



## **GEAUGA COUNTY**

### **DISPUTE RESOLUTION PROCESS**



## **DISPUTE RESOLUTION PROCESS OVERVIEW**

In Geauga, our dispute resolution process covers any disputes that might occur agency-to-agency, child/family to agency, and child/family to Council. So far there have not been any agency-to-agency disputes since all funding is pooled and all agencies have a say in plan development. Each dispute resolution step outlined has specific time limits attached. The whole process from start to finish can last no longer than 60 days. If disputes occur at any stage of the Service Coordination process, regarding either treatment or funding, the Council Coordinator is contacted. It is the Coordinator's responsibility to initiate and oversee the dispute resolution process. This section pertains particularly to children who are in their parent's custody with no JFS involvement. When a child is in JFS custody all Court orders re: treatment supersede Council recommendations.

As a first step, the parties are encouraged to resolve the issue among themselves directly. If the conflict is not resolved, the Coordinator attempts to mediate. If this step is not successful, the Emergency Subcommittee for either treatment or funding is accessed and its recommendation is presented to the full Council. If the issue cannot be resolved by the Council, the final arbiter of individual case resolution is the Juvenile Court Judge. Children and their families will continue to receive disputed services already in place throughout the dispute resolution process.

## **DISPUTE RESOLUTION PROCESS**

When consensus cannot be reached by the involved parties (i.e. service professionals, parents, etc.) regarding the treatment recommendations by the MD Team, the Screening Committee, or the Family Stability Diversionary Team or the funding decisions of the Family First Council (FFC) the Council's Case Services Coordinator contacts the FFC Coordinator, who oversees the dispute resolution process.

### **A) Treatment Decisions**

If the child is already in the Council system and a decision is made to change the course of treatment, i.e., hospitalize, move to less restrictive, etc., and one party (the Lead Case Manager (LCM), another service professional, or parent) disputes that course of action, the following will apply:

- 1) The FFC Coordinator is contacted and arranges to have the Council Case Services Coordinator meet with the involved parties within three (3) business days to resolve the dispute. If the Council Coordinator is unreachable, the Case Services Coordinator should be contacted directly.
- 2) If consensus still cannot be reached by the next business day, the Case Services Coordinator calls the three Emergency Treatment Subcommittee members for a recommendation. The Treatment Subcommittee consists of the Chief Probation Officer, JFS's Social Service Director, and Ravenwood Mental Health Center's Associate Director.

- 3) This Subcommittee can authorize a change in treatment up until the next regularly scheduled Council meeting. The Case Services Coordinator then calls the involved parties to convey the emergency recommendation.
- 4) The Council reviews the decision at its next meeting, hears input from the involved parties and makes a final decision. This decision is conveyed to the involved parties within 48 hours by the FFC Coordinator over the phone and is followed up in writing.
- 5) In an emergency, Step #1 can be skipped.
- 6) This full dispute process is completed within 30 days at the latest since these disputes are handled at the monthly Council meetings.

## **B) Funding Decisions**

### 1) Non-Emergency

Pertains to:

- a) Child whose case has already been reviewed by the MD Team, the Screening Committee or the Diversionary Team or
- b) Child already in the Council system who needs additional funding.

Occurs when:

- a) The MD Team's recommendation to the Council for funding was turned down at the Council meeting. Since this decision is being made by the full Council, it cannot be appealed.
- b) At the point that new or additional information becomes available, the family or LCM can request a review by the MD Team at their next monthly meeting. This request by the involved parties is made to the Case Services Coordinator.
- c) The MD Team can then request that the case be re-presented to the full Council.

### 2) Emergency

Pertains to:

- a) Child not yet accepted for Council services.
- b) Child in Council system who needs higher level of services, possibly residential.
- c) Council child for whom Council can no longer provide funding at the current level.

Procedure:

- a) Parents or Case Services Coordinator contacts Council Coordinator to request funding, or funding extension. Usually the Case Services Coordinator has been kept abreast of case developments by either the LCM or the family so has background re: possible emergencies.
- b) By the next business day, the Coordinator contacts the three Emergency Funding Subcommittee members to provide or extend funding until the next regularly scheduled Council meeting.
- c) If two out of the three members agree, Coordinator conveys decision over the phone to parents and LCM – and funding for a maximum of 30 days or until the monthly Council meeting is made available.
- d) At the next regularly scheduled Council meeting, the case is reviewed.
- e) Council reviews the emergency decision - parents, LCM, and other service providers deemed appropriate are invited to give input.
- f) The final decision is conveyed in writing and over the phone by Coordinator within 48 hours of the meeting. The final decision is binding upon all parties.

- 3) The Council's Case Funding Guidance, approved by Council at the 7/16/12 Council meeting, sets the parameters for how Council funding will be used for placements. See attached (Council Case-Funding Guidance).

### **C) During the Process**

- 1) Children and their families continue to receive disputed services, i.e. those occurring prior to the dispute, throughout the dispute resolution process.
- 2) A copy of the Dispute Resolution Procedure is again made available to the family and to the agencies involved. This Procedure is also provided to all families when they first are designated for Service Coordination.
- 3) All parties involved with FFC programs/services agree to the above terms and make copies of the dispute resolution information and procedures available to their staffs.
- 4) After the dispute resolution process has been followed, the decisions made by the Council regarding both treatment and funding are considered binding upon all parties.

### **JUDICIAL AUTHORITY**

If a conflict cannot be resolved through the designated dispute resolution process, the final arbiter of individual case resolution is the Juvenile Court Judge.

#### **Non-Emergency**

The final resolution can be appealed to the Court by any party within 7 days of the decision by the full Council. The Judge will hold a hearing within 30 days of the filing of the motion to review. The Council's Case Services Coordinator is responsible for forwarding all pertinent treatment/assessment information to the Court prior to the hearing. The information forwarded will include minutes from the Council subcommittee meetings as well as from the full Council meetings, the Common Intake Form, and written correspondence pertaining to this dispute.

#### **Emergency**

The Judge will hold a hearing within 48 hours of the filing of the emergency motion to review. This procedure will not circumvent any agency or the parents taking appropriate action through the Court, i.e., JFS filing a motion for emergency custody. If a motion is filed with the Court prior to the hearing, the Council Coordinator will be responsible for forwarding to the Court the family's Council Common Intake Form, pertinent minutes from any Council, MD Team, Screening Committee, or Diversionary Team meetings, as well as the Council recommendations from the dispute resolution process.

## Geauga Family First Council Case Funding Guidance

- 1) The Council Coordinator has the authority to arrange emergency placement funding in-between Council meetings if necessary. This emergency funding will then be reviewed by the full Council at the next Council meeting.
- 2) Council funding cannot be used to fund out-of-state residential treatment for “Council kids”.
- 3) If parents choose a placement for their child which is different from what has been recommended by the Interdisciplinary Treatment Team (either the Multi-Disciplinary Team or the Screening Committee), the Council’s portion of the placement costs cannot exceed the highest per diem Council is currently paying (or has paid in the past 12 months). The parents will be required to pay the difference if they choose to access Council funding.

### Example:

Placement cost	\$325.00/day
Highest FFC rate at the time	<u>-\$220.00/day</u>
Parents paid the difference	\$105.00/day

The placement chosen by the parents must be consistent with the Interdisciplinary Team’s treatment recommendation. Council will not fund any portion of a placement that does not match the treatment recommendations. Example ... if therapeutic foster care is recommended, Council wouldn’t pay for residential treatment. Council is a funding body not a treatment body so it is the role of the Interdisciplinary Teams to make treatment decisions from a clinical perspective. Council can also refuse to fund a placement not aligned with what the Treatment Team recommends.

- 4) All facilities used must have a current license thru ODMH, ODJFS, DYS, or ODDD.
- 5) Placement funding can be terminated if the treatment provided runs counter to the Treatment Team’s recommendations and/or if the treatment is not working.