

# CACI Grievance Procedures

(Revised 3/26/21)

[Forms](#)

[Policy](#)

[Noticing Policy](#)

[Requesting a Grievance Hearing](#)

[Scheduling the Hearing](#)

[Confirming a CACI Listing](#)

[CACI Grievance Procedures](#)

[Legal Assistance at the Hearing](#)

[Requirements for Grievance Hearing](#)

[Witness at the Grievance Hearing](#)

[Grievance Hearing Decisions](#)

[DOJ Notification](#)

[Family Court Notification](#)

[Grievance Hearing Unit Public Line](#)

[Alignment with SET](#)

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## Forms

The following forms are referenced in this file:

- 04-191 Notification to Family Court of CWS Allegation Conclusion Change
  - 04-376 Authorized Representative Form (PPS Form)
  - 04-377 Internal Review Report (PPS Form)
  - 04-378 Determination Letter (PPS Form)
  - 04-383 Position Statement
  - 04-384 Notice of Grievance Hearing (PPS Form)
  - 04-384sp Notice of Grievance Hearing-Spanish (PPS Form)
  - 04-420 DOJ Grievance Decision Report (PPS Form)
  - 04-389 Grievance Hearing Unit Certificate of Mailing (PPS Form)
  - BCIA 8583 Child Abuse or Severe Neglect Indexing Form (CWS/CMS Template)
  - SOC 832 Notice of Child Abuse Central Index (CACI) Listing (CWS/CMS Template)
  - SOC 833 Child Abuse Central Index Listing Grievance Procedures (CWS/CMS Template)
  - SOC 834 Request for Grievance Hearing (CWS/CMS Template)
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**Policy**

Individuals listed on the Child Abuse Central Index (CACI) have rights that require CWS to inform:

- individuals that they are being reported to the CACI
- reported individuals of their right to challenge the listing on CACI in a grievance hearing
- individuals of state guidelines and procedures concerning the grievance hearing and process

These mandates are accomplished through CWS's Grievance Hearing Unit (GHU).

Additional CACI information is available, [click here](#).

For additional policies on Grievance Procedures within CWS see Grievance Review by SCP or Parent and Denial and Grievance Procedures for Adoption Home Studies .

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**Noticing Policy**

Within five (5) business days of the County reporting a suspect to the CACI (by submitting a completed BCIA 8583, the SW will provide the following to that person:

- Notice of Child Abuse Central Index Listing (SOC 832)
- Child Abuse Central Index Listing Grievance Procedures (SOC 833)
- Request for Grievance Hearing form (SOC 834)

Additional information available, see Processing DOJ Form BCIA 8583.

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**Requesting a  
Grievance Hearing**

The CWS Grievance Hearing Unit (GHU) carries out the mandates related to the rights of individuals listed on the CACI .

The individual requesting a CACI grievance hearing must submit a completed Request for Grievance Hearing form (SOC 834) to the GHU. The request must be received by the GHU within 30 calendar days of the date the suspect was notified of their CACI listing (the date that the SW mailed the SOC 832, 833, and 834 forms to the individual at the last known address for the suspect). Failure to send the completed form within the prescribed 30 calendar day period constitutes a waiver of the right to a grievance hearing.

If an individual was not previously notified of their listing on the CACI, they may file a completed Request for Grievance form (SOC 834) within 30 calendar days of the date they became aware of their listing. Failure to send the completed form within the prescribed timeframe constitutes a waiver of the right to a grievance hearing.

If an individual requests assistance with completing the Request for Grievance form (SOC 834), the SW or Grievance Facilitator will assist the individual.

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**Scheduling the  
Hearing**

Upon receiving a Request for Grievance Hearing form (SOC 834) the GHU staff will schedule a hearing within 60 days and notify the individual of that hearing date no later than 10 days after receiving the form.

Should the individual fail to show for the scheduled hearing, withdraw the request for a hearing, arrive late requiring the hearing to be rescheduled or request the hearing be postponed a Response to Request for Grievance Hearing Letter will be sent to the individual.

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## Confirming a CACI Listing

If an individual would like to know if their name is listed on the CACI they may access the instructions directly by going to the Department of Justice (DOJ) website at <http://oag.ca.gov/childabuse/selfinquiry> and follow the instructions to submit the inquiry to DOJ in Sacramento (address to mail inquiry is on the website).

DOJ will notify the person within 45 calendar days if their name is listed.

If the individual is listed on CACI, the individual may contact the GHU at (858) 616-5988 and provide the written information received by the DOJ. GHU will mail the necessary forms to the individual or make the forms available in person so that a hearing can be pursued.

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## CACI Grievance Procedures

The procedural responsibilities of the GHU staff are as follows:

Step	What	Action
1	Review	Upon receipt of the Request for Grievance Hearing form (SOC 834), the GHU will determine if the client is eligible for a CACI Grievance Hearing by conducting a preliminary review.
2	Determine Eligibility for Grievance Hearing	<p><b>If the suspect/requestor is not eligible</b> for a hearing because a Court of competent jurisdiction has determined that the suspected child abuse/severe neglect occurred, OR the matter is pending before a Court of competent jurisdiction, <b>then the GHU will</b> send a certified determination (04-378) letter to the requestor, advising them of such determination.</p> <p><b>If the suspect/requestor is eligible</b> for a Grievance Hearing, <b>then the GHU will:</b></p> <ul style="list-style-type: none"><li>• Schedule a Grievance Hearing</li><li>• Send a blank Authorized Representative form and Notification of Grievance Hearing form.</li></ul>

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**CACI Grievance  
Procedures (cont.)**

Step	What	Action
3	Internal Review	<ul style="list-style-type: none"><li>• Prior to conducting a Grievance Hearing, an internal review may be conducted.</li><li>• The internal review process includes preliminary verification of investigational documents by the GHU.</li><li>• The Internal review process may result in a change to the allegation conclusion(s), and may not proceed to a hearing. If the internal review recommends proceeding with the hearing, the GHU will proceed to hold a CACI grievance hearing.</li></ul>
4	Inspection of CWS records	<p>All suspects who have been determined to be eligible for a CACI grievance hearing are permitted to inspect the Records/review redacted copies of CWS records that will be utilized during the CACI Grievance Hearing. The Inspection of Records takes place, by appointment, at the CWS office at 8965 Balboa Avenue, San Diego, CA.</p> <p>The record is comprised of all the evidence collected and considered by the investigating SW during the course of the investigation. The record includes but is not limited to the following documents:</p> <ul style="list-style-type: none"><li>• Emergency Response Referral Document</li><li>• Investigation Narrative</li><li>• Delivered Service Logs</li><li>• Structured Decision Making tools (Risk and Safety Assessment)</li><li>• Safety Plan</li><li>• External documents (law enforcement report and/or medical report)</li><li>• Other: photographs, Family Court Letter, TRO, MPO</li><li>• Documents provided to SW during the course of the investigation</li></ul> <p>The GHU will prepare redacted copies of the CWS record for the inspection of records, per Discovery - File Review.</p> <p>This review/inspection of records is permitted by a blanket court order, "Order Authorizing Inspection of Child Abuse or Neglect Investigative Reports."</p>

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**CACI Grievance  
Procedures (cont.)**

Step	What	Action
5	Releasing Copies of CWS Records	<ul style="list-style-type: none"><li>• <b>Legal parents and legal guardians</b> may have a redacted copy of the CWS record released to them. This record is limited to the CWS referral being grieved. The provision of copies will follow Discovery - Requesting Photocopies.</li><li>• <b>All other suspects</b> may file an 827 Petition to obtain copies of CWS records. See 827 - Petition for Disclosure of Juvenile Case File. The GHU may provide the <a href="#">827 Petition Instruction Packet</a> to the requestor.</li></ul>
6	Hearing	The CWS Grievance Hearing Officer (GHO) hears the matter. (See additional information below).
7	Determination made	The GHO makes a determination and prepares written report.
8	Decision Finalized	The CWS Director: <ul style="list-style-type: none"><li>• Reviews and finalizes report</li><li>• Upholds or rejects decision</li></ul>
9	Decision Mailed to Individual and Authorized Representative	Mail a copy of the approved written decision, certified mail with return receipt and an attached certificate of mailing, to the individual and the authorized representative.

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**Legal Assistance at  
the Hearing**

The suspect may retain an attorney or other representative. CWS does not provide legal counsel for suspects.

If the suspect is represented by an attorney, the client must sign and submit an Authorized Representative Form (04-376) to the GHU.

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**Requirements for  
Grievance Hearing**

The requirements for the Grievance Hearing are as follows:

- All testimony will be given under oath or affirmation.
  - The Grievance Hearing Officer has no subpoena power. However, the parties may call witnesses and question each other's witnesses. The GHO may limit questioning to protect the witness.
  - The Grievance Hearing Facilitator reads the position statement into the record.
  - The Grievance Hearing Facilitator will present CWS' evidence, which supports the substantiated findings.
  - The suspect may provide evidence supporting their position to have their name removed from the CACI.
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**Requirements for  
Grievance Hearing  
(cont.)**

- The GHO has the authority to continue the hearing for no more than 10 calendar days if additional information is needed to make a decision.
- An audio recording of each hearing is required. The GHU will maintain the administrative record of the grievance hearing.

The suspect and his/her attorney/authorized representative and witnesses will be the only persons allowed to be present during the hearing, unless all parties consent to the presence of other persons.

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**Witnesses at the  
Grievance Hearing**

The SW who conducted the investigation **must** be present at the Grievance Hearing if they are still employed by the County, regardless of any work assignment conflict.

The GHO may permit the testimony of a child only if the participation is voluntary and the child is capable of providing consent. The GHO may prevent the presence and/or examination of a minor for good cause, which includes protecting the child from trauma or to protect his/her health, safety and/or well-being. The GHO may interview the child outside the presence of County staff, the individual contesting their listing and/or any other party in order to determine if the child's participation is voluntary.

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**Grievance Hearing  
Decisions**

The GHO will determine whether the abuse allegation is unfounded, inconclusive, or substantiated based on the evidence presented as defined in the Penal Code 11165.12\*. The GHO provides a written recommended decision within 30 calendar days of the close of the grievance hearing.

The final decision is approved by the CWS Director and rendered within 10 business days after the GHO's recommended decision is issued. A copy of the approved written decision is mailed, certified mail with return receipt and an attached certificate of mailing, by the GHU to the individual and the authorized representative.

\*Penal Code 11164 - 11174.3 is known as The Child Abuse and Neglect Reporting Act. Penal Code sections 11165.1 to 11165.4 contain the legal definitions of the various types of abuse. Penal Code section 11165.12 gives the legal definitions of allegation conclusions. These codes may be accessed [online](#).

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**DOJ Notification**

When CWS changes the substantiated finding of abuse or severe neglect, as a result of the Grievance Hearing process (i.e., internal review or a grievance hearing), the GHU advises the DOJ of the change and requests the removal of the individual's name from CACI.

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**Family Court  
Notification**

When substantiated findings of abuse or severe neglect are changed as a result of the grievance hearing process, AND the GHU is aware of San Diego County Family Court involvement, the GHU will notify the Family Court, Family Court Services and each parent of the changed conclusion(s) through the 04-191 form.

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**Grievance Hearing  
Unit Public Line**

The Grievance Hearing Unit's Public Line number is (858) 616-5988.

This line is available to assist clients who have questions about:

- The Grievance Hearing process
- Being listed on the Child Abuse Central Index (CACI)
- The right to appeal
- The Self Inquiry Process
- Inspection of Records
- Authorized Representative Forms (04-376).

There are several options to select from in both English and Spanish. The voicemail system is monitored by the GHU Monday through Friday, between 8:00 a.m. and 5:00 p.m.

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**Alignment with SET**

This policy aligns with the SET Practice Framework by supporting the following SET Value:

SET [Value 5](#): This policy supports the Agency's practice to establish and maintain a strong working relationship with the legal system.

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