

To: All DHS CWO and PJJSC Staff, and all Dependent and Delinquent Congregate Care Provider Staff

From: Kimberly Ali, Commissioner

Re: New Guides on Rights in Care and Grievance Procedures for Youth in Congregate Care Facilities and Their Families

This memorandum is to inform staff about the required use of new guides regarding youth rights in care in congregate care facilities **beginning January 2021**. These guides apply to youth placed in congregate care facilities including: psychiatric residential treatment, dependent, and delinquent facilities licensed by the Pennsylvania Department of Human Services (PA DHS) under 55 Pa Code Chapter 3800, including the Philadelphia Juvenile Justice Services Center (PJJSC).

While these guides do not apply to youth in delinquent facilities operated by the Commonwealth of Pennsylvania, such as Youth Development Centers and Youth Forestry Camps, youth at these locations have constitutional and other legal rights as well. DHS believes it would be best practice for state facilities to follow these guides and practices. DHS will be in an ongoing dialogue with PA DHS regarding this issue.

A webinar was held on December 9th to educate provider and DHS PJJSC staff regarding the use of the new guides and to give staff a detailed understanding of youths' rights while placed in the facility. At least one representative from each congregate care provider was required to attend. The webinar was recorded to share with site staff.

The new guides were developed as a result of the Philadelphia Youth Residential Placement Task Force's November 2019 report in order to better communicate to youth and their families about their rights and how to address concerns that arise. During the Task Force discussions, families and youth expressed that they did not know how to address concerns that arose before, during, and after placement. Although providers are already required to share basic information on rights and grievance procedures, the Task Force determined that additional, standardized, accessible information was needed. A group of youth, providers, and families provided input on drafts of the new rights documents.

Congregate care providers and PJJSC admissions/orientation staff must use the new guides, in addition to existing facility documents, to inform youth and their families of the youth's rights while in placement for all youth currently in placement in the facility and all youth newly entering or re-entering the facility. The guides are not all-inclusive; rights and regulations not listed must still apply.

- Youth newly entering or re-entering the facility must receive the documents within the first 3 hours of arriving at placement, followed by a full and detailed explanation of the guide within the first 24 hours of arriving at the facility. Youth are not to simply be given the guides and instructed to read or interpret them on their own.
- Review and discussion of these documents should be incorporated into the admission process as a welcoming and empowering tool for youth and families.

- Family members, if present at time of admission, must also have their rights guide explained to them at that point.
- Within the first week of arrival, facility staff should check-in with the new youth to offer additional opportunities to ask questions about the rights guide. Repeated exposure to youth's rights help keep the rights relevant and ingrained in facility culture.
- Congregate care providers and PJJSC staff must forward to the assigned CUA or DHS team a copy of the signed Documentation of Receipt and Review page from the long Youth Rights Guide and the Family Rights Guide.
- Youth and families must be allowed to advocate for themselves using these documents and may not be retaliated against for questions or exercising the rights within the guides.

CUA and DHS staff must continue to follow current policy regarding the rights of children and youth in care every time they enter or re-enter care or change placement settings. Responsibilities include:

- Informing children and youth of their rights and grievance procedures.
- Giving children, youth, their families and resource caregivers the *Know Your Rights (for CUA staff)* or *Rights in Out of Home Care (for DHS staff)* brochure.
- Investigating any grievances filed by youth.
- Uploading a signed copy of the brochure in the electronic case record.

CUA and DHS staff should talk to youth and their families once the youth has entered placement to ensure that their rights in the facility and the facility's grievance procedures have been explained to them, the new guides have been given to them, they understand their rights, and understand that they can file grievances with DHS or the CUA in addition to with the facility staff.

CUA and DHS staff should ensure that the original of the signed Documentation of Receipt and Review pages from the new Youth Rights Guide and the Family Rights Guide have been given to the youth and family, and copies are uploaded into the electronic case record. If CUA or DHS staff do not receive the documentation, they should be requested from congregate care facility or PJJSC staff.

Further details of facility (Provider and DHS PJJSC) and DHS CWO staff responsibilities will be included in a formal protocol that will be issued soon.

RELATED DOCUMENTS AND RESOURCES

Attachments:

Forms: Youth Rights Guide long version
Youth Rights Guide short version
Youth Rights Guide short overview
Family Rights Guide
Know Your Rights brochure
Rights in Out of Home Placement

Related Policies or Procedures: The Rights of Children and Youth in Out of Home Care and as Subjects of Indicated Reports

Other Resources:

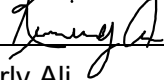
REVIEW AND APPROVAL

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APPROVAL SIGNATURE

(Authorizing Leadership Name and title)

Signature: 
Name: Kimberly Ali Title: Commissioner

Date: 12/11/2020