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For Philadelph Youth in Residential Placement













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What Are My Rights?

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NOTE: This guide puts laws, regulations, and contract requirements protecting Philadelphia youth who live in a residential placement facility into plain language. The guides do not apply to juvenile justice facilities run by the Commonwealth of Pennsylvania (like Youth Development Centers), but youth at these locations do have constitutional rights and other legal protections. The City is working to encourage the guide's use in those sites too. To see what documents it was made from, please see the list at the end of this guide. This information is up to date now, but laws and rules can change over time.

FOR MORE INFORMATION, PLEASE SEE:

- » 55 Pa. Code Chapter 3800; https://www.pacodeandbulletin. gov/secure/pacode/data/055/ chapter3800/055_3800.pdf
- » Regulatory Compliance Guide on 55 Pa. Code Chapter 3800. https://www. dhs.pa.gov/providers/Clearancesand-Licensing/Documents/ Child%20Youth%20Residential%20 Licensing/p_023326.pdf
- » 55 PA Code Chapters 13.1-14.9 (regulations applicable to State operated delinquent facilities) https://www.pacodeandbulletin.gov/ Display/pacode?file=/secure/pacode/ data/055/055toc.html&d=reduce
- » Guidance on Minors' Access to Confidential Health Care in Pennsylvania; https://www.aclupa. org/en/reference-card-minorsaccess-confidential-health-carepennsylvania
- » OMHSAS Bulletin 18-01 "Consent to mental health treatment for minor children" June 29, 2018; https://

tinyurl.com/mentalhealthconsent1801

- Community Behavioral Health Psychiatric Treatment Facility Performance Standards; https:// cbhphilly.org/wp-content/ uploads/2019/08/PRTF_Standards_ Final.pdf
- Philadelphia Department of Human Services Congregate Care Scope https://www.phila.gov/ media/20201112150033/Congregate-Care-Scope.pdf
- » JLC Court Cards: https://tinyurl.com/courtrightsJLC
- » JLC Know Your Rights Guide https://jlc.org/resources/know-yourrights-guide-introduction



DOCUMENTATION OF RECEIPT AND REVIEW

Why am I getting this Youth Rights Guide?

Placement Facility Name:	
Date of Youth Entry to Placement:	I'm getting this guide because I'm from
Date of Document Read Through with Youth:	Philadelphia and staying at a residential facility.
Individuals Present for Conversation:	
	The guide will tell me about my rights and how
	the people here must treat me. This helps me stay
	informed, supported and safe by knowing what
	is right and what to expect. Knowing these things
	will help me say what's up if something is wrong and get people to fix the problem.
Discussed with:	
Staff Name:	
	My parents or guardians should also know my rights and their rights. There is a guide for them
Staff Signature:	called the "Family Member/Guardian Guide."
I certify to having explained the rights in this guide in detail to this youth and answered their questions truthfully and to the best of my knowledge.	
Youth Name:	
Youth Signature:	
A facility staff member has read these rights to me and explained the rights in this guide. I had the chance to ask questions and I can ask more if I have them after today.	

How was this guide made?

The place I am staying at must follow legal laws and rules made by Pennsylvania and the City of Philadelphia. The rules can be hard to read and are very long, so this guide tries to make them easier to understand. Other youth who were in a placement before gave their opinion on the guide to help it make more sense to me.

- This guide is a short, "quick look guide" explaining some of those rules. If I want to see the full list, there are links to the them at the end of this guide.
- I have more rights and protections from other laws not explained here. These include my civil rights and civil liberties (like protection from unequal treatment and other freedoms from the United States Constitution and Bill of Rights).
- I can ask my lawyer or another team member questions about the rights in this guide or any other rights I may have.
- This guide does not give me legal advice.

How should I use this guide?

I should use this guide to:

Ê!	LEARN the rules that the facility must follow to keep me safe
Q	FIND ANSWERS to my questions about what can happen here and ask someone if I can't find the answer
Ø	ASK for something the guide talks about, but I don't have
\mathcal{O}	SPEAK UP for myself is something is wrong with my care or the facility
\bigotimes	KNOW who is on my team and how to get help if I need it

NOTES/QUESTIONS

NOTES/QUESTIONS

A	B	J1	V	E

My preferred name is:
l identify as a: 🗌 Male
Female
Transmale
Transfemale
Non-binary
Prefer not to say
My preferred pronouns are:
Language or cultures that are important to me:
Some things I enjoy are:
People who are important to me:



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ΜΥ ΤΕΑΜ	I should know who is on my team. My team might have	HELPFUL NUMBERS			
	 a lot of people on it or a few. They are all here to care about me and help me reach my goals. Check each person who is a part of my team. 	Philadelphia Department of Human Services Commissioner's Action Response Office (CARO)	(215)-683-6000 or dhscaro@phila.gov		
V TEAM MEMBER	NAME AND CONTACT INFORMATION	Community Behavioral Health	1-888-545-2600		
CASE MANAGEMENT TEAM		Member Services			
Case Manager at my placement facility		The Pennsylvania Child Abuse Hotline, ChildLine	1-800-932-0313		
Supervisor at my placement facility					
Unit Manager		If I get hurt or feel weird about what happened before, or procedure, I can report my concern. I can use the numb			
My DHS/CUA Case Manage	r	steps on page 10-11. I cannot get in trouble for talking at			
DHS/CUA Case Manager's Supervisor		NOTES/OUESTIONS			
COURT/JUSTICE TEAM	My Case Number is:				
Child Advocate		·			
Judge					
Lawyer/Public Defender		- 			
Juvenile Probation Officer (J	IPO)	-			
DHS Court Representative		-			
EDUCATION TEAM					
Education Decision Maker (E	EDM)	- 			
OTHER TEAM MEMBERS		- 			
Treatment Team		- 			
Other					

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ALLOWED ONLY AT A SECURE FACILITY

(ONLY to keep me or others safe and if there is absolutely no other option)

A secure facility means I am involved in the juvenile justice system and the site has locked doors or fences that stop me from leaving.

Being locked in a room by myself

(Seclusion/Isolation)

Mechanical Restraint

(a device to stop my movement)

- A boss must give approval before seclusion starts. A "floor staff" cannot order me into seclusion.
- Two different people need to check on me. One person checks on me every 5 minutes. A supervisor must check on me every 2 hours to see how I am doing emotionally and physically.
- Seclusion must be for less than 4 hours. If I am still not calm, a medical staff must make sure I am safe and write that I can stay another 4 hours at most. It if is longer than 8 hours in a 48-hour period, there must be a court order and a reason to keep me there.
- The room must be bigger than a closet (at lest 40 square feet), with light, air, a view outside the room, and nothing in it that could hurt me.

- The only types that are allowed are behind the back handcuffs and leg restraints. Handcuffs in front of me are allowed with a transportation waist belt.
- A supervisor must give approval before they are used. A "floor staff" cannot order me to wear them.
- I cannot have them on if I am in seclusion.
- I cannot be handcuffed to another person or thing.
- I must be able to eat, use the bathroom or meet my other physical needs.
- I can only have them on for 2 hours in a row, unless a medical staff makes sure I am ok and writes that it is safe for another 2 hours.
- I cannot wear them longer than 4 hours in a 48-hour period unless there is a court order and a reason to keep using them.
- The restraints must come off for a 10-minute break every 2 hours.



WHAT ARE MY RIGHTS?

A right is something already mine by legal protections of the law and DHS/CBH rules. Starting from day one here, I have the rights that are in this guide.

A few of the items in this guide are not legally protected. When I see the words "should," or "I can ask," it means DHS or CBH think that the idea is respectful and encourage the facility to do it, but it is not a right. I do not have to earn my rights or get them as a reward, especially communicating with family.

 I must not lose my rights for any reason.This means cannot lose my rights as a punishment, especially communicating with my family. The court may make limits on this depending on my situation.



- I, and my parent or guardian, have the right to get a paper copy of both this Youth Rights Guide and this facility's steps to make an official grievance or complaint. Someone at the facility must go over both with me and any parent or guardian. They will explain the information in the language or type of communication I need.
- I have the right to keep both documents with me and in my room so I can look at them when I need.
 I can ask to have another copy if I lose it.

GRIEVANCE

STEPS

- I can ask questions about anything that doesn't make sense.
- The facility must tell me the **rules** on why, how and when me, my room or my personal items may get searched.
- I have the right to know what is going on with my case in the Court. I can talk with my lawyer in private about what it's like for me here, questions I have or things that upset me.
 - If I have more questions about Court, I can look at info from the Juvenile Law Center here:
 - https://tinyurl.com/courtrightsJLC

ALLOWED AT ALL FACILITY TYPES

(ONLY to keep me or others safe and if there is absolutely no other option)

A "hands on me" restraint

- » The staff or kind of a "hands-onme" restraint must change every 10 minutes until I am calm again.
- I must be able to breathe if staff use a "hands-on-me" restraint. Staff MUST NOT put weight on my mouth, nose, neck, chest, belly or back because this could cause extreme danger. A chokehold is NOT allowed.
- » Another person must watch the staff doing the restraint to make sure they are not hurting me. This person will take notes on how I am doing while they use the restraint.

Emergency use of drugs to relax me if I can't be calmed down. This is only allowed if a doctor examines me first, approves it and a medical professional gives the drugs.

Having me leave one place to be in a room alone (Exclusion)

- » Staff cannot use a "hands-on me" restraint when I am in the room.
- » This cannot last more than 60 minutes in a 2-hour period. I cannot be in a room by myself more than 4 times in 24 hours.
- » Someone needs to be check on me every 5 minutes, so I am ok.
- The room must be bigger than a closet (at least 40 square feet), with light, air, a view outside the room, and nothing in it that could hurt me.

Bite release

(pushing on my jawbone to make me stop biting someone)



It is also the facility's job to make my time here safe and healing. This means that staff must work to use less of, or not at all, any of these restrictive procedures this guide talks about. However, it is important for me to know that Pennsylvania still allows the facilities to use some types if someone's safety is at risk. No matter what, I must be respected and that is why there are rules for how they can be used.

The rules are:

NEVER ALLOWED

- "Hands on me" restraint where I can't breathe. Staff MUST NOT put weight on my mouth, nose, neck, chest, belly or back because this could cause extreme danger. A chokehold is NOT allowed.
- "Hands on me" restraint with me face down on the floor. Staff must also not put me to the floor or anywhere else in a violent way as punishment or trying to get back at me for anything I did.
- Pressure point techniques (causing pain to get me to follow a direction, example: pulling or twisting ears or squeezing arms or wrists)
- » Aversive conditioning (Using things that are startling, painful or harmful to my senses example: splashing water in my face)
- » Using drugs to relax me when it is not an emergency

KNOWING HOW TO MAKE A GRIEVANCE (COMPLAINT)

The rules my facility must follow are meant to keep me safe and well. It might feel weird to do but **I should share about a problem or if something is wrong, unsafe or unfair so it can get fixed.** The word for telling others about my problem officially is a "grievance." It's what I can do when I have a problem, concern, or complaint.

I have the right to speak up and make a grievance about my facility, my rights or my care if I want to.

- » No one can punish or threaten me or my family if we make a grievance.
- I can write about the problem myself or I can ask for help from my case manager, lawyer, parent or guardian. They can also help me send it to the right people. The words for this are "filing a grievance."
- » My parent or legal guardian can file a grievance for me using the facility steps or contacting the people in the chart on the next page.
- I have the right to make and file my grievance in private (away from others who can hear me or read my writing). It does not matter if I say it out loud, write it down, use the phone, email, or paper mail. I can say my name or not. Staff are NOT allowed to read any mail I send out of here.
- The information I share must be kept safe, confidential, and only given to the people who need to know so they can help.
- » I have the right to ask for help from people or agencies who don't work at my facility.



I am free to contact and report my problem to anyone at any time, including my lawyer or Childline. This is just a suggested way to get help.

What's happening:



STAYING SAFE IN CRISIS

Preventing the Use of Restraints, Exclusion and Seclusion*

Sometimes, I might feel a lot of emotions. I could need help with these feelings and calming down in ways that work for me. It is the facility's job to help me learn the skills I need to take care of my feelings in healthy ways.

- » First, staff must let me try many ways to calm down.
- » Then, if I can't get calm and I start using dangerous behaviors, everyone's safety is important.
- » As a last resort, staff might use a "restrictive procedure" to protect me from harming myself or others. It is a last resort because nothing else helped me get calm and it doesn't feel good for anyone.

The three types are:

- 1) Restraint: stopping my movement temporarily
- 2) Exclusion: being removed from an activity to stay in a room alone
- 3) Seclusion: staying locked in a room alone
- » If staff use one of the types, it must happen in a safe way for the shortest time needed.
- » When I am calm again, staff must stop right away.

* These are called "restrictive procedures" by the State. **The State calls this as a "Restrictive Procedure Plan."

A NOTE ABOUT STAFF

Staff cannot use one of the types to punish me or to make their job easier.

Staff who do any type of restrictive procedure MUST have had training in the last year. Some of the things staff must learn are: ways to de-escalate, behavior reactions to stress that are normal for my age, and safe ways to do a restrictive procedure if needed. Staff must never ask or make another youth do one of these procedures to me.

Facilities must also use special trainings and have plans that research proves helps lower and stop the use of these procedures.

- » I must have a personalized plan** if my health and personal past show that I need one to keep me or other people safe. This will list information about any unsafe behaviors I have had before, ways to stop my unsafe behaviors before they happen, and ways to keep me safe if a restrictive procedure is used. I (with my parent or guardian if I want) can help make of the plan and get a copy of it.
- My team and I must review the plan >> at least every 6 months. We can talk about the plan sooner if we don't think it is helping keep me or others safe.

>>	I must have clea
	clothing that fits

safe to do so.

>>

an and comfortable clothing that fits me. It must also match my age, gender identity and the season.

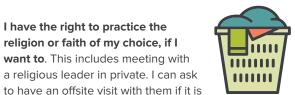
I have the right to practice the

religion or faith of my choice, if I

want to. This includes meeting with

a religious leader in private. I can ask

- I must have personal care and hygiene items. This includes products that I need for my gender, gender identity, sex or ethnicity.
- I must have time to take >> care of my hygiene needs like teeth brushing and showering.



MEETING MY

PERSONAL NEEDS

My clothes, bedding and towels must get washed at least every week.

I must get at least three meals and >> one snack every day, with as much water as I need. At meals, at least one food item will be there for "seconds" if I want more.

I must get food and water no matter how I act.

- I have the right to eat food that matches my medical (with a doctor's note), religious, or vegetarian preferences.
- My food must be healthy and fresh.
- I can use household appliances, like a microwave and refrigerator, if it is safe for me to use them.



THE BUILDING'S CONDITIONS

- The look here should be comfortable and calm, with youth ideas on decorations as often as possible. The facility must let me choose my room decorations. This is if they are not against facility rules.
- The building must be clean and without harmful, threatening, or unsanitary conditions. This means no mice, rodents, bedbugs and infestations of bugs or insects.

l can pick	Ø			Þ	0
how I want to	Call on	Talk to	Write	Send a note	Send
aet help:	the phone	them	a note	in the mail	an email

My rights have been taken away or broken.

Example: The facility tells me I must earn talking time with family.

I am being hurt, abused, neglected (not cared for) or feels unsafe in any way.

Staff I trust at the facility if I feel safe.

If I am in the child welfare system:

- » My DHS or CUA case manager; then their supervisor if they don't answer
- >> The Philadelphia Department of Human Services Commissioner's Action Response Office (CARO) (215)-683-6000 or dhscaro@phila.gov

If I don't have a DHS or CUA case manager:

- » Community Behavioral Health Member Services: 1-888-545-2600
- » My juvenile probation officer (JPO)

» My lawyer and child advocate.

The Pennsylvania Child Abuse Hotline, ChildLine at 1-800-932-0313

Childline takes calls 24/7 and will move to get more help based on the level of immediate risk to me. Action could be right away for abuse claims, to a few days for other concerns.

The local police department

for help.

Anyone on my team I trust a lot. They can tell the right people

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BEING TREATED IN A FAIR AND RESPECTFUL WAY



KEEPING MY MONEY AND PERSONAL ITEMS SAFE

- I must be treated in a fair and respectful way. No one can treat me differently because of my sex, race, color, ethnicity, language, culture, how much money I have, ancestry, gender identity, sexual orientation, religious beliefs, national origin, age or disability.
- » I must not be disciplined in a way that causes me physical, emotional or mental harm.
- » The facility must provide safe housing for me in a way that affirms my gender expression.
 - Other people should also use my name and pronouns of choice.

I must not be abused by anyone, including mistreatment, harassment or threats. Abuse can be physical, sexual or emotional and it is never ok for any of these things to happen:

Physical abuse: actions done on purpose or recklessly that leave marks or cause injury, pain, damage, weakening, or disrespect to my body.

Sexual abuse: *any* sexual contact between me and a staff member. It is also any unwanted sexual contact between me and a peer or wanted contact where our age is much different. Plus, it could be any time I feel like I must watch, do, take part in anything sexual that involves me and others. It is any time I feel like I can't say "no" because I am worried about getting in trouble.

Emotional abuse: actions or words that make me feel afraid, rejected, harassed, ignored, threatened or bad about myself.

My personal items and room are important to me and can help me cope during my time in placement. Like me, they should be respected and cared for at all times.

- » I have the right to keep all money that I earn or receive because it is my personal property. It might stay in a bank account.
 - However, if I am at a juvenile justice site, I may owe part of the money I earn to the Court. This is called restitution.
- » I can know:
 - How much money is put in and taken out of my account
 - What reasonable amount of money
 I can get out of my account
 - How much money I have total
- » My money must stay away from money the facility uses. My money cannot be used for other kids, staff, materials, or items for everyone.
- I must get all my money back when I leave the facility.
- The facility must tell me if some items are not allowed here and why.
- I should have the chance to get a paid job, internship, or other career preparation to prepare me for adulthood. But my guardian and sometimes the facility or Court can decide what works for me.
- If I have a job offsite, my facility, team members and I should have a conversation about my work hours because the facility might make rules about a reasonable time I need to be back at night.

- The facility must tell me the rules on why, how and when me, my room or my personal items may get searched.
 - The facility must have an important reason and need to look on me, in my room or at my things. For example, there is a reason to believe I have something harmful, or not allowed. The staff cannot look at my things just because they want to. At the PJJSC, all rooms and personal property are searched three times a week. My room should be left tidy when they are done.

How strong the search is should be match the risk of me having what they are looking for. Some items, like a weapon, are more dangerous than others. Staff should be careful with my stuff when they look and never willfully throw away, break or lose my items.

If my personal items get taken, because they are not allowed, the staff must write down what they took. If the items are safe, I should get them back when I leave.

» I can work with my case manager to get my needed documents.

These might be my social security card, my health insurance card and my ID card.

2 Youth Rights Guide







- » I can allow my health history to be sent to this facility.
- The facility's medical professionals must do a written assessment of my health and safety within 24 hours of my arrival, or 1 hour in secure detention.
 - If I have a health or safety risk, the facility must make a **plan keep me safe**. This plan must be in writing and done within 24 hours of the assessment.
 - Medical professionals must do a full health exam within 15 days of when I move in if my last exam is too old. This must be within four days if I'm in secure detention.
- If I am 14 years or older, I can agree to mental health treatment without a parent, guardian, or agency approval. My parent or guardian and a doctor can also approve mental health care for me if I am younger than 18, even if I do not want it.
 - If I disagree with my guardians, I can ask the facility director for an objection form to give to the Court. I will have a court hearing within 3 days to pick what is the best path for me.

- I must get appropriate medical, dental, mental and behavioral health services to help me stay healthy.
 When I have an emergency, I have the right to get the help I need.
- I must not get more medications than I need for my health.
- » I, my parent or my guardian should be told what medications I am prescribed and their effects on my mental or physical health, unless I need the medicines in an emergency.
- I should get sexual health services (education, contraception, prevention) that match my age.
- I have the right to get tested and treated for a sexually transmitted disease or pregnancy if I want them.
 I can also get help for drug or alcohol abuse. This must happen in private so I am not singled out.
 - But I need a legal guardian to say it's ok for me to get an abortion if I am under 18. If my guardian doesn't agree with me, I can ask for the Court to hear my opinion.
- I have the right to **know what my health history says in most cases.** Sometimes my parent or guardian has a say in who can see or get the info.

- I have the right to know why I am here and how long I can expect to be here. If it's not known how long I will be here, I should hear why they don't know.
- The facility must let me, my parent or guardian, and others we ask, help make a plan that meets my needs and goals because my family knows me best. I can ask about changing the plan if it is not helping.
- » The plan and care I get must be strengths-based and be respectful to my culture and language.



If my family wants to help when the plan is made, the staff must try more than once to find a time and place that works for us. The staff must write their tries down and any reasons why my family can't join.

Some important things in this plan are:

- Our goals to help me feel better and how long the goals might take to finish
- Info on ways my family will stay involved during my care
- Info about my school time
- A plan to help me calm down when I get upset and any strategies that can help me or are safe for me

This is called "discharge or transition planning"

I have the right to take
 part in planning for my future to get

 me ready to leave the facility when
 it is time. This should start at the
 beginning of my time here and let me
 take part the whole time I am here.



STAYING CONNECTED AND HAVING MY PRIVACY



- I have the right to share my opinion in making decisions about my education, including where I go to school.
 - My options can be going back to the school I was in before, going to the school other kids in that neighborhood go to or staying on-site. What school I go to might depend on how far away the school is, the community's safety, and any of my own education, safety or treatment needs..
 - A judge might decide what school I will go to. This could be the school on-grounds at my facility.
- » I must get signed up and start classes right away if I do change schools.
- » My team must be able to get information about my grades and credits from any school that I've ever gone to.

- I have the right to **take part in fun things like music, sports, or other afterschool clubs**. These could be at the facility, in the local community, and in my home community.
- This will depend on what's safe for me and what's available. My case manager and the staff at my facility should plan for this together. My judge might ask me if I am doing any of these fun things.



- I have the right to get the supports I need to learn and get closer to graduating. If I need or have an Individualized Education Program (IEP), I must get the services and help listed in my IEP.
- I have the right to academic lessons and work that match my skill and are right for how old I am.

- I have the right to say who is family to me. They might be an aunt or even sports coach if I choose them to be in my life. How much some people can take part in my life might depend on my age or a court decision.
- I have the right to visit with family in-person at least one time every 2 weeks. The time and location must work for me, my treatment needs, my family, and the facility, but is ideally in our home community. The facility must help support transportation to and from the facility for our visits if we need it. I can visit with them more times if it is possible.
 - This might depend on any limits set by a court order. Virtual options visits should not replace in-person ones.
- The facility must help me keep my ties to my home community and relationships.
- I have the right to contact my family and loved ones using the telephone without unreasonable limits. Sometimes the court might make rules about who I can talk to or for how long if they are worried about my safety.
 - My facility might also have rules about using cell phones, video chatting, email and/or social media. They must share those rules with me.

I have the right to send, get, and keep mail.

Staff can't open or read mail that:

- I send out of the facility;
- is from my attorney or government officials;
- Is from others. I might have to open the mail I get in front of a staff if there is reason to think that not allowed items or other harmful info is inside.



- I have the right to talk, communicate and share items with my attorney or clergy in private.
- Staff must not talk about my physical or mental health, our talks or other confidential info with others who are not on my team or have no need to know, because it is illegal under law. If I said something that is unsafe like wanting to hurt myself or others, the staff member can only talk to the people who need to know so they can help.
- » My medical and personal info must be kept private and in a secure location. This includes my mental health information.