



# Navigating Child Welfare

## How to File a Complaint: An Overview of the CPS Grievance Process

### Introduction

Navigating Child Protection Services (CPS) can be overwhelming, especially for survivors of domestic violence. The system is often complex and not easy to understand, which may lead to confusion and challenges when trying to protect your family. If you feel that CPS has not treated you fairly or mishandled your case, you have the right to file a formal complaint, known as a grievance. This guide will help you understand the basic steps to file a grievance.



NATIONAL CENTER TO ADVANCE PEACE  
for Children, Youth, and Families

The National Center to Advance Peace for Children, Youth, and Families (NCAP) is a coalition led by Caminar Latino and includes Ujima: National Center on Violence Against Women in the Black Community, the Alaska Native Women's Resource Center, the National Indigenous Women's Resource Center, and Futures Without Violence



## How to use this tool?

This tool is part of our Navigating Child Welfare Toolkit, which offers a variety of resources tailored specifically for parents who are survivors of domestic violence. This tool provides a general overview of the grievance process, and that as a companion to this tool, our website has an interactive map where you can find state-specific information.



If you need help or have questions about the process in your state, you can contact the National Center to Advance Peace (NCAP) at [www.centertoadvancepeace.org](http://www.centertoadvancepeace.org) or call our helpline at 1-855-53-PEACE (7-3223).

## What is a Grievance?

When you have a **complaint about your CPS case**, this is called a grievance. A grievance is a formal complaint about the handling of your CPS case that you believe is unfair or wrong. It is normal to have concerns about how your case is being handled. You might feel confused, have questions, or disagree with decisions made

by CPS. You may be unhappy with how your caseworker is handling things, the services you are receiving, or how hard it is to get the help you need. Here are some common examples of complaints that parents or caregivers might have:



Being falsely accused of child abuse or neglect, or CPS deciding that a claim of abuse or neglect is true.



Being blamed for someone else's actions, such as in cases where survivors of domestic violence are accused of "failure to protect" or "exposing children to domestic violence."



Having your children removed from your custody or being pressured to 'voluntarily agree' to an out of home placement by CPS.



Disagreeing with where your children have been placed in foster care or having concerns about how they are being treated in foster care. (Do you know who the foster care agency is or who that case worker is at the foster care agency?)



Not having enough visitation time with your children while they're in foster care or not getting the help you need to keep up regular visits and stay connected with your children.



Not having a say in the case plan or disagreeing with the services you are required to complete in the plan.



You did not know that you can have an advocate with you during case planning and having a resource guide for the required services to complete the plan.



The case plan did not consider your safety as a survivor of domestic violence.



Being told you have to work with other agencies, like child support services, or being told you must pay child support if your children are placed in foster care.



CPS failing to provide services that are accessible, culturally appropriate, or in your preferred language.



Being treated poorly or discriminated against by CPS staff, including biased assessment based on race, ethnicity, or disability.



If you or your child is a member of a federally recognized tribe, and CPS is not following the Indian Child Welfare Act (ICWA).



Not receiving enough support or communication from your caseworker or CPS staff.



CPS not making enough effort to help you reunite with your children or delaying reunification even after you have met all the safety requirements.

These are just some examples of issues you might experience. Anytime you have a concern or feel something is wrong in your CPS case, we encourage you to speak to someone, like an advocate or attorney, and consider whether you should file a grievance.

## What to Think About Before Filing a Grievance?

Filing a grievance can be an important way to speak up if you feel CPS has treated you unfairly or made mistakes in your case. It helps create a record of your concerns and shows that you are trying to address the issues. However, it's important to think about how filing a grievance might affect your case, especially if you are working toward reuniting with your children.





Sometimes, attorneys or advocates may advise parents not to file too many complaints or speak out too loudly because it could make CPS view them as “uncooperative.” This does not mean you should not file a grievance, but it does mean you should consider the possible outcomes carefully. Ask yourself:

- ✦ Will filing a grievance help address the problem and move things forward?
- ✦ Is there another way to resolve the issue, like talking to your caseworker or their supervisor?
- ✦ Are you prepared for how CPS or the court might react?

It is also a good idea to talk with a trusted advocate, attorney, or support person before filing a grievance. They can help you decide the best way to raise your concerns without it negatively affecting your case. Remember, your voice matters, and filing a grievance can be a powerful tool—but it is important to use it wisely.



## How do I File a Grievance?

Every state or agency has different rules and procedures. In every state, however, parents have the right to speak up about concerns with their CPS case, and these concerns should be taken seriously. This could involve formal or informal steps. Sometimes, it is best to try to fix the problem informally first. Some states will require that you take informal steps to resolve your concerns first before filing a formal grievance.

## STEP #1 **Speak to a DV Specialist or Advocate**

One way to handle problems with CPS is to ask for help from a **Domestic Violence Specialist** or **Liaison** at CPS. These are people who understand how domestic violence affects families and can help you figure out the best way to talk to your caseworker. They might even be able to step in and work directly with CPS to guide their decisions or connect you with better services.

If CPS does not have someone like this, you can ask a **domestic violence advocate** for help. Advocates can support you by talking to CPS with you, helping you write a complaint, or giving advice on what to say and how to say it.

## STEP #2 **Talk to your Caseworker or their Supervisor**

If you have concerns about how your case is being handled, you can start by talking to your CPS caseworker to see if you can work things out. If this doesn't help, you can reach out to their supervisor to share your concerns. Here's how you can do it:

**How to Find the Supervisor's Contact Information:** Look at any paperwork or letters you received from CPS—sometimes the supervisor's name and contact information are listed there. If you do not see it, you can call the CPS office and ask who the caseworker's supervisor is and how to contact them.

**Reaching Out Privately:** If you are worried about upsetting your caseworker or being seen as a problem, you can contact the supervisor in private. You do not have to tell your caseworker that you are reaching out. When you talk to the supervisor, explain your concerns calmly and focus on how you want to improve the situation for you and your children.

**Be Aware of Potential Repercussions:** It is important to know that some people might see reaching out to a supervisor as “going over the caseworker’s head.” This does not mean you should not do it, but it is a good idea to think about how it might affect your case. Try to stay polite and focused on solutions, and remember that your goal is to make sure your concerns are heard.

Getting help from a supervisor can sometimes make a big difference, but it’s important to approach the situation carefully and with a clear plan. If you’re unsure, you can ask a domestic violence advocate for advice before you contact the supervisor.



### **STEP #3** Contact the Local Manager or Director

If you are still not satisfied or able to resolve your concerns directly with your caseworker or their supervisor, you can take your concerns to the manager or director of the local child welfare agency. If this information is not on any of the paperwork you received from CPS and you do not feel comfortable asking the supervisor, you should be able to call the main phone line for the office and ask to

speak to the director. Keep in mind that you may need to leave a voicemail and wait for them to call you back.

If you have tried all these steps and still do not have a solution, you can go to the county or regional child welfare director.

## STEP #4 **File a Formal Complaint**

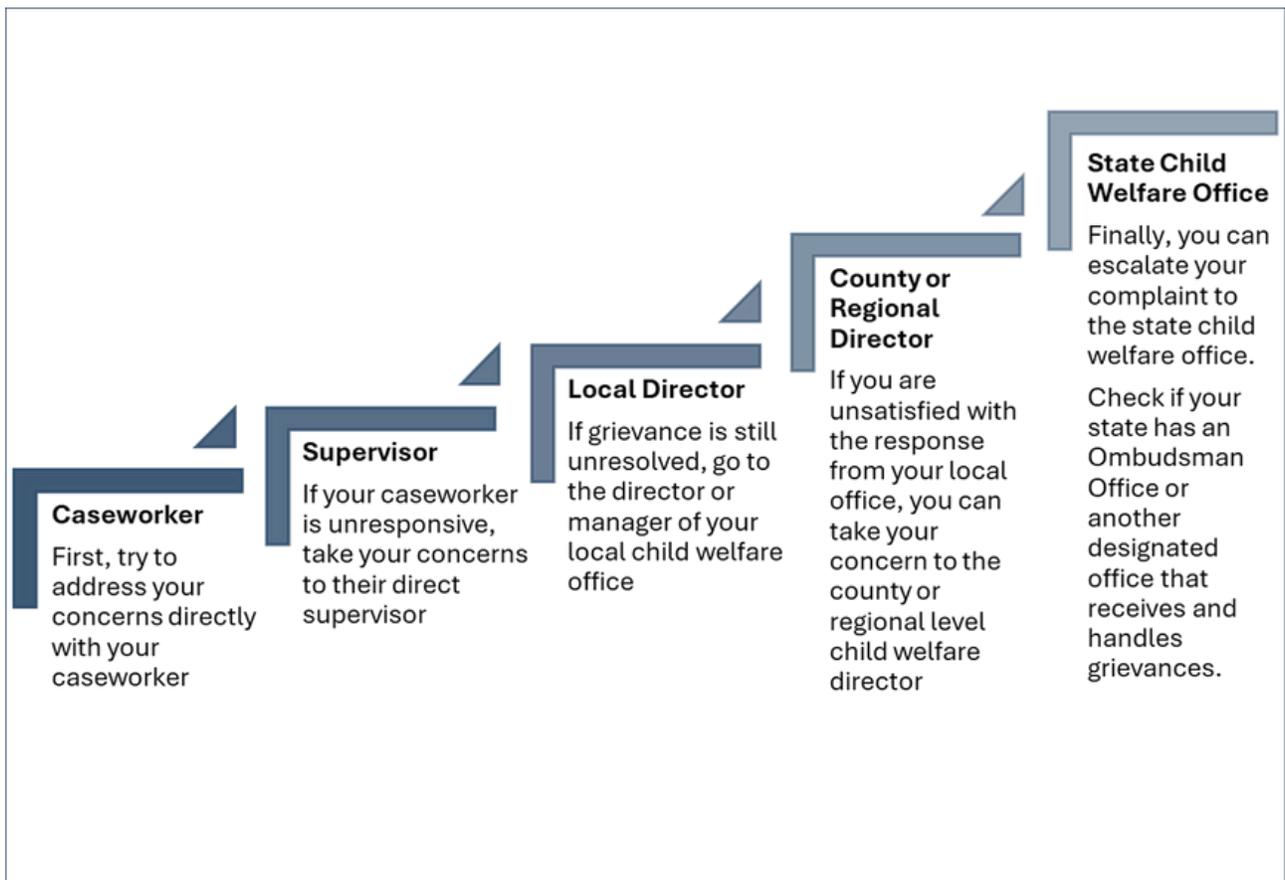
If none of this works, you can file a formal complaint with a higher state authority. Many states have an Ombudsman's office that handles complaints. If your state does not have an Ombudsman or formal complaint system, you can take your grievance to the State Child Welfare Director.

In some states, you might have to show that you have tried to address the problem with your caseworker and local office first before going to the state level. It will be helpful to document your attempts to resolve the issue by writing down the date, who you spoke to, and the result of the conversation. This can be frustrating, especially if your caseworker is unresponsive or causing the problem, but it's important to follow the process your state requires. If you skip steps, you will likely be sent back to your local office.

Finally, you might want to ask about the agency's appeal process. This is a formal way to challenge decisions made by the child welfare agency, like a finding of abuse or neglect. If your issue involves a decision made by the court, you may need to address it through the court system instead.

We understand that taking this step can feel risky. If you are unsure about how to proceed, you can check the interactive map on our website for details specific to your state. You can also ask an advocate for guidance before filing your complaint.

**FIGURE 1. GENERAL OVERVIEW OF THE CHILD WELFARE GRIEVANCE PROCESS**



**SOURCE: MODIFIED FROM CHILD WELFARE INFORMATION GATEWAY, 2022: FROM COMPLAINT TO RESOLUTION**

### **A Few Final Points:**



You have a right to seek legal counsel at any time.



Some states have a child welfare advocate office that may be able to help you navigate the process and file your complaint.



If you or your child have a disability, State offices for the protection and advocacy for people with disabilities may be able to provide support as well.



If you are a member of a federally recognized Tribe, you are eligible for services and protections provided through ICWA. Reach out to your Tribe's child welfare agency to ensure they have been notified about your case and request their advocacy.



Filing a grievance may or may not resolve the concerns you have about your case, but it is an important step in documenting your experience and keeping a record of what has happened.

For more information about the procedures in your state, check out our state-specific guidance and resources.



# Glossary

Term	Definition
Appeal	The process by which a decision may be reviewed; usually seen as an opportunity to challenge a decision that was handed down or already decided.
Bias	<p>A discriminatory or prejudiced view tending to favor or disfavor certain people, groups, or ideas. The most common biases in this context tend to be based on perceived race, national origin, or political beliefs.</p> <p><i>Internal biases</i> are those that are internal and may affect how someone acts, makes decisions, or thinks. <i>External biases</i> are those that tend to be visible and are portrayed through behavior.</p>
CPS – Child Protective Services	A State agency which responds to allegations of child abuse or neglect. CPS begins an investigation of child abuse or neglect when the agency receives reports of alleged abuse.
CPS – Case worker	A case worker is a person assigned to investigate reports of child abuse or neglect. The case worker is generally the main point of contact in an investigation.
CPS - Investigations	When CPS receives a report on alleged abuse or neglect of a child, CPS will begin an investigation. Investigations may consist of (1) assessing the safety of the child and home; (2) unannounced visits to the home; (3) meetings; and (4) potentially removal of a child.
Child Abuse or Neglect	<p>Child abuse or neglect is the physical, mental, or emotional maltreatment of a child, which may be caused by any individual, including a parent or guardian. This includes physical or verbal acts towards the child, sexual abuse, trafficking of a child, etc. Neglect is also defined as failing to provide for or protect a child when there is a duty to do so.</p> <p><i>*State statutes which define Child Abuse or Neglect may vary.</i></p>

Term	Definition
Disability	A physical or mental impairment which may limit or affect an individual's ability to engage in certain tasks or actions, including daily life activities.
Discrimination	The unfair, prejudicial, or negative treatment of a person (or group of people) based on characteristics such as race, disability, or age.
Ethnicity	Belonging to a group of people or population which share a common social or cultural background, descent, or experience. This may include shared language, beliefs, or practices.
Exposing Children to Domestic Violence / Children Witnessing Domestic Violence	<p>When a child sees, hears, or witnesses domestic violence or family abuse. Domestic violence or abuse includes physical or mental/emotional abuse of a parent or guardian, of a sibling, or another individual in the home.</p> <p><i>* Exposure/witness to domestic violence may be defined by individual State statutes. Many states include exposure to or witnessing domestic violence as a form of child abuse or neglect.</i></p>
Failure To Protect	<p>Failing to prevent a child from experiencing child abuse or neglect. The person who has a duty to protect the child (parent/guardian) can be charged or convicted under State 'failure to protect' statutes. These statutes may include failing to prevent a child from witnessing or being exposed to domestic violence.</p> <p><i>This concept may be found in many different areas of the law. State criminal statutes, and child welfare agencies have varying definitions of 'failure to protect.' However, a parent/guardian can be punished under criminal statutes, civil law, and by child welfare agencies.</i></p>

Term	Definition
<b>Grievance/ Complaint</b>	<p>A way for individuals to express concerns or dissatisfaction. In the context of Child Welfare, this may include dissatisfaction or concerns regarding how the agency handled an investigation, how the case worker behaved during an investigation, or any other mistreatment of a case.</p> <p><i>Dissatisfaction and concern may be expressed through a formal process (i.e. filing a complaint), or an informal process (i.e. speaking with an individual or head of an agency/seeking assistance from an external investigatory office).</i></p>
<b>Ombudsman</b>	<p>A person, agency, or office which investigates concerns, grievances, and complaints. An individual may contact an ombudsman office or ombudsperson to express concerns about state agencies.</p>
<b>Race</b>	<p>A social classification of people/persons based on physical or biological characteristics. This classification may be based on traits such as skin color, hair color, or any other physical/inherited trait.</p>