

# The Reasonable and Prudent Parent Standard

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## 1.0 HOUR SELF-STUDY (TRAINING TRACKS COURSE)

Licensed foster parents can read the following article and earn foster parent training credit by filling out the following questionnaire and returning it to the Alaska Center for Resource Families.

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In September 2014, Congress passed the “Prevent Sex Trafficking and Strengthening Families” Act, H.R. 4980. Compliance with this law is precipitating some important changes in Alaska’s child welfare system and these changes will impact foster parents. In this self-study, we will look at the “Reasonable and Prudent Parent Standard” and the participation of foster youth in social, enrichment, extracurricular and cultural activities. This law recognizes the need to make every effort to *normalize* the lives of foster children. Foster children have often been denied the opportunity to participate in typical childhood activities and foster parents may have been unsure or reluctant to sign permission slips for activities. Participation in normal childhood activities is important to a child’s emotional and social development and in learning basic life coping skills. The Federal Law establishes a “reasonable and prudent parent” standard for making these decisions and Alaska OCS is updating its Policy and Procedures to comply with those standards. This policy is currently set to go into effect on October 1, 2015.

Specific provisions of the law in regards to the reasonable and prudent parenting standard allows foster parents to use their knowledge of the child’s age and developmental level in making reasonable decisions in the child’s life including:

- Allowing foster parents to decide whether the child may engage in social, extracurricular, enrichment, cultural, and social activities, including sports, field trips, and overnight activities
- Allowing foster parents to sign permission slips and arrange for transportation for the child to and from activities.
- Requiring foster parents to follow court orders and judgments which may impact those decisions. (For example, a child cannot go on a weekend trip if it violates a scheduled visitation time, unless otherwise approved.)
- Requiring the state to establish a youth rights document for youth 14 years and older describing that youth’s rights with respect to education, health, visitation, and court participation.
- Requiring training of foster parents to include “knowledge and skills relating to the reasonable and prudent parent standard”.

### REASONABLE AND PRUDENT STANDARDS

The new Alaska policies allows foster parent to approve or disapprove activities without prior approval of OCS using a “prudent parent standard” for most social, extracurricular, cultural and enrichment activities. The term “reasonable and prudent parent standard” means.

- The foster parent makes a careful and sensible parenting decisions through the knowledge of the child’s age and developmental level
- The foster parent will consider the health, safety and best interests of a child while balancing the decision with a need to encourage emotional and developmental growth in a child.

Let’s break it down. You as a foster parent can make more of the day to day decisions about a child’s regular activities. But you are expected to use a “reasonable and prudent parent” standard. So think carefully when deciding if a foster child can participate in activities such as after school clubs, sports, sleepovers, field trips, or special events. Just like you would consider information about an activity before approving it for your own birth child, you should ask about any activity for a foster child questions such as: *Is it safe for this child? Is it appropriate for his age? Is there anything about this child’s special needs that would make this activity inappropriate? Does this activity “normalize” life in foster care? Are other*

*children and youth his or her age participating in this activity? Are the friends and parents that this child is spending time with appropriate and safe for the child to be alone with? Is this an activity that other children in the home of comparable age and ability participate in?* Some decisions will still require that a foster parent seek previous approval before a child can participate. These may be situations where birth parents need to be consulted or where licensing requirements require previous approval. Please see the table at the end of this article to compare when a foster parent can make the decision and when the social worker makes the decision

### **NORMALIZING LIFE IN FOSTER CARE**

The second part of the prudent parent standard is that children in custody are entitled to as normal a life as possible and are entitled to participate in age appropriate activities. Resource families should be helping children and youth participate in **Extracurricular** (i.e. sports, clubs); **Enrichment** (i.e. attending community events); **Cultural Activities** (i.e. participation in native dance groups); and **Social Activities** (i.e. sleepovers, dances). Participating in these activities will begin to be documented. When the child is placed in your home, you should be informed of his age and developmental level. As you get to know the child, find out what his friends and peers are doing, or children that are at the same developmental level. Try to discover a child's interest and help him find activities to participate in as he settles into your home

The child's social worker will start asking about participation in activities normal and appropriate for the age of your child when the social worker conducts monthly visits with the child and visits in your home. If you are not sure what activities are available or are having difficulty getting the child to engage in activities that you feel would be beneficial, talk with your social worker for ideas, talk to other foster parents or talk with the staff at the Alaska Center for Resource Families. These activities should be supported by your foster care stipend though in many cases, schools may waive participation fees for children in care. If you need assistance for fees related to special events, talk to your social worker about a *Special Request for Funds*.

Under this law, older children (14 years and older) will also be given more say in their participation in activities. As a foster parent, you should be talking with your youth to learn about his interest and help him participate in activities related to this interest. In the new policy, youth will be allowed have a representative of his choosing to advocate and advise the child on the areas where the prudent parent standard may apply. Youth over the age of 14 will be given a Youth Right Brochure which will outline the rights youth have in this matter.

If you and the child's worker are not in agreement on age and developmentally appropriate activities and you have not been able to come to resolution, you have options. You can ask the worker to set up a supervisory staffing to help come to a resolution, and if you still are not in agreement with the decision from OCS you can file a formal grievance. Remember, the purpose of these changes is to help children and youth have as normal a childhood experience as possible and help them participate in normal social and enrichment activities.

*Appendix A: Common Situations*

<b>COMMON SITUATIONS</b>	<b>Resource parent Can Give Permission/ Should Apply Reasonable and Prudent Parent Standard</b>	<b>Need OCS Permission/Birth Parent Permission or Paperwork</b>
<b>Travel and Trips</b>	<p>Can include foster children on trips with the family less than 72 hours that don't take the family out of state. Resource parents can give the permission but need to notify OCS if out of home for more than 24 hours.</p> <p>Can include foster children in normal family recreational activities such as camping, hiking, fishing, and sports as long as required safety equipment is used (such as life preservers for boating and helmets when required for biking)</p>	<p>Need 14 day notice for trip out of state or out of Country</p> <p>Need Travel Authorization for Ferry or Plane Ride or if OCS is paying for mileage or transportation costs</p> <p>Need prior approval if interferes with court ordered or family contact plans</p>
<b>School Trip</b>	Resource Parent can sign permission slip for activities less than 72 hours	Activities where child will be gone for longer than 72 hours from home
<b>Overnight Activities and Sleepovers</b>	Resource parent can give permission using a reasonable and prudent parenting standard	Activities where child will be gone for longer than 72 hours from home or if involves travel paid for by OCS
<b>Extra-curricular, Social, Cultural or Enrichment Activities</b>	<p>Extra-curricular, social activities, cultural activities that fit the community norm and not considered high risk or are restricted by regulation or law.</p> <p>Arranging of transportation to and from activities</p>	Activities where child will be gone for longer than 72 hours from home or may interfere with court ordered family contact
<b>Risk Activities</b>	Participation in organized non-contact sports and risk activities usual in the community and appropriate for the child.	<p>Required to request advance permission from placement worker to participate in high risk or risk activities not usual for the community and moderate risk such as operation of a vehicle, participation in contact sports or adventure activities or handling of a firearm.</p> <p>No participation in activities prohibited by licensing regulations (i.e. child 8 or younger riding on a ATV or snowmobile, boating without a flotation device or participating in an airborne activity such as hang gliding.)</p>
<b>Haircuts</b>	If the child requires normal upkeep of his current hairstyle, the resource parent is able and responsible to providing this. (If unsure about what is normal for the child, check with the case worker.)	Any haircuts which alter the child's appearance. Some children due to cultural, religious or personal reasons have strong views on the importance or reasons for haircuts. Parent or Guardian permission is needed.
<b>Driver's License</b>	Resource parent is not recognized by DMV as an eligible person to sign application form so permission needs OCS approval and consent of birth parent.	Can only get driver's license with OCS approval and consent of birth parent or legal guardian. Caseworker or guardian of child must sign DMV application form. Must have insurance through responsible adult such as resource parent or relative.

## Appendix B: Alaska Foster Children's Bill of Rights

# FOSTER CHILDREN'S RIGHTS

## Children and youth in OCS foster care you have RIGHTS!

### You have the right to:

- ✓ Be treated with respect;
- ✓ To be safe and well cared for;
- ✓ To be who you are; and
- ✓ To tell someone when your rights are not being met.

### You have court rights:

- ✓ To bring a support with you to meetings and court hearings.
- ✓ To tell a judge what you want to have happen in your case.
- ✓ To be educated and informed of changes to both your case plan and placement.
- ✓ To have access to your case plan and court record.
- ✓ To talk to your attorney, CASA/GAL or Protective Services Specialist (caseworker) in private.
- ✓ To tell a judge how you feel about your family, foster family, lawyer and Protective Services Specialist (caseworker).
- ✓ To have input on your permanency goals.
- ✓ To know why you are in OCS custody and foster care.

### You have health rights:

- ✓ To see a doctor, dentist, eye doctor or specialist for medical care.
- ✓ To talk to a counselor or mental health clinician.
- ✓ To be free of abuse and neglect.
- ✓ Have a say in your medical care.

### You have family rights:

- ✓ To have lifelong family connections.
- ✓ To have family searches completed.
- ✓ To have access to a phone to contact appropriate friends and family members.
- ✓ To have access to clean and appropriate clothes.
- ✓ To participate in extracurricular, social and community activities (i.e. scouting, organized activities, sleepovers with friends who are appropriate, safe and in your best interest, etc.)
- ✓ If you are lesbian, gay, bisexual, transgendered or questioning youth, you are protected against being discriminated or harassed on the basis of your sexual or gender identity.
- ✓ To have your cultural and religious choices respected, encourage and supported.

### Youth 14 and older additional rights:

- ✓ To have credit reporting done, as well as assistance to correct any errors on your report.
- ✓ To have 2 members of your choosing that are appropriate to help you with your case planning.
- ✓ To have access to knowledge and skills on becoming a successful adult.
- ✓ To have access to programs and supports outside of OCS to prepare for the future.

### Youth 18 and older leaving foster care rights:

- ✓ If you were receiving Medicaid when you aged out of foster care at age 18 or older you may be eligible for former foster care Medicaid till 26 through Department of Public Assistance.
- ✓ If you were in foster care for at least 6 months, you have the right to receive your birth certificate, social security card, health insurance, medical record and identification card (or if you have one, drivers license). Also, your BIA card, tribal card or tribal certificate if you are eligible when you exit care.

*The Office of Children's Services has the duty to protect your safety, and at times the rights you have may be limited due to safety concerns or directions from the court. If at any time you feel your rights are not being met and you want to know why, there are people that you can contact. Your Protective Services Specialist (case worker) or GAL/CASA can help you understand what is going on. Or you can always contact your attorney. If that does not help you have the right to contact the Ombudsman's office 1-800-478-2624 as well to talk about the problem.*

I understand my rights and they have been explained to me:

Signature of Child/Youth	Date
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1.0 HOUR SELF-STUDY QUESTIONNAIRE

## The Reasonable and Prudent Parent Standard

If you read the above entitled article and want foster parent training credit applied to your training requirement, fill out the following questionnaire and FAX it to 1-907-479-9666, mail to ACRF, 815 Second AVE STE 202, Fairbanks, AK 99701 or email to [acrf@nwresource.org](mailto:acrf@nwresource.org).

Name: \_\_\_\_\_ Email: \_\_\_\_\_

Address: \_\_\_\_\_ Provider#: \_\_\_\_\_

- 1) The reasonable and prudent parenting standard takes away the ability of foster parents to make decisions about daily activities and school involvement and gives more decision-making power to the social worker

\_\_\_\_\_ a) TRUE

\_\_\_\_\_ b) FALSE

- 2) Who is able to give the permission for the following activities? (*circle one*)

Trips for less than 72 hours	Foster Parent	Caseworker
Signing for school permission slips	Foster Parent	Caseworker
Transportation to school activities	Foster Parent	Caseworker
Travel out of state	Foster Parent	Caseworker
Overnight activities	Foster Parent	Caseworker
High risk activities	Foster Parent	Caseworker

- 3) An important part of the new law includes the provision that resource families should be helping children and youth participate in extracurricular, social and cultural activities normal for their age and developmental level.

\_\_\_\_\_ a) TRUE

\_\_\_\_\_ b) FALSE

- 4) Foster parents will be asked about how they are encouraging youth to participate in normal activities by whom?

\_\_\_\_\_ a) By social workers on monthly visits

\_\_\_\_\_ b) By licensing workers during the application process

\_\_\_\_\_ c) By the local OCS Regional Manager

\_\_\_\_\_ d) All of the Above

- 5) Youth over the age of 14 years old will be given a Youth Right Brochure which will outline their rights in the matter of participating in normal activities.

\_\_\_\_\_ a) TRUE

\_\_\_\_\_ b) FALSE