

## 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.**