

# Reasonable, Prudent Parent Standard and Normalcy in Foster Care

- Dialogue with Child Placing Agencies
- September 24, 2015
- Led by Toni Buxton and Angie Badeaux

# P.L. 113-183

- Enacted September 29, 2014
- Cited as: The Preventing Sex Trafficking and Strengthening Families Act
- Provides for improving opportunities for children in foster care and supporting permanency
- Requires state child welfare programs to support normalcy for children in foster care

# Provisions for Children in Child Care Institutions

- Designation of State authority responsible for maintaining standards
- Standards in accord with recommendations of national organizations
- Shall permit use of reasonable and prudent parent standard
- Each child care institution shall have the presence of at least 1 official, on-site, designated to be the caretaker authorized to apply the reasonable and prudent parent standard to decisions
- Designee must be provided training on how to apply the reasonable and prudent parent standard in the same manner as prospective foster parents

# Purpose of Legislation

- **Promoting Normalcy for Children and Youth in Foster Care**
  - Ensure that children who are most likely to remain in foster care until age 18 years of age engage in age- or developmentally-appropriate activities.
  - Institute the consideration of each child's unique level of functioning in determination of participation in activities.
  - Develop standards and training on the reasonable and prudent parent standard for foster parents and caretakers.
  - Institute liability protections when the reasonable and prudent parent standard is applied by foster caretakers.
  - Mandate judicial review of child welfare system efforts at normalcy for youth
  - Requires participation of youth age 14 and older in case planning/transition planning
  - Identification of at least 2 advisors/advocates to support them in assuring normalcy
  - Mandate provision of a list of rights to youth age 14 and older

**NOTE:** States are required to implement many of the Act's provisions by September 29, 2015 in order to remain in compliance with the requirements of Title IV-E of the Social Security Act.

# Terminology

## **Normalcy for Children and Youth in Foster Care**

Normalcy can be defined as the ability to easily participate in age-appropriate social, scholastic and enrichment activities.

Normalcy has also been defined as the ability to engage in healthy and developmentally appropriate activities that promote well-being.

## **The Reasonable and Prudent Parent Standard**

The standard characterized by careful and sensible parental decisions that maintain the child's health, safety, and best interests while at the same time encouraging the child's emotional and developmental growth, that a caretaker or agency shall use when determining whether to allow a child in their care to participate in extracurricular, enrichment, and social activities.

# Other Terms

## Residual Rights

- Biological parents have the right to visit, be informed about their child's care, and to help make major decisions for the child.
  - The DCFS caseworker will be in communication with the parents regarding the child's involvement in activities for their input.
  - Every effort must be made to keep to visitation schedules with parents

## Liability

- You are liable for the decisions you make regarding the children in your care
- You are afforded protection related to that liability when you demonstrate the reasonable and prudent parent standard has been applied to decision making

## Funding

- Who will pay for the sports teams, clubs, driver's license, where will the allowance come from?

# Expectations in Exercising the Reasonable and Prudent Parent Standard and Providing Youth Normalcy

- **Communication**

- The foster caretaker and child's caseworker should be in discussion at the point of placement and during at least monthly contacts about the expectations for allowing the child to participate in age- and developmentally- appropriate activities. This discussion should be documented in DCFS case documentation by the caseworker and in the child placing agency case documentation by the person responsible for the decision making regarding application of the reasonable and prudent parent standard.
- Plan ahead to give plenty of time for discussion between DCFS and the foster caretaker to make informed decisions based on the child's functional level and get any preparations in place

- **Nurturing Care**

- Importance of healthy development and recognition of child's wants and needs – you, the caretaker have a critical role as you provide care to the child 24/7
- Normal activities which have been agreed upon by DCFS and the caretaker should not be withheld as a form of discipline

- **Assessment**

- Need to be able to assess if an item or activity is age-appropriate and safe
- Need to be able to individually assess each child's development, ability to make good decisions and abide by rules as well as assess the child's current mental/behavioral state and how any past experiences may influence current participation in an activity or utilization of a particular item

# QUESTIONS

- May children/youth go on sleepovers with friends?
  - If yes, is a criminal background check required?
  - Level of responsibility for the child placing agency/residential facility
- May children/youth attend extracurricular activities with friends unsupervised, such as football games, movies, bowling, shopping, etc.?
- Are children/youth allowed to have cell phones?
  - If yes, what is the caretaker level of responsibility regarding inappropriate song lyrics or other material downloaded from the internet?
- Are children/youth allowed to view “R” rated movies?

# Contact Information

- All additional questions, comments and other contacts should be handled through email to [dcfs.fostercare@la.gov](mailto:dcfs.fostercare@la.gov)

# Which types of Licensed providers have to comply with the Reasonable and Prudent Parent Standard?

- Maternity Homes
- Child Residential Facilities
- Child Placing Agencies
  - Foster Care Services

Reasonable and Prudent Parent Training shall include, but is not limited to the following topic areas:

- Age or developmentally appropriate activities or items
- Reasonable and Prudent Parent Standard
- Role of the provider and of DCFS
- Allowing for normalcy for the child while respecting the parent's residual rights

# Who is an Authorized Representative?

- Staff person(s) responsible for applying the reasonable and prudent parent standard to decisions involving the participation of a child who is in foster care and placed in the facility in age or developmentally appropriate activities.

# Authorized Representative Facts

- You may choose to designate more than one staff person as an authorized representative, but there must be at least one per each licensed provider.
- The staff person(s) designated as the authorized representative shall be at the licensed location at all times during the facility's hours of operation.  
Note: For those facilities that are open twenty-four hours a day, one authorized representative designated per work shift is acceptable.
- You must notify Licensing in writing within five calendar days if there is a change to one of the designated authorized representatives.
- The authorized representative(s) shall receive training or training materials shall be provided on the use of the reasonable and prudent parent standard.
- The authorized representative(s) will need to sign and date the normalcy and reasonable and prudent parent standard handout to document they have been trained and email to [dcfs.residential.licensing@la.gov](mailto:dcfs.residential.licensing@la.gov) by September 25, 2015. Please include the name and license number of the facility in your email in order for the names of the authorized representative(s) to be properly documented.
- Documentation of the normalcy and reasonable and prudent parenting training for authorized representative(s) shall be maintained and available for review.

# Reasonable and Prudent Parent Training- additional requirements for Child Placing Agencies

- Documentation of the normalcy and reasonable and prudent parenting training for all certified foster parents shall be maintained and available for review.
- The foster parents will need to sign and date the normalcy and reasonable and prudent parent standard handout to document they have been trained.
- Training shall be completed prior to certification for all foster parents certified **after August 31, 2015**.
- All foster parents certified **on or prior to September 1, 2015** shall receive training or be provided training materials as well.
- Provider shall send a list of all foster parents and their signed handouts to [dcfs.residential.licensing@la.gov](mailto:dcfs.residential.licensing@la.gov) by September 25, 2015. Include the name and license number of the facility in your email in order for the names of the foster parents to be properly documented.

You may view this presentation  
on the website noted below

<http://www.dcfslouisiana.gov/>

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