

## Overview

1. Complaint received
2. Complaint assigned
3. File Review
4. Initial inspection
5. Interviews
6. Review of evidence
7. Determination
8. Delivery of Findings
9. Possible citations and plans of correction

Collaboration, communication and partnership with foster parent.

## You Have Rights

- The right to know the allegation as soon as possible including the regulation which may have been violated
  - If such notice will hinder the investigation, the LPA will not immediately disclose the details of the allegation
- The right to appeal any determination or citation

## Please Note

- LPAs will never divulge the source of the complaint
- The law requires that all complaints be investigated

Complaint Investigation Process

CDSS – CCLD – CRP

November 2015



## Complaint Investigation Process

*Community Care Licensing Division*

Statewide Children's Residential Program

*What Licensed Foster Parents can expect during a complaint investigation by the California Department of Social Services – Community Care Licensing Division*

## What is a Complaint?

Our goal is to provide foster children quality parenting in a safe environment.

A complaint is an allegation that any licensing regulation or law has been violated.

The Foster Family Home regulations can be found at <http://cclid.ca.gov/>

## The Steps in the Process:

### 1. A Complaint is Received

A complaint can be made in person or via phone, email, fax or letter. The source of the information may be anyone, including a child, parent, guardian, authorized representative, relative, neighbor, teacher and counselor. The complainant may request to be anonymous. The complaint may contain one or more allegations.

### 2. The Complaint is Assigned

Complaints are sent to the Regional Office for assignment to the appropriate staff. Allegations of sexual or physical abuse are typically referred to the Investigations Bureau (IB) and the investigation is coordinated by IB and a Complaint Specialist.

### 3. The File is Reviewed

Before the LPA makes contact with the foster parent, he/she will conduct a file review, attempt to contact the complainant and plan the investigation.

### 4. An Initial Inspection is Conducted

Complaint Inspections are unannounced; they are made without prior notice to the foster parent. The initial inspection will be conducted within 10 days of receipt of the complaint. The LPA will identify him/herself and explain the purpose of the inspection. Then the LPA will outline what he/she intends to do while in the home and how the foster parent can assist. While at the home, the LPA may conduct interviews, tour the home with the foster parent and review files.

If possible, the LPA will make a determination and deliver findings before leaving the home. However, the complexity of complaints often necessitates further investigation. Before leaving, an exit interview will be conducted, which will outline the next steps in the investigation.

### 5. Interviews are Made

Interviews held with persons who have knowledge of the allegation will aid the investigation. The LPA will attempt to interview as many witnesses related to the allegation as possible. It is a best practice for the LPA to interview children away from the home. Foster Parents' biological children cannot be interviewed without a parent's permission. Foster children can request that an adult be present at interviews.

### 6. Evidence is Reviewed

Additional relevant evidence will be sought and reviewed including, but not limited to, medical records, law enforcement reports, photographs and fire inspector reports.

### 7. A Determination is Made

Once all the evidence has been gathered and interviews conducted, the LPA will make a determination regarding the allegation. The possible conclusions are:

**Unfounded:** the allegation is false, could not have happened and/or is without a reasonable basis.

**Inconclusive:** although the allegation may have happened or is valid, there is not a preponderance of the evidence to prove that the alleged violation occurred.

**Substantiated:** the allegation is valid because there is a preponderance of evidence to prove that the violation occurred.

### 8. The Findings are Delivered

Findings will typically be delivered in person to the foster parent.

## Follow-Up:

### Citations and Plans of Correction

Allegations that are determined to be substantiated are accompanied by a citation. A citation is a notice of deficiency issued to a foster parent for a violation of a statute or regulation. LPAs can use an advisory note instead of issuing a citation for violations that are technical in nature and do not present an immediate or potential health, safety or personal rights risk. The LPA should clearly explain violations to the foster parent. The foster parent will develop a Plan of Correction along with the LPA. The Plan will describe how the licensee will bring their home into compliance. It must be measurable and verifiable. The LPA, with the foster parents, will establish a reasonable due date.

### What Should You Expect From Our Staff?

- ❖ They will treat all people with courtesy, dignity, fairness and respect.
- ❖ They will keep people informed about the status of the investigation. The LPLA will provide an estimated date of completion on the LIC 9099.
- ❖ They will work in partnership with foster parents and county agencies.
- ❖ They will close the complaint as soon as possible.

If you have any questions or concerns, you are welcome to call our staff at the number provided on the LIC 9099. It is our goal to fulfill our mission while reflecting the Core Values of the California Department of Social Services:

**Compassion:** Treat all people with dignity, fairness and courtesy.

**Diversity:** Solicit and listen to all ideas from people of various backgrounds and philosophies. Include these same people in policy and program considerations.

**Simplification:** Eliminate unnecessary paperwork, de-emphasize process, and emphasize goals and outcomes.

**Service:** Provide effective and responsive service with skill and integrity.