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5/22/2008

**CACI Grievance Review Officer Procedures  
Central California Training Academy**

**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:	Penal Code	11169
	Penal Code	11165
	California ACIN	1-59-98
	California ACIN	1-21-08
	California ACIN	1-22-08
	SOC	833

**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" GRO are defined by the California Department of Social Services (CDS) 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 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

GRO will be granted after a review of qualifications by representatives of CWDA – Central Region. CWDA – Central Region will have exclusive authority to approve or deny a request to serve as a hearing officer.

- Individuals willing to serve in the capacity of hearing officer will be notified by CCTA upon approval.
- Approved hearing 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” GRO**

- A contact person will be designated by each Child Welfare Department (CWD) for the purposes of requesting assignment of a “pool” GRO.
- The contact(s) to receive referrals at CCTA will be David Foster (559) 294-9760 and Judy Rutan (559) \_\_\_\_\_.
- When a referral is made, CWD will contact CCTA with suggested dates for the hearing.
- CCTA will contact a GRO 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 \_\_ working days to advise if a “pool” GRO is available for the assignment.

### **Assigned Hearing Officer Duties – Pre-Hearing**

- Once a “pool” GRO accepts assignment they will make phone/email contact with the identified CWD contact within \_\_ working days to confirm the assignment.
- Confirmation by both parties (CWD and GRO) will serve to initiate a relationship between the CWD and the GRO 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 GRO has occurred, further CCTA involvement with the grievance review. Hearing will be limited to the following:

- 1.) Facilitation and processing payment of GRO for time spent on hearing related activities. Compensation has been set by CWDA-Regional at \$50.00/hour plus mileage at the current CSU, Fresno rate (currently 50.5 cents/mile).
- 2.) Providing CWD contacts and GRO's with recommended hearing procedures (Appendix A) report format (Appendix B).
- 3.) Invoicing CWD for GRO reimbursed costs.
- 4.) Meeting monthly with CWDA-Regional to evaluate the use of the GRO "pool" and make policy and procedure changes as necessary.
- 5.) Provide "pool" GRO's with updated information and training as necessary.

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## **Appendix A** **Recommended**

### **Hearing Procedures Post Assignment**

After confirmation, CWD will provide the assigned GRO with a copy of the CWD preliminary review findings and basis for denying the complainants request to have his/her name removed from the CACI.

At least \_\_ days prior to the scheduled Grievance hearing the CWD contact will provide the Hearing Officer with a list of potential witnesses and an estimate of the time needed to conduct the hearing.

### **Assigned Grievance Review Officer Duties – Conducting the Hearing**

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 \_\_ calendar days after the close of the grievance hearing. The decision is to include a summary of the facts, the issues involved, findings, and the basis for the decision. If possible, the written decision should not expose the complainant's confidential information.

Within \_\_ 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.

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