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

Effective Date: February 1, 1985
Revised: August 6, 2009
Revised: July 7, 2010
Revised: March 13, 2013
Revised: August 27, 2015

Number: B-0122

State Hearings

Purpose To provide guidelines for responding to requests for state hearings.

Approved This policy was approved by Gary Taylor, Director of CFS, on August 27, 2015. *Signature on file.*

Most Recent Revision This revision of the Policy and Procedure (P&P) clarifies the responsibilities of Children and Family Services (CFS), as it relates to the state hearing process.

Background The Orange County Social Services Agency (SSA) is responsible for providing notice to clients of the right to request a state hearing (aka, appeal), if dissatisfied with an action or inaction related to aid or services. Clients' rights are explained in writing on the Notice of Action (NOA).

State hearings are a type of administrative hearing that may be completed by video conference, telephone, or in-person.

Pursuant to CDSS Manual of Policies and Procedures (MPP), Division 22-000.1, the California Department of Social Services (CDSS) and the county have joint responsibility for providing a full and impartial hearing.

Pursuant to MPP Division 22-073 each county designates an Appeals Representative who assumes the major responsibility for the hearing, such as:

- Receiving hearing requests
- Investigating claims
- Assisting claimants prior to the hearing
- Presenting the county's position during the hearing
- Communicating hearing results to CFS staff

CDSS oversees the administration of the hearing process. An Administrative Law Judge (ALJ) conducts the hearings.

SSA Children and Family Services (CFS) are typically involved in the following types of state hearings:

- Denied Relative/Non-Relative Extended Family Member (NREFM) home assessment or approval (aka, Harris Hearing)
- Denied or terminated voluntary family services
- Denied or terminated financial aid

Note: State hearings cannot be used to change court orders.

This policy does not apply to:

- A. CFS decisions about placement or removal of a foster child. See CFS P&P [Placement Grievance Review \(K-0206\)](#).
- B. Child custody or case plan orders issued by Juvenile Court.
- C. Grievances related to the Child Abuse Central Index (CACI). See CFS P&P [Grievance Reviews for Child Abuse Central Index \(CACI\) Submissions \(A-0301\)](#).
- D. Discrimination complaints. See CFS P&P [Client Rights \(B-0105\)](#).
- E. Complaints about Supplemental Security Insurance (SSI) or Retirement, Survivors, Disability Insurance (RSDI) benefits.

Definitions

For purposes of this P&P, the following apply:

Notice of Action (NOA): A state form which notifies clients of action the county intends to take, reasons for the action, and provides an explanation about the client's right to request a state hearing in their declared primary language, when possible.

Administrative Law Judge (ALJ): A person designated to conduct state hearings.

Administrative Review Acco (F063-73): The Acco on which appeals documentation is filed.

Appeal: A request for a state hearing.

Appeals Representative: County staff in SSA Program Integrity – Appeals, who assumes the major responsibility for investigating, communicating, preparing, and presenting the case. Pursuant to Division 22-73.13, the county representative will not have had immediate prior involvement with the case.

Claimant: A person who has requested a state hearing and is, or has been, an applicant/recipient of aid; a relative/NREFM, foster parent, or foster care provider (on behalf of a child residing with them), a representative of the estate of a deceased applicant/recipient, a child’s relative caregiver, guardian, or sponsor of an alien.

Conditional Withdrawal (CWD): When the claimant and county enter into an agreement in which the claimant withdraws their request for hearing based on certain conditions that the county and/or claimant must meet. Usually, action is required within 30 days of the signed withdrawal form.

Filing Date: The date the hearing request is postmarked, if mailed, or the date it is received when hand-delivered.

Permanent Record: A record (electronic and/or paper) of CFS involvement with a family as defined in CDSS MPP Division 31, Chapter 31, § 31-002(c)(5).

State Hearing: A form of administrative hearing mandated by federal and state law whereby a dissatisfied claimant may obtain an impartial review of a county action.

Unconditional Withdrawal: When the claimant withdraws the hearing request/appeal without conditions. Also referred to as a Full Withdrawal (FWD).

POLICY

Overview of State Hearings

State hearings are an administrative, informal process available to clients who want to appeal a decision that denied, changed, or terminated, services or aid. For additional information about the state hearing processes refer to [Attachment 1—Overview of the State Hearing Process](#).

Notice of Action (NOA)

Clients are advised of their right to a state hearing through receipt of a NOA.

A client may file an appeal by completing the NOA and submitting, per direction provided on the form.

Typically CFS staff are involved in state hearings generated by the following types of NOAs:

- *Denial of Home Assessment/Approval (NA 1271)* provided to clients denied a relative/NREFM assessment or approval (aka, Harris Hearing). Refer to CFS P&P [Relative/NREFM Placement Assessment \(K-0105\)](#)
- *Child Welfare Services Notice of Action (NA 981 or NA 982)* provided to clients receiving voluntary services. Refer to CFS P&P [Voluntary Family Services and Informal Supervision \(M-0106\)](#)
- A change or termination of financial aid benefits by Foster Care Eligibility or CalWORKs (e.g., California Work Opportunity and Responsibility to Kids (CalWORKs), Kinship Guardianship Assistance Payment (Kin-GAP), Adoption Assistance Program (AAP) or Emergency Assistance (EA) Program

For further information on the state hearing process, staff may offer clients the following state publications: *Your Rights Under California Welfare Programs (PUB 13)* and *State Hearing Information (PUB 412)*.

CFS Staff Responsibilities

Per CFS policy, CFS staff will:

- A. Forward state hearing requests promptly to SSA Program Integrity – Appeals; the address is noted on [Attachment 1— Overview of the State Hearing Process](#).

Document the filing date in the upper right corner of the hearing request. Pursuant to Division 22-001 (f)(1), the filing date includes:

- The date received
 - Staff name who received the request
 - Stapling the envelope to the request
- B. Refer claimants who have filed an appeal for a state hearing, to the assigned Appeals Representative for questions and comments about their hearing request.

- C. Share case information with the Appeals Representative.
- D. Retain a copy of pertinent case records sent to the Appeals Representative.
- E. If certified documents are required, Appeals Representative and CFS staff will collaborate to obtain necessary documents.
- F. Be available for consultation and case staffing, as requested by the Appeals Representative.
- G. Be available to testify at the state hearing, if requested by the Appeals Representative.
- H. Pursuant to Division 22-078.1, immediately follow directives received by the Appeals Representative to comply with orders made in the decision. **For example:** A decision may require CFS staff to provide additional services to resolve the state hearing (e.g., provide a home assessment to claimant).
- I. Document actions taken or directives received in the child's Permanent Record, including CWS/CMS contacts.
- J. When received from the Appeals Representative, file the *Administrative Review Acco (F063-73)* in the child's Permanent Record.

The *Administrative Review Acco (F063-73)* may include the final decision resolving the state hearing and supporting documentation.

REFERENCES

Attachments and CWS/CMS 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—Overview of the State Hearing Process](#)
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Hyperlinks

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

- CFS P&P [Voluntary Family Services \(VFS\) and Informal Supervision \(M-0106\)](#)
- CFS P&P [Placement Grievance Review \(K-0206\)](#)
- CFS P&P [Grievance Reviews for Child Abuse Central Index](#)

[\(CACI\) Submissions \(A-0301\)](#)

- CFS P&P [Client Rights \(B-0105\)](#)
- CFS P&P [Relative/NREFM Placement Assessments \(K-0105\)](#)
- [California Department of Social Services, "How to Ask for a Hearing"](#)

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
Denial of Home Assessment/Approval	NA 1271
Denial of Home Assessment/Approval (Spanish)	NA 1271 (Sp)

Hard Copy Forms

Forms listed below will 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
None.	

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
Child Welfare Services Notice of Action	NA 981
Child Welfare Services Notice of Action (Spanish)	NA 981 (Sp)
Child Welfare Services Notice of Action	NA 982
Child Welfare Services Notice of Action (Spanish)	NA 982 (Sp)

Brochures

Brochures to distribute in conjunction with this procedure include:

Brochure Name	Brochure Number
Your Rights Under California Welfare Programs	PUB 13 (EN)
Your Rights Under California Welfare Programs (Spanish)	PUB 13 (SP)
Your Rights Under California Welfare Programs (Vietnamese)	PUB 13 (VN)
State Hearing Information	PUB 412

LEGAL MANDATES

[45 Code of Federal Regulations \(CFR\) Section 205.10](#) requires CDSS to issue and publicize hearing procedures for applicants and recipients served by public assistance programs.

[CDSS MPP Division 22](#) documents state regulations that meet the federal requirements in [45 CFR 205.10](#) for state hearings.

[Welfare and Institutions Code \(WIC\) Sections 10950–10967](#) outlines requirements of state hearings to be made available to public social service applicants or recipients dissatisfied with an action of the county agency.

[Eligibility and Assistance Standards Manual, Division 40-107\(e\)](#) mandates notification of the right to a state hearing when aid is granted, denied, or changed. It also requires counties to make every effort to resolve the problem when a complaint is received and to assist when a state hearing is requested.

[All County Information Notice \(ACIN\) I-12-09](#), dated February 4, 2009, confirms the authority of the county appeals representative to resolve a case at the lowest possible administrative level on behalf of the county, either before or during a state hearing.

[All County Letter \(ACL\) 98-58](#), dated July 31, 1998, gives counties responsibility for developing and documenting county policies and procedures and presenting them at state hearings.

[All County Letter \(ACL\) 12-71](#), dated December 14, 2012, provides background and guidelines for completing a NOA for relatives or NREFMs who have been denied an assessment or approval.

Harris v. California Department of Social Services (CDSS) et al (Sacramento County Superior Court Case No. 34-2010-80000438-CU-WM-GDS) (2012) requires a Notice of Action (NOA) be provided to a relative or NREFM who was denied a home assessment including those denied based on the lack of relative/NREFM standing. The NOA (NA1271) provides relative/NREFMs with due process under WIC 10950.