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DEPARTMENT OF HEALTH AND HUMAN SERVICES

DIVISION OF CHILD AND FAMILY SERVICES
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MTL # 1303 – 07012024

TO: Jill Marano, Director – Clark County Department of Family Services
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FROM: Betsey Crumrine, Interim Deputy Administrator, Division of Child and Family Services

POLICY DISTRIBUTION

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

1303 Reasonable and Prudent Parenting Standard

This policy is/was effective:

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

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.

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1303 Reasonable and Prudent Parent Standard

Policy Approval Clearance Record

<input checked="" type="checkbox"/> Statewide Policy <input type="checkbox"/> Administrative Policy <input type="checkbox"/> DCFS Rural Region Policy	<input type="checkbox"/> New Policy <input checked="" type="checkbox"/> Modified Policy <input type="checkbox"/> This policy supersedes:
Date Policy Effective:	07/11/2024
Attorney General Representative Review:	04/19/2024
DCFS Deputy Administrator Approval	05/17/2024
DMG Original Approval	2/19/2016
DMG Approved Revisions	07/01/2024

STATEMENT OF PURPOSE

Policy Statement and Purpose: 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 to and through adulthood.

Federal law requires the use of the *“Reasonable and Prudent Parent Standard”* by foster caregivers, foster care agencies in partnership with their foster parents, and designated officials within congregate care settings to expand opportunities provided to foster children.

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

AUTHORITY

Federal: [2014 Preventing Sex Trafficking and Strengthening Families Act](#); [P.L. 113-183 Sec. 111](#)

NRS: [NRS 424.038](#); [NRS 424.085](#); [NRS 424.020](#)

NAC: [NAC 424](#); [NAC 424.505](#); [NAC 432B](#)

DEFINITIONS

Age and Developmentally Appropriate: As federally defined by Sec. [475. \[42 U.S.C. 675\]](#) means: 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.

Designated Official: The person identified by a congregate care facility, residential childcare 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 abovementioned 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.

Foster Caregiver: The person or persons (licensed or unlicensed) providing foster, pre-adoptive or relative care for a child, or a person who provides care in a treatment home or residential treatment facility in which a child is placed or is identified as the designated official.

Normalcy: Per [NAC 424.063](#), the condition of experiencing a typical childhood through participation in activities that are age or developmentally appropriate, as defined in [42 U.S.C. § 675](#).

Reasonable and Prudent Parent Standard (RPPS): 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 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. ([P.L. 113-183 Sec. 111](#)) This is also referred to as “**standard**” or “**normalcy**”

Reasonable and Prudent Parent Standard (RPPS) Advisor: The designated person who is selected by the child to serve as a participant in the child’s case planning team as the child’s advisor who may advocate for the child with respect to the application of RPPS.

STANDARDS/PROCEDURES

Federal law supports the ability of a licensed foster caregiver, designated official and RPPS advisors 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.

Key Points for Reasonable and Prudent Parenting Standard

1. Child welfare agencies will allow foster children to experience normalcy. Normalcy provides regular opportunities for foster children to have typical experiences and social interactions with people outside of the foster care system. All children need to be involved in an age and developmentally appropriate way in decisions impacting their life.
2. Within this process, safety in an age and developmentally appropriate context, is primary and must be considered. 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 or providing the opportunity for new experiences. 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 experiences and social interactions with people outside of the foster care system.
3. Each staff-run home or shelter must designate person or person(s) as the designated official responsible for making reasonable and prudent parenting decision 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.
4. The RPPS is meant to ensure foster children and youth are able to participate in age and developmentally appropriate activities and experiences on a regular basis. This allows children and youth to develop and grow in a nurturing environment, with normal expectations, while respecting the cognitive, emotional, physical, and behavioral capacities of the child. This may include:
 - a. 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 cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group.
 - b. 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.
- i. Children in foster care should be considered a part of the family and should be included in normal activities. This may include family dinners, family vacations, morning/nighttime routines, screentime limitations, staying with family and friends for date night of the caregiver, or overnight visits. Activities or items the caregiver or foster family would generally consider normal for their own biological children or as part of a normal function of the family,
 - c. For youth who are 14 and over one individual selected by the child may be designated to be the child's advisor and, as necessary, advocate, with respect to the application of the reasonable and prudent standard to the child.
5. Documentation for youth 14 and over includes the demonstration of support for engaging in age or developmentally appropriate activities and social events. At each permanency hearing held with respect to the child, the agency shall document the steps the agency is taking to ensure that:
 - a. the child's foster family home or childcare institution is following the reasonable and prudent parent standard; and
 - b. 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).
 6. 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.
 7. 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.
 8. Foster caregivers need all relevant information regarding the child. This information can contribute to the foster caregiver's ability to make the necessary prudent decisions based upon an individual child's needs and circumstances. Information that must be shared includes:
 - a. Notification and invitations to all Judicial Review Hearings regarding the child
 - b. Medical, dental, psychological, psychiatric, and behavioral history, on-going treatments and evaluations regarding the child
 - c. Lists of tasks related to the child (e.g., CFT's, court, home visits)
 - d. A copy of the child's case plan objectives
 - e. Recommended Permanency Plan
 - f. All school reports, and educational information portals as necessary
 - g. Copies of birth certificate (provided as needed)
 - h. A copy of the visitation plan (if the care provider is a participant in the plan)
 - i. The child's history, behaviors, and experiences including general trauma or how the trauma may affect the child.
 - j. The parent's level of engagement, to assist with planning for future activities.
 9. The following information may not be provided to foster parents including but not limited to:
 - a. Reporter information to the Hotline
 - b. Financial records of biological parents or others
 - c. HIPAA (Health Insurance Portability and Accountability Act) protected documents of the biological parents such as:
 - i. Medical reports
 - ii. Drug tests results
 - iii. Psychological and psychiatric re-ports
 - d. Records from domestic violence centers
 - e. Court reports and parental case plans

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. In partnering with the child welfare agency, caregivers need to provide a courtesy notification to the child's caseworker of a child's whereabouts when the child is away from the foster home for overnight stays.
2. It is the responsibility of the caseworker to maintain ongoing communication with the child's foster caregiver to ensure the caseworker is aware of the child's activities and whereabouts.

Foster Caregiver Decision-Making Process

1. Caseworkers must be notified of foster caregiver's completion of 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 the foster child; however, as long as RPPS is being applied, the caregiver is the primary decision maker, and co-parenting efforts should be utilized. Unlicensed relatives should be encouraged to attend training in the *Reasonable and Prudent Parent Standard* to work in partnership with the child welfare agency.
 - a. If the caseworker disagrees with the caregiver, the caseworker must follow the conflict resolution process outlined below.
2. [NRS 432B.160](#) provides that a foster caregiver is immune from civil or criminal liability for approving or allowing the child to participate in extracurricular, cultural or personal enrichment activities if, the foster caregiver acted as a reasonable and prudent parent would have acted under the same circumstances to maintain the health, safety and best interests of the child while at the same time encouraging the emotional and developmental growth of the child.
3. 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 decision can be made that is contrary to, or in conflict with, the law.

Factors to Consider when the Caregiver Makes Decisions Under Normalcy

1. Decision making should be evaluated regarding each situation on a case-by-case basis.
 - a. Is the activity an age or developmentally appropriate activity?
 - b. Are there child specific (cognitive, emotional, physical, and behavioral) capacities that impact participation?
 - c. Are there adjustments or modifications that can be made to allow participation with consideration to capabilities?
 - d. Are there resources that can be requested to allow participation? (e.g., CHAFEE funds for band camp)
 - e. Are there case/court reasons that may impact participation (e.g., schedule visitation, THV transition)?
 - f. Are there laws (NRS), regulations (NAC), policy, and/or city/county ordinances, that must be followed (e.g., curfew, supervision, respite/travel notifications)?
 - g. Is the decision related to education? Parents, legal guardians, or education decision makers appointed by the court have the legal right to make decisions about a youth's education, such as a youth's educational placement, an Individualized Education Plan (IEP) if one exists, and any school disciplinary actions. However, a caregiver can make decisions about activities related to or that take place at school, such as field trips, clubs, extracurricular activities, or SAT/ACT prep.
 - h. Is the decision related to religion? Caregivers are not permitted to make religious decisions for the youth. The standard does not interfere with a parents' abilities to make decisions about youth's religion or the right the youth has to practice or not practice any religion when he or she is in foster care.

- i. Is the decision related to physical health and/or behavioral health? Is this a routine health care decision? Caregivers are able to consent to routine health care decisions and seek emergency medical treatment. Surgeries and electives must have agency input and parental consent or a court order.
 - j. Is this a decision about 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.)
 - k. Is the youth of driving age, and has the caregiver considered additional factors to help the youth learn to drive or get a permit?
2. Parents and legal guardians should provide input and raise issues of concern at case planning and family team meetings so the best decisions can be made for the child. Examples where a caregiver could make decisions using the reasonable and prudent parent standard could include the following:
 - a. **Unsupervised time at home:** In addition to 1(f) of this policy section, specialized foster home should also reference [NAC 424.505](#) for additional requirements.
 - b. **Unsupervised time in the community:** such as going to the mall, movies, swimming, etc.
 - c. **Another individual watching the youth:** Caregivers can select a reliable and mature individual to provide care and supervision of the foster child on occasions when a foster parent needs to be away from the home. In addition to using the standard, a caregiver must also consider the maturity, experience, and the person's ability to provide appropriate care. The short-term care and supervision can be used for, but is not limited to, medical appointments, grocery shopping, special occasions, adult social gatherings, trainings, and self-care. A caregiver must provide pertinent information including:
 - i. Information about the child's emotional, behavioral, medical, or physical conditions including the need for medication.
 - ii. Current emergency contact information, including agency case worker.
 - iii. This supervision may not be provided from another foster child unless approved by the foster child's caseworker.
 - iv. A background check is not required for the person providing the care and supervision.
 - d. **Normalcy activities requirements for notification and advance authorization:** A caregiver can use the standard for deciding normalcy activities, however the agency must approve activities longer than 48 hours. For short term or day trips (less than 48 hours) that do not impact visitation, the foster caregiver is not required to provide advance notification to the agency. For activities/trips longer than 48 hours, per [NAC 424.490](#), the foster caregiver must provide details of the activity and request advance authorization from the caseworker. The agency and caregiver should consider events such as visitation, appointments, case plan activities, and contact with the child's worker and/or family. These could include trips with the caregiver, friends, or an organized activity. The trip cannot violate any court ordered case plan requirements, such as visitation, without securing authorization from all parties or the court. If the child is not allowed to go on the trip, the caregiver and agency should work together to identify a formal or informal respite placement for the child.
 - i. Informal respites, which includes the caregiver's network is preferred. For more information refer to the statewide policy [1304 Respite](#).
 - ii. Background checks are not required for informal respite providers or individuals who may be providing some supervision during a normalcy activity (e.g., coaches, friends/family of the child or foster parents, transportation assistance, individuals in a friend's home)
 - iii. Agencies have the ability to grant prior approval for any activities and trips up to 72 hours.

Facilitating Parental Involvement in Foster Caregiver Decision-Making

1. Foster parents are entitled to make prudent parent decisions for the foster children in their care on a day-to-day basis. However, caseworkers also need to ensure that foster caregivers understand the legal implications of parents with 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 regard to their child. Parents should be included in conversations related to activities to voice their concerns and opinions. The parent will likely have helpful information that a caregiver can use to make a good decision so sharing views and information is important. Parents may also be able to participate in activities with youth when consistent with the permanency and visitation plan.

- The caseworker can facilitate communication between birth parent/guardian and foster caregiver by encouraging a partnership and balance in decision-making in regard 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.

Process to resolve differences of opinion under Normalcy

- The reasonable and prudent parent standard gives caregivers decision-making authority for certain activities and does not require approval from outside parties, the court, or parents and legal guardians. Youth, especially those who are 14 years old or older, should be involved in conversations about participation in activities so that they can express their interest and understand the caregiver’s reasoning. However, just as with any other decision that a parent makes, a caregiver or agency may say “no” to a child’s request to participate in an activity. The caseworker and foster parent should partner to identify if there are any other solutions or compromises that can be made to alleviate any issues using the normalcy standards ([P.L. 113-183 Sec. 111](#)).
- 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. If the foster caregiver, parent, or the youth are not satisfied with the outcome and would like to submit a grievance refer to the statewide policy [0218 Rights and Grievances of Children in Care](#).

Documentation:

Case File Documentation (paper)

File Location	Data Required
<ul style="list-style-type: none"> Foster Parent Licensing File 	<ul style="list-style-type: none"> Initial RPPS Training Certification Date

UNITY Documentation (electronic)

Applicable UNITY Screen
<ul style="list-style-type: none"> UNITY Licensing Windows – Foster Parent Training Compliance
Data Required
<ul style="list-style-type: none"> Initial RPPS Training Date
<ul style="list-style-type: none"> When applicable: Supplementary RPPS Training Dates

JURISDICTIONAL ACTION

Development of Internal Policies:

Jurisdictional Steps Required for Policy Compliance:

- Each child welfare agency will provide specific guidance to any contracted foster care providers, residential care provider or foster care agency in regard to providing opportunities for youth in foster care to experience normalcy through participating in appropriate social, extracurricular, cultural and enrichment activities.
- 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 the policy are included as part of the child welfare agency’s written contract with the provider.
- Each child welfare agency will provide RPPS/Normalcy Training to agency staff and licensed foster caregivers. Jurisdictional RPPS/Normalcy Training must include at minimum, but not limited to, the following:
 - Necessary preparation, which includes knowledge and skills relating to the reasonable and prudent parenting standard for the participation of the child in age or developmentally appropriate activities;

- b. Knowledge and skills relating to the developmental stages of the cognitive, emotional, physical, and behavioral capacities of a child;
- c. Applying the standard to decisions such as whether to allow the child to engage in social, extracurricular, enrichment, cultural and social activities; and
- d. Abilities to sign permission slips and arrange transportation for the child to and from extracurricular enrichment and social activities.

Supervisory Responsibility: Provide guidance to caseworker during times of concern or uncertainty in regard to this policy. Supervisors must work with the caseworker to provide conflict resolution and ensure equitable utilization of the Reasonable Prudent Parenting Standard.

STATE RESPONSIBILITIES

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

POLICY CROSS REFERENCE

Policies: [0218 Rights and Grievances of Children in Care.](#)
[1304 Respite](#)

History and Updates: This policy was effective as of 2/19/2016, updated on 1/30/2017 and 7/1/2024.

ATTACHMENTS

FPO 1303A – Reasonable and Prudent Parenting Activity Guide