

**STATE OF RHODE ISLAND**  
**DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES**



**FOSTER CARE AND ADOPTION REGULATIONS FOR LICENSURE**  
**GUIDANCE DOCUMENT**

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# FOSTER CARE AND ADOPTION REGULATIONS FOR LICENSURE GUIDANCE DOCUMENT

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## **1.1 PURPOSE**

The Department values foster and adoptive parents and acknowledges the importance of foster parents in the lives of children in DCYF care. The Department ensures that foster and pre-adoptive parents are treated with dignity, respect and trust.

You will work in partnership with the Department and the community to provide for the safety, well-being and permanency of children in care through a family-centered practice approach. This approach is a way of working with families across service systems to enhance their capacity to care for and protect their children. Family-centered practice recognizes the strengths of family relationships and builds on these strengths to achieve optimal outcomes. Family is defined broadly and includes birth, blended, kinship, foster and adoptive families.

Family members and foster parents are essential partners in the treatment planning process. It is critical that foster parents, in cooperation with the Department, promote the principles of family-centered practice by recognizing that families have strengths, supporting family members in caring for their children, creating an environment that respects cultural diversity, coordinating with the community to access needed services, and working with families to achieve the goals of safety, permanency and well-being.

Prospective foster and adoptive parents are subject to the same licensing process, including screening, interview, home study, training and background checks. The Foster Care and Adoption License allows a licensed foster parent to transition to or from the role of foster or adoptive parent without requiring a new home study or additional training.

The application process is similar for both kinship and non-kinship (generic) foster parents. The Department provides monthly foster maintenance payments to kinship homes pending licensing as soon as background clearances, including nationwide fingerprint checks, are received by the Department, for a period not to exceed six months from the date of placement. If the home is not licensed within this period, the foster maintenance payment may be terminated.

This Guidance Document is written to assist applicants and licensed foster and pre-adoptive parents with understanding and implementing the Rhode Island Foster Care and Adoption Regulations for Licensure, which can be found in the Rhode Island Code of Regulations, Section 214-RICR-40-15-1 and is available on DCYF's website and the RI Secretary of State website at <http://sos.ri.gov/rules/>.

The Department does not discriminate against individuals based on race, color, national origin, sex, gender identity or expression, sexual orientation, religious belief, political belief or handicap. The prohibition against discriminatory practices extends to the individuals, agencies, organizations and institutions the Department licenses.

The Foster Parent Bill of Rights can be found in Appendix A.  
The Children's Bill of Rights can be found in Appendix B.

## **1.6 LICENSING PROVISIONS**

### **1.6.1 Application and Licensing Process**

- To begin the licensing process, you must submit an application, signed release(s) and health history documentation. You may obtain a licensing packet from the Department that includes the Adoption & Foster Care Application and the Authorization to Obtain Confidential Information form. Return the Adoption & Foster Care Application and the Authorization to Obtain Confidential Information form completed in full to the licensing unit.
- You will be required to participate in a home study to assess your ability to provide quality foster or adoptive care for a child. All members of the household must be available for interviews. Elements of the home study are listed below.

#### **➤ Criminal Records Checks**

- You must provide the legal names and aliases, if any, and birth dates of all members of your household.
- **Department Clearances**
- The Department conducts a DCYF record check on you and all other persons living in your home.
  - Records of the Department are checked to determine if you or any household member has a history of substantiated child abuse or neglect, or has a child involved with a child-placing agency, Juvenile Probation or the Rhode Island Training School.
  - You may be denied a license if the record check indicates that a protective services investigation is pending or if there is a substantiated report of child abuse or neglect on any member of your household.
  - If you or any member of your household members age 18 and older have lived in another state in the preceding five years you must be checked and cleared through the Child Abuse and Neglect State Central Registry of that state. You may be denied a license if the record check indicates that a protective services investigation is pending or if there is a substantiated report of child abuse or neglect on you or any member of your household.
  - In limited situations, involving substantiated incidents in which there is not serious physical injury to a child, there can be an administrative determination that you will not be disqualified from licensing.
- **Assessment of your parenting ability will include:**
- Your motivation for becoming a foster or adoptive parent.
  - The characteristics and number of children best suited to your family.
  - Existing family relationships, attitudes and expectations regarding your children and parent-child relationships, especially where such relationships might affect a foster child.
  - Your capacity to provide for the needs of a foster child while giving proper parenting to all children in the household.
  - Realistic assessment of positive and negative aspects of foster or adoptive parenthood.
  - Ability to understand, participate in, and assist in carrying out the plan for the foster child, including his or her transition from foster care.
  - Personal characteristics necessary to provide continuity of care throughout the placement.
  - Flexibility to meet changing needs over the course of the placement.
  - Ability to accept and support your foster child's relationship with his or her biological family, including visitations, and assist with his or her progression towards reunification or other permanency goal.
  - A written self-assessment.
  - Your child care experience and parenting philosophy.
  - Information regarding your past and present marriage and/or partnership relationships.
  - Description of your home and local community, including any health and safety concerns regarding the home.
  - Information regarding your education, finances and employment.
  - Personal References
    - ✓ Personal reference letters are obtained from a minimum of three individuals who have known you for at least two years and can comment on your lifestyle and values.
    - ✓ Two references must come from persons unrelated to you.
  - Information regarding your willingness and ability to accept and cooperate with care giving support services, including your level of understanding regarding openness with the birth family.

- Information related to the match between you and a foster child, including your attitudes and capabilities and the child's characteristics and background.
- Recommendation regarding your suitability for fostering and/or adoption.
- You must read and sign the DCYF Foster Care Home Agreement.

➤ **Health History**

Documentation regarding your physical health, mental health, and/or substance abuse history should be no older than 2 years, if possible. The Licensing Administrator may consider documents older than 2 years. You must provide documentation of any known physical health, mental health, and/or substance abuse history regardless of whether you believe it may hinder your ability to provide appropriate care. This includes current and past medical and psychological conditions, including any addiction to drugs or alcohol that may be detrimental to the health and welfare of children.

- ✓ If requested, you must submit the name of a qualified health professional who is available to comment on your general health, specific illnesses or disabilities, any mental health history, alcohol or other drug use, infectious diseases or other relevant health conditions.
- ✓ The Department may obtain the health and mental health status and history of all members of the household to ensure that no member has an illness or condition, including alcohol and drug abuse that presents a health or safety risk to any child and may interfere with your ability to provide satisfactory care.

➤ **Training**

- All courses will be provided or approved by the Department.
  - ✓ For kin training, please contact Licensing (401-528-3612) for upcoming training dates and times.
  - ✓ For non-kin training please contact your private agency or the Department (401-528-3700) for upcoming training dates and times.

**1.6.2 Determination**

- A license is valid from the date of issue and expires two years from the date of such issuance, unless otherwise specified, revoked or invalidated by the Department or voluntarily surrendered by you.
- You will be notified in writing by the Department of the final disposition of your application.

**1.6.3 Variance and Waiver**

- The DCYF Director or designee may grant a variance or waiver for a non-safety licensing standard upon the submission of a written request setting forth the circumstances requiring the variance or waiver and demonstrating good cause for the variance or waiver to be granted.
  - ✓ An approved variance will contain a specified period and be subject to review.
  - ✓ An approved waiver will be honored for the current licensing period and must be reviewed upon relicensing.

**1.6.4 Revocation and Other Licensing Actions**

- When DCYF has reason to consider licensing action, the licensing administrator reviews the documentation concerning reasons for a potential licensing action.
- The licensing administrator may consult with the assigned DCYF regional director, supervisor and/or worker and may order the removal of the foster child from your home if such removal has not already taken place.
- You will receive notice in writing if licensing action is taken by the Department.

**1.6.5 Child Care Provider Seeking a Foster and Adoptive License**

- The decision to approve a caregiver for both licenses is made by the licensing administrator.

- The following stipulations apply when a Foster and Adoptive License is issued to a family child care home provider:
  - ✓ The Foster Care and Adoption License is limited with regard to the numbers and ages of foster and/or pre-adoptive children allowed.
  - ✓ Foster children and/or pre-adoptive children are counted in determining the total number of childcare children allowed in the home.
  - ✓ Childcare payments are not provided for a foster or pre-adoptive child in the group childcare home or in any other childcare facility.

#### **1.6.6 Appeal/Hearing**

#### **1.6.7 Renewal**

- You must obtain the DCYF Adoption and Foster Care Application from the Department and complete the application in full.
- You must read and sign the DCYF Foster Care Home Agreement.
- If any of your household members age 18 and older have resided in another state since the time of your initial licensure, an Adam Walsh clearance must be obtained on that individual.
- An approved safety inspection must be current. A safety inspection is valid from the date of issue and expires two years from the date of such issuance, unless otherwise specified, revoked or invalidated by the Department.

### **1.7 LICENSING STANDARDS**

#### **1.7.1 General Requirements**

##### **➤ Family Composition**

- All children and adults residing in your household are considered to determine how they may be affected by, or have an effect upon, a foster or pre-adoptive child placed in your home.
- You will not provide care for more than one child placing agency at one time except in such instances when a child placed by one agency is placed with that person for purposes of adoption and such placement has prior approval of the licensing administrator.
- The number and ages of biological, adopted, foster and pre-adoptive children in your household will be considered on an individual basis.

##### **➤ Age**

- A caregiver 18 through 21 years old may be considered and approved by the licensing administrator.

##### **➤ Health**

- The Department may obtain your health and behavioral and/or mental health status or for any member of your household to ensure there are no illnesses or conditions that may present a health or safety risk to a foster child.

##### **➤ Income and Fiscal Management**

- You must ensure that your household has sufficient income and appropriate fiscal management to maintain stability and security without a monthly foster payment from the Department.
- You may be asked to provide written verification of income and expenses.

#### **1.7.2 Safety and Well-Being**

##### **➤ General Safety Requirements**

- Your home and grounds must be free of hazards to ensure the safety of a child and must comply with all state and local codes and ordinances.
- Your home must be adequately heated, safely lit and well ventilated.

- Your home must have a continuous supply of safe drinking water.
- Bathroom and toilet facilities used by foster children must be located inside your home and connected to an indoor plumbing system and be maintained in good working order.

➤ **Fire and Safety Inspections**

- A safety inspector will contact you to arrange for an inspection of your home.
- The inspection takes about 60-90 minutes.

➤ **Emergency and Disaster Procedures**

- You must have a written disaster and emergency response plan for your household in the event of an emergency. The plan should address:
  - ✓ Where your family will go in the event of an evacuation (two locations; one nearby and one out of the area).
  - ✓ Your contact number and e-mail address, and an emergency contact person who will be informed of your family's whereabouts.
  - ✓ A list of necessities your family will bring, including any medications and medical equipment, if applicable.
  - ✓ Identification for the foster child and any citizenship documentation or court orders.
  - ✓ The medical information for a foster child, including physician(s) name and contact information.
  - ✓ Contact numbers for the DCYF Child Protective Services (CPS) Hotline, the child's DCYF primary worker, your licensing worker and the Rhode Island Foster Parents Association (RIFPA).
- The emergency and disaster response plan should provide for a minimum of five days of basic supplies including food, water, medication, sanitary supplies, first aid kit, battery powered radio, pet supplies, flash light, cell phones and emergency documents and include sleeping accommodations for all household members.
- You may request assistance from the Department in the development of a disaster plan if you require assistance.

➤ **Lead Paint Safety**

- Information about the requirements for all private residencies, including foster homes, can be found at <http://www.health.ri.gov/healthrisks/poisoning/lead/>.

➤ **Firearm and Weapon Safety**

➤ **Telephones and Emergency Numbers**

- Emergency phone numbers, including 911, local fire and police departments, emergency room or hospital, family physician and poison center should be posted in a conspicuous place in the home.

➤ **Pet Safety**

- The number and types of pets must be in accordance to state and local requirements.

➤ **Comfort and Privacy**

- Each child must have his or her own bed of a type and size appropriate to the child's stage of development.
- American Academy of Pediatrics (AAP) SIDS and Other Sleep-Related Infant Deaths: Updated 2016 Recommendations for a Safe Infant Sleeping Environment. This document can be downloaded at <http://pediatrics.aappublications.org/content/early/2016/10/20/peds.2016-2938>.

- Except for a child under the age of one, space must be provided within the bedroom for the child's personal possessions and for a reasonable degree of privacy.
- No more than four children are permitted to sleep in one bedroom.
- Where bunk beds are used, the vertical distance between the mattresses must allow each occupant to sit up comfortably in bed, and the top bunk must be fastened securely to the side frames.

### **1.7.3 Provision of Services**

#### ➤ **Caregiver Personal Characteristics and Abilities**

- You must demonstrate the competence, interpersonal qualities and life experiences that enable you to provide quality care.
- You must be able to read and write.
- You should demonstrate all of the following personal characteristics:
  - ✓ Maturity
  - ✓ Stability
  - ✓ Flexibility
  - ✓ Ability to cope with stress
  - ✓ Capacity to give and receive love
  - ✓ Good character
- You must be able to meet the physical, emotional, social, developmental, treatment, educational, cultural and permanency needs of the foster child by:
  - ✓ Participating in the development of the assessment and service plan and collaborating with the Department as a partner in meeting the needs of the child and family, including the transition of the child from foster care.
  - ✓ Helping the child to cope with separation and loss.
  - ✓ Building self esteem.
  - ✓ Promoting cultural identity.
  - ✓ Using discipline appropriate to the child's age and stage of development and without harsh, humiliating or corporal punishment.
  - ✓ Supporting intellectual development and educational growth.
  - ✓ Encouraging and modeling positive, trusting social relationships and responsibilities.
  - ✓ Being sensitive to the special needs of a child who has been physically and/or sexually abused.
  - ✓ Being aware of the child's need for appropriate information about sexuality geared to the child's age and stage of development.
  - ✓ Protecting and nurturing the child in a safe, healthy environment with unconditional positive support.
  - ✓ Supporting relationships among the child and his or her parents, siblings and kin.
  - ✓ Ensuring the child's physical, sexual and emotional safety.
  - ✓ Sharing with the Department all factual information regarding significant changes in the personality, behavior, physical development or health status of the child.
  - ✓ Respecting the child's right to privacy by holding in confidence matters that pertain to his or her family and previous history.

#### ➤ **Prudent Parenting**

- Please see the Department's guide to the Reasonable and Prudent Parent Standard and Normalcy in Foster Care in Appendix C.

#### ➤ **Confidentiality**

- The Department will share information about the foster child with you to ensure that you will be able to provide for his or her needs.
- You may consult with the child's DCYF primary worker with questions regarding confidentiality.



- **Supervision**
- **Behavior Management**
- **Transportation**
  - RIGL 32-22-22 <http://www.rilin.state.ri.us/Statutes/TITLE31/31-22/31-22-22.HTM> provides child age, height and weight specifications relating to transporting a child in a motor vehicle.
  - Foster children 12 years of age or younger must be transported in the back seat of a motor vehicle properly wearing a safety belt and/or shoulder harness, unless all seats in the rear are already occupied by other children.
- **Medical Care**
  - You should be prepared to arrange, in partnership with the Department, for your foster child to receive a medical examination by a licensed practitioner.
  - In the event a foster child requires any corrective device, such as a hearing aid or prosthetic, you must ensure that the child receives training on proper use and maintenance of the device. The device is the child's personal property.
  - You will need to provide a copy or summary of the child's health record to the Department or the child placing agency responsible for the future planning and care of the child when the placement concludes.
- **Education**
  - You are expected to partner with the Department, your foster child and, if applicable, the educational advocate in the development and maintenance of the child's educational plans.
  - You will review grade reports and other information from school authorities and advises the Department on a regular basis of the child's educational performance.
  - You should ensure the child is provided with a quiet, well- lit space to study and assist the child with establishing regular times for homework and study.
  - In accordance with each child's developmental stage and capabilities, as established by the DCYF service plan, you will ensure the child participates in appropriate activities for language, social, emotional and intellectual growth and development.
- **Children's Money**
  - When age and circumstances permit, you will allow and encourage your foster child to have his or her own money.
  - You may deduct reasonable sums from the allowance of your foster child to pay restitution for damages caused by the child if the restitution plan is agreed upon by the DCYF primary worker and documented in the DCYF service plan. Restitution must be based on the child's ability to pay.
  - When a foster child has ongoing earned income from employment, the child should be encouraged to establish an interest-bearing savings account. You are encouraged to monitor the child's expenditures and any withdrawals and deposits to the accounts. The Department is notified of the existence of the child's savings account.
- **Visitation and Contacts**
- **Religion**
  - You must make reasonable efforts to provide the opportunity for your foster child to participate in religious observances or practices different from yours, in accordance with the wishes of the parent or guardian.
- **Work**

- You must notify the Department whenever your foster child becomes employed.
- You should involve each foster child, as age and circumstances permit, in routine household maintenance.
- You must ensure that household chores are performed in a reasonable and safe manner.

➤ **Clothing**

- Children's clothing must not be shared.

➤ **Personal Belongings**

- A child in care is allowed to acquire belongings of his or her own.
- You may, as necessary, limit or supervise the use of an item.

➤ **Personal Hygiene**

- You are expected to provide training to the child, appropriate to the child's age and developmental level, in order to establish habits of physical cleanliness, good grooming and personal hygiene.
- You are expected to obtain information on how to properly care for the hair and skin of a child in care.

➤ **Recreation**

- You should encourage the child to participate in school and community activities both individually and with the family.
- You should encourage and arrange for the child to have contacts and friendships with other children.
- You should make materials and equipment appropriate to the child's age and ability available for both active and quiet play.

➤ **Meals**

- When planning meal times, no more than 14 hours should be between the evening meal and breakfast.

➤ **Required Notification**

## Appendix A

### Rhode Island Foster Parent Bill of Rights PL 2016 370, PL 2016 340 Signed by Gov. Gina Raimondo on July 20, 2016

42-72.10-1. Statement of foster parents' rights. – (a) The Rhode Island general assembly recognizes the importance of foster parents in the care and nurturing of children who are in the care and custody of the department of children, youth and families hereinafter ("the department"). In an effort to ensure that foster parents' are treated with dignity, respect and trust in their work for the department, a statement of foster parents' rights shall be given to every foster parent at each licensing interval and shall include the following rights:

- (1) The right to be treated with dignity, respect and consideration as a member of the child welfare treatment team;
- (2) The right to be notified of and be given appropriate education and continuing education and training to develop and enhance foster parenting skills;
- (3) The right to be informed about ways to contact the department to receive information and assistance to access supportive services for any child in the foster parents' care;
- (4) The right to receive timely financial reimbursement for providing foster care services;
- (5) The right to be notified of any costs or expenses which may be eligible for reimbursement by the department;
- (6) The right to be provided a clear, written explanation of the individual treatment and service plan concerning the child in the foster parent's home;
- (7) The right to receive, at any time during which a child is placed with the foster parent, additional or necessary information that the department has which may be relevant to the care of the child;
- (8) The right to be notified of scheduled review meetings, permanency planning meetings, and special staffing concerning the foster child in order to actively participate in the case planning and decision-making process regarding the child;
- (9) The right to provide input concerning individual treatment and the services plan for the child and to have that input be given respect and consideration in the same manner as information presented by any other member of the treatment team;
- (10) The right to communicate with other professionals who work with the foster child within the context of the treatment team including, but not limited to, therapists, physicians and teachers;
- (11) The right to be given, in a timely and consistent manner, information, as allowed by law, regarding the child and the child's family that is pertinent to the care and needs of the child and to the development of a permanency plan for the child.
- (12) The right to be given reasonable notice of any change in or addition to the services provided to the child pursuant to the child's individual treatment and service plan;
- (13) The right to be given written notice, except in emergency circumstances, of the following: (i) Plans to terminate the placement of the child with the foster parent and (ii) The reasons for the changes or termination of the placement.
- (14) The right to be notified by the department of court proceedings, to attend hearings and reviews, and to present oral or written reports to the court pursuant to §14-1-30.2;
- (15) The right to be considered as a preferred placement option if a foster child who was formerly placed

with the foster parent is to reenter foster care at the same level and type of care, provided that placement is consistent with the best interest of the child and other children in the home of the foster parent and, in the case of a child age twelve (12) or older, that child wants to return to the foster parent;

(16) The right to be provided a fair, timely, and impartial investigation of complaints concerning the licensing of the foster parent;

(17) The right to be provided the opportunity to request and receive a fair and impartial hearing regarding decisions that affect licensing retention;

(18) The right to provide or withhold permission, without prior approval of the caseworker, department, educational advocate or court, to allow a child in their care to participate in normal childhood activities based on a reasonable and prudent parent standard in accordance with the provisions of Title IV-E of the Social Security Act. The reasonable and prudent parent standard means the standard of care used in determining whether a foster parent(s) can allow a child in their care to participate in educational field trips, extracurricular, enrichment, and social activities. This standard is characterized by careful and thoughtful parental decision-making that is intended to maintain a child's health, safety, and best interest while encouraging the child's social, emotional and developmental growth;

(19) The right to have timely access to the appeals process of the department and the right to be free from acts of harassment and retaliation by any other party when exercising the appeal; and

(20) The right to file a grievance and be informed of the process for filing a grievance.

(b) The department shall be responsible for implementing the provisions of this section.

(c) Nothing in this section shall be construed to create a private right of action or claim on the part of any individual, department, or other state agency.

## Appendix B

### Rhode Island Children's Bill of Rights

§ 42-72-15 Children's bill of rights. – (a) No child placed or treated under the supervision of the department in any public or private facility shall be deprived of any personal property or civil rights, except in accordance with due process.

(b) Each child placed or treated under the supervision of the department in any public or private facility shall receive humane and dignified treatment at all times, with full respect for the child's personal dignity and right to privacy, consistent with the child's treatment plan.

(c) Each child placed in a secure facility under the supervision of the department shall be permitted to communicate with any individual, group, or agency consistent with the child's treatment objectives; shall be provided writing materials and postage; and shall be permitted to make or receive telephone calls to or from his or her attorneys, guardians ad litem, special advocates, or child advocate at any reasonable time.

(d) The department shall adopt rules and regulations pursuant to the Administrative Procedures Act, chapter 35 of this title, regarding children placed in secure facilities to specify the following:

(1) When a child may be placed in restraint or seclusion or when force may be used upon a child;

(2) When the head of a facility may limit the use or receipt of mail by any child and a procedure for return of unopened mail; and

(3) When the head of a facility may restrict the use of a telephone by any child.

(e) A copy of any order placing a child at a secure facility under the supervision of the department in restraint or seclusion shall be made a part of the child's permanent clinical record. In addition, any special restriction on the use or receipt of mail or telephone calls shall be noted in writing; signed by the head of the facility or the facility head's designee; and made a part of the child's permanent clinical record.

(f) Each child placed or treated in a secure facility under the supervision of the department shall be permitted to receive visitors subject to reasonable restriction consistent with the child's treatment plan. The head of each facility shall establish visiting hours and inform all children and their families and other visitors of these hours. Any special restrictions shall be noted in writing; signed by the head of the facility or his or her designee; and made a part of the child's permanent clinical record.

(g) Each child may receive his or her clergyman, attorney, guardian ad litem, special advocate, or child advocate at any reasonable time.

(h) No person shall be denied employment, housing, civil service rank, any license or permit, including a professional license, or any other civil or legal right, solely because of a present or past placement with the department except as otherwise provided by statute.

(i) Each child under the supervision of the department shall have the right to counsel and the right to receive visits from physicians and mental health professionals.

(j) Each child shall have a right to a hearing, pursuant to rules and regulations promulgated by the department, if the child is involuntarily transferred by the department to any facility outside of the state in accordance with the procedure set forth in § 42-72-14.

(k) The children's bill of rights shall be posted in a conspicuous place within any secure facility for the residential housing of children.

(l) Every deliverer of services with whom the department enters into a purchased services agreement shall agree, in writing, to observe and post in a conspicuous place, the children's bill of rights.

(m) Any child aggrieved by a violation of the children's bill of rights may petition the family court for appropriate equitable relief. The family court shall have exclusive original jurisdiction, notwithstanding any remedy contained in chapter 35 of this title.

(n) A child victim or witness shall be afforded the protections of § 12-28-9 under the direction of the department of children, youth, and families, and the department shall advise the court and the police and the prosecutor on the capacity of the child victim to understand and participate in the investigation and in the court proceedings and of the potential effect of the proceedings on the child.

(o) Every child placed in the care of the department of children, youth, and families shall be entitled to a free appropriate education, in accordance with state and federal law. Immediately upon the assumption of that care, the department shall provide for the enrollment of each child in a school program. During the time that the child shall remain in that care, the department and appropriate state and local education agencies shall coordinate their efforts in order to provide for the timely initiation and continuation of educational services.

(p) No person shall be denied access to available treatment for an alcohol- or drug-related condition solely because of a present or past placement with the department.

(q) No child shall be discriminated against on the basis of race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression, socioeconomic status or mental, physical, developmental, or sensory disability, or by association with an individual or group who has, or is perceived to have one, or more of such characteristics.

## Appendix C

### Prudent Parent Standard & Normalcy in Foster Care

#### *A guide for resource parents and child welfare professionals*

Historically, the lives of children and youth in foster care have been framed by laws, policies, guidelines and rules, which severely restricted their everyday activities. Simple things, such as having a sleepover with friends or engaging in a sport or social club at school, required approvals, which often made it difficult for these children and youth to engage in normal activities.

**To create more normalcy for children and youth while they are in out-of-home care, in 2014 President Obama signed into law *Preventing Sex Trafficking and Strengthening Families Act (PL 113-183)*, which requires that states take the following actions:**

1. Promote participation of children and youth in foster care in age-appropriate activities by ensuring that “children who are most likely to remain in foster care until age 18 have regular and ongoing opportunities to engage in age- or developmentally-appropriate activities.”
2. Institute a reasonable and prudent parent standard for participation by children and youth in age- or developmentally-appropriate extracurricular, enrichment, cultural, and social activities.
3. Develop standards and training on the application of the reasonable and prudent parent standard for foster caregivers, including both foster parents and the staff of congregate care facilities.
4. Implement contract requirements mandating the designation of a caregiver at all congregate care facilities that contract with the state’s child welfare agency, so that there is always at least one onsite official at each congregate care facility who is designated to exercise the reasonable and prudent parent standard to make timely decisions related to children and youth in care.
5. Institute liability protections for foster parents when they use the reasonable and prudent parent standard.
6. Mandate judicial review of normalcy for youth who have a permanency goal of Another Planned Permanent Living Arrangement (APPLA).
7. Require youth participation in case planning and designation by youth of advisors/advocates.
8. Mandate provision of a list of their rights to youth age 14 and older.
9. Mandate inclusion of youth age 14 and older in transition planning for a successful adulthood. The Act also renames “independent living planning” to “transition planning for a successful adulthood.”

#### **What exactly is normalcy?**

- “Normalcy” means the ability to participate in everyday, routine activities that are typical for children and youth of a particular age and stage and development.
- Normalcy requirements apply to all children and youth in family foster care and other out-of-home placement settings.

**Establishing "normalcy" means that [youth in foster care] get to do what their friends do, that they have a chance to pursue their interests and build dreams for their future and, most importantly, that they have a family who cares about them, just like their friends. And young people know that it is not normal:**

- To be denied opportunities to play sports, participate in extracurricular activities, or go on a school field trip,
- To live in congregate (or group home) care, with restrictions on everything from brushing your teeth to visiting your sister or brother,
- To have judges, caseworkers, attorneys, and others making major decisions about your life without talking with you or really knowing who you are,
- To languish in foster care year after year, moving from placement to placement, school to school, or
- To suddenly be on your own at age 18, 19, or 20 and expected to live independently.

**What do we want for our own kids? Young people in foster care know that most of us "adults" wouldn't allow our children to experience any of the above.**

**~ Gary Strangler, Casey Youth Opportunities Initiative  
Huffington Post, July 2014**

### **What is a "reasonable and prudent parent standard"?**

While there are many definitions of what would be considered a reasonable and prudent parent standard, the general concept is that parents are routinely faced with decisions regarding their children's care and participation in various activities, which require them to make certain judgments. Parents who are reasonable and prudent will approach such situations carefully, weighing both the benefits and the potential risks to come to a sensible decision that is in the best interests of the child.

RI State Law (PL 2016 370, PL 2016 340) includes a definition of the reasonable and prudent parent standard and adds the following right to the Rhode Island Foster Parents' Bill of Rights (Appendix A):

(18) The right to provide or withhold permission, without prior approval of the caseworker, department, educational advocate or court, to allow a child in their care to participate in normal childhood activities based on a reasonable and prudent parent standard in accordance with the provisions of Title IV-E of the Social Security Act. The reasonable and prudent parent standard means the standard of care used in determining whether a foster parent(s) can allow a child in their care to participate in educational field trips, extracurricular, enrichment, and social activities. This standard is characterized by careful and thoughtful parental decision-making that is intended to maintain a child's health, safety, and best interest while encouraging the child's social, emotional and developmental growth.

### **Youth rights**

Rhode Island Children's Bill of Rights grants children and youth a number of rights (see Appendix B).

**Preventing Sex Trafficking and Strengthening Families Act creates two new rights for children and youth in state care:**



1. Youth Voice: Children who are at least 14 years old shall be involved in case planning. This includes any revisions to their case plan. The child may choose up to 2 additional people aside from their caseworker and foster parent to be part of their case planning and permanency teams.
2. Normalcy: The Preventing Sex Trafficking and Strengthening Families Act requires states to ensure that children in state care have “regular and ongoing opportunities to engage in age- or developmentally-appropriate activities.”

### **Preventing Sex Trafficking and Strengthening Families Act calls for a paradigm shift**

1. Ensuring safety remains a priority. However, it must be considered in an age and developmentally appropriate context.
2. Caregivers must be empowered to make reasonable and prudent parenting decisions rather than navigating through multiple levels of permissions and authorizations.
3. Children in care must have meaningful opportunities to participate in normal activities associated with their age group and stage of development.

Implementing the reasonable and prudent parent standard and normalcy requirements: Roles and responsibilities of stakeholders

#### ***DCYF Staff***

- All DCYF staff working with children, youth, & families will be trained in the reasonable and prudent parent standard and normalcy requirements and support their implementation.
- Service plans will include a normalcy section.
- A DCYF staff member will be designated to answer questions related to normalcy and reasonable and prudent parent standard.
- FAQ section on normalcy and prudent parent standard will be added to DCYF web site.

#### ***Foster Parents***

- Foster parents are required to familiarize themselves with the reasonable and prudent parent standard and apply it to parenting decisions to ensure normalcy for children and youth in their care.

#### ***Group Homes and Residential Facilities***

- At least 1 trained staff present on-site who is designated to be a caregiver authorized to apply the reasonable and prudent parent standard.
- Group home and residential facility staff will be required to participate in training. Their policies will be updated to include reasonable and prudent parent standard and normalcy requirements.

### **Benefits of reasonable and prudent parent standard and normalcy mandates**

- Enable children and youth to participate in age and developmentally appropriate activities – a key component of healthy development.
- Safety remains paramount.
- Foster caregivers are empowered to make reasonable and prudent parenting decisions for youth in their care in a timely fashion.
- Build relationships among caregivers to allow for more normalized experiences for the child.

### **What is the scope of the reasonable and prudent parent standard?**

- Day-to-day and routine/typical caregiver decisions.
- Ability to give permission to participate in age and developmentally appropriate field trips, sports, and other school, extracurricular, and social/cultural enrichment activities.

### **How do the reasonable and prudent parent standard provisions of federal and state laws affect birth parents' rights?**

- Birth parents maintain the same rights and responsibilities that existed prior to passing of recent federal and state laws.

- Birth parents are responsible for participation in case planning and parenting as it pertains to their child's safety, well-being, and permanency.

**How does one apply the reasonable and prudent parent standard?**

**Reasonable and prudent parent standard requires caregivers to consider the following factors:**

1. Age of child
2. Abilities of child
3. Maturity level
4. History and past behaviors
5. Need for professional input from a service provider or case manager
6. Parenting experience
7. Length of time in placement
8. Known precautions
9. Other relevant factors

**Which domains are definitely NOT covered by the reasonable and prudent parent standard?**

1. Court ordered visitation
2. Medical approvals
3. Returning child to biological family (and not doing so without court approval)
4. Discipline policy as defined in state regulations
5. IEP services/504 plans
6. Drastic change of child's appearance
7. Medications
8. Changing child's religion
9. Court orders – general (case plans, therapy services, etc.)
10. Sibling visits
11. Conditions of probation

***Caregivers should always contact the child's caseworker when they have a question regarding a non-negotiable situation.***

**What if a child suffers injury or causes injury or property damage to others?**

- If a child should suffer injury as a result of participating in an activity approved by the caregiver or cause property damage or injury to others, DCYF will not hold the caregiver liable as long as the caregiver applied the reasonable and P-prudent parent standard when making the decision.
- DCYF maintains a liability insurance policy that covers foster parents. This policy covers valid claims of bodily and personal injury to children in care.
- DCYF's liability policy does not cover intentional, negligent, or criminal acts committed against children in foster care. See Appendix C for more details.
- Residential facilities and group homes will continue to maintain their own insurance coverage.