

## **Section 34. Reasonable and prudent parent standard**

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Substitute caregivers and child care institutions must provide children in the care and custody of the department opportunities for participation in extracurricular, enrichment, cultural and social activities, and apply the reasonable and prudent parent standard (RPP standard) when making decisions regarding a child's or young adult's participation in such activities.

Participation in extracurricular, enrichment, cultural and social activities is a normal part of childhood and adolescent experience. It improves well-being and outcomes by helping children and youth develop emotional and social skills and build a positive sense of identity.

The RPP standard and related requirements applies to all children and young adults in substitute care including placements in family foster care, with relative caregivers and with selected adoptive families; placements in therapeutic foster care, residential treatment programs and shelter care programs; and, placements made based on DHS custody, temporary custody, or through a voluntary custody agreement or a voluntary placement.

DHS Child Welfare must:

- Ensure substitute caregivers and child care institutions meet related standards and comply with related requirements, as described in OAR certification standards.
- Ensure children and young adults, including 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.
- Report to the court on steps the department is taking to ensure (a) substitute caregivers apply the RPP standard, and (b) children in foster care have ongoing opportunities to engage in age-appropriate and developmentally appropriate responsibilities.

### **Definitions**

#### **Reasonable and prudent parent standard:**

- The standard a substitute caregiver shall use when determining whether to allow a child or young adult in substitute care to participate in extracurricular, enrichment, cultural and social activities.
- The RPP standard is characterized by careful and sensible parental decisions that maintain the health, safety and best interests of a child or young adult while encouraging emotional and developmental growth.

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- When applying the RPP standard, the substitute caregiver must consider: the age, maturity and developmental level of the child or young adult; the nature and inherent risks of harm; and the best interests of the child or young adult, based on information known by the caregiver.

## Age-appropriate or developmentally appropriate activities:

- Activities or items generally accepted as suitable for children or young adults of the same chronological age or level of maturity or are developmentally appropriate for a child or young adult, based on the cognitive, emotional, physical and behavioral capacities typical for an age or age group; and
- In the case of a specific child or young adult, activities or items suitable for the child or young adult based on the developmental stages attained by the child or young adult based on the cognitive, emotional, physical and behavioral capacities of the child or young adult.
- Age-appropriate or developmentally appropriate activities include extracurricular, enrichment, cultural and social activities.

## Procedures

Department responsibilities related to the RPP standard cut across several areas:

- Engaging in monthly contacts;
- Developing, monitoring and reviewing the case plan;
- Preparing for and attending court hearings;
- Assessing applicants for foster care, relative care and adoption; and
- Monitoring compliance with certification standards.

Specific tasks for each of these areas are covered below.

## Monthly contacts

### Caseworker

For children and young adults in substitute care, when conducting monthly contacts, the caseworker should:

- Talk with children and young adults in substitute care about their interests** in extracurricular, enrichment, cultural and social activities that may be available, discussing the potential benefits that may come from participation.
- Talk with parents or guardians of children and young adults** in substitute care about potential activities available, to gain their perspectives.

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3. **Discuss available opportunities.** Discuss, with the substitute caregiver, available opportunities the child or young adult may have to participate in age- and developmentally appropriate activities, including any extracurricular, enrichment, cultural and social activities.
4. **Communicate the parent or guardian's perspective.** Share parent or guardian input/perspective with the caregiver and discuss child or young adult's interests.
5. **Ensure caregiver understands RPP standard.** Ensure the substitute caregiver is familiar with the concept of RPP standard. Discuss decisions substitute caregivers are able to make without additional permission from the department and those that require department permission before approving an activity. Answer any questions they may have.

### **Substitute caregiver authority to make related decisions**

The department delegates a variety of responsibilities to the physical custodian of children in the care or custody of the department. Making decisions about the child's or young adult's participation in age-appropriate and developmentally appropriate activities, including extracurricular, enrichment, cultural and social activities, is among the responsibilities delegated to the substitute caregiver.

The substitute caregiver must apply the RPP standard when making such decisions, and must consider the age, maturity and developmental level of the child or young adult; the nature and inherent risks of harm; and the best interest of the child or young adult based on information known by the caregiver. When making such decisions using the RPP standard, the substitute caregiver's liability is addressed in the [Tort and Foster Parent Liability Policy](#).

Some items that may be helpful when sharing information with the substitute caregiver are: [Guidance on RPP Standard, Guardian and Legal Consents and Exercise and Delegation of Legal Authority \(OAR 413-020-0100 to 0170\)](#), and the [Tort and Foster Parent Liability Policy](#).

6. **Gather information and document caregiver use of the standard.** Gather information on how the substitute caregiver is applying the RPP standard to decisions about involving the child and young adult in activities. This information is needed to ensure the substitute caregiver is applying the RPP standard when making decisions about involvement of children in age- and developmentally appropriate activities.
7. **Discuss cost of activities.** Discuss who will be responsible for payment of any fee or charge to participate in an extracurricular activity.
8. **Discuss barriers to participation.** Discuss any other barriers that may exist (e.g., transportation challenges or potential limitations based on the supervision and support needs of the child or young adult).
9. **Explore resolutions to barriers.** Discuss and explore potential resolution of barriers to participation in age- and developmentally appropriate activities.

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### Potential barriers and ideas for resolution:

#### Financial constraints:

- Are there local organizations such as rotaries, business partners or spiritual communities, which may offer financial support or equipment needed for the activity?
- Are there relatives or other support people who may be able to assist?
- Are there scholarships available?
- Are there reduced or waived fees for youth who are in substitute care?
- Are there opportunities to participate in similar activities that are not as costly?
- Could the foster care payment assist with some of the costs? Foster care base rate payment is designed for foster parents or relative caregivers to provide for the cost of such things as clothing, transportation and personal incidentals, which could be part of the costs to participate in activities.
- Could System of Care funds be requested to assist with costs to participate in the activity?
- Might Independent Living Program discretionary funds be an appropriate funding resource? These funds are available for youth aged 14 and older, when a transition plan is in place, and when the activity is tied to preparing a youth for transition to adulthood. (Submit form CF 0078 Youth Transition Funds to make such a request.)

#### Supervision and support needs:

- Are there people who can be present, to provide additional oversight and support, if needed, so the youth may participate in the opportunities that increase skills?
- Does the youth have a disability, for which accommodations can be made to allow for successful participation?
- Are there services available through any other entities who may also be working with the youth, including mental health (e.g., skill builder), disability programs (e.g., personal support worker), and juvenile department? When a supervision plan is in place for a child with enhanced supervision needs, consider if additional strategies and supports may now be available to increase opportunities for age- or developmentally appropriate activities. Update the supervision plan accordingly.

#### Transportation challenges:

- Are there ways to partner with others (relatives, friends, support people, community connections, outreach to caregivers of other youth involved in the activity), to assist in transportation, if the hours, frequency or distance make participation in an activity difficult?
- Are there similar activities available, closer to the location of the substitute care setting?
- Are there ways to combine trips to make transportation less cumbersome (e.g., schedule a parent, sibling or relative visit on the same day as the activity, allowing for fewer trips or more transportation assistance options)

\*Remember that you're not alone. There are numerous people on the 'child's team' who may be able to assist and come up with creative solutions (e.g., CASA, therapist, mentor, teacher, relatives, etc.)!

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10. **Communicate with the certifier any concerns** about substitute caregiver's ability to apply the RPP standard or to involve the child or young adult in age- or developmentally appropriate activities.
11. **Problem solve.** Plan, along with the certifier, how these concerns may best be addressed.
12. **Document in OR-KIDS case notes**, the information from above conversations with children and young adults, parents and guardians, and substitute caregivers.

### Developing, reviewing, and monitoring the case plan

#### Caseworker

For children and young adults in substitute care, when developing, monitoring and reviewing the case plan, the caseworker should:

1. **Assist with identification of interest and opportunities.** Work with the child or young adult to identify interests and opportunities to participate in age- or developmentally appropriate activities, which include extracurricular, enrichment, cultural and social activities.
2. **Understand parent or guardians perspective.** Talk with parents or guardians of children and young adults in substitute care to gain their perspectives about age- or developmentally appropriate activities available to their child or young adult.
3. **Communicate parent or guardians perspective.** Share the parents' input about age- and developmentally appropriate activities, with the substitute caregiver.
4. **Discuss with the substitute caregiver opportunities** available to the child or young adult and any potential barriers, inquiring about how they are applying the RPP standard.
5. **Resolve barriers to participation by youth.** Assist the child or young adult and the substitute caregiver when they encounter barriers that prevent participation, to increase opportunities for the child or young adult to participate in extracurricular activities.
6. **Ensure caregiver understands RPP standard.** Talk with the substitute caregiver about the RPP standard. Ensure the substitute caregiver is familiar with the concept and understands the decisions they're authorized to make, as part of the RPP standard, without further approvals being required from the department.
7. **Provide assistance and support** (substitute caregiver, child or young adult, and parent/guardian) when the desires of those giving input do not match with decisions the substitute caregiver is inclined to make, when applying the RPP standard.

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At times, an extracurricular activity the child or young adult or the substitute caregiver may wish for the child or young adult to participate in is not feasible. That could be for a variety of reasons (e.g., cost of the activity, safety and supervision, time commitment, child or young adult's availability that may be affected by parental visits, activities that the child is not developmentally, physically or cognitively prepared to participate in, etc.). It is okay to say no to some activities, based on RPP standards. It is okay for children to learn to handle disappointment in a healthy manner. It is not okay, however, to say no, without a reasonable response and the child and substitute caregiver having an understanding of the reasoning for the no.

8. **Document opportunities youth has to participate** in appropriate activities. When monitoring the case plan, note opportunities the child or young adult has had to participate in age- and developmentally appropriate activities, and the substitute caregiver's use of the RPP standard, when making decisions about participation in these activities.

Summer camp and religious services may be activities in which the child or young adult wishes to participate — and that is great! But, for the purposes of House Bill 2890, summer camp and religious services alone do not satisfy the requirement that the department ensures the substitute caregiver provides an opportunity for the child or young adult to participate in at least one ongoing extracurricular activity based on availability and the interests of the child or young adult.

9. **Identify opportunities for youth to grow through participation.** During the (minimum) 90-day case plan reviews, work with child or young adult and others involved in the case plan review to identify opportunities for growth and development through participation in age- and developmentally appropriate activities.
10. **Modify the case plan as needed.** Modify case plan when changes occur (new interests, opportunities or activities) and as needed to address any identified barriers to participation in enrichment activities.
11. **Ensure opportunity to participate in at least one activity.** Ensure substitute caregiver provides the opportunity for the child or young adult to participate in at least one ongoing extracurricular activity.
12. **Document** a summary of above information in the OR-KIDS case plan:
  - a. Open Permanency Plan, Placement Tab, narrate in the 'Reasonable and Prudent Parenting Standard' box. *Note: use of 'copy' function, when updating the case plan, will keep the historical narration in this section present, and allow for updates over time to be visible within the document.*
  - b. Example of narration: Discussed possible activities with child, parents and foster parents. Child was most interested in soccer and has joined a local team. Practices and games will take place from September to November.

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## Updates to the court

### Caseworker

1. **Document.** For permanency hearings, the caseworker should document (Section 17 of the court report) the following information:
  - a. The age- and developmentally appropriate activities in which the child or young adult is engaged; and
  - b. Information regarding DHS efforts to ensure the substitute care provider is following the RPP standard.

## Certification and adoption compliance

### Certifier/Adoption worker

1. **Provide information about the rules.** When working with an applicant for foster care, relative care or adoption, the certifier/adoption worker should share information regarding the RPP standard.
2. **Determine applicant has ability to apply RPP standard.** When assessing an application, the certifier/adoption worker should determine if applicants possess the ability to apply the RPP standard when deciding whether to allow the child or young adult in substitute care to participate in extracurricular, enrichment, cultural and social activities.
3. **Inquire about RPP and youth participation in activities.** When monitoring substitute caregivers' and adoptive families' continued compliance with certification standards, the certifier/adoption worker should inquire about the regular, ongoing opportunities the child or young adult placed in the home has to engage in age-appropriate or developmentally appropriate activities, including extracurricular, enrichment, cultural and social activities.
4. **Communicate concerns to caseworker.** Communicate with the caseworker about any concerns regarding the substitute caregivers' or adoptive applicant's use of the RPP standard or to involve the child or young adult in age- or developmentally appropriate activities.
5. **Problem solve.** Plan, along with the caseworker, how any concerns may best be addressed.

## Forms and references

### Child Welfare policy references

- [Guardian and Legal Custodian Consent, OAR 413-020-0100 to 0170](#)
- Developing and Managing the Case Plan, [OAR 413-040-0000 to 0032](#)
- Another Planned Permanent Living Arrangement, [OAR 413-070-0520 to 0565](#)
- Foster Home Certification, [OAR 413-200-0301 to 0396](#)
- Licensing Foster Care Agencies, [OAR 413-215-0301 to 396](#)
- Licensing Residential Care Agencies, [OAR 413-215-0501 to 0586](#)
- [Tort and Foster Parent Liability Policy](#)

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