

# CAREGIVER GUIDELINES FOR REASONABLE AND PRUDENT PARENT STANDARD

Michigan Department of Health and Human Services

## Preventing Sex Trafficking and Strengthening Families Act, Public Law 113-183 Section 111

Allows caregivers to make parental decisions based on a reasonable and prudent parent standard to maintain health, safety and best interest of the child and also decisions that support normalcy for children in foster care.

### What is the Reasonable and Prudent Parent Standard?

The standard is characterized by careful and sensible 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. The caregiver shall use the standard when determining whether to allow a child in foster care to participate in extracurricular, enrichment, cultural, and social activities.

Michigan licensing rules support caregivers providing normalcy and allowing a foster child to participate in age appropriate activities:

#### Foster Family Homes and Foster Family Group Homes for Children:

##### R 400.9419 Recreation

Rule 419. Opportunities for participation in activities.

##### R 400.9406 Communication

Rule 406. Child's communication with his/her family and friends.

#### Child Caring Institution:

##### R 400.4124 Communication

Rule 124. An institution shall have and follow a written policy regarding a child's communication with his/her family and friends.

##### R 400.4135 Resident work experience

Rule 135. An institution shall have and follow a written policy regarding work experiences for residents.

##### R 400.4136 Recreational activities, equipment and supplies; swimming restriction

Rule 136. An institution shall have and follow a written policy regarding recreational activities, equipment maintenance, appropriate supervision, and training of staff involved in recreational activities

### Why is normalcy important?

An important component of well-being for children and youth in foster care is to ensure that they are able to have normal experiences and engage in activities that are age appropriate and allow them to grow. Normalcy for children means being able to do what is considered routine, such as participate in sports, teams, clubs, choir, dance classes, volunteer, spend time with friends, have sleep overs, and take trips. It also includes opportunities for youth to take on additional responsibilities and freedoms, such as learning how to drive, working a part-time job, or having a curfew as the youth approaches adulthood. Through these activities, youth learn their interests and talents, safely experiment and take risks, practice decision making skills, and develop healthy peer and adult relationships. (Juvenile Law Center)

### What factors do I need to consider when applying the Reasonable and Prudent Parent Standard?

1. Overall age, maturity and developmental level of the child.
2. Potential risk and appropriateness of the activity.
3. Federal and state laws and licensing requirements.
4. Best interest of the child.
5. Importance of encouraging the child's emotional and developmental growth.
6. Importance of providing the child with the most family-like experience.
7. Child's behavioral history.

**The chart below is a non-exhaustive list of activities where the caregiver could follow the reasonable and prudent parent standard or obtain prior approval from the caseworker, court, or parent. The factors above must be applied prior to making decisions. An activity cannot override or interfere with service plans, safety plans, or other court-ordered requirements, such as parenting time. Children and caregivers must comply with all laws, use protective/safety gear, and have proper training and certificates.**

Child Activity Category	Examples of Normal Childhood Activities Caregivers can Approve Independently	Examples of Childhood Activities MDHHS, Court or Parent Must Approve
<b>Family Recreation</b>	<ul style="list-style-type: none"> <li>• Movies</li> <li>• Community events</li> <li>• Camping</li> <li>• Hiking</li> <li>• Boating</li> <li>• Canoeing/Kayaking</li> <li>• Swimming</li> <li>• Biking</li> </ul>	<ul style="list-style-type: none"> <li>• Any events or activities over 48 hours.</li> <li>• Any events or activities that are out-of-state.</li> </ul>
<b>Social, Extra-Curricular Activities, Religious or Cultural Participation</b>	<ul style="list-style-type: none"> <li>• Overnight with friends</li> <li>• School activities/clubs</li> <li>• Dances</li> <li>• Dating</li> <li>• Camps</li> <li>• Activities with friends</li> <li>• Community activities/events</li> <li>• Cell phone use</li> <li>• Social media</li> <li>• Religious and/or cultural practices or activities.</li> </ul>	<ul style="list-style-type: none"> <li>• Any events or activities over 48 hours.</li> <li>• Any events or activities that are out-of-state.</li> <li>• Participation in religious or cultural practices outside of the legal parent's chosen religion.</li> </ul>
<b>Sports</b> Resource: Please see Michigan Department of Natural Resources under tab Education and Outreach for Hunter Education & Recreational Safety classes. <a href="http://www.michigan.gov/dnr">http://www.michigan.gov/dnr</a>	<ul style="list-style-type: none"> <li>• Intramural sports</li> <li>• Archery</li> </ul>	<ul style="list-style-type: none"> <li>• Hunting – hunter safety is required.</li> <li>• Range shooting/target practice</li> </ul>
<b>Motorized Activities</b> Resource: Please see Michigan Department of Natural Resources under tab Camping & Recreation for information on safety requirements for boating, ORV/ATV, and snowmobiling: <a href="http://www.michigan.gov/dnr">http://www.michigan.gov/dnr</a> Michigan Boaters Safety Handbook: <a href="https://www.boat-ed.com/michigan/handbook">https://www.boat-ed.com/michigan/handbook</a> Michigan Off Road Safety Handbook: <a href="http://www.offroad-ed.com/michigan/handbook/">http://www.offroad-ed.com/michigan/handbook/</a>	Children riding as a passenger on a motorized vehicle with an adult operating includes, but is not limited to: <ul style="list-style-type: none"> <li>• Snowmobiles</li> <li>• All-terrain/off road vehicles</li> <li>• Personal watercraft</li> <li>• Boat</li> </ul>	<ul style="list-style-type: none"> <li>• Children riding as a passenger with an adult on a motorcycle or moped.</li> <li>• Children operating motorized equipment or vehicle -- must also follow all age requirements and have proper training and/or certification.</li> </ul>
<b>Driving</b> Resource: <a href="http://www.michigan.gov/teendriver">http://www.michigan.gov/teendriver</a>	<ul style="list-style-type: none"> <li>• Driver's training classes</li> <li>• Driver's test</li> <li>• Driving with friends</li> <li>• Caregiver acts as the parent/guardian for the purpose of the Graduated Driver's License Law.</li> </ul>	<ul style="list-style-type: none"> <li>• Driver's license – only a parent or guardian can sign for an application.</li> </ul>

Child Activity Category	Examples of Normal Childhood Activities Caregivers can Approve Independently	Examples of Childhood Activities MDHHS, Court or Parent Must Approve
<p><b>Employment, Babysitting, and Staying Home Alone</b></p> <p>Resource:</p> <p>Please see Michigan. Department of Education for information about youth employment. Click on Youth Employment on the left hand side.  <a href="http://www.michigan.gov/octe">www.michigan.gov/octe</a></p>	<ul style="list-style-type: none"> <li>• Babysitting – based on child’s maturity level and ability to handle responsibility.</li> <li>• Employment for youth ages 14-17 – must have a permit and follow the requirements for youth employment in Michigan.</li> <li>• Staying home alone – based on child’s maturity level and ability to handle responsibility.</li> </ul>	<ul style="list-style-type: none"> <li>• Entering the military</li> </ul>
<p><b>Child’s Appearance</b></p>	<ul style="list-style-type: none"> <li>• Clothing</li> <li>• Maintenance haircuts – standard trim that does not significantly change the child’s appearance, unless the child’s hair style has cultural significance for the child and/or child’s parents.</li> <li>• Temporary hair color that washes out.</li> </ul> <p>Notify caseworker when child and parent’s choices are in conflict.</p>	<ul style="list-style-type: none"> <li>• Haircuts that change child’s appearance.</li> <li>• Permanent hair color</li> <li>• Piercings</li> <li>• Tattoos</li> <li>• A baby’s first haircut</li> </ul>

Question and Answer:

- 1) Q: Can a foster child spend the night at a friend’s house?  
A: Yes, spending the night at a friend’s house can be an exciting experience for a child. The caregiver should discuss whether the child is ready to spend the night away from home and agree on any expectations for the overnight visit and what to do if the child is uncomfortable during the visit. The caregiver must consider if it is appropriate for the child’s developmental level, and assess whether the friend’s home is appropriate and safe. The caregiver must assure that contact information is exchanged between the caregiver and the friends’ parents.
  
- 2) Q: If a child spends the night at a friend’s house, is that considered a substitute caregiver?  
A: No, if the child is spending the night away from the foster home for the purpose of a child’s social activity and not due to the caregiver needing respite, it is not considered a substitute caregiver. If a child is at a friend’s home, the caregiver is still expected to be available in case the child needs to be picked up.
  
- 3) Q: Can a foster child stay home alone?  
A: On an occasional basis, the caregiver is permitted to leave a foster child alone without supervision, but shall not leave a foster child unsupervised overnight. The caregiver must consider:
  - a) The age, maturity, and development level of the foster child;
  - b) The length of time and time of day that the child will be left;
  - c) Established safety plans;
  - d) The nature and inherent risk of harm; and
  - e) The best interest of the foster child based on the information known by the caregiver. For example, does the child exhibit developmentally appropriate decision making? Does the child have special needs? Does the child have any physical, emotional or mental limitations that place him/her at risk when home alone?

If it is decided that the foster child may stay home alone, the caregiver must ensure the following:

- a) The foster child knows where the emergency numbers are posted;
- b) The foster child is aware of the length of time that the caregiver will be away;
- c) The foster child knows emergency procedures; and
- d) The foster child knows how to contact the caregiver.

- 4) Q: Can a child participate in social media and have an account on social media sites like Facebook, Instagram or Twitter?  
A: Yes. Children in foster care are permitted to use email and the internet, including social media sites with age appropriate supervision by their caregivers. The child's age and developmental needs must be taken into consideration when establishing guidelines for use. Children must comply with the minimum age requirements of social media accounts.

The caregiver and/or caseworker must have regular and candid conversations with the child to discuss safe and appropriate practices, review expectations, privacy, availability, rules and risks of providing any personal information via email or on the Internet or social networking sites.

- 5) Q: Can a child attend school dances or date?  
A: Yes, caregivers can help youth understand healthy dating practices by assisting with recognizing healthy and unhealthy behavior, developing coping skills for addressing jealousy and anger, recognizing when a relationship may no longer be working, and knowing how to end a relationship. School dances, such as prom, can feel like a rite of passage for young people and the high school prom is usually the first formal event in the lives of young people. Attending prom can be exciting and stress producing, as well as provide an opportunity for youth, caregivers and parents to collaborate in the planning for the event and engage in communication about logistics, behavior and contingencies. An exception would be when dating or dancing are against the parent's religious belief.
- 6) Q: What if the legal parent or guardian disagrees with a decision, is that the ultimate decision as to whether a child can participate in a normative activity?  
A: Where appropriate, the input of the legal parent or guardian should be considered in the decision making process. This will be dependent on the individual situation. In cases where parental rights have been terminated or released, or parents whereabouts are unknown, such discussion would not be part of the decision making process. If the parent, caseworker, and child (if age and developmentally appropriate) determine that an alternative decision is appropriate and in the best interest of the child, then the caregiver and child shall move forward with that decision.

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