

Child and Family Services Policy Manual: Reasonable and Prudent Parenting Standard

Reasonable and Prudent Parenting Standard

The Preventing Sex Trafficking and Strengthening Families Act was signed into law on September 29, 2014. This legislation made changes to Title IV-E of the Social Security Act and requires Child and Family Services Division (CFSD) to permit foster families and congregate care facilities (e.g. group homes) to use reasonable and prudent parenting standard when determining whether to allow a foster children to participate extracurricular, enrichment, cultural and social activities. The legislation also requires foster parents and child care agencies to apply the standard when making these types of decisions. The reasonable and prudent parenting standard is often referred to as “normalcy”.

Purpose

The purpose of the legislation is to ensure a child’s range of experiences, while in foster care, is typical of the range of experiences of any child of the same age. It is important for children to practice the skills they will need as an adult while they are still in a protected environment. These experiences help them build relationships, develop skills and prepare for adulthood. Many foster youth have been deprived of these experiences and this could help explain why many youth aging out of care are ill prepared for life as an adult and experience higher rates of unemployment, inadequate income, homelessness and incarceration than their peers who did not age out of foster care..

Definitions

Reasonable and Prudent Parenting Standard is 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 extracurricular, enrichment, cultural and social activities.

Normalcy is the ability to easily participate in age appropriate social, scholastic and enrichment activities

Age or developmentally appropriate means activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to

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be developmentally appropriate for a child, based on the development of cognitive, emotional, physical and behavioral capacities that are typical for an age or age group. In the case of a specific child items or activities that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical and behavioral capacities of the child.

Caregiver is a foster parent, licensed or unlicensed kinship provider or congregate care staff.

Requirements

CFSD must:

- Include the reasonable and prudent parenting standard in the agency's licensing standards.
- Require all foster parents, including licensed and unlicensed kinship families and designated congregate care facility staff to utilize the reasonable and prudent parenting standard in making certain decision regarding the foster youth's participation in extracurricular, enrichment, cultural and social activities.
- Provide training to all foster parents, including licensed and unlicensed kinship families, and congregate facility staff on the reasonable and prudent parenting standard.
- Certify that foster parents and designated congregate care facility staff have skills and knowledge on the reasonable and prudent parenting standard.

Neither CFSD nor the caregiver will be held liable for injuries to the child as a result of authority granted unless the action or inaction of CFSD resulting in injury constitutes willful or wanton misconduct.

Note: Congregate care facilities must designate one or more staff as on-site official authorized to apply the reasonable and prudent parenting standard. All foster parents, including licensed and unlicensed kinship families, and designated congregate care facility staff will be required to complete CFSD's training on the reasonable and prudent parenting standard.

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What Does This Mean For CFSD Staff, Foster Parents, Congregate Providers and Biological Parents?

Foster parents and designated staff in congregate care facilities have the ability to make some decisions regarding normalcy and participation in age and developmentally appropriate activities independent of CFSD and birth parents. Some activities may include overnight activities for a period not to exceed 72 hours.

While biological parents do not have the ability to deny their children in foster or congregate care the opportunity to participate in age and developmentally appropriate activities as described below it is important to remember that this does not mean that biological parents, who still maintain their parental rights, should not be notified and consulted in the decision. Biological parents should be given an opportunity to provide input and information for consideration. While the biological parent's input may not be the sole deciding factor in the child's participation it must be given due consideration and some weight in the decision making process.

Normalcy refers to the participation in age and developmentally appropriate activities that are of interest to the foster child. This does not automatically equate to activities that are "normal" for the caregiver or the caregiver's household.

Examples of Activities

Some examples of activities that foster parents or the on-site congregate care staff can approve independently:

Family Recreation (children should be closely supervised and use appropriate safety equipment for water activities):

- Movies or Plays.
- Community or Sporting Events
- Family Events (not to exceed 72 hours)
- Camping (not to exceed 72 hours)
- Hiking
- Boating (must wear lifejacket)
- Swimming
- Biking (must wear helmet)
- Other Sporting Events(using appropriate protective gear).
- River tubing
- River rafting (must wear life jacket)
- In the event any of the activities above are over 72 hours

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the foster parent or congregate care facility must obtain permission from the Child Protection Specialist (CPS) assigned to the case. The CPS must consult with their direct supervisor (CPSS)

Social and Extracurricular Activities (no more than 72 hours):

- Camps
- Field Trips
- School Related Activities
- Church Activities (foster children cannot be required to attend or participate in church or religious activities by the foster parents or congregate care facility staff)
- Youth Organized Activities
- Sport Activities
- Community Activities
- Social Activities with Peers
- Spending the night away from the caregiver's home.
- In the event any of the activities above are over 72 hours the foster parent or congregate care facility must obtain permission from the Child Protection Specialist (CPS) assigned to the case. The CPS must consult with their direct supervisor (CPSS)

Motorized Activities (children and caregivers must comply with all laws and use appropriate safety and protective gear)

- Children riding in/on a motorized vehicle with an adult including but not limited to:
 - Snowmobile
 - All-terrain vehicle
 - Jet ski
 - Tractor
- **Children age 14 years or older** operating motorized equipment or vehicle including but not limited to:
 - Lawn mower
 - Snowmobile
 - All-terrain vehicle
 - Jet ski
 - Tractor
- Children **under age 14 years are not allowed** to operate motorized equipment or vehicles.

Driving:

- Caregiver must provide and pay for insurance for the

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foster child and agrees to maintain the insurance and pay for insurance until:

- The child reaches age 18
- Another responsible adult assumes financial liability risks for the child
- The foster parent completes all steps necessary to formally revoke the youth's driving privileges through the Department of Justice- Motor Vehicle Division ((MVD).

Employment/Babysitting

- Youth must be age 14 or older
- Foster youth may not babysit other foster youth.
- Sexually aggressive and physically assaultive youth may not babysit other children
 - Foster youth cannot be required to babysit the caregiver's birth children.
- Interviews for employment
- Continuation of current employment
- Employment must not interfere with school

Religious Participation

- Attendance at religious services or events of the child's choice.
- Caregivers or congregate care facility staff cannot require foster children to attend or participate in any church or religious activities.
- The foster parents or congregate care facility staff must notify the CPS when the child's religious choices are in conflict with the birth parents.

Child's Appearance

- Non-permanent changes including but not limited to:
 - Maintenance haircuts: standard trim that does not significantly change the child's appearance
- Foster parent or congregate provider must seek CPS, in consult with CPSS, permission when child and biological parent's choice in hairstyle are in conflict.
- Permanent or significant changes include but are not limited to:
 - Piercings
 - Tattoos

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References

Preventing Sex Trafficking and Strengthening Families Act

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