

Policy Number:	SSA/CW 16-17
Policy Title:	Reasonable and Prudent Parent Standard
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Approved By:	Denise Conway, LCSW-C Executive Director Social Services Administration (SSA) 
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Related Federal Law	471(a)(24)
Related State Laws	Family Law §5-529
COMAR	07.02.25.14 & 07.02.11.19
Title IV-E State Plan Implications?	Yes

PURPOSE:

The purpose of this policy directive is to ensure that local departments of social services (LDSS) and public resource parents are educated and knowledgeable of the "reasonable and prudent parent" standard and to ensure that the standard is applied appropriately to all children in care.

This policy should be used in conjunction with SSA Policy Directive SSA-CW#16-16 Family and Friend Contact.

BACKGROUND:

In September 2014, Congress passed the "Preventing Sex Trafficking and Strengthening Families Act", Public Law (P.L.113-183). In addition to other provisions, the Act establishes the "reasonable and prudent parent" standard for decision making. This standard addresses how to ensure that children who enter out of home care and children who are currently in care experience the same type of extracurricular, enrichment, and social activities that a child who is not in care may have the opportunity to experience. The decision and application of the "reasonable and prudent parent" standard is the responsibility of the resource parent. It is the responsibility of the local department to ensure resource parents are knowledgeable about and have the skills to make "reasonable and prudent parent" decisions regarding their foster child.

"Reasonable and Prudent Parent" Standard

The "reasonable and prudent parent" 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. These standards are applied by the State to any foster family home or child care institution receiving funds under IV-E or IV- B. As a condition of the contract entered into by a child care institution to provide foster care, there must be at least one official present onsite with respect to any child placed there who is designated as the caregiver authorized to apply the reasonable and prudent parent standard.

A resource parent (caregiver) or designated on-site caregiver (for child care institutions) must use the standard when determining whether to allow a child in foster care under the responsibility of the State to participate in extracurricular and social activities. The activities should be age and/or developmentally appropriate. An age and/or developmentally appropriate activity is an activity for a child of a certain age or maturity level based on the capacities typical for the age group and the individual child. Training will be provided to the resource parents to equip them with the knowledge and skills to apply this standard. Designated officials in childcare institutions are also required to complete proper training on how to use and apply the reasonable and prudent parent standards in the same manner as prospective foster parents.

Resource Parent Responsibilities

The resource parent is responsible for making decisions regarding the child's participation in age and/or developmentally appropriate activities. Social activities such as dating, day outings and/or overnight visits with friends, participation in clubs and/or after school activities are all activity opportunities for a child. Resource parents who parent the medically fragile population should also be knowledgeable of the standard as children who have a medical, emotional, and/or physical disability should not be alienated from social activities. The child's disability alone should not be the sole determinant in what activities the child can participate.

If a resource parent feels unsure or unclear about making a decision, the resource parent should consult with their resource worker and the child's caseworker for assistance in making a decision that is "reasonable and prudent" and whether the activity is age and/or developmentally appropriate. If the child disagrees with the resource parent's decision, the child should request a meeting and communicate his/her feelings to his/her caseworker. The meeting can include the child's chosen "reasonable and prudent" advisor/advocate.

Pursuant to Section 5-529 of the Family Law Article of the Maryland Annotated Code, Maryland provides liability insurance coverage for resource parents. The coverage ensures appropriate liability coverage for caregivers when a child participates in an approved activity and the caregiver approving the activity acts in accordance with the "reasonable and prudent parent" standard. Group homes or other contracted providers are required to have insurance coverage as per their contract with the Department of Human Resources.

Applying the "Reasonable and Prudent Parent" Standard

In applying the "reasonable and prudent parent" standard, the following areas should be taken into consideration: Maturity, Safety, and "Normalcy." The following are examples of questions to consider when applying this standard:

Maturity

- What is the child's age?
- What is the child's developmental level?
- What is the child's maturity level?
- Is the child able to make decisions that are appropriate?
- What is the child's behavioral history and ability?

Safety

- What level of supervision does the child require?
- Is the activity safe?
- What are the risks associated with the activity?
- Is the activity in line with the agency's policies or procedures?
- What are the legal or policy barriers (curfew, learner's permit)?
- What level of supervision does the activity require?

Normalcy

- Does the activity encourage the child's emotional growth?
- Does the activity encourage social or cultural interaction?
- Is the activity in the child's best interest?
- Does the activity promote the child's well-being?
- Does the activity promote "normalcy" for the child?

Resource Worker Responsibilities

Resource workers are required to ensure that resource parents are applying the standard correctly in parenting the child(ren) in their home and provide support and guidance to resource parents as deemed appropriate. Resource parents should be able to demonstrate to the resource worker how they are applying the standard to all of the child(ren) in their home. Resource workers are responsible for encouraging the resource parent and providing any suggestions that may support the resource parent in making the appropriate decisions. The resource worker should take the opportunity as part of the annual recertification process to discuss the standard with resource parents, especially those who parent children ages 14 and older.

Case worker Responsibilities

The child's caseworker is responsible, during the monthly visits, for ensuring that the child(ren) in the resource home are able to participate in social, cultural, and extra-curricular activities that are age and/or developmentally appropriate. The caseworker should also encourage the child(ren) to participate in these activities and ensure that the child(ren) and resource parent have access to such activities.

Measure of Compliance

The resource worker is responsible for verifying that the standard is documented in the MD CHESSIE resource home contact file cabinet. Resource parents who attend the pre-service training are required to have documentation that they have been trained on the standard and agree to apply the standard while parenting children in their care during the pre-service training. The Resource Parent Agreement (Attachment A) must be signed by the in-service trainer and resource parent and a copy forwarded to the resource worker to be placed in the MD CHESSIE resource home file cabinet. These standards will be measured during the QA case record reviews conducted by SSA.

Training and Certification Requirements

LOSS PRIDE trainer(s) are required to incorporate the "reasonable and prudent parent" webinar into the existing PRIDE training. By November 2015, all resource home PRIDE trainers will be scheduled to attend and participate in a mandatory Web-Ex overview of the "reasonable and prudent parent" standard.

Training of resource parents will include an addition to the PRIDE pre-service training and an in service training module for all existing resource parents. The resource parent and PRIDE trainer will ensure that the Resource Parent Agreement form is signed after the training is completed.

All existing resource parents are mandated to complete the training module by September 30, 2016, at which time verification must be provided to the resource worker to document the certification in the electronic system of record.