

From Complaint to Resolution: Understanding the Child Welfare Grievance Process

Many personal or environmental factors may affect a parent or caregiver's ability to care for their children. When this happens, child protective services (CPS) may receive and respond to a report of child abuse or neglect by conducting an investigation and assessing the risk of further harm to a child. Families that come to the attention of the child welfare system may be asked to collaborate with agencies and courts, participate in services to improve conditions in the home, and provide a safe environment for the child.

Being involved in the child protection process can be scary and, at times, overwhelming. You may disagree with an agency or a court ruling. You may be dissatisfied with the quality of assistance you receive, the denial of or inability to access services, or the

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management of your case. You may believe you've taken all the required steps to be reunified with your children and are running out of options. You may feel you've been unjustly separated from your children, embarrassed, angry, helpless, or afraid to speak out of fear of retaliation.

The course of child protection cases can be stressful and difficult to manage at times. Families often have concerns about the way their cases were handled.

This factsheet is designed to help parents (birth, foster, and adoptive) and other caregivers seeking information about the best way to resolve differences with a child welfare service provider or other professional. Because child welfare agency policies and procedures vary across States and agencies, this factsheet provides information from a national perspective and points to additional State-level resources, as appropriate.

WHAT ARE SOME COMMON GRIEVANCES?

The following list reflects some common parent and caregiver grievances related to the delivery of child welfare services:

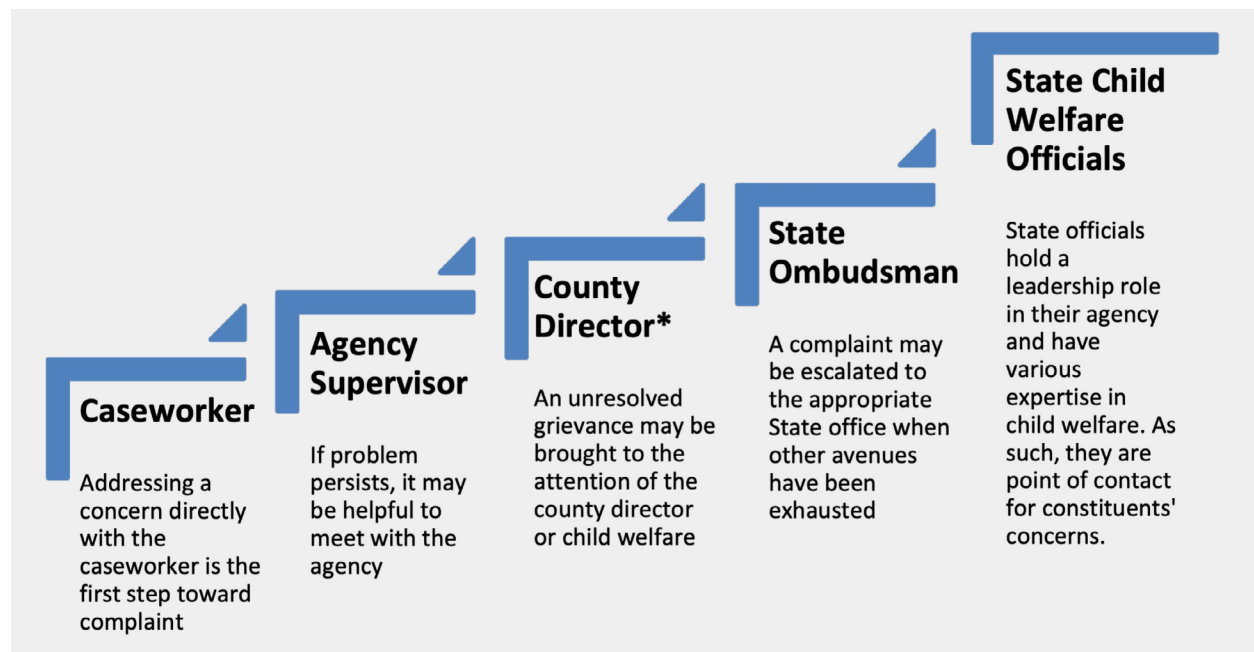
- You claim to be falsely accused of child abuse.
- You lose custody of your child, and the child is placed in foster care.
- You are dissatisfied because foster care placement preference was not given to a relative caregiver.
- You believe that family connections are not maintained.
- You believe that the agency did not offer adequate information and support.
- You addressed the identified safety issues, but your child remains in State care.
- You perceive misconduct or policy violations by agency staff.
- You feel you were treated poorly or unfairly by agency staff.
- You believe an agency did not adequately investigate or intervene after a child abuse report.
- You experience difficulty communicating with caseworkers, your attorney, service providers, or others.
- You have a custody dispute with an ex-spouse or ex-partner and CPS is involved, favoring the other party.
- You feel there was not compliance with the [Indian Child Welfare Act](#) (ICWA), if applicable.
- You encounter obstacles to fostering or adopting a child.
- As a foster parent, you are upset that the child in your care was reunited with family despite unresolved safety concerns.
- You did not receive needed financial assistance.

Anne's grandchildren were placed in foster care when her daughter was involved in a domestic dispute in the home. Although Anne lived a couple of hours away, she was eager to have her grandchildren placed in her care, a request her daughter noted at the time of removal. Anne became upset when her grandchildren were instead placed with an unrelated foster family. She wondered why she was not contacted as a placement option; she had a great relationship with her grandchildren, and her home was a familiar, safe place for them. Anne was worried and frustrated and wanted her concerns heard and addressed, but she did not know how or where to start.

There are steps you can take to express and resolve your concerns. While you may think the best way to address a problem is to express your dissatisfaction at the highest level of authority, a complete review and investigation of the situation usually starts at the county level. If you choose to bypass the established channels, you will likely be redirected to the local office.

You have the right to consult with an attorney at any stage of CPS and court processes. A directory of attorneys in each State and extensive legal resources are available on the [American Bar Association \(ABA\) website](#). In addition, [State-specific, parent-friendly guides](#) that outline the rights and responsibilities of parents while their children are out of the home are available on the ABA website.

WHAT IS THE GENERAL GRIEVANCE PROCESS?



**This official's title may vary by State (e.g., county coordinator, district manager, regional director).*

Regardless of the nature of the concern, State and local agencies and courts generally offer an avenue for recourse. As every agency has its own grievance mechanism, it is particularly important to follow the specific complaint procedure and chain of command that applies to your State and agency. Below are some general steps in this process.

START WITH OPEN COMMUNICATION

Before filing an official complaint, engage in an open conversation with the case manager or service provider with whom you are experiencing a conflict. Discuss your concerns in a calm manner. Straightforward and honest communication may correct good-faith mistakes or clear up any confusion. Addressing problems as they arise with agency staff, rather than waiting until issues pile up, may facilitate better understanding and promote quick resolution.

Additionally, it may be possible to connect with other families who have already experienced involvement with the child welfare system for support, guidance, and information. Although parent partner programs may differ by State/locale, they serve as a valuable resource to other families who have come to the attention of CPS. Parent partners with lived experience can teach other parents and caregivers how to effectively self-advocate and offer insights and tips to help navigate the child welfare system.

SPEAK WITH A SUPERVISOR OR MANAGER

If the situation does not improve after speaking openly with your caseworker or service provider, it may be beneficial to request an appointment with a supervisor. During this meeting, it is important to provide any relevant or supporting documentation such as emails, case plans, health assessments, or school records. The agency supervisor should be able to provide answers to your questions and act based on agency policies and guidelines, if appropriate.

If you remain dissatisfied after speaking with a supervisor, you may elevate your grievance to the county or district agency director.

Youth in foster care who are experiencing problems with their placement or who are dissatisfied with the quality of services they are receiving are encouraged to follow the same process outlined above, beginning with their caseworker or guardian ad litem. Several States have an official complaint system specifically for youth. The Child Welfare Information Gateway list of [child welfare State complaint offices](#) links to those youth-specific ombudsman agencies, if available.

CONTACT THE COUNTY OR DISTRICT AGENCY DIRECTOR

Child Welfare Information Gateway offers a list of [local and county child welfare agencies](#).

If you cannot reach an agreement after contacting the designated authority, most States have a central office responsible for reviewing case records and mediating disputes between families and child welfare agencies. It is important to note that States may have specific timeframes or set time limits mandated by law for appealing a case or lodging a complaint.

FOR TRIBAL MEMBERS, CONTACT YOUR TRIBE'S CHILD WELFARE ADVOCATE

All families involved in a State court proceeding who are members of or qualify for membership in a federally recognized Tribe are eligible for the services and protections provided through ICWA. If you are involved in a child protection case in your State or county and are experiencing challenges with the process, reach out to your Tribe's child welfare caseworker or director to ensure that your Tribe has been notified about the ICWA case. Request their advocacy to help support and guide you through the State/county system. If your State employs an Indian Child Welfare Manager, contact that person as well to share your concerns.

WHO IS AN OMBUDSMAN/OMBUDSPERSON?

Child welfare departments designate specific offices to monitor the delivery of services and receive and investigate customer complaints. When a grievance cannot be resolved at the local level, in most States, you have the option to contact the child welfare ombudsman. Depending on the State, the ombudsman is an official appointed to provide oversight, address citizens' concerns, and review child welfare services. Ombudspersons have the privilege and discretion to keep confidential or release any information related to a complaint or investigation.

Children's Ombudsman Office

Although the purpose, responsibilities, and duties vary by State, children's ombudsman offices, also known in some jurisdictions as offices of the child advocate, are established at the State level to assist in providing oversight of children's services.

Ombudsman offices may be instituted by legislation, executive order, or by a child welfare agency. A children's ombudsman can be an independent office, or it may be created within the child welfare agency. These offices are responsible for receiving, investigating, or addressing complaints related to government services for children and families, among various other duties.

([National Conference of State Legislatures](#))

Sometimes called the "child or family advocate," the purpose, responsibilities, and duties of the ombudsman office vary by State. Not all States have one central ombudsman office to assist families that come to the attention of the child protection system. Many States have a child welfare-specific ombudsman/child advocate office at the State level. In other States, such as New York and Pennsylvania, grievances are handled by regional offices. In Florida, county-specific client relations coordinators work with families to address complaints.

To find the child welfare ombudsman in your State, see the list of [child welfare State complaint offices](#).

Regardless of the variety of offices, titles, and duties, each State and/or jurisdiction provides a channel to address concerns. Parents and caregivers involved with child welfare should know their rights and responsibilities, including their right to appeal an agency's finding and file a complaint about their concerns. Caseworkers and agency staff should be able to provide families with their rights, which are often available in written materials. If these resources are not provided, you should request a copy for your records.

If the agency does not have a procedure for filing an appeal, an ombudsman's office, or a formal system for handling complaints and all other avenues have been exhausted, you may direct your grievance to the State child welfare agency director or administrator. State directors administer, supervise, coordinate, and monitor child welfare programs and can answer questions related to service delivery. Child Welfare Information Gateway maintains a list of [State child welfare agency directors](#).

Foster Care. For issues that center on the foster care system as a whole, you might seek the assistance of a State official. The State foster care program manager (who has oversight responsibility for all foster care services provided to children in the custody of the State) is knowledgeable about foster care policies and procedures and a key point of contact for complaints that cannot be resolved at local level. In this role, the foster care program manager may offer assistance and guidance in specific situations. Additionally, when concerns focus on the operation of residential settings and facilities (group homes, for example), it may be possible to file a complaint with the State licensing authority. These entities also vary by State and contact information should be available through your agency. Information Gateway provides a list [State foster care program managers](#) and [State licensing specialists](#) on its website.

Adoption. Similarly, the State adoption program manager is an expert and authority on adoption policy in each State and can assist you with adoption-related issues. Contact information for [State adoption program managers and permanency/guardianship support supervisors](#) is also available on the Child Welfare Information Gateway website.

WHAT IF I HAVE A COMPLAINT ABOUT A SPECIFIC PERSON OR ORGANIZATION?

In addition to the general grievance process, there are channels for registering a complaint about professionals or groups.

Caseworkers. Complaints of alleged violations of the Code of Ethics by a caseworker may be reported to the State licensing board. A directory of State social work [licensing boards](#) is available on the Association of Social Work Boards website. To learn about how to request a professional review by the National Association of Social Workers (NASW) refer to the [NASW website](#). The steps above should be explored only after having exhausted the agency's complaint process and if the caseworkers' actions meet the criteria for unprofessional conduct. The [NASW Code of Ethics](#) describes a set of values, principles, and standards to guide caseworkers' decision-making regardless of their functions or settings.

Lawyers. For the most serious instances of lawyer misconduct, you can file a formal grievance with the State bar association. A State office can determine whether the lawyer has engaged in unethical or unlawful practices that warrant disciplinary action. The ABA provides a directory of [lawyer disciplinary agencies](#) by State.

Judges. When you are party to a case and disagree with a court's ruling or believe that a judge made an error in applying the law, the appropriate recourse is the State appellate court. In the most serious instances of perceived judicial negligence or misconduct, every State also has a judicial commission or entity with the authority to investigate complaints and impose discipline, if appropriate. State-specific information is available through the clerk of the court in each jurisdiction.

Each State's [Attorney General](#) website also provides broad grievance information and resources for constituents.

Regardless of the nature of a complaint, it is helpful to familiarize yourself with the laws of your State. State policy details are usually available on State human services' websites.

Tribes. ICWA is the Federal law that sets strict requirements for State courts and social services in State child custody proceedings involving children who are members of (or eligible for membership in) a federally recognized Tribe. ICWA establishes standards for the removal and placement of American Indian/Alaska Native (AI/AN) children in foster/adoptive homes and protocols for Tribal intervention. Information about ICWA is available on the [National Indian Child Welfare Association website](#).

All Tribal justice systems provide an opportunity to appeal rulings of the Tribal court. The range, form, and timing of appeals vary by jurisdiction. Those who disagree with a court's decision may want to consult with an attorney with expertise in your Tribes' law and court practices. For more information, view the National Indian Child Welfare Association factsheet [Legal Assistance for Native Kinship/Grandfamilies Involved with Child Welfare: How to Find an Attorney & Help Them Help You](#).

Also, the [National Indian Law Library website](#) provides information and resources specific to AI/AN legal issues.

Parents may direct complaints to their State ICWA manager. Child Welfare Information Gateway's list of [State child welfare agency websites](#) allows quick access to State information. Many State child welfare agency websites are also easily searchable for State ICWA contacts.

Elected Officials. When you have systemic concerns, you may find it helpful to contact your State senators or representatives. These officials are responsible for developing and reforming State laws. You may find contact information for your elected officials on the [USA.gov website](#).

WHEN CAN THE FEDERAL GOVERNMENT INTERVENE?

Child maltreatment is defined by Federal law, but each State is responsible for providing its own definitions. The Federal Government provides funding and guidance to States to operate child protection systems; it does not have the authority to intervene in individual cases or investigate State policies and practices. These responsibilities fall under the jurisdiction of each State. However, in some cases, it may be appropriate to elevate your concerns beyond the local or State level to the Federal Government.

If you feel you are being unfairly treated or discriminated against due to race, color, national origin, disability, age, sex, or religion, you can file a complaint with your State's human services Office for Civil Rights (OCR). The OCR is responsible for reviewing claims of discrimination and determining whether the reported incident(s) require corrective action. If your State does not have an OCR, complaints can be elevated to the OCR within the U.S. Department of Health and Human Services (HHS) at the Federal level. For more information on filing complaints and a list of [regional HHS OCR offices](#), visit the [OCR website](#).

The Office of Inspector General (OIG) within HHS handles complaints related to fraud, waste, abuse of funds, and mismanagement in HHS-funded child welfare programs. In addition, many States have OIGs within their own human services departments that are responsible for reviewing grievances at a State level. It is usually best to seek the assistance of the State office first. Details about the type of reports investigated by the Federal OIG are provided on the [OIG website](#). Matters involving fraud, waste, and mismanagement may be reported to the OIG Hotline, 1-800-HHS-TIPS (1-800-447-8477), or [online](#).

For concerns about local Tribal child welfare services, Tribal members should contact their Tribal leadership to determine how the grievance procedure is handled. For issues related to social services provided to AI/AN children and families, such as child protection, out-of-home care, and adoption, contact the Division of Human Services, within the Office of Indian Services at the Bureau of Indian Affairs (BIA). [Regional office contact information](#) is available on the BIA website.

ADDITIONAL RESOURCES

- Child Welfare Information Gateway highlights useful resources to address specific challenges families may face in its [Find Help With a Personal Situation web section](#).
- You may locate answers to frequently asked questions about child welfare issues on the [Children's Bureau website](#).
- Information on available benefits may be accessed on the [Benefits.gov website](#).
- For links to legal resources, please refer to the [USA.gov website](#).
- For State definitions of child abuse and neglect, see Child Welfare Information Gateway's [Definitions of Child Abuse and Neglect](#). For an overview of the CPS investigative process, please refer to [How the Child Welfare System Works](#).
- Child Welfare Information Gateway offers a search of [State guides and manuals](#) that links to online publications created by State agencies. The database is searchable by both topic and audience. The most common types of publications include policy or procedure manuals, administrative rules, licensing standards, handbooks for parents and caregivers, or other guides explaining how the State provides child welfare services to families.
- Foster and adoptive parents with complaints may seek support from other families who may share similar experiences. To find your State's foster or adoptive parent association, start by checking the [National Foster Parent Association website](#), which lists recognized State-level affiliates. Additionally, [AdoptUSKids](#) provides links to State associations and localized parent support groups.
- [Child Find of America](#) offers free, confidential telephone assistance for parents on finding solutions to visitation disputes, mediating coparenting plans, and understanding custody, child support, and the court system.
- Active-duty military families experiencing child welfare grievances may direct specific personal questions or concerns to Military OneSource, a 24/7 information and referral service provided at no cost to military members and their families, at 1-800-342-9647. Additionally, families should contact their installation's Family Advocacy Program (FAP), the Department of Defense program designated to work with key military departments and civilian agencies to address child and family welfare matters. To locate a FAP, search by zip code or military installation on the [Military OneSource website](#).

OTHER RELATED NON-CHILD WELFARE GRIEVANCES

Families involved with the child welfare system often interact with other State systems. In addition to child welfare grievances that may be directed to the ombudsman, families may also develop concerns related to these other systems. Most service providers have some mechanism in place to receive and investigate complaints.

For example, many law enforcement agencies include the citizens' complaint procedures on their websites. Typically, an internal affairs office or similar oversight authority is responsible for handling concerns related to an officer's perceived misconduct.

Concerns related to child support should be directed to the [State or local child support agency](#).

Issues pertaining to housing services fall under the jurisdiction of the [U.S. Department of Housing and Urban Development](#).

CONCLUSION

The information and resources provided in this factsheet address the majority of complaints associated with the child welfare system. Other State programs and systems, such as Temporary Assistance for Needy Families, health care, education, child care, and others also designate specific offices that can address customer complaints and assist in resolving concerns.

Ultimately, collaboration and open communication between parents, caregivers, child welfare staff, or related staff can facilitate a better understanding of child welfare policy and practice and minimize the conflict that would result in a formal complaint.

SUGGESTED CITATION

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U.S. Department of Health and Human Services
Administration for Children and Families
Administration on Children, Youth and Families
Children's Bureau



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