

UNDERSTANDING THE REGULATIONS:

What Alaskan Foster Parents Need to Know

TOPIC: #8 Supervision, Alternate Caregivers and the Reasonable and Prudent Parent Standard

7 AAC 67.105 Qualifications and responsibilities of individuals having regular contact with children in a foster home

7 AAC 67.120 Alternate Caregivers

7 AAC 67.200 Supervision of Children

This series is a guide to the regulations but is not a substitute. In all discrepancies between the information in this series and the regulations, the regulations are the final authority. Contact your licensing worker for a complete copy of the regulations.

WHAT DO THE REGULATIONS SAY...

About individuals who have regular contact with children in a foster home?



As a foster parent, you are responsible for the safety and supervision of the children entrusted to you by the State of Alaska. This includes making good decisions about the people who have regular contact with the children in your care. These may be people who are regularly in your home including household members, or babysitters, or alternate caregivers.

It is your responsibility to make sure that individuals who have regular contact with your foster children:

- Be of good character, have good judgement, and are responsible and law abiding.
- Treat all children in the home fairly.
- Be able to deal with frustration and conflict, and handle negative behavior in children.
- Be willing to cooperate with the child's parents and family members, the service providers who may be in the home, and of course, the caseworker.

Most importantly, anyone that has regular contact with a foster child in your home:

- May not pose a risk to the health, the safety or the well-being of that child.
- May not abuse or neglect that child.
- May not engage in any sexually suggestive or sexually exploitative behavior.
- May not have a romantic relationship with the child.

WHAT DO THE REGULATIONS SAY...

About Alternate Caregivers and Babysitters

IN GENERAL:

As a foster parent, you are responsible for ensuring that the adults who are frequently around youth, their alternate caregivers and babysitters are responsible and safe people. OCS expects foster parents to use good judgement and use the “reasonable and prudent parent standard” when designating alternate caregivers and babysitters.



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Foster parents can utilize a trusted and responsible person to provide care for short periods of time for a youth in custody. This could be for respite or in the event of an emergency. Additionally, when choosing child care or an alternate caregiver for your foster children, you should use good judgement in picking a caregiver who is mature and capable of meeting the child’s specific needs. You should choose someone you *know* and *trust*. Anyone with whom you choose to leave your foster youth needs to be able to navigate frustration and work with children whose behaviors may be a result of their backgrounds and experiences.

WHAT TO SHARE WITH YOUR ALTERNATE CAREGIVER:

- Share the procedures and health and safety measures that need to be taken in the event of an emergency.
- Share only necessary information about the child’s emotional, behavioral, medical and/or physical conditions the caregiver will need to know to provide quality care for the youth in your absence.
- Share all relevant information about the child’s supervision needs and ways to help the youth navigate tough behaviors. Be sure to make clear that no physical discipline is allowed.

SPECIFIC REQUIREMENTS

There are two kinds of caregivers specifically mentioned in the regulations. Each has specific requirements:

Alternate Caregivers

If a foster parent will be away from the foster home for more than 24 hours, they must designate an alternate caregiver. Regulations define the qualifications for *alternate caregivers*.

- Alternate caregivers must be 18 years or older to care for children younger than 15. Must be 21 years old to care for youth 15 and older.
- Foster parent must notify their licensing worker and the child’s caseworker when utilizing an alternate caregiver for over 24 hours.
- Must get approval by OCS if use of the alternate caregiver exceeds 48 hours in a week.
- All alternate caregivers must have a valid background check.
- Alternate caregivers cannot provide care for a foster youth for longer than 14 days.

Babysitters

Babysitters can be used for short-term, occasional care. Much like the alternate caregiver, a babysitter needs to know the emergency procedures and who to contact in the event of an emergency. Babysitters also need to know information about the child's emotional, behavior, medical and/or physical conditions as well as ways to support and guide the child without the use of physical punishment.

Additionally, regulations state that:

- Foster youth placed in the home cannot babysit for other foster youth in your home, unless this is approved by the child's caseworker and is outlined in the child's case plan.
- Babysitters can be used for short term or intermittent care of less than 48 hours in a calendar week and no longer than 6 consecutive hours without permission from OCS.
- Babysitters must be at least 14 years of age.
- Babysitters are exempt from background check requirements.

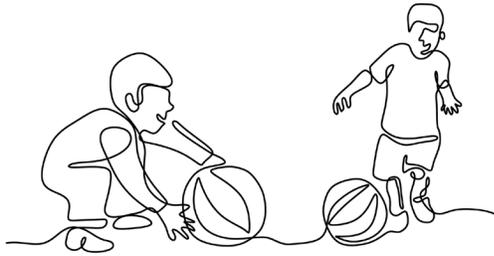
SHARE WITH YOUR ALTERNATE CAREGIVER OR BABYSITTER:

- Emergency Procedures and health and safety measures
- Information about the emotional, behavior, medical or physical conditions of each child in care
- Expectations around supervision and behavior management
- Requirement that no physical discipline is to be used on a foster child
- Contact information for foster parent and caseworker along with emergency telephone numbers

WHAT DO THE REGULATIONS SAY...

About the Supervision of Children?

The foster care regulations specify that a foster parent must provide children in their care with appropriate adult supervision, physical safety, emotional support, and personal attention. Foster parents must supervise the children in their home according to the age and needs of the child. If your foster child has special needs or needs individualized care, you may need to limit the number of children in your home in order to provide an adequate level of care. Your supervision plan, which is part of your foster home application, needs to designate an adult who will help in case of sickness, accident, or other emergency absences. Notify your licensing worker if your emergency caregiver changes. Your licensing worker may also request a written supervision plan when there are conditions or individuals present that may pose potential risk to a child in care.



Foster parents, for the most part, are able to make decisions about youth participating in extracurricular, enrichment, cultural or social activities. Foster parents are asked to use the “reasonable and prudent parent standard” to decide about the ability and appropriateness of children participating in activities. We talk more about that standard below and how to use it to make a decision.

Where Is Approval Still Required?

Some decisions will still require a resource parent seek previous approval before a child can participate in some activity. All statutes and licensing regulations must still be followed. Licensing regulations state that a resource parent will obtain advance permission from the caseworker in the following situations:

- Participation in moderate risk activities, such as operation of a vehicle, or contact sports
- If a youth is going to be allowed in a foster home to handle a firearm with supervision
- If a youth is going to engage in play with propelled objects without constant supervision (like using paintball guns)
- Any type of airborne activity other than approved transportation (like skydiving or helicopter tours)
- For trips for children out of state, or trips longer than 72 hours

RESOURCE PAPER: The Reasonable and Prudent Parent Standard

For a more detailed document, request the Self Study “The Reasonable and Prudent Parent Standard” from ACRF.

Alaska OCS policies allow resource parents to provide permission for many activities without prior approval of OCS if they use reasonable and prudent judgment. This “reasonable and prudent parent standard” can be used for most social, extracurricular, cultural and enrichment activities. The term “reasonable and prudent parent standard” means:

- The resource parent makes careful and sensible parenting decisions through the knowledge of the child’s age and developmental level.
- The resource 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 resource parent can make many of the day-to-day decisions about a child’s participation in regular activities that are normal for a child’s experience. But you are expected to use a “reasonable and prudent parent standard” in making those decisions. Let’s look at what those words mean as defined in the regulations.

A “reasonable and prudent parent standard” means the standard characterized by careful and sensible parental decisions to maintain the health, safety, and best interest of the child while encouraging the emotional and developmental growth of the child.

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 questions about any activity for a foster child.

Questions to ask when you are considering the appropriateness of an activity might include:

- *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?*

As you can see, in some situations for some children, you would decide **yes** for participation in an activity and in other situations you would decide **no**. The answer depends on consideration of factors for a particular child and his/her needs. Foster families should also take into consideration the concerns and desires of the birth parents related to participation in activities, though birth parent desires aren’t necessarily the final determiners for the participation of the child in any activities.

For any activities where resource families are deciding either to allow or not allow a youth to participate in an activity, it is advised that resource families keep a written record of why they came to that conclusion and how they applied a “reasonable and prudent parent standard.” This is not required, but this practice will document that the resource parent gave thought to the decision and attempted to make a wise and considered decision. This would be especially important if it is anticipated that there may be disagreement about the decision from the caseworker or the youth. You are encouraged to share this written statement with your caseworker as well.