

505 KAR 1:020. Internal grievance procedure.

RELATES TO: KRS 605.095, 605.100

STATUTORY AUTHORITY: KRS 15A.160, 15A.210, 605.150

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15A.210 requires the Justice Cabinet to adopt administrative regulations to operate secure juvenile detention facilities. This administrative regulation is necessary to establish an internal grievance procedure for a resident of a juvenile detention facility.

Section 1. Definitions.

- (1) "Designated hearing officer" means a supervisory level member of the clinical staff chosen by the facility superintendent to conduct the grievance procedure hearing.
- (2) "Grievance aide" means a resident who has been chosen to provide aid to another resident in the grievance procedure.
- (3) "Work day" means Monday through Friday exclusive of holidays.

Section 2. Applicability. A resident may file a grievance if it is believed that they have been affected by a violation of a:

- (1) Department policy or procedure; or
- (2) Facility rule or procedure.

Section 3. Grievance Aides. A grievance aide shall:

- (1) Be:
 - (a) Selected by the facility superintendent;
 - (b) Trained in the grievance procedure;
 - (c) Required to be able to read and write at a skill level appropriate to this position; and
 - (d) In the final stages of treatment; and
- (2) Assist other residents in drafting and presenting a formal grievance.

Section 4. Procedure.

- (1) Informal.
 - (a) Prior to filing the grievance, an effort shall be made to resolve the grievance informally.
 - (b) The resident shall talk with the staff person involved and attempt to resolve the grievance informally.
- (2) Formal.
 - (a) If unable to resolve the issue informally, the resident shall fully complete an internal grievance form and provide the following information:
 1. The circumstances of the issue being grieved;
 2. Efforts made to informally resolve the issue; and
 3. The desired resolution.
 - (b) A copy of the form:
 1. Shall be included in the resident's orientation package;
 2. May be obtained in the open dorm area; and
 3. Shall be provided upon request.
 - (c) The resident may be assisted by a grievance aide. If the resident or grievance aide are unable to adequately express the grievance in writing, the resident shall:
 1. Request a hearing, in writing, from the designated hearing officer within two (2) work days of occurrence of the event that raised the issue; and
 2. Be permitted to present the grievance verbally.
 - (d) A hearing shall be conducted by the designated hearing officer within three (3) work days of receiving a written grievance, in accordance with paragraph (a) of this

subsection or an oral request for hearing, in accordance with paragraph (c) of this subsection. The following shall be present at the hearing:

1. The aggrieved resident;
2. The grievance aide; and
3. Witnesses deemed material by the parties.

(e) The designated hearing officer shall within three (3) work days of the conclusion of the hearing present a written response to the resident.

(f) Within two (2) work days of receiving a decision, a resident shall:

1. Forward his grievance to the facility director or superintendent if he is dissatisfied and wishes to have the decision reviewed; and
2. Submit to the director or superintendent the information provided at the hearing.

(g) Within three (3) work days of receiving the grievance, the director or superintendent shall hold a joint meeting with the:

1. Designated hearing officer;
2. Resident; and
3. Grievance aide.

(h) The director or superintendent shall:

1. Review all information necessary to resolve the issue; and
2. Present a written response to the resident within five (5) work days of the meeting.

(i) The following shall be forwarded to the regional director and department ombudsman at the time the final resolution is submitted to the resident:

1. A copy of the final resolution made by the director or superintendent;
2. A copy of the grievance; and
3. Information submitted by the parties relating to the grievance.

Section 5. General Requirements.

(1) Time requirements.

(a) If a resident fails to comply with the time requirements of this administrative regulation, the grievance shall be dismissed.

(b) If the staff fail to comply with the time requirements, the grievance shall be resolved in the resident's favor.

(c) Due to unavailability of an essential party, the time frames may be extended with the:

1. Written agreement of the resident and the hearing officer; and
2. Approval of the director or superintendent.

(2) If the hearing officer, director or superintendent is to be absent, he shall appoint a person to stand in for his position, who shall:

- (a) Be responsible for the handling of a grievance; and
- (b) Exercise the same powers as the absent official.

(3) If a hearing officer, director or superintendent is directly involved in a grievance, it shall be handled by his supervisor, respectively.

Section 6. Incorporation by Reference.

(1) "Internal Grievance Form", (2-9-97 edition), Department of Juvenile Justice, is incorporated by reference.

(2) It may be inspected, copied or obtained at the Office of the Ombudsman, Department of Juvenile Justice, 320 West Main Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

(24 Ky.R. 236; Am. 572; eff. 9-15-97; Expired 3-1-2020, KRS 13A.3102(2)/HB 4 2019.)