

Joe Lombardo
Governor

Richard Whitley, MS
Director



DEPARTMENT OF HEALTH AND HUMAN SERVICES

DIVISION OF CHILD AND FAMILY SERVICES
Helping people. It's who we are and what we do.



Cindy Pitlock, DNP
Administrator

MTL # 0218 – 05312023

TO: Jill Marano, Director – Clark County Department of Family Services
Betsey Crumrine, Social Services Manager V – DCFS – District Offices
Laurie Jackson, Social Services Manager V – DCFS -District Offices
Ryan Gustafson, Division Director – Washoe County Human Services Agency

FROM: John Bradtke, Deputy Administrator, Division of Child and Family Services

POLICY DISTRIBUTION

Enclosed find the following policy for distribution to all applicable staff within your organization:

0218 Rights and Grievances for Children in Care

This policy is/was effective: 5/31/2023

- This policy is new. Please review the policy in its entirety
- This policy replaces the following policy(s): MTL # _____ - _____ Policy Name: _____
- This policy has been revised. Please see below for the type of revision:
 - This is a significant policy revision. Please review this policy in its entirety.
 - This is a minor policy revision: (List page number & summary of change):
 - A policy form has been revised: (List form, page number and summary of change):

NOTE:

- Please read the policy in its entirety and note any areas that are additionally required by your agency to be in compliance with the policy enclosed.
- This is an **ALL STAFF MEMO** and it is the responsibility of the person listed above to disseminate the policy enclosed to appropriate staff within his/her organization and to ensure compliance.
- The most current version of this policy is posted on the DCFS Website at the following address: <http://dcfs.nv.gov/Policies>
Please check the table of contents on this page for the link to the chapter you are interested in.

CC:

Jill Marano (Jill.marano@clarkcountynv.gov)
Wonswayla Mackey (won@clarkcountynv.gov)
Margaret LeBlanc (margaret.leblanc@clarkcountynv.gov);

DFSPandP@Clarkcountynv.gov
Maria Hickey (mhickey@dcfs.nv.gov)
Kim Martin (ksmartin@washoecounty.gov)

0218 Rights and Grievances for Children in Care

Policy Approval Clearance Record

<input checked="" type="checkbox"/> Statewide Policy <input type="checkbox"/> Administrative Policy <input type="checkbox"/> DCFS Rural Region Policy	<input checked="" type="checkbox"/> New Policy <input type="checkbox"/> Modified Policy <input type="checkbox"/> This policy supersedes:
Date Policy Effective:	05/31/2023
Attorney General Representative Review:	11/10/2022
DCFS Deputy Administrator Review:	05/31/2023
DMG Original Approval	05/31/2023
DMG Review:	

STATEMENT OF PURPOSE

Policy Statement and Purpose: An agency providing child welfare services must afford all children the right to submit a grievance regarding the Child Welfare Agency, any family foster home or facility conditions where the child was or is currently placed, health care, or behavior or actions of agency workers, foster parents, or other children. The Child Welfare Agency must have a grievance process in place and any child who chooses to file a grievance must not be subject to disciplinary action or retaliation of any kind. The intent of the grievance process is to provide:

1. A mechanism for the child to express their concerns
2. A process for the efficient and fair resolution of legitimate child concerns
3. A well-defined process for children to resolve concerns related to the conditions of their environment.

AUTHORITY

Federal: [Section 113\(d\) of PL 113-183](#)

NRS: [NRS 424.020](#); [NRS 432.500](#); [NRS 432.525](#); [NRS 432.540](#); [NRS 432.548](#);

NAC: [NAC 424.825](#)

DEFINITIONS

Appeal: The request for a higher level of review following the receipt of a response at a lower level.

Emergency Grievance: A grievance filed by a child based upon a situation or condition which presents a potential and substantial risk to life or safety of a child/staff or when irreparable harm to the child’s health is imminent.

Grievance: A specific and serious feeling of wrongdoing that violate a child’s rights pursuant to NRS 432.525 which includes but is not limited to, harassment, or discrimination by a person(s) and results in a written report by a child asking for the resolution of a problem or occurrence of concern considered by the grievant to be unjust.

Local Government Ombudsman/State Systems Advocate: The person responsible for resolving complaints regarding the protection of children who are receiving services from the Child Welfare Agency. This person may be a designated Agency Representative.

Resolution: A meaningful response, action, or determination to a grievance. Such remedies must include, without limitation, requiring the agency or facility to make changes to address the grievance, or notify a law enforcement agency with jurisdiction over the agency, or facility (NRS 432.548).

Retaliation: A threat of action or punishment against a child for the use of the grievance process.

STANDARDS/PROCEDURES

General Guidelines:

1. The Child Welfare Agency must develop an internal process which is clearly defined to allow a child, the parent or guardian, or any person representing the child to file a grievance concerning the Child Welfare Agency, foster home, facility, an/or any staff therein, in which the child was or is currently placed. Related forms will be available upon request and posted to [SA \(nv.gov\)](http://SA.nv.gov).
 - a. A grievance form must be readily accessible to the child. If the child is unable to obtain a grievance form, the child should contact a trusted adult or agency worker for assistance.
 - b. The internal process must include methods for resolving such a grievance.
 - c. Pursuant to [NAC 424.825\(4\)](#) the form for filing a grievance may be obtained from:
 - i. The Internet website of the Division;
 - ii. Any court in this State;
 - iii. The local juvenile probation department; and
 - iv. Any office of the court appointed special advocate.
2. All licensed homes and facilities must have the grievance process easily accessible within the home or the facility. Unlicensed homes are encouraged to have access to the grievance process.
3. Pursuant to [NRS 432.525](#) – [NRS 432.540](#), The Child Welfare Agency or agency designee must ensure that children in foster care are informed of the Bill of Rights for Children in Care and the grievance process, as developmentally appropriate, upon entry into care. Best practice would be the agency and/or the child's team continue discussing the Bills of Rights for Child in Care with the child as they mature.
 - a. A child must be made aware of the ability to submit a grievance in instances when/where the child feels their rights are being violated.
 - b. The child must be made aware of the ability to appeal if/when they disagree with the findings/decisions at any time during the grievance process.
 - c. For a child who is 14 and older, a signed acknowledgment by the child that the child has been provided with a copy of the document and that the rights contained in the document have been explained to the child in an age-appropriate way. A child's parents must be afforded an opportunity to learn about the Bill of Rights for Children in Care and the grievance process.

Note: It is important to consider the child's age and development level when reviewing the Bill of Rights for Children in Care with them. For younger children, ensure that the information is presented to them at a level they will comprehend, provide examples, and check for understanding. Every right listed on the Bill of Rights for Children in Care may not be applicable at every age.

4. Each Child Welfare Agency must ensure the grievance resolution process provides:
 - a. An available system for hearing and resolving concerns of the child.
 - b. Assistance to the child in resolving issues and concerns they may have, if applicable.
 - c. Specific timeframes at each level of review to ensure timely responses.
 - d. A fair, neutral, and prompt decision in response to concerns.
 - e. A management tool for administrators to track the number, nature, and response to grievances.
 - f. Assurances that no child will be subjected to retaliation as a result of submitting a grievance.
5. A child may attempt to resolve a grievance or concern against another child, the Child Welfare Agency, or any foster home in which the child is currently placed by informally discussing the issue with the concerned party, if appropriate. Agency workers must make themselves available to discuss issues or solutions with the child in order to resolve the issue in this informal manner. In the event a formal grievance must be filed a child may:
 - a. Locate and complete the grievance form on their own
 - b. Contact the agency's identified ombudsman for assistance

- c. Contact the agency worker and/or IL service provider for guidance
 - d. Contact another representative that the child feels comfortable with for guidance in completing a grievance, such as those listed in [NRS 432.548](#), or
 - e. Contact another trusted adult to help the child through the grievance process.
6. A child may initiate the grievance process when they have a problem, concern, or an incident has occurred affecting them personally. Issues which may prompt a child to submit a grievance include, but are not limited to:
- a. A violation of the child's civil rights.
 - b. Violation of the child's rights as outlined in the Bill of Rights for Children in Care.
 - c. Words and/or actions that can be perceived as derogatory, demeaning, or are discriminating of the individual by agency workers, service providers, foster parents, or other children in the placement.
 - d. Concerns relating to condition or quality of care (unsafe or unsanitary living conditions), well-being, or treatment in the placement.
 - e. Harassment which includes sexual harassment from either agency workers, service providers, foster parents, or other children.
 - f. Concerns regarding how the siblings are being treated, concerns regarding how special needs are being addressed or concerns regarding safety, cultural, or ethical issues.
 - g. Disagreements with the treatment plan that could not be resolved informally with the treatment team.
 - h. Acts of retaliation for the legitimate and honest use of or participation in the grievance process.
 - i. If a grievance has been resolved, it will not be reassessed, unless there is a new allegation grievance or new/additional information regarding the incident.
7. Some issues which cannot be resolved by the grievance process included, without limitation:
- a. Federal, state, or local law;
 - b. Court actions and decisions;
 - c. Child abuse and neglect concerns
 - d. Policies from agencies outside of the Child Welfare Agency;
 - e. Matters over which the agency has no control (i.e., Issues with school, attorney, etc.); and/or
 - f. Final appeal decisions on a grievance

Procedures:

1. To submit a grievance, the Child Welfare Agency's approved grievance form must be completed. The following information, if applicable, should be included on the agency's grievance form:
 - a. Child's name
 - b. Date and time of occurrence
 - c. Location of occurrence
 - d. Name(s) of who was involved
 - e. A description of what occurred (what and how)
 - f. Names of any witnesses
 - g. Any steps they have taken to resolve the issue
 - h. Proposed resolution to the issues, problem, or concern
 - i. Signature and date
2. Agency workers will be made aware of the grievance process as the child may request the agency worker to assist in completing a grievance form. The agency worker must respond positively to a child's request for assistance, and in no way impede the process, or interfere in any manner, when a child believes there is a need to submit a grievance. Grievances are confidential and must be handled in a confidential way by anyone who is approached to assist a child. Agency workers will assist a child in locating the appropriate information on how to complete a grievance. If a child is unable to adequately express the grievance in written form, the child must be allowed to present the grievance verbally, and the agency worker must complete the grievance form.

3. Child Welfare Agency employees are mandated reporters of suspected abuse or neglect. If the grievance is an allegation of abuse or neglect, it must no longer be handled as a grievance and must be immediately reported as an intake report to the appropriate Child Welfare Agency:
 - a. If applicable, emergency steps to ensure the safety of the child should be taken (e.g., suspension of visitation, change in visitation location, temporary suspension of placement, etc.).
4. Once a grievance form has been completed it should be submitted to the designated ombudsman/State Systems Advocate or designated agency representative. The ombudsman/State Systems Advocate, or designated agency representative must review and/or investigate the grievance to develop a resolution or intervention plan. The ombudsman/State Systems Advocate, or designated agency representative must, at a minimum:
 - a. Contact the individual who submitted the grievance, once it has been received, to inform the individual of the next steps and estimated time of completion.
 - b. Consult with the Child Welfare Agency, placement, and/or relevant participants to determine the appropriate action steps to address the grievance.
 - c. Once a determination has been made, notify the individual who submitted the grievance the outcome within five (5) business days.

Documentation: Copies of all grievances and responses at every level of review must be retained in the case file or electronically through UNITY Case notes.

JURISDICTIONAL ACTION

Development of Internal Policies: This internal policy and/or procedures must be consistent with this statewide policy, including but not limited to:

1. Process for selecting a designated agency representative.
2. Process to provide the child information on their rights and the grievance process and document the child's acknowledgement through UNITY case notes or the child's case plan.
3. Agency workers are aware and have an understanding of the grievance process.
4. Investigation and follow up process.

STATE RESPONSIBILITIES

Upon request, the Child Welfare Agency will submit a completed copy of the child's grievance and resolution to FPO.

POLICY CROSS REFERENCE

Policies: N/A

History and Updates: This is a new policy

ATTACHMENTS

FPO 0218A – Bill of Rights for Children in Care
FPO 0218B – Communication Guidance

Note: Grievance information can be located at [SA \(nv.gov\)](http://SA(nv.gov)). The Clark County Grievance form can be located at [Department of Family Services Ombudsman Complaint Form \(clarkcountynv.gov\)](http://Department of Family Services Ombudsman Complaint Form (clarkcountynv.gov))