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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 42405@ Evidence

42405 Evidence

(a)

Notwithstanding any other provision of these regulations, and unless otherwise ordered by the assigned Hearing Officer, the parties shall exchange copies of all documents and other items to be offered into evidence at the hearing other than those for impeachment or rebuttal. Each proposed exhibit shall be premarked for identification.

(b)

Prior to the commencement of the CCS Fair Hearing, any party proposing to object to the receipt in evidence of any proposed exhibit shall advise the opposing party of such objection. The parties shall confer with respect to any objections in advance of the CCS Fair Hearing and attempt to resolve the objections. Failure to comply with the requirements of (a) above shall constitute a ground for objection to the introduction of undisclosed documents and other items into evidence other than for impeachment or rebuttal.

(c)

In all cases, the Hearing Officer, in order to obtain additional evidence necessary for the proper determination of the case may:(1) continue the CCS Fair Hearing and hold the record open for either party to produce additional evidence; (2) close the hearing and hold the record open in order to permit the introduction of additional documentary evidence. Any material submitted after the close of the CCS Fair

Hearing shall be made available to both parties and each party shall have the opportunity for rebuttal; (3) order a further CCS Fair Hearing if the nature of the additional evidence or the refutation thereof makes a further hearing necessary.

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(3)

order a further CCS Fair Hearing if the nature of the additional evidence or the refutation thereof makes a further hearing necessary.