

Manual of Policies and Procedures

(Excerpted Version)

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CHILD WELFARE SERVICES



**STATE OF CALIFORNIA
HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES**

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CHILD WELFARE SERVICES PROGRAM

This User's Manual is issued as an operational tool. It contains the following:

- a) Regulations adopted by the California Department of Social Services (CDSS) for the governance of its agents, licensees, and/or beneficiaries;
- b) Regulations adopted by other State Departments affecting CDSS programs;
- c) Statutes from appropriate Codes which govern CDSS programs;
- d) Court decisions; and
- e) Operational standards by which CDSS staff will evaluate performance within CDSS programs.

Regulations of CDSS are printed in gothic type as in this sentence.

Handbook material, which includes reprinted statutory material, other department's regulations and examples, is separated from the regulations by double lines and phrases "**HANDBOOK BEGINS HERE**", "**HANDBOOK CONTINUES**", and "**HANDBOOK ENDS HERE**" in bold print. Please note that both other departments' regulations and statutes are mandatory, not optional.

In addition, please note that revised language in this manual letter will be identified by a vertical line in the left margin.

Questions relative to this Users' Manual should be directed to your usual program policy office.

31-015	TELEPHONE ACCESS FOR EMERGENCY RESPONSE SERVICES	31-015
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(Continued)

- .14 All calls shall be referred to an emergency response social worker unless the person answering the telephone is trained in screening incoming calls regarding child welfare services.
- .2 The emergency response telephone number shall be publicized by all of the following means:
 - .21 Telephone book and community resources directory listings.
 - .211 The county shall request that the emergency response telephone number be listed in the crisis line section or emergency pages of the local telephone directory.
 - .22 Distribution to schools, physicians, hospitals, and other entities likely to observe abused, neglected, and exploited children.
 - .23 Ongoing public awareness activities which encourage self-referrals.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 16504, Welfare and Institutions Code.

31-020	GRIEVANCE PROCEDURES	31-020
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- .1 Grievance procedures shall be developed to review complaints from foster parents, legal parents, guardians, and children concerning the placement or removal of a child from a foster home. All issues shall be resolved in the best interest of the child.
- .2 Grievance reviews shall not be granted for the following issues:
 - .21 Removal of a child under any of the circumstances specified in Sections 31-440.21 through .25.
 - .22 Removal of a child or modification of services resulting from an administrative review panel determination.
 - .23 Removal of a child for direct placement into an adoptive home.
 - .24 Any complaint regarding only the validity of a law or of a statewide regulation.

31-020 GRIEVANCE PROCEDURES **31-020**
(Continued)

- .25 Any complaint regarding an issue for which a state hearing is available as specified in Welfare and Institutions Code Sections 10950 through 10965.
- .3 Review request procedures shall include the following:
 - .31 The county shall explain the right to a review, and shall provide a copy of the grievance procedure regulations to the following parties:
 - .311 A legal parent/guardian at the time the child is placed.
 - .312 A foster parent at the time of licensing.
 - .313 Any complainant at the time a complaint is filed.
 - .32 A review request shall be filed in the form of a written statement signed by the complainant.
 - .33 The review request shall set forth the facts which the interested person believes provide a basis for reversal of the county action.
 - .34 The complainant shall file the review request within ten calendar days after becoming aware of the action under complaint.
 - .341 In cases of removal not exempted from review as specified in Sections 31-020.21 through .25 and in Sections 31-440.21 through .25, the complainant shall submit the review request to the county not less than two calendar days prior to the intended date of removal.
 - .35 The county shall assist in preparation of the complaint if assistance is requested or necessary.
- .4 The review shall be held within ten working days from the date the written complaint is received by the agency.
 - .41 Notice of the date, time and place for the review shall be received by all parties not less than five calendar days prior to the hearing.

31-020	GRIEVANCE PROCEDURES (Continued)	31-020
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- .5 The review shall be conducted as follows:
 - .51 The review agent shall be:
 - .511 A staff or other person not involved in the complaint.
 - .512 Neither a co-worker nor a person directly in the chain of supervision of any of the persons involved in the complaint unless the agent is the director or chief deputy of the county.
 - .513 Knowledgeable of the field and capable of objectively reviewing the complaint.
 - .52 The review agent shall, to the extent possible, conduct all reviews in a nonadversarial atmosphere.
 - .53 All parties and representatives shall be permitted to examine all documents and physical evidence introduced by parties to the hearing.
 - .54 The parties and their representatives, and witnesses while testifying, shall be the only authorized persons present during the review unless all parties and the review agent consent to the presence of other persons.
 - .55 All testimony shall be given under oath or affirmation.
 - .56 The review agent shall have the authority to continue to review for a period not to exceed ten calendar days if additional evidence or witnesses are necessary for determination of the issue.
- .6 Review decisions shall be rendered as follows:
 - .61 The review agent shall render a written recommended decision, and the county director shall issue a final written decision, within five calendar days after review completion.
 - .62 The decision shall be based upon the evidence presented at the hearing.

31-020	GRIEVANCE PROCEDURES (Continued)	31-020
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- .63 The county director's decision shall contain a summary statement of the facts, the issues involved, findings, and the basis for the decision.
- .64 A copy of the decision shall be sent to the following:
 - .641 Each party to the review.
 - .642 Every representative of each party.
 - .643 The California Department of Social Services.
- .7 Unless the child is in immediate danger, he/she shall remain with the foster parent(s), pending decision of the county director, when removal is the basis for a complaint.
- .8 The review record shall be retained for one year from the decision date, and shall include all documents, copies of documents, and physical evidence accepted as review evidence.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 16503, Welfare and Institutions Code.

31-021	CHILD ABUSE CENTRAL INDEX (CACI) GRIEVANCE PROCEDURES	31-021
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- .1 Within five (5) business days of submitting an individual's name to the Department of Justice (DOJ) for listing on the CACI pursuant to Section 31-501.4, the following forms shall be sent to the individual of his/her last known address:
 - .11 The Notice of Child Abuse Central Index Listing (SOC 832),
 - .12 Grievance Procedures for Challenging Reference to the Child Abuse Central Index (SOC 833), and
 - .13 Request for Grievance Hearing (SOC 834).
- .2 Request for a Grievance Hearing
 - .21 The complainant shall send by mail, fax or in person, a completed SOC 834 form, or a written request for grievance hearing that includes all of the information required under Section 31-021.213, signed by the complainant to request a grievance hearing. This must be received by the county within thirty (30) calendar days of the date of notice. Failure to send the completed SOC 834 form or written request within the prescribed timeframe shall constitute a waiver of the right to a grievance hearing.

31-430 **ADDITIONAL REQUIREMENTS FOR VOLUNTARY PLACEMENTS** **31-430**
(Continued)

- .33 Assist the parent(s)/guardian(s) of voluntarily placed children to understand that he/she still retains legal custody of the child even though he/she voluntarily places the child with the agency; and that he/she may limit by written agreement the scope of the foster parent's authority to give parental consent.
- .34 Ensure that the computation of the share of costs is completed pursuant to Welfare and Institutions Code Section 16507.4(a).

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 16507.2, 16507.3, and 16507.4, Welfare and Institutions Code.

31-435 **OUT-OF-COUNTY AND OUT-OF-STATE** **31-435**
PLACEMENT REQUIREMENTS

- .1 Out-of-county placements shall be subject to the additional criteria specified in Section 31-505.
- .2 Out-of-state placements shall be subject to the additional criteria specified in Section 31-510.
- .21 Prior to placing a child in an out-of-state group home, the county multidisciplinary team shall assess the child's need for an out-of-state group home placement and make a placement recommendation to the court. Upon an order from the court, the county placing agency shall make the placement pursuant to the Interstate Compact on the Placement of Children (Section 31-510).

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 361.2, Welfare and Institutions Code; and Sections 7901, 7911, 7911.1, and 7912, Family Code.

31-440 **FOSTER PARENT(S) NOTIFICATION REQUIREMENTS** **31-440**

- .1 The foster parent(s) shall be given at least seven calendar days' advance written notice of intent to remove a child, and of the right to request a grievance review.
 - .11 The county shall have the authority to include a waiver of the notice requirement specified in Section 31-440.1 in the written placement agreement with the foster parent(s).
 - .111 Waivers shall not exceed six months from the date of placement.
 - .112 Waivers shall be considered exceptions used solely to meet unusual individual needs.
- .2 The county shall not be required to provide the notice specified in Section 31-440.1 if one or more of the following conditions exist:

31-440	FOSTER PARENT(S) NOTIFICATION REQUIREMENTS (Continued)	31-440
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- .21 The child is in immediate danger.
- .22 A signed waiver of notice has been obtained from the foster parent(s), as specified in Section 31-440.11.
- .23 A court has ordered the child's removal.
- .24 Adverse licensing or approval actions have occurred that prohibit the foster parent(s) from continuing to provide services.
- .25 Removal of a voluntarily placed child is made or requested by the child's parent(s)/guardians.
- .26 The child is removed from an emergency placement.
- 3 For foster parents providing permanent placement services the social worker shall provide the foster parent(s) with written notice explaining the court order that permanent placement services be terminated.
 - .31 The county shall be permitted to use a copy of the court report or modified service plan for purposes of notifying the foster parent(s), if appropriate.
- 4 A relative or nonrelative extended family member whose home has been deemed not to meet the approval standards shall be given notice that their home does not meet approval standards and that they have access to the grievance procedures set forth in MPP Section 31-020, provided they appeal the agency's decision in writing within 5 working days of their receipt of the notice.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Assembly Bill 1695, Section 21. Reference: Section 16501, Welfare and Institutions Code; and Assembly Bill 1695 (Chapter 653, Statutes of 2001).