

CACI Grievance Review Officer Procedures

Central California Training Academy

(2nd draft 7/08)

Policy Background

County Child Welfare Agencies are required by law to notify the Department of Justice (DOJ) when an individual is named in an investigation of suspected child abuse that the agency has determined to be either substantiated or inconclusive (PC11169). Once notified, the named individual(s) is placed on the DOJ, Child Abuse Central Index (CACI). County agencies are responsible for the accuracy, completeness and retention of reports given to the DOJ. Unfounded reports (as defined by Penal Code Section 11165.12(a)) and/or incorrect listings should be removed from CACI by the county.

Individuals who believe they have been listed incorrectly on the CACI have the right to have the listing reviewed by the county agency. If the agency denies an individual's request for review and removal, the individual has the right to have his/her request reviewed by an impartial "third party" who holds the position of Grievance Review Officer (GRO).

References:	California Penal Code	Sec 11165.1 – 11165.6
	California Penal Code	Sec 11165.12
	California Penal Code	Sec 11169
	California Penal Code	Sec 11170
	California Dept. of Social Services ACIN	1-59-98
	California Dept. of Social Services ACIN	1-21-08
	California Dept. of Social Services ACIN	1-22-08
	California Dept. of Social Services Forms	SOC 832
	California Dept. of Social Services Forms	SOC 833
	California Dept. of Social Services Forms	SOC 834
	(See Attached Supplemental Materials)	

Role of the Central California Training Academy (CCTA)

- CCTA, in partnership with the County Welfare Directors Association – Central Region, will recruit and train qualified individuals who can serve as regional Grievance Review Officers (GRO). "Qualified" Grievance Review Officers are defined by the California Department of Social Services (CDSS) as follows:
 - 1.) A staff or the other person not involved in the investigation of the alleged abuse or neglect.
 - 2.) Neither a co-worker nor a person directly in the chain of supervision of any of the persons involved in the investigation of the alleged abuse or neglect unless the grievance review officer is the director or chief deputy director of the county.
 - 3.) Someone who is knowledgeable in the field of child abuse or neglect investigation and capable of objectively reviewing the complaint.

- CCTA will seek qualified Grievance Review Officers from their existing pool of child welfare trainers. Final approval for acceptance into the “pool” of available Grievance Review Officers will be granted after a review of qualifications by representatives of CWDA Children’s Sub-Committee – Central Region. CWDA Children’s Sub-Committee – Central Region will have exclusive authority to approve or deny a request to serve as a Grievance Review Officer.
- Individuals willing to serve in the capacity of Grievance Review Officer will be notified by CCTA upon approval.
- Approved Grievance Review Officers will receive basic Grievance Review Officer training from CCTA prior to serving. The training will include (but is not limited to) the following:
 - 1.) Background and history of Gomez vs. Saenz
 - 2.) Grievance Hearing Evidence
 - 3.) Basic Grievance Hearing Procedures
 - 4.) Grievance Hearing Report Writing

Referral for Assignment of a “Pool” Grievance Review Officer

- A contact person will be designated by each Child Welfare Department (CWD) for the purposes of requesting assignment of a “pool” Grievance Review Officer.
- The contact(s) to receive referrals at CCTA will be David Foster (559) 294-9760 and Judy Rutan (559) 294-9771.
- When a referral is made, CWD will contact CCTA with suggested dates for the hearing.
- CCTA will contact a Grievance Review Officer in the “pool” on a rotation basis to determine willingness and availability to serve on the suggested dates.
- CCTA will respond to the CWD contact within 5 working days to advise if a “pool” Grievance Review Officer is available for the assignment.

Grievance Review Officer Duties – Acceptance of Assignment

- Once a “pool” Grievance Review Officer accepts assignment he/she will make phone/email contact with the identified CWD contact within 3 working days to confirm the assignment.
- Confirmation by both parties (CWD and the Grievance Review Officer) will serve to initiate a relationship between the CWD and the Grievance Review Officer until such time as the hearing process is completed. The CWD Director reserves

the right to terminate the assignment at any time and seek alternative means to meet the requirements as set forth in ACIN 1-21-08.

- Once assignments and confirmation of the Grievance Review Officer has occurred, further CCTA involvement with the Grievance Review Officer will be limited to the following:
 - 1.) Facilitation and processing payment of the Grievance Review Officer for time spent on hearing related activities. Compensation has been set by CWDA- Children's County Regional Center at \$50.00/hour plus mileage at the CSU, Fresno Foundation rate (currently 58.5 cents/mile).
 - 2.) Providing CWD contacts and Grievance Review Officer's with recommended hearing procedures (Appendix B) and report format (Appendix A).
 - 3.) Invoicing CWD for Grievance Review Officer reimbursed costs.
 - 4.) Meeting monthly with CWDA- Children's Regional Sub-counties to evaluate the use of the Grievance Review Officer's "pool" and make policy and procedure changes as necessary.
 - 5.) Provide "pool" Grievance Review Officer's with updated information and training as necessary.

CWD Responsibility for Preparing "Position Statement" Prior to Hearing

After confirmation, CWD will provide the assigned Grievance review Officer with a copy of the CWD preliminary review findings and basis for denying the complainant's request to have his/her name removed from the CACI. This information will be in the form of a brief written summary. This summary should also be supplied to the complainant at least 10 days prior to the hearing. The summary will also be submitted by CWD at the hearing as evidence (see Appendix A). At least 10 days prior to the scheduled grievance hearing the CWD contact will provide the Grievance Review Officer with a list of potential witnesses and estimate of the time needed to conduct the hearing.

Assigned Grievance Review Officer Duties – Conducting the Hearing (See "Hearing Procedure Guide" Appendix B)

The Grievance hearing should be conducted in a non-adversarial atmosphere. All testimony will be given under oath or affirmation.

The only people present during the grievance hearing shall be the Grievance Review Officer, each party and their representative, and any witnesses. All parties will agree that no information presented at the grievance hearing will be disclosed to any person other than those involved in the grievance hearing.

The hearing proceedings shall be audio taped and retained by the County as an administrative record of the hearing. If the complainant wants to inspect a transcript of the hearing, the complainant is required to pay the costs for transcribing the grievance hearing. The Department shall lodge the administrative record with the Court if any party seeks judicial review of the final decision of the County Director.

The Department will first present their evidence and supporting findings, and then the complainant will present their evidence that the findings should be changed. The Department is then allowed to present rebuttal evidence. The Grievance Review Officer then has discretion to allow either party additional evidence.

The Grievance Review Officer is authorized to continue the grievance hearing for ten calendar days to allow for additional witnesses or evidence to be presented.

The Grievance Review Officer has no authority to subpoena witnesses. The Grievance Review Officer can also limit the questioning of a witness to protect the witness from unwarranted embarrassment, oppression or harassment.

The Grievance Review Officer may prevent the presence and/or examination of a child at the grievance hearing for good cause. The child must be capable of providing testimony, and is a voluntary participant. The Grievance Review Officer may interview the child privately.

Duties of the Assigned Grievance Review Officer – Post Hearing

The Grievance Review Officer shall have a written recommendation made and sent to the County Director within 30 calendar days after the close of the grievance hearing. The decision is to include a summary of the facts, issues involved, findings, and the basis for the decision. If possible, the written decision should not expose the complainant's confidential information (see Appendix C for Sample Report Format).

Within 10 business days after the Grievance Review Officer's recommendation is made, the County Director will mail a written final decision adopting, rejecting, or modifying the Grievance Review Officer's recommendation to all parties.