

STANDARD FOR NORMALCY FOR CHILDREN AND YOUTH IN FOSTER CARE

PURPOSE

The purpose of this standard is to provide direction and guidance to the Child and Family Services (CFS) program regarding the Reasonable and Prudent Parent Standard and normalcy for children and youth in foster care. This standard is intended to achieve statewide consistency in the development and application of CFS core services and shall be implemented in the context of all applicable laws, rules and policies. The standard will also provide a measurement for program accountability.

INTRODUCTION

The Preventing Sex Trafficking and Strengthening Families Act, Public Law (P.L. 113-183) was passed into law on September 29, 2014. Among the law's provisions is the section "Supporting Normalcy for Children in Foster Care." This particular section of the Act directs child welfare agencies, contracted providers, courts, caregivers and licensed child care facilities providing care for children in foster care to facilitate age-appropriate experiences for youth in foster care taking additional steps to support normalcy, promote permanency and the well-being of children and youth in foster care, instituting the reasonable and prudent parent standard.

In addition, the Act requires states to establish appropriate liability protection for resource parents who apply the standard.

Specifically, the Act requires states to:

- Ensure children who are most likely to remain in foster care until age 18 experience a more normal childhood by having the opportunity to engage in age- or developmentally-appropriate activities.
- Allow foster parents and designated officials in child care institutions to consent to foster children participating in appropriate age or developmentally appropriate activities.
- Provide for certain liability protections to the designated persons who are allowed to consent to foster child activities, through the implementation of a reasonable and prudent parent standard for foster youth participation in activities.
- Develop standards and training to foster parents and designated child care institution officials on the reasonable and prudent parent standard.
- Implement contracts requiring child care institutions to have an individual onsite at all times who is designated to exercise the reasonable and prudent parent standard.
- Institute liability protections that ensure protection when the reasonable and prudent parent standard is applied by foster parents and designated child care institution officials.

Normalcy is essential to child and youth development. In providing children and youth with the ability to participate in normal day-to-day activities, children and youth learn their interests and talents, safely experiment and take risks, practice decision-making skills, and develop healthy peer and adult relationships. Normalcy is directly tied to a child's well-being and permanency. When children and youth are not able to participate in activities necessary to development, they are unprepared for life as an adult.

“The development of the adolescent brain provides a 'window of opportunity.' As relationships are the key to positive early childhood development, they continue to be necessary in adulthood. Caregivers need to be able to assist teens in navigating through transitional times “by providing them with ‘normal’ experiences and helping them think through life decisions” without seeking multiple levels of administrative approval (Henderson, 2011; Farruggia 2006)

Children and youth in foster care need normalcy so they can build their social capital, the “value that is created by investing in relationships with others through processes of trust and reciprocity” (Juvenile Law Center, 2015). Many children and youth in foster care have experienced trauma, requiring support in their emotional development and well-being. According to Rey & Oppenheimer, “supportive relationships and social environments can help build youth resilience. Resilience, or the ability to achieve positive adaptation and overcome adversity, is a crucial skill for youth in foster care to achieve positive outcomes.” Research has identified core components to building youth resilience, which include: “1) having supportive relationships with non-parental adults; 2) developing independence and decision-making power over their own lives, and 3) having access to at least one environment in which they are successful (i.e. school for academic access or sports for athletic success).....Youth are more likely to demonstrate resilience and succeed, despite past trauma, when these components are present in their lives.” (Rey & Oppenheimer. 2016). Normalcy is truly achieved when children and youth learn skills, take advantage of opportunities and develop relationships while growing up in a stable loving family and a supportive community.

TERMS

Age or Developmentally Appropriate

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 are typical for an age or age group; and in the case of specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child IDAPA 16.06.02.457.

Babysitting

Babysitters are classified by providing occasional care, once a week or less for less than a 72 hour period of time.

Child Care

Individuals providing routine care for more than once a week, usually at designated times.

Caregiver

For the purpose of this standard, caregiver applies to foster parents with whom a child in foster care has been placed or a designated official for a child care institution in which a child in foster care has been placed IDAPA 16.06.02.457. I.C. § 16-1602(7).

Child Functioning

A child's general behaviors, emotions, temperaments, and physical capacities. How a child is from day-to-day rather than focusing on points in time. Qualified by the chronological and developmental age of the child includes: capacity for attachment, temperament, intellectual functioning, communication and social skills, expressing feelings, behavior, peer relationships, school performance, independence, motor skills, physical capacity, medical needs, mental health, routines/patterns, self-awareness and acceptance, sexual behavior, and trauma history.

Child Well-being

Child well-being includes all aspects of screening, assessing, identifying, and meeting the physical, mental health and educational needs of a child. Child well-being also includes maintaining a child's connectedness to family, supportive relationships, and the community as defined in Idaho's Standard for Child Well-being.

Liability

A caregiver shall not be liable for harm caused to a child in an out-of-home placement if the child participates in an activity approved by the caregiver, when the caregiver has acted in accordance with the Reasonable and Prudent Parent Standard I.C. § 16-1644.

Normalcy

The ability for children/youth to easily participate in age-appropriate, extracurricular, enrichment, cultural, and social activities that promotes their well-being. According to Juvenile Law Center, normalcy is "ensuring a child's range of experiences while in foster care is typical of the range of experiences of any child of the same age."

Reasonable and Prudent Parent Standard

The standard of care characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while simultaneously encouraging the emotional and developmental growth of the child that a caregiver must use when determining whether to allow a child in foster care under the responsibility of the state to participate in extracurricular, enrichment, cultural, or social activities I.C. § 16-1644; IDAPA 16.06.02.457.

IMPLEMENTING THE STANDARD

CFS social workers must address normalcy for all children placed in foster care enabling children and youth to successfully transition through their respective stages of development; acquiring the skills and knowledge to prepare them for adulthood.

CFS social workers must have a clear understanding of the Reasonable and Prudent Parent Standard, how this standard promotes normalcy and their role in supporting caregivers as members of a professional team.

The Reasonable and Prudent Parent Standard provides caregivers with the authority to make day-to-day decisions regarding the participation in age or developmentally appropriate activities for the children and youth placed in their home. All caregivers are required to complete training to include knowledge and skills relating to the 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 this standard to decisions such as whether to allow the child to engage in social, extracurricular, enrichment, cultural, and social activities. Caregivers are often in the best position to determine the appropriateness of a given activity based on their knowledge of the child, daily interactions with the child and prior parenting experiences.

All caregivers must complete the required training prior to applying the reasonable and prudent parent standard. A caregiver shall not be liable for harm caused to a child in an out-of-home placement if the child participates in an activity approved by the caregiver when the caregiver has acted in accordance with the Reasonable and Prudent Parent Standard.

Responsibility and Role of the Social Worker

In order for caregivers to successfully implement this standard and create normalcy for children and youth placed in their home, CFS social workers must provide caregivers with sufficient, thorough information regarding the child's functioning, well-being, strengths, personality, trauma history, and special needs. This information is gathered through the initial comprehensive assessment, ongoing assessments of the family and child, and information gathered to complete the Child and Family Social and Medical Information (CFSMI) Form. The CFSMI Form documents valuable information about the child and parents. The CFSMI form and guide to its completion are available on the Child Welfare SharePoint. In disclosing specific information regarding the child and family circumstances, CFS social workers must also comply with our Standard for Confidentiality. (Please refer to the Comprehensive Assessment, Child Well-being Standard and Standard for Confidentiality for further information). The information provided by the CFS assigned case worker must be specific to the child's functioning, enabling caregivers to implement the following factors as part of their decision-making process when applying the Reasonable and Prudent Parent Standard:

- Child's age, maturity and developmental level
- Potential risk factors
- Best interest of the child
- Importance of child's emotional and developmental growth
- Mental & physical health
- Aptitude of child
- Family-like living experience
- Child's behavioral history, ability to safely participate in the activity

Caregivers have the authority to arrange for short-term babysitting that is not routine and does not exceed seventy-two (72) hours. Any individual who is not licensed as an Idaho Child Care Program provider, providing ongoing consistent child care beyond the seventy-two (72) hours may be subject to a background check which could include any or all of the following: Idaho

State Police background name-based check, Adam Walsh Child Abuse/Neglect Registries, Idaho Child Abuse Central Registry, Idaho State Repository, and the Sexual Offender Registry.

All paid respite providers must comply with licensing standards and be licensed per IDAPA 16.06.02 Standards for Child Care Licensing.

This standard is not to supersede decisions related to ongoing contact and visits with the child's relative/fictive kin. Background checks are not required for maintaining the child's connections with relatives/fictive kin. These decisions should be made in consultation with a supervisor; keeping the child's safety paramount.

Background checks are not required for a child to participate in incidental activities that involve brief contact with adults or brief regular scheduled activities, such as participating in sports or weekly music lessons.

The Reasonable and Prudent Parent Standard provides caregivers with the authority to make decisions regarding the participation of children in overnight activities. Overnight stays lasting longer than seventy-two (72) hours shall be made in consultation with the CFS assigned caseworker and may require additional approvals based on the circumstances.

Caregivers have the authority to make appropriate arrangements for transportation enabling the child to participate in extracurricular activities and sport events, as long as the responsible driver is in compliance with Idaho's laws regarding operation of motor vehicles. Caregivers should also ensure that all safety precautions are taken for specific events, i.e. utilizing helmets, proper safety equipment, and medical clearances for sporting activities.

CFS social workers shall address a child/youth's normalcy during ongoing monthly assessments with the child/youth, parent and caregiver. When a child(ren) is initially placed in foster care CFS social workers will work with the birth parent/legal guardian in completing the Acknowledgement and Consent for Child/Youth Participation in Activities, see attachment A. This should be documented within the monthly contacts. CFS assigned social workers will support caregivers as professional members of the child serving team and be available for consultation.

Role of the Parent/Guardian

Whenever possible, parents or legal guardians should be encouraged to participate in the decision-making process and to provide written consent for foster youth activities. When parental rights are intact, the child/youth's parent's or legal guardian's preferences for the child should be considered when approving normal routine activities. It is incumbent upon the CFS social worker to assist the caregiver and birth parents in developing a collaborative relationship, developing open lines of communication, enabling the birth parents/legal guardians to unite in these decisions. Icebreaker meetings are one way to introduce birth parents to resource parents. Children whose parents and resource parents have a respectful, supportive relationship have been shown to have more stable foster care placements, better emotional development and more success in school. The child/youths' desire should also be taken into consideration for the

caregiver so it is clear their voice is respected and their involvement is encouraged in the decisions that impact their lives.

Giving caregiver's decision making-authority for youth to participate in age-appropriate activities does not mean the decision will always be "yes." Caregiver may need to further discuss their concerns with the child's social worker if they are still unsure about the activity or if there are discrepancies between the child/youth's birth parent/legal guardian and the caregiver. CFS social workers should continue to support and assist in educating caregivers as they apply the Reasonable and Prudent Parent standard.

Activities Within The Scope of Caregiver Decision-Making. CFS social workers should encourage and support caregivers in making decisions within the scope of their decision making authority and in applying the Reasonable and Prudent Parent Standard. Typical foster children/youth activity decisions may include the following activities:

- After school or summer employment;
- Volunteering;
- Reasonable and age-appropriate access to phone and computer usage;
- Reasonable curfews and rules regarding dating and socializing;
- Babysitting
- Recreational activities using appropriate protective gear
 - Camping
 - Swimming
 - Hiking
 - Boating wearing a lifejacket
 - Biking using a helmet
 - Sporting activities
 - River tubing
- Allowing the following specific activities without direct supervision for the specific event/activity. This includes signing permission slips*:
 - Athletic/school/community events
 - Camps
 - Dating
 - Field trips
 - Going to the movies
 - Movies
 - Sports, teams, clubs, classes
 - Travel with other youth/adults
 - Trips to the mall
 - Visits to friends' houses
 - Work
- Overnight activities under 72 hours.

***Note:** Some permission slips may include accompanying permissions specific to medical treatment/consent, these explicit permissions require the signature of the birth parent/legal guardian or CFS assigned case worker and should not be signed by the caregiver.

Please see attachment B: Caregiver Guidelines for applying the Reasonable and Prudent Parent Standard.

All other activities not covered within the caregivers' scope, are outlined as high risk activities and typically are not permitted. These activities include: white-water boating or rafting in waters with rapids rated at 3 or higher; rugged mountain or cliff climbing which may or may not include the use of ropes; archery; hunting, target practicing, or handling any gun whether loaded or unloaded, with anyone other than the child's parent or guardian; kayaking; and bungee jumping, base jumping parachuting or sky diving. This list is not meant to be inclusive of all high risk activities. In the event, a child/youth's participation in a high risk activity appears to be reasonable based on the child's functioning and the caregivers skill, knowledge and judgment the regional/hub field program managers approval is required. The reasons for the approval must be documented in iCARE under the child's monthly narrative. When in doubt, please consult with your supervisor and regional Deputy Attorney General.

Reasonable and Prudent Parent Standard for an Organization Providing Services to Children Placed by the Department

Children and youth placed in licensed child care facilities, such as a group home or residential treatment facility shall also be provided with the opportunities of normalcy. CFS social workers shall collaborate with the designated on-site official to ensure they are implementing the reasonable and prudent parent standard, providing child(ren) and youth placed through CFS are provided with normalcy.

Documentation of Application of Reasonable and Prudent Parent Standard

Information regarding the application of the standard for the child/youth and the activities the child is involved in should be documented in the monthly contacts, the alternate care plan and within the court report.

Any action taken not consistent with this standard must be pre-approved by the FACS Division Administrator or designee. The action, rationale and approval must be documented in the file.

References:

Farruggia, S.P. (2006). *The Transition from foster care to independence*. (Unpublished dissertation). University of California, Irvine, California.

Henderson, T. (2011). *Tales of transition: A qualitative multiple case study inquiry on the emancipation preparation of foster care adolescents*. Dissertation Abstracts International, 71.

Rey, Bianca & Oppenheimer, Cyd, J.D. (2016). Letting Kids Be Kids: Promoting Normalcy for Connecticut's Youth in Foster Care, 3-4.

**State of Idaho
Department of Health & Welfare
Division of Family & Community Services
Child & Family Services**

Acknowledgement and Consent for Child/Youth Participation in Activities

I.C. § 16-1644 and IDAPA 16.06.02.457 authorizes caregivers (foster parents/providers) to provide or withhold permission without prior approval of the assigned social worker or department to allow a child in their care to participate in normal childhood activities based on a “reasonable and prudent parent standard.”

Whenever possible foster parents and the Department encourage parents or legal guardians to participate in the decision-making process and your preferences for your child should be considered when approving normal routine activities.

I acknowledge during the time _____ is in the legal custody of the Department of Health and Welfare and placed in an alternate care setting, the Department in collaboration with the licensed foster parent/provider, will ensure my child is provided with normal childhood experiences. This includes participation in age-appropriate, extracurricular, enrichment, cultural and social activities that promote your child’s well-being.

_____ acknowledges and approves the foster parent/provider to apply the “reasonable and prudent parent standard” to authorize any of the following:

- Recreational activities such as movies, community events, hiking, biking, swimming, horseback riding, rafting, boating
- Social/Extracurricular Activities such as camps, field trips, school related activities, sports, community activities, social activities with peers.
- Motorized Activities
- Cultural, travel, and religious activities
- Employment and job training opportunities

Comments (Please indicated any activities you do not approve):

I hereby consent to the authorization described above. I certify that I have read, or have had read to me, and fully understand the contents of this agreement and the reason why my consent has been requested. I understand that I have the right change or with draw this consent at any time.

Parent or Guardian (or Legally Authorized Representative)	Date
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Caregiver Guidelines: Providing Normalcy for Children/Youth in Foster Care

I.C. § 16-1644 and IDAPA 16.06.02.457 authorizes caregivers to provide or withhold permission without prior approval of the assigned social worker or department to allow a child in their care to participate in normal childhood activities based on a “reasonable and prudent parent standard.” This standard is characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while simultaneously encouraging the emotional and developmental growth of the child that a caregiver must use when determining whether to allow a child in foster care under the responsibility of the state to participate in extracurricular, enrichment, cultural, or social activities. For the purpose of this standard, caregiver applies to foster parents with whom a child in foster care has been placed or a designated official for a child care institution in which a child in foster care has been placed.

Normalcy is the ability for children/youth to easily participate in age-appropriate, extracurricular, enrichment, cultural, and social activities that promotes their well-being. According to Juvenile Law Center, normalcy is “ensuring a child’s range of experiences while in foster care is typical of the range of experiences of any child of the same age.”

Whenever possible, parents or legal guardians should be encouraged to participate in the decision-making process; their preferences for the child should be considered when approving normal routine activities.

Providing caregivers’ with decision making-authority for youth to participate in age-appropriate activities does not mean the decision will always be “yes.” Caregivers may need to further discuss their concerns with the child’s social worker if they are still unsure about the activity or if there are discrepancies between the child/youth’s birth parent/legal guardian and the caregiver. The list below includes examples and is not all-inclusive. If you have questions or when in doubt please consult with the child’s assigned social worker.

Activity Category	GREEN—Examples of normal childhood activities caregivers can approve independently	RED—Examples of childhood activities that must be approved by the assigned social worker/agency
Agency/Court approval is required if an activity is in conflict with a court order or supervision/safety		
Family Recreation (Children should be closely supervised and use appropriate safety equipment for water activities.)	<ul style="list-style-type: none"> • Movies • Community Events • Family Events (less than 72 hours) • Hiking • Boating wearing a life jacket • Swimming 	<ul style="list-style-type: none"> • Any events or activities over 72 hours • Any sporting/recreational activity that involves signing a medical consent • High risk activities: <ul style="list-style-type: none"> ○ Hunting or handling a gun whether loaded or unloaded

	<ul style="list-style-type: none"> • Biking using a helmet • Other sporting activities using appropriate protective gear • River tubing • River rafting (under level 3 rapids) • Horseback riding • Camping 	<ul style="list-style-type: none"> ○ Archery ○ Bungee jumping ○ Base jumping ○ Kayaking ○ Parachuting ○ Sky diving ○ White-water rafting level 3 rapids or higher <p>Some participation in high risk activities may be reasonable based on the child's functioning and experience and the caregiver's skill, knowledge and judgment. High risk activities must be approved the program manager.</p>
Social/Extracurricular Activities	<p>Less than 72 hours</p> <ul style="list-style-type: none"> • Camps • Field Trips • Volunteering • School Related Activities • Church Activities • Youth Organization Activities/Clubs • Sports Activities • Community Activities • Social Activities with Peers • Overnight activities <p>Reasonable and age-appropriate access to phone and computer usage. Reasonable curfews and rules regarding dating and socializing.</p>	Any activity listed that will exceed 72 hours and/or requires a medical consent.
Motorized Activities	<p>Children and caregivers must comply with all laws and use appropriate protective/safety gear.</p> <p>Children riding in a motorized vehicle with an adult including but not limited to:</p> <ul style="list-style-type: none"> • Snowmobile • All-terrain vehicle • Motorbike 	Valid driver's license if 16 years old and older.

	<ul style="list-style-type: none"> · Jet Ski · Tractor <p>Any child operating an OHV must complete a motorbike or ATV safety course approved by Idaho Department of Parks and Recreation https://parksandrecreation.idaho.gov/activities/atv-motorbike.</p> <p>Riders 15 years and younger must be supervised by a licensed adult operator. Please follow supervision requirements out lined by IDPR.</p> <ul style="list-style-type: none"> · Snowmobile · All-terrain vehicle · Motorbike · Jet Ski · Tractor 	
Driving	<p>*If the youth enters care with a valid drivers' license they may continue to operate vehicles as the child is appropriately insured.</p> <p>Arrangements for transportation for the child to participate in extracurricular activities.</p>	<p>The parent(s) or legal guardian(s) may authorize drivers' training, provide payment and sign for drivers' license and permits or Must obtain written authorization from the Regional/Hub Field Program Manager per IDAPA 16.06.451</p>
Travel	<p>All travel within Idaho less than 72 hours. All travel within the United States less than 72 hours must notify the child's assigned social worker and provide contact information.</p> <p>Travel with other youth/adults</p>	<p>All travel exceeding 72 hours. Travel overnight out-of-state travel. Please provide notification and emergency contact information. All out-of-country travel must obtain program manager's approval.</p>
Employment/Babysitting	<p>Youth 14 years old or older and following: Interview for employment Continuation of current employment Does not interfere with school</p>	<p>Children in foster care may not babysit other children in foster care. Physically or sexually aggressive youth should not be permitted to babysit other children.</p>
Religious Participation	<p>Attend a religious service of the child's choice.</p>	<p>Notify assigned social worker when the child and biological parent choices conflict.</p>

Caregivers please consider these questions as you apply the Reasonable and Prudent Parent Standard:

1. How does this activity promote social development?
2. Will this activity violate a court order, a safety plan, a case plan, or a treatment plan?
3. Will this activity violate any policy or agreement of the Department?
4. If appropriate, have I received consultation from my case worker and/or the child's caseworker?
5. If able and appropriate, have I consulted with this child's birth parents about their thoughts and feelings about their child participating in this particulate activity?
6. Will the timing of this activity interfere with a sibling or parental visitation, counseling appointment, or doctor's appointment?
7. Who will be attending this activity?
8. Would I allow my birth or adopted child to participate in this activity?
9. How well do I know this child?
10. Is there anything from this child's history that would indicate he may be triggered by this activity?
11. Does the child have any concerns about participating in this activity?
12. Has the child shown maturity in decision making that is appropriate for his age and ability?
13. Does the child understand parental expectations regarding curfew, approval for last minute changes to the plan and the consequences for not complying with expectations?
14. Does the child know how to call in case of an emergency? Will they have access to a phone?
15. Does this child understand his medical needs and is he able to tell others how to help him if necessary?
16. Can this child protect himself?