

# REASONABLE AND PRUDENT PARENTING STANDARD

## OVERVIEW

- Federal law requires the use of the “reasonable and prudent parenting standard” for children in family foster care.
- The law allows foster parents to make day to day decisions to allow children in care to experience normalcy.
- Foster parents apply this standard when deciding whether to allow a child in foster care to participate in extracurricular, enrichment, and social activities.

## DEFINITIONS

Reasonable and prudent parent standard is the basis of careful and sensible caregiver decisions that maintain a child’s health, safety, and best interests while at the same time encouraging the child’s emotional and developmental growth.

- Reasonable – fair, sensible, having sound judgment.
- Prudent – cautious, careful, exercising common sense.
- Caregiver – a foster parent.
- Age appropriate - Activities that are suitable for the child based on the child’s developmental cognitive, emotional, physical, and behavioral capacities.

## WHY NORMALCY IS IMPORTANT

- Helps children and youth develop social and practical skills.
- It is critical for healthy growth and development.
- Removes the stigma of being a “foster kid”.
- Helps children develop critical thinking and problem solving.

## WHAT THIS MEANS

Foster parents can consent to and make day to day decisions about activities a child can participate in such as:

- Sleep overs
- Play dates
- Extracurricular activities
- Social or community organizations
- School activities and field trips
- Use of social media
- Use of a computer and cell phone
- Background checks are not required for a babysitter, neighbor, or other person deemed appropriate by the caregiver.
- Foster parents are protected from liability when granting permission for children to participate in age and developmentally appropriate activities.
- **PARENTAL CONSENT IS REQUIRED FOR:**
  - Medical treatment.
  - Obtaining a driver’s license.
  - Releasing information.
  - School enrollment.
  - Any activity that **requires** the parent or guardian to consent.

## WHAT THIS DOES NOT MEAN

### **Reasonable and prudent parenting standards does not mean the following:**

- Parents have no say.
  - Building the relationship between foster parents and parents is key to reducing conflict over decision making.
- Foster parents can consent to everything.
  - Foster parents cannot consent to medical treatment.
  - Foster parents cannot sign releases of information to disseminate information.
- Parents' input is not needed for any day to day decisions.
  - To the extent possible, talk to the parent and consider their input.
  - Use FTDMs or foster parent/parent meetings to have discussions about day to day activities.
  - Keep open communication with the child's parents to promote co-parenting decision making.
  - Foster parents can make the decision if it is within the parameters of reasonable and prudent parenting.
- A child's activities or events are more important than family interaction.
  - Participation in activities should not interfere with a child's time with parents.
- Licensing rule can be ignored.
- Other state laws do not apply.
  - Youth under 18 still cannot get tattoos or donate blood.
- DHS must consent to all activities when acting as guardian.
  - The same Reasonable and Prudent Parent Standards apply when DHS is guardian.

## HOT BUTTON ISSUES - CONSIDERATIONS FOR REMOVING BARRIERS TO NORMALCY

- Haircuts:
  - Determine if there are cultural factors to consider.
  - Engage the child's parents in the discussion.
  - Get the child's input and reason for changing their hair.
- Use of babysitters:
  - DHS does not have to give prior approval nor complete record checks on a babysitter chosen by the foster family.
  - A licensed foster parent must be used for respite in order for DHS to pay the respite provider.
- Use of power tools, lawn mowers, or other equipment:
  - Consideration of the developmental age and maturity of the child
  - The foster parents' plan for training and supervision
- Unsupervised activities – going to the mall, or movies or community events:
  - The developmental age and maturity of the child must be considered
  - The appropriateness of the activity and the child's social group
- Out of state travel:
  - Authorization for medical treatment is required to be given to the caregivers.
    - Out of State Travel Form 470-5079 may be used to provide that authorization.
  - Parents should be consulted about extended travel days (such as vacations), but are not required to consent to the child accompanying the caregiver on the trip.

**BOTTOM LINE – Kids in foster care get to be kids – Children in care have the right to have normalcy to the greatest extent possible**

The law is clear that:

- Children in care will be afforded the same opportunities for social, educational, and cultural experiences as their peers;
- Foster parents have the authority to make these decisions; and
- DHS cannot create barriers to either.