



OFFICE OF CHILDREN, YOUTH AND FAMILIES BULLETIN

COMMONWEALTH OF PENNSYLVANIA * DEPARTMENT OF PUBLIC WELFARE

NUMBER:

3130-12-02 3700-12-01
3680-12-01 3800-12-01

ISSUE DATE:

July 30, 2012

EFFECTIVE DATE:

July 30, 2012

SUBJECT:

Children in Foster Care Act (Act 119 of 2010)

BY:

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Deputy Secretary for Children, Youth and Families

SCOPE:

County Children and Youth Social Service Agencies
Private Children and Youth Social Service Agencies
Chief Juvenile Probation Officers
Juvenile Court Judges' Commission
Administrative Office of Pennsylvania Courts
Juvenile Law Center
County Children and Youth Solicitors
Pennsylvania Bar Association
Private Attorneys
Guardians Ad Litem
Pennsylvania Court Appointed Special Advocates Association
Parent Advocates

PURPOSE:

The purpose of this bulletin is to inform county and private children and youth agencies of the requirements of the Children in Foster Care Act, Act 119 of 2010 (Act 119), to provide a sample grievance policy and procedure to comply with Act 119, and clarify how the requirements of Act 119 co-exist with current regulations at:

- 55 Pa. Code § 3130.88 (related to children's grievances); and
- 55 Pa. Code § 3680.48 (related to children's grievances); and
- 55 Pa. Code § 3700.63 (related to foster child discipline, punishment and control policy); and
- 55 Pa. Code §§ 3800.31-33 (related to child rights).

BACKGROUND:

House Bill (HB) 2338, Printer's Number (PN) 3593 was signed into law on November 23, 2010, with an effective date of March 22, 2011. This became known as Act 119 of 2010, also known as the Children in Foster Care Act. Act 119 requires the Department to develop and distribute a model grievance policy and procedure to county and private agencies, and for those agencies to either implement the model grievance policy and procedure distributed by the Department or revise their own grievance policies and procedures to include the provisions outlined in Section 3 of Act 119 (Section 3), which are listed in this bulletin under "Rights of Children in Foster Care".

COMMENTS AND QUESTIONS REGARDING THIS BULLETIN SHOULD BE DIRECTED TO:

Appropriate Regional Office
Origin: Darlene Black, 717.787.3987

An agency that revises its current grievance policy and procedure to include the provisions outlined in Section 3 should also incorporate the necessary components of a grievance policy, listed in this bulletin under “Core Components of a Grievance Policy”. While the law is specific for dependent youth and those adjudicated dependent who are shared case responsibility, the Department strongly encourages that these protections, along with a grievance procedure that includes the rights of children in foster care listed in Act 119 and the six core components of an acceptable grievance policy as outlined in this bulletin, be afforded to all delinquent youth served by county and private agencies.

Under the time frames set by Act 119, agencies must implement a compliant grievance policy and procedure within 15 days after the Department distributes the grievance policy. OCYF regional offices will use time during the annual licensing inspection to monitor compliance with the implementation and practice application of the requirements of Act 119 of 2010, pursuant to Title 55 Pa. Code, Chapter 3130.21(b) (relating to responsibilities of county executive officers) which requires agencies to comply with all applicable federal, state, and local statutes, ordinances and regulations; Chapter 3680.11 (relating to pertinent statutes and regulations); Chapter 3800.21 (relating to health and safety laws); and Chapter 20.53 (relating to regular certificate of compliance).

Children in foster care have had a long history of advocating that they be better informed of their protections, and to have a grievance policy in place that contains consistent core components across county and private agencies. In accordance with existing regulations, all county and private agencies are to have a grievance policy and procedure in place. However, among agencies there is variation in the elements of the policy and procedure and the notification process of that policy. Requirements related to children’s rights and grievance policies and procedures for children in foster care are currently dispersed throughout various state regulations; those regulations are listed in this bulletin under “Purpose”. Additionally, the manner in which notice of those requirements and protections are shared with children vary in practice among agencies. Act 119 will help to ensure that children in foster care and the adults who care for them have a full understanding of their protections and the opportunities for their care.

Act 119 outlines the protections of children in foster care; the responsibility of a county or private children and youth agency to explain these protections to the child; and the responsibility of the agency to provide a copy of these protections to the child, their birth parents, and resource family. Act 119 emphasizes the importance of the current regulatory requirements (listed above under “Purpose”) that require agencies to have a grievance policy which is then provided and explained to the children in their care. The policy must “assure the investigation and resolution of grievances”, be written in an “easily understood manner”, and be clear that there can be no retaliation for lodging a grievance. 55 Pa. Codes § 3680.48 (relating to children’s grievances) and § 3800.31 (relating to notification of rights and grievances procedures) outline what is required to be included in the policy. Documentation must be made in the child’s record whenever an explanation of protections, policies and procedures is given, and a copy of those protections, policies and procedures is provided.

DEFINITIONS:

Child in foster care- An individual who was adjudicated dependent before reaching 18 years of age and who has not reached 18 years of age and is in foster care; or is in foster care after reaching 18 years of age and while engaged in a course of instruction or treatment requests the court to retain jurisdiction until the course of instruction or treatment is completed, but in no event shall the court maintain jurisdiction after the individual reaches 21 years of age.

Corporal Punishment- A form of physical discipline in which an individual is spanked, paddled or hit on any part of the body with a hand or instrument.

County Agency- A county children and youth social services agency established under Section 405 of the Act of June 24, 1937 (P.L. 2017, No. 396), known as the County Institution District Law, and supervised by the Department of Public Welfare under Article IX of the Act of June 13, 1967 (P.L. 31, No. 21), known as the Public Welfare Code.

Department- The Department of Public Welfare of the Commonwealth.

Foster Care- Care and supervision provided to a child who is adjudicated dependent, including children for whom there is shared case responsibility between the county children & youth agency and juvenile probation office.

Grievance- A written expression of concern by a child/youth about a violation of their rights, or a complaint that has not been addressed to their satisfaction. A grievance may address a variety of concerns about services, treatment, environment, physical setting, and/or safety.

Grievance Policy- A written description of the grievance procedure of the agency.

Grievance Procedure- The steps and method established by the agency to investigate and resolve grievances.

Members of an integrated children's services planning team (ICSP)- The team includes a public or private children and youth caseworker, juvenile probation officer, mental health caseworker, mental retardation caseworker and any other individual who is considered to be a part of a services planning team specific to a child.

Parent- A biological parent, adoptive parent or legal guardian.

Protections- Rights afforded by Act 119 to a child in foster care.

Private Agency- A children and youth social service agency subject to the regulatory requirements of the Department of Public Welfare.

Relative- An individual who is at least 21 years of age and related within the third degree of consanguinity or affinity to the parent or stepparent of the child.

* Emerging best practice indicates that the term relative should also include any relation by blood, marriage or adoption within the fifth degree of kinship to the child. This includes great-great-great grandparents and first cousins once removed (children of first cousins).

Resource family- A family that is approved to provide temporary foster or kinship care for a child who needs foster care and that may eventually provide permanency for the child, including as an adoptive family.

Unreasonable restraint- Controlling behavior or restricting movement through the application of physical, mechanical, or chemical intervention. Restraint may not be used for coercion or punishment. Emergency safety interventions required to prevent harm to self or others where less restrictive alternatives have failed shall not constitute unreasonable restraint.

DISCUSSION:

With Act 119, Pennsylvania now joins only a handful of states that have a "bill of rights" in statute for children in foster care. Act 119 will ensure that all children in foster care, as well as their caregivers, are informed about basic protections and requirements of their care. The Youth Advisory Board, advocating for children in foster care statewide, has long advocated that each child should be made aware of their protections upon entry into foster care, or new foster care placement, and that each county and private agency should have policies and procedures in place that ensure that children in their care are aware of these protections. While there are currently regulations in place that provide for the protections of children in foster care, including the right to file a grievance, these regulations are not always readily accessible, available, or understandable to children in foster care. As a result of Act 119, and the feedback of current and former children in foster care, all children must be notified of these protections upon entry into foster care and throughout their time in care.

Act 119 sets forth specific time frames for compliance with mandates set forth in the Act. For a child who is placed in foster care on or after the effective date of this bulletin, a county or private agency must explain the protections for children in foster care set forth under Section 3 (included in this bulletin), as well as the agency's grievance policy and procedure. A copy of those protections, along with a copy of the agency's grievance policy and procedure must be provided to the child. For a child who was in foster care prior to the effective date of this bulletin, and has already been provided with an explanation of a county or private agency's grievance policy and procedure, the agency must explain and provide a copy of the agency's updated grievance policy and procedure that incorporates both the requirements for children in foster care under Section 3, and includes the required core components that must be present in any agency grievance policy. These components are discussed in detail, later in the bulletin.

County and private agencies must document in the child's record that the agency's grievance policy and procedure and the protections for children in foster care under Section 3 have been explained to the child. Documentation must address that the child is aware of, has received explanation of, and has received a copy of the grievance policy and procedure and the protections for children in foster care. The explanation of a grievance policy and procedure shall be consistent with regulatory requirements, such as those listed in 55 Pa. Code §3130.88 (relating to children's grievances), § 3680.48 (relating to children's grievances) and § 3800.31 (relating to notification of rights and grievance procedures).

To ensure that children in foster care understand their rights, and in making the grievance policy and procedures more accessible to children, the agency should adapt the language used in the explanation of the protections, grievance policy and procedure to appropriately meet the age and literacy level of each child to allow for clearer understanding of those rights.

To that end, agencies may choose to work with a literacy consultant. It is also recommended that agencies consult with youth, such as their local and regional Youth Advisory Boards, to get feedback on comprehensibility and accessibility of policies. Consistent with the Americans with Disability Act and Rehabilitation Act, efforts should be made to communicate policies in a manner that individuals with cognitive or other development disabilities can understand. Such efforts must be documented in the case file. For those children who are unable to comprehend an explanation of rights, such as a child under the age of five; or for those with an intellectual and/or developmental disability who cannot comprehend an explanation despite reasonable accommodations, the explanation of these rights may be given, on behalf of the child, to their parent.

If a parent is not available, documentation must be made that another interested individual, such as a relative or kin, a guardian ad litem, or Court Appointed Special advocate has been made aware of this policy. This may not include the agency or private provider case worker for the youth. Additionally, alternate methods of relaying information should be provided to individuals who require an interpreter to communicate and receive information, including but not limited to individuals who are deaf and/or hard of hearing; are visually impaired; have limited literacy or where English is not their primary language. Agencies should follow their respective protocols for compliance with the Title VI of the Civil Rights Act and the Americans with Disabilities Act and Rehabilitation Act in developing grievance policies and protocols and revising strategies for the dissemination.

Act 119 also mandates that a child's birth parent be provided with a copy of the protections for children in foster care under Section 3, by the appropriate county or private agency within 30 days of the child's entering foster care. For a birth parent whose child was in foster care prior to March 22, 2011, a county or private agency must provide a copy of the protections for children in foster care under Section 3 within fifteen days from the issuance of this bulletin.

Act 119 also mandates that resource families be provided with a copy of the protections for children in foster care under Section 3 by the appropriate county or private agency upon approval. For a resource family that was approved by a county or private agency prior to the effective date of this Act, a county or private agency must provide a copy of the protections for children in foster care, listed under Section 3, within 15 days of the issuance of this bulletin.

Section 3 of Act 119 (Rights of Children in Foster Care):

Act 119, Section 3, builds on the existing regulations to ensure that children are afforded, at a minimum, the following protections:

1. Treatment with fairness, dignity and respect.
2. Freedom from discrimination because of race, color, religion, disability, national origin, age or gender.

3. Freedom from harassment, corporal punishment, unreasonable restraint and physical, sexual, emotional and other abuse.
4. The ability to live in the least restrictive, most family-like setting that is safe, healthy, comfortable and meets the child's needs.
5. Proper nutrition.
6. Clothing that is clean, seasonal and age and gender appropriate.
7. Access to medical, dental, vision, mental health, behavioral health and drug and alcohol abuse and addiction services consistent with the laws of this Commonwealth and for which the child qualifies.
8. Information related to services listed above, including, but not limited to medication and medication options and the opportunity to communicate a preference regarding a treatment plan, medication or medication options. If a child objects to a treatment plan, his or her objection shall be noted in the child's case record.
10. Permission to visit and have contact with family members, including siblings, as frequently as possible, consistent with the family service plan and the child's permanency plan, unless prohibited by court order, but no less than that prescribed by statute or regulation.
11. The contact information of the child's guardian ad litem, attorney, court-appointed special advocate and members of the integrated children's services planning team and the opportunity to contact those persons.
12. An environment that maintains and reflects the child's culture as may be reasonably accommodated.
13. Education stability and an appropriate education consistent with the laws of this Commonwealth, including the opportunity to participate in extracurricular, cultural and personal enrichment activities that are reasonably available and accommodated and consistent with the child's age and developmental level.
14. The opportunity to work and develop job skills at an age-appropriate level, consistent with the laws of this Commonwealth and as may be reasonably accommodated.
15. The ability to receive appropriate life skills training and independent living services to prepare the child for the transition to adulthood, as consistent with Federal and State laws.
16. Notice of and the ability to attend court hearings relating to the child's case and to have the opportunity to be heard consistent with 42 Pa.C.S. Chapter 63 (relating to juvenile matters).
17. Confidentiality consistent with the laws of this Commonwealth.
18. First consideration for foster care placement with relatives, including siblings. In the absence of relatives, to have any kinship resource be considered as the preferred placement resource if the placement is consistent with the best interest of the child and the needs of other children in the kinship residence.
19. Consideration of any previous resource family as the preferred foster care placement resource, if relative and kinship resources are unavailable and the foster care placement resource is consistent with the best interest of the child.

20. If the child in foster care has a child of his or her own, and that child has been placed in the same resource family with the parent, the child in foster care may exercise parental and decision-making authority over his or her own child, so long as there are not safety concerns on the part of the county child welfare agency or determined by the juvenile court.
21. Permission to participate in religious observances and activities and attend religious services of the child's preference or the religion of the child's family of origin or culture as may be reasonably accommodated.
22. A permanency plan and transition plan developed in conjunction with the child, and reviewed with the child, that provides the child with: safety, stability, permanence and well-being, including stable and safe housing, opportunities for post secondary education and training and employment and a stable source of income, health insurance and a plan for future treatment, and connections with reliable adults.
23. Notification that the child may request to remain under the court's jurisdiction under paragraph (3) of the definition of "child" under 42 Pa.C.S. § 6302 (relating to definitions).
24. The grievance policy and procedure from a county agency or private agency and in accordance with Section 4 of this Act (Act 119).
25. The ability to file a grievance related to any of the provisions under this Section (Section 3 of Act 119) to the appropriate official overseeing the child's care in accordance with a county or private agency's grievance policy and procedure.

These enumerated protections are intended to promote the safety, development, and quality of life of all children and youth in foster care, regardless of their strengths, needs, or family, cultural, educational, or personal circumstances or backgrounds. Agencies should not consider this list as complete, nor limit the protections afforded to children in their care to the 25 specifically listed in this section.

Grievance Policies and Procedures

It is the Department's expectation that any concerns that are expressed to the county or private agency by a child in foster care are first addressed by the agency with which the youth is having concerns, with every attempt made to resolve the issue. However, when children believe that their rights have been violated, and/or a complaint has not been addressed to their satisfaction, they may exercise their right to file a grievance with the county or private agency, or both. 55 Pa. Code § 3130.88 (related to children's grievances) and 55 Pa. Code § 3680.48 (relating to children's grievances) both require that county agencies and private providers provide children in foster care with their respective agency's grievance procedure. 55 Pa. Code § 3700.63 (relating to foster child discipline, punishment and control policy) and 55 Pa. Code §§ 3800.31-33 (relating to child rights) both speak to the protections and rights afforded to a child in foster care. One of the provisions of Act 119 is that county and private agencies must have a written policy and procedure in place regarding the filing of a grievance by children in foster care, and that this grievance policy and procedure must incorporate the protections (rights of children in foster care), as set forth in Section 3.

A grievance is a written expression of concern by children about a violation of their rights, or a complaint that has not been addressed to their satisfaction. A grievance may address a variety of concerns about services, treatment, environment, physical setting, or safety. If a child believes any of the rights identified in Section 3 have been violated, he or she may exercise their right to file a grievance.

Act 119 provides agencies with two options to be in compliance with the law. First, the agency may adopt the model policy and procedure provided in this bulletin. The model grievance policy and procedure issued with this bulletin reflects components that ensure that the policy and procedure is comprehensive, responsive, and easily understood. Second, Act 119 permits agencies to amend their current grievance policies to comply with the new law and instructions in this bulletin. The Department is aware that many agencies have put much effort into the creation of exemplary policies and procedures. If an agency elects to simply revise its current policy and procedure, it should contain, at a minimum, the six components outlined in this bulletin, under “Core Components of a Grievance Policy” that make the process fair and open. It must also include the list of protections enumerated in Section 3 of Act 119. It is important to remember that a grievance is distinct from less formal processes like complaint resolution and the many day-to-day efforts of conflict resolution and trouble shooting. The section titled “Core Components of a Grievance Policy” contains minimum standards for an acceptable grievance policy and provides a reminder of what is unique about a grievance as compared to other agency policies and practices.

Any acceptable grievance procedure should contain procedures that provide fairness and a process that allows the child to explain the grievance, to access an impartial investigation and decision-making process, and to have the grievance considered at a higher level if the resolution is not satisfactory to the child filing the grievance. Incorporating these components into a grievance policy promotes uniformity and ensures that what is set forth is in fact a grievance policy rather than an alternative and less formal means of addressing concerns. County and private agencies should incorporate the components outlined in this bulletin, under “Core Components of a Grievance Policy”, and adapt them according to agency need and population(s) served. Inclusion of these core components of a grievance policy will ensure that the goals of Act 119 are met. Input from current and former children in foster care and their advocates made clear that in far too many instances children were not aware of these policies or did not have confidence in their ability to receive aid or a resolution to concerns. Act 119 provides agencies an opportunity to revisit their policies and enhance them. Many agencies have taken great care to create grievance policies and procedures that are effective and child friendly. When operating optimally, many agencies believe that these policies and procedures improve their ability to serve children in their care and the quality of their services as well as build confidence and trust among children and staff at the agency. The Department believes that agencies will embrace this as an opportunity to improve practice or simply reinforce and reiterate the model practices they have been implementing. In addition, the Department strongly believes that for acceptable policies and procedures to be developed and finalized, children in their care must be involved in the process.

The model grievance policy and procedure, along with the model grievance or appeal form itself, outlined in this bulletin, were created with input from a variety of representatives including current and former children in foster care, the county and private agencies that provide care to them, and public and private agencies that advocate on behalf of children in substitute care.

Core Components of a Grievance Policy:

To comply with the requirements of Act 119, county and private agencies must provide notification of, and explanation of the rights listed in Section 3, as well as the agency’s grievance policy and procedure, to the children in their care to ensure that they receive the correct contact information and are further educated about their protections as a child in foster care.

Additionally, county and private agencies should incorporate into their grievance policy the following six components of an acceptable grievance policy:

The model grievance or appeal form (Attachment A) has incorporated the following components:

1. Resources for Assisting Children with Grievances

- Name and contact information for the child's legal guardian, guardian ad litem, attorney, court-appointed special advocate, youth advocate and members of the integrated children's services planning team (ICSP) and the opportunity to contact them.
- Contact information for the child's legal guardian, guardian ad litem, attorney, court-appointed special advocate (as applicable), youth advocate and members of the integrated children's services planning team must be given to the child upon initial placement into foster care. As having the correct contact information is an understood part of the protection, any change in contact information must be explained, and a copy given to the child.

Please note that the ICSP referred to in this bulletin is comprised of individuals who are considered to be a part of a services planning team specific to a child, and not to be confused with the county-level process associated with connecting counties to appropriate funding, training and technical resources.

County and private agencies may choose to expand upon the required contact information provided to a child in foster care. Any changes in contact information must be explained, and a copy given to the child when changes occur. Additionally, there may be situations where no changes occur to the grievance policy, procedure or contact information. In this case, the notice and explanation of rights must be provided, at a minimum, on a yearly basis.

Flexibility in how grievances are accepted.

Multiple avenues should be available in order to not limit a child from filing a grievance. Examples of this could include the manner in which the grievance is initially reported such as, but not limited to by telephone, electronic media, and written letter. Additionally, this might include to whom the grievance is reported, such as case worker, guardian ad litem, or staff person. Children should be able to go to any adult they are comfortable with in order to share their concern, and have that concern addressed. Likewise, when a concern has not been resolved, and the child wishes to file a grievance, they should be able to go to any adult that they are comfortable with to seek help in filing a grievance. At the point that the grievance has been reported and forwarded for resolution according to agency policy, a copy of the grievance must be given to the child, with documentation made in the child's record. For children under age five, or for children who are unable to comprehend the explanation of rights and grievance procedure, a grievance may be filed on their behalf by anyone, including the child's legal guardian, or any member of the child's ICSP team.

2. Timeline for response:

- When the agency will provide notification of receipt of grievance to the child; and
- When the agency will provide written decision about the resolution of the grievance to the child; and

- Differential response time to accommodate more emergent and time-sensitive situations; and
- Any appeals process or higher levels of resolution.

Built-in time limits encourage prompt resolution of problems and provide children with a clear understanding of when they can expect to receive acknowledgement of, and resolution to their grievance.

3. Nature of Forum and Decision-Making Process for Resolving Grievance:

- Description of the forum that will be provided for addressing the grievance; and
- Allow for variety of methods of communication (face-to-face, teleconference etc.) in response to the preference of the child and the agency's resources; and
- Description of who the child can bring to any forum; and
- Description of who will be present at each forum; and
- Provision of assistance with transportation; and
- Description of how the process will proceed; and
- Assurances that the agency will keep confidential the identity and the nature of the grievance, except as necessary to resolve the situation.

The description of the decision-making process provides children with a clear understanding of the grievance decision-making procedure.

4. Levels of Redress-Opportunity for Appeal

- Description of the process by which a decision can be appealed or reconsidered at a higher or other level.

The agency should consider including a process for reconsideration of their decision, which complies with basic due process principles.

5. Confidentiality and Non-Retaliation

- Description of confidentiality policy; and
- Statement of prohibition of retaliation for the filing of the grievance.

While clearly stated in statutes that govern county and private agencies, the restating of this protection is important and provides an additional assurance of those protections to the child in foster care.

6. Notification and Intervals

- Description of how notifications will be provided to the child; to birth parents within 30 days of the child entering foster care; and to a resource family upon approval.

Under Act 119, children in foster care have the right to have the contact information of the child's legal guardian, guardian ad litem, attorney, court-appointed special advocate, youth advocate and members of the ICSP team and the opportunity to contact those persons. The notification to the child should be done in a manner in which the child can best understand the language and message of the notification, based on age and literacy level, including the following formats: verbal, written documentation that the child can keep, and availability of a brochure/poster. The Department strongly encourages county and private agencies to have conversations with resource parents and direct care staff to assure a better

understanding of the protections afforded to a child in foster care, including the right to file a grievance. As such, the Department strongly suggests that a copy of the agency's grievance policy and procedure, including contact information for the child's legal guardian, guardian ad litem, attorney, court-appointed special advocate, youth advocate and members of the ICSP team, and a copy of the grievance or appeal form be provided and explained to birth parents and resource families. There may be situations where sharing contact information with others would not be in the best interest of the child. In these cases, the agency is advised to use discretion.

As children in foster care have a right to the contact information of the members of their ICSP team, when contact information changes, revisions must be made, the changes explained, and a copy of the revised contact information needs to be provided to the child.

As children in foster care sometimes move to other foster care settings, and as it is the county and private agency's responsibility to convey contact information, the protections of the child, and the agency's grievance policy and procedure county and private agencies should convey this information for each change in foster care setting for a child in foster care. If there are no changes, notice and explanation of rights must be provided at least once a year. One suggestion is to provide notice and explanation of these rights on each birthday or a similar date each year.

Model Grievance or Appeal Form (Attachment A)

The model grievance or appeal form was created with input from a variety of representatives including current and former children in foster care, the county and private agencies that provide care to them, and public and private agencies that advocate on behalf of children in foster care. The form is a tool that an agency can provide to a child along with their grievance policy to both facilitate the understanding of the grievance policy and procedure and to create a streamlined and child-friendly way to file a grievance. The forms presented with this bulletin have been reviewed by a literacy consultant to reflect a literacy level comparable to eighth grade, using plain language whenever possible. As discussed above, adjustments may need to be made to an agency's own materials to conform to the requirements of Title VI of the Civil Rights Act and the American with Disabilities Act and Rehabilitation Act. The terms and issues/areas addressed by the form track the core components of an acceptable grievance policy and procedure. Additional forms that have been provided with this bulletin and are included in Attachment A are: "Our Grievance Policy", "Grievance or Appeal Notification Form", and the "Grievance or Appeal Decision Form". All forms issued with this bulletin have been made available in both PDF and Word formats.

The model grievance or appeal form explains what a grievance is; when to file one; the protections children in foster care are afforded; individuals who might be able to assist the child in filling out a grievance or appeal form; an explanation of a resolution including the time frame; explanation of an appeal; and space for youth and a witness to provide a signature and date to affirm that they have received the agency's grievance policy and understand their rights as required in Act 119. Also included is contact information for the child's guardian ad litem, attorney, court-appointed special advocate and members of the ICSP team.

The model grievance or appeal form can be used to file a grievance or appeal; find information about who might help them fill out the form; the protections afforded to them as a child in foster care, including

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protection from retaliation or punishment for filing a grievance; space to describe the grievance; space to describe a recommended resolution; a list of individuals with corresponding boxes the child can check to receive a copy of the grievance or appeal form; a box to check if the child believes the grievance is urgent and must be resolved before the number of days allotted in the agency policy; and space for the youth to provide signature, initial, and date to attest that the grievance they are filing is truthful and necessary; that they were able to receive help filling out the grievance if necessary; that they understand the grievance policy including when they can expect to receive a decision; and that they understand the appeal process and how they can use it if they are not satisfied with the resolution to their grievance. There is also a signature line and date for the agency representative who receives the grievance or appeal form.

Youth Name: _____
Address: _____ City: _____
Phone/Email: _____

Our Grievance Policy

This is important information about your rights as a child in out-of-home care and also information about how to complain if you think something is wrong.

What rights do you have as a child in out-of-home-care?

By law (Children in Foster Care Act of 2010):

- You have the right to be treated with fairness, dignity, and respect.
- You have the right to be treated without discrimination based on race, color, religion, disability, national origin, age, and gender.
- You have the right to be treated without harassment, corporal punishment, unreasonable restraint, or physical, sexual, emotional, and other abuse.
- You have the right to live in the most family-like setting that meets your needs.
- You have the right to be given enough food and food of good quality.
- You have the right to clothing that is clean, seasonal, and age and gender appropriate.
- You have the right to get all of the medical and mental health services that you need.
- You have the right to take part in developing your medical or mental health treatment plan.
- You have the right to agree to medical and mental health treatment, including medication.
- You have the right to visit your parents at least every other week.
- You have the right to have contact with your family.
- You have the right to be placed with your siblings, or visit with them at least every other week.
- You have the right to be placed with your kin and relatives if possible.
- You have the right to be placed with families that have supported you before if possible.
- You have the right to have all the contact information for your guardian ad litem, attorney, court-appointed special advocate, and members of your planning team.
- You have the right to be in a place that maintains your culture.
- You have the right to be able to stay in the same school when you change placements.
- You have the right to be able to take part in extracurricular, cultural, and personal enrichment activities.
- You have the right to have the opportunity to work and develop job skills.
- You have the right to get life skills training and independent living services.
- You have the right to have your case and personal information kept confidential.
- You have the right to get notices of court hearings for your case, and have the ability to attend the hearings.
- You have the right to take part in religious services and observances.
- You have the right to a permanency plan that you helped create and that you can review.
- You have the right to get notice that you can ask to stay in care after you turn 18.
- You have the right to get notice of the grievance policy from the county or private provider agency.
- You have the right to be able to file a grievance, to receive the agency's grievance policy, and to have your rights and the grievance policy explained to you in way that you understand.
- You have the right to exercise parental and decision-making authority for your child (if you are a parent).

____ Initials

Youth Name: _____
Address: _____ City: _____
Phone/Email: _____

What should you do if you think your rights are not being respected?

If you think something is wrong, you should file a *grievance* form with the agency (agency name).

What is a grievance?

A *grievance* is like a complaint. You can fill out a grievance form if you think your rights have been violated, or you are being treated unfairly, or you have a complaint that cannot be resolved and needs more attention. ____ **Initials**

Can you get help filling out the form?

Anyone who you trust or feel comfortable with can help you fill out this form, such as:

- a parent, guardian, caregiver or supervisor
- a caseworker
- a therapist or counselor
- a teacher, or other school staff
- a lawyer
- a Guardian ad Litem
- a juvenile probation officer
- a judge or master
- a coach
- a Court Appointed Special Advocate
- any other adult who helps you

____ **Initials**

What will happen after you deliver your grievance form?

The agency (agency name) will send you a letter within ____ days of getting your form. The letter will tell you that we have received your grievance form and the actions we will take to resolve the situation.

After we read your form, the agency (agency name) will decide if we agree with you. We will send you a letter within ____ days to tell you our decision. Our decision is called a "resolution." ____ **Initials**

What if I don't agree with your resolution?

If you don't agree with our resolution you can file an appeal. The letter you get telling you our resolution will also tell you how to file an appeal. ____ **Initials**

Signature

I am signing my name below because I have received the agency's grievance policy and understand my rights (required by the Children in Foster Care Act of 2010.)

Your signature: _____

Date: _____

Print Name: _____

Date: _____

Witness Signature: _____

Date: _____

Youth

Name: _____

Address: _____ City: _____

Phone/Email: _____

Date grievance filed: _____ Date appeal filed: _____

4. Is your grievance urgent?

Please check this box if you think your grievance is urgent and must be resolved before _____ (number of days).

Use the space below to explain why you think your grievance is urgent.

5. Signature

By signing below, I agree with the following statements. If you do not agree with a statement, do not initial it.

This grievance is true and necessary. ___ **Initials**

I have tried other ways to resolve this grievance before sending this form. ___ **Initials**

I was not pressured into filling out this grievance form. ___ **Initials**

If I needed help in completing this grievance form I was able to get it. ___ **Initials**

I understand the grievance policy, and I know when to expect a decision about my grievance. ___ **Initials**

I understand the appeal process, and know that I can file an appeal if I am not satisfied with the resolution to my grievance. ___ **Initials**

I understand that I will not be punished or retaliated against for filing this form. ___ **Initials**

Your signature: _____

Date: _____

Print your name: _____

Date: _____

Agency signature: _____

Date: _____

Print Name: _____

Date: _____

YouthName: _____
Address: _____ City: _____
Phone/Email: _____

Required Contact Information

The Children in Foster Care Act of 2010 requires that you receive the contact information for the people listed here. You may contact these people about your grievance or submit your grievance form directly to them. You may request that a copy of your grievance or appeal, and any notices, go to these contacts. You will be notified when contact information is changed for any of these people.

Name:
Address:
City:
Phone:
Email:

Name:
Address:
City:
Phone:
Email:

Juvenile Probation Officer

Name:
Address:
City:
Phone:
Email:

Mental Health Caseworker

Name:
Address:
City:
Phone:
Email:

Mental Retardation Caseworker

Name:
Address:
City:
Phone:
Email:

Guardian ad Litem

Name:
Address:
City:
Phone:
Email:

Court Appointed Special Advocate (CASA)

Name:
Address:
City:
Phone:
Email:

Attorney/Lawyer

Name:
Address:
City:
Phone:
Email:

Date: _____

YouthName: _____

Address: _____ City: _____

Phone/Email: _____

Date grievance filed: _____ Date appeal filed: _____

(Agency Name)

This is our decision for you: **Grievance** **Appeal**

To: _____

Date: _____

This letter is your official notice that _____ has received your grievance or appeal on _____ (Date).

We have reviewed your grievance or appeal and made the following decision:

Tell us if you agree

I agree with this decision: _____ (Initial) Date: _____

I do not agree with this decision: _____ (Initial) Date: _____

If you do not agree

If you do not agree with this decision, you have the right to appeal it. If you wish to appeal it, please complete the **Grievance or Appeal Form** and check "appeal."

Questions?

If you have any questions, please contact _____ at

_____.

_____ Date received

_____ Date decision is due

_____ When we will mail your decision letter

cc. _____ (This should include, at a minimum, individuals the child chose to receive a copy of their grievance/appeal form)

