



**JUSTICE AND PUBLIC
SAFETY CABINET
DEPARTMENT OF
JUVENILE JUSTICE
POLICY AND PROCEDURES**

**AUTHORITY and
REFERENCES:
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CHAPTER: Juvenile Services in Community

SUBJECT: Service Complaints

POLICY NUMBER: DJJ 603

TOTAL PAGES: 5

EFFECTIVE DATE: February 2, 2018

APPROVAL: Carey D. Cockerell, COMMISSIONER

I. POLICY

A probated, committed, or sentenced youth or their parent or caregiver may file a service complaint with the Department of Juvenile Justice (DJJ) when that individual believes services were improperly rendered or denied.

II. APPLICABILITY

This policy and procedure shall apply to the Division of Community and Mental Health Services in collaboration with the Office of the Ombudsman.

III. DEFINITIONS

Refer to Chapter 600

IV. PROCEDURES

- A. Each youth and their parent or caregiver shall be given written notice of their right to file a service complaint during initial contact or at the treatment planning conference.
- B. The youth and their parent or caregiver and Juvenile Service Worker (JSW) shall be requested to sign and date the written notice. If the youth, parent, or caregiver refuses to sign, such refusal shall be indicated in the signature section.
- C. A copy of the notice shall be provided to the youth and parent or caregiver and the original retained by the Department.
- D. The youth and their parent or caregiver shall be informed they shall not suffer retaliation or sanction as a result of filing a service complaint.
- E. An individual may file a service complaint with DJJ on the following actions:
 1. A denial, reduction, material modification, suspension, discontinuance, exclusion, or termination of a service;
 2. Dissatisfaction with a service received, inappropriate or inadequate treatment, placement, or visitation;

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3. Failure of the Department to act upon a request for service with reasonable promptness;
 4. Failure of the Department to take into account an individual's choice of service or a determination that the individual shall participate in a service program against his wishes, except where required by law; or
 5. Discrimination against an individual by Department staff on account of race, color, sex, disability, age, national origin, religion, sexual orientation, gender identity, genetic information, political affiliation, or veteran status.
- F. A service complaint shall be filed in writing within thirty (30) days after the alleged act or notice of a decision affecting services to the Office of the Ombudsman. If the notice is mailed, the date of the notice shall be the date mailed; otherwise, it shall be the date of delivery. In cases where the request is filed after the thirty (30) day period, a decision as to acceptance or denial of the complaint for action shall be made by the Office of the Ombudsman.
- G. The Ombudsman shall forward the complaint to the Deputy Commissioner of Community and Mental Health Services who shall review and assign for investigation, and possible local resolution.
- H. Local Resolution
1. Within five (5) business days of the receipt of the complaint, the complainant shall be notified of the receipt of the request and the Department's policy regarding local resolution. The investigator shall schedule a meeting with the complainant to attempt to resolve the issues that led to the complaint.
 2. All staff shall be required to cooperate with the investigation in an attempt for local resolution.
 3. The local resolution process shall be utilized to address service complaints. The Commissioner or designee may make an exception to the local resolution process, if deemed appropriate.
 4. The investigator shall forward to the Division Director of Community and Mental Health Services a summary of the results of their efforts to achieve local resolution of the complaint. This summary shall be forwarded not more than forty-five (45) days after assignment of the complaint. The report shall contain:
 - a. Nature of the complaint, with specific issues;
 - b. Date of resolution conference;
 - c. Persons present at the conference;
 - d. Efforts taken to resolve or investigate the allegations in the complaint;

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- i. Determine the validity of the allegations contained in the complaint;
 - ii. Make a determination regarding the quality of the case work and effectiveness of the services provided utilizing Departmental policies and procedures;
 - iii. Identify barriers to achieving goals;
 - iv. Assist in identifying resources; and
 - v. Make recommendations regarding the case or program.
 - vi. The results of the conference.
 5. The Division Director of Community and Mental Health Services shall send the findings to the Deputy Commissioner of Community and Mental Health Services.
 6. The Deputy Commissioner of Community and Mental Health Services shall send the final findings to the staff named in the complaint. The Deputy Commissioner shall also send an acknowledgement letter to the complainant. If the complainant agrees with the resolution, the complainant shall sign an acknowledgement to be attached to the letter. If the complainant refuses to sign an acknowledgement, but verbally confirms the complaint is resolved, acknowledgement shall be noted in the letter to the complainant.
 7. The Deputy Commissioner of Community and Mental Health Services shall complete a summary of the findings and resolution of the complaint and forward to the Office of the Ombudsman. If the Deputy Commissioner concludes that corrective action is warranted, the corrective action shall be included in the summary sent to the Office of the Ombudsman.
- I. Complaint Resolution
1. If the complaint is not resolved by local resolution, the Ombudsman shall be contacted by the Deputy Commissioner of Community and Mental Health Services or designee, or directly by the complainant or his representative. Complaint resolution shall be completed by the Ombudsman within thirty (30) days of initiation of the investigation unless otherwise directed by the Deputy Commissioner or designee.
 2. The Ombudsman shall have access to all documents necessary for investigation. All staff shall be required to cooperate on an inquiry being made by the Ombudsman.
 3. The Ombudsman shall conduct interview(s) by telephone or by face-to-face interviews with the complainant, witnesses and staff involved.

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4. The Ombudsman may review all case records and recordings relating to the complaint.
 5. If appropriate, the Ombudsman may contact collateral sources to complete the complaint resolution process. A release of information form may be utilized in obtaining pertinent information from these sources.
 6. The complainant shall be notified by the Ombudsman of the findings and conclusions of the complaint resolution. Appropriate Departmental staff may also receive notice of the decision. If it is determined that corrective action is warranted, a memorandum shall be forwarded by the Ombudsman to the Deputy Commissioner of Community and Mental Health Services advising that corrective action is indicated. The Deputy Commissioner or designee shall notify the Director of Community and Mental Health Services to submit a written report on the planned corrective action within ten (10) business days.
- J. Youth in residential facilities, detention facilities, group homes, or day treatment programs operated by the Department who make a complaint to the JSW regarding an alleged violation of Departmental policy or procedure, or violation of facility rules or procedures, shall be directed to address their complaint through the internal grievance procedure at the facility. Exceptions are as follows:
1. Allegations of abuse or neglect perpetrated by a DJJ staff member, volunteer, or contractor, including special incidents shall be reported to the Internal Investigations Branch (IIB) by the JSW immediately following disclosure of such an incident. A toll-free number shall be accessible to staff for use in the reporting of special incidents. Calls to IIB may be left on an answering machine that is checked regularly, including weekends and holidays.
 2. Allegations of abuse and neglect perpetrated by family members are reported to the Department of Community Based Services (DCBS) and local police.
 3. Complaints adjudged to be of a serious nature, but not in the category of a special incident may be reported to the Ombudsman for investigation or referral.
- K. Any allegation of abuse or neglect perpetrated by program staff, a volunteer, or contractor including special incidents reported by youth placed in private child caring facilities, therapeutic foster care, or hospitals shall be reported to IIB and Classification. Allegations of abuse and neglect perpetrated by family members shall be reported to the Department of Community Based Services (DCBS) and local police.

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V. STAFF TRAINING

The Juvenile Services District Supervisor shall ensure that staff is trained in the proper protocol of handling service complaints. The training shall be provided by the Office of the Ombudsman annually.

VI. MONITORING MECHANISM

The Director of Community and Mental Health Services, Office of the Ombudsman, and the Deputy Commissioner of Community and Mental Health Services shall monitor these activities.