

Normalcy Protocol

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Forms

The following forms are referenced in this file:

- 04-25 Caregiver Information Sheet
- 04-25sp Caregiver Information Sheet (Spanish)
- 04-258 Placement Needs and Services Plan (CWS/CMS Template)
- 10-5 Foster Children's Personal Rights
- [LIC 625](#) Appraisal/Needs and Services Plan

Introduction

Every dependent youth will be entitled and encouraged to participate in age or developmentally appropriate, extracurricular enrichment, cultural, and social activities including, but not limited to access to computer technology and the internet in order to ensure a "normal life" and a successful transition out of foster care. Often, these children do not participate in these activities due to concerns the activities may conflict with licensing or Resource Family Approval (RFA) regulations. WIC 362.05 sets a clear expectation to ensure these children participate in these activities.

Age or developmentally appropriate means activities that are generally acceptable for children of the same chronological age or level of maturity or that are determined to be developmentally appropriate for a child based on the development of cognitive, emotional, physical and behavioral capacities that are typical for age or age group.

Introduction (cont.)

WIC 362.05 provides that:

- Every dependent child of the juvenile court will be entitled to participate in age or developmentally appropriate extracurricular enrichment, cultural, and social activities.
- Access to computer technology and internet.
- Resource parents use the prudent parent standard in determining whether to give permission for a child residing in foster care to participate in extracurricular, enrichment, and social activities.
- Resource parents and Group Home/Short Term Residential Therapeutic Program (STRTP) administrators will take reasonable steps to determine the appropriateness of the activity in consideration of the child's age, maturity, and developmental level.
- No state or local regulation or policy prevent or creates barriers to participation in those activities.
- Each state and local entity is required to ensure that private agencies providing foster care services to dependent children have policies consistent with this section and that those agencies promote and protect the ability of dependent children to participate in age-appropriate extracurricular, enrichment, and social activities.

Policy

Every dependent child/youth is entitled to participate in age-appropriate extracurricular, enrichment, cultural, and social activities, including access to computer technology and the internet. A resource parent or STRTP/GH administrator or designee shall take reasonable steps to determine the appropriateness of the activity in consideration to the child/youth's age, maturity, and developmental level.

Program modules or procedures (i.e., point/level system) cannot prevent a youth from participating in essential activities, such as:

- Employment
- Training program
- Education
- Independent Living Skills (ILS) Services.

NOTE: SWs are to elevate to their PSS and encouraged to have a Child and Family Team Meeting when there is a disagreement between the resource parent and SW about the youth's needs/activities that cannot be resolved.

Prudent Parent

The term “reasonable and prudent parent standard” is defined in WIC 362.05 as the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the state to participate in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities.

Necessary to consider when using the Reasonable and Prudent Parent Standard:

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

The following factors should be considered regarding whether a youth should participate in activities:

- Is the activity appropriate for child/youth’s age, developmental level, mental/health status, and maturity?
- What are the youth’s dangerous propensities?
- Is it clear where the activity will be held, with whom the child/youth will be going, and when the child will return?
- Is the activity potentially dangerous or likely to cause damage?
- Are there other safety issues?
- What would be the negative outcome of allowing the youth to participate in such an activity?
- What would be the positive benefits of allowing the youth to participate in such activity?
- What would the child/youth gain from the activity (emotional and developmental growth)?
- Does the youth know how to protect him/herself from potential danger?
- Does the youth understand potential danger and all precautions that should be taken?
- Is the youth able to use “good judgment” and “common sense”?
- Is the resource parent using “good judgment” and “common sense”?

NOTE: Despite the attempt to provide resource parents with the widest latitude to provide normalcy, there are legal restrictions for resource parents that ensure the health and safety of children in foster care. Children in foster care have personal rights (see Foster Child's Rights) that place specific restrictions on a resource parent’s actions.

Normalcy Activities

Examples of “normalcy” activities a youth shall be able to participate in are as follows:

- Education (e.g., public school)
- Basic Needs (e.g. appropriate clothing, bank account)
- Sports (e.g. football, volleyball)
- Social Life (e.g. independent passes, shopping, movies, school functions, sleep-overs with friends)
- Identity (e.g. interests, hobbies)
- Employment (e.g. jobs)
- Relationships (e.g. friends, dating)
- Community Involvement (e.g. clubs, organizations).

NOTE: Appropriate activities are not limited to the examples in this list. Due to the risk of some activities, such as “football”, a Resource Parents is not authorized to give consent. Consultation with SW, child’ parent and attorney is required.

Potential Life-Threatening Activities

The following activities have potential life-threatening risks, but may be part of a family’s normal family life activity. A caregiver is expected to follow the applicable laws regarding education and supervision surrounding the activity. Request for such activities shall be discussed with the child’s attorney and parent (if available) before a decision is made to allow participation.

- Sky diving
- Mountain climbing
- Parachuting/hang gliding
- Scuba diving
- Drag racing
- Hunting

NOTE: Potential life-threatening activities are not limited to the examples in this list.

**Temporary Care
Options for
Resource Parents**

There are several options for resource parents when short temporary periods of care are needed, depending on the situation:

- Babysitter – a trusted individual to use as an “occasional short term babysitter” for up to 24 hours, including overnight.
- Alternative Care – care with an adult who is a trusted family member, close friend, or neighbor for 24 to 72 hours in their home or in the caregiver’s home
 - Alternative care may exceed 72 hours if approved by the child’s social worker.
- Respite Care- not to exceed 72 hours, must be an approved relative/NREFM, licensed foster family, a certified family home, Resource Family, or certified respite care provider and not to be used for ongoing child care)
 - Respite Care may exceed 72 hours upon approval by SW. (Advanced Respite COR approval is needed for excess respite hours.)
- Leaving a Foster Child Alone- for brief periods of time for children 10 years and older (children are not to be left alone at night).
- Day Care-Licensed day care facility.

NOTE: “Brief” is not defined; however, the caregiver will 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 resource parent must make sure the child knows where the emergency numbers are posted, knows the emergency procedures (what to do in an emergency), and knows where and how to contact the resource parent.

Determining Appropriate Temporary Care

Temporary care is dependent upon the situation at hand. The following chart compares the various criteria needed to determine the most appropriate temporary care.

| Type of Temporary Care | Need to be over 18? | Need to be licensed? | Need SW approval? |
|---|---------------------|----------------------|-------------------|
| Babysitter (in-home or-out-of- home, up to 24 hours) | No | No | No |
| Alternative Caregiver (in-home or out-of-home, 24 to 72 hours) | Yes | No† | No |
| Alternative Caregiver (in-home or out-of-home, longer than 72 hours) | Yes | No† | Yes |
| Respite Care (out-of-home, 24 to 72 hours) | Yes | Yes | No |

NOTE: †Best practice is for SW to request criminal record and Child Abuse Central Index clearances for alternative caregivers.

Regular Care of a Child (ren) in the Resource Family Home

- If an approved RFA caregiver chooses to have an adult regularly care for a child in their home, the adult is considered an adult regularly present in the home, and a **complete background check is required** pursuant to Welfare and Institutions Code Section 16519.5(d).

Regular Care of a Child (ren) Outside the Resource Family Home

- If a caregiver chooses to have an adult regularly care for a child outside their home, a **complete background check is required** via the social worker of the child.

Resources for SW Staff

SWs can refer to and share the following resources with resource parent. These resources reinforce and are consistent with policies on youth's personal rights and ILS participation:

- Foster Children's Personal Rights (10-5)
- Foster Child's Rights PM file (WIC 16001.9) b
- Independent Living Skills (ILS) Services PM file
- Independent Living Skills Services in Resources
- Caregiver Information Sheet (04-25)
- [Verification for Reduced Fee California Identification Card form \(DL 937\)](#)
- Volvo Keys to Success Scholarship Program (see Motor Vehicle License).

SW's Responsibilities

The assigned SW will encourage age-appropriate participation in extracurricular enrichment and social activities by doing the following:

- Act as an active advocate on behalf of a youth.
- Assist youth in identifying extracurricular activities.
- Work collaboratively with the resource parent.
- Review, at least every six months, the Foster Children's Personal Rights (10-5) form with the youth. Refer to the Foster Child's Rights PM file for more information.
- Remind resource parent of the 10-5 form requirements.
- Ensure that the Foster Children's rights are followed.
- Document in the Placement Needs and Services Plan (04-258), age-appropriate activities such as:
 - getting/maintaining a job
 - unsupervised community time
 - dating
 - visiting with friends
 - age-appropriate ILS related activities.

NOTE: The Placement Needs and Services Plan is a key mechanism for documenting the planned and approved activities and will be updated anytime there are significant changes in the youth's recreational activities and/or other interests.

- For FFA and STRTP/LGH placements, request modification of the Appraisal Needs and Services Plan ([LIC 625](#)), as needed.
- Refer eligible youth to Independent Living Skills (ILS) Program.
 - Encourage youth to participate in ILS program and services
 - SWs and resource parents are encouraged to think creatively and assess each youth's ILS strengths and needs
 - A youth's age will not be a factor in determining when to start assessing for ILS or skills.

**Caregiver's
Responsibility**

Per WIC 362.05, ALL resource parent's including licensed and certified foster parents, approved relatives and Non-Relative Extended Family Members (NREFM), Resource Family Approved homes, and group home providers will:

- Use a [prudent parent standard](#) in determining whether to give permission for a youth residing in foster care to participate in extracurricular, enrichment, and social activities.
- Take reasonable steps to determine the appropriateness of the activity in consideration of the youth's age, maturity, and developmental level.
- Encourage youth to identify some extracurricular activities such as:
 - getting/maintaining a job
 - obtaining a reduced fee [Identification Card](#) from the Department of Motor Vehicles (DMV)
 - unsupervised community time
 - dating
 - visiting with friends
 - age appropriate ILS related activities

NOTE: The Placement Needs and Services Plan is a key mechanism for documenting the planned and approved activities and will be updated by the SW anytime there are significant changes in the youth's recreational activities and/or other interests.

Whenever there is a disagreement between the resource parent and SW about the youth's needs/activities, the resource parent is to elevate to the assigned SW's PSS.

**Tattoos and Ear
Piercings**

In the absence of a parent, or when parental rights have been terminated, resource parent consent for tattoos and body piercings does not fall under the "Reasonable Prudent Parent Standard" described in 362.05, as it specifically excludes piercings and tattoos.

The following table provides guidance when a child, youth, or caregiver makes a request for a tattoo, permanent cosmetic, or piercing:

| Type of Request | Procedure |
|-----------------------------|--|
| Tattoo or Permanent Make Up | is not permitted per Health and Safety Code (H&S) 119302 and pursuant to Penal Code (PC) 653. A client shall be at least 18 years of age to be offered or to receive a tattoo or permanent cosmetics application, regardless of parental consent. |

Tattoos and Ear Piercings (cont.)

| Type of Request | Procedure |
|-----------------|--|
| Piercing | <p>is permitted per H&S Code 119302 and pursuant to PC 652.</p> <p>Persons under 18 years of age shall not be offered or receive a body piercing unless the piercing is performed in the presence of his or her parent or guardian.</p> <p>If parental rights have been terminated or a parents' whereabouts are unknown, and the minor is in out-of- home care, the social worker will need to submit an ex-parte.</p> <p>The ex-parte will include information about the piercing such as:</p> <ul style="list-style-type: none"> • What piercing will be done • Establishment that will perform the piercing • The responsible adult that will be present <p>NOTE: Notice needs to be provided to all parties and a hearing held if there is a party who objects.</p> |

NOTE: Preference is to have the caregiver or CASA as the responsible adult present during the piercing.

According to Health and Safety Code (H&S) 119302:

- (a) Pursuant to Penal Code 653 (PC), a client shall be at least 18 years of age to be offered or to receive a tattoo or permanent cosmetics application, regardless of parental consent.
- (b) Pursuant to PC 652, persons under 18 years of age shall not be offered or receive a body piercing unless the piercing is performed in the presence of his or her parent or guardian.

If parental rights have been terminated or a parents' whereabouts are unknown, and the minor is in out-of- home care, and the minor or the resource parent is requesting to have the minor get a body piercing, the social worker will need to submit an ex-parte.

The ex-parte will include information about the piercing such as:

- What piercing will be done
- Establishment that will perform the piercing
- The responsible adult that will be present

NOTE: Notice needs to be provided to all parties and a hearing held if there is a party who objects.

**Telephone Access
Rights of Foster
Children, Cell
Phones**

Welfare and Institutions Code Section 16001.9 (13) states that all children in foster care have the right to make, send and receive confidential telephone calls and other electronic communications, and to send and receive unopened mail, unless prohibited by court order.

Resource parents may not prohibit or restrict telephone calls to the following:

- Authorized representatives
- Foster youth advocates and supporters
- Family members not excluded by court order
- SWs
- Attorneys
- Court Appointed Special Advocates (CASAs)
- Community Care Licensing Division of the California
- State Foster Care Ombudsman.

Resource parents may place limitations to calls to other individuals, but may not remove a cell phone that belongs to the child/youth, but may apply reasonable restrictions to their activity based on:

- House rules (e.g. phones off at a designated hour, no phones during meals)
- Consideration of the rights of others (e.g. limit number of calls and times to ensure all children/youth have equal time)
- Case service plan requirements

NOTE: Best practice is for SWs and resource parents to work as team as stated in the QPI Partnership Agreement, to provide normalcy to the child/youth, while ensuring their safety and well-being.

**Access to
Technology and
Internet**

Welfare and Institutions Code 362.05 includes the use of access to technology and internet for dependent children in resource homes or in STRTP/GH.

Although foster children/ youth may not be prohibited from the use of social media, a resource parent or STRTP administrator or designee may restrict internet usage as appropriate, using careful and sensible parental decisions to maintain the child/youth health, safety, and best interest.

**California
Identification Card**

The law requires DMV to offer a reduced fee ID card to an applicant who has been identified by a governmental or a non-profit entity as meeting the eligibility requirements for assistance programs as specified in the Welfare and Institutions Code. All foster children meet the eligibility requirements to qualify for the reduced fee ID card. Resource parents may apply for this ID card by requesting the SW complete the DMV form DL 937 and sending this form to them. The resource parent and child can then take this form to their nearest DMV office.

NOTE: The DL 937 form is not available online. Regional supply clerks can order the form from the Department of Motor Vehicles, using the [DL 932](#).

Alignment with SET

The outlined policy provides direction to CWS SWs to ensure the youth's needs are met. This policy supports SET [Value 3](#) by assisting children, and youth live a normal life, to achieve their full potential and develop lifelong relationships.

