

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Youth Rights and Remedies Title: Youth Grievance System ACA: 4-JCF-3A-06, 4C-40 Statutes: Human Resources Code §203.010 , §203.014	Effective Date: 1/1/15 Page: 1 of 3 Replaces: GAP.380.9331, 11/1/11
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RULE

(a) **Policy.**

- (1) Youth, parents/guardians of youth, and youth advocates have a right to file grievances concerning the care, treatment, services, or conditions provided for youth under the jurisdiction of the Texas Juvenile Justice Department (TJJD). TJJD resolves grievances in a prompt, fair, and thorough manner; however, grievances alleging criminal violations or abuse, neglect, and exploitation are referred to law enforcement for investigation and disposition.
- (2) TJJD recognizes that informal discussions between staff and youth are a key element in resolving issues or concerns at the earliest stage and contribute to a positive facility culture. TJJD makes staff available to meet with youth whenever possible, limited only by consideration for facility order and the safety of youth and staff.

(b) **General Rules.**

- (1) Except as noted in paragraph (2) of this subsection, there is no limitation on the number or subject matter of grievances a person is permitted to file.
- (2) Appeals of decisions made in TJJD due process hearings or by the Release Review Panel (RRP) are not addressed through the grievance system.
 - (A) See Subchapter E, Division 2 of this chapter for appeals of due process hearings; and
 - (B) See [§380.8557](#) of this title for requests for reconsideration of RRP decisions.
- (3) Each residential facility and parole office provides a time, place, and manner in which youth, parents/guardians, or youth advocates may file grievances. A staff member is available to provide assistance in writing and filing grievances to individuals with disabilities who request accommodations in order to access the youth grievance system.
- (4) In residential facilities, reasonable restrictions may be imposed on the time, place, and manner of submission of grievances filed by youth to preserve order and maintain attention during instructional or treatment activities.
- (5) Retaliation or interference by staff concerning the filing or resolution of grievances is not tolerated and is grounds for disciplinary action up to and including termination of employment.
- (6) To the extent possible, grievances remain confidential. The identity of a person filing a grievance is not shared with staff members other than those necessary to resolve the grievance. Youth files do not contain any reference to the filing of grievances.
- (7) Youth are informed of the system for filing and resolving grievances upon arrival at each placement. Notices containing information on the grievance system are posted in English and Spanish in visible areas throughout residential facilities and parole offices. Parents/guardians are provided information on the grievance resolution system and local contact information upon a child's admission to TJJD and each subsequent placement.
- (8) Persons with limited English proficiency may file grievances in languages other than English.

- (9) TJJD provides confirmation of receipt, including a tracking number, to grievants having the legal right to access confidential youth information.
- (10) Upon written request, a parent/guardian of a youth under 18 years of age will be provided with a summary of grievances filed by his/her child. A youth 18 years of age or older must provide consent in order to release a grievance summary to his/her parent/guardian.

(c) **Youth Requests for Conference with Staff.**

- (1) Youth assigned to residential facilities may submit a written request for a conference with any staff member assigned to his/her facility as an informal means of addressing issues or concerns. Conferences with youth are scheduled at the earliest opportunity that does not jeopardize youth or staff safety, facility order, or an ongoing investigation. Youth are notified in cases where the request cannot be honored promptly.
- (2) A youth may elect to file a grievance if he/she is dissatisfied with the result of the staff conference or if the issue(s) raised in connection with the conference request cannot be resolved by his/her selected staff member. However, in no case is a youth required to submit a request for conference as a preliminary step prior to submitting a grievance.

(d) **Grievances.**

(1) **Methods for Filing a Grievance.**

(A) **Incident Reporting Center.**

Any person may submit a grievance to the TJJD Incident Reporting Center (IRC) by telephone, email, fax, or postal service. See TJJD's website for contact information. Subject to limitations on time, place, and manner, a youth in a residential placement is allowed confidential telephone access in order to contact the IRC.

(B) **In-Person to TJJD Staff.**

Any person who is unable or unwilling to submit a grievance in writing may verbally communicate a grievance to TJJD staff.

(C) **Youth Grievance Forms.**

- (i) All youth under TJJD jurisdiction must have access to pre-numbered grievance forms.
- (ii) In residential facilities, a youth is selected in each living unit or area to distribute grievance forms.
- (iii) In residential facilities, secure drop boxes are provided in easily accessible locations for youth to submit completed grievance forms. Access to the drop boxes is restricted to staff members designated by the executive director or designee.
- (iv) A youth is provided with a copy of each grievance he/she submits.
- (v) Once a youth submits a grievance, it may not be withdrawn.

(2) **Resolution of a Grievance.**

- (A) Grievances are promptly collected, reviewed, and assigned for response. Grievances are screened to identify issues which require expedited resolution in order to avoid substantial loss or harm if delayed.
- (B) Each grievance is assigned to a staff member who is not directly involved in the grievance and has the authority to implement an appropriate corrective measure or has knowledge or access to

provide clarifying information. Grievances involving healthcare issues must be assigned to a person with appropriate clinical expertise and credentials. The assigned staff member must provide a written response to the grievant within 10 workdays after submission of the grievance.

(3) **Appeal of a Grievance Resolution.**

- (A) A grievant may file an appeal if he/she is dissatisfied with the response. Except for healthcare-related grievances, TJJJD designates a staff member to provide a written response to the appeal. Appeals of responses to healthcare-related grievances are submitted as direct appeals to the executive director or designee in accordance with [§380.9353](#) of this title.
- (B) For grievances that are not healthcare-related, a grievant may submit an appeal to the executive director or designee if dissatisfied with the appeal response in accordance with §380.9353 of this title.
- (C) A grievant may submit a direct appeal to the executive director or designee if no written response is received within 15 workdays after submitting a grievance or an appeal of a grievance response.
- (D) An appeal to the executive director or designee exhausts all administrative remedies on the issue(s) raised in the grievance.

See the [Youth Rights Procedures Manual](#) for implementation procedures.