

ADMINISTRATIVE REMEDY PROCEDURE (ARP) (How to Complain About Your Problem)

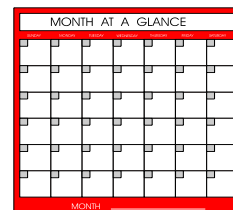
What is this all about?



It is about problems. You have to tell your case manager, counselor, a JJS staff member or other staff member what your problems are so that they can help you. These problems could be any number of things like: "When do I get out?" "I don't get enough to eat." "I don't have all my clothes." "I lost something that belonged to me personally." "They won't let me have a cool magazine I want." "The teacher is always picking on me."

Try to solve your problem informally by talking to a staff member about it. If you don't think your problem has been solved, or if you don't think they can help you, you can file an ARP.

The real name for this procedure is the Administrative Remedy Procedure - but it is called "ARP"—it's shorter. It means that you write to the Facility Director and the Facility Director will have someone try to fix your problem. You must try to take care of a problem using the ARP before you can sue the department in federal or state court.



There are time limits with the ARP process!

Don't wait too long. You have **90 days** from the day your problem started to write about your problem and get it to the right person, unless your ARP is about sexual abuse or sexual assault, then the time limits do not apply to you. There is more about that on page 5 of this booklet.

Also, if you write an ARP and drop in an ARP box or hand it to a staff member, your 90 days time limit does not start until the ARP Coordinator receives the ARP at your facility.

A parent/guardian, or your attorney if you have one, can also file an ARP on your behalf. The same ARP form is used no matter who files the ARP. You will have to sign a form letting the ARP Coordinator know that you are okay with someone else filing an ARP on your behalf.

How does ARP work?

You have to tell the Facility Director what the problem is by writing about it on a form or a piece of paper to start the process.



The form is kept in several places at your facility and the person selected by the Facility Director known as the ARP Coordinator will also have copies for you. If you can't find a form, write about your problem on a plain sheet of paper and label it "This is a request for ARP" or just "ARP".



Your case manager, counselor, a teacher, group leader or another staff member will help you write the ARP if you need help with it.



Once the ARP is written, you have started using the formal ARP grievance process. It was created to let staff know of your problem and hopefully fix it for you.

There are three parts to this process:



Screening- ARP Coordinator's Review



ARP Coordinator's Recommendation and Facility Director's Response



Deputy Secretary's Response



How do I begin?

First, think about your problem....your "grievance." Have you talked with your case manager, counselor or other staff member about it? If you haven't, it may be a good idea to see if they can help before you begin. You don't have to talk to them, but they may be able to quickly take care of the problem for you.

Think....what is your grievance about? Ask yourself, is my grievance about:

- A Code of Conduct Violation ?
- A judge's order or a court decision?

If you answered "**YES**" to either of these two things, you cannot file an ARP. Your "LAMOD Youth Manual" explains why you can't grieve a Code of Conduct Violation, or see your case manager, counselor or other staff member for help. This is especially important if you have a problem with a judge's order or a court decision because you may need to contact your attorney for legal help with this.

You also need to think about some other things. Ask yourself:

- Did I already submit an ARP Form about this problem?
- Did my parent/guardian or my attorney already submit an ARP Form about this problem for me?
- Am I complaining about something that hasn't even happened?
- Did it happen over 90 days ago?
- Am I talking about somebody else's problem?

If you answered "YES" to any of these questions, you don't need to fill out an ARP Form because it would be rejected. But if your problem is about your safety or someone else's, you must tell your case manager, counselor or other staff member immediately.

Also think about these questions:

- Is it a medical emergency? You can get help immediately by telling someone.
- Are you afraid for your safety? You may ask to be placed in a protection area.
- Is it another emergency? You should tell the shift supervisor.

If you answered "NO" to all of these questions, you are ready to go ahead.

Is it a Sensitive Issue?

If you believe something bad might happen to you if you complain about something at your facility, you may send your ARP Form directly to the Deputy Secretary of Youth Services. If the Deputy Secretary looks at your problem and agrees that it is a "sensitive issue," the Deputy Secretary will answer it.

If the Deputy Secretary does not agree that it is a "sensitive issue," your complaint will be returned to you and to the ARP Coordinator. You will have what is left of the 90 days, or if there are fewer than 7 days, you will have 7 days to file your complaint as a regular ARP.



EMERGENCY

Is it an Emergency ARP?

If you file an ARP with statements that make the ARP Coordinator think you are at immediate risk of personal injury or harm or make statements that might put other youth at immediate risk or harm, the ARP Coordinator will immediately send a copy of the ARP to the Facility Director, the Regional Director, and the Investigative Services (also known as IS) at the facility.

The Regional Director will be the person who will respond to you within 48 hours [two (2) calendar days], and will also be the person to make a final decision about the ARP within five (5) calendar days.

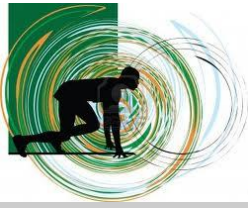


Is it an ARP about Sexual Assault or Sexual Abuse?

If you believe you have been sexually assaulted or sexually abused by another youth, you should file an ARP using the same form you would for any other grievance.

There is **NO** "time limit" for filing an ARP about sexual assault or sexual abuse.

ARPs filed for sexual assault or sexual abuse have to be reviewed by an IS Investigator. The IS Investigator will talk to you and investigate the incident. The IS Investigator will complete the investigation and give it to the ARP Coordinator within 30 days, and the ARP Coordinator will send those results to the Facility Director. The Facility Director will make a decision on Step One and send you a response.



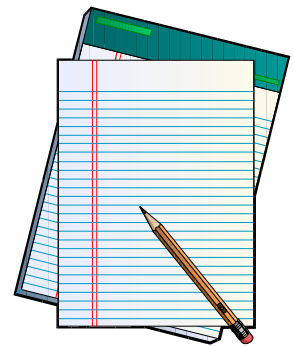
Getting Started:

Get an ARP Form from your case manager, counselor or teacher, or from one of the places the forms are kept at the facility. Read the form. Do you need help? If you do, ask one of these persons to help you fill it out. If you can't find the form, you can write "This is a request for ARP" or "ARP" on a sheet of paper and put everything listed below on the paper.

It's okay if you do not want help from anyone at the facility, but the ARP Coordinator will have to write that you did not want any assistance on your ARP form when she receives it.

Tell Us Your:

- Name
- Facility
- CLIENT ID number
- Living area (where your bed is located)
- Problem [you must say what the problem is, who (if anyone) is a part of the problem or caused the problem, the day and the time it happened (if you don't know the exact time - put the time as close as you can), where it happened and how it happened]. If you have more than one problem, use a separate form for each problem.
- What you want done about the problem (this is called "Remedy Requested or Remedy Sought ")
- Today's date (the date you fill out the form or write your problem on a sheet of paper)



If you need more space to write about the problem, it's okay to use another sheet of paper as long as you make sure it stays with the first page of the ARP. You can also write on the back of the ARP form.

You can look at pages 12 and 13 of this booklet for the list of phrases or words to also help you when you are filing out the ARP form.

If you need more time to gather information or complete the form, you may ask the ARP Coordinator for up to 5 more days to finish your ARP.

If 5 days is not long enough, the Facility Director may agree to let you have more time if you are ill for a long time or if the weather is real bad.

When you have finished, give the original ARP Form and all extra pages to the ARP Coordinator or put it all in the designated box for pickup by the person designated by the Facility Director.



Screening - ARP Coordinator's Review and Recommendation

When the ARP Coordinator receives your ARP, that person will screen your request. If it is not complete or there is some other problem, the ARP will be returned to you with a written explanation. If the ARP is accepted, the ARP Coordinator will look over what you have written on the form and make recommendations to the Facility Director.

Remember these two important things:

1 If your ARP is about any of those things which you answered "YES" to under "How Do I Begin" on page 3, the ARP Coordinator will reject your ARP; and

2 If you file an ARP about sexual assault or sexual abuse by another youth, you will be interviewed by an Investigator at the facility, an investigation will be conducted, and you won't receive a response for at least 30 days.

If everything is okay, the ARP Coordinator will:

- ◆ Officially accept the complaint into the administrative remedy process and send you a copy of the ARP to let you know that it has been accepted;
- ◆ Begin gathering information about the problem;
- ◆ Possibly talk with you to get more information, talk with other staff, look at your file and do other things to investigate your problem; and
- ◆ Write a recommendation to the Facility Director on the original ARP form and give the form to the Facility Director.



At this point the **Step ONE** and **Step TWO** timed processes begin.

Step ONE: ARP Coordinator's Recommendation and Facility Director's Response (Up to 30 days to respond)

The Facility Director will look over the ARP and the ARP Coordinator's recommendation, and if the Facility Director has questions, the Facility Director may do more investigating. The Facility Director may need some additional time before giving you an answer. If so, the Facility Director will ask the Deputy Secretary (the boss at Central Office) for more time and you will receive something in writing letting you know this. The Facility Director can get an extra 14 days to finish the response.

You will receive an answer to the ARP in writing from the Facility Director. Read the Facility Director's answer. If you are satisfied, you need to check on the ARP Form that you do not wish to go to the next step.

If you are not satisfied with the Facility Director's answer:

- ◆ Write why you are not satisfied with the Facility Director's answer on the original form;
- ◆ Check "YES" where the form asks if you want to go to the next step;

- ◆ Write in the date you wrote all of this;
- ◆ Attach all the papers to the ARP Form that you would like for the Deputy Secretary to look at;
Give the original form and any papers to your case manager, counselor, or the ARP Coordinator, or put it in the grievance box where for pick up. You must do this within 15 days after you receive the Step One response.

If you need help filling out the part for Step Two or getting the papers you want to send with your ARP, ask your case manager, counselor or other staff members for help. (If you need more time, you may ask for up to 5 more days to get your ARP ready. You have to write to the Facility Director to ask for more time, you can't just ask the ARP Coordinator for it.)

The ARP Coordinator will send the original form to the Deputy Secretary of Youth Services, P.O. Box 66458, Audubon Station, Baton Rouge, LA 70896 for the Deputy Secretary's review and will keep a copy in your ARP file.

Step TWO: Deputy Secretary's Response (Up to 21 days to respond)

The Deputy Secretary of Youth Services will respond to your ARP and may gather more information, if needed. Within 21 days from when the Deputy Secretary receives your ARP, you will receive the Deputy Secretary's written answer, unless more time is needed. You will receive something in writing if more time is needed.

If you are not satisfied with the Step Two answer, let the ARP Coordinator know and she will send your parents or legal guardian a letter telling them that you have exhausted your administrative remedies. If you and your parents/legal guardian want the court to look at your grievance, you need to let the 19th Judicial District Court know within 30 days of getting the Step Two answer.



What if You are Transferred to Another Facility Before Your ARP is Answered?

If you filed an ARP and then you are transferred to another facility, don't worry, your ARP will still be answered within the designated timeframe, and you will still be told what is going on with your ARP by the Facility Director at the facility you were transferred to.



What if You are Released Prior to Your ARP Being Answered or You Want to File an ARP After You are Released?

If you filed an ARP and then you are released and get to go home or to a group home, don't worry, your ARP will still be answered within the designated timeframe.

You can also file an ARP about something that happened while you were at the facility even after you are released, but you have to do it within the 90 days from when the problem started just like if you were still at the facility.



Things to Remember:

Don't file an ARP about something that hasn't even happened. No one can do anything about something that has not happened yet.

You can only file an ARP about something that affects YOU and is your problem. You cannot file an ARP for anyone else, unless it is about sexual assault.

Each problem should be written on a separate ARP form or on a sheet of paper. If you have more than one problem, use a different form or sheet of paper for each problem.

Cooperate with the persons trying to help you. You may be asked lots of questions, but this is to help everyone understand your problem and to help solve it.

If your ARP is about something belonging to you that was lost or damaged, the state will replace the item. If you did something to cause it to be lost or damaged, or if you lost it by gambling, selling or trading with other youth, the state will not replace it. You will be given a "state-issue" item if the state has the item on hand. If not, the state will buy you a similar item with a cost of up to \$50.00.

Make sure the facility has your correct home address or the group home address if you file an ARP after you are released so you can receive your answer.



DEFINITIONS

Here are the meanings of some important words you need to know:

Accepted - This means that your ARP can go through all of the ARP steps.

Administrative Remedy Procedure (ARP) - This is the formal way to make people at the facility aware of a problem you are having. Staff may be able to fix a problem quickly. Staff will let you know if you need to use this process or if they can help you very quickly without using it.

ARP Coordinator - A staff person at your facility who is there to help you with filling out the ARP Form. They can talk with you about Code of Conduct Violations and can help with other things, too.

Deputy Secretary of Youth Services (YS) - This is the boss of the Facility Directors of all of the facilities. The Deputy Secretary works at the YS Central Office in Baton Rouge. The Deputy Secretary will answer your ARP at Step Two.

Emergency Grievance - A problem that could cause you or someone else to be hurt very badly or cause everyone to be in danger if not taken care of right away.

File an ARP - Someone may ask you, "Did you file an ARP?" or "Did you file a grievance?" This is another way of asking you if you filled out an ARP form that tells everyone about your problem. When you fill out the ARP form and it is given to the ARP Coordinator, it is said to have been "filed" - meaning the ARP process has begun.

Formal Process - Filing an ARP when the "Informal Process" does not solve your problem.

Grievance - This is another word for ARP, problem or complaint.

Informal Process - This means getting a problem solved by talking to your case manager, counselor, the ARP Coordinator or other staff member instead of filing out an ARP.

Regional Director - The person who helps the Facility Director make decisions instead of having to always call the Deputy Secretary (the boss!).

Rejected - This means tossed out. A grievance can be rejected if it is not done correctly or if it does not meet all of the requirements.

Remedy Requested or Remedy Sought - This means how you want your problem solved.

Sensitive Issue - This means that you feel that something bad might happen to you if the people at the facility know about your grievance, so you mail your ARP directly to the Deputy Secretary.

Sexual Assault - This means all acts of a sexual nature on a person's body, with or without their permission, either over or under their clothing, with a body part of another person or with an object.