

INFORMATION ON ADMINISTRATIVE COMPLAINTS

What is an administrative complaint? An administrative complaint is a request for the Procedural Safeguards Office to investigate allegations that an early intervention program, service provider, service coordinator, REIC, or the NJ Department of Health and Senior Services, or any other state agency involved in the early intervention system, is violating or has violated a requirement of federal or state early intervention law, regulations, or guidelines.

Who can file an administrative complaint? Any parent or the parent's representative, other individual, or organization, including an individual or organization from another state, may file a complaint with the Procedural Safeguards Office. The complaint may allege a violation concerning an individual child or the child's family, or may be directed against a policy, pattern or practice that is alleged to be a violation. Any individual filing a complaint may request that their identity be kept confidential. The Procedural Safeguards Office must know the complainant's identity, and will notify the individual if it is possible to investigate the complaint while maintaining confidentiality of the complainant's identity.

When can an administrative complaint be filed? An administrative complaint may be filed within one year of the alleged violation, unless the alleged violation continues for that child or other children. If the complainant is requesting reimbursement or corrective action, the complaint may be filed within three years of the alleged violation.

What information must be included in a complaint? A written complaint must include:

- ❑ A statement that an individual, program or agency has violated a requirement of federal or state early intervention law, regulations, or guidelines;
- ❑ The facts on which the complaint is based;
- ❑ The signature of the individual filing the complaint or the signature of an individual authorized to act on behalf of an organization;
- ❑ A name, address, and telephone number to contact the complainant.

Any individual filing a complaint may request that their identity be kept confidential. The Procedural Safeguards Office will notify the complainant if it is possible to investigate the complaint while maintaining confidentiality of the complainant's identity.

How is the complaint filed? An administrative complaint is filed by submitting a Formal Dispute Resolution Request Form, which can be obtained from the Service Coordinator or the Procedural Safeguards Office (toll-free 877-258-6585). If a parent needs help writing a complaint, they can contact their Service Coordinator or REIC. The completed form should be returned to the Procedural Safeguards Office:

Procedural Safeguards Office
NJ Department of Health and Senior Services
PO Box 364
Trenton, New Jersey 08625-0364
Fax: 609-292-0296

What happens after a complaint is filed? Upon receipt of each complaint, the Procedural Safeguards Office determines, within 5 business days of receipt of the complaint, whether the complaint alleges a violation of Part C. The Procedural Safeguards Office will notify the complainant within 2 business days of that determination. During the complaint investigation process, the Procedural Safeguards Office:

- ❑ Makes a determination if an on-site investigation is necessary, and if so, conducts such investigation;
- ❑ Reviews all relevant information, including the results of any on-site investigation, pertinent written records and documents such as forms, reports, and files, and any additional information provided by the party(s);
- ❑ Conducts personal interviews with the complainant, the respondent(s), and any other relevant party including REICs and state agencies, if necessary;
- ❑ Contacts other individuals, including advocates or other parties, who may have important knowledge or information relative to the complaint, or specialized expertise pertinent to the complaint, if necessary; and
- ❑ If the complaint challenges the appropriateness of decisions regarding a child's services or placement, determines whether required procedures were followed and whether the decision reached is consistent with Part C requirements in light of the individual child's abilities and needs.

A final resolution of the complaint must be issued no later than 60 calendar days from receipt of the complaint. If a written complaint is received that is also the subject of an impartial due process hearing, or contains multiple issues, of which one or more are part of that hearing, the Office must set aside any part of the complaint that is being addressed in the hearing until the conclusion of the hearing. However, any issue in the complaint that is not part of the due process action must be resolved within the 60-calendar day timeline.

What happens if a request for impartial hearing is filed at the same time and on the same issue? If a written complaint is received that is also the subject of an impartial due process hearing, or contains multiple issues, of which one or more are part of that hearing, the Procedural Safeguards Office must set aside any part of the complaint that is being addressed in the hearing until the conclusion of the hearing. However, any issue in the complaint that is not part of the due process action must be resolved within the 60-calendar day timeline.

What if the complainant disagrees with the decision? If the complainant(s) disagree with the final resolution, they may file a request for an impartial hearing or an appeal with federal or state court.

Note: Eligibility, placement, or services cannot be changed during the pendency of any complaint investigation unless both parties agree. However, parents/guardians can always withdraw their child and family from early intervention services at any time without penalty. If the dispute involves an initial IFSP, the child and family must receive any services that are not in dispute.