

**THE PHILADELPHIA DEPARTMENT OF HUMAN SERVICES
Children and Youth Division
Policy and Procedure Guide**

Issue Date: February 1, 2010

TO: All CYD Social Work Services Staff and Providers

FROM: Dell Meriwether, Deputy Commissioner 
Pamela Mayo, Operations Director 
Paul Bottalla, Policy and Planning Director 

RE: Grievance Procedure for Children in Placement

EFFECTIVE DATE: Immediately

Purpose

The purpose of this Policy and Procedure Guide is to describe the policy and procedures for children in placement to report a grievance, and for DHS workers and provider workers to address those concerns in a timely manner.

Discussion

It has been well documented that out-of-home placement of children can be a very traumatic experience. Therefore, it is very important that the DHS worker explain to children in placement, the Department's commitment to their safety and well being. Children in care need to understand they have a right to feel safe and secure, to have their needs met, to be treated fairly and with respect, and to be able to participate in plans and decisions about them.

It is important that children in care be informed they have a right to question or voice issues and concerns regarding their care in placement, or services received while in care, in the form of filing a grievance. Children in placement must be informed of options available to them to have their issues addressed, and to do so without fear of retribution. It is equally important that procedures are in place so that concerns are addressed in a timely manner.

This policy and procedure guide will inform DHS workers, and provider workers, of the process to ensure that children in placement have a mechanism for their issues and concerns to be addressed in a timely manner. The procedure also explains the means by which children in placement can file grievances about their care in placement and services received, without contacting the DHS or provider worker.

The basis for this guide is found in the CYD Policy Manual, section 5221.1, and in Pennsylvania State Regulations: Children's Grievances (55 Pa. Code 3130.88) and Notification of Rights and Grievance Procedures (55 Pa. Code 3800.31).

POLICY

When children enter placement, the DHS worker must explain to the child in a manner consistent with the child's age and capacity to understand, the appropriate procedures for reporting any grievances that the child may have regarding their placement, alleged or perceived maltreatment, denial of terms of the FSP/PPP, TLP, ISP, denial of access to services, and any other concerns or grievances that they may have.

The child must also be told that they may contact the Commissioner's Action Response Office (CARO), if they are not comfortable contacting their DHS worker, provider worker, or child advocate. Children are to be told by their DHS worker that they may file a grievance without fear of retaliation. The grievance procedure must be explained to school age children who can be reasonably expected to understand it. For younger children, the procedure should be explained to their caregiver. A notation is to be made in the case record that the procedure was explained to the child.

This policy and procedure guide further revises the policy in the policy manual by adding that the DHS worker must review the Rights and Grievance procedure and update the child's information each time information changes, whenever the case is assigned to a new DHS worker, and whenever the child placement location or provider changes. The DHS worker must investigate all grievances received by a child.

Procedure

DHS Worker responsibilities

At time of placement (initial or change of placement)

When placing a child, the DHS worker must give the child a copy of the pamphlet entitled "Your Rights When in DHS Care," which describes the rights of children in placement and the grievance procedure. Two pamphlets must be left: one for the caregiver, and the other for the child. In the case of young children, only one pamphlet is left with the caregiver. In the case of group home, institutional, and RTF placements, the second pamphlet should be left with the assigned provider worker.

The pamphlet has spaces for the name(s) and phone number(s) of the current DHS worker and supervisor, as well as the names and phone numbers for the provider worker and supervisor and child advocate. Other information includes:

- *The phone numbers of the Commissioner's Action Response Office (CARO) including a toll free number that can be used as well as the e-mail address for CARO (please refer to **Filing Grievances Directly with CARO**, page 3)*
- *Children should be told that if they are uncomfortable talking to their DHS worker, or provider worker, they may contact CARO directly.*

The DHS worker must:

- *Complete the contact information on the pamphlet.*
- *Explain the Rights and Grievance procedure and the options available to the child for communicating their concerns.*
- *Assure the child that there will be no retaliation for filing a grievance.*

The DHS worker should also help the child identify their “safe phone contact.” The safe phone/contact is a person or place, where, or with whom the child feels comfortable, and who can facilitate contact with DHS. Persons to explore with the child might be a school nurse, a teacher, a minister, a counselor, a neighbor, or a friend. Places to explore might be a library, church, a recreation center, or school.

Responding to grievances filed with the DHS Worker:

If a child files a grievance with the DHS worker, the DHS worker must investigate the child’s concern, and discuss the grievance with the provider worker and their supervisor, and include in the discussion a plan of action to resolve the grievance. The DHS worker must also discuss the grievance with the DHS supervisor. Documentation must be entered in the case record regarding the grievance and the resolution reached. If warranted, the grievance should also be referred to the DHS PREP (Provider Relations and Evaluation of Programs) Division.

Responding to Grievances filed with the Provider Worker :

If a child files a grievance with the provider worker, the provider worker must notify the DHS worker and chain of command (SWS, Administrator, and Director) immediately that the child has raised a complaint. The provider worker must respond to the child’s problem immediately, and notify the DHS worker and chain of command on its resolution within 10 calendar days from the date the grievance was made unless the child’s safety is threatened. If a child’s safety is threatened, the provider worker should immediately call the DHS Hotline, and take steps to remove the child from any immediate danger or harm.

Filing Grievances Directly with CARO :

Children should be told that if they are uncomfortable talking to their DHS worker, provider worker, or child advocate, they can contact CARO directly. There are several formats by which a child may file a grievance with CARO:

- ***Phone contact:*** *Children may use their identified “safe phone” to contact CARO. The phone number to contact CARO is [215-683-6000](tel:215-683-6000). There is also a toll free number [1-888-808-0066](tel:1-888-808-0066). When dialing the toll free number, you will be asked to press option 3 to be connected to the child grievance line.*
- ***Email:*** *Children may have access to the internet through school libraries or other facilities. If using the internet to submit a grievance, children should email the CARO at: DHS_CARO@phila.gov. Children should include in their e-mails their full names, birth date and DHS case number if known.*

Responding to Child Grievances Communicated through CARO

When a child contacts CARO, CARO must document the contact and the information given by the child, as well as identify where and when the child can be reached safely.

If it is believed that there is a safety threat to the child, the DHS Director and Administrator of the region, where the child’s case is being managed, must be contacted immediately. This contact must be documented by CARO. If the complaint rises to the level of a CPS/GPS report, CARO must report the allegations to the Hotline, which will report it to Child Line, if appropriate.

The DHS chain of command (DHS worker, Supervisor, Administrator, and Director), Commissioner, Deputy Commissioner, and the Operations Director must also be alerted that a child has complained that they are at risk in their placement location. If appropriate, CARO will also notify the DHS PREP (Provider Relations and Evaluation of Programs) Division.

If the nature of the complaint does not pose a safety risk to the child, CARO must communicate via email with the child's DHS worker and their chain of command, regarding the nature of the complaint. CARO will request an explanation and the actions that will be taken to resolve the complaint within 10 calendar days of receiving the child's complaint. CARO must document the resolution to the problem and contact the child with the results of its investigation.

If a satisfactory resolution to the problem is not achieved, then CARO will submit the child's grievance to the Operations Director. The Operations Director is the final arbiter for a resolution to the child's complaint.

Questions regarding this Policy and Procedural Guide may be addressed to:

Samuel Harrison III, Policy and Planning Administrator	215-683-4112
Janice Jervay, Policy and Planning Supervisor	215 683-4115
Jack Markowitz, Policy and Planning Program Analyst	215 683-4119

While in Out of Home Placement, You Have a Right to:

- **Have your rights explained to you when you enter placement**, and be told how to file a grievance if you think you are being treated unfairly.
- Understand **why you came into out-of-home placement**.
- Live in a **safe** place.
- Be **protected from physical, sexual, emotional or other abuse**, including corporal punishment (hitting/spanking as a punishment)
- Receive **food, clothing** and appropriate personal **hygiene products**. These cannot be denied to you as punishment.
- Have **foster parents or caregivers** who are trained, and have received background checks and screenings (including household members).
- Have **regular visits with your parent(s), as well as with any siblings who are in placement**, unless prohibited by court.
- **Attend school**.
- **Never be discriminated against** on the basis of race, color, sex, sexual orientation, gender identity, religion,

national origin, ancestry, physical handicap or disability, age or marital status.

- Speak to someone in your own language and receive **translation services** as needed.
- Receive **medical, dental, vision & mental health services**.
- **Be able to send unopened mail and receive mail**, if you live in a residential treatment facility or group home, unless prohibited by court order.
- Be **represented by an attorney** and be allowed to have private and confidential conversations with them.
- **Participate** in the development and receive a copy of your Family Service Plan (**FSP**) and Individual Service Plan (**ISP**).
- Be told by your DHS worker, provider worker and attorney about any **changes in your service plan or placement**.
- Be able to attend or not attend **religious services and activities** of your choice.
- Be told of your court date and be able to **attend court**.
- If 16 or older, be referred to the **Achieving Independence Center**.

(AIC) or receive independent living services in your community.

- Have a **plan for your future**. Before leaving care, you should participate in a meeting that addresses transition planning, including identifying services to help you prepare to become a successful adult.

If you think you have been treated unfairly:

- **You can always file a grievance with DHS's Commissioner's Action Response Office (CARO) by phone or email**. See next page for all important contact information.
- Talk with your provider worker, and if your concern is not addressed, go up the chain of command, and/or file a grievance with the agency.
- Talk with your DHS worker, and if your concern is not addressed, go up the chain of command.
- Contact your lawyer.
- Talk to your school counselor, your parent, or an adult you trust.

A **grievance** is a formal complaint. The law requires DHS and provider agencies to have a clear policy for you to file a grievance if you feel that you are being treated unfairly. The grievance policy should be explained to you as soon as you are placed. You should not be punished for filing a grievance.

NUMBERS & RESOURCES

Important Numbers:

My Provider Agency Worker:

Name: _____

Agency: _____

Phone #: _____

Supervisor: _____

Phone #: _____

My DHS Worker:

Name: _____

Phone #: _____

Supervisor: _____

Phone #: _____

DHS# _____

My Attorney:

Name: _____

Phone #: _____

To File a Grievance:

**Department of Human Services
Commissioner's Action Response
Office:**
215-683-6000 or 888-808-0066 (Press 3)
email: DHS_CARO@phila.gov

Emergency: 911

City of Philadelphia Information: 311

Child Abuse Hotline: 215-683-6100

State Child Abuse Reporting:
1-800-932-0313

**Philadelphia Department of Human
Services:** 215-683-4DHS (4347)
<http://dhs.phila.gov>

Achieving Independence Center:
215-574-9194

Family Court Information: 215-686-4000

Juvenile Law Center: 215-625-0551
www.jlc.org

Education Law Center: 215-238-6970
www.elc-pa.org

**Defender Association of Philadelphia,
Child Advocacy Unit:** 215-568-3190

Support Center for Child Advocates:
215-925-1913
www.advokid.org

Foster Club for Teens Website:
www.fyi3.com

**Your Rights
When in
DHS Care**

Department of Human Services



**We Make A Difference
In The Lives Of Philadelphia's
Children And Families**