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Manual Transmission Letter (MTL)
Family Programs Office: Statewide Child Welfare Policy Manual

MTL # 1011-02132017

02-13-2017

TO: Paula Hammack Interim Director - Clark County Department of Family Services
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FROM: Reesha Powell, Deputy Administrator, Division of Child and Family Services

POLICY DISTRIBUTION:

Enclosed find the following policy for distribution to all applicable staff within your organization:

- 1011 Reasonable and Prudent Standard/Normalcy

This policy is/was effective: 01/30/2017

- This policy is new. Please review the policy in its entirety
This policy replaces the following policy(s): MTL # - Policy Name:

This policy has been revised. Please see below for the type of revision:

- This is a significant policy revision. Please review this policy in its entirety.
This is a minor policy revision: (List page number & summary of change):

- The addition of a subsection C. Child's Designated RPPS Advisor and Advocate under section 1011.5.3 RPPS External Considerations to meet federal requirements. (pg. 4)
The addition of a title sentence at the beginning of 1011.6.1 Development of Internal Policies: and then the addition to subsection E (in same section) identifying the specific federal requirements within the agency's RPPS/Normalcy Training. (pg. 5)
The addition of documentation requirements in the case file and UNITY tables under section 1011.6.4 Documentation: (pg.6)

A policy form has been revised: (List form, page number and summary of change):

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NOTE:

- Please read the policy in its entirety and note any areas that are additionally required by your agency to be in compliance with the policy enclosed.
- This is an **All STAFF MEMO** and it is the responsibility of the person listed above to disseminate the policy enclosed to appropriate staff within his/her organization and to ensure compliance.
- The most current version of this policy is posted on the DCFS Website at the following address: <http://dcfs.nv.gov/Policies/> . Please check the table of contents on this page for the link to the chapter you are interested in.

1011.0 Reasonable and Prudent Parent Standard / Normalcy

1011.1 Policy Approval Clearance Record

<input checked="" type="checkbox"/> Statewide Policy	This policy supersedes:	Number of pages in Policy: 6
Date Effective: 01/30/2017	2/19/2015 Reasonable and Prudent Parent Standard / Normalcy	
DMG Approval	2/19/2016	Policy Lead Dorothy Pomin, SPSS III
DMG Approved Revisions	1/30/2017	Policy Lead: Dorothy Pomin, SPSS III
DMG Approved Revisions		Policy Lead: _____
DMG Approved Revisions		Policy Lead: _____
Review by Representative from the Office of the Attorney General:	10/12/2015	

1011.2 Statement of Purpose

1011.2.1 Policy Statement: To support normalcy for children through the Reasonable and Prudent Parent Standard in foster care by ensuring the status of being in foster care does not limit their ability to experience and participate in community, school, family or social activities. Such activities not only allow foster children to experience normalcy in their daily lives, but ultimately support healthy brain development required for children/youth to learn the necessary skills needed for normal development up and through adulthood.

1011.2.2 Purpose: Federal law requires implementation of the “*Reasonable and Prudent Parent Standard*” by expanding opportunities provided to foster children by requiring prudent decision-making by foster caregivers, foster care agencies in partnership with their foster parents and Designated Officials within congregate care settings.

This **Standard**, when appropriately used, offers the necessary guidance and latitude to ascertain appropriate parental decisions, which support the safety, best interests and healthy and normal development of the child. Normal activities for the child/youth include, involvement in social, extracurricular, cultural, and enrichment activities; which provide a child natural opportunities to experience safe risk-taking, supported by parental guidance and nurturing. Children/youth experiencing these types of commonplace activities in their daily lives provides the necessary learning opportunities for healthy development and normal maturation.

1011.3 Authority

2014 Preventing Sex Trafficking and Strengthening Families Act; P.L. 113-183 Sec. 111; NRS 424.038; 424.085

1011.4 Definitions

1011.4.1 “Age- and Developmentally-Appropriate”: for the purposes of this policy, refers to the consideration given to the age and stage of child development, while also considering the specific needs of an individual child.

1011.4.2 “Designated Official”: means the person identified by a congregate care facility; residential child care facility, staff-run group foster home or other types of residential facilities providing residential care for foster children. All children in foster care, regardless of placement type, require opportunities to experience normalcy. In the above-mentioned placement types, there must always be an available Designated Official who

has the responsibility and training to make normalcy decisions to allow children in their care to experience social, extracurricular, cultural, and enrichment activities and events.

1011.4.3 **“Foster Caregiver”**: for the purposes of this policy, the term “foster caregiver” encompasses any/all foster home licensees regardless of type of foster home [*relative foster home licensee; pre-adoptive foster home licensee; family foster home licensee; group foster home licensee, special foster home licensee*]; where the licensee(s), or unlicensed relative caregiver, provides the parental role within the foster family; or the identified Designated Official within a congregate care setting.

1011.4.4 **“Normalcy”**: refers to age- and developmentally-appropriate activities and experiences that allow children and youth to develop and grow in a nurturing environment and normal manner, such as:

- 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;
- 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.

1011.4.5 **“Reasonable and Prudent Parent**: means the standard characterized by careful, nurturing 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 nurturing caregiver shall use when determining whether to allow a child under the custody of an agency that provides child welfare services to participate in extracurricular, enrichment, cultural, and social activities.

1011.4.6 **“Standard:**” for the purposes of this policy, Standard is a shortened reference to the *Reasonable and Prudent Parent Standard*.

1011.4.7 **“State”**: The Family Programs Office (FPO) at the Division of Child and Family Services (DCFS).

1011.4.8 **“Out-of-Home Care”**: for the purpose of this policy, means any person, business or corporation that accepts out-of-home or residential placement to provide daily care for children, who are in child welfare custody.

1011.5 Policy Processes & Practices

1011.5.1 Normalcy for Custody Children in Out-of-Home Care

Federal law supports the ability of a foster caregiver to approve activities for foster children without first needing to obtain permission through the child’s caseworker, as long as the foster caregiver is adhering to the ***Reasonable and Prudent Parent Standard*** in their decision-making for the child. It is important for children in foster care to have opportunities to take part in normal, everyday activities without the unnecessary involvement of the legal system, the child welfare agency and/or the child’s caseworker. Normalcy applies to all children in child welfare custody who are placed in out-of-home care.

A. Key points for child welfare personnel

1. Child welfare agencies will allow foster children to experience normalcy. Within this process, safety must be considered primarily in an age- and developmentally-appropriate context; in addition, a youth's own sense of safety must be taken into consideration within any decisions. However concerns for safety must not exclude a child from experiencing normal day-to-day activities. This requires foster caregivers to provide sufficient guidance and boundary setting, utilize good planning, be conscientious and mindful, make reasonable and prudent decisions, and all, while continually monitoring for child safety. Normalcy provides regular opportunities for foster children to have typical, social interactions with people outside of the foster care system.
2. Children can get hurt, injured or make mistakes in judgement while doing normal, common childhood activities. This is part of the developmental learning process. All risk cannot be avoided, but it can be managed and limited effectively without sacrificing a child or youth's wellbeing and experience of normalcy.
3. To ensure foster children and youth are able to participate in age- and developmentally-appropriate activities and events on a regular basis, the caseworker can support this by adding "normalcy language" into the child's case plan. The federal law requires the court address normalcy activities for children.
4. It is not necessary to require background checks of other adults when a child or youth is participating in typical childhood activities, e.g. overnight at a friend's house, participating in organized sports and other similar activities.
5. Foster caregivers need all relevant information regarding the child, child's history and behaviors that are known, for foster caregivers to be able to make the necessary prudent decisions based upon an individual child's needs and circumstances.
6. All children need to be involved in an age- and developmentally appropriate way in all decisions impacting their life.

B. Caseworkers should encourage Caregivers to promote normalcy for every foster child

1. To engage and participate in age and developmentally appropriate social, cultural, enrichment and extracurricular activities and take part in overnight or other planned outings based upon utilizing the Standard. Foster caregivers need to notify the child's caseworker of a child's whereabouts when the child is away from the foster home for an extended stay.
2. It is the responsibility of the caseworker to maintain ongoing communication with a child's foster caregiver to ensure the caseworker is aware of the child's activities and whereabouts.

C. Foster Caregiver Decision-Making Process

1. Caseworker needs to be aware that foster caregivers attend training to be certified in the *Reasonable and Prudent Parent Standard* to assist the foster caregiver in making typical, parental decisions for the foster child/youth to attend or participate in normal activities, events or functions; foster caregivers may consult with caseworkers and others prior to making decisions regarding activities for their foster children, however, it is ultimately the foster caregiver's decision.
2. The law provides that a foster caregiver not be held liable for any damages or harm to a foster child, while the child is engaged in activities approved by the foster caregiver through the *Reasonable and Prudent Parent Standard*.

3. The foster caregiver needs to notify the child's caseworker anytime a child is planning to go on an overnight activity up to two nights outside of the foster home. Overnight activities exceeding two nights must be discussed with the caseworker, who will provide approval for an extended overnight activity or trip unless it conflicts with parental visits, school or another important event.

1011.5.2 Exceptions to RPPS Decision-Making by Foster Caregiver

1. The ability for a foster caregiver to use the RPPS would not apply under, but not limited to, the following circumstances:
 - a. When it is in conflict with a court order;
 - b. Any unsafe activities based upon the age- and developmental appropriateness of the individual child/youth; or
 - c. Making major changes in personal appearance (tattoos, body piercing, permanent cosmetics, dramatic change in appearance, changes to the child hair that are non-usual, dramatic or in conflict with the child's cultural upbringing, etc.)

1011.5.3 RPPS External Considerations

A. Facilitating Parental Involvement in Foster Caregiver Decision-Making

1. Foster parents are entitled to make prudent parent decisions for their foster children on a day-to-day basis. However, caseworkers also need to ensure that foster caregivers understand the legal implications of intact parental rights and the parent's right and personal need to remain involved in their child's life through the decisions being made in regards to their child.
2. The caseworker can facilitate communication between birth parent/guardian and foster caregiver by encouraging a partnership and balance in decision-making in regards to the foster child experiencing normalcy. The caseworker must determine with the foster caregiver how to safely and appropriately involve the child's parents in discussions around supporting normalcy for the child.
3. When the foster caregiver and the birth parent disagree about a decision, the caseworker can identify if there are any other solutions or compromises that can be made to alleviate any issues. When necessary, the caseworker should seek consultation with their supervisor and determine what is in the child's best interests.

B. Pre-existing Court Orders and the Law

A caregiver's decisions regarding normalcy activities cannot be contrary to a pre-existing court order. Foster caregivers must adhere to all Nevada laws that provide requirements and standards regarding foster children and foster homes. No normalcy decisions can be made that are contrary to, or in conflict with, the law.

C. Child's Designated RPPS Advisor and Advocate

When a child has attained the age of 14, the child has the option to select two members to participate in the child's case planning team. One of the individuals selected by the child to be a member of the child's case planning team may also be designated as the child's advisor and, as necessary, advocate for the child with respect to the application of the RPPS.

1011.5.4 Congregate Care Facility and Staff-Run Group Foster Home

- A. Each staff-run group home and congregate care shelter must identify a person or persons who will be deemed the *Designated Official* responsible for making reasonable and prudent parenting decisions for any child in their care in accordance with the RPPS training along with state law. A *Designated Official* must always be available to make decisions and cannot be a committee, team, administrative office or other such entity.

1011.5.5 Child/Youth Grievance Process

- A. Each child welfare agency in Nevada must establish a grievance process.
- B. The child or youth needs to be aware that there is a grievance process and how to access the grievance process, when a child/youth believes that he or she is not receiving appropriate opportunities to experience normalcy in their day-to-day life.
- C. A caseworker needs to talk to their child or youth so they can understand that they have the legal right to have opportunities to participate in typical activities similar to their peers and experience normalcy in their life in foster care. However this does not negate the foster parent's abilities to limit activities to the extent that these limits are consistent with normal parenting decisions and are not based on the fact that the child is in foster care.

1011.6 Jurisdictional Action

1011.6.1 Development of Internal Policies:

Jurisdictional Steps Required for Policy Compliance:

- A. Each child welfare agency will provide specific guidance to any contracted foster care providers, residential care provider or foster care agency in regards to providing opportunities for this population to experience normalcy through participating in appropriate social, extracurricular, cultural and enrichment activities.
- B. When contracting with such facilities, ensure the requirements for identifying a Designated Official(s) and adherence to the *Reasonable and Prudent Parent Standard* requirement of this policy are included as part of the child welfare agency's written contract with the provider.
- C. Establish a grievance process for children in regards to Normalcy/Prudent Parent Standard.
- D. Each child welfare agency will, per federal law, develop a process by which the Court is informed, during the annual and six month review hearings, of the child's social, extracurricular, enrichment and cultural activities.
- E. Each child welfare agency will provide RPPS/Normalcy Training to agency staff and foster caregivers. *Jurisdictional RPPS/Normalcy Training must include at minimum, but not limited to, the following:*
 - 1. Necessary preparation, which includes knowledge and skills relating to the reasonable and prudent parent standard for the participation of the child in age or developmentally-appropriate activities;
 - 2. Knowledge and skills relating to the developmental stages of the cognitive, emotional, physical, and behavioral capacities of a child;
 - 3. Applying the Standard to decisions such as whether to allow the child to engage in social, extracurricular, enrichment, cultural and social activities, including sports, field trips and overnight activities lasting one or more days; and
 - 4. Ability to sign permission slips and arrange transportation for the child to and from extracurricular enrichment and social activities.

1011.6.2 Timelines: Upon enactment of RPPS Policy.

1011.6.3 Tools & Forms: N/A

1011.6.4 Documentation:

A. Case File Documentation (paper):

Table 1011.1: Case File Documentation for RPPS

File Location	Data Required
Foster Parent Licensing File	Initial RPPS Training Certification Date

B. UNITY Documentation (electronic):

Table 1011.2: UNITY Documentation for RPPS

Applicable UNITY Windows	Data Required
UNITY Licensing Windows Foster Parent Training Compliance	Initial RPPS Training Date When applicable: Supplementary RPPS Training Dates

1011.6.5 Supervisory Responsibility: Provide guidance to caseworker during times of concern or uncertainty in regards to this policy.

1011.6.6 Tools & Forms:

1011.7 State Responsibilities

1011.7.1 State Oversight

Compliance with this policy will be monitored via state agency's quality assurance process.