GENERAL GUIDELINES | USE OF REASONABLE AND | POOL/BODY OF WATER ENCLOSURE | SAFETY POOL COVER REQUIREMENTS | EXIT ALARMS |
ADDITIONAL SAFETY MEASURES | DOCUMENTATION OF BODIES OF | ATTACHMENTS AND DATA ENTRY | HYPERLINKS | ONLINE FORMS | HARD
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ORANGE COUNTY SOCIAL SERVICES AGENCY CFS OPERATIONS MANUAL

Effective Date: April 24, 2012 Number: K-0104

Bodies of Water Enclosures/Covers

Purpose

To provide guidelines for enclosure or coverage requirements of some bodies of water on the premises of a home in which a child is or may be placed.

Approved

This policy was approved by Gary Taylor, Director of CFS, on April 24, 2012. *Signature on file*.

Most Recent Revision

This revision of the Policy and Procedure (P&P) removes the Children and Family Services (CFS) requirement that caregivers enclose bodies of water when the need is solely for the caregiver's own biological or non-dependent child. In this situation, a caregiver is encouraged to enclose the body of water for the safety of all children, but not required.

Background

CFS is responsible for ensuring legal mandates are met for the enclosure or covering of a body of water on the premises of the home of an out-of-home caregiver or potential out-of-home caregiver prior to issuing a Foster Family Home (FFH) license, approving a relative/non-relative extended family member (NREFM) placement, or approving reassessments of a licensed FFH or approved relative/NREFM.

Legal Mandates

California Department of Social Services (CDSS) Community Care Licensing (CCL) Manual of Policies and Procedures (MPP) Title 22, Article 3, Section (§) 89387(d) mandates caregivers who accept placement of a child under ten years of age, or a child who is developmentally, mentally, or physically disabled, ensure inaccessibility to some bodies of water.

CDSS CCL MPP Title 22, Article 3, § 89377 provides guidance to caregivers on the application of the reasonable and prudent parent standard.

Health and Safety Code (HSC) § 115921(c)-(e), define swimming pool "enclosure", "approved safety pool cover", and "exit alarms," respectively.

HSC § 115922(a)(2) outlines removable mesh pool fencing specifications, which includes use in conjunction with a self-closing or self-latching gate that can accommodate a key lockable device.

HSC § 115923 mandates specific characteristics for swimming pool enclosures.

Welfare and Institutions Code (WIC) § 362.04 defines reasonable and prudent parent standard.

Definitions

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

Pursuant to HSC § 115921, the following definitions apply:

Enclosure: A fence, wall, or other barrier that isolates a swimming pool from access to the home.

Approved safety pool cover: A manually or power-operated safety pool cover that meets all of the performance standards of the American Society for Testing and Materials (ASTM), in compliance with standard F1346-91.

Exit alarms: Devices that make audible, continuous alarm sounds when any door or window that permits access from the residence to the pool area that is without any intervening enclosure is opened or left ajar. Exit alarms may be battery operated or may be connected to the electrical wiring of the building.

POLICY

General Guidelines

Pursuant to CDSS CCL MMP Title 22 Article 3 § 89387(d), swimming pools, fixed-in-place wading pools, hot tubs, spas, or similar bodies of water located on an out-of-home caregiver's property will be inaccessible to Juvenile Court dependents:

- Under 10 years of age
- -Or-
- Who are developmentally, mentally, or physically disabled

Note: If enclosure is not required for a dependent child as specified above, but the caregiver has a biological or other non-dependent child residing in the home that is under aged 10 or delayed, CFS staff will encourage, *yet not require*, the caregiver to follow the guidelines outlined in this P&P.

Inaccessibility will be assured by using at least one of the following safety features:

- Enclosure
- · Approved safety pool cover

CFS staff responsible for completing FFH licensing approvals or reassessments and relative/NREFM placement assessments or reassessments will follow the mandates set forth in this P&P when assessing a home with a swimming pool or similar body of water. For detailed instruction on FFH licensing approvals or relative/NREFM placement assessments, refer to the following CFS P&Ps:

- Relative/NREFM Placement Assessments (K-0105)
- Foster Home Licensing (K-0604)

When an Emergency Response (ER) or Differential Response (DR) Senior Social Worker (SSW) is considering an emergency placement of a child under 10 years of age, or a child who is developmentally, mentally, or physically disabled, into a relative/NREFM home which contains a pool or other similar body of water, the ER/DR SSW will obtain authorization from the Deputy Director (DD) of Intervention and Prevention Services prior to placement. This authorization is required during and after regular business hours, on weekends, and on holidays.

Note: During the process of investigating allegations of child abuse or neglect, the ER/DR SSW will educate families about potential risks related to pools or other large bodies of water and the benefits of enclosures or other safety measures, as applicable.

When applicable, all CFS staff who visit the home of an out-of-home caregiver (regardless of the primary purpose of the visit) are responsible for assessing whether the guidelines outlined in this P&P are being met.

If concerns are identified, and an out-of-home caregiver fails to comply with the guidelines outlined in this P&P which results in a quality of care issue (i.e., violation to regulation or law related to physical residence, lack of supervision, personal rights, corporal punishment, food, clothing, or shelter issue), a referral will be made by the CFS staff identifying the concern to one or more of the following, as appropriate:

- Child Abuse Registry (CAR)
- · Foster Home Licensing
- Relative Assessment Unit (RAU) worker
- Foster Family Agency (FFA) worker

Use of Reasonable and Prudent Parent Standard

In accordance with CDSS CCL MPP Title 22, Article 3 § 89387(d)(1), caregivers will use the reasonable and prudent parent standard when determining whether a foster child will have access to fish ponds, fountains, creeks, and similar bodies of water (e.g., bird bath).

CFS staff (i.e., Assessing/Placing SSW, Licensing SSW, Assigned SSW, RAU social worker, Foster Care Liaison) will be available to caregivers, as needed, to discuss any concerns regarding a foster child's access to fish ponds, fountains, creeks, and similar bodies of water.

In addition, CFS staff will encourage caregivers to document any application of the reasonable and prudent parent standard in making determinations for a foster child's access to fish ponds, fountains, creeks, and similar bodies of water in the foster child's records maintained by the caregiver.

Factors to consider when applying the reasonable and prudent parent standard in relation to fish ponds, fountains, creeks, and similar bodies of water include yet are not limited to:

- Distance of the body of water from the home
- · Depth and water flow
- Level of supervision a child requires
- Child's ability to swim and/or knowledge of water safety

Pool/Body of Water Enclosure Requirements

A pool/similar body of water may be isolated from access to the home by an approved enclosure defined in HSC § 115921(c) which will not obscure the pool/similar body of water from view. The enclosure will have all of the following characteristics:

- A. Any access gates through the enclosure open away from the swimming pool, and are self-closing with a self-latching device placed no lower than 60 inches above the ground.
- B. A minimum height of 60 inches.
- C. A maximum vertical clearance from the ground to the bottom of the enclosure of two inches.
- D. Gaps or voids, if any, do not allow passage of a sphere equal to or greater than four inches in diameter.
- E. An outside surface free of protrusions, cavities, or other physical characteristics that would serve as handholds or footholds that could enable a child below the age of five years to climb over.

Note: If removable mesh pool fencing as described in HSC § 115922(a)(2) is used as an enclosure, the caregiver will ensure it is installed and maintained according to the manufacturer's specifications.

Requirements

Safety Pool Cover A pool/similar body of water may be equipped with an approved safety pool cover as defined in HSC 115921 (d). Pool covers will be supported by flotation devices. Note: Per Orange County (OC) policy, safety nets are not considered an approved safety pool cover.

Criteria to consider in approving safety pool covers include:

- Α. Embossed or labeled "F1346-91" by the ASTM.
- B. Able to fully support the weight of an adult without sagging or collecting of water such that it becomes a hazard. Note: CFS staff will observe a demonstration of this standard.
- C. Require a tool to remove. This usually takes the form of a lock and key, but some covers require a custom tool for removal.
- D. Contain gaps less than four inches at all points around the perimeter when latched and lifted.

Exit Alarms

When an assessing social worker and supervisor determine it is not feasible for a caregiver to comply with the enclosure or safety cover requirements outlined above (e.g., fencing not possible due to physical limitations of the pool location and the home), CFS may authorize the use of exit alarms, as defined in HSC § 115921(e) on doors providing direct access to the pool.

All windows in rooms that provide direct access from the home to the swimming pool/similar body of water will be secured so that they cannot open more than four inches; however, if they are sleeping rooms, they must use an exit alarm.

Where it is feasible to comply in part with enclosure requirements outlined above, CFS may authorize use of a combination of enclosure and exit alarms. Approval by the DD of Family Assessment and Shelter Services is required on Swimming Pool Authorization—Relative Assessment (F063-04-817C) when safety precautions other than an approved enclosure or pool cover are authorized for relative/NREFM approvals.

Additional Safety A. Measures

- Above-ground pools will be made inaccessible when not in use by removing or making the ladder inaccessible and, if the pool is less than 60 inches in height, by the use of a barricade. Any barricade, whether or not it includes the above-ground pool structure itself, shall meet the requirements for a pool enclosure as outlined above.
- В. All in-ground and above-ground pools will have an operative pump and filtering system, if unable to be emptied after each use.
- C. An adult who has the ability to swim will provide supervision at all times when children are using a pool or similar body of water. In addition, CFS staff will encourage caregivers to either provide age and developmentally appropriate instruction to a child on water safety skills, including how to swim, or access other swim instruction for the child.

Bodies of Water Assessment

Documentation of CFS staff will document assessment of swimming pools and similar bodies of water as follows:

> Diversion and RAU social workers will document authorization of all proper pool/similar bodies of water enclosures or covers on Swimming Pool Authorization—Relative Assessment (F063-04-817C) and file on Relative Acco (F063-25-1119) in the child's service folder.

Licensing SSWs will document review of all proper pool/similar bodies of water enclosures or covers on Facility Review Tool-Foster Family Homes (LIC 860 C) and file under the "License" tab on the left side of the Licensing File.

REFERENCES

Data Entry Standards

Attachments and Click on the links below to directly access attachments to this P&P and any Data Entry Standards referred to.

None.

Hyperlinks

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

- CFS P&P Relative/NREFM Placement Assessments (K-0105)
- CFS P&P Foster Home Licensing (K-0604)

REQUIRED FORMS

Online Forms

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

Form Name	Form Number
Facility Review Tool—Foster Family Homes	LIC 860 C
Swimming Pool Authorization—Relative Assessment	F063-04-817C

Hard Copy Forms Forms that can 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
Relative Acco	F063-25-1119

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:

Form Name Form Number

None.

