

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



October 13, 2005

CCL INFORMATION RELEASE NO. 2005-03REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Initiated by CCL

TO: ALL CHILDREN'S RESIDENTIAL LICENSING PROGRAM STAFF

SUBJECT: USE OF OCCASIONAL SHORT-TERM BABYSITTERS

REFERENCE: SENATE BILL (SB) 358, CHAPTER 628, STATUTE OF 2005

With the enactment of SB 358 (CH. 628, Statutes 2005), effective January 1, 2006, a caregiver is authorized to arrange for occasional short-term babysitting of their foster child without requiring the babysitter to undergo a criminal record background check, a health screening or cardiopulmonary resuscitation certification (CPR) or training. These occasions may include, but are not limited to, when the foster parent has a medical or other health care appointment, grocery or other shopping, personal grooming appointments, special occasions for the foster parents, foster parent training classes, school-related meetings (such as parent-teacher conferences), business meetings, adult social gatherings, or an occasional evening out by the foster parent.

Caregivers are required to use a **reasonable and prudent parent standard** in determining and selecting appropriate babysitters for occasional **short-term use**.

SB 358 defines the following terms:

"Caregiver" means any licensed or certified foster parent, approved relative caregiver, or approved nonrelative extended family member.

"Reasonable and prudent parent" or "reasonable and prudent parent standard" means the standard characterized by careful and sensible parental decisions that maintain the child's health, safety, and best interest.

"Short-term" means no more than 24 consecutive hours.

Under SB 358, caregivers must endeavor to provide the babysitter with the following information before leaving the child for the purposes of short-term care:

- ✓ Information about the child's emotional, behavioral, medical or physical conditions, if any, necessary to provide care for the child during the time the foster child is being supervised by the babysitter;
- ✓ Any medication that should be administered to the foster child during the time the foster child is being supervised by the babysitter; and
- ✓ Emergency contact information that is valid during the time the foster child is being supervised by the babysitter.

When evaluating a caregiver's compliance with this requirement, licensing staff must evaluate whether the caregiver provided or made an effort to provide the babysitter with the aforementioned information. If it is determined that the caregiver did not provide or make an effort to provide the information, the caregiver shall be cited under Section 362.04(d) of the Welfare and Institutions Code.

Making careful and sensible parental decisions regarding the use of an occasional short-term babysitter that maintains the child's health, safety, and best interest, may be difficult for some caregivers. If approached by a caregiver regarding this parental decision, licensing staff may encourage the caregiver to consider the following:

- ✓ Consider the child's age, maturity, mental and physical health, developmental level, behavioral propensities and aptitude of the child and the ability of the babysitter to provide appropriate care.
- ✓ Weigh the foreseeable risks in leaving the child with a babysitter.
- ✓ If the caregiver is still unsure, encourage him/her to discuss their concerns with the child's social worker.

In enacting SB 358, the Legislature has recognized that current regulatory requirements, i.e., fingerprint and criminal record check, FBI check, Child Abuse Central Index check, CPR certification and health screening, can be barriers to the recruitment and retention of high-quality foster parents. Eliminating these regulatory barriers and allowing caregivers to select babysitters to provide occasional short-term care to foster children should provide a more normalizing life experience for both the foster child and caregivers.

The provisions of SB 358 apply only to occasional, short-term (less than 24 hours) babysitters and should not be interpreted or applied to respite care providers who are allowed to care for foster children for more than 24 hours.

CCL Informational Release No. 2005-03
Page Three

Community Care Licensing intends to promulgate regulations to implement SB 358, and will continue to keep licensing staff apprised of developments in this area. If you have any questions regarding this informational memo, please contact Barbara Rooney at (916) 324-4312.

Sincerely,

A handwritten signature in black ink, appearing to read "Jo Frederick". The signature is fluid and cursive, with a prominent initial "J" and "F".

JO FREDERICK
Deputy Director
Community Care Licensing Division