

5101:2-33-20

PCSA grievance complaint review hearing and report disposition appeal policies policy.

(A) The public children services agency (PCSA) shall develop and implement written ~~policies~~ policy for receiving, reviewing and resolving both of the following:

- (1) Complaints concerning the provision of services from parents, custodians, legal guardians, foster caregivers, kinship caregivers, applicants or providers of approved adult-supervised living arrangements, ~~adoptive applicants, adoptive parents,~~ and children.
- (2) ~~Appeals~~ Report disposition appeals by alleged perpetrators who disagree with the PCSA report disposition of a report of child abuse or neglect.

(B) ~~PCSA grievance~~ The complaint review and report disposition appeal policies policy shall, at a minimum, identify all of the following information:

- (1) Operational procedures for conducting ~~grievance~~ both complaint review hearings ~~reviews and report disposition appeal hearings including the PCSA's method of review and response to complaint reviews and report disposition appeals.~~
- (2) The office or individual(s) involved in conducting ~~grievance review hearings~~ complaint reviews and report disposition appeal hearings .
- (3) Reasonable time frames for ~~requesting both of the following: a grievance review hearing, conducting the grievance review hearing and issuing a decision.~~
 - (a) Allowing the parties identified in paragraph (A) (1) of this rule to request a complaint review or report disposition appeal.
 - (b) The PCSA to conduct the review or hearing and issue a finding.
- (4) The method by which the PCSA will provide and communicate the ~~grievance policies~~ policy related to complaint reviews and report disposition appeals to individuals who are hearing or visually impaired or who have limited English proficiency.

(C) Upon request, the PCSA shall provide written copies of the PCSAs complaint review and report disposition appeal policy to an individual within three working days from the date of the request.

(D) The PCSA personnel involved in conducting complaint reviews cannot be involved

in the case.

(E) The PCSA personnel conducting complaint reviews shall document in the case record the complaint, the complaint review process and the findings of the complaint review.

(F) The PCSA personnel conducting hearings regarding report disposition appeals cannot be involved in the case, including the assessment/investigation of the incident or the approval of the report disposition.

(G) The PCSA shall grant the hearing personnel the authority to change the report disposition.

(H) The PCSA hearing personnel shall facilitate the report disposition appeal hearing and consider the totality of the information including the assessment/investigation information contained in the case record which led to the report disposition as well as any information presented by the PCSA and the appellant.

(I) The PCSA hearing personnel shall change the report disposition if any of the following circumstances occur:

(1) The report disposition was made in error.

(2) The appellant did not engage in conduct constituting child abuse or neglect as defined in sections 2151.03 and 2151.031 of the Revised Code.

(3) The report disposition is not supported by the totality of the information presented by the appellant or the PCSA or contained in the case record.

(J) The decision of the PCSA personnel conducting hearings regarding the report disposition appeals shall be final and the decisions are not subject to state hearing review under section 5101.35 of the Revised Code.

~~(C) The office or individual(s) involved in conducting grievance review hearings cannot be involved in any other stage of the case, including the assessment/investigation of the incident or the approval of the report disposition and the office or individual(s) must have the authority to change the report disposition.~~

~~(D) The PCSA shall provide written notice to the alleged perpetrator of their right to appeal the report disposition. The written notification shall include information regarding the method by which the alleged perpetrator may appeal and shall be provided at the time of the official notification of the report disposition pursuant to rule 5101:2-36-03 or rule 5101:2-36-04 of the Administrative Code.~~

~~(E) Upon request, the PCSA shall provide written copies of the PCSA's grievance review hearing policies to an individual within three working days from the date of the request.~~

~~(F)~~(K) When an appeal of a PCSA report disposition of a report of child abuse or neglect is heard, the PCSA shall do all of the following: ~~and the PCSA changes the original disposition, the PCSA shall update the statewide automated child welfare database according to procedures contained in rule 5101:2-33-05 of the Administrative Code.~~

- (1) Document the report disposition appeal hearing process and findings in the case record.
- (2) Update the statewide automated child welfare information system according to procedures contained in rule 5101:2-33-05 of the Administrative Code and notify the principals of the report in writing as to the revised report disposition if a report disposition appeal hearing results in the revision of the disposition.
- (3) Maintain all documents submitted or reviewed during the report disposition appeal hearing in the case record.

Effective: 10/01/2009

R.C. 119.032 review dates: 11/30/2010

CERTIFIED ELECTRONICALLY

Certification

08/21/2009

Date

Promulgated Under: 119.03
Statutory Authority: 5153.166
Rule Amplifies: 5153.16
Prior Effective Dates: 7/16/81, 1/17/83, 9/28/87, 3/17/94, 12/15/95 (Emer.),
3/31/97, 6/30/97 (Emer.), 9/29/97, 12/30/97, 5/1/01,
2/1/03, 3/1/06