the aggrieved person must file a written request for review (FS-677 or equivalent) no later than five days from the written or verbal notice of a decision to be reviewed. The written request must outline the specific decision with which he or she disagrees, the desired result, and the efforts made to resolve the situation more informally. This time limit may be waived on the agreement of the parties.

The written request is filed with:

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- Level I -- district director;
- Commissioner's Level -- commissioner's office.

Finality of Decisions Pending Resolution of Review

In each instance, the decision made by district office is final unless overturned. The implementation of a decision, such as the decision to move a child, may be deferred until the review process is concluded if determined in the child's best interest.

Format of Review

The reviewer may determine the appropriate format for the review. The aggrieved person will be given an opportunity for a face-to-face meeting with the reviewer. At the discretion of the reviewer, the aggrieved person may bring a support person, a representative and/or other persons with information that may assist the reviewer in making a determination.

All persons who were invited to the administrative review may be invited to the meeting. For other decisions, the persons affected by the decision will be invited to attend the meeting. The reviewer will solicit the written input of a person unable to attend the meeting.


Criteria for Decisions

The criteria for the decision to uphold or overturn the prior decision will be the best interests of the individual child based on the facts and other information available.

Informing the Parties of the Outcome

At each level, the reviewer will inform the aggrieved party by letter of the decision and include information on the procedure to additional levels of review that are available (if any).

Explanation to District Office: Commissioner's Reviews

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Within ten working days of the decision to overturn a district decision, the reviewer will send a letter to the District Director outlining the rationale for his or her decision.

Social worker/Case Reviewer Tasks

- Ensures that parties who have the right to review of a case plan decision receive, in person or by mail, the DCF brochure on this topic.

Tasks of Reviewer

Note: The time frames for all tasks may be waived by agreement of the parties.

- Within 5 working days of the receipt of the request for review, contacts aggrieved party to schedule a meeting to review his or her concerns. Reviews any requests that person may have to bring a support person. Invites others as appropriate.
- Within 10 working days of the request, holds review meeting.
- Contacts additional persons as necessary to make an informed decision.
- Within 5 working days of the review meeting, sends letter to the aggrieved person and all others who received notice of the administrative review or the notice of change (at Level I) or those who participated in the review meeting Commissioner's Level) stating:
 - the decision;
 - a brief rationale for the decision; and
 - the procedure, including the time frames, for requesting the next level of review, if any are available.
- If the decision cannot be made within that time frame because of the reviewer's need to gather more information, the letter will so state, and give a time frame for bringing the review to conclusion. Every effort will be made to bring the review to conclusion as soon as possible.
- In the case of a Level I decision that will be reviewed at the commissioner's level, sends copy of letter to the commissioner's office along with any request for a commissioner's review.