

Client Rights and the Grievance Procedure for the Conditional Release Program

CLIENT RIGHTS

As a client of the State of Wisconsin Conditional Release 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, community service, or volunteer activities. 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.
- Unless specifically limited by your treatment plan, 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, within certain limitations imposed by your payee or treatment plan. Payment towards costs of care may also be included in your conditional release plan per § 46.10, Wis. Stats..
- 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.
- You have the right to **refuse treatment and medications**. However, your conditional release may be revoked if **you** do not comply with all treatment recommended by your mental health providers. [If you have a guardian, your guardian may consent to treatment and medications on your behalf.]
- You may **not be given unnecessary or excessive medication** and you have the right to be fully informed about any medications you receive.
- 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 treatment record** [except for certain confidential information, including any possible victim information].
- 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 **Conditional Release Program Director**. The following procedure applies to any complaints about your treatment plan:

Grievance Investigation--Formal Inquiry

- Your Agency Conditional Release Program Director will investigate your grievance and attempt to resolve the issues you raise.
- Unless the grievance is resolved informally, the Conditional Release 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 Conditional Release 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 Conditional Release Program Director will usually only work on one at a time. The Conditional Release 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 Conditional Release Program Director's report, you may ask the Conditional Release Program Director to forward your grievance to the Conditional Release Program Conditional Release Specialist, or you may send it yourself.
- The Conditional Release 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 Conditional Release Program'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 Conditional Release Program 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 Conditional Release Program. 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 Conditional Release Program if you would like to file a grievance or learn more about the grievance procedure used by the program.