

# Reasonable & Prudent Parent Standard (RPPS) Kentucky



# Learning Objectives

After this class you will be able to:

- Define the Reasonable and Prudent Parent Standard (RPPS) and know how it is applied to support normalcy.
- Recognize the federal and state laws and Child Welfare policy supporting implementation of the RPPS and Youth Rights.
- Review the list of youth rights and responsibilities.
- Apply RPPS and expectations in your role as caregiver or staff for children in our care.

# Lawmakers Support Children-in-Care!

This training is required due to a federal law seeking to improve normalcy for children who come into care. This law is very exciting because of the positive changes that affect children, caregivers, and their outcomes.

Some states have already implemented similar standards and it has resulted in wonderful improvements for the children in care.

Let's look at some of the responses:

# Florida's experience

"My child feels like a part of a family and not a system."

"My youth has reduced her inclination to run away."

"It helps the children have a sense of belonging and not feel excluded."

"They don't feel so singled out or different."

"Less anxiety and stress about placement. Better attitude overall about having to be in care."

"...reduction of anger issues."

Source: Florida Guardian ad Litem Program. (2014). *A Voice Heard – Let Kids be Kids*.

# Federal Law

Preventing Sex Trafficking and Strengthening Families Act of 2014  
Public Law 113-183

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The Preventing Sex Trafficking and Strengthening Families Act of 2014 is a ground breaking federal law designed to promote ***well-being*** and ***normalcy*** for youth in foster care.

The Act directs state child welfare agencies, such as Department for Community Based Services, contracted providers, and courts to facilitate age-appropriate experiences for children and youth in care and take other steps to support normalcy.



# Highlights of the New Law

This law makes changes that require:

- Protecting children and youth at risk of sex-trafficking.

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- **Supports normalcy with the Reasonable and Prudent Parent Standard.**
- Planning and transition for a successful adulthood.
- Improved adoption incentives.

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- **Supports normalcy with the Reasonable and Prudent Parent Standard.**
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Federal and state laws require implementation of both RPPS and Youth Rights, in addition to many other important child welfare reforms.



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So, our implementation of these changes is not just good practice, it's the law.



Effective **September 29, 2015**, federal law requires the RPPS be applied to all foster/pre-adoptive parents, private childcare agencies, and group homes—there are no exceptions.

# ← Prior to RPPS ←

To ensure their safety and health, as well as protect agencies and caregivers from liability issues:

- Children in care were prevented from participating in activities unless an approval process was followed and permission obtained.

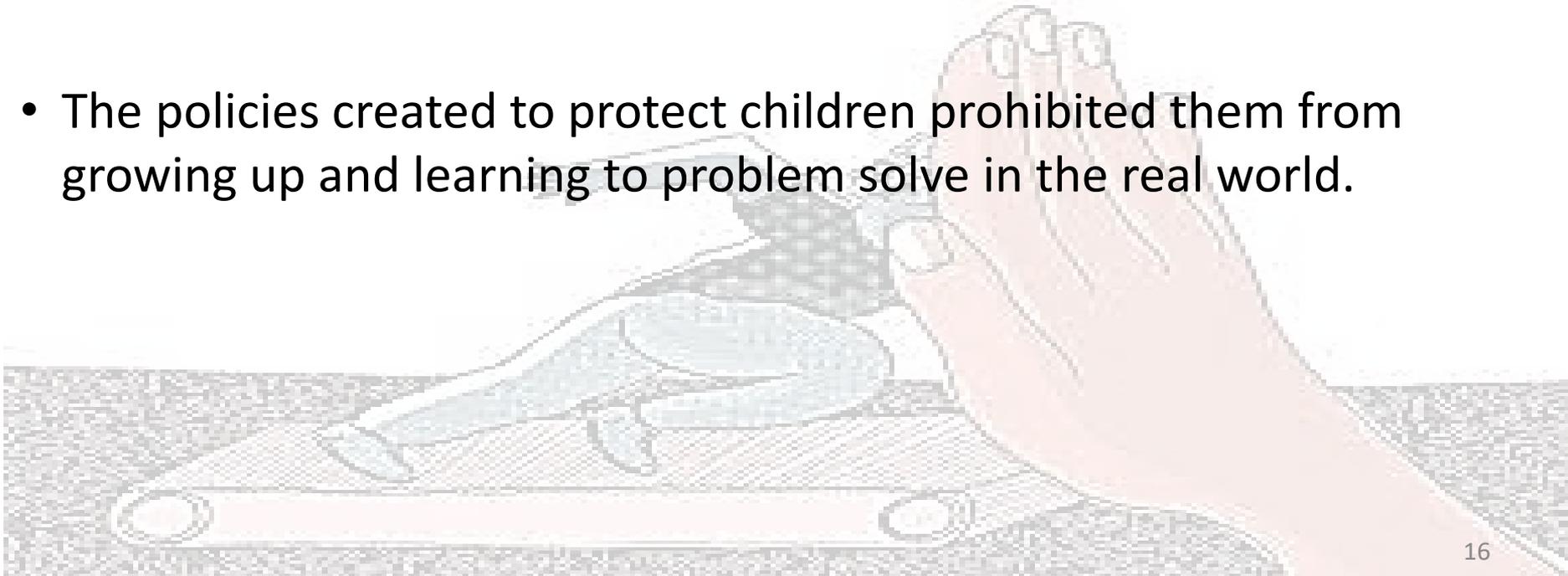




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- Prevented them from participating in activities with peers.

## Kentucky's Practice Prior to RPPS

Required Permission from DCBS worker, court or birth parent to participate in activities such as :



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- Date
- Sports
- Extracurricular and social activities
- Participate in camps-day and overnight
- Hunt
- Attend school field trips
- Ride all-terrain-vehicles

# Kentucky Foster Care Alumni Share

I honestly felt like my foster parent just wanted me to sit at home and do nothing.

Glenda



I was never permitted to spend nights at friends' houses, participate in any sport and never allowed to fish or do things a normal young man could do.

Darrell

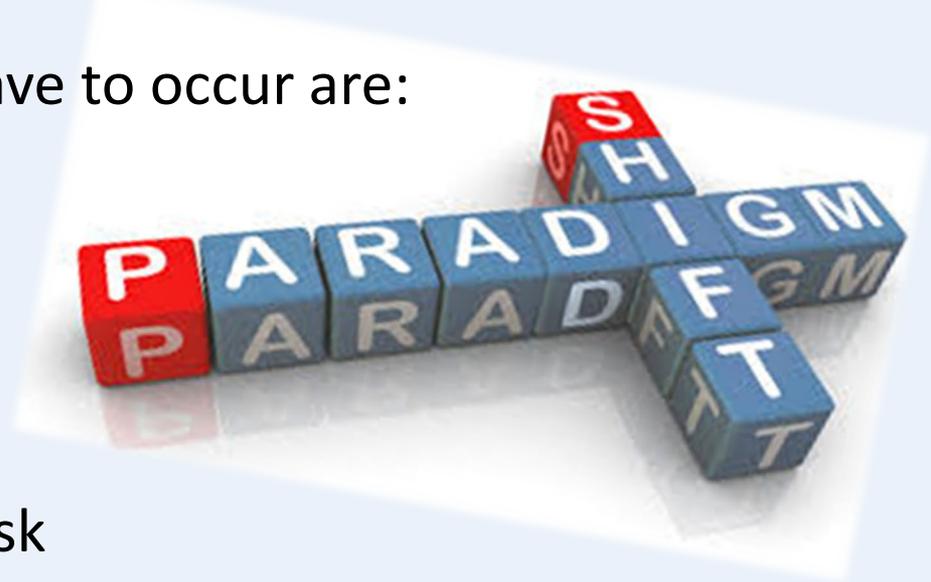


KEEP CALM  
it's just a



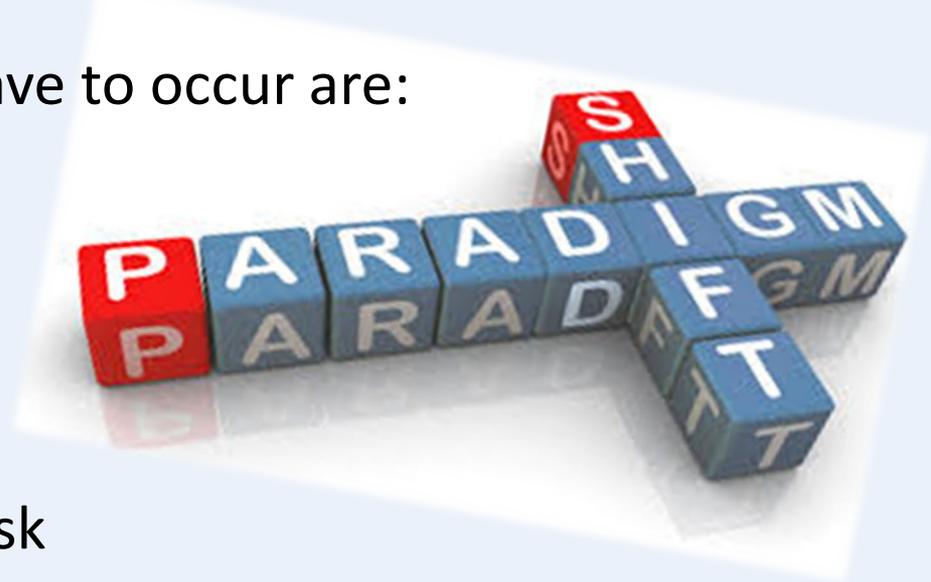
The two key paradigm shifts that have to occur are:

- Rethinking safety so that it is applied in an age and developmentally appropriate manner. This means being less risk averse as a system as it relates to children and youth being allowed to participate in “normal” age related activities.



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- Rethinking safety so that it is applied in an age and developmentally appropriate manner. This means being less risk averse as a system as it relates to children and youth being allowed to participate in “normal” age related activities.
- Empowering caregivers to unilaterally make routine caregiving decisions without having to get permission first.



# What is Normalcy?

Normalcy is the **right** for **ALL** children and youth in out-of-home care to participate in age appropriate extracurricular, enrichment, and social activities.

Normalcy is the **opportunity** for **ALL** children and youth in out-of-home care to achieve emotional well-being, as well as to develop valuable life-coping skills.

Connie, Create a  
drag and drop here  
with the underlined  
words.



Why do you think the concept of normalcy for children and youth in care has been hard for the child welfare system to achieve?



# One Size DOES NOT Fit All

One reason is that as a child welfare system, we are risk-averse. In being risk-averse with good intentions we've sought to avoid all risk, liability, and exposure to any potential child safety issues.

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This has resulted in often unintentionally or unnecessarily sacrificing normalcy and consequently, well-being and permanency.

Ensuring safety always remains our priority AND "safety" must be considered in an age and developmentally appropriate context



“Youth placed in out-of-home care are often denied the chance to participate in the everyday activities essential to the process of maturing into adults.



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Consequently, youth who “age out” of the foster care system **experience worse life outcomes** than their peers, including homelessness, unemployment, and poverty.”

(May 2015 Juvenile Law Center)

# The Building Blocks for Normalcy

- 
- Eliminating barriers to youth participating in extracurricular, social enrichment, cultural and social activities.

- 
- Ensuring that the child welfare system keeps safety paramount while not unnecessarily sacrificing normalcy for children and youth.

- 
- Empowering foster caregiver to make routine, typical parenting decisions without having to go through administrative approvals.



# Normalcy Requirements

In the area of normalcy the act specifically requires states to:

- Make sure that all children participate in **age or developmentally-appropriate activities**. States are to specifically focus on youth who are most likely to remain in foster care until age 18.



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- Use the reasonable and prudent parent standard for determining if youth can participate in activities.
- Develop standards and training on the reasonable and prudent parent standard for foster parents and caregivers.



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In the area of normalcy the act specifically requires states to:

- Require participation of youth age 14 and older in case planning and identification of advisors/advocates – Youth can choose to invite two people and one may act on their behalf. DCBS may exclude one if deemed inappropriate.

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- Require participation of youth age 14 and older in case planning and identification of advisors/advocates – Youth can choose to invite two people and one may act on their behalf. DCBS may exclude one if deemed inappropriate.
- Empower youth age 14 and older in transition planning for successful adulthood.



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- Mandate provision of a list of rights to youth age 14 and older (included in the case plan document).
- Establish liability standards that ensure protection when the RPPS is applied by foster parents.
- Mandate judicial review of normalcy for youth who have a permanency goal of Another Planned Permanent Living Arrangement (PPLA).



# Normalcy Requirements

In the area of normalcy the act specifically requires states to:

- Private child caring agencies (group homes, residential, supervised Independent Living programs) must have staff on site around the clock who are designated to make reasonable and prudent parenting decisions



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# Normalcy Requirements

In the area of normalcy the act specifically requires states to:

- Private child caring agencies (group homes, residential, supervised Independent Living programs) must have staff on site around the clock who are designated to make reasonable and prudent parenting decisions.
- Private Child Placing agencies must have designated personnel, at least 1 individual, for foster parents to consult with as part of the Reasonable and Prudent Parent decision-making process.

# Why Does This Matter?



The Juvenile Law Center (2015) writes that *normalcy is*

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“ensuring a child’s range of experiences while in foster care is typical of the range of experiences of any child of the same age.”

They feel it is important for children to “practice the skills they will need as an adult while they are still in a **protected environment**.”

These experiences help them build relationships, develop skills, and prepare for adulthood.”

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**Social capital** is the “value that is created by investing in relationships with others through processes of trust and reciprocity.”

Foster youth have comparatively low access to resources, fewer familial and community bonds, and experiences with loss, separation and disruption that may lead them to be distrustful of others. These youth need “normalcy” so that they can build their social capital.”

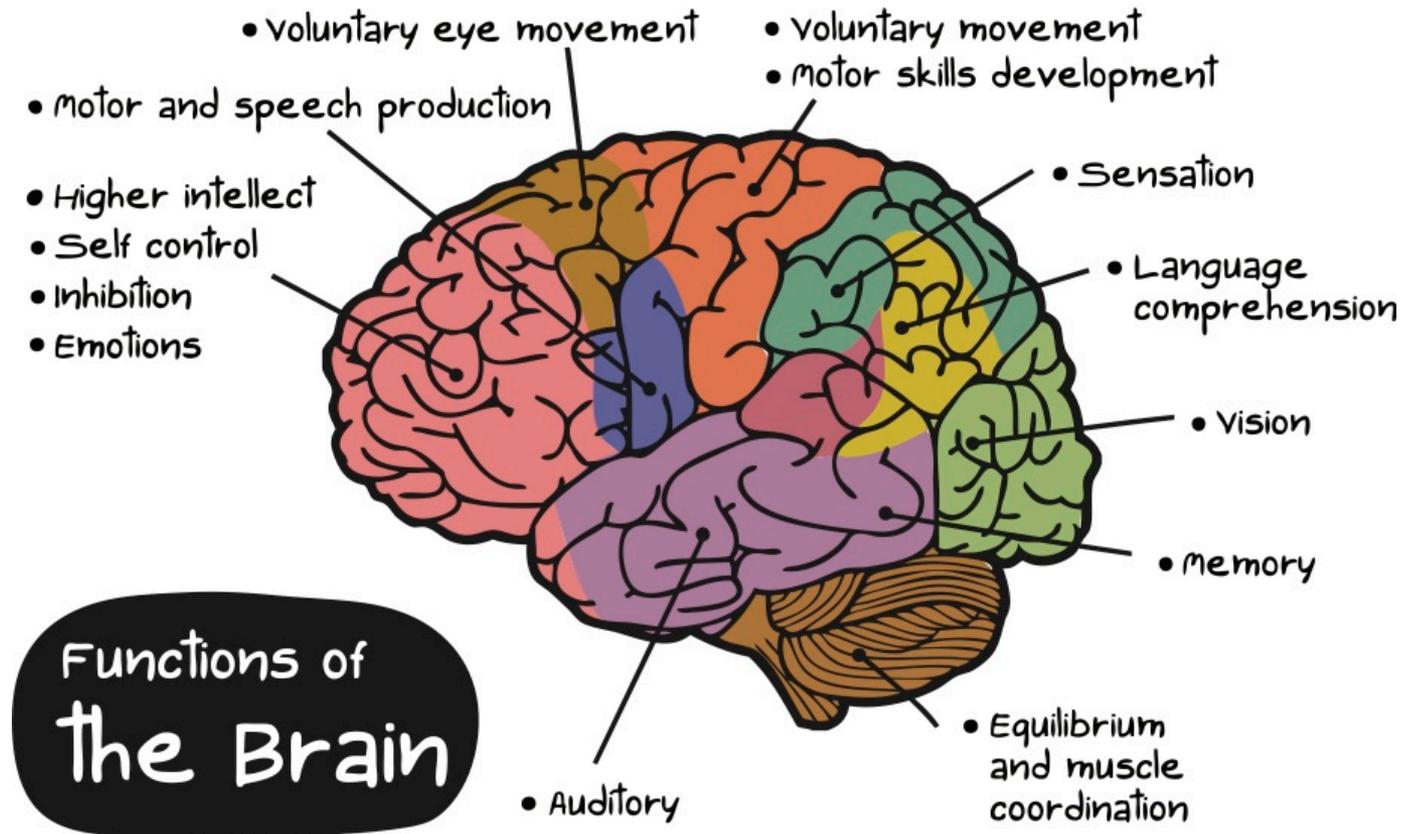
(JLC white paper May 2015) <http://www.jimcaseyyouth.org/about/aging-out>

Adolescent **brain research** further confirms why these experiences and relationships are so critical to a youth's maturation.



Brain development during adolescence is as important as that which takes place in early childhood.

Physiological development occurs in the adolescent brain's frontal lobes, particularly in the prefrontal cortex, which governs reasoning, planning, decision making, judgment, and impulse control.



Chemicals in the brain shift during this developmental period, providing youth with the capacity needed to try out adult roles and responsibilities.



At the same time, youth are excited and want to explore new experiences and try out their independence.

# Why Does This Matter?



“When children participate in these activities it allows them an opportunity to **gain skills to become independent, and learn about making good decisions.**

Every child will test boundaries and breaks some rules.

However, with oversight and guidance this is how the child can learn about natural consequences and gain an understanding of making positive choices.”

(TX letter to residential contractors)

# Why Does This Matter For Kids?



“Normalcy is truly achieved when children and youth learn skills, take advantage of opportunities, and develop relationships while growing up in a stable, loving family and a supportive community.”

(May 2015 Juvenile Law Center)

# Kentucky Foster Care Worker Shares

Jeff, a worker and supervisor with youth in care says,

*“When foster youth are not able to participate in extra-curricular activities or go to different community events, they are not able to establish and development relationships within their community. This leads to a chain reaction in which the youth do not feel connected to the community and as a result they are very guarded in opening up to anyone and they feel like an outsider. This also hurts their social development as they are not able to experience different situations during their teenage years in order to learn how to act appropriately. “*

# In Other Words

## It Matters to All of Us Because...



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- Children in foster care need to have the opportunity to learn from experiences that are age and developmentally appropriate.
- They need to live in a culture of growth as a result of having life experiences that are typical for their age.
- They learn from natural and logical consequences.
- Normalcy helps us achieve well-being, a core element of the federal guidelines for children in foster care or residential placements.

The normalcy legislation was driven by foster youth who had not been given the opportunities to experience normal, age-appropriate activities as their non-foster child peers had.



Naturally, a significant part of this legislation focuses on Youth Rights and Responsibilities.

# Youth Rights and Responsibilities



# Kentucky Foster Care Alumni Share



I remember a lot of resentment, frustration, tears and feelings of being broken hearted and even hatred.

Darrell

It's hard being denied something that is considered a rite of passage and something every teen does when they get to driving age.

Glenda



# Youth Rights



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5. The right to have their educational needs met;

# Youth Rights



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7. The right to family and community connections, including visitation, telephone calls, etc.;
8. The right to have regular, ongoing opportunities to engage in age or developmentally appropriate activities as defined in SOP 4.17.

# Youth Rights



6. The right to have their health needs met;
7. The right to family and community connections, including visitation, telephone calls, etc.;
8. The right to have regular, ongoing opportunities to engage in age or developmentally appropriate activities as defined in SOP 4.17.
9. The right to have intensive, ongoing efforts made to reunify them with their birth family (i.e. parents or relatives) or to secure a safe, permanent home;



# Youth Rights

10. The right to participate in the development of the case plan and to review, sign, and receive a copy of the case plan (SOP 4.18); One member of the case planning team may be designated to be the youth's advisor/advocate, with respect to the application of the reasonable and prudent parent standard to the youth;



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11. The right to choose up to two members of the case planning team who are neither their foster parent nor caseworker;



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11. The right to choose up to two members of the case planning team who are neither their foster parent nor caseworker;
12. The right to participate in Juvenile court proceedings regarding their family;

# Youth Rights



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14. The right to receive a free copy of their consumer credit report at age 14 (SOP 4.17-4.18 Initial and Ongoing Case Plan);
15. The right to receive an official or certified United States birth certificate, Social Security card, driver's license or identification card, health insurance information, and medical records upon exiting foster care at age 18 or above; and

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15. The right to receive an official or certified United States birth certificate, Social Security card, driver's license or identification card, health insurance information, and medical records upon exiting foster care at age 18 or above; and
16. The right to receive an age appropriate description of their rights, and a personal copy.



# Youth Responsibilities

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2. The responsibility for their own choices, decisions, actions and behaviors;



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2. The responsibility for their own choices, decisions, actions and behaviors;
3. The responsibility to try to learn from their mistakes so they can make positive choices in their lives;



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2. The responsibility for their own choices, decisions, actions and behaviors;
3. The responsibility to try to learn from their mistakes so they can make positive choices in their lives;
4. The responsibility to try to the best of their ability in school, to take full advantage of educational opportunities and achieve their educational needs;



# Youth Responsibilities

5. The responsibility to cooperate with services recommended to meet their health needs;



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6. The responsibility to set and keep safe boundaries with family members, friends, acquaintances, and others with whom they maintain connections;
7. The responsibility to do their best to communicate openly with others when they have a problem;



# Youth Responsibilities

8. The responsibility to ask for help when they need it, even when they have trouble asking for help; and



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9. The responsibility to make amends if their actions harm others.



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8. The responsibility to ask for help when they need it, even when they have trouble asking for help; and
9. The responsibility to make amends if their actions harm others.
10. The responsibility to make every effort not to cause harm to themselves or others and to speak up when they feel their rights have been violated.

Connie, Add a sort exercise of these items. I've changed this title...It use to be "Normalcy: Pertaining to the Youth & the Caregiver"

# Benefits for Youth and Caregiver

## Youth

ens their interests and  
arts

- Practices decision-making
- Develops healthy peer relationships
- Develops a different relationship with adults; views them as "life guides" instead of "wardens"
- Able to participate in activities like their peers

## The Caregiver

- Learns the youth's strengths and needs
- Develops more trust and confidence in the youth as well as their own parenting abilities
- Is relieved of some care pressures as the youth becomes more independent

# Connie, Insert this quiz here.

1. What is the name of the large ground-breaking federal law designed to promote well-being and normalcy for youth in foster care?
  - a) ASFA (Adoption and Safe Families Act)
  - b) RPPS Regulation Act
  - c) Preventing Sex Trafficking and Strengthening Families Act**
  - d) Normalcy Standards Act
2. Chose the item below that is NOT required of the state with the Reasonable and Prudent Parent Standards.
  - a) All children participate in age or developmentally appropriate activities
  - b) Use RPPS to determine activities for youth
  - c) Purchase additional car insurance for foster parents**
  - d) Develop standards and training
3. At what age must youth participant in the Case Planning process?
  - a) Age 7
  - b) Age 10
  - c) Age 14**
  - d) Age 16
4. Which of the following statements is false re: Normalcy Requirements?
  - a) Private Child Caring agency must have Staff on site around the clock that can make RPPS decisions. (This is true. Try again.)
  - b) Private Child Placing agency must have 1 designated personnel for foster parents to consult in making RPPS decisions. (This is true. Try again.)
  - c) These staff must be 25 years old. (This is the false statement. There is not a designated age for these staff according to the RPPS.)**
  - d) These staff must have a Bachelor's Degree in Social Work or a related field. (This is true. Try again.)
5. Select 4 reasons why RPPS are important to the well-being of children and youth in care.
  - a) Improves critical brain development which occurs during the adolescent years
  - b) Helps develop Social Capital
  - c) Helps determine medication needs**
  - d) Helps develop trusting relationships
  - e) Helps youth independently make decisions while having a safeguard
  - f) Helps reduce the number of children in foster care**
6. Our "risk-averse" intensions have hindered normalcy and well-being for youth. **True** or False(Try Again)
7. Safety remains our priority and must be considered using age and developmental criteria when choosing activities. **True** or False(Try again)
8. Youth who currently "age out" of the foster care system experience worse life outcomes than their peers. Which of the following outcomes is **NOT** one of those mentioned in the study?
  - a) Homelessness
  - b) Obesity**
  - c) Unemployment
  - d) Poverty



# How Do We Get There? Empower Caregivers

The way that Kentucky will empower caregivers to make these decisions is by using the Reasonable and Prudent Parenting Standard (RPPS).

So what does that mean for our foster parents, staff and private child caring agencies?

# Reasonable and Prudent Parent Standard Definition

## **Section 111 Supporting Normalcy for Children in Foster Care**

Reasonable and Prudent Parent Standard.-- (1) Definitions relating to the standard.--Section 475 (42 U.S.C. 675):

*On the next page please click on the correct word and drag to the appropriate spot to complete the Reasonable and Prudent Parent Standard Definition.*

# Reasonable and Prudent Parent Standard Definition

Connie, Create a Drag and Drop for the Definition below of the RPPS using the underlined words.

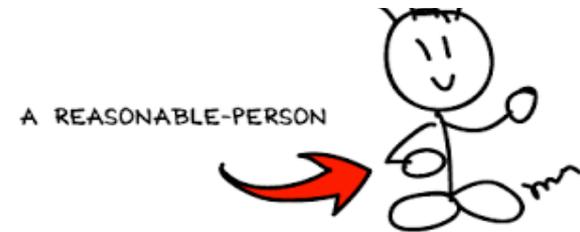
“(10)(A) The term ‘reasonable and prudent parent standard’ means *the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the State to participate in extracurricular, enrichment, cultural, and social activities.*

# Reasonable and Prudent Parent Standard Definition

- “(B) the term ‘caregiver’ means *a foster parent with whom a child in foster care has been placed or a designated official for a child care institution in which a child in foster care has been placed.*”
- “(11)(A) The term ‘age or developmentally-appropriate’ means--*(i) activities or items that are generally accepted as suitable for children of the same chronological age or level.*”

# Reasonable and Prudent Person

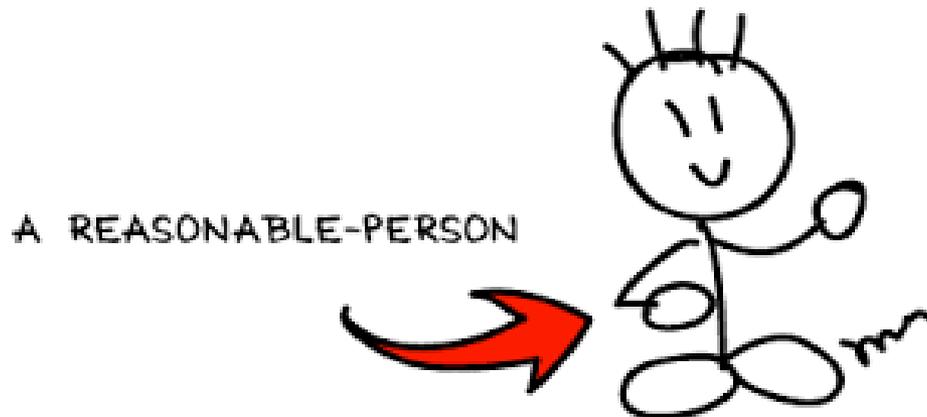
**“Reasonable and Prudent” Person** – a person who exercises the standard of care that a reasonable prudent person would observe under a given set of circumstances.



Caregivers must exercise care and skill as they apply the reasonable and prudent parenting standards, however, there are some special rules that apply to foster parenting.

# Reasonable and Prudent Parent

The reasonable and prudent parent exercises care, skill, and judgment in their parenting decisions and conduct.



# RPPS Removes Previous Liability Barriers

Please note that the law provides legal protection for caregivers if, as a result of them making a reasonable and prudent caregiving decision, a child is harmed or injured while participating in an approved activity.



# RPPS Applies:



Day to Day and routine/typical caregiver decisions



Permission to participate in age and developmentally appropriate school, extracurricular, sports, social/cultural enrichment, field trips and similar activities



**Remember:** it is not possible to list **every** possible question or circumstance that caregivers will face so the list provided is not exhaustive.

# Example of Activities that are considered typical parenting decisions

- Obtaining a driver's license
- Swimming
- Bicycling
- School field trips
- Family camping outings
- Traveling with foster parents
- Riding to School or other activities with a Friend
- Playing with friends at a neighbor's house
- Having a Cell phone
- Dating
- Hunting
- Birthday Parties
- Riding jet skis
- Operating power lawn mowers
- Sleepovers
- Obtaining employment
- Having social media accounts

# How Do You Make a RPPS Decision?



A RPPS DECISION REQUIRES THAT A CAREGIVER CONSIDER THE FACTORS UNIQUE TO EACH CHILD SUCH AS:

- Age
- Maturity
- Input From Case Managers
- Length of Time of Placement
- Known Precautions
- Ability
- History
- Parenting Experience
- Past Behaviors
- Any other relevant factors



# Reasonable Steps

The foster parent must take reasonable steps to implement the RPPS:

- Gather adequate information about the child placed in their home. Consider whether the activity is suitable based on the child's mental, behavioral and physical abilities and past experiences.
- Once you have all the information, ask yourself if this is an age-appropriate extracurricular activity for the child.



# Reasonable Steps

- Ask yourself “What are the risks involved in the activity?” (hunting, archery, riding 4-wheelers, sports).
- Provide all reasonable safety equipment and training including what is required by law.
  - Hunting requires an online safety course
  - Gun training is required for certain ages
  - ATV training
- With all this information, if this child were your birth child, what informed decision would you make?

**Foster Parents can say YES or NO to opportunities and activities!**

A red brick wall with yellow graffiti that reads "THINKING ALLOWED!". The text is written in a bold, blocky, hand-painted style. The word "THINKING" is on the top line and "ALLOWED!" is on the bottom line, both slanted slightly to the right. The exclamation point is at the end of the second line.

THINKING  
ALLOWED!

Things to consider as part  
of the caregiver  
decision-making process.

# Safety Considerations

Caregivers need to take into account **reasonable, foreseeable risks** of an activity and what **safety factors and direct supervision** may be needed in the activity to prevent potential harm.

# Safety Considerations



Examples:

- Helmets should be worn when riding bicycles, skateboards, ATV's, and mopeds
- Gun Safety Education

**Gun  
Safety**

# Safety Considerations



Examples:

- Education and Adherence to Operation Manuals for lawn and farm equipment, tools and heavy machinery

\*Caregivers **must comply** with state laws regarding age restrictions and safety requirements.

# Cultural Considerations

- Religious preferences of the birth parent and child should always be taken into consideration when making decisions regarding participation in religious activities.

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# Cultural Considerations

- Please keep in mind, what is considered a normal activity is often determined by the child and/or the caregiver's culture.
  - Example: Hunting which requires the use of a gun or bow and arrow is a cultural norm in some areas of the state.

# RPPS Impact on Children

- Obtain employment
- Have a bank account
- Have access to phone usage
- Have reasonable curfews
- Travel with other youth or adults



# RPPS Impact on Children

- Have his or her picture taken for publication in a newspaper or yearbook
- Participate in school or after-school organizations or clubs
- Participate in community events





# How Does RPPS Impact Decisions on Driver's Licenses?

- For years, caregivers and workers have discussed the need for youth to have a driver's license prior to leaving care.
- Having a driver's license provides normalcy for youth.
- This gives youth access to appropriate extra-curricular and social activities.



# How Does RPPS Impact Decisions on Driver's Licenses?

- Changes in the law will be forthcoming to support of the child's efforts to obtain a learner's permit, driver's license and insurance.
- Kentucky is in the process of making changes in the law to reflect federal mandates, however the process takes time. As changes occur, you will be notified.

# Babysitting

One Reasonable and Prudent Parent decision most affected by this law is ***short-term*** babysitting.

Babysitting

Stay Focused  
and Stay Safe

# Reasonable and Prudent Standards Legislation Impact on Babysitting

- Foster parents can arrange for ***short-term babysitting (less than 24 hours)*** of their foster children without requiring the babysitter to undergo background checks.

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- This allows care providers, such as foster parents, to use the reasonable and prudent parent standards or the standard characterized by careful and sensible parental decisions that maintain the child's health, safety and best interest when selecting babysitters.

# Reasonable and Prudent Standards Legislation

## Impact on Babysitting

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- This allows care providers, such as foster parents, to use the reasonable and prudent parent standards or the standard characterized by careful and sensible parental decisions that maintain the child’s health, safety and best interest when selecting babysitters.
- Policy requires babysitters to be age 16 for the “Basic” foster child and age 18 for CarePlus, Level 4 & 5 and Medically Complex.

# Examples Of When A Babysitter Might Be Used:

- A medical or health care appointment
- A special event for a foster parent
- Grocery or other shopping
- To attend foster parent training
- Hair or other grooming appointment
- School related meetings, conferences or activities
- Business meetings
- Date night

# Other Babysitting Requirements

When using short term babysitters, foster parents must:

- Provide information about the child's conditions, including medical, physical, emotional and behavior (this doesn't mean revealing diagnosis);

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- Provide emergency contact information that is valid during the time the foster child is being supervised by the babysitter.

# Other Babysitting Requirements

When using short term babysitters, foster parents must:

- Provide information about the child's conditions, including medical, physical, emotional and behavior (this doesn't mean revealing diagnosis)

**Babysitters for Medically Complex children still**

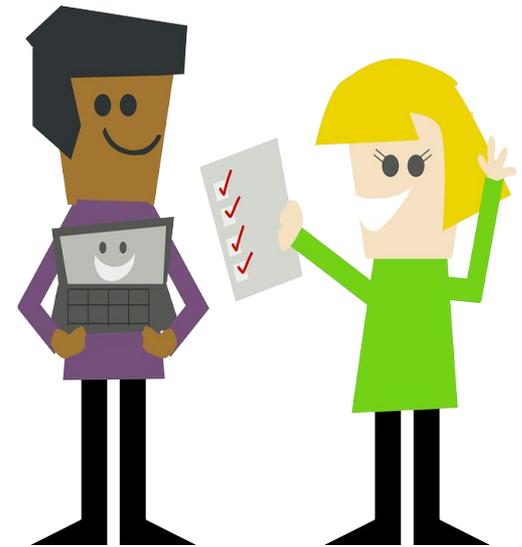
- **require certified First Aid, CPR, and child specific training. These must be verified by the foster parent.**
- Provide emergency contact information that is valid during the time the foster child is being supervised by the babysitter.

# Babysitting Considerations

- Weigh the possible risks in leaving the child with a babysitter.
- If unsure about the appropriateness of leaving a child with a babysitter when a child is new to your home, discuss with the child's worker.
- Consider the babysitter's ability to give the necessary appropriate care.
- Follow the requirements outlined in policy.
- When appropriate, children in care may be utilized as a babysitter.

# Babysitting Checklist

- ✓ Address & Phone Number
- ✓ Location of Foster Parents if emergency arises
- ✓ Cell phone numbers
- ✓ Emergency Neighbor Contact
- ✓ Worker's Phone Number
- ✓ Child's Doctor and phone number
- ✓ Allergies
- ✓ Medications
- ✓ Behavioral history
- ✓ Special instructions or routines to follow





## Who Decides

- The department and agencies may not create rules, standards or policies which limit, prevent or create barriers to caregivers making reasonable and prudent parenting decisions within the boundaries discussed.



## Who Decides

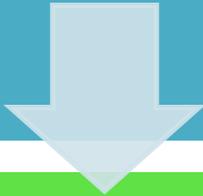
- The department and agencies may not create rules, standards or policies which limit, prevent or create barriers to caregivers making reasonable and prudent parenting decisions within the boundaries discussed.
- **RPPS decisions are left up to the caregivers.** They have been approved for this responsibility and should be treated like parents, with the same authority to make decisions in the best interest of their children.

Connie, Insert this short quiz here.

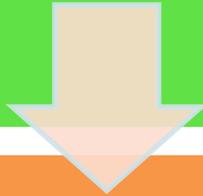
1. Statutory changes are being made to allow youth to obtain a learner's permit, driver's license and insurance. True (This is Correct) or False(Try Again)
2. Foster Parents can arrange for short-term babysitting of their foster children without requiring the babysitter to undergo background checks. However, this has a time limit. Choose the correct time limit for care to meet the "babysitting" requirement.
  - a. 12 hours
  - b. 24 hours
  - c. 36 hours
  - d. 48 hours
3. True (Children in care can be babysitters. However, Foster Parents must use the reasonable steps of RPPS to decide if this is appropriate for each child) or False(Try Again).

# Law and Policy

Preventing Sex Trafficking and  
Strengthening Families Act (2014)



Kentucky Law 922 KAR 1:495  
Training Requirements (2015)



Kentucky Standard of Practice Policy

Policy has been developed to provide guidance to foster parents and DCBS staff. Part of the legislation package and associated changes could happen as early as 2016.

\*For PCC staff and foster parents, guidance is in the PCC Agreement.

# There Are **NON-NEGOTIABLE** Decisions That Do **Not** Fall Under The RPPS

- **Discipline Policy**
- Court ordered visitation
- Medical approvals as stated in policy
- Return child without court approval
- Changing schools pursuant to policy
- Drastic change of child's appearance – tattoos, body piercings, etc.
- Medications – psychotropic, birth control

\*This is not an exhaustive list. Policy must not be violated.

# There Are **NON-NEGOTIABLE** Decisions That Do **Not** Fall Under The RPPS

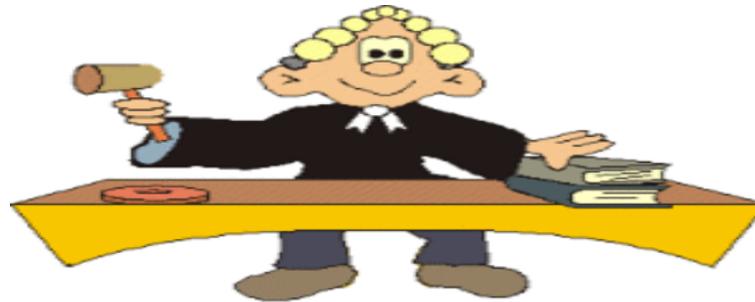
## **AND**

- Changing their religion
- Court orders
- Birth parent and sibling visits
- Permanency decisions
- Pregnancy terminations
- Surgery

\*This is not an exhaustive list. Policy must not be violated.

# DCBS Policy

A caregiver's decisions regarding normalcy activities cannot be contrary to a pre-existing court order.



- For Example, if there is a court ordered visitation with the child's parents on Saturdays, a normalcy activity planned or approved by the caregiver would not trump or take precedence over an existing court order for Saturday visitation.

# DCBS Policy

- Our new standard, which is in compliance with federal mandates is this:
  - Every child in our care is entitled to participate in age appropriate enrichment, extracurricular and social activities.

# DCBS Policy

- Caregivers should assess the appropriateness of the activity based upon the child's age, maturity, abilities and interests.

However, the assessment should be reasonable and avoid intrusive or bureaucratic actions such as background screening (unless there is a reasonable basis for doing so).

# DCBS Policy

- The child's worker is available to provide assistance if there are concerns or issues regarding expenses.

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- The child's worker is available to provide assistance if there are concerns or issues regarding expenses.
- The worker does not need to be involved in making day to day decisions regarding child's participation in activities, babysitting, etc. However, the worker should be informed during home visits.

# DCBS Policy

- The child's worker is available to provide assistance if there are concerns or issues regarding expenses.
- The worker does not need to be involved in making day to day decisions regarding child's participation in activities, babysitting, etc. However, the worker should be informed during home visits.
- The child's worker cannot require prior approval for a child to participate in a normal activity.

# DCBS Policy

- Partnership parenting is central to our processes. Consult birth parents whenever it is reasonable, unless termination of parental rights has occurred.

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- Partnership parenting is central to our processes. Consult birth parents whenever it is reasonable, unless termination of parental rights has occurred.
- If reunification is the goal, we need to ask birth parents about their views on activities for their children and then make a decision that takes their preferences into account.

# DCBS Policy

- Confidentiality requirements for department records shall not restrict the child's participation in customary activities appropriate for the child's age and developmental level.

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- Confidentiality requirements for department records shall not restrict the child's participation in customary activities appropriate for the child's age and developmental level.
- Disabled youth shall be provided with an equal opportunity to participate in activities.

# Accountability

## Monitoring cycle



We all must be diligent in ensuring that children and youth are participating in age and developmentally appropriate activities. Agency staff must likewise act diligently in ensuring that children and youth in foster homes and private child care facilities have access to age and developmentally appropriate activities.

# DCBS Policy

- According to the Federal Law, the caregiver will not be liable for harm caused to child, provided the decision was made using the reasonable and prudent standard.
- However, this protection does not cover when the parent is negligent, resulting in harm to the child.
  - For example, a reasonable and prudent parent would not allow a child to participate in activities without age appropriate supervision. If a child is harmed as a result of lack of supervision, the parent could be determined to be negligent.

# DCBS Policy

- Agencies are responsible for ensuring caregivers, including foster parents, understand liability issues for caregivers when a child participates in an approved activity and the caregiver approving the activity acts in accordance with the reasonable and prudent parent standard.
- A caregiver, including the child's foster parent, may be held liable for an act or omission of the child if the caregiver fails to act in accordance with the reasonable and prudent parent standard.

Below is a list of activities for youth in care. Sort these into the two groups of Typical Decisions (Use RPPS) and Non-Negotiables (Not a part of RPPS) **Mix up the following activities and have participants sort them.**

#### Typical

- Obtaining a driver's license
- Swimming
- Family camping outings
- Dating
- Hunting
- Riding jet skis
- Operating power lawn mowers
- Sleepovers

#### Non-Typical

- Discipline Policy
- Return child without court approval
- Drastic change of child's appearance – tattoos, body piercings, etc.
- Medications – psychotropic, birth control
- Court orders
- Birth parent and sibling visits
- Surgery

# RPPS Activity



Now, let's do a quick activity to see how well you can apply what you've learned. For each of the following questions identify whether it is a **red**, **green**, or **yellow** scenario. **Red** means it is a non-negotiable, **Green** means that it falls within the RPPS and **Yellow** means it is in the gray area; a decision that should be discussed in advance with DCBS.

# Scenarios

Connie, Ignore these scenarios. They are the old ones. I just keep them in here to hold the place.

APPLY GREEN—RPPS APPLIES  
NCY (GRAY AREA)

A foster caregiver would like to get a babysitter so she can attend a local concert. She has two children ages 6 and 4 placed in her care.

A 16-year old would like to attend a 2-night ski trip with his church group.

A relative caregiver would like to take her kin placement to Disney for 4 nights.

A 15 year old would like to make a long distance phone call to her aunt; the foster parent does not allow long distance calls (no cell phone-land line).

The foster parents go on a getaway weekend and leave their two foster children ages 13 and 9 with the foster parent's parents.

A 17 year old wants to get a job.

A 16 year wants to get on birth control. The foster parent agrees, the birth mom does not.

A foster parent asks her 18 year old foster daughter to babysit two other foster children. She is very capable of providing the care.

A foster parent is a holistic healer of sorts. She does not believe in western medicine for herself or her children. She decides not to follow a doctor's medical orders for a foster child in her care.

# RPPS Answers

- \*A foster caregiver would like to get a babysitter so she can attend a local concert. She has two children ages 6 and 4 placed in her care. **GREEN**—this decision falls under RPPS.
- \*A 16-year old would like to attend a 2-night ski trip with his church group. **GREEN**—this is allowed under RPPS.
- \*A caregiver would like to take her foster child to Disney for 4 nights. **RED**—because it is more than 24 hours and out of state you must get permission from the worker.
- \*A 15 year old would like to make a long distant phone call to her aunt; the foster parent does not allow long distance calls (no cell phone-land line only). **YELLOW**—this is a gray area; perhaps DCBS and the caregiver can work out a reasonable solution.
- \*The foster parents go on a getaway weekend and leave their two foster children ages 13 and 9 with the foster parent's parents. **RED** because this is more than 24 hours.
- \*A 17 year old wants to get a job. **GREEN**—this decision falls under RPPS.
- \*A 16 year wants to get on birth control. The foster parent agrees, the birth mom does not. **YELLOW**—involve DCBS to mediate between the two and come to a reasonable solution.
- \*A foster parent asks her 18 year old foster daughter to babysit two other foster children for about 5 hours. The foster daughter is very capable of providing the care. **GREEN** —this decision falls under RPPS.
- \*A foster parent is a holistic healer of sorts. She does not believe in western medicine for herself or her children. She decides not to follow a doctor's medical orders for a foster child in her care. **RED**—doctor's orders must be followed.

# Youth Rights and Responsibilities Activity



Now, let's do a quick activity to see how well you can apply what you've learned. For each of the following questions identify whether it is a **red**, **green** or **yellow** scenario. **Red** means it is YR violation. **Green** there was no rights violation and **Yellow** means it is in the gray area; a decision that should be discussed in advance with DCBS.

# Scenarios

RED—Rights Violation

GREEN—No Violation

YELLOW—CONSULT AGENCY (GRAY AREA)

A 16 year old wants to call his mother daily; he is placed in a private child care foster home which only allows calls every other day.

Terry, a 9-year old, wants to know why he is in foster care; no one is comfortable explaining the dire circumstances that he was discovered in.

A 15 year old is behind in school. He needs tutoring which has been set up for him at least three times and each time, he has failed to follow through. His caseworker has placed this at the bottom of her list—and another year has passed.

A 14 year old is placed in a foster home along with two older youth. He feels emotionally abused by the other youth.

Wording on this one???? Bullying is not quite right

A 15 year old complains of not being allowed to go to the mall to hang out with friends. The foster caregiver will not allow such activities if school work is not done timely.

## YRR Answers

\*A 16 year old wants to call his mother daily; he is placed in a private child care foster home that only allows calls every other day. **YELLOW** (No violation)—The youth is not being restricted from contact altogether—he still has reasonable opportunities to connect with his mother. It is ok for private child care foster homes to have structure.

\*Terry, a 9 year old, wants to know why he is in foster care; no one is comfortable explaining the dire circumstances that he was discovered in. **GREEN** (no violation)—YRR applies to youth 14 years and older. However, in best practice the worker and therapist should address this with Terry.

\*A 15 year old is behind in school. He needs tutoring which has been set up for him at least three times and each time, he has failed to follow through. His caseworker has placed this at the bottom of her list—and another year has passed. **RED** (Violation)—Right # 5 says that youth's educational needs must be met.

\*A 14 year old is placed in a foster home along with two older youth. He feels bullied by the other youth. **RED** (Violation)—Right #3 covers safety from abuse, neglect and exploitation. This is bullying, not necessarily same as #3

\*A 15 year old complains of not being allowed to go to the mall to hang out with friends. The foster caregiver will not allow such activities if school work is not done timely. **GREEN** (No violation)—Hanging out is a privilege that can be earned and lost. It is ok for caregivers to have rules and structure.

# Training Recap

One Size DOES NOT fit all.

Implementation of RPPS ad YR is required by federal and state law.

RPPS create normalcy for children, youth and the caregiver.

RPPS supports the healthy growth and development of children and youth.

Children cannot be forced to attend or participate in foster parents religious activities.

# Training Recap

Short-term babysitting is considered 24 hours or less.

Agencies, foster & Pre-adoptive Parents are accountable.

RPPS applies to all foster pre-adoptive caregivers and all placement settings; groups homes are not exempt.

RPPS applies to routine and typical parenting duties but there are areas or non-negotiables where it does not apply.

# Kentucky Foster Care Alumni Share

When asked “How do you feel about the new law which normalizes the foster care experience for children?” they were hesitant in their answers.

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- *“...It still remains left to the human population to actually enforce it or follow through.”*
- *“The reality is that the law is only as effective as the enforcement of it.”*
- *“It won’t mean anything if they don’t apply it and follow through.”*

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- *“The reality is that the law is only as effective as the enforcement of it.”*
- *“It won’t mean anything if they don’t apply it and follow through.”*

**Do you see a theme here?**

**It’s up to us to make this mean something to the youth in care.**

# Kentucky Foster Care Alumni Share How will RPPS help?

- “With normalcy we can change so many lives. All kids want is to feel normal, wanted and happy.”
- “It will help many youth not feel as much of the sting of pain at being in care, at losing their loved ones, at leaving behind their friend, pets, sports teams and so many other memorable aspects of life.”
- “I think that this law is going to revolutionize our system because it truly does create normalcy for youth in foster care. From a PCC perspective, ...it gives the provider oversight into making decisions which is normal. It makes the process easier to not always involve the DCBS worker because they are already stretched to the max.”

It's up to us to carry out the Reasonable and Prudent Parent Standards for all youth in care!!!

Let's not let them down!

Below is a link to Frequently Asked Questions regarding RPPS.

**Add link here to attached document.**



Thanks for participating in this web-based training.



We hope you have found it helpful!