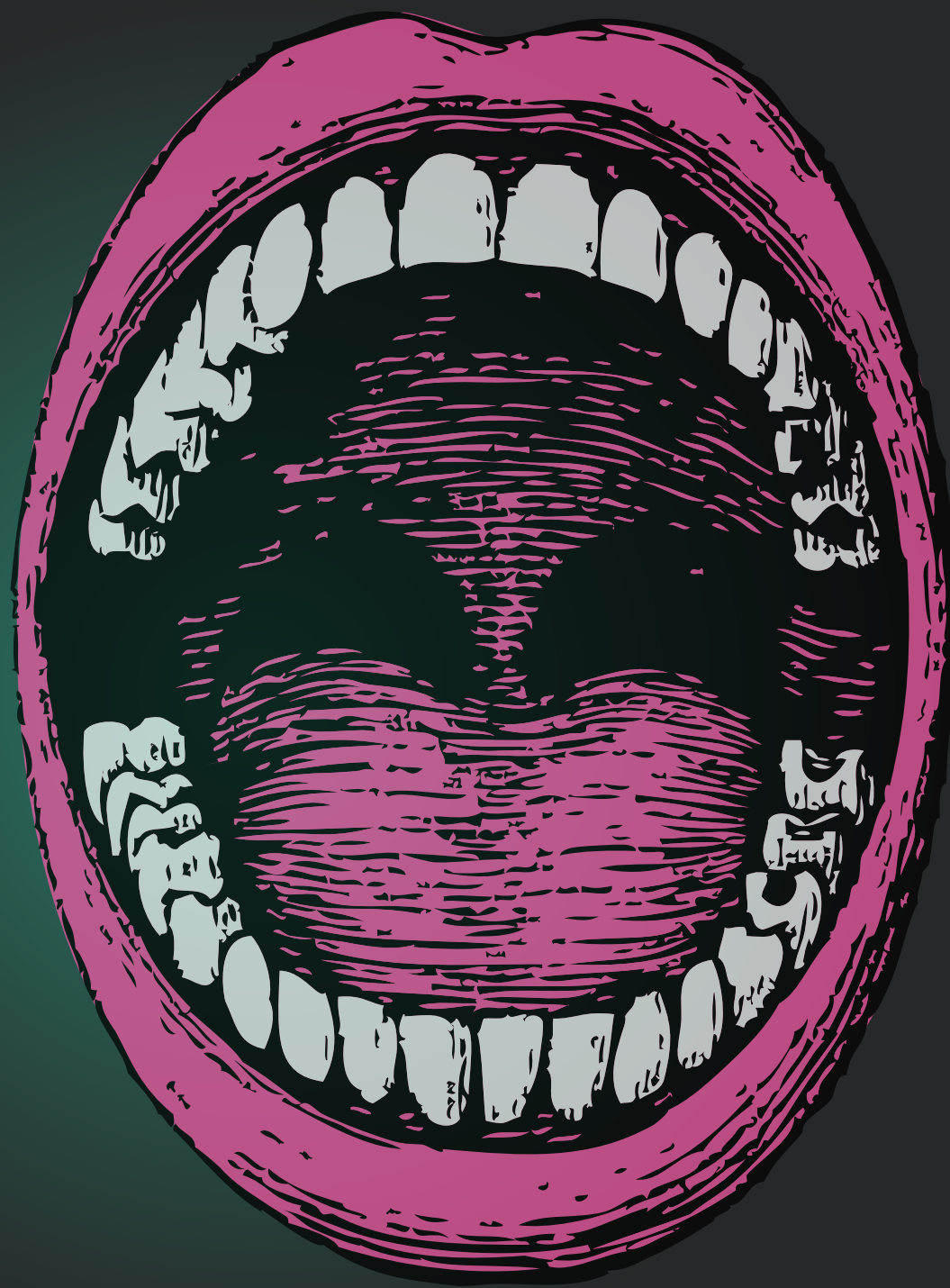


SCREAMING INTO THE VOID



YOUTH VOICE IN INSTITUTIONAL PLACEMENTS

JUVENILE LAW CENTER

CHRISTINA K. SORENSON, ESQ.

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PRESENTED BY

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Juvenile Law Center advocates for rights, dignity, equity and opportunity for youth in the foster care and justice systems.

Founded in 1975, Juvenile Law Center is the first nonprofit, public interest law firm for children in the country. We fight for youth through litigation, appellate advocacy and submission of amicus (friend-of-the-court) briefs, policy reform, public education, training, consulting, and strategic communications. Widely published and internationally recognized as leaders in the field, Juvenile Law Center has substantially shaped the development of law and policy on behalf of youth. We strive to ensure that laws, policies, and practices affecting youth advance racial and economic equity and are rooted in research, consistent with children's unique developmental characteristics, and reflective of international human rights values. For more information about Juvenile Law Center's work, visit www.jlc.org.

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INTRODUCTION



01. INTRODUCTION¹

¹ This introduction is adapted from an op-ed I wrote for Teen Vogue. See Christina K., How Foster Care Can Split Up Siblings—And Result in Very Different Lives for Them, TEEN VOGUE (May 21, 2018), <https://www.teenvogue.com/story/how-foster-care-can-split-up-siblings>.



In the middle of the night, next to garbage cans overflowing with liquor and beer bottles, my sister and I sat alone in a “time-out.” I was five; Melissa was eight. It wasn’t our first time being left alone, so I trusted Melissa to protect me like she always did and fell asleep. But my big sister couldn’t remove the fear that struck when I heard they were taking us away. Flashing cop lights illuminated the room as we hurriedly stuffed clothes, books, and toys into garbage bags. We entered the foster care system. In some homes, there was sexual, physical, or psychological abuse; in others, love. But it almost didn’t matter. Even kindness hurt because nothing ever lasted. At any moment, we could be—and were—pulled from class or beds late at night and brought to a new home or school, placed someplace new with strangers for family. Whenever the news of a move came, we packed our garbage bag and silently prayed our next home wouldn’t be worse.

Melissa was sexually abused at our first home. We moved. The following family was kind and loving to Melissa but cruel to me. We moved. At one house, I learned how to ride horses and spent hours with their prize mare. One foster mother forced Melissa and me to eat on the floor with the dogs rather than at the dinner table

with the “real family.” At one home, I was sexually exploited by a foster sibling. It took every ounce of power in me to share what was happening to me with my sister. Once I did, she—age 10—rushed into action. She told our therapist, whom she knew was, because of her own experience, a mandated reporter, and demanded they call the police. The police came. We moved. This reaction might seem commonsense to a child reporting sexual abuse, but as I have learned, it is exceptional.

The system kept my sister and me together initially. We had each other, but we lived with constant fear and uncertainty, especially during the good times, knowing it wouldn’t last. When I was seven, my sister and I were reunited with our biological mother, and this time, we couldn’t help but hope. But it wasn’t long before she relapsed. I hid from the late-night parties on the shelf in my closet; the door closed, flashlight in hand, with stuffed animals and the *Boxcar Children* as my companions. My sister, always the protector, would stay up all night to stop our mother’s boyfriend from beating her to death. Melissa missed half of her fourth-grade year. I was the teacher’s pet. We re-entered the foster care system. Three years later, we were separated.

At age 13, wanting a way out of the cycle and amidst a legal change incentivizing adoption for youth in care, I asked my social worker about adoption. I saw education as my exit, adoption as my way to college, and *finally*, some cute clothes. I couldn't bring myself to hope for love, security, family. On my first visit to my parents' home, I dropped a glass of milk. I cried when I saw the shattered glass and milk on the floor; sure, they would never adopt me now. They laughed, hugged me, and said, "There's no reason to cry over spilt milk." Kindness as a response to my mistakes felt foreign. Even after I knew I loved them, it was a while before I could call them Mom and Dad. I was officially adopted at 15, and we celebrated with ice cream and lemonade. I found the family I had been afraid to even hope for. I began to experience things I had only ever dreamed of, staying up late to watch the fireworks on the fourth of July, out-of-state camping trips, and even a trip to France with my high school French club. Family, love, community, and adventure.

When my sister was 13, she decided that moving might as well be on her terms. Melissa called our social worker late one night and told her that she would run away if they did not get her. For the rest of her time in foster care, my sister was in group homes and institutional placement settings. For her, it was the lesser evil, given all she had endured. She had little to look forward to or hope for and—like most teenagers—made bad decisions. My sister cycled through increasingly secure placements before being placed in the Iowa Juvenile Home. There, she experienced abuse, months-long solitary confinement, and education deprivation. And although she brought her complaints of abuses, rights violations, and other administrative suggestions to weekly "grievance conferences" with the director, nothing changed. We had little to no contact.

After 27 houses and 13 group homes, institutions, and other detention facilities, Melissa was discharged to our biological father without any transition services. Months later, just barely 18, my sister became a statistic—one of the 40–50 percent of former foster youth who become homeless¹ and one of over 90 percent of youth with five or more placements that enter the justice system at some point in their lives.²

In 2014, fifteen years after my sister was discharged, the Iowa Juvenile Home was shut down, following an investigative exposé by the Des Moines Register. The Register recounted a pattern of confining girls in isolation cells for periods of weeks or months, inappropriate restraints, and inadequate education for at least the preceding seventeen years, 1997–2014. Despite the horrors she experienced at the Iowa Juvenile Home before the facility shut down, my sister went with a few girls she knew from her time there to say goodbye to the "home" she had known the longest.

While that facility closed, the abuses didn't stop—they just shifted elsewhere. After closure, two residents were transferred to a facility called Copper Lake School in Wisconsin.³ Media later exposed extensive abuse at Copper Lake, followed by a federal investigation and class-action lawsuit.⁴

This longstanding cycle, abuses brought to light, often by news media or lawsuits, prompting overdue changes at the facility level until the same problems are uncovered at another facility and attention shifts, plays out across the country. Wide-spread systemic abuse, including physical and sexual violence, is well-documented, in addition "to legally sanctioned abusive practices, such as solitary confinement — often for 22-24 hours per day — strip searches, shackles, and chemical sprays."⁵ These abuses compound the trauma caused by isolation and separation from families, friends, and communities, leaving youth unseen, unheard and unprotected.

Hid, a youth advocate with Juveniles for Justice, wrote in the powerful Broken Bridges report: "If people really knew what I faced behind those walls, they would understand how horrible it was for me."⁶ At any point in time, the juvenile justice and criminal justice systems confine over 48,000 youth.⁷ The dependency system confines another 43,000 children in group homes and institutional placement.⁸ The persistence of abuses in these facilities proves the urgent need for system reimagining. Accordingly, I unequivocally echo the calls of colleagues and community members to end the incarceration of children in any congregate care or institutional facility. I use these terms interchangeably throughout this report to mean any youth placement with caregivers who work in shifts.



This report focuses on grievance procedures for youth in facilities. By grievance protections, I mean a set of mechanisms designed to allow the full expression of children's rights, explicitly educating youth on their rights, supplying an effective process to assert their rights, and ensuring a response that protects their rights. I focused on grievance protections because what happens in response to youth speaking out against trauma and violence leaves a lasting impact. Indeed "communicating fully is the opposite of being traumatized."⁹ In my own experience, through realizing I had rights that I could assert, I began to feel like I deserved to be seen, heard, and protected. I found hope. Every child deserves to know that is true, but it is hard to believe when it's not the truth you live. I hope that this research will help inspire us to begin thinking about the various structural mechanisms that silence and disempower youth in these systems so that we can actively dismantle them.

This report proceeds in three parts. First, I recount history and background essential to understanding the current system's failures and the need for reform. Second, I explain the purpose and need for adequate grievance protections, and I describe how I developed the core components of youth-centered grievance protections: See Youth, Hear Youth, Protect Youth. Then, organized around those core components, I comprehensively analyze existing grievance protections across the country. Finally, to help jurisdictions begin to design their youth-centered grievance protections, I include an expert-developed, youth-design curriculum to use in partnership with local youth and community organizations. The purpose of this report is not to offer an answer, a model or template grievance protection. Rather, taken together, the history, state statutory and regulatory review and curriculum aim to supply the resources necessary for policy-makers and advocates to empower and include local youth with lived experience in imagining and implementing effective youth-centered grievance protections.

SECTION 01

HISTORY & BACKGROUND

01. HISTORY & BACKGROUND

Before doing a historical analysis of these systems, I wrote that I thought the foster care system was like a lottery, where some children win, and some children lose. Although that description disrupted the narrative that those who succeed are “extraordinary” rather than questioning why successful outcomes from these systems are so extraordinary, it still felt incomplete. I dug deeper because my pain only has a purpose if it can make a real difference. Not just for children who look like me or manifest their trauma like me, but for every child.

Without critically examining the historical creation and use of incarceration and confinement as a solution, any changes made will necessarily be cosmetic, disconnected, or incomplete. I begin this report by briefly discussing the history of these two systems for two reasons. First, we must take the time to see, hear, and process the harms we have perpetuated as a country against children if we ever hope to stop the cycle of violence we have created. Second, I hope to amplify the interconnectedness between the dependency and delinquency systems. Despite shared beginnings, their histories, problem analysis, and suggestions for reform are often recounted separately. By illustrating these systems’ overlapping origins, I aim to help unify the fight for reform in these systems.

So how did we get here? Where did we go wrong? The problem is, we’ve never gotten it right. Racism, oppression, and commodification of children are woven into the very fabric of our justice and child welfare systems. These concepts are still deeply embedded in today’s governance of institutional² placements.¹⁰ This historical overview is necessarily limited in scope and is not comprehensive. I focus on the early development of institutions as a “solution” for youth and on the experiences of Black³ children and white⁴ children. Although I include some discussion of the history and harms of institutions to Indigenous and Mexican youth, I acknowledge that this report does not provide a complete picture of the experiences of these or other marginalized people. I hope that by highlighting the experiences of some youth during the era incarceration was imagined, this historical overview will supply a foundation for understanding the “solution” we are invested in and help us avoid the problematic thinking that created these systems of oppression when reimagining what could be.

² Throughout this paper, I use the terms institutions, facilities, and congregate care interchangeably to describe any out of home placement, staffed by shift workers.

³ Throughout this paper I generally use the term “Black,” with a capitalized B, when describing individuals from the African Diaspora. At times, I use “African American” if the author of a particular source uses that term to describe themselves. Language is powerful, and it is my intention throughout this paper to utilize humanizing and inclusive language. Please accept my sincere apology if I fail to honor your experience, history or the person behind the stories, statistics and experience. I am dedicated to the life-long journey of learning to use my words for healing not harm. To read more about the vocabulary of race and racism See generally John Eligon, A Debate Over Identity and Race Asks, Are African-Americans ‘Black’ or ‘black’?, available at: <https://www.nytimes.com/2020/06/26/us/black-african-american-style-debate.html>

⁴ Within “white” I am including Irish, Italian, and other Southern or Eastern European immigrants whom the courts revisionist history later amalgamated into as “white.” See generally John Tehranian, Performing Whiteness: Naturalization Litigation and the Construction of Racial Identity in America, 109 YALE L.J. 817 (2000).



1.1. A Brief History of the Institutionalization of Youth⁵

1.1.1 Origins of Oppression: Children and the Slave Trade

Historians estimate “children comprised over 12 percent of the Africans transported to the Americas between 1663 and 1700”; that figure increased to 23–28 percent between 1701 and 1809.¹¹ However, that is probably a low estimate because age was not determinative of “childhood” for those kidnapped, enslaved, and forcibly emigrated. Instead, there was a mix of subjective and inconsistently applied categories in records, including terms that negated Black children’s childhood, such as “man-boy” and “woman girl.”¹² Eventually, height became a “standard” determinant, with dominant white narrative classifying Black children taller than four feet four inches (the approximate size of an average ten-year-old) as “adults.”¹³ This “standardized definition” of childhood originated from space allotment calculations made for the slavers’ ships’ shelf-like sleeping platforms.¹⁴

The brutality, family separation, adultification, forced labor, and other trauma these children endured form the backdrop against which our modern systems’ treatment of Black children developed. Although their stories are unique, I share one account to illustrate the atrocities children experienced in the American slave trade.

Olaudah⁶ Equiano, born a chief’s son, in Guinea, was kidnapped, separated from his family and community, enslaved, and forcibly emigrated to the United States. Olaudah wrote about his experiences after buying back the right to have his freedom recognized, with the hope his story could save others from the pain he endured.¹⁵

Olaudah was the youngest of seven and his mother’s favorite. At age 11, he and his sister were kidnapped. At first, they had each other; it was not much, but at least they had that:

⁵The following section about the history of institutionalization of youth draws heavily on the research and analysis of James Bell and the W. Hayward Burns Institute for Youth Justice, Fairness and Equity. In which, I have attempted to weave in additional history, specifically the origins of the child welfare system. Which draws heavily on the research and analysis of Dorothy Roberts.

⁶“I was named Olaudah, which, in our language, signifies vicissitude or fortune also, one favoured, and having a loud voice and well spoken.” LAUDAH EQUIANO OR GUSTAVUS VASSA, THE INTERESTING NARRATIVE OF THE LIFE OF OLAUDAH EQUIANO, OR GUSTAVUS VASSA, THE AFRICAN: WRITTEN BY HIMSELF 31 (1789), <https://docsouth.unc.edu/neh/equiano1/equiano1.html>.

[T]he only comfort we had was in being in one another's arms all that night, and bathing each other with our tears. But alas! we were soon deprived of even the small comfort of weeping together. The next day proved a day of greater sorrow than I had yet experienced; for my sister and I were then separated, while we lay clasped in each other's arms. It was in vain that we besought them not to part us; she was torn from me, and immediately carried away, while I was left in a state of distraction not to be described. I cried and grieved continually; and for several days I did not eat but what they forced into my mouth.¹⁶

They were reunited once, only to be almost immediately separated.

[O]ne evening, to my great surprise, whom should I see brought to the house where I was but my dear sister! As soon as she saw me, she gave a loud shriek, and ran into my arms—I was quite overpowered: neither of us could speak; but, for a considerable time, clung to each other in mutual embraces, unable to do anything but weep.¹⁷

Olaudah recalled one family he thought might adopt him. To him, their kindness almost felt like a cruel trick, given hope and joy “only to render the reverse more poignant.”¹⁸ Arriving at the port, he was at first too awed by the sea and the ship to be afraid. But astonishment turned to terror as he boarded.¹⁹ He saw a “multitude of Black people of every description chained together,” dejected, and next to a boiling copper pot. He fainted with horror and anguish, convinced the slavers were going to eat him.²⁰ Olaudah eventually learned that he was going “to these white people’s country to work for them.”²¹ That small comfort did little to assuage his overwhelming grief. “I now wished for the last friend, death, to relieve me; . . . could I have got over the nettings, I would have jumped over the side, but I could not . . .”²²

In addition to the horrors of enslavement, young people like Olaudah were subject to legal systems designed to protect the institution of slavery. Breaking with English common law, the Virginia Assembly in 1662 decreed that Black youth inherited the legal status of their mothers, enslaved or emancipated, rather than that of their fathers.²³ This protected white slavers against financial repercussions for the horrifically common practice of

raping enslaved Black girls and women. It also set up an infrastructure of inheritable “race” based enslavement. In contrast, servitude was never inheritable on the basis of race for “white” children.²⁴

After the transatlantic slave trade was outlawed, domestic slavers continued to rip Black children from their families. During the Second Middle Passage—with the spread of the cotton trade, many enslaved people were sold farther South—30 percent of people sold interstate were children under the age of 15.²⁵ Slavers traded even more children locally.²⁶ Although some attempts were made to prevent the separation of families, Black parents had no custody rights over their children, whom our legal systems viewed and treated as the slaver's property.²⁷ Young children were often the first to be sold in times of financial crisis.²⁸ They were considered especially suitable candidates for hiring purposes, based on their perceived work and reproductive capacity.²⁹ Furthermore, slavers noticed that repeated dislocation left children “ripe for learning the art of submission.”³⁰ One in every three children born into slavery were forcibly separated from their family and community and sold between 1820 and 1860.³¹

Even emancipation did not end these experiences. After having their freedom recognized, “the first act of many Black parents was to try to reclaim and reunite with their children.”³² However, judges had the legal authority to force free Black children into an apprenticeship, often with their prior enslaver as “guardian,” until adulthood (which was now defined by age rather than height).³³ Although these placements were functionally re-enslavement,³⁴ the courts frequently saw them as beneficial to the child, reasoning that the slaver “was in a better position to teach the child ‘the habits of industry’ than were [the child’s] recently free parents.”³⁵ A Union soldier wrote a letter to his wife in 1864 saying that every day, he saw another “poor woman who has walked perhaps ten or twenty miles to try to procure the release of her children taken forcibly away from her and held to all intents and purposes in slavery.”³⁶ In 1866, three hundred Black parents sent a petition to President Andrew Johnson exclaiming, “our homes are invaded and our little ones seized at the family fireside, and forcibly bound to masters who are by law expressly released from any obligation to educate them in either secular or religious knowledge.”³⁷ According to historian



Peggy Cooper Davis, the “painful stories of family disruption told by former slaves motivated the Fourteenth Amendment rights that guarantee family autonomy.”³⁸

The criminal justice system destroyed other Black families, which substituted convict leasing, in slavery’s stead, “to provide cheap forced labor to mines, farms, timber camps, turpentine makers, railroad builders and entrepreneurs.”³⁹ In 1868, in one Louisiana count “of 222 convicts . . . 116 were under the age of twenty five [sic].”⁴⁰ In an analysis of a Philadelphia census by W.E.B. Dubois, more than 18 percent of all Black prisoners were children.⁴¹ One child, Mary Gay, was six years old when she was labeled a “convict” for allegedly stealing a hat.⁴² A court sentenced Mary to thirty days plus court costs.⁴³ The harm and injustice of convict leasing went beyond the labor exploitation and denials of due process and was experienced by some as “worse than slavery.”⁴⁴ “A report by journalist Ida B. Wells on the convict leasing system found starvation, disease, rape and whippings were part of the daily experience.”⁴⁵

1.1.2 The Rise of Institutional Placements for Youth

Exploitation mars the intersecting beginnings of both dependency and delinquency systems. However, the abuse and exploitation of white youth were fundamentally different. During the early decades of our country's history, all children except affluent white children were expected to work from a young age.⁴⁶ Indeed, many young Europeans immigrated to colonial America as indentured servants. Many colonial laws were modeled after British "poor laws,"⁴⁷ with the express purpose of preventing children from becoming a burden on society.⁴⁸ One such law provided public funds "to employ children in order to 'accustom them to labor' and 'afford a prophylactic against vagabonds and paupers.'"⁴⁹ Accordingly, starting around age 13, white "orphan boys were sent to apprentice in a trade while orphan girls were sent into domestic work."⁵⁰ They would remain "in apprentice" until the age of majority, which was typically 18 for women and 21 for men.⁵¹ According to Alexander Hamilton, it was a good investment to get cheap labor from children "who would otherwise be idle."⁵² These priorities were "combined in legislation that authorized overseers to apprentice the children of paupers to farmers and artisans who agreed to train and care for them in their homes."⁵³ After emancipation, it was these apprenticeship laws the courts exploited to re-enslave Black children, with the explicit removal of the requirement to educate apprentices.⁵⁴

Beginning around 1820, reformers in northern urban cities started to question the approach of conscripting children into work.⁵⁵ The 1824 Yates report found: "The poor, when farmed out, or sold, are frequently treated with barbarity and neglect by their keepers." The Yates Report proposed "well-regulated" institutions, inspected by the state government, to meet the social aims of the time: reducing costs, deterring the poor who could work but who choose not to work and protecting the vulnerable poor from abuse and exploitation.⁵⁶ The reports emphasized the importance of classifying children as either worthy of aid or undeserving, using the labels "impotent poor" or "able poor."⁵⁷ After publication, "a raft of legislation" passed (accompanied by federal funding⁵⁸) allowing for the institutionalization of children, against their will, under the auspices of their own good,

"often for soliciting charity."⁵⁹

Similarly, in 1823, the Philadelphia Society for Alleviating the Miseries of Public Prisons appointed a task force to develop "the best means of putting a stop to commitments of young children as vagrants."⁶⁰ The task force issued a report a year later recommending a youth facility "made sufficiently strong for their safe keeping, until suitable places can be obtained for binding them out [as] apprentices, at such a distance from the city as will, in all probability, break off all connections with their former associates."⁶¹ Nothing came of the recommendation until it garnered the help of the Society of Women Friends.⁶² In December 1828, the Philadelphia House of Refuge admitted its first youth, 13-year-old William Coombs.⁶³ It was the third such institution of its kind, soon replicated around the country.⁶⁴ Although used as an alternative to the criminal system, it is clear that it housed youth in need. Records indicate that of the 117 children at Philadelphia's House of Refuge, "41 had lost their fathers, 19 their mothers and 27 were orphans."⁶⁵ Notes from the records describe many parents still living as "worse than none, being intemperate and careless."⁶⁶

The primary focus of the House of Refuge was ensuring children did not fall into idleness. Work hours ranged from six and a half hours to eight and a half per day. Schooling was secondary, with three and a half to four and a half hours of instruction per day.⁶⁷ Free laborers complained to the Philadelphia House of Refuge about the sale of the children's labor because they found it difficult to compete against the "injuriously" low wages.⁶⁸ Meanwhile, born out of the need for funding, the Philadelphia House of Refuge and its successor Glen Mills continuously operated as private institutions receiving public funds.⁶⁹

As states increasingly invested in institutions as the solution to various social welfare problems, the Pennsylvania Supreme Court decision of *Ex Parte Crouse*⁷⁰ in 1838 was instrumental in establishing the state's power to confine children.⁷¹

Mary Ann Crouse was sent to the Philadelphia House of Refuge by her mother because her

“vicious conduct . . . rendered her control beyond [her mother’s] power.”⁷² Outraged, Mary’s father challenged the constitutionality of her detention without a court order. The court refused to release Mary Ann, stating, “The House of Refuge is not a prison, but a school.”⁷³

The ruling implied that youth might fare better under state supervision than the supervision of “unworthy” parents.⁷⁴ “The court then introduced the doctrine of *parens patriae*, giving states legal authority to determine the fate of children and families that came to its attention.”⁷⁵

One commentator recalled children at the Philadelphia House of Refuge selling the flowers through the windows to those passing by: “It was a sad sight—free children on the one side and the imprisoned ones, of the same age, in their coarse clothing, on the other. And yet here was a growth from the old times of dungeons and underground cells, of cruelty and inhumanity.”⁷⁶

Placement at institutions like the House of Refuge was initially off-limits to Black children. But in 1850, the Philadelphia House of Refuge created a separate department for children of color. When admitted, “Black children . . . were, on average, one-and-a-half to two years younger” than their white peers, and “endur[ed] longer sentences and harsher treatment.”⁷⁷ Black children “also suffered a disproportionately high death rate and, upon discharge, . . . [were provided] fewer opportunities for advancement.”⁷⁸

Elisha Swinney, superintendent of the colored department at the House of Refuge in Philadelphia, explained, “In this department, we have difficulties to meet that are not found among the White children . . . We cannot say, you may attain to such a high calling or position in life; to that of a physician, lawyer, legislator, governor.... There are few opportunities given them whereby they might prove themselves.”⁷⁹

Recognizing the limitations and disparities, Black women at the time began to organize to develop alternatives.⁸⁰ For example, Frances Joseph-Gaudet established the first kindergarten for Black children in 1899.⁸¹ Frances also led the movement to set up the first juvenile court in New Orleans.⁸²

At around the same time that houses of refuge appeared in northern cities, other types of institutional placements for youth were also being developed—for a very different purpose. In 1819, the Civilization Act Fund established Indian boarding schools, institutions intended to “save” indigenous children from genocidal westward expansion through forced assimilation.⁸³

The first and most famous of these off-reservation boarding schools was the Carlisle School in Pennsylvania, established in 1879 by Captain Richard Pratt. Pratt, whose infamous motto was “kill the Indian, save the man,” felt it necessary to remove children from the reservation to destroy their knowledge of their native language and traditions, which he believed would otherwise hinder their assimilation into the white culture.⁸⁴

Between 1860 and 1978, countless indigenous youth were ripped from their families and placed in 357 known Indian boarding schools.⁸⁵ Survivors recounted a “culture of pervasive physical and sexual abuse” and scarce food and medical attention, and many students died.⁸⁶

“Almost immediately our names were changed to those in common use in the English language . . . I was told to take a pointer and select a name for myself from the list written on the blackboard. I did, and since one was just as good as another, as I could not distinguish any difference in them, I placed the pointer on the name Luther.” —Luther Standing Bear, *My People, the Sioux*, 1928, concerning his first experiences at Carlisle Indian Industrial School in 1879.⁸⁷

Institutional settings for youth perceived as having a disability also became prevalent during this era. One example is the Whitter state school in southern California, which experimented with an early form of predictive analytics to differentiate between “normal” youth and “feeble-minded” youth. Mexican children were disproportionally labeled feeble-minded, justifying institutional confinement and even sterilization.⁸⁸ While the rise of institutional settings dominated this era, it was not the only reform that took hold.

In the 1870s alone, there were between 20,000 to

30,000 homeless children. Many of the children were Irish, Italian, and other Southern or Eastern European immigrants and whom the courts had not yet racialized as “white.”⁸⁹ These children “begged outright or perform[ed] small services like shining shoes and selling newspapers” and “were often arrested for vagrancy or petty theft.”⁹⁰ Charles Loring Brace, a wealthy white philanthropist, argued that sending the children into the heartland of the United States would expose them to “the civilizing influences of American life.”⁹¹ More than altruism, Brace was motivated by the fear that these children could cause societal upheavals like the revolutionary uprisings that were breaking down class barriers in Europe.⁹² Accordingly, Brace classified these children as part of the “dangerous class.”⁹³ Brace formed the Children’s Aid Society (“the society”).⁹⁴ In 1854, with funding from New York’s wealthiest families, Brace and other organizers began gathering children and sending them west.⁹⁵ Between 1854 and the 1930s, the Children’s Aid Society “emigrated” over 200,000 children on “orphan trains.”⁹⁶ However, not all children sent on orphan trains were orphans.⁹⁷ For example, Hazelle Latimer recounted:

I’d just finished eating, and this matron came by and tapped us along the head. “You’re going to Texas. You’re going to Texas.” When she came to me, I looked up. I said, “I can’t go. I’m not an orphan. My

mother’s still living. She’s in a hospital right here in New York.” “You’re going to Texas.” No use arguing.⁹⁸

Once at their destination, the society would take children to large public gatherings, where potential adoptive parents would inspect and select a child (or children) to take home (with the explicit expectation that the children would work).⁹⁹ As one flyer said: “They may be taken at first upon trial for four weeks, and afterward, if all the parties are satisfied, under indenture — girls until 18 and boys until 21 years of age.”¹⁰⁰

In their annual reports, the Children’s Aid Society “highlighted the productive capacity of the children,” including accolades such as “the child does nearly as much as a man” and “was earning his keep.”¹⁰¹ “The best of all Asylums for the outcast child is the farmer’s home,” Brace wrote.¹⁰² Brace called the orphan trains “Emigration as a cure for Pauperism.”¹⁰³ In his memoir, Brace wrote that “[t]he demand labor on this land is beyond any present supply,”¹⁰⁴ and since farmers needed every set of hands they could find, he felt it made sense to send children west instead of locking them up on the East Coast.¹⁰⁵ Brace’s cause received support from abolitionists who “saw this ‘free labor’ of children as a donation to the cause of ‘freedom’ in the fight against slave labor in the West.”¹⁰⁶



1.1.3 The Progressive Era: Regulation, Legislation, and the Founding of the Juvenile Court

By the turn of the 20th Century, a new “progressive” era was underway, one marked by ambitious—but incomplete and inequitable—reform. There were two primary shifts during this period. First, there was the growth and formalization of child-serving systems. Second, there was a growing concern about the treatment of white children in institutions and a focus on child well-being.

The rapid growth of formalization, regulation, and oversight for child-serving systems marked the first quarter of the twentieth century. In 1885, the practice of “placing out,” or placing children in families rather than institutions, started to be regulated. Pennsylvania passed the first child welfare licensing law, making it a misdemeanor “to care for two or more unrelated children without a license.”¹⁰⁷ In 1899, Julia Lathrop and Lucy Flowers, two white women, drafted “An Act for the Treatment and Control of Dependent, Neglected and Delinquent Children.”¹⁰⁸ The Illinois Act¹⁰⁹ established the world’s first juvenile court, which opened on July 3, 1899, in Chicago, Illinois, to address “the child’s need and not the deed.”¹¹⁰ The Act also clearly defined when to classify children as dependent (neglected) and delinquent.¹¹¹

By 1912, 22 states had created youth courts, and the federal government established the Children’s Bureau.¹¹² Although due process issues plagued the early juvenile courts in general (they were later referred to as a “kangaroo court” by the U.S. Supreme Court),¹¹³ white children were given access to a modern courtroom with a juvenile court judge presiding.¹¹⁴ However, the emerging notions of justice, including due process, and well-being, were rarely and unevenly available to Black children.¹¹⁵ The physical conditions of youth facilities vividly demonstrate the disparities in youth “justice.”¹¹⁶ For example, in Tennessee, “[w]hite facilities were rich with resources, including . . . several classrooms for educational and vocational training, a gymnasium, a garden, housing, and more.”¹¹⁷ The facility for Black children, however, “was a small cottage devoid of resources.”¹¹⁸

As the reliance on youth facilities grew, so did the reports of abuse and maltreatment and calls for reform. By 1910, there were more than 1000 youth facilities in the United States, and “their average size had grown considerably.”¹¹⁹ However, partly through increasingly available data demonstrating that orphanages and other institutions “sickened and killed alarming numbers of children,” the understanding spread that “a poor home is often better than a good institution.”¹²⁰ The first White House Conference on Children and Youth, convened in 1909, focused on the harms of institutional placement for children.¹²¹ This trend was part of a growing consensus recognizing child maltreatment as a social problem that needed to be addressed by social welfare, such as support for families, particularly widows and single mothers.¹²²

The violence and exploitation Black children endured and their impact on Black families spurred early reform efforts, led primarily by Black women, referred to as the “black child-saving movement.”¹²³ Julia Britton Hooks, an African American musical prodigy known as the “Angel of Beale Street,” was a prominent movement member.¹²⁴ In an influential essay, Hooks wrote: “There is in every child [this] divine principle awaiting development, [this] precious germ awaiting unfolding.”¹²⁵ At the first national meeting in 1899 of the National Association of Colored Women’s Clubs, a presentation on “The convict Lease System as It Affects Child Nature” had a “profound impression on the over one hundred delegates representing forty-six clubs from sixteen states.”¹²⁶ M. Louise Jenkins, a prominent Atlanta club member, described the movement as “a struggle to ‘save black children from the slavery of an iniquitous justice system.’”¹²⁷



1.2 Today's Institutional Placements: A Pennsylvania Case Study

The racist origins, reliance on institutions, and uneven reforms of the youth-focused systems are all still with us. Youth—still predominately youth of color—are sent to institutional placements, are still subject to horrific abuses and maltreatment behind closed doors and are still ignored or silenced by the systems intended to support them. An in-depth look at Pennsylvania's experience with institutional placements shows the cyclical nature of abuse in facilities and the urgency of reforms that allow youth in these facilities to speak out and be heard.

1.2.1 Youth Experiences

On October 13, 2016, David Hess was murdered at Wordsworth Academy in West Philadelphia, a residential facility for children in foster care.¹²⁸ Before losing consciousness, David, a 17-year-old Black child, was violently punched in the ribs while one staff held his legs and another put him in a headlock with a forearm on his neck.¹²⁹ Using their foot, one employee attempted chest compressions.¹³⁰ David died later that night.¹³¹ In the ten years preceding David Hess' murder, police were summoned to Wordsworth more than 800 times.¹³² A Philadelphia Inquirer investigation "revealed at least 49 sex crimes had been reported at Wordsworth in the last decade, including a dozen rapes and 23 accounts of sexual abuse."¹³³

Between 2017 and 2018, ChildLine—Pennsylvania's child abuse reporting hotline—received 18 reports of abuse at South Mountain, a secure facility for justice-involved youth. One such complaint came from a nurse who reported several injuries, including bruising, bleeding, facial fracture, slurred speech, and dizziness, that resulted from a restraint.¹³⁴ According to a subsequent lawsuit filed by Disability Rights Pennsylvania, the youth said no one spoke to him to investigate the complaint.¹³⁵ The court returned him to the same facility under the care of staff members who had put him into the hospital.¹³⁶ Such incidents were far from isolated; the lawsuit alleges widespread staff abuse, escalation, instigation, intimidation, and failure to keep youth safe.¹³⁷ Yet, according to Pennsylvania's Department of Human Services, at the time, each report of abuse was determined to be "unfounded."¹³⁸

On August 31, 2018, The Philadelphia Inquirer reported on an incident of staff abuse at Glen Mills School—the modern incarnation of the original Philadelphia House of Refuge.¹³⁹ The Inquirer reported that a 6-plus foot tall, 280-pound counselor at the school picked up 17-year-old A.W. "by the neck of his sweater, lifted him clear over the back of a couch, and slammed his body onto the floor. Two other counselors held the boy's legs down while [the counselor] choked him with his sweater and punched him in the chin."¹⁴⁰ Glen Mills called it an "isolated incident." "We immediately self-reported an isolated incident involving staff that did not uphold our stringent ethical standards and protocols," said the executive director in an emailed statement.¹⁴¹ Then Philadelphia DHS Commissioner Cynthia Figueroa commended Glen Mills leadership's "100 percent ownership and accountability."¹⁴²

Six months later, the Inquirer unveiled 40 years of evidence of abuse.¹⁴³ Concluding the Glen Mills School "failed to protect the youth entrusted to its care, placed youth at risk of serious physical injury, permitted youth to sustain physical injuries by their acts and failure to act and ... engages in a culture that instills fear in youth through coercion and intimidation."¹⁴⁴ In addition to prevalent and persistent abuse, Glen Mills routinely denied youth their right to an education.¹⁴⁵ Following those revelations, the state finally revoked the facility's license.¹⁴⁶

In August 2020, the Inquirer again exposed 25 years of abuse, this time at Devereux, a facility for youth with behavioral health challenges. Their investigation identified 41 children who had been raped or sexually assaulted by Devereux staff members; some of the children were as young as 12, and some had IQs as low as 50.¹⁴⁷ One lawsuit alleges that, although children often complained to Devereux staffers or social workers, their complaints were either ignored or put them at further risk of harm.¹⁴⁸ In one horrific instance, a female resident, age 14, was sexually assaulted by her roommate.¹⁴⁹ When she reported the abuse to a Devereux staffer, the staff punished her for “complaining” by raping her in solitary confinement.¹⁵⁰ Afterward, they returned her to the room with her abusive roommate.¹⁵¹

“These incidents are heartbreaking and unacceptable,” said Devereux in a company statement; “Every provider in the field must deal with the issue of employees who, despite thorough training, support, and supervision, do the wrong thing in complicated situations.”¹⁵²

Public examples of abuse must be seen within the larger context rather than idiosyncratic or merely the fault of any individual “bad actor” or “bad factor.” Children in institutions are regularly and routinely subject to abuse, neglect, and educational deprivation.¹⁵³ Juvenile Law Center’s Youth Advocate Program’s (YA)⁷ Youth Advocates have repeatedly shared stories of being taken from their family, community peers, and support networks and being violated, restrained, abused, and isolated without access to appropriate educational services from an array of Pennsylvania institutional placements.¹⁵⁴ They shared their stories in the hope of making a difference.¹⁵⁵ One report, *Broken Bridges*,¹⁵⁶ inspired me to pursue this project. I have included several youth advocate insights from YA’s extensive advocacy publications and testimony.

“I believe that we don’t need generation after generation to fall apart due to a broken system, so it is important for us to share our testimonies to fix the damaged system,” said Alex, Youth Advocate.¹⁵⁷ Keema wrote, “I want people to get a visual of what’s happening in the system and better understand the perspectives of the kids that have been through care because there’s so many different experiences and it’s important to know each story. I wish I had the help that was supposed to be given.”¹⁵⁸

1.2.2 Law and Policy

The Pennsylvania dependency and delinquency courts place youth in many types of institutional placements, licensed under the same regulations.¹⁵⁹ The regulations require private facilities to comply, while state-run facilities are trusted to comply voluntarily.¹⁶⁰ Examples of regulated facilities include group homes, residential treatment facilities, inpatient mental health service facilities, and secure residential facilities (which are similar to a youth prison). Pennsylvania has five state-run facilities: three youth development centers (YDCs) and two youth forestry camps (YFCs).¹⁶¹ Counties can contract with

⁷ Juvenile Law Center’s Youth Advocacy Program prepares young people to lead advocacy and policy reform efforts in their local communities and beyond. To learn more about their extraordinary work visit: <https://jlc.org/youth-advocacy>

both state-run and private facilities, with costs varying depending on the facility.¹⁶² In 2019, Pennsylvania placed over 12% of youth in a congregate setting upon first entering the foster care system and over 25% of youth in institutions upon reentry.¹⁶³ On September 30, 2019, over 1,700¹⁶⁴ Pennsylvania foster children lived in 506 residential facilities run by various legal entities.¹⁶⁵ Black children were placed in foster care over two and half times over their rate in the general population.¹⁶⁶

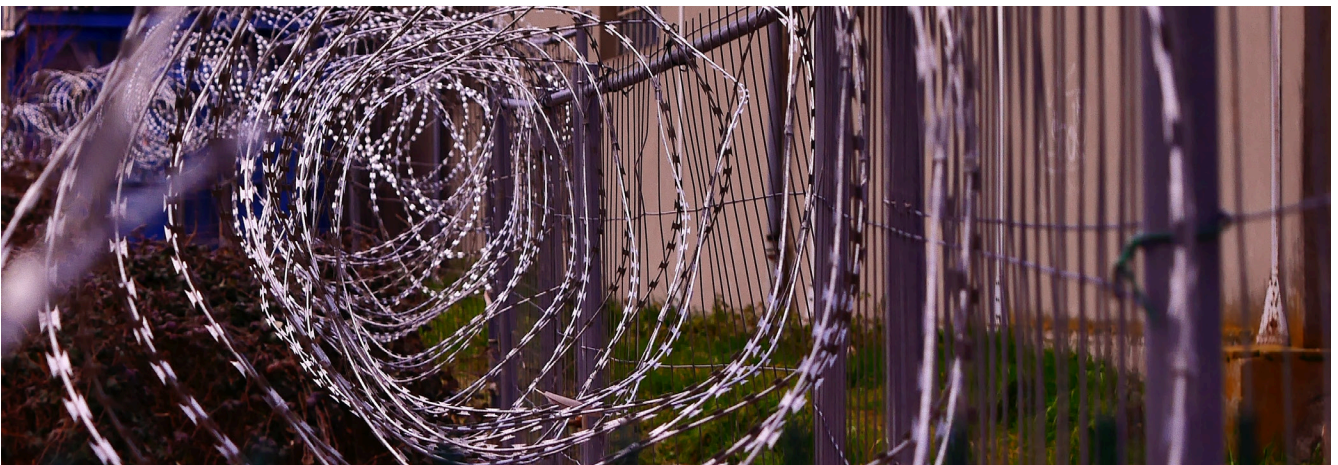
In 2018, Pennsylvania courts ordered 7,623 secure detention admissions and 2,965 delinquency placements.¹⁶⁷ A 2020 Pennsylvania juvenile justice task force documented disproportionate placement rates and duration, particularly for Black, non-Hispanic youth.¹⁶⁸ Black, non-Hispanic males spent the longest time under court supervision, 42 months on average, compared to 38 months on average for all children.¹⁶⁹

Institutional care is expensive. Juvenile Law Center Staff Attorney, Malik Pickett, recounting the data findings for the Pennsylvania Juvenile Task Force, wrote that “in 2019, juvenile detention ... was the most expensive service type, with an annual cost of \$220,193 per youth.”¹⁷⁰ The second was “[s]tate-run facilities (YDCs/YFCs) [with] an average yearly price of \$193,720 per youth.”¹⁷¹ Private, secure residential facilities averaged \$125,842, and other non-secure private facilities averaged \$107,468 per youth yearly.¹⁷² “In 2019, Pennsylvania spent 80% (approximately

\$281 million) of their total juvenile delinquency expenditure (\$349 million) on private and state-run out-of-home placements. Pennsylvania spent the remaining 20% (roughly \$68 million) on in-home services that would allow youth to remain in their communities.”¹⁷³

Despite Pennsylvania’s significant investment in institutional placements, it has not similarly invested in ensuring that young people have an avenue to speak out and be heard about their treatment at these facilities. Pennsylvania’s youth grievance protections⁸ primarily trust the individual facilities to self-regulate.¹⁷⁴

Pennsylvania Department of Human Services (DHS) also has a child abuse reporting hotline, Child Line. This hotline receives reports of abuse from all mandated reporters, as well as concerned citizens. However, ChildLine has been ineffective at investigating DHS and its subcontractors. Pennsylvania DHS had reports of abuse from each of these facilities. Although it had more access, opportunity, and obligation to investigate the facilities thoroughly, it took external oversight and transparency through damning media coverage before our children were removed from these facilities.¹⁷⁵ Our children deserve better. As Estelle Richman, co-chair of Philadelphia’s task force to address issues in youth institutional placements and former Secretary of the Pennsylvania Department of Public Welfare, said, “the Philadelphia Inquirer should not be our ombudsperson.”¹⁷⁶



⁸ “Grievance protections” are the set of mechanisms designed to allow the full expression of children’s rights; specifically educating youth on their rights, supplying an effective process to assert their rights, and ensuring that their rights are protected.

1.3 Today's Institutional Placements: Across the Country

Unchecked, recurrent, or systemic maltreatment in facilities is not unique to Pennsylvania. In 2011, *No Place for Kids*, a groundbreaking report by the Annie E. Casey Foundation, detailed, clear evidence of decades of widespread maltreatment in state youth correctional facilities.¹⁷⁷ It identified 52 lawsuits since 1970 that resulted in a court-sanctioned remedy to systemic problems with violence, physical or sexual abuse by facility staff, and excessive use of isolation or physical restraints.¹⁷⁸ In an update four years later, the Foundation found “a flood of new revelations of abuse and maltreatment.”¹⁷⁹ An extensive survey or update like *No Place for Kids* is beyond the scope of this report.

However, I have included a brief overview of news coverage of abuses across the country. Media has served as a necessary, albeit insufficient, oversight mechanism over facilities, with news sources, not state-regulated oversight processes, unveiling facilities’ egregious instances of abuse. However, news media coverage is inherently episodic. Occasional and intermittent exposure of

individual instances of abuse or violent facilities captures attention momentarily without examining the national and historic pattern of abuse in facilities and interlocking oppressions endured by youth that amplifies harm. Relying on media alone allows the malignancy of racial disparities, abuse, and mistreatment in facilities to flourish.

Librarian Mary Jo Vortkamp⁹ compiled an extensive search, although not exhaustive, of national news coverage on instances of abuses in facilities between 2017 to 2020.¹⁰ Her review uncovered reports of **abuses in fifty-five facilities, both private and state-run, in forty-four different states.**¹⁸⁰ She also found **seven lawsuits or official reports detailing pervasive statewide maltreatment of youth in institutional care.**¹⁸¹ Reflecting on her research, Vortkamp wrote: “As this database was developed, more and more articles continued to appear across the country. Incidents like this are probably happening in a town near you.”¹⁸² Cases she uncovered included:



⁹ Mary Jo Vortkamp is a Children's Librarian, community connector and children's advocate in Detroit, Michigan. A native of Detroit she holds a Bachelor of Arts in English and a Master's Degree in Library and Information Science. She works with many local organizations and youth in her day job as a Children's Librarian for the Detroit Public Library. In addition, she is a founding board member and Board Chair of the Detroit Phoenix Center, a Detroit nonprofit organization that “provides critical resources, support and a safe, nurturing and inclusive environment to high risk and homeless youth in Detroit.” DETROIT PHOENIX Center, <http://www.detroitphoenixcenter.org/> (last visited June 15, 2021). She continues the proud tradition of working with youth that she inherited from her family and community growing up. mary313franklin@gmail.com.

¹⁰ Research method: Searched newspaper source plus database for juvenile detention and various synonyms from 2017 to 2020. For states where nothing was found, searched Google for Juvenile Detention and abuse and broadened searches out from there if nothing was found. Articles were then copied in case they disappeared, or the reader did not have access to the database. Note: the time range 2017 to 2020 is referencing article publication date, and therefore some articles referenced incidents of abuses that occurred outside of this range.

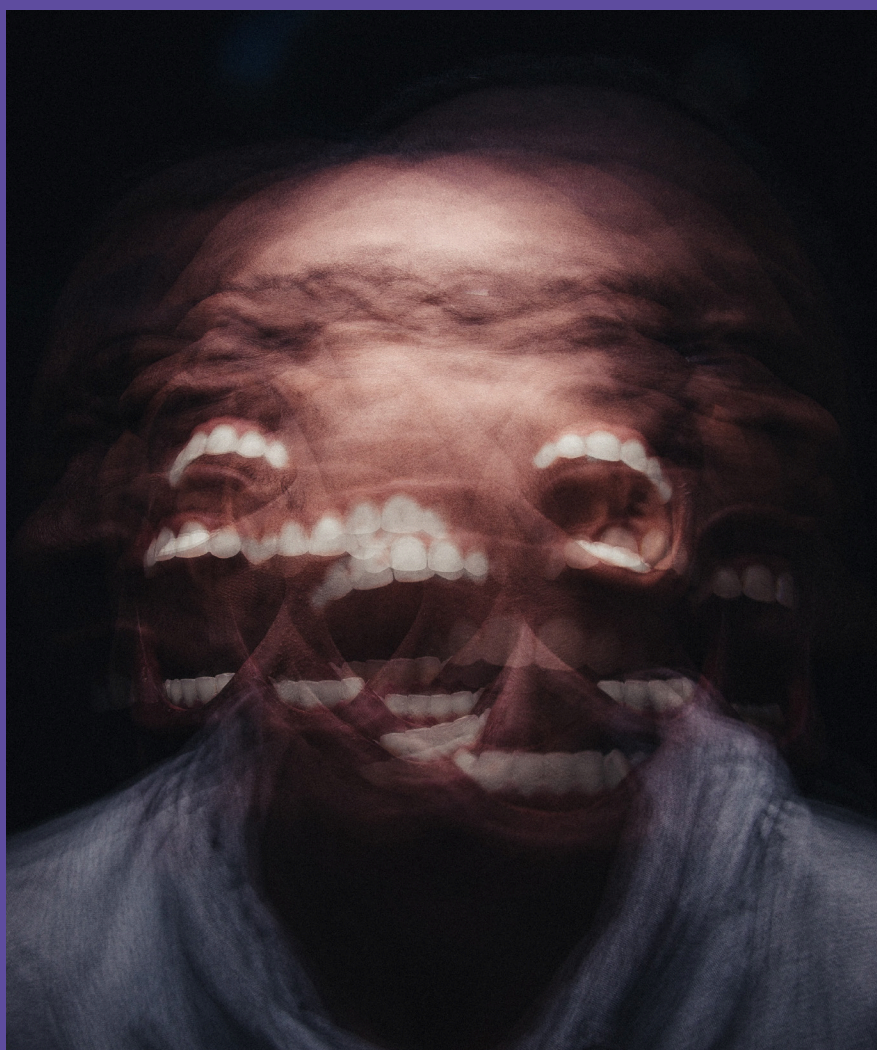
- Sixteen-year-old **Gynna McMillen** died alone, in isolation, after six employees failed to check on her and falsified reports to show otherwise.¹⁸³ A report following Gynna's death by the Center for Children's Law and Policy excoriated Kentucky's "near-total absence of mental health care in the detention centers; chronic staff shortages and inadequate employee training;" extensive use of room isolation; "a lack of special education for youths with learning disabilities;" and **"few opportunities for residents to file grievances that could reveal abuses."**¹⁸⁴
- In Michigan, **Cornelius Fredericks** died after at least seven male staff members sat or laid on his chest for nearly 12 minutes.¹⁸⁵ The restraint was in response to Fredericks purportedly throwing a sandwich in the cafeteria.¹⁸⁶
- Over 400 complaints were received in ten years regarding a single **South Dakota** facility.¹⁸⁷ One state report noted that youth placed at the facility were physically restrained an average of 150 times per month over three months, an average of 5 physical restraints per day.¹⁸⁸
- One Sequel facility in **Kansas** became covered in graffiti after shutting down, hinting at the horrors that happened behind its walls: **"Pray for victims," "We want justice," "Rape School," "Youth were abused here...systematically (sexually) (and mental)."**¹⁸⁹
- In **Alabama**, now-retired police captain Charles Kennedy received desperate notes from boys at a local facility, "some scribbled on tiny pieces of scrap paper;" one said that staff **"treat us like dog's plz make this stop before it's to LATE!!"**¹⁹⁰ After the facility operator fled Alabama amid allegations of abuse, he set up facilities in **Missouri** and **Texas**. Kennedy said: "It's like whack-a-mole. They'll pack up and run before anybody can do anything because they know they can't withstand an investigation."¹⁹¹ Four years later, the facilities were shut down, and the operators were charged with human trafficking.¹⁹² Kennedy is now fighting for expanded oversight measures to keep children safe.¹⁹³
- In **Montana**, Disability Rights Montana reported excessive use of isolation, citing one 17-year-old child

who spent **99 days in solitary confinement** in less than a year, with the longest stretch lasting 71 days straight.¹⁹⁴

- A facility in **New Mexico**, housing children as young as seven, shut down after accusations of failing to protect youth from physical and sexual abuse by staff and other youth. Reports cited "internal fight clubs" and a rampant spread of HIV among staff and children.¹⁹⁵
- One facility in **Alaska** had a 15% rate of sexual victimization¹¹ (predominately perpetrated by staff¹⁹⁶). **"What's surprising is how many kids were saying these things were happening without us knowing it,"** said a facility superintendent. One supervising officer was found guilty on seven counts of sexual abuse, as well as solicitation.¹⁹⁷
- In **Washington**, a lawsuit details a "culture of sexually inappropriate behavior by both guards and staff,"¹⁹⁸ with "[r]etaliation and suppression of complaints ... common."¹⁹⁹ Staff "actively attempted to prevent" a child "from making [a] complaint, including refusing to allow [him] to call the PREA hotline number."²⁰⁰ Other staff "refused to submit his reports."²⁰¹
- In California DJJ, ombudsperson outreach data revealed a concerning low number of staff complaints at one facility, O.H. Close., given the large population and high rates of "violence, injuries, and use of force" at the facility. The resulting investigation found two practices silencing youth grievances. First, the facility printed staff misconduct grievance forms in a different color from the standard grievance form (blue vs. white), "making it easily distinguishable from afar, including the distance from the guard station to the grievance form box."²⁰³

¹¹ The Alaskan facility, McLaughlin Youth Center's 15% sexual victimization rate, was **slightly** above the 12% national rate for similar facilities. Lisa Demer, 1 in 7 Kids Report Sex Abuse at McLaughlin, ANCHORAGE DAILY NEWS (Sept. 29, 2016), <https://www.adn.com/alaska-news/article/1-7-kids-report-sex-abuse-mclaughlin/2010/01/08/>.





SECTION 02

YOUTH GRIEVANCE PROTECTIONS

02. YOUTH GRIEVANCE PROTECTIONS

The persistence of youth abuse, mistreatment, and rights violations in institutions vividly proves the need for system transformation. One piece of that reform effort—and the focus of this report—is developing adequate grievance protections for youth in institutions. This Section explains what grievance protections are (and why they are essential) and analyzes the existing grievance protections in each state and the District of Columbia. I organize my analysis around three core components critical to adequate youth-centered grievance protection. Specifically: (1) see youth, (2) hear youth, and (3) protect youth.

An adequate grievance protection is a set of mechanisms designed to allow the full expression of children's rights, explicitly educating youth on their rights, supplying an effective process to assert and protect their rights. In this way, grievance protections are a vehicle for youth legal empowerment. Youth legal empowerment can lessen the oppression incurred through system involvement and begin to return agency to youth. "Timely and meaningful" youth participation can help "build resilience and competencies in children and support several developmental processes."²⁰⁹ "Resilience is the product of agency: knowing that what you do can make a difference."²¹⁰ At their best, youth-centered grievance protections do just that by empowering youth "to challenge abusive behaviour and protect themselves."²¹¹ But that is rarely the experience of children engaged by our delinquency or dependency systems. And what happens after a youth tries to report abuse, mistreatment, or discontent leaves a lasting impact.

At the outset, it is important to note that grievance protections alone—while necessary and the focus of this report—are by no means sufficient to protect the safety and well-being of our children in state custody. One essential precondition for an adequate grievance protection is the existence of underlying substantive rights. For example, without an underlying right to be safe from abuse or neglect, the right to file a grievance will do little to interrupt the violence youth experience. So, although not discussed in depth in this report, the need for substantive rights cannot be overstated.¹² The limited focus of this report excludes the consideration of youth in adult facilities or immigration detention. Youth held these facilities are, at times, at even greater risk of harm and must be specifically considered and protected. Similarly, youth involved with the dependency or delinquency system outside institutions, such as youth in foster homes, kinship care, or probation, recount experiencing similar abuses to children in facilities, with less oversight and opportunities to report the abuse. This mirrors my experiences. Although not specifically discussed, the absence of youth-centered protections is harmful to youth involved with any system.

¹² For an example of the complicated and intersecting rights that system involved youth may have, please see Juvenile Law Center's Know Your Rights Guide, for youth involved with the dependency system. Jennifer Pokempner, Know Your Rights Guide: Introduction and Chapter List, JUVENILE LAW CENTER, <https://jlc.org/resources/know-your-rights-guide-introduction> (last visited June 2, 2021).

As Duane, a youth advocate with Juvenile Law Center's Youth Advocacy Program testified:

Even in foster homes, I was not heard. For example, my case manager came to my foster home; the foster parents wouldn't allow me to speak to them. **My case manager allowed them just to silence me.** My foster parent said I could be lying or what I'm saying wasn't probably accurate - so my case manager listened to the foster parents instead. I came out to talk to my caseworker, and my foster parent screamed and said, "No one asked you to come out of your room, so you better go back in your room, we will call you if we need you to say something." My foster parent did that in my case manager's presence, and she did not do anything about it or reach out to hear my side of the story. I didn't even know that my case manager left because my foster parents did not call me out of my room. They didn't hear both sides of the story- **treated me like my voice wasn't going to be heard - as if it wouldn't make a difference if I said anything. I was not allowed to speak my mind or say what I had to say.**²¹²

My hope is that as more jurisdictions adopt adequate youth - centered grievance protections and more youth stories can break through the physical and psychological barriers to being heard, our collective moral imagination will sharpen; prompting a greater system reimagination—one that starts with those in need, youth themselves, showing us where to begin.



2.1 Youth Experiences

Youth advocates with Juvenile Law Center described the harmful effects of absent and inadequate grievance protections in testimony advocating for a Philadelphia youth ombuds to receive, investigate and respond to complaints of abuse, mistreatment, or other rights violations in institutional placements.

- Mark wrote: “To send in a grievance and get no response was definitely scary. It was really worrisome. It made me feel like this is what life was. At the moment it made me start to question things, made me start to just accept it in a way.”²¹³
- Duane’s written testimony read: “Being in the system at a young age, my voice was taken away. I was not heard. I was censored or shut down because of the experience that brought me into the system. We are children. We are youths. We have our moments. I did not know how to communicate my thoughts and feelings . . . When I realized that no one was listening to me, I lost hope and was silent about it.”²¹⁴
- Keema wrote that after being harmed by an older foster sibling, “I didn’t say anything even though I knew what was going on, but I couldn’t do anything about it. I couldn’t open my mouth to get the words out because I had already experienced it and something in me just wouldn’t let me speak. Nobody knew what was going on, I never opened up about it because I didn’t have anybody who would listen. I wish I had someone to go to.”²¹⁵

These insights and experiences are far from isolated or abnormal. My sister was similarly silenced. Despite how strong and protective her voice was for me; it was powerless to protect her once behind institutional walls. Recently, the Young Women’s Freedom Center¹³ in California published an extraordinary report, *Through Their Eyes*. The report “illuminates the experiences of fifty-one system-impacted . . . youth,” using their revolutionary research method “Youth Participatory Action Research.”²¹⁶ The report is a resounding “call to action to abolish systems of harm and envision communities that nurture all young people.”²¹⁷ A thread woven throughout the community experts’¹⁴ experiences was not being heard, despite attempts to complain:

- I heard people say that no one believed them. People lodged complaints of abuse that occurred in group homes to their social workers. Nothing came of it. Others attempted to address the harassment they experienced while incarcerated. Nothing came of that. The adults around these young people did not take their disclosures seriously. No one attempted to interrupt the cycles of institutional violence these youth experienced, to protect the dignity of their childhood. Instead, they were criminalized and adultified.²¹⁸

¹³ Young Women’s Freedom Center is “a leadership and advocacy organization led by system-involved cis and trans young women and girls, trans young men and boys and gender expansive youth of color who have grown up in poverty, worked in the underground street economy and have been criminalized by social services such as foster care, welfare and the mental health systems.” ALEZANDRA MELENDREZ, YOUNG WOMEN’S FREEDOM CENTER, THROUGH THEIR EYES: STORIES OF REFLECTION, RESISTANCE, AND RESILIENCE ON JUVENILE INCARCERATION FROM SAN FRANCISCO CIS AND TRANS YOUNG WOMEN & GIRLS, TRANS YOUNG MEN & BOYS AND GENDER EXPANSIVE

YOUTH 3 (2021), https://www.youngwomenfree.org/wp-content/uploads/2021/02/YWFC_ThroughTheirEyes_Report_2021.pdf.

¹⁴ The term Community Experts, used in place of “research participant” or “subject,” was created by Jocelyn Mati, a lead youth participatory action researcher at Young Women’s Freedom Center to emphasize the intellectual contributions of the people who shared their experiences. See ALEZANDRA MELENDREZ, YOUNG WOMEN’S FREEDOM CENTER, THROUGH THEIR EYES: STORIES OF REFLECTION, RESISTANCE, AND RESILIENCE ON JUVENILE INCARCERATION FROM SAN FRANCISCO CIS AND TRANS YOUNG WOMEN & GIRLS, TRANS YOUNG MEN & BOYS AND GENDER EXPANSIVE YOUTH 9 (2021), https://www.youngwomenfree.org/wp-content/uploads/2021/02/YWFC_ThroughTheirEyes_Report_2021.pdf.

2.2 Law and Policy

International law makes clear the obligation on legal systems to take the concerns and views of youth seriously. Unfortunately, the United States has failed to ratify the treaty that sets forth a comprehensive framework on the fundamental rights of children, the United Nations Convention on the Rights of the Child (CRC). The CRC is one of the most ratified human rights treaties in history, with 196 signatories; the United States is the only U.N. country missing.²¹⁹ Article 12 of the CRC recognizes children's "right to express their views and have them taken seriously in accordance with their age and maturity."²²⁰ At the time of implementation, Article 12 prompted concerns from members: "children lack competence; they lack knowledge and judgement; involving them in decisions is to place too heavy a burden on them; . . . giving children a voice will lead to excessive demands, bad behavior, disrespect for elders; participation will expose children to risk of harm."²²¹ Once enacted; however, countries abiding by the treaty have found the opposite, and have realized that "children – even very young children – given the time and opportunity, demonstrate not only that they have views, experiences, and perspectives to express, but that their expression can contribute positively to decisions that affect the realization of their rights and wellbeing."²²² In other words, when we give children space, time, and opportunity to speak, they can, and creating that space for them to speak helps keep youth safe and well.

Under U.S. law, youth struggle to have their right to be heard recognized. Although the United States Constitution and state law impose affirmative duties of care and protection upon states that extend to youth in institutional placements,²²³ the Prison Litigation Reform Act (PLRA) severely limits youth's abilities to enforce those rights. The PLRA requires any individual to "exhaust" administrative remedies before they can file a claim in federal court.²²⁴ This administrative exhaustion requirement means that if the youth do not follow all the technical requirements of the grievance process used by their institution, they risk having their case dismissed entirely. Indeed, that is what happened to a child in Texas who was sexually assaulted; a youth in Kentucky

who staff hit, shocked with a stun gun, and then led down the hall by his testicles; and a "North Dakota youth who was beaten with 'padlock-laden socks,' suffered a seizure, deprived of medical care, and then beaten again and raped."²²⁵ The PLRA also "limit[s] the type of relief youth can get from the courts for injuries in . . . facilities; prevent[s] youth from bringing lawsuits for emotional injuries without physical injuries; and limit[s] attorneys' fees," creating barriers for young people seeking attorneys to represent them.²²⁶



The PLRA exacerbates the stiff obstacles youth already face to enforcing their rights under states' onerous, unprotective, and ineffective grievance procedures. Grievance protections for youth in institutions, where they exist, can be found in code, regulations, administrative guidance, agency policies, or some mixture. My research is limited to state codes, regulations, and administrative guidance. I have excluded dependency and delinquency agency policy from the scope of my research. I made this decision because of the lack of independence and changeability of agency policies. The risk of maltreatment and impact of harm on youth necessitates clear and codified protections.¹⁵ States generally govern youth grievance protections based on which system (delinquency or dependency) has placed the child in the facility. However, some states jointly regulate or have a mix of joint and separate regulations. Other states use an ombuds or another type of central reporting office in addition to or in place of grievance protections. An independent ombuds with the power to investigate youth grievances, enforce youth rights, and publicly report on rights violations can be a vital part of youth-centered grievance protections. However, a complete analysis of youth ombuds offices is beyond the scope of this report. In short, current state grievance policies—which I describe in depth below—are complex and inadequate. As a result, the system deprives youth of meaningful processes to express themselves and shuts youth out of federal court under the PLRA when they “fail” to exhaust their available remedies.

At the federal level, the Prison Rape Elimination Act (PREA) is the closest thing to a grievance protection for youth in institutional placements. PREA was enacted to “provide for the analysis of the incidence and effects of prison rape in federal, state, and local institutions and to provide information, resources, recommendations, and funding to protect individuals from prison rape.”²²⁷ In 2012, as required under the Act, the Department of Justice set out national standards to help prevent sexual abuse, protect individuals in institutions, and create procedures to report sexual abuse.²²⁸ PREA has improved youth awareness of their right to sexual safety and has increased reporting of sexual mistreatment. However, it has not meaningfully reduced sexual abuse of youth in institutions.²²⁹ There is no definitive reason why PREA has been unable to effectively reduce sexual violence in youth facilities, although there are many explanations. For example, it does not meet the core components described in further detail below. Specifically,

there was no record of youth inclusion in the design of orientation, reporting, or investigative responses.²³⁰ PREA limits its scope to only one type of abuse, sexual violence.²³¹ It also delegates the investigative processes, a vitally important component of youth-centered grievance protections, to agencies and facilities themselves.²³²

Without a broad overarching framework for either rights or grievance protections, some of our most vulnerable youth are left with a complicated patchwork of intersecting Federal, State, and local laws. These laws exist ostensibly to protect youths' rights, but in effect, create an echo chamber that leaves children screaming into the void: unseen, unheard, and unprotected.

¹⁵ Like agency policies, regulations also suffer from changeability. Indeed, during my research for this report, Wisconsin's juvenile grievance procedure regulations expired. Wisconsin has yet to replace the expired rules. See WIS. ADMIN. CODE DOC § 347.01 et seq. (expired Jan. 2021).

2.3 Core Components of Grievance Protections

Our current systems and structures of oversight disempower youth, hide abuse, and protect facilities from liability. “Children have very specific differing needs from adults when it comes to complaints mechanisms,” so youth grievance protections must be “youth-centered.”²³³ Youth in these systems are particularly vulnerable and face unique challenges voicing their concerns because of the inherent vulnerability of childhood and a multitude of intersecting identities around race, gender, sexual orientation, and trauma histories that heighten and complicate vulnerability.²³⁴

What does it mean for a grievance protection to be youth-centered? A significant focus of my project was trying to define exactly that. When I began, I consulted with Anthony¹⁶ and Anahi, two expert youth advocates with Juvenile Law Center’s Youth Advocacy Program. Anthony and Anahi both provided invaluable insight into the creation of this report.¹⁷ One insight from Anahi stood out: **what youth need the most is to be seen, heard, and protected**. This insight helped shape the organizational framework of my research and led me to discover New Zealand’s comprehensive review of youth voice in child complaint protections. New Zealand’s review details the key elements of a “child centered” complaint mechanism developed from an international literature review and in-depth discussions with youth. New Zealand’s key elements are: (1) awareness; (2) “accessibility, including the provision of advocacy services”; (3) timeliness; (4) “problem solving approach and perspective”; (5) “fair and transparent administration”; and (6) “quality assurance and accountability.”²³⁵

¹⁶ Anthony Simpson has been an advocate with Advocates Transforming Youth Systems (ATYS), a project of Juvenile Law Center, for five years where he advocated for policy reform for youth who have had experience in the child welfare system. He most recently served as the Youth Advocacy Alumni Fellow where he worked to increase youth participation in dependency court hearings and improve permanency and educational outcomes for older youth in foster care. He has spoken nationally on these issues, publishing numerous op-eds and has spoken across the country. He was the recipient of the Pennsylvania’s Statewide Adoption Network’s 2018 Youth Advocacy Award; this award recognizes an individual in the state of Pennsylvania who is a current or former youth in foster care who has raised awareness about the challenges of foster care. Anthony is also a performing artist and uses his music as an outlet for expression and advocacy. He serves as a member of the Philly Homes 4 Youth Coalition to End Youth Homelessness in the city of Philadelphia and the Pride Task Force at Valley Youth House.

What truly sparks his inspiration to continue to do this work is the resilience that he not only had to exemplify but also saw in a growing number of other young leaders formally involved in the juvenile justice or child welfare systems. They continually echoed the sentiment of change he sought on a foundational level to truly make youth-centered systems work, to bring young people home and in communities, and to keep them safe and make sure they have a support system they can depend on.

¹⁷ Anahi Figueroa been an advocate with Advocates Transforming Youth Systems (ATYS) for five years where she advocated for policy reform with other youth who have had experience. Anahi was an author of the Broken Bridges report, and has spoken nationally on issues facing youth in the juvenile justice and child welfare systems, and currently advocates for policy change with the Care Not Control committee, John Hopkins committee, and Juvenile Law Center’s Alumni Speakers Bureau. Anahi hopes that her advocacy will make life a little bit easier for children touched by these systems.

Based on my review of New Zealand's research and experience, my conversations with youth, first-hand accounts from news articles and reports, my analysis of grievance protections across the country (including a brief overview of ombuds programs and standards), and my own experiences in foster care, I developed three core components of "youth-centered" grievance protections. The components are:

1. **See Youth:** youth must be provided with an inclusive comprehension and skill-based orientation.
2. **Hear Youth:** youth must be provided with several methods of raising concerns to a trusted evaluation process that is responsive to youth in emergencies and provides help as needed and requested.
3. **Protect Youth:** youth must have a broad right to grievance protections; youth rights must be enforced through an independent, external entity empowered to ensure accountability and transparency.

In this section, I describe what each of these components means and analyze the extent to which they are reflected in current state law and policy. My aim in cataloging existing state regulations is to expose the harmful deficiencies in current grievance protections and supply examples and a framework from which advocates can begin developing state-specific youth-centered grievance protections. For this reason, I have included a youth-design curriculum in the appendix. I hope policy makers and advocates will use the curriculum to answer the many unanswered questions throughout the core components. For example: How often is repetitious? What does "understandable" mean? What is a good grievance protection? The answer is it depends. Youth-centered grievance protections must center youth and their experience.

The best way to proactively overcome the marginalization of various intersecting identities and experiences is to meaningfully center a diverse group of youth, with a variety of lived experiences, in the design of the orientation and processes to assert their rights.²³⁶ I hope this report can be a tool for advocates to discover and design effective solutions in community with local youth advocates so that grievance protections center the myriad of unique strengths and vulnerabilities of your communities' children.



(1) SEE YOUTH

Youth must be provided with an inclusive comprehension- and skill-based orientation.

Youth-centered grievance protections must: (1) ensure youth are educated about their rights and grievance protections and (2) confirm youth understand those rights and grievance protections. To effectively educate youth on their rights and grievance protections, states must consider both the ubiquitous and unique characteristics of youth in care when developing notification requirements. Adolescent brain science, learning theory, and the growing research on trauma imply that youth are best able to process and retain information when it is shared repeatedly, in various ways, by someone they trust, in a place they feel safe.²³⁷ For example, a repeated skills-based orientation, providing written and oral instructions, by a trusted and supportive adult, with examples of issues that could arise, can help youth engage with and process information that might otherwise be intimidating.²³⁸

The who, when, what, where, and how children are notified must be thoughtfully considered and regulated. However, most states delegate key considerations of educating youth about their rights and grievance protections. Most often, notification on youths' rights and grievance protections occur "at" or "upon" admission. Providing this information only at admission is insufficient. It does not consider either the unique characteristics of youth or the traumatic experience of being separated from your family and community nor the magnitude of information youth are expected to process at admission. Therefore, youth-centered grievance protections must consider the timing, both when and how often, to educate youth on their rights. Ideally, notification of rights would occur before placement by a supportive adult in a safe environment, in addition to regular notifications after being placed. The information about the protections themselves must be easily understood by children with varying cultural backgrounds, gender identities, native languages, reading levels, and a spectrum of neurological and physical abilities, all of which affect how a youth receives, experiences, and processes information.

Some states supply vague grievance comprehension requirements, such as that youth grievance protections must be "age, and developmentally appropriate" or written in a "clear and simple manner." Vague comprehension considerations are insufficient. The vulnerabilities our youth face necessitates specific and express considerations. For example, to ameliorate literacy or oral comprehension limitations, orientation must be provided in both verbal and written formats. It also must be provided in the youth-identified language of greatest fluency or comprehension. Finally, to monitor implementation and youth comprehension, youth grievance protections must require documentation of both a youth's receipt of their rights and grievance protections and documenting youth's understanding utilizing a skills-based evaluation tool.¹⁸



(1.1) Notification Requirements

Two states grant youth in facilities *the right to be notified about their rights and grievance protections*.

- One state grants this right to youth in both systems: Nevada.²³⁹
 - » Youth have the right to “receive information concerning [their] rights.”²⁴⁰
- One state grants youth this right in dependency: California.²⁴¹
 - » “To be informed, and to have his/her authorized representative, if any, informed, by the licensee of the provisions of law regarding complaints including, but not limited to, the address and telephone number of the complaint receiving unit of the licensing agency, and of information regarding confidentiality.”²⁴²

Thirty-eight jurisdictions require facilities to notify youth about their rights and grievance protections.

- Twenty-one states require notification in both systems: Colorado,²⁴³ Delaware,²⁴⁴ Florida,²⁴⁵ Idaho,²⁴⁶ Illinois,²⁴⁷ Kansas,²⁴⁸ Kentucky,²⁴⁹ Louisiana,²⁵⁰ Maine,²⁵¹ Michigan,²⁵² Montana,²⁵³ New Hampshire,²⁵⁴ New Jersey,²⁵⁵ Ohio,²⁵⁶ Oklahoma,²⁵⁷ Oregon,²⁵⁸ Pennsylvania,²⁵⁹ Rhode Island,²⁶⁰ Vermont,²⁶¹ Virginia,²⁶² West Virginia.²⁶³
- Ten jurisdictions require notification only in dependency: Arizona,²⁶⁴ Maryland,²⁶⁵ Minnesota,²⁶⁶ North Carolina,²⁶⁷ North Dakota,²⁶⁸ South Carolina,²⁶⁹ South Dakota,²⁷⁰ Washington D.C.,²⁷¹ Wisconsin,²⁷² Wyoming.²⁷³
- Seven states require notification only in delinquency: Arkansas,²⁷⁴ Indiana,²⁷⁵ Iowa,²⁷⁶ New Mexico,²⁷⁷ New York,²⁷⁸ Tennessee,²⁷⁹ Texas.²⁸⁰

Whether youth have the right to be notified or facilities must notify youth, there are three methods of notification: oral, written, or both.

Nineteen states require both oral and written notification about their grievance protections.

- Seven states require both oral and written notification in both systems: Florida,²⁸¹ Kansas,²⁸² Louisiana,²⁸³ Michigan,²⁸⁴ Nevada,²⁸⁵ Pennsylvania,²⁸⁶ Rhode Island.²⁸⁷
 - » Florida requires staff to “explain the grievance process” and “post the written procedures throughout the facility for easy access by youth.”²⁸⁸
 - » Michigan requires that the policy “be provided” and “be explained.”²⁸⁹
- Six jurisdictions require both oral and written notification only for dependency: California,²⁹⁰ Kansas,²⁹¹ North Dakota,²⁹² Ohio,²⁹³ Washington D.C.,²⁹⁴ Wyoming.²⁹⁵
 - » California requires each facility to provide an “orientation that includes an explanation of the rights of the child and addresses the child’s questions and concerns.”²⁹⁶ Children, staff, and “authorized representatives . . . receive a copy of the procedures.”²⁹⁷
- Six states require both oral and written notification only for delinquency: Arkansas,²⁹⁸ Idaho,²⁹⁹ Oklahoma,³⁰⁰ Texas,³⁰¹ Vermont,³⁰² Wisconsin.³⁰³
 - » In Arkansas, youth and family members must “be informed” both “orally and in writing.”³⁰⁴
 - » Idaho requires that the grievance protections be “explained” and included within youth handbooks.³⁰⁵

¹⁸ Although I am not aware of any grievance rights comprehension assessment tool currently available, excellent scholarship has been developed around youth’s understanding of Miranda Rights, and supplies a foundation from which to build. See Dr. Naomi Goldstein’s work at Miranda Rights Research, JUV. JUST. RSCH. & REFORM LAB, <http://www.jjrllab.com/miranda-rights.html> (last visited June 2, 2021).

Thirteen states require only written notification about their grievance protections.

- Four states require only written notification in both systems: Delaware,³⁰⁶ New Hampshire,³⁰⁷ New Jersey,³⁰⁸ Virginia.³⁰⁹
 - » New Hampshire requires that the grievance protections be “provided in the parent and youth handbooks.”³¹⁰
 - » New Jersey dependency facilities must “prepare, post or give” all children the written grievance procedure.³¹¹ New Jersey delinquency requires that a “written copy of the facility’s rules and regulations shall be provided to each juvenile upon admission, including the grievance procedure.”³¹²
- Six states require only written notification for dependency: Maryland,³¹³ North Carolina,³¹⁴ Oklahoma,³¹⁵ Oregon,³¹⁶ South Carolina,³¹⁷ Vermont.³¹⁸
 - » Oklahoma dependency requires facilities to annually notify the child (and guardians when applicable) “in writing of the right to file a grievance and how to access the grievance resolution procedures.”³¹⁹
 - » South Carolina facilities must post the grievance notification “in a conspicuous place.”³²⁰
- Three states only require written notification for delinquency: Iowa,³²¹ New York,³²² West Virginia.³²³
- New York requires that “every youth shall be advised in writing as to the availability of grievance forms.”³²⁴

There are three main ways in which youth receive written notification (whether alone or in addition to oral notification or explanation): (a) the information is posted; (b) the information is provided (either generally or specifically within the handbook), or (c) the information is made available for review.

Posted

- Three states require the information be posted in both systems: Delaware,³²⁵ Pennsylvania,³²⁶ Virginia.³²⁷
- Five dependency systems require the information to be posted: California,³²⁸ Florida,³²⁹ Oregon,³³⁰ South Carolina,³³¹ Washington D.C..³³²
- Three delinquency systems require the information to

be posted: Arkansas,³³³ New Hampshire,³³⁴ Texas.³³⁵

b. Provided

- Four dependency systems require the information to be provided: Louisiana,³³⁶ Maryland,³³⁷ North Carolina,³³⁸ South Dakota.³³⁹
- Two delinquency systems require the information to be provided: Idaho,³⁴⁰ Maine.³⁴¹

c. Made Available

- Five dependency systems require the information to be available: Illinois,³⁴² Maine,³⁴³ Minnesota,³⁴⁴ Mississippi,³⁴⁵ New Mexico.³⁴⁶
- One delinquency system requires the information to be available: Montana.³⁴⁷

d. Combination

- Two states require written notification to be given in multiple ways: Oklahoma,³⁴⁸ Nevada.³⁴⁹
- One delinquency system requires written notification to be given in multiple ways: Kansas.³⁵⁰

Six states regulate who must notify youth of their grievance protections.

- Three states have this for dependency: California,³⁵¹ North Dakota,³⁵² West Virginia.³⁵³
 - » California grants youth the right to be informed of these rights “by the social worker or probation officer.”³⁵⁴
 - » West Virginia dependency law requires the primary case manager to explain the processes to the youth and family.³⁵⁵
- Three have this for delinquency: Florida,³⁵⁶ Idaho,³⁵⁷ Rhode Island.³⁵⁸
 - » Florida requires that an “admission officer . . . orient each youth by clearly communicating to the youth the rules of the center and expectation of behavior. Orientation shall include, at a minimum, the following: . . . 2. Grievance procedures.”³⁵⁹
 - » Rhode Island delinquency law requires that unit managers and social workers do the notification about the emergency grievance procedure process.³⁶⁰

Twenty-six states regulate *when* to notify youth about their rights and grievance protections.

- Six states regulate this in both systems: Colorado,³⁶¹ Oklahoma,³⁶² Oregon,³⁶³ Pennsylvania,³⁶⁴ Vermont,³⁶⁵ West Virginia.³⁶⁶
- Eleven states have this for dependency: Arizona,³⁶⁷ California,³⁶⁸ Kentucky,³⁶⁹ Maryland,³⁷⁰ Michigan,³⁷¹ Montana,³⁷² North Carolina,³⁷³ North Dakota,³⁷⁴ Ohio,³⁷⁵ South Dakota,³⁷⁶ Wyoming.³⁷⁷
- Nine regulate this for delinquency: Arkansas,³⁷⁸ Florida,³⁷⁹ Indiana,³⁸⁰ Kansas,³⁸¹ Louisiana,³⁸² Maine,³⁸³ New York,³⁸⁴ Rhode Island,³⁸⁵ Texas.³⁸⁶

There are three general “times” when youth are notified: (a) only at or around orientation or admission, (b) before admission, or (c) repeatedly. I recommend all three, provide a complete orientation before placement, once in placement, and regularly throughout placement.

(a) Before Orientation¹⁹

- Four states require this information to be provided at or before admission/orientation in dependency only: Maryland,³⁸⁷ Michigan,³⁸⁸ North Carolina,³⁸⁹ North Dakota.³⁹⁰

(b) Repeated

- Five dependency regulations require some measure of repetition: Arizona,³⁹¹ California,³⁹² Oklahoma,³⁹³ Oregon,³⁹⁴ South Dakota.³⁹⁵
 - » California requires that youth be notified of their rights and grievance protections “at the time of placement, any placement change, and at least once every six months or at the time of a regularly scheduled contact with the social worker or probation officer.”³⁹⁶
 - » Oregon requires an annual review of youth rights and grievance protections.³⁹⁷
- One delinquency regulation requires some measure of repetition: Indiana.³⁹⁸
 - » Indiana requires that the “department... periodically communicate” to the youth “the rules and policies affecting” them.³⁹⁹

(c) Only at or around Orientation

- Four states require notification only around admission/orientation for both systems: Colorado,⁴⁰⁰ Pennsylvania,⁴⁰¹ Vermont,⁴⁰² West Virginia.⁴⁰³
- Five dependency regulations require notification only around admission/orientation:⁴⁰⁴ Kentucky,⁴⁰⁵ Montana,⁴⁰⁶ North Carolina,⁴⁰⁷ Ohio,⁴⁰⁸ Wyoming.⁴⁰⁹
- Ten delinquency regulations require notification only around admission/orientation: Arkansas,⁴¹⁰ Florida,⁴¹¹ Kansas,⁴¹² Maine,⁴¹³ New York,⁴¹⁴ Oklahoma,⁴¹⁵ Oregon,⁴¹⁶ Rhode Island,⁴¹⁷ Texas,⁴¹⁸ Vermont.⁴¹⁹

Fifteen states have only vague²⁰ notification requirements.

- Three states have only vague notification requirements in both systems: Kentucky,⁴²⁰ Maine,⁴²¹ Montana.⁴²²
 - » Maine requires that youth “shall be informed” of the grievance protections.⁴²³
- Five states have only vague notification requirements for dependency: Minnesota,⁴²⁴ Mississippi,⁴²⁵ South Dakota,⁴²⁶ Washington,⁴²⁷ Wisconsin.⁴²⁸
 - » Wisconsin dependency requires: “[a] method for informing clients and their guardians, parents, and advocates about the way grievances are presented and the process by which reviews of grievances are conducted.”⁴²⁹

¹⁹ There are no states that require orientation before placement. Given the trauma and impact of being separated from your family, I highly recommend that states consider how to provide this information before placement. Ideally, this could occur over the course of a few days, in the child’s home, where they are given the chance to adjust to their upcoming separation from family, friends and community. However, even a few hours in a family-friendly conference room, where youth have a chance to process their upcoming incarceration could be a start.

²⁰ By vague I mean the use of broad and unspecific language. Most often States used language such as: inform, develop instruction, “provide reasonable notification” (see also above examples). I also included states that require an “explanation” and “be available.” However, if a jurisdiction required an “explanation” in addition to any specific distribution method (e.g. posted, provided, handbooks, etc.), I included it under requiring both oral and written notification.

- » Washington requires the department to “develop procedures to assure that clients and foster parents are informed of the availability of the complaint resolution process and how to access it.”⁴³⁰
- Seven have only vague notification requirements for delinquency: Illinois,⁴³¹ Indiana,⁴³² Michigan,⁴³³ New Mexico,⁴³⁴ Ohio,⁴³⁵ Oregon,⁴³⁶ Tennessee.⁴³⁷
 - » Ohio’s delinquency administrative code simply requires “notification of the grievance process.”⁴³⁸

Fourteen states require proof of orientation or receipt of information.

- Three states require proof of orientation in both systems: Colorado,⁴³⁹ Idaho,⁴⁴⁰ Pennsylvania.⁴⁴¹
 - » Colorado requires facilities to document that orientation has been completed by “a statement signed and dated by the youth.”⁴⁴²
- Ten jurisdictions require proof of orientation in dependency: Arizona,⁴⁴³ California,⁴⁴⁴ Louisiana,⁴⁴⁵ Maryland,⁴⁴⁶ Michigan,⁴⁴⁷ Montana,⁴⁴⁸ Ohio,⁴⁴⁹ Oregon,⁴⁵⁰ Washington D.C.,⁴⁵¹ West Virginia.⁴⁵²
 - » California requires that “signed copies of such procedures shall be maintained in each child’s record.”⁴⁵³
- One state requires proof of orientation in delinquency: Kansas.⁴⁵⁴
 - » Kansas requires that “each offender shall sign a statement indicating that the required explanation has been given.”⁴⁵⁵

(1.2) Comprehension Considerations

I analyzed two types of comprehension considerations. First, general considerations apply to the ubiquitous qualities of youth, for example, requiring an “age and developmentally appropriate” orientation. Second, there are specific

considerations. My research uncovered two main types of specific considerations: (a) expanded language considerations other than English and (b) accommodations based on ability.

Twelve states have general comprehension considerations.

- Three states have general comprehension consideration in both systems: Delaware,⁴⁵⁶ Pennsylvania,⁴⁵⁷ Virginia.⁴⁵⁸
 - » Delaware⁴⁵⁹ and Virginia⁴⁶⁰ require an “age or developmentally appropriate” orientation.
- Eight states have general comprehension consideration for dependency: Arizona,⁴⁶¹ California,⁴⁶² Idaho,⁴⁶³ Maryland,⁴⁶⁴ Mississippi,⁴⁶⁵ Oklahoma,⁴⁶⁶ Oregon,⁴⁶⁷ Vermont.⁴⁶⁸
 - » Mississippi and Vermont require “clear and simple” language.⁴⁶⁹
 - » Maryland requires orientation to occur in an “understandable” manner.⁴⁷⁰
 - » Oklahoma dependency encourages providers to provide “a simplified version of their grievance policies using language appropriate to the clients’ age level and cognitive functioning.”⁴⁷¹
- One state has general comprehension considerations for delinquency only: New Jersey.⁴⁷²
 - » New Jersey’s delinquency requires the grievance process to “be written in simple, clear, and considered language that most juveniles can understand.”⁴⁷³

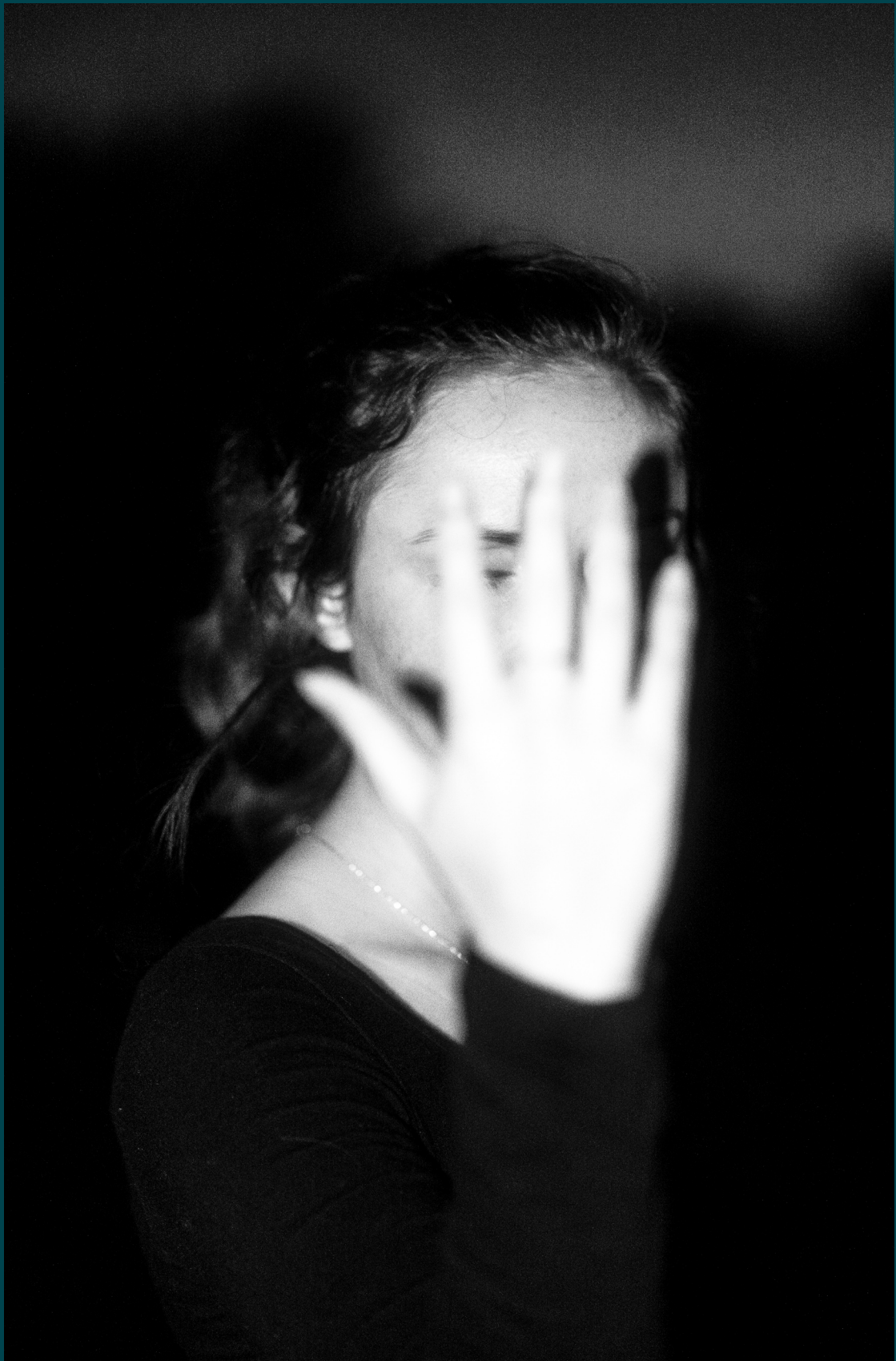
Twelve states have specific comprehension considerations.

- Four states have specific comprehension considerations in both systems: Colorado,⁴⁷⁴ Kansas,⁴⁷⁵ New Jersey,⁴⁷⁶ Pennsylvania.⁴⁷⁷
 - » Colorado requires that if “the youth does not understand English, the orientation is to be in the youth’s own language.”⁴⁷⁸
 - » New Jersey’s dependency regulations require a written procedure for youth but only require

- Louisiana,⁴⁸⁶ Oregon,⁴⁸⁷ Tennessee,⁴⁸⁸ Texas.⁴⁸⁹
 - » Arkansas requires the procedures to be posted in “English and Spanish.”⁴⁹⁰
 - » Tennessee delinquency regulations require that “[t]he facility’s grievance system shall be accessible to all youth, including youth with limited literacy, youth who have limited English proficiency and youth with intellectual developmental disabilities. Staff shall ensure that: 1. Youth with intellectual disabilities, developmental disabilities, or limited literacy, or limited English proficiency receive oral explanations of the grievance process that they can understand; 2. Grievance forms shall use easy-to-understand language and shall be simple in their design; 3. Youth shall be able to report grievances orally and in writing.”⁴⁹¹

Two states provide a “check” on youth’s comprehension of their rights and grievance protections: Colorado,⁴⁹² Rhode Island.⁴⁹³

- Colorado requires a “discussion about the procedures to assure youth’s understanding.”⁴⁹⁴
- Rhode Island delinquency requires staff to “ask the residents whether they understand the grievance process.”⁴⁹⁵



(2) HEAR YOUTH

Youth must be provided with several methods of raising concerns to a trusted evaluation process that is responsive to youth in emergencies and provides help as needed and requested.

When youth feel emboldened to assert their rights, it transforms rights from words on a page into an experience; legal empowerment. It's important to remember the audacity it takes for each youth, with their unique interlocking and often marginalized identities, to raise complaints and concerns. This is why we need protected pathways in legislation that make it as easy as possible for all youth to assert their rights. Specifically, youth-centered grievance accessibility must: (1) explicitly establish several methods of raising concerns (including a method that does not require staff cooperation); (2) provide a trusted evaluation process for youth grievances; (3) provide assistance to youth as needed or requested; and (4) be responsive to youth emergencies.

(2.2) Explicitly Establish Several Methods of Raising Concerns

Six states provide both verbal and written methods to raise grievances.

- Four states establish that youth may raise concerns either verbally or written in dependency: California,⁴⁹⁶ Louisiana,⁴⁹⁷ South Dakota,⁴⁹⁸ Wisconsin.⁴⁹⁹
 - » In the Louisiana dependency system, there must be, at minimum, procedures “for filing verbal, written, or anonymous grievances.”⁵⁰⁰
 - » In South Dakota, “a grievance may be in writing or oral.”⁵⁰¹
 - » Wisconsin dependency broadly establishes that a “grievance may be presented to the program manager or any staff person in writing, orally or by any alternative method through which the client or other person ordinarily communicates.”⁵⁰²

- Two states establish that youth may raise concerns either verbally or written in delinquency: Tennessee,⁵⁰³ Texas.⁵⁰⁴
 - » Tennessee delinquency law requires facilities to “provide more than one method to report abuse, neglect, harassment and retaliation by other youth or staff” and specifically requires “ways to report orally, in writing, anonymously and by third parties.”⁵⁰⁵

Thirteen states require youth to raise grievances through a written method.

- Five states require youth to raise concerns through a written method in both systems: Alaska,⁵⁰⁶ Connecticut,⁵⁰⁷ Massachusetts,⁵⁰⁸ Missouri,⁵⁰⁹ Oklahoma.⁵¹⁰
 - » Alaska requires youth to file “a grievance on a Alaska requires youth to file “a grievance on a form designated by the division.”⁵¹¹
 - » Connecticut youth can “petition superior court” for relief.⁵¹²
- Eight states require youth to raise concerns through a written method in delinquency: Arkansas,⁵¹³ Florida,⁵¹⁴ Kansas,⁵¹⁵ Louisiana,⁵¹⁶ Maine,⁵¹⁷ New Mexico,⁵¹⁸ Oregon,⁵¹⁹ Rhode Island.⁵²⁰
 - » In Missouri, “any youth who has a grievance may submit their grievance in written form.”⁵²¹
 - » Oregon requires that grievance forms be available but allows youth to “initiate the request in letter form, if grievance forms are not immediately available.”⁵²²

Four states provide only verbal methods to raise concerns.

- Three jurisdictions require youth to raise concerns verbally in dependency: Illinois,⁵²³ Oregon,⁵²⁴ Washington.⁵²⁵
 - » Illinois requires youth have access to “a statewide toll-free telephone number that may be used to file complaints, or to obtain information about the delivery of child welfare services by the Department or its agents.”⁵²⁶

explaining the process to “children who are developmentally disabled, unable to read or unable to hear.”⁴⁷⁹ Delinquency requires that such rules and regulations “be written in a simple, clear, and concise language that most juveniles can understand.”⁴⁸⁰

- Three states have specific comprehension considerations for dependency only: Michigan,⁴⁸¹ Rhode Island,⁴⁸² Wisconsin.⁴⁸³
 - » Rhode Island requires that the procedure “be explained in language that the child understands.”⁴⁸⁴
- Five states have specific comprehension considerations for delinquency only: Arkansas,⁴⁸⁵
- One state provides verbal methods for youth to raise concerns in delinquency: Maryland.⁵²⁷
 - » In Maryland, a “child may initiate a grievance by contacting the child advocate or requesting that a staff member contact the child advocate.”⁵²⁸

Thirty states simply require there be a method for youth to raise grievances.

- Thirteen states require a way for youth to raise grievances in both systems: Alabama,⁵²⁹ Colorado,⁵³⁰ Delaware,⁵³¹ Iowa,⁵³² Kentucky,⁵³³ Michigan,⁵³⁴ Minnesota,⁵³⁵ Montana,⁵³⁶ Nebraska,⁵³⁷ Nevada,⁵³⁸ New Hampshire,⁵³⁹ New Jersey,⁵⁴⁰ Pennsylvania.⁵⁴¹
 - » Alabama dependency law requires that the process be “activated upon the request of the child.”⁵⁴²
 - » Michigan dependency law simply requires that there must be a way for the child to activate the grievance process.⁵⁴³ Michigan delinquency simply requires that the facility “have and follow a written grievance procedure.”⁵⁴⁴
- Twelve jurisdictions require a way for youth to raise grievances in dependency: Arizona,⁵⁴⁵ Arkansas,⁵⁴⁶ Florida,⁵⁴⁷ Georgia,⁵⁴⁸ Idaho,⁵⁴⁹ Kansas,⁵⁵⁰ Maine,⁵⁵¹ Maryland,⁵⁵² Mississippi,⁵⁵³ Missouri,⁵⁵⁴ North Dakota,⁵⁵⁵ Vermont.⁵⁵⁶
 - » Arkansas requires “procedures for the receipt, recordation, and disposition of complaints.”⁵⁵⁷

- » Georgia requires institutions to “develop and implement policies and procedures for children to voice grievances and to submit written grievances.”⁵⁵⁸

- Five states require a way for youth to raise grievances in delinquency: Idaho,⁵⁵⁹ Indiana,⁵⁶⁰ New Mexico,⁵⁶¹ New York,⁵⁶² Ohio.⁵⁶³
 - » New York requires specialized secure juvenile detention to have “procedures to ensure grievance program accessibility to youth.”⁵⁶⁴

(2.2) Provide a Trusted Evaluation Process of Greivances

Youth must trust the evaluation process for it to be effective. There are five essential qualities to a youth-trusted process that must be considered. Specifically: (a) confidentiality; (b) independence; (c) transparent process with clearly defined expectations and timelines; (d) opt-out appeal progression; (e) clearly defined end or “exhaustion”; and (f) youth engagement.

Youth repeatedly discuss confidentiality as an empowerment tool to help them find the courage to report rights violations. Similarly, independence is essential for building trust in grievance protections. Ensuring agencies are not acting as their own judges is a matter of “natural justice.”⁵⁶⁵ Unfortunately, however, in most states, facilities themselves evaluate youth grievances. Therefore, I have also analyzed whether jurisdictions supply any protections to ensure impartiality short of true independence, such as prohibiting staff complained of from evaluating the complaint.

Many states that provide grievance protections require that there be some type of appeal or review progression. If there are additional phases of review, passage through the stages must be “opt-out” rather than “opt-in” progression. By “opt-out,” I mean requiring that the youth take affirmative action to stop the progression of the complaint rather than requiring effort to push their grievance forward. “Opt-out” progression helps interrupt the inherent power differential between youth and facility staff. States must also protect youth from coerced withdrawals, for example, by prohibiting youth from

withdrawing a grievance before they have spoken with counsel or an independent interested adult outside of the facility.

The process, and any progressive reviews, must have clearly delineated steps and specific timeframes and expectations. Because of the importance of exhausting all administrative remedies to access federal relief, grievance processes must have a clearly defined “end.” The timeframes set for the agency or system to respond must consider a “child’s perspective on time.”⁵⁶⁶

Finally, engagement and trust in the process require youth inclusion.⁵⁶⁷ Youth inclusion is critical given how quickly youth can lose faith and feel powerless against agencies and service providers.⁵⁶⁸

(a) Confidentiality

Seven states provide some confidentiality protections to youth grievances.

- Two states provide confidentiality protections in both systems: Alaska,⁵⁶⁹ California.⁵⁷⁰
 - » In California, delinquency law states, “the youth shall have the option to confidentially file the grievance or to deliver the form to any youth supervision staff working in the facility.”⁵⁷¹
- Two states provides confidentiality protections in dependency: Louisiana,⁵⁷² Wisconsin.⁵⁷³
 - » Louisiana expressly permits youth to file “anonymous grievances.”⁵⁷⁴
- Three states provide confidentiality protections in delinquency: New Mexico,⁵⁷⁵ Tennessee,⁵⁷⁶ Texas.⁵⁷⁷
 - » New Mexico requires grievances be “transmitted confidentially.”⁵⁷⁸
 - » Texas requires that “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.”⁵⁷⁹

(b) Independence.

Twenty states provide some measure of Independence when evaluating youth grievances.

- Five states provide some measure of independence

in both systems: Delaware,⁵⁸⁰ Ohio,⁵⁸¹ Oklahoma,⁵⁸² Oregon,⁵⁸³ Virginia.⁵⁸⁴

- » In Delaware, youth in both systems are regulated under the same codes, which require “that any grievance shall be investigated by an objective employee who is not the subject of the grievance.”⁵⁸⁵
- Five jurisdictions some measure of independence in dependency: Idaho,⁵⁸⁶ Michigan,⁵⁸⁷ Nevada,⁵⁸⁸ South Dakota,⁵⁸⁹ Washington D.C..⁵⁹⁰
 - » Idaho requires a “prompt investigation of the grievance by a person who can be objective.”⁵⁹¹
 - » Nevada requires that the “process for resolving those grievances . . . must provide for persons who are not directly responsible for the care of the child who filed or is the subject of the grievance to evaluate the grievance.”⁵⁹²
- Ten states provide some independence measures in delinquency: Arkansas,⁵⁹³ California,⁵⁹⁴ Illinois,⁵⁹⁵ Louisiana,⁵⁹⁶ Missouri,⁵⁹⁷ New York,⁵⁹⁸ Rhode Island,⁵⁹⁹ Tennessee,⁶⁰⁰ Texas,⁶⁰¹ Vermont.⁶⁰²
 - » New York requires that investigations be done with the use of “personnel separate from that of the facility.”⁶⁰³
 - » Tennessee delinquency law requires the facility to provide avenues to report abuse to external advocacy entities, such as the defenders, attorneys, courts, child abuse hotline, law enforcement, etc. It further requires that any filed grievances be overseen “independently,” specifically excluding any staff subject to the grievance.⁶⁰⁴

(c) Transparent process with clearly defined expectations, and timelines.

This element is more of a range than the others.

Twenty-three states regulate or delegate timelines for the grievance protection process for both systems.

- Eight states regulate or delegate timelines in both systems: Alaska,⁶⁰⁵ Idaho,⁶⁰⁶ Maryland,⁶⁰⁷ Massachusetts,⁶⁰⁸ Nebraska,⁶⁰⁹ Ohio,⁶¹⁰ Oklahoma,⁶¹¹ Vermont.⁶¹²

- Five jurisdictions regulate or delegate timelines in dependency only: Florida,⁶¹³ Michigan,⁶¹⁴ North Dakota,⁶¹⁵ Washington D.C.,⁶¹⁶ Wisconsin.⁶¹⁷
- Ten states regulate or delegate timelines in delinquency only: Arkansas,⁶¹⁸ California,⁶¹⁹ Kansas,⁶²⁰ Louisiana,⁶²¹ Maine,⁶²² Missouri,⁶²³ New Jersey,⁶²⁴ New York,⁶²⁵ Rhode Island,⁶²⁶ Texas.⁶²⁷

2.2.1 Regulate

- Two states regulate timelines in both systems: Alaska,⁶²⁸ Oklahoma.⁶²⁹
 - » In Alaska, once a formal grievance is received, the facility has ten days to have a meeting to discuss the grievance and suggest methods of resolution. The supervisor then has “five calendar days” to issue a decision letter.⁶³⁰ Alaska dependency facilities must accept or reject the youth grievances within five business days after receipt.⁶³¹
 - » Oklahoma delinquency requires that the youth grievance “be numbered and logged in a grievance log on the day the grievance is received,” then assigned to a staff member for review and resolution. Further, if “the grievance is not resolved within (5) five working days (excluding weekends and holidays), the juvenile may seek review by the supervisor.”⁶³²
- Three jurisdictions regulate timelines in dependency: Ohio,⁶³³ Nebraska,⁶³⁴ Washington D.C..⁶³⁵
 - » Ohio requires that the procedures “make every effort to ensure that any complaint is resolved within thirty days” after filing.⁶³⁶
- Nine states regulate timelines in delinquency: Idaho,⁶³⁷ Louisiana,⁶³⁸ Maine,⁶³⁹ Massachusetts,⁶⁴⁰ Missouri,⁶⁴¹ New York,⁶⁴² Oregon,⁶⁴³ Rhode Island,⁶⁴⁴ Vermont.⁶⁴⁵
 - » Idaho requires that the review be completed “within three (3) business days of receipt of the grievance form.”⁶⁴⁶

2.2.1 Delegate

- One state delegates timelines in both systems: Maryland.⁶⁴⁷
 - » Maryland delinquency requires that the child advocate “respond to the grievance by meeting with the child as soon as possible to obtain the facts and attempt a prompt solution.”⁶⁴⁸ Dependency requires the facility have a written grievance procedure that includes “specific timelines.”⁶⁴⁹
- Seven states delegate timelines in dependency: Florida,⁶⁵⁰ Idaho,⁶⁵¹ Massachusetts,⁶⁵² Michigan,⁶⁵³ North Dakota,⁶⁵⁴ Vermont,⁶⁵⁵ Wisconsin.⁶⁵⁶
 - » Florida requires facilities to establish “procedures shall address each of the following phases of the youth grievance process, specifying timeframes that promote timely feedback to youth and rectification of situations.”⁶⁵⁷
 - » Idaho requires a “prompt investigation.”⁶⁵⁸
 - » Michigan requires the agency to specify “time frames for decision.”⁶⁵⁹
- Seven states delegate timelines in delinquency: Arkansas,⁶⁶⁰ California,⁶⁶¹ Kansas,⁶⁶² Nebraska,⁶⁶³ New Jersey,⁶⁶⁴ Ohio,⁶⁶⁵ Texas.⁶⁶⁶
 - » Kansas requires that “the grievance shall be answered promptly” at “every stage of the process.”⁶⁶⁷
 - » Nebraska delinquency requires that the facility “promptly investigate” and provide responses “within a prescribed, reasonable time period.”⁶⁶⁸
 - » New Jersey delinquency requires a “response by a staff member . . . within a prescribed, reasonable time limit.”⁶⁶⁹

(d) Opt-out appeal progression.

One state provides opt-out progression through the review process.

- One state provides opt-out progression in delinquency: Oklahoma.⁶⁷⁰
 - » In Oklahoma, “[i]f the juvenile does not accept the resolution, a copy of the grievance, appeals, and proposed resolutions” is forwarded to the oversight office.⁶⁷¹

One state ensures that once filed, a grievance cannot be withdrawn.

- One state does not permit grievances to be withdrawn once filed in delinquency: Texas.⁶⁷²
 - » Texas establishes that “[o]nce a youth submits a grievance, it may not be withdrawn.”⁶⁷³

(e) Clearly defined end or “exhaustion of administrative remedies.”

Ten states define the final step, or “administrative exhaustion” for youth grievances.

- Four states regulate the final steps or “administrative exhaustion” in both systems: Alaska,⁶⁷⁴ Massachusetts,⁶⁷⁵ Missouri,⁶⁷⁶ Oklahoma.⁶⁷⁷
 - » Oklahoma delinquency requires the person completing the final review, notify the youth that their “administrative remedies have been exhausted.”⁶⁷⁸ Dependency requires that the local grievance coordinator provide a copy of a written decision by “the chair of the board of directors or the appeals committee” which “concludes the grievance process” and exhausts administrative remedies.⁶⁷⁹
 - » In Massachusetts, the “decision of the commissioner shall be final.”⁶⁸⁰
 - » Missouri delinquency clearly states that the “findings of the grievance committee will be final.”⁶⁸¹ Dependency similarly states that the decision of the regional administrator or designee will be the final decision of the division.⁶⁸²
- Six states regulate the final steps or “administrative exhaustion” in delinquency: Arkansas,⁶⁸³ Louisiana,⁶⁸⁴ Maine,⁶⁸⁵ Maryland,⁶⁸⁶ Oregon,⁶⁸⁷ Rhode Island.⁶⁸⁸
 - » In Arkansas, “any decision by the DYS Director” is considered final.⁶⁸⁹

(f) Youth Engagement

Twenty-three states provide some measure of youth engagement—ranging from inclusion to simply communicative—when evaluating youth grievances.

- Three states provide some measure of youth engagement in both systems: Alaska,⁶⁹⁰ Oklahoma,⁶⁹¹ Virginia.⁶⁹²

- » Oklahoma delinquency requires that the grievance resolution be reviewed with the youth.⁶⁹³
- Six jurisdictions provide some measure of youth engagement in dependency only: Arizona,⁶⁹⁴ Illinois,⁶⁹⁵ Louisiana,⁶⁹⁶ Massachusetts,⁶⁹⁷ Washington D.C.,⁶⁹⁸ Wisconsin.⁶⁹⁹
 - » In Arizona, dependency requires “a means to tell the grievant about the action taken in response to the grievance.”⁷⁰⁰
 - » Illinois requires youth who grieved to be provided a final report of their findings or an update every 30 days while still being investigated.⁷⁰¹
 - » Louisiana requires the facility to have “a formal process ...to communicate about the grievance within 24 hours and respond to the grievance in writing within five days.”⁷⁰²
- Fourteen states provide some measure of youth engagement in delinquency only: California,⁷⁰³ Idaho,⁷⁰⁴ Indiana,⁷⁰⁵ Maine,⁷⁰⁶ Maryland,⁷⁰⁷ Missouri,⁷⁰⁸ New Jersey,⁷⁰⁹ New Mexico,⁷¹⁰ New York,⁷¹¹ Ohio,⁷¹² Oregon,⁷¹³ Rhode Island,⁷¹⁴ Tennessee,⁷¹⁵ Texas.⁷¹⁶
 - » California states that the grievance system “provide, to the extent reasonably possible, for the selection by their peers of persons committed to the Youth Authority as participants in the design, implementation, and operation of the grievance system.”⁷¹⁷
 - » Indiana delinquency law requires ongoing communication with youth.⁷¹⁸
 - » Tennessee requires youth in delinquency facilities to “receive responses to their grievances that are respectful, legible and responsive.”⁷¹⁹
 - » Texas youth in the delinquency system are provided a copy of the grievance they filed. Additionally, youth are involved in distributing the forms across living areas in facilities.⁷²⁰

(2.3) Provide Assistance to Youth as Needed or Requested

Youth often need help to access their grievance protections fully. However, the nature of what assistance is required varies based on the individual child's characteristics and experiences. Generally, assistance should provide "all relevant information and support [the youth] in interpreting and understanding that information so that they can make [a] well-informed decision[]."721

Children often become weary of adults' agendas and can clearly see conflicts of interest and empty rhetoric.⁷²² Accordingly, research shows that for any assistance to help youth effectively, it must be independent, trusted, confidential, and focused on the child's wishes (compared to "best interests").⁷²³ However, not all youth will need or want assistance. A youth-centered process must remain "easy for children to access on their own or it risks undermining [youth] independence."⁷²⁴ It's essential to allow youth to identify the supportive adult of their choice to help them. Permitting children to choose their own advocate is supported by New Zealand's evaluation, citing England's national standards. Youth-identified supportive adults should be provided access and support to help youth advocate for their rights effectively.

Eighteen states provide assistance to youth attempting to utilize their grievance protection.

- Four states provide some measure assistance in both systems: California,⁷²⁵ Louisiana,⁷²⁶ Oklahoma,⁷²⁷ Virginia.⁷²⁸
 - » In Oklahoma delinquency grievances "may be filed by either a juvenile or by another person on behalf of the juvenile."⁷²⁹ In dependency, a grievance may be filed by the youth or "by any person who knows the client and is interested in the client's welfare including, but not limited to, a parent, guardian, relative, foster parent, court appointed special advocate, guardian ad litem, case manager, personal support team member, job coach, or others including DHS employees and employees of residential, in-home supports,
 - » and vocational providers."⁷³⁰ In dependency assistance is also provided from the local

grievance coordinator.⁷³¹

- » Virginia provides "assistance from staff upon request."⁷³²
- Three states provide some measure assistance in dependency only: Florida,⁷³³ Washington,⁷³⁴ Wisconsin.⁷³⁵
- Eleven states provide some measure assistance in delinquency only: Arkansas,⁷³⁶ Kansas,⁷³⁷ Maine,⁷³⁸ Missouri,⁷³⁹ New Jersey,⁷⁴⁰ New York,⁷⁴¹ Oregon,⁷⁴² Rhode Island,⁷⁴³ Tennessee,⁷⁴⁴ Texas,⁷⁴⁵ Vermont.⁷⁴⁶
 - » In Arkansas, delinquency regulations permit "[a] uthorized family members, attorneys, advocates, and other representatives" to submit grievances "on behalf of youth who lack capacity to submit on their own behalf."⁷⁴⁷
 - » California delinquency law provides the grievant the "right" to be "represented by another person committed to the Youth Authority who is confined within the institutions or camps of the Youth Authority, by an employee, or by any other person, including a volunteer, who is a regular participant in departmental operations."⁷⁴⁸







(3) PROTECT YOUTH

Youth must have a broad right to grievance protections; youth rights must be enforced through an independent, external entity that is empowered to supply accountability and transparency.

It is our moral and legal imperative to protect our youth in institutions from harm. Youth in institutional placement, who experience the most significant restrictions on their freedom, must have an effective right to grievance protections, including both an affirmative right to grieve and an agency or facility obligation to provide a grievance process. An affirmative right is a grant of a privilege to an individual or class of individuals. An implied right, comparatively, is created from a third-party obligation. The most substantial rights provide both. Unfortunately, as discussed below, most states legislate only a facility obligation to provide a grievance process, which is neither sufficient nor youth-centered. Providing only an implied right through facility obligation decenters the child, disempowers youth voice, and places “accountability” primarily in external reports and corrective action plans, rather than youth’s daily experience, safety, or well-being.

One of the most critical determinants of a right’s functionality is its scope, or how “big” the right is. The scope of a right to grievance protections can be defined by any number of time, place, manner, or subject matter restrictions or protections. It is shocking how few jurisdictions provide the flimsiest layer of insulation between those in a position to violate youth rights and those in charge of what, how, when, and why youth can complain. Unfortunately, states often defer to facilities to decide the scope of a youth’s grievance protections. Delegating the task of developing, protecting, and implementing youth rights to facilities leaves the child “protected” by those from who they need protection. Therefore, the scope of a youth’s right to grievance protections must be expressly and explicitly broad.

More commonly, however, states expressly limit the scope of youth’s grievance protections. One of the most common categories of restriction is time, explicitly limiting how long after an abuse or rights violation occurred, the youth must initiate the grievance process. Time restrictions, particularly severe limitations, do not consider adolescence. Youth unique processing needs and considerations, particularly in “hot” or stressful environments.⁷⁴⁹ Strict time limitations also do not consider the impact of trauma on cognitive processing and how long it can reasonably take a child with a trauma history to recognize violence as violent and undeserved.

Furthermore, these limitations can block youth’s access to federal relief because of the exhaustion requirements under the PLRA.⁷⁵⁰ Additionally, youth-centered grievance protections must broadly provide access to assert rights violations. Conversely, subject matter limitation—or limiting what youth may complain about through the grievance process—creates confusion and administrative barriers to asserting their rights.

Given the role of the grievance protection for youth to actualize their rights, states must create effective deterrents for anyone affiliated with a facility who refuses to assist, interferes with, or retaliates against a child attempting to file a grievance. Provisions that allow the facility to discipline youth for filing grievances for any reason create an opening for retaliation.²¹ These provisions do not consider the experience of youth, ignore the numerosity of dismissed or unfounded claims (despite legitimate instances of abuse and rights violations), and ignore the harm they can perpetrate when misused to silence youth.

²¹ For example, see California media example discussed above on page 27. The California DJJ ombudsperson uncovered staff training informing staff on how to use such provisions to silence youth grievances.





(3.1) Provide Youth with the Affirmative Right to Grievance Protections

3.1.1 Provide Youth with the Affirmative Right to Grievance Protections

Forty-nine (of fifty-one) jurisdictions require youth to have some type of grievance protection.

In this I am being intentionally broad and have included states that merely require that youth have some grievance process, without any more regulatory guidance. Out of the forty-nine jurisdictions, only five states affirmatively grant youth the right to grievance protections. As compared to an agency or facility requirement.

Forty-nine (of fifty-one) jurisdictions provide youth with some type of grievance protection. Hawaii⁷⁵¹ and Utah⁷⁵² do not have grievance protections for their youth in either system.⁷⁵³

- Thirty-six states provide some measure of grievance protections in both systems: Alabama,⁷⁵⁴ Alaska,⁷⁵⁵ Arizona,⁷⁵⁶ Arkansas,⁷⁵⁷ California,⁷⁵⁸ Colorado,⁷⁵⁹ Connecticut,⁷⁶⁰ Delaware,⁷⁶¹ Florida,⁷⁶² Idaho,⁷⁶³ Illinois,⁷⁶⁴ Iowa,⁷⁶⁵ Kansas,⁷⁶⁶ Kentucky,⁷⁶⁷ Louisiana,⁷⁶⁸ Maine,⁷⁶⁹ Maryland,⁷⁷⁰ Massachusetts,⁷⁷¹ Michigan,⁷⁷² Minnesota,⁷⁷³ Missouri,⁷⁷⁴ Montana,⁷⁷⁵ Nebraska,⁷⁷⁶ Nevada,⁷⁷⁷ New Hampshire,⁷⁷⁸ New Jersey,⁷⁷⁹ Ohio,⁷⁸⁰ Oklahoma,⁷⁸¹ Oregon,⁷⁸² Pennsylvania,⁷⁸³ Rhode Island,⁷⁸⁴ South Dakota,⁷⁸⁵ Vermont,⁷⁸⁶ Virginia,⁷⁸⁷ West Virginia,⁷⁸⁸ Wyoming.⁷⁸⁹
- Eight jurisdictions provide some measure of grievance protections only in dependency: Georgia,⁷⁹⁰ Mississippi,⁷⁹¹ North Carolina,⁷⁹² North Dakota,⁷⁹³ South Carolina,⁷⁹⁴ Washington,⁷⁹⁵ Washington D.C.,⁷⁹⁶ Wisconsin.⁷⁹⁷
- Five states provide grievance protections only in delinquency: Indiana,⁷⁹⁸ New Mexico,⁷⁹⁹ New York,⁸⁰⁰ Tennessee,⁸⁰¹ Texas.⁸⁰²

Five states grant youth the right to grievance protections in facilities.

- One state grants this right to youth in both systems: Nevada.⁸⁰³
- Three states grant youth this right in dependency²²: California,⁸⁰⁴ Oregon,⁸⁰⁵ South Carolina.⁸⁰⁶
 - » South Carolina grants each resident the “right to voice grievances without discrimination or reprisal.”⁸⁰⁷
- One state grants youth this right in delinquency²³: West Virginia.⁸⁰⁸
 - » West Virginia states that a child in custody or detention has the right to be “afforded a grievance procedure, including an appeal mechanism.”⁸⁰⁹

²² Wisconsin provides the full right and protection only to youth placed through the dependency system receiving mental health services. WIS. ADMIN. CODE DCF § 52.31.

²³ New Mexico only provides the right for “health care decisions and services” in delinquency. N.M. CODE R. § 8.14.4

3.1.2 Establishing a Broad Scope for Youth Grievance Protections

Thirty-nine jurisdictions delegate the power to define the scope of youth grievance protections to state agencies.

- Twenty-one states delegate defining the scope of grievance protections in both systems: Alabama,⁸¹⁰ Arizona,⁸¹¹ California,⁸¹² Colorado,⁸¹³ Delaware,⁸¹⁴ Georgia,⁸¹⁵ Idaho,⁸¹⁶ Illinois,⁸¹⁷ Louisiana,⁸¹⁸ Maryland,⁸¹⁹ Michigan,⁸²⁰ Minnesota,⁸²¹ Missouri,⁸²² Montana,⁸²³ Nebraska,⁸²⁴ New Hampshire,⁸²⁵ New Jersey,⁸²⁶ Ohio,⁸²⁷ Pennsylvania,⁸²⁸ Virginia,⁸²⁹ Wyoming.⁸³⁰
 - » Colorado requires the residential treatment center to “establish a written grievance procedure which adequate safeguards due process.”⁸³¹
 - » In Pennsylvania, the facility must “develop and implement written grievance procedures for the child.”⁸³²
- Thirteen jurisdictions delegate defining the scope of grievance protections in dependency only: Florida,⁸³³ Kansas,⁸³⁴ Maine,⁸³⁵ Mississippi,⁸³⁶ North Carolina,⁸³⁷ North Dakota,⁸³⁸ Oregon,⁸³⁹ Rhode Island,⁸⁴⁰ South Carolina,⁸⁴¹ South Dakota,⁸⁴² Vermont,⁸⁴³ West Virginia,⁸⁴⁴ Wisconsin.⁸⁴⁵
 - » Kansas requires each facility to “develop a current, written grievance procedure for residents.”⁸⁴⁶
 - » Rhode Island requires agencies to have and conform to “written procedures for redressing concerns, disagreements, complaints and grievance of clientele to safeguard the legal rights of children served.”⁸⁴⁷
- Five states delegate defining the scope of grievance protections in delinquency only: Arkansas,⁸⁴⁸ Indiana,⁸⁴⁹ Kentucky,⁸⁵⁰ New York,⁸⁵¹ Tennessee.⁸⁵²
 - » Arkansas permits grievances “to include without limitation: (A) Placement; (B) Treatment plan issues; (C) Medical care; (D) Education; (E) Disciplinary actions; (F) Quality of life; and (G)

Any action or injury caused by a DYS staff, contractor, volunteer, or other youth.”⁸⁵³

- » In Kentucky, facility licensing regulations require that “there shall be a written grievance procedure.”⁸⁵⁴
- » Tennessee requires facilities to “provide more than one method to report abuse, neglect, harassment and retaliation by other youth or staff within the facility.”⁸⁵⁵

There are a variety of scope limitations that states place on youth grievance protections. For example, both Texas delinquency and Nevada dependency allow the placement to reasonably limit the time, place, and manner of a youth’s exercise of their grievance protection “in order to preserve order.”⁸⁵⁶ Oregon limits the number of grievances a youth may file to two per week or six per month.⁸⁵⁷ Wyoming’s grievance protection is limited to children in solitary or “room confinement.”⁸⁵⁸ However, the most pervasive scope limitation is time, precisely how long a youth has, to file a grievance. Although there are some states, such as Tennessee, which explicitly prohibit facilities from placing time restrictions on a youth filing a grievance.⁸⁵⁹

Eleven jurisdictions explicitly place time restrictions on youth grievance protections.

- Two states explicitly place time restrictions on youth grievance protections in both systems: Alaska,⁸⁶⁰ Oklahoma.⁸⁶¹
 - » Oklahoma youth in the delinquency system have three working days to file an informal grievance and seven working days to file a written grievance.⁸⁶² Youth in the dependency system are given fifteen-business days, but that time limit may be extended by the local grievance coordinator.⁸⁶³ No time limits are allowed for youth filing a grievance alleging “abuse, neglect, verbal abuse, exploitation, or caretaker misconduct.”⁸⁶⁴ Furthermore, no time limits can be placed on youth involved with both dependency and disability.⁸⁶⁵
- Two states explicitly place time restrictions on youth grievance protections in dependency only:

Massachusetts,⁸⁶⁶ Wisconsin.⁸⁶⁷

- » Youth in Wisconsin have “45 days . . . [from] the occurrence of the event,” when it “should reasonably have been discovered,” or when the child “gain[s] or regain[s] the ability to report the matter, whichever comes last.”⁸⁶⁸
- Seven states explicitly place time restrictions on youth grievance protections in delinquency only: Louisiana,⁸⁶⁹ Maine,⁸⁷⁰ Maryland,⁸⁷¹ Missouri,⁸⁷² New York,⁸⁷³ Oregon,⁸⁷⁴ Vermont.⁸⁷⁵
 - » Maryland youth placed through the delinquency system have five working days to file a grievance.⁸⁷⁶
 - » Youth in Maine⁸⁷⁷ and Oregon’s⁸⁷⁸ delinquency systems have 15 days to file an appeal.
 - » Youth placed through the New York⁸⁷⁹ and Vermont⁸⁸⁰ delinquency systems have ten days to file a grievance, although Vermont creates an explicit exception for complaints about staff abuse.⁸⁸¹

3.3.3 Provide Emergency Responsiveness

Given the overwhelming evidence of systemic rights deprivations in these systems, youth must have access to an expedited process that can quickly protect them from extreme rights violations, such as physical or sexual abuse.

Seventeen states require youth grievance protections to be able to respond to youth emergencies.

- Three states require emergency responsiveness in both systems: California,⁸⁸² Oklahoma,⁸⁸³ Virginia.⁸⁸⁴
 - » California delinquency law requires procedures that “provide for priority processing of grievances which are of an emergency nature which would, by passage of time required for normal processing, subject the grievant to substantial risk of personal injury or other damage.”⁸⁸⁵ California dependency law requires any emergency injury intervention or

observation to be reported “immediately.”⁸⁸⁶

- Two states require emergency responsiveness in dependency only: Minnesota,⁸⁸⁷ Wisconsin.⁸⁸⁸
 - » Wisconsin requires that program managers send emergency grievances to the county director or designated department “within three business days” and “a written decision shall be issued within 10 days after the request for review.”⁸⁸⁹
- Twelve States require emergency responsiveness in delinquency only: Arkansas,⁸⁹⁰ Florida,⁸⁹¹ Kansas,⁸⁹² Nebraska,⁸⁹³ New Jersey,⁸⁹⁴ Ohio,⁸⁹⁵ Oregon,⁸⁹⁶ Rhode Island,⁸⁹⁷ Tennessee,⁸⁹⁸ Texas,⁸⁹⁹ Vermont,⁹⁰⁰ Wyoming.⁹⁰¹
 - » Nebraska requires “special provisions for responding to emergencies.”⁹⁰²
 - » New Jersey simply requires that the grievance protections “allow for responding to emergencies.”⁹⁰³
 - » Florida requires that allegations of abuse be brought to the superintendent or designee for “immediate resolution.”⁹⁰⁴

3.3.4 Provide Enforceable Anti-retaliation / Anti-Interference Provisions

Twenty-nine states explicitly prohibit retaliation and interference.

- Thirteen states prohibit retaliation and interference in both systems: California,⁹⁰⁵ Colorado,⁹⁰⁶ Delaware,⁹⁰⁷ Idaho,⁹⁰⁸ Nebraska,⁹⁰⁹ New Hampshire,⁹¹⁰ New Jersey,⁹¹¹ Nevada,⁹¹² Oklahoma,⁹¹³ Oregon,⁹¹⁴ Pennsylvania,⁹¹⁵ South Dakota,⁹¹⁶ Virginia.⁹¹⁷
 - » In Colorado, youth in both systems are protected under the same regulations, requiring youth “shall not be subject to any adverse actions as a result of filing the grievance” and that grievances “be processed without alteration, interference, or unreasonable delay.”⁹¹⁸
 - » Delaware requires “continuous monitoring by the licensee of any grievance to assure there is no retaliation against the child” and prohibits “a

licensee” from threatening or taking “any punitive or other retaliatory action against a child who utilizes the grievance procedure.”⁹¹⁹

- » Pennsylvania facility regulations (covering both dependency and delinquency) provide: “A child and the child’s family have the right to lodge a grievance with the facility for an alleged violation of specific or civil rights without fear of retaliation.”⁹²⁰
- Seven jurisdictions prohibit retaliation and interference in dependency only: Arizona,⁹²¹ Georgia,⁹²² Ohio,⁹²³ South Carolina,⁹²⁴ Washington D.C.,⁹²⁵ West Virginia,⁹²⁶ Wisconsin.⁹²⁷
 - » Georgia requires youth to be able to submit grievances “without fear of retaliation.”⁹²⁸
 - » Ohio requires facilities to ensure “against retaliation by staff or by other children against the person making the complaint.”⁹²⁹
- Nine states prohibit retaliation and interference in delinquency only: Alabama,⁹³⁰ Arkansas,⁹³¹ Illinois,⁹³² Louisiana,⁹³³ Maryland,⁹³⁴ Maine,⁹³⁵ New York,⁹³⁶ Tennessee,⁹³⁷ Texas.⁹³⁸
 - » New York’s specialized secure detention requires a “statement regarding safeguards for youth against reprisals” to be provided to youth but seems to fall short of prohibiting reprisals for filing a grievance.⁹³⁹
- Two states prohibit interference only in delinquency: Montana,⁹⁴⁰ New Mexico.⁹⁴¹

Three states establish enforcement mechanisms against retaliation or interference.

- One state provides enforcement mechanisms in response to retaliation or interference in dependency only: Wisconsin.⁹⁴²
 - » In Wisconsin, no one may “intentionally retaliate or discriminate against any patient or employee for contacting or providing information to any official or to an employee of any state protection and advocacy agency, or for initiating, participating in, or testifying in a grievance procedure or in an action for any remedy authorized under this section. Whoever violates

this paragraph may be fined not more than \$1,000 or imprisoned for not more than 6 months or both.”⁹⁴³

- Two states provide enforcement mechanisms in response to retaliation or interference in delinquency only: Texas,⁹⁴⁴ South Dakota.⁹⁴⁵
 - » South Dakota provides for criminal consequences for individuals who retaliate or interfere with a youth’s report of violations.⁹⁴⁶ The dependency regulations, similar to the majority of states, simply prohibit reprisal.
 - » Texas provides consequences against retaliation. Texas delinquency law provides disciplinary action up to and including termination of employment, and dependency regulations provide a conference to determine consequences for retaliatory actions. Texas also takes the unique step of requiring youth to have access to pre-numbered grievance forms (to help prohibit destruction or interference).⁹⁴⁷

Five states expressly prohibit discipline or punishment for youth utilizing their grievance protections.

- Two states prohibit discipline in dependency only: California,⁹⁴⁸ New Jersey.⁹⁴⁹
 - » New Jersey prohibits the facility from taking or threatening to take “retaliatory or disciplinary action of any kind against a child who uses the grievance procedure.”⁹⁵⁰
- Three states prohibit discipline in delinquency only: Illinois,⁹⁵¹ Indiana,⁹⁵² Tennessee.⁹⁵³
 - » Illinois’s⁹⁵⁴ and Indiana’s⁹⁵⁵ delinquency regulations prohibit disciplining youth for utilizing the grievance procedure.
 - » Tennessee delinquency law states that “[s]taff shall not discipline youth for filing a grievance, even if an investigation does not establish sufficient evidence to substantiate the complaint.”⁹⁵⁶

Three states expressly permit discipline or punishment for youth utilizing their grievance protections.

- Three states permit discipline in delinquency only: Louisiana,⁹⁵⁷ Maine,⁹⁵⁸ Oklahoma.⁹⁵⁹

- » Maine delinquency regulations similarly prohibit retaliation yet restrict such protections to youth's "good faith filings," permitting disciplinary acts against "abuse of the grievance process."⁹⁶⁰
- » In Oklahoma, facilities may discipline youth for filing a grievance if misused but "may discipline a resident for filing a grievance related to alleged sexual abuse only where the agency demonstrates that the resident filed the grievance in bad faith."⁹⁶¹

3.3.5 Provide External Oversight with Enforcement Powers and Reporting Requirements

A vital requirement for having even the best grievance protections is transparent, external, independent monitoring of both the grievance protection (evaluation) and the underlying substance of grievance evaluations. The most common example of external, youth- and family-focused oversight is a youth ombudsperson office. Since the existence of an ombudsperson office falls outside of grievance protections, delving deeply into this issue is beyond the scope of this report; however, I highlight here a few recommendations that would supplement the grievance rights presented in this report. An external monitor, such as an ombudsperson, should be autonomous, impartial, and free of administrative control. They must also have broad authority to speak with youth, visit facilities unannounced, gather data and information about facilities, and remediate harms. They should be supported in discussing facility conditions with youth who have been released and may feel safer sharing about their experiences. Juveniles for Justice Youth Advocates set forth recommendations on standard questions to ask youth to meet these goals.⁹⁶² State policies should also support transparency by ensuring that external monitors provide information to youth, families, system stakeholders, and the general public on the impact of the carceral system on youth. For a deeper review of ombudsperson offices, The National Conference of State Legislatures provides an extensive overview of such offices across the country.⁹⁶³



CONCLUSION

As discussed previously, the disparate treatment of youth of color can be traced back to America's earliest days. Laws—a source of economic, social, and political power—created the infrastructure for slavery and oppression of individuals of color. Neither states nor the federal government has dismantled this infrastructure, and racial and ethnic disparities remain deeply embedded in the administration and discourse of institutional placements for youth.

These disparities have incredibly far-reaching impacts on the lives of youth. Youth in institutional placements are subject to widespread systemic abuse, physical and sexual violence, in addition to legally sanctioned abusive practices such as strip searches, physical restraints, and solitary confinement. This abuse compounds the trauma imposed by isolation and separation from their families, friends, and communities.

Despite endemic levels of abuse in institutional placements, most states allow facilities to establish, implement and monitor grievances themselves. Some systems do not even require that much. There is little to no federal oversight of the abuse of incarcerated youth beyond the Prison Rape Elimination Act (PREA)—which has been ineffective in meaningfully reducing sexual

abuse of children in institutions. The most impactful federal law, the Prison Litigation Reform Act (PLRA), has impeded youth and family's access to justice.

States must empower youth by providing information about youths' legal rights and creating concrete, accessible avenues to seek justice for rights violations. Legally empowering youth through robust grievance protections is a step forward towards strengthening youths' agency and 'squeezing justice out of a system of injustice.' Adequate protections can set precedents for accountability and standards for future practice reflected in law, policies, and practices. Those laws, policies, and practices can then be replicated and scaled.

On April 20, 2021, Columbus police fatally shot 16-year-old Ma'Khia Bryant. The police were responding to a call reporting Ma'Khia was unsafe in her group home.⁹⁶⁴ The heartbreak of her death is excruciating; I can't find the words to describe it.²⁴ An attorney representing her family blamed Ma'Khia's death on "'a bureaucracy ill-equipped to protect' children 'in their time of greatest uncertainty and need.'"⁹⁶⁵ I can't think of a better description for youth grievance protections.

We must do better. We must see youth, hear youth and protect youth.

²⁴ Thankfully, others do. Please see Special Series, The Space between Life, Death and Opportunity: When I Was 16, IMPRINT (May 22, 2021), <https://imprintnews.org/special-series/space-between-life-death-opportunity-makhia-bryant>.

POSTSCRIPT

After high school, my parents encouraged me to go to Luther College, a small liberal arts school a few hours away. I majored in accounting, with dual minors in French and economics and a certificate of concentration in international business. After all I had gone through, a degree in accounting represented security. I moved to Chicago, where I began to find that security I had been seeking.

But I had always wanted to be a lawyer. When I was in care, my words never mattered until a lawyer said them. And I wanted—needed—my words to have enough power to make a difference. So, I decided to go to law school. Early in my law school career, I sought out internships and clinical opportunities. I interned with the Legal Aid Justice Center's Just Children program, where I helped with a variety of special education legal work. I interned at Cooks County Public Guardian's Office. I also took part in the Children's Defense clinic at law school and an advanced

clinic. After law school, I clerked for two years in the Unified Family Court in Delaware with honorables Arlene Minus Coppage and Robert Coonin. There, I had the opportunity to substantially contribute to drafting orders in countless dependency, delinquency, and custody and divorce proceedings. After clerking, I was awarded the Zubrow Fellowship at Juvenile Law Center and later continued my work at Juvenile Law Center through a Soros Justice Fellowship.

The day before my Soros interview, I got a call from Melissa. She had just been apprehended by Interpol, the international criminal police organization, in Brazil. It was a shock. We had not spoken in the years since she fled from a federal drug charge. I still remember when someone asked in my interview how my sister was. I broke down crying because, for the first time in years, I knew and could respond that—at least on some level—she's okay.

ACKNOWLEDGEMENTS

First, I want to thank so many people so please excuse how uncharacteristically long this acknowledgment section is! Nonetheless, I know I have miss so many more teachers along the way. Know that even if you aren't mentioned, I am deeply grateful for the lessons you have taught me.

Thank you, Melissa, for your bravery, strength, and protection growing up. Thank you to my whole family: Mom, Dad, Stacey, Jamie, Angie, Drew, Kaitlyn and Kyra. Your love, support, and acceptance are the foundation that has fueled me to fulfill my dreams. I love you. Thank you to all my friends who have been there from the mock interview you all attended, for your endless patience, and for promoting various efforts. A special thank you to Julia Stone for your endless support and weekly "book clubs"!

Antonio Thomas Thank you so much, for your support and work in developing the youth-design curriculum. It has been an absolute pleasure to reconnect and learn from you. Thank you, so much Antonio for the emotional labor you have put in over the years in to educate me about race and racism. I will be forever in your debt.

Thank you to Mary Jo Vorkamp. I am so grateful for your research on the various news articles. There's no easy way to see that much violence and oppression, thank you for both your intellectual and emotional labor, it has brought so much to this report.

I am beyond grateful for Karen Lindell's support and supervision throughout this project and my Zubrow

fellowship at Juvenile Law Center. Shortly after starting at Juvenile Law Center, I gave her a copy of my sister's experiences in facilities, written by my sister. I asked her to help me find a way to share my sisters' story and help it make a difference. I didn't understand what a big ask it was at the time, but she has given me endless amount of support, editing, brainstorming, etc. There are truly too many ways to count how Karen has helped make this report a reality. Thank you so much.

This report could not have happened without the expertise and insights from Juvenile Law Center's Youth Advocacy program's Youth advocates. Specifically, Anthony and Anahi who gave hours of their time, attention and emotional labor. Thank you so much. Each of you are inspiring and I am grateful to know and have learned from each of you. Another special thank you to all the authors of Broken Bridges. As I mentioned in the report, your words and stories, inspired me to pursue this fellowship.

You can't talk about Juvenile Law Center's Youth Advocacy program without acknowledging Marcia Hopkins and Cathy Moffa. They gave me access to their bank of resources and have supported me and this report in countless ways. Thank you both so much. I promise to try to take the lessons you each have taught me and bring that into my work going forward.

Thank you also to Jessica Feireman. Your guidance, supervision, genuine kindness, patience and grace are an example I will carry forward and attempt to emulate. Susan Vivian Mangold. Thank you for your kindness,

dedication to excellence and always inviting people in. Our virtual teas, and breakfast helped me so much. Thank you for giving me the opportunity and support in getting this report out.

Thank you to Nathan Orians²⁵ and Julia Sheppard²⁶, your tireless legislative and regulatory research work is the backbone to this report. Thank you both so much, both for your work on this report as well as your ongoing advocacy and bravery that you bring to your work and life.

Vic Wiener, Thank you doesn't feel big enough. You brought the full force of your expertise and love of Blue Booking to the resuscitation of my endnotes. I am still in awe. Thank you also for your emotional labor, support and mentorship. You teach me so much, in how you show up, in your fierceness and kindness. I look forward to watching the waves of change you will create in the world. Thank you to all the folx who worked with Vic in helping to cite check this report. It is hard and often underappreciated work, but your diligence and dedication has made this report, so much stronger. Specifically, Tiffany Faith and Marissa Lariviere, Juvenile Law

Center's outstanding paralegal team and 2021 Juvenile Law Center summer interns: Elizabeth Harris, Stephanie Lowry, and Copelenn McMahon.

Thank you so much to Chloe Alvarado for your incredible graphic design work. Without your talents, this report would simply be words on a page. Your ability to put the power of emotion behind those words, always feels like magic to me. Thank you.

Thank you also to the Open Society Foundations, for believing in me and giving me this opportunity. Specifically, Christopher Scott, Christina Voight, and Adam Culbreath, you each gifted me strength-based mentorship; trusting and urging me to learn, grow, fall and rebuild. Thank you to the 2019 cohort, you each inspire me to work harder.

Thank you to my advisory board, for your attention, support and powerful advocacy: Frankie Guzman, Jennifer Rodriguez, and Johnny Perez.

²⁵ Nathan Orians received his Master's in Clinical Social Work from Smith School for Social Work, recently graduated from Drexel University's Thomas R. Kline School of Law. Prior to law school, worked as a social worker at Delaware County Juvenile Detention Center, otherwise known as Lima, for almost two years. In March 2021, he was a whistle blower that helped close Lima. He was quoted as saying, "The systemic abuses I witnessed and repeatedly attempted to stop forced me to reconsider my entire career path and go to law school. The people in charge purposely place children into a dangerous facility and they turned a blind eye or even covered up abuse that was ongoing for years."

²⁶ Julia Sheppard is originally from Chicago, IL and is interested in a career in juvenile advocacy and criminal justice reform, aimed at prison abolition. After graduating from Oberlin College with a double major in law and dance, Julia worked as an ombudsman for residents of long-term care facilities, and then as a legal assistant at Northwestern Law School's Bluhm Legal Clinic. She was, at the time of her research in November 2019, a 2L and Rubin-Presser Social Justice Fellow at Temple University's Beasley School of Law.

APPENDIX A

GRIEVANCE PROTECTION: YOUTH-FOCUSED CURRICULUM AND HELPFUL HINTS

BY ANTONIO THOMAS

OVERVIEW

The most effective and sustainable solutions are imagined by the very people who experience a problem itself. Abuse in facilities is a systemic problem. Youth need to be included in designing grievance protections to effectively overcome the hurdles of youth reporting concerns, abuse, and rights violations.

OBJECTIVES

After this curriculum, youth will:

- understand what a grievance protection is.
- understand the core components to an effective grievance protection.
- evaluate local (or national) grievance protections.
- make recommendations for an effective grievance protection.

Participants

Youth should have personal experiences in a facility from either dependency and/or delinquency. Youth reflect the diversity of subpopulations of youth within the community. The curriculum is best for groups of 8-12. If you have two facilitators, 15 participants should be the maximum. These numbers allow everyone to participate and begin sharing their thoughts and experiences. If the group exceeds 15, it is suggested that the group splits into two groups.

Staffing Requirements

2-3 facilitators. A separate note-taker is strongly encouraged. One facilitator should be comfortable with the language and practices of policymakers and or able to read and translate policy into terms easily understood by those without policy experience. The second facilitator should be someone that has experience working with youth. A youth worker that is familiar with a youth-centered approach is preferred. This person can also be a point of contact for youth with specific questions and concerns. All staff should review the "Helpful Hints".

Meeting Length

There are two sessions. Sessions should be 2 hours each. That includes break times, snacks, and lunch, if provided.

²² Antonio Thomas: thoman02@gmail.com
Empathy. Love. Honesty. Respect. In no order, these are the values that drives Antonio Thomas' work with youth. Antonio is a Sr. Curriculum Specialist with Youth Guidance's Becoming A Man program. He has over 10 years working in youth programs of all types, most of which specializing with underserved communities. A native of Milwaukee, WI, education took him to Luther College in Decorah, IA, followed by his current home in Chicago after graduating from DePaul University with a Master of Education in Community Counseling.

Since 2007, Antonio has found himself in spaces where he is working with youth of all backgrounds. Bible Camp, Sports Camps, Reading Programs, Juvenile probation, Recess monitor, the list goes on. Antonio has prided himself on being able to work with any and all youth. Most notably his work with the young men of the Becoming a Man program in Chicago. A time in which Antonio was able to form relationships with the youth, community, families, and other organizations, ultimately being awarded by the 48th ward Alderman "Pillar of Safety" honors in 2017.

He is a co-founder, and active alumni member of the Zeta Tau Psi Fraternity at Luther and Cornell Colleges in Iowa. A football coach. A supporter of anything positive for youth in our communities.

Outside of working with youth, Antonio has passion in helping create/support better systems that effect youth. Whether helping maintain current BAM programs, consulting with community programs on police reform, writing or improving curriculum, or providing neighborhood safety programming for schools and immigrant families. Antonio enjoys using his skills and experiences to better the lives of youth everywhere.

Food

Best practice is to provide light snacks and beverages throughout the sessions. This can also be a way to honor and respect participants time, since meeting often can be over lunch or dinner. If in the budget, providing lunch is a great incentive for getting full participation throughout the entire project.

Pay

Youth should receive compensation for their participation and expertise. Prepare to supply cash payment or a gift card for participation. If incentivizing with gift cards, consult with youth. For example, if using cash gift cards, it's important to choose the ones that can be used without requiring identification documents or bank accounts. \$25 per session or more is recommended.

Create a participation plan with youth members. This plan is to ensure youth members always have a plan to attend or actively participate in meetings. This recommendation is essential to identify any needs, barriers, or other obligations they may have that could impact participation. This should include recommending meeting times and flexibility to schedule meetings that prioritize youth schedules.

Ensure youth can attend the meetings and reduce barriers to attendance.

Scheduling

Accommodate youth schedules when attendance and participation is not built into their current work. For example, many programs have meetings in the later afternoon after 3 pm.

Transportation

Provide transportation and other logistical support as needed for youth to participate (i.e., provide bus or train passes, Amtrak tickets, ride pools, or pickups). This should include allowing for remote access for all members and other mechanisms to provide feedback or comments for each meeting.

Childcare

Provide childcare options if this is a need or barrier for the youth to participate actively.

SUGGESTED SCHEDULE

SESSION 1

INTRODUCTION

CHECK-INS

WHAT DO WE KNOW

BREAK

DIVE IN

CORE COMPONENTS

SESSION 2

INTRODUCTION

CHECK-INS

CORE COMPONENTS

DISCUSSION

RE-IMAGINED

GRIEVANCE POLICY

BREAK

REVIEW

NEXT STEPS

CLOSING

WHAT IS YOUTH ENGAGEMENT?

Youth engagement is involving young people in the creation of their own destinies. Facilitating meaningful youth participation with passion and opportunities for youth to take responsibility and leadership while working in partnership with caring adults who value, respect, and share power with them. (Pittman)

Youth engagement is the result when young people are involved in responsible, challenging actions to create positive social change.
(http://actforyouth.net/youth_development/engagement/)

WHAT WORKS

CLEAR COMMUNICATION
LIMITING HIERARCHY
ENERGY
EFFORT
RESPECTING IDEAS
SENSITIVITY
EMPATHY
OPENNESS
HONESTY
AUTHENTICITY

WHAT DOESN'T WORK

HYPOCRISY
CORRECTION
(WITHOUT A RELATIONSHIP)
LIES
LACK OF FOLLOW-THROUGH
LACK OF SYMPATHY
LACK OF EMPATHY
TAKING WHAT IS
SAID PERSONALLY

BEFORE EACH SESSION

Think of the earliest time you were told...

"Because I said so."

"You would know if you paid attention the first time."

"Not now."

"You're too young."

"You don't know nothing about..."

Reflect on how this made you feel as a youth.

How does it affect the relationship as a young person to be told these things?

Be Prepared

- Do you have all materials?
- Do you have a backup plan?
- How does subject matter relate to you?
- Did you read the curriculum?

Give off Good Energy

- Stay comfortable and confident.
- Maintain a positive regard.
- Be accepting.

This draws young people in.

Make Connections

- To their real lives
- To their experiences
- To one another

Show that you get it and if you don't, ask. This leads to openness.

When working with youth, remember what it was like for you to be dismissed, treated unfairly, or unheard. It is encouraged to do your own reflection to avoid transference as well as coaching. In this project, the goal is to learn from the youth. Hear their perspective and ask for more information. Ask for clarification. You want your youth to feel safe.

Assess Engagement

- Bring activities
- Find ways to bring the curriculum to life.
- Offer incentives

Be Versatile

- Know your audience
- Scan the room
- Adjust as needed

SESSION ONE

- 1.WHY ARE WE HERE?
- 2.CHECK-INS
- 3.WHAT DO WE KNOW?
- 4.DIVE INTO THE WORK
- 5.CORE COMPONENTS INTRODUCTION

MATERIALS NEEDED:

Easel Pad, Markers, Paper and Pen

GOALS OF THE SESSION:

Understand what a grievance is.

Understand what current rights exist.

Begin to explore core components of a grievance policy.

Start reimagining an effective grievance policy.

1. INTRODUCTIONS

Leaders: Be sure to take a couple of minutes to introduce yourself and how you got involved in this project. Be honest and open. This will set the tone for the remaining time spent together—end by explaining this project and the importance of this group meeting.

- Introduce goals of the two sessions
- Let group members know what to expect
(If incentives are involved, share those here)

Prepare youth to strategically and safely share their stories. This curriculum does not explicitly call for youth to share their experiences. Know why you're asking youth to consider telling their stories. This should happen ONLY if youth want to use their stories to help elevate their advocacy efforts. If they do, there should be a clear tie to the policy goal, or in this case – core components.

ICE BREAKER

Two Truths and a Lie

The main instructions of the game are that each member of the group introduces themselves by stating two truths and one lie about themselves. Leaders should be prepared to go first. The statements don't have to be intimate, life-revealing things—just simple hobbies, interests, or past experiences that make each person unique. The lie can be outrageous and wacky, or it can sound like truth to make it harder for the other participants.

One at a time, each person shares their statements. The group has to guess which statements are true and which statement is the lie. You can keep score to see who correctly guesses the most lies, or just play for fun to get to know one another—it's up to your group.



AGREEMENTS FOR WORK

- Explain that these are less rules but rather group agreements to guide the work.
- Come up with a list of 5-10 expectations
(ex: Respecting others' opinions, confidentiality, etc.)
- Once completed, have everyone verbally agree and sign the agreement.

2. CHECK-INS

On a scale of 1-10, how comfortable are you with grievance protections in facilities or institutions and why?

Leave space for youth to take the check-in when they want. The leader should be prepared to go first to model the process.

- Make sure you are using "I" statements
- Respect the speaker
- Passing is OK

3. WHAT DO WE KNOW?

Use this time to learn what the group really knows. There are no wrong answers. Use this time to gauge where you are.

Here are some sample questions to ask to get the conversation going:

- What's a grievance?
- Where does it go?
- Why do we need them?

4. DIVE-IN

Read or present grievance policy of the state you're in. (Alternate- choose a state to use as an example)

Ask for initial thoughts/feelings on what they just learned (It is ok if their response is one of non-understanding)

ACTIVITY: GOOD/BAD/CHANGE/MISSING

Use four poster boards or Easel paper and write one question on each board:

1. What was good?
2. What was bad?
3. What would you change?
4. What is missing?

Give the group 15 minutes to write directly on the boards their thoughts on each question. Then, process as a group what is learned from the activity.

Sample process questions:

1. Was there anything surprising?
2. Anything stands out as more important to you?



5. CORE COMPONENTS OF A GRIEVANCE POLICY

Introduce to the group the core components of a grievance policy. Explain each component individually. Allow group members time to explore each. Ask questions, tell stories/experiences, and process each. Be mindful of time as this is the last part of session 1.

SEE YOUTH

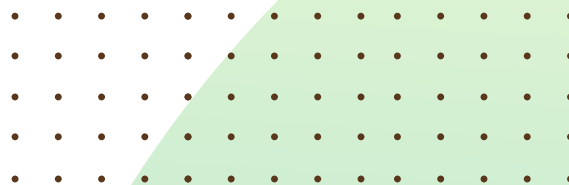
Notification Requirements
Comprehension Considerations

HEAR YOUTH

Method of Raising Concerns
Trusted Evaluation Process
Confidentiality
Independence
Transparent process with clearly defined expectations, and timelines.
Opt-out appeal progression
Clearly Defined end
Youth Engagement
Help: as Needed or Requested

PROTECT YOUTH

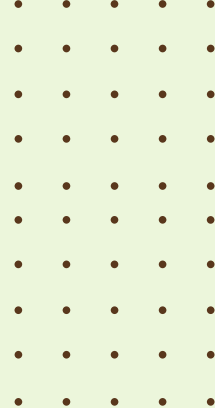
Scope of Grievance Protections
Emergency Responsiveness
Anti-retaliation/
Anti-Interference Provisions



6. CHECK-OUT

Reserve time, in the end, to acknowledge the work youth have done. Ask for a feeling word or another type of “temperature” check to see how the youth felt about the session. Make sure to follow up with any youth that expresses a need or confusion.





SESSION TWO

1. CHECK-INS
2. CORE COMPONENTS DISCUSSION
3. RE-IMAGINED GRIEVANCE POLICY
4. REVIEW
5. NEXT STEPS
6. CLOSING

MATERIALS NEEDED:

Easel Pad; Markers; Paper; Pens; Sticky Notes

GOALS OF SESSION:

Re-Imagine and write our own grievance policy



1. CHECK-INS

As you did in session 1, ask group members how they felt about the first session and to rate session 1 on a scale of 1-10. Then, ask group members to describe what they are expecting for session 2.

2. WHAT DO WE KNOW?

- What elements or processes are needed to fulfill each core component?
- How do we help youth in facilities understand each?
- What areas need to be explained more?

Please don't limit yourself to these questions. This is to get the conversation going so when you start re-imagining a grievance policy, and thoughts are already being formed.

3. RE-IMAGINED GRIEVANCE POLICY

ACTIVITY:

- Give each group member a pack of colored sticky notes, preferably a different color for each member. Use markers and have them write directly on board if you don't have sticky notes.
- Write one core component on each poster board.
- Instruct the group to write on their sticky notes ideas and thoughts they have on how to make sure that that component is met and understood by a youth.

Remind group members that it is important that it is in their voice and that there is no pressure to have legal language here.

- Give enough time to have each group member write on each board.
- Bring the group back together to process what they've come up with and to add more thoughts and ideas as needed.



4. REVIEW

Leaders take what the group came up with from the activity to create a new grievance policy.

Leaders present this information to the group.

5. NEXT STEPS

Explain to the group where their work goes from here. If there are any future incentives, make sure that those are discussed.

Most importantly, make sure that the youth know that their work was not a waste of their time. Where will this work be presented, how will it be used?

6. CLOSING

Be sure to thank the participants. Allow for any final processing and thoughts to be added. Do a final check-out. Ask youth how they feel about the work they have done and to rate the work on a scale of 1-10. Thank your participants and close the group.

APPENDIX B

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- ¹ Shalita O’Neal, *Foster Care and Homelessness*, FOSTER FOCUS (Aug. 2015), <https://www.fosterfocusmag.com/articles/foster-care-and-homelessness>.
- ² W.R. Cummings, *The Foster-Care-to-Prison Pipeline*, PSYCHCENTRAL (Apr. 27, 2019), <https://psychcentral.com/blog/foster-care/2019/04/the-foster-care-to-prison-pipeline#1>.
- ³ Tony Leys, *Iowa Girls Were Abused at Wisconsin Facility after Iowa Closed Toledo School, Lawsuits Say*, DES MOINES REG. (Aug. 3, 2017), <https://www.desmoinesregister.com/story/news/health/2017/08/03/iowa-girls-were-abused-wisconsin-facility-after-iowa-closed-toledo-school-lawsuits-say/537411001/>.
- ⁴ In December 2015, federal and state officials raided Lincoln Hills School for Boys (LHS) and the Copper Lake School for Girls (CLS) in Wisconsin. Prior to the raids, staff regularly physically abused youth in the facilities even breaking their arms and legs in some cases. Following the class action lawsuit, the Wisconsin legislature voted to close Lincoln Hills and Copper Lake by 2021. The facilities remain open, and according to independent monitor reports, there has been no sustained improvement. Derek Gilna, *Wisconsin’s Troubled Lincoln Hills School for Boys and Copper Lake School for Girls to Close in 2021, New Governor Says*, PRISON LEGAL NEWS (Jan. 25, 2019), <https://www.prisonlegalnews.org/news/2019/jan/25/wisconsins-troubled-lincoln-hills-school-boys-and-copper-lake-school-girls-close-2021-new-governor-says/>.
- ⁵ *Children in Prison*, JUVENILE LAW CENTER, <https://jlc.org/children-prison> (last visited May 17, 2021).
- ⁶ JUVENILES FOR JUSTICE & JUVENILE LAW CENTER, BROKEN BRIDGES: HOW JUVENILE PLACEMENTS CUT OFF YOUTH FROM COMMUNITIES AND SUCCESSFUL FUTURES 16 (2018), https://jlc.org/sites/default/files/attachments/2018-12/2018BrokenBridges-FINAL-WEB_0.pdf.
- ⁷ Wendy Sawyer, *Youth Confinement: The Whole Pie 2019*, PRISON POL’Y INITIATIVE (Dec. 19, 2019), <https://www.prisonpolicy.org/reports/youth2019.html>.
- ⁸ *The AFCARS Report*, U.S. DEP’T OF HEALTH & HUM. SERVS., CHILD.’S BUREAU (June 23, 2020), <https://www.acf.hhs.gov/sites/default/files/documents/cb/afcarsreport27.pdf>.
- ⁹ BESSEL VAN DER KOLK, THE BODY KEEPS SCORE: BRAIN, MIND, AND BODY IN THE HEALING OF TRAUMA 237 (2014).
- ¹⁰ See generally JAMES BELL, W. HAYWOOD INST. FOR YOUTH JUST. FAIRNESS & EQUITY, REPAIRING THE BREACH: A BRIEF HISTORY OF YOUTH OF COLOR IN THE JUSTICE SYSTEM (2015), https://burnsinstitute.org/wp-content/uploads/2020/09/Repairing-the-Breach-BI_compressed.pdf.
- ¹¹ Wilma King, *Children and Slavery*, OXFORD RSCH. ENCYCLOPEDIAS n.10 (Feb. 25, 2019), <https://oxfordre.com/americanhistory/view/10.1093/acrefore/9780199329175.001.0001/acrefore-9780199329175-e-628> (citing DOCUMENTS ILLUSTRATIVE OF THE HISTORY OF THE SLAVE TRADE TO AMERICA (Elizabeth Donnan ed., 1930); LISA A. LINDSAY, CAPTIVES AS COMMODITIES: THE TRANSATLANTIC SLAVE TRADE (2008); Paul Lovejoy, *The Children of Slavery: The Transatlantic Phase*, 27 SLAVERY & ABOLITION 197 (2006)).
- ¹² Wilma King, *Children and Slavery*, OXFORD RSCH. ENCYCLOPEDIAS (Feb. 25, 2019), <https://oxfordre.com/americanhistory/view/10.1093/acrefore/9780199329175.001.0001/acrefore-9780199329175-e-628>.
- ¹³ *Id.* at n.16 (citing HOUSE OF COMMONS SESSIONAL PAPERS OF THE EIGHTEENTH CENTURY (Sheila Lambert ed., 1875)).
- ¹⁴ *Id.*
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³⁰⁵ IDAHO ADMIN. CODE r. 05.01.02.142, .153.
³⁰⁶ 9 DEL. ADMIN. CODE § 105-3.0.
³⁰⁷ N.H. CODE ADMIN. R. ANN. He-C 6350.33.
³⁰⁸ N.J. ADMIN. CODE §§ 3A.55-3.2, 13:92-7.1.
³⁰⁹ 6 VA. ADMIN. CODE §§ 35-71-80, -101-100, -41-110.
³¹⁰ N.H. CODE ADMIN. R. ANN. He-C 6350.33.
³¹¹ N.J. ADMIN. CODE § 3A.55-3.2.
³¹² N.J. ADMIN. CODE § 13:92-7.1.
³¹³ MD. CODE REGS. 14.31.06.09.
³¹⁴ 10a N.C. ADMIN. CODE 70I.0307(a); *see also* 10a N.C. ADMIN. CODE 70I.0503(a)(2), 70I.0504(a)(8).
³¹⁵ OKLA. ADMIN. CODE § 340:2-3-45.
³¹⁶ OR. REV. STAT. § 418.201.
³¹⁷ S.C. CODE ANN. REGS. 61-103-901, -1001.
³¹⁸ 12-3 VT. CODE R. § 508:500.
³¹⁹ OKLA. ADMIN. CODE § 340:2-3-45.
³²⁰ S.C. CODE ANN. REGS. 61-103-1001.
³²¹ IOWA ADMIN. CODE r. 441-105.16(232).
³²² N.Y. COMP. CODES R. & REGS. tit. 9, § 7332.4.
³²³ W. VA. CODE § 49-4-721.
³²⁴ N.Y. COMP. CODES R. & REGS. tit. 9, § 7332.4 (emphasis added).
³²⁵ 9 DEL. ADMIN. CODE § 105-3.0.
³²⁶ 55 PA. CODE § 3800.31.
³²⁷ 6 VA. ADMIN. CODE §§ 35-71-80, -101-100, -41-110.
³²⁸ CAL. CODE REGS. tit. 22, § 84072.2.
³²⁹ FLA. ADMIN. CODE ANN. r. 63G-2.022, 63E-7.103.
³³⁰ OR. REV. STAT. § 418.201.
³³¹ S.C. CODE ANN. REGS. 61-103-1001.
³³² D.C. Mun. Regs. tit. 29, § 6205.
³³³ 016.01.10 ARK. CODE R. §§ 7260.1, 7260.2.
³³⁴ N.H. CODE ADMIN. R. ANN. He-C 6350.33.
³³⁵ 37 TEX. ADMIN. CODE § 380.9331.
³³⁶ LA. ADMIN. CODE tit. 22, § 713; LA. ADMIN. CODE tit. 67, § 7111.
³³⁷ MD. CODE REGS. 14.31.06.09.
³³⁸ 10a N.C. ADMIN. CODE 70I.0307(a); *see also* 10a N.C. ADMIN. CODE 70I.0503(a)(2), 70I.0504(a)(8).
³³⁹ *See* S.D. ADMIN. R. 44:82:06:09.
³⁴⁰ IDAHO ADMIN. CODE r. 05.01.02.140, .142, .153.
³⁴¹ 03-201-12 ME. CODE R. § 29.1-VI.
³⁴² 20 ILL. COMP. STAT. 505/5e.
³⁴³ ME. STAT. tit. 22, § 4010-A.
³⁴⁴ MINN. R. 2960.3080.
³⁴⁵ 18-7:1 MISS. CODE R. § VI.
³⁴⁶ N.M. CODE R. § 8.14.14.18(E), (V).
³⁴⁷ MONT. ADMIN. R. 20.9.620.
³⁴⁸ OKLA. ADMIN. CODE §§ 377:3-13-132(c), :3-1-27(g).
³⁴⁹ NEV. REV. STAT. §§ 62B.515, 432.540.
³⁵⁰ KAN. ADMIN. REGS. §§ 123-15-101a, 28-4-355a.
³⁵¹ CAL. CODE REGS. tit. 22, § 84072.2.
³⁵² N.D. ADMIN. CODE § 75-03-40-33(6)(c).
³⁵³ W. VA. CODE R. § 78-2-26.
³⁵⁴ CAL. WELF. & INST. CODE § 16001.9.

³⁵⁵ W. VA. CODE R. § 78-2-26.
³⁵⁶ FLA. ADMIN. CODE ANN. r. 63G-2.022, 63E-7.103.
³⁵⁷ IDAHO ADMIN. CODE r. 05.01.02.142, .153.
³⁵⁸ 214-60 R.I. CODE R. § 00-1.16.
³⁵⁹ FLA. ADMIN. CODE ANN. r. 63G-2.022, 63E-7.103.
³⁶⁰ 214-60 R.I. CODE R. § 00-1.16.
³⁶¹ COLO. CODE REGS. § 2509-8:7.713.2.
³⁶² OKLA. ADMIN. CODE §§ 377:3-13-132(c), :3-1-27(h).
³⁶³ OR. ADMIN. R. 416-020-0020; OR. REV. STAT. § 418.201.
³⁶⁴ 55 PA. CODE § 3800.31.
³⁶⁵ 12-8 VT. CODE R. §§ 15:2, 508:500.
³⁶⁶ W. VA. CODE § 49-4-721; W. VA. CODE R. § 78-2-26.
³⁶⁷ ARIZ. ADMIN. CODE §§ R6-5-7429, -7440.
³⁶⁸ CAL. CODE REGS. tit. 22, § 84072; CAL. WELF. & INST. CODE § 16001.9.
³⁶⁹ 922 KY. ADMIN. REGS. 1:300.
³⁷⁰ MD. CODE REGS. 14.31.06.09.
³⁷¹ MICH. ADMIN. CODE r. 400.4132.
³⁷² MONT. ADMIN. R. 37.97.159.
³⁷³ 10a N.C. ADMIN. CODE 70I.0307(a), .0504(a)(8); *see also* 10a N.C. ADMIN. CODE 70I.0503(a)(2).
³⁷⁴ N.D. ADMIN. CODE § 75-03-40-33(6)(c).
³⁷⁵ OHIO ADMIN. CODE 5101:2-9-24(A).
³⁷⁶ S.D. ADMIN. R. 44:82:06:09.
³⁷⁷ 049.0029-3 WYO. CODE R. § 29.
³⁷⁸ 016.01.10 ARK. CODE R. §§ 7260.1–.2.
³⁷⁹ FLA. ADMIN. CODE ANN. r. 63G-2.022, 63E-7.103.
³⁸⁰ IND. CODE § 11-11-1-2
³⁸¹ KAN. ADMIN. REGS. § 123-15-101a.
³⁸² LA. ADMIN. CODE tit. 22, § 713.
³⁸³ 03-201-12 ME. CODE R. § 29.1-VI.
³⁸⁴ N.Y. COMP. CODES R. & REGS. tit. 9, § 7332.4.
³⁸⁵ 214-60 R.I. CODE R. § 00-1.16.
³⁸⁶ 37 TEX. ADMIN. CODE § 380.9331.
³⁸⁷ MD. CODE REGS. 14.31.06.09.
³⁸⁸ MICH. ADMIN. CODE r. 400.4132.
³⁸⁹ 10a N.C. ADMIN. CODE 70I.0307(a), .0504(a)(8); *see also* 10a N.C. ADMIN. CODE 70I.0503(a)(2).
³⁹⁰ N.D. ADMIN. CODE § 75-03-40-33(6)(c).
³⁹¹ ARIZ. ADMIN. CODE §§ R6-5-7429, -7440.
³⁹² CAL. WELF. & INST. CODE § 16001.9.
³⁹³ OKLA. ADMIN. CODE § 340:2-3-45.
³⁹⁴ OR. REV. STAT. § 418.201.
³⁹⁵ S.D. ADMIN. R. 44:82:06:09.
³⁹⁶ CAL. WELF. & INST. CODE § 16001.9.
³⁹⁷ OR. REV. STAT. § 418.201(5).
³⁹⁸ IND. CODE § 11-11-1-2.
³⁹⁹ *Id.*
⁴⁰⁰ COLO. CODE REGS. § 2509-8:7.713.2.
⁴⁰¹ 55 PA. CODE § 3800.31.
⁴⁰² 12-8 VT. CODE R. § 15:2; 12-3 VT. CODE R. § 508:500.
⁴⁰³ W. VA. CODE § 49-4-721; W. VA. CODE R. § 78-2-26.
⁴⁰⁴ FLA. ADMIN. CODE ANN. r. 63G-2.022.
⁴⁰⁵ 922 KY. ADMIN. REGS. 1:300.
⁴⁰⁶ MONT. ADMIN. R. 37.97.159.
⁴⁰⁷ 10a N.C. ADMIN. CODE 70I.0307(a); *see also* 10a N.C. ADMIN. CODE 70I.0503(a)(2), .0504(a)(8).

⁴⁰⁸ OHIO ADMIN. CODE 5101:2-9-24(A).
⁴⁰⁹ 049.0029-3 WYO. CODE R. § 29.
⁴¹⁰ 016.01.10 ARK. CODE R. §§ 7260.1–.2.
⁴¹¹ FLA. ADMIN. CODE ANN. r. 63E-7.103.
⁴¹² KAN. ADMIN. REGS. § 123-15-101a.
⁴¹³ 03-201-12 ME. CODE R. § 29.1-VI.
⁴¹⁴ N.Y. COMP. CODES R. & REGS. tit. 9, § 7332.4.
⁴¹⁵ OKLA. ADMIN. CODE §§ 377:3-13-132(c), :3-1-27(h).
⁴¹⁶ OR. ADMIN. R. 416-020-0020.
⁴¹⁷ 214-60 R.I. CODE R. § 00-1.16.
⁴¹⁸ 37 TEX. ADMIN. CODE § 380.9331.
⁴¹⁹ 12-8 VT. CODE R. § 15:2; 12-3 VT. CODE R. § 508:500.
⁴²⁰ 505 KY. ADMIN. REGS. 2:090; 922 KY. ADMIN. REGS. 1:300.
⁴²¹ 03-201-12 ME. CODE R. § 29.1-VI; ME. STAT. tit. 22, § 4010-A.
⁴²² MONT. ADMIN. R. 20.9.620, 37.97.159.
⁴²³ 03-201-12 ME. CODE R. § 29.1-VI; ME. STAT. tit. 22, § 4010-A.
⁴²⁴ MINN. R. 2960.3080.
⁴²⁵ 18-7:1 MISS. CODE R. § VI.
⁴²⁶ S.D. CODIFIED LAWS § 26-6-52; S.D. ADMIN. R. 44:82:06:09.
⁴²⁷ WASH. REV. CODE § 74.13.045.
⁴²⁸ WIS. ADMIN. CODE DHS §§ 94.04, .40.
⁴²⁹ WIS. ADMIN. CODE DHS § 94.40.
⁴³⁰ WASH. REV. CODE § 74.13.045.
⁴³¹ 730 ILL. COMP. STAT. 5/3-8-8; *see also* 730 ILL. COMP. STAT. ANN. 5/3-10-9 (“The procedures for grievances of the Department of Juvenile Justice shall be governed under Section 3-8-8.”).
⁴³² IND. CODE § 11-11-1-2.
⁴³³ MICH. ADMIN. CODE r. 400.10137.
⁴³⁴ N.M. CODE R. §§ 8.14.14.18(E) & (V), 8.14.20.15.
⁴³⁵ OHIO ADMIN. CODE 5139-36-19(X).
⁴³⁶ OR. ADMIN. R. 416-020-0020.
⁴³⁷ TENN. COMP. R. & REGS. 0250-04-08-.05.
⁴³⁸ OHIO ADMIN. CODE 5139-36-19(X).
⁴³⁹ COLO. CODE REGS. § 2509-8:7.713.2.
⁴⁴⁰ IDAHO ADMIN. CODE r. 05.01.02.142, 05.01.02.153, 16.06.02.574.
⁴⁴¹ 55 PA. CODE § 3800.31.
⁴⁴² COLO. CODE REGS. § 2509-8:7.713.2.
⁴⁴³ ARIZ. ADMIN. CODE §§ R6-5-7429, -7440.
⁴⁴⁴ CAL. CODE REGS. tit. 22, § 84072.2.
⁴⁴⁵ LA. ADMIN. CODE tit. 67, § 7111.
⁴⁴⁶ MD. CODE REGS. 14.31.06.09.
⁴⁴⁷ MICH. ADMIN. CODE r. 400.4132.
⁴⁴⁸ MONT. ADMIN. R. 37.97.159.
⁴⁴⁹ OHIO ADMIN. CODE 5101:2-9-24(A).
⁴⁵⁰ OR. REV. STAT. § 418.201 (Oregon only requires proof for children 14 and older).
⁴⁵¹ D.C. Mun. Regs. tit. 29, § 6205.
⁴⁵² W. VA. CODE R. § 78-2-26.
⁴⁵³ CAL. CODE REGS. tit. 22, § 84072.2.
⁴⁵⁴ KAN. ADMIN. REGS. § 123-15-101a.
⁴⁵⁵ *Id.*
⁴⁵⁶ 9 DEL. ADMIN. CODE § 105-3.0.
⁴⁵⁷ 55 PA. CODE § 3800.31.
⁴⁵⁸ 6 VA. ADMIN. CODE §§ 35-71-80, -101-100, -41-110.
⁴⁵⁹ 9 DEL. ADMIN. CODE § 105-3.0.

⁴⁶⁰ 6 VA. ADMIN. CODE §§ 35-71-80, -101-100, -41-110.
⁴⁶¹ ARIZ. ADMIN. CODE §§ R6-5-7429, -7440.
⁴⁶² CAL. WELF. & INST. CODE § 16001.9; CAL. CODE REGS. tit. 22, § 84072.
⁴⁶³ IDAHO ADMIN. CODE r. 05.01.02.142, 16.06.02.574.
⁴⁶⁴ MD. CODE REGS. 16.18.01.04, 14.31.06.09.
⁴⁶⁵ 18-7:1 MISS. CODE R. § VI.
⁴⁶⁶ OKLA. ADMIN. CODE § 340:2-3-45.
⁴⁶⁷ OR. REV. STAT §418.201.
⁴⁶⁸ 12-8 VT. CODE R. § 15:2.
⁴⁶⁹ 18-7:1 MISS. CODE R. § VI; 12-8 VT. CODE R. § 15:2.
⁴⁷⁰ MD. CODE REGS. 16.18.01.04, 14.31.06.09.
⁴⁷¹ OKLA. ADMIN. CODE § 340:2-3-45.
⁴⁷² N.J. ADMIN. CODE § 13:92-7.1.
⁴⁷³ *Id.*
⁴⁷⁴ COLO. CODE REGS. § 2509-8:7.713.2.
⁴⁷⁵ KAN. ADMIN. REGS. §§ 28-4-355a, 123-15-101a, 28-4-355a.
⁴⁷⁶ N.J. ADMIN. CODE §§ 13:92-7.2, 3A.55-3.2.
⁴⁷⁷ 55 PA. CODE § 3800.31.
⁴⁷⁸ COLO. CODE REGS. § 2509-8:7.713.2.
⁴⁷⁹ N.J. ADMIN. CODE § 3A.55-3.2.
⁴⁸⁰ N.J. ADMIN. CODE § 13:92-7.2.
⁴⁸¹ MICH. ADMIN. CODE r. 400.4132.
⁴⁸² 214-40 R.I. CODE R. § 00-4.3.
⁴⁸³ WIS. ADMIN. CODE DHS § 94.04.
⁴⁸⁴ 214-40 R.I. CODE R. § 00-4.3.
⁴⁸⁵ 016.01.10 ARK. CODE R. §§ 7260.1–.2.
⁴⁸⁶ LA. ADMIN. CODE tit. 22, § 713.
⁴⁸⁷ OR. ADMIN. R. 416-020-0040.
⁴⁸⁸ TENN. COMP. R. & REGS. 0250-04-08-.05.
⁴⁸⁹ 37 TEX. ADMIN. CODE § 380.9331.
⁴⁹⁰ 016.01.10 ARK. CODE R. § 7260.2.
⁴⁹¹ TENN. COMP. R. & REGS. 0250-04-08-.05.
⁴⁹² COLO. CODE REGS. § 2509-8:7.713.2.
⁴⁹³ 214-60 R.I. CODE R. § 00-1.16.
⁴⁹⁴ COLO. CODE REGS. § 2509-8:7.713.2.
⁴⁹⁵ 214-60 R.I. CODE R. § 00-1.16.
⁴⁹⁶ CAL. WELF. & INST. CODE § 16001.9.
⁴⁹⁷ LA. ADMIN. CODE tit. 67, § 7111.
⁴⁹⁸ S.D. ADMIN. R. 44:82:06:09.
⁴⁹⁹ WIS. ADMIN. CODE DHS § 94.41.
⁵⁰⁰ LA. ADMIN. CODE tit. 67, § 7111.
⁵⁰¹ S.D. ADMIN. R. 44:82:06:09.
⁵⁰² WIS. ADMIN. CODE DHS § 94.41.
⁵⁰³ TENN. COMP. R. & REGS. 0250-04-08-.05.
⁵⁰⁴ 37 TEX. ADMIN. CODE § 380.9331.
⁵⁰⁵ TENN. COMP. R. & REGS. 0250-04-08-.05.
⁵⁰⁶ ALASKA ADMIN. CODE tit. 7, §§ 54.245, .255.
⁵⁰⁷ CONN. GEN. STAT. § 17a-16.
⁵⁰⁸ 109 MASS. CODE REGS. 2.04; 110 MASS. CODE REGS. 10.01–.38.
⁵⁰⁹ MO. CODE REGS. ANN. tit. 13, §§ 110-2.100, -3.060.
⁵¹⁰ OKLA. ADMIN. CODE §§ 377:3-1-28(a)(2), 340:2-3-45.
⁵¹¹ ALASKA ADMIN. CODE tit. 7, § 54.245.
⁵¹² CONN. GEN. STAT. § 17a-16.

⁵¹³ 016.01.10 ARK. CODE R. §§ 7260.1–.2.
⁵¹⁴ FLA. ADMIN. CODE ANN. r. 63G-2.022.
⁵¹⁵ KAN. ADMIN. REGS. §§ 123-15-101, 28-4-355a.
⁵¹⁶ LA. ADMIN. CODE tit. 22, § 713.
⁵¹⁷ 03-201-12 ME. CODE R. § 29.1-VI.
⁵¹⁸ N.M. CODE R. §§ 8.14.14.18(E), 8.14.20.15.
⁵¹⁹ OR. ADMIN. R. 416-020-0040.
⁵²⁰ 214-60 R.I. CODE R. § 00-1.16.
⁵²¹ MO. CODE REGS. ANN. tit. 13, § 110-2.100.
⁵²² OR. ADMIN. R. 416-020-0040.
⁵²³ 20 ILL. COMP. STAT. 505/5e.
⁵²⁴ OR. REV. STAT. § 418.201 (although the statute explicitly says that children have a right to make written complaints, the only grievance process outlined is a hotline, so it was categorized it as verbal).
⁵²⁵ WASH. ADMIN. CODE § 110-09-0030.
⁵²⁶ 20 ILL. COMP. STAT. 505/5e.
⁵²⁷ MD. CODE REGS. 16.18.01.04.
⁵²⁸ *Id.*
⁵²⁹ ALA. ADMIN. CODE r. §§ 950-1-6-.05, -1-5-.01, 660-5-37-.04.
⁵³⁰ COLO. CODE REGS. § 2509-8:7.713.2.
⁵³¹ 9 DEL. ADMIN. CODE § 105-3.0.
⁵³² IOWA ADMIN. CODE r. 441-105.16(232), -106.8(237C).
⁵³³ 505 KY. ADMIN. REGS. 2:090; 922 KY. ADMIN. REGS. 1:300.
⁵³⁴ MICH. ADMIN. CODE r. 400.10137, .4132.
⁵³⁵ MINN. STAT. § 245A.04; MINN. R. 2960.3080.
⁵³⁶ MONT. ADMIN. R. 20.9.620, 37.97.159.
⁵³⁷ 83 NEB. ADMIN. CODE § 12-002; NEB. REV. STAT. § 81-603.
⁵³⁸ NEV. REV. STAT. §§ 62B.525, 432.548, .550.
⁵³⁹ N.H. CODE ADMIN. R. ANN. He-C 6350.33. New Hampshire’s Department of Health and Human Services Commissioner oversees both dependency and delinquency. *See Organization Structure*, N.H. DEP’T HEALTH & HUM. SERVS., <https://www.dhhs.nh.gov/about/organization.htm>, (last visited June 15, 2021).
⁵⁴⁰ N.J. ADMIN. CODE §§ 13:92-7, 3A.55-3.2.
⁵⁴¹ 55 PA. CODE § 3800.31.
⁵⁴² ALA. ADMIN. CODE r. §§ 660-5-37-.01–.09.
⁵⁴³ MICH. ADMIN. CODE r. 400.4132.
⁵⁴⁴ MICH. ADMIN. CODE r. 400.10137.
⁵⁴⁵ ARIZ. ADMIN. CODE §§ R6-5-7429, -7440.
⁵⁴⁶ ARK. CODE ANN. § 9-28-405.
⁵⁴⁷ FLA. ADMIN. CODE ANN. r. 63E-7.103.
⁵⁴⁸ GA. COMP. R. & REGS. § 290-2-5-.15.
⁵⁴⁹ IDAHO ADMIN. CODE r. 16.06.02.574.
⁵⁵⁰ KAN. ADMIN. REGS. §§ 28-4-339, 30-42-10.
⁵⁵¹ ME. STAT. tit. 22, § 4010-A.
⁵⁵² MD. CODE REGS. 14.31.06.09.
⁵⁵³ 18-7:1 MISS. CODE R. § VI.
⁵⁵⁴ MO. CODE REGS. ANN. tit. 13, §§ 35-71.010–.140.
⁵⁵⁵ N.D. ADMIN. CODE §§ 75-03-40-31(5), 75-03-40-33(6)(c).
⁵⁵⁶ 12-3 VT. CODE R. § 508:500.
⁵⁵⁷ ARK. CODE ANN. § 9-28-405.
⁵⁵⁸ GA. COMP. R. & REGS. § 290-2-5-.15.
⁵⁵⁹ IDAHO ADMIN. CODE r. 05.01.02.142.
⁵⁶⁰ IND. CODE § 11-11-1-2.
⁵⁶¹ N.M. CODE R. §§ 8.14.14.18(E), 8.14.20.15.
⁵⁶² N.Y. COMP. CODES R. & REGS. tit. 9, §§ 7332.1–.11 (specialized secure juvenile detention).

⁵⁶³ OHIO ADMIN. CODE 5139-5-02, -36-19(X).

⁵⁶⁴ N.Y. COMP. CODES R. & REGS. tit. 9, § 7332.3.

⁵⁶⁵ MICHELLE EGAN-BITRAN, A REVIEW OF THE CHILD, YOUTH AND FAMILY COMPLAINTS RESOLUTION POLICY AND PROCEDURE, MANAAKITIA A TATOU-TAMARIKI CHILDREN’S COMMISSIONER 16 (FEB. 2012), <https://www.occ.org.nz/assets/Uploads/Reports/Child-rights/Review-of-the-Child-Youth-and-Family-Complaints-Resolution-Policy-and-Procedure.pdf>.

⁵⁶⁶ *Id.* at 15.

⁵⁶⁷ *Id.* at 14–15.

⁵⁶⁸ *Id.* at 15–16.

⁵⁶⁹ ALASKA ADMIN. CODE tit. 7, §§ 54.245, .255.

⁵⁷⁰ CAL. CODE REGS. tit. 15, § 1361; CAL. WELF. & INST. CODE §§ 1766.5, 16001.9; CAL. CODE REGS. tit. 22, §§ 84072, 84072.2.

⁵⁷¹ CAL. CODE REGS. tit. 15, § 1361.

⁵⁷² LA. ADMIN. CODE tit. 67, §§ 7111, 7511.

⁵⁷³ WIS. ADMIN. CODE DHS § 94.41.

⁵⁷⁴ LA. ADMIN. CODE tit. 67, §§ 7111, 7511.

⁵⁷⁵ N.M. CODE R. § 8.14.20.15.

⁵⁷⁶ TENN. COMP. R. & REGS. 0250-04-08-.05.

⁵⁷⁷ 37 TEX. ADMIN. CODE § 380.9331.

⁵⁷⁸ N.M. CODE R. § 8.14.20.15.

⁵⁷⁹ 37 TEX. ADMIN. CODE § 380.9331.

⁵⁸⁰ 9 DEL. ADMIN. CODE § 105-3.0.

⁵⁸¹ OHIO ADMIN. CODE 5139-5-02(E), 5101:2-9-24(B).

⁵⁸² OKLA. ADMIN. CODE §§ 377:3-1-28(2), 340:2-3-45.

⁵⁸³ OR. ADMIN. R. 416-020-0020; OR. REV. STAT. § 418.201.

⁵⁸⁴ 6 VA. ADMIN. CODE §§ 35-71-80, -101-100, -41-110.

⁵⁸⁵ 9 DEL. ADMIN. CODE § 105-3.0.

⁵⁸⁶ IDAHO ADMIN. CODE r. 16.06.02.574.

⁵⁸⁷ MICH. ADMIN. CODE r. 400.4132.

⁵⁸⁸ NEV. REV. STAT. § 432.548.

⁵⁸⁹ S.D. CODIFIED LAWS § 26-6-51.

⁵⁹⁰ D.C. Mun. Regs. tit. 29, § 6205.

⁵⁹¹ IDAHO ADMIN. CODE r. 16.06.02.574.

⁵⁹² NEV. REV. STAT. § 432.548.

⁵⁹³ 016.01.10 ARK. CODE R. §§ 7260.1–.2.

⁵⁹⁴ CAL. WELF. & INST. CODE § 1766.5; CAL. CODE REGS. tit. 15, § 1361.

⁵⁹⁵ 730 ILL. COMP. STAT. 5/3-8-8.

⁵⁹⁶ LA. ADMIN. CODE tit. 22, § 713.

⁵⁹⁷ MO. CODE REGS. ANN. tit. 13, § 110-2.100.

⁵⁹⁸ N.Y. EXEC. LAW § 504-a. New York also has an ombuds office. *See* N.Y. EXEC. LAW § 523-c.

⁵⁹⁹ 214-60 R.I. CODE R. § 00-1.16.

⁶⁰⁰ TENN. COMP. R. & REGS. 0250-04-08-.05.

⁶⁰¹ 37 TEX. ADMIN. CODE § 380.9331.

⁶⁰² 12-8 VT. CODE R. § 15:2.

⁶⁰³ N.Y. EXEC. LAW § 504-a.

⁶⁰⁴ TENN. COMP. R. & REGS. 0250-04-08-.05.

⁶⁰⁵ ALASKA ADMIN. CODE tit. 7, §§ 54.245, .260, .255.

⁶⁰⁶ IDAHO ADMIN. CODE r. 05.01.02.142, 16.06.02.574.

⁶⁰⁷ MD. CODE REGS. 16.18.01.04, 14.31.06.09.

⁶⁰⁸ 109 MASS. CODE REGS. 2.04; 110 MASS. CODE REGS. 10.01–.38.

⁶⁰⁹ 83 NEB. ADMIN. CODE § 12-002; NEB. REV. STAT. § 81-603.

⁶¹⁰ OHIO ADMIN. CODE 5139-5-02(F), -36-19(X), 5101:2-9-24(D).

⁶¹¹ OKLA. ADMIN. CODE §§ 377:3-1-28(2), 340:2-3-45.

⁶¹² 12-8 VT. CODE R. § 15:2; 12-3 VT. CODE R. § 508:500.
⁶¹³ FLA. ADMIN. CODE ANN. r. 63G-2.022.
⁶¹⁴ MICH. ADMIN. CODE r. 400.4132.
⁶¹⁵ See N.D. ADMIN. CODE § 75-03-40-31(5).
⁶¹⁶ D.C. Mun. Regs. tit. 29, § 6205.
⁶¹⁷ WIS. STAT. § 51.61; WIS. ADMIN. CODE DHS § 94.40.
⁶¹⁸ 016.01.10 ARK. CODE R. §§ 7260.1–.2.
⁶¹⁹ CAL. WELF. & INST. CODE § 1766.5; CAL. CODE REGS. tit. 15, § 1361.
⁶²⁰ KAN. ADMIN. REGS. §§ 28-4-355a, 123-15-101a.
⁶²¹ LA. ADMIN. CODE tit. 22, § 713.
⁶²² 03-201-12 ME. CODE R. § 29.1-VI.
⁶²³ MO. CODE REGS. ANN. tit. 13, § 110-2.100.
⁶²⁴ N.J. ADMIN. CODE § 13:92-7.2.
⁶²⁵ N.Y. COMP. CODES R. & REGS. tit. 9, § 7332.4.
⁶²⁶ 214-60 R.I. CODE R. § 00-1.16.
⁶²⁷ 37 TEX. ADMIN. CODE § 380.9331.
⁶²⁸ ALASKA ADMIN. CODE tit. 7, §§ 54.245, .260, .255.
⁶²⁹ OKLA. ADMIN. CODE §§ 377:3-1-28(2), 340:2-3-45.
⁶³⁰ ALASKA ADMIN. CODE tit. 7, § 54.245.
⁶³¹ *Id.*
⁶³² OKLA. ADMIN. CODE § 377:3-1-28.
⁶³³ OHIO ADMIN. CODE 5101:2-9-24(D).
⁶³⁴ NEB. REV. STAT. § 81-603.
⁶³⁵ D.C. Mun. Regs. tit. 29, § 6205.
⁶³⁶ OHIO ADMIN. CODE 5101:2-9-24(D).
⁶³⁷ IDAHO ADMIN. CODE r. 05.01.02.142.
⁶³⁸ LA. ADMIN. CODE tit. 22, § 713.
⁶³⁹ 03-201-12 ME. CODE R. § 29.1-VI.
⁶⁴⁰ 109 MASS. CODE REGS. 2.04; 110 MASS. CODE REGS. 10.01–.38.
⁶⁴¹ MO. CODE REGS. ANN. tit. 13, § 110-2.100.
⁶⁴² N.Y. COMP. CODES R. & REGS. tit. 9, § 7332.4.
⁶⁴³ OR. ADMIN. R. 416-020-0040, -0050.
⁶⁴⁴ 214-60 R.I. CODE R. § 00-1.16.
⁶⁴⁵ 12-8 VT. CODE R. § 15:2; 12-3 VT. CODE R. § 508:500.
⁶⁴⁶ IDAHO ADMIN. CODE r. 05.01.02.142.
⁶⁴⁷ MD. CODE REGS. 16.18.01.04, 14.31.06.09.
⁶⁴⁸ MD. CODE REGS. 16.18.01.04.
⁶⁴⁹ MD. CODE REGS. 14.31.06.09.
⁶⁵⁰ FLA. ADMIN. CODE ANN. r. 63G-2.022.
⁶⁵¹ IDAHO ADMIN. CODE r. 16.06.02.574.
⁶⁵² 109 MASS. CODE REGS. 2.04; 110 MASS. CODE REGS. 10.01–.38.
⁶⁵³ MICH. ADMIN. CODE r. 400.4132.
⁶⁵⁴ N.D. ADMIN. CODE § 75-03-40-31(5).
⁶⁵⁵ 12-8 VT. CODE R. § 15:2; 12-3 VT. CODE R. § 508:500.
⁶⁵⁶ WIS. ADMIN. CODE DHS § 94.40. (Technically, WIS. ADMIN. CODE DHS § 94.41 regulates the timeline. However, WIS. ADMIN. CODE DHS § 94.40 allows agencies to suspend or adjust timelines once a grievance has been made, therefore I have included in under the delegate section).
⁶⁵⁷ FLA. ADMIN. CODE ANN. r. 63G-2.022.
⁶⁵⁸ IDAHO ADMIN. CODE r. 16.06.02.574.
⁶⁵⁹ MICH. ADMIN. CODE r. 400.4132.
⁶⁶⁰ 016.01.10 ARK. CODE R. §§ 7260.1–.2.
⁶⁶¹ CAL. WELF. & INST. CODE § 1766.5; CAL. CODE REGS. tit. 15, § 1361.
⁶⁶² KAN. ADMIN. REGS. § 123-15-101.

⁶⁶³ 83 NEB. ADMIN. CODE § 12-002; NEB. REV. STAT. § 81-603.
⁶⁶⁴ N.J. ADMIN. CODE § 13:92-7.2.
⁶⁶⁵ OHIO ADMIN. CODE 5139-36-19(X).
⁶⁶⁶ 37 TEX. ADMIN. CODE § 380.9331.
⁶⁶⁷ KAN. ADMIN. REGS. § 123-15-101.
⁶⁶⁸ 83 NEB. ADMIN. CODE § 12-002; NEB. REV. STAT. § 81-603.
⁶⁶⁹ N.J. ADMIN. CODE § 13:92-7.2.
⁶⁷⁰ OKLA. ADMIN. CODE § 377:3-1-28.
⁶⁷¹ *Id.*
⁶⁷² 37 TEX. ADMIN. CODE § 380.9331.
⁶⁷³ *Id.*
⁶⁷⁴ ALASKA ADMIN. CODE tit. 7, §§ 54.245, .260.
⁶⁷⁵ 109 MASS. CODE REGS. 2.04; 110 MASS. CODE REGS. 10.01–38.
⁶⁷⁶ MO. CODE REGS. ANN. tit. 13, §§ 110-2.100, -3.060.
⁶⁷⁷ OKLA. ADMIN. CODE §§ 377:3-1-28, 340:2-3-45.
⁶⁷⁸ OKLA. ADMIN. CODE § 377:3-1-28.
⁶⁷⁹ OKLA. ADMIN. CODE § 340:2-3-45.
⁶⁸⁰ 109 MASS. CODE REGS. 2.04; 110 MASS. CODE REGS. 10.01–38.
⁶⁸¹ MO. CODE REGS. ANN. tit. 13, § 110-2.100.
⁶⁸² MO. CODE REGS. ANN. tit. 13, § 110-3.060.
⁶⁸³ 016.01.10 ARK. CODE R. §§ 7260.1–2.
⁶⁸⁴ LA. ADMIN. CODE tit. 22, § 713.
⁶⁸⁵ 03-201-12 ME. CODE R. § 29.1-VI.
⁶⁸⁶ MD. CODE REGS. 16.18.01.04.
⁶⁸⁷ OR. ADMIN. R. 416-020-0050.
⁶⁸⁸ 214-60 R.I. CODE R. § 00-1.16.
⁶⁸⁹ 016.01.10 ARK. CODE R. § 7260.2.
⁶⁹⁰ ALASKA ADMIN. CODE tit. 7, §§ 54.245, .260.
⁶⁹¹ OKLA. ADMIN. CODE §§ 377:3-1-28(2), 340:2-3-45.
⁶⁹² 6 VA. ADMIN. CODE §§ 35-71-80, -101-100, -41-110.
⁶⁹³ OKLA. ADMIN. CODE § 377:3-1-28.
⁶⁹⁴ ARIZ. ADMIN. CODE §§ R6-5-7429, -7440.
⁶⁹⁵ 20 ILL. COMP. STAT. 505/5e.
⁶⁹⁶ LA. ADMIN. CODE tit. 67, §§ 7111, 7511.
⁶⁹⁷ 110 MASS. CODE REGS. 10.01–38.
⁶⁹⁸ D.C. Mun. Regs. tit. 29, § 6205.
⁶⁹⁹ WIS. ADMIN. CODE DHS § 94.41.
⁷⁰⁰ ARIZ. ADMIN. CODE §§ R6-5-7429, -7440.
⁷⁰¹ “The Department shall make a final report to the complainant of its findings. If a final report is not completed, the Department shall report on its disposition every 30 days.” 20 ILL. COMP. STAT. 505/5e.
⁷⁰² LA. ADMIN. CODE tit. 67, §§ 7111, 7511.
⁷⁰³ CAL. WELF. & INST. CODE § 1766.5; CAL. CODE REGS. tit. 15, § 1361.
⁷⁰⁴ IDAHO ADMIN. CODE r. 05.01.02.142.
⁷⁰⁵ IND. CODE § 11-11-1-2.
⁷⁰⁶ 03-201-12 ME. CODE R. § 29.1-VI.
⁷⁰⁷ MD. CODE REGS. 16.18.01.04.
⁷⁰⁸ MO. CODE REGS. ANN. tit. 13, § 110-2.100.
⁷⁰⁹ N.J. ADMIN. CODE § 13:92-7.2.
⁷¹⁰ N.M. CODE R. § 8.14.20.15.
⁷¹¹ N.Y. COMP. CODES R. & REGS. tit. 9, § 7332.4.
⁷¹² OHIO ADMIN. CODE 5139-5-02 (notification to youth only applies to grievances against managing officers, not grievances generally).
⁷¹³ OR. ADMIN. R. 416-020-0020.

⁷¹⁴ 214-60 R.I. CODE R. § 00-1.16.

⁷¹⁵ TENN. COMP. R. & REGS. 0250-04-08-.05.

⁷¹⁶ 37 TEX. ADMIN. CODE § 380.9331.

⁷¹⁷ CAL. WELF. & INST. CODE § 1766.5.

⁷¹⁸ “(2) The department must periodically communicate to a committed person the rules and policies affecting him. (3) The department shall keep the person reasonably informed as to the status and ultimate disposition of his grievance.” IND. CODE § 11-11-1-2; *see also* POLICY AND ADMINISTRATIVE PROCEDURE, YOUTH GRIEVANCE PROCESS, IND. DEP’T OF CORR. (2015), <https://www.in.gov/idoc/dys/files/03-02-105-Youth-Grievance-Process-4-1-2015.pdf> (“The Grievance Specialist or designee shall give the youth a copy of the grievance and the response. The Grievance Specialist or designee shall read these items to the youth, if necessary, discuss them as necessary, and explain any remedies, or explain why the grievance was not resolved in the youth’s favor. The Grievance Specialist or designee shall answer any questions as needed. The Grievance Specialist/designee shall ask if the youth accepts or rejects the facility’s response. If the youth accepts the response, he/she will check off ‘accept’ and sign where indicated. The case shall be considered closed. The Grievance Specialist or designee shall make a copy for the youth’s packet and for the facility file. When this is complete, the youth shall be given the originals for his/her record.”).

⁷¹⁹ TENN. COMP. R. & REGS. 0250-04-08-.05.

⁷²⁰ 37 TEX. ADMIN. CODE § 380.9331 (“(ii) In residential facilities, a youth is selected in each living unit or area to distribute grievance forms. (iv) A youth is provided with a copy of each grievance he/she submits.”).

⁷²¹ MICHELLE EGAN-BITRAN, A REVIEW OF THE CHILD, YOUTH AND FAMILY COMPLAINTS RESOLUTION POLICY AND PROCEDURE, MANAAKITIA A TATOU-TAMARIKI CHILDREN’S COMMISSIONER 14 (FEB. 2012), <https://www.occ.org.nz/assets/Uploads/Reports/Child-rights/Review-of-the-Child-Youth-and-Family-Complaints-Resolution-Policy-and-Procedure.pdf>.

⁷²² *Id.* at 14–15.

⁷²³ *Id.*

⁷²⁴ *Id.* at 15.

⁷²⁵ CAL. WELF. & INST. CODE § 1766.5; CAL. CODE REGS. tit. 15, § 1361; CAL. CODE REGS. tit. 22, § 84072.2.

⁷²⁶ LA. ADMIN. CODE tit. 22, § 713; LA. ADMIN. CODE tit. 67, §§ 7111, 7511.

⁷²⁷ OKLA. ADMIN. CODE §§ 377:3-1-28(2), 340:2-3-45.

⁷²⁸ 6 VA. ADMIN. CODE §§ 35-71-80, -101-100, -41-110.

⁷²⁹ OKLA. ADMIN. CODE § 377:3-1-27.

⁷³⁰ OKLA. ADMIN. CODE § 340:2-3-45.

⁷³¹ *Id.*

⁷³² 6 VA. ADMIN. CODE §§ 35-71-80, -101-100, -41-110.

⁷³³ FLA. ADMIN. CODE ANN. r. 63G-2.022.

⁷³⁴ WASH. ADMIN. CODE § 110-09; WASH. REV. CODE § 74.13.045.

⁷³⁵ WIS. ADMIN. CODE DHS § 94.41.

⁷³⁶ 016.01.10 ARK. CODE R. §§ 7260.1–.2.

⁷³⁷ KAN. ADMIN. REGS. § 123-15-101a.

⁷³⁸ 03-201-12 ME. CODE R. § 29.1-VI.

⁷³⁹ MO. CODE REGS. ANN. tit. 13, § 110-2.100.

⁷⁴⁰ N.J. ADMIN. CODE § 13:92-7.2.

⁷⁴¹ N.Y. COMP. CODES R. & REGS. tit. 9, § 7332.9.

⁷⁴² OR. ADMIN. R. 416-020-0040.

⁷⁴³ 214-60 R.I. CODE R. § 00-1.16.

⁷⁴⁴ TENN. COMP. R. & REGS. 0250-04-08-.05.

⁷⁴⁵ 37 TEX. ADMIN. CODE § 380.9331.

⁷⁴⁶ 12-8 VT. CODE R. § 15:2.

⁷⁴⁷ 016.01.10 ARK. CODE R. § 7260.2.

⁷⁴⁸ CAL. WELF. & INST. CODE § 1766.5.

⁷⁴⁹ *See R. Kail, Processing Time Decreases Globally at an Exponential Rate During Childhood and Adolescence*, 56 J. EXPERIMENTAL CHILD PSYCH. 254 (1993).

⁷⁵⁰ See KNOW YOUR RIGHTS: THE PRISON LITIGATION REFORM ACT (PLRA), AM. CIV. LIBERTIES UNION (2002), https://www.aclu.org/sites/default/files/images/asset_upload_file79_25805.pdf.

⁷⁵¹ Hawaii entered an MOU requiring the state develop and implement policies and practices so that youth had an appropriate grievance system for youth. After a diligent search, I could not find any action taken on that MOU. See MEMORANDUM OF AGREEMENT BETWEEN THE UNITED STATES AND THE STATE OF HAWAII (2006), https://www.njjn.org/uploads/digital-library/resource_623.pdf.

⁷⁵² Utah does have an ombudsman office. “The Office of Child Protection Ombudsman (OCPO) is an independent office created to investigate complaints about the Division of Child and Family Services (DCFS). OCPO addresses your concerns by working with DCFS to facilitate solutions, build upon best practices and strengthen service delivery.” *Care Concerns*, UTAH DEP’T OF HUM. SERVS., <https://hs.utah.gov/services/care-concerns> (last visited June 11, 2021). Further, the Delinquency and Dependency systems each have policies requiring grievance protections. *Policy*, UTAH DEP’T OF HUM. SERVS., <https://jjs.utah.gov/policy> (last visited Apr. 29, 2021).

⁷⁵³ This is lack of grievance is in despite a memorandum of understanding between the Federal Government and Hawaii from 2006, that “[t]he State shall develop and implement policies, procedures, and practices so that the HYCF has an appropriate grievance system for youth” MEMORANDUM OF AGREEMENT BETWEEN THE UNITED STATES AND THE STATE OF HAWAII (2006), https://www.njjn.org/uploads/digital-library/resource_623.pdf.

⁷⁵⁴ ALA. ADMIN. CODE r. §§ 950-1-6-.05, 660-5-37-.01–.09.

⁷⁵⁵ ALASKA ADMIN. CODE tit. 7, §§ 54.245, .255, .260.

⁷⁵⁶ ARIZ. REV. STAT. ANN. § 8-306; ARIZ. ADMIN. CODE §§ R6-5-7429, -7440.

⁷⁵⁷ 016.01.10 ARK. CODE R. §§ 7260.1–.2; ARK. CODE ANN. § 9-28-405.

⁷⁵⁸ CAL. WELF. & INST. CODE § 1766.5; CAL. CODE REGS. tit. 15, § 1361; CAL. WELF. & INST. CODE § 16001.9; CAL. CODE REGS. tit. 22, §§ 84072, 84072.2.

⁷⁵⁹ COLO. CODE REGS. § 2509-8:7.713.2.

⁷⁶⁰ CONN. GEN. STAT. § 17a-16.

⁷⁶¹ 9 DEL. ADMIN. CODE § 105-3.0.

⁷⁶² FLA. ADMIN. CODE ANN. r. 63G-2.022, 63E-7.103.

⁷⁶³ IDAHO ADMIN. CODE r. 05.01.02.142, 16.06.02.574.

⁷⁶⁴ 730 ILL. COMP. STAT. 5/3-8-8; 20 ILL. COMP. STAT. 505/5e.

⁷⁶⁵ IOWA ADMIN. CODE r. 441-105.16(232), -106.8(237C).

⁷⁶⁶ KAN. ADMIN. REGS. §§ 123-15-101, 28-4-355a, 28-4-339, 30-42-10.

⁷⁶⁷ 505 KY. ADMIN. REGS. 2:090; 922 KY. ADMIN. REGS. 1:300.

⁷⁶⁸ LA. ADMIN. CODE tit. 22, § 713; LA. ADMIN. CODE tit. 67, §§ 7111, 7511.

⁷⁶⁹ 03-201-12 ME. CODE R. § 29.1-VI; ME. STAT. tit. 22, § 4010-A.

⁷⁷⁰ MD. CODE REGS. 16.18.01.02, 14.31.06.09.

⁷⁷¹ 109 MASS. CODE REGS. 2.04; 110 MASS. CODE REGS. 10.01–.38.

⁷⁷² MICH. ADMIN. CODE r. 400.10137, .4132.

⁷⁷³ MINN. STAT. § 245A.04; MINN. R. 2960.3080.

⁷⁷⁴ MO. CODE REGS. ANN. tit. 13, §§ 110-2.100, 35-71.010–.140, 110-3.060.

⁷⁷⁵ MONT. ADMIN. R. 20.9.620, 37.97.159.

⁷⁷⁶ 83 NEB. ADMIN. CODE § 12-002; NEB. REV. STAT. § 81-603.

⁷⁷⁷ NEV. REV. STAT. §§ 62B.525, 432.550.

⁷⁷⁸ N.H. CODE ADMIN. R. ANN. He-C 6350.33.

⁷⁷⁹ N.J. ADMIN. CODE §§ 13:92-7.2, 3A.55-3.2.

⁷⁸⁰ OHIO ADMIN. CODE 5139-5-02, 5139-36-19(X), 5101:2-9-24.

⁷⁸¹ OKLA. ADMIN. CODE §§ 377:3-13-132, :3-1-27, :3-1-28; OKLA. STAT. tit. 10A, § 1-7-105; OKLA. ADMIN. CODE §§ 340:2-3-45–56, :75-11-237, :110-3-149.

⁷⁸² OR. ADMIN. R. 416-020-0020; OR. REV. STAT. § 418.201.

⁷⁸³ 55 PA. CODE § 3800.31.

⁷⁸⁴ 214-60 R.I. CODE R. § 00-1.16; 214-40 R.I. CODE R. § 00-4.3.

⁷⁸⁵ S.D. CODIFIED LAWS §§ 26-11A-25–28, -30–33.1, -6-51–57; S.D. ADMIN. R. 44:82:06:09.

⁷⁸⁶ 12-8 VT. CODE R. § 15:2; 12-3 VT. CODE R. § 508:500.

⁷⁸⁷ 6 VA. ADMIN. CODE §§ 35-71-80, -101-100, -41-110.

⁷⁸⁸ W. VA. CODE § 49-4-721; W. VA. CODE R. § 78-2-26.

⁷⁸⁹ 049.0029-11 WYO. CODE R. § 9; 049.0029.3 WYO. CODE R. § 29.

⁷⁹⁰ See GA. COMP. R. & REGS. § 290-2-5-.15. Georgia has an enabling statute within the delinquency code and has adopted a policy that was excluded from analysis in the report. See GA. CODE ANN. § 49-4A-6 (Department of Juvenile Justice shall adopt policies); RIGHTS OF YOUTH, GRIEVANCE PROCESS, GA. DEP'T OF JUV. JUST. (2017), <http://www.djj.state.ga.us/Policies/DJJPolicies/Chapter15/DJJ15.2GrievanceProcess.pdf>.

⁷⁹¹ 18-7:1 MISS. CODE R. § VI.

⁷⁹² See 10a N.C. ADMIN. CODE 70I.0307.

⁷⁹³ N.D. ADMIN. CODE §§ 75-03-40-31(5), 75-03-40-33(6)(c).

⁷⁹⁴ See S.C. CODE ANN. REGS. 61-103.

⁷⁹⁵ WASH. ADMIN. CODE § 110-09.

⁷⁹⁶ D.C. Mun. Regs. tit. 29, § 6205.

⁷⁹⁷ See WIS. ADMIN. CODE DCF § 52.31 (providing that grievance protections for youth in residential care centers shall have access to grievance procedures provided under WIS. STAT. § 51.61 and WIS. ADMIN. CODE DHS §§ 94.01-.54).

⁷⁹⁸ IND. CODE § 11-11-1-2; see also IND. CODE § 4-13-19-3 (dependency has an Indiana Department of Child Services Ombudsman Bureau).

⁷⁹⁹ See N.M. CODE R. §§ 8.14.14.18(E), 8.14.20.15. Although a general grievance procedure is not provided by New Mexico statute or regulation for youth in dependency, New Mexico's Children, Youth and Families Department has an Office of Constituent Affairs through which youth and others can report grievances limited to harassment and/or discrimination in the dependency system. *Constituent Affairs*, N.M. CHILD., YOUTH & FAMS. DEP'T, <https://cyfd.org/about-cyfd/constituent-affairs> (last visited Apr. 29, 2021).

⁸⁰⁰ N.Y. EXEC. LAW § 504-a; N.Y. COMP. CODES R. & REGS. tit. 9, §§ 7332.1-.11.

⁸⁰¹ TENN. COMP. R. & REGS. 0250-04-08-.05.

⁸⁰² 37 TEX. ADMIN. CODE § 380.9331; see also *HHS Ombudsman Foster Care Help*, TEX. HEALTH & HUM. SERVS., <https://hhs.texas.gov/about-hhs/your-rights/ombudsman-foster-care-help> (last visited Apr. 29, 2021) (Foster Care has an Ombudsman).

⁸⁰³ NEV. REV. STAT. §§ 62B.525, 432.550.

⁸⁰⁴ CAL. CODE REGS. tit. 22, § 84072.2; CAL. WELF. & INST. CODE § 16001.9; CAL. CODE REGS. tit. 22, § 84072.

⁸⁰⁵ OR. REV. STAT. § 418.201(1); OR. ADMIN. R. 413.215.0046.

⁸⁰⁶ S.C. CODE ANN. REGS. 61-103-1002; 44 S.C. Reg. 554 (May 28, 2021) (to be codified at S.C. CODE ANN. REGS. 114-591) (requiring facilities to develop a policy and procedure manual that includes the grievance procedure).

⁸⁰⁷ S.C. CODE ANN. REGS. 61-103-1002.

⁸⁰⁸ W. VA. CODE § 49-4-721.

⁸⁰⁹ *Id.*

⁸¹⁰ ALA. ADMIN. CODE r. §§ 950-1-6-.05, 660-5-37-.01-.09.

⁸¹¹ ARIZ. REV. STAT. ANN. § 8-306; ARIZ. ADMIN. CODE §§ R6-5-7429, -7440.

⁸¹² CAL. WELF. & INST. CODE § 1766.5; CAL. CODE REGS. tit. 15, § 1361; CAL. WELF. & INST. CODE § 16001.9; CAL. CODE REGS. tit. 22, §§ 84072, 84072.2.

⁸¹³ COLO. CODE REGS. § 2509-8:7.713.2.

⁸¹⁴ 9 DEL. ADMIN. CODE § 105-3.0.

⁸¹⁵ See GA. CODE ANN. § 49-4A-6 (Department of Juvenile Justice shall adopt policies); GA. COMP. R. & REGS. § 290-2-5-.15 (delegating the responsibility to develop grievance procedures to institutions).

⁸¹⁶ IDAHO ADMIN. CODE r. 05.01.02.142, 16.06.02.574.

⁸¹⁷ 730 ILL. COMP. STAT. 5/3-8-8; 20 ILL. COMP. STAT. 505/5e.

⁸¹⁸ LA. ADMIN. CODE tit. 22, § 713; LA. ADMIN. CODE tit. 67, §§ 7111, 7511.

⁸¹⁹ See MD. CODE REGS. 16.18.01.01-.05 (The code does not define the scope of grievance procedures but MD. CODE REGS. 16.18.01.05 provides some limitations), 14.31.06.09.

⁸²⁰ MICH. ADMIN. CODE r. 400.10137, 4132.

⁸²¹ MINN. STAT. § 245A.04; MINN. R. 2960.3080.

⁸²² MO. CODE REGS. ANN. tit. 13, §§ 110-2.100, 35-71.010-.140, 110-3.060.

⁸²³ MONT. ADMIN. R. 20.9.620, 37.97.159.

⁸²⁴ 83 NEB. ADMIN. CODE § 12-002; NEB. REV. STAT. § 81-603.

⁸²⁵ N.H. CODE ADMIN. R. ANN. He-C 6350.33.

⁸²⁶ N.J. ADMIN. CODE § 13:92-7.2, 3A.55-3.2.
⁸²⁷ OHIO ADMIN. CODE 5139-5-02, 5139-36-19(X), 5101:2-9-24.
⁸²⁸ 55 PA. CODE § 3800.31.
⁸²⁹ 6 VA. ADMIN. CODE §§ 35-71-80, -101-100, -41-110.
⁸³⁰ 049.0029-11 WYO. CODE R. § 9; 049.0028.3 WYO. CODE R. § 29.
⁸³¹ COLO. CODE REGS. § 2509-8:7.713.2.
⁸³² 55 PA. CODE § 3800.31.
⁸³³ FLA. ADMIN. CODE ANN. r. 63E-7.103.
⁸³⁴ KAN. ADMIN. REGS. §§ 30-42-10, 28-4-339.
⁸³⁵ ME. STAT. tit. 22, § 4010-A.
⁸³⁶ 18-7:1 MISS. CODE R. § VI.
⁸³⁷ See 10a N.C. ADMIN. CODE 70I.0504(a)(8).
⁸³⁸ N.D. ADMIN. CODE § 75-03-40-31(5).
⁸³⁹ OR. REV. STAT. § 418.201.
⁸⁴⁰ 214-40 R.I. CODE R. § 00-5.5.
⁸⁴¹ S.C. CODE ANN. REGS. 61-103-1001; 44 S.C. Reg. 554 (May 28, 2021) (to be codified at S.C. CODE ANN. REGS. 114-591).
⁸⁴² S.D. ADMIN. R. 44:82:06:09.
⁸⁴³ 12-8 VT. CODE R. § 15:2; 12-3 VT. CODE R. § 508:500.
⁸⁴⁴ W. VA. CODE R. § 78-2-26.
⁸⁴⁵ WIS. STAT. § 51.61.
⁸⁴⁶ KAN. ADMIN. REGS. §§ 30-42-10, 28-4-339.
⁸⁴⁷ 214-40 R.I. CODE R. § 00-5.5.
⁸⁴⁸ ARK. CODE ANN. § 9-28-405.
⁸⁴⁹ IND. CODE § 11-11-1-2.
⁸⁵⁰ 505 KY. ADMIN. REGS. 2:090.
⁸⁵¹ N.Y. EXEC. LAW § 504-a.
⁸⁵² TENN. COMP. R. & REGS. 0250-04-08-.05.
⁸⁵³ 016.01.10 ARK. CODE R. § 7260.
⁸⁵⁴ 505 KY. ADMIN. REGS. 2:090.
⁸⁵⁵ TENN. COMP. R. & REGS. 0250-04-08-.05.
⁸⁵⁶ 37 TEX. ADMIN. CODE § 380.9331; NEV. REV. STAT. § 432.548.
⁸⁵⁷ OR. ADMIN. R. 416-020-0045.
⁸⁵⁸ 049.0029-11 WYO. CODE R. § 9.
⁸⁵⁹ TENN. COMP. R. & REGS. 0250-04-08-.05 (stating that facilities “shall not impose time limits on when youth can file grievances”).
⁸⁶⁰ ALA. ADMIN. CODE tit. 7, §§ 54.245, .255.
⁸⁶¹ OKLA. ADMIN. CODE §§ 377:3-1-28, 340:2-3-45–56.
⁸⁶² OKLA. ADMIN. CODE § 377:3-1-28.
⁸⁶³ OKLA. ADMIN. CODE §§ 340:2-3-45–56.
⁸⁶⁴ *Id.*
⁸⁶⁵ *Id.*
⁸⁶⁶ 110 MASS. CODE REGS. 10.01–.38.
⁸⁶⁷ WIS. ADMIN. CODE DHS § 94.41.
⁸⁶⁸ *Id.*
⁸⁶⁹ LA. ADMIN. CODE tit. 22, § 713.
⁸⁷⁰ 03-201-12 ME. CODE R. § 29.1-VI.
⁸⁷¹ MD. CODE REGS. 16.18.01.04.
⁸⁷² MO. CODE REGS. ANN. tit. 13, § 110-2.100.
⁸⁷³ N.Y. COMP. CODES R. & REGS. tit. 9, § 7332.4.
⁸⁷⁴ OR. ADMIN. R. 416-020-0050.
⁸⁷⁵ 12-8 VT. CODE R. § 15:2.
⁸⁷⁶ MD. CODE REGS. 16.18.01.04.

⁸⁷⁷ 03-201-12 ME. CODE R. § 29.1-VI.
⁸⁷⁸ OR. ADMIN. R. 416-020-0050.
⁸⁷⁹ N.Y. COMP. CODES R. & REGS. tit. 9, § 7332.4.
⁸⁸⁰ 12-8 VT. CODE R. § 15:2.
⁸⁸¹ *Id.*
⁸⁸² CAL. WELF. & INST. CODE § 1766.5; CAL. CODE REGS. tit. 15, § 1361; CAL. WELF. & INST. CODE § 16001.9;
 CAL. CODE REGS. tit. 22, §§ 84072, 84072.2.
⁸⁸³ OKLA. ADMIN. CODE §§ 377:3-1-28, 340:2-3-45–56.
⁸⁸⁴ 6 VA. ADMIN. CODE §§ 35-71-80, -101-100, -41-110.
⁸⁸⁵ CAL. WELF. & INST. CODE § 1766.5.
⁸⁸⁶ CAL. CODE REGS. tit. 22, § 84369.
⁸⁸⁷ MINN. R. 2960.3080 (Requiring that the response to a grievance alleging abuse or neglect must meet the
 requirements of the Maltreatment of Minor Act, the original section 626.556 was repealed, the updated process can
 now be found in MN ST § 260E.13; MN ST § 260E.17; MN ST § 260E.18).
⁸⁸⁸ WIS. ADMIN. CODE DHS § 94.41.
⁸⁸⁹ *Id.*
⁸⁹⁰ 016.01.10 ARK. CODE R. §§ 7260.1–.2.
⁸⁹¹ FLA. ADMIN. CODE ANN. r. 63G-2.022.
⁸⁹² KAN. ADMIN. REGS. § 123-15-101.
⁸⁹³ 83 NEB. ADMIN. CODE § 12-002.
⁸⁹⁴ N.J. ADMIN. CODE § 13:92-7.2.
⁸⁹⁵ OHIO ADMIN. CODE 5139-5-02(G).
⁸⁹⁶ OR. ADMIN. R. 416-020-0020.
⁸⁹⁷ 214-60 R.I. CODE R. § 00-1.16.
⁸⁹⁸ TENN. COMP. R. & REGS. 0250-04-08-.05.
⁸⁹⁹ 37 TEX. ADMIN. CODE § 380.9331.
⁹⁰⁰ 12-8 VT. CODE R. § 15:2.
⁹⁰¹ 049.0029-11 WYO. CODE R. § 9.
⁹⁰² 83 NEB. ADMIN. CODE § 12-002; NEB. REV. STAT. § 81-603.
⁹⁰³ N.J. ADMIN. CODE § 13:92-7.2.
⁹⁰⁴ FLA. ADMIN. CODE ANN. r. 63G-2.022.
⁹⁰⁵ CAL. WELF. & INST. CODE § 1766.5; CAL. CODE REGS. tit. 15, § 1361; CAL. WELF. & INST. CODE § 16001.9;
 CAL. CODE REGS. tit. 22, §§ 84072, 84072.2.
⁹⁰⁶ COLO. CODE REGS. § 2509-8:7.713.2.
⁹⁰⁷ 9 DEL. ADMIN. CODE § 105-3.0.
⁹⁰⁸ IDAHO ADMIN. CODE r. 05.01.02.142; IDAHO ADMIN. CODE r. 16.06.02.574.
⁹⁰⁹ 83 NEB. ADMIN. CODE § 12-002; NEB. REV. STAT. § 81-603.
⁹¹⁰ N.H. CODE ADMIN. R. ANN. He-C 6350.33.
⁹¹¹ N.J. ADMIN. CODE §§ 13:92-7.2, 3A.55-3.2.
⁹¹² NEV. REV. STAT. §§ 62B.510, 432.525.
⁹¹³ OKLA. ADMIN. CODE §§ 377:3-13-132, :3-1-27, :3-1-28, 340:2-3-45–56.
⁹¹⁴ OR. ADMIN. R. 416-020-0020; OR. REV. STAT. § 418.201(1).
⁹¹⁵ 55 PA. CODE § 3800.31.
⁹¹⁶ S.D. CODIFIED LAWS §§ 26-11A-31–32, 26-6-55–56.
⁹¹⁷ 6 VA. ADMIN. CODE §§ 35-71-80, -101-100, -41-110.
⁹¹⁸ COLO. CODE REGS. § 2509-8:7.713.2.
⁹¹⁹ 9 DEL. ADMIN. CODE § 105-3.0.
⁹²⁰ 55 PA. CODE § 3800.31.
⁹²¹ ARIZ. ADMIN. CODE §§ R6-5-7429, -7440.
⁹²² GA. COMP. R. & REGS. § 290-2-5-.15.
⁹²³ OHIO ADMIN. CODE 5101:2-9-24(C).
⁹²⁴ S.C. CODE ANN. REGS. 61-103-1001, -1002.
⁹²⁵ D.C. Mun. Regs. tit. 29, § 6205.

⁹²⁶ W. VA. CODE R. § 78-2-26.

⁹²⁷ WIS. ADMIN. CODE DHS § 94.28.

⁹²⁸ GA. COMP. R. & REGS. § 290-2-5-.15.

⁹²⁹ OHIO ADMIN. CODE 5101:2-9-24(C).

⁹³⁰ ALA. ADMIN. CODE r. § 950-1-6-.05 (prohibiting interference but not retaliation).

⁹³¹ 016.01.10 ARK. CODE R. §§ 7260.1–.2.

⁹³² 730 ILL. COMP. STAT. 5/3-8-8.

⁹³³ LA. ADMIN. CODE tit. 22, § 713 (right to file grievances “without fear of retaliation”).

⁹³⁴ MD. CODE REGS. 16.18.01.02 (requires staff to assist, implied prohibition against interference and anti-retaliation).

⁹³⁵ 03-201-12 ME. CODE R. § 29.1-VI.

⁹³⁶ N.Y. COMP. CODES R. & REGS. tit. 9, § 7332.3.

⁹³⁷ TENN. COMP. R. & REGS. 0250-04-08-.05.

⁹³⁸ 37 TEX. ADMIN. CODE § 380.9331.

⁹³⁹ N.Y. COMP. CODES R. & REGS. tit. 9, § 7332.3.

⁹⁴⁰ MONT. ADMIN. R. 20.9.620.

⁹⁴¹ N.M. CODE R. § 8.14.20.15.

⁹⁴² WIS. STAT. § 51.61; WIS. ADMIN. CODE DHS § 94.28.

⁹⁴³ WIS. STAT. § 51.61.

⁹⁴⁴ 37 TEX. ADMIN. CODE § 380.9331.

⁹⁴⁵ S.D. CODIFIED LAWS §§ 26-11A-31–32, 26-6-55–56.

⁹⁴⁶ “No state agency nor any individual acting for a state agency may take any adverse action against an individual in retaliation because the individual cooperated with or provided information to the monitor. A violation of this section is a Class 1 misdemeanor.” S.D. CODIFIED LAWS § 26-11A-32. Almost identical language appears in S.D. CODIFIED LAWS § 26-6-56. “A person who knowingly hinders the lawful actions of the monitor is guilty of a Class 1 misdemeanor.” S.D. CODIFIED LAWS § 26-11A-31. Identical language appears in S.D. CODIFIED LAWS § 26-6-55.

⁹⁴⁷ 37 TEX. ADMIN. CODE § 380.9331.

⁹⁴⁸ CAL. WELF. & INST. CODE § 16001.9.

⁹⁴⁹ N.J. ADMIN. CODE § 3A.55-3.2.

⁹⁵⁰ *Id.*

⁹⁵¹ 730 ILL. COMP. STAT. 5/3-8-8.

⁹⁵² IND. CODE § 11-11-1-2.

⁹⁵³ TENN. COMP. R. & REGS. 0250-04-08-.05.

⁹⁵⁴ 730 ILL. COMP. STAT. 5/3-8-8.

⁹⁵⁵ IND. CODE § 11-11-1-2.

⁹⁵⁶ TENN. COMP. R. & REGS. 0250-04-08-.05.

⁹⁵⁷ LA. ADMIN. CODE tit. 22, § 713.

⁹⁵⁸ 03-201-12 ME. CODE R. § 29.1-VI.

⁹⁵⁹ OKLA. ADMIN. CODE §§ 377:3-13-132, :3-1-27, :3-1-28.

⁹⁶⁰ 03-201-12 ME. CODE R. § 29.1-VI.

⁹⁶¹ OKLA. ADMIN. CODE §§ 377:3-13-132, :3-1-27, :3-1-28.

⁹⁶² JUVENILES FOR JUSTICE & JUVENILE LAW CENTER, BROKEN BRIDGES: HOW JUVENILE PLACEMENTS CUT OFF YOUTH FROM COMMUNITIES AND SUCCESSFUL FUTURES 26–27 (2018), https://jlc.org/sites/default/files/attachments/2018-12/2018BrokenBridges-FINAL-WEB_0.pdf.

⁹⁶³ See *Children’s Ombudsman Offices | Office of the Child Advocate*, NAT’L CONF. OF STATE LEGISLATURES (July 15, 2020), <https://www.ncsl.org/research/human-services/childrens-ombudsman-offices.aspx>.

⁹⁶⁴ Nicholas Bogel-Burroughs et al., *Ma’Khia Brant’s Journey through Foster Care Ended with an Officer’s Bullet*, N.Y. TIMES (May 8, 2021), <https://www.nytimes.com/2021/05/08/us/columbus-makhia-bryant-foster-care.html>.

⁹⁶⁵ John Fatty, *Ma’Khia Bryant Family Attorney to Investigate Death, Says ‘Bureaucracy Ill-Equipped to Protect’*, COLUMBUS DISPATCH (Apr. 29, 2021), <https://www.dispatch.com/story/news/crime/2021/04/28/attorney-makhia-bryant-announce-own-investigation-into-death/4870545001/>.

