

# Client Rights and the Grievance Procedure for the Community Forensic Services Programs

## CLIENT RIGHTS

As a client of a State of Wisconsin Community Forensic Services Program, you have the following rights under Wisconsin Statute § 51.61(1) and DHS 94, Wisconsin Administrative Code.

## PERSONAL RIGHTS

- You must be treated with **dignity and respect**, free from any verbal, physical, emotional or sexual abuse.
- You have the right to have program staff make **fair and reasonable decisions** about your treatment and care.
- You may **not be treated unfairly** because of your race, national origin, sex, age, religion, disability or sexual orientation.
- The program expects that you have structured activities during the day, which may include work. You have the right to **not be made to work** except for personal housekeeping chores. If you agreed to do other work, you must be paid.
- You may **make your own decisions** about things like getting married, voting and writing a will, if you are over the age of 18, and have not been found legally incompetent.
- You may **use your own money** as you choose, except as provided in § 46.10, Wis. Stats. (costs of care).
- You may **not be filmed**, taped or photographed unless you agree to it.

## TREATMENT AND RELATED RIGHTS

- You must be provided **prompt and adequate treatment**, rehabilitation and educational services appropriate for you.
- You must be allowed to **participate in the planning** of your **treatment and care**.
- You must be **informed of your treatment and care**, including alternatives to and possible side effects of treatment, including medications.
- No treatment or medication may be given to you without your **written, informed consent, unless** it is needed **in an emergency** to prevent serious physical harm to you or others, or **a court orders it**. [If you have a guardian, however, your guardian may consent to treatment and medications on your behalf.]
- You may **not be given unnecessary or excessive medication**.
- You may **not be subject to electro-convulsive therapy** or any **drastic treatment** measures such as psychosurgery or experimental research without your written informed consent.
- You must be **informed** in writing of any **costs of your care** and treatment for which you or your relatives may have to pay.

## RECORD PRIVACY AND ACCESS

Under Wisconsin Statute sec. 51.30 and DHS 92, Wis. Administrative Code:

- Your **treatment information** must be **kept private** (confidential), unless the law permits disclosure.

- Your **records may not be released** without your consent, unless the law specifically allows for it.
- You **may ask to see your records**. You must be shown any records about your physical health or medications. Program staff may, if they have cause, limit how much you may see of the rest of your treatment records while you are receiving services. You must be informed of the reasons for any such limits. You may challenge those reasons through the grievance process.
- **After discharge**, you may **see your entire treatment record** if you ask to do so.
- If you believe **something in your records is wrong**, you **may challenge its accuracy**. If staff will not change the part of your record you have challenged, you may file a grievance and/or put your own version in your record.
- A copy of sec. 51.30, Wis. Stats., and/or DHS 92, Wis. Administrative Code, is available upon request.

## GRIEVANCE PROCEDURES AND RIGHT OF ACCESS TO COURTS

- If you feel your rights have been violated, you **may file a grievance**.
- You may **not be threatened or penalized** in any way for presenting your concerns informally by talking with staff, or formally by filing a grievance.
- You may, instead of filing a grievance or at the end of the grievance process, or any time during it, choose to **take the matter to the court** that sentenced you or a county court in the county you reside in to sue for damages or other court relief if you believe your rights have been violated.

## GRIEVANCE RESOLUTION PROCESSES

### Informal Discussion (Optional)

- You are **encouraged to first talk** with your **Agent** or **Case Manager** about any concerns you have. However, you do not have to do this before filing a formal grievance.
- If you want to **file a formal grievance**, you should do so **within 45 days** of the time you become aware of the problem. For good cause, you may be granted an extension beyond the 45-day time limit.

## THREE AVENUES FOR COMPLAINTS

There are **three different processes** for a complaint to be addressed, **depending on the type of complaint** you have.

1. If you live in a **group residential facility**, you have **additional rights** related to living in an inpatient setting. You should be informed of those rights on admission to the facility. If you have a complaint about your living conditions in that facility, you should **file it** in writing directly **with the facility**. The process for addressing any complaints like that will be explained to you.
2. If you have complaints about the **rules of supervision** of your release imposed on you **by the court**, you should **file it** in writing with your **Probation and Parole Agent**. The process for addressing any complaints like that will be explained to you by your Agent.
3. If you have complaints about your **community treatment plan**, you should file your complaint with your **Case Management Agency's Program Director**. The following procedure applies to any complaints about your treatment plan:

## **Grievance Investigation - Formal Inquiry**

- Your Agency Case Management Agency's Program Director will investigate your grievance and attempt to resolve the issues you raise.
- Unless the grievance is resolved informally, the Case Management Agency's Program Director will write a report within 30 days from the date you filed the formal grievance. You will get a copy of the report.
- If you agree with the Case Management Agency Program Director's report and recommendations, the recommendations shall be put into effect within an agreed upon time frame.
- You may file as many grievances as you want. However, the Case Management Agency's Program Director will usually only work on one at a time. The Program Director may ask you to rank your complaints in order of importance.

## **Conditional Release Program Review**

- If you disagree with the outcome of your complaint in the Program Director's report, you may ask the Program Director to forward your grievance to the Department of Health Services (DHS) Program Specialist, or you may send it yourself.
- The DHS Program Specialist must issue his or her written decision within 30 days after you request this appeal.

## **State Grievance Examiner**

- If you are dissatisfied with the DHS Program Specialist's decision, you may appeal it to the State Grievance Examiner within 14 days of receiving the decision from the previous appeal level.
- You may ask the DHS Program Specialist to forward your grievance to the State Grievance Examiner or you may send it yourself. The address is: State Grievance Examiner, P.O. Box 7851, Madison, WI 53707-7851.

## **Final State Review**

Any party to the grievance has 14 days from receipt of the written decision of the State Grievance Examiner to request a final state review by the Administrator of the Division which operates the Community Forensic Services Programs. Send your request to the Division Administrator, P.O. Box 7851, Madison, WI 53707-7851.

You may talk with your Agent or Case Manager or contact the DHS Program Specialist if you would like to file a grievance or learn more about the grievance procedure used by the program.

**WISCONSIN DEPARTMENT OF HEALTH SERVICES**  
Division of Mental Health and Substance Abuse Services  
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