



Kings County Human Services Agency

Peggy Montgomery, Director

*Employment Services
Benefit Services
Child Protective Services
Adult Services
Day Care/Foster Home Services*

October 26, 2007

NAME OF INDIVIDUAL
ADDRESS
Corcoran, CA 93212

Re: Correspondence Received on October 22, 2007

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

1200 South Drive, Kings County Government Center, Hanford, California 93230

☎ (559) 582-3241 ✉ pcespede@co.kings.ca.us 📠 Admin-FAX (559) 584-2749 📠 Services-FAX (559) 584-4416 📠 Employment Services-FAX (559) 582-7399

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 Robert Isenberg, Social Services Supervisor, at 582-3211 x2354 to make an appointment.

If you disagree with the findings of this review, you are entitled to an administrative hearing before the Deputy Director of Social Services, Peggy Marvin.

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

Your administrative hearing has been set for November 6, 2007 at 10:00 A.M. in the Main Welfare Building, 1200 South Drive, Hanford, CA 93230. Please contact her at 582-3211 x2216 if you need to reschedule this hearing date or time.

A final, written decision will be issued by Mrs. Marvin ten (10) working days after the administrative hearing.

Sincerely,

Tina Garcia/M.S.W./Program Manager, CWS
Kings County Human Services Agency
1200 South Drive
Hanford, CA 93230