

Notices of Action

(Reviewed 03/13/20)

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Policy

SWs will send a Notice of Action (NOA) to inform Child Welfare Services (CWS) clients when voluntary services have been approved or denied.

If voluntary services have been approved, the NOA will describe the terms of the case plan.

If voluntary services have been denied, the NOA will include the:

1. actions CWS intends to take or has taken
2. regulatory basis for the actions
3. client's right to an appeal by filing for a State hearing within 90 days of the mailing date of the NOA.

SW responsibility

The assigned SW is responsible for ensuring the NOA is provided at the time the action requiring a NOA occurs, or is planned; e.g., the SW offering Voluntary Services to the client would also be responsible for sending the NOA to the client.

How to complete the NOA documents

The Notice of Action (NA 981) report must be used to give notice to the parents or legal guardians of a child a SW intends to provide Voluntary Services to them and their children.

The Notice of Action (NA982) report will be used to give notice to parents, legal guardians, and certain children, that services are being changed, denied, or terminated.

These notices cite the basis for the action, the supporting state regulations, and information about the right to request a hearing.

How to complete the NOA documents (cont.)

The SW will follow these instructions for completing the NA 981 and NA 982 (Denial, Changes to, or Termination of Voluntary Services, "Child Welfare Services Notice of Action":

Step	Action
1	Select the case name for the eldest child in the family.
2	Select File from the menu bar and then select Print Report.
3	Select Case Reports from the Area of Interest drop-down menu.
4	Select the NA 981 or NA 982 depending on which form you need.
5	Follow the prompts until the NOA document is complete.
6	Type "Division 31 Child Welfare Services" in the Manual of Policies and Procedures No. box.
7	Review and edit the NOA form before printing.

Helpful hints:

- If the parents and/or guardians live at the same address, you may choose just one. If they live separately choose the name of each parent/guardian from the menu. CWS/CMS will generate one copy of the NOA for each parent/guardian you choose.
- The NOA will populate only the name of the child whose case you currently have open. Once the document is generated, you may add the names of the other children listed on the case plan.
- The Case Plan Update date is the same as the Case Plan Review date.

Delivery of the NOA

The NOA should be delivered in person whenever delivery can be accomplished at the next home visit within the time frames for delivering the NOAs. Personal delivery is preferred because any questions and concerns can be addressed immediately by the SW.

If it is not possible to deliver the NOA in person, the NOA should be sent by first class mail.

Other NOA requirements

A NOA must be provided in accordance with the requirements described in the table below in all voluntary cases where there is a case plan or where a request for voluntary ER services is denied.

In no instance will starting, changing or terminating voluntary services be delayed if a delay would endanger the child.

Providing NOAs in Voluntary Cases

For situations described in the table below, the following people are required to receive NOAs:

- The parent named in the case plan
- The child named in case plan
- The SCP, if child is placed out-of-home.

Type of Action Requiring NOA	Documents to be Provided to Persons Required to Receive NOA	Time Limits for Providing NOA
Initial Case Plan Approved	NA 981 <ul style="list-style-type: none"> • Send original plus copy of approved case plan. • File second copy in hard file under the Placement/Financial tab. 	Within 30 calendar days after date of PSS approval of plan.
Change in Case Plan	NA 982 <ul style="list-style-type: none"> • Send original plus copy of approved case plan. • File second copy in hard file under the Placement/Financial tab. 	10 calendar days prior to implementing change in case plan. (10-day count starts 1 day after NOA is mailed or on the date the NOA is personally given to parties.)
Termination of Child Welfare Services	NA 982 <ul style="list-style-type: none"> • Send original. • File second copy in hard file under the Placement/Financial tab. 	10 calendar days prior to terminating services. (10-day count starts 1 day after NOA is mailed or on the date the NOA is personally given to parties.)

Providing NOAs for denial of services

The following persons are required to receive the NOA in the following situations:

- The person who requested the service (parent, child, caregiver, attorney on behalf of parent or child)
- The parent when attorney requests on behalf of parent.

Providing NOAs for denial of services (cont.)

Type of Action Requiring NOA	Documents to be Provided to Persons Required to Receive NOA	Time Limits for Providing NOA
Denial of service requests other than Voluntary ER Service (Cases with case plan)	<p>SOC 383</p> <ul style="list-style-type: none"> • Send to requestor of services if requestor wishes to pursue request formally. • If completed SOC 383 is returned: <ol style="list-style-type: none"> 1. Send to requestor: <ul style="list-style-type: none"> ○ NA 982 (original + yellow) plus ○ SOC 383 (original) 2. File pink copy of NA 982 and copy of SOC 383 in hard file. <p>NOTE: The SOC 383 and NA 982 are not required if the service request is not received at least 30 calendar days before the date the requestor wants the service to occur.</p>	Within 10 calendar days from the date stamped on the SOC 383. The date stamped on the NOA is the date the NOA was received by CWS.
Denial of Request for Voluntary ER Services (Cases without a case plan)	Same as above	Within 30 calendar days from the date stamped on the SOC 383. The date stamped on the NOA is the date the NOA was received by CWS.

In no instance will the start or change in voluntary services or the voluntary case plan occur if the statutory time limit for services has expired.

Appeal rights

Recipients of Child Welfare Services or persons who have requested and been denied Child Welfare Services have a right to appeal and request a State hearing regarding actions of the Health and Human Services Agency (HHS). Instructions for appealing the denial of Child Welfare Services can be found on the back of the NOA.

Time limit

The time limit for requesting a State hearing is (90) calendar days from the date the Notice of Action (NOA) is mailed or given.

Notification to SW

The HHS Appeals Section will notify the SW when a hearing is requested, and will provide a copy of the 03-4 (Notice of State Hearing Request) identifying the specific actions the client is appealing.

Requests from the Appeals Section

The Appeals Section may ask the SW to provide the specific reference in law or regulations that governs the action taken or planned by the SW that is being appealed by the client.

Examples include references from:

- WIC 300 regarding dependent children of the juvenile court
- WIC 16500 regarding child welfare services
- Penal Code (PC) Sections.

The SW will provide the reference requested by the Appeals Section if the SW knows the reference. If the SW does not know the reference, the SW will refer the matter to the PSS or PSPM to respond to the request from the Appeals Section.

Requirement to delay planned action

If the hearing is requested prior to the date of the planned action that is being appealed, that action must be delayed until the State hearing has been held unless one or more of the following condition exist:

- A delay in implementing the planned service or change in the case plan would endanger the child
- The statutory time limit for services has expired
- The Juvenile Court has ordered the service or change in the case plan to occur.

NOTE: The jurisdiction of and Administrative Law Judge (ALJ) in a State hearing does not supersede actions ordered by the Juvenile Court.

Sharing CWS case information and documents

The following policies and procedures govern sharing of information and documents in a CWS case with the Appeals Section:

- Welfare and Institutions (WIC) Section 10850 (a)(b) provides the authority for sharing information and documents with the Appeals Section.

The Appeals Officer will:

- Safeguard the confidentiality of any information or documents obtained from the CWS case (see Confidentiality - General)
 - Share only information originally provided by the client or included in the position statement and attached as evidence for the State hearing
 - Not disclose:
 - 3rd party information
 - Juvenile Court documents/information/orders
 - the identity of the reporting party
 - copies of the child abuse report.
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When the Appeals Section requests a CWS hard file

When the Appeals Section requires a CWS hard file for purposes of a State hearing, follow these steps:

Step	Who	Action
1	Appeals Section	A verbal or written request for the CWS case will be given to the PSS. In the PSS's absence, the request will be directed to the PSPM. NOTE: For information on what and how information can be disclosed, see the "Appeals Officer-HHSA" information in the Confidentiality Guide.
2	SW	Send the case by courier to the Appeals Section within twenty four (24) hours (excluding weekends and holidays) after the PSS or PSPM receives the request for the case.
3	Appeals Section	Return the case to the PSS within five (5) working days after receiving the case.

If the SW needs the case or information from the case during the time the case is being reviewed by the Appeals Section, the SW will contact the assigned Program Assistant in the Appeals Section for assistance.

SW as witness

If the Appeals Section wants the SW to appear as a witness at a State hearing, that request will be sent to the PSS with a copy to the SW.

The SW will:

- Notify the Appeals Section immediately if there are conflicts with the State hearing date/time; e.g. SW has been subpoenaed to a court hearing on the same date, etc. and request that the State hearing be rescheduled or the SW be placed on call.
- Attend the State hearing to explain and testify as requested regarding the SW's actions and decisions regarding the case
- Bring the CWS case to the hearing if requested to do so by the Appeals Section.