

	GEORGIA DIVISION OF FAMILY AND CHILDREN SERVICES CHILD WELFARE POLICY MANUAL			
	Chapter:	(1) Administration	Effective Date:	TBD
	Policy Title:	Civil Rights Complaint Process		
	Policy Number:	1.16	Previous Policy #:	N/A

CODES/REFERENCES

Americans with Disabilities Act (ADA) of 1990
 Section 504 of the Rehabilitation Act of 1973
 U.S. Department of Justice regulations (28 C.F.R. Part 35); 28 C.F.R. § 35.107
 U.S. Department of Health and Human Services' regulations (45 C.F.R. Parts 80, 84, and 91);
 45 C.F.R. § 84.7
 42 U.S.C. § 18116 (Section 1557)
 U.S. Department of Health and Human Services, Office for Civil Rights and the Georgia Department of Human Services' Settlement Agreement, OCR Transaction Number: 09-102792

REQUIREMENTS

The Division of Family and Children Services (DFCS) shall:

1. Ensure that no individual is excluded from participation, denied the benefits, or otherwise subjected to discrimination under programs, services and activities for which DFCS has responsibility on the grounds of race, color, national origin, sex, age, religion, or disability (see **policies 1.4 Administration: Non-Discriminatory Child Welfare Practices** and **1.5 Administration: Americans with Disabilities/Section 504 and Reasonable Modifications**);
2. Adopt a complaint procedure to provide for the prompt and equitable resolution of complaints that allege civil rights violations;
3. Prohibit discouraging an individual from filing a Civil Rights complaint, and any form of retaliation against anyone who files a complaint or cooperates in the investigation of a complaint.

PROCEDURES

All recipients of services, including prospective foster and adoptive caregivers, may file a civil rights complaint with DFCS or the Georgia Department of Human Services (DHS), as follows:

1. Complaints may be written or verbal. The DFCS Civil Rights Discrimination Complaint Form (Form 724) is used to document complaints when initially filed. Complainants are not required to use Form 724 for written complaints.
2. Complaints filed with the County DFCS office must be forwarded to the State Office Civil Rights, ADA/Section 504 Coordinator within three business days of receipt.
3. Complaints must be filed within 180 days from the date of the act of discrimination.
4. All complaints **based on national origin (e.g., limited English proficiency)** must be forwarded to:

Georgia Department of Human Services
Office of Communications
Program Manager
Limited English Proficiency and Sensory Impaired Program
2 Peachtree Street, N.W., Suite 29-103
Atlanta, GA 30303
(404) 657-5244 (voice)
(404) 651-6815 (fax)
(404)-463-7591 (TTY)

5. **Other discrimination complaints** are to be forwarded to:

Division of Family and Children Services
DFCS Civil Rights, ADA/Section 504 Coordinator
2 Peachtree Street, N.W., Suite 19-268
Atlanta, GA 30303
(404) 657-3735 (voice)

**Individuals who are deaf or hard of hearing may call 711 for an operator to connect with us.*

6. Complainants can also file complaints with the following federal agencies:

U.S. Department of Health and Human Services
HHS Director, Office for Civil Rights
200 Independence Avenue, S.W.
Room 515-F
Washington, D.C. 20201
(202) 619-0403 (voice)
(800) 537-7697 (TTY)

U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
(888) 848-5306 - English and Spanish (inglés y español)
(202) 307-2222 (voice)
(202) 307-2678 (TDD)

(FOR ADA COMPLAINTS)
US Department of Justice
950 Pennsylvania Avenue, NW
Civil Rights Division
Disability Rights Section — 1425 NYA
Washington, D.C. 20530
(202) 307-1197 (fax)
800-514-0301 (voice - ADA Information Line)
800-514-0383 (TTY)
ADA.complaint@usdoj.gov

PRACTICE GUIDANCE

Civil Rights Complaints

The State Civil Rights, ADA/Section 504 Coordinator will process all civil rights complaints in accordance with the DFCS Civil Rights Complaint Process, which can be accessed at <https://dhs.georgia.gov/dfcs-discrimination-complaint-procedure>. After the conclusion of its investigation, the Civil Rights, ADA/Section 504 Coordinator will mail the Complainant a written decision letter. All complaints shall be processed and closed within 90 days of receipt of a written or verbal complaint.

Filing a civil rights complaint with DFCS does not preclude a complainant from filing a complaint of discrimination on the basis of disability with the U. S. Department of Health and Human Services, Office for Civil Rights. If assistance is needed in filing a civil rights complaint, the Civil Rights, ADA/Section 504 Coordinator can be contacted at 404-463-3961.

Foster and Adoptive Caregiver Support

Prospective or existing foster and adoptive caregivers who believe they have been subjected to discrimination (as prohibited by the Americans with Disabilities Act of 1990 (“ADA”) and Section 504 of the Rehabilitation Act of 1973) in the foster care and adoption programs may file a civil rights complaint with DFCS or the Georgia Department of Human Services (DHS). Complaints may be filed verbally or in writing. Individuals making the complaint do not have to use Civil Rights Discrimination Complaint Form, but they do have to file their complaints within 180 days of the alleged act of discrimination. An individual should never be discouraged from filing a Civil Rights complaint.

Besides partnering with DFCS and Foster Care Team members, there are two major organizations that provide support to Foster and Adoptive caregivers in the state of Georgia. The Adoptive and Foster Parent Association of Georgia (AFPAG) and the Georgia Center for Resources and Support provide ongoing training and advocacy to foster and adoptive parents. Their websites provide contact information and a wealth of resources for foster and adoptive caregivers.

FORMS AND TOOLS

[DFCS Civil Rights Complaint Process](#)

[Form 724 DFCS Civil Rights Discrimination Complaint Form](#)

[Adoptive and Foster Parent Association of Georgia http://afpag.net/](http://afpag.net/)