

**CALIFORNIA DEPARTMENT OF SOCIAL SERVICES
GRIEVANCE PROCEDURE REGULATIONS**

31-020 GRIEVANCE PROCEDURES 31-020

- .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.
 - .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.
- .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.
 - .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.

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:
 - .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.