



The Reasonable and Prudent Parent Standard: Promoting Normalcy

Training for Licensed Private Adoption Transition Homes and Licensed Pre-Adoptive Parents Adopting Privately or Internationally

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WISCONSIN DEPARTMENT OF
CHILDREN AND FAMILIES

Agenda and Objectives:

- Introduction and understanding purpose of the law
- Decision making process
- Address liability concerns and handling disagreements
- Identify those affected and their role and responsibilities
- Apply the requirements to practice and caregiving of children in out-of-home care, including pre-adoptive homes



Federal Legislation Overview:

H.R. 4980: Preventing Sex Trafficking and Strengthening Families Act of 2014

Amends the Title IV-E foster care program to address a number of different issues including:

- Requiring a **“Reasonable and Prudent Parent Standard”** for out-of-home care providers when children are in out-of-home care, including those children waiting to be adopted in pre-adoptive homes
- Requiring that all out-of-home care providers must be trained in the Reasonable and Prudent Parent Standard, including licensed pre-adoptive parents

Wisconsin Statutes updated to match federal legislation

- Out-of-Home Care Provider Defined: An individual with whom a child is placed in out-of-home care
 - including pre-adoptive homes

Reasonable and Prudent Parent Standard Defined:

Reasonable and Prudent Parent Standard (RPPS):

A standard for an out-of-home care provider to use in making decisions concerning a child's participation in ***age and developmentally appropriate*** extracurricular, enrichment, cultural, and social activities that is characterized by careful and sensible parental decisions that maintain the health, safety, best interest, and cultural, religious, and tribal values of the child, while at the same time encouraging the emotional and developmental growth of a child.



Age and Developmentally Appropriate Defined:

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



Purpose of the Standard:

- Creating and Promoting Normalcy
 - Normalcy is the ability to easily engage in healthy and developmentally appropriate activities that promote well-being and personal growth and development, such as social, scholastic, and enrichment activities.
- Relationship Building
- Personal Growth
- Improved Well-being



How to Make Decisions:

Considerations

- Age, maturity, development
- Potential risk factors
- Best interest of the child
- Growth
- Family-like living experience
- Child's behavioral history
- Court Order/Legal Considerations
- Cultural, Religious, & Tribal Values

Age, Maturity, & Developmental Level

- Age, maturity, and developmental level may be based on child's:
 - *Daily functioning*
 - *learning style,*
 - *current knowledge,*
 - *life experiences,*
 - *Interests, etc.*
- Children with disabilities should be provided with an equal opportunity to participate in activities
- View each child as an individual and making decisions based on each individual

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Potential Risk Factors

- Evaluate the circumstances of risk.

Example 1:

You decide to get a babysitter last minute. Does the child in your home have significant medical needs that a babysitter who has not cared for children with medical needs?

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- Out-of-home care providers **must** ensure that children and youth obtain necessary *training* and *safety equipment* to safely participate in the activity under consideration.

Best Interest of the Child

Does it serve the child? Or is the decision being made for another's benefit?

Decisions cannot be made only for the convenience and values of the out-of-home care provider

Considerations

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Growth

Thoughtful decision making that takes into account the **emotional and developmental** opportunities for growth.



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Family-like Living Experience

Is this something I would let my biological or adopted children do?

Is the only thing preventing the child from participating is their status as a pre-adoptive child.

Considerations

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Child's Behavioral History

- The amount of information that you have about a child in your care will impact your decisions.
- You may not have much information about the child, or the child may not have much in their behavioral history

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Court Order/Legal Considerations

- Reasonable and prudent parenting decisions cannot be contrary to a pre-existing court order.
- Reasonable and prudent parenting cannot be contrary to other laws or legal restrictions for the child.
- If a decision is contrary to a court order, speak with your agency. Discuss the possible activity with your agency to see what, if any, adjustments can or should be made to accommodate the activity and promote normalcy

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Court Order/Legal Considerations

Reasonable and prudent parenting cannot be contrary to other laws.

This is not an exhaustive list of examples:

- Medical
 - Consents
 - Medication changes
 - Doctor examinations
 - Therapy instruction, etc.
- Department of Public Instruction (School)
 - Individual Education Plan (IEP), etc.
- Department of Transportation
 - Liability, etc.



Cultural and Religious Considerations

- When possible and appropriate, the child's cultural, religious, and tribal values must be considered.
 - Especially consider with international adoptions.
- Ask for information from your agency about beliefs and values the child may have from their birth family. Agencies may offer specific trainings on this topic.

Considerations

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Child/Youth's Wishes

- Pre-adoptive parents should consider a child or youth's wishes for reasonable and prudent parenting decisions as appropriate for the child's age and developmental level.
- When age and developmentally appropriate, input from the child/youth is crucial
 - Trust
 - Empowerment
 - Growth
 - Personal interests
 - Family involvement/inclusion
 - Life skills/decision making



Liability

- The fear of liability should not prevent normalcy.
 - Specific statutory provisions were included to address the liability of out-of-home care providers and can be found in s. 895.485 Wis. Stats.
- When you have placement of a child, the agency is trusting you to make reasonable and prudent parenting decisions when given appropriate information.
- If your decisions are reasonable and prudent, you will be supported in matters where liability is questioned.



Disagreements

In any disagreement **over the application** of a reasonable and prudent parenting standard, the placing ultimately responsible for the decisions of care for the child.



Example:

- If the agency does not like a decision that a pre-adoptive parent made because it is different than what their decision would be, **this is not a disagreement with the application for the standard.**
- If the agency feels that the decision an out-of-home care provider was made without properly applying the standard, such as a disregard for cultural considerations or safety, this may be a disagreement in which the agency is involved.

Information Necessary Pre-Adoptive Parents to Make Decisions

The placing agency shall:

- Explain the parameters of the considerations to the out-of-home care provider to take into account when making decisions about the child.
- Explain that necessary training and safety equipment is required for certain activities.
- Provide the pre-adoptive parents with information specific to the child in order to make reasonable and prudent parenting decisions.
 - Information to Out-of-Home Care Providers Part A and B

Information Necessary Pre-Adoptive Parents to Make Decisions

II. ALL ABOUT ME

The child or youth should complete this section, if they would like to. Completion of this section is not required.

In my free time I like to (i.e. play sports, hang out with friends, visit family, play games, go outside, etc.):

My best friends are:

Some of my favorite foods and meals are:

Some foods and meals I really dislike are:

Some of my favorite books, stories, and movies are:

I am closest to the following family members:

I am close to these other important adults:

I am in the following clubs, sports, and activities:

I work at or would like to work at (this can include babysitting, lawn mowing, and more formal employment):

My pets are:

I like to be alone when:

At night before going to bed, my favorite thing to do is:

The thing that scares me the most about foster care is:

Information Necessary Pre-Adoptive Parents to Make Decisions

III. REASONABLE AND PRUDENT PARENTING CONSIDERATIONS

“Reasonable and prudent parent standard” means a standard for an out-of-home care provider to use in making decisions concerning a child’s participation in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities that is characterized by careful and sensible parental decisions that maintain the health, safety, best interests, and cultural, religious, and tribal values of the child while at the same time encouraging the emotional and developmental growth of the child.

A. Cultural, Religious, and Tribal Considerations

For this child take into account the following cultural, religious, and tribal considerations when making prudent parenting decisions:

Specify:

B. Recreational Activities

This child engages in or would like to participate in the following recreational activities, sports, and / or extra-curricular activities (e.g. birthday parties, movies, volunteering, dances, etc.):

Specify:

For this child consider the restrictiveness of the placement and whether he / she has the necessary training and safety equipment to safely participate in the activity under consideration.

Specify:

For this child consider their age and the following cognitive, emotional, physical, and behavioral capacities when making prudent parenting decisions:

Specify:

This child is prohibited from participating in the following recreational activities (i.e. prohibited due to their age, cognitive, emotional, physical, and behavioral capacities, court orders, laws, etc.):

Specify:

- Sections on:
 - Recreational activities, transportation, employment, peer relationships, personal expression, other, and cultural/religious/tribal considerations
- Agencies must gather information on the child to provide accurate information

Updating Information and Documenting Reasonable and Prudent Parent Decisions

- Pre-Adoptive parents should keep a record of big decisions made for the child, especially if it impacts key information.



Agency Specific Policy

Agency policy cannot further restrict a out-of-home care provider's ability to promote normalcy.

- Agencies cannot require prior approval for a child to participate in an activity.
- If a pre-adoptive parent is not being permitted to make decisions for a child, they should be encouraged to inform the Department of Children and Families or the court.

Resources

REASONABLE AND PRUDENT PARENT STANDARD



Promoting Normalcy for Children in Out-of-Home Care

DIVISION OF SAFETY AND PERMANENCE

Promoting Normalcy: Reasonable and Prudent Parent Standard Frequently Asked Questions

Children and youth in out-of-home care have the right to a childhood or adolescence that provides the same experience to children and adolescents residing in their own home. It is the responsibility of those who care for them to create as much normalcy as possible. Historically, laws, policies, and lengthy applications have restricted or delayed age-appropriate activities for children in out-of-home care. The implementation of the Reasonable and Prudent Parent Standard (RPPS) now allows out-of-home care providers to allow children to attend school, hold part-time jobs, or spending time with peers, which are common

activities. In 2016, the Governor of Wisconsin signed 2015 Wisconsin Act 128, which amended the Reasonable and Prudent Parent Standard. This document answers frequently asked questions about the RPPS and the types of activities that providers can make under the Reasonable and Prudent Standard. The answers to the following questions provide some additional guidance on types of considerations for certain decisions, and are intended to be a comprehensive list of considerations that an out-of-home care provider should think about when making a reasonable and prudent parenting decision.

Providers frequently ask questions related to:

- Liability, Cost, and Training Requirements
- Making Process
- Decisions

| | |
|---|---|
| Potential risk factor considerations | <ul style="list-style-type: none"> Who will be attending/supervising this activity? Does the child have adequate training and safety equipment for this activity? Can the child protect him/herself and know how to respond in an emergency? Have I given the child enough information to safely participate in the activity? |
| Best interest of the child considerations | <ul style="list-style-type: none"> Is this an activity the child is interested in participating in? Does approving this activity only serve my interests? Will this activity trigger any trauma reactions for the child? |
| Growth considerations | <ul style="list-style-type: none"> Will this promote the child's cognitive, social, emotional, or educational growth? Will this allow the child to further explore and pursue his/her interests? Will this activity safely allow the child to "fail" and learn from his/her experience? Will this activity teach the child independent living skills? |
| Family-like living situation considerations | <ul style="list-style-type: none"> Would I allow my own child to participate in this activity? Have I allowed other children in my home to participate in this type of activity? Will this activity help to make the child feel included? |
| Child's behavioral history considerations | <ul style="list-style-type: none"> Does the child demonstrate responsible behavior for their age and capabilities? Does the child understand parental expectations and consequences? Does the child have a history of risky behavior? |
| Court-order/Legal considerations | <ul style="list-style-type: none"> Will this activity violate a court order? Is this decision a decision only a legal guardian can make? Will this activity interfere with any visitations, appointments, or treatment plans? Will this activity violate any laws, policies, or administrative code restrictions? |
| Cultural, religious, and tribal value considerations | <ul style="list-style-type: none"> Will this violate any of the child's/family's cultural, religious, or tribal values? Will this activity promote cultural, religious, or tribal growth for the child? Will this allow the child to explore their own cultural, religious or tribal values? Have I consulted with the child's parents and families about their values? |

Takeaways

- Purpose is to promote normalcy for children and youth.
- The Reasonable and Prudent Standard is required.
 - Licensed pre-adoptive parents must be trained and use the standard when making decisions for children and youth placed in their home.
- Decisions are child-specific, age and developmentally appropriate, and cannot cross court orders.
- Agencies must provide information to pre-adoptive parents to make decisions.
- Agencies may not require prior approval or for normalcy activities.

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