



Wayne County Department of
Health, Veterans & Community Wellness
Juvenile & Youth Services Division

JUVENILE JUSTICE SERVICES HANDBOOK

SUBJECT: Critical Incident and Administrative
Complaint Reporting

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ITEM: 1000.3

DATE: 9/14/2018

I. Policy

- A. Administrative Complaints about the care, treatment and supervision by the Juvenile Assessment Center (JAC)/Assured Family Services, Care Management Organization Agencies, Spectrum Juvenile Justice Services (subsequently referred to as Contractor), Provider, or Subcontractor will be received, evaluated, and when deemed appropriate, investigated by the Wayne County Department of Health, Veterans and Community Wellness (HVCW). Complaints may be submitted by the juvenile, parent, guardian or family member, the Court, HVCW, School, Contractor, Provider, or concerned individual.
- B. It is the responsibility of the Contractor and Provider to provide immediate notification as outlined in Section III(A), or as soon as practicable, if immediate notification is not possible, upon the occurrence of a Critical Incident, as defined in Section II(F) below, and any updates, to HVCW, the Court, and Jurist having jurisdiction over the affected juvenile.
- C. Contractors shall have policies and directives requiring immediate reporting of Critical Incidents related to enrolled juvenile. Reporting must be completed on the Critical Incident Report Form in the Juvenile Agency Information System (JAIS). Subcontracts with provider agencies must include a provision that allows HVCW on-site access of the subcontractor facilities in order to conduct a complaint examination.
- D. Contractors and Providers are expected to cooperate fully in any examination conducted or requested by HVCW. County Contractors must make available their records or those of a participating Provider, which are deemed necessary by HVCW, in order to conduct the examination.
- E. Alleged violations of the law that occurred in connection with a Critical Incident or an Administrative Complaint must be referred to the appropriate law enforcement agency as soon as practicable.

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- F. The Contractor and Provider shall provide immediate notification as outlined in Section III(A), or if not possible, as soon as practicable, upon any incident triggering a referral to law enforcement agency(ies).

II. Definitions

- A. Administrative Complaint – Administrative Complaints result from unanticipated events and circumstances, allegations thereof, or regarding the provision of services by the Contractor, Provider, or Subcontractor, that may warrant investigation. Complaints related to the provision of covered services, may be submitted by the juvenile, parent, guardian or family member, the Court, HVCW, School, Contractor, Provider, or concerned individual. Administrative Complaints do not include Critical Incidents.
- B. Child Abuse – Harm or threatened harm to a child’s health or welfare by a parent, legal guardian, or any other person responsible for the child’s health or welfare or by a teacher or teacher’s aide, which occurs through non-accidental physical or mental injury; sexual abuse; sexual exploitation; or maltreatment.
- C. Child Neglect – Harm or threatened harm to a child’s health or welfare that occurs through:
1. Failure to provide adequate food, clothing, shelter, or medical care.
 2. Placing a child at an unreasonable risk to the child’s health or welfare by failure of the parent, legal guardian, person responsible for the child’s health or welfare, or person who has custodial care of the child to intervene to eliminate that risk when that person is able to do so and has, or should have, knowledge of the risk.
 3. Person Responsible for the Child’s Health or Welfare:
 - a. A parent, legal guardian, person 18 years of age or older who resides for any length of time in the same house in which the child resides; or
 - b. An owner, operator, volunteer, or employee of a licensed or unlicensed childcare organization (as defined in Section 1 of Act No. 116 of the Public Acts of 1973).
- D. Child – A person under 18 years of age.

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- E. Child Abuse/Neglect Central Registry (CA/NCR) – all reports filed with the State of Michigan pursuant to the Michigan Child Protection Law in which allegations of child abuse or neglect has been sustained, and is maintained by the State of Michigan Department of Health and Human services (DHHS).
- F. Critical Incidents – Any serious occurrence or event that includes, but is not limited to, an occurrence or event that interrupts the normal operation, activity or program of enrolled juveniles, placed or places the health or welfare of any persons in jeopardy, and/or requires immediate attention. Critical Incidents include but are not limited to:
1. Sentinel event;
 2. Alleged criminal offenses by juvenile(s);
 3. Alleged criminal offenses of which juvenile(s) is/are victim(s)
 4. Allegations of abuse/neglect;
 5. Assaults and/or physical threats to teachers, staff or juvenile;
 6. Possession and/or use of contraband (drugs, drug paraphernalia, weapons);
 7. Death of an enrolled juvenile;
 8. Major environmental health, safety hazard, or risk of communicable disease;
 9. Health-related emergencies and injuries requiring hospitalization
 10. Use of any physical or chemical restraint resulting in injury of the juvenile;
 11. Riots or disturbances (out-of-home placements);
 12. Alleged sexual misconduct;
 13. Suicide, suicide attempts or expressed suicidal ideations;
 14. Psychiatric Crisis Admissions;
 15. Escape and escape attempts
 16. Unauthorized tether equipment removal, damage, or tampering
- G. Preliminary Report - Report to be completed in JAIS by the Contractor to document Administrative Complaints or Critical Incidents.
- H. Protective Services – Program services designed to rectify conditions that threaten the health and safety of juveniles, due to the actions or inactions of those responsible for their care.
- I. Protective Services Complaint – Communication to Protective Services of an allegation of child abuse or neglect. The term “complaint” as used in this handbook is interchangeable with the term “report” as used in the Child Protection Law.

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J. Sentinel Event – A serious event that triggers further examination, each time it occurs. It connotes an undesirable and rare event that may include:

1. Loss of life or function attributed to program operations or treatment decisions;
2. Rape of a client by staff; or by another client while on the premises or at an agency sanctioned event;
3. Injury resulting in loss of life, limb or function;
4. Legal sanctions brought against the agency related to loss of life, limb or function of a client or staff.

III. Procedure

A. Notification of a Critical Incident

1. The Contractor shall immediately, or if not possible, as soon as practicable, provide notice of the occurrence of a Critical Incident via email and telephone during business hours, as stated below:
 - a) HVCW Director, Deputy Director, Chief Operating Officer, and the JYS Division Director,
 - b) HVCW, JYS Juvenile Services Administrator
 - c) HVCW – Juvenile and Youth Services (HVCW-JYS) Contract Manager(s)
2. The Contractor shall immediately, or if not possible, as soon as practicable, provide notice of the occurrence of a Critical Incident via email and telephone during non-business hours, as stated below:
 - a) HVCW Director, Deputy Director, Chief Operating Officer, and the JYS Division Director,
 - b) HVCW-JYS Juvenile Services Administrator
3. The Contractor shall also immediately, or if not possible, as soon as practicable, provide notice of the occurrence of a Critical Incident via email and telephone to the Deputy Court Administrator – Juvenile Division of the Third Circuit Court, the Jurist, or their designees, of the occurrence of a Critical Incident via JAIS, email and telephone.
4. The Contractor shall also immediately, or if not possible, as soon as practicable, notify the parties identified in Section III(A)(1, 2, and 3) of any updates or additional information related to the reported Critical Incident via email and telephone, as deemed necessary by HVCW, the Court, and/or the Contractor.

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5. The Contractor shall establish a procedure to monitor the occurrence of all Critical Incidents, to be outlined in the Contractor's Quality Assurance Plan.
6. In addition to the notification procedure for Critical Incidents as outlined in Article III, Section A, the additional reporting requirements for Complaints related to Abuse/Neglect and Death, must be adhered to pursuant to State of Michigan laws, policies, rules and regulations.

B. Abuse/Neglect Complaints (Child Protective Services)

Any incident that may be defined as abuse or neglect pursuant to the State of Michigan Child Protection Law, must be reported to the appropriate investigative entity. This applies to all juveniles under the auspices of HVCW.

Anyone who finds reasonable cause to suspect child abuse or neglect of an enrolled juvenile must take the following actions:

1. Immediately report the suspected child abuse or neglect to the State of Michigan Abuse and Neglect Reporting telephone line.
2. The Contractor shall also immediately, or if not possible, as soon as practicable, notify the parties identified in Section III(A)(1, 2, and 3) of any updates or additional information related to the reported Critical Incident via email and telephone, as deemed necessary by HVCW, the Court, and/or the Contractor.
3. Complete and submit a Report of Actual or Suspected Child Abuse or Neglect (DHHS-3200 – Exhibit 1100.3-A) to DHHS within 72 hours.
 - a. If the juvenile resides in a Child Caring Institution (CCI) or Child Placing Agency Setting, the allegations must be reported to DHHS–Office of Children and Adult Licensing. This may be completed on-line at the DHHS website.
 - b. Following a Child Welfare Licensing investigation, the report may be obtained from DHHS.
4. The Contractor and Provider shall immediately, or if not possible, as soon as practicable, notify the parties identified in Section III(A)(1, 2, and 3) of all allegations of abuse and/or neglect, as well as any updates or additional information related to the allegations. A Preliminary

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Report regarding the substantiated allegations of abuse and/or neglect shall be completed on JAIS within 2 days.

C. Allegations of Police Abuse

Since abuse by police officers does not fit the legal definition of “child abuse,” the Contractor and Provider are not required to report allegations of such behavior to Protective Services, nor are they equipped to investigate such charges. When allegations of police abuse occur, implement the following:

1. If the allegations are in writing, turn them over to the appropriate local law enforcement officials. When written allegations involve child sexual abuse or criminal sexual conduct, a copy of the allegations must be sent to the prosecuting attorney. Inform the individual(s) making the allegation of the authorities to which reports are given.
2. If allegations are verbal, inform the individual(s) of the appropriate law enforcement officials to whom they are to report the allegations.
3. The Contractor and Provider shall ensure that all staff members are provided with periodic training on this policy item.
4. The Contractor and Provider shall immediately, or if not possible, as soon as practicable, notify the parties identified in Section III(A)(1, 2, and 3) of all allegations of police abuse as well as any updates or additional information related to the allegations.

D. Death Reporting

Contractor and Provider are responsible for following the procedures outlined in Policy Items 401.11 (Discharge of Wardship), 407.3 (WEB Reporting) and 700.8 (Death Reporting) in the event of a death of a juvenile.

E. Preliminary Reports

1. The contractor or provider shall provide notification of a Critical Incident, including a Sentinel Event, as outlined in Section III(A) of this Policy. The Contractor or provider shall also submit a written Preliminary Report (Exhibit 1000.3-B), when the Contractor or provider gains knowledge of a Critical Incident.
2. Preliminary Reports that are prepared as a result of a Critical Incident, including a Sentinel Event, must be submitted in JAIS within 2 business

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days with notification to HVCW and the Deputy Court Administrator or its designee(s) utilizing the JAIS distribution list.

3. The Preliminary Report shall be completed and submitted prior to HVCW making a decision to commence a formal examination. The same procedure will be followed for complaints received regarding a Subcontractor.
4. The Contractor is required to maintain, and provide, upon HVCW's request, relevant documents related to the Preliminary Report, including, but not limited to incident reports, police reports, licensing investigation reports, and emergency room/hospital medical documentation.
5. Preliminary Reports are due within five (5) business days of knowledge of an Administrative Complaint not rising to the level of a Critical Incident.

F. Review of Preliminary Reports

1. Upon receipt and review of a Preliminary Report, HVCW may determine that no further action is required.
 - a. For Preliminary Reports of Administrative Complaints, the Contract Manager may make the selection "No Further Action Required", and approval in JAIS shall be entered by the Contract Manager and Program Manager.
 - b. For Preliminary Reports of Critical Incidents, the Contract Manager may make the selection "No Further Action Required", and approval in JAIS shall be entered by the Contract Manager and Program Manager.
2. When HVCW determines that the Preliminary Report requires further information, the Additional Information section in the Preliminary Report, found in JAIS, will be completed by the Contract Manager. Responses to requests for Additional Information shall be submitted to the assigned HVCW Contract Manager within 10 business days of receipt by the Contractor.
3. If HVCW determines that further evaluation is required after receipt of any Additional Information, HVCW staff will initiate an examination

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within five business days of the receipt of the Preliminary Report. The Contractor shall:

- a. Provide/facilitate access to the agency;
 - b. Make requested documents, records, reports, etc. available for examination and copy;
 - c. Make staff available for interviews;
 - d. Facilitate/coordinate with the juvenile, family, and other pertinent parties in arranging interviews.
4. When HVCW or Contractor determines that it is necessary to conduct an examination of a Subcontractor, the Contractor shall conduct the complaint examination. Staff from HVCW will participate in, and assist the Contractor, with the examination. HVCW will collaborate with Contractor staff to complete the complaint analysis process
5. In conducting the examination, all interviews conducted shall be done so in a private area to insure confidentiality is maintained.
6. HVCW may conduct an exit conference to present preliminary findings prior to the release of an official report.
7. A Complaint Examination Report will be completed by HVCW within 45 calendar days from the date the examination was initiated, unless the HVCW–JYS Division Director approves an extension. Once completed, HVCW will release a final report.
8. If a complaint examination results in findings that the complaint is not substantiated, notice will be transmitted to the Contractor or Provider to formally close the file.
9. If a complaint examination results in a finding(s) of contractual and/or policy non-compliance, HVCW may require the Contractor or Provider to submit a written proposed Corrective Action Plan (CAP) to HVCW. When a plan is required, the CAP is due 30 calendar days from the date that HVCW transmitted the final Examination Report to the Contractor.
 - a. HVCW Contract Managers are available to provide technical assistance to contractors for the development of a CAP.
 - b. HVCW will transmit an approval or denial decision of the proposed CAP within 10 business days of receipt.

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- c. The final Complaint Examination Report will specify a cure period for the contractor to remedy the cited non-compliance.
 - d. During the cure period, the Contractor may request HVCW approval to modify or extend the CAP in the event that it is not correcting the noted deficit.
 - e. 10 business days after the end of the specified cure period, the Contractor must conduct an internal assessment of CAP compliance and provide a written status report to HVCW.
 - f. Upon receipt of the Contractor's final CAP report, HVCW will determine the need for any further action, including follow-up evaluation by the Contract Manager.
10. When a complaint involving a Subcontractor is substantiated, HVCW and the Contractor may issue a joint examination report. The requirements for a CAP will also apply. The Contractor will be responsible for monitoring and monthly reporting on the status of the CAP to HVCW.
11. In the event that HVCW renders a determination that a participating provider is not meeting the best interests of a juvenile and/or adhering to HVCW policy and quality standards, the HVCW Department Director, at its sole discretion, may disapprove the provider.

IV. Attachments

- 1000.3-A Report of Actual or Suspected Child Abuse or Neglect (DHHS-3200)
- 1000.3-B1 Preliminary Report - JAIS
- 1000.3-B2 Preliminary Report - Electronic
- 1000.3-D Critical Incident Report
- 1000.3-E Instructions on Completing the Preliminary Report

V. References

- 401.11 Discharge of Wardship
- 407.3 WEB Reporting
- 700.7 Escape Reporting
- 700.8 Death Reporting
- 700.9 Neglect, Abuse and Other Complaints
- 700.14 Standards of Promptness Policy
- 700.20 Involuntary Psychiatric Hospitalization