



# CWDA

Advancing Human Services  
for the Welfare of *All* Californians

## DRAFT: Interpreting “Regularly Present Adult” in RFA Process

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### Background

Counties have been clear that background checks are a critical safety and liability tool. This guidance is not intended to change individual county practices. Rather, this document focuses on supporting a more consistent approach to determining when an adult should be considered “regularly present.” It recognizes that once that threshold is met, existing background check practices will apply.

### Purpose and Scope

This guidance is intended to support consistent, equitable interpretation of the term “regularly present adult” within the Resource Family Approval (RFA) process. It does not create new requirements, expand program responsibilities, or alter existing roles or authorities.

### Written Directives Definition

According to the California Department of Social Services (2016) Written Directives, a regularly present adult is: *A non-approved adult who is consistently or predictably present in the caregiving home and has meaningful access or influence in the child’s day-to-day environment, such that their ongoing presence could affect child safety or well-being.*

### Clarifying Guidance: Distinguishing “Regularly Present Adult” from Prudent Parenting Activities

This guidance is not intended to capture individuals whose contact with a child occurs solely through prudent parenting activities or incidental interactions. Consistent with the Resource Family Approval Written Directives and the Reasonable and Prudent Parent Standard (CDSS, 2016; 42 U.S.C. § 671(a)(10); Welf. & Inst. Code § 16519.5) adults who are present in the home on an occasional, incidental, or child-specific basis, such as friends, mentors, tutors, coaches, or caregivers involved in routine social, educational, or extracurricular activities, should not be considered “regularly present” solely on that basis. Determinations regarding “regularly present adult” should focus on sustained, predictable presence and meaningful access to the child’s day-to-day environment, rather than brief or situational contact consistent with prudent parenting practices.

### Feedback Informed Guidance

Determining whether an adult is “regularly present” must be informed by context, predictability, and access, rather than residency alone. Presence during routine household activities, such as shared meals or social interactions, should not, by itself, be interpreted as caregiving involvement. Consideration should focus on whether the adult regularly assists with, assumes responsibility for, or has unsupervised access to the child during those routines. Frequency of presence alone is not a determinant.

Counties may gather information about household composition during investigations or early home visits; however, for RFA purposes, determinations regarding “regularly present adult” should be based on

evidence of sustained, predictable presence and access to the child, rather than indicators such as stored belongings or potential future occupancy.

RFA staff may consider the following non-exhaustive factors:

- Frequency and predictability of the adult’s presence
- Duration of time spent in the home.
- Nature of access to the child, including unsupervised access
- Whether the adult functions as part of the household’s routine or operations
- Household context, including shared housing or culturally normative living arrangements.
- Whether treating the adult as “regularly present” would meaningfully affect child safety or placement stability

To support consistent application of the guidance above, please see a sample **Decision Support Model** that guides professional judgment when determining whether an adult meets the threshold of being “regularly present.” The tool is intended to:

- Assist staff in organizing relevant information.
- Promote transparency and consistency in determinations.
- Support documentation where professional judgment results in a determination that differs from individual considerations.

**Regularly Present Adult – Decision Support Worksheet**

<b>Decision Area</b>	<b>Consideration</b>	<b>Sample Scenario</b>	<b>Response Yes/No</b>	<b>Status</b>
<b>Nature of Presence</b>	Adults’ presence is routine or predictable (not incidental nor occasional)	<ul style="list-style-type: none"> <li>•Adult is present on a set schedule (e.g., every weekday evening, every weekend)</li> <li>•Adult is expected to be present during specific recurring times</li> <li>•Presence is planned rather than spontaneous</li> </ul>	Yes/No	Alert: Pattern of presence identified (consider predictability and duration)
<b>Nature of Presence</b>	Adult spends sustained periods of time in the home	<ul style="list-style-type: none"> <li>•Adult is present for several consecutive hours at a time</li> <li>•Adult regularly stays late into the evening or overnight</li> <li>•Adult is present for extended visits rather than brief drop-ins</li> </ul>	Yes/No	

<b>Nature of Presence</b>	Adults' presence is expected to continue over time	<ul style="list-style-type: none"> <li>•Adult's presence is ongoing or open-ended</li> <li>•Adult is temporarily staying in the home with no defined end date</li> <li>•Adult's presence is tied to employment, caregiving, or housing arrangements</li> </ul>	Yes/No	
<b>Access to the Child</b>	Adult has direct or unsupervised access to the child	<ul style="list-style-type: none"> <li>•Adult is alone with the child on a regular, recurring basis that exceeds Prudent Parent standards (defined as occasional babysitting)</li> <li>•Adult supervises the child without another approved adult present on a daily or frequent basis</li> </ul>	Yes/No	
<b>Access to the Child</b>	Adult is regularly present during caregiving routines (morning, afternoon, evening, including overnight)	<ul style="list-style-type: none"> <li>•Adult is present during meals, bedtime, or morning routines</li> <li>•Adult is in the home during overnight hours</li> <li>•Adult is present during times when supervision demands are higher</li> </ul>	Yes/No	
<b>Access to the Child</b>	Adult influences the child's day-to-day environment	<ul style="list-style-type: none"> <li>•Adult participates in establishing or enforcing household rules or routines</li> <li>•Adult provides frequent and recurring transportation, discipline, or daily support</li> <li>•Presence during routine household activities, such as shared meals or social interactions, should not by itself be interpreted as caregiving involvement.</li> </ul> <p>Consideration should focus on whether the adult regularly assists with or assumes caregiving responsibilities or has unsupervised access during those routines.</p>	Yes/No	Alert: Access to child identified (document rationale)

<b>Household Role &amp; Context</b>	Adult functions as part of household routine or operations	<ul style="list-style-type: none"> <li>•Adult contributes to household tasks or caregiving</li> <li>•Adult is treated as part of the household by other members</li> <li>•Adult regularly shares meals or common living spaces</li> </ul>	Yes/No	Alert: Household role/context identified (consider totality of circumstances)
<b>Household Role &amp; Context</b>	Shared housing or culturally normative living arrangement affects interpretation	<ul style="list-style-type: none"> <li>•Multigenerational or shared housing arrangements</li> <li>•Cultural norms involving extended family presence</li> <li>•Housing situations where multiple adults share space without shared caregiving roles</li> </ul>	Yes/No	
<b>Safety &amp; Stability Lens</b>	Treating adult as “regularly present” would meaningfully affect child safety	<ul style="list-style-type: none"> <li>•Adult’s presence increases or decreases safety concerns</li> <li>•Adult’s presence changes supervision or safety planning needs</li> <li>•Adult’s involvement affects risk considerations</li> </ul>	Yes/No	Alert: Potential child safety or placement impact identified (anchor decision in child impact)
<b>Safety &amp; Stability Lens</b>	Determination would meaningfully affect placement stability	<ul style="list-style-type: none"> <li>•Determination could impact ability to maintain placement</li> <li>•Determination may influence caregiver willingness or capacity</li> <li>•Determination could result in placement disruption if not addressed</li> </ul>	Yes/No	

This guidance does not establish minimum thresholds, numeric standards, or uniform timelines and recognizes that household circumstances vary.

This guidance does **not**:

- Require Child and Family Team meetings (CFTs)
- Require CANS assessments.
- Require safety plans or ongoing monitoring.
- Create documentation or QA review requirements.
- Change the respective roles of RFA staff and case-carrying social workers.

### Background Checks

Existing Written Directives and Background Assessment Guide provisions regarding background checks for adults determined to be regularly present **remain unchanged**. Counties retain discretion to require Live Scan and other background checks consistent with existing law and practice. This guidance does not create new exemptions or limit county authority.