

# Youth Grievance Procedure

	<b>DIVISION OF CHILD AND FAMILY SERVICES Juvenile Justice Services STATEWIDE POLICY</b>
<b>SUBJECT:</b>	Youth Grievance Procedure
<b>POLICY NUMBER:</b>	DCFS/JJS 300.01
<b>EFFECTIVE DATE:</b>	July 13, 2020
<b>APPROVED BY:</b>	Kathryn Roose, Deputy Administrator – Division of Child and Family Services
<b>DATE:</b>	07/07/2020
<b>SUPERSEDES:</b>	DCFS/JJ 300.01 effective February 16, 2015
<b>APPROVED BY:</b>	Ross Armstrong, Administrator – Division of Child and Family Services
<b>DATE:</b>	 7/7/20
<b>REFERENCES:</b>	NRS 62B.510, NRS 62B.525, NRS 432B – Protection of Children from Abuse and Neglect; ACA 3-JTS-3D-09
<b>ATTACHMENTS:</b>	Attachment A: Youth Grievance Form Attachment B: Youth Formal Grievance Investigative Results Attachment C: Response to a Formal Grievance

## I. SUMMARY

The Division of Child and Family Services (DCFS), Juvenile Justice Services shall afford all youth the right to submit a grievance regarding any facility conditions, health care, or behavior or actions of other youth or staff. DCFS shall have a grievance process in place and any youth who chooses to file a grievance shall not be subject to disciplinary action or retaliation of any kind. The intent of the youth grievance process is to provide:

1. A mechanism for youth to express their concerns
2. A process for the efficient and fair resolution of legitimate youth concerns
3. For the effective management of the facility and departments within the facility

## II. PURPOSE

To provide a well-defined process for youth to resolve concerns related to the conditions of commitment.

## III. DEFINITIONS

As used in this document, the following definitions shall apply:

- A. Appeal: The submission of a grievance for a higher level of review following the receipt of a response at a lower level.

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- B. Child Protective Services (CPS): State or county services for the protection of children, including investigations of abuse or neglect.
- C. Classification: A process used to determine the appropriate housing assignment, education needs, and program needs for a youth before and after they arrive at a facility.
- D. Emergency Grievance: A grievance filed by a youth based upon a situation or condition which presents a potential and substantial risk to life or safety of a youth/staff or when irreparable harm to the youth's health is imminent.
- E. Grievance: A written report by a youth asking for the resolution of a problem or incident of concern considered by the grievant to be unjust.
- F. Grievance Officer: Assigned facility staff member responsible for reviewing and responding to grievances.
- G. Grievant: A youth who submits a grievance seeking a resolution.
- H. Mandated Reporter: All Juvenile Justice Services employees, per NRS 432B.220, are mandated to report all knowledge or reports of abuse or neglect of a youth in DCFS care.
- I. Prison Rape Elimination Act (PREA): A federal law supporting the prevention, detection, and response to sexual abuse and sexual harassment within facilities. This law applies to all federal, state, county, local, and private facilities housing adults and juveniles.
- J. Remedy: A meaningful response, action, or resolution to a grievance.
- K. Retaliation: Any act or threat of action against a youth for the legitimate and honest use of the grievance process.

## IV. GENERAL GUIDELINES

- A. Facilities shall post their youth grievance process in the living and program areas of the facility
- B. Facility staff shall explain the grievance process upon youth intake.
  - 1. Facility staff shall indicate the date youth received training by completing a Booking Event: Reporting a Grievance Training in Tyler Supervision and having the youth complete an acknowledgement form which shall be uploaded to the current bookings' Booking Documents.
  - 2. The facility youth handbook shall include instructions for the grievance process.
- C. Youths' parents shall be afforded an opportunity to learn about the youth grievance process. Written information regarding the youth grievance process shall be included in the information packet mailed to all parents/guardians upon the youth's arrival at a facility.
- D. Facility staff shall be trained in the grievance process so they can assist youth in filing grievances upon request. Grievances are confidential and shall be handled in a confidential manner by staff.

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- E. Facility management shall ensure the grievance resolution process provides:
  - 1. An available system for hearing and resolving concerns of youth
  - 2. Assistance to youth in resolving issues and concerns they may have
  - 3. Specific timeframes at each level of review to ensure timely responses
  - 4. A fair, neutral, and prompt decision in response to concerns
  - 5. A management tool for administrators to track the number, nature, and response to grievances
  - 6. Assurances no youth shall be subject to retaliation as a result of submitting a grievance
- F. An appointed facility staff member other than the facility Superintendent may be the designated Grievance Officer. This position may be done on a rotational basis.
- G. Youth may attempt to resolve a grievance or concern against another youth or staff member by informally discussing the issue with the concerned party. Staff shall make themselves available to discuss issues or solutions with youth in order to resolve the issue in this informal manner.
- H. Issues which may prompt a youth to submit a grievance include, but are not limited to:
  - 1. Violation of youth rights as outlined in NRS 62B.510
  - 2. Policies, procedures, and rules of the facility
  - 3. Youth's civil rights
  - 4. Words and actions of individual staff, contractors, or volunteers at the facility
  - 5. Acts of retaliation for the legitimate and honest use of or participation in the youth grievance process
  - 6. Concerns relating to condition of care or treatment within the facility
  - 7. Unsafe or unsanitary living conditions
  - 8. Abuse, neglect, and harassment which includes sexual abuse and sexual harassment from either staff or other youth
- I. Some issues cannot be resolved by the youth grievance process including, but not limited to:
  - 1. Federal, state, or local law
  - 2. Court actions and decisions including pre-commitment reports
  - 3. Policies from agencies outside of the facility
  - 4. Disciplinary actions or decisions
  - 5. Matters over which the facility has no control
  - 6. School and/or cottage/PBIS points
  - 7. Final appeal decisions on a grievance
- J. Youth may initiate the grievance process when they have a problem, concern, or an incident has occurred affecting them personally.
- K. Youth who choose to use the grievance process shall not be subject to retaliation by staff or other youth.
- L. Youth shall not be the subject of disciplinary action for the legitimate and honest use of the youth grievance process. Conversely, youth who use the grievance process for illegitimate reasons may be subject to the facility's standard disciplinary procedures. This may include writing a grievance based on information or accusations proven to be false.
- M. Youth shall be made aware of the levels of appeal available to them when they disagree with the findings/decisions at any level of the grievance process.

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## V. PROCEDURES

- A. Youth who wish to submit a grievance shall do so by submitting a Youth Grievance Form (Attachment A).
- B. Youth may request staff assistance in completing a grievance form. Staff shall respond positively to a youth's request for assistance.
  - 1. Requests for assistance may apply to youth who have cognitive impairments, limited English fluency, difficulty reading or writing or any other issue making completing the form difficult.
  - 2. If a youth is unable to adequately express the grievance in written form, the youth shall be allowed to present the grievance to the Grievance Officer verbally.
- C. Youth Grievance Forms shall be readily accessible to youth in locations throughout the facility.
- D. No youth shall be required to ask a staff member for a grievance form.
- E. The facility shall have locked boxes for youth grievances throughout the facility where youth can place completed grievance forms confidentially. These locations shall be facility wide including living units, school, recreational areas, etc.
- F. Youth may submit an emergency grievance in instances where the situation presents a potential or substantial risk to life or safety or in situations where the health or well-being of a youth or staff may be harmed.
  - 1. In these instances, youth may still place the grievance form in the grievance box, or they may give the form to a trusted staff member to deliver to the Assistant Superintendent or designee.
  - 2. Staff shall in no way impede the process, or interfere in any manner, when a youth believes there is a legitimate need to submit this type of grievance.
- G. Youth are to be encouraged to provide the following information on their Youth Grievance Form:
  - 1. Youth's name
  - 2. A description of what occurred
  - 3. Name(s) of staff involved, if applicable
  - 4. Date and time of incident
  - 5. Where incident occurred
  - 6. Names of any witnesses
  - 7. Any steps they have taken to resolve the issue
  - 8. Proposed remedy or resolution to the issue, problem, or concern
  - 9. Signature and date
- H. If youth are unable to obtain a grievance form, youth should attempt to contact the Assistant Superintendent/designee or the Superintendent as soon as possible by placing a written letter in a grievance box or telling any facility staff.

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## VI. GRIEVANCE REVIEW PROCESS

### A. The Grievance Officer shall:

1. Collect grievances on each of their scheduled workdays from the locked boxes located throughout the facility.
  - a. Delegate daily retrieval of grievances to a designee for days they are not in the facility.
  - b. For scheduled days off, designees shall respond to emergency grievances only. Non-emergency grievances shall be addressed by the Grievance Officer upon their next working day, which shall be considered the date of receipt with respect to the timelines in this policy.
  - c. For extended time off (e.g., annual leave, sick leave), the designee shall respond to all grievances per this policy.
2. Ensure each grievance is dated with a date stamp.
3. Ensure grievances are logged in the facility database upon receipt and each grievance is assigned a tracking number, on the same day it is retrieved.
4. Review each grievance and prioritize any grievances which may require immediate action and/or notification.
5. Return form to a youth if there is missing information (this should be done as quickly as possible to maintain required timeframes).
6. Return a form to a youth if the grievance has profanities/obscenities (the youth shall be asked to re-write the grievance taking out the unacceptable language); this does not apply in cases where the obscenities reflect language actually used or exchanged between parties involved.
  - a. If the youth refuses to rewrite the grievance:
    - i. Grievances that allege abuse, neglect, PREA violations or other serious allegations shall be addressed without delay. The facility may consider consequences or follow-up to remediate the inappropriate behavior.
    - ii. Grievances determined by the Grievance Officer to be unrelated to abuse, neglect, PREA, or other safety concerns may be delayed pending the revision of the grievance with acceptable language.

### B. All DCFS employees are mandated reporters of suspected abuse or neglect, including sexual abuse. If the grievance is an allegation of abuse or neglect, it shall no longer be handled as a youth grievance, and shall be immediately reported to Child Protective Services, the Superintendent, and the Deputy Administrator of Residential Services.

1. The Grievance Officer shall be prepared to provide the basic information of the situation such as the name of youth, name of perpetrator, and summary of the incident.

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- C. If the incident involves sexual abuse or sexual harassment, the Grievance Officer shall immediately notify the facility PREA Compliance Manager, who will then notify local law enforcement, as needed, and the statewide PREA Coordinator.
- D. The Grievance Officer has three business days to provide a response, in writing, to each grievance. This may include:
  - 1. Why the grievance does not meet criteria for action and what alternatives he/she has to address the issue.
  - 2. What remedies will be taken by the facility and/or youth to address the situation.
  - 3. Notification an investigation will be initiated, and a response will be provided at the conclusion of the investigation.
- E. If a grievance is filed against the Grievance Officer, the Grievance Officer shall submit the grievance to the Superintendent who shall delegate the grievance to another person.
- F. If the grievance requires an investigation, the Grievance Officer shall conduct an investigation to last no longer than three business days to include:
  - 1. Interview(s) of staff and/or youth or request written statements from relevant staff and/or youth
  - 2. Review of relevant policies and standard operating procedures
  - 3. Review of any pertinent documents, reports, records, as necessary
  - 4. Review of video, if available
  - 5. Taking any other responsible action deemed necessary to adequately investigate the grievance.
- G. Upon completion of the investigation, the response shall be prepared on the Youth Formal Grievance Investigative Results Form (Attachment B). At a minimum, the following information shall be included:
  - 1. Name of staff person investigating the grievance and their title
  - 2. Whether timeframes were met or not (an explanation shall be provided when timeframes are not met)
  - 3. The decision reached
  - 4. Any broad corrective action taken by the facility to remedy process or procedural deficiencies
  - 5. Additionally, the responder may also address or reference any policy or guideline; any witnesses interviewed; any suggestions for further consideration such as other

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alternatives or any positive, commendations related to a youth's decision making or behavior

6. Grievance Officer's signature and date
- H. A face-to-face meeting with the youth shall take place to present the findings as outlined in the Grievance Investigative Results Form (Attachment B).
1. Presentation to the youth should be as clear and concise as possible and free of language difficult for the youth to comprehend.
  2. Resolution of the grievance may include, when appropriate, mediation between the youth and the other party.
- I. The youth shall have an opportunity to review the form, ask questions and indicate whether they agree or disagree with the Grievance Officer's findings.
- J. If the youth agrees with the findings, the youth shall be asked to sign their name and indicate the date.
- K. If the youth disagrees with the findings, the youth shall indicate so and sign and date the form. Within five days, the youth may submit their request for the next level of review to the Superintendent. The youth shall resubmit via the grievance box.
- L. A youth can choose to withdraw their grievance at any time. The Grievance Officer must document the youth's decision and rationale on the grievance or the Response to a Formal Grievance form (Attachment C).
- M. If the youth disagrees with the Grievance Officer's decision, the Superintendent or Assistant Superintendent shall review the grievance to include a review of all paperwork and may include a new investigation and/or an interview with the youth.
1. The Superintendent or Assistant Superintendent shall complete a written response to the grievance on the Response to a Formal Grievance Form (Attachment C) within five business days.
- N. If the youth disagrees with the findings of the Superintendent or Assistant Superintendent's review, the Deputy Administrator of Residential Services shall review the grievance to include a review of all paperwork and may include a new investigation and/or an interview with the youth.
1. The Superintendent shall notify the Deputy Administrator within 24 hours of their obligation to review the grievance.
  2. The Superintendent shall provide all relevant materials to the Deputy Administrator within 48 hours.
  3. The Deputy Administrator shall complete a written response to the grievance on the Response to a Formal Grievance Form (Attachment C) within ten business days. The Deputy's finding shall be the final decision.

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## **VII. DOCUMENTATION**

- A. Copies of all youth grievances and responses at every level of review shall be retained and be provided to the youth.
- B. At every level of review, a copy of the youth's grievance and the response is to be filed in paper or electronically in a location only accessible by the administrative staff as designated by the Superintendent.
- C. Facilities shall provide copies of all youth grievances and responses to the Deputy Administrator and the Legislative Counsel Bureau unless otherwise directed.
- D. The facility database shall provide discreet information to management regarding the nature of grievance types, types of remedies being provided and if there are any potential trends developing. The database shall also provide clear indications of the number of appeals and the meeting of timeframes.
- E. A monthly report of the previous month's grievances shall be made available to the Superintendent, the Deputy Administrator, and the Chief of the Juvenile Justice Programs Office.

## **VIII. STANDARD OPERATING PROCEDURES**

- A. All facilities shall create Standard Operating Procedures consistent with this policy, including but not limited to:
  - 1. Process for selecting a Grievance Officer.
  - 2. Youth training on grievance processes, including how often refresher training is provided.
  - 3. Staff training on grievance process.
  - 4. Investigation and follow up processes.
  - 5. Documentation and retention.