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**ORANGE COUNTY SOCIAL SERVICES AGENCY  
CFS OPERATIONS MANUAL**

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**Effective Date: February 10, 1984**

**Number: D-0408**

**Revised: May 11, 2006**

**Revised: March 10, 2011**

**Revised: October 11, 2011**

**Revised: May 5, 2016**

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## **Substitute Supervision**

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<b>Purpose</b>	To provide guidelines for the utilization of substitute care and supervision of children in out-of-home care.
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<b>Approved</b>	This policy was approved by Gary Taylor, Director of CFS, on May 5, 2016. <i>Signature on file.</i>
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<b>Most Recent Revision</b>	<p>This revision of the Policy and Procedure (P&amp;P) incorporates:</p> <ul style="list-style-type: none"><li>• Expanded definition of reasonable and prudent parent standard</li><li>• Legislative guidance regarding caregivers approved through the resource family approval process</li></ul>
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<b>Background</b>	<p>Prior to January 1, 2006, anyone providing substitute supervision for a foster child, for any amount of time, was required to undergo a criminal record background check, a test for Tuberculosis (TB), a health screening, and Cardiopulmonary Resuscitation (CPR) training or certification. The previous requirements created barriers to the recruitment and retention of high-quality foster parents, a caregiver's ability to find suitable babysitters for brief absences, the normalization of a foster child's life, and the facilitation of full integration into a foster family.</p>
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In January, 2006, [Senate Bill \(SB\) 358 \(Chapter 628, Statutes 2005\)](#) was enacted permitting caregivers to forgo certain clearance activities when using substitute supervision on a short-term basis.

Further, in April 2010, new California Department of Social Services (CDSS) Community Care Licensing (CCL) regulations added an additional substitute supervision option for periods longer than 24 hours.

As a result of [Assembly Bill \(AB\) 340 \(Chapter 464, Statutes 2007\)](#), CDSS developed a unified caregiver approval process, termed Resource Family Approval (RFA), which includes provisions that caregivers understand their responsibilities with respect to acting as a reasonable and prudent parent when selecting appropriate substitute supervision and care. [Senate Bill \(SB\) 794 \(Chapter 425, Statutes 2015\)](#) expanded the definition of reasonable and prudent parent standard.

Group homes and child daycare providers have separate supervision requirements and are not covered by this policy.

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## Definitions

For the purpose of this P&P, the following definitions apply:

**Adult:** Person 18 years of age or older except specified individuals identified under “Child” definition below.

**Child:** A person who meets any of the following criteria:

- Under age 18 years and is placed with a caregiver in a licensed, certified, or approved home
- Aged 18 years, in foster care, and in the process of pursuing a high school diploma or equivalency certificate before 19th birthday
- Aged 18–22 years, in foster care, is completing a publicly funded education program, and has a medical condition that requires specialized in-home health care

**Caregiver:** Any licensed or certified foster parent, an approved relative or nonrelative extended family member (NREFM), or an approved resource family.

**Reasonable and prudent parent standard (RPPS):** Standard characterized by careful and sensible parental decisions that maintain a child’s health, safety, and best interest while at the same time encouraging the child’s emotional and developmental growth.

**Short-term:** No more than 24 consecutive hours.

**Written Directives (WDs):** The written processes, standards, and requirements issued by CDSS to implement the RFA Program.

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## POLICY

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### Substitute Supervision Options

Per CDSS Manual of Policies and Procedures (MPP) Title 22, Division 6, Chapter 9.5, Article 3, Section (§) 89378 and CDSS RFA WD § 10-13, caregivers are required to provide care and supervision as specified in the child's placement agreement, needs and services plan, Case Plan, and if applicable, Transitional Independent Living Plan (TILP). During a caregiver's absence, CDSS has authorized the following substitute care and supervision options:

A. **Occasional Short-Term Babysitter:**

Individual selected by a caregiver to provide care on an occasional basis not to exceed 24 hours per occasion.

1. Caregiver is required to apply the reasonable and prudent parent standard in the determination and selection of an appropriate sitter.
2. Care may occur in or out of caregiver/placement home.
3. Babysitter is exempt from Live Scan, TB test, health screening, CPR certification, and social worker approval.
4. Babysitter may be under 18 years of age if the individual has the maturity, experience, and ability necessary to provide adequate care and supervision to a child.
5. A foster child may be an occasional short-term babysitter if, after application of the reasonable and prudent parent standard, the caregiver determines it is appropriate. Under no circumstances will a foster child be required to babysit.

**Note:** Per CFS Policy, ongoing or regular use of a foster child as a babysitter (i.e., employment opportunity) requires specific inclusion in the child's Case Plan, TILP, or placement agreement.

6. Per Welfare and Institutions Code (WIC) § 362.04, the caregiver is required to provide babysitter with:

- Information about the child's emotional, behavioral, medical, or physical conditions
- Any medication requiring administration during the period of supervision
- Valid emergency contact information

**B. Alternative Caregiver:**

An adult selected by a caregiver to provide care in the placement home on an occasional basis for periods more than 24 hours unless prohibited by court order, the assigned Senior Social Worker (SSW), or if applicable, the Licensing/RFA worker.

**Exception:**

For caregivers approved under RFA standards, CDSS RFA WD § 10-13(c)(2)(D) allows for an alternative caregiver to provide care in either:

- The resource family's home
- Or–
- The alternative caregiver's home

**Note:** If care and supervision will occur in an alternative caregiver's home, the resource family is expected to use the reasonable and prudent parent standard to determine if the alternative caregiver's home is safe and appropriate for the child and whether the child's personal rights will be respected.

The use of an alternative caregiver is intended to create stability and normalization for the child during infrequent occurrences when a caregiver will be absent from the home longer than 24 hours.

1. Caregiver is required to apply the reasonable and prudent parent standard in the determination and selection of an appropriate alternative caregiver.

In addition, the determination and selection will include an assessment of the alternative caregiver's willingness and ability to:

- Comply with applicable statutes and regulations
  - Provide care and supervision taking into consideration the age, maturity, behavioral tendencies, mental and physical health, medications, abilities and limitations, development level of, and court orders for child
2. Alternative caregivers are required to have a criminal record and Child Abuse Central Index (CACI) clearance by live scan fingerprint. See CFS P&P [Live Scan Fingerprinting \(B-0115\)](#).

The party responsible for initiation of live scan services for alternative caregivers is determined by the type of caregiver as follows:

Caregiver Type	Party Responsible
Certified foster parent	Foster Family Agency (FFA) Worker
Licensed foster parent	Licensing/RFA Worker
Relative/NREFM	RFA Worker
Approved Resource Family	RFA Worker

CFS staff responsible for the evaluation of live scan results will follow guidelines outlined in CFS P&P [Clearances—Relative Assessments \(K-0101\)](#), CFS P&P [Foster Home Licensing \(K-0604\)](#), or RFA Background Checks Protocol (pending), as applicable.

Per CFS policy, CPR certification is required of an alternative caregiver caring for children with specialized health care needs. **Note:** In addition, if staff become aware of a health concern related to an alternative caregiver that might negatively impact the health of a child, staff will consult with a Senior Social Services Supervisor (SSSS), Public Health Nurse (PHN), and as needed, County Counsel. If determined to be in the best interest of the child, the alternative caregiver may be required to obtain a health screening and/or TB test.

3. Prior to an absence between 24 to 72 hours, foster caregiver is required to provide verbal or written notification to assigned SSW to include:

- Dates caregiver plans to be absent from the home
- Name of alternative caregiver
- Emergency phone number foster caregiver may be reached during period of absence

Prior to an absence that will exceed 72 hours; foster caregiver is required to obtain assigned SSW approval. Approval will be documented in a Child Welfare Services/Case Management System (CWS/CMS) Contact Narrative. Documentation will include yet not be limited to:

- Reason and dates caregiver will be absent
- Name and contact number of alternative caregiver
- Emergency phone number foster caregiver may be reached during period of absence
- Approval of assigned SSW

4. Caregiver is required to provide alternative caregiver with:

- Information about the child's emotional, behavioral, medical, or physical conditions
- Any medication requiring administration during the period of supervision
- Name and telephone number of child's assigned SSW
- Caregiver emergency contact information

C. **Respite Care:**

Temporary relief from care giving duties through the use of respite provided by a licensed, approved, or certified caregiver. CFS offers respite through a contracted service subject to specific guidelines. See CFS P&P [Respite Care \(K-0212\)](#).

D. **Foster Child Home Alone:**

On an occasional basis, a child may be alone at home without adult supervision, excluding overnight.

**Exception:** For caregivers approved under RFA standards, CDSS RFA WD § 10-13(d)(2) allows for a child to be alone overnight if acting as an occasional short-term babysitter.

**Note:** Leaving a child home alone on an ongoing or regular basis (i.e., several hours before or after school) requires specific inclusion in the child’s case plan, TILP, or placement agreement.

1. Caregiver is required to apply the reasonable and prudent parent standard to determine the appropriateness of leaving a child alone without adult supervision.
2. Prior to leaving a child alone, the caregiver will ensure the child is of sufficient maturity and developmental level, has access to a working phone at all times, and is aware of the following information:
  - Where the emergency numbers are posted
  - Where and how to contact the caregiver
  - Emergency procedures

**E. Licensed Child Care Facility:**

Ongoing, routine care and supervision, for any length of time, (e.g., eight hours Monday–Friday, four hours Tuesday and Thursday, etc.) by a licensed child care facility.

Subsidized licensed child care programs may be available for caregivers. See the [Resource Development and Management \(RDM\)](#) webpage for child care resources.

**F. Extracurricular Activities:**

A child’s participation in enrichment and social activities without caregiver presence. Caregiver is required to apply the reasonable and prudent parent standard in the selection of appropriate activities. See CFS P&P [Extracurricular Activities \(D-0402\)](#)

Special Medical Considerations: Care and supervision of children with prescribed medical equipment or special health care needs requires child-specific medical training. CFS staff will contact the Specialized Family Services (SFS) Special Medical (SM) Placement Coordinator when assisting with or initiating substitute supervision options for children with specialized health care needs. See CFS P&P [Special Medical Placements \(K-0801\)](#).

**Evaluation of  
Substitute  
Caregivers**

As outlined in CDSS All County Information Notice (ACIN) I-28-15, staff will support and encourage caregivers to use appropriate substitute care options and will emphasize a caregiver's responsibility to use the reasonable and prudent parent standard when making arrangements for temporary care.

Social work staff will be available to caregivers, as needed, to discuss any concerns regarding the selection and use of substitute caregivers.

In addition, staff will encourage caregivers to document any application of the reasonable and prudent parent standard in making determinations for substitute supervision in the child's records maintained by the caregiver.

As indicated in [CDSS MPP Title 22, Division 6, Chapter 9.5, Article 3, § 89377](#) and [CDSS RFA WD § 10-12](#), factors to consider when applying the reasonable and prudent parent standard for selection of a substitute caregiver may include yet are not limited to:

- A. Length of time caregiver has known prospective substitute caregiver.
- B. If the prospective substitute caregiver is:
  - 1. Viewed as a person of competence.
  - 2. Experienced at childcare.
  - 3. Of an appropriate age to provide childcare.
  - 4. Someone who has expressed an interest in the child or is familiar with the child.
  - 5. An appropriate match for the child's age, maturity, mental and physical health, developmental level, behavioral propensities and aptitude.
- C. Prospective substitute caregiver's ability to provide necessary and appropriate care.
- D. Length of time caregiver will be away from home.
- E. Foreseeable risks in leaving child with prospective substitute caregiver.

- F. The best interests of the child based on information known by the caregiver (e.g., child's history, medications, abilities and limitations, likes and dislikes, court orders, etc.).

**Notification of Substitute Supervision Responsibilities**

During the resource family approval process and at the time of placement, RFA social work staff will inform caregivers of the authorized substitute supervision options by review and completion of *Substitute Supervision Information (F063-25-464)*.

**Compliance with Prudent Parent Standard**

As necessary, social work staff will discuss the use of substitute supervision with caregivers to ensure:

- Each child's safety and well-being needs are met
- Compliance with CCL regulations, CDSS RFA WDs and CFS policy

Pursuant to CDSS All County Letter (ACL) 06-02 and CDSS RFA WD § 09-02, failure to apply the reasonable and prudent parent standard may result in an evaluation of the appropriateness of the placement and the caregiver may be provided with a plan of correction with suggestions for compliance.

If failure to use a reasonable and prudent parent standard results in a complaint, serious incident report, or quality of care issue (i.e., violation to regulation or law related to personal rights, lack of supervision, corporal punishment, physical residence, food, clothing, or shelter issue), a referral will be made by the staff identifying the issue to the Child Abuse Registry and/or RFA and Services Program, as appropriate.

Staff will document any incidents of caregiver non-compliance with the reasonable and prudent parent standard in a CWS/CMS Contact Narrative. Documentation will include, but not be limited to:

- Description of specific incident or concern
- Statements made by caregiver
- Plan of correction or suggestions for improvement given
- Follow-up activities, if applicable

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## REFERENCES

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### Attachments and Data Entry Standards

Hyperlinks are provided below to access attachments to this P&P and any CWS/CMS Data Entry Standards that are referenced.

None.

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### Hyperlinks

Users accessing this document by computer may create a direct connection to the following references by clicking on the link provided.

- CFS P&P [Live Scan Fingerprinting \(B-0115\)](#)
  - CFS P&P [Respite Care \(K-0212\)](#)
  - CFS P&P [Special Medical Placements \(K-0801\)](#)
  - CFS P&P [Extracurricular Activities \(D-0402\)](#)
  - CFS P&P [Clearances—Relative Assessments \(K-0101\)](#)
  - CFS P&P [Foster Home Licensing \(K-0604\)](#)
  - CFS Desk Guide—RFA Background Checks Protocol (pending)
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### Other Sources

Other printed references include the following:

None.

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## FORMS

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### Online Forms

Forms listed below may be printed out and completed, or completed online, and may be accessed by clicking on the link provided.

	<b>Form Name</b>	<b>Form Number</b>
None.		

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**Hard Copy Forms**

Forms that may be completed in hard copy (including multi-copy NCR forms) are listed below. **For reference purposes only**, links are provided to view these hard copy forms, where available.

Form Name	Form Number
<a href="#">Substitute Supervision Information</a>	F063-25-464
Substitute Supervision Information (Spanish)	F063-25-464Sp

**CWS/CMS Forms**

Forms may **only** be obtained in CWS/CMS are listed below. **For reference purposes only**, links are provided to view these CWS/CMS forms, where available.

Form Name	Form Number
None.	

**Brochures**

Brochures to distribute in conjunction with this policy may include:

Brochure Name	Brochure Number
None.	

**LEGAL MANDATES**

[Health and Safety Code \(HSC\) § 1522\(b\)\(3\)\(C\)](#) exempts individuals providing short-term (24 hours or less) care to a foster child from fingerprint clearances.

[Welfare and Institutions Code \(WIC\) § 362.05](#) defines “reasonable and prudent parent standard”.

[WIC § 362.04](#) exempts short-term care babysitters of foster children from health screening or CPR certification or training and outlines the information a foster parent is required to supply a caregiver providing short-term care of a foster child.

[WIC § 16519.5](#) outlines the provisions of the Resource Family Approval (RFA) process which includes that applicants understand his or her responsibilities with respect to acting as a reasonable and prudent parent and selecting appropriate substitute care and supervision.

[California Department Social Services \(CDSS\) All County Letter \(ACL\) 06-02](#) advises counties of the use of occasional short-term babysitters by foster caregivers.

[CDSS Resource Family Approval \(RFA\) Written Directive \(WD\) § 09-02](#) provides guidance regarding complaints and serious incidents involving resource families.

[CDSS Manual of Policy and Procedure \(MPP\) Title 22, Division 6, Chapter 9.5, Article 3, Section 89378](#) and [CDSS RFA WD § 10-13](#) outlines a caregiver's responsibility for the provision of care and supervision of foster children including substitute care options.

[CDSS MPP Title 22, Division 6, Chapter 9.5, Article 3, Section 89377](#) and [CDSS RFA WD § 10-12](#) provides guidance on the application of the reasonable and prudent parent standard.

CDSS [All County Information Notice \(ACIN\) I-28-15](#) provides examples in how a caregiver can promote normalcy for foster children through the use of substitute care options and emphasizes a caregiver's responsibility to use the reasonable and prudent parent standard.