

# Normalcy & the Reasonable & Prudent Parent Standard

May 24, 2016

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## Presenters

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## Questions

- We will break halfway questions
- Live streaming may email questions to: [deborah.beske.brown@state.mn.us](mailto:deborah.beske.brown@state.mn.us)
- If you are viewing the archived training, email questions to the presenters

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Preventing Sex Trafficking & Strengthening Families Act, Public Law 113-183

- Signed into law on September 29, 2014
- Amended Title IV-E requirements for states, including:
  - Case planning
  - Runaway Youth
  - Another Planned Permanent Living Arrangement (APPLA)
  - Sex trafficked/exploited children and youth
  - Rights of youth

DHS Bulletin #15-68-17C, Title IV-E Requirements for the Preventing Sex Trafficking and Strengthening Families Act

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Why is this required training?

- Legislation changed Title IV-E requirements for states
  - Federal mandate that states support normalcy for all children in foster care
- Social Security Act, §471 [42 U.S.C. 671](a): In order for a State to be eligible for payments under this part, it shall have a plan approved by the Secretary which-
  - (1o)(A) State is responsible for establishing/maintaining standards for foster family homes and child care institutions which include the use of the reasonable and prudent parenting standard
  - (1o)(B) The standards shall be applied by the state to any foster family home or child care institution, and shall require as a condition of each contract entered into by a child care institution the presence on-site of at least one official who is designated and trained to be the caregiver authorized to apply the reasonable and prudent parent standard in the same manner as foster parents in a foster family home

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Why is this required training? (cont'd)

- Social Security Act, §471(a) (24) The state must certify that foster parents and designated staff are trained with the appropriate knowledge and skills to provide for the needs of foster children, including:
  - the application of the reasonable and prudent parent standard for the participation of the child in age or developmentally appropriate activities, including the knowledge and skills relating to the developmental stages of the cognitive, emotional, physical and behavioral capacities of a child, and
  - knowledge and skills relating to applying the standard to decisions, such as whether to allow the child to engage in extracurricular, enrichment, cultural, and social activities, including sports, field trips, and overnight activities lasting 1 or more days, and decisions involving the signing of permission slips and arranging transportation for the child to and from extracurricular, enrichment and social activities

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**Who must complete the training?**

- Child welfare case managers of foster care placements:
  - County agencies child welfare staff
  - Tribal agencies with Title IV-E agreements
- Child foster care licensing staff
- Licensed child foster parent
- Designated staff at:
  - Corporate child homes
  - Residential facilities approved for Title IV-E

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**Normalcy**

Why supporting age appropriate activities is important

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**What is normalcy for foster children?**

- Age and developmentally appropriate activities
- Generally accepted as suitable for children of same chronological age or level of maturity
- Based upon
  - Child's cognitive, emotional, physical and behavioral capacities typical for an age group

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**Normalcy:  
Why  
supporting age  
appropriate  
activities is  
important.**

- To achieve healthy development, children and youth in foster care need to be involved in normal and developmentally appropriate extracurricular and social experiences and provided opportunities for safe risk taking

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**Why is  
supporting age  
&  
developmentally  
appropriate  
activities  
important?**

- Need to experience same social, emotional, and cognitive well-being as those not in foster care
- Social and emotional bonds, cultural connections, assets development and skills-building through activities teaches important life-long developmental and social skills
- Trauma experiences may be mitigated by participating in activities that help them feel "normal"
- Provides foster kids opportunity to practice skills in a protected environment, build relationships, and contributes to a successful transition to adulthood

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**What are  
developmentally  
appropriate  
activities**

- Developmentally appropriate activities are based on a child's cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group.

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Removing the barriers to normalcy for foster children

- County/tribal agencies and child-placing agencies shall support a foster child's emotional and developmental growth by permitting the child to participate in activities or events that are generally accepted as suitable for children of the same chronological age or are developmentally appropriate for the child.(Minnesota Statutes, section 260C.212, subd 14.)
- County/tribal agency case managers include a child's activities or interest in the Out-of-Home Placement plan and Independent Living plan .
  - provides the opportunity to discuss with the parent the child's interest, cultural considerations and activities available in the school, community, and foster home or facility.
  - Allows for parents' wishes to be considered.

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Reasonable and Prudent Parent Standard

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Reasonable & Prudent Parent Standard

(Minnesota Statutes, section 260C.212, subd. 14

- Characterized by careful and sensible parenting that maintains health and safety, cultural, religious and tribal values and best interest of child, while encouraging emotional and developmental growth
- Foster parent, designated corporate foster care/residential staff use the standard to determine whether foster child may participate in extracurricular, enrichment, cultural and social activities

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Applying the Reasonable & Prudent Parent Standard

When a foster parent or designated staff apply the reasonable and prudent parent standard to a parenting decision, caregivers must consider the following factors:

- Child's age, maturity and developmental level
- Risk of the activity
- Best interest of the child
- Importance of experiences in the child's emotional and developmental growth
- Importance of a family-like experience
- Behavioral history of the child
- Wishes of the parent or guardian, as appropriate

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Reasonable & Prudent Parent Standard

Examples of how foster parents or designated staff consider these factors when approving activities

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Example:

Child's age, maturity and developmental level

- A ten-year-old foster child is invited to attend an afternoon birthday party, and she is very excited. While she has some developmental and social delays, can I as the caregiver help her prepare for this new social activity
- Even though our foster child is age 14, will the PG-13 movie have content that he isn't able to handle without behavioral issues or a strong emotional response?

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Example:  
Risk of the activity

- What is the risk difference in allowing a foster youth to ride with a friend to school vs. allowing him to ride to an evening concert?

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Example:  
Best interest of the child

- Was the camp selected because it fits the child's interest and it is what she wants to do, or is it to give the foster parents a break?
- Youth is very interested in attending culinary school after graduation, while he does not like high school, is it best to let him take a part-time job at the local restaurant? (Knowing that working will impact his grades.)

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Example:  
Importance of experiences in the child's emotional and developmental growth

- Will being on the soccer team help build a child's self-esteem and develop the social skills she needs?

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Example:

**Importance of a family-like experience**

- Is there something a caregiver would let her birth or adopted children do, that a foster child cannot do?
- Is the only thing preventing the activity or experience an agency policy?

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Example:

**Behavioral history of the child**

- Given a child's history of impulsive behaviors, is allowing him to mow the lawn a prudent decision?
- Given a child's history of underage drinking, is allowing him to stay out late with friends unsupervised a prudent decision?

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Example:

**Wishes of the parent or guardian, as appropriate**

- As part of case planning, parent is concerned about a foster child's participation in afterschool activities. What are the parent's specific concerns about the activity the child is interested in? Through information and consultation about the activity, what steps can we take to address the concerns?
- Not appropriate if the parent is not involved in case planning.

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Guidance about  
childhood activities and  
required considerations

Review handout

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County/Agency  
policies

- County/tribal agencies **may** develop a written policy permitting social, extracurricular, enrichment, and cultural activities available in their community, for example rodeo or equestrian, sweat lodges, wilderness activities, or specialized sports
- The agency policy must be provided to all foster parents and designed staff who accept placement of a child from this agency

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Questions?

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**How will this impact case management practices?**

Empowering foster children age 14 and older in the development of their own plan and transition planning for a successful adulthood

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**How will this change case planning, court reviews & case management practices?**

- Foster children 14 or older may designate 1 member on planning team to apply the reasonable and prudent parenting standard
- As part of case planning and management consider the child's interest, what children this age do and the activities available to the child in the school, community and in the home/facility. Engage parents in the discussions and decisions as appropriate.
- Annual court reviews for children with permanent custody to the agency assure reasonable and prudent parenting standards are being followed
  - Youth will be consulted in age appropriate manner about opportunities to participate in such activities

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**How will this change case planning, court reviews, & case management practices? (cont'd)**

- Minnesota Statutes, section 260C.212, subd. 1 (c) The out-of-home placement plan shall be explained to all persons involved in its implementation, including the child who has signed the plan, and shall set forth:
  - (12) an independent living plan for a child age 14 or older. The plan should include, but not be limited to, the following objectives:
    - (viii) regular opportunities to engage in age-appropriate or developmentally appropriate activities typical for the child's age group, taking into consideration the capacities of the individual child
- SELF (Support for Emancipation and Living Functionally) expanded to include supporting participation in age-appropriate activities for youth who are likely to remain in foster care until age 18

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What does this mean for foster parents, corporate foster care and residential staff

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How will this change foster parents' training & licensing practices?

- Agencies ensure prospective and current foster parents and corporate staff are trained
  - Agency must be available to address questions
- Agency training shall include specific competencies to support a child, including:
  - Knowledge/skills related to developmental stages of a child's cognitive, emotional, physical and behavioral capacities
  - Applying the standard to decisions (Ex. field trips, overnight activities, signing of permissions slips)
  - Considering their roles and responsibilities to regulate reasonable and prudent parenting
  - Considering child's opportunity to safely engage in these activities, unique to their cultural and/or tribal customs

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What does this mean for foster parents, designated corporate foster care and residential facility staff?

(cont'd)

After training, prospective foster parents and designated staff must:

- Apply prudent parenting standards by developing and improving their decision making skills that supports the safety and wellbeing of the child while participating in activities
- Consult with county/tribal licensor or case manager when direction or guidance is needed
- Help older youth develop decision making skills and explore safety, time management and complex emotional issues that may arise

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What does this mean for foster parents, corporate foster care staff & residential facility staff?

(cont'd)

- Caregivers must acknowledge and demonstrate understanding of the prudent parenting standard, including:
  - Developmental stages of child's cognitive, emotional, physical and behavioral capacities
  - Applying the standard to decisions

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What does this mean for foster parents, corporate foster care staff & residential facility staff?

(cont'd)

- Residential facilities and corporate foster homes designate on-site presence authorized to apply the reasonable and prudent parenting standard, similar to a foster parent
- Caregivers communicate with the responsible county/tribe and licensing agency about guidance on normalcy and applying the Reasonable and Prudent Parent Standard and written agency policy (if any)

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What does this mean for foster parents, corporate foster care staff & residential facility staff?

(cont'd)

- Caregivers demonstrating compliance will not incur **civil liability** if foster child is harmed or injured participating in an approved activity

(42 U.S.C. 671 (a)(10) and Minnesota Statutes, section 260C.212, subd 14)

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# Misconceptions & Reality

Normalcy and the Reasonable and Prudent Parent Standard

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## Misconception

- For a foster child to stay overnight at a friend's house, the adults living in the friend's home must undergo a background study

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## Reality

- The friend's parent(s) are not short term substitute caregiver, they are not license holder or designated respite providers. Normalcy and Prudent Parent Standard provides foster parents with the guidelines to make this parenting decision

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**Misconception**

- Foster children are not allowed to attend community functions without adult supervision

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**Reality**

Minnesota Statutes, section 260C.212, subd 14, states:

- Responsible social service agencies and licensed child placing agencies shall support a foster child's developmental and emotional growth by permitting a child to participate in activities or events that are generally acceptable as suitable for children of the same age and are developmentally appropriate
- Foster parents a designated residential staff are permitted to allow foster child to participate in extracurricular, social or cultural activities that are typical for the child's age by applying the reasonable and prudent parenting standard

Recommend discussion about normalcy be part of case planning process and caregivers apply the factors of the reasonable and prudent parent standards parenting decisions for an individual child

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**Misconceptions**

- Birth parent's wishes must always be followed. If they disagree with an activity involving their child

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Reality

- Legal parent's involvement with foster children is critical and parent's wishes must be considered. Normalcy cannot override case plans or other court ordered requirements. To support normalcy, it is encouraged that child/youth activities, interest in social, cultural and extracurricular activities be part of case planning.
- Child parent visitation is essential to maintain the child/parent relationship and support reunification. When a child is busy with activities, it may conflict with scheduled visitation. Consider how visitation may take place during the foster child's "normal" activities – such as the child's parent watch the child's soccer game, listen to the child practice their trumpet, or help the child get supplies for club posters.

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What is MN DHS doing to support age & developmental appropriate activities for foster children?

- Provide ongoing guidance and technical assistance
- Provide training for case managers, foster care licensing staff and caregivers
- Disseminate new best practices guidance
- Gather and retain data on who is trained to apply the prudent parenting standard
- Administer SELF Funds to support the cost of a youth's activities

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DHS Gathering training data

- DHS will be gathering and retaining data on who is trained to apply the prudent parent standard.
- By early June, a DVD of this training will be mailed to county, Tribes with Title IV-E agreements, private foster care agencies, corporate foster care sites and residential facilities approved for Title IV-E
- It will include instructions about the documentation required to certify all foster parents and designated staff have completed the training . This will be due by 9-28-16

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DHS  
Gathering  
training data

**County and Tribal Social Service staff:**

- Sites: Email scanned sign-in sheets to Myrna Klegin – [myrna.klegin@state.mn.us](mailto:myrna.klegin@state.mn.us) or Fax 651-431-7522
- Live or archive streaming – confirm attendance to Myrna by email

**Private foster care agency, designated staff at corporate foster care and residential facilities, and foster parents:**

- Counties, Tribes with Title IV-E agreements, private foster care agencies, corporate foster care sites and residential facilities approved for Title IV-E will need to report training data to DHS
- Agencies look for the letter in early June explaining how to report required training has been completed

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Resources

- Preventing Sex Trafficking and Strengthening Families Act [P.L. 113-183] <https://www.congress.gov/113/plaws/publ183/PLAW-113-publ183.pdf>
- Child Welfare Information Gateway <https://www.childwelfare.gov/topics/outofhome/resources-foster-families/parenting/normalcy/>
- Promoting Normalcy for Children and Youth in Foster Care [http://jlc.org/sites/default/files/publication\\_pdfs/JLC-NormalcyGuide-2015FINAL.pdf](http://jlc.org/sites/default/files/publication_pdfs/JLC-NormalcyGuide-2015FINAL.pdf)

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Questions?

- If you have suggestions about this training, email them to [deborah.beske.brown@state.mn.us](mailto:deborah.beske.brown@state.mn.us)

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