
**ORANGE COUNTY SOCIAL SERVICES AGENCY
CFS OPERATIONS MANUAL**

Effective Date: May 15, 1987
Revised: May 20, 1988
Revised: October 7, 2004
Revised: July 14, 2010
Revised: August 20, 2015

Number: K-0206

Placement Grievance Review

Purpose	To provide guidelines for responding to complaints regarding the placement or removal of a child in out-of-home care.
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Approved	This policy was approved by Gary Taylor, Director of CFS, on August 20, 2015. <i>Signature on file.</i>
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Most Recent Revision	This revision of the Policy and Procedure (P&P) includes clarification regarding Children and Family Services (CFS) staff responsibilities, including completion of a Placement Position Statement.
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Background	The California Department of Social Services (CDSS) requires counties develop 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.
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In Orange County (OC), grievance processes are managed within the Social Services Agency (SSA) Administrative Division. Staff within Quality Support Team (QST) acts as the Grievance Review (GR) Coordinator, who receives and coordinates grievance requests, while a Program Manager (PM) within Program Integrity (PI) acts as the GR Agent, who conducts the hearings and facilitates the review decision.

This policy does not apply to:

- A. Grievance procedures for relatives and non-relative extended family members (NREFMs) that have been denied approval of their home for placement. See CFS P&P [State Hearings \(B-0122\)](#).
- B. Grievances related to the Child Abuse Central Index (CACI). See CFS P&P [Grievance Reviews for CACI Submissions \(A-0301\)](#).
- C. Grievance procedures for denied adoption applications. See CFS P&P [Adoption Application—Denial and Grievance \(C-0101\)](#).
- D. State Hearings for complaints regarding foster care payments or social services. See CFS P&P [State Hearings \(B-0122\)](#).
- E. A Juvenile Justice Commission (JJC) review requested by individuals regarding their dissatisfaction with any CFS action or inaction believed to be harmful to a foster child.
- F. Complaints of discrimination. See SSA Administrative P&P [Civil Rights and Nondiscrimination and Americans with Disabilities Act, Title II \(D 19\)](#) and CFS P&P [Client Rights \(B-0105\)](#).
- G. Grievance procedures for children removed from a prospective adoptive parent, per Welfare and Institutions Code (WIC) Section (§) 366.26(n). See CFS P&P [Adoptive Placement \(C-0702\)](#).

Definitions

None.

POLICY

Informal Review Options

Per CFS policy, staff will make efforts to 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. Staff may resolve a complaint prior to conducting a grievance review via:

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. See 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.

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

**Grievance
Review
Process**

Per California Department of Social Services (CDSS) Manual of Policies and Procedures (MPP) Division 31-020 general activities for grievance reviews include:

- Notifying clients of the right to request a grievance
- Receiving grievance requests
- Scheduling hearings and providing notices
- Gathering and presenting evidence at the hearing
- Conducting the hearing
- Rendering and communicating the review decision to each party
- Maintaining the review record

CFS Tasks

Regarding CDSS MPP Division 31-020, CFS staff will:

A. **Provide Notification**

Staff will advise of the right to a grievance review and provide *Placement Grievance Review Procedure Guide (F063-25-634)* to:

1. Parent or legal guardian at the time of initial child removal along with other documents provided at removal as instructed in CFS P&P [Abuse Investigations—](#)

[Protective Interventions \(A-0414\)](#). For situations where in-person contact does not occur, mail documents to the last known address.

Note: If a parent/legal guardian presents to CFS for the first time after child removal (e.g., previously unknown whereabouts, previously unable or unwilling to participate, etc.) the assigned worker will provide *Placement Grievance Review Procedure Guide (F063-25-634)*.

2. Out-of-home caregiver at the time the child is placed. See CFS P&P [Out-of-Home Placement \(K-0208\)](#).
3. Any complainant (parents, legal guardians, caregivers, or child) at the time a complaint is filed.
4. Out-of-home caregiver when intending to remove a child from placement. Per CDSS MPP Division 31-440, staff will provide caregivers with at least seven calendar days advance written notice of intent to remove a child and the right to request a grievance review. **Note:** Advance notice is not required under certain circumstances as outlined in CFS P&P [Out-of-Home Placement \(K-0208\)](#).

Per CFS policy, advance notice, when required, will be provided via *Notice of Intent to Remove a Child/Grievance Review Request (F063-28-124)*.

Per CDSS MPP Division 31-440.11, a caregiver may waive advance notice of removal and in so doing waives the right to a grievance hearing. Per CFS policy, waivers will be documented on *Waiver of Advance Removal Notice and Waiver of Grievance Review Hearing (F063-28-123)*.

B. Forward Requests Received

If a complainant submits a written hearing request to CFS, staff will promptly forward the request (noting staff name and date received) to the address noted on [Attachment 1— Placement Grievance Review Process](#). **Note:** Staff will assist the complainant in completing the request for review if requested or necessary. Further, staff will refer complainants to the GR Coordinator for questions and comments about their hearing request.

C. **Communicate with GR Coordinator and Agent**
CFS staff, primarily assigned SSW and SSSS, will be available for consultation and will provide a position statement as requested by GR staff.

D. **Prepare a Placement Position Statement**
Upon being notified by the GR Coordinator of a scheduled hearing, the SSW will prepare a placement position statement summarizing the facts and evidence in the case record which support the placement decision under review and forward to SSSS.

Information to include in a placement position statement will depend on the specific needs of the case and adhere to confidentiality guidelines outlined in CFS P&P [Confidentiality of Client Records \(F-0105\)](#). See [Attachment 1—Placement Grievance Review Process](#).

Supervisors will review, modify if needed, and forward the prepared position statement to the GR Coordinator by the date provided by the GR Coordinator (e.g., five business days prior to hearing date).

E. **Attend Hearing**
CFS staff will attend the hearing as requested by GR staff. Further, the SSSS will:

- Arrange for relevant county witnesses (i.e., SSW, PM, etc.) to be present at the hearing
- Present the position statement and oral evidence

F. **Adhere to Decision**
A 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.

Upon receipt of the review decision from GR staff, the SSSS will review the decision, consult with SSW as needed, and forward the decision to SSW for further action as necessary.

The SSW will take action based upon the decision and file documents received from GR staff (e.g., placement position statement and review decision) on the *Placement Acco (F063-25-16)*. In addition, CFS staff will document actions taken or directives received in Child Welfare Services/Case Management System (CWS/CMS) contacts.

Review Exemptions

Pursuant to CDSS MPP Division 31-020, grievance reviews will not be granted for the following situations:

- 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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REFERENCES

Attachments and Data Entry Standards

Hyperlinks are provided below to access attachments to this P&P and any CWS/CMS Data Entry Standards that are referenced.

- [Attachment 1—Placement Grievance Review Process](#)
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Hyperlink

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 and Americans with Disabilities Act, Title II \(D 19\)](#)
- 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 \(D-0308\)](#)
- CFS P&P [Out-of-Home Placement \(K-0208\)](#)
- CFS P&P [Abuse Investigations—Protective Interventions \(A-0414\)](#)

- CFS P&P [Confidentiality of Client Records \(F-0105\)](#)
- CFS P&P [Adoptive Placement \(C-0702\)](#)

Other Sources Other printed references include the following:
None.

FORMS

Online Forms 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
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None.

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

Form Name	Form Number
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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 Advance Removal Notice and Waiver of Grievance Review Hearing	F063-28-123
Waiver of Advance Removal Notice and Waiver of Grievance Review Hearing (Spanish)	F063-28-123Sp
Placement Acco	F063-25-16

CWS/CMS Forms The following 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
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None.

Brochures Brochures to distribute in conjunction with this procedure include:

Brochure Name	Brochure Number
Grievance Review Procedure Guide	F063-25-634
Grievance Review Procedure Guide (Spanish)	F063-25-634Sp

LEGAL MANDATES

California Department of Social Services (CDSS) [Manual of Policies and Procedures \(MPP\), Division 31-020](#) outlines the placement grievance procedures.

CDSS [MPP Division 31-440.1](#) requires foster parents receive at least seven calendar days advance written notice of intent to remove a child and the right to request a grievance review.

CDSS [MPP Division 31-440.2](#) outlines the conditions in which advance written notice of removal is not required.

CDSS [MPP Division 31-025](#) and [Welfare and Institutions Code \(WIC\) Section \(§\) 16503](#) mandate and define foster care placement administrative reviews.

[WIC § 10950–10967](#) provide the requirements of state hearings for social service clients dissatisfied with an action of a county agency.