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June 10, 2015

INFORMATION RELEASE NO. 2015-01
ALL COUNTY INFORMATION NOTICE NO. I-28-15

TO: ALL COUNTY WELFARE DIRECTORS
ALL CHIEF PROBATION OFFICERS
ALL FOSTER FAMILY AGENCIES
ALL CHILD WELFARE SERVICES PROGRAM MANAGERS
ALL COUNTY ELIGIBILITY SUPERVISORS
ALL FOSTER CARE MANAGERS
TITLE IV-E AGREEMENT TRIBES
ALL CDSS ADOPTIONS REGIONAL AND FIELD OFFICES

SUBJECT: QUALITY PARENTING INITIATIVE: PROMOTING NORMALCY
AND ENSURING CARE AND SUPERVISION IN FOSTER CARE

REFERENCE: SEE ATTACHMENT "B", REFERENCES AND RESOURCES

This joint Community Care Licensing Division (CCLD) Information Release (IR) and Children and Family Services Division (CFSD) All County Information Notice (ACIN) provides information to promote normalcy for children in foster care consistent with the federal Preventing Sex Trafficking and Strengthening Families Act of 2014 (Public Law [P.L.] 113-183). This letter is intended to help a social worker better understand and support some of the ways a caregiver can promote normalcy for children in their care. This letter is also intended to remind a caregiver of his or her ability to use occasional babysitting services, alternative care and respite care. This IR/ACIN also emphasizes a caregiver's responsibility to use the Reasonable and Prudent Parent Standard when making arrangements for temporary care of a child in foster care. This information is being presented as part of California's Quality Parenting Initiative (QPI), a joint effort of the state and child welfare advocates to attract and retain quality caregivers to achieve positive outcomes for children and families

What Is QPI?

The QPI aims to strengthen foster care by ensuring that a foster caregiver provides the loving, committed and skilled care that the child needs, while working effectively with the child welfare system to achieve the child's goals. The QPI also seeks to clearly define and articulate the responsibilities of caregivers, and to align child welfare policies and practices with quality foster care. The QPI has resulted in systemic changes and improved relationships between youth in foster care and caregivers. Measurable improvements have been reported in outcomes, including fewer unplanned placement changes, reduced use of group care, fewer cases of sibling separation, and more successful instances of reunification. Currently, eighteen counties are participating in the initiative.

PROMOTING NORMALCY IN FOSTER CARE

The overriding goal of the child welfare system is to ensure that every child in the state is raised in a safe, stable, and loving home. The first choice is always that a child be raised by his or her birth parents. Unfortunately, however, a child's welfare can sometimes be protected only by removing him or her from home. In such cases, another home must be found for the child, either with a relative or with a non-related caregiver.

A child who has been placed in a foster home has suffered not only from the circumstances which led to the removal, but also from the trauma of losing everyday contact with his or her parents, other family members and friends. It is critical that the home in which a child is placed provides, to the greatest extent possible, an environment in which he or she can experience all of the opportunities available to children who are not in foster care consistent with P.L. 113-183.

Part of treating a child in foster care like any other child is allowing him or her to stay with the same babysitters who care for other children in the home and recognizing when he or she is mature enough to be left alone for short periods of time. Such occasions form a natural part of the transition to independence for a child in foster care.

Reasonable and Prudent Parent Standard: The Reasonable and Prudent Parent Standard is an invaluable tool in helping a foster caregiver meet the goal of providing a home which is not only safe, stable and loving, but one which is as "normal" as possible: a home which allows a child in foster care the freedom to grow into adulthood. Allowing a child in foster care to be babysat by a regular neighborhood babysitter, taken care of by family or friends, and eventually left alone while his or her caregiver goes out is an important part of the successful transition to self-sufficiency, which is society's ultimate goal for every child in foster care.

The Reasonable and Prudent Parent Standard is a key method of ensuring normalcy for a child in foster care. Generally, this means that a caregiver's decision regarding what a child can or cannot do, should not be influenced or based solely on the fact that the child is in foster care. Use of the Reasonable and Prudent Parent Standard should result in the caregiver making decisions about the child in foster care that are the same decisions as a typical parent would make concerning his or her own child. The Reasonable and Prudent Parent Standard is meant to address unreasonable limitations that previously had been imposed on the everyday activities of a child in foster care solely due to his or her legal status as a dependent of the juvenile court. However, setting limits is a crucial aspect of parenting, and proper application of the Reasonable and Prudent Parent Standard may result in a determination that a child in foster care is not ready to be left home alone or that a babysitter cannot meet the unique needs of the child. The caregiver must make reasonable and prudent decisions using his or her best judgment given the particular set of circumstances, and maintain the child's health, safety, and best interest.

It is necessary to consider the following when using the Reasonable and Prudent Parent Standard to make a decision:

- the child's age, maturity, and developmental level;
- the nature and inherent risks of harm; and
- the best interest of the child based on information known by the caregiver.

No two persons will parent in exactly the same way. Therefore, no two caregivers will apply the Reasonable and Prudent Parent Standard in exactly the same way. Each caregiver must evaluate situations as they occur and make decisions based upon his or her own sense of what seems appropriate, given the unique characteristics of each child (age, maturity, and developmental level), the nature and inherent risks of harm, and the best interest of the child based on information known by the caregiver. These decisions do not need to adhere to a particular style of parenting; as long as they fall within the range of behavior which would be reasonable and prudent to a typical parent, the Reasonable and Prudent Parent Standard has been properly applied.

Finally, it is important to note that statutes and regulations set out certain requirements and standards for caregivers to ensure the health and safety of children in foster care, while attempting to give caregivers the widest possible latitude in providing a normal home for a child in foster care. These legal restrictions cannot be circumvented, even if doing so would seem to be allowable under the Reasonable and Prudent Parent Standard.

Personal Rights: Because a child in foster care can be subject to the authority and control of a large number of different individuals, and may not have the benefit of a parent to advocate on his or her behalf, statute and regulations provide a child in foster care with many specific personal rights. A few of these include the right to:

- live in a safe, healthy, and comfortable home where he or she is treated with respect;
- be free from physical, sexual, emotional or other abuse, or corporal punishment;
- not be locked in any room;
- attend school and participate in extracurricular, cultural, and personal enrichment activities;
- not be placed in any kind of restraints or restraining devices (except for the appropriate use of safety devices such as seatbelts/car seats); and
- be accorded independence appropriate to his or her age, maturity and capabilities.

These personal rights (and others not listed here) are important because they place specific limits on a caregiver's actions. Birth parents generally have extremely wide latitude in raising their children. Because children in foster care typically have traumatic histories, and because the state must guard against the possibility of further abuse, foster caregivers do not have this kind of latitude. Providing a child in foster care with a normal home cannot involve violating his or her personal rights. For example, some parents may use spanking as a form of discipline; but a caregiver is specifically forbidden from subjecting a child in foster care to corporal punishment. A caregiver should be mindful of this and other situations in which interactions with the child might conflict with personal rights.

PROVIDING CARE AND SUPERVISION IN FOSTER CARE

There are a number of options available for a caregiver who needs someone to temporarily care, for a short period of time, for a foster care child who has been placed in his or her care. Each of these options is most appropriate for a different range of situations.

- Babysitters for children in foster care,
- Alternative caregivers,
- Respite care,
- Leaving a child in foster care alone, or
- Day care

There are a few statutory and regulatory restrictions which a caregiver must follow, including:

- A child in foster care cannot be required to babysit other children (but can babysit if he or she chooses to do so, and the caregiver believes that he or she is able).

- A child in foster care cannot be left unsupervised overnight.
- If a caregiver is going to be absent for more than 72 hours, only alternative care in the home of the child in foster care may be used, and the child's caseworker must give prior approval.
- A caregiver must supply to a babysitter or alternative caregiver all necessary information to care for the child in foster care, including emergency contact information.
- If a caregiver places a child in foster care into day care, he or she must use a licensed child care facility.

Babysitting: A caregiver may arrange for an “occasional short-term babysitter” for a child in foster care. A child in foster care may be babysat for up to 24 hours, including overnight. A babysitter does not need to be licensed for foster care, be fingerprinted, or meet other legal requirements pertaining to caregivers. A babysitter for a child in foster care also does not need to have undergone any special training, as is required for foster parents and other full-time caregivers. This does not mean, however, that any babysitter will be able to provide appropriate care to every child in foster care. As with any other child, the special needs of a child in foster care may require the babysitter to have special skills or training.

For example, a babysitter—unlike a licensed caregiver—is not legally required to be trained in Cardiopulmonary Resuscitation (CPR). However, a caregiver could decide that he or she would prefer a babysitter who can perform CPR (either because the particular circumstances of the child in foster care appear to warrant it, or simply because it would make the caregiver feel more comfortable), and therefore only hire a babysitter with that ability.

In other words, a caregiver can choose the same kind of babysitter (such as a high school student) that parents have hired to watch children for generations, provided the foster child does not have special health care needs that require special expertise. A caregiver can also seek out more skilled or professional babysitting services, if he or she wishes to do so. The most important thing is that the caregiver exercises the same care and deliberation in choosing a babysitter for a child in foster care as a typical parent would for his or her children.

When leaving a child in foster care with a babysitter, a caregiver must give the babysitter the appropriate information the babysitter would need to properly care for and supervise the child, such as the caregiver's emergency contact information. The information that CCL regulations require a caregiver to provide is generally the same information that a typical parent would provide to someone who is going to be babysitting his or her children.

A child in foster care may also act as an occasional short-term babysitter. The caregiver must apply the Reasonable and Prudent Parent Standard to determine whether the arrangement is appropriate. Under no circumstances shall a child in foster care be required to babysit.

Alternative Care: Occasionally, a caregiver needs or wants to be absent from the home for more than 24 hours. In these situations, a caregiver may use an “alternative caregiver” (a trusted family member, close friend, or neighbor) to care for the child in the caregiver’s home. A caregiver must apply the Reasonable and Prudent Parent Standard when selecting an alternative caregiver to ensure the alternative caregiver can properly care for and supervise the child, taking into consideration the child’s age, maturity, behavioral tendencies, mental and physical health, medications, abilities, limitations, and developmental level and court orders for the child.

An alternative caregiver does not need to be licensed, but does need to have a criminal record clearance, must be at least 18 years-old, and have the willingness and ability to comply with applicable statutes and regulations. The caregiver must furnish the alternative caregiver with emergency contact information and other information needed to properly care for the child. The caregiver should refer to the CCL regulations for a complete list of items which must be provided to an alternative caregiver.

A caregiver must notify the caseworker for the child in advance of his or her absence and provide the caseworker with the date(s) that he or she plans to be absent, emergency contact information, and the name of the alternative caregiver. The caregiver must also obtain prior approval from the child’s caseworker for a planned absence of over 72 hours. **Note** that a caseworker for a child in foster care, the juvenile court, or the licensing agency can prohibit, as determined on a case-by-case basis, the use of alternative care.

Respite Care: A caregiver may experience events in his or her life that require “respite care” for a child who has been placed in his or her care. Respite care is the provision of prearranged child care when a foster parent is absent or incapacitated, and a determination has been made that temporary in-home or out-of-home care is in the child’s best interest. Respite care services are offered as part of a case plan (via the child’s social worker) to allow a temporary respite of parental duties, so that the foster parent is able to fulfill other responsibilities necessary to improve or maintain the parenting function. Respite care services do not exceed 72 hours per session, and are not provided for the purpose of routine, on-going child day care. Respite care is arranged through the child’s caseworker and must be provided in the home of another licensed, certified, or approved foster caregiver. Examples of events for which respite care may be needed include the caregiver’s temporary incapacitation, a family medical emergency, or simply the need for a “break” from the stress of parenting. The respite period is not a new placement.

The availability of, and process for obtaining, respite care varies from county to county. A best practice may be for the child's social worker to tell the caregiver about options for respite when the child is placed and communicate and work together to identify and obtain respite when needed.

Leaving a Child in Foster Care Alone: A caregiver may leave a child in foster care home alone, without adult supervision, for brief periods of time. The caregiver shall apply the Reasonable and Prudent Parent Standard to determine the appropriateness of leaving a child home alone. This decision must be made on a case-by-case basis. When leaving a child home alone, the caregiver must make sure the child knows where the emergency numbers are posted, knows the emergency procedures, and knows where and how to contact the caregiver.

Day Care: A caregiver may place a child in foster care in a licensed child day care facility. Regulations prohibit the use of unlicensed facilities for this purpose.

Attached are Frequently Asked Questions (FAQ) compiled by CCLD related to a caregiver's ability to arrange for care and supervision. The FAQ (Attachment A) is intended to assist caregivers and state and county licensing staff in ensuring a child in foster care has a healthy, normal childhood. Also provided is a list of and links to related references and resources (Attachment B).

If you have questions pertaining to CCL laws and policy, please contact Teresa Owensby, Manager of the Children's Residential Policy Unit, at (916) 651-3456 or by e-mail at Teresa.Owensby@dss.ca.gov. Questions pertaining to caregiver laws and policy, please contact Tricia Knight, Manager of the Foster Caregiver Policy and Support Unit, at (916) 651-7465, or email kinship@dss.ca.gov.

Sincerely,

Original Document Signed By:

PAM DICKFOSS
Deputy Director
Community Care Licensing Division
Division

Original Document Signed By:

KAREN B. GUNDERSON, Chief
Child and Youth Permanency Branch
Children and Family Services

Attachments

Attachment “A”**FREQUENTLY ASKED QUESTIONS****1. How does a caregiver decide which kind of temporary care is appropriate?**

Each kind of temporary care is best suited for a particular range of circumstances; therefore, the kind of alternative care that should be used will be dependent upon the situation at hand. The following chart, which compares various criteria for each kind of alternative care, may be useful in determining which is most appropriate.

	Babysitter (in-or out-of-home, up to 24 hours)	Alternative Caregiver (in-home, 24 to 72 hours)	Respite Care (out-of-home, 24 to 72 hours)
Individual (must be over 18)	No	Yes	Yes
Individual (must be licensed)	No	No, criminal record clearance required	Yes
Caseworker approval required	No	Yes, upon approval of caseworker	Yes

2. What if a caregiver expects to be absent for more than 72 hours but cannot find an alternative caregiver to come to his or her home to provide care? Can respite care be utilized instead?

No, respite care is limited to a 72-hour period. If a caregiver expects to be gone for a longer period of time, and is unable to arrange for alternative care to be provided in his or her home, he or she should discuss the matter with the child's caseworker to make arrangements that are in the child's best interest.

3. Can a caregiver leave a child in foster care in the care of a crisis nursery?

No, a crisis nursery provides emergency short-term care for parents or legal guardians who need a respite from the stress of parenting. For foster caregivers, this function is fulfilled by respite care. A caregiver who needs a brief break from the responsibilities of caring for a child, who has been placed in his or her care, should arrange for respite care services.

4. If a caregiver determines that a child, who has been placed in his or her care, is old enough and mature enough to be left alone overnight, may he or she do so?

No. Although it might seem to be normal to do so with older children, regulations do not allow a child in foster care to be left unsupervised overnight, regardless of the child's age or level of maturity. This restriction is not subject to the Reasonable and Prudent Parent Standard. If questioned, the caregiver may want to make clear to the child in

FREQUENTLY ASKED QUESTIONS

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foster care that this is a legal requirement and therefore, the caregiver does not have discretion to do otherwise.

5. Is alternative care needed when a child in foster care participates in extracurricular activities that last for an extended period of time (over 24 hours)?

No. Children in foster care may (and are encouraged to) participate in extracurricular activities, including those which may take the child away from the caregiver's home for an extended period of time (such as school field trips, camping trips, sporting events, etc.). Depending on the duration and amount of travel involved, approval by the child's caseworker or the juvenile court may be required; however, these situations are not considered ones in which alternative care applies.

Attachment “B”

REFERENCES AND RESOURCES

CALIFORNIA

Statutes

[Health and Safety Code section \(§\) 1501\(b\)\(3\)](#). Legislative intent and declaration
[Welfare and Institutions Code § 362.04](#). Babysitting of foster child
[Welfare and Institutions Code § 362.05](#). Extracurricular, enrichment, and social activities for dependent children
[Welfare and Institutions Code §727\(a\)\(3\)\(D\)\(i\)](#). Order for care, supervision, custody, conduct, maintenance and support of ward
[Welfare and Institutions Code § 16501\(b\)](#). Respite care
[Welfare and Institutions Code §16001.9](#). Rights of minors and nonminors in foster care

Community Care Licensing Division (CCLD) Regulations

[Title 22, Division 6, Chap 9.5, Art 1-2 - Foster Family Homes](#)
[Title 22, Division 6, Chap 9.5, Art 2 \(Cont.\) - Foster Family Homes](#)
[Title 22, Division 6, Chap 9.5, Art 2 \(Cont.\)-3 - Foster Family Homes](#)
[Title 22, Division 6, Chap 9.5, Art 4-5 - Foster Family Homes](#)
[Title 22, Division 6, Chap 9.5, - Foster Family Homes \(Spanish\)](#)

Children and Family Services Division (CFSD) Regulations

[Manual of Policies and Procedures, Division 31, section 31-002 - Child Welfare Services](#)

CCLD Information Releases

[CCL IR 2010-02](#): Foster Family Homes: CCLD updated the Foster Home Regulations
[CCL IR 2010-04](#): Certified Family Home Regulations
[CCL IR 2011-01](#): Foster Family Homes Regulations: Questions and Answers
[CCL IR 2011-02](#): Certified Family Homes Following the Foster Family Home Regulations: Questions & Answers

CFSD All County Information Notices (ACIN)

[CFSD ACIN I-16-11](#): Quality Parenting Initiative Convening
[CFSD ACIN I-17-13](#): Questions and Answers Regarding Reasonable and Prudent Parent Standards
[CFSD ACIN I-05-14](#): (Quality Parenting Initiative (QPI) ACIN): Sharing of Information with Caregivers

REFERENCES AND RESOURCES

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CFSD All County Letter

[CFSD ACL 06-02](#): Use of Occasional Short-Term Babysitters by Foster Caregivers

FEDERAL

[Public Law \(P.L.\) 113-183](#) Preventing Sex Trafficking and Strengthening Families Act