

## **HAVE A COMPLAINT?**

If you have a complaint with the Office of Children's Services (OCS) and cannot resolve your complaint informally with OCS staff, there is a grievance procedure which you may access. The grievance procedure is a formal way to ensure your complaint is considered at higher levels. If you decide to go forward with the grievance procedure, you will receive a Complaint Form (06-9538) and a copy of the grievance procedure regulations (Alaska Administrative Code 7 AAC 54.205 – 7 AAC 54.240), which explain the grievance procedure in detail. An OCS supervisor can get you these forms.

### **Grievance Procedure Applicability and Exemption**

An aggrieved individual **may file** a grievance only on the following grounds:

- 1) To challenge an application of a division policy or procedure;
- 2) an action or failure to act by the division; or
- 3) a division licensing investigation, *only* after the investigation is complete.

The grievance procedure is **not available**:

- (1) To appeal a decision or action taken by the department that is reviewable by the court under [AS 47.10](#), or AS 47.14;
- (2) to appeal a decision or action taken by the department that occurred more than 12 months after the complainant had actual notice of the decision or action;
- (3) to a state employee unless the employee is also a client of the department, a client's parent or guardian, or a service provider for the department;
- (4) for contract services disputes;
- (5) to appeal late payments or to contest base foster care rates paid;
- (6) to complain of child placement or child removal decisions of the department as a result of intervention under AS 47.10;
- (7) to appeal a decision regarding grant programs that may be appealed under 7 AAC [78.310](#); or
- (8) to appeal a decision regarding civil rights actions covered under the department's civil rights complaint procedures.

**To initiate a Grievance, you must fill out a [Grievance Procedure Form](#) and submit to the to the immediate supervisor of the person whose actions are the subject of the grievance.**

## **To Appeal a Substantiated Child Abuse and Neglect Finding**

If [AS 47.17](#) does not give a complainant the right to seek a court review of a substantiated child protection finding made against the complainant, the complainant may have the finding reviewed by either submitting a request to the OCS that the appeal be:

1) Reviewed as a grievance through the procedures under 7 AAC [54.220](#) - 7 AAC [54.240](#) as described above; or

(2) heard through the Office of Administrative Hearings as provided for in AS 44.64.

**Note:** An individual who appeals a substantiated child protection finding under (1) above waives the right to an appeal heard by the Office of Administrative Hearings.

An appeal referred to the Office of Administrative Hearings is processed under [AS 44.64.060](#) , except that the hearing is closed to the public and the administrative law judge's proposed decision and record are confidential and not public records. The administrative law judge shall serve the commissioner with the proposed decision. The commissioner will adopt, revise, modify, or amend the proposed decision, or return the proposed decision to the administrative law judge for further proceedings under [AS 44.64.060](#) .

**To initiate an Office of Administrative Hearings appeal, you must fill out the [Request for OAH Appeal](#) form and submit it to the Office of Children's Services at:**

Office of Children's Services / PO Box 110630 / Juneau, Alaska 99811

- or -

fax to 907.465.3397