



DEPARTMENT OF
HUMAN SERVICES

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Minnesota's Reasonable Prudent Parent Standard Guidance

Removing barriers to normalcy for foster children

County, tribal and private agencies must promote a foster child's or youth's emotional and developmental growth by accepting that caregivers make decisions regarding a child's activities with application of the Reasonable and Prudent Parent Standard. Caregivers can use this standard to remove barriers for children and youth to participate in activities that are generally accepted as suitable for their chronological or developmental age. [Minnesota Statutes, section 260C.212, subd. 14]

What does the above mean?

Foster parents and designated residential facility staff apply the Reasonable and Prudent Parent Standard to allow a foster child's/youth's participation in extracurricular, social and cultural activities typical for their age, or are developmentally appropriate without agency approval.

Developmentally appropriate activities

Selection of activities is based on a child's/youth's cognitive, emotional, physical and behavioral capacities that are typical for a given age or age group.

What is the Reasonable and Prudent Parent Standard?

The standard is characterized by careful and sensible parenting decisions that maintains a child's/youth's health and safety; cultural, religious and tribal values; and best interest, while encouraging emotional and developmental growth.

What is the law?

When applying the **Reasonable and Prudent Parent Standard** to a parenting decision, caregivers must consider the following factors:

- A child's/youth's age, maturity and developmental level
- Risk of an activity
- Best interest of a child/youth
- Importance of various experiences in a child's/youth's emotional and developmental growth
- Importance of a family-like experience
- Behavioral history of child/youth
- Wishes of the legal parent or guardian, as appropriate.

Corporate child foster care and residential facilities

Corporate foster care and residential facilities licensed under Minnesota Rules, Chapter 2960, must have at least one staff person on-site who is trained and designated to apply the Reasonable and Prudent Parent Standard, and available to make decisions about a child's/youth's participation in activities. Staff training must be the same as for prospective foster parents.

Training

All foster parents, child welfare agency caseworkers, and designated facility staff, must be trained in applying the Reasonable and Prudent Parent Standard.

Liability

Caregivers demonstrating compliance with the Reasonable and Prudent Parent Standard are not liable in a civil action if a child is harmed or injured because of participating in approved extracurricular, enrichment, cultural and social activities.

Out-of-home placement plan

County/tribal agency case managers should include child's/youth's activities and interests in case plans. They must ask youth if they want to select a member of the case planning team to be an advocate for application of the Reasonable and Prudent Parent Standard.

Special considerations

Foster children/youth with disabilities shall be provided with an equal opportunity to participate in activities.

Funding

Support for Emancipation and Living Functionally (SELF) program funds may be available to support activities for youth age 14 or older.

Activities caregivers may approve with the Reasonable and Prudent Parent Standard

Family and recreation

- Summer and winter outdoor recreational activities such as swimming, fishing, skiing, canoeing, skateboarding, snowboarding and skating.
- Recreational vehicles such as boats, all-terrain vehicles, snowmobiles or bikes when using required safety equipment. If operating, must be of legal age and complete any required safety training.
- Recreational equipment such as trampolines and playgrounds.
- Movies and video games.
- Lawn care equipment such as a mower, tractor or weed trimmer.
- Social events or activities with friends and family such as going to a movie, concert or to the mall.

School and community extracurricular activities

Caregivers may sign permission slips for a child to participate, register and apply for scholarships, such as:

- Early childhood education classes or other preschool activities
- School field trips, dances (prom)
- Extracurricular social/student activities, such as academic clubs, robotics, Gay Straight Alliance, service and career clubs
- Music, theater or other arts activities, such as jazz or drama club
- Extracurricular cultural activities such as diversity club, Hmong Women's Circle, Fellowship of Christian Athletes
- Sports activities associated with a school or community, including those with potential risk of injury such as football, soccer, boxing and taekwondo, with appropriate safety equipment.

Community activities

- Girl Scouts, Boy Scouts, 4-H, neighborhood night out, volunteering

- Social justice activities, such as Pride and Black Lives Matter events
- Cultural activities such as powwows, religious activities, education and Juneteenth celebrations.

Overnights and planned outings

Minnesota Department of Human Services background studies are not needed for adults supervising overnight school, community, or cultural activities, such as:

- Sleepovers with friends and overnight club activities
- Extracurricular activities, community or cultural group overnights
- Family weekend camping or going to a lake.

Social media

- Use of the internet/social media
- Having a cell phone, tablet or laptop.

Driving or using public transportation

- Caregiver and agency case manager assist youth with enrolling/participating in a driver's education program
- Support a youth's efforts to learn to drive a car, obtain learner's permit and driver's license
- Obtain and maintain automobile insurance
- Using mass transit without supervision.

Transition to adulthood

- Arrange college campus tours
- Open bank accounts
- Follow independent living plan.

When must a caregiver get permission from the local agency?

- Any activity that takes a child/youth out of state
- High risk activities such as sky-diving or extreme sports
- Any activity that takes a child/youth out of the foster home for longer than three nights.

Foster youth are encouraged to:

- Work with foster parents to establish an allowance
- Participate in after-school clubs, community and cultural activities
- Travel with other youth
- Have a reasonable curfew
- Get a job.

The child and youth activities identified are not intended to be an all-inclusive list. Rather, it is guidance for foster parents, facility and agency staff to use in implementation of the Reasonable and Prudent Parent Standard. County and tribal agencies may develop their own Reasonable and Prudent Parent Standard guidance for regional activities, such as hunting, that are not addressed in these guidelines.

Minnesota's Reasonable and Prudent Parent Standard Guidance

Removing the barriers to normalcy for foster children

Responsible social service and child-placing agencies shall support a foster child or youth's **emotional** and **developmental** growth by permitting them to participate in activities or events that are generally accepted as suitable for children/youth of the same chronological age, or developmentally appropriate for a child, as required by Minnesota Statutes, section 260.212, subd 14. County/tribal agency case managers are encouraged to include a child/youth's activities or interests in the case plan.

Developmentally appropriate activities are based on a child/youth's cognitive, emotional, physical and behavioral capacities that are typical for an age or age group.

To remove barriers to participation, foster parents and designated residential facility staff are permitted to apply the Reasonable and Prudent Parent Standard to allow a foster child's participation in extracurricular, social and cultural activities typical for a child's age, or are developmentally appropriate.

What is the Reasonable and Prudent Parent Standard?

The standard characterized by careful and sensible parenting decisions that maintain a child's health and safety; cultural, religious, tribal values; and best interest, while at the same time encouraging a child's emotional and developmental growth.

What is the law?

When applying the *reasonable and prudent parent standard* to a parenting decision, caregivers must consider the following factors:

- A child/youth's age, maturity and developmental level
- Risk of an activity
- Best interest of a child/youth
- Importance of experiences in a child/youth's emotional and developmental growth
- Importance of a family-like experience
- Behavioral history of child/youth
- Wishes of the legal parent or guardian, as appropriate.

Corporate child foster care and residential facilities

Corporate foster care and residential facilities licensed under Minnesota Rules, Chapter 2960, and approved for Title IV-E must have at least one staff person on-site who is trained and designated to apply the Reasonable

and Prudent Parent Standard, and available to make decisions about a child's participation in activities. Staff training must be the same as prospective foster parents.

Training

All foster parents, child welfare agency social workers and designated facility staff must be trained in applying the prudent parent standard.

Liability

Caregivers demonstrating compliance with the reasonable and prudent parent standard are not liable in a civil action if a child is harmed or injured because of participating in approved extra-curricular, enrichment, cultural and social activities.

Special considerations

Foster children/youth with disabilities shall be provided with an equal opportunity to participate in activities.

Foster youth are encouraged to:

- Work with foster parents to establish an allowance
- Participate in after-school clubs, community and cultural activities
- Travel with other youth as part of these activities
- Have a reasonable curfew
- Get a job.

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Funding

Support for Emancipation and Living Functionally (SELF) program funds may be available to support activities for a child age 14 and older.

Child's or youth's activities caregivers may approve with application of the Reasonable and Prudent Parent Standard:

Family and recreation

- Outdoor recreational activities, such as swimming, fishing, skiing, canoeing, skateboarding, snowboarding and skating
- Recreational vehicles, such as boats, all-terrain vehicles, bikes or snowmobiles must use required safety equipment. If operating, must be the legal age and complete required safety training
- Movies and video games
- Lawn care equipment such as a mower, tractor or weed trimmer.

School and extracurricular activities

- Early childhood education classes or other preschool activities
- School field trips, extra-curricular activities, school dances (prom)
- Music, theater or other arts activities
- Sports activities associated with a school or community, such as football and soccer, with appropriate safety equipment

- Caregivers may sign permission slips for a child to participate and apply for registration and scholarships.

Overnights and planned outings

- Sleepovers with friends and overnight clubs activity
- Extracurricular activity, community or cultural group overnights
- Family weekend camping or going to the lake
- Background studies are not completed on adults supervising overnight school, community/cultural activities.

Social media and activities

- Use of the internet/social media
- Use of the phone
- Social events or activities with friends and family.

Driving

- Caregiver and agency case manager shall assist a youth with enrolling/participating in a driver's education program
- Support a child's efforts to learn to drive a car, obtain learner's permit and driver's license
- Efforts shall be made to obtain and maintain automobile insurance.

Baby-sitting

- When arranging a babysitter for foster children, the caregiver must ensure the babysitter:
 - Is over age 14 and suitable for the age, developmental level and behaviors of foster child
 - Understands how to handle emergencies, and has telephone numbers (case manager and physician)
 - Is informed of discipline and confidentiality policies for a child.
- A foster child over age 14 may babysit for a neighbor or family member.

Transition to adulthood

- College campus tours
- Follow independent living plan.

When must a caregiver get permission from the agency?

- Any activity that takes a child/youth out-of-state
- High risk activities, such as sky-diving or extreme sports
- Any activity that takes a child/youth out of the foster home for longer than three nights.

The childhood and youth activities identified are not intended to be an all-inclusive list. Rather, guidance for foster parents, facility and agency staff to use in implementation of the Reasonable and Prudent Parent Standard.