



DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF CHILD AND FAMILY SERVICES
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Manual Transmission Letter (MTL)
Family Programs Office: Statewide Child Welfare Policy Manual

MTL # 1011-02132017

02-13-2017

TO: Paula Hammack Interim Director - Clark County Department of Family Services
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FROM: Reesha Powell, Deputy Administrator, Division of Child and Family Services

POLICY DISTRIBUTION:

Enclosed find the following policy for distribution to all applicable staff within your organization:

- 1011 Reasonable and Prudent Standard/Normalcy

This policy is/was effective: 01/30/2017

- This policy is new. Please review the policy in its entirety
- This policy replaces the following policy(s): MTL # _____ - _____ Policy Name: _____
- This policy has been revised. Please see below for the type of revision:
 - This is a significant policy revision. Please review this policy in its entirety.
 - This is a minor policy revision: (List page number & summary of change):
 - The addition of a subsection **C. Child’s Designated RPPS Advisor and Advocate** under section **1011.5.3 RPPS External Considerations** to meet federal requirements. (pg. 4)
 - The addition of **a title sentence** at the beginning of **1011.6.1 Development of Internal Policies:** and then the addition to subsection E (in same section) **identifying the specific federal requirements** within the agency’s RPPS/Normalcy Training. (pg. 5)
 - The addition of **documentation requirements** in the case file and UNITY tables under section **1011.6.4 Documentation:** (pg.6)
 - A policy form has been revised: (List form, page number and summary of change):
 - _____

Child welfare agencies in Nevada believe families are the primary providers for children's needs. The safety and well-being of children is dependent upon the safety and well-being of all family members. Children, youth and families are best served when staff actively listens to them and invite participation in decision-making. We support full implementation of family centered practice by engaging families in child and family teams and offering individualized services to build upon strengths and meet the identified needs of the family.

NOTE:

- Please read the policy in its entirety and note any areas that are additionally required by your agency to be in compliance with the policy enclosed.
- This is an **All STAFF MEMO** and it is the responsibility of the person listed above to disseminate the policy enclosed to appropriate staff within his/her organization and to ensure compliance.
- The most current version of this policy is posted on the DCFS Website at the following address: <http://dcfs.nv.gov/Policies/> . Please check the table of contents on this page for the link to the chapter you are interested in.

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1011.0 Reasonable and Prudent Parent Standard / Normalcy

1011.1 Policy Approval Clearance Record

<input checked="" type="checkbox"/> Statewide Policy	This policy supersedes:	Number of pages in Policy: 6
Date Effective: 01/30/2017	2/19/2015 Reasonable and Prudent Parent Standard / Normalcy	
DMG Approval	2/19/2016	Policy Lead Dorothy Pomin, SPSS III
DMG Approved Revisions	1/30/2017	Policy Lead: Dorothy Pomin, SPSS III
DMG Approved Revisions		Policy Lead: _____
DMG Approved Revisions		Policy Lead: _____
Review by Representative from the Office of the Attorney General:	10/12/2015	

1011.2 Statement of Purpose

1011.2.1 Policy Statement: To support normalcy for children through the Reasonable and Prudent Parent Standard in foster care by ensuring the status of being in foster care does not limit their ability to experience and participate in community, school, family or social activities. Such activities not only allow foster children to experience normalcy in their daily lives, but ultimately support healthy brain development required for children/youth to learn the necessary skills needed for normal development up and through adulthood.

1011.2.2 Purpose: Federal law requires implementation of the *“Reasonable and Prudent Parent Standard”* by expanding opportunities provided to foster children by requiring prudent decision-making by foster caregivers, foster care agencies in partnership with their foster parents and Designated Officials within congregate care settings.

This *Standard*, when appropriately used, offers the necessary guidance and latitude to ascertain appropriate parental decisions, which support the safety, best interests and healthy and normal development of the child. Normal activities for the child/youth include, involvement in social, extracurricular, cultural, and enrichment activities; which provide a child natural opportunities to experience safe risk-taking, supported by parental guidance and nurturing. Children/youth experiencing these types of commonplace activities in their daily lives provides the necessary learning opportunities for healthy development and normal maturation.

1011.3 Authority

2014 Preventing Sex Trafficking and Strengthening Families Act; P.L. 113-183 Sec. 111; NRS 424.038; 424.085

1011.4 Definitions

1011.4.1 “Age- and Developmentally-Appropriate”: for the purposes of this policy, refers to the consideration given to the age and stage of child development, while also considering the specific needs of an individual child.

1011.4.2 “Designated Official”: means the person identified by a congregate care facility; residential child care facility, staff-run group foster home or other types of residential facilities providing residential care for foster children. All children in foster care, regardless of placement type, require opportunities to experience normalcy. In the above-mentioned placement types, there must always be an available Designated Official who

has the responsibility and training to make normalcy decisions to allow children in their care to experience social, extracurricular, cultural, and enrichment activities and events.

- 1011.4.3** “Foster Caregiver”: for the purposes of this policy, the term “foster caregiver” encompasses any/all foster home licensees regardless of type of foster home [*relative foster home licensee; pre-adoptive foster home licensee; family foster home licensee; group foster home licensee, special foster home licensee*]; where the licensee(s), or unlicensed relative caregiver, provides the parental role within the foster family; or the identified Designated Official within a congregate care setting.
- 1011.4.4** “Normalcy”: refers to age- and developmentally-appropriate activities and experiences that allow children and youth to develop and grow in a nurturing environment and normal manner, such as:
- 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;
 - 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.
- 1011.4.5** “Reasonable and Prudent Parent: means the standard characterized by careful, nurturing 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 nurturing caregiver shall use when determining whether to allow a child under the custody of an agency that provides child welfare services to participate in extracurricular, enrichment, cultural, and social activities.
- 1011.4.6** “Standard:” for the purposes of this policy, Standard is a shortened reference to the *Reasonable and Prudent Parent Standard*.
- 1011.4.7** “State”: The Family Programs Office (FPO) at the Division of Child and Family Services (DCFS).
- 1011.4.8** “Out-of-Home Care”: for the purpose of this policy, means any person, business or corporation that accepts out-of-home or residential placement to provide daily care for children, who are in child welfare custody.

1011.5 Policy Processes & Practices

1011.5.1 Normalcy for Custody Children in Out-of-Home Care

Federal law supports the ability of a foster caregiver to approve activities for foster children without first needing to obtain permission through the child’s caseworker, as long as the foster caregiver is adhering to the *Reasonable and Prudent Parent Standard* in their decision-making for the child. It is important for children in foster care to have opportunities to take part in normal, everyday activities without the unnecessary involvement of the legal system, the child welfare agency and/or the child’s caseworker. Normalcy applies to all children in child welfare custody who are placed in out-of-home care.

A. Key points for child welfare personnel

1. Child welfare agencies will allow foster children to experience normalcy. Within this process, safety must be considered primarily in an age- and developmentally-appropriate context; in addition, a youth's own sense of safety must be taken into consideration within any decisions. However concerns for safety must not exclude a child from experiencing normal day-to-day activities. This requires foster caregivers to provide sufficient guidance and boundary setting, utilize good planning, be conscientious and mindful, make reasonable and prudent decisions, and all, while continually monitoring for child safety. Normalcy provides regular opportunities for foster children to have typical, social interactions with people outside of the foster care system.
2. Children can get hurt, injured or make mistakes in judgement while doing normal, common childhood activities. This is part of the developmental learning process. All risk cannot be avoided, but it can be managed and limited effectively without sacrificing a child or youth's wellbeing and experience of normalcy.
3. To ensure foster children and youth are able to participate in age- and developmentally-appropriate activities and events on a regular basis, the caseworker can support this by adding "normalcy language" into the child's case plan. The federal law requires the court address normalcy activities for children.
4. It is not necessary to require background checks of other adults when a child or youth is participating in typical childhood activities, e.g. overnight at a friend's house, participating in organized sports and other similar activities.
5. Foster caregivers need all relevant information regarding the child, child's history and behaviors that are known, for foster caregivers to be able to make the necessary prudent decisions based upon an individual child's needs and circumstances.
6. All children need to be involved in an age- and developmentally appropriate way in all decisions impacting their life.

B. Caseworkers should encourage Caregivers to promote normalcy for every foster child

1. To engage and participate in age and developmentally appropriate social, cultural, enrichment and extracurricular activities and take part in overnight or other planned outings based upon utilizing the Standard. Foster caregivers need to notify the child's caseworker of a child's whereabouts when the child is away from the foster home for an extended stay.
2. It is the responsibility of the caseworker to maintain ongoing communication with a child's foster caregiver to ensure the caseworker is aware of the child's activities and whereabouts.

C. Foster Caregiver Decision-Making Process

1. Caseworker needs to be aware that foster caregivers attend training to be certified in the *Reasonable and Prudent Parent Standard* to assist the foster caregiver in making typical, parental decisions for the foster child/youth to attend or participate in normal activities, events or functions; foster caregivers may consult with caseworkers and others prior to making decisions regarding activities for their foster children, however, it is ultimately the foster caregiver's decision.
2. The law provides that a foster caregiver not be held liable for any damages or harm to a foster child, while the child is engaged in activities approved by the foster caregiver through the *Reasonable and Prudent Parent Standard*.

3. The foster caregiver needs to notify the child's caseworker anytime a child is planning to go on an overnight activity up to two nights outside of the foster home. Overnight activities exceeding two nights must be discussed with the caseworker, who will provide approval for an extended overnight activity or trip unless it conflicts with parental visits, school or another important event.

1011.5.2 Exceptions to RPPS Decision-Making by Foster Caregiver

1. The ability for a foster caregiver to use the RPPS would not apply under, but not limited to, the following circumstances:
 - a. When it is in conflict with a court order;
 - b. Any unsafe activities based upon the age- and developmental appropriateness of the individual child/youth; or
 - c. Making major changes in personal appearance (tattoos, body piercing, permanent cosmetics, dramatic change in appearance, changes to the child hair that are non-usual, dramatic or in conflict with the child's cultural upbringing, etc.)

1011.5.3 RPPS External Considerations

A. Facilitating Parental Involvement in Foster Caregiver Decision-Making

1. Foster parents are entitled to make prudent parent decisions for their foster children on a day-to-day basis. However, caseworkers also need to ensure that foster caregivers understand the legal implications of intact parental rights and the parent's right and personal need to remain involved in their child's life through the decisions being made in regards to their child.
2. The caseworker can facilitate communication between birth parent/guardian and foster caregiver by encouraging a partnership and balance in decision-making in regards to the foster child experiencing normalcy. The caseworker must determine with the foster caregiver how to safely and appropriately involve the child's parents in discussions around supporting normalcy for the child.
3. When the foster caregiver and the birth parent disagree about a decision, the caseworker can identify if there are any other solutions or compromises that can be made to alleviate any issues. When necessary, the caseworker should seek consultation with their supervisor and determine what is in the child's best interests.

B. Pre-existing Court Orders and the Law

A caregiver's decisions regarding normalcy activities cannot be contrary to a pre-existing court order. Foster caregivers must adhere to all Nevada laws that provide requirements and standards regarding foster children and foster homes. No normalcy decisions can be made that are contrary to, or in conflict with, the law.

C. Child's Designated RPPS Advisor and Advocate

When a child has attained the age of 14, the child has the option to select two members to participate in the child's case planning team. One of the individuals selected by the child to be a member of the child's case planning team may also be designated as the child's advisor and, as necessary, advocate for the child with respect to the application of the RPPS.

1011.5.4 Congregate Care Facility and Staff-Run Group Foster Home

- A. Each staff-run group home and congregate care shelter must identify a person or persons who will be deemed the *Designated Official* responsible for making reasonable and prudent parenting decisions for any child in their care in accordance with the RPPS training along with state law. A *Designated Official* must always be available to make decisions and cannot be a committee, team, administrative office or other such entity.

1011.5.5 Child/Youth Grievance Process

- A. Each child welfare agency in Nevada must establish a grievance process.
- B. The child or youth needs to be aware that there is a grievance process and how to access the grievance process, when a child/youth believes that he or she is not receiving appropriate opportunities to experience normalcy in their day-to-day life.
- C. A caseworker needs to talk to their child or youth so they can understand that they have the legal right to have opportunities to participate in typical activities similar to their peers and experience normalcy in their life in foster care. However this does not negate the foster parent's abilities to limit activities to the extent that these limits are consistent with normal parenting decisions and are not based on the fact that the child is in foster care.

1011.6 Jurisdictional Action

1011.6.1 Development of Internal Policies:

Jurisdictional Steps Required for Policy Compliance:

- A. Each child welfare agency will provide specific guidance to any contracted foster care providers, residential care provider or foster care agency in regards to providing opportunities for this population to experience normalcy through participating in appropriate social, extracurricular, cultural and enrichment activities.
- B. When contracting with such facilities, ensure the requirements for identifying a Designated Official(s) and adherence to the *Reasonable and Prudent Parent Standard* requirement of this policy are included as part of the child welfare agency's written contract with the provider.
- C. Establish a grievance process for children in regards to Normalcy/Prudent Parent Standard.
- D. Each child welfare agency will, per federal law, develop a process by which the Court is informed, during the annual and six month review hearings, of the child's social, extracurricular, enrichment and cultural activities.
- E. Each child welfare agency will provide RPPS/Normalcy Training to agency staff and foster caregivers. Jurisdictional RPPS/Normalcy Training must include at minimum, but not limited to, the following:
 - 1. Necessary preparation, which includes knowledge and skills relating to the reasonable and prudent parent standard for the participation of the child in age or developmentally-appropriate activities;
 - 2. Knowledge and skills relating to the developmental stages of the cognitive, emotional, physical, and behavioral capacities of a child;
 - 3. Applying the Standard to decisions such as whether to allow the child to engage in social, extracurricular, enrichment, cultural and social activities, including sports, field trips and overnight activities lasting one or more days; and
 - 4. Ability to sign permission slips and arrange transportation for the child to and from extracurricular enrichment and social activities.

1011.6.2 Timelines: Upon enactment of RPPS Policy.

1011.6.3 Tools & Forms: N/A

1011.6.4 Documentation:

A. Case File Documentation (paper):

Table 1011.1: Case File Documentation for RPPS

File Location	Data Required
Foster Parent Licensing File	Initial RPPS Training Certification Date

B. UNITY Documentation (electronic):

Table 1011.2: UNITY Documentation for RPPS

Applicable UNITY Windows	Data Required
UNITY Licensing Windows Foster Parent Training Compliance	Initial RPPS Training Date When applicable: Supplementary RPPS Training Dates

1011.6.5 Supervisory Responsibility: Provide guidance to caseworker during times of concern or uncertainty in regards to this policy.

1011.6.6 Tools & Forms:

1011.7 State Responsibilities

1011.7.1 State Oversight

Compliance with this policy will be monitored via state agency's quality assurance process.

Normalcy Checklist

REMOVING BARRIERS TO NORMALCY

It is important to remove barriers that prevent children from participating in age-appropriate extracurricular enrichment and social activities (normalcy) as required by Preventing Trafficking and Strengthening Families Act P.L.113-183

WHAT IS THE LAW?

It is important for caregivers to consider the child's:

- Age, maturity and developmental level
- Risks of activity
- Best interest of child
- Importance of child's emotional and developmental growth
- Importance of most family-like living experience
- Behavioral history of the child and the child's ability to safely participate

Caregiver is not liable for harm caused to a child, provided the decision was reasonable and prudent.

Reasonable Prudent Parent Standard:

The standard is characterized by careful, nurturing and sensible parental decisions that maintain the health, safety and best interest of a child, while at the same time encouraging the emotional and developmental growth of the child through participation in extracurricular, enrichment, cultural, and social activities

REMOVE BARRIERS BY ENSURING:

- Family services does not requiring prior approval for a child to participate in an activity
- There must be an identified caregiver (a person) making normalcy decisions (even if child is placed in a group home or shelter)
 - o Group homes and shelters are not exempt from
- Normalcy decisions must not conflict with pre-existing court orders
- Policies and practices of all approved DFS contractors and Foster care agencies must be consistent with P.L.113-183
- Caregiver making decisions consistent with reasonable and prudent parent standard

FREQUENT ISSUES

Social Media

- Caregivers should use RPPS to decide if the child is to participate in social media and to what degree it is allowed.

Driving

- Caregivers and Permanency Specialists should work in partnership to assist the child in finding a driver's education program
- Support of the child's efforts to learn to drive a car, obtain learner's permit and driver's license (age, maturity, insurance)

Overnight/Planned Outings

- The caregiver should use RPPS to determine if it is a safe and appropriate activity
- Background screening is not necessary for a child to participate in normal school or community activities and outings such as school field trips, dating, scout campouts and activities with friends, families, school and church groups

Babysitting

- Can be 14+ (14-15 must have babysitting course)
- Caregiver must ensure that:
 - o Babysitter is suitable for the age, developmental level and behaviors of the child
 - o Babysitter understands how to handle emergencies, has telephone numbers (NIA/Permanency Specialist, physician, etc.)
 - o Discipline and confidentiality policies for the child have been explained

Vacations

- Babysitting does not have to be in a licensed setting
- Caregiver may take the child on vacations
- The caregiver will follow the travel guidelines outlined on the Placement Custody Notification letter

Allowance

- Children must receive allowance per NAC 424.500
- Cannot be withheld as a form of discipline
- Additional amounts can be given as reward
- Providing toys or other tangible items in lieu of money is not permitted
- Toiletries are to be provided separately from allowance

SPECIAL CONSIDERATIONS

- Disabled youth shall be provided with an equal opportunity to participate in activities

Children shall be given permission and encouragement to:

- Obtain employment
- Have contact with family members as discussed with NIA or Permanency Specialist
- Have access to phone usage
- Have reasonable curfews
- Travel with other youth or adults
- Have his or her picture taken for publication in a yearbook or newspaper
- Receive public recognition for accomplishments
- Participate in school or after-school organizations or clubs

Child must be provided information regarding:

- Drug and alcohol use and abuse
- Teen sexuality issues
- Runaway prevention
- Health services
- Community involvement
- Knowledge of available resources
- Identifying legal issues
- Understanding his or her legal rights
- Accessing specific legal advice

Always be aware of WHO is making the decisions for children.

Nevada's Foster Youth

BILL OF RIGHTS



The State of Nevada, Division of Child and Family Services (DCFS) recognizes the following rights of children and youth in foster care. These rights are intended to guide the child welfare agencies and their providers in the delivery of care and services to foster youth with the commitment to permanency, safety and well being. This Bill of Rights was developed by DCFS in collaboration with Nevada LIFE, the statewide youth advisory board.

You have the right to live:

- ★ *In a safe, healthy, stable and comfortable environment*
- ★ *In a home best suited to meet all your needs*
- ★ *Have adequate and appropriate clothes*
- ★ *Have access to healthy food*

You have the right to be placed:

- ★ *In a home with your siblings whenever possible*
- ★ *In a home of a relative or stay in your own home if safe and appropriate*

You have the right to:

- ★ *Be treated with dignity and respect*
- ★ *Be free from corporal punishment, such as spanking or hitting*
- ★ *Not be locked in any room, physically restrained or be isolated*
- ★ *Be free from unreasonable searches of your personal stuff or other invasions of your privacy*
- ★ *Send and receive unopened mail (unless a judge says someone else can open your mail)*
- ★ *Go to religious services and activities of your choice or refuse to attend religious services*
- ★ *Maintain a bank account and manage your own personal money*
- ★ *Participate in extracurricular, cultural and personal enrichment activities and to have access to transportation, if realistic, for these activities*
- ★ *Make contact with case workers, attorneys, probation officers, CASAs, and anyone else involved in your case (openly or confidentially)*
- ★ *To talk to your caseworker at least once a month*
- ★ *Participate and be included in your case plan and attend court hearings*
- ★ *Be told about any changes in your case plan or placement*
- ★ *Complete an identification kit which includes your photo and other identifying details you would like to include that will be kept in your file by the child welfare agency, please ask your caseworker for more information*
- ★ *To attend Independent Living Program classes (if you are 15 or older)*
- ★ *To work or be trained to work, if 16 or older and it has been authorized by your case worker*

You have family rights too:

- ★ *You can visit and contact your brothers and sisters, parents and other family members (unless a judge says you cannot)*

You have medical and health rights:

- ★ *You must receive appropriate medical care, which includes seeing a doctor, dentist, eye doctor and talking to a counselor*
- ★ *To take psychotropic medications only if it meets all requirements of Nevada law (NRS 432B.197)*

You have school rights. You should be able to:

- ★ *Attend the school that you were enrolled in before coming into foster care, if it is realistic and in your best interests*
- ★ *Have your educational records transferred quickly when you need to attend a new school*
- ★ *Go to school every day*
- ★ *Attend after school and extracurricular scholastic activities that you were enrolled in before being placed in foster care*
- ★ *Get help with school if you need it*
- ★ *Not be identified as a foster child to other students by any one employed at your school*
- ★ *Have access to information about educational opportunities like scholarships for college and vocational school (if you are 16 years or older)*

If you believe that your rights have been violated or that you are being treated differently because of your race, ethnicity, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability or exposure to HIV, you have the right to have any violations resolved. You can talk about this with:

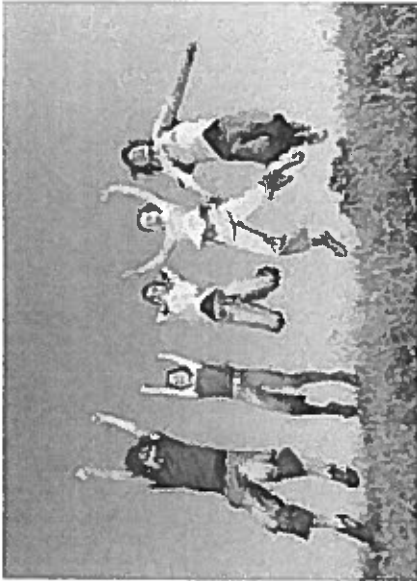
- ★ *Your foster care provider*
- ★ *An employee of the foster home*
- ★ *An employee of the juvenile court*
- ★ *Your guardian ad litem and or CASA*
- ★ *Your attorney*
- ★ *Your case worker or other employee of the child welfare agency*

Your foster care provider may impose reasonable restrictions on the time, place and manner in which you can exercise your rights if they determine that any restrictions are necessary to keep the order, discipline or safety of the foster home.



Nevada's Foster Child Bill of Rights

Kids that are in foster care have rights. These rights are written in the law. Rights are kind of like rules about how foster kids need to be treated while they are in foster care. Here are your rights:



You have the right to live:

- In a home where you can feel safe and happy;
- Where you feel that your foster family likes you;
- You have enough clothes and warm clothes for winter;
- And you get enough food to eat and the food is good for you.

You have the right to be:

- In a foster home with your brothers and sisters if it is okay with the judge;
- Able to stay with a member of your family like a grandmother & grandfather, aunt & uncle or other family member (if they are approved by the foster care people) or, when the judge thinks it is safe, to stay in your own home.

- you have to move to a different foster home or when something else is going to change;
- Have someone keep a picture and other information about you, so it can help them find you if you get lost;
- Learn how to take care of yourself like an adult once you are 15-years-old or older.

You have the right to:

- Have your foster mom & dad be polite and nice to you, even when they are mad or upset;
- Write letters and send them in the mail and to open letters you get in the mail;
- Go, or not go, to church, temple or other house of God or faith;
- Keep your own money;
- Play with other children and do things that are fun in other places than at your foster home;
- Talk to your caseworker or other adults who are helping you in foster care every month; and talk to them alone if you want;
- Have the judge or your caseworker tell you what is going to happen next for you and your family. And to have them listen to you when you tell them what you think about it;
- Have your caseworker tell you before

You have the Medical and Health right to:

- See a doctor to make sure you are okay and that you stay healthy;
- Not take medicine that makes you feel bad.

You have school rights. You should be able to:

- Go to school or preschool when you are old enough;
- Keep doing after school activities or sports like you did before you were in foster care;
- Have someone help you when your school work is to hard;
- Have no adults at school tell anyone that you are in foster care;
- Find out how you can go to college when you are in high school.