

Trumbull County Children Services Policy for Normalcy and the Reasonable and Prudent Parent Standard

Trumbull County Children Services is committed to protecting the children in the Agency's custody from adverse or traumatic experiences or further abuse/neglect. However, at the same time, the agency is committed to providing children with "normalcy," which is defined by the Juvenile Law Center as "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." The Reasonable and Prudent Parent Standard is defined as "the standard characterized by careful and sensible parental decisions that maintain a child's emotional and developmental growth, that a caregiver shall use when determining whether to allow a child in the care of the caregiver to participate in extracurricular, enrichment, and social activities" (ACYF-CB-IM-14-03, 2014; ORC 5103.162, 2014). Public Law 113-183, the Preventing Sex Trafficking and Strengthening Families Act, requires that states implement a Reasonable and Prudent Parent Standard to support normalcy for children in care. The provisions in this law are effective, as of September 29, 2015. Likewise, Ohio has passed a similar law with House Bill 213.

The Federal and State laws provide factors to consider when applying this standard as listed below:

- Child's age, maturity and developmental level
Example: Even though the child is 14, will the PG-13 movie have content that the child isn't able to handle without behavioral issues or strong emotional responses?
- Potential risk factors
Example: What is the risk difference in allowing a child to ride with a friend to school vs. allowing him to ride with a friend to a late night concert?
- Best interest of the child
Example: Was the sleep away camp selected because it fits the child's interest and is what she wants to do, or is it to give the caregivers a "break"?
- Emotional and developmental growth
Example: Will being on the soccer team help build the child's self-esteem and develop the social skills she needs?
- Family-like living experience
Example: Is this something the caregiver would let her birth or adopted children do?
- Child's behavioral history
Example: Given this child's history of underage drinking, is allowing him to stay at a friend's home a prudent decision?

In addition, the Ohio Revised Code, Section 2151.315, addresses normalcy and the Reasonable and Prudent Parent Standard by citing that children in out of home care are entitled to participate in age-appropriate extracurricular, enrichment, and social activities and defines "age-appropriate" as activities that are generally accepted as suitable for children of the same chronological age or level of maturity. Lastly, ORC 5103.162 cites that caregivers are immune from liability if they used a reasonable and prudent parent standard to authorize participation in an activity.

In an effort to define Trumbull County Children Services policy and provide guidance to foster parents and workers, the following scenarios are being highlighted as common occurrences for foster children. However, on a case by case basis, Trumbull County Children Services reserves the right to include or expand activities or events as part of the normalcy plan for the minor child in question. For purposes of this policy, "team" is defined as the foster parents, the child's caseworker, the caseworker's supervisor, and the director of out of home services. In addition, where specified, "team" will also include the agency's Executive Director. Out of respect and sensitivity for the rights of birth parents, the agency will be discussing the Prudent Parent Standard with birth parents during visitation orientation following a child being placed into substitute care. The birth parents will be informed of the guidelines noted below and objections, if any, will be documented. However, as noted in Ohio's "Normalcy and the Reasonable and Prudent Parent Standard, with the exceptions of visitation and cultural or religious practices, OAC rules do not directly address parental rights regarding age appropriate social, scholastic and enrichment activities for children in foster care; other than to note that normalcy activities cannot override case plans or other court-ordered requirements." If a birth parent objects to one of the guidelines noted below or other normalcy decisions, the objection will be discussed with the team and Executive Director, who will render the final decision.

Foster Children Spending the Night at a Friend's Home

A foster child, age 9 or under, cannot spend the night at a friend's home. Using the Prudent Parent Standard, a foster child, age 10 or over, can spend the night at a friend's home only after the adults in that home sign a release of information for a background check and the child's team and the Executive Director gives approval.

A Friend Spending the Night at the Foster Home

The foster parent is to exercise the prudent parent standard in allowing a friend to spend the night in the foster home.

Foster Children Dating or Attending Homecoming/Prom

The foster parent is to exercise the Prudent Parent Standard when allowing a foster child to date or attend school dances. Chaperoned school dances are considered to be supervised. However, a foster child being unsupervised for any period of time, whether for dating purposes or other activity, MUST be pre-approved by the agency's Executive Director.

Foster Children Dating a Same Sex Peer

The same standards as noted above apply to dating a same sex peer.

Foster Children Riding in a Car with an Under 18 Youth who has a Driver's License

Foster children are not allowed to ride in a car with a driver who is under the age of 18. The foster parent is to exercise the Prudent Parent Standard when allowing a foster child to ride in a car with an individual who is age 18 or older and must document that the individual has shown proof of a valid driver's license and car insurance. The vehicle must be maintained in a safe condition according to state laws and seat belts must be worn at all times.

Foster Children Having a Cell Phone

Using the Prudent Parent Standard, foster children are permitted to have a cell phone if the team approves. The cost of the phone and any fees are to be covered by the child's board and care payment. Caregivers must have access to the phone's password and set expectations of use, parental limits and monitor activity.

Foster Children Having a Social Media Account(s)

Using the Prudent Parent Standard, foster children are permitted to have a social media account if the team *and the Executive Director* approves. In addition, the foster parent and the caseworker must have access to the account's password. The caregiver must set expectations of use, parental limits and monitor activity.

Foster Children Using Playscapes, Rope Courses, Trampolines, etc.

The foster parent is to exercise the Prudent Parent Standard when allowing a foster child to play/participate in these activities.

Foster Children Riding Motorized Vehicles on Private Property (i.e. Dirt Bikes, Quads, etc.)

Using the Prudent Parent Standard, foster children are permitted to ride motorized vehicles on private property if the team *and the Executive Director* approves. Helmets and other required safety gear must be used.

Foster Children Taking Driver's Education Classes and Obtaining a Driver's License

Foster children are not permitted to obtain a drivers permit or license.

Foster Children Participating in Extracurricular Activities

Caregivers are to encourage foster children to participate in school, community, recreational and cultural heritage activities, as appropriate to the age and developmental level of the children. Caregivers are expected to provide necessary transportation.

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