

You Have A Right To Appeal Decisions You Do Not Agree With

Due Process Is Your Right.

If you have a complaint involving the programs, services, policies or administrative practices of the Defiance County Board of DD, you can be heard. You may file an appeal of adverse action (“appeal”) if your request for services is denied or if services you have been receiving are being taken away.

You Can Request a Copy of the County Board’s Policy on Administrative Resolution of Complaints.

The policy is outlined for you in this brochure. If you should desire, you can request a copy of the actual county board Policy.

Who Can Appeal?

Any person 18 or older who is applying for or receiving services from the Defiance County Board of DD, the parent of a minor, or the guardian of a child or adult.

Do I have to file a formal Complaint/Appeal?

No, if you choose, you may start by trying to resolve your complaint/appeal informally with a supervisor at the county board. You and the Supervisor can agree to try to resolve the complaint/appeal. The informal process shall take no longer than 30 days.



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Resolution of Complaints Policy

Any individual or person, other than an employee of the Board of DD, may file a complaint involving the programs, services, policies, and administrative practices of the Defiance County Board of Developmental Disabilities (DCBDD) or may appeal adverse actions using the process set forth in this policy and ORC 5123-4-04. The process set forth in ORC 5123-4-04 shall be followed before commencing a civil action.

How to Resolve a Complaint

Step One: Filing Complaint with the Supervisor

A complaint must be filed with the supervisor **within 90 days** of becoming aware of the program, service, policy, administrative practice, or adverse action that is the subject of the complaint.

The Supervisor shall conduct an investigation, including a meeting with the individual who filed the complaint/appeal. **Within 15 days** a written report will be provided and shall include the rationale for the decision and a description of the next step in the process. The Supervisor must be available to discuss the written report.

Step Two: Filing the Complaint with the Superintendent

If process in Step One is not satisfactory, the individual may file a complaint/appeal with the Superintendent **within 10 days of notice of decision of supervisor**. If the supervisor does not draft a report, the complaint must be filed **within 25 days of filing complaint/appeal with supervisor**.

The Superintendent/designee shall meet with individual and conduct an administrative review. Superintendent may ask questions, review circumstances and facts. The Individual filing a complaint/appeal shall have the opportunity to present the Superintendent with reasons why the decision of the Supervisor should be reconsidered. **Within 10 days of receipt of complaint/appeal**.

The Superintendent shall send decision to individual who filed complaint/appeal. The decision shall be sent certified mail. The decision must include the rationale for the decision and a description of the next step in the process **within 15 days of receipt of complaint/appeal**.

Step Three: Filing Complaint with the President of the Board of DD

If the process in Step Two is not satisfactory, you may file a complaint/appeal with the President of the Board of DD **within 10 calendar days of the notice of decision of superintendent / designee**. If the Superintendent does not issue a decision within the required time, the complaint must be filed **within 25 calendar days of filing the complaint with the Superintendent**.

A hearing will be held **within 20 days** at a time and place convenient to all parties. The hearing may be reviewed by DD board in one of three ways: 1) Full DD board; 2) Committee of two or more board members; 3) Hearing officer who is not an employee or contractor with the DD board.

Upon request, you may have access to all records and materials related to the appeal. The hearing is private unless you request to make it public. Both parties may present evidence. You have the right to be represented by counsel. You may require attendance of, and question, any official, employee, or agent of the county board who may have evidence upon which the complaint/appeal is based.

DD board shall record proceedings either with a stenographer or recording. The individual filing the complaint is entitled to one free copy of the transcript. In making its decision, the county board may request or consider additional information with notice to all affected parties, may request a presentation in writing and/or in person from each party, or take other action necessary to make a determination.

Within 15 days of conclusion of the hearing or the county board's receipt of the report and recommendation from the committee or a hearing officer, the board shall send the decision by certified mail to the individual. The decision shall include the rationale for the decision and a description of the next step in the process if the individual or person is not satisfied with the decision of the county board.

Step 4: Review by Director of DODD

If the process in Step Three is not satisfactory, you can file a complaint/appeal with the Director of DODD **within 15 calendar days of notice of decision of DD board**. If no decision is provided by the Board of DD within the required time, the complaint must be filed **within 55 days of filing the complaint with the Board of DD**.

The Director shall send a copy of complaint/appeal to the Superintendent and the President of DD board. The President of DD board shall send the Director the written transcript of the county board hearing, copies of any exhibits, and a copy of the county board's decision **within 20 days of receiving the copy of the complaint/appeal of adverse action from the Director**.

The Director may request or consider additional information with notice to all affected parties, may request a presentation in writing and/or in person from each party, or take other action necessary to make a determination.

Within 45 days of receipt of the written transcript of the county board hearing, copies of any exhibits, and a copy of the county board's decision from the President of the Board of DD, the Director shall send by certified mail, a copy of his or her decision to all affected parties. The Director shall uphold the decision of the county board if the Director determines that the decision is in accordance with applicable statute and administrative rule. The Director's decision shall include the rationale for the decision.

Step Five: Other Remedies

After completion of all procedures, the individual may commence a civil action or appeal.

If your complaint has not been addressed to your satisfaction and you wish to pursue further action, contact the Defiance County Board of DD, Ohio Department of Developmental Disabilities, or Disability Rights Ohio.