

To: DCF Area Administrators
Child Placing Agency Directors
Child Welfare Agency Directors
County Departments of Community Programs Directors
County Departments of Developmental Disabilities Services Directors
County Departments of Human Services Directors
County Departments of Social Services Directors
Group Home Providers
Tribal Social Service/Indian Child Welfare Directors
Private Child Placing Agencies
Residential Care Center Providers
Shelter Care Providers
Tribal Chairpersons

From: Fredi-Ellen Bove 
Administrator

Re: 2015 WI Act 128: Reasonable and Prudent Parent Standard

PURPOSE

As explained in DSP Informational Memo 2016-07 issued on March 9, 2016, the legislature passed a number of child welfare-related bills in the 2015-16 legislative session. A number of these bills were initiated by the Department to comply with recent federal legislation.

The federal Preventing Sex Trafficking and Strengthening Families Act of 2014 amended the Title IV-E foster care program to include a requirement for a “Reasonable and Prudent Parent Standard” for out-of-home care providers. This memo sets forth policy requirements for the Reasonable and Prudent Parent Standard as described in the Preventing Sex Trafficking and Strengthening Families Act and 2015 WI Act 128.

As explained in DSP Information Memo 2016-07, the Department will also be issuing additional memos regarding the requirements in the other state bills passed in the 2015-16 legislative session.

BACKGROUND

On September 19, 2014, the President of the United States signed the Preventing Sex Trafficking and Strengthening Families Act (H.R. 4980). The bill has implications for the public child welfare system and includes a number of provisions to minimize risks, increase opportunities, and improve permanency for foster youth. H.R. 4980 includes provisions to strengthen child welfare efforts to prevent sex trafficking and improve opportunities for foster youth to secure permanency. It also reauthorizes and improves Adoption Incentives, extends the Family Connection Grants, and includes provisions aimed at improving child support enforcement.

On February 4, 2016, the Governor signed 2015 Wisconsin Act 128: Reasonable and Prudent Parent Standard, Other Planned Permanent Living Arrangements, and independent living services for youth age 14 and older to conform with the new federal requirements in H.R. 4980.

POLICY AND PROCEDURE REQUIREMENTS

Child welfare agencies are required to promote normalcy for children placed in out-of-home care through the Reasonable and Prudent Parent Standard for out-of-home care providers. The Reasonable and Prudent Parent Standard allows out-of-home care providers to make decisions to permit children in their care to participate in age or developmentally-appropriate activities based on the cognitive, emotional, physical, and behavioral capacities of the child. This standard promotes normalcy for children in out-of-home care by allowing them to pursue their interests, engage in the same activities as their peers, build skills for their future, and promote a trusting, caring relationship with the out-of-home care provider(s), while still keeping the health, safety, and best interests of the child as the priority. The Reasonable and Prudent Parent Standard is to be applied to decisions by out-of-home care providers related to transportation, recreation, extra-curricular activities, employment, peer relationships, and personal expression.

Use of this standard cannot override existing court orders/rulings and decisions related to visitation, therapy, other related schedules, or existing laws applicable to other areas, such as medical and educational statute.

Applicability

The Reasonable and Prudent Parent Standard to promote normalcy applies to out-of-home care providers, with whom a child is placed in their care, including:

- Foster homes
- Unlicensed non-relatives
- Unlicensed relatives
- Court-ordered Kinship Care
- Guardians with whom a child is placed in their home
- The operator of a shelter care facility, group home, and residential care center
 - A designee of a shelter care facility, group home, and residential care center

Respite care providers and voluntary kinship providers are not subject to the Reasonable and Prudent Parent Standard.

Requirements

At the time of placement, agencies with placement and care responsibility are required to explain the parameters of the Reasonable and Prudent Parent Standard to the out-of-home care provider and provide the out-of-home care provider with information about the child in order to make reasonable and prudent parenting decisions. When possible and appropriate, agencies shall consult with the child's parent/guardian and the child in an age-appropriate manner to gather this information. This information shall be documented on Form DCF-F-5089, Considerations for Reasonable and Prudent Parenting. This form shall be provided to the out-of-home care providers by agencies with placement and care responsibility at the time of placement.

Agencies with placement and care responsibility must explain to the child's parent/guardian that the parent/guardian's values, including cultural, religious, and tribal values, will be considered; however, they are not the determining factor in making decisions concerning the child's participation in activities that promote normalcy.

Specific statutory provisions in 2015 WI Act 128 address the liability of out-of-home care providers when making reasonable and prudent parenting decisions.

ADMINISTRATIVE RULES AND POLICY UPDATES

The Department will promulgate Emergency and Permanent Administrative Rules to set forth requirements on the use of the Reasonable and Prudent Parent Standard (RPPS) for Chapters:

- DCF 52 Residential Care Centers for Children and Youth
- DCF 56 Foster Home Care for Children
- DCF 57 Group Homes
- DCF 59 Shelter Care Facilities

Emergency rules will be published in the fall of 2016. Until the emergency rules are published, some provisions of Chapter DCF 56 Administrative Code Foster Home Care for Children are superseded by state statute. These changes can be referenced in **Statutory Changes that Supersede Administrative Rule Requirements**. The provisions of Ch. DCF 56 Administrative Code that are superseded by statute are no longer effective once the foster parent has been trained in the use of the Reasonable and Prudent Parent Standard.

The Ongoing Services Standards have also been modified to address changes related to the Reasonable and Prudent Parent Standard. An updated version of the full Ongoing Services Standards is attached. To make it easier to identify these changes, another version of the Ongoing Services Standards containing only the sections of the Standards where Reasonable and Prudent Parent Standard changes can be found is attached to this memo. Both attached versions of Ongoing Services Standards now include the Reasonable and Prudent Parent Standard to Promote Normalcy policy.

eWiSACWIS DOCUMENTATION

Changes to eWiSACWIS documentation related to the Reasonable and Prudent Parent Standard occurred in the November 2015 release. Two new questions were added on the permanency plan pertaining to the Reasonable and Prudent Parent Standard:

- Whether the agency provided information to the out-of-home care provider for consideration in making reasonable and prudent parenting decisions specific to the child.
- Efforts made by the agency to ensure that the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities determined in accordance with the reasonable and prudent parent standard in the out-of-home care placement, which includes consulting with the child in an age appropriate manner.

TRAINING REQUIREMENTS

All out-of-home care providers must be trained on the Reasonable and Prudent Parent Standard before they are able to apply the standard. Out-of-home care providers are required to be trained by September 30, 2016:

- Shelter Care Facilities, Group Homes, and Residential Care Centers are responsible for ensuring that designees are trained.
- Foster Care licensing agencies are responsible for ensuring that licensed foster homes are trained.
- Agencies with placement and care responsibility are responsible for ensuring that unlicensed out-of-home care providers are trained.

Caseworkers and supervisors who work with out-of-home care providers are required to be trained on the Reasonable and Prudent Parent Standard by June 30, 2016.

TRAINING OPPORTUNITIES

The Division will provide opportunities for in-person and online trainings. Please see the **Reasonable and Prudent Parent Standard Training Opportunities** attachment for details on training dates. This document also provides information and suggestions on how to train out-of-home care providers.

The Division has recorded a training for agency case managers, foster care coordinators, supervisors, and anyone working at an agency who will need to be trained on the Reasonable and Prudent Parent Standard. This online training can be accessed at: <https://connect.wisconsin.gov/p5els8lh9za/>

Please note that separate trainings for out-of-home care providers will be held. Please see attached for details on these training dates.

The following resources are also attached to this memo:

- Promoting Normalcy: Reasonable and Prudent Parent Standard Frequently Asked Questions
- A Reasonable and Prudent Parent Standard brochure, DCF-P-5105
- Promoting Normalcy: Applying the Reasonable and Prudent Parent Standard

ACTION SUMMARY

All county agencies and the DMCPS are required to comply with all of the requirements set forth in this memo and the attached policies.

- Agencies are required to implement the requirement of the Reasonable and Prudent Parent Standard and ensure that out-of-home care providers are trained no later than September 30, 2016. Out-of-home care providers are required to be trained prior to using the Reasonable and Prudent Parent Standard. Out-of-home care providers trained prior to September 30, 2016 shall begin using the Standard to promote normalcy immediately.
- Caseworkers and supervisors who work with out-of-home care providers are required to be trained on the Reasonable and Prudent Parent Standard by June 30, 2016.

The provisions of Administrative Rule that are superseded by statute are no longer effective as of September 30, 2016.

REGIONAL OFFICE CONTACT: DCF Area Administrator

CENTRAL OFFICE CONTACT:

Foster Care Program Planner
Bureau of Permanency and
Out-of-Home Care
(608) 422-6929

Permanency Program Planner
Bureau of Permanency and Out-of-Home Care
(608) 422-6943

MEMO WEB SITE:

Attachments

Ongoing Services Standards – full policy - <http://dcf.wisconsin.gov/cwportal/policy>
Reasonable and Prudent Parent Standard to Promote Normalcy Policy
Reasonable and Prudent Parent Standard Frequently Asked Questions
Promoting Normalcy: Applying the Reasonable and Prudent Parent Standard

DCF-P-5105: Reasonable and Prudent Parent Standard Brochure
(<http://dcf.wisconsin.gov/publications>)

Requirements for the Reasonable and Prudent Parent Standard in Group Homes, Residential Care Centers, and Shelter Care Facilities

DCF-F-5089: Considerations for Reasonable and Prudent Parenting
(<http://dcf.wisconsin.gov/forms>)

Reasonable and Prudent Parent Standard (RPPS) Training Opportunities

Training registration in PDS and through the Coalition will be available after April 15th.

Reasonable and Prudent Parent Standard Training Opportunities for Workers

The following are in-person training opportunities for agencies. This training is for case managers, foster care coordinators, supervisors, or anyone working at an agency who will need to be trained on the Reasonable and Prudent Parent Standard. These trainings will provide an overview of the Reasonable and Prudent Parent Standard, how to work with out-of-home care providers in applying this Standard, and more. **These trainings will not have the capacity to have all workers from every agency attend an in-person session.** The link to the webinar of this training will be available. This webinar is the same training that will be offered in person. Agencies may choose to have staff watch the webinar to be trained, or may decide to show the webinar to a large group and have an agency discussion following the presentation of the webinar. It may be helpful for agencies to send a supervisor to an in person session to ask any outstanding questions in preparation of or from showing the webinar at the agency.

Name	Content	Format	Location	Date	Time	Sign-up/Access	Notes
RPPS For Agencies	Overview of the RPPS, how to work with OHC Providers in applying the RPPS, etc.	In Person	DMCPS Large Meeting Room 635 N. 26th Street Milwaukee, WI 53233	4/29/2015	9:30am-11:30 am	Register in PDS Online Capacity: 75	This is the same training as the recorded training available online
		In Person	DMCPS Large Meeting Room 635 N. 26th Street Milwaukee, WI 53233	4/29/2015	1:30 pm-3:30 pm	Register in PDS Online Capacity: 76	This is the same training as the recorded training available online
		In Person	DCF - Central Office Room D203 201 E. Washington Ave. Madison, WI 53703	5/6/2016	9:30am-11:30 am	Register in PDS Online Capacity: 40	This is the same training as the recorded training available online
		In Person	DCF - Central Office Room D203 201 E. Washington Ave. Madison, WI 53704	5/6/2016	1:30 pm-3:30 pm	Register in PDS Online Capacity: 40	This is the same training as the recorded training available online
		In Person	Western Regional Office 610 Gibson Street Eau Claire, WI 54701	5/31/2016	9:30am-11:30 am	Register in PDS Online Capacity: 40	This is the same training as the recorded training available online
		In Person	Western Regional Office 610 Gibson Street Eau Claire, WI 54702	5/31/2016	1:30 pm-3:30 pm	Register in PDS Online Capacity: 40	This is the same training as the recorded training available online
		In Person	Fox Valley Tech. Room HS 114A 1825 N Bluemound Dr Appleton, WI 54912	6/2/2016	9:30am-11:30 am	Register in PDS Online Capacity: 40	This is the same training as the recorded training available online
		In Person	Fox Valley Tech. Room HS 114A 1825 N Bluemound Dr Appleton, WI 54913	6/2/2016	1:30 pm-3:30 pm	Register in PDS Online Capacity: 40	This is the same training as the recorded training available online
		In Person	Portage County Health and Human Services 817 Whiting Ave Stevens Point, WI 54481	6/14/2016	9:30am-11:30 am	Register in PDS Online Capacity: 40	This is the same training as the recorded training available online. Bring something to write-on (no tables in room set-up).

In Person	Portage County Health and Human Services 817 Whiting Ave Stevens Point, WI 54482	6/14/2016	1:30 pm-3:30 pm	Register in PDS Online Capacity: 40	This is the same training as the recorded training available online. Bring something to write-on (no tables in room set-up).
In Person	Southeastern Regional Office 141NW Barstow Waukesha, WI 53188	6/20/2016	9:30am-11:30 am	Register in PDS Online Capacity: 45	This is the same training as the recorded training available online
In Person	Southeastern Regional Office 141NW Barstow Waukesha, WI 53189	6/20/2016	1:30 pm-3:30 pm	Register in PDS Online Capacity: 45	This is the same training as the recorded training available online
Online Recording	Online	Ongoing	Ongoing	Link to be provided	This is the same training as the in-person agency training

Reasonable and Prudent Parent Standard Training Opportunities for Foster Parents and Unlicensed Out-of-Home Care Providers

The following are training opportunities for foster parents and unlicensed out-of-home care providers. These trainings will provide an overview of the Reasonable and Prudent Parent Standard, how to apply the Standard, and more. **These trainings will not have the capacity to have all out-of-home care providers attend an in-person session.** The link to the webinar recording of this training will be available shortly after the original training date. Agencies are encouraged to use this webinar for training purposes. Agencies may choose to show the webinar to a large group and have an agency discussion following the presentation of the webinar. Using the webinar to conduct agency trainings would allow agencies to have specific discussions about how this Standard will affect practice, and provide an opportunity to have rich discussions with the group. Agencies may allow out-of-home care providers to watch this training individually, but must discuss the training with the out-of-home care provider to ensure they understand the materials and are properly trained. A licenser guide will accompany this training to assist agencies in leading discussions on the Reasonable and Prudent Parent Standard.

Training	Content	Format	Location	Date	Time	Sign-up/Access	Notes
RPPS for Foster Parents and Unlicensed OHC Providers	Overview of RPPS, how to apply the RPPS, etc.	In Person/Online Webinar	Coalition/Online	5/12/2016	9:30am-11:30 am	Coalition for Children, Youth, and Families 6682 W Greenfield Ave #310, Milwaukee, WI 53214	
		In Person/Online Webinar	Coalition/Online	5/12/2016	1:30 pm-3:30 pm	Coalition for Children, Youth, and Families 6682 W Greenfield Ave #310, Milwaukee, WI 53215	
		Webinar Recording	Online	Ongoing	Ongoing	Link to be sent out	This webinar will be available until other, long-term training options are developed. A licenser guide will be developed for this webinar recording for discussion guidance.

Reasonable and Prudent Parent Standard Training Opportunities for Group Homes, Residential Care Centers, and Shelter Care Facilities

The following are training opportunities for Group Homes, Residential Care Centers, and Shelter Care Facilities. Staff designees who need to be trained from those agencies may attend in person, as space allows. The training that is done at the Coalition will be recorded and available online so that facilities staff designees may watch at a different date, or if agencies choose to show the webinar for staff at their agencies.

Training	Content	Format	Location	Date	Time	Sign-up/Access	Notes
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RPPS for Group Homes, RCC	Overview of RPPS, how to apply the RPPS	In Person/Online Webinar	Coalition/Online	6/17/2016	9:30am-11:30 am	Coalition for Children, Youth, and Families 6682 W Greenfield Ave #310, Milwaukee, WI 53214	
		In Person/Online Webinar	Coalition/Online	6/17/2016	1:30 pm-3:30 pm	Coalition for Children, Youth, and Families 6682 W Greenfield Ave #310, Milwaukee, WI 53215	
		In Person	Portage County Health and Human Services 817 Whiting Ave Stevens Point, WI 54481	6/15/2016	9:30am-11:30 am	Eventbrite https://www.eventbrite.com/e/rpps-training-group-homes-rccs-shelter-care-facilities-tickets-24432162255 Capacity: 40	
		In Person	Portage County Health and Human Services 817 Whiting Ave Stevens Point, WI 54482	6/15/2016	1:30 pm-3:30 pm	Eventbrite https://www.eventbrite.com/e/rpps-training-group-homes-rccs-shelter-care-facilities-tickets-24432744998 Capacity: 40	
		Webinar Recording	Online	Ongoing	Ongoing	Link to be sent out once recorded	This webinar will be available indefinitely

Statutory Changes that Supersede Administrative Rule Requirements

2016 Wisconsin Act 128 allows the Department to promulgate Emergency Administrative Rules to set forth requirements on the use of the Reasonable and Prudent Parent Standard (RPPS). These rules are anticipated to be issued in the fall of 2016. Until these Emergency Administrative Rules are issued, some provisions of Chapter DCF 56 Administrative Code are superseded by statute. The following provisions will no longer be applicable as of September 30th, 2016.

Additional changes related to promoting normalcy and the use of the Reasonable and Prudent Parent Standard will be made to Chapters DCF 52, 56, 57, and 59 Administrative Codes and issued through the issuance of Emergency Administrative Rules.

Chapter DCF 56 Foster Home Care for Children:

Current Code:	2016 Wisconsin Act 128 Statutory changes:
<p>56.08(4)(a) Any licensee or other person acting on behalf of the licensee who transports foster children for any purpose shall possess a valid driver's license. The licensing agency may establish additional requirements in this area by written policy.</p>	<p>The second sentence will be removed.</p> <p>The RPPS prohibits agencies from implementing policies that limit the out-of-home care provider's ability to make a reasonable and prudent parenting decision regarding the child's transportation.</p>
<p>56.08(5)(c) A foster child may be permitted to use firearms or bows for hunting or target practice only if all of the following conditions are met:</p> <ol style="list-style-type: none"> 1. The child is at least 12 years of age. 2. The child's parent or guardian has given written consent and the child's foster parent and the supervising agency approve. 3. The child has successfully completed an approved hunter education and firearm safety program under s. 29.304, Stats. 4. The child is under the supervision of a responsible adult at all times." 	<p>56.08(5)(c)2. Will be removed.</p> <p>The RPPS prohibits the requirement that out-of-home care providers must receive consent from the child's parent or guardian.</p>
<p>56.08(6)(b) A foster child 14 years of age or older may operate hazardous machinery or equipment only if a written agreement has been signed by the child, the child's parent or guardian, the foster parent and the supervising agency, with a copy provided to all parties to the agreement.</p>	<p>56.08(6)(b) will be removed.</p> <p>The RPPS prohibits the requirement that out-of-home care providers must receive consent from the child's parent or guardian.</p>
<p>56.09(2)(g) A foster parent shall secure approval of the supervising agency before making plans for the care of a foster child by any other person in or away from the foster home for any period in excess of 48 hours. Pursuant to specified information in the placement agreement for a foster child, the supervising agency may require a foster parent to secure agency authorization for periods less than 48 hours.</p>	<p>The second sentence will be removed.</p> <p>The RPPS prohibits agencies from implementing policies that limit the out-of-home care provider's ability to make a reasonable and prudent parenting decision regarding the child's temporary care for a period of time less than 48 hours.</p>

Reasonable and Prudent Parent Standard to Promote Normalcy

Children and youth in out-of-home care have the right to have a normal childhood and adolescence. It is the responsibility of those involved in their lives to create as much normalcy as possible. Normalcy is the ability to easily engage in healthy and developmentally appropriate activities that promote well-being such as social, scholastic, and enrichment activities. Laws, policies, guidelines, and rules should not act as barriers and restrict normal and appropriate activities of children or youth in out-of-home care, or require difficult and lengthy approval processes. Age and developmentally appropriate activities, such as birthday parties, having a part-time job, or recreational activities, which should be considered normal for any child, should be decisions that an out-of-home care provider can make for a child in their care. The agency with placement and care responsibility shall ensure that out-of-home care providers are using the Reasonable and Prudent Parent Standard in order to work through decision making barriers to promote normalcy for the child.

A child or juvenile is considered to be in “out-of-home care” if the agency has placement and care responsibility for the child or juvenile whether placed under a voluntary placement agreement (under §. 48.63 or 938.63) or through a court order. This includes a child or juvenile who is placed by the agency with relatives or in court-ordered Kinship Care placements, whether or not payments are being made but the agency maintains placement and care responsibility. It does not include a child or juvenile who is living with relatives (or caregivers other than parents) but who is not under the placement and care responsibility of the agency. The placement types would include:

- Unlicensed relatives and non-relatives,
- Foster Homes,
- Court-ordered Kinship Care,
- Group Homes,
- Residential Care Centers,
- Shelter care.

This does not include care provided in a secured correctional facility as defined under § 938.02(15m), Stats. It also does not include juveniles who are receiving an in-home service of a 72-hour hold or a sanction at a shelter care facility.

Applicability

This Standard applies to out-of-home care providers with whom a child is placed in their care. For the purposes of the Reasonable and Prudent Parent Standard, out-of-home care provider includes:

- Foster parents,
- Unlicensed relatives,
- Unlicensed non-relatives,
- The operator or designee of a group home, residential care center for children and youth, and shelter care facility.

For group homes, residential care centers, and shelter care facilities, the licensee or authorized representative, or a staff member of that home, center, or facility shall have designated authority

to make reasonable and prudent parenting decisions concerning a child's participation in age or developmentally appropriate activities on site.

Foster care licensing agencies, the agency with placement and care responsibility, and group homes, residential care centers, and shelter care facilities must ensure that all applicable out-of-home care providers comply with this standard.

An agency is considered to have the placement and care responsibility of a youth when the youth is removed from his or her home by the Department or an agency or when a court enters an order placing a youth in out-of-home care, whichever occurs first (See DCFS Memo Series 2007-13 "Placement and Care Responsibility Language in Court Orders").

Purpose

The purpose of this policy is to:

- Define the Reasonable and Prudent Parent Standard.
- Establish requirements and parameters for out-of-home care providers to use the Reasonable and Prudent Parent Standard.
- Establish requirements for caseworkers to ensure out-of-home care providers use the Reasonable and Prudent Parent Standard for children under their "Placement and Care Responsibility".

Establish requirements for documenting the use of the Reasonable and Prudent Parent Standard in eWiSACWIS.

The intent of the Reasonable and Prudent Parent Standard is to establish normalcy for children in out-of-home care while still keeping the health, safety, and best interests of the child as the priority. This standard allows children to:

- Pursue their interests,
- Participate in activities like their peers,
- Build skills for their future and transition to successful adulthood.

All children and youth test boundaries and break rules. Caregiver oversight and guidance while allowing children and youth to participate in age and developmentally appropriate activities will allow them to learn natural consequences and how to make positive choices. Many children and youth in out-of-home care have experienced some form of trauma, and need additional support with emotional development, well-being, and understanding social cues. Some children and youth may need more support and guidance to engage in activities similar to their peers.

Reasonable and Prudent Parent Standard Defined

The Reasonable and Prudent Parent Standard is a standard for an out-of-home care provider making decisions concerning a child's participation in age or developmentally appropriate extra-curricular, enrichment, cultural, and social activities that is characterized by careful and sensible parental decisions that maintain the health, safety, cultural, religious or tribal considerations, and the best interests of the child while at the same time encouraging the emotional and developmental growth of the child.

Age or developmentally appropriate activities; means activities that are generally accepted as suitable for children of a given chronological age or level of maturity or that are determined to be developmentally appropriate for a child based on the cognitive, emotional, physical, and behavioral capacities that are typical for children of a given age or age group, or in the case of a specific child, activities that are suitable for the child based on the cognitive, emotional, physical, and behavioral capacities of that child.

The application of the Reasonable and Prudent Parent Standard may include:

- Granting permission to participate in sports, field trips, overnight and other recreational activities.
- Signing of permission slips and the arrangement of transportation to and from these activities.
- Making decisions regarding a child's choices with respect to transportation, employment, peer relationships, and personal expression.

Reasonable and prudent parenting decisions may not violate existing court orders or rulings, or other services that are a part of the child's permanency plan, including, but not limited to:

- Court-ordered family interaction,
- Medical approvals/other medical laws
- Medication authorizations or approvals
- Confidentiality laws
- Educational-related decisions based on statute.

If an activity that promotes normalcy coincides with a scheduled family interaction, therapy, or related schedule, the out-of-home care provider shall consult with the child's caseworker about the activity and whether the activity can be accommodated.

In order to ensure the health, safety, and best interests of the child, out-of-home care providers may only make reasonable and prudent parenting decisions and provide permissions if they and the child have the necessary training and safety equipment to safely engage in that activity.

Reasonable and Prudent Parent Standard Requirements and Parameters

All out-of-home care providers are required to encourage activities which promote normalcy by using the Reasonable and Prudent Parent Standard. Decisions to allow a child to participate in an age and developmentally appropriate activity must be based on the individual child and the specific situation, and/or activity

When making a decision using the Reasonable and Prudent Parent Standard, out-of-home care providers shall, at a minimum, consider the following:

- Child specific considerations:
 - The child's wishes
 - When appropriate, the out-of-home care provider shall discuss participation in age and developmentally appropriate activities with the child.
 - The age, maturity, and development of the child,

- Whether the activity is in the best interest of the child,
- The child’s behavioral history,
- Court orders and other legal considerations for the child,
- Cultural, religious, and tribal considerations of the child and the child’s family;
 - There may be situations in which the child and parent/legal guardian have different cultural, religions, or tribal beliefs. In these situations, it is ultimately up to the agency with placement and care responsibility to make decisions regarding the child’s care.
- Activity specific considerations:
 - Any potential risk factors of the situation;
 - How the activity will help the child grow;
 - Whether the activity will encourage a family-like living experience;
- Other considerations:
 - Other information obtained from the parent/guardian;
 - Out-of-home care providers are not required to call or consult with the parent/guardian for every individual decision for a child. Information regarding a parent/guardian’s wishes, input, and values should be gathered through shared parenting and child/family team meetings.
 - The restrictiveness of the setting.
 - Group homes, residential care centers, and shelter care facilities shall consider staffing ratios and the agency’s ability to allow youth to participate in age and developmentally appropriate activities with the number of staff at the agency at any given time.
 - Additional safety concerns for the child, other residents in the home or facility, and community safety shall be taken into consideration.

Allowing the child to be involved in the decisions about their participation in normalcy activities allows the child to develop life skills and empowers children to be involved in their own planning. Children may have a different opinion about whether an activity is appropriate or in their best interest. Out-of-home care providers maintain the ability to say “no” to an activity a child would like to participate in, as long as it is a reasonable and prudent parenting decision.

Tribal considerations cannot be made if the out-of-home care provider does not have access to information about the values and beliefs of the child’s tribe. This information and how it impacts an out-of-home care provider’s decision making is often best understood by consulting directly with a child’s tribe. Agencies with placement and care responsibility should consider this when discussing tribal considerations with an out-of-home care provider, and incorporate normalcy into discussions when collaborating with tribes.

Training Requirements

In order to apply the Reasonable and Prudent Parent Standard, out-of-home care providers must be trained in the knowledge and skills related to the application of the Reasonable and Prudent Parent Standard, which includes:

- Knowledge and skills relating to the stages in the development of cognitive, emotional, physical, and behavioral capacities of children.

- Knowledge and skills relating to a child’s age and developmentally appropriate participation in extracurricular, enrichment, cultural, or social activities such as:
 - Sports, field trips, overnight and other recreational activities.
 - Signing of permission slips and the arrangement of transportation to and from these activities.
 - A child’s choices with respect to transportation, employment, peer relationships, and personal expression.

Out-of-home care providers shall receive this training prior to using the Reasonable and Prudent Parent Standard to make decisions to promote normalcy for the child. Licensed out-of-home care providers shall be trained in the Reasonable and Prudent Parent Standard prior to taking placements. Unlicensed providers shall be trained as soon as possible after taking placement of a child.

Agency responsibility for training:

- Foster care licensing agencies are responsible for ensuring that licensed foster homes are trained.
- Agencies with placement and care responsibility are responsible for ensuring that unlicensed providers are trained.
- Shelter Care Facilities, Group Homes, and Residential Care Centers are responsible for ensuring that the licensees, authorized representatives, and/or designees are trained.

Agencies with placement and care responsibility should develop a processes and policies to set requirements regarding training unlicensed out-of-home care providers. This process should set timeframes for training these providers and who is responsible for ensuring that providers are trained timely.

Confidentiality

Agencies and out-of-home care providers must continue to abide by existing confidentiality standards when implementing this policy (Ref. §. 48.78, 938.78, 48.981(7), Stats.). Agency staff shall ensure that an out-of-home care provider understands confidentiality requirements as they pertain to applying the Reasonable and Prudent Parent Standard.

Agencies may want to consult with their legal counsel when questions arise regarding confidentiality.

Agency Responsibilities

The agency with placement and care responsibility shall gather and prepare child specific information to provide to the out-of-home care provider at the time of placement. When preparing child specific information to provide to the out-of-home care provider, the agency with placement and care responsibility, if reasonable and appropriate, shall:

- Consult with the child’s biological parents/guardian regarding considerations related to the child’s participation in age and developmentally appropriate activities. This should include the child and family’s religious, cultural, and tribal beliefs.
- Explain to the parent or guardian that their values will be considered in making

reasonable and prudent parenting decisions, but will not necessarily be the deciding factor in making decisions on the child's participation in age and developmentally appropriate activities.

- Consult with the child or youth at the time of placement to understand and take into account, when feasible and appropriate, their wishes when applying the Reasonable and Prudent Parent Standard.

The agency with placement and care responsibility shall document the child specific information that was gathered on form DCF-F-5089, Considerations for Reasonable and Prudent Parenting.

At the time of placement with an out-of-home care provider, the agency with placement and care responsibility must discuss the Reasonable and Prudent Parent Standard and child specific considerations, documented on form DCF-F-5089, Considerations for Reasonable and Prudent Parenting, with the out-of-home care provider. The agency must discuss:

- That the out-of-home care provider shall apply the Reasonable and Prudent Parent Standard in making decisions concerning a child's participation in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities.
- That the out-of-home care provider shall consider whether the child has the necessary training and safety equipment to safely participate in the activity under consideration.
- That the out-of-home care provider may not make any decision that is in violation of any court order or any state or federal law, rule, or regulation.
- That in the case of any disagreement over the application of the Reasonable and Prudent Parent Standard, the agency is ultimately responsible for decisions concerning the care of the child.
- Documentation on child specific information about the child that shall be considered when making reasonable and prudent parenting decisions to allow the child to engage in age and developmentally appropriate activities.

When discussing the Reasonable and Prudent Parent Standard with the out-of-home care provider, the agency with placement and care responsibility may use the Reasonable and Prudent Parent Standard Brochure, DCF-P-XXX, the Promoting Normalcy: Reasonable and Prudent Parent Standard Frequently Asked Questions handout, as well as the Promoting Normalcy: Applying the Reasonable and Prudent Parent Standard handout as discussion tools.

The agency with placement and care responsibility must continue to provide updated information regarding considerations for reasonable and prudent parenting decisions for the child throughout the child's placement through child and family team meetings.

In preparation or revision of the child's permanency plan, the agency must:

- Consult with the child's biological parents/guardian and the child, if appropriate, regarding considerations related to the child's participation in age and developmentally appropriate activities. This should include the child and family's religious, cultural, and tribal beliefs.
- Consult with the child or youth about their opportunities to participate in age or developmentally appropriate activities.
- Discuss the Reasonable and Prudent Parent Standard requirements with the out-of-home care provider

- Evaluate if the child has regular, ongoing opportunities to engage in age and developmentally appropriate extracurricular, cultural, and social activities.

If there is a disagreement over the application of the Reasonable and Prudent Parent Standard, the agency with placement and care responsibility is ultimately responsible for the decisions concerning the care of the child. Disagreements regarding the application of the Reasonable and Prudent Parent Standard to allow a child or youth to participate in age or developmentally appropriate activities shall not act as a barrier to normalcy. The agency with placement and care responsibility shall work with any other agencies involved, such as the licensing agency, to gather information about the situation. The agency shall take all relevant information about the situation, including the out-of-home care provider's decision making process, the out-of-home care provider's wishes, the birth parent/legal guardian's wishes, the child's wishes, cultural and tribal beliefs, and case details, into consideration to make a decision that is in the best interest of the child.

As a child grows and develops, activities that are age and developmentally appropriate for the child change. Thus, as a case progresses, reasonable and prudent parenting decisions for an individual child will need to be adjusted. Agencies should regularly communicate with out-of-home care providers about changes in the considerations that should be taken when applying the Reasonable and Prudent Parent Standard for an individual child.

Documentation

Caseworkers are required to document:

- Whether the agency provided information to the out-of-home care provider for consideration in making reasonable and prudent parenting decisions specific to the child.
- Efforts made by the agency to ensure that the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities determined in accordance with the reasonable and prudent parent standard in the out-of-home care placement, which includes consulting with the child in an age appropriate manner.

Promoting Normalcy: Reasonable and Prudent Parent Standard Frequently Asked Questions

Children and youth in out-of-home care have the right to a childhood or adolescence that is similar in experience to children and adolescents residing in their own home. It is the responsibility of those involved in their lives to create as much normalcy as possible. Historically, laws, policies, and lengthy approval processes have restricted or delayed age-appropriate activities for children in out-of-home care. The implementation of a Reasonable and Prudent Parent Standard (RPPS) now allows out-of-home care providers to approve activities such as birthday parties, holding part-time jobs, or spending time with peers, which are common experiences for many children.

On February 4th, 2016, the Governor of Wisconsin signed 2015 Wisconsin Act 128, which establishes the Reasonable and Prudent Parent Standard in Wisconsin. This document answers frequently asked questions regarding the use of the Reasonable and Prudent Parent Standard, including specific types of decisions out-of-home care providers can make under the Reasonable and Prudent Standard. The answers to the following frequently asked questions provide some additional guidance on types of considerations for certain decisions, but are not intended to be a comprehensive list of considerations that an out-of-home care provider should think through when making a reasonable and prudent parenting decision.

This document includes frequently ask questions related to:

- Definitions
- Applicability, Liability, Cost, and Training Requirements
- The Decision Making Process
- Types of Decisions

Definitions

Q1: What is “Normalcy”?

A1: “Normalcy” means the ability to easily engage in healthy and developmentally appropriate activities that promote well-being such as social, scholastic, and enrichment activities. Establishing normalcy for children and youth in out-of-home care allows them to pursue their interests, do what their peers are able to do, build skills for their future and living independently, and build trust that they have a family who cares about them. A Reasonable and Prudent Parent Standard promotes normalcy for children and youth in out-of-home care, while still keeping the health, safety, and best interests of the child or youth as the priority.

Q2: What is a Reasonable and Prudent Parent Standard?

A2: A Reasonable and Prudent Parent Standard is a standard of decision making characterized by careful and sensible parental decisions that maintain the health, safety, cultural, religious, or tribal considerations, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child. This standard allows out-of-home care providers to make reasonable and prudent parenting decisions which encourage normalcy for children and youth in their care to participate in extracurricular, enrichment, cultural, and social activities.

Every day, parents and caregivers are faced with decisions regarding their child’s care that require them to make judgments that weigh benefits and risks to the child and others around them. Equipped with the appropriate training and information about a child, a reasonable and prudent parent would carefully come to a sensible decision about the best interests of the child, and the appropriateness of allowing a

child to participate in age and developmentally appropriate activities. Establishing a Reasonable and Prudent Parent Standard allows out-of-home care providers make these decisions.

Q3: *How is “age and developmentally appropriate” defined?*

A3: “Age and developmentally appropriate” is defined statutorily as “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 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.”

Applicability and Training Requirements

Q4: *To whom does the Reasonable and Prudent Parenting Standard apply?*

A4: For the purposes of this Standard, an out-of-home care provider includes the following providers who have a child placed in out-of-home care in their care:

- Foster parents,
- Guardians,
- unlicensed relatives,
- court-ordered kinship care providers,
- non-relatives,
- group homes, residential care center for children and youths, and or shelter care facilities.

Q5: *Will out-of-home care providers be required to use the Reasonable and Prudent Parenting Standard?*

A5: Yes, all out-of-home care providers are required to promote normalcy through the use of the Reasonable and Prudent Parent Standard for all children placed in their care. It is crucial to normalize a child/youth’s experience and allow children to participate in age and developmentally appropriate activities.

This standard is to be applied with consideration of the restrictiveness of the placement setting. Shelter care facilities, group homes, and residential care centers for children and youth need to consider the restrictiveness of the placement setting when approving activities under the Reasonable and Prudent Parent Standard, such as the safety of the other residents and the community, the increased level of supervision a child requires, staffing levels, etc.

Q6: *Will out-of-home care providers be required to receive training on applying the Reasonable and Prudent Parent Standard?*

A6: Yes, out-of-home care providers will be required to receive training regarding the use of the Reasonable and Prudent Parent Standard *prior* to making decisions for the child. Agencies will also be required to receive training on the use of this Standard and will be required to provide child-specific information to inform the out-of-home care provider’s application of the standard with each out-of-home care placement.

Q7: *Will out-of-home care providers be liable for any injury or harm that occurs as a result of an activity approved using the Reasonable and Prudent Parent Standard?*

A7: Specific statutory provisions were included to address the liability of out-of-home care providers and can be found in s. 895.485 Wis. Stats. It should be noted that not all liability is covered under the use of the Reasonable and Prudent Parent Standard if that liability is specific to other state and federal

legislation. For example, Wisconsin law specifically states that an individual who endorses a child's driving permit takes on liability for that child's driving.

Q8: *How do out-of-home care providers pay for these activities?*

A8: In certain circumstances, normalcy activities may be included in the child's foster care rate. If out-of-home care providers are having difficulty with funding normalcy activities, they should contact the child's caseworker to discuss options. The rate setters for each agency will have more information about the allowable costs that can be included in the foster care rate.

The Decision Making Process

Q9: *What information does an out-of-home care provider need before making decisions using the Reasonable and Prudent Parent Standard?*

A9: Agencies with placement and care responsibility of the child are required to give the out-of-home care provider information on the child/youth's background, interests, needs and strengths that will enable the provider to make reasonable and prudent parenting decisions that ensure the safety and best interests of the child. The out-of-home care provider will make reasonable and prudent parenting decisions under this standard based on the information they have for that child, as well as their own observations and assessment of the child while in care. Out-of-home care providers are required to ensure that the child/youth has the safety equipment and any necessary permissions and training to safely engage in each activity before participating in an age and developmentally appropriate activity.

Q10: *Does the use of the Reasonable and Prudent Parent Standard allow out-of-home care providers to make any type of decision for the child?*

A10: No. The Reasonable and Prudent Parent Standard allows out-of-home care providers to make decisions regarding a child's participation in age or developmentally appropriate extracurricular activities, enrichment activities, cultural activities, social activities, recreational activities, transportation, employment, peer relationships, and personal expression.

Decisions made using the Reasonable and Prudent Parent Standard cannot violate existing court orders and/or rulings and decisions related to visitation, therapy, or other related schedules. They may also not undermine any existing laws applicable to other areas, such as medical or educational statute or administrative rules. This includes, but is not limited to:

- Court-ordered visitation
- Medical approvals/Other medical laws
- Medication authorizations or approvals
- Disciplinary policies
- Confidentiality policies
- Educational-related decisions (including, but not limited to Individualized Education Plans, Birth-to-Three decisions, school enrollment, etc.)

If a decision to allow a child to participate in an age and developmentally appropriate activity violates an existing court order and/or rulings and decisions related to visitation, therapy, or other related schedules, the activity should not automatically be dismissed. The out-of-home care provider should discuss the activity with the child's caseworker to see if the child may still participate in the activity. For example, a weekend soccer practice may overlap with a child's family interaction. The out-of-home care provider should discuss options with the child's caseworker, court, and/or team to see if the family interaction schedule could be moved to accommodate the practice.

Q11: What types of considerations do out-of-home care providers need to take in order to make decisions under the Reasonable and Prudent Parent Standard?

A11: All reasonable and prudent parenting decisions must be child and situation specific. For each decision, out-of-home care providers should, at a minimum, consider:

- The age, maturity, and development of the child;
- potential risk factors of the situation;
- the best interest of the child;
- any cultural, religious, or tribal values of the child and the child's family;
- the growth opportunities of the activity;
- whether the activity encourages a family-like living experience;
- the child's behavioral history;
- any court orders or legal considerations.

Q12: Will parents, guardians and family still be involved in decision making for the child or youth?

A12: When appropriate, feasible, and in the best interests of the child, out-of-home care providers and the agency with placement and care responsibility should talk with the biological or adoptive parents and/or their family to consider their concerns and opinions related to the child's participation in activities, with the understanding that those concerns may not necessarily determine the participation of the child in any activity. The parent/guardian may have valuable insight about the child that may help the out-of-home care provider make decisions, and will allow them to remain an active part of the child's life. Out-of-home care providers are not required to call or connect with parents and guardians prior to a decision being made, but should consider values and input learned from shared parenting and from child and family team meetings.

In circumstances of disagreement on the *application* of the standard by the out-of-home care provider, the agency with placement and care of the child is ultimately responsible for decisions regarding the care of the child. Out-of-home care providers should work both with the agency that placed the child and, if applicable, the foster care licensing agency, to resolve any disagreements about a reasonable and prudent parenting decision for the child.

Q13: Will the child be involved in decision making under the Reasonable and Prudent Parent Standard?

A: When able, out-of-home care providers and the placing agency should consult with the child or youth about their wishes in an age-appropriate manner. Involving children in decisions about their participation in activities provides learning opportunities for the child, promotes independent living skills, and empowers the child to be involved in their own planning. The out-of-home care provider and the child may have different ideas and opinions on what is normal or age-and-developmentally appropriate. The Reasonable and Prudent Parent Standard does not require that an out-of-home care provider says "yes" to everything a child wishes.

Q14: Do out-of-home care providers have to follow any religious, cultural, or tribal beliefs of the child or their family?

A14: Reasonable and prudent parenting decisions should maintain the cultural, religious, or tribal values of the child. When appropriate, feasible, and in the best interests of the child, out-of-home care providers and the agency with placement and care responsibility must consult with the child's parents and family to take into consideration religious, cultural, tribal beliefs which may impact the out-of-home care provider's decisions, and provide that information to out-of-home care providers. In many circumstances, it may not be possible to fully understand the values and beliefs of a child's tribe without consulting with the tribe. Agencies with placement and care responsibility should incorporate

discussions on normalcy and gather information about tribal values and beliefs when collaborating with tribes so that out-of-home care providers may use this information to make reasonable and prudent parenting decisions that maintain tribal values and beliefs.

In circumstances of disagreement on the *application* of the standard by the out-of-home care provider, the agency with placement and care responsibility for the child is ultimately responsible for decisions regarding the care of the child. Out-of-home care providers should work both with the agency that placed the child and with their licensing agency to resolve any disagreements about a reasonable and prudent parenting decision for the child.

Types of Decisions

Q15: Can an out-of-home care provider decide whether to take a child out of the state or country?

A15: An out-of-home care provider may make the decision to take a child out-of-state without prior authorization for a period of time less than 48 hours. If the out-of-home care provider wants to take a child out-of-state for more than 48 hours, they must get authorization from the agency with placement and care responsibility of the child. The out-of-home care provider must get authorization from the agency with placement and care responsibility when taking the child out-of-the country for any period of time. The out-of-home care provider should use the Reasonable and Prudent Parent Standard to make decisions about traveling with a child placed in their care, including when possible and appropriate, engaging in conversations about the travel with the child's parent or guardian. The out-of-home care provider should consider any court-ordered activities that travel may interfere with. Reasonable and prudent parenting decisions *cannot* violate any court ordered visitation, appointments, or treatment planning. If the travel interferes with any of these activities, the out-of-home care provider must secure authorization from the agency and may also need authorization from the court.

Q16: Can an out-of-home care provider allow a child to visit or sleep over at someone else's home? Are background checks necessary?

A16: Yes, most out-of-home care providers, those that are family settings, may allow a child to visit or sleep over at someone else's home. Congregate settings should include approval by agencies with placement and care responsibility before this is allowed for a specific child.

Peer interaction in informal settings is crucial to a child's development and to developing healthy peer relationships. Out-of-home care providers should use the Reasonable and Prudent Parent Standard to make decisions about a child visiting a friend and staying over at someone else's home. This includes considering the child's age, maturity, and developmental level, as well as the potential risk factors of the situation. The child's behavioral history, any triggers the child has that may endanger the safety of the child or others, and the child's maturity level should also be considered when making this decision.

Out-of-home care providers should consider the level of supervision that will be at these activities, whether they are familiar with the individuals attending the event or supervising the event, and ensure that they have contact information for the friend or the location the child is going. If the out-of-home care provider is arranging for care away from the home for longer than 48 hours, the out-of-home care provider must secure approval from the agency with placement and care responsibility.

Background checks/approval for a child to go to parties, visits with a friend, or staying overnight at a friend's house are not required. Agencies may not implement policies or procedures that would require the person responsible for supervising the child to submit information necessary for the completion of a formal background check. The agency may obtain the first and last name of the responsible party and

seek out information on that individual that is a matter of public record through methods such as checking CCAP and running a sex offender background check. Out-of-home care providers should consider what any parent would do, such as, have a conversation with the other parent, ensure they understand any necessary care needs of the child (medical or otherwise) and ensure that a proper level of supervision will occur, and provide emergency contact information in the event it is needed.

Q17: Can an out-of-home care provider hire a babysitter for a child? Are background checks necessary?

A17: Yes, most out-of-home care providers, those in family like settings, can arrange for occasional, short-term babysitters. Out-of-home care providers must note that an occasional short-term babysitter is different than respite. Out-of-home care providers should use the Reasonable and Prudent Parent Standard to decide if using a babysitter is appropriate, and to decide how to select an appropriate babysitter. Some examples of times an out-of-home care provider may arrange for a babysitter are: for when they have medical appointments, training classes, adult social gatherings, or grocery shopping. If the out-of-care provider needs to make plans for the care of a child in their care by any other person or for the child away from the home for any period longer than 48 hours or on a regular basis, the out-of-home care provider must secure approval from the supervising agency.

Background checks/approval for hiring an occasional, short-term babysitter are not required. Agencies may not implement policies or procedures that would require the person responsible for supervising the child to submit information necessary for the completion of a formal background check. The agency may obtain the first and last name of the responsible party and seek out information on that individual that is a matter of public record through methods such as checking CCAP and running a sex offender background check. Out-of-home care providers should consider what any parent would do, such as, have a conversation with babysitter, ensure they understand any necessary care needs of the child (medical or otherwise) and ensure that a proper level of supervision will occur, and provide emergency contact information in the event it is needed.

Out-of-home care providers should consider whether there are any court orders or safety plans in place that do not allow the child to interact with certain individuals. The out-of-home care provider should consider the needs of the child and how that will impact the information the babysitter needs in order to care for the child. The out-of-home care provider should provide the babysitter with information related to caring for the child including any emotional, behavioral, medical, or physical conditions, as well as emergency contact information for the out-of-home care provider. The out-of-home care provider must maintain confidentiality requirements and the information provided should be related to the babysitter's ability to care for the child.

Shelter care facilities, group homes, and residential care centers are staffed agencies that are prohibited from hiring occasional, short-term babysitters for children placed in their care.

Q18: Can an out-of-home care provider leave the child home alone for a temporary period of time?

A18: Administrative rules for foster homes do not allow foster parents to leave a child less than 10 years of age home alone. For a child 10 years of age or older, the out-of-home care provider should use the Reasonable and Prudent Parent Standard to make this decision. They should consider the child's maturity and developmental level, their ability to protect themselves and respond in an emergency, the length of time they would be alone, the child's behavioral history, whether the child is comfortable being home alone, and their history with responsible behavior.

Shelter care facilities, group homes, and residential care centers are staffed agencies that provide supervision 24 hours a day and seven days a week, and are prohibited from leaving a child alone in the facility.

Q19: Can an out-of-home care provider allow a child in out-of-home care to babysit?

A19: Yes, if the child resides in a foster home, or with a guardian, unlicensed relative/non-relative, or court-ordered kinship provider. The opportunity to babysit may be a great way for the child to gain independent living skills, demonstrate their responsibility, and earn money for other activities. The out-of-home care provider can use the Reasonable and Prudent Parent Standard to allow a child to babysit, but may not require it. The out-of-home care provider should consider the child's age, maturity, developmental level, behavioral history, history of responsible behavior, and any behavioral issues that may put the child they are caring for at risk. Out-of-home care providers should also consider the needs of the child that they would be babysitting for, and whether the child is comfortable with the responsibility of babysitting.

Q20: Can an out-of-home care provider allow a child to get a part-time job?

A20: Yes. Out-of-home care providers may sign work permits for a child court-ordered into their care, which is not new with the Reasonable and Prudent Parent Standard (reference Ch. DWD 270 Administrative Code). Part-time jobs are a key way to learning independent living skills that will help the child work towards a successful adulthood. Out-of-home care providers should use the Reasonable and Prudent Parent Standard to decide whether the child is ready for a part-time job and if it would be in their best interest when considering their other obligations. The age, maturity, and developmental level, as well as the child's behavioral history should be considered when deciding to allow a child to get a part-time job or choosing which type of part-time job is appropriate. Out-of-home care providers should talk with the child to guide them in choosing appropriate employment. The out-of-home care provider should also use this as a learning opportunity for the child as they decide what limits they will put on their employment, such as limiting hours to keep up with school work and other obligations.

Q21: Can an out-of-home care provider allow a child to have a cell phone?

A21: Yes. Access to cell phones and other technology allows children to keep in touch with their peers, provides access to communication if they are traveling or without supervision, and provides an opportunity to learn how to appropriately manage technology.

The out-of-home care provider should use the Reasonable and Prudent Parent Standard to make decisions about a child's access to and use of cell phones and other technology. The out-of-home care provider should consider specific knowledge about the child's age, maturity and developmental level. This also includes engaging in conversations with the parent or guardian of the child when appropriate.

Out-of-home care providers should consider whether there are any court orders or safety plans that do not allow the child to interact with certain individuals. Out-of-home care providers should carefully consider the child's behavioral history and their safety (such as whether they were a victim of sex trafficking, run away often, etc.), and if there is a need to limit access or monitor messaging.

Shelter care facilities, group homes, and residential care centers that permit the use of cell phones must have a policy in place that sets parameters around such use.

Q22: *Can an out-of-home care provider allow a child to access social media?*

A22: Yes. Access to social media is a normal activity for a child that allows them to connect with peers and an opportunity to learn internet safety. The out-of-home care provider should use the Reasonable and Prudent Parent Standard to make decisions about a child's access to and use of social media and other technology. The out-of-home care provider should consider specific knowledge about the child's age, maturity and developmental level. This also includes engaging in conversations with the parent or guardian of the child when appropriate.

Out-of-home care providers should consider whether there are any court orders or safety plans in place that do not allow the child to interact with certain individuals. Out-of-home care providers should carefully consider the child's behavioral history and their safety (such as whether they were a victim of sex trafficking, run away often, etc.), and if there is a need to limit access or monitor messaging. This may include the need to limit use to open and public spaces or getting access to the child's username and password for social media accounts. Out-of-home care providers should use access to social media to teach the child about safe internet practices.

Shelter care facilities, group homes, and residential care centers must have a policy in place that sets parameters around the use of social media.

Out-of-home care providers should be aware of agency specific policies regarding the out-of-home care provider's use of social media and confidentiality. The Reasonable and Prudent Parent Standard does not allow an out-of-home care provider to decide to post pictures or information about children placed in their care. The Reasonable and Prudent Parent Standard does not supersede confidentiality requirements of the out-of-home care provider.

Q23: *Can an out-of-home care provider allow a child to get his/her haircut?*

A23: Yes. Out-of-home care providers should use the Reasonable and Prudent Parent Standard to make decisions about haircuts and styling, including engaging with the child's parents and family. Hair styles may have great cultural significance for the child and the child's family, such as long hair for tribal children. Out-of-home care providers should be familiar with and understand the cultural norms of the child and their family before considering whether to have the child's hair cut or styled differently.

Older children may have preferences about how their hair is styled or the desire to drastically change their hairstyle. Out-of-home care providers should use the Reasonable and Prudent Parent Standard, including considering the child's wishes, age, maturity, and developmental level in order to make a decision to allow the child to cut or dye their hair.

Q24: *Can an out-of-home care provider allow a child to consent to piercings and tattoos?*

A24: No. Piercings and tattoos are permanent changes to a child's body, and consent can only be granted by a parent or guardian. State laws impose age restrictions on certain types of piercings and tattoos.

Q25: *Can an out-of-home care provider allow a child to get a driver's license?*

A25: Yes. Driving is a key independent living skill that will benefit the child in preparing for a successful adulthood. Children under the age of 18 are required to have a sponsor in order to be issued an instruction permit or license. The out-of-home care provider may act as a sponsor for the child if the parent or legal guardian is absent or refuses to be a sponsor, which is not new with the Reasonable and Prudent Parent Standard (reference Ch. Trans 102 Administrative Code). This sponsor accepts liability for any damages caused by negligent or willful misconduct while driving. The liability limitations of the Reasonable and Prudent Parent Standard do not apply to the acceptance of liability when sponsoring a child for their instruction permit or license. Children must meet all requirements for the issuance of a

license or permit by state statute and administrative code in order to obtain a permit or license while in out-of-home care. This includes obtaining adequate insurance coverage in order to operate a vehicle.

As with any Reasonable and Prudent Parent Standard, the individual child and their maturity and developmental level should be considered. The out-of-home care provider should also consider the child's behavioral history and level of responsibility. Assisting the child in obtaining his/her driver's license does not mean that the out-of-home care provider must allow the child to drive anywhere or anytime he/she wants. Should the child obtain their license, the out-of-home care provider should continue to use the Reasonable and Prudent Parent Standard to make decisions regarding the child's driving to and from different activities.

If an out-of-home care provider is unable or unwilling to be a sponsor for the child or to assist the child with insurance coverage and the parent or guardian is also unable or unwilling, the out-of-home care provider should still pursue assisting the child in preparing for obtaining a driver's license. This may include signing the child up for driver's education classes or for studying for tests so that when the child turns 18 they are prepared to obtain a driver's license.

Q26: *Can an out-of-home care provider allow a child to have his/her picture taken for the school yearbook, teams, and other extra-curricular activities or achievements?*

A26: Yes. Out-of-home care providers should encourage opportunities for children to be recognized for activities and achievements. When approving this, out-of-home care providers should ensure that there is no indication that the child is in out-of-home care and that any accompanying information does not breach any confidentiality requirements or restrictions.

Q27: *Can an out-of-home care provider allow a child to be transported by someone other than themselves (peers, public-transportation, etc.)?*

A27: Yes. Out-of-home care providers must use the Reasonable and Prudent Parent Standard to make decisions to allow a child to be transported by someone other than themselves, including peers. Out-of-home care providers should consider the child's age and maturity, their developmental level, their behavioral history and demonstration of responsibility, their familiarity with the person transporting the child, and the distance traveled.

Q28: *Can an out-of-home care provider allow a child to participate in extra-curricular activities such as sports, field trips, and other recreational activities?*

A28: Yes. Extra-curricular and recreational activities are normal experiences for children that provide many opportunities to develop and improve social skills, develop their interests, and gain skills. These activities should be encouraged, and the out-of-home care provider should discuss these opportunities with the child. Out-of-home care providers are allowed to enroll or sign a child up for these activities, as well as sign concussion and safety forms related to these activities.

Q29: *Can an out-of-home care provider allow a child to go hunting?*

A29: Yes. An out-of-home care provider may allow a child to go hunting if it a reasonable and prudent parenting decision. This includes ensuring that the child meets any legal requirements such as their age and the completion of approved hunter's education courses. The out-of-home care provider must ensure that they are under the supervision of a responsible adult and that they have all of the necessary safety equipment and gear, such as blaze orange clothing.

When possible and appropriate, out-of-home care providers should also engage in conversations with the child's parent or guardian about hunting. They also should consider the child's history and past

interaction with guns. Consideration should be given to possible triggers or traumatic reactions a child may have to weapons.

Q30: *Can a foster parent allow a child to operate hazardous machinery?*

A30: Yes. Foster parents may allow a child to operate hazardous machinery by using the Reasonable and Prudent Parent Standard within certain restrictions. Ch. DCF 56 Administrative code defines hazardous machinery as:

“Any machine or other equipment generally known to be dangerous to untrained or unskilled operators or to operators who for any other reason are physically or mentally unable to operate the equipment safely, including a motor vehicle, power lawn mower, tractor or other farm machinery or equipment, snow blower, chain saw, power-driven shop tool, snowmobile, all-terrain vehicle and any other machinery or equipment determined by the licensing or supervising agency to be unsafe for a particular foster child to operate.”

Machinery and equipment does not need to consist of a motor or engine to be considered hazardous. For example, "gravity boxes" used on farms for transporting grain can be very dangerous since anyone falling into a full gravity box can "drown" in the grain and suffocate.

When making the decision to allow a child to operate hazardous machinery, a foster parent must ensure that no other laws or administrative code restrictions are violated, which may include age restrictions. The out-of-home care provider should carefully consider the child’s age, maturity, and developmental level when deciding if operating the hazardous machinery is safe and appropriate for that child. The machinery and equipment must be maintained in safe and proper condition, and the child should have appropriate adult supervision during operation. The out-of-home care provider must also ensure that the child is properly trained and has the necessary clothing and safety equipment to operate the machinery or equipment.

Promoting Normalcy: Applying the Reasonable and Prudent Parent Standard

Introduction:

All children in out-of-home care deserve the right to normalcy. It is the responsibility of everyone involved in the child's life to promote and encourage normalcy by allowing the child to participate in age and developmentally appropriate activities. Out-of-home care providers can promote normalcy for children placed in their care by using the Reasonable and Prudent Parent Standard to make decisions about the child's participation in extra-curricular, enrichment, cultural, social, and recreational activities; including transportation, employment, peer relationships, and personal expression.

Reasonable and Prudent Parent Standard Considerations:

- ❖ Age, maturity, and development
- ❖ Potential risk factors
- ❖ Best interest of the child
- ❖ Growth
- ❖ Family-like living experience
- ❖ Child's behavioral history
- ❖ Court order/Legal considerations
- ❖ Cultural, religious, tribal values

Every reasonable and prudent parenting decision should be child specific and situation specific. Each decision should be made on a case-by-case basis and the out-of-home care provider should weigh all of the available information against the Reasonable and Prudent Parent Standard considerations.

Whenever appropriate, reasonable and prudent parenting decisions should be made with active communication and consultation with birth parents, adoptive parents, or guardians of the child. While their permission is not required for reasonable and prudent parenting decisions, the parent/guardian may have valuable insight about the child that may help you make decisions, and will allow them to remain an active part of the child's life. The parent/guardian does not have to be called or consulted for every individual decision, but their values and input should be taken into consideration.

Out-of-home care providers should also include children in decision making. Not only does this improve independent living skills, it empowers children to be involved in their own planning. Children may have a different opinion on the appropriateness of an activity or whether it is in their best interest. Out-of-home care providers maintain the ability to say "no" to an activity a child would like to participate in, as long as it is a reasonable and prudent parenting decision.

If an out-of-home care provider does not have enough information about a child to make a reasonable and prudent parenting decision, they should contact the child's caseworker or to discuss the decision. Agencies cannot require an out-of-home care provider to obtain prior approval for a reasonable and prudent parenting decision. If an out-of-home care provider would like to approve an activity that promotes normalcy that crosses any existing court orders and/or rulings and decisions related to visitation, therapy, the permanency plan, or other related activities and schedules, the out-of-home care provider should discuss the activity with the child's caseworker.

Questions to Consider:

Out-of-home care providers should ask themselves the following questions when making a reasonable and prudent parenting decision for a child placed in their care. The following questions are not the only questions that out-of-home care providers should ask themselves, and no single question is necessarily the deciding factor for approving a particular activity.

Age, maturity, and developmental considerations

- Do I know enough about the child's developmental/medical history?
- Would other children of the same age be allowed to participate in this activity?
- Does the child show mature decision making?
- Does the child have any developmental delays that would impact this decision?

Potential risk factor considerations

- Who will be attending/supervising this activity?
- Does the child have adequate training and safety equipment for this activity?
- Can the child protect him/herself and know how to respond in an emergency?
- Have I given the child enough information to safely participate in the activity?

Best interest of the child considerations

- Is this an activity the child is interested in participating in?
- Does approving this activity only serve my interests?
- Will this activity trigger any trauma reactions for the child?

Cultural, religious, and tribal value considerations

- Will this violate any of the child's/family's cultural, religious, or tribal values?
- Will this activity promote cultural, religious, or tribal growth for the child?
- Will this allow the child to explore their own cultural, religious or tribal values?
- Have I consulted with the child's parents and families about their values?

Growth considerations

- Will this promote the child's cognitive, social, emotional, or educational growth?
- Will this allow the child to further explore and pursue his/her interests?
- Will this activity safely allow the child to "fail" and learn from his/her experience?
- Will this activity teach the child independent living skills?

Family-like living situation considerations

- Would I allow my biological or adopted child to participate in this activity?
- Have I allowed other children in my home to participate in this type of activity?
- Will this activity help to make the child feel included?

Child's behavioral history considerations

- Does the child demonstrate responsible behavior for their age and capabilities?
- Does the child understand parental expectations and consequences?
- Does the child have a history of risky behavior?

Court-order/Legal considerations

- Will this activity violate a court order?
- Is this a decision only a legal guardian can make?
- Will this activity interfere with any visitations, appointments, or treatment plans?
- Will this activity violate any laws, policies, or administrative code restrictions?

Requirements for the Reasonable and Prudent Parent Standard in Group Homes, Residential Care Centers for Children and Youth and Shelter Care Facilities

2015 Wisconsin Act 128 requires Group Homes, Residential Care Centers for Children and Youth, and Shelter Care Facilities to use the Reasonable and Prudent Parent Standard to promote normalcy for children and youth placed in the facility. The Operator of the facility (the Licensee or Authorized Representative) is responsible for making reasonable and prudent parenting decisions for residents. The Operator may choose a designee(s) to be responsible for making reasonable and prudent parenting decisions.

Group Homes, Residential Care Centers, and Shelter Care Facilities must adhere to all requirements of the use of the Reasonable and Prudent Parent Standard, including the following requirements specific to these facilities:

Agency Requirements

1. The agency shall ensure that all individuals responsible for making reasonable and prudent parenting decisions are trained in the use of the Reasonable and Prudent Parent Standard prior to making reasonable and prudent parenting decisions for residents.
2. At the time of placement, the agency shall incorporate the considerations documented on the "Considerations for Reasonable and Prudent Parenting" form (DCF-F-5089) into each resident's treatment plan.
3. The agency shall ensure that designees are available to make reasonable and prudent parenting decisions for a resident in a timely manner, and that reasonable and prudent parenting decisions are not delayed due to a designee being unavailable to make the decision.
4. The agency shall keep a record of all reasonable and prudent parenting decisions made for each child, and who made the decision.
5. The agency shall have policies and procedures in place for the operator or designee to inform the next shift's designee about any reasonable and prudent parenting decisions made during their shift, or any considerations from that shift that should be taken into consideration for future reasonable and prudent parenting decisions.
6. The agency shall have policies and procedures in place to review the application of the Reasonable and Prudent Parent Standard quarterly to ensure that the Reasonable and Prudent Parent Standard is being followed and decisions are being made consistently.

7. The agency shall conduct a review of Reasonable and Prudent Parent Standard parameters, requirements, and agency policies and procedures pertaining to the Reasonable and Prudent Parent Standard at least annually.

Designee Requirements

1. The designee shall be a manager, supervisor, or a full-time staff member who has been employed at the agency for at least 3 months. The personnel record of each designee shall contain the date the employee was appointed as a designee.
2. The designee shall be trained in Reasonable and Prudent Parent Standard prior to making any reasonable and prudent parenting decisions for residents. The personnel record of each designee must contain documentation of the training, including the date on which it was completed.
3. The designee shall have knowledge of the child and the child's treatment plan in order to make reasonable and prudent parenting decisions. The designee shall have access to child specific forms related to making reasonable and prudent parenting decisions, and the resident's treatment plan if the child is placed in a group home or residential care center.
4. A designee shall be onsite when making reasonable and prudent parenting decisions.