

CONFLICT RESOLUTION PROCESS (FORMERLY KNOWN AS GRIEVANCE PROCESS)

1. Purpose

In an effort to bring some consistency into the process of dealing with conflict involving foster parents and county departments, the following guidelines should be used to develop a plan to resolve concerns that are brought to the county's attention.

The process utilizes various individuals and groups that can help the county and the foster parent(s) work through and resolve problems and conflicts. All of these will consider applicable policies related to the problem. They will offer guidance to all parties through a process in which they discuss the issues, options and design their own agreement to resolve the dispute. The process:

- Gives everyone an opportunity to be heard;
- Affords everyone an opportunity to develop new ways of dealing with problems;
- Affords opportunities to create working solutions;
- Can improve the retention of existing foster families; and
- Can help eliminate the time and distress of unresolved conflict and possible placement disruption for children in care.

The intent of this process is not to remove the authority from the local DHR office to handle problems within the county or to be punitive in nature. This process gives foster parents and the local office an opportunity to be heard when problems arise and when all parties cannot come to an agreement or acceptable resolution to the problem.

Larger County offices may have more supervisory levels to be considered in developing a chain of command for handling problems, concerns, and issues. Each county office should use the information contained in this document as a guide in developing a local process that will be effective and efficient in handling these matters on the local level. County Departments should inform individuals making a CRT referral of their county's chain of command (in writing). The chain of command might include, as an example: worker, service supervisor, program supervisor, program manager, child welfare administrator, assistant director, and county director.

2. General Guidelines

If you have questions regarding this process, call 334-242-9500 and ask for the Office of Permanency.

The Conflict Resolution Team (hereinafter known as the CRT) as selected by the State DHR Commissioner will include: two (2) County DHR representatives (Director or supervisory level); with two (2) designated alternates; two (2) foster parent advocates, with two (2) designated alternates; and two State DHR/Office of Permanency Staff.

The entire process, from initial contact with the county office until a referral is made to the Conflict Resolution Team should take no longer than 30 days. If the solution is ongoing and all parties are satisfied with actions being taken, referral to the State CRT should not be initiated.

Timely response (see time frames set forth in the local process section of this policy) from the County DHR office is crucial to the process. Failure to respond to complaints timely may result in earlier referral of complaint to the State CRT.

Foster parents, including relative caregivers, and DHR staff may all utilize this process in an attempt to resolve conflicts.

Examples of possible items for referral include:

- Problems with communication between line worker and the foster parents; lack of courtesy, partnership, respect, professionalism in communication demonstrated by failing to return telephone calls, failing to listen to concerns, etc.
- Lack of responsiveness to requests by the foster parent or staff in addressing needs of children.
- Removing children without due notice according to applicable policies and standards.
- Issues of potential safety risks to children.

- Failing to follow policies.
- Failing to arrange needed services for the child and/or foster family.
- Failing to schedule an ISP team meeting when requested.
- Situations where the local foster parent association or State DHR staff has identified trends in actions by the county that would be appropriate for CRT review, but individual foster parent(s) have not made a CRT referral. One example, SDHR Family Services consultant staff note repeated instances of lack of partnership between staff and foster parents. They may ask the State CRT to review and make recommendations.
- Situations where the local foster parent association or DHR staff has identified trends in actions by the county foster parent association or their representatives that note repeated instances of lack of partnership between foster parents and DHR staff.
- Closing a foster family home by DHR. This process will serve as the appeals right referred to in the Foster Parent Bill of Rights Act for foster parents whose foster home is closed by DHR. This process does not serve as an appeal for foster families approved by agencies other than DHR. Note: The requirement for 30-day review at county level may be waived in situations involving closure of a foster home.
- Failing to abide by the provisions of the Foster Parent Bill of Rights.

The guidelines specified herein do not apply if the party filing the CRT referral considers a report urgent. This includes concerns that involve safety of a child. In these situations, the party with the concern can make immediate contact with the individual(s) that he/she feels will provide timely response to the situation. This may include local DHR staff (see chain of command), foster parent or staff liaison(s), Alabama Foster & Adoptive Parent Association (AFAPA) Advocates or Regional Representatives or State DHR personnel (i.e., State liaison or the program manager of the Office of Permanency). If the resolution in this manner is not acceptable to the individual making contact, the appropriate referral should be made to the Conflict Resolution Team in such situations to ensure that this process is initiated.

Issues/instances which make CRT referrals inappropriate include, but are not limited to:

- When a court case is pending in regard to the situation;
- When a CA/N is pending and the subject of the CRT referral is part of the CA/N investigation. Note: Having a pending child abuse/neglect investigation (CA/N) does not preclude a foster parent from filing a grievance on issues unrelated to the CA/N;
- When a foster parent does not agree with the permanency plan developed by the ISP team.
- Recommendations related to personnel actions are pending or have been made.

The party making the CRT referral must complete a referral form and submit to the local DHR and maintain a copy for their personal files.

Parties making a CRT referral are not considered to be in violation of confidentiality as long as they follow guidelines as provided in this Conflict Resolution Process Policy document. All participants at a Conflict Resolution Team meeting will be required to sign a statement indicating they agree to abide by agency confidentiality policies. Care should always be taken to mention only case situations, not case (child or family) name(s). Care should also be taken to avoid discussion with other individuals not listed in the policy as this is considered a violation of the rules of confidentiality. It is not a violation of confidentiality to provide the information requested in the State CRT referral to the Office of Permanency. Before a county director or their designee refers or discusses the referral with the local foster parent liaison or other liaisons or advocates with the Alabama Foster & Adoptive Parent Association, they should obtain the consent of the person(s) making the CRT referrals. Foster parent liaisons (county and/or with AFAPA) should sign a confidentiality agreement prior to any discussion of particular cases or home situations.

Parties making a CRT referral (whether a foster parent or staff) should never feel alone in the process of making a referral and the Department should ensure that every source of support for the individual is arranged. Caution should be taken to prevent this from becoming the agency versus the foster parent. Foster parents and staff are considered partners in the planning for children and have the right to have their opinions and concerns heard and have the right to be considered as a valuable part of the ISP (treatment) team. If requested, the foster parents and/or staff member making a CRT referral should have support from the DHR staff liaison, the foster parent liaison, and/or other foster parents selected by the local association,

if requested. The foster parent may also call AFAPA at 1-888-545-2372 to request assistance from a Regional Representative or Advocate. Additionally, DHR staff may ask for support or assistance from applicable staff at State DHR (Family Services consultants or supervisors; District Administrative Specialists, etc.)

Actions taken by the Department when a CRT referral is made shall never be retaliatory or punitive in nature. No person who makes a CRT referral will be discriminated against, threatened, or retaliated against in any way for filing such action.

If the grievance is concerning an office within State DHR, the local DHR office or the foster parent should send the initial complaint to the appropriate Division/Office at SDHR (see Form Section). If, within 30 days, there has been no resolution to the problem, the paperwork can then be forwarded to the Office of Permanency.

An ISP team meeting, which includes the individual making the CRT referral, may be required at any point in the process in an effort to reach resolution if concerns or conflicts are about services or support needed by the child and/or foster parent.

Providers of care to children in DHR custody can use this process whether the placement is in a regular (traditional) foster family or therapeutic foster home setting, related foster care or related care. However, this process is only to be used to resolve disputes between DHR and the foster parent(s). It is not applicable to disputes between therapeutic foster parents and their approving/licensing agency and does not apply to the closing of a therapeutic or other foster home licensed/approved by an agency other than DHR. This process is not intended for providers of group residential care.

Local CRT referrals should be filed in the applicable county involved in the issue as identified by the individual making the referral. However, technical assistance and support will be provided to the foster parent(s) by the county that approves their home. If the foster parent is a therapeutic foster parent, they should make their CRT referral with the county holding custody of the child. These foster parents may choose liaisons from this same county, the county in which they reside (if different) or they may ask their therapeutic agency to assist and support them in making the CRT referral.

3. The Process

Each county shall have the flexibility to review and attempt to resolve conflict in a manner that works for their county. Each County DHR shall develop a local Conflict Resolution protocol. The protocol shall be submitted in writing by the County Director or designee to the staff liaison to the State Conflict Resolution Team. When the state team receives a referral they will refer back to the county's protocol on file to determine if the county has had an opportunity to review the referral. The county's protocol should also be provided in writing to all of their foster families as well as staff and supervisors with foster care responsibilities.

Reports of all grievances received and reviewed locally shall be provided to the local Foster Care Advisory Council for quarterly review. Members of the FCAC are also subject to agency confidentiality policies and shall be required to sign a confidentiality agreement before they meet or receive information about local issues. Please refer to on-line documents (administrative letters and memoranda) for Memorandum dated March 16, 2004 that provided for the establishment of Foster Care Advisory Councils.

a. When a Foster Parent Makes A Referral

The following description is how to make a CRT referral when other methods for resolving the issue satisfactorily have failed. If alternative methods, through the chain of command, have not been utilized, the party making the referral will be directed back to the appropriate party on the chain of command.

- Local attempts to resolve conflict must be made. State CRT referrals may only be made after local attempts to reach resolution have failed. Foster parents should contact the County Director or their designee, preferably in writing, to try to resolve the pertinent issue(s) prior to initiating a Conflict Resolution Team referral if they have not been able to resolve the issue at a lower level of supervision. Note: The requirement for 30-day review at county level may be waived in situations involving closure of a foster home.
- CRT referrals shall be in writing.
- Written CRT referrals should be submitted to the county director who shall disseminate a copy to each person on the chain of command.

- The CRT referral shall be acknowledged in writing to the party making the referral within five (5) days of receipt. Once acknowledged, strategies for working toward resolution of conflict shall be developed and periodic (but no less than monthly) updates provided to the individual making referral. Updates shall be provided in writing. If parties on the local level can agree to strategies toward resolution the referral will remain at the county level as long as satisfactory progress is being made. The individual making the CRT referral will determine satisfactory progress.
- At any point during the process after the CRT referral has been made, a consultant from State DHR can be contacted for assistance.
- When resolution is reached at the local level, the County Director shall follow-up in writing with the person making the referral to confirm agreement to resolution.
- New issues identified require a separate CRT referral.
- If after 30 days of working with the county on the CRT referral, the person making the referral does not feel there has been timely response or a satisfactory solution is possible, the referral can be elevated to the State CRT. Lack of timely response or satisfactory solution includes: no acknowledgement, no plan, or no required status reports. If at any point during the 30-days the county director reports no local resolution is likely, the referral can be elevated to the State CRT at the request of either party.
- The form or other documentation requested by CRT Staff Liaison should be mailed to:
State DHR – Conflict Resolution Team
Office of Permanency – Family Services Division
Alabama Department of Human Resources
50 Ripley Street
Montgomery, AL 36130

b. When A Referral is Made Against a Foster Parent

Often times a county may have concerns about their own foster parent that deal with the quality of care the family is providing to the children in their home. In these situations careful consideration should be given to determining if a policy, standard or approval issue exists and if it does, the county's resource worker/unit should address the issues with the family. However, there may be times when a DHR staff person believes there are issues around communication, partnership, support of the child/family case plan, etc. that have gone unresolved when worked one-on-one (worker to foster family). In these situations, the concerned staff may ask the County Director (through appropriate chain of command) to have the county conflict resolution protocol accessed for examining and resolving these concerns or conflicts.

Other times that the local CRT protocol may be accessed to address concerns a staff person has with a foster care provider may include, but are not limited to:

- State office consultant, QA team member, etc. may review a record and see concerns that need to be addressed.
- A foster care worker in one county has a child placed in the foster home of another county and has concerns about foster family.

Of course, alternative methods of resolution through the chain of command as described earlier should be utilized first. If these alternative methods prove to be unsuccessful, CRT referrals may be made. If a CRT referral is made steps bulleted above in (a.) when a foster parent makes a referral should be followed.

Documentation of local review process shall be maintained in the resource file for the foster family involved.

C. State Referrals

When the CRT Referral is forwarded to State DHR, the Office of Permanency, Staff Liaison to CRT, will record it on the referral log.

The Office of Permanency will notify the foster parent and the local DHR office, via a form letter that the CRT referral has been received. On this same form letter, the liaison will request copies of records and other documentation be sent to the SDHR Office of Permanency and will establish a deadline for providing requested documentation. In addition, the State CRT members will be notified that a referral has been received.

Upon preliminary review of the case by the staff liaison, assistance from appropriate SDHR Consultants may be requested (if the consultant has not already been involved in reviewing the case/situation). The consultant may be asked to review the record or interview parties as indicated. This should be done within five working days of the date the staff liaison receives the State CRT referral.

If the consultant has already been involved in reviewing the case, a report of their consultation will be forwarded to the Office of Permanency within two working days of the request. If the consultant has not already reviewed the case, the consultation should be completed within ten working days of the request and then a written report shall be provided within two working days of the consultation.

Other information that may be necessary for a complete review of the CRT referral includes, but is not limited to: current and prior ISP's, medical, psychological or other assessments or summaries, CA/N files, foster family home records, dictation from child/family record, reports from Quality Assurance Committee reviews, court orders and/or reports. A list of needed information will be requested by the state liaison. The county office shall redact records prior to providing them to SDHR so that only information pertinent to the CRT referral will be shared with team members.

Depending on the nature of the referral, other steps may be taken by the Office of Permanency prior to bringing the referral to the conflict resolution team (CRT). Some of these steps may include:

- Request an ISP team meeting immediately be held to look at the issue(s) in question with specification as to which parties should attend the meeting. The ISP team should address steps necessary to ensure the safety and well-being of the child which might include: suspension of visitation; change in visitation location; safety measures to ensure careful monitoring of the case, temporary suspension of the placement until safety measures are in place, etc.
- Obtain a review of the case from the Office of Child Welfare Consultation staff and submit recommendations to the County Director and the Conflict Resolution Team.
- Request that local Quality Assurance Committee review the case record and interview pertinent parties and make any recommendations to the State CRT.
- Other evaluations or assessment as deemed necessary.

All information should be reviewed and fact-finding completed by the staff liaison to the State CRT within 15 business days of receiving the referral unless the CRT permits an extension of no more than five business days to gain further information. The State CRT will review the referral at their next standing monthly meeting.

D. Cases Involving Immediate State Referral

Foster parents may request an immediate State CRT referral if a child (ren) is removed from their home without an appropriate ISP. The requirement for 30-Day review at county level shall be waived in situations involving the closure of a foster home or removal of a child from a foster home outside of a planned ISP move, court order or CA/N. If the request is made by the foster parent, the referral should be sent to State Department of Human Resources - Family Services Division within seven (7) business days. The CRT referral shall be reviewed within seven (7) days from receipt of the referral. Family Services Director or his/her designee shall review and submit to Commissioner for signature within five (5) business days.

- Closing a foster family home by DHR. This process will serve as the appeals right referred to in the Foster Parent Bill of Rights Act for foster parents whose foster home is closed by DHR. This process does not serve as an appeal for foster families approved by agencies other than DHR. Note: The requirement for 30-day review at county level may be waived in situations involving closure of a foster home.
- Failing to abide by the provisions of the Foster Parent Bill of Rights.

The guidelines specified herein do not apply if the party filing the CRT referral considers a report urgent. This includes concerns that involve safety of a child. In these situations, the party with the concern can make immediate contact with the individual(s) that he/she feels will provide timely response to the situation. This may include local DHR staff (see chain of command), foster parent or staff liaison(s), Alabama

Foster & Adoptive Parent Association (AFAPA) Advocates or Regional Representatives or State DHR personnel (i.e., State liaison or the program manager of the Office of Permanency). If the resolution in this manner is not acceptable to the individual making contact, the appropriate referral should be made to the Conflict Resolution Team in such situations to ensure that this process is initiated.

1. Documentation of the state review process will be maintained by the State DHR liaison to the CRT.
2. In addition to review of records as described above, the State CRT shall conduct in-person interviews with appropriate DHR staff and supervisors as well as the foster parent involved in the CRT referral except in extreme circumstances. Those being interviewed should give consideration to CRT members and shall make arrangements for their own child care during their interviews with the team.
3. Once the meeting is completed and the State CRT has developed recommendations, minutes to the meetings will be typed and routed to CRT members for editing and/or approving. The minutes will contain a description of interviews conducted, committee's overall observations or assessment of the situation and recommendation. The team members will have five days to review the minutes and provide changes, corrections, or statement of approval to the staff liaison. Within five business days the liaison will then draft a letter to the county director for review and approval by the Director of Family Services. Once the Director has approved the letter, the same will be presented to the Commissioner for his/her approval and signature. The person making the referral will be notified when the committee's recommendations are forwarded to the Family Services Director and again when forwarded to the Commissioner. Once approved and signed by the commissioner, the staff liaison will send originals to the county director. Courtesy copies of the letters will be provided to:

- a. Party making the referral to the State CRT;
- b. Director of Family Services;
- c. Deputy Commissioner for Children and Family Services;
- d. Deputy Commissioner, Field Administration;
- e. District Administrative Specialist for county in question;
- f. Program Manager Office of Permanency;
- g. Members of the State CRT; and
- h. Others as indicated and appropriate.

4. The commissioner will have the final word on the disposition of the CRT Referral. If action by the county is outlined in the recommendations, the County Director shall prepare a written response to the recommendations including their plan for implementation or justification for any other action to be taken. This letter and plan shall be sent to the staff liaison of the State CRT within two weeks of receiving the Commissioner's letter. If no further action is recommended, the letter will be directed to the person making the CRT referral with a courtesy copy to the county directors and others as listed above.

Note: The State CRT cannot make changes to the child/family case plan. Recommendations for review and possible changes in case plans should be taken to the ISP team for consideration and action. Result of said ISP shall be included in the county's response to the Commissioner and Office of Permanency.

The CRT has no authority to recommend disciplinary action against an employee and no recommendations of disciplinary action should be made in the CRT report. The Department, under the rules of the State Personnel Board, is responsible for assessing the CRT's conclusions and recommendations to decide whether personnel action is warranted and/or appropriate.

5. State CRT liaison will follow up with the individual making the CRT referral after the plan of action is received from the county. This follow-up will be in the form of a feedback loop form. The feedback loop will assess:
 - a. If parties believe the State CRT throughout the process heard them.
 - b. If the State CRT was responsive to the needs of the party making the referral.
 - c. The quality of the working relationship between county department, staff and/or foster parent involved (better, worse, same).
 - d. If the foster parent intends to (wishes to) continue being a foster parent now that the CRT process has been carried out.
 - e. If the County Director believes that the foster parent can continue in a positive working relationship with the Department (if the referral was sent by the County staff).
 - f. The completed/returned feedback loop forms will be shared with the State CRT at the next monthly meeting after they are received. Courtesy copies of the feedback loop form will be shared with those listed in the courtesy copy reference made above.