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MadisonAdoption.org

# Madison Adoption Associates

## COMPLAINT POLICY AND PROCEDURES

Per Hague Regulation 96.41 a-g

### **POLICY:**

Madison Adoption Associates permits any birth parent, prospective adoptive parent, adoptive parent, or adoptee (each a “complaining person”) to lodge a complaint or appeal about any services or activities of the agency that such person believes are inconsistent with the Hague convention, Intercountry Adoption Act of 2000, or the Hague Regulations.

Madison Adoption Associates will not take any action to discourage a client or prospective client from making a complaint, expressing a grievance, questioning the conduct of, or expressing an opinion about the performance of any Agency/person.

Madison Adoption Associates shall provide to prospective adoptive parents a copy of the Complaint Policies and Procedures with the initial information package. These procedures are also listed on our website. Clients of Madison Adoption Associates receive a copy of this policy in the initial marketing materials, as part of their new client paperwork (see Rights and Responsibilities of Client and Privacy Practices) and in their signed Adoption Services contract.

### **PROCEDURES:**

**Client agrees to provide Agency (c/o its “Executive Director”) with written notice of any complaint regarding the Agency and its services, as soon as possible after the offending conduct.**

Madison Adoption Associates will investigate and respond to the complaining person in writing within 30 days of receipt of such complaint. We will also provide expedited review under the following circumstances:

1. If complaining person requests expedited consideration and demonstrates that matters are time sensitive facts; or
2. Facts involve allegations of fraud [Hague Regulation 96.41(c)].

An expedited complaint will be responded to in writing within 7 days of receipt.

To the extent that the complainant is dissatisfied with the response to the complaint, the complainant may request reconsideration by writing to the Board of Directors. If the Board of Directors does not respond within 15 days, the complainant may submit their complaint to the Department of State’s Complaint Registry in electronic format.

The complaining person may lodge a complaint with the Hague Complaint Registry in accordance with Hague Regulation 96.70 as described at the following website:

<http://adoptionusca.state.gov/HCRWeb/WelcomeForm.aspx>.

Please note that the accrediting entity assigned to review and resolve complaints will verify that the complaint has already attempted to seek resolution through the Agency’s internal procedures prior to consideration.

Failure of Client to respond shall constitute an acceptance of the response, deemed response or corrective action taken by Agency. The parties may, by mutual written agreement, consent to an extension of time. If any matter is not resolved by the foregoing process, the parties agree to mediate such unresolved matter using, as a mediator, a representative of the Office of Child Care Licensing, Delaware Youth and Family Center, of the Department of Services for Children, Youth and Their Families for the State of Delaware. Both parties agree that neither party shall make any statement to any third party (including, without limitation, such mediator, except to request mediation of an undisclosed matter) until the mediation conference commences. Mediation shall be non-binding, but no further legal or quasi-legal action may be taken by the Client until mediation is complete as stated in writing by the mediator. The costs of any mediation shall be split equally by the parties.

Mandatory Binding Arbitration: In the event that mediation is unsuccessful in resolving any disputes or issues between the parties, any party may submit such dispute, claim or controversy arising out of or relating to this Agreement or the breach, termination, enforcement, interpretation or validity thereof, including the determination of the scope or applicability of this agreement to arbitrate, shall be determined by binding arbitration in New Castle County, Delaware before a single arbitrator to be selected by JAMS unless the parties can mutually agree on such arbitrator from the JAMS list of neutrals. The arbitration shall be administered by JAMS pursuant to its Streamlined Arbitration Rules and Procedures. Judgment on the Award may be entered in any court having jurisdiction. This clause shall not preclude parties from seeking provisional remedies in aid of arbitration from a court of appropriate jurisdiction. Under no circumstances may any dispute, claim or controversy covered by this provision be filed with or otherwise submitted to any court for adjudication except as expressly provided for herein.

Allocation of Fees and Costs: The arbitrator may, in the Award, allocate all or part of the costs of the arbitration, including the fees of the arbitrator and the reasonable attorneys' fees of the prevailing party.

Diana Bramble, Director of Madison Adoption Associates, will maintain a written record of each complaint, and the steps it took to investigate and respond to it. Complaint summaries will be reviewed at each Board of Directors meeting. In addition, the Agency will make the complaint record available to the organization responsible for accrediting the agency on a semi-annual basis, or upon request.

Madison Adoption Associates will provide to its Hague accrediting entity and the Secretary of State on a semi-annual basis the following: a summary of all complaints received; an assessment of any discernible patterns in complaints received against Madison Adoption Associates/ along with info about the systematic changes that were made or are planned to be included.

Madison Adoption Associates shall utilize the complaint data as part of an overall quality improvement program which includes reviewing complaint data, using client satisfaction surveys, or comparing Madison Adoption Associates' practices and performance against the data contained in Secretary's annual reports to Congress.

Decisions are always made in the best interests of the child.