

Policy Title:	Client Rights – Policy		
Policy Number:	I-A.1	Version:	Effective Date: 12/01/07

Approved By: *on file*

Date Approved:

Policy

Forms, etc.

Definitions

References

Contact

Reference(s):

- Title VI and VII Civil Rights Act of 1964 as amended
- Section 504 Rehabilitation Act 1973
- ADA (The Americans with Disabilities Act of 1990)
- 45 CFR 80.6
- Child Welfare Policy I-A.3.2, Confidentiality of Client Information
http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-a32.pdf
- Child Welfare Policy I-A.5.1, Complaint Review, OAR 413-010-0400 to 413-010-0440
http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-a51.pdf
- ORS 419A.255
- OAR 407-005-0000 to 407-005-0030
- Policy DHS-010-0005, Non-Discrimination on the Basis of Disability for Programs, Services and Activities
http://www.dhs.state.or.us/policy/admin/exec/010_005.htm
- Procedure DHS-010-0005-01, Filing a Client Complaint or Report of Discrimination
http://www.dhs.state.or.us/policy/admin/exec/010_005_01.htm

Form(s) that apply:

- DHS 0170, Client Complaint or Report of Discrimination
<http://dhsforms.hr.state.or.us/Forms/Served/DE0170.pdf>
- DHS 0171, Client Comment Form
<http://dhsforms.hr.state.or.us/Forms/Served/DE0171.pdf>

Policy

Definitions

- (1) "Contract Provider" means any individual or organization that provides services to a Child Welfare client pursuant to a contract or agreement with the Department.
- (2) "Department" means the Department of Human Services.

- (3) "Disability" as defined in the ADA by 42 USC 12102 means:
- (a) A physical or mental impairment that limits one or more of the major life activities of such individual;
 - (b) A record of such impairment; or
 - (c) Being regarded as having such an impairment.

Policy – Client Rights

Discrimination Prohibited. No individual shall, on the grounds of race, national origin, religion, marital status, gender, sexual orientation, age, citizenship, political affiliation, language or *disability* be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under programs and activities for which the Department of Human Services has responsibility. This same policy of non-discrimination is equally applicable to all *department* contractors, grantees, agents and providers of services funded in whole or in part with federal funds.

- (1) Clients are entitled to the following rights and shall be informed of them at the time a decision has been made that services will be provided:
- (a) To apply for any service provided by the *Department*. Voluntary clients will be asked to sign a copy of the CF 0304, "Service Application".
 - (b) To receive courteous and fair treatment by *Department* staff.
 - (c) To refuse services which have not been ordered by a court or requested by the client.
 - (d) To fair treatment that does not discriminate because of race, religion, national origin, gender, sexual orientation, age, citizenship, political affiliation, language, marital status, or *disability*, including the right of qualified persons with a *disability* to receive material in alternate format (large print, computer disc, Braille, audio tape, and/or oral presentation) as appropriate.
 - (e) To have communication held in confidence to the extent required by Child Welfare Policy I-A.3.2 "Confidentiality of Client Information", OAR 413-010-0000 to 413-010-0075.
 - (f) To a review of actions or decisions of the *Department* affecting them to the extent provided under Child Welfare Policy I-A.5.1 "Complaint Review", OAR 413-010-0400 to 413-010-0440.
- (2) Each client and *contract provider* will be informed of the complaint procedure of the *Department* at the time the initial decision is made that services will be provided or a contract is signed with a *contract provider*. The caseworker will provide each client with a copy of DHS 0170, Client Complaint or Report of Discrimination and DHS 0171, Client Comment Form.
- (3) Staff Responsibility Adherence to this policy is required by all *Department* staff.

Managers, administrators, and supervisors shall be familiar with this policy and assure that other staff is informed. This policy requires the *Department* to be responsible for the implementation and then monitoring of Title VI and Section 504 compliance of the *Department's* service vendors as well as the agency's own compliance to the laws.

- (4) Information Displays.
 - (a) Program managers are to ensure that information regarding a client's right to register a civil rights complaint be posted in an accessible place. It is the *Department's* expectation that such information be posted in the reception area of field offices, and in the central office reception area within reach of a person in a wheelchair;
 - (b) The posted civil rights information display will consist of a *Department* information brochure providing civil rights information for clients. Each packet will be labeled in English and Spanish. In communities in which a third language is spoken at a minimum threshold, the packets will be labeled in that language. The brochures and complaint forms will also be provided in English, Spanish, and a third language, if applicable.
- (5) Monitoring. Monitoring of compliance will be carried out by the management of the District and the Governor's Advocacy Office. In addition, a Child Welfare staff member who is a program person dealing with either day care or private child-caring agencies will be requested to assist in the audit. The program persons will be contacted as needed on an individual basis.
- (6) Interpreters. Friends and family members may not be used as interpreters because this practice may violate the client's right to privacy and the *Department* must assure the accuracy of the translation. If a situation places a child in imminent risk of harm, the caseworker must take whatever action is necessary to ensure the child's safety. The caseworker is then responsible for making immediate follow-up efforts to obtain an authorized interpreter to protect the rights of the clients and their families.
- (7) Informal Discussion of Civil Rights Complaint. In addition to using the informal complaint procedure (OAR 413-010-0440), a client or *contract provider* that wishes to informally discuss a complaint with the Program or District Manager before signing a formal complaint should be encouraged to do so. A local settlement of a civil rights problem is often desirable. However, local staff may not make any financial settlement offer without the approval of the Child Welfare Administrator. It should be made clear to the complainant that taking a civil rights problem to local management does not affect the client's right to call the Governor's Advocacy Office or file a written complaint.
- (8) Formal complaint. When a client, employee, or community member is of the opinion that the *Department* has discriminated against them because of race, national origin, gender, sexual orientation, religion, age, citizenship, political affiliation, language, marital status, or *disability*, the client may file a written complaint by contacting one or more of the following:
 - (a) The local *Department* field office consistent with Child Welfare Policy I-A.5.1, "Complaint Review", OAR 413-010-0400 to 413-010-0480, and *Department* Procedure DHS-010-0005-01, "Filing a Client Complaint or Report of Discrimination".

(b) The Governor's Advocacy Office

Oregon Department of Human Services
500 Summer Street NE E15
Salem OR 97301-1097

(c) Service and public accommodation complaints may also be directed to the Civil Rights Office of Health and Human Services:

Department of Health and Human Services
Office For Civil Rights, Region X
M/S RX- I 1
2201 Sixth Avenue
Seattle, WA 98121

Contact(s):

- **Name:** CAF Reception; **Phone:** 503-945-5600