

Children and Youth System of Care State Technical Assistance Team

May 5, 2021

Part 10: Dispute Resolution Process



Agenda

- Updates
- Overview of MOU Part 10 Dispute Resolution Process
- Q&A

Department of Developmental Services Updates (1)

- Message from Californian's Surgeon General, Dr. Nadine Burke Harris (<https://vimeo.com/514553837>)
- Early Start Parent Resources (<https://www.dds.ca.gov/services/early-start/resources-for-families-parents-caregivers/>)

Department of Developmental Services Updates (2)

- The Early Start Webinar Series (<https://www.cpeionline.net/>)
 - Tele-intervention and Private Insurance: Guidance for Families
 - Technology to Connect and Engage with Families
 - Early Intervention “Post COVID”: Navigating Blended Service Delivery and Maintaining Mental Wellness

System of Care Updates

- 25 County ILTs have submitted MOUs

MOU Part 10: Dispute Resolution Process

Your MOU should include, at minimum:

- A description of the shared decision-making process for supporting children, youth and families that is aligned with the shared vision, mission and goals of the partner agencies
- A process for demonstrating that all potential resources were exhausted prior to elevating the dispute to the state resolution team

How Dispute Resolution Supports System of Care Development (1)

- Interagency Leadership processes that are fluid, trust-based and relational, are less likely to lead to formal disputes between system partners
- Consistent teaming, in all its forms (CFT for example), and early use of Interagency Placement Committee, lead to fewer disagreements and disputes

How Dispute Resolution Supports System of Care Development (2)

- "Voting" as a standard ILT practice is often less effective as a decision-making framework. Use of other means of shared decision making are often more useful
- Collective decision-making requires sharing of power and responsibility

ICPM Behaviors Support Dispute Resolution (1)

- "Demonstrate willingness to share resources and responsibility for all youth..."
- "Consistently monitor challenges and successes and acknowledge barriers impacting the organization and be transparent with staff and partners about what can be accomplished and what cannot, and why."

--ICPM Leadership Behaviors (ICPM Addendum) 2018

ICPM Behaviors Support Dispute Resolution (2)

- “Recognize that challenges presented by partner agencies are often reflective of unmet agency needs, and that your division or department’s resources may be useful to meet shared objectives.”
- “Pause and reflect before making organizational decisions, as to whether a partner agency’s leadership team should be informed or consulted before making your decision.”

--ICPM Leadership Behaviors (ICPM Addendum) 2018

Dispute Resolution Ensures Integrated and Uninterrupted Service Delivery

While each local System of Care department or agency has obligations and processes to support participant grievance, dispute or denial of care; MOU Part 10 is about how the system's partners will solve their issues without interrupting the partnership and while ensuring youth get services.

Resolving Disputes in Public Education

Uniform Complaint Procedures (UCP): A UCP complaint is a written and signed statement alleging a violation of federal or state laws governing certain educational programs. Covers alleged violations by local educational agencies (school districts, county offices of education, and charter schools) and local public or private agencies which receive direct or indirect funding from the State to provide specific school programs, activities, or related services. For more information please visit: <https://www.cde.ca.gov/re/cp/uc/>

Disputes Complaints in Special Education (1)

Complaint process: Federal regulations require each state educational agency (e.g., CDE) to adopt written procedures for the investigation and resolution of any state complaint alleging that a school district or other public agency has violated certain requirements of the Individuals with Disabilities Education Act (IDEA). California law also requires the same obligations of the state and includes violations of state special education law. For more information on this process please visit:

<https://www.cde.ca.gov/sp/se/qa/cmplntproc.asp>

Disputes Complaints in Special Education (2)

Alternative Dispute Resolution (ADR): A alternative to filing a complaint with the CDE, is to participate in a local alternative dispute resolution arranged by the LEA. For more information please visit: <https://www.cde.ca.gov/sp/se/lr/om122220.asp>

Disputes Complaints in Special Education (3)

Mediation: a voluntary process in which the parent and the LEA agree to have confidential discussions with a qualified and impartial individual with the goal to resolve disputes alleged in a state filed complaint. If the parties reach agreement on a resolution, the parties will enter into a legally binding agreement that documents the resolution. The parent and LEA may agree in writing to extend the complaint timeline so they can participate in mediation. Mediations are conducted by the Office of Administrative Hearings (OAH). For more information please visit: <https://www.cde.ca.gov/sp/se/qa/>

Disputes Complaints in Special Education (4)

Due Process Hearings: Parents, legal guardians, and surrogate parents of children with disabilities may request an impartial due process hearing regarding the identification, assessment, and educational placement of a child or the provision of a Free and Appropriate Public Education

Disputes Complaints in Special Education (5)

Due Process Hearings (cont.): Hearing requests are filed with the Office of Administrative Hearings (OAH) within two years from the date of the allegation that forms the basis of the due process complaint. An OAH hearing decision is final and binding on both parties. For more information please visit:

<https://www.dgs.ca.gov/OAH/Case-Types/Special-Education/Self-Help>

Appeals & Complaints Department of Developmental Services and Regional Centers (1)

Lanterman Services

Consumer Rights Complaint Process

- <https://www.dds.ca.gov/general/appeals-complaints-comments/consumer-rights-complaint/>

Fair Hearing

- <https://www.dds.ca.gov/general/appeals-complaints-comments/fair-hearings-complaint-process/>

Appeals & Complaints Department of Developmental Services and Regional Centers (2)

Lanterman Services

Title 17 Complaint Procedures

- <https://www.dds.ca.gov/general/appeals-complaints-comments/title-17-complaint-procedure/>

Appeals & Complaints Department of Developmental Services and Regional Centers (3)

Early Start Services

Early Start Mediation Conference Request

- <https://www.dds.ca.gov/general/appeals-complaints-comments/early-start-mediation-conference-requests/>

Early Start Due Process Hearing

- <https://www.dds.ca.gov/general/appeals-complaints-comments/early-start-due-process-hearing-requests/>

Appeals & Complaints Department of Developmental Services and Regional Centers (4)

Early Start Services

The Early Start State Complaint Process

- <https://www.dds.ca.gov/general/appeals-complaints-comments/early-start-complaint-process/>

Dispute Resolution for Medi-Cal Beneficiaries & the Mental Health Plans (MHPs) (1)

MHPs must have problem resolution processes that enable a beneficiary to resolve a problem or concern about any issue related to the MHP's performance, including the delivery of specialty mental health services. Each MHP's beneficiary problem resolution processes includes:

Dispute Resolution for Medi-Cal Beneficiaries & the Mental Health Plans (MHPs) (2)

1. Grievance Process
2. Appeal Process/ Expedited Appeal Process

https://www.dhcs.ca.gov/services/Pages/Beneficiary_Problem_Resolution.aspx

3. State Fair Hearing Process

<https://www.dhcs.ca.gov/services/medi-cal/Pages/Medi-CalFairHearing.aspx>

Dispute Resolution Between Medi-Cal Providers and the State

The Department of Health Care Services (DHCS) has a process on dispute resolution between Medi-Cal providers and the State in accordance with Title 9 of the California Code of Regulations, Chapter 11

[https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I5733A4F0D45311DEB97CF67CD0B99467&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I5733A4F0D45311DEB97CF67CD0B99467&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default))

Other Dispute Resolution/Supports

California Foster Care Ombudsperson

(<https://fosteryouthhelp.ca.gov/>)

- A neutral and independent office that helps solve problems and complaints about the care, placement, and services of children and youth in foster care

Guiding Questions

- Is there a dispute resolution process in place? How are disputes triaged or categorized?
- How does the Interagency Leadership Team keep a person-centered focus when processing disputes?
- How can consensus be achieved to create results that best meet the needs of the child?

Recommended Practices to build Interagency Trust (1)

Provide the ILT with appropriate administrative support with consistent (regularly calendared and documented) meetings and build trust by doing the following:

- Show up and be prepared to support the integration
- Practice organizational empathy

Recommended Practices to build Interagency Trust (2)

- Maintaining dialogue between all involved agencies
- Incorporate alternative dispute resolution practices early to ensure alignment of norms, process agreements and getting to desired outcomes

Some Dispute Language From the Field

"In some cases, referral to an expert may assist the parties. The County Executive Office or Board of Supervisor's staff may be of assistance. Other informal arbitration resources may include the presiding judge of the juvenile court."

"If a matter involves a child who is under court jurisdiction, that matter will be submitted to a judge." -- Sonoma County

Some Ideas About Decision-Making

- Disagree and Commit—allows moving forward while documenting concern
- Gradients of Agreement—a "generic" tool for reaching consensus
- Written procedures (Policy and Procedure) for dispute resolution may be needed to support collective decision making (in the MOU or as addenda)

Before Engaging With the SOC TA Team

- Local dispute resolution process may include the following:
- Joint CFT/IPP/IEP
- Reviewing local continuum of care and MOU
- Moving through local IPC
- Joint ILT meetings

When to Engage With the SOC TA Team (1)

- "Once the local resolution process has been exhausted, a request may be made to the Children and Youth System of Care State TA Team and submitted via the provided electronic forms found online via Survey Monkey."

[Requesting Technical Assistance Survey \(surveymonkey.com\)](https://www.surveymonkey.com)

When to Engage With the SOC TA Team (2)

- Local resolution process should be exhausted
- Including:
 - Moving through the governance process established via the ILT
 - Reviewing MOU for guidance
 - Review and execute the agreed upon dispute resolution section of the MOU

When to Engage With the SOC TA Team

(3)

- Once the local process has been exhausted, a request may be made to the Children and Youth System of Care State TA Team via:
 - Online via Survey Monkey
 - Email: systemofcare@cdss.ca.gov

When to Engage With the SOC TA Team (4)

- More information on the available State Technical Assistance can be found in the CHHS Information Notice

[AB 2083 Technical Assistance Information Notice](#)

Resources (1)

- System of Care for Children and Youth Web
<https://www.chhs.ca.gov/home/system-of-care/>
- AB 2083 MOU Guidance Information Notice
[AB 2083 MOU Guidance Information Notice Final \(ca.gov\)](#)
- AB 2083 MOU Guidance
[Trauma Informed System of Care Memorandum of Understanding Implementation Guidance](#)

Resources (2)

- Behavioral Health (BH) Information Notice NO. 20-013
[AB 2083 Technical Assistance Information Notice](#)
- Guidance letter on dispute resolution in special education
<https://www.cde.ca.gov/sp/se/lr/om122220.asp>

Questions and Answers

State Level Technical Assistance Request Form



<https://www.surveymonkey.com/r/ZJNKLKY>

Children and Youth System of Care State Team Email



SystemofCare@DSS.CA.GOV

Calling for System of Care Presenters

- Resource Families and Therapeutic Foster Care Services
- Information and Data Sharing Processes
- Coordination of Services (System partner collaboration for school stability and permanence)
- Fiscal Resource Sharing and Management