

Desk Guide: Normalcy and the Reasonable and Prudent Parent Standards

Please note that this is a guide for best practices; not all content will be found in policy or W.Va. Code.

Who does the Reasonable and Prudent Foster Parenting Standards apply to?

In West Virginia, any child who comes into care under Chapter 49 of the W. Va. Code is entitled to participate in age-appropriate activities for the child's emotional well-being and development of valuable life-coping skills. Public Law 113-183, the Preventing Sex Trafficking and Strengthening Families Act, was passed in 2014. This law requires states to implement Reasonable and Prudent Foster Parenting Standards to support normalcy for children in care.

Who is identified as a Foster Caregiver?

- Foster/adoptive resource homes
- Emergency shelters
- Group homes
- Residential treatment settings

What is Normalcy?

Normalcy can be defined as the ability to “easily participate in age-appropriate social, scholastic, and enrichment activities.”

Age-appropriate activities are generally accepted as suitable for children of the same chronological age or level of maturity or are determined to be developmentally appropriate for a child based on the development of cognitive, emotional, physical, and behavioral capabilities of the child (“Age-Appropriate or Developmentally Appropriate Activities”).

Normalcy is important as it helps build relationships, develop life skills, and prepare youth for adulthood.

Reasonable and Prudent Foster Parenting Standards are characterized by careful and reasonable prudent parental decisions that maintain a child's health, safety, and best interests, while at the same time encouraging the child's emotional and developmental growth, and guidance that a caregiver shall use when determining whether to allow a child in care to participate in extracurricular, enrichment, and social activities.

This decision-making process is made case-by-case considering the point in time challenges the child may be experiencing and will be decided upon based on that information.

When youth cannot participate in activities necessary for development, they are often unprepared for adult life. When young people in foster care age out, they often experience an abrupt loss in support, which puts them at risk of negative outcomes. Many youth who age out of foster care experience unemployment or inadequate income, homelessness, or incarceration.

Youth in foster care need normalcy so they can build their social capital, thus allowing youth to test

boundaries while in care can help them learn about natural consequences and the importance of making positive choices.

Foster Caregivers Responsibilities

Foster caregivers have the responsibility of making decisions that will provide opportunities for children and youth in care to participate in normal childhood activities, including taking into consideration not only the safety and best interest of the child, but also for the community and other individuals. To feel more confident in taking on this responsibility, foster caregivers should attend training, communicate with their licensing agency or the West Virginia Department of Health and Human Resources (DHHR), and apply existing policies and procedures as required and necessary.

You may find current policy and training using the following links:

dhhr.wv.gov/bss

dhhr.wv.gov/bss/communitytrainings

dhhr.wv.gov/bss/communitytrainings/Pages/Normalcy.aspx

A foster caregiver's role is to nurture and advocate. Participation in normal childhood activities should be encouraged by holding ongoing conversations between the youth, biological parents, foster caregivers, caseworkers, guardian ad litem, multi-disciplinary team, and the court.

Foster caregivers should have routine and open communication with biological parents as part of the decision-making process. Shared parenting helps to ensure that a caregiver has not only acted in the best interest of the child, but that it was an informed and joint decision. Some activities will require a biological parent's permission. Ensuring that they are part of the process is important for everyone.

Foster caregivers will also need to consider the reasonable, foreseeable risks of an activity and what safety factors and direct supervision may be involved in the activity to help prevent potential harm to the child, and/or others. Caregivers shall help ensure the child has the safety equipment and necessary permissions (when applicable) and training to safely engage in each activity the child participates in. Foster caregivers can also communicate with the licensing agency or the DHHR worker for support when the decision may be unclear or there are concerns and consider the policies and practice of both agencies when applying the Reasonable and Prudent Foster Parent Standards.

Examples of normalcy: Sleepovers with friends; camping; sports; scouts; dating; obtaining a driver's license.

Factors to consider: Age; developmental level, personality; social preferences; experience; emotional growth; potential risk factors; behavior history; maturity; best interests; likes and dislikes; most family like-living; past trauma and experiences.

Questions to consider:

- How well do I know the child?
- What would I allow my own children to do?
- What safety precautions do I need to consider?

Liability

A foster caregiver is not liable for harm caused to a child in an out-of-home placement if the child participates in an activity approved by the foster caregiver, provided the foster caregiver has acted in accordance with Reasonable and Prudent Foster Parent Standards.

Within the W.Va. Code (<https://code.wvlegislature.gov/49-2-128>), there is a rebuttable presumption that a caregiver has acted as a reasonable and prudent foster parent, which means that an outcome will stand as a fact until proven otherwise.

Note: This document will act as a support to the Reasonable and Prudent Foster Parent Standards training that is posted on DHHR's Bureau for Social Services website, <https://dhr.wv.gov/bss/policy/Documents/Prudent%20Parenting%20%286.2.23%20MS%29.mp4>. The training is intended to promote discussion and dialogue with the various examples.