

Quality of Life in Out-of-Home Care

0100-570.05 | Revision Date: 07/27/17

Overview

This policy provides an overview of a caregiver's responsibilities when caring for a child in out-of-home care, the use of reasonable and prudent parent standard, and reporting quality of life issues.

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Version Summary

This policy guide was updated from the 03/26/14 version, as part of the Policy Redesign, in accordance with the DCFS Strategic Plan. This policy guide incorporates content from Procedural Guide 0100-510.55, Religious Practice in Out-of-Home Care, 0100-520.40, Out-of-Home Caregivers: Legal Consent Authority, 0100-570.08, The Care of Children Placed in a Licensed Foster Home, Relative/Non-Relative Extended Family Members Home or Small Family Home, 0100-570.09, The Care of Children Placed in a Foster Family Agency Home, and 0100-570.10, The Care of Children Placed in Group Homes, thereby cancelling those policy guides. The title of the policy has been changed from "Quality of Life in Out-of-Home Care: Reporting Concerns."

This policy guide has been updated to provide instructions regarding a new California Department of Social Services (CDSS) Reasonable & Prudent Parent Standard FAQ (Attachment) and new Penal Code 3003.6 prohibition against registered sex offender contact with DCFS children in placement.

POLICY

Caregiver Responsibilities

For purposes of this policy, the term, "caregiver" includes:

- Related and non-related foster parents
- Related and non-related legal guardians
- Relative and Non-relative extended family member caregivers
- Resource Family Home
- Group homes
- Small family homes
- Foster Family Agency

In order to provide quality care to foster children, caregivers have the following responsibilities:

<u>Responsibility</u>	<u>Description</u>
<u>Comply with</u> <u>Personal Rights</u>	<u>Comply with and not violate a foster child's personal rights.</u>
<u>Physical Environment</u>	<u>Provide a safe physical environment.</u>

<u>Smoke Free Environment</u>	<u>Provide a smoke-free environment in the home/facility and on the outdoor grounds of the home/facility when the child is present, as well as in a motor vehicle that is regularly used to transport the child.</u>
<u>Medical</u>	<u>Meet the medical needs of the child by scheduling routine physical and dental exams. Provide on-going care, as deemed necessary.</u>
<u>Counseling</u>	<u>Meet the counseling needs of the child.</u>
<u>Education</u>	<u>Meet the educational needs of the child/NMD.</u>
<u>Placement Issues</u>	<u>Collaborate with the CSW regarding placement issues.</u>
<u>Permanent Plan</u>	<u>Collaborate and support the permanent plan of the child/NMD.</u>
<u>Transition to Independence</u>	<u>Collaborate with the CSW to support and facilitate activities for a successful transition to independence.</u>
<u>Visitation Plan</u>	<u>Collaborate with the CSW to develop the visitation plan and comply with the orders of the Juvenile Court and case plan.</u>
<u>Dietary Needs</u>	<u>Meet the dietary needs of the child/NMD.</u>
<u>Clothing</u>	<u>Provide the child/NMD with adequate clothing on an ongoing basis as determined by the DCFS 2281, Clothing Standard.</u>
<u>Discipline</u>	<u>Use of constructive alternative methods of discipline and refrain from use of corporal punishment.</u>
<u>Confidentiality</u>	<u>Respect and keep confidential information regarding the child/NMD and his/her family.</u>
<u>Composition of Home</u>	<u>Inform the CSW of every adult who is living, visiting, or transitioning in or out of the home. Compliance with the prohibition against Registered Sex Offenders (RSO) contact with DCFS children.</u>

<p>Administration of Emergency Medical Assistance and Injections</p>	<p><u>Caregivers trained to administer injections by a licensed health care professional are only authorized to administer emergency medical assistance and injections to a foster child for:</u></p> <ul style="list-style-type: none"> ■ <u>Severe diabetic hypoglycemia</u> ■ <u>Anaphylactic shock</u> ■ <u>Subcutaneous injections of other prescribed medication</u>
<p><u>Driver's License</u></p>	<p><u>The Vehicle Code allows a dependent youth's foster parent with whom the youth resides to sign a driver's license application on behalf of the dependent youth if the youth files proof of financial responsibility at the time of the application.</u></p>

Reasonable and Prudent Parent Standard

Every dependent child of the juvenile court is entitled to participate in age-appropriate extracurricular, enrichment, and social activities, including but not limited to, access to computer technology and the internet. Caregivers have the authority to approve or disapprove a foster child's participation in activities based on the caregiver's own assessment using a reasonable and prudent parent standard, without prior approval of the social worker, licensing or approval agency, or the Juvenile Court.

Participation in events for which caregivers have given consent does not require the CSW to write and submit walk-on reports to the court.

In applying the reasonable and prudent-parent standard, the caregiver is to take "reasonable steps" to determine the appropriateness of the activity in consideration of the child's age, maturity, and developmental level, as detailed in the [Caregiver Information Sheet](#). Additional information is available in the [Reasonable & Prudent Parent Standards FAQ](#) and the [Caregiver's Ability to Arrange for Care and Supervision FAQ](#).

When permission has been granted by the caregiver to participate in extracurricular activities:

- The caregiver must ensure direct care and supervision is provided to meet the child's needs during participation in those activities, except for school-sponsored activities where the school is to provide adequate care and supervision.
- It is the responsibility of Group Homes, Foster Family Agencies (FFA), and individual caregivers, in specified circumstances, to determine if the utilization of

Live-Scan and/or CLETS is necessary pursuant to existing statutes and regulations.

The Reasonable and Prudent Parent Standard also allows a child in foster care the freedom to grow into childhood. Allowing a child in foster care to be babysat by a regular neighborhood babysitter, taken care of by family and friends, and eventually left alone while his or her caregiver goes out is an important part of the successful transition to self-sufficiency. 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. However, statutes and regulations set out certain requirements and standards for caregivers to ensure the health and safety of children 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.

Limitations to Caregiver's Consent

Caregivers cannot give permission for a child to:

- [Marry](#)
- [Join the Armed Forces](#)
- Receive medical and dental treatment that is not ordinary
- Be tested for HIV
- Be on psychotropic medication
- Make educational decisions, unless the court has limited the educational rights of the parent(s).
- Get a body piercing
- Get a tattoo

A parent of a [voluntarily placed](#) child has the authority to modify or prohibit consent by a foster parent if a written agreement regarding such modification or prohibition exists between the agency and the parent.

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;
- Alternate caregivers;
- [Respite Care](#);
- Leaving a child in foster care alone, or

- Day Care

Attached are the [Frequently Asked Questions \(FAQ\)](#) compiled by CCLD related to a caregiver's ability to arrange for care and supervision. The FAQ is intended to assist caregivers and state and county licensing staff in ensuring a child in foster care has a healthy, normal childhood.

Occasional Short Term Babysitter

The caregiver may arrange for an "occasional short-term babysitter" for a child in foster care. A child may be babysat for up to 24 hours, including overnight. The 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.

A child in foster care may also act as an occasional short-term babysitter. Under no circumstances can a child in foster care be required to babysit. The caregiver must apply the reasonable and prudent parent standard in determining and selecting appropriate babysitters for occasional short-term use. The caregiver must ensure that the babysitter knows how to contact the caregiver in case of an emergency.

Alternative Caregiver

Unless prohibited by the CSW, court order, or the licensing/approval agency, the caregiver may arrange for the care of a child for longer than 24 hours at a time, on an occasional basis. When selecting an appropriate alternative caregiver, the caregiver must apply the reasonable and prudent parent standard.

The caregiver must comply with all of the following when using an alternative caregiver:

- At a minimum, the alternative caregiver must meet the following requirements.
 - Be 18 years of age or older.
 - Have a criminal record [clearance](#) and a child abuse central index clearance.
 - It is the responsibility of Group Homes, Foster Family Agencies (FFA), and individual caregivers, in specified circumstances, to determine if the utilization of Live-Scan and/or CLETS is necessary pursuant to existing statutes and regulations.

- Have the willingness and ability to and must comply with applicable statutes and regulations.
- Have the willingness and ability to provide care and supervision to a "child", taking into consideration the age, maturity, behavioral tendencies, mental and physical health, medications abilities and limitations, developmental level of, and court orders for a "child."
- The care and supervision during the caregiver's absence must occur in the caregiver's home.
- The caregiver must provide the alternative caregiver with the following information before leaving the home:
 - Information about the emotional, behavioral, medical or physical conditions of a "child," if any.
 - Any medication that should be administered to a "child" during the time the "child" is being supervised by the alternative caregiver, consistent with physician's instructions, when available.
 - The name and telephone number of the social worker for a child
 - The caregiver's emergency contact information.
- The caregiver must provide verbal or written notification to the child's CSW prior to the caregiver's absence from the home. Notification must include:
 - The dates the caregiver plans to be absent from the home.
 - The name of the alternative caregiver.
 - An emergency number where the caregiver may be reached in their absence.
- The caregiver must receive prior approval from the social worker or probation officer for a "child" for any absence that exceeds 72 hours.

Respite Care

Please see the [Respite Care](#) policy for detailed information.

Leaving a Child in Foster Care Alone

A caregiver may leave a child in foster care alone, without adult supervision, for brief periods of time. The caregiver must 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 know where and how to contact the caregiver. They do not need to get prior approval from their CSW.

Day Care

If a caregiver places a child in foster care into day care, he or she must be a licensed child care facility. Regulations prohibit the use of unlicensed facilities for this purpose.

Religious Practice

Children in Foster Care

Children in foster care have a right to religious freedom including the right to attend religious services and activities or to refrain from the practice of religion altogether. The child's association with his/her religious group must be maintained, if so desired by the child and his/her family, while s (he) is in out-of-home care. A parent or legal guardian has the authority to determine the child's religious preference, until the child is:

- Old enough to choose a religion for him/herself, or
- Parent's rights are terminated.

If a parent is unavailable or his or her whereabouts are currently unknown and the religious preferences of the parents have not been previously made known, the child may voluntarily participate in the religious activities of the out-of-home caregiver as long as those activities do not endanger the child's health and safety.

Out-of-Home Caregivers

Any religious practices by out-of-home caregivers which advocate corporal punishment, rituals involving sex acts or physical abuse, the prohibition of medical care and any other practices which pose a threat to the child's health and safety are not permitted, even if the child's parent or legal guardian agrees with these practices.

The rights and responsibilities of caregivers regarding religious practices are:

- The right to practice the religion of his or her choice; however, those religious practices must not be forced upon the foster child, the foster child's parent or legal guardian, or interfere with the provision of care to the foster child.
- Religious practices including, but not limited to, medical care, dietary restrictions, prohibition of birthday and holiday celebrations, mode of dress, or exclusion of the use of cosmetics cannot be imposed upon a child.
- The parent or legal guardian must express permission for the child to participate in any religious practices outside of their own religious doctrine, with the understanding that the practices do not endanger the child's health and safety.
- The religious practices of the out-of-home caregiver cannot prohibit the child from obtaining an abortion or using birth control.
- A child cannot be baptized, circumcised, etc., without a parent's, legal guardian's, or court's authorization.

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PROCEDURE

Assessing the Quality of Out-of-Home Care

CSW Responsibilities

1. During monthly contacts, assess for the quality of care the child/NMD by using the [Quality of Life Questions](#).
2. Encourage and remind the caregiver that the child/NMD should be given the opportunity to participate in extracurricular activities.
 - Provide the caregiver with the [Caregiver Information Sheet, Extracurricular, Enrichment And Social Activities, And The Reasonable And Prudent Parent Standard](#).
 - If there is concern about a caregiver's judgment regarding a child's participation in extracurricular activities, consult with County Counsel on what action should be taken.
 - Document the dependent child's participation in extracurricular activities in the Contact Notebook and in court reports.
3. If there is an unresolved quality of life concern, consult with the SCSW regarding to determine what if any actions can be taken to rectify the concern(s).
4. If during the course of contact with the child/youth, it is determined the child/youth cannot safely remain in the caregiver's home, immediately contact the SCSW regarding the situation.
 - If it is determined the child/youth should be removed, follow the steps outlined in [Child Abuse and Neglect Reporting Act](#).
5. Upon return to the office:
 - Immediately contact the Child Protection Hotline and make a child abuse referral if child abuse and/or neglect is suspected.
 - This applies to nonminor dependents (NMD) as well.
 - Locate a new placement and replace the child/youth.
 - Utilize the [Child and Family Team \(CFT\)](#) process prior to locating a placement or shortly after replacement.

SCSW Responsibilities

1. If there is a quality of life concern that could not be resolved, notify the ARA and provide him/her with the following information:
 - Your name and title;
 - Your office location and telephone number;
 - The child's/NMD's name and case number;

- The type of placement (foster home, foster family agency home, relative home, group home, etc.);
 - The caregiver/placement name and location;
 - The specific quality-of-life issue of concern; and,
 - Any additional remarks or pertinent information (e.g., attempts to resolve the matter).
2. Document the following in the Contact Notebook:
- Name of the ARA
 - The date ARA was notified of the quality-of-life issue(s).
 - Action to be taken (if known) and any needed follow-up.

ARA Responsibilities

1. Within one business day of being informed of a quality of life concern notify your Deputy Director's Executive Assistant and provide them with the following information.
- The name of the CSW;
 - The CSW's office location and telephone number;
 - The child's/NMD's name and case number;
 - The type of placement (foster home, foster family agency home, relative home, group home, etc.);
 - The caregiver/placement name and location;
 - The specific quality-of-life issue of concern; and,
 - Any additional remarks or pertinent information

Service Bureau Deputy Director's Executive Assistant Responsibilities

1. Review the facts presented regarding any quality of life issues and take available steps to remedy the concerns of the CSW:
2. When appropriate, contact the out-of-home caregiver and attempt to resolve the matter.
3. Report concerns as follows:
- For Group Homes or Foster Family Agencies, the matter is referred to Resource Contract Management Division for appropriate follow-up and/or action.
 - For licensed foster homes or a small family home, the matter is referred to Community Care Licensing (CCL) to report possible violations of licensing regulations.
 - For relative and non-relative extended family members, the matter is referred to the ASFA Division.

4. [Notify the ARA of the results and or actions taken regarding the reported concern.](#)

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APPROVALS

[None](#)

HELPFUL LINKS

Attachments

[Caregiver Information Sheet, Extracurricular, Enrichment and Social Activities, and the Reasonable and Prudent Parent Standard](#)

[Caregiver's Ability to Arrange for Care and Supervision FAQ](#)

[CDSS Reasonable & Prudent Parent Standards FAQ](#)

[Quality of Life Questions](#)

Forms

LA Kids

[DCFS 2281, Clothing Standard](#)

[DCFS 5650, Personal Rights](#)

Referenced Policy Guides

[0050-501.10, Child Abuse and Neglect Reporting Act \(CANRA\)](#)

[0070-548.01, Child and Family Teams](#)

[0070-559.10, Clearances](#)

[0100-510.21, Voluntary Placement](#)

[0100-535.60, Youth Development: The 90-Day Transition Plan and Transitioning to Independence](#)

[0300-503.85, Permission for a Child to Marry, Join the Armed Forces or Join the Job Corps](#)

[0400-504.00, Family Visitation Planning](#)

[0600-502.20, HIV/AIDS Testing and Disclosure of HIV/AIDS Information](#)

[0600-514.10, Psychotropic Medication: Authorization, Review, and Monitoring for DCFS Supervised Child](#)

[0700-500.10, Education of DCFS-Supervised Children](#)

[FYI 06-05, Administration of Emergency Medical Assistance and Injections for Severe Diabetic Hypoglycemia and Anaphylactic Shock and Subcutaneous Injections or Other Prescribed Medication to a Foster Child](#)

Statutes

[All County Letter 05-39, Extracurricular, Enrichment, and Social Activities](#)

[Health and Safety Code \(HSC\) Section 1507.25](#) – Caregivers trained to administer injections by a licensed health care professional are only authorized to administer emergency medical assistance and injections to a foster child for severe diabetic hypoglycemia, anaphylactic shock, and subcutaneous injections of other prescribed medication.

[HSC Section 1530.6](#) – Authorizes out-of-home caregivers to give the same legal consent for that child as a parent except for specified circumstances.

[HSC 1530.7](#) – Requires group homes, foster family agencies, small family homes, transitional housing placement providers, and crisis nurseries licensed pursuant to this chapter to maintain a smoke-free environment.

[Penal Code \(PEN\) Section 652](#) – States that permission must be obtained from a parent or guardian in order to perform or offer to perform body piercing upon a person under the age of 18 years.

[PEN Section 653](#) – States that every person who tattoos or offers to tattoo a person under the age of 18 years is guilty of a misdemeanor. As used in this section, to "tattoo" means to insert pigment under the surface of the skin of a human being, by pricking with a needle or otherwise, so as to produce an indelible mark or figure visible through the skin. This section is not intended to apply to any act of a licensed practitioner of the healing arts performed in the course of his practice.

[PEN Section 3003.6](#) – Prohibits registered sex offenders (RSO) from residing, working or volunteering in specified foster homes or facilities. Applies to homes/placements DCFS approves including relatives, NREFM's and delinquents who are not clients. Violation is a misdemeanor. Wards who are clients, who are sexual offenders, are not statutorily prohibited from residing in homes with other dependents and/or wards.

[Title 22, Division 6, Chapter 1, Section 80072\(a\)\(5\)](#) – States that each client has personal rights.

[Title 22, Division 6, Chapter 9.5, Article 3 Personal Rights Section 89372](#) – States that each child shall have personal rights which include to be free to attend religious services and activities of his/her choice and to have visits from the spiritual advisor of his/her choice.

[Title 22, Division 6, Chapter 9.5, Section 89377](#) – States that a caregiver is responsible for applying the Reasonable and Prudent Parent Standard and what factors to consider.

[Title 22, Division 6, Chapter 9.5, Section 89378](#) – Sets forth the terms and conditions for a caregiver using an Occasional Short-term Babysitter and for an Alternative Caregiver.

[Title 22, Division 6, Chapter 9.5, Section 89379](#) – Sets forth the parameters of extracurricular, enrichment, and social activities

[Vehicle Code Section 17701](#) – States in pertinent part that if a youth is a dependent or ward of the court, the application may be signed by a grandparent, a sibling over the age of 18 years, aunt, uncle, or foster parent with whom the youth resides. The probation officer or child protective services worker acting as an officer of the court, on behalf of a youth, may also sign and verify the application of a child who is a dependent or ward of the court, if the youth files proof of financial responsibility. Prior to signing the application, the probation officer or child protective services worker shall notify the foster parents or other responsible party of his or her intent to sign and verify the application.

[Welfare and Institutions Code \(WIC\) Section 362.04](#) – Provides guidelines and the criteria for using an occasional short-term babysitter.

[WIC Section 362.05](#) – States every child adjudged a dependent child of the juvenile court shall be entitled to participate in age-appropriate extracurricular, enrichment, and social activities, including, but not limited to, access to computer technology and the Internet.

[WIC Section 369.5\(a\)](#) – States in pertinent part that if a child is adjudged a dependent child of the court under Section 300 and the child has been removed from the physical custody of the parent under Section 361, only a juvenile court judicial officer shall have authority to make orders regarding the administration of psychotropic medications for that child.

[WIC Section 16001.9](#) – Establishes the rights that all children in foster care are entitled to.

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