

**THE 'PREVENT SEX TRAFFICKING AND STENGTHENING
FAMILIES" ACT**

(HR 4980)

Public Law 113- 183

SUPPORTING NORMALCY FOR CHILDREN IN FOSTER CARE-PRUDENT FOSTER PARENT

New definitions under Title IV-E, 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.”

For purposes of the definition, 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.”

The term “age or developmentally-appropriate” means:

“activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally-appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group;” and

“in the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child.”

NORMALCY FOR CHILDREN IN CHILD CARE INSTITUTIONS

The state plan requirements are amended with a new requirement:

- For the establishment or designation of a state authority responsible for establishing and maintaining standards for foster family homes and child care institutions which are reasonably in accord with recommended standards of national organizations concerned with standards for the institutions or homes, including standards related to admission policies, safety, sanitation, and protection of civil rights, and which shall permit use of the reasonable and prudent parenting standard;
- Prudent parent standards shall be applied by the state to any foster family home or child care institution receiving funds under Title IV-E or Title IV-B, as a condition of each contract to provide foster care, the presence on-site of a least 1 official who, with respect to any child placed at the child care institution, is designated to be the caregiver who is authorized to apply the reasonable and prudent parent standard to decisions involving the participation of the child in age or developmentally-appropriate activities, and who is provided with training in how to use and apply the reasonable and prudent parent standard in the same manner as prospective foster parents are provided the training;
- Prudent parent standards shall include policies related to the liability of foster parents and private entities under contract by the state involving the application of the reasonable and prudent parent standard, to ensure appropriate liability 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; and “(D) that a waiver of any standards established pursuant to subparagraph (A) may be made only on a case-by-case basis for nonsafety standards (as determined by the State) in relative foster family homes for specific children in care;”

SUPPORTING PARTICIPATION IN AGE-APPROPRIATE ACTIVITIES

The Chaffee Act is amended by adding new eighth requirements:

- To ensure children who are likely to remain in foster care until 18 years of age have regular, ongoing opportunities to engage in age or developmentally-appropriate activities as defined under (the prudent parent standard)'
- Funding the Chaffee program is amended to increase by \$3 million starting in 2020 from the current \$140 million to \$143 million to assist in these activities

Prudent parent and related amendments shall take effect on the date that is 1 year after the date of the enactment with possible delays if HHS determines more time is needed due to requirements/limitations of state legislative sessions.

Source: CWLA Publication July 25, 2014

**West Virginia DHHR
Bureau for Children & Families
Relevant Policy Sections – Prudent Parenting - Normalcy**

Foster Care Policy

5.21 Prudent Parenting

Any child who comes into care under a Chapter 49 abuse and neglect proceeding is entitled to participate in age-appropriate activities for the child's emotional well-being and development of valuable life-coping skills. The Bureau for Children and Families (BCF) shall make efforts to normalize the lives of children in their custody and to empower a caregiver to approve or disapprove a child's participation in activities based on the caregiver's own assessment using a reasonable and prudent parent standard, without prior approval of Child and Family Services. BCF shall allow a caregiver to make important decisions, similar to the decisions that a parent is entitled to make, regarding the child's participation in activities. BCF will verify that private agencies providing out-of-home placement under contract with BCF, promote and protect the ability of a child to participate in age-appropriate activities. A 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 caregiver, provided that the caregiver has acted in accordance with a reasonable and prudent parent standard.

A caregiver shall use a reasonable and prudent parent standard in determining whether to permit a child to participate in an activity. "Reasonable and prudent parent" standard means the standard characterized by careful and sensible parental decisions that maintain the child's health, safety, and best interests.

When making such decisions, a caregiver shall consider:

- The child's age, maturity, and developmental level to maintain the overall health and safety of the child;
- Potential risk factors and the appropriateness of the activity;
- The best interest of the child based on the caregiver's knowledge of the child;
- The importance of encouraging the child's emotional and developmental growth;
- The importance of providing the child with the most family-like living experience possible; and
- The behavioral history of the child and the child's ability to safely participate in the proposed activity.

In applying the reasonable and prudent parent standard, foster parents are required to take reasonable steps to determine the appropriateness of the activity in consideration of the child's age, maturity, and developmental level. It is recognized that there are many different ways to determine whether an activity is appropriate for a foster child in your care. Therefore, the following examples of "reasonable steps" that a foster parent may take in making this determination are provided as a guide to assist in the decision-making process:

- Have adequate information about the foster child in your care;
- take into account the type of activity and consider the foster child's mental and physical health, as well as behavioral propensities;
- consider where the activity will be held, with whom the foster child will be going, and when they will return. Foster parents and residential providers will also need to take into account the reasonable, foreseeable risks of an activity and what safety factors and direct supervision may be involved in the activity in order to prevent potential harm to the foster child. (i.e., hunting, paint ball, archery or similar activities that may pose a higher risk). Caregivers shall ensure that the child has the safety equipment and any necessary permissions and training necessary to safely engage in each activity the child participates in.

When children are placed in a group home or residential treatment setting, the provider will incorporate normalcy activities into the program. The activities will be in-line with the reasonable and prudent parent standard and will help children with skills essential for positive development.

14.26 Homefinding Policy 14.26

Prudent Parenting

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Questions to help with normalcy decision making process:

- Does this activity promote social development?
- How well do I know this child/teen?
- Has my child/teen shown maturity in decision making that is appropriate for their age/ability?
- Would I allow my own child to participate in this activity?
- Who will be attending the activity?
- Does my child understand their medical needs and are they able to tell others how to help them if necessary?
- Will this activity violate a court order?
- Will the timing of this activity interfere with a sibling or parental visitation, counseling appointment or doctor's appointment?
- Does my child know who to call in case of an emergency?
- Does my child understand our parental expectations regarding curfew, approval for last minutes changes to the plan and the consequences for not complying with the expectations?
- Can my youth self-protect (protect themselves)?
- If able and appropriate, have I consulted with my child's birth parents about their thoughts/feelings about their child participating in this particular activity?
- Would the normal activity violate the safety plan?
- If there is a safety plan, have you referenced it?

Social Media: Tips for Foster Parents

While social media has changed the way the world communicates, it also creates privacy and safety concerns. This tip sheet offers some considerations and ideas for foster parents as you use social media and as you guide social media use by youth in your care.

Helping Youth Use Social Media Safely

While it may be tempting to forbid youth to use social media, this is seldom realistic. The Internet and mobile devices are too widespread and accessible. In addition, forbidding social networking may make it harder for youth to fit in with friends. Instead, foster parents can provide guidance and boundaries to help youth use media safely. As with many parenting situations, you may need to start with close supervision and gradually provide more freedom as youth demonstrate responsibility. Before you talk to youth about social media use, make sure you know your child welfare agency's social media policies.

What are the benefits?

- **Maintaining social ties.** Youth can keep in touch with existing friends, siblings, and others and make new connections. This may be important for young people who have been moved from their communities.
- **Support.** Through online community groups, youth can share experiences with peers (see, for example, social media options through FosterClub at <http://fyi3.com>).
- **Family connections.** Youth may be able to share posts and other information with biological family members between family visits, where appropriate and approved by the caseworker.
- **Self-expression.** Videos, blogs, and other digital venues allow youth to express their feelings and ideas, which can help them shape their identity and contribute to healing from childhood trauma.

What are the risks? While all youth may be at some risk for unsafe online situations, youth in foster care may be particularly vulnerable to inappropriate contact, cyberbullying, or child predators. In addition, social media use may aid in communication with adults or family members who are "off limits."

Tips for safe use of social media by youth

- **Discuss social media with youth in your care.** Ask youth how they use social media and why it's important to them. Share and discuss this series' tip sheet for youth https://www.childwelfare.gov/pubs/smtips_youth.cfm
- **Talk with your caseworker.** Ask about safety needs or concerns that may affect your youth's use of social media and whether there have been any past issues with social media use.
- **Set house rules early on for what's okay and what's not.** Rules will likely vary with youth's age (see sample family media agreements for different age groups at http://www.common sense media.org/sites/default/files/imce/educatefamilies_fma_all.pdf).
- **Set strict privacy settings.** Understand settings for each network used, so youth in your care can limit who can find them, what they can see, and how they can communicate (for information on Facebook settings, read <http://www.connectsafely.org/pdfs/fbparents.pdf>; for other networks, consult networks' user information).
- **Teach youth to keep personal information private.** Advise youth not to post a full name, address, school name, phone number, photo, or other identifying information.

- **Monitor use.** Keep computers in a common family space (not a bedroom) and keep track of mobile device use. Know what type of social media your youth uses. Consider asking youth for passwords and permission to let a trusted adult “friend” them. However, try to balance monitoring with privacy.
- **Conduct searches.** Every so often, search on a youth’s name and address and see what information or tagged photos are publicly available (see <http://www.common sense media.org/advice-for-parents/photos-gone-wild-how-combat-unwanted-photos-facebook>).
- **Explain the need to be careful.** Make sure youth understand that not everyone is who they say they are. Advise youth to avoid sharing intimate photos and talking online about sex.
- **Discuss cyberbullying.** Warn youth not to send, forward, or respond to mean or embarrassing messages or pictures. Help youth document, block, and report cyberbullying if needed (for information on cyberbullying, see <http://www.stopbullying.gov/cyberbullying>).
- **Keep lines of communication open.** Encourage youth to let you know if an exchange makes them uncomfortable or if someone asks to meet them in person.
- **Be prepared to deal with mistakes.** When youth slip up and don’t follow guidelines, approach the situation as a “learning opportunity” and calmly work together with youth on what to do next.

Foster Parent Use of Social Media

You may turn to social media (Facebook, blogs, etc.) for learning opportunities and to share information and support with other foster parents (see media options for foster parents available through <http://www.nfpaonline.org> and <http://www.fostercarecentral.org>). If permitted by the agency, you also may use social media to keep in contact with child welfare workers or your youth’s family members.

Tips for social media use by foster parents

- **Talk with your caseworker about agency policies.** Ask about guidelines for social media contact between foster parents and birth parents and with community agencies, other foster parents, and agency staff. Find out whether there are specific considerations for the youth in your care.
- **Protect privacy and confidentiality.** Do not identify a child or youth as a foster child or post the child’s full name or address on a social network. Never discuss specific case information.
- **Get permission from the agency before posting family pictures that include a child or youth in care.** It’s important to ensure that photos do not create privacy or safety risks.
- **Be aware that photos may reveal the youth’s location.** Some smartphones embed tags that can provide geographic information (for more information on geolocation tags, see http://www.webwisekids.org/pdf/Handout_for_Geotagging.pdf). Other photos can provide clues, such as a school or city name.
- **Think before you post.** Be sensitive to how messages may be interpreted by others, including the child or youth’s family members and agency staff.

For more information and resources, see <https://www.childwelfare.gov/management/workforce/tools/socialmedia.cfm>

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