# Arizona Department of Child Safety

# Reasonable and Prudent Parenting Standard

# Foster Parent User Guide

# An in-depth manual to be referenced as needed.



**Reasonable and Prudent Parenting Standard**

**(RPPS) Foster Parent Study Guide**

**Normalcy Activities**

As children develop into adolescence and adulthood, their growth is marked by experiences that contribute to their autonomy and social functioning, shaping who they will become as adults and how successful they may be in life and relationships. These experiences can include spending the night at a friend’s house, volunteering in the community, having an after school job or playing sports.

These types of activities are commonly referred to as “normalcy” activities. Access to normalcy activities and opportunities is especially important for empowering young people in out of home care and improving mental health outcomes. Simple experiences such as having friends and spending time with them can vastly improve a young person’s disposition and development. Friendship and socialization are essential in maintaining health and psychological well-being.

Normalcy includes such experiences as going to friends’ homes, participating in after school activities, having a job, and managing a bank account. Children must practice the skills they will need as an adult while they are still in a protected environment. These experiences help them build relationships, develop skills, and prepare for adulthood.

Please refer to **Handout #5.16***, ADCS Caregiver Procedures for RPPS.*

**Decision making**

Giving caregivers decision-making authority for children to participate in age-appropriate activities does not mean the decision will always be “yes.” Like any parent or concerned caregiver, many factors must be weighed. Providing guidance on those factors is extremely important to impact practice in the daily lives of the child in care. Arizona DCS has provided procedures for caregivers to refer to as they make *reasonable and prudent parenting* decisions.

**RPPS Procedures**

As you start to review and become responsible for the authority given to you as caregivers, you will refer to **Handout #5.16***, ADCS Caregiver Procedures for RPPS.*

Note each activity is listed in the left hand column.

Those authorities and information for a green light are listed in the center column. The green light indicates when and how a caregiver may make a reasonable and prudent parenting decision without consulting in advance with the Department.

Finally the right hand column is a red light which indicates when RPPS does not apply or approval or consultation with another entity is required.

**Decisions cannot supersede a pre-existing Court Order**

For example, **Handout #5.16***, ADCS Caregiver Procedures for RPPS* outlines when prior approval must be sought or when the Reasonable and Prudent Parent Standard does not apply. The guidelines are in the far right column and denoted in red. Such as a caregiver’s decisions regarding normalcy activities cannot be contrary to a pre-existing court order. For example, if there is court ordered visitation with the child’s parents every weekend, a normalcy activity planned or approved by you would not trump or take precedence over an existing court order for the weekend visitation.

Though, this is a great example of engaging the biological parent and inquiring if the parent would facilitate the child in attending the activity.

**Background Checks**

Background screening, criminal and abuse/neglect central registry checks for dating, outings and activities with friends, families and school and church groups are not necessary for participation in normal school or community activities.A background check may be requested through DCS if there reason to believe the people the child is visiting have a criminal history. In this situation, consult with the DCS Child Safety Specialist. As always, the “prudent parent standard” should be applied in making these decisions.

**Extracurricular Activities Without you’s Presence**

Including but not limited to camps, field trips, school related activities, church activities, youth organizations, sport, and social activities with peers, etc. where you is not a chaperone or present.

It is encouraged that foster children participate in school, or organized sports and extracurricular activities to the extent that you feels the specific activity is appropriate for the child’s developmental level.

Caregivers may sign permission slips for these activities. You must ensure that the child has the correct safety equipment, permission and training necessary to safely engage in the activity.

You must contact DCS for pre-approval of any overnight event exceeding two nights, where you is not present.

**Going to a Friend’s House**

Creating and maintaining peer social interaction is encouraged. It is recommended you consider the following:

* Meet face-to-face with the parents at least once before the first outing.
* Talk to the parents where the child is staying to avoid relying on child-to-child communication for all information.
* Confirm transportation arrangements (Who is driving? Who will be in the car?)
* Who is going to be in the home?
* Confirm pick up and drop off times and locations
* What are the plans for time spent in the home?
* Have the child call if there are changes to the previous arrangements if they decide to leave or if other people are coming over so you can confirm plans and grant permission
* Make a plan if the child becomes uncomfortable
* Exchange phone numbers with parents
* Give the child YOUR phone number

**Spending the night**

Spending the night at a friend's house can be an exciting experience for a child. You should discuss whether the child is ready to spend the night away from home, if it is appropriate for the child’s developmental level, and assess whether the friend’s home meets the “prudent parent standard”. In addition, it is important that the child and caregiver discuss and agree on any expectations for the overnight visit and what to do if the child becomes uncomfortable during their visit.

They may spend the night in unlicensed settings with the permission of their caregivers for up to two nights. You is to know where and with whom the child is staying and the type of supervision and care the child shall be receiving before approving. Other considerations are:

* Talk to the parents where the child is staying to avoid relying on child to child communication for all information or meet face-to-face with the parents/guardians of the family with whom the foster child will be staying overnight to ensure, as best as possible, the safety of the child.
* Determine any other individuals who will be in the home during the overnight stay and ascertain, as best as possible, that they will not endanger the child’s safety.
* Share all emergency contact information with the host family.
* How will the child’s medications be administered?
	+ Will the host parents be administering the medications?
	+ Can the child self-administer the medications?\* (Prior authorization by the DCS Specialist is required for the child to self-administer prescription medications.)
	+ Is the host parent willing to administer the child's medications or will you need to drive over and administer the medication?
* Given all historical information about the foster child, you must be vigilant in ensuring the overnight stay does not pose any risks to either the foster child or anyone else in the host’s home.
* Ask what the sleeping arrangements will be.
* Is a parent or parents going to be home all night?
* Confirm pick up and drop off times and locations.
* What are the plans for the evening?
* Will everyone remain in the home?
* If plans change ensure they know to call so you can give a verbal OK.
* Make a plan if child becomes uncomfortable
* Give child YOUR phone number

A background check is not required if a child spends the night at a friend’s house.

**Medications**

While a foster child is away from your home, any prescribed medication is to be administered from the current prescription bottle. Therefore when a child goes to school, respite, overnights, away to camp or for a visit and medications are to be administered, the medication is to be sent in the current prescription bottle.

When filling the prescribed medication, please remember to ask the pharmacist for an extra empty container or containers with the current label instructions.

When sending medications, make sure to only send enough medications for the specific period of time the child will be out of the home. Please check with your licensing agency or organization to see if a medication transfer document is required or if a medication log is required for the period of time the child is out of your care?

Prior written DCS Child Safety Specialist approval is needed for any child to self-administer prescribed medication(s).

Likewise, while the child is out of your home, you are required to have the remainder of the prescribed medication, locked, in the current prescription labeled container.

**Leaving a Child in Foster Care Alone**

You may approve youth age 12 years and older to be unsupervised for reasonable amounts of time but not overnight; however unsupervised time decisions should be made upon evaluation of the child’s functioning, current behavior, history, abilities, the child’s comfort level with being home alone and the length of time. The youth is to have resided in the placement for a minimum of 14 days prior to the consideration of being allowed unsupervised time. The decision as always is to be made on a case-by-case basis.

You must also take into account the child’s maturity level, your familiarity with the child and the child’s comfort level with being home alone when determining if it is appropriate and the length of time the child can be alone. When leaving a child home alone, you must make sure the child knows where the emergency numbers are posted, knows the emergency and safety procedures, and knows where and how to contact you.

Children in specialized therapeutic foster care may not be left unsupervised.

**Keys to the House**

It is very developmentally appropriate to give a child a key to the house, especially a child being trusted to be alone in the home for a period of time. You can decide whether or not to provide a house key to a foster child in your care.

If you decide not to provide the child a key, you must make provisions for the child to have immediate access if arriving home before others or in an emergency situation.

**Public Destinations without Supervision**

Children who are 12 years of age or older may be allowed to visit public destinations without an accompanying adult. However, you must determine if that is appropriate given the child’s developmental and maturity level, history and other such factors. You also have to determine that the area is safe, appropriate and that the child has reliable means of communication. You and the child should have a clear understanding of the time to be picked up or when to return home.

**Curfews**

Once you determine that a child can safely travel in the community without being accompanied by an adult, a curfew should be established for that child. As with other decisions, you must take into account factors such as any legally required curfews in the city or municipality, the child’s age, developmental and maturity level, history of behaviors, extracurricular activities and your level of familiarity with the child. The curfew must be determined and understood by all parties and it is recommended to be included in the written social agreement or plan.

A child must be provided with transportation home even when they have stayed out past curfew. If you are not available to pick up the child, you must make other arrangements. Refusing transportation home or reporting a child as missing should not be used as a punishment for exceeding curfew.

It may, be appropriate to report a child as missing if he or she has not returned home after a reasonable amount of time past their curfew and if a current safe location cannot be verified.

**School Dances**

School dances (such as prom) can feel like a rite of passage for young people and may be the first formal event in their lives. These can be both exciting and stressful events but provide an opportunity for a child, peers and you to collaborate in the development of planning for the event and engaging in communication about logistics, behavior and contingencies. You are encouraged to allow attendance based on reasonable and prudent parenting standards.

**Dating**

You generally encouraged to allow a child to have age-appropriate experiences and relationships, which includes dating. Factors to consider when deciding whether a child is ready for dating include his or her age, developmental and maturity level and history of behaviors.

Per DCS policy, the DCS Child Safety Specialist and you are to have or make arrangements for professionals to have age-appropriate conversations with a child about sexual education, safe sex and birth control practices, including abstinence.

You should help a child understand healthy dating practices by assisting with recognizing healthy and unhealthy behavior and interpersonal skills.

* Meet the date
* Communicate with the parent/guardian of the date
* Consider asking that they double or group date in the beginning of a new relationship
* Before the date, know their exact plans
* Confirm the transportation arrangements (who is driving, what they are driving, etc.)
* Confirm pick up and drop off times
* If the date is driving, it is prudent to verify their driver's license and insurance information
* Will anyone else be there? Who else will be involved?
* If plans change, ensure they know to call BEFORE they make the changes.
* Make a plan if the child becomes uncomfortable.
* Give the child YOUR phone number
* Get the date's phone number

Caregivers must be aware of Arizona Revised Statutes (A.R.S.), Title 13, Criminal Code, Chapter 14, regarding Sexual Offenses.

**Babysitting**

A foster child wishing to earn money through babysitting must be at least 12-years-old. Prior to being permitted to babysit, the child shall complete a baby-sitting course through a local hospital, cooperative extension service agency, or other community program. Red Cross offers an online course for a nominal fee.

It is recommended that when a child placed in foster care provides child care, you should contact him/her at least once during the time he/she is supervising other children and should make certain the child knows how to reach you or some other designated adult, in case of an emergency.

A foster child is unable to provide care for any other foster child as the Arizona Short Term Caregiver Law requires foster children to be in the care of an adult.

If a foster child is caring for non-foster children in the foster home, the child serving in the role of babysitter should be paid as the family would pay any other babysitter.

No overnight babysitting is permitted.

Foster children under the age of 12 are not permitted to babysit.

**Youth Employment**

A part time or full time job can provide important opportunities for a child to apply the skills they learn in job readiness and vocational training and engage them in learning essential life skills related to the working environment. You and the child should discuss the child’s readiness for taking on a job and explore various options that allow learning in a workplace.

A paying job can provide a teenage foster teen with an opportunity to develop valuable independent living skills. Developmentally, the skills a child learns from having a job prepares them for adulthood. A job teaches responsibility, accountability, problem solving, organization, manners, professional communication, etiquette and negotiation skills. The Department of Economic Security Rehabilitative Services Administration may be able to assist with services and supports.

Allowing the child to accept employment is a decision that should be made jointly between you and the child. There are many facets to this decision that should be considered. For example, will working interfere with the child’s school schedule and the preparation of his homework? Will the working hours allow the child adequate rest? Will their work schedule interfere with service appointments or visitation?

If you are unable to transport the child to and from work, one employment consideration will be the child’s and caregiver’s ability to obtain an alternative means of transportation.

Arizona’s youth employment laws (A.R.S. § 23-230 et seq.) establish the hours children can work and prohibit certain occupations in which they can be employed. **Handout #5.16**, *ADCS Caregiver Procedures for RPPS* has references for more information.

**Bicycles, Scooters, Non-motorized vehicles**

There are no standards prohibiting children from riding a bicycle, skateboard, scooter or non-motorized transportation though an approved helmet and appropriate protective clothing are required.

**Motorized Vehicles such as Skateboard, Scooter, Hover boards, Segway, etc.**

Each municipality has its own ordinances or laws, so it is your responsibility to research, and be in compliance with, all applicable laws. An approved helmet and appropriate protective clothing are always required.

**Driving in a vehicle with others, including another minor**

Children may ride with other people with your permission. This includes teens who may ride with other teens if you approve.

You must ensure that they have talked to the child about the importance of safe driving behavior and discussed such issues as using seat belts, not texting while driving, prohibitions against the use of alcohol or drugs, number of passengers in car, and curfews.

The driver should also be assessed for factors including having a valid driver license (which may include restrictions required by the Arizona Graduated Driver Licensing Law (GDL) and having current insurance as well as other potential risk factors that are considered prudent by you.

DCS does not require a background check to be completed for a child to ride in a vehicle with a friend.

**Driver’s License**

When a child is a ward of the court, neither DCS nor any representative of DCS may sign for a driver’s instruction permit or a driver’s license. Neither DCS nor any representative of DCS accepts responsibility for the actions of the minor when driving a motor vehicle. The Arizona Department of Motor Vehicles requires that the following person or persons sign and verify, before a person authorized to administer oaths, the application of a person under 18 years of age for an instruction permit, a class G or M driver license or an endorsement to a class G or M driver license:

* If neither parent of the applicant is living, the person or guardian who has custody of the applicant or an employer of the applicant
* If the applicant resides with a foster parent, the foster parent
* If there is no guardian or employer of the applicant, a responsible person who is willing to assume the obligation imposed by this chapter on a person who signs the application of a minor

The person who signs the application of the minor **accepts all responsibility** for the actions of the minor when driving a motor vehicle. DCS does not accept responsibility for the actions of the minor when driving a motor vehicle.

A.R.S. 28-3162 addresses the ability of the cancellation and release from liability of the signer.

**Off Highway Vehicle**

Use of an off highway vehicle (OHV) is considered a higher risk recreational activity; there are minimum standards which provide structure for safety and supervision for children to participate in this activity. One of the first questions you should ask is whether the child is old enough, big enough and mature enough to handle an off-highway vehicle. Consider the child's physical development, visual perception/motor development, social/emotional development and reasoning and decision-making ability.

Younger children should NEVER ride OHVs designed for adults.

Additionally, whenever a child is being transported on an OHV, the driver and all passengers must follow all federal, state, and local laws when driving, including laws on the use of child passenger safety systems, seat belts, and liability insurance.

For more information, visit the Arizona Game and Fish Department’s website at <http://www.azgfd.gov/pdfs/outdoor_recreation/ohv/atv_brochure.pdf>

**Photographs**

Children in care should be encouraged to participate in activities such as having his/her picture taken for publication in a newspaper or yearbook; receiving public recognition for accomplishments; participating in school or after-school organizations or clubs; and participating in community events.

The child is able to participate as long as he/she is **not identified as a foster child** in the photograph or publication. Confidentiality requirements for department records shall not restrict the child’s participation in customary activities appropriate for the child’s age and developmental level. You can sign the waiver for the publication.

**Privacy**

You are encouraged to allow age-appropriate private space and communications, with consideration given to developmental and therapeutic needs, safety plans and court orders which may impose some limits.

**Confidential Phone Calls**

Children in foster care have the right to make and receive confidential telephone calls and have a right to privacy during such calls, unless prohibited by court order or instructions from the DCS Child Safety Specialist. A list of unauthorized persons is to be provided by DCS at the time of placement. To ensure the confidentiality of telephone calls, you should provide an area away from others that will afford privacy.

You may not prohibit or restrict telephone calls to the following: DCS personnel, probation officers, family members not excluded by court order, attorneys, Court Appointed Special Advocates (CASA), or other professionals involved in their case or care.

Limitations on telephone calls to individuals other than those referenced above may be based on reasonable disciplinary measures, house rules, group home policy, consideration of the rights of others, case service plan requirements, or court order prohibitions. For example, you may develop policies regarding the number of calls and limit the amount of time of each call in order to ensure that all children have equal access

**Internet and Social Media**

The use of online social networking sites to communicate with family and friends is a typical practice for most people. Children in foster care are permitted to use email and the Internet, including social media sites, with age-appropriate supervision by you. The individual child’s age and developmental needs are taken into consideration when establishing guidelines for use.

If a foster child wishes to use the Internet, including social media sites, you need to have regular and candid conversations with the child to discuss safe and appropriate practices. You and your foster child need to regularly review expectations, availability, and rules regarding use of the Internet and social media. The foster child needs to understand that information posted or shared with others on the Internet or through email is not private. Even with privacy settings, other people may be able to view this information. Caution should be taken when providing any personal information via email or on the Internet or social networking sites. A foster child must be informed of the potential danger in providing personal information on sites. Children can be victimized through the use of the Internet and as caregivers, close monitoring and frank discussions should be standard practice. If a foster child chooses to disclose his/her foster status, such disclosure is a matter of free speech which DCS has no ability, desire or right to control.

DCS strongly encourages any person posting a foster child's image to an online social networking site to use privacy settings in a manner which will protect the best interests and confidentiality of the child. At no time is the child to be identified as a foster child unless it is a self-disclosure by the child.

It is strongly recommended, you and child to have a written social agreement that lays out reasonable expectations for both you and child when it comes to use, restrictions and consequences for social media access.

**Cell Phone Usage**

A foster child may have a cell phone. There will be considerations. For example, who pays for the phone? Funds can come from any number of sources. The CFT team or DCS system should work together with the child and you to explore funding options. Some older children could buy their own cell phone. Some parents may be willing to buy a cell phone for their child while in foster care. There is no expectation for a caregiver to use their personal funds to purchase the cell phone.

Consideration should be given to the method of payment for obtaining and maintaining the cell phone before making a decision and insurance coverage on the phone is encouraged.

A consideration as to whether the child gets a cell phone includes responsibility, available funds to purchase the phone and monthly costs, rules regarding the use of the phone and consequences when the rules are violated, other's having access to the phone, etc.

If you and your foster child decide that a cell phone is appropriate, it is strongly recommended that an agreement be developed and signed by all parties.

**Cosmetology decisions, such as haircuts, hair styling, hair coloring, etc.**

If any cosmetology decision is mutually made by you, the biological parent and child; then you must inform the DCS Child Safety Specialist. Remember that hair styles are often a significant part of the culture and heritage of the child and the child’s family.

Any child for whom the Indian Child Welfare Act (ICWA) applies cannot significantly alter their appearance without parental or tribal approval.

Non-ICWA children, age 12 and older can determine what style or cut they want to wear as long as there is no school or employment restriction otherwise.

**Ear Piercing and Tattoos**

You are to have written permission from the parent or legal guardian for ear piercing. A child under 18 cannot get a brand, scar, tattoo, implant, mutilation or body piercing without the physical presence of the parent or legal guardian. Arizona state law (A.R.S. § 13-3721(A)(1)) that applies to all children.

**Personal Space and Belongs**

Caregivers are encouraged to help the child personalize their living spaces to express their individual preferences and to ensure that their possessions are kept safe.

If you take personal property as a consequence for actions, house rules, or for safekeeping, you assume sole responsibility for the property. If the property, while in your possession, is lost or damaged, you will repair or replace the item with one of similar age, value and condition.

**Life Skills**

Children are to be provided opportunities to learn skills needed for independent living such as food preparation, food management, budgeting, consumer awareness, personal hygiene and appearance, housekeeping, transportation, job seeking and interpersonal relationship building.

**In-State Travel**

When traveling in-state overnight, for more than two (2) days but less than seven (7) days, notify the DCS Child Safety Specialist and your licensing agency of dates of travel, destination, and telephone number where you can be reached.

Permission from the DCS Child Safety Specialist must be received for in-state travel seven (7) or more days prior to the trip.

For a child that is on juvenile probation, also consult with the child’s juvenile probation officer.

**For Any Travel**

In preparing to travel, make sure you have the following: a copy of the court order placing the child in out of home care; the Notice To Provider; a copy of the child’s birth certificate; any photo ID, if available, such as a school ID; the CMDP Card; all medications in their original bottles and placed in a locked container for travel, and your contact list should you need to notify anyone of an incident or changes in your travel plans.

**Out-of-State Travel**

When traveling out-of-state overnight, for more than two (2) days but less than seven (7) days, notify the Child Safety Specialist and your licensing agency of dates of travel, destination, and telephone number where you can be reached.

DCS is required to authorize out-of-state travel for travel longer than seven (7) days. A court order will be required for all out of state travel for travel 30 or more days.

Contact CMDP on how to receive out of state services, if necessary.

For children that are also on juvenile probation consult with the juvenile probation officer.

**Out of Country Travel**

Out-of-country travel with a foster child requires the approval of the Child Safety Specialist and a court order, so allow as much time as possible for the Child Safety Specialist to seek the Court’s approval. If a court order is granted, the child will require a passport and all necessary immunizations.

For children who are also on juvenile probation, consult with the child’s juvenile probation officer.

Contact CMDP on how to receive out of country services, if necessary.

**Conclusion**

These decisions are not always easy decisions, but they are vital in raising healthy, well-adjusted children in foster care. The provision of procedures for Arizona DCS caregivers is to empower the careful and sensible decisions made each and every day for Arizona’s foster children.

**References/Resources**

* **Arizona Department of Child Safety (DCS)**
* **Reasonable and Prudent Parent Standard (RPPS)**
* **Information Sheet**
* **Federal Legislation:**

In September 2014, Congress passed the “*Prevent Sex Trafficking and Strengthening Families*” Act, P.L. 113-183. This law establishes prudent parent standards throughout the United States. According to the Act, a ‘reasonable and prudent parent standard’ is “characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child.” The law requires states to allow ‘caregivers’ (licensing foster parents, kinship caregivers, unlicensed caregivers and congregate care providers) to make prudent decisions in the determination to allow their foster child to participate in age or developmentally-appropriate, “activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity based upon cognitive, emotional, physical and behavioral capacities.” This includes extracurricular, enrichment, cultural, and social activities.

The reasonable and prudent parent standard allows out-of-home caregivers to give their foster children permission to do daily, age-appropriate, activities that promote cognitive, emotional, physical and behavioral growth. In addition to providing more normalcy for these youth, these standards, in accordance with the Federal John H. Chafee Foster Care Independence Program, help foster children make the transition to adulthood by providing necessary life skills and developmental growth.

**Specific provisions of the law include:**

* Allowing caregivers to make decisions regarding whether the child may engage in social, extracurricular, enrichment, cultural, and social activities, including sports, field trips, and overnight activities lasting 1 or more days.
* Allowing caregivers the authority to sign permission slips and arrange for transportation for the child to and from extracurricular, enrichment, and social activities.
* Requiring caregivers to observe and follow court orders and judgments which may impact those decisions. For example, a child cannot go on a weekend trip if it violates a scheduled visitation time, unless otherwise approved.
* Requiring the state to establish a document that describes the rights of the child with respect to education, health, visitation, and court participation for children in foster care who are 14 years or older.
* Requiring child welfare agencies to amend foster parent training to include “knowledge and skills relating to the reasonable and prudent parent standard”.In enacting this law, the federal government recognized the importance of making every effort to normalize the lives of foster children. Nationally, some typical childhood activities have been denied to foster children in the past include, for example, school-sponsored field trips or sports, sleep-over with friends, scouting, and 4-H activities. Frequently, caregivers are reluctant to sign permission slips for foster children, when this should not be the case. Participation in these types of activities is important to the child’s wellbeing, not only emotionally, but in developing valuable life-coping skills.

**What is normalcy?**

* In 2015, The Juvenile Law Center (JLC) writes that normalcy is “ensuring a child’s range of experiences while in foster care is typical of the range of experiences of any child of the same age.” They feel it is important for children to “practice the skills they will need as an adult while they are still in a protected environment. These experiences help them build relationships, develop skills, and prepare for adulthood.”

**Why is normalcy important?**

* When youth are not able to participate in activities that are needed for development, they are unprepared for life as an adult. Many youth who age out of foster care experience unemployment or inadequate income, homelessness, and incarceration. (<http://www.jimcaseyyouth.org/about/aging-out>)
* The development of the adolescent brain provides a “window of opportunity.” Just as relationships are the key to positive early childhood development, relationships continue to be necessary in adulthood. Foster caregivers need to help teens navigate through this transitional time by providing them “normal” experiences and helping them think through life decisions (Henderson, 2011; Farruggia, 2006).
* Youth in care need normalcy so that they can build their social capital. Social capital is the “value that is created by investing in relationships with others through processes of trust and reciprocity” (JLC, 2015).
* Most youth in care have experienced trauma so they need support in the emotional development and well-being, not just appropriate cultural and social activities.

Allowing youth to test boundaries while in care can help them learn about natural consequences and the importance of making positive choices (Texas Department of Family And Protective Services, 2013).

**How is Arizona working to normalize foster care?**

Even though the Federal law does not mandate state legislation, Arizona has two state laws that address normalcy and the Reasonable and Prudent Parent Standard.

* **A.R.S. 8-513** Participation in activities; contact with relatives; placement with siblings
1. A child may participate in activities and functions generally accepted as usual and normal for children of the child's age group if permission is granted as follows:
2. If the activity by law requires a license, the agency or division that placed the child may give permission on request of the foster parent.
3. If the activity includes the child leaving the jurisdiction of the court for a period not to exceed thirty days, the agency or division that placed the child may give permission on request of the foster parent.
4. If the activity is one which is associated with a school or organization not prohibited by rule of the division, the foster parents of the child may give permission.
5. The state shall indemnify and hold harmless the agency or foster parents for liability that may be incurred or alleged as a result of giving permission pursuant to subsection A if it is reasonably and prudently given. The state shall provide the defense of any action alleging such liability.
6. A child placed in foster care has the right to maintain contact with friends and other relatives unless the court has determined that contact is not in the child's best interests as determined pursuant to a court hearing.
7. If a child has been removed from the child's home and placed in out-of-home placement, guardianship or adoptive placement, the department shall make reasonable efforts to place that child with the child's siblings or, if that is not possible, to maintain frequent visitation or other ongoing contact between the child and the child's siblings unless a court determines that either the placement or the visitation or contact would be contrary to the child's or a sibling's safety or well-being.
* **A.R.S. 8-511** Short-term caregiver

A. Except as prescribed in subsection B, if circumstances require a foster parent to leave a foster child in the care of another person, the foster parent shall:

* 1. Use reasonable judgment in the foster parent's choice of an adult to provide the care.
	2. Notify the department case manager before the care exceeds twenty-four hours, in a nonemergency situation.
	3. Notify the department case manager before the care exceeds seventy-two hours, in an emergency situation.

B. A foster parent who is certified to provide care to a child with developmental disabilities, a medically fragile child or a child receiving treatment foster care shall implement the alternate care plan that is approved by the department, if the foster parent must leave the foster child in the care of another person.

DCS has elicited input from a statewide workgroup consisting of licensing agencies, foster parents, kinship providers, congregate care providers, staff, youth currently in foster care, adult alumni of foster care and DCS field staff for more detailed guidance and expertise in initiating the Reasonable and Prudent Parent Standard of the federal law.

**Applying the “Reasonable and Prudent Parent Standard”**

In applying the “reasonable and prudent parent standard,” caregivers are required to take “reasonable steps” to determine the appropriateness of the activity in consideration of the child’s age, maturity, and developmental level. It is recognized that there are many different ways to determine whether an activity is appropriate for a foster child in your care. Therefore, the following examples of “reasonable steps” that a caregiver may take in making this determination are provided as a guide to assist you in your decision-making process.

* Have adequate information about the foster child in your care so you can make informed decisions. For example, make an effort to be aware of anything in the foster child’s history or case plan, and of any orders issued by the juvenile court that may suggest that a particular activity would not be appropriate for the foster child. Would the timing of this activity interfere with a parental or sibling visitation, counseling appointment or doctor’s appointment? If you are not aware of the child’s history or if the case plan is silent on whether the proposed activity would be appropriate, you are encouraged to consult with the child’s DCS Child Safety Specialist.
* Take into account the type of activity and consider the foster child’s mental and physical health, and behavioral propensities.
* Consider where the activity will be held, with whom the foster child will be going, and when they will return.
* Consider all the information you have gathered and ask the question: is this an age-appropriate extracurricular, enrichment or social activity?
* Take into account the reasonably foreseeable risks of an activity and what safety factors and direct supervision may be involved in the activity in order to prevent potential harm to the foster child.
* Consult with the child's parent(s) about their child participating in the activity depending on the legal status.

**What does it mean to me as an out of home caregiver?**

As an out of home caregiver, you will have the responsibility of making decisions related to normal activities. This responsibility should not be taken lightly. To prepare yourself, you should:

* Complete all training offered by the Department or your agency on this topic. This training will be counted toward your annual training requirement
* Communicate with your agency and the DCS Child Safety Specialist and consider the policies and practice of both agencies when applying the Reasonable and Prudent Parent Standard
* Respect your role as nurturer to the child and advocate for, and encourage participation in, normal activities
* Hone your assessment skills, both the ability to assess the child’s development and decision-making skills and the ability to assess the activity as age-appropriate, safe, and not in violation of laws or policies.

The Arizona Department of Child Safety would like to extend a special thanks to the Children’s Action Advocacy of Nevada and the Ohio Child Welfare Training Program in the creation of this document.

**Reasonable and Prudent Parent Standard (RPPS)**

**Concepts and Goals**

Every day, parents make important decisions about their children’s activities. Foster caregivers are faced with making the same decisions for the foster children in their care. However, when foster caregivers make decisions they also must consider licensing or approval laws and regulations to ensure the health and safety of foster children in care.

The reasonable and prudent parent standard allows out of home caregivers to give their foster children permission to do daily, age appropriate, “normal” activities that promote cognitive, emotional, physical and behavioral growth.

The Juvenile Law Center (2015) writes that normalcy is “ensuring a child’s range of experiences while in foster care is typical of the range of experiences of any child of the same age.” They feel it is important for children to “practice the skills they will need as an adult while they are still in a protected environment. These experiences help them build relationships, develop skills, and prepare for adulthood.” When youth are not able to participate in activities that are needed for development, they are unprepared for life as an adult. Many youth who age out of foster care experience unemployment or inadequate income, homelessness, and incarceration. Allowing youth to test boundaries while in care can help them learn about natural consequences and the importance of making positive choices.

REMEMBER, the goal of the law is to:

* Provide the youth with as 'normal" life experience in-out-home care.
* Empower the out-of-home caregiver to encourage youth to engage in extracurricular activities that promote child/teen well-being.
* Allow for reasonable parenting decisions to be made by the out-of-home caregiver without waiting to obtain DCS or Juvenile Court approval.
* Remove barriers to recruitment and retention of high quality foster caregivers.
* Reduce the need for DCS workers to either give permission or to obtain Juvenile Court approval for reasonable care giving activities.
* Respect the rights of youth in out-of-home care.

The concept of normalcy not only applies to teens in foster care but to all children and teens in care as they need and deserve the opportunities and experiences appropriate to their age and maturity.

The federal law indemnifies caregivers or finds them not liable for harm caused to a foster child/teen if the child/teen participates in an activity approved by you, provided that you has acted in accordance with a reasonable and prudent parent standard.

**“Reasonable Steps”**

**Implementing the Reasonable and Prudent Parenting Standard**

In applying the “reasonable and prudent parent standard,” you are required to take “reasonable steps” to determine the appropriateness of the activity in consideration of the child’s/teen’s age, maturity, and developmental level. It is recognized that there are many different ways to determine whether an activity is appropriate for a foster child/teen in your care. Therefore, the following “reasonable steps” that a foster caregiver may take in making this determination are provided as a guide to assist you in your decision-making process.

1. How well do I know this child/teen?
2. How does this activity promote social development?
3. What information has DCS provided me about this child/teen? Have they shared any precautions that I need to consider?
4. Will this activity violate a court order, a safety plan, a case plan, or a treatment plan?
5. Will the timing of this activity interfere with a sibling or parental visitation, counseling appointment, or doctor’s appointment?
6. Is this an appropriate activity for the child/teen’s age, maturity & developmental level?
7. Will this activity promote or build the child/teen’s social, emotional or developmental well-being?
8. Will the activity expose the child/teen or anyone else to undue risk or safety issues?
9. If able and appropriate, have I consulted with this child/teen’s birth parents about their thoughts and feelings about their child/teen participating in this particular activity?
10. Is there anything from this child’s/teen’s history that would indicate he/she may be triggered by this activity?
11. Who will be attending the activity; with whom will the foster child/teen be going; and when will they return?
12. Where will the activity be held?
13. Would I allow my birth or adopted child/teen to participate in this activity?
14. Does this child/teen have any concerns about participating in this activity?
15. Has this child/teen shown maturity in decision making that is appropriate for his age and ability?
16. Does this child/teen understand my expectations, approval for last minute changes to the plan and the consequences for not complying with the expectations?
17. Does this child/teen know who to call in case of an emergency?
18. Does this child/teen understand his/her medical needs and is he/she able to tell others how to help him/her if necessary?
19. If in doubt or needing more information, have I consulted with the DCS Child Safety Specialist assigned to this case?
20. Do I have adequate information about the foster child/teen in my care so I can make an informed decision? For example, am I aware of my foster child’s/teen’s history or case plan and of any orders issued by the juvenile court that may suggest that a particular activity would not be appropriate for the foster child/teen? If I am not aware of the child’s/teen’s history or if the case plan is silent on whether the proposed activity would be appropriate, I will seek to consult with the DCS Child/teen Safety Specialist and the Juvenile Probation Officer, if applicable.
21. Have I taken into account the reasonably foreseeable risks of an activity and what safety factors and direct supervision may be involved in the activity in order to prevent potential harm to the foster child/teen. (i.e., paint ball, archery or similar activities that may pose a higher risk)?

It is the expectation of ADCS that caregivers will work in collaboration with the birth parents of the children in their care. RPPS works best within the context of Shared Parenting—that is caregivers and birth parents working in partnership to make parenting decisions together to the extent possible. It provides caregivers with the opportunity to help birth parents learn by setting a positive parenting example for them to follow.

Foster caregivers have to continually weigh decisions against many factors including each individual child’s needs, abilities, maturity, and other factors. Remember, if you need help making the decision, please consult with DCS, your agency, appropriate professionals assigned to the case, and if applicable, the Juvenile Probation Officer.

**More Considerations**

A caregiver is to consider the following when determining whether or not to permit a child to participate in an activity:

1. The child's age, maturity, and developmental level to maintain the overall health and safety of the child
2. Potential risk factors and the appropriateness of the activity
3. The best interest of the child based on your knowledge of the child
4. The importance of encouraging the child's emotional and developmental growth
5. The importance of providing the child with the most family-like living experience possible
6. The behavioral history of the child and the child's ability to safely participate in the proposed activity

**Normalcy Activities Checklist**

Use this checklist as a guide for discussion with the DCS Child Safety Specialist and if applicable the child’s Juvenile Probation Officer regarding activities or events and any applicable court orders, restrictions, concerns, history or prior participation.

* Spend the night at a friend’s home
* Have a friend over to spend the night
* Get a job or internship
* Participate in extracurricular activities such as school dances and field trips
* Obtain a driver’s license
* Ride in a car with a friend who has a license
* Ride in a car with an adult, such as a friend’s parent
* Own a cell phone
* Have social media accounts
* Participate in community activities
* Babysit other children
* Temporarily alter appearance (haircut, hair dye)
* Permanently alter appearance (ear piercings)
* Ride motorized vehicles such as off highway vehicles and motorized scooters
* Receive a personal allowance
* Open and maintain a bank account
* Be responsible for medication management and self-administer medications
* Participate in case-related meetings
* Have picture appear in media such as a newspaper or website
* Date
* Be out in the community with friends unchaperoned
* Ride the city bus
* Participate in community and cultural events
* Play on a sports team
* Participate in community or school-related clubs







**Family Planning**

 

**ADCS Policy: Sexual Development Education**

**and Family Planning Services**

Child Safety Specialists and out-of-home caregivers share with the schools the responsibility of educating and preparing children in out-of-home care to function as self-sufficient, competent adults.

Child Safety Specialists and caregivers, in collaboration with the child’s own parents, schools, public health and community agencies, provide education and training concerning sexual development and sexuality to children in out-of-home care.

Sexual development and sexuality learning programs for children must be appropriate to the age and development level of the children. The programs should include:

* Personal and family values regarding sexuality;
* Religious and cultural issues regarding sexuality;
* Self-respect and its relationship to sexual behaviors and character development;
* Physiological information;
* Personal hygiene related to sexuality;
* Long-term and permanent relationships with partners, spouses and friends;
* Family planning information including abstinence;
* Sexually transmitted diseases (STDs), including HIV/AIDS; and
* Recognizing, preventing and avoiding sexual abuse and the impact of sexual abuse and other sexual victimization on sexual development.

Child Safety Specialists will facilitate the provision of appropriate medical, counseling, psychological or psychiatric services, including human sexuality and family planning information emphasizing abstinence, to children who are wards of the court, committed to the care, custody and control of the department.

The department shall assure that appropriate medical, counseling, psychological and/or psychiatric services, including human sexuality and family planning information emphasizing abstinence, are provided to children who are wards of the court, committed to the care, custody and control of the department.

Tasks related to human sexuality, sexual development, and family planning, emphasizing abstinence, will be included in the case plans of children receiving independent living skills preparation services.

The department supports the promotion of abstinence. CMDP's family planning information (CSO-1204) will be provided to, and reviewed with, the child over age 12 and the out-of-home care provider, within ten days of placement and annually.

**Arizona Revised Statutes for Sexual Offenses**

13-1402. Indecent exposure; exception; classification

* 1. A person commits indecent exposure if he or she exposes his or her genitals or anus or she exposes the areola or nipple of her breast or breasts and another person is present, and the defendant is reckless about whether the other person, as a reasonable person, would be offended or alarmed by the act.
	2. Indecent exposure does not include an act of breast-feeding by a mother.
	3. Indecent exposure to a person who is fifteen or more years of age is a class 1 misdemeanor, except that it is a class 6 felony if the defendant has two or more prior convictions for a violation of this section or has one or more prior convictions for a violation of section 13-1406. Indecent exposure to a person who is under fifteen years of age is a class 6 felony.
	4. A person who is convicted of a felony violation of this section and who has two or more historical prior felony convictions for a violation of this section or section 13-1403 involving indecent exposure or public sexual indecency to a minor who is under fifteen years of age is guilty of a class 3 felony and shall be sentenced to a term of imprisonment as follows:

Mitigated Minimum Presumptive Maximum Aggravated

6 years 8 years 10 years 12 years1 5 years

* 1. The presumptive term imposed pursuant to subsection D of this section may be mitigated or aggravated pursuant to section 13-701, subsections D and E.

13-1403. Public sexual indecency; public sexual indecency to a minor; classification

* 1. A person commits public sexual indecency by intentionally or knowingly engaging in any of the following acts, if another person is present, and the defendant is reckless about whether such other person, as a reasonable person, would be offended or alarmed by the act:
		+ An act of sexual contact.
		+ An act of oral sexual contact.
		+ An act of sexual intercourse.
		+ An act of bestiality.
1. A person commits public sexual indecency to a minor if the person intentionally or knowingly engages in any of the acts listed in subsection A of this section and such person is reckless about whether a minor who is under fifteen years of age is present.
2. Public sexual indecency is a class 1 misdemeanor. Public sexual indecency to a minor is a class 5 felony.
3. A person who is convicted of a felony violation of this section and who has two or more historical prior felony convictions for a violation of this section or section 13-1402 involving indecent exposure or public sexual indecency to a minor who is under fifteen years of age shall be sentenced to a term of imprisonment as follows:

Mitigated Minimum Presumptive Maximum Aggravated

6 years 8 years 10 years 12 years 15 years

1. The presumptive term imposed pursuant to subsection D of this section may be mitigated or aggravated pursuant to section 13-701, subsections D and E.

13-1404. Sexual abuse; classification

A. A person commits sexual abuse by intentionally or knowingly engaging in sexual contact with any person who is fifteen or more years of age without consent of that person or with any person who is under fifteen years of age if the sexual contact involves only the female breast.

B. It is not a defense to a prosecution for a violation of this section that the other person consented if the other person was fifteen, sixteen or seventeen years of age and the defendant was in a position of trust.

C. Sexual abuse is a class 5 felony unless the victim is under fifteen years of age in which case sexual abuse is a class 3 felony punishable pursuant to section 13-705.

13-1405. Sexual conduct with a minor; classification

* 1. A person commits sexual conduct with a minor by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person who is under eighteen years of age.
	2. Sexual conduct with a minor who is under fifteen years of age is a class 2 felony and is punishable pursuant to section 13-705. Sexual conduct with a minor who is at least fifteen years of age is a class 6 felony. Sexual conduct with a minor who is at least fifteen years of age is a class 2 felony if the person is or was in a position of trust and the convicted person is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis except as specifically authorized by section 31-233, subsection A or B until the sentence imposed has been served or commuted.

13-1406. Sexual assault; classification; increased punishment

1. A person commits sexual assault by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person without consent of such person.
2. Sexual assault is a class 2 felony, and the person convicted shall be sentenced pursuant to this section and the person is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis except as specifically authorized by section 31-233, subsection A or B until the sentence imposed by the court has been served or commuted. If the victim is under fifteen years of age, sexual assault is punishable pursuant to section 13-705. The presumptive term may be aggravated or mitigated within the range under this section pursuant to section 13-701, subsections C, D and E. If the sexual assault involved the intentional or knowing administration of flunitrazepam, gamma hydroxy butyrate or ketamine hydrochloride without the victim's knowledge, the presumptive, minimum and maximum sentence for the offense shall be increased by three years. The additional sentence imposed pursuant to this subsection is in addition to any enhanced sentence that may be applicable. The term for a first offense is:

Minimum Presumptive Maximum

5.25 years 7 years 14 years

The term for a defendant who has one historical prior felony conviction is:

Minimum Presumptive Maximum

7 years 10.5 years 21 years

The term for a defendant who has two or more historical prior felony convictions is:

Minimum Presumptive Maximum

14 years 15.75 years 28 years

1. The sentence imposed on a person for a sexual assault shall be consecutive to any other sexual assault sentence imposed on the person at any time.
2. Notwithstanding section 13-703, section 13-704, section 13-705, section 13-706, subsection A and section 13-708, subsection D, if the sexual assault involved the intentional or knowing infliction of serious physical injury, the person may be sentenced to life imprisonment and is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis except as specifically authorized by section 31-233, subsection A or B until at least twenty-five years have been served or the sentence is commuted. If the person was at least eighteen years of age and the victim was twelve years of age or younger, the person shall be sentenced pursuant to section 13-705.

13-1410. Molestation of a child; classification

* 1. A person commits molestation of a child by intentionally or knowingly engaging in or causing a person to engage in sexual contact, except sexual contact with the female breast, with a child who is under fifteen years of age.
	2. Molestation of a child is a class 2 felony that is punishable pursuant to section 13-705.

**Child Labor Laws**

Child labor represents one of the few areas of employment regulation that is subject to oversight from both the federal government and the Industrial Commission of Arizona (they do a lot of the work here in Arizona that OSHA does from a federal standpoint in other states). The Industrial Commission states that businesses are subject to two separate sets of laws. If these laws ever conflict, you must follow the stricter law. If one entity has a law or restriction pertinent to a particular topic but the other does not, then you must follow the guidelines of the agency that has the law. Basically it goes like this: if the Fed says that minors cannot work before 7:00 am (which they do for minors under 16) and the state says they cannot work before 6:00 am (which Arizona does), then you must follow the federal law because it is stricter than the state law. If the Fed didn’t restrict the hours that minors can work, but the state did, then you would be bound to follow the state law and would not be able to legally defend yourself by citing a lack of federal guidelines.

**Facts You Need to Know**

* Youth under 16 years of age cannot work more than 3 hours on a school day—if they are enrolled in school—while school is in session, or more than 8 hours per day on a non-school day. If they are enrolled in school, they cannot work more than 18 hours per week when school is in session.
* Youth under 16 years of age cannot work before 6:00 am or after 9:30 pm if they have school the next day. If they do not have school the next day, they are not permitted to work after 11:00 pm. Youth who are not enrolled in school cannot work before 6:00 am or after 11:00 pm.
* No youth under 16 can ever work more than 8 hours per day or 40 hours per week.
* Generally positions that require driving are not suitable for minors by law. The exception is that 16- and 17-year-olds can drive up to 2 hours per day or 25% of their shift (whichever is shorter), but cannot drive large vehicles.
* Youth cannot operate heavy machinery. There are a couple of exemptions, but it is advisable to think about your liability before ever considering actually doing this. This means that in most cases, manufacturing and construction position are not suitable for minors. Other restrictions speak specifically to youth not being allowed to work in positions such as roofing and demolition.
* Parental permission is not needed in order to employ youth. Meanwhile parental permission, even in writing, does not allow you operate outside of regulations.
* You must verify the age of youth who are applying for a position with you. It is ***not*** considered age discrimination to ask youth their age. Age discrimination applies to 40- to 70-year-old applicants.
* You can, and will, be fined for violations of these labor laws that are brought to the attention of either regulating body. The state dictates that the maximum financial penalty that can be assessed is $1,000.00 per infraction. You can of course contest a fine as long as you do it within 20 days of issuance.

**There are Some Loopholes**

* If the minor is involved in or has completed a career education or vocational/technical training program recognized by the Department of Education pursuant to Title 15, Chapter 7, Article 5, the minor is exempt to some of the restrictions. Construction and manufacturing-based employers may be able to use this parameter when employing minors.
* You may also be able to work around regulation if the minor is in an apprenticeship program approved by the Bureau of Apprenticeship and Training. This might allow youth to work on a construction site in a limited capacity, and at the very least it helps to limit your liability.

To brush up on Arizona’s additions, you can visit the [Industrial Commission’s website](http://www.ica.state.az.us/Labor/Labor_YouthE_Hours_Restrictions.aspx) at

<http://www.ica.state.az.us/Labor/Labor_YouthE_Hours_Restrictions.aspx>

**Sources**

[The Industrial Commission of Arizona](http://www.ica.state.az.us/Labor/Labor_YouthE_Occupational_Restrictions.aspx)

**Youth Responsibilities and Rewards Plan**

The Youth Responsibilities and Rewards Plan is a written plan that outlines the responsibilities and activities developed in collaboration with the youth and caregiver. The reward and the consequence is to be directly related to the Youth Wants (activity, privilege) Each plan must be individualized and should be reviewed and updated every ninety days.

**Youth Wants** – If the youth demonstrates responsibility by maintaining compliance with the agreed upon Caregiver Wants, then you is to grant the Reward for the corresponding Youth Want.

**Caregiver Wants** – These are the agreed upon responsibilities the youth will have in the home. Failure to comply with your wants, will result in the loss of the corresponding reward.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **YOUTH WANTS** | **Caregiver Wants** | **Repetitions** | **Rewards** | **ConsequenceS** |
| * Privileges
* Extra

Curricular & CommunityActivities* Outings
* Curfews
 | * Youth Responsibilities
* Chores
* Caregiver Expectations
 | * How many times?
* How often?
 |  |  |
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In signing this plan, I acknowledge I have participated in the development of the plan and I have received a copy of the plan.

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Youth’s Signature Date

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Caregiver’s Signature Date