



<b>ISSUE DATE</b> September 26, 2018	<b>EFFECTIVE DATE</b> Immediately	<b>NUMBER</b> 3130 - 18 - 04 3700 - 18 - 03 3800 - 18 - 01
<b>SUBJECT</b> Reasonable and Prudent Parent Standards		<b>BY</b> <i>Cathy A. Utz</i> Cathy A. Utz, Deputy Secretary Office of Children, Youth & Families

**SCOPE:**

- Administrative Office of Pennsylvania Courts
- Adoption Agencies
- Chief Juvenile Probation Officers
- Child Residential and Day Treatment Facilities
- Child Welfare Resource Center
- County Children and Youth Social Service Agencies
- County Children and Youth Solicitors
- Foster Care Agencies
- Guardians Ad Litem
- Juvenile Court Judges' Commission
- Juvenile Law Center
- Parent Advocates
- Pennsylvania Council of Children, Youth and Family Services
- Pennsylvania Court Appointed Special Advocates Association
- Pennsylvania State Resource Family Association
- Private Attorneys
- Private Children and Youth Social Service Agencies

**PURPOSE:**

The purpose of this bulletin is to inform public and private children, youth and family service system agencies, resource families and county contracted out-of-home placement settings, which are supported through Title IV-E or IV-B funds, about the legislative provisions for promoting normalcy for children and youth in out-of-home placement through reasonable and prudent parenting standards (RPPS). This policy guidance serves as notification to County Children and Youth Agencies (CCYA) of requirements pursuant to Public Law (P.L.) 113-183, Preventing Sex Trafficking and Strengthening Families Act of 2014, Pennsylvania Act 75, Activities and Experiences for Children in Out-of-Home Placements Act, amending Titles 42 (Judiciary and Judicial Procedure) and 55 (Human Services) of the Pennsylvania Consolidated Statutes and

<p><b>REFER COMMENTS AND QUESTIONS REGARDING THIS BULLETIN TO:</b> The Appropriate OCYF Regional Office</p> <p><b>ORIGIN:</b> Treasure Gallagher, <a href="mailto:trgallaghe@pa.gov">trgallaghe@pa.gov</a></p>
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Pennsylvania Act 94 (Pa Act 94), amending Titles 23 (Domestic Relations) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes.

## **BACKGROUND:**

In calendar years 2014 and 2015, federal and state legislation was passed to instill policy and practice changes that ensure healthy development and promote the experience of normalcy for children and youth in out-of-home placements. This legislation also clarifies the decision-making process that should be used when providing children access to developmentally appropriate activities and experiences and the role of caregivers, agencies, and courts in this process.

The federal Preventing Sex Trafficking and Strengthening Families Act of 2014 amended Titles IV-B and IV-E of the Social Security Act to protect children and youth at risk of sex trafficking. The law made provisions to expand opportunities for children and youth in out-of-home care so that they may experience the same types of activities and freedoms as children who are not involved with the child welfare system by requiring the application of reasonable and prudent parent standards (RPPS) when making decisions. The standards must be applied to foster family homes and child care institutions receiving Title IV-E or IV-B funds. The law also required that appropriate protections from liability be ensured for caregivers when they act in accordance with RPPS and that caregivers are trained about RPPS.

In order for Pennsylvania to implement the RPPS component of the Preventing Sex Trafficking and Strengthening Families Act, Governor Wolf signed Act 75 of 2015, the Activities and Experiences for Children in Out-of-Home Placements Act. Act 75 of 2015 is designed to promote the well-being and opportunity to participate in developmental or age appropriate activities for children and youth in out-of-home care and to meet the RPPS mandated by federal law. Act 75 of 2015 empowers out-of-home placement caregivers to make day-to-day decisions regarding their foster child's participation in activities without prior approval from the CCYA, a private agency, or the court, provided that the caregiver's decision is based on RPPS.

Act 75 applies to children and youth, up to the age of 21, who are under the care and responsibility of the CCYA, which includes those who are adjudicated dependent, dually adjudicated as dependent and delinquent, and adjudicated delinquent with court ordered Shared Case Responsibility (SCR) between the CCYA and Juvenile Probation Office (JPO), and who are placed in a federal foster care setting. Out-of-home placement caregivers, including resource families and at least one staff person at each child care institutional setting, must be trained in accordance with the Department of Human Services (DHS), Office of Children, Youth and Families (OCYF) RPPS Training Template. Act 75 applies to children and youth who are under the placement care and responsibility of the CCYA. Act 75 does not apply to children and youth who are placed in a secure facility, facility operated primarily for the detention of delinquent children, an accredited psychiatric residential treatment facility or a hospital.

Act 94 which was signed into law on December 28, 2015, amended Section 6351 of Title 42 (the Juvenile Act) to require that the court consult with the child regarding the child's permanency plan and goal, in a manner that is appropriate to the child's age and

maturity. Act 94 of 2015 also required that the court determine what services are needed to assist a child who is 14 years of age or older to make the transition to successful adulthood and, if the child has been placed with a caregiver, whether the child is being provided with regular, ongoing opportunities to participate in age appropriate or developmentally appropriate activities. In order to make this determination, the CCYA must document steps taken to ensure that the caregiver is following the RPPS and that the child has regular, ongoing opportunities to engage in age appropriate or developmentally appropriate activities.

### **DEFINITIONS:**

**Age appropriate or developmentally appropriate:** 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 in the case of a specific child, activities 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.

**Caregiver:** A person or residential service provider with whom the child is placed in an out-of-home placement, including a resource family or an individual designated by a CCYA or private agency. The resource family is the caregiver for any child placed with them.

**Out-of-home placement:** A setting that provides 24-hour substitute care for a child that is away from the child's parents or guardians and for whom the county agency has placement care and responsibility. The term includes resource family homes and supervised congregate care settings in which a child is living and, for a child who has attained 18 years of age, a supervised setting in which the individual is living independently. The term does not include secure facilities, facilities operated primarily for the detention of children who have been adjudicated delinquent, accredited psychiatric residential treatment facilities, or hospitals.

**Private children and youth agency:** An entity that provides out-of-home placement services to children under a contract with a CCYA.

**Reasonable and Prudent Parent Standards (RPPS):** The standard, characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while encouraging the emotional and developmental growth of the child, that a caregiver must use when determining whether to allow a child who is in an out-of-home placement under the responsibility of the county agency to participate in extracurricular, enrichment, cultural, and social activities.

**Resource family:** A family that is approved to provide temporary foster or kinship care for a child and that may eventually provide permanency for the child, including as an adoptive family.

## **DISCUSSION:**

Participation in age and developmentally appropriate activities and experiences, helps children and youth build self-esteem, cope with stress and/or heal from trauma, practice decision making, and prepare for the next developmental stage, including adulthood. Parents and guardians make important decisions every day regarding the participation of their children in activities. Caregivers of children in out-of-home placements are faced with making the same decisions for the children in their care. When making decisions regarding the child's participation in an activity resource families/facility staff must consider applicable laws and policies designed to safeguard the child's health and safety. However, these laws and policies are sometimes interpreted in a manner that prohibits a child from participating in age appropriate or developmentally appropriate extracurricular and community activities that are important to healthy child and adolescent development. Participation in activities in school and the community is important to a child's well-being and allows them to develop life skills and build healthy supportive relationships with peers and caring adults. Providing children with age appropriate or developmentally appropriate opportunities to experience freedom and responsibility are central to making a successful transition to adulthood.

While there is no single "normal" childhood experience, "normalcy" refers to the age and developmentally-appropriate activities, experiences and opportunities that comprise the daily lives of children and youth. Most importantly, normalcy means that youth grow up in the most family-like setting possible and are given the chance to participate in social, school, and community activities. Examples of these activities include participation in organized sports teams or clubs, field trips, volunteering, spending time with friends, sleepovers, overnight travel; artistic endeavors such as choir and dance classes and obtaining employment and/or a driver's permit and license.

Youth are the experts on what is best for them when it comes to normalcy, and they should be informed of their right to advocate for it. Youth need to be involved in the conversation about their right to participate in age and developmentally appropriate activities so that they can provide their perspectives on their needs. Specifically, youth should participate in case planning beginning at age fourteen. While youth may not always be allowed to participate in all of the activities that they request, the ability for youth to express their opinions and to be heard is critical to their development. Out-of-home caregivers should be involved in the normalcy conversation so that they can provide the best possible environment for youth in their care. Additionally, biological parents should contribute to normalcy conversations, as appropriate, but should not necessarily dictate normalcy activities. As the primary implementers of normalcy, out-of-home caregivers must have training to ensure safe and effective application of the RPPS. Training should build an understanding that normalcy does not mean that youth can do whatever they want, but rather that out-of-home caregivers can be entrusted to consider the youth's viewpoint when making day to day parental decisions.

It is recognized that there is a critical need to balance safety with opportunity for children and youth in out of home placement. RPPS empowers out-of-home caregivers to utilize 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, when determining whether to allow a child in care to participate in extracurricular, enrichment, cultural and social activities. RPPS applies to

caregivers for all children in out-of-home placement settings, allowing for decision making without prior approval of the CCYA, private provider agency, or court, as long as their decision does not conflict with an applicable court order, service plan or specific limitations imposed by county contracts. "Without prior approval", does not mean that the CCYA, and at times the court, do not need to be made aware and notified of some activities or experiences, particularly when the child will be traveling out-of-state, or spending more than 24 hours with someone other than the resource parent(s) or residential facility staff. Decisions about religious training, educational placement, non-routine physical treatment, and psychotropic medication are beyond the scope of RPPS.

Out-of-home caregivers are encouraged to consult with those who know the child best, including the child's biological parents and other key caregivers with whom the child has a supportive relationship. Out-of-home caregivers should appropriately consider the concerns of the biological parents or other key caregivers in decisions related to the child's participation in extracurricular, enrichment, cultural and social opportunities; however, those concerns should not necessarily dictate whether the child is permitted to participate.

Congregate care providers need to be involved in the normalcy conversation, so that they can start adjusting limitations that affect youth's lives. Each congregate care setting is different, and it is important to discuss what normalcy looks like in the context of the youth's current level of care and who will make the decision to ensure each youth is afforded the ability to participate in age and developmentally appropriate activities. In addition to the youth workers in these organizations, others in the provider agency, including administrators and support staff, need to fully embrace normalcy principles. Helping youth in care engage in activities that their peers, who are not in out of home care, engage in means thinking differently about program and work schedules, visits, therapy, transportation, and other program activities. It means shifting from the traditional, control-based environment of residential programs to a more family-like environment. Of critical importance is developing the family-based resources to support the transition of the youth to a less restrictive environment.

For youth who are dually adjudicated or have court ordered SCR, a caregiver must take into consideration individualized conditions of probation imposed by the court and any that are included in the child's service plans. A court order or service plan specifying a juvenile's terms of probation would limit the caregiver's application of the RPPS. Service plans in the child welfare system include the child's permanency and/or family service plan and any official document that is included in that plan, such as a Transition Plan. For SCR youth the service plan could also include the case plan that is developed by all the parties involved in the case. Like the child's permanency plan and the family service plan, it is a plan that all parties- service providers, probation, the youth, parents, and the child welfare agency worker- have been included in developing. To ensure that the caregiver is aware of any restrictions, the youth's service planning team must make sure all conditions are in the court order or an official service plan so that all parties are operating with correct information.

## Reasonable and Prudent Parent Implementation Considerations

In 2015, the Pennsylvania Youth Advisory Board (YAB), comprised of current and former substitute care youth leaders aged 16 to 21, focused upon a project aimed to bring attention to the inconsistency of rules and policies regarding developmentally appropriate freedoms and normalcy for youth in care. The YAB adapted and modernized the recommendations made in the 2006 “Youth Developed IL Practice Standards” by creating the YAB Developmentally Appropriate Freedoms and Normalcy Recommendations, (<http://www.independentlivingpa.org/2015%20Final%20YAB%20DAF%20Recommendations.pdf>). The intent of this publication is that the recommendations be used in conjunction with older youth resources already in existence, such as:

- The Teen Success Agreement (<http://jlc.org/resources/publications/teen-success-agreement>); and
- The Know Your Rights Manual <http://jlc.org/resources/publications/know-your-rights-guide-youth-substitute-care>

These recommendations support adjustment and stability for youth throughout their out-of-home placement experience.

As RPPS is implemented for all youth in out of home care, particular considerations should be made for young people who may need additional support. Children and youth with disabilities should be provided with an equal opportunity to participate in activities, as appropriate. Decisions should be based upon age, maturity and developmental level to include daily functioning, learning style, life experiences, interests, potential risk factors and behavioral history. Additionally, two subgroups of youth who can be positively impacted by thoughtful implementation of RPPS are expectant and parenting youth in out of home placement and youth in care who identify as lesbian, gay, bisexual, transgender or questioning (LGBTQ). These youth often face additional stigma as a result of being expectant or parenting or their sexual orientation.

According to the 2017 Center for the Study of Social Policy (CSSP) Brief titled, “Promoting Well-Being Through the Reasonable and Prudent Parent Standard: A Guide for States Implementing the Preventing Sex Trafficking and Strengthening Families Act (H.R. 4980)” (<https://www.cssp.org/policy/other-resources/Promoting-Wellbeing-Through-Reasonable-Prudent-Parent-Standard-HR4980.pdf>), it is estimated that adolescent girls in out-of-home care are 2.5 times as likely to have a baby by age 19 compared to their peers not in out-of-home care. It is also estimated that half of 21-year-old males transitioning from out-of-home care report getting a partner pregnant compared to 19 percent of their non-foster care peers. Expectant and parenting youth in out-of-home care are less likely to engage in social and extracurricular opportunities in the same way as their peers due to lack of child care or restrictions based on their pregnancy, even when the activity does not pose a health risk. All expectant and parenting youth, including those outside of foster care, experience the difficulty of balancing the pursuit of activities and opportunities associated with being an adolescent and those of being a parent. The health and well-being of young parents influences their ability to parent successfully. Consequently, it is particularly important that expectant and parenting youth in care be provided opportunities to participate in enriching

activities that both support their social development as teenagers and their development as parents. CSSP suggests the following recommendations related to RPPS that support improving outcomes for pregnant and parenting youth in out of home placement:

- Ensure that the healthy sexual development of youth in care is addressed in efforts to promote wellbeing and that adolescents gain an understanding of healthy relationships;
- Support the developmental and emotional needs of youth both as adolescents and as parents;
- Specify the inclusion and support of young fathers, and
- Provide specific training and education around supporting the healthy development and well-being of expectant and parenting youth in care.

The exploration of sexual orientation and gender identity is key to healthy adolescent development. For youth who identify as LGBTQ, this process can be more complicated and these youth may require unique activities and supports to ensure their healthy development. These are important considerations to make when implementing policy on enrichment activities and prudent parenting. Specifically, healthy and appropriate activities must be clearly defined in ways that provide flexibility for participation in activities that would create safe spaces for LGBTQ youth in out-of-home care. CSSP suggests the following recommendations related to RPPS that support improving outcomes for LGBTQ youth in out of home placement:

- Ensure that the healthy sexual development of youth in care is addressed in efforts to promote wellbeing and that adolescents gain an understanding of healthy relationships.
- Support LGBTQ youth in accessing the highest quality opportunities to meet their needs.
- Support youth-created safe spaces when appropriate, and
- Provide specific out-of-home caregiver training and education around supporting the healthy development and well-being of LGBTQ youth in care. Youth in care who identify as LGBTQ often have had to grapple with the combined effects of trauma, stigma, and the risk of rejection due to their sexual orientation and gender identity. These adverse experiences can lead to poor health and mental health outcomes. To support LGBTQ youth in the coming out process, caregivers must be well-supported and trained to have conversations with youth about healthy development and exploring their sexuality.

## POLICY AND PROCEDURES

### Pennsylvania Department of Human Services, Office of Children, Youth and Families Requirements and Procedures

Title 23 (Domestic Relations), Title 42 (Judiciary and Judicial Procedure) and Title 55 (Human Services) of the Pennsylvania Consolidated Statutes, requires, as a condition of licensure

for county and private foster family care agencies and facilities providing out-of-home placements, the development of standards and training relating to RPPS. The standards and training shall include, but are not limited to, the following:

- Knowledge and skills relating to the developmental stages of the cognitive, emotional, physical, and behavioral capacities of a child.
- Knowledge and skills relating to applying the reasonable and prudent parent standard to:
  - Decisions such as whether to allow a child to engage in extracurricular, enrichment, cultural and social activities, including sports, fieldtrips, and overnight activities lasting one or more days.
  - Decisions involving the signing of permission slips and arranging transportation for the child to and from extracurricular, enrichment, cultural, and social activities.
  - Decisions may include youth employment and/or obtaining a driver's permit. Both of these activities are governed by specific age requirements.
- Methods for appropriately considering the concerns of the biological parents of a child in decisions related to participation of the child in activities, with the understanding that those concerns should not necessarily dictate the participation of the child in any activity.

OCYF must verify, at yearly licensure reviews, that county and private agencies providing out-of-home placement do all of the following:

- Promote and protect the ability of a child to participate in age appropriate or developmentally appropriate activities and experiences.
- Implement policies consistent with Act 75, and
- Provide and document that the required training has been provided to caregivers.

OCYF, as required per federal and state law, developed a training template, which is included with this bulletin as Appendix "A" and is titled: *"Pennsylvania Department of Human Services, Office of Children, Youth and Families Reasonable and Prudent Parent Standard Training Template"*.

### County Children and Youth Agency Requirements and Procedures

The CCYA shall ensure that all county operated out-of-home placement settings other than a resource family home designate an individual to provide decision-making authority under the RPPS for children residing in their care. The individual designated should consult with county agency caseworkers or staff members who are most familiar with the child in applying and using the RPPS.

The CCYA shall ensure that contracts for purchased services between the county and a private agency that operates an out-of-home placement setting other than a resource family home include a requirement for the agency to designate an individual to provide decision making authority under RPPS for children residing in their care in accordance with staffing and supervision requirements applicable to the setting. The designated



individual should consult with CCYA and private agency caseworkers or staff members who are most familiar with the child in applying and using RPPS.

The CCYA shall ensure that contracts for purchased services between the county and a private children and youth agency include a requirement for the private agency to provide training and monitoring of resource families regarding the application and use of RPPS. The CCYA should consider including language in contracts with purchased service providers, including group homes and facilities that allow for youth to participate in age appropriate and developmentally appropriate activities as such age appropriate and developmentally appropriate activities sometimes are at odds with existing practices and policies of group homes and facilities. For instance, the CCYA should ensure that the group home or facility does not prohibit a youth from working evenings simply because the group home or facility has a curfew that would not be met by the youth if they youth was employed in the evenings. RPPS requires that the needs of the individual youth be given more consideration than operating procedures and policies, which can be amended.

The CCYA shall ensure that contracts for purchased services between the county and a private children and youth agency specify that children and youth with a disability or special needs in an out-of-home placement shall have the same access to age appropriate or developmentally appropriate activities and experiences as the child's nondisabled peers, even if reasonable accommodations are required.

The CCYA shall be trained and shall provide training and monitoring of county agency resource families regarding the application and use of RPPS.

The CCYA, consistent with its case and placement planning responsibilities under federal and state law, must ensure that the child's service plan provides the opportunity to participate in age appropriate or developmentally appropriate activities and experiences to the greatest extent possible to promote healthy child and adolescent development. A child's service plan shall include goals and objectives and the child's progress toward meeting the goals and objectives for the following:

- Participation in extracurricular, enrichment, cultural and social activities.
- For a child who is 14 years of age or older, providing opportunities to gain experience in mastering skills needed to transition to adulthood and managing freedom and responsibility.

The CCYA shall ensure that children in out-of-home placement have their rights and an explanation of grievance procedures opportunities explained to them in a manner appropriate to the child's age, development and maturity and that children and youth are provided with a written notification of their rights and grievance procedures at initial placement, for any subsequent move, and at least annually as part of the family service and permanency planning process. This requirement is consistent with Act 119 of November 23, 2010 (P.L. 1264, No.119), known as the "Children in Foster Care Act" and OCYF Bulletin Number: 3130-12-02, 3680-12-01, 3700-12-01, 3800-12-01 titled, "Children in Foster Care Act (Act 119 of 2010) issued July 30, 2012. Documentation that these notifications have been completed must be made in the child's record.

Act 94 of December 28, 2015 (P.L. 559, No. 94) amended Title 42 (the Juvenile Act) of the Pennsylvania Consolidated Statutes at Section 28, § 6302, by adding definitions and at Section 29, § 6351, Disposition of dependent child, which includes (e) (1), (f) (8) and (12) as follows:

- (e) (1) In any permanency hearing held with respect to the child, the court shall consult with the child regarding the child's permanency plan, including the child's desired permanency goal, in a manner appropriate to the child's age and maturity.
- (f) (8) At each permanency hearing, the court shall determine the services needed to assist a child who is 14 years of age or older to make the transition to successful adulthood.
- (12) If the child has been placed with a caregiver, whether the child is being provided with regular, ongoing opportunities to participate in age appropriate or developmentally appropriate activities. In order to make the determination, the CCYA shall document the steps it has taken to ensure that:
  - (i) The caregiver is following the reasonable and prudent parent standard; and
  - (ii) The child has regular, ongoing opportunities to engage in age appropriate or developmentally appropriate activities. The county agency shall consult with the child regarding opportunities to engage in such activities.

The CCYA or private children and youth agency shall ensure that out-of-home caregivers are provided with written notification of their responsibilities and rights specific to activities and experiences for children in out-of-home care. This notification must be provided at the time of a resource family home certification or the designation of a caregiver by a county agency or private agency then annually thereafter.

#### Private Children and Youth Agency Requirements and Procedures

Private children and youth agencies shall be required to develop policies and procedures to comply with the provisions of P.L. 113-83, Preventing Sex Trafficking and Strengthening Families Act of 2014; PA Act 75, Activities and Experiences for Children in Out-of-Home Placements Act; and PA Act 94, as they pertain to normalcy and reasonable and prudent parenting standards.

Private children and youth agencies shall ensure that children and youth in out-of-home placement are allowed and afforded an opportunity to engage in, to the greatest extent possible, age appropriate or developmentally appropriate activities and experiences.

It is required, as a condition of licensure for private foster family care agencies and facilities providing out-of-home placements, that they are trained in accordance with the OCYF standards and training relating to RPPS. All standards and training shall adhere to the DHS/OCYF training template, which is included with this bulletin as Appendix "A" and is titled: "*Pennsylvania Department of Human Services, Office of Children, Youth and Families Reasonable and Prudent Parent Standard Training Template*"

Private children and youth agencies shall ensure that agreements with resource families are updated to include RPPS rights and responsibilities at the time of certification or designation and annually thereafter.

### Out-of-Home Caregiver Responsibilities

Out-of-home caregivers shall have the authority to provide or withhold permission for children in their care to participate in and experience age appropriate or developmentally appropriate activities and experiences through application of RPPS, as long as permissions do not conflict with any applicable court order or service plan. RPPS may be exercised without the prior approval of a county agency or private agency or the court.

Out-of-home caregivers are required to be trained in accordance with the DHS, OCYF RPPS Training Template within the time frames provided below:

- Those caregivers that were in place (approved) when the law became effective on December 10, 2015, were to be trained by December 31, 2015;
- New caregivers or designated staff must complete training prior to a child's placement, unless there is an emergency placement; and
- If a child is placed in an emergency placement, the caregiver must receive training within 60 days.

Out-of-home caregivers shall ensure that children and youth with a disability or special needs in their care have the same access to age appropriate or developmentally appropriate activities and experiences as the child's nondisabled peers, even if reasonable accommodations are required.

Out-of-home caregivers should make specific considerations when using RPPS, which include:

- The child's age, maturity, and developmental level to maintain the overall health and safety of the child;
- The potential risk factors to the child or to others and the appropriateness of the extracurricular, enrichment, cultural or social activity or experience;
- The best interest of the child, based on information known by the caregiver;
- The importance of encouraging the child's emotional and developmental growth;
- The importance of supporting the child in developing skills to successfully transition to adulthood;
- The importance of providing the child with the most family-like living experience possible;
- Any special needs or accommodations that the child may need to safely participate in the activity or experience; and
- The child's wishes, though not determinative, may also be considered.

Out-of-home caregivers need to consider individualized conditions of probation imposed by the court for dually adjudicated or SCR youth. Pennsylvania's law is clear that the caregiver's authority does not extend to decisions that conflict with "any applicable court

order or service plan.” A court order specifying a juvenile’s terms of probation would be one such order that would preempt the caregiver’s application of the RPPS.

Out-of-home caregivers are required to collaborate with agencies or the court regarding decisions about religious training, educational placement, non-routine physical care or treatment, mental health treatment, use of psychotropic medications, and activities that violate case plan or court order.

#### Limitation of Liability

An out-of-home caregiver, county agency, and private agency shall not be liable for harm caused to a child while engaged in an activity or experience approved by the caregiver if:

- The caregiver has completed the required training relating to RPPS.
- The caregiver has made a good faith effort to use RPPS in approving the activity or experience.
- The approval does no conflict with any applicable court order or service plan.

Limitation of Liability as described above does not remove or limit any existing liability protection afforded by any other law.

## **Pennsylvania Department of Human Services (DHS), Office of Children, Youth and Families (OCYF) Reasonable and Prudent Parent Standard (RPPS) Training Template**

- Historical Information (include overview of key legislation)
  - The Preventing Sex Trafficking and Strengthening Families Act (House Resolution 4980/Public Law 113-183);
  - Pennsylvania’s Activities and Experiences for Children in Out-Of-Home Placements Act (Act 75 of 2015)
  - Pennsylvania’s Children in Foster Care Act (Act 119 of 2010)
- Discussion of the intent and shift in focus to normalcy for children and youth in out-of-home care. *Key concepts for discussion of this area include but are not limited to:*
  - The Activities and Experiences for Children in Out-of-Home Placements Act is Pennsylvania’s implementation of a federal law – The Preventing Sex Trafficking and Strengthening Families Act of 2014- which support children in care to participate in age/developmentally appropriate activities and addresses the steps taken to support normalcy and promote permanency.
  - Participation in activities in school and the community is important to a child's well-being, both emotionally and in terms of developing valuable life skills and building healthy supportive relationships with peers and caring adults. Providing children with age-appropriate or developmentally appropriate opportunities to experience freedom and responsibility are central to making a successful transition to adulthood.
- Review key terms and definitions
  - Age or Developmentally Appropriate Activities: 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; Activities reflective of the child’s ethnic, racial, religious and cultural heritage and supportive of the child’s identity such as sexual orientation, gender identity and status as a parent.
  - Normalcy: While there is no single “normal” childhood experience, “normalcy” refers to age and developmentally appropriate activities and experiences that allow children and youth to grow. Indeed, normalcy for youth means being able to do what is considered “routine” for many teenagers: participate in sports, teams, and clubs; attend choir and dance classes; volunteer; spend time with friends, have sleep overs, and take trips. It also includes opportunities for youth to take on additional responsibilities and freedoms, such as learning how to drive, working a part-time job, or having a later curfew, as the youth approaches adulthood. Through these activities, youth learn their interests and talents, safely experiment and take risks, practice decision-making skills, and develop healthy peer and adult relationships.
  - Reasonable and Prudent Parenting Standards (RPPS): Pennsylvania specific law defines the 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 encouraging the emotional and developmental growth of the child, that a caregiver must use when determining whether to allow a child in an out-

of-home placement under the responsibility of the county agency to participate in extracurricular, enrichment, cultural and social activities.

- Application and Key Components of the Reasonable and Prudent Parent Standard (RPPS)
  - Applies to any foster family home or child care institution receiving IV-E or IV-B funds, i.e., out-of-home placement, which includes settings that provide 24-hour substitute care for a child away from the child's parents or guardians and for whom the county children and youth agency has placement care and responsibility. This includes: foster family homes, kinship care homes, pre-adoptive homes, group homes, some residential settings, and transitional living residences, as well as licensed and unlicensed supervised independent living settings. Does not include:
    - Secure facilities (i.e. secure care, secure detention)
    - Facilities operated primarily for the detention of children who have been adjudicated delinquent
    - Accredited Psychiatric Residential Treatment Facilities (PRTFs)
    - Hospitals
  - Applies to children and youth up to the age of 21, under the placement, care and responsibility of the county children and youth agency, who may be adjudicated dependent; dually adjudicated (dependent and delinquent); or adjudicated delinquent with court ordered shared case responsibility (SCR).
    - Dual Adjudications and SCR include but are not limited to: Out of home caregivers would have to consider individualized conditions of probation imposed by the court for dually adjudicated or SCR youth. Pennsylvania's law is clear that the caregiver's authority does not extend to decisions that conflict with "any applicable court order or service plan." A court order specifying a juvenile's terms of probation would be one such order that would preempt the caregiver's application of the reasonable and prudent parent standard.
  - In order to promote normalcy, particular considerations are recommended for these special populations:
    - LGBTQ
    - Pregnant and parenting youth
    - Older youth services in Transitional Living and Independent Living settings
    - Children and youth with physical or intellectual disabilities (Ensure that accommodations are provided in tandem with application of RPPS).
    - Children and youth with mental health disorders.
  - Training on the Reasonable and Prudent Parenting Standards (RPPS) is a requirement for approval/certification and licensure of out of home care placement providers (resource parents and child care institution staff)
    - Those caregivers in place (approved) when the law became effective on 12-10-15 were to be trained by 12-31-15
    - New caregivers or designated staff must complete training prior to a child's placement, unless there is an emergency placement
    - If a child is placed in an emergency placement, the caregiver must receive training within 60 days

- Contracts with child care institutions must contain the requirement that each child care institution (CCI) always has at least (1) on-site individual who is trained and authorized to apply the “reasonable and prudent parent” and make decisions about a child/youth participating in age or developmentally appropriate activities
- Liability: Caregivers, county agencies and private agencies are not liable for harm caused to a child while engaged in an activity or experience when they act in accordance with the reasonable and prudent parent standard and in accordance with the following:
  - Caregiver has completed the required training;
  - Caregiver made a good faith effort to use the standard in approving the activity/experience; and
  - The approval does not conflict with any court order or service plan.
- Caregiver/child notification requirements
  - Update Grievance Procedures to inform children/youth about their rights at initial placement; subsequent moves; and at least annually
  - Youth age 14 and older (lowered from youth age 16 and older) in foster care must receive:
    - A copy of their consumer credit report from each of the three credit reporting agencies each year until discharged from foster care and assistance resolving inaccuracies on reports
  - Specific documents must be provided when they age out of foster care or when they exit foster care:
    - Official or certified copy of birth certificate
    - Social security card
    - Health insurance information
    - Copy of their medical records
    - Driver’s license or ID issued by state
  - Update agreements to Resource Parents to inform resource families about their rights and responsibilities at the time of certification or designation of a caregiver; and annually thereafter
  - Some decisions do require notification to the agency you are working with to inform them of the child’s whereabouts and plans
- Case plans
  - Must include goals and objectives, and the child's progress toward meeting the goals and objectives, related to their participation in activities.
  - For youth 14 and older also include goals and objectives aimed at providing opportunities for the youth to gain experience in mastering skills needed to transition to successful adulthood and managing freedom and responsibility.
  - Family Service Plans (FSPs) and Child Permanency Plans (CPPs) must be developed in consultation with the youth 14 years or older and must include:
    - Description of programs and services which will help youth age 14 or older prepare for transition from foster care to a successful adulthood
    - Children in Foster Care Act: Foster Youth Bill of Rights for the child/youth
    - Signed acknowledgement by child/youth that they received the Children in Foster Care Act: Foster Youth Bill of Rights ([Foster Care Bill of Rights](#)) and it was explained in an age appropriate manner

- Court Reviews:
  - Courts must determine whether the child is being provided with regular, ongoing opportunities to engage in age-appropriate or developmentally appropriate activities.
  - Counties must document the steps they are taking to ensure:
    - Caregivers are following the reasonable and prudent parent standard.
    - Child/Youth has regular, ongoing opportunities to engage in age-appropriate or developmentally appropriate activities.
- Reasonable and Prudent Parent Standard Implementation
  - What decisions fall under prudent parenting responsibilities?
  - What are extracurricular, enrichment, cultural and social activities?
  - Activities approved cannot violate court orders or service plans.
  - Considerations when exercising the reasonable and prudent parent standard:
    - Child's age, maturity and developmental level to maintain the overall health and safety of the child.
    - Potential risk factors to the child or to others and the appropriateness of the extracurricular, enrichment, cultural or social activity or experience.
    - Best interest of the child based on information known by the caregiver.
    - The child's wishes, though not determinative, should also be considered.
    - Importance of encouraging the child's emotional and developmental growth.
    - Importance of supporting the child in developing skills to successfully transition to adulthood.
    - Importance of providing the child with the most family-like living experience possible.
    - Caregivers are encouraged to consult with those who know the child best
    - Any special needs or accommodations that the child may need to safely participate in the activity or experience.
    - The concerns of the biological parents in decisions related to participation of the child should be considered; however those concerns should not necessarily determine the participation of the child.
  - Questions to ask before saying yes?
  - Looking for guidance? Available resources provided on page 6
  - Examples of Age or Developmentally Appropriate Activities
    - Playing sports
    - Being in band
    - Participating in 4-H and other common activities
    - Going to a sleepover at a friend's house
    - Going to the mall
    - Going to summer camp
    - Taking part in a family vacation
    - Being in a carpool
    - Getting a haircut
    - Getting a drivers permit/license
    - Having a part-time or summer job.
  - Developmental issues and logical consequences - "testing the waters"/ judgment errors are normal



- Decisions beyond the scope of R&PPS approval/disapproval and examples of excluded activities/experiences
  - Religious training
  - Education placement
  - Non-routine physical/mental health treatment
  - Use of Psychotropic medications
- Agency Notification is different than asking permission
- Training must address knowledge and skill development related to
  - Developmental stages of the cognitive, emotional, physical, and behavioral capacities of a child/youth as well as the
  - Application of the reasonable and prudent parent standard to:
    - Decisions such as whether to allow a child to engage in extracurricular, enrichment, cultural and social activities, including sports, field trips and overnight activities lasting one or more days.
    - Decisions involving the signing of permission slips and arranging transportation for the child to and from extracurricular, enrichment, cultural and social activities.
  - Minimum training requirement
    - One hour with a demonstration of mastery of material through debriefing questions.
    - Recommend a post training validation of learning to document knowledge acquired.
  - Training Frequency
    - Should become part of the annual re-evaluation of resource families and part of annual facility licensing preparation.
  - Evidence of training, which meets the minimum requirements as outlined within this DHS/OCYF RPPS Training Template must be made available during agency/foster home licensure reviews.
    - It is recommended that documentation of RPPS training completion be kept in the out of home caregiver's training files.
- Considerations:
  - Who needs to be trained in addition to caregivers?
    - Caseworkers – public and private
    - Supervisors - public and private
    - Agency Directors/Administrators - public and private
    - Guardians Ad Litem
    - Court Appointed Special Advocates
    - Youth
    - County solicitors
    - Parent attorneys
    - Courts
    - Fiscal/Contract officers
    - OCYF Licensing and Bureau of Human Services Licensing
    - Juvenile Probation Officers

➤ Resources

- [The Kids Central Inc.](http://www.kidscentralinc.org/caregiver-guide-to-normalcy/) website: <http://www.kidscentralinc.org/caregiver-guide-to-normalcy/>
- The Pennsylvania Youth Advisory Board's (YAB) Developmentally Appropriate Freedoms and Normalcy Recommendations and YAB Advocacy Toolkit as well as other helpful resources may be found at [www.independentlivingpa.org](http://www.independentlivingpa.org).
- P.L. 113-183, the Preventing Sex Trafficking and Strengthening Families Act, *[Preventing Sex Trafficking and Strengthening Families Act](#)*
- PA Act 75, *[Activities and Experiences for Children in Out-of-Home Placements Act](#)*.
- Pennsylvania State Resource Family Association (PSRFA) website, <https://www.psrfa.org/education/prudent-parent-standard/>
- U.S. Department of Health and Human Services, Administration on Children, Youth and Families, Administration for Children and Families (ACF) Information Memorandum, <https://www.acf.hhs.gov/sites/default/files/cb/im1403.pdf>
- Teen Success Agreement, <http://jlc.org/resources/publications/teen-success-agreement>
- ACF, Capacity Building Center for States, *[Having the Normalcy Conversation Series](#)*
- ACF, Capacity Building Center for States, *[Considerations for LGBTQ Children and Youth in Foster Care: Exploring Normalcy as It Relates to P.L. 113–183.](#)*