

	<b>GEORGIA DIVISION OF FAMILY AND CHILDREN SERVICES CHILD WELFARE POLICY MANUAL</b>			
	<b>Chapter:</b>	(14) Resource Development	<b>Effective Date:</b>	October 2015
	<b>Policy Title:</b>	Reasonable and Prudent Parenting Standard		
	<b>Policy Number:</b>	14.26	<b>Previous Policy #:</b>	NA

**CODES/REFERENCES**

Title IV-E of the Social Security Act Sections 471(a)(10), 471(a)(24), 475(9),(10), and (11) Preventing Sex Trafficking and Strengthening Families Act of 2014 (P.L. 113-183)

**REQUIREMENTS**

The Division of Family and Children (DFCS) shall ensure each child in foster care has ongoing opportunities to engage in age and developmentally appropriate activities (i.e. extracurricular, enrichment, cultural, and social activities). *The term age or developmentally appropriate means*

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

Caregivers shall apply the reasonable and prudent parenting standard when determining whether to allow a child in foster care to participate in particular extracurricular, enrichment, cultural, and social activities. This includes assessing and approving the plan of supervision for youth engaging in activities while not under the direct supervision or oversight of the caregiver.

*The term ‘reasonable and prudent parenting standard’ means 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. In this context, ‘caregiver’ means a foster parent with whom a child in foster care has been placed or a designated official for a child caring institution (CCI) in which a child in foster care has been placed.*

*DFCS shall ensure prospective foster and adoptive parents are adequately prepared with the appropriate knowledge and skills to provide for the needs of a child. As necessary, such preparation shall continue after placement of the child and includes knowledge and skills relating to the reasonable and prudent parenting standard for the participation of the child in age or developmentally appropriate activities, including knowledge and skills relating to the*

*developmental stages of the cognitive, emotional, physical, and behavioral capacities of a child and applying the standard to decisions such as whether to allow the child to engage in social, extracurricular, enrichment, cultural and social activities, including sports, field trips and overnight activities lasting one or more days<sup>1</sup> and involving the signing of permission slips and arranging transportation for the child to and from extracurricular enrichment and social activities.*

*DFCS standards for family foster home and CCIs shall permit use of the reasonable and prudent parenting standard. The standards so established are applied by the State to any foster family home or CCI receiving funds under Titles IV-E or IV-B. The standards shall require, as a condition of each contract entered into by a CCI to provide foster care, the on-site presence of at least one official who, with respect to any child placed at the CCI, is designated to be the caregiver<sup>2</sup> who is authorized to apply the reasonable and prudent parenting standard to decisions involving the participation of the child in age or developmentally-appropriate activities, and who is provided with training in how to use and apply the reasonable and prudent parenting standard in the same manner as prospective foster parents are provided the training pursuant to paragraph 471(a)(24).*

*The standards for family foster homes and CCIs shall include policies related to the liability of foster parents and private entities under contract by the state involving the application of the reasonable and prudent parenting standard to ensure appropriate liability for caregivers when a child participates in an approved activity and the caregiver approving the activity acts in accordance with the reasonable and prudent parenting standard.*

Caregivers shall keep records of a child's participation in activities and share them with the children's Social Services Case Manager (SSCM)/CPA staff during regular contacts.

Caregivers shall make reasonable and prudent parenting decisions when determining whether to allow youth 14 years of age and older to be left under their own supervision for short periods of time (e.g., an hour after school or when foster parents are attending to short-term personal matters).

## **PROCEDURES**

### **Caregivers will:**

1. Make reasonable and prudent parenting decisions regarding the day-to-day care of children placed under their care and oversight.
2. Ensure any substitute caregivers (i.e. babysitter) possess the necessary skills to manage the parenting and/or special needs of the children left in their care, and understand the DFCS guidelines regarding supervision, discipline, and other safety practices.
3. Engage the youth's parents regarding the type of activities in which they would like the youth to participate; when possible include the parents in the decision making.
4. Provide or arrange transportation to support youth participation in extracurricular, social enrichment and cultural activities (e.g. clubs, sports, service organizations, etc.).
5. Keep records of children's needs and participation in childhood activities so this

<sup>1</sup> Overnight travel exceeding two nights and travel outside of the State of Georgia requires prior approval from DFCS.

<sup>2</sup> The caregiver designated by the CCI must be at least 25 years of age or at least 10 years older than the child.

information can be easily shared with DFCS/CPA.

6. Discuss the various activities in which children have been engaged with DFCS/CPA staff during regular communications (e.g. home visits, telephone contacts, etc.).
7. Notify DFCS/CPA prior to the occurrence of a child in DFCS custody participating in overnight trips exceeding two nights.
8. Receive permission from DFCS prior to a child in DFCS custody traveling outside of the State of Georgia.
9. Notify DFCS/CPA immediately when children in DFCS custody are missing from their approved foster care placement or absent without permission.

**DFCS/CPA/CCI staff will:**

1. Educate caregivers to promote their understanding of the reasonable and prudent parenting standard and how to apply it to decisions regarding youth participation in extracurricular, social enrichment, cultural, and social activities.
2. Encourage partnership parenting through caregiver engaging the youth's parents regarding the types of activities in which they would like their child to participate; whenever possible include the parents in the decision making.
3. Maintain monthly contact with each caregiver to conduct an ongoing assessment around functioning, safety, and well-being in the foster home. This will include a discussion of the opportunities each child placed in the home has been provided to engage in age or developmentally appropriate activities.
4. Document the activities in which each child in DFCS custody is participating on a monthly basis to ensure each child is being given adequate opportunities for participation in childhood activities.
5. Discuss with caregivers when it does not appear that children are being given the opportunity to engage in age or developmentally appropriate activities (i.e. extracurricular, enrichment, cultural, and social activities) and help caregivers find solutions to any identified barriers to participation.

<b>PRACTICE GUIDANCE</b>
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**Reasonable and Prudent Parenting Standard**

This standard is 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. This standard applies to family foster homes and child caring institutions (CCIs)<sup>3</sup>. When applying this standard, a caregiver must consider what is age or developmentally appropriate for a particular child. In other words, the caregiver must know what activities are generally accepted as suitable for children of the same chronological age or level of maturity. Since many children in foster care experience developmental delays as a result of maltreatment or early childhood trauma, caregivers must determine what is suitable for each child based upon the developmental stages attained by the child with respect to cognitive, emotional, physical, and behavioral capacities.

Depending on where a particular child is developmentally, it may not be reasonable or prudent to allow him/her to participate in certain activities or he/she may require a higher level of supervision than another child of the same chronological age. In some instances, a child may lack the capacity to perform certain tasks that another child might be able to

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<sup>3</sup> CCIs must have at least one designated caregiver on-site who is authorized to apply this standard.

perform. Thus, knowledge of a child's individual capacities and good judgment are required to successfully apply this standard. For instance, when determining whether to allow youth 14 years of age and older to be left under their own supervision for short periods of time (e.g., an hour after school or when foster parents are attending to short-term personal matters) caregivers must ensure the youth do not have physical, mental, or emotional issues that inhibit their ability to function for a short period of time independent of a caregiver. In addition, caregivers must ensure youth are aware of procedures to be taken in case of an emergency and have access to emergency contact numbers for the caregiver and other approved contacts (e.g. relative, neighbor, or friend). As long as a caregiver or other entity under contract with DFCS acts in accordance with this standard when approving a child's participation in an age or developmentally appropriate activity, immunity from civil liability exists. Nevertheless, caregiver's decisions regarding normalcy activities cannot be contrary to a pre-existing court order.

### **Promoting Normalcy for Children in Foster Care**

Caregivers are responsible for making routine, day-to-day decisions regarding the ongoing care and maintenance of children placed in their home. When applying the reasonable and prudent parenting standard, the goal is to promote normalcy for children in foster care to the fullest extent possible. Participation in extracurricular and other childhood activities is important to the child's social and emotional well-being and promotes the development of valuable life skills.

### **Exceptions to Caregiver Decision-Making**

Major decisions that have significant effect on the life of a child in foster care require approval from the County DFCS and/or juvenile court. Some decisions should be made in consultation with birth parent(s) as well, especially if parental rights have not been terminated. Examples of major decisions include, but are not limited to, the following:

1. Changing a child's school, school attendance, IEP, or participation in a GED program;
2. Changing a child's psychotropic or other prescribed medication (including initiating or stopping) or altering the administration of medication (e.g., dosage, frequency, etc.);
3. Authorizing children to have major medical procedures;
4. Changing a child's court-ordered visitation plan (e.g., date, location, supervision, etc.);
5. Stopping children from visiting their siblings;
6. Drastically altering a child's appearance (e.g., cutting and/or applying chemicals to the child's hair, body piercing, tattoos, etc.);
7. Changing a child's religion;
8. Allowing a child to engage in religious ceremonies (e.g., Baptism, Confirmation, etc.);
9. Stopping a youth from participating in the DFCS Independent Living Program (ILP);
10. Authorizing a youth to obtain a driver's license;
11. Authorizing a youth to travel out-of-state; and/or
12. Granting a youth approval to date.

Below are examples of things that are non-negotiable and caregivers may not do:

1. Return children to the caregiver from whom they were removed (e.g. birth parents, adoptive parents, relatives, legal guardians, etc.) without court approval;
2. Violate the DFCS discipline policy;
3. Violate a court order;

**FORMS AND TOOLS**

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