



FOSTER CARE CLIENT RIGHTS AND GRIEVANCE & APPEAL PROCESS

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This document delineates the procedure to accompany the Client Rights and Grievance and Appeal Policy (5010.05)

1.1 Purpose

CONCERN's Client's Rights and Grievance policy includes provisions required by the Children in foster Care Act (Act 119 of 2010) which 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, their birth parents, and resource family. Act 119 helps 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. Mental Health Procedure Act, PA Code 5100. PA state regulations, which govern mental health services, require that every client has the ability to file a grievance and appeal a grievance determination.

1.2 Policy

It is CONCERN's policy that all clients have the right to express grievances regarding the mental health treatment that he or she is receiving or has received through CONCERN without interference or retaliation **CR 1.05 a**

1.3 Definitions

Client Rights: The client's legal assurance of being treated like a person, of being able to make informed choices of the services provided, and of confidentiality.

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.

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 and 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.

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

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.)

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.

Appeal: An appeal is a request for a higher level of administration review the grievance decision. A child is encouraged to file an appeal if he/she are not in agreement with the grievance decision.

1.4 Attachments

There are seven attachments to the Policy:

- 1) Rights of Children in Foster Care – Child
- 2) Rights of Children in Foster Care - Birthparent
- 3) Grievance Policy -Required Contact Information
- 4) Required Contact Information Form
- 5) Grievance or Appeal Form and Required Contact Information
- 6) Grievance or Appeal Form Official Notice of Receipt
- 7) Grievance or Appeal Form Official Notice of Decision

1.5 Acknowledgement:

- The Grievance and Appeal Policy and Procedure is signed at the time of intake for each client receiving services through CONCERN.
- CONCERN documents in the child's record that the agency's grievance policy and procedure and the rights of children in foster care have been explained to the child.
- CONCERN ensures that children in foster care understand their rights in a manner that appropriately meets the age and literacy level of the child to allow for clear understanding of those rights. (See section on Right to Assistance)
- Child is encouraged to go to any adult they are comfortable with in order to share their concern, and have that concern addressed.
- Child is assured that the agency will keep confidential the identity and the nature of the grievance except as necessary to resolve the situation.
- The process is reviewed with the child annually and if they move from one foster home to another.

1.6 Client Rights

Clients are informed of their rights and responsibilities and sign off on the document which includes the client rights and responsibilities. Clients are then provided with a copy of the document that includes the Client's rights and responsibilities.

1.7 Filing a Grievance

Clients are encouraged to file a grievance when they have already attempted to informally address the issue and it has not been addressed. The process is as follows:

- a) Any concerns that are expressed to the county agency or CONCERN 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.

- b) When the youth believes 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.
- c) The grievance will be provided to or communicated to the Supervisor of the program, or the Region Director if the grievance involves the supervisor, as soon as possible or within one business day. **CR 1.05c**
- d) The Grievance or Appeal Form Official Notice of Receipt will be delivered to the client or sent in the mail to the client as well as filed in their CONCERN file within 5 business days. **CR 1.05b**
- e) The Supervisor or Region Director will investigate the issue to attempt to find a resolution.
 - The investigation may include phone or in person discussions with all persons involved, review of case notes and other file documentation, and/or supervision.
 - All pieces of the investigation will be documented.
- f) A decision will be rendered within 5 business days.
- g. The completed Grievance or Appeal Form Notice of Decision will be delivered to the client or sent in the mail to the client as well as filed in their CONCERN file.

1.8 Filing an Appeal **CR 1.05b**

An appeal is a request for a higher level of administration review the grievance decision. Clients are encouraged to file an appeal if they are not in agreement with the grievance decision. The process is as follows:

- a) Client files the appeal within ten working days of receiving the grievance decision. They may file an appeal either orally or in writing directly to CONCERN staff.
- b) The appeal will be forwarded to the Region Director as soon as possible or within one business day.
- c) Upon receipt of the appeal, the Region Director will send the Grievance or Appeal Form Official Notice of Receipt to the client and file it in the client's CONCERN file within 5 business days.
- d) The Region Director will investigate the issue to attempt to find a resolution. The investigation may include phone or in person discussions with all persons involved, review of progress notes and other file documentation, review of the grievance decision, supervision, and/or a group meeting, and will be reviewed with the county caseworker, supervisor and/or county administrator.
 - All pieces of the investigation will be documented.
- e) A resolution will be rendered to the client within 48 business hours.

- The completed Grievance or Appeal Form Notice of Decision will be delivered in person or sent in the mail to the client as well as filed in our CONCERN file.
- In addition, a copy will be provided to CONCERN's Vice President for Social Services.

1.9 Right to Assistance

Efforts are made to communicate the policy in a manner that individuals with cognitive or other developmental disabilities can understand. Such efforts are 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 are given, on behalf of the child, to their parents.

If a parent is not available, documentation is made that another interested individual, such as a relative or kin, a guardian ad litem or a Court Appointed Special Advocate has been made aware of the policy. This may not include the county or CONCERN caseworker. Additionally, alternate methods of relaying the information are provided to individuals who require an interpreter, including but not limited to individuals who are deaf or hard of hearing; are visually impaired; have limited literacy or where English is not the primary language.

2.0 Signature

There is a signature line at the bottom of the policy which serves as the acknowledgment of their right to file a Grievance and Appeal.

- The policy needs to be signed by the Client or Parent or Guardian
- The policy needs to be signed by the CONCERN staff presenting it to the client.