

<b>13.28 Grievance Procedures for Delinquent Youth</b>	
<b>Application:</b> To All Department of Children's Services Family Service Workers/Juvenile Service Workers/Juvenile Probation Officer assigned Delinquent Youth on Probation, Aftercare or custody (not placed at a YDC)	
<b>Authority:</b> TCA 37-5-105 (3); 37-5-106	<b>Standards: COA:</b> CM 5.01
<b>Commissioner:</b>	<b>Date:</b>
Original Effective Date: 06/01/01 Current Effective Date: 11/18/15	Supersedes: 03/31/15 Last Review Date: 11/18/15
<b>Glossary:</b> None	

**Policy Statement:**

Youth on probation, custody or aftercare shall have the right and opportunity to file complaints or grievances and appeal, free from fear of reprisal, regarding services provided, Rules of Probation, Permanency Plan or Rules of Aftercare that may be imposed upon them. This policy does not apply to youth placed in a Youth Development Center.

**Purpose:**

To ensure that youth are afforded the opportunity to express problems and issues they are having while on probation, in custody or on aftercare without being subjected to any adverse action.

**Procedures:**

**A. The grievance process**

1. The youth's Court Liaison or Family Services Worker (FSW)/Juvenile Service Workers (JSW)/Juvenile Probation Officer (JPO) explains the grievance process to the youth and his/her primary caretaker during their first meeting. The youth and his/her primary caretaker signs form **CS-0869, Grievance Procedure Notice Probation and Aftercare Cases** acknowledging that the grievance procedure has been explained.
2. The following process is used in all cases involving a youth grievance:
  - a) The youth may state his/her grievance either orally or in writing to his/her FSW/JSW/JPO. The FSW/JSW/JPO meets with the youth within five (5) working

days after being informed of the grievance and attempt to resolve the youth's complaint.

- b) If the youth's grievance pertains to allegations of sexual or physical abuse in any form, the allegation must be reported to **DCS Child Protective Services Central Intake (1-877-237-0004) immediately.**
- c) The FSW/JSW/JPO must document the attempt at resolution on form **CS0328, Youth Grievance Report-Probation/Aftercare/Interstate Compact for Juveniles.** The youth is given a copy of the report within five (5) working days of the initial meeting about the grievance.
- d) If the matter cannot be resolved as provided in the grievance report, the FSW/JSW/JPO places a check mark beside "Team Leader" on the grievance form indicating the next level in the grievance process and ask the youth to sign and date the report in the space provided.
- e) The FSW/JSW/JPO forwards the report within two (2) working days to the team leader who indicates on the form by signature, the receipt of the report.

#### **B. Appeal of FSW's/JSW's/JPO's decision**

1. The team leader gives the FSW/JSW/JPO fair opportunity to respond to the allegations of the grievance and may conduct, at his/her discretion, a formal or informal hearing on the matter. Any such hearing is scheduled at a time and place that permits the youth and/or his primary caretaker to attend.
2. The team leader notifies the youth in writing of the time, place, and subject of the hearing not less than ten (10) days prior to the time scheduled for the hearing. The youth and/or his/her primary caretaker and the FSW/JSW/JPO may present witnesses, documentation and proof pertinent to the grievance issue.
3. In all cases, the team leader makes a ruling in writing not later than twenty (20) days after first receiving the grievance. The team leader forwards to the FSW/JSW/JPO, the youth and his/her primary caretaker a copy of his/her decision clearly stating the reasons for the ruling.

#### **C. Appeal of team leader's decision**

1. If the youth is not satisfied with the team leader's decision, he/she must inform the FSW within five (5) working days after receipt of the decision.
2. The FSW/JSW/JPO places a check mark beside "Team Coordinator" on the grievance form indicating the next level in the grievance process and ask the youth to sign and date the report in the space provided.

3. The FSW/JSW/JPO forwards within two (2) working days, the report and all pertinent documentation, including any additional statements by the youth, to the team coordinator who indicates on the form receipt of the report.
4. If the youth does not properly object to the team leader's decision within five (5) working days, he/she is deemed to have waived any right to further review of the grievance and the team leader's decision is final.
5. The team coordinator reviews the youth's grievance report and makes a decision within five (5) working days after receipt of the report. The team coordinator states his/her decision and the reasons in writing.
6. The team coordinator forwards a copy of the decision to the, team leader, FSW/JSW/JPO, youth and his/her primary caretaker within two (2) working days after making a decision.
7. The team coordinator is allowed an additional fifteen (15) days in which to make his/her decision, if he/she elects to conduct a hearing as outlined in Section B, item 1 and 2.

**D. Appeal of team coordinator's decision**

1. If the youth is not satisfied with the team coordinator's decision, the youth must inform the FSW/JSW/JPO within five (5) working days after receipt of the decision.
2. The FSW/JSW/JPO places a check mark beside "Regional Administrator" on the grievance form indicating the next level in the grievance process and ask the youth to sign and date the report in the space provided.
3. The FSW/JSW/JPO forwards, within two (2) working days, the report and all pertinent documentation, including any additional statements by the youth to the regional administrator, who indicates on the form receipt of the report.
4. If the youth does not properly object to the team coordinator's decision within five (5) working days, he/she is deemed to have waived any right to further review of the grievance and the team coordinator's decision is final.
5. The regional administrator reviews the report and makes a decision within ten (10) days after receiving the youth grievance report. The regional administrator is allowed an additional ten (10) days in which to make his/her decision, if he/she elects to conduct a hearing as provided in section B above.
6. Within two (2) working days after making his/her decision, the regional administrator forwards a copy of the decision, clearly stating the reasons to the FSW/JSW/JPO, team coordinator, team leader, the youth and his/her primary caretaker. The decision of the regional administrator is final.
7. The FSW/JSW/JPO maintains in the youth's case file, a copy of each grievance filed, or complaint and a copy of each decision made in the grievance process.

8. If at any stage the youth's complaint is found to have merit, the team leader ensures that the object of the complaint is corrected immediately.

#### E. Examples of grievable and non-grievable issues

##### 1. **Grievable issues:**

- a) Abusive and distasteful language directed specifically at the youth or his/her family;
- b) Denial of the rights of the youth granted by DCS policy or mandated by legal statute;
- c) Sexual, physical abuse or harassment; d
- d) Denial of equal access to programs;
- e) Imposition of probation/aftercare goals and objectives or program modalities not indicated by the IPP process;
- f) Conflict of interest, i.e., the FSW/JSW/JPO receiving personal benefit from actions that he/she directs of the youth.

##### 2. **Non-grievable issues:**

- a) Court ordered probation/aftercare rules;
- b) Petitions for revocation of probation or aftercare;
- c) Programmatic modalities, such as reporting for psychological counseling or performance of community service or payment of restitution, which are relevant to the needs of the youth; d) Final decisions concerning prior grievances.

#### F. Grievances/ complaints under Title VI

In all cases where the grievance resolution was not satisfactory and the family or child/youth feel that they have received disparate treatment as defined by Title VI, Americans with Disabilities Act or any other classification protected by Federal Law, he or she may file a complaint with the DCS Office of Diversity Initiatives as outlined in DCS Policy [1.10, Title VI Program and Complaint Process](#) (See [Client's Rights Handbook](#) for additional information regarding Title VI.)

#### G. Documentation

1. All information pertaining to grievance procedures is entered on the appropriate screens in **TFACTS**.
2. Unless other requirements are specified in this policy for documentation, or events not documented elsewhere or requiring a broader explanation, all information required to be documented on the appropriate screens in **TFACTS** must be entered within thirty (30) days from the date of the contact or occurrence.

**Forms:**

[CS-0328, Youth Grievance Report-Probation/Aftercare/Interstate Compact on Juveniles](#)

[CS-0869, Grievance Procedure Notice Probation and Aftercare Cases](#)

**Collateral Documents:**

[Client's Rights Handbook](#)