

Revocations/Rescissions of Approvals

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Definition

Policy

Administrative Law Hearings–Licensed Foster Homes

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Definition

A foster home license may be revoked by the State of California for good cause.

A Resource Family parent, applicant, or individual who has received notice of a denial or rescission of approval, is accorded the right to a state hearing and other due process rights. (Written Directives V. 5 Article 12;WIC section 16519.5).

Policy

Children will not be placed in a foster/resource family home whose license has been revoked or approval rescinded.

Administrative Law Hearings –Licensed Foster Homes

When the SCP contests the recommendation for revocation of his license, an Appeals Hearing is held. The hearing is arranged by the California Department of Social Services (CDSS), Legal Division, who represents the case in court during the revocation process. The Licensing Complaint Specialist in Foster Home Licensing consults with involved placement social work staff before making a final recommendation on the revocation to CDSS Legal Division. An administrative law judge makes the final decision regarding the license.

When a license has been revoked

When a foster home license has been revoked, and there are still foster children placed in the home, the following will occur:

Step	Who	Action
1	CDSS Legal Division	Forward a copy of the decision and order to the Licensing Complaint Specialist.
2	Licensing Evaluator	Notify the assigned SWs of any children still placed in the home, if the license is revoked.
3	SW	Immediately: <ul style="list-style-type: none">• Follow Change of Placement Requirements.• Inform the court and attorneys of the revocation.• Change the child's placement.

Resolution prior to Notice of Action

The County may address any concerns with an applicant or a Resource Family prior to or in lieu of issuing a Notice of Action in order to assist an applicant or Resource Family in obtaining or maintaining approval. The County may require a Resource Parent, applicant, or associated individual to participate in any of the following:

1. Conformance conferences or meetings
2. Correction of any condition in the home that may adversely impact the health and safety, protection, or well-being of a child or nonminor dependent
3. Submission of any required documentation
4. The completion of classes, trainings, or counseling
5. Any other action deemed necessary by the County.

An attempt to resolve a concern prior to the issuance of a Notice of Action will not preclude a County or the Department from subsequently issuing a Notice of Action.

Denial or rescission of RF approval

Prior to the service of a Notice of Action for a denial or the rescission of approval, the County will consult with the State Legal Division or a County attorney if the Legal Division is not representing the County. If approved to move forward the Notice will contain all of the following:

1. A written notice informing the individual of the action the County or Department intends to take
2. The reasons for the action
3. Any applicable statutory or regulatory authority
4. Notice of the right to submit a written appeal to contest the action, timelines to submit an appeal, and the address to which the appeal must be submitted
5. The date on a Notice of Action or exclusion order will be the same as the date of service.

If a Respondent chooses to appeal the Notice of Action for rescission of Resource Family Approval, he or she will submit a written appeal to the County address listed in the Notice of Action within 25 calendar days from the date the notice was served on the Respondent. If the notice was served on the Respondent by mail, the time to respond will be extended five days.

Late appeals are described in the Written Directives Version 5 Section 12-06B.

Appeal procedures

The County will follow these procedures if the RF appeals the denial/rescission of an approval:

Step	Who	Action
1	County	<p>Upon receipt of the appeal, date stamp the appeal and the appeal envelope.</p> <p>NOTE: The appeal will be processed even if the County has reason to believe the matter will be resolved through an informal resolution.</p> <ul style="list-style-type: none">• If the Office of Administrative Hearings will hear the matter, go to Step 2.• If the State Hearings Division will hear the matter, go to Step 3.
2	County	<ul style="list-style-type: none">• Serve an acknowledgement of appeal upon the individual who is the subject of a Notice of Action.• Forward the appeal and originals of all relevant documents to the Department's county liaison for the Legal Division, if the Legal Division is representing the County.• Maintain copies of the appeal and all relevant documents forwarded. <p>NOTE: An acknowledgement of appeal will contain the following:</p> <ol style="list-style-type: none">1. Confirmation that the County, including the date of receipt, has received a Respondent's appeal.2. Notice to a Respondent of the duty to notify the County in writing of any change in the respondent's mailing address until the administrative action process has been completed or terminated.
3	County	<ul style="list-style-type: none">• Forward the appeal and case file documents to the Legal Division if the Legal Division is representing the County.• After the documentation has been forwarded to the Legal Division forward the appeal to the State Hearings Division no later than ten business days following the receipt of the appeal.
4	State Hearings Division	<p>Serve an acknowledgement of appeal by first class mail upon the individual who is the subject of a Notice of Action.</p>
5	County	<p>Maintain copies of the appeal and all relevant documents forwarded.</p>

Hearing process

For State Hearings Division matters, hearings and all related procedures are governed by Welfare and Institutions Code sections 10950 et seq. and 16519.6 et seq., the CDSS Manual of Policies and Procedures section 22-000 et seq., All County Letters applicable to Resource Family hearings, and the Written Directives. The provisions of Welfare and Institutions Code section 16519.5 et seq. prevail over a conflicting or inconsistent provision in Welfare and Institutions Code section 10950 et seq. This article governs the hearing process and the rights and responsibilities of parties. The CDSS Manual of Policies and Procedures section 22-000 et seq. govern procedures, rights, and responsibilities that are not addressed in the Written Directives.

For Office of Administrative Hearings matters, hearings and all related procedures are governed by Welfare and Institutions Code section 16519.6 et seq., All County Letters applicable to Resource Family hearings, the Written Directives, the Administrative Procedures Act (Gov. Code, section 11370 et seq.), and Title 1, California Code of Regulations, section 1000 et seq.

For specific questions, contact the policy analyst listed at the end of the file.

Alignment with SET

This policy supports SET [Value #3](#): Helping Children and Youth Achieve Their Full Potential and Develop Lifelong Relationships by continuously assessing safety throughout the life of the case to ensure children and youth are placed in a safe setting.
