

## **To make a complaint against a caseworker and/or her supervisor:**

1. Request a copy of the agency's written grievance procedure. Many times they will not know what you are talking about or will give you the run-around. I'll usually say 'a written grievance procedure is required by federal law' and amazingly they manage to produce one. Follow their procedures when you file a complaint. You may file this complaint as soon as a violation is committed. Do not wait until the entire case is resolved.

2. Document every instance where the case worker as acted unethically or illegally (this will require that you know the law and their policies and procedures - they are required to provide you with a copy of their policy manual for which they may charge a small fee. Many policy manuals are included in law libraries under the administrative code.) Include dates, names of witnesses, and supporting evidence. You will want to record everything with every service provider and you can submit transcripts with your complaint (KEEP the tapes somewhere safe). Some generic violations include:

- a. violating the confidentiality laws (this is also a criminal offense)
- b. lied to you or to the court
- c. tampered with the child's testimony (this is a felony)
- d. demonstrated a conflict of interest
- e. demonstrated bias against you
- f. engaged in sexual activity with any one of the parties
- g. placed or kept a child in a home where he is being abused
- h. failing to report or investigate suspected abuse/neglect (especially in the foster home)
- i. use of drugs/alcohol on the job
- j. failing to inform you, the client, of your rights, including the right to participate in the formation of the treatment plan, your right to a hearing, to counsel, to visitation, etc.
- k. failing to properly assess/diagnose the client's condition
- l. misrepresenting one's professional training/education
- m. providing inaccurate information or advice to a client
- n. acting in a prejudicial manner in selecting a placement home, adoptive home, licensing a foster care home or day care, etc.
- o. acting to facilitate the client's failure of the treatment plan rather than actively promoting the client's success
- p. causing conflict or alienation between a parent and child or a husband and wife.
- q. practicing medicine without a licence - including making medical/psychological diagnosis
- r. using a radical or untested approach, technique or procedure
- s. failing to warn others of a client's (or anyone else's) intent to cause harm
- t. acting outside the authority of the law (especially under the color of law)
- u. retaliation for your associations, politics, religion, etc.

Make sure you document these violations completely with letters, tape recordings, etc. When you cite the specific complaint, try to also cite which law or which policy/procedure they violated.

3. File the complaint in writing with the appropriate person. Attach documentation to support your claim. Even if they want to take the complaint over the phone, get the address from them first and

send it certified mail or via fax and keep the transmittal record. File a copy in the court file.

4. If the complaint is denied, take it up to the next step in the process, all the way to the state department. Each level that condones and/or endorses the illegal/unethical behavior becomes liable as a co-conspirator and can be named in your lawsuit. For these purposes, it is important to prove bad faith, malice, and/or that they had knowledge they were violating your rights and/or violating ethical and legal mandates. If you complain, they are presumed to have knowledge of the violations and thereby have the opportunity to correct or prevent those violations. If they fail to do so, they are equally liable.

5. You can use this complaint to demonstrate to the court that the caseworker is prejudiced against you.

**THE FOLLOWING COMPLAINT LACKS SUPPORTING DETAILS, BUT WILL GIVE YOU THE GENERAL IDEA OF WHAT TO SAY:**

I wish to file a formal complaint against my case worker, \_\_\_\_\_.

I have not been able to resolve our differences and I believe that she is not handling my case fairly or competently for the following reasons:

1. She has falsified reports to the court.
2. She has repeatedly lied about me regarding such important issues as my compliance with the case plan, my current medical status, and my attitude.
3. She has repeatedly lied to me.
4. She has repeatedly failed to keep scheduled appointments.
5. She has repeatedly failed to return my phone calls.
6. She has ignored the statements of my children concerning the alleged abuse/neglect, statements which prove that they were never abused or neglected.
7. She has misrepresented my status pertaining to the case plan - she tells me one thing then reports something else to the court and in the file. I cannot trust her to be fair and honest with me.
8. She has ignored or discounted collateral evidence that substantiates my claim that my children were not abused/neglected, and were to the contrary, happy, healthy children.
9. She has ignored or discounted collateral evidence that proves her claims were false.
10. She has not acted in the best interests of my children by traumatizing them with an unneeded and illegal intervention and removal from their home and their beloved mother.
11. She has repeatedly violated the department's own policies and procedures as well as Colorado and Federal statutes during the entire course of this intervention.
12. She has repeatedly violated my rights and my children's rights during the course of this intervention.
13. She has overstepped her authority and she is actually practicing medicine without a license by second-guessing the diagnosis of my doctor and requiring more intensive medical supervision than my doctor feels is necessary.
14. Her behavior reflects a negative bias against me based on my disability and she has projected her fears onto me. She has demonstrated an irrational fear of mental illness which has caused her to make unreasonable and abusive decisions about my case and my

status and to inaccurately attribute my emotional state to some imagined and unjustified tendency to violence. All of these actions are in violation of the Americans with Disabilities Act.

15. She has demonstrated a bias against me based on my religious beliefs and used her position of authority, under the color of law, to penalize me for my belief in direct violation of the First Amendment.

16. She has demonstrate a bias against me based on my race, using her prejudices to falsely characterize my parenting skills.

17. Even though I have complied with the case plan, she has refused to honor her explicit promise that my children will be returned.

18. She is acting to forward her own personal agenda, prejudices and biases instead of acting to protect the best interests of my children.

19. I believe she is unqualified to be a case worker in cases involving children. She is childless, and therefore has no real-life experience with raising children, and the associated day-to-day happenings and foibles of children. Her expectation of parents are unreasonably high and exacting. She does not recognize that events can conspire to thwart one's best intentions and does not allow the parent to be flexible in dealing with unexpected or overly-demanding situations. She is entirely too rigid in her unreasonable demands. She does not recognize or honor the intense bond of love and dependency that binds parents and children into a family unit and she is too casual about disrupting that all-important bond regardless of the damage of the parties involved.

20. She is engaging in retaliation based on my (associations, political activities, religion) by making negative and derogatory reports to the court regarding my compliance, parenting ability or activities that have nothing to do with my ability to provide a safe and appropriate home for my children.

21. She has failed to insure that the records she maintains involving my case are accurate.

Include details to support complaint that applies to your case - but don't get too wordy.

Remember -

date: incident

date: incident (facts only, no emotion)

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