ORANGE COUNTY SOCIAL SERVICES AGENCY
CFS OPERATIONS MANUAL

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Placement Grievance Review

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Purpose

To provide guidelines for responding to complaints received from parents, legal guardians, licensed and certified foster parents, and children regarding the placement or removal of a child in out-of-home care.

Approved

This policy was approved by Mike Ryan, Director of CFS, on July 14, 2010. *Signature on file*.

Background

The California Department of Social Services (CDSS) requires a grievance process to review complaints from parents, children, and out-of-home care providers, concerning the placement or removal of a child from a foster home.

The Social Services Agency (SSA) and Children and Family Services (CFS) have various other review procedures for clients. In addition to the placement grievance review, the following grievance processes exist:

A. Grievance procedures for relatives and non-relative extended family members (NREFM) that have been denied approval of their home for placement are addressed in CFS Policy and Procedure (P&P) State Hearings (B-0122).

B. Grievance procedures for individuals reported to the Department of Justice (DOJ) for inclusion in the Child Abuse Central Index (CACI) are addressed in CFS P&P Grievance Reviews for CACI Submissions (A-0301).

C. Grievance procedures for denied adoption applications are addressed in CFS P&P Adoption Application—Denial and Grievance (C-0101).

D. State Hearings for complaints regarding foster care payments or social services are addressed in CFS P&P State Hearings (B-0122).

E. A Juvenile Justice Commission Review may be requested by caregivers regarding their dissatisfaction with any CFS action or inaction which is felt to be harmful to a foster child.

F. Complaints of discrimination are addressed in SSA Administrative P&P Civil Rights and Nondiscrimination (D 19) and CFS P&P Client Rights (B-0105).

G. Grievance procedures for children removed from a prospective adoptive parent, after parental rights have been terminated, involve Court and are identified in Welfare and Institutions Code (WIC) 366.26 (n).

Legal Mandates

CDSS Manual of Polices and Procedures (MPP), Division 31-020 outlines the required placement grievance procedures.

CDSS Manual of Polices and Procedures (MPP), Division 31-440.1 outlines the requirements for foster parents to receive at least seven calendar days advance written notice of intent to remove a child and the right to request a grievance review.

CDSS Manual of Polices and Procedures (MPP), Division 31-440.2 outlines the conditions in which advance written notice of removal is not required.

CDSS Manual of Polices and Procedures (MPP), Division 31-025 and Welfare and Institutions Code (WIC) Section 16503 mandate and define foster care placement administrative reviews.

Welfare and Institutions Code (WIC) Sections 10950–10967 outline the requirements of state hearings for social service clients dissatisfied with an action of a county agency.

Definitions

Grievance: Pursuant to CDSS MPP Division 31-002 (g)(1), an expression of dissatisfaction with SSA's procedures or actions regarding the placement or care of a child in, or removal of a child from, a particular foster home.

Grievance Review Agent: Pursuant to CDSS MPP Division 31-002 (g)(1)(A), the person designated to conduct grievance reviews and render a written recommended decision. The SSA Grievance Review Agent is a Program Integrity Program Manager (PM).

Party to Grievance Review: Pursuant to CDSS MPP Division 31-002 (g)(1)(B), the complainant requesting the review and the agency responsible for the action which is the basis of the complaint.

Representative: Pursuant to CDSS MPP Division 31-002 (r)(4), a person, including an attorney, relative, friend, or other individual, authorized by the complainant or by SSA/CFS, to act for and represent them in any and all aspects of the review.

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Informal Review Options

CFS staff will employ engagement practices to maintain positive and effective communications with parents, out-of-home caregivers, and children to enhance the possibility of issue resolution before the need for a grievance review is identified.

CFS may resolve a complaint prior to conducting a grievance review. There are two levels of informal review available to complainants prior to a grievance hearing:

A. **Conference:**
The first level option is a meeting between the dissatisfied parties (complainants), Senior Social Worker (SSW) involved in the placement/removal decision, and Senior Social Services Supervisor (SSSS). The SSW will schedule the meeting and the parties will discuss the complainant's concerns with the goal of reaching consensus.

Note: A Team Decision Making (TDM) Meeting may be utilized to address placement preservation issues. For further guidance on TDM Meetings, refer to CFS P&P Team Decision Making (D-0308).

B. **Administrative Conference:**
If a conference or a TDM Meeting is not successful, the second level option is a meeting involving the complainants, SSW, SSSS, and Program Manager (PM). The SSW will schedule the meeting and the parties will discuss the complainant's concerns with a goal of reaching consensus.

If the Administrative Conference is not successful, the final level of review is the grievance review.

Note: A Conference, TDM Meeting, or Administrative Conference is not required to proceed with a grievance review.

Grievance Review

The placement grievance review is a formal procedure for hearing and resolving complaints about placement decisions or placement actions taken by staff.

Review Exemptions

Grievance reviews **will not** be granted for any of the following:

- Removal of a child due to imminent danger
- Signed waiver of notice from the foster parent, per MPP Division 31-440.11
- Removal of a child based on a court order
- Adverse licensing or approval actions that prohibit the foster parents from ongoing service provision
- Removal of a voluntarily placed child by the child's parent or legal guardian
- Removal of a child or modification of services resulting from an administrative review panel determination pursuant to MPP Division 31-025
- Removal of a child for placement directly into an adoptive home
- Complaint regarding validity of a law or statewide regulation• Complaint regarding an issue for which a State hearing is available, per WIC §§ 10950–10967

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Review Advisement

CFS staff will advise of the right to a grievance review and provide a copy of grievance procedure regulations to the following:

- Parent or legal guardian at the time of initial child removal
- Out-of-home caregiver at the time the child is placed
- Any complainant (parents, legal guardians, caregivers, or children) at the time a complaint is filed

Review Requests

Requests for a grievance review require the following:

A. Written statement signed by the complainant requesting a review. *Notice of Intent to Remove a Child/Grievance Review Request (F063-28-124)* may be utilized for this purpose, but is not required.

B. Facts which the complainant believes provide a basis for reversal of the CFS staff action.

C. Filing within **10 calendar days** after becoming aware of the action under complaint.

Exception: In non-exempted circumstances of potential removal from placement, the complainant will submit the review request no less than two calendar days prior to the intended date of removal.

CFS staff will assist the complainant in completing the request for review if requested or necessary.

D. All requests for grievance will be mailed to:

Orange County Social Services Agency
Program Integrity
P.O. Box 22001
Santa Ana, CA 92702-2001

Review Process

Grievance review hearings will be held within **10 business days** from the date the written complaint is received by Program Integrity.

Notice of the date, time, and place for the review will be received by all parties not less than **five calendar days** prior to the hearing.

Continuances, not to exceed **10 calendar days**, may be granted by Program Integrity if additional evidence or witnesses are necessary to carry out the review.

The child will remain with the foster parent pending the decision of the review hearing.

The review will be conducted by a knowledgeable and objective review agent who is a person not involved in the complaint, not in the direct chain of supervision of the parties involved, unless the Director of SSA or the Director of CFS carries out this role.

Note: SSA Program Integrity PMs are the designated review agents for CFS.

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The review agent will, to the extent possible, conduct reviews in a non-adversarial manner.

Documents and physical evidence introduced are available for examination by all parties or their representatives.

All parties and the review agent will consent to the presence of other persons in attendance at the hearing.

An oath or affirmation will be administered for testimony.

A tape recording is made of testimony during the hearing. The recording will be maintained by the CFS Custodian of Records.

Review Decision

The primary consideration of the review process is the safety and best interest of the child.

The decision will be based upon the evidence presented at the hearing.

The review agent will render a written recommended decision, and the CFS Director, or designee, will issue a signed final written decision within five calendar days after completion of the review.

The written decision will contain:

- A summary statement of the facts
- The issues involved
- Findings
- The basis for the decision

The decision issued by the CFS Director or designee is binding on all parties to the grievance review.

Note: Court orders for the removal of a child supersede a grievance review decision.

A copy of the decision will be sent to the following:

- Each party to the review
- Every representative of each party
- CDSS

The review record will be retained for one year from the decision date and will include the following:

- All documents
- Copies of documents
- Physical evidence accepted as review evidence
- Tape recording

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REFERENCES

Attachments and Data Entry Standards

Click on the links below to directly access attachments to this P&P and any Data Entry Standards referred to.

- Attachment 1—Placement Grievance Review Case Presentation and Review Format

Hyperlinks

Users accessing this document by computer may create a direct connection to the following references by clicking on them.

- SSA Administrative P&P Civil Rights and Nondiscrimination (D 19)
- CFS P&P Grievance Reviews for Child Abuse Central Index (CACI) Submission (A-0301)
- CFS P&P Client Rights (B-0105)
- CFS P&P Adoption Application—Denial and Grievance (C-0101)
- CFS P&P State Hearings (B-0122)
- CFS P&P Team Decision Making (D-0308)

Other Sources

Other printed references include the following:

None.

REQUIRED FORMS

Online Forms

Required forms listed below may be printed out and completed, or completed online, and may be accessed by clicking on the link provided.

Form Name	Form Number
None.	

Hard Copy Forms

Forms listed below must be completed in hard copy (including multi-copy NCR forms). ***For reference purposes only,*** links are provided to view these hard copy forms, where available.

Form Name	Form Number
Notice of Intent to Remove a Child/Grievance Review Request	F063-28-124
Notice of Intent to Remove a Child/Grievance Review Request (Spanish)	F063-28-124Sp
Waiver of Right to Request Grievance Review	F063-28-123
Waiver of Right to Request Grievance Review (Spanish)	F063-28-123Sp

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CWS/CMS Forms

The following required forms may **only** be obtained in CWS/CMS. ***For reference purposes only,*** links are provided to view these CWS/CMS forms, where available.

Form Name	Form Number
None.	

Brochures

Brochures to distribute in conjunction with this procedure include:

Brochure Name	Brochure Number
Parent's Guide to Dependency Proceedings	F063-28-290
Parent's Guide to Dependency Proceedings (Spanish)	F063-28-290Sp
Grievance Review Procedure Guide for Parents	F063-25-634
Grievance Review Procedure Guide for Parents (Spanish)	F063-25-634Sp

PROCEDURE

Required Actions—Notice of Right to Request a Review	The following actions will be completed when providing notice of right to request a grievance review.	
Staff Responsible	**Step**	**Required Action**
Placement/ Diversion Social Worker	**1.**	Upon placement of a child with an out-of-home caregiver, review *Grievance Review Procedure (F063-25-634)* located in the placement packet with the caregiver and document in a Child Welfare Services/Case Management System (CWS/CMS) Contact Notebook.
Emergency Response Senior Social Worker (SSW)	**2.**	Upon removal of a child from the home, provide parent(s)/legal guardian(s) a copy of *Grievance Review Procedure (F063-25-634)* along with *Parent's Guide to Dependency Proceedings (F063-28-290).* In circumstances where face-to-face contact with parent(s)/legal guardian(s) does not occur, mail the brochure and guide to the last known address.
	3.	Document distribution of *Grievance Review Procedure (F063-25-634)* and *Parent's Guide to Dependency Proceedings (F063-28-290)* to parent(s)/legal guardian(s) in the CWS/CMS Investigation Narrative.
Assigned SSW	**4.**	If a parent/legal guardian presents to CFS for the first time (e.g., previously unknown whereabouts, previously unable or unwilling to participate), provide copy of *Grievance Review Procedure (F063-25-634)* and *Parent's Guide to Dependency Proceedings (F063-28-290)* and document distribution in a CWS/CMS Contact Notebook.

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All CFS Staff	**5.**	Provide any complainant (i.e., parents, legal guardians, caregivers, or children) at the time of the complaint, a copy of *Grievance Review Procedure (F063-25-634).*

Required Actions—Notice of Intent to Remove Child	The following actions will be completed when intending to remove a child from placement.	
Staff Responsible	**Step**	**Required Action**
Assigned SSW	**1.**	Schedule Team Decision Making (TDM) Meeting pursuant to CFS P&P Team Decision Making (D-0308).
	2.	Complete *Notice of Intent to Remove a Child/Grievance Review Request (F063-28-124)*, including reason for removal.
	3.	Give yellow and pink copies of *Notice of Intent to Remove a Child/Grievance Review Request (F063-28-124)* to caregiver at least seven calendar days prior to removal. **Note:** Advance notice of intent to remove is not required under certain circumstances. Refer to CFS P&P Out-of-Home Placement (K-0208), “Notice of Removal” Policy Section, for further direction.
	4.	File white copy (original) of *Notice of Intent to Remove a Child/Grievance Review Request (F063-28-124)* on the *Placement Acco (F063-25-106).*
	5.	If caregiver has requested or agreed to the removal, obtain signature on *Waiver of Right to Request Grievance Review (F063-28-123).* Provide yellow copy to caregiver; file white copy on the *Placement Acco (F063-25-106).*

Required Actions—Grievance Review Process	The following actions will be completed when conducting a placement grievance review.	
Staff Responsible	**Step**	**Required Action**
Grievance Review (GR) Coordinator	**1.**	Log date grievance review request received and forward to Grievance Review Agent.
GR Agent	**2.**	Verify review request meets criteria as outlined in the “Review Requests” Policy section above. **Note:** If a review will not be granted, GR Coordinator will notify complainant in writing of the reason, include a copy of the grievance procedure regulations, and advise of the Juvenile Justice Commission (JJC) review option.
GR Coordinator	**3.**	Contact complainant to identify any planned representatives (e.g., attorney, relative, friend that will be in attendance, etc.).

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	4.	Notify all parties by certified mail of the date, time, and place of the grievance review. • Review will be held within 10 business days from the date logged in step 1 • Notification of the review date will be received by all parties not less than five calendar days prior to the review. (**Note:** Notification includes a copy of the grievance regulations)
	5.	Email relevant CFS staff of the scheduled review.
Senior Social Worker (SSW)	**6.**	Prepare placement position statement based upon facts and evidence in case record and upon the original placement decision rendered by CFS. Refer to Attachment 1—Placement Grievance Review Case Presentation and Review Format for guidance in preparing placement position statement.
	7.	Forward copy of placement position statement to Senior Social Services Supervisor (SSSS).
SSSS	**8.**	Review placement position statement, modify if needed, and email to the GR Coordinator prior to the review date.
	9.	Arrange for relevant county witnesses (i.e., SSW, SSSS, PM, County Counsel, etc.) to be present at the grievance review.
	10.	Appear at the scheduled grievance review to present written placement position statement and oral evidence to defend the position.
GR Coordinator	**11.**	Prior to the review date, provide the finalized placement position statement to the following: • Complainant • Any representative of each party • SSW, SSSS, PM • County Counsel (if applicable)
GR Agent	**12.**	On the date of the grievance review, exclude unauthorized persons from the review unless all parties agree to the person's presence.
	13.	Administer the oath or affirmation to all parties giving testimony.
	14.	Accept all written and oral evidence presented by CFS, witnesses, and complainant or authorized representative. **Note:** Testimony will be recorded by tape recorder or other means capable of reproduction or transcription.

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	15.	If additional evidence or witnesses are necessary for a proper determination of the issue, continue the review for a period not to exceed 10 calendar days.
	16.	Submit a written recommended decision to the CFS Director, or designee. **Note:** The recommended decision will contain a summary statement of the facts, the issues involved, findings, and the basis for the decision.
	17.	Submit review record to GR Coordinator for filing.
CFS Director or Designee	**18.**	Review recommended decision and return final decision to GR Agent within five calendar days of review completion.
GR Coordinator	**19.**	Send copies of the CFS Director's decision to: • SSSS, PM, and PM's Deputy Director • Representative of each party • SSA Administration—Operations Management and Support Services Deputy Director • Licensing Supervisor (if applicable) • CDSS: California Department of Social Services Child and Youth Permanency Branch Permanency Policy Bureau 744 P Street MS 8-13-66 Sacramento, CA 95814
	20.	File the review record, including all documents and physical evidence accepted as evidence, with the CFS Custodian of Records. Records are maintained for one year from the date of the review decision.
SSSS	**21.**	Review the decision and forward to the SSW for inclusion in case records.
SSW	**22.**	Take any appropriate action based upon the final decision.
	23.	File the placement position statement and the final decision on the *Placement Acco (F063-25-106).*

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