

Gomez v. Saenz Training for Workers and Supervisors

9:00-4:00 PM

Topic and Time	Methodology	Learning Objective	Learning Points
<p>Segment 1 Registration, Welcome and Introductions</p> <p>Learning Day warm-up: Introduction to the issues of due process and liberty interests</p> <p>Review of Learning Objectives and Format of Class</p> <p>20 minutes</p>	<p>Welcome and trainer introduction of topic.</p> <p>Activity 1A: Learning Day Warm-Up: Table Talk Questions (Peggy to prepare handout 1):</p> <ol style="list-style-type: none"> 1. Define due process. List as many due process protections as your group can think of. 2. What are the due process protections that might be affected by a referral investigation? 3. What is the purpose of the Child Abuse Central Index? How can it protect children? What are the ramifications of being listed on CACI? (Save report out on 	<p>The participant will understand and respect the key Constitutional and due process rights of all clients involved in a Child Welfare investigation.</p> <p>The participant will appreciate the implications of making decisions regarding dispositions of referrals on clients.</p>	<p>Substantive due process; procedural due process (notice, opportunity to be heard); liberty interest in one's good name</p> <p>CACI is listing of alleged victims, perpetrators and abuse in certain types of substantiated and inconclusive child abuse allegations investigated in state (physical abuse, sexual abuse, emotional abuse and severe neglect); CACI processes provided for notice to alleged perpetrator of listing, but no opportunity to be heard on correctness of being listed</p>

	<p>this question for next segment)</p> <p>Group report out referencing: Handout 2: Due Process/ Constitutional Rights</p> <p>Activity 1B: Review of training day learning objectives and agenda</p>		
<p>Segment 2: Overview of Gomez v Saenz lawsuit and how this case relates to CWS investigations</p> <p>35 minutes</p>	<p>Activity 2A: Power Point Lecture on purpose and functioning of CACI.</p> <p>Learning Points Include: What is CACI? Why it was started, who has access, how it affects the alleged perpetrator and how those named can know or ask to have their name removed.</p> <p>Supporting Handout 3: Summary of key provisions of PC §§ 11169, 11170</p> <p>Activity 2B: From warm-up activity, ask teams to call out what they listed as possible ramifications of being listed.</p> <p>Power Point lecture regarding: Historical</p>	<p>The participant will learn about the foundational legal history, principles and issues related to the Gomez v Saenz and how it relates to Child Welfare Services investigations and referral dispositions.</p>	<p>PC 11170; started to aid CPS/law enforcement in investigating new allegations; access as stated in 11170</p> <p>Lawsuit asserts:</p> <ul style="list-style-type: none"> • CACI contains incorrect listings • CACI violates due process by not providing an opportunity to be heard <p>Settlement requires:</p> <ul style="list-style-type: none"> • Provide county admin hearings for alleged perpetrators who challenge listing <p>Implications:</p> <ul style="list-style-type: none"> • Solid and thorough investigations • Sound referral dispositions • Notice to alleged perpetrators

	<p>perspective on evolution of CACI and development of rights of accused. Cover issues raised by Gomez v. Saenz: incorrect listings and lack of process for right to be heard for those accused. Trainer asks: What are your county's policies regarding informing family members of referral conclusions during or after an investigation? (Consider getting advance copy of each county's protocol)</p> <p>Follow-up Power Point Lecture on provisions of Gomez Settlement, implementation dates, variations in county processes.</p> <p>Supporting Handout 4: Overview of the Gomez vs. Saenz Settlement, summary points of requirements of settlement</p> <p>Follow-up Power Point slide: What does this mean for CWS social workers and supervisors?</p> <p>Supporting Handout 5: Implications for the field</p>		<ul style="list-style-type: none"> • Complete documentation of investigation, notice and basis of referral • Support investigations and referral dispositions at hearings
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	<p>Handouts</p> <ul style="list-style-type: none"> • ACL 07-53 to be summarized in Handout 4 AND included in appendix • ACIN I-22-08 included in Appendix 		
<p>Segment 3: Examining Penal Code definitions of referral dispositions and their critical link to Penal Code abuse and neglect definitions:</p> <p>A practical three-step model</p> <p>60 minutes</p> <p>(Morning break at 1 1/2 hour point)</p>	<p>Activity 3A: Power Point introduction: Definitions of child abuse and neglect (most workers familiar with Welfare and Institutions Code 300 a-j as Juvenile Court basis) are linked to Penal Code statute.</p> <p>Emphasis on the intersection between Child Abuse and Neglect Reporting Act in Penal Code statutes, Welfare and Institutions Code 300 a-j and criminal statutes.</p> <p>Power Point Slide that overviews PC sections and link up to WIC 300 a-j)</p> <p>Group Activity: Split up group by tables and conduct “Each One Teach One” methodology to summarize each of the</p>	<p>The participant will understand the Penal Code thresholds of referral dispositions, including application of “unfounded,” “inconclusive,” and “substantiated” findings.</p> <p>The participant will review and apply the statutory definitions of child abuse and neglect and requirements of Child Abuse Central Index (CACI) related to the Penal Code statutes.</p> <p>Participants will understand which referral dispositions get reported to CACI.</p> <p>Participants will be aware of their feelings about making CACI referrals on alleged perpetrators and whether/how those</p>	<p>Referral dispositions:</p> <ul style="list-style-type: none"> • Unfounded • Substantiated • Inconclusive <p>Statutory definitions of types of abuse and neglect</p> <p>All actively investigated referrals that result in substantiated or inconclusive dispositions for all types of abuse and for severe neglect.</p>

	<p>definitions. Report out by table.</p> <p>Handouts: Handout on definitions as a foundational handout and PC §§ 11165.1-11165.6 and WIC § 300 definitions</p> <p>Activity 3B: Power Point overview of Penal Code definition of “substantiated,” “inconclusive,” and “unfounded.”</p> <p>Handouts: Thresholds for referral dispositions, obtain and insert PC§ 11165.12, plus previous handout on PC §§ 11169, 11170, Summary handout on considerations: weight of proof does not have to rise to level of Juvenile Court proof, but critical thinking using verifiable evidence is critical, linkage to safety and risk tools, cases substantiated and in Juvenile Court are exempt from hearing process.</p> <p>Power Point overview of : Three-step critical thinking model to make a referral finding</p>	<p>feelings might impede their proper application of the statutory findings.</p>	
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	<p>Practice Activity using Short Vignettes</p> <p>Handout: Practice activity worksheets</p>		
<p>Segment 4: Gomez v. Saenz out in the field: Processes for full disclosure, investigations, and documentation.</p> <p>Reporting processes to CACI</p> <p>30 minutes</p>	<p>Activity 4A: Power Point overview of Checklist of required practices</p> <ul style="list-style-type: none"> • Solid and thorough investigations – making sure everyone is interviewed • Essential disclosures to family members and alleged perpetrators • Sound referral dispositions • Written notice to alleged perpetrators • Complete documentation of investigation, notice and basis of referral • Support investigations and referral dispositions at hearings <p>Handout: Key practices during referral investigations</p> <p>Group discussion of how to deal with those referrals where police want us to delay</p>	<p>The participant will understand the process for reporting of appropriate referral dispositions to the Department of Justice.</p> <p>The participant will be able to identify key components of referral documentation and client full disclosure related to the Gomez v. Saenz settlement when investigating and assessing referral allegations.</p> <p>The participant will become familiar with the grievance information sheet and grievance hearing request forms.</p>	<p>Practice components to be covered that are affected by Gomez Settlement:</p> <ul style="list-style-type: none"> • Solid and thorough investigations • Essential disclosures to family members and alleged perpetrators • Sound referral dispositions • Written notice to alleged perpetrators • Complete documentation of investigation, notice and basis of referral • Support investigations and referral dispositions at hearings

	<p>talking to suspect until they complete their investigation. What to do if you are closing out a referral before police are done with their investigation.</p> <p>Follow up referencing handout related to defining an active investigation and reporting a suspect to CACI when not interviewed.</p> <p>Interviewing implications - full disclosure using non-adversarial strategies with parents and alleged perpetrators</p> <p>Gomez Settlement Documentation model</p> <p>Follow-up with suspect and parents on findings</p> <p>Activity 4B: Power Point overview of the process for requesting a review of findings and SOC 832, 833, 834</p>		
<p>Segment 5: Putting It All Together: Investigations Skills Practice:</p> <p>40 minutes</p>	<p>Introduce vignette to be used for rest of training day</p> <p>Skills application includes:</p> <ol style="list-style-type: none"> 1. Methods for obtaining 	<p>The participant will be able to appropriately distinguish between referral conclusions and provide written rationale for their findings in</p>	

<p>Laura and Peggy</p>	<p>information to support referral conclusion.</p> <ol style="list-style-type: none"> 2. Making a referral conclusion 3. Documenting investigation and basis for referral conclusion 4. Full disclosure of referral findings and rights for administrative review 	<p>accordance with statutory definitions of child abuse and neglect.</p> <p>Given a case example, the participant will be able to identify key steps that must be taken during a referral investigation in order to properly inform clients and document actions in accordance with state statute and Gomez v. Saenz settlement.</p>	
<p>Segment 6: Morning Transfer of Learning Wrap-UP</p> <p>10 minutes</p>	<p>Activity 5A: Power Point course summary and brief overview of afternoon training on administrative hearings.</p>		

<p>Segment 7: Afternoon warm-up: Introduction to the issues of Preparing for and Testifying in an Administrative Hearing</p>	<p>Activity 6A: Power Point Introductory comments that reference back to AM session learning points:</p> <ul style="list-style-type: none"> • The due process requirement of an opportunity to be heard is met with an administrative hearing 	<p>The participant will understand the importance of professional demeanor in participating in a hearing.</p> <p>The participant will understand and respect the key Constitutional and due process rights of all clients involved in</p>	<p>The due process requirement of an opportunity to be heard is met with an administrative hearing</p> <p>Workers and supervisors may have to testify at administrative hearings to support their investigations and referral dispositions</p>
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<p>20 minutes</p>	<ul style="list-style-type: none"> Workers and supervisors may have to testify at admin hearings to support their investigations and referral dispositions <p>Table Talk Warm-up: In learning teams or large group callout session, ask participants to</p> <p>Identify and list :</p> <p>Essential steps of preparing for presenting information at a legal hearing;</p> <p>Key tips for appearing and testifying in a legal hearing;</p> <p>What makes them nervous about an administrative hearing.</p> <p>Group report out.</p> <p>Overview of PM session learning objectives and agenda.</p> <p>Quick review of where we left off: once investigation is completed and documented, individuals to be named to CACI are</p>	<p>a Child Welfare investigation.</p> <p>The participant will appreciate the implications of making decisions regarding disposition of referrals on clients.</p>	
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	<p>informed and informed of rights to request a grievance review. Learning of afternoon: Now what happens next.</p> <ul style="list-style-type: none"> • ACIN I-21-08 to be included as a handout in the appendix 		
<p>Segment 8: Overview of Administrative Appeal Process</p> <p>Overview of process for hearing request and scheduling</p> <p>Maintaining focus on the hearing issues to be decided</p> <p>45 minutes</p>	<p>Activity 7A: Power Point overview that:</p> <p>Shows an overview of the administrative appeals process;</p> <p>Defines and outlines similarities and differences between a court and administrative hearing;</p> <p>What happens when administrative hearing decisions (director decision following the hearing) are appealed, including how the county GRO interfaces with worker and supervisor to see if there is a possibility of changing referral conclusion and also how they are involved in preparing for and representing the county in the hearing.</p>	<p>The participant will understand the steps in competently preparing for and participating in an administrative hearing related to Gomez v. Saenz Settlement.</p> <p>The participant will understand the importance of focusing all their testimony and evidence they present on the specific issues being contested at the hearing.</p>	<p>Administrative hearing similar to court hearing, but</p> <ul style="list-style-type: none"> • Hearing officer is not a judge • Evidentiary rules are slightly different • Less formal <p>Appeal from results of administrative hearing is to superior court, which reviews the evidence taken at the admin hearing, usually without taking any further evidence.</p> <p>Issue at hearing: Is the alleged perpetrator correctly listed on the CACI?</p> <ul style="list-style-type: none"> • CPS agency has the initial burden to show that the case is either substantiated or inconclusive • Alleged perpetrator then has the burden

	<p>Handouts:</p> <p>Steps of the administrative appeals process.</p> <p>Comparing and contrasting court and administrative hearings.</p> <p>Handouts: Steps for agency review and process for scheduling an administrative hearing (disclaimer included that process will vary county to county)</p> <p>Power Point lecture of the key issues to be decided during an administrative hearing and what an GRO is looking for as a basis for their decision.</p> <p>Handout: What gets decided at a CACI administrative hearing</p> <p>Skills Practice identifying key facts and decisions made using case vignette introduced in the morning.</p>		<p>to show that he/ she should not be listed on the CACI – either that the allegation is "unfounded" or that he/she was not the abuser</p>
<p>Segment 9: Preparing for the</p>	<p>Activity 8A: Power Point overview of pre-hearing review of case</p>	<p>The participant will understand the steps in competently</p>	<p>Supervisors or a county representative will engage in a internal</p>

<p>administrative hearing as the investigating worker and supervisor</p> <p>40 minutes</p>	<p>records by supervisor and agency to assess possibility of pre-hearing resolution and written notification and interface with county GRO.</p> <p>Handouts:</p> <p>Lecture on processes of records inspections by requestor of grievance hearing, redactions, etc.</p> <p>Activity 8B: Lecture on checklist of areas of for worker and supervisor testimony.</p> <p>Skills practice: Learning teams review documentation provided in vignette, assess and prepare for defending rationale for decision.</p> <p>Large group reports</p> <p>Power Point overview of tips for appearing and testifying at an administrative hearing</p> <p>Handout: tips for effective testimony.</p>	<p>preparing for and participating in an administrative hearing related to Gomez v. Saenz Settlement.</p> <p>Given a case example, the participant will be able to competently prepare for and testify in an administrative hearing related to their referral dispositions. The participant will understand the principles of effective testimony within an administrative hearing.</p>	<p>review of case documentation and determine if the dispute can be resolved without an administrative hearing.</p> <p>Individuals and their legal counsel have the right to inspect case records after steps have been taken to redact confidential or safety information.</p> <p>Supervisors and workers who will be testifying at an administrative hearings can best prepare for testifying by taking steps to review the available documentation and rationale for the referral finding.</p> <p>The worker and supervisor's appearance, preparation, professional demeanor and attitude are essential for a successful administrative hearing outcome.</p>
<p>Segment 10: Documenting decisions in</p>	<p>Power Point overview of case record and CWS/CMS</p>	<p>The participant will understand the steps required in</p>	<p>If a decision is made (at the internal review or administrative hearing</p>

<p>CWS/CMS after the hearing.</p> <p>20 minutes</p>	<p>documentation after the administrative hearing decision.</p> <p>Handout: CWS/CMS quick guide using screen shots.</p>	<p>documenting decisions in CWS/CMS and changing referral decisions in CWS/CMS based upon the hearing outcome.</p>	<p>junctions) to change the disposition, certain steps must be taken to notify DOJ as well as documenting the changes in CWS/CMS and case records.</p>
<p>Course Summary and Evaluations</p> <p>Transfer of Learning</p> <p>10 minutes</p>	<p>Power Point course summary slide, time for specific questions</p> <p>Course evaluations</p>	<p>All.</p>	