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REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

April 22, 2016

ALL COUNTY LETTER NO. 16-31

TO: ALL COUNTY WELFARE DIRECTORS
 ALL CHIEF PROBATION OFFICERS
 ALL FOSTER CARE MANAGERS
 ALL CHILD WELFARE SERVICES PROGRAM MANAGERS
 ALL COUNTY ELIGIBILITY SUPERVISORS
 TITLE IV-E AGREEMENT TRIBES
 ALL ADMINISTRATIVE LAW JUDGES
 ALL CONSORTIA PROJECT MANAGERS

SUBJECT: REASONABLE AND PRUDENT PARENT STANDARD

REFERENCE: [PUBLIC LAW \(P.L.\) 113-183](#); SENATE BILL [\(SB\) 794](#) AND [358](#);
 ASSEMBLY BILL (AB) [2096](#) AND [408](#); WELFARE AND INSTITUTIONS
 CODE (W&IC) SECTIONS [362.04](#), [362.05](#), AND [16519.5\(g\)\(13\)\(M\)](#);
[HEALTH AND SAFETY CODE SECTION 1522.44](#); [INFORMATION
 RELEASE \(IR\) 2015-01/ALL COUNTY INFORMATION NOTICE \(ACIN\)
 I-28-15 AND I-17-13](#)

The purpose of this All County Letter (ACL) is to provide county child welfare agencies and county probation departments with information on the new provisions of the Reasonable and Prudent Parent Standard (RPPS). On September 29, 2014, the Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183) was signed into federal legislation and requires, in part, Title IV-E agencies to amend their standards for foster care to permit caregivers to use the reasonable and prudent parent standard, and defines the reasonable and prudent parent standard under federal law. Conforming amendments were signed into state law on October 1, 2015, through (SB) 794 (Chapter 425, Statutes of 2015).

CALIFORNIA’S BACKGROUND OF THE STANDARD

The overriding goal of the child welfare system is to ensure that every youth is raised in a safe, stable and loving home. While attempting to keep children safe from harm,

some foster care policies and practices unnecessarily create barriers for youth to have normal childhood and adolescent experiences similar to their peers. Although the intent is to ensure a youth's safety, such policies can further isolate foster youth as they are attempting to integrate into a new family, school, and community. The reasonable and prudent parent standard is meant to eliminate unreasonable limitations on everyday activities and to ensure normalcy for youth in the foster care system. This standard eliminates overly restrictive practices and allows for participation in age-appropriate activities such as sports and extracurricular events, getting haircuts, staying over with friends, and obtaining a driver's license.

The prudent parent standard was established under California law with the enactment of AB 408 in 2003, which added section 362.05 to the W&IC. The AB 408 resolved that every child adjudged a dependent child of the juvenile court be entitled to participate in age-appropriate extracurricular, enrichment, and social activities. Caregivers were required to use this standard in determining whether to give permission for a child residing in foster care to participate in extracurricular, enrichment, and social activities. They were required to take reasonable steps to determine the appropriateness of the activity in consideration of the child's age, maturity, and developmental level.

California subsequently passed legislation to add the term "reasonable" to the prudent parent standard with enactment of SB 358 in 2005. This legislation authorized any licensed or certified foster parent, relative caregiver, or nonrelative extended family member to arrange occasional short-term babysitting for a foster child, and it required those caregivers to use a reasonable and prudent parent standard in determining and selecting that babysitter. Caregivers were required to use a reasonable and prudent parent standard in making decisions for foster children related to participation in age-appropriate activities. The SB 358 added W&IC section 362.04 and provided the following definition:

"Reasonable and prudent parent" or "reasonable and prudent parent standard" means the standard characterized by careful and sensible parental decisions that maintain the child's health, safety, and best interest."

In 2008, AB 2096 amended the provisions of the reasonable and prudent parent standard to be applied to both dependent children and to wards of the juvenile court. It required a group home administrator and a facility manager, or his or her responsible designee, to apply the standard in determining the appropriateness of the activity. The bill encouraged consultation with social work or treatment staff members who are most familiar with the child at the group home in applying and using the reasonable and prudent parent standard.

THE CURRENT REASONABLE AND PRUDENT PARENT STANDARD

The reasonable and prudent parent standard is key to promoting normalcy for youth in foster care. Further, it is an invaluable tool to help a caregiver meet the goal of providing a home which is not only safe, stable and loving, but one which is as “normal” as possible – a home which allows a child in foster care the freedom to grow into adulthood. This standard is based on consideration of a child’s age, maturity, mental and physical health, developmental level, behavioral propensities and aptitude. It allows caregivers to make decisions about participation in age or developmentally appropriate extracurricular, enrichment, and social activities for a child in their care so as to promote the most family-like environment for the child.

California’s existing law requires a caregiver to use a reasonable and prudent parent standard in determining whether a dependent child can participate in extracurricular, enrichment, and social activities. The SB 794 amends the standard to ensure compliance with federal law and now requires that caregivers are prepared for the placement of children, including knowledge and skills related to the reasonable and prudent parent standard.

The ability to engage in age and developmentally appropriate activities applies to all children in foster care, including children placed in a group home setting. Group homes and other community care facilities which provide care and supervision to children and operate with staff, except licensed foster family homes and certified family homes, shall designate at least one onsite staff member to apply the reasonable and prudent parent standard to decisions involving the participation of a child placed in the facility in age or developmentally appropriate activities.

In order to conform California’s existing standard to federal requirements, SB 794 amended section 362.05 of the W&IC with the following definitions:

- (1) “Reasonable and prudent parent” or “reasonable and prudent parent standard” means the standard 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, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the state to participate in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities.
- (2) The term “age or developmentally appropriate” means both of the following:
 - (a) Activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally appropriate for a child, based on the development of cognitive,

emotional, physical, and behavioral capacities that are typical for an age or age group.

- (b) In the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child.

When a situation occurs that the reasonable and prudent parent standard must be applied, the caregiver must analyze the situation and reasonable steps to determine the appropriateness of the activity. In applying the standard, a caregiver should gather adequate information about the activity, consider whether the activity is appropriate for the child, and take into account any foreseeable risks. In analyzing the situation, the caregiver should ask himself or herself questions such as:

- Does the activity seem reasonable?
- Is this activity age or developmentally appropriate for the child?
- Is this activity appropriate given the child's maturity?
- Is this activity consistent with the health, safety, and best interests of the child?
- Does this activity encourage the emotional, developmental, or cultural growth of the child?
- Does this actively assist in normalizing life in foster care?
- What are the inherent risks, hazards, or harms related to the activity?
- Is there anything based upon the child's history to suggest that this activity would not be appropriate?

When applying the reasonable and prudent parent standard, if a caregiver has any questions or concerns, he or she should consult with the foster youth's social worker or probation officer. Finally, it is important to note that legal restrictions, such as court orders in a case or rights guaranteed for foster children in statute or regulation, cannot be circumvented, even if doing so would seem to be allowable under the standard.

TRAINING

The federal legislation also requires caregivers to receive training related to the reasonable prudent parent standard. In order for caregivers to apply this standard, they must understand the unique needs of a child(ren) in their care to ensure that foster youth in all placements have the opportunity to participate in age or developmentally appropriate activities.

The SB 794 also added section 1522.44 to the Health and Safety Code, which describes the training requirements for foster parents and other licensed providers. Specifically, section 1522.44 states:

- (a) It is the policy of the state that caregivers of children in foster care possess knowledge and skills relating to the reasonable and prudent parent standard, as defined in subdivision (c) of section 362.05 of the W&IC.
- (b) Except for licensed foster family homes and certified family homes, each licensed community care facility that provides care and supervision to children and operates with staff shall designate at least one onsite staff member to apply the reasonable and prudent parent standard to decisions involving the participation of a child who is placed in the facility in age or developmentally appropriate activities in accordance with the requirements of section 362.05 of the W&IC, section 671(a)(10) of Title 42 of the United States Code, and the regulations adopted by the department pursuant to this chapter.
- (c) A licensed and certified foster parent or facility staff member, as described in subdivision (b), shall receive training related to the reasonable and prudent parent standard that is consistent with section 671(a)(24) of Title 42 of the United States Code. This training shall include knowledge and skills relating to the reasonable and prudent parent standard for the participation of the child in age or developmentally appropriate activities, including knowledge and skills relating to the developmental stages of the cognitive, emotional, physical, and behavioral capacities of a child, and knowledge and skills relating to applying the standard to decisions such as whether to allow the child to engage in extracurricular, enrichment, cultural, and social activities, including sports, field trips, and overnight activities lasting one or more days, and to decisions involving the signing of permission slips and arranging of transportation for the child to and from extracurricular, enrichment, and social activities.
- (d) This section does not apply to runaway and homeless youth shelters as defined in paragraph (14) of subdivision (a) of section 1502.

Licensed and certified caregivers are currently required to complete a specified number of hours prior to placement of a child. The Community Care Licensing Division is currently in the process of modifying current policies and procedures and developing regulations for both the selection of the designated employees in each child care facility and the application of the standard consistent with federal legislation. Regulations will include the reasonable prudent parent standard and its application as part of the mandatory training topics.

Existing training resources are designed to disseminate vital information about the reasonable and prudent parent standard to everyone affected. Information and resources on the standard can be found on the California Department of Social Services website: <http://www.fosterfamilyhelp.ca.gov/PG3001.htm>

Training resources are also available to those who serve a role in supporting the implementation of the standard – social workers, supervisors, and managers. The California Social Work Education Center, in conjunction with the Regional Training Academies, offers an online training on the reasonable and prudent parent standard: <http://calswec.berkeley.edu/training-resource-reasonable-prudent-parent-standard>

Trainings for resource families include training on the reasonable and prudent parent standard as a topic of required training per W&IC section 16519.5(g)(13)(M).

Additional information on the reasonable and prudent parent standard will be issued in a forthcoming ACL.

TEMPORARY CARE OF A CHILD

The SB 794 did not alter any existing laws or policies regarding unsupervised time at home or alternative care options. Temporary care of a foster youth is discussed in detail in *IR 2015-01/ACIN I-28-15 Quality Parenting Initiative: Promoting Normalcy and Ensuring Care and Supervision in Foster Care*, issued on June 10, 2015. That joint letter explains a caregiver's ability to use occasional babysitting services, alternative and respite care, and allowing a youth to be left home alone. It is the caregiver's responsibility to appropriately apply the reasonable and prudent parent standard when making arrangements for temporary care. Some of the most frequently asked questions as they relate to minor foster children are addressed in *ACIN I-17-13: Questions and Answers (Q&A) Regarding Reasonable and Prudent Parent Standards*, issued on May 17, 2013.

QUESTIONS

Any questions regarding this policy of this ACL should be directed to the Foster Caregiver Policy and Support Unit at (916) 651-7465 or via email at kinship.care@dss.ca.gov. Any questions related to applicable regulations should be directed to the Community Care Licensing Policy Unit at (916) 651-5380 or via email to Marisa.Sanchez@dss.ca.gov.

Sincerely,

Original Document Signed By:

GREGORY E. ROSE
Deputy Director
Children and Family Services Division