

APPENDIX A
SAMPLE CACI COUNTY "POSITION STATEMENT"

XXXXXXXX 26, 200X

NAME OF INDIVIDUAL
ADDRESS
XXXXXX, CA 93212

Re: Request for CACI Grievance Hearing Received on XXXXX 22, 200X

I have received and reviewed correspondence from you in regard to an emergency response investigation conducted on behalf of NAME OF CHILDREN.

The information you forwarded to this office indicates physical abuse allegations were made against you and that the conclusion of the investigation was unsupported and contrary to the evidence in this matter. The case file stipulates that you were accused of inflicting physical abuse upon the children, NAME OF CHILDREN, and that our investigating Social Services Worker determined the allegations to have been inconclusive in accordance with the child abuse laws. You are further requesting this office to immediately contact the Department of Justice to advise them that our initial determination of "inconclusive" was made in error.

Pursuant to Welfare and Institutions Code Section § 300(a), physical abuse is defined as a child suffering and/or at a substantial risk of suffering serious physical harm inflicted nonaccidentally by a parent/guardian, which does not include "reasonable and age-appropriate spanking to the buttocks." Section 300(a) also states a Court may find there is a substantial risk of serious future injury based on the manner in which a less serious injury was inflicted. During the course of physical abuse investigations, this Agency conscientiously considers many factors, including, but not limited to the actions of the parents/guardians, the nature of the injury to the child, familial dynamics, information provided by family members, especially witnesses to the alleged incident, parenting skills, behavior of the child, the possibility of repeated and/or more serious injuries, services available which could assist the family, strengths present in the family and whether the child can safely remain at home.

Pursuant to Penal Code Section 11165.12, an unfounded conclusion indicates the allegations were false, inherently improbable, to involve an accidental injury or not to constitute child abuse. An inconclusive conclusion means there is insufficient evidence to determine whether child abuse or neglect has occurred and a substantiated conclusion means child abuse or neglect has been determined to have occurred.

Pursuant to Penal Code Section 11169, this Agency is required to submit every investigative conclusion that it has determined to not be unfounded to the Department of

Justice unless the allegations are in regard to neglect. This Agency has the option, pursuant to the same Section, to advise the Department of Justice not to retain the original report if the allegations are subsequently determined to be unfounded.

After review of the file, I have determined that our initial disposition of “inconclusive” was appropriate in your case. There were marks on NAME OF CHILD that corresponded to locations you admitted to grabbing on the child. The child has apparent emotional and behavioral disturbances. That fact is not in dispute. Our final investigative disposition requires consideration about your actions, not the child’s. We are responsible for determining whether you inflicted abuse upon your children or there is potential for abuse in accordance with the legal definitions as described above. In your case, there is not enough information or evidence to support a “substantiated” physical abuse allegation in accordance with the law, but there is enough information or evidence to prevent the Agency from determining the allegations are unfounded.

After reviewing the information in relation to this investigation, as well as the actions of the investigating social worker, I have determined that our original conclusion was appropriate. There is ample and sufficient evidence to substantiate an “inconclusive” disposition in accordance with WIC Section 300(a) and PC Section 11165.12. We will not request the Department of Justice to rescind our originally filed report.

You have the right to review the investigation notes and pictures just as I have. You can contact XXXXX XXXX, Social Services Supervisor, at XXX-3211 to make an appointment.

If you disagree with the findings of this review, you are entitled to an administrative hearing.

It is incumbent upon you to bring forward any information and/or witnesses you believe would affect the findings in this case. Please plan to present any and all information you may have at this hearing.

Your administrative hearing has been set for XXXXXX 6, 200X at 10:00 A.M. in the Main Welfare Building, 1200 XXXXXX, XXXXX, CA 932XX. Please contact XXXX XXXXX at XXX-XXXX if you need to reschedule this hearing date or time.

A recommended decision will be issued by the Grievance Hearing Officer within 30 calendar days after the administrative hearing and submitted to the County Director over Child Welfare Services. The County Director will issue a written final decision adopting, rejecting, or modifying the recommended decision within 10 business days after the recommended decision is issued.

Sincerely,