



Complaint and Grievance Policy and Procedures

Policy: It is the policy and practice of Adoption by Shepherd Care (“ASC”) to have written complaint policies and procedures that incorporate the standards in 22 CFR 96.41 (b) through (h) and to provide a copy of such policies and procedures, including contact information for the Complaint Registry, to prospective adoptive parents at the time the adoption services contract is signed. It is the practice of ASC to insert the complaint policy and procedure for submitting a complaint to ASC in each adoption service agreement and to require signatures by prospective adoptive parents. 22 CFR 96.41(a).

ASC permits any birth parent, prospective adoptive parent or adoptive parent, or adoptee to lodge directly with the agency or person signed and dated complaints about any of the services or activities of the agency or person (including its use of supervised providers) that they believe to raise an issue of compliance with the Convention, the IAA, the UAA, or the regulations implementing the IAA or UAA, and advises such individuals of the additional procedures available to them if they are dissatisfied with ASC’s response to their complaint. It is the policy and practice of ASC to inform all complainants regarding the Complaint Policy, as outlined in ASC’s adoption services agreement. 22 CFR 96.41(b).

It is the policy of ASC to respond in writing to complaints received pursuant to 22 CFR 96.41(b) of this section within thirty (30) days of receipt, and to provide expedited review of such complaints that are time-sensitive or that involve allegations of fraud. 22 CFR 96.41(c). It is the policy and practice of ASC to accept and process a written 96.41(b) complaint regardless of the length of time that has passed since the event or service triggering the concern. *HTG E.6*. It is also the policy and practice of ASC not to limit the acceptance of 96.41(b) complaints to Hague Convention cases; it is the policy and practice of ASC to accept and process 96.41(b) complaints regardless of whether the issue originated from a Convention or non-Convention case. *HTG E.6a*.

It is the policy and practice of ASC to maintain a written record of each complaint received pursuant to 22 CFR 96.41(b) and the steps taken to investigate and respond to it and makes this record available to the accrediting entity or the U.S. Department of State upon request. 22 CFR 96.41(d).

ASC does not take any action to discourage a client or prospective client from or retaliate against a client or prospective client for: making a complaint; expressing a grievance; providing information in writing or interviews to an accrediting entity on ASC’s performance; or questioning the conduct of or expressing an opinion about the performance of ASC. 22 CFR 96.41(e).

ASC provides to the accrediting entity and the Secretary, on a semi-annual basis, a summary of all complaints received pursuant to 96.41(b) during the preceding six months (including the number of complaints received and how each complaint was resolved) and an assessment of any discernible patterns in complaints received against the agency or person pursuant to 96.41(b), along with information about what systemic changes, if any, were made or are planned by the agency or person in response to such patterns. 22 CFR 96.41(f).

ASC provides any information about complaints received pursuant to 96.41(b) of this section as may be requested by the accrediting entity or the Secretary. 22 CFR 96.41(g).

It is the policy of ASC to have a quality improvement program appropriate to its size and circumstances through which it makes systematic efforts to improve its adoption services as needed. The agency or person uses quality improvement methods such as reviewing complaint data, using client satisfaction surveys, or comparing the agency’s or person’s practices and performance against the data contained in the Secretary’s annual reports to Congress on intercountry adoptions. 22 CFR 96.41(h)

COMPLAINT POLICY/PROCEDURE

This policy and procedure are disclosed in ASC's Adoption Services Contract.

It is the policy of Adoption by Shepherd Care (ASC) to permit any birth parent, prospective adoptive parent or adoptive parent, or adoptee to lodge directly with the agency or person signed and dated complaints about any of the services or activities of ASC (including its use of supervised providers) that they believe to raise an issue of compliance with the Convention, the IAA, the UAA, or the regulations implementing the IAA or UAA, and ASC advises such individuals of the additional procedures available to them if they are dissatisfied with ASC's response to their complaint. It is the policy and practice of ASC to inform all complainants regarding the Complaint Policy/Procedure in ASC's adoption services agreement. *22 CFR 96.41(a)(b)*.

Step 1: Communicate Concern to ASC & Front-line Resolution

If an individual has a concern regarding ASC, its practices, or its supervised provider(s), this individual should bring their concern to ASC staff first for front-line resolution. ASC staff will endeavor to resolve the concern promptly if resolvable by front-line resolution. If resolved, the ASC team member resolving the matter will note the matter and resolution in the adoption record. If the matter is not resolved, the concern will be elevated to leadership.

Step 2: Manager/Director Resolution

If the matter is not resolved by front-line resolution, the ASC staff member or concerned individual may elevate the concern to the appropriate manager or director. ASC leadership will attempt to resolve the concern to the satisfaction of the concerned party. However, if the concern is not resolved to the concerned individual's satisfaction, the concerned individual is instructed by ASC to submit a written signed and dated complaint as outlined herein.

Step 3: Filing Written Complaint

The complainant may submit a signed and dated complaint in writing via email to assist@adoptabsc.org or to an ASC staff member. The written complaint should include the following information: (1) which services or activities of ASC or its supervised provider(s) are of concern; (2) whether and how the complainant believes the complaint raises an issue of compliance with the Convention, the IAA, the UAA, or the regulations implementing the IAA or UAA, and (3) the desired outcome for the complainant. *96.41(b)*. The Administrative Assistant is responsible for monitoring the assist@adoptabsc.org email address and will forward any complaints received to the Director of Social Services ("DSS") and Executive Director ("ED").

Once a written complaint is received, it will be documented and saved to the complaint record by the ED and to the client record by the DSS or her designee. It is the policy and practice of ASC to maintain a written record of each complaint received pursuant to *96.41(b)* and the steps taken to investigate and respond to it and makes this record available to the accrediting entity or the U.S. Department of State upon request. *22 CFR 96.41(d)*. ASC maintains an electronic file folder with all complaint related information, including the complaint, steps and results of investigation, response, appeals and ASC's Semi-Annual Reports on Complaints (SARC). The ED is responsible for maintaining this folder. The ED is further responsible for making this record available to the accrediting entity or the U.S. Department of State upon request.

It is the responsibility of the ED to monitor the complaint process to ensure ASC staff does not take any action to discourage a client or prospective client from or retaliate against a client or prospective client for: making a complaint; expressing a grievance; providing information in writing or interviews to an accrediting entity on ASC's performance; or questioning the conduct of or expressing an opinion about the performance of ASC. *22 CFR 96.41(e)*.

Step 4: Review of Complaint & Written Response

The written signed and dated complaint will be reviewed by ASC's DSS. The DSS will review and research all complaints and if appropriate, investigate to determine whether a violation of compliance with the Convention, the IAA, the UAA, or the regulations implementing the IAA or USS, or a violation of ASC's policies and procedures has occurred. The DSS will communicate with other ASC staff members as necessary, including the Executive Director ("ED"). The DSS may also

communicate with ASC's supervised providers as may be necessary given the nature and scope of the complaint. If the complainant is a client or previous client, the DSS may also review the case file and those ASC staff with whom the client had contact.

Once the review is completed, the DSS or her designee will draft a written response. If the response is drafted by anyone other than the DSS or the ED, the DSS must review and approve the response before submission to the complainant. The written response will be submitted via email and may also be submitted via hard-copy letter no later than thirty (30) days from the receipt of the original written complaint. Expedited review will be made of such complaints that are time-sensitive or involve allegations of fraud. *96.41(c)*. It is the responsibility of the DSS to assess the written complaint and determine whether expedited review is required.

The written response from ASC will include the following information: 1) ASC's findings after having conducted a review on the matter; 2) ASC's proposed resolution to the complaint; and 3) instructions on appealing the complaint to ASC's Board of Directors if the complainant is dissatisfied with the proposed resolution. *96.41(b)*.

Step 5: Appeal to ASC Board of Directors

If the complainant is dissatisfied with ASC's response and/or proposed resolution, the complainant is instructed to submit their appeal directly to ASC's Board of Directors. The appeal should outline the reasons for the complainant's dissatisfaction with ASC's response and the complainant's desired resolution. The Board will review the appeal and provide a written response to the complaint. The response may be drafted by ASC's ED for approval by ASC's Board Chair prior to submission. This will be the agency's final action. *96.41(b)*.

Step 6: Complaint to Third Parties

If the matter is still not resolved, the client may file a complaint with the Hague Complaint Registry: <https://travel.state.gov/content/travel/en/Intercountry-Adoption/about-adoption-service-providers/hague-complaint-registry.html>. *96.41(a)*.

Step 7: Reporting the Complaint

ASC's ED is responsible for completing the Semi-Annual Report on Complaints ("SARC") in accordance with the instructions as outlined by the accrediting entity and U.S. Department of State. The ED shall calendar and track the due dates for the SARC report to ensure timely submission and report pursuant to the instructions outlined by the accrediting entity (CEAS Policy ICA 7.1) and in any other manner as requested by the U.S. Department of State. *22 CFR 96.41(f)(g)*.

It is the responsibility of the ED to respond timely to all complaint-related requests from the accrediting entity or the U.S. Department of State. The ED will respond as prescribed by the U.S. Department of State and/or accrediting entity and thoroughly answer questions and/or document requests. The ED will document complaint-related communications with the accrediting entity or U.S. Department of State in the record.

Step 8: Review of Complaints for Quality Improvement Purposes

As a part of ASC's Quality Improvement Program, it reviews the complaints it receives to determine steps ASC can take to improve the adoption services it provides. *96.41(h)*. All complaints are reviewed at the staff meetings where an improvement plan is discussed and initiated. It is the responsibility of the ED to ensure that all appropriate quality improvement steps are taken and documented in staff meeting minutes. In addition, reviewing and implementing a quality improvement plan following a complaint, it is also the practice of ASC to conduct quarterly staff meetings with a specific focus on quality improvement and ethical practices. It is during these quarterly meetings, ASC will review its complaint data, client satisfaction surveys received, and assess the efficacy of recent quality improvement efforts made by ASC. These meeting minutes are documented in ASC records.