

Division of Children and Family Services Protection and Safety Procedure # 28-2015	
Regarding:	Reasonable and Prudent Parent Standard
Date Effective:	09/29/2015
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Issue by:	Doug Weinberg , Director, Division of Children and Family Services



Philosophy:

The Division of Children and Family Services (DCFS) believes youth in foster care should have the opportunity to engage in, and experience age appropriate activities, and when doing so, they should feel included by peers, gain important social and life skills necessary for future healthy development, and have increased well-being.

Procedure:

DCFS requires foster parents and child caring agencies to exercise the Reasonable and Prudent Parent Standard (RPPS) when making decisions regarding youth participation in activities. Federal Law (Public Law 113-183) defines RPPS as:

The standard characterized by careful and sensible parental decisions that maintain a child's health, safety, and best interests while at the same time encouraging the child's emotional and developmental growth, 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 and social activities.

Use of the RPPS by foster parents and Child Caring Agencies will help youth maintain a sense of normalcy by participating in age or developmentally-appropriate activities.

DCFS requires child caring agencies to have a trained designated on-site official who is authorized to apply the RPPS for youth who are placed with their agency.

Foster Parent Liability

The Department of Health and Human Services (DHHS) cannot take a licensing action for conduct solely involving a foster parent's exercise of the Reasonable and Prudent Parent Standard.

Foster Parent Training

A foster parent licensee must complete no less than 21 clock hours of DHHS-approved pre-service training before initial licensure, with such training obtained within the 12 months

immediately prior to licensure. Foster parent training will include an explanation and guidance ensuring foster parents have the skills and knowledge to use the Reasonable and Prudent Parent Standard.

Below are some examples of activities where the RPPS may be applicable and guidance to consider.

Youth Sleep Overs

Spending the night at a friend's house can be an exciting experience for a youth. The caregiver and caseworker should discuss whether the youth is ready to spend the night away from home, if it is appropriate for the youth's developmental level, and assess whether the friend's home meets the RPPS definition. It is important the youth and caregiver discuss and agree on any expectations for the overnight visit and what to do if they are uncomfortable during their visit.

A background check is not required if a youth spends the night at a friend's house or if a youth is having another youth spend the night at a foster home.

Youth Employment

A part time or full time job can provide important opportunities for youth to apply the skills that they learn in job readiness and vocational training and engage in learning essential life skills related to the working environment. The caregiver, CFS Specialist and youth should discuss the youth's readiness for taking on a job and explore various options that allow learning in a workplace.

Youth Attending a Date, Dance, or Prom

Caregivers can help youth understand healthy dating practices by assisting with recognizing healthy and unhealthy behavior, developing coping skills for addressing jealousy and anger, recognizing when a relationship may no longer be working, and knowing how to end a relationship. Prom can be a rite of passage for young people and the high school prom is usually the first formal event in the lives of youth. Attending prom can be both exciting and stress producing but provides an opportunity for youth, caregivers and peers to collaborate in the development of planning for the event and engaging in communication about logistics, behavior and contingencies.

A background check is not required for a youth to date or attend a date, dance or prom.

Youth and Drivers Education and Drivers License

Foster parents and CFS Specialists should ensure that a youth understands the importance of safe driving behavior. There are many resources for foster parents and youth to access and reinforce the "rules of the road". The Nebraska Department of Motor Vehicles (DMV) website is a good place to start:

<http://www.dmv.nebraska.gov/> in addition to the American Automobile Association (AAA) website about Teen Driver Safety <http://teendriving.aaa.com/NE/>.

Finally, the youth, and the CFS Specialist should discuss the child's maturity level and any other issues that could affect the youth's ability to safely drive. These issues may need to be documented in the youth's Transitional Living Plan prior to driving a vehicle.

Youth Riding in Vehicles with an Underage Friend

Foster parents should talk to the youth about the importance of safe driving behavior and discuss such issues as using seat belts, not texting while driving, the dangers and prohibition of drinking alcohol and driving, number of passengers in car, and curfews. The driver may also be assessed for any risks which include, having a valid driver's license and having current insurance and other potential risk factors which are considered prudent by the caregiver and caseworker.

A background check is not required for a youth to ride in a vehicle with a friend.

Youth Participation in Social Media

Youth in foster care are permitted to use email and the internet, including social media sites, with age-appropriate supervision by their foster parents. The individual youth's age and developmental needs are taken into consideration when establishing guidelines for use.

If a youth in foster care wishes to use the internet, including social media sites, the CFS Specialist will have regular and candid conversations with the youth to discuss safe and appropriate practices. The foster parent and youth will establish and review expectations, availability, and rules regarding use of the internet and social media.

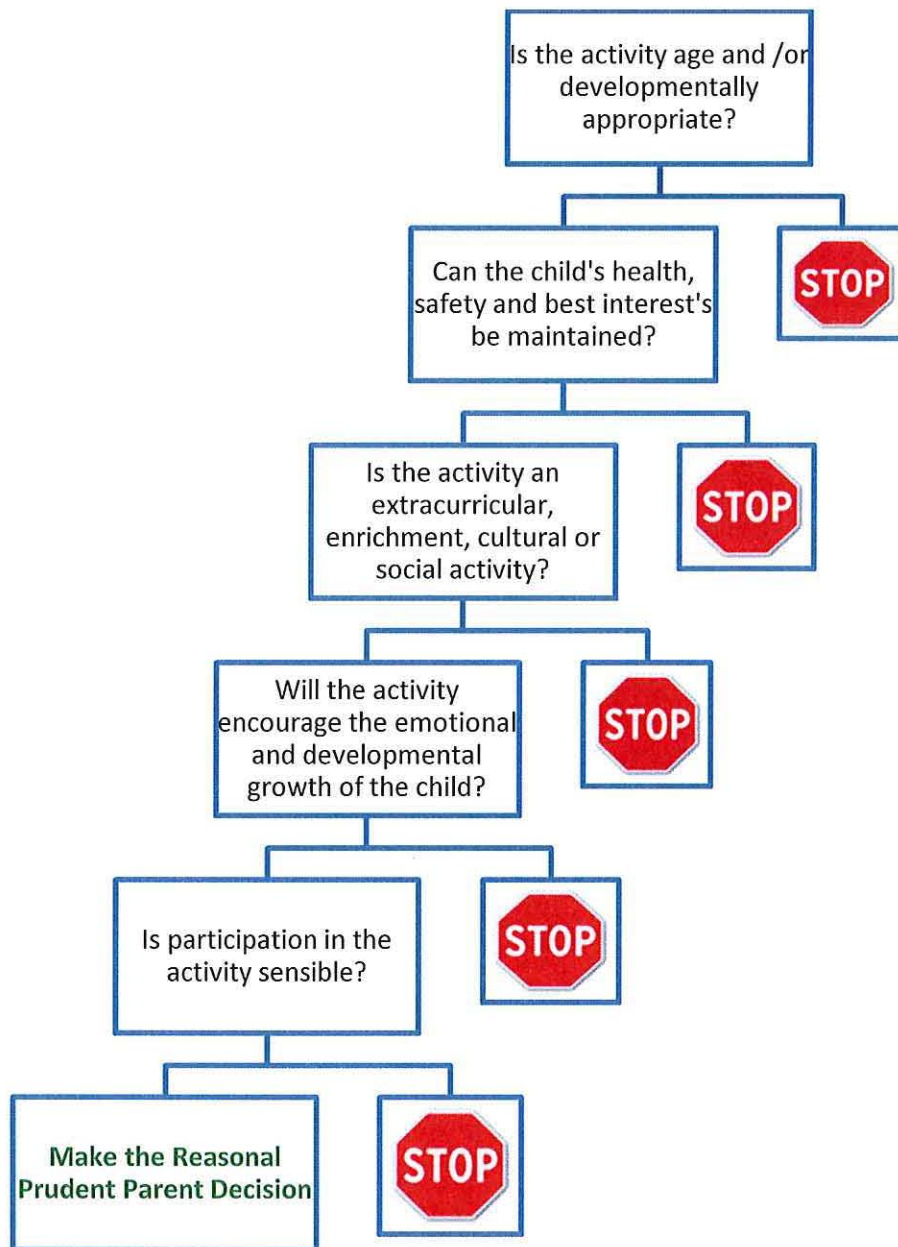
The CFS Specialist will inform the foster parents and the youth, information posted or shared with others on the internet or through email is not private. Even with privacy settings, other people may be able to view this information. The CFS Specialist will explain that caution should be taken when providing any personal information via email or on the internet or social networking sites.

Youth and Cell Phones

When the foster parents and CFS Specialist are considering allowing a youth to have a cell phone, some of the factors to consider include, but are not limited to:

- appropriateness based on the youth's developmental level and maturity,
- the youth's ability to be responsible for a cell phone,
- type of cell phone and its functions (calls, texting, web access, picture taking, etc.) that the youth is allowed to utilize,
- determination on payment arrangement, whether by foster parents or by the youth (CPS does not pay for youth cell phones), rules regarding the use of cell phone and consequences when rules are violated.

Reasonable and Prudent Parent Standard Application Guide:



* The above diagram is designed as only a guide for Reasonable Prudent Parent Standard decision making. These questions do not include questions foster parents should be asking around appropriateness of the activity, details of the activity, and expectations of the foster parents for the youth, as well as the foreseeable risks and safety factors or supervision that may be involved in the activity.

References:

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