



**Central CA Training Academy**

**GOMEZ vs. SAENZ  
SETTLEMENT: Training  
for Child Welfare  
Workers & Supervisors**

**Trainer's Guide**

# **Gomez vs. Saenz Settlement: Training for Child Welfare Workers and Supervisors**

## **Trainer's Guide**

**Welcome Training Team!**

### **Purpose of the trainer's guide**

The purpose of this document is to guide you through the concepts, exercises, discussion points, learning points, handouts and overhead transparencies developed for the training Administrative Hearings and the Gomez v. Saenz Settlement for Workers and Supervisors.

Our goal is to successfully, and effectively, deliver this session in a uniform, consistent manner so that each trainee receives the same learning opportunity, materials and exercises. Adhering to the trainer's guide will ensure that each presentation is consistent and congruent with our goal.

Materials, exercises and handouts have been developed by the Central California Training Academy. The work of all our instructors whose work is represented here is greatly appreciated.

### **Basics**

This class is a project of the Central California Training Academy. The purpose of the training is provide a foundation for understanding and developing skill in conducting Child Welfare Services investigations in keeping with the Gomez v. Saenz settlements related to CACI reporting.

This training is designed as one-day curriculum designed to be delivered to workers and supervisors.

Modeling excellent customer service to the participants and other on-site staff is an expectation of you as a member of this training team.

All handouts and transparencies presentation materials are prepared for the trainer's use. The trainer may need to make a few tear sheets during the course of the session, and these are referenced in the trainer's guide.

This class may need adjustment depending on the training site.

## **Members of the training team**

Members are encouraged to keep in touch with each other for support and to discuss issues. The Central California Training Academy is available for assistance, support, ideas and review of problems, issues or questions that may arise.

# Gomez v. Saenz Training for Workers and Supervisors

**Course Segments:** AM and PM sessions of 3 hours each, with AM session focused on overview of background and legal settlement, Penal Code definitions and practice and documentation implications and PM session focused on worker/supervisor preparation and practices related to preparing for and participating in hearings.

**Audience:** Social workers and line supervisors

## Related Cal-SWEC Competencies

3.19 Student understands state and federal policy issues and child welfare legal requirements and demonstrates the capacity to fulfill these requirements in practice.

4.7 Student demonstrates knowledge of the philosophy, purpose, requirements, and application of federal and state child welfare policy and legislation.

8.7 Student understands how political activities and regulatory, legislative, and judicial processes at local, state, and national levels influence agency policies, procedures, and programs.

## AM Session Learning Objectives

### Knowledge

The participant will learn about the foundational legal history, principles and issues related to the Gomez v. Saenz Settlement and how it relates to their Child Welfare Services investigations and dispositions.

The participant will understand the Penal Code thresholds of referral dispositions, including application of “unfounded,” “inconclusive” and “substantiated” findings.

The participant will review the statutory definitions of child abuse and neglect and requirements of Child Abuse Central Index (CACI) related Penal Code statutes.

The participant will understand the processes for reporting of appropriate referral dispositions to the Department of Justice.

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.

The participant will become familiar with the grievance information sheet and grievance hearing request form.

### **Skills**

The participant will be able to appropriately distinguish between referral conclusions and provide a written rationale for their findings in accordance with statutory definitions of child abuse and neglect.

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 the Gomez v. Saenz Settlement.

### **Values**

The participant will understand and respect the key Constitutional and due process rights of all clients involved in a Child Welfare investigation.

The participant will appreciate the implications of making decisions regarding disposition of referrals on clients.

## **PM Session Learning Objectives**

### **Knowledge**

The participant will understand the steps in competently preparing for and participating in an administrative hearing related to Gomez v. Saenz Settlement.

The participant will understand the importance of focusing all their testimony and evidence they present on the specific issues being contested at the hearing.

The participant will understand the principles of effective testimony within an administrative hearing.

The participant will understand the steps required in documenting decisions in CWS/CMS and changing referral decisions in CWS/CMS based upon the hearing outcome.

### **Skills**

Given a case example, the participant will be able to competently prepare for and testify in an administrative hearing related to their referral dispositions.

## **Values**

The participant will understand the importance of professional demeanor in participating in a hearing.

The participant will understand and respect the key Constitutional and due process rights of all clients involved in a Child Welfare investigation.

The participant will appreciate the implications of making decisions regarding disposition of referrals on clients.

## *AM Session*

# **Topic 1: Training Day Welcome, Topic Introduction and Review of Learning Objectives**

## **Activity**

Regional Training Coordinator should welcome trainees and assure that they have properly registered for the training session. RTC explains logistics of the training day and makes announcements regarding any upcoming training sessions. RTC may introduce the trainers.

Trainers should begin with a professional introduction that describes their experience and subject matter expertise regarding the Gomez v. Saenz Settlement and CACI in a Child Welfare Services or other setting. Consider illustrating with brief case examples or stories that provide a foundation for the issues of the training day.

Trainer will be showing Power Point slide #1 - the title slide.

## **Topic Warm-Up Activity:**

Switching to Power Point Slide #2, instructors should divide trainees into learning teams, either by table, pairs or ask questions in a "call out" methodology in a large group format, if numbers are very small. Ask each learning team to turn to page 6 in the Session I handouts and to discuss and make notes of their responses to three warm-up questions focused on due process protections and the CACI listing process.

After 7 minutes of learning group discussion, ask teams to call out their responses to the first two questions, saving the third question for another learning segment.

Conduct brief Power Point lecture using slides #3-4 regarding due process and reference handouts pages 8-9 to fill in any essential elements of liberty interests and due process.

Brief Power Point overview of learning objectives for the session using Power Point slide # 5 and cover key concepts of learning day on Power Point slide #6 and referencing handouts on pages 2-5 and 7.

**Time: 20 minutes**

## **Use**

RTC sign-in sheets and name tents

Power Point Slides # 1-6

Handouts entitled:

Competencies and Learning Objectives

Session I Agenda

Learning Session Warm-up: Liberty Interests and Due Process

Key Concepts

The Constitution, Due Process and Child Welfare Workers

## **Learning Objectives**

The participant will understand and respect the key Constitutional and due process rights of all clients involved in a Child Welfare investigation.

The participant will appreciate the implications of making decisions regarding dispositions of referrals on clients.

## **Learning Points**

Substantive due process; procedural due process (notice, opportunity to be heard); liberty interest in one's good name

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

## **Topic 2: Overview of Gomez v. Saenz Settlement and How Its Provisions relate to Child Welfare investigations**

### **Activity:**

Use Power Point slides 7 and 8 to explain the purpose and functioning of CACI and how Child Welfare Services agencies list individuals on the database, responsibilities of child protection agencies and how their names can be removed. Reference supporting handouts on pages 10-14 as well as the complete text of PC 11169 and 11170 in the appendix section of the handouts.

Using Power Point Slide 9, ask, “How does being listed on CACI impact the person who has been named?” Ask trainees to call out what they discussed in their learning groups. Fill in learning points from Slide 10 and reference handout page 15.

Use Power Point slide 11 to overview the Gomez Settlement lawsuit and its provision, drawing content from pages 16-18.

Trainer asks, using Power Point slide 12: “What do you know about your county protocol regarding CACI listing and the Gomez Settlement?” and solicits response from the large group, encouraging trainees to obtain a copy of their county’s written protocol. Note that each county may use different forms, processes and designate different parts of the organization to fulfill settlement requirements.

Trainers can make an effort to obtain individual county protocols for counties represented prior to the training for handout.

Use content from Power Point slide #13 and handout page 19 to provide a brief overview of the practice implications of the Gomez Settlement, stressing that the settlement does not change practice, it puts increased scrutiny on existing practice, with a few exceptions.

Trainers should reference complete copies of ACL 07-53 and ACIN I-22-08 in the appendix section for trainee reference.

**Time: 35 minutes**

### **Use**

Power Point Slides # 7-13

Handouts entitled:

What is the Child Abuse Central Index  
What is the Child Abuse Central Index and How Does It Work?  
Child Welfare Services duties regarding CACI  
What Does It Mean for an individual to be listed on CACI?  
Overview of Gomez v. Saenz Settlement  
How does the lawsuit settlement impact practice?

## **Learning Objectives**

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.

## **Learning Points**

PC 11170; started to aid CPS/law enforcement in investigating new allegations; access as stated in 11170

Lawsuit asserts:

- CACI contains incorrect listings
- CACI violates due process by not providing an opportunity to be heard

Settlement requires:

- Provide county admin hearings for alleged perpetrators who challenge listing

Implications:

- Solid and thorough investigations
- Sound referral dispositions
- Notice to alleged perpetrators
- Complete documentation of investigation, notice and basis of referral
- Support investigations and referral dispositions at hearings

## **Topic 3: Examining Penal Code definitions of referral dispositions and their critical link to Penal Code abuse and neglect definitions**

### **Activity:**

Instructor lecture using Power Point slides 14 and 15 regarding the linkage between the definitions of child abuse and neglect that most Child Welfare workers are familiar with in Welfare and Institutions Code 300 (a)-(j) with the Penal Code definitions.

Based on the training pilot, instructors need to point out here the fact that many workers and/or counties aren't clear that they're supposed to use the Penal Code definitions of abuse and neglect to determine whether abuse or neglect has occurred and that they don't apply the W&I Code definitions until it's time to determine whether a CWS intervention should occur, referring them particularly to the handout about the "intersection" of the two sets of codes. Be sure to address this issue directly during this section.

Divide groups up and assign one or more Penal Code definitions for their review and summarization, using an "Each One, Teach One" Methodology. Ask each group to review the summary description of their Penal Code definition found on handouts pages 20-27.

Have groups prepare a short summary presentation of their assigned statute and have them record on tear sheets for large group presentation.

Follow up with Power Point lecture using slides 16-20 to discuss provisions of PC 11165.12 that defines referral dispositions and their thresholds. Remind workers that risk level and safety threat are entirely separate from referral dispositions and need to be conducted independently. Reference handouts on pages 28-29 for a detailed description of the statute.

Group trainees into three learning groups. Assign each group of the case examples on pages 30-32 and ask them to make a finding and develop a reason for their finding. Conduct a large group report out and play "Devil's Advocate" as appropriate. Show Power Point Slide 21 during this activity.

Ask workers if they can provide other examples of tough referral decisions they have recently struggled with and allow discussion as time allows.

**Time: 60 minutes**

## Use

Power Point Slides # 14-21

Handouts entitled:

Sorting Out Penal and Welfare Codes: Intersection at the Child Abuse and Neglect Reporting Act

Overview of Penal Code Definitions

Summary of Child Abuse and Neglect Definitions in the Child Abuse and Neglect Reporting Act

California Penal Codes

Skills Application: Make Your Finding

## Learning Objectives

The participant will understand the Penal Code thresholds of referral dispositions, including application of “unfounded,” “inconclusive,” and “substantiated” findings.

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.

Participants will understand which referral dispositions get reported to CACI.

Participants will be aware of their feelings about making CACI referrals on alleged perpetrators and whether/how those feelings might impede their proper application of the statutory findings

## Learning Points

Workers should apply the Penal Code definitions to make the initial determination whether abuse or neglect occurred and the W&I Code definitions to later determine whether to intervene.

Referral dispositions:

- Unfounded
- Substantiated
- Inconclusive

Statutory definitions of types of abuse and neglect

All actively investigated referrals that result in substantiated or inconclusive dispositions for all types of abuse and for severe neglect.

## **Topic 4: Gomez v. Saenz out in the field: Processes for full disclosure, investigations and documentation, reporting processes to CACI**

### **Activity:**

Using Power Point slide #22, overview the content of handouts on pages 33-34 that discusses the impact of the Gomez Settlement on daily practice.

Cover issues of completing a competent and thorough investigation, completing all required investigatory processes, interviewing implications and full disclosure to listed individuals..

Using Power Point slide #23, ask the large group about what they think should be done when police request a delay in contacting the suspect and it is time to close the referral. Reference handout that defines active investigation and provides guidance from the Department of Justice on this issue.

Using Power Point slides 24-25, discuss how to document referral investigations and Gomez Settlement requirements in contacts. Information should include learning points from handouts on pages 35 and 36.

Power Point overview of worker reporting and written notification requirements using slide 26 and referencing handouts on pages 37-42, which include copies of the required forms.

**Time: 30 minutes**

### **Use**

Power Point Slides # 22-26

Handouts entitled:

What is an Active Investigation and How Does It Affect Reporting to CACI  
Gomez v. Saenz Settlement Field Checklist  
Documentation Implications  
A model of documenting an interview (POSE)  
Child Welfare Worker Reporting/Notice Requirements

## **Learning Objectives**

The participant will understand the process for reporting of appropriate referral dispositions to the Department of Justice.

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.

The participant will become familiar with the grievance information sheet and grievance hearing request forms.

## **Learning Points**

Practice components to be covered that are affected by Gomez Settlement:

- 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

## **Topic 5: Putting It All Together: Investigations Skills Practice**

### **Activity:**

Display Power Point Slide #27, Introduce case vignette on pages 43-46 to be used for the rest of the training sessions. Read case example aloud and ask trainees to complete skills application worksheet on page 47 that asks them to make a finding and write appropriate sections of investigation contacts required by Gomez Settlement.

Refer to trainer's key for sample. (TO BE DEVELOPED) and conduct large group report out.

**Time: 40 minutes**

### **Use**

Power Point Slide # 27

Handouts entitled:

Case Scenario

Skills Application Part 1 - Make a Finding

### **Learning Objectives**

The participant will be able to appropriately distinguish between referral conclusions and provide written rationale for their findings in accordance with statutory definitions of child abuse and neglect.

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.

## **Topic 6: AM Session Transfer of Learning Summary**

### **Activity:**

Power Point course summary and brief overview of afternoon training on administrative hearings.

**Time: 10 minutes**

### **Learning Objectives**

All.

## *PM Session*

### **Topic 7: Session II Registration and Introduction, Learning Warm Up and CACI process review**

#### **Activity:**

Regional Training Coordinator should welcome trainees and assure that they have properly registered for the training session. RTC explains logistics of the training day and makes announcements regarding any upcoming training sessions. RTC may introduce the trainers.

Trainers should begin with a professional introduction that describes their experience and subject matter expertise regarding the Gomez v. Saenz Settlement and CACI in a Child Welfare Services or other setting. Consider illustrating with brief case examples or stories that provide a foundation for the issues of the training day.

Trainer will be showing Power Point slide #28 - the title slide for Session II. Using Power Point slides #29 and 30, cover learning objectives and key concepts for Session II. Handouts referenced should be Learning Objectives on page 49, agenda on page 50 and key concepts on page 51.

Using table talk or learning team discussion groups, ask participants to briefly discuss the three warm-up questions found on Power Point slide #31 and handout page 52. Conduct large group report out.

Brief Power Point lecture (slides 32-33) that overviews CACI due process actions in detail, referencing handout on pages 53-56.

**Time: 20 minutes**

#### **Use**

Power Point Slides # 28-33

Handouts entitled

Session II Learning Objectives

Session II Agenda

Key Concepts

Warm-up: What Does It Take to Testify at An Administrative Hearing?

CACI due process issues revisited in detail.  
Reference to appendix, which contains ACIN I-21-08

## **Learning Objectives**

The participant will understand the importance of professional demeanor in participating in a hearing.

The participant will understand and respect the key Constitutional and due process rights of all clients involved in a Child Welfare investigation.

The participant will appreciate the implications of making decisions regarding disposition of referrals on clients.

## **Learning Points**

The due process requirement of an opportunity to be heard is met with an administrative hearing

Workers and supervisors may have to testify at administrative hearings to support their investigations and referral dispositions

## **Topic 8: Overview of the Administrative Appeals Process**

### **Activity:**

Power Point lecture on the features of administrative appeals in general and Gomez Settlement appeal hearing in particular. Use Power Point Slides 34-35 and reference handouts 57-60. This will be a fairly detailed accounting of the processes and the trainer is encouraged to ask questions regarding the trainee's experiences with appeals or grievance processes and asking them to put themselves in the shoes of the person requesting the review.

Ask trainees what they know about how other legal proceedings and administrative hearings have in common and how they are different.

Follow-up lecture, using Power Point slide 36 and handout on page 61 to focus trainees on the issues that get decided during an administrative hearing. Emphasize the importance of staying focused on what gets decided in preparing to present their case in an administrative hearing.

Ask trainees to read a supplemental portion of the case scenario provided earlier that contains information on the father's grievance request. In learning teams, ask the participants to answer the two questions on the Skills Practice Part II activity handout on page 63. Show Power Point slide 37.

After allowing the group to engage in discussion, conduct a large group report out of their thinking on the important issues for an administrative appeal.

**Time: 45 minutes**

### **Use**

Power Point Slides # 34-37

Handouts entitled

Steps of the Administrative Appeals Process  
Issues and Decisions at CACI Grievance Review Hearings  
Skills Practice: Part II

### **Learning Objectives**

The participant will understand the steps in competently preparing for and participating in an administrative hearing related to Gomez v. Saenz Settlement.

## **Learning Points**

Administrative hearing similar to court hearing, but

- Hearing officer is not a judge
- Evidentiary rules are slightly different
- Less formal

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.

Issue at hearing: Is the alleged perpetrator correctly listed on the CACI?

- CPS agency has the initial burden to show that the case is either substantiated or inconclusive
- Alleged perpetrator then has the burden 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

## **Topic 9: Preparing for the administrative hearing as the investigating worker and supervisor**

### **Activity:**

Power Point overview of pre-hearing review of case records by the supervisor and other agency staff to assess the possibility of pre-hearing resolution and consultation with GRO county representative. Use Power Point slide 38 and reference handouts pages 64-65.

Emphasize the requirement of the Settlement to allow records review 10 days prior to the hearing by all parties, with appropriate redactions and releases of information signed.

Follow-up discussion of how to prepare for the administrative hearing once a decision has been made by the county to proceed. Use Power Point slide 39 and reference content from handout on page 66.

Inform trainees that following a break, the group will engage in a mock administrative hearing process and ask for a volunteer from each learning team to testify. Give the group 15 minutes, using provided case documentation and documentation they created during Session I, to prepare their position.

**Time: 40 minutes**

### **Use**

Power Point Slides # 38-39

Handouts entitled

CWS/CMS Checklist for supervisory case review  
Administrative Hearing preparation tips.

### **Learning Objectives**

The participant will understand the steps in competently preparing for and participating in an administrative hearing related to Gomez v. Saenz Settlement.

Given a case example, the participant will be able to competently prepare for and testify

in an administrative hearing related to their referral dispositions.

### **Learning Points**

Supervisors or a county representative will engage in a internal review of case documentation and determine if the dispute can be resolved without an administrative hearing.

Individuals and their legal counsel have the right to inspect case records after steps have been taken to redact confidential or safety information.

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.

## **Topic 11**

### **Activity:**

Power Point lecture (slide 44) on documentation processes following a decision by the administrative hearing officer and director of the agency, including informing DOJ of the changes as well as documenting the changes in CWS/CMS. Reference handout on page 70.

**Time: 20 minutes**

### **Use**

Power Point Slides # 44

Handouts entitled

Checklist for DOJ and CWS/CMS documentation processes following a hearing.

### **Learning Objectives**

The participant will understand the steps required in documenting decisions in CWS/CMS and changing referral decisions in CWS/CMS based upon the hearing outcome.

### **Learning Points**

If a decision is made (at the internal review or administrative hearing junctures) to change the disposition, certain steps must be taken to notify DOJ as well as documenting the changes in CWS/CMS and case records.

## **Topic: Course summary and evaluations**

### **Activity**

Conduct a round robin or other methodology with trainees to summarize learning points from course sessions.

Field and answer any specific questions regarding the administrative hearing process.

Ask trainees to complete evaluations.

### **Time: 10 minutes**

### **Use**

Power Point Slide 45