

SUPPLEMENT TO FINAL STATEMENT OF REASONS

a) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

Sections 31-003(s)(2) through (s)(4)

Specific Purpose:

These sections are adopted to inform counties of the California Department of Social Services (CDSS) forms that are required to notice individuals that their names were submitted to the Department of Justice (DOJ) for listing on the Child Abuse Central Index (CACI).

Factual Basis:

The parties to the stipulated court order chose a form-based notice in order to promote statewide consistency of process and content. The parties together agreed that the language and content of the forms met the requirements of the settlement. The following forms are incorporated by reference: *Notice of Child Abuse Central Index Listing* (form SOC 832), *Grievance Procedures for Challenging Listing to the Child Abuse Central Listing* (SOC 833), and *Request for Grievance Hearing* (SOC 834). These sections are necessary to clarify the CDSS forms that counties must use to notice individuals of their right to challenge their listing on the CACI, as required by the new grievance review procedures stipulated in the *Gomez v. Saenz* lawsuit settlement agreement. Because the forms are required to be provided by the counties as part of the grievance process, it would be impractical and unduly expensive to also publish the forms in the MPP. The public would not look to the MPP as the source to obtain the forms.

c) Local Mandate Statement

The addition to Division 31, Section 31-021 (Child Abuse Central Index [CACI] Grievance Review Procedures), the amendments to Division 31, Section 31-501 (Child Abuse and Neglect Reporting Requirements), and the amendments to Division 31, Section 31-410 (Temporary Placement) will impose mandates, implemented by the court mandate set forth by the Superior Court of California in the case of *Gomez vs. Saenz*, on local county child welfare agencies, which will be a reimbursable and shared (i.e., non-reimbursable) cost as follows: Based on May 2010 Revision, Current Year (i.e., fiscal year 2009-10) costs total \$2.5 million (\$1.75 million reimbursable from state General Fund and \$0.75 million county share). Budget Year (i.e., fiscal year 2010-11) and Out Year costs each total \$1.9 million (\$1.3 million reimbursable from state General Fund and \$0.6 million county share).

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These regulations will require additional workload for the agencies. The additional activities include noticing individuals of their listing on the CACI, preparing for and performing grievance hearings as requested, and other documentation as specified in the regulations. This will create additional costs for the local CWS agencies.

At this time, it is unknown what fiscal impact these new regulations will have on the CDSS. County CWS agencies are currently time-studying grievance hearing activities to a Program Code created specifically for this purpose.

SOC 833 Nonsubstantive Change

The language "date of birth," was added to SOC 833 Item 2.a., to match requirement of Section 31-021.213.