

Use Due Process When

- You feel you have been unjustly denied service.
- You are not satisfied with a program or service.
- You are receiving fewer or different services than you would like.
- You are told that you are not eligible for services.

This Process is Not Used For:

- **School Services/School Age Service:** The Ohio Department of Education and IDEA procedures are used. For more information, call the Superintendent at (419) 782-6621.
- **Medicaid Services:** These include therapies such as speech, occupational therapy, physical therapy, etc. The Department of Jobs and Family Services procedures are used for these services. For more information, contact the Department of Jobs and Family Services at (419) 782-3881.
- **Supported Living Services:** For more information, contact the Service and Support Administration Supervisor at (419) 782-6621.

Who Can Appeal

- A person 18 years of age or older applying for or receiving services from the Defiance County Board of Developmental Disabilities.
- The parent of a minor child applying for or receiving services from the Defiance County Board of Developmental Disabilities
- A guardian of a child or adult applying for or receiving services from the Defiance County Board of Developmental Disabilities.

Need More Help?

If you need additional help with Due Process, contact:

Defiance County Board of DD
Service and Support Administration (SSA)
(419) 782-6621

Ohio Department of Developmental
Disabilities
Support Center
1-800-617-6733

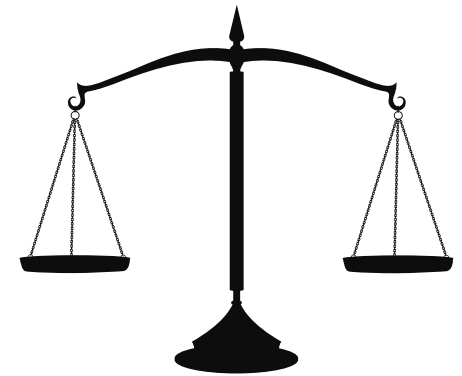
Disability Rights Ohio
1-800-282-9181

Defiance County Board of Developmental Disabilities

195 Island Park Ave.
Defiance, OH 43512
P: (419) 782-6621
F: (419) 990-6621
www.defiancedd.org

YOUR DUE PROCESS RIGHTS

ADMINISTRATIVE
RESOLUTION OF
COMPLAINTS



Our mission is to enhance the quality, purpose, and value of an individual.



How to Make an Appeal

Before filing a formal appeal regarding a decision, you are encouraged to speak to the person who made the decision. Many times, this can resolve the situation to everyone's satisfaction.

If, however, you cannot resolve the issue, you have the right to make a written complaint. You must write your letter within ten (10) calendar days of receiving the denial or decision notice to the supervisor of the person making the decision. If you have trouble writing, you may ask for a formal meeting with the person to discuss your concern.

You may be asked to participate in an "informal grievance procedure". Your complaint is made to the supervisor of the program which made the decision you are not satisfied with. The supervisor has ten (10) calendar days to investigate your complaint and then has up to ten (10) more calendar days to give you a written notice of the findings and discuss the decision with you. If you use this informal grievance procedure, you should also follow the formal appeal process.

Administrative Appeal

If the supervisor's decision is not satisfactory, you must request an "administrative review" of the supervisor's decision to the Superintendent of the Defiance Board of DD. You must do this in writing within ten (10) calendar days of receiving the decision from the supervisor. If you have trouble writing, you can make your complaint verbally. The Superintendent will meet with you within ten (10) calendar days of the request and discuss with you why you think the decision is wrong. The Superintendent will then let you know his/her decision and reasons for that decision within five (5) working days.

If you are not satisfied with the Superintendent's decision, you may file an appeal with the President of the Defiance Board of DD for a hearing with the entire board. You must do this within ten (10) calendar days of notice of the Superintendent's decision.

The Defiance Board of DD, a committee of the Board, or a person who is not an employee of the board (who will be called a "hearing officer") will hold a hearing at least seven (7) days after your request and before the next regularly scheduled meeting of the board.

At the hearing, you have the right to:

- See the records of the Defiance County Board of DD which concern your case at least seven (7) days before your hearing.
- Have a lawyer or anyone else present your case at the hearing and tell your side of the story and why you should get the denied/reduced/terminated services.
- Ask questions of any Board employee at the hearing.
- Your hearing will be private unless you request it be open to the public.

After the hearing, you have the right to request and receive written record of the hearing which will include everything that was said at the hearing. The Board decision will be based only on those things that were discussed at the hearing and are in the record.

Board and DODD Appeal

If you had a hearing officer and you are not satisfied with the decision, you have five (5) calendar days to give the Board written reasons why you think the hearing officer made the wrong decision. The Board will make a decision within five (5) days after receiving your objections.

Once the Board has made its decision and you are still not satisfied, you may appeal the decision to the Ohio Department of Disabilities and the Director of the Ohio Department of DD. You have fifteen (15) calendar days to appeal to the state, and this appeal must be within 90 calendar days of the original action. This appeal must be in writing and must include previous actions taken to resolve the complaint and reference to the rules that were not followed. The Director of the Ohio Department of DD has 30 calendar days to make a decision. You will receive a written copy of the decision.

If you are not satisfied with the Director's decision, you may decide to file a lawsuit in court. You should discuss this option with your lawyer.

Time Limits

This due process procedure, as noted, has time limits in which items must be completed. If you do not follow the time limits you may lose your case. Some of these limits may be changed if you and the Defiance County Board of Developmental Disabilities (DCBDD) agree on the change. Please contact the Board for more details.