DEPARTMENT OF CHILDREN AND FAMILY SERVICES

POLICY GUIDE 2015.16

REASONABLE AND PRUDENT PARENT STANDARD

RELEASE DATE: October 1, 2015

TO: DCFS and Purchase of Service (POS) Permanency Administrators and Staff, DCFS and POS Foster Care Licensing Administrators and Staff, DCFS Agency & Institutions (A&I) Licensing Administrators and Staff, POS Child Welfare Agency and Child Care Institutions Administrators and Staff, and Administrative Case Review Administrators and Reviewers

FROM: George H. Sheldon, Acting Director

EFFECTIVE: Immediately

I. PURPOSE

The purpose of this policy guide is to inform DCFS and POS child welfare staff and A&I Licensing staff of new requirements in Title IV-E that require caregivers to apply the Reasonable and Prudent Parent Standard.

II. PRIMARY USERS

The primary users of this Policy Guide are DCFS and POS Permanency Supervisors and Caseworkers; DCFS and POS Foster Care Licensing Representatives and Supervisors, A&I Licensing Representatives and Supervisors, Child Welfare Agency, Child Care Institution and Group Home Administrators, Supervisors and Staff.

III. FEDERAL TITLE IV-E REQUIREMENTS

Title IV-E of the Social Security Act [42 U.S.C. 670 et seq.] requires application of the Reasonable and Prudent Parent Standard in any foster family home, group home or child care institution serving children in DCFS custody or guardianship. The caregiver must use the Reasonable and Prudent Parent Standard when determining whether to allow a child in substitute care to participate in extracurricular, enrichment, cultural, and social activities.

Hold harmless. If a child is suffers an injury participating in an approved activity and the caregiver approving the activity acted in accordance with the reasonable and prudent parent standard, the Department shall hold the caregiver harmless from liability.

Definition of "Reasonable and Prudent Parent Standard." Public Law 113-183 [revising 42 U.S.C. 675(10)] defines Reasonable and Prudent Parent Standard as:

> *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.*

For purposes of the Reasonable and Prudent Parent Standard:

- "caregiver" means a licensed foster parent/relative foster parent who is providing care for a child in DCFS custody or guardianship, or a designated official employed by and present at the licensed child care institution or group home in which a child in DCFS custody or guardianship is placed; and

- "age or developmentally appropriate" means:

  (i) 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

  (ii) 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 the cognitive, emotional, physical, and behavioral capacities of the child.

IV. INSTRUCTIONS TO CHILD WELFARE STAFF

Permanency Workers are required to discuss the reasonable and prudent parent standard with all current caregivers during the first monthly home visit that occurs after the effective date of this Policy Guide. The Permanency Worker shall ensure that the caregivers understand their responsibility to utilize the reasonable and prudent parent standard when deciding whether to allow their foster child to participate in extracurricular, enrichment, cultural, and social activities offered by the child's school or in the community.

Permanency Supervisors shall ensure that these discussions occur and that the Permanency Workers have documented these discussions in a case contact notes.

V. INSTRUCTIONS TO FOSTER CARE LICENSING STAFF

Foster Care Licensing Representatives are required to discuss the reasonable and prudent parent standard with Foster Family Home licensees and permit holders at the first visit (announced or unannounced) that occurs after the effective date of this Policy Guide. The Licensing Representative shall ensure that each licensee and permit holder understands his/her responsibility to utilize the reasonable and prudent parent standard when deciding whether to allow a foster child to participate in extracurricular, enrichment, cultural, and social activities offered by the child's school or in the community.

Foster Care Licensing Supervisors shall ensure that these discussions occur and that Licensing Representatives have documented these discussions in a contact note.

Note: Instruction for prospective foster parents on the reasonable and prudent parent standard is being incorporated into the Pride curriculum.

VI. INSTRUCTIONS TO AGENCY AND INSTITUTIONS LICENSING STAFF

A&I Licensing Representatives are required to discuss the reasonable and prudent parent standard with administrators at each child care facility on their caseload. The A&I Licensing Representative shall ensure that the administrators understand:

- the responsibility to utilize the reasonable and prudent parent standard when deciding whether to allow a child placed at the child care institution to participate in extracurricular, enrichment, cultural, and social activities offered by the child's school or in the community; and

- the requirement to have present on-site at least one official who, with respect to any child placed at the child care institution, is designated to be the caregiver who is authorized to apply the reasonable and prudent parent 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 parent standard in the same manner as foster parents.

VII. INSTRUCTIONS FOR ADMINISTRATIVE CASE REVIEWERS

Administrative Case Reviewers shall ensure the children's foster parents/relative caregivers or child care institution administrators are using the reasonable and prudent parent standard and whether the child has regular ongoing opportunities to engage in age or developmentally appropriate activities (including by consulting with the child in an age-appropriate manner about the opportunities of the child to participate in the activities).

VIII. QUESTIONS

Questions about this policy guide should be directed to the Office of Child and Family Policy at 217-524-1983 or via Outlook to OCFP – Mailbox.

IX. FILING INSTRUCTIONS

This Policy Guide is to be filed immediately following **Procedures 315, Permanency Planning;** and immediately following **Rule 316, Administrative Case Reviews and Court Hearings;** and immediately following **Rules 402, Licensing Standards for Foster Family Homes;** and immediately following **Rules 404, Licensing Standards for Child Care Institutions and Maternity Centers**.