

Chapter 17: Getting Your Voice Heard

Introduction: Although it may not feel like it, when you are foster care, **you have the right to have your voice heard.** This Chapter gives you information and advice on steps you can take to get your voice heard when you believe your rights have been violated, you have been mistreated, you are not getting your needs met, or you feel you are not being heard on what should happen in your case or your future.

What should I do if I think I am being abused or neglected?

- **If you are being abused, neglected, or you are in immediate danger, you can get help immediately. If you are being abused or neglected, please contact ChildLine.**
- By calling ChildLine, you are requesting that the county children and youth agency respond quickly to your concerns about abuse or neglect. ChildLine of Pennsylvania can be contacted at 800-932-0313. If you are in danger, you can also call 911.
- **Most of the information below about getting your voice heard is about situations where you are not in immediate danger.** The information below is to help you let people know and get a response when you believe your rights have been violated, you have been mistreated, or you are not getting your needs met.

What are tips to help me get my message across when I have a concern or complaint?

- To make your message effective, it is not just about what you say, but how you say it. No matter what actions you take to get your voice heard, **here are a few tips on helping adults hear you:**
 - **Take time to cool down.** Adults—and anyone for that matter—are more likely to listen to you when you are calm and able to fully express yourself.
 - **Be polite.** Adults are more likely to listen to you when you express your concerns in a respectful and polite way. It is easy to feel helpless and out of control, but there are a few things that you can control. If you speak truthfully and straightforwardly, without using sarcasm, derogatory language, swearing, or name-calling, you will be better able to get your point across.
 - **Focus on the issue.** Try to focus on the issue that is your main concern, rather than getting sidetracked. A great way to help you focus is to talk through (or write down) what you want to say beforehand.
 - **Be specific.** Be clear and to the point. Try not to get caught up in telling long, detailed stories unless they are particularly relevant.
 - **Make a record of your attempts to have your voice heard:**
 - **Leave a message**—if you cannot reach the person, leave a voice message with your contact phone number even if you think they have it. Otherwise, the person will not know that you called.

- **Write a letter (or email)**—when you put your concerns in writing (and keep a copy), you have proof to show your attempts to be heard.
- **Get help from supporters.** Ask the trusted people in your life to talk things out with you. This could include a counselor, mentor, advocate, foster parent, friend, parent or teacher. They may be able to provide advice to you on what actions to take and good ideas on how to communicate your message.

What are examples of actions to take if I do not feel like my voice has been heard and something is going wrong or my needs are not being met?

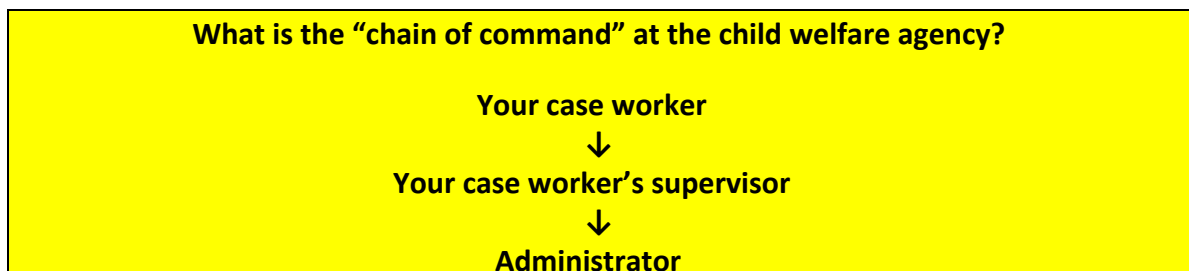
If you feel your case is not being handled properly, are dissatisfied with your current situation, or do not feel like people are listening to your wants and needs, there are certain steps you can take:

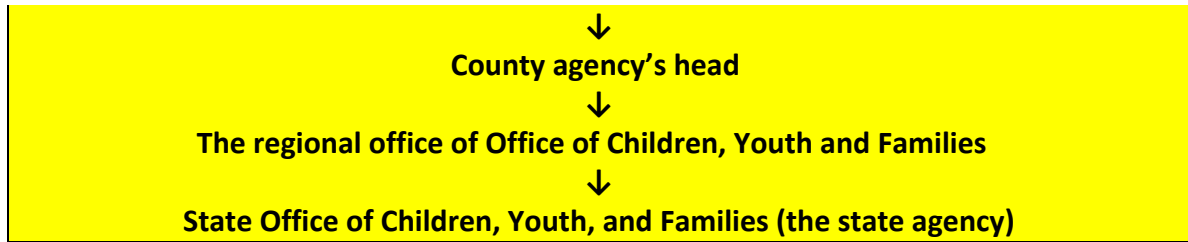
1. Call your case worker. Your social worker may not know there is a problem unless you tell them about it. Ask your social worker if they can help you make your situation better. Tell your social worker what you would like to see happen. Ask a trusted adult (school counselor, caseworker, etc.) to help you make the phone call if you need support. You can also talk to the judge when you go to court.

Sometimes you need to make many phone calls to accomplish your goal. For example, if your caseworker is not calling you back, you should call his or her supervisor and try to get help. This is called “going up the chain of command.” Writing letters is also a good way to advocate for yourself. Putting your thoughts in writing is a good way to be heard. **Concerns or requests that you put in writing are harder to ignore.**

2. Go up the chain of command if you are not getting a response from your caseworker. If your case worker is not returning your calls or responding to your concerns you can:

- **Explain your concerns calmly.** Explain your concerns to the supervisor and see if they have any ideas on how to make your situation better.
- **If you still do not feel like your voice is being heard:** go up the “chain of command”. In other words – call their boss, and then their “boss’s boss” and their “boss’s boss’s boss” until you talk to someone who can help you.





3. Contact your lawyer or CASA: In Pennsylvania, all youth in out-of-home care have a lawyer. You also may have a Court Appointed Special Advocate, or “CASA.” Your lawyer and your CASA are important advocates for you who can help make sure your concerns are heard and addressed. Tell your lawyer (and your CASA, if you have one) about any concerns you have about your current situation, and about any needs you have that aren’t being met. You can also tell them what you want for yourself (for example, where you want to live, what kind of services you want to receive, etc.). See Chapter 18 on Lawyers and Court for more information.

4. Tell your Judge: If you are in foster care, your case is reviewed in court at least every 6 months and have a right to be present and participate in your hearings.

- a. Youth should be present at and should participate in these hearings (especially older youth). This is where decisions about YOUR life are being made.
- b. If you feel like your needs are not being met or you are dissatisfied with your current situation, you can voice your concerns in court.
- c. The judge has the authority to make changes to your situation if he or she decides the changes are in your best interest.

5. File a grievance: If you are in out-of-home care, the children and youth agency, as well as any private provider agency involved in your case, must have a grievance process in place.

- a. When you go into a placement someone should explain to you how to file a grievance or complaint.
- b. If you don’t remember how this process works, contact your case worker (or the agency where they work) to find out how to begin the grievance process.
For more on this see the section below.

6. Join the Pennsylvania Youth Advisory Board. The State Youth Advisory Board helps create positive change in the substitute care system. Youth who are in care or have been in care can become part of the regional or state YAB. Please see the YAB website at www.independentlivingpa.org for more information on contacts and meeting dates and times.

What is a grievance?

- A grievance is a formal, written complaint.
- The law requires that county child welfare agencies and private agencies have a written policy for all youth in care to file a grievance if you feel something is wrong or you are being treated unfairly.¹

- The grievance policy **must** include all of the protections in the Children in Foster Care Act (See APPENDIX A),² but you can also use the grievance procedure to address other complaints or concerns.
- The law also requires the agency to give you a written copy of the grievance policy when you enter care or a new placement, and to explain the policy to you in a way you can understand.³
- Both the county agency *and* the private provider agency (for example, your placement) must have a grievance procedure. You have a right to file a grievance with either agency, or with both.⁴

How do I file a grievance?

- The exact process for filing a grievance may be different for different counties, agencies, and placements. The law requires that **all** grievance procedures must:
 - Be written in language you can understand and be explained to you
 - Allow you to file a grievance without fear of getting in trouble (or “retaliation”).⁵
- The state also has a list of “core components” of a grievance policy that all policies *should* have. Those core components explain that the grievance policy should:
 - **Be flexible.** This means that there should be lots of different ways that you can file a grievance, including phone calls, email, or a written letter. You should also be allowed to go to any adult you feel comfortable with to share your concern and explain that you want to file a grievance.
 - **Include a timeline for response.** This means that the policy should say how and when you will know that the agency received your grievance, and when you should expect a decision.
 - **Explain how a decision will be made.** A grievance policy should explain what process the agency will use to decide what to do about your concern. For example, the process might include a meeting of some sort to discuss your concern. The grievance procedure should describe the meeting (or other process), let you know how you can participate and who you can bring with you, and explain how your identity and concern can be kept confidential if necessary.
 - **Include a process for appeal.** The policy should explain how you can appeal a decision on your grievance to a higher authority or ask for reconsideration.
 - **Protect your confidentiality and protect you against retaliation.** The law protects both of these things, but it is also important that the grievance policy explain how they will be protected.⁶
- If you don’t know the process for filing a grievance with your particular agency or placement, **ASK your caseworker, Independent Living worker, or any other trusted adult for your specific grievance process and form.** We recommend asking about the grievance process and form BEFORE you need it so you will have it if you do need it in the future.

Can I get help filing a grievance?

- **Yes.**
- Each county and provider should have a grievance policy that includes a list of resources to help you file a grievance.⁷ The list should have names and contact information of specific people who can help you. You can also ask any adult you know and trust to help you. Some people who you could ask to help you include (but are not limited to):
 - parent, guardian, caregiver or supervisor
 - caseworker
 - therapist or counselor
 - teacher or other school staff
 - lawyer/attorney, or Guardian ad Litem
 - juvenile probation officer
 - judge
 - coach
 - CASA (Court Appointed Special Advocate)
- You are also allowed to file a grievance on your own—you don't *have* to ask an adult, but you should be able to if you want to.

Can I get in trouble for filing a grievance?

- You cannot be punished for filing a grievance.⁸
- If you are, tell your lawyer, caseworker, and judge immediately.

What will happen after I file my grievance?

Exactly what will happen depends on the specific grievance procedure that your county or agency uses, but a couple things should happen:

- **First**, your agency should let you know they received your grievance. Your county or placement's grievance process should explain how long they have after you file to let you know.
- **Second**, your agency will review your grievance and let you know how they have decided to respond to your concern. Your county or placement's grievance process should explain how long they have after you file a grievance to tell you their decision. Their decision is called a "resolution."⁹

What happens if I don't agree with the agency's resolution?

- If you don't agree with the agency's resolution, find out if you can file an appeal.
- State guidance recommends that agencies include a process for reconsidering or appealing a decision, but the law doesn't require that they have an appeal process.¹⁰ The letter or document you received telling you about the decision should have information about how to file an appeal.

- You can file an appeal on your own, or ask an adult you know and trust to help you.
- If there is not an appeal process, or if you still don't agree with the agency's resolution, you can talk to or write your county administrator, county agency's head, regional office, or state agency.
- You should tell your lawyer about the grievance, that you do not feel like it was resolved, and you would like help to have your concerns addressed.

What happens if I get no response?

- If no one responds to your grievance or to your appeal, let your lawyer, caseworker and judge know.
- If no one responds, don't give up! Talk to or write the head of the county child welfare agency, the regional office (contact information below), or state agency.

Are there other ways to raise my concerns?

Yes. Here are some other ways you can make a complaint or raise a concern:

- Ask your lawyer or caseworker if the county agency has a contact person or phone number for raising complaints. For example, Philadelphia DHS has the Commissioner's Action Response Office (CARO) that people can call with questions, concerns or complaints (you can contact CARO at 215-683-6000 or dhscaro@phila.gov).
- Contact the regional office for the State Child Welfare Agency for your county (contact information below).
- File a complaint with the Pennsylvania Department of State. You can access their complaint form here: <https://www.pals.pa.gov/#/page/filecomplaint>.

Regional Offices Contact Info:

Western Region: 412-565-2339 (serving the following counties: Allegheny, Armstrong, Beaver, Butler, Cameron, Clarion, Crawford, Elk, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Potter, Venango, Warren, Washington, and Westmoreland)
Central Region: 717-772-7702 (serving the following counties: Adams, Bedford, Blair, Cambria, Centre, Clearfield, Clinton, Columbia, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Lycoming, Mifflin, Montour, Northumberland, Perry, Snyder, Somerset, Union, and York)
Northeast Region: 570-963-4376 (serving the following counties: Berks, Bradford, Carbon, Lackawanna, Luzerne, Monroe, Northampton, Pike, Schuylkill, Sullivan, Susquehanna, Tioga, Wayne, Wyoming)

Southeast Region: 215-560-2249 (serving the following counties: Bucks, Chester, Delaware, Montgomery, and Philadelphia)

State Agency (governing county child welfare agencies): Office of Children, Youth, and Families (OCYF) Helpline: 1-800-692-7462

¹ 55 Pa. Code §§ 3130.88; 3680.48; 3800.31-33; *see also* Children in Foster Care Act, 11 P.S. 2631 *et seq.*

² 11 P.S. § 2635.

³ 55 Pa. Code § 3130.88; 55 Pa. Code § 3680.48; 55 Pa. Code § 3800.31.

⁴ Children in Foster Care Act (Act 119 of 2010), Office of Children, Youth and Families Bulletin, 3130-12-02, 3680-12-01, 3700-12-01, 3800-12-01 (July 30, 2012).

⁵ 55 Pa. Code § 3130.88; 55 Pa. Code § 3680.48; 55 Pa. Code § 3800.31.

⁶ Children in Foster Care Act (Act 119 of 2010), Office of Children, Youth and Families Bulletin, 3130-12-02, 3680-12-01, 3700-12-01, 3800-12-01, 9-10 (July 30, 2012).

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