

## Montana Judicial Branch Policies & Procedures

Subject: Complaint Resolution Policy	Policy No.: 1250
Chapter:	Pages: 3 w/ attachments
Section: Youth	Revision Date:
	Effective Date: November 4, 2003

### 1.0 POLICY

It is the policy of the Montana Judicial Branch to provide an avenue for youth or parents to file a complaint alleging inappropriate treatment by Youth Court staff. Youth and parents must be treated professionally and should receive as much information about the youth's case as allowed under the Montana Youth Court Act. The policy does not cover disagreements about court-ordered placements or legal actions pending before a judge.

### 2.0 PROCEDURE

Each youth court office will post brochures about the complaint resolution policy in the office and each staff person will make the complaint form available upon request. The form will provide a forum for a youth or parents to bring complaints to the attention of the chief probation officer, youth court judge or designee and thus, allow for the resolution of these complaints.

### 2.1 INFORMAL RESOLUTIONS

This policy does not preclude the chief probation officer or individual probation officers from resolving complaints informally.

### 2.2 COMPLAINT PROCESS

When informal resolution is not possible, the youth or youth's parents should complete a Montana Youth Court Complaint Form (Addendum A). Any individual with knowledge of alleged inappropriate behavior may complete the form on behalf of the youth. The form can be returned to chief probation officer in the district from which the complaint is originating, the youth court judge or the Supreme Court Administrator's Office.

If the complaint involves the chief probation officer, it must be submitted to the youth court judge or the Supreme Court Administrator's Office.

Within 10 working days of receiving the complaint, the chief probation officer, youth court judge or designee or the Supreme Court Administrator's Office will begin a Youth Court Follow-Up (Addendum B) form as documentation for each complaint.

Complaints about a court order, court-ordered placement or a recommendation of the Youth Placement Committee cannot be appealed through this process. Upon receipt of a complaint of this nature, the complaining party shall be notified in writing that the issue must be addressed

through the court. The youth or youth's parents may want to consult with the youth's assigned counsel or the county attorney's office about court orders or placement decisions.

Any allegation of sexual or physical abuse or assault of a youth must immediately be reported to law enforcement. The appropriate law enforcement agency will oversee the investigation. The youth court judge and the Supreme Court Administrator must be notified about any allegations of this nature. The Judicial Branch's Discipline and Discharge Policy (#202), along with any other relevant employment policy, will guide decisions about the employee's employment.

All other complaints must be reviewed and action taken by the chief probation officer or the youth court judge. The youth court judge may assign a designee to act in his/her place.

In complaints not involving law enforcement, the first step in the complaint resolution process may include informal mediation with the complaining party, reassignment of the case or any other method for resolving the complaint.

The chief probation officer, youth court judge or designee may also request an investigation of the complaint. At the request of the chief probation officer, the youth court judge, or designee, a member of the Supreme Court Administrator's staff or a designee will conduct an investigation. An investigation may involve the gathering of written materials, interviews and other information gathering techniques. The investigator will make a recommendation to the supervisor regarding the validity of the claim and a recommended resolution. If a complaint appears to have merit the following actions will occur:

- a. The employee will have a right to respond to an investigative report prior to any disciplinary action;
- b. Recommended actions may include discipline as described in the discipline policy, training, or any other appropriate action; and
- c. Investigative materials will be considered confidential and will be released only to those people with a right to know. This will include the employee's supervisor, the youth court judge and Supreme Court Administrator's Office.

Any investigation or review of a complaint should be completed within 45 working days of receipt of the complaint. However, this timeline may be extended if necessary to complete a more thorough review.

### 2.3 YOUTH COURT JUDGE'S INVOLVEMENT

The chief probation officer will apprise the youth court judge or his/her designee of any complaints against individual probation officers.

If the complaint is against the chief probation officer, the youth court judge or his/her designee may investigate the matter or request assistance from the Supreme Court Administrator's staff. Following the completion of an investigation of a complaint involving the chief probation officer, the youth court judge will make the final decision about the complaint and any employee discipline, if warranted.

### 3.0 REQUIRED FOLLOW-UP

Following the investigation or resolution of a complaint, the chief probation officer, youth court judge or designee will provide a written statement to the complaining party. The statement will

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Involvement*

describe the resolution to the complaint. In compliance with Judicial Branch Personnel Policies and Procedures, the statement cannot provide any confidential information about employee discipline resulting from the complaint. This written statement, along with the Youth Court Follow-Up Form will be kept on file in the youth court office and the Supreme Court Administrator's Office.

### **3.1 RECORDS RETENTION**

All formal complaint forms, youth court follow-up forms, investigative materials and the written follow-up to the complaining party will be maintained by the chief probation officer, youth court judge or designee. Complaint forms and youth court follow-up forms will also be maintained in the Supreme Court Administrator's Office. All information will be kept in a location, which will protect the confidentiality of the parties involved in the complaint. The information will be maintained for three years.

### **4.0 RETALIATION**

Judicial Branch personnel may not retaliate or allow, condone, or encourage others to retaliate against any person for filing a complaint or participating in any other manner in a complaint proceeding.

**MONTANA YOUTH COURT  
YOUTH OR PARENT COMPLAINT FORM**

Please attempt to resolve the matter informally by working with your probation officer or the chief probation officer. If this is not possible, fully complete this form. Assistance with this form is available at your request.

Name of person making complaint \_\_\_\_\_

Juvenile's name \_\_\_\_\_

Your relationship to the juvenile \_\_\_\_\_

Date(s) of incident(s) \_\_\_\_\_

Describe incident (provide specifics including the names of any witnesses, etc.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Suggested resolution

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Submit this form to the Chief Probation Officer, the Youth Court Judge or the Montana Supreme Court Administrator's Office at P.O. Box 203005, Helena, MT 59620 or by fax at 406-841-2955**

**DATE COMPLAINT FORM RECEIVED: \_\_\_\_\_**

## Youth Court Follow-Up

Date complaint form received \_\_\_\_\_ Received by \_\_\_\_\_

Date review started \_\_\_\_\_ Reviewing Party \_\_\_\_\_  
(Review must start within 10 working days of receipt of complaint)

Does this matter involve?

\_\_\_\_\_ A dispute with a court-ordered action or placement or a recommendation by the Youth Placement Committee? If so, the complaining party shall immediately be notified that it is a court matter that cannot be reviewed using this process.

\_\_\_\_\_ Date complaining party notified

\_\_\_\_\_ An allegation of sexual or physical abuse? If so, the complaint must be referred to law enforcement, the youth court judge (or designee) and the Supreme Court Administrator's Office. Law enforcement will coordinate allegations of this nature.

\_\_\_\_\_ Date law enforcement notified

\_\_\_\_\_ Date youth court judge (or designee) notified

\_\_\_\_\_ Date court administrator's office notified

\_\_\_\_\_ An allegation of unprofessional behavior including but not limited to inappropriate verbal treatment of a youth or parent or any other similar accusation? If so, the chief probation officer, youth court judge or designee shall attempt to informally resolve the matter, investigate the matter further, or request an outside investigation of the allegation. (Allegations against the chief probation officer must be forwarded to the youth court judge.)

(Action on the complaint should be completed within 35 working days.)

\_\_\_\_\_ Date of informal resolution

\_\_\_\_\_ Date investigation started

\_\_\_\_\_ Date investigation completed

Resolution; attach copy of following up letter to complaining party (Details of any employee discipline resulting from an investigation must remain confidential per Montana Judicial Branch Policy 101, Employee Personnel Records.):

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Completed by: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Copy to chief probation officer, youth court judge or designee

\_\_\_\_\_ Copy to Supreme Court Administrator's Office

## Complaint Process

The Eighteenth Judicial District wants to hear from you if you believe you have been treated poorly. Our complaint process is designed to address items outside of your court process.

If you want to make a complaint please contact a Youth Court staff member or the Montana Supreme Court Administrator's Office at 406-846-2950 for a complaint form.



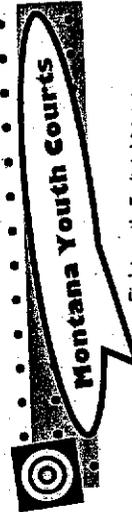
Parents and Youth - You do have a right to complain about unfair treatment.



## Complaint Resolution Information For Youths and Parents

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Eighteenth  
Judicial District  
Youth Court

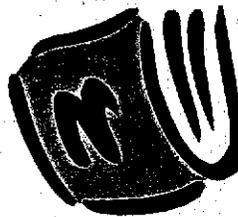
406-582-2180



.....  
Eighteenth Judicial District  
Youth Court  
615 16th Avenue  
Bozeman, MT 59715

.....  
Phone: 406-582-2180  
Email: [vinelson@state.mt.us](mailto:vinelson@state.mt.us)

## Youth and Parents Have Rights



The Montana Judicial Branch expects that juveniles and parents will be treated with courtesy and respect.

We are here to enforce the Youth Court Act by ensuring accountability and treatment for youth when appropriate and by protecting public safety.

Montana Youth Court Act

We are committed to making a positive difference for all youth involved in the Youth Court system. We recognize that successful resolutions to any human interaction relies on mutual respect between the parties. In doing this, we are helping develop responsible adults and safe communities.

Keeping the above in mind, understand that Youth Court intervention often involves conflict and disagreements. Despite this, youth should expect:

- To be treated with respect by our staff.
- To receive as much information as allowed under the law about your - or your child's - case.

## Complaint Process

The Eighteenth Judicial District has a comprehensive complaint procedure in place.

You are involved with a court system.

We cannot address sentencing or

placement disagreements.

You must work within

the court system with

your attorney on dis-

agreements involving

your - or your child's -

sentence or placement.



## How do I complain?

However, if you believe you have been mistreated you may use this complaint procedure.

## Steps:

1. Informal resolution—you are encouraged to bring your complaint directly to your probation officer for informal resolution.
2. Formal complaint—you may pursue a formal complaint by contacting the Chief Probation Officer at 406-582-2180 or by



## What can I expect?

3. contacting the Supreme Court Administrator's Office at 406-841-2950. You will receive a complaint form to fill out. You can ask for assistance in completing the form.
4. The complaint will be reviewed or investigated with the goal of resolving the problem.
5. You will receive follow-up information after the complaint is reviewed.



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Youth Court  
615 16th Avenue  
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