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Title 22@ Social Security

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Division 2@ Department of Social Services-Department of Health Services

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Part 2@ Health and Welfare Agency-Department of Health Services Regulations

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Subdivision 7@ California Children's Services

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Chapter 13@ Resolution of Complaints and Appeals by CCS Clients or Applicants

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Article 3@ CCS Fair Hearing

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Section 42420@ Disqualification of Hearing Officer

## **42420 Disqualification of Hearing Officer**

### **(a)**

A Hearing Officer shall voluntarily withdraw from any proceedings in which he/she:

(1) cannot conduct a fair or impartial hearing; or (2) has prior knowledge of or involvement with either party, or may benefit personally from the outcome of a hearing.

#### **(1)**

cannot conduct a fair or impartial hearing; or

#### **(2)**

has prior knowledge of or involvement with either party, or may benefit personally from the outcome of a hearing.

### **(b)**

A party may request the disqualifications of a Hearing Officer by filing a notarized statement with the Department stating in detail the grounds upon which it is claimed that a fair and impartial hearing cannot be given or that the Hearing Officer has an interest in the proceeding. The Department, through the Chief Hearing Officer or Chief Counsel of the hearing entity, shall: (1) Investigate the allegations and advise the complaining party in writing of the decision granting or denying the request to disqualify the Hearing Officer. A copy of the decision shall be mailed to the other parties; or (2) Provide for reassignment of the case to another Hearing Officer without investigation.

**(1)**

Investigate the allegations and advise the complaining party in writing of the decision granting or denying the request to disqualify the Hearing Officer. A copy of the decision shall be mailed to the other parties; or

**(2)**

Provide for reassignment of the case to another Hearing Officer without investigation.