

ORANGE COUNTY SOCIAL SERVICES AGENCY CFS OPERATIONS MANUAL

Effective Date: September 16, 2011

Number: D-0402

Extracurricular Activities

Purpose	To provide guidelines for foster children’s participation in extracurricular, enrichment, and social activities.
Approved	This policy was approved by Gary Taylor, Director of CFS, on September 16, 2011. <i>Signature on file.</i>
Most Recent Revision	<p>This revision of the Policy and Procedure (P&P) incorporates the following clarifications or additions:</p> <ul style="list-style-type: none">• “Legal Mandates” adds statutory references related to providing tattoos and body piercing to persons under 18 years of age• “Activities” is a new policy section which includes examples of extracurricular, enrichment, and social activities• “Haircut Guidelines” is a new policy section which outlines the protocol for obtaining haircuts for children in out-of-home care• “Notification” is a new policy section which directs when and how caregivers receive extracurricular activity information
Background	<p>Children and Family Services (CFS) supports the participation of foster children in age-appropriate extracurricular and social activities which help to normalize the lives of dependent children in foster care. In addition, CFS recognizes the value of extracurricular activities in promoting children’s emotional well being and the benefit these activities can have in helping children develop valuable life-coping skills.</p> <p>In the past, decisions about participation in many activities required social worker or court approval. Current legislation empowers caregivers to approve or disapprove some activity participation based on their own assessment, using a reasonable and prudent parent standard.</p>
Legal Mandates	<p>Assembly Bill (AB) 408 (CH. 813. Statutes 2003) added Section (§) 362.05 to the Welfare and Institutions Code (WIC).</p> <p>WIC (§) 362.05 entitles dependent children to participate in age-appropriate extracurricular, enrichment, and social activities, mandates no state or local policy prevent or create barriers to foster children’s participation in activities, and that caregivers use a reasonable prudent parent standard in approving activities.</p> <p>WIC § 362.04 defines reasonable and prudent parent standard.</p>

WIC § 16001.9 (a)(13) identifies the rights of foster children which includes the right to participate in extracurricular, cultural, and personal enrichment activities.

Health and Safety Code (HSC) § 1522 outlines criminal background clearance requirements and exemptions that apply.

HSC § 1530.6 authorizes out-of-home caregivers to give the same legal consents for a child as a parent except for specified circumstances.

California Department Social Services (CDSS) All County Letter (ACL) 05-39 provides counties with information and guidance on the compliance of WIC § 362.05 implementation.

CDSS Community Care Licensing (CCL) Code of Regulations, Title 22, Division 6, Chapter 9.5, Article 3, Section 89379 outlines a caregiver's role in the implementation of WIC 362.05 to include example activities.

CDSS CCL Code of Regulations, Title 22, Division 6, Chapter 9.5, Article 3, Section 89377 provides guidance to caregivers on the application of the reasonable and prudent parent standard.

Penal Code (PC) § 652 indicates it is an infraction for a person to perform or offer to perform body piercing on a person under the age of 18 years unless the act is performed in the presence of, or with notarized authorization from, the child's parent or legal guardian.

PC § 653 indicates any person who tattoos or offers to tattoo a person under the age of 18 years of age is guilty of a misdemeanor.

Definitions

Reasonable and prudent parent standard: Standard characterized by careful and sensible parental decisions that maintain the child's health, safety, and best interest.

For purposes of this P&P, **caregiver** refers to:

- For dependent children in foster homes: A licensed or certified foster parent, approved relative, or approved non-relative extended family member (NREFM)
- For dependent children in group homes: Staff member designated by the group home director to approve extracurricular, enrichment, and social activities for children in the home

POLICY

Authorization

Caregivers for any dependent child placed in out-of-home care may authorize a foster child's participation in some extracurricular, enrichment, and social activities without approval of the social worker, licensing agency, or Court (unless prohibited by prior court order).

Caregivers are required to use a reasonable and prudent parent standard in authorizing appropriate activities.

Assigned Senior Social Workers (SSWs) will consult with caregivers regarding children's extracurricular, enrichment, and social activities upon request, and will discuss participation in any activities during compliance contacts with the child and caregiver. For guidance on documentation of contacts, see "Contact Documentation—Narratives" Policy section in CFS P&P CFS Case Compliance Contacts and Documentation (E-0105).

Activities

As outlined in CCL Title 22, § 89379, extracurricular, enrichment, and social activities may include, yet are not limited to the following:

- Participation in sports
- School activities (e.g., band, dances, field trips, attendance at sporting events, etc.)
- Leisure time (e.g., bike riding, socializing with friends, shopping, going to the movies, etc.)
- 4-H activities, Scouting
- Sleepover with friends, having visitors in the home
- Babysitting
- Use of computer equipment, cell phone
- Campus tours
- Access to information regarding obtaining a driver's license, vocational and postsecondary educational options, sources of financial aid. (For guidelines regarding the consent for a dependent youth's driver license application, refer to CFS P&P Dependent Youth Driver License Application [D-0404])

Note: Court permission must be requested for camp directors or their designees to sign medical consents.

Haircut Guideline

Per CFS policy, when a caregiver or individual with approved visitation (e.g., CASA, mentor, relative, etc.) expresses a desire or need to obtain a haircut or other hair styling (e.g., dyes, perms, relaxers, press curls, etc.) for a foster child, the assigned SSW will:

- A. Attempt to obtain parental consent for ongoing haircuts or hair styling activity as deemed appropriate and necessary. Assigned SSW will also inquire if the parent has any particular preferences for hairstyling (e.g., length, products, color, etc.) or stylist.
- B. In the absence of parental approval, provide permission if appropriate. Factors to consider when determining if permission is appropriate may include yet not be limited to the child's individual needs, cultural or religious issues, and current public standards.

Note: Depending upon unique family or case circumstances (e.g., one parent provides consent yet the other parent does not, excessive family conflict, potential personal rights violation, etc.), consultation with County Counsel may be needed to determine the appropriateness of requesting court authorization.

- C. Document in a CWS/CMS Contact Narrative:
- Attempts to obtain parental consent
 - If received, parental consent for continuous hairstyling and any preferences relayed by parent
 - If applicable, the need for assigned SSW permission
- D. Follow-up with caregiver or other requestor on the status of consent/permission and styling preferences, if applicable.

Note: Orangewood Children and Family Center (OCFC) staff will adhere to all applicable and approved OCFC policies on this topic.

**Consideration
of Activity
Participation or
Involvement**

Caregivers are required to take “reasonable steps” to determine the appropriateness of an activity and consider the child’s age, maturity, and developmental level.

“Reasonable steps” include, yet are not limited to:

- A. Obtaining adequate information about the child so informed decisions may be made.
- Awareness of a child’s history, case plan, or court orders that may suggest a particular activity would not be appropriate for the child
 - Consultation with child’s social worker, if the child is new to the caregiver, the caregiver is unaware of child’s history, or the child’s case plan is silent on activity participation issues
- B. Considering the type of activity and the child’s mental and physical health and behavioral tendencies.
- C. Asking the question, “Is this an age-appropriate activity for this particular child?”
- D. Considering where the activity will be held, with whom the child will be going, level of supervision, if applicable, and expected return.
- E. Weighing any reasonably foreseeable risk of an activity and what safety factors and direct supervision may be involved in the activity in order to prevent potential harm to the child.
- This is particularly important when considering activities that may pose a high risk (e.g., hunting, paintball, archery, water skiing, motorcycle riding, bungee jumping, skydiving, extreme sports, etc.)
- F. Considering whether other children may pose a threat to the foster child’s safety or whether the foster child may pose a threat to other children involved in the activity.

**Authorization
Exceptions**

Caregivers are not allowed to grant permission for a foster child to participate in any of the following activities:

- A. Unsupervised contact with any person not within the parameters of WIC § 362.05 and subject to criminal background clearance requirements specified in HSC §1522. Refer to Attachment 7—Parties Subject to Live Scan Clearances of CFS P&P Live Scan Fingerprinting (B-0115) for guidelines regarding parties subject to Live Scan.
- B. Obtaining a tattoo or body piercing.
- C. Obtaining a haircut, per “Haircut Guidelines” Policy section above.
- D. Pursuant to WIC § 1530.6:
 - Consenting to marriage
 - Entry into the armed forces
 - Extraordinary medical or dental treatment
 - Any situation in which a juvenile court order expressly reserves the right to consent to those activities to the court

**Notification of
Caregiver
Responsibility**

At the time of child placement, the Placing SSW will notify each caregiver of their responsibility to ensure a child’s opportunity to participate in extracurricular activities, as appropriate, by review and completion of *Extracurricular, Enrichment, and Social Activities Caregiver Information (FO63-25-466)*. (**Note:** For relative/NREFM caregivers, notification is provided at the time of assessment approval by the Assessing SSW.)

The Placing or Assessing SSW will file a copy of *Extracurricular, Enrichment and Social Activities Caregiver Information (FO63-25-466)* on the *Placement Acco (FO63-25-106)*.

**Compliance With
Prudent Parent
Standard**

Pursuant to ACL 06-02, a caregiver’s failure to follow a reasonable and prudent parent standard in approving appropriate extracurricular, enrichment, and social activities may result in an evaluation of the continued appropriateness of the placement. In addition:

- A. Licensed and certified foster parents may be cited and provided with a Plan of Correction with suggestions for compliance.
- B. Approved relative and NREFM caregivers will be reminded of the law and provided suggestions for proper compliance.
- C. If the failure to use a reasonable and prudent parent standard results in a 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 CFS staff identifying the concern to the Child Abuse Registry and/or Foster Home Licensing, as appropriate.
- D. SSW 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 the specific incident of concern
- Quotes made by caregiver
- Plan of Correction or suggestions for improvement given
- Follow-up activities, if applicable

REFERENCES

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.

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

- CFS P&P Dependent Youth Driver License Application (D-0404)
- CFS P&P Live Scan Fingerprinting (B-0115)
- CFS P&P Case Compliance Contacts and Documentation (E-0105)

Other Sources Other printed references include the following:

None.

REQUIRED FORMS

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

Form Name	Form Number
None.	

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

Form Name	Form Number
Extracurricular, Enrichment and Social Activities Caregiver Information	F063-25-466
Extracurricular, Enrichment and Social Activities Caregiver Information (Spanish)	F063-25-466Sp
Extracurricular, Enrichment and Social Activities Caregiver Information (Vietnamese)	F063-25-466VN
Placement Acco	F063-25-106

CWS/CMS Forms The following required forms may **only** be obtained in CWS/CMS. **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 procedure include:

Brochure Name

Brochure Number

None.

OCCSSA