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## EVALUATOR MANUAL TRANSMITTAL SHEET

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<b><u>Distribution:</u></b>  <input type="checkbox"/> All Child Care Evaluator Manual Holders <input type="checkbox"/> All Residential Care Evaluator Manual Holders <input checked="" type="checkbox"/> All Evaluator Manual Holders	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;"><b><u>Transmittal No.</u></b> 07RM-07</td> </tr> <tr> <td style="padding: 5px;"><b><u>Date Issued</u></b> October 2007</td> </tr> </table>	<b><u>Transmittal No.</u></b> 07RM-07	<b><u>Date Issued</u></b> October 2007
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**Subject:**

### REFERENCE MATERIAL – ENFORCEMENT ACTIONS

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**Revisions Made To:**

Section 1-1020 Evidence and Documentation

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**Filing Instructions:**

REMOVE: Page 59

INSERT: Page 59

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**Approved:**

*Thomas Stahl, Chief*

*10/17/07*

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THOMAS STAHL, Chief  
 Policy Development Bureau  
 Community Care Licensing Division

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Date

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Contact Person: Seton Bunker

Phone Number: 916-322-1192

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## 1-1020 EVIDENCE AND DOCUMENTATION (Continued)

1-1020

The Licensing Program Analyst should conduct a directed interview of the witness in order to develop the information to be included in the declaration. The directed interview should cover exactly **what** was seen or heard, **who** was present, **when** the events happened (or time frames if the exact dates are unknown), **where** and **how** the events occurred. If the witness can provide the exact words of any statements that were made, quotation marks should be used in the notes of the interview and then in the declaration. The interview should cover who made the statements, and to whom. The witness's relationship (client, neighbor) to the facility should be included. The Licensing Program Analyst should then inform the witness that he or she is preparing a declaration that he or she would like the witness to sign. The Licensing Program Analyst should ask the witness any questions that arise in the Licensing Program Analyst's mind while preparing the declaration in order to clarify points or to provide supplemental information or explanations.

The declaration should include as many details as possible and should be completed as soon after the event as possible, when the witness's memory is fresh. **For that reason, the Licensing Program Analyst should utilize the Declaration form (LIC 855) for any witness interview.** The declaration should be obtained at the time the witness is interviewed. If no forms are available, use blank paper rather than lose an opportunity to obtain the declaration.

The Licensing Program Analyst should go over the declaration with the witness to make sure that it accurately reflects the witness's observations, etc. Either the Licensing Program Analyst or the witness should make appropriate additions and corrections. When the witness agrees that the declaration is true and correct, the Licensing Program Analyst should ask the witness to sign and date the declaration. The declaration should not be mailed or left with the witness for the witness to complete and return.

The Licensing Program Analyst's documentation for the facility file should state that (1) the Licensing Program Analyst went over the declaration with the witness, (2) the Licensing Program Analyst made changes indicated by the witness or the witness made changes, and (3) the witness said the declaration was true and correct before signing.

If a declaration form is not available and a blank sheet of paper is used, the Licensing Program Analyst should write "I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct." before the date and signature. (It is unlikely that a witness will object to the word "declare" as some people do to the word "swear," but if a witness does object, offer the word "certify" instead.)

**If a temporary suspension order is recommended, the Licensing Program Analyst must be prepared to obtain declarations from percipient witnesses (witnesses who have first-hand knowledge of the important facts, not everyone who is interviewed) concerning the facts.**