

Handouts for the Webinar

Promoting Normalcy for Children and Youth in Foster Care

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Additional Resource

Pokempner, J., Mordecai, K., Rosado, L. & Subrahmanyam, D. (2015, May). *Promoting normalcy for children and youth in foster care*. Philadelphia, PA: Juvenile Law Center. <http://jlc.org/resources/publications/promoting-normalcy-children-and-youth-foster-care>

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

<http://www.ncleg.net/EnactedLegislation/SessionLaws/PDF/2015-2016/SL2015-135.pdf>

SESSION LAW 2015-135
SENATE BILL 423

AN ACT TO ALIGN STATE LAW WITH FEDERAL LAW BY PROVIDING FOR THE SUPPORT OF HEALTHY DEVELOPMENT OF YOUTH IN FOSTER CARE THROUGH IMPLEMENTATION OF A REASONABLE AND PRUDENT PARENT STANDARD FOR DECISIONS MADE BY A FOSTER PARENT OR A DESIGNATED OFFICIAL FOR A CHILD CARE INSTITUTION AND REVISING THE LAWS PERTAINING TO ABUSE, NEGLECT, AND DEPENDENCY REGARDING JUVENILE PLACEMENT UNDER THE JUVENILE CODE; TO PROVIDE LIABILITY INSURANCE FOR FOSTER PARENTS; TO REDUCE BARRIERS TO OBTAINING A DRIVERS LICENSE FOR FOSTER CHILDREN AND BY CLARIFYING THAT FOSTER PARENTS DO NOT VIOLATE FINANCIAL RESPONSIBILITY REQUIREMENTS BY ALLOWING FOSTER CHILDREN WITH THEIR OWN INSURANCE COVERAGE TO OPERATE A VEHICLE OWNED BY THE FOSTER PARENT; AND TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY A MEDICAID WAIVER FOR CHILDREN WITH SERIOUS EMOTIONAL DISTURBANCE.

The General Assembly of North Carolina enacts:

PART I. SHORT TITLE

SECTION 1.1. This act shall be known and may be cited as the "Foster Care Family Act."

PART II. REASONABLE AND PRUDENT PARENT STANDARD IN FOSTER CARE

SECTION 2.1. Part 1 of Article 1A of Chapter 131D of the General Statutes is amended by adding a new section to read:

"§ 131D-10.2A. Reasonable and prudent parent standard.

(a) The reasonable and prudent parent standard is the standard characterized by careful and sensible parental decisions that are reasonably intended to maintain the health, safety, and best interests of the 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.

(b) Every child care institution shall designate an on-site official who is authorized to apply the reasonable and prudent parent standard pursuant to this section.

(c) A caregiver, including the child's foster parent, whether the child is in a family foster home or a therapeutic foster home, or the designated official at a child care institution where the child is placed, or the county department of social services, must use the reasonable and prudent parent standard when determining whether to allow a child in foster care to participate in extracurricular, enrichment, and social activities.

(d) A caregiver, including the child's foster parent, whether the child is in a family foster home or a therapeutic foster home, may be held liable for an act or omission of the child if the caregiver fails to act in accordance with the reasonable and prudent parent standard under this section. To the extent it may be applicable, the liability of a county department of social services, or the Department of Health and Human Services, shall be strictly adjudicated according to and in compliance with the terms of G.S. 153A-435, et seq., or G.S. 143-291, et seq., as applicable. Nothing in this subsection is intended to abrogate or diminish the qualified immunities of public officials acting in the course and scope of their employment.



(e) Unless otherwise ordered by a court with jurisdiction pursuant to G.S. 7B-200, a caregiver, including the child's foster parent, whether the child is in a family foster home or a therapeutic foster home, exercising the reasonable and prudent parent standard has the authority to provide or withhold permission, without prior approval of the court or a county department of social services, to allow a child in foster care, in the custody of a county department of social services, or under the placement authority of a county department of social services through a voluntary placement agreement to participate in normal childhood activities. Normal childhood activities shall include, but are not limited to, extracurricular, enrichment, and social activities and may include overnight activities outside the direct supervision of the caregiver for periods of over 24 hours and up to 72 hours.

(f) The caregiver, including the child's foster parent, whether the child is in a family foster home or a therapeutic foster home, or the designated official at a child care institution where the child is placed, shall not be liable for injuries to the child that occur as a result of acting in accordance with the reasonable and prudent parent standard.

(g) The immunity provided in subsection (f) of this section does not apply if it is determined that the injuries to the child were caused by gross negligence, willful and wanton conduct, or intentional wrongdoing, or arose out of the operation of a motor vehicle. Any liability under this subsection that may be attributable to either the county department of social services or the Department of Health and Human Services shall be strictly adjudicated according to and in compliance with the terms of G.S. 153A-435, et seq., or G.S. 143-291, et seq., as applicable. Nothing in this subsection is intended to abrogate or diminish the qualified immunities of public officials acting in the course and scope of their employment.

(h) For any action under this section, the burden of proof with respect to a breach of the reasonable and prudent parent standard shall be by clear and convincing evidence."

SECTION 2.2. G.S. 7B-505(b) reads as rewritten:

"(b) The court shall order the department of social services to make diligent efforts to notify relatives and any custodial parents of the juvenile's siblings that the juvenile is in nonsecure custody and of any hearings scheduled to occur pursuant to G.S. 7B-506, unless the court finds such notification would be contrary to the best interests of the juvenile. In placing a juvenile in nonsecure custody under this section, the court shall first consider whether a relative of the juvenile is willing and able to provide proper care and supervision of the juvenile in a safe home. If the court finds that the relative is willing and able to provide proper care and supervision in a safe home, then the court shall order placement of the juvenile with the relative unless the court finds that placement with the relative would be contrary to the best interests of the juvenile."

SECTION 2.3. G.S. 7B-800.1(a)(4) reads as rewritten:

"(a) Prior to the adjudicatory hearing, the court shall consider the following:

...
(4) Whether ~~relatives~~relatives, parents, or other persons with legal custody of a sibling of the juvenile have been identified and notified as potential resources for placement or support."

SECTION 2.4. G.S. 7B-901 reads as rewritten:

"§ 7B-901. Dispositional hearing.

The dispositional hearing shall take place immediately following the adjudicatory hearing and shall be concluded within 30 days of the conclusion of the adjudicatory hearing. The dispositional hearing may be informal and the court may consider written reports or other evidence concerning the needs of the juvenile. The juvenile and the juvenile's parent, guardian, or custodian shall have the right to present evidence, and they may advise the court concerning the disposition they believe to be in the best interests of the juvenile. The court may consider any evidence, including hearsay evidence as defined in G.S. 8C-1, Rule 801, including testimony or evidence from any person who is not a party, that the court finds to be relevant, reliable, and necessary to determine the needs of the juvenile and the most appropriate disposition. The court may exclude the public from the hearing unless the juvenile moves that the hearing be open, which motion shall be granted.

At the dispositional hearing, the court shall inquire as to the identity and location of any missing parent and whether paternity is at issue. The court shall include findings of the efforts undertaken to locate the missing parent and to serve that parent and efforts undertaken to establish paternity when paternity is an issue. The order may provide for specific efforts in determining the identity and location of any missing parent and specific efforts in establishing

paternity. The court shall also inquire about efforts made to identify and notify ~~relatives~~ relatives, parents, or other persons with legal custody of a sibling of the juvenile, as potential resources for placement or support."

SECTION 2.5. Article 9 of Chapter 7B of the General Statutes is amended by adding a new section to read:

"§ 7B-903.1. Juvenile placed in custody of a department of social services.

(a) Except as prohibited by federal law, the director of a county department of social services with custody of a juvenile shall be authorized to make decisions about matters not addressed herein that are generally made by a juvenile's custodian, including, but not limited to, educational decisions and consenting to the sharing of the juvenile's information. The court may delegate any part of this authority to the juvenile's parent, foster parent, or another individual.

(b) When a juvenile is in the custody or placement responsibility of a county department of social services, the placement provider may, in accordance with G.S. 131D-10.2A, provide or withhold permission, without prior approval of the court or county department of social services, to allow a juvenile to participate in normal childhood activities. If such authorization is not in the juvenile's best interest, the court shall set out alternative parameters for approving normal childhood activities.

(c) If a juvenile is removed from the home and placed in the custody or placement responsibility of a county department of social services, the director shall not allow unsupervised visitation with or return physical custody of the juvenile to the parent, guardian, custodian, or caretaker without a hearing at which the court finds that the juvenile will receive proper care and supervision in a safe home.

(d) When a county department of social services having custody or placement responsibility of a juvenile intends to change the juvenile's placement, the department shall give the guardian ad litem for the juvenile notice of its intention unless precluded by emergency circumstances from doing so. Where emergency circumstances exist, the department of social services shall notify the guardian ad litem or the attorney advocate within 72 hours of the placement change, unless local rules require notification within a shorter time period."

SECTION 2.6. Article 9 of Chapter 7B of the General Statutes is amended by adding a new section to read:

"§ 7B-912. Juveniles 14 years of age and older; Another Planned Permanent Living Arrangement.

(a) In addition to the permanency planning requirements under G.S. 7B-906.1, at every permanency planning hearing for a juvenile in the custody of a county department of social services who has attained the age of 14 years, the court shall inquire and make written findings regarding each of the following:

- (1) The services provided to assist the juvenile in making a transition to adulthood.
- (2) The steps the county department of social services is taking to ensure that the foster family or other licensed placement provider follows the reasonable and prudent parent standard as provided in G.S. 131D-10.2A.
- (3) Whether the juvenile has regular opportunities to engage in age-appropriate or developmentally appropriate activities.

(b) At or before the last scheduled permanency planning hearing, but at least 90 days before a juvenile attains 18 years of age, the court shall (i) inquire as to whether the juvenile has a copy of the juvenile's birth certificate, Social Security card, health insurance information, drivers license or other identification card, and any educational or medical records the juvenile requests and (ii) determine the person or entity that should assist the juvenile in obtaining these documents before the juvenile attains the age of 18 years.

(c) If the court finds each of the following conditions applies, the court shall approve Another Planned Permanent Living Arrangement (APPLA) as defined by P.L. 113-183, as the juvenile's primary permanent plan:

- (1) The juvenile is 16 or 17 years old.
- (2) The county department of social services has made diligent efforts to place the juvenile permanently with a parent or relative or in a guardianship or adoptive placement.

- (3) Compelling reasons exist that it is not in the best interest of the juvenile to be placed permanently with a parent or relative or in a guardianship or adoptive placement.
- (4) APPLA is the best permanency plan for the juvenile.
- (d) If the court approves APPLA as the juvenile's permanent plan, the court shall, after questioning the juvenile, make written findings addressing the juvenile's desired permanency outcome."

PART III. LIABILITY INSURANCE FOR FOSTER PARENTS

SECTION 3.1. Article 36 of Chapter 58 of the General Statutes is amended by adding a new section to read:

"§ 58-36-44. Development of policy form or endorsement for personal liability insurance for foster parents.

(a) The Rate Bureau shall develop an optional policy form or endorsement to be filed with the Commissioner for approval no later than May 1, 2016, that provides liability insurance for foster parents licensed under Article 1A of Chapter 131D of the General Statutes to provide foster care in a family foster home or therapeutic foster home. The policy form or endorsement shall provide coverage for acts or omissions of the foster parent while the parent is acting in the foster parent's capacity as a foster parent in a licensed family foster home or therapeutic foster home licensed under Article 1A of Chapter 131D of the General Statutes.

(b) Nothing in this section is intended to require that the liability insurance policy or endorsement required by this section cover an act or omission that results from any action or inaction of gross negligence, willful and wanton conduct, or intentional wrongdoing that results in injury to the child."

PART IV. REDUCE DRIVING BARRIERS FOR FOSTER CHILDREN

SECTION 4.1. Article 1 of Chapter 48A of the General Statutes is amended by adding a new section to read:

"§ 48A-4. Certain minors competent to contract.

A minor who is 16 years of age or older and who is in the legal custody of the county department of social services shall be qualified and competent to contract for the purchase of an automobile insurance policy with the consent of the court with continuing jurisdiction over the minor's placement under G.S. 7B-1000(b). The minor shall be responsible for paying the costs of the insurance premiums and shall be liable for damages caused by the minor's negligent operation of a motor vehicle. No State or local government agency, foster parent, or entity providing services to the minor under contract or at the direction of a State or local government agency shall be responsible for paying any insurance premiums or liable for damages of any kind as a result of the operation of a motor vehicle by the minor."

SECTION 4.2. G.S. 20-11(i) reads as rewritten:

"(i) Application. — An application for a permit or license authorized by this section must be signed by both the applicant and another person. That person must be:

- (1) The applicant's parent or guardian;
- (2) A person approved by the applicant's parent or guardian; or
- (3) A person approved by the Division.
- (4) With respect to minors in the legal custody of the county department of social services, any of the following:
 - a. A guardian ad litem or attorney advocate appointed to advocate for the minor under G.S. 7B-601.
 - b. The director of the county department of social services or the director's designee.
 - c. If no person listed in sub-subdivision a. or b. of this subdivision is available, the court with continuing jurisdiction over the minor's placement under G.S. 7B-1000(b)."

SECTION 4.3. G.S. 20-309 is amended by adding a new subsection to read:

"(a2) Notwithstanding any other provision of this Chapter, an owner's policy of liability insurance issued to a foster parent or parents, which policy includes an endorsement excluding coverage for one or more foster children residing in the foster parent's or parents' household, may be certified as proof of financial responsibility, provided that each foster child for whom coverage is excluded is insured in an amount equal to or greater than the minimum limits

required by G.S. 20-279.21 under some other owner's policy of liability insurance or a named nonowner's policy of liability insurance. The North Carolina Rate Bureau shall establish, with the approval of the Commissioner of Insurance, a named driver exclusion endorsement or endorsements for foster children as described herein."

SECTION 4.4. G.S. 20-279.21(b) reads as rewritten:

"(b) ~~Such~~ Except as provided in G.S. 20-309(a2), such owner's policy of liability insurance:
....."

PART V. STUDY MEDICAID WAIVER FOR CHILDREN WITH SERIOUS EMOTIONAL DISTURBANCE

SECTION 5.1.(a) The Department of Health and Human Services, Division of Medical Assistance, shall design and draft, but not submit, a 1915(c) Medicaid waiver to serve children with Serious Emotional Disturbance in home and community-based settings. The Department may submit drafts of the waiver to the Centers for Medicare and Medicaid Services (CMS) to solicit feedback but shall not submit the waiver for CMS approval until authorized by the General Assembly.

SECTION 5.1.(b) The Department shall report the draft waiver, other findings, and any other options or recommendations to best serve children with Serious Emotional Disturbance to the Joint Legislative Oversight Committee on Health and Human Services by December 1, 2015. Specifically, the report shall provide an in-depth analysis of the cost per slot, including an analysis of the estimated number of waiver recipients who would be transitioned from a facility to a home and community-based setting and the estimated number of waiver recipients who would avoid placement in a facility.

PART VI. EFFECTIVE DATE

SECTION 6.1. Parts 2 and 4 of this act become effective October 1, 2015. The remainder of this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 24th day of June, 2015.

s/ Daniel J. Forest
President of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Pat McCrory
Governor

Approved 9:00 a.m. this 2nd day of July, 2015

Applying the Reasonable and Prudent Parent Standard

1. Is this activity reasonable and age-appropriate?
2. Are there any foreseeable hazards?
3. How does this activity promote social development?
4. How does this activity normalize the experience of foster care?
5. Will this activity violate a court order, juvenile justice order, a safety plan, a case plan, or a treatment plan or person-centered plan (PCP)?
6. Will this activity violate any policy or agreement of my licensing agency or the child's custodial agency?
7. If appropriate, have I received consultation from my case worker and/or the child's caseworker?
8. If able and appropriate, have I consulted with this child's birth parents about their thoughts and feelings about their child participating in this particular activity?
9. Will the timing of this activity interfere with a sibling or parental visitation, counseling appointment, or doctor's appointment?
10. Who will be attending the activity?
11. Would I allow my birth or adopted child to participate in this activity?
12. How well do I know this child?
13. Is there anything from this child's history (e.g. running away, truancy) that would indicate he may be triggered by this activity?
14. Does this child have any concerns about participating in this activity?
15. Has this child shown maturity in decision making that is appropriate for his age and ability?
16. Does this child understand parental expectations regarding curfew, approval for last minutes changes to the plan and the consequences for not complying with the expectations?
17. Does this child know who to call in case of an emergency?
18. Does this child understand his medical needs and is he able to tell others how to help him if necessary?
19. Can this child protect himself?
20. When in doubt, refer to number 7.

Adapted from Florida's *Caregiver Guide to Normalcy*

<http://www.kidscentralinc.org/caregiver-guide-to-normalcy/>

http://info.dhhs.state.nc.us/olm/manuals/dss/csm-10/man/Applying_the_Reasonable_and_Prudent_Parent_Standard_Tool.pdf

REASONABLE AND PRUDENT PARENTING ACTIVITIES GUIDE DRAFT

The Reasonable & Prudent Parenting Standard is a requirement for IV-E agencies per Federal Law PL 113-183 and it became SL 2015-135 in North Carolina. The 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 North Carolina to participate in extracurricular, enrichment, cultural, and social activities. Normal childhood activities include, but are not limited to, extracurricular, enrichment, and social activities, and may include overnight activities outside the direct supervision of the caregiver for a period of over 24 hours and up to 72 hours.

This tool is a guide to identify what activities caregivers have the authority (includes signing permissions/waivers) to give permission for a child or youth's participation without the prior approval of their local child welfare agency or licensing agency. The first column in the table shows a category of activities, the second column identifies specific activities within that category that a caregiver has the authority to give permission (or sign whatever might be a part of the activity) without obtaining the agency's approval. The third column identifies those activities that do require the agency's or court's approval.

It is important to realize this is simply a guide as to who has the authority to provide permission. It does not automatically mean that every foster child or youth can participate in any of these activities. It does mean that a reasonable & prudent parent standard is applied in making the decision. The standard is applied to each child and youth individually, based on the totality of their situation. One tool that can be used by caregivers to help apply critical thinking in making these decisions is the Applying the Reasonable & Prudent Parent Standard.

Child Activity Category	Examples of normal Childhood Activities caregivers can approve independently	Examples of childhood activities the local child welfare agency or licensing agency must approve or obtain a court order
<i>(Local child welfare agency or licensing agency approval or new court order is needed any time an activity is in conflict with any court order or supervision/safety plan)</i>		
1. Family Recreation	<ul style="list-style-type: none"> • Movies • Community Events such as concert, fair, food truck rodeo • Family Events • Camping • Hiking • Biking using a helmet • Other sporting activities using appropriate protective gear • Amusement park • Fishing (must follow NC General Statute 113: Any one over age 16 must 	<ul style="list-style-type: none"> • Any of these events or activities lasting over 72 hours • Target Practice (gun, bow and arrow, cross bow at either formal range or private property) must have local child welfare agency approval and be supervised by adult age 18 or over, abiding by all laws.
2. Water Activities (Children must be closely supervised and use appropriate safety equipment for water activities)	<ul style="list-style-type: none"> • Structured water activities with trained professional guides and /or lifeguards: river tubing, river rafting, water amusement park, swimming at community recreation pool. • Unstructured water activities with adult supervision: boating wearing a life jacket, swimming 	<ul style="list-style-type: none"> • Any of these events or activities lasting over 72 hours

<p>3. Hunting (using gun, bow and arrow)</p>		<p>Must have local child welfare agency approval and would require the following:</p> <ul style="list-style-type: none"> • Child/youth must take the NC Hunter's Safety Class • Supervision by a person at least 18 years old or over, who has also taken the above safety course • Documentation that the requirements are met are provided to the local child welfare agency in advance
<p>4. Social/Extra-curricular activities</p>	<ul style="list-style-type: none"> • Camps • Field Trips • School related activities such as football games, dances • Church activities that are social • Youth Organization activities such as Scouts • Attending sports activities • Community activities • Social activities with peers such as dating, skateboarding, playing in a garage band, etc... • Spending the night away from the caregiver's home 	<ul style="list-style-type: none"> • Any of these events or activities lasting more than 72 hours • Target Practice (gun, bow and arrow, cross bow at either formal range or private property) must have local child welfare agency approval and be supervised by adult age 18 or over, abiding by all laws. • Playing on a sports team such as school football would require both the birth parents' approval and the local child welfare agency approval

<p>5. Motorized Activities</p>	<p>Children and caregivers must comply with all laws and use appropriate protective/safety gear. Any safety courses that are required or available to operate any of the vehicles/equipment listed must be taken.</p> <p>Children <u>riding in</u> a motorized vehicle with an adult properly licensed if required including but not limited to:</p> <ul style="list-style-type: none"> • Snowmobile • All-terrain vehicle • Jet ski • Tractor • Golf cart • Scooter • Go-carts • Utility vehicle • Motorcycle <p>State laws must be followed regarding operating motorized equipment or vehicle including but not limited to:</p> <ul style="list-style-type: none"> • Snowmobile <ul style="list-style-type: none"> • All-terrain vehicle (must be 8 years of age to operate and anyone less than 12 years of age may not operate an engine capacity of 70 cubic centimeter displacement or greater; no one less than 16 may operate 	<ul style="list-style-type: none"> • Children may not be a passenger on a lawnmower.
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	<p>an engine capacity of 90 cubic centimeter displacement or greater and NO ONE under 16 may operate unless they are under the continuous visual supervision of a person 18 years or older per NC § 20-171.15)</p> <ul style="list-style-type: none">• Jet ski (may be 14 years of age with boating safety certification, otherwise must be 16 or older- NC § 75A-13.3)• Tractor (must be 15 to operate NC § 20-10)• Golf cart (must be 16 to operate NC § 153A-245)• Scooter/Moped (No one under age 16 may operate a moped and no license is required NC § 20-10.1)• Go-carts• Utility vehicle• Lawn mower may not be operated by anyone below age 12• Motorcycle (No one under 16 may acquire a license or learner's permit. No one less than 18 may drive a motorcycle with a passenger. NC § 20-7)	
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<p>6. Driving</p>	<p>The following persons can be the required second signature for a youth's permit or license:</p> <ul style="list-style-type: none"> • Youth's parent or guardian • A person approved by the parent or guardian • A person approved by the Division • Specifically for children in custody: Guardian ad litem or attorney advocate; a case worker; or someone else identified by the court of jurisdiction <p>The youth who is 16 or older may acquire insurance and is responsible for the premium and any damages caused by the youth's negligence. This does not preclude a foster parent from adding a youth to their insurance.</p> <p>A driver's permit is required to "practice" driving in North Carolina and cannot be obtained prior to age 15.</p>	
<p>7. Travel</p>	<p>All travel within the United States less than 72 hours</p>	<ul style="list-style-type: none"> • All travel more than 72 hours • All travel outside the country

8. Employment/Babysitting	Youth 14 years and older and following NC § 95-25.5 . <ul style="list-style-type: none"> • Interview for employment • Continuation of current employment • Does not interfere with school <p>*Sexually aggressive and physically assaultive youth may not babysit other children</p>	Youth is 13 years or younger
9. Religious Participation	Attend or Not attend a religious service of the child's choice	Notify worker when the child and the biological parent and/or foster parent choices are in conflict.
10. Cell Phone		This is a collaborative decision between the placement provider, the local child welfare agency worker, and the youth.
11. Child's Appearance	<ul style="list-style-type: none"> • Interventions requiring medical treatment for lice and ring worm 	<ul style="list-style-type: none"> • When the child and biological parent choices are in conflict such as with perms, color, style, relaxers, etc. • Ear piercings must include biological parent in decision • Permanent or significant changes including but not limited to: <ul style="list-style-type: none"> ○ Piercing (Per NC § 14-400 it is illegal for anyone under 18 to receive a piercing (other than the ears) without consent of custodial parent or guardian. ○ Tattoos (Per NC § 14-400 it is illegal for anyone under 18 to receive a tattoo.)
12. Leaving child home alone		The issue of being left alone (in any situation) needs to be discussed and agreed upon in CFT.

Navigating reasonable and prudent parenting by Teresa Strom

For years, many young people in foster care have been prevented from participating in everyday activities essential for their development and for a successful transition to adulthood. Because of real and perceived legal and policy constraints, many have missed out on the chance to engage in simple, commonplace activities such as going to a friend's house, taking a school trip, working a job after school, joining a club, dating, attending the prom, and learning to drive (Pokempner, et al., 2015).

To address this problem, recent federal and state laws have introduced the "reasonable and prudent parent standard." This standard, which went into effect in North Carolina on October 1, is something foster parents, group homes, and child welfare professionals should understand well.

The Standard

Earlier this year, in response to

federal legislation (Public Law 113-183), North Carolina passed Senate Bill 423, also known as the "Foster Care Family Act."

According to this law, foster parents and group homes must use the reasonable and prudent parent standard when deciding whether children and youth in foster care can participate in normal childhood activities. This standard is really no different than the standard most parents use when making decisions about children's activities.

The standard states that foster parents and group homes must consider the health, safety, and best interests of each child and youth, as well as their needs and situation, when deciding whether they can do things such as playing school sports or going on an overnight field trip.

The law explicitly states that children and youth in foster care are to be allowed to participate in extracurricular, enrichment, cul-

tural, and social activities as long as those activities are appropriate to the child's age, development, and maturity level. The child's cognitive, emotional, physical, and behavioral capacities must also be taken into consideration to identify suitable activities for them.

The Standard in Action

What does the reasonable and prudent parent standard look like when it is applied in the day-to-day activities of children and their caregivers? Although the standard sounds straightforward, there is no black and white answer to this question. Following the standard means carefully applying it to each individual child and youth in foster care. To help foster parents, social workers, child-placing agencies, residential child care facilities, and

The standard's emphasis on normalcy is the right thing for children and youth in foster care.

other institutions in their decision making about which activities youth and children in foster care participate in, the NC Division of Social Services has developed two tools:

1. *Applying the Reasonable and Prudent Parent Standard*
<http://bit.ly/1GAsaEL>
2. *Reasonable and Prudent Parenting Activities Guide*
<http://bit.ly/1RxWiad>

The scenarios below illustrate what it is like for a parent to apply the reasonable and prudent parent standard. These scenarios aren't black and white, but they do depict the critical, careful, sensible thinking the standard requires.

It is important to realize that the reasonable and prudent parent standard must be applied individually to *continued next page*

Two Illustrations of Applying the Standard



Adam

You've been a foster parent for eight years. Adam is an 11-year-old in foster care. He's lived with you for 13 months. When Adam first came to you, the agency didn't know much about him. His grandmother, who was his primary caretaker, had died. His father is unknown. Due to her substance abuse, his mother has had little contact with Adam over the years.

Adam appeared to have some issues with authority, often appeared angry, and did not like school. His only activity aside from school and going to church with you has been weekly therapy. You have worked to provide structure for Adam and he has not had any serious behavior issues in the home for the last 8 months.

Adam's Opportunity, Your Decision

Adam recently made honor roll and the school is planning a special overnight field trip for everyone on honor roll to see a professional baseball game. Adam has come home excited about the field trip and asks you for permission to go. You want to be sure to correctly apply the reasonable and prudent parenting standard as you make this decision, so you do the following.

- You consult NC's *Reasonable and Prudent Parent Activities Guide*. It tells you that a foster parent can provide approval for a school field trip lasting less than 72 hours without notifying the child's social worker.
- Next, you consult *Applying the Standard*. Participating in this extracurricular activity is reasonable and age-appropriate for Adam and would promote both his social development and his self-confidence. It would also help him feel like all the other children at school who earned the trip. You know several parents who are planning to go on the field trip, including a neighbor who knows Adam. His participation in this trip would not contradict a court order or safety plan. You are not aware of any other issues or concerns that should prevent Adam from participating in the field trip.

Based on all this, you tell Adam he can attend the overnight field trip and you sign the permission slip.



Lukas

You've been a foster parent for three years. Lukas, a 15-year-old, has been with you for three months. This is his second placement. He came into foster care through delinquency court for shoplifting. He also has a history of exposing himself to girls, although this has not happened since he has been in your home.

Lukas is the youngest of four boys. His mother passed away years ago and his father says he can no longer manage Lukas' behaviors. Two of Lukas' brothers are incarcerated; Lukas doesn't know where his other brother is.

Lukas follows the rules of your house. He is not involved in any extracurricular activities and has struggled to make friends at school. He also seems lonely.

Lukas' Opportunity, Your Decision

Lukas comes home saying he has been invited to hang out at a male classmate's house to play video games next Friday night. You want to be sure to correctly apply the reasonable and prudent parenting standard as you make a decision about this, so you do the following.

- You consult NC's *Reasonable and Prudent Parent Activities Guide*. It tells you that a foster parent can provide approval for normal childhood social activities outside the foster parent's direct supervision without notifying the child's social worker.
- Next, you consult *Applying the Standard*. You believe Lukas has been doing well overall. This activity would be good for Lukas' self-esteem and confidence. It doesn't interfere with his schedule.
- You don't know Lukas' classmate's family, so you call them. You learn that in addition to their son, there are also two daughters in the home. You conclude the call but don't commit, saying you still need to discuss the plans. You're concerned about Lukas being around the girls in the classmate's home with less supervision and worry that might trigger Lukas to expose himself.

Based on the circumstances, you decide to ask Lukas to invite his classmate over to your house instead, so that he can still benefit from this activity.

Navigating

continued from previous page

each child and youth, based on the totality of their situation. The standard and the passage of the Family Foster Care Act do not mean that every foster child or youth can automatically participate in anything. It means that foster parents and social workers must use all the tools at their disposal—including shared parenting, child and family team meetings, and monthly visits—to ensure they have a good grasp of the child's strengths, needs, and skills. They must also engage the birth family (if their whereabouts are known) so they can express their desires for their children.

Conclusion

The emphasis on normalcy that comes with the reasonable and prudent parent standard is the right thing for children and youth in foster care. When they are grown they should be able to recall their childhood friends, the field trips they went on, and the other childhood experiences so many of us take for granted. It's up to us to find balance in addressing the needs that bring children and youth into foster care while still allowing them to grow up with normal childhood memories.

Teresa Strom is the Child Welfare Services Local Support Team Leader for the NC Division of Social Services.

Applying the Reasonable and Prudent Parent Standard

1. Is this activity reasonable and age-appropriate?
2. Are there any foreseeable hazards?
3. How does this activity promote social development?
4. How does this activity normalize the experience of foster care?
5. Will this activity violate a court order, juvenile justice order, a safety plan, a case plan, or a treatment plan or person-centered plan (PCP)?
6. Will this activity violate any policy or agreement of my licensing agency or the child's custodial agency?
7. If appropriate, have I received consultation from my social worker and/or the child's social worker?
8. If able and appropriate, have I consulted with this child's birth parents about their thoughts and feelings about their child participating in this particular activity?
9. Will the timing of this activity interfere with a sibling or parental visitation, counseling appointment, or doctor's appointment?
10. Who will be attending the activity?
11. Would I allow my birth or adopted child to participate in this activity?
12. How well do I know this child?
13. Is there anything from this child's history (e.g., running away, truancy) that would indicate he may be triggered by this activity?
14. Does this child have any concerns about participating in this activity?
15. Has this child shown maturity in decision making that is appropriate for his age and ability?
16. Does this child understand parental expectations regarding curfew, approval for last minute changes to the plan, and the consequences for not complying with the expectations?
17. Does this child know who to call in case of an emergency?
18. Does this child understand his medical needs and is he able to tell others how to help him if necessary?
19. Can this child protect himself?
20. When in doubt, refer to number 7.

Adapted from Florida's Caregiver Guide to Normalcy <http://www.kidscentralinc.org/caregiver-guide-to-normalcy/>

Witnessing a Change in Foster Care

On July 2, 2015, the Governor signed a new law called the Foster Care Family Act (SB 423). Governor McCrory asked that SaySo be represented on this day. SaySo supporters and foster care alumni Chaney Stokes, Roman Rys, and Marcella Middleton were present, as was Nancy Carter, SaySo's chief administrator.

After touring the Governor's mansion, Chaney, Roman, and Marcella were invited to stand with the Governor as he signed this bill which, among other things, will allow youth in foster care to participate in "normal" activities such as field trips, extracurricular activities, sleepovers with friends, and obtaining a driver's license. To top things off, the Governor gave each of them one of the pens he used to sign his name to the bill. What a souvenir!

At right are some of Chaney, Roman, and Marcella's thoughts about this momentous occasion.

SB 423 is affectionately known as the "normalcy act." SaySo members have actively participated in helping to establish guidelines for caregivers and DSS representatives to implement this new law. SaySo is proud to be part of this process from its conception. After almost 18 years, young adults in foster care are being heard and their suggestions and ideas are being implemented.



SaySo alumni were invited to witness Governor McCrory sign SB 423 into law. Chaney Stokes, Marcella Middleton, and Roman Rys were joined by Senator Tamara Barringer and others for this historic moment.



Chaney Stokes

"As a former foster youth, I felt many emotions the day SB 423 was signed. Tears filled my eyes as Governor McCrory lifted his pen. This law is such a blessing to the young people who are currently in foster care. Although this change does not directly impact me, the fact that it will help those whom I've dedicated my life to advocating for brings me great joy."



Roman Rys

"Being at the event . . . gave me an uplifting, victorious, almost overwhelming emotion. Now youth will be able to get their driver's license before turning 18. Foster parents will now receive liability insurance so that when foster youth placed with them have something severe happen to them (e.g., broken leg when playing football) they will have financial assistance. These are good changes."

However, this is just one step. Some youth in the substitute care system will thrive because of this change. Yet others will still be falling through the cracks of the system. We as well as lobbyists, politicians, stakeholder groups, non-profit organizations, and others must keep listening to individuals who have experienced substitute care. We must continue to use their input to make practical changes in policy to benefit minorities in substitute care. Some are still not receiving the resources needed to be successful. We must make the effort needed to make policy change one step at a time."




Marcella Middleton

Marcella says she remembers that many years ago her foster family saved so they could bring her and her sister to Disney World. That request was denied, but the memory of that missed opportunity has not been forgotten. Now, families will be able to take their foster children on vacation and be a real family together.

Promoting Normalcy for Children and Youth in Foster Care

Welcome!

Please click on the colored link below to download the handout for today:
[Nov. 3, 2015 webinar handout](#)




About this Webinar

- Developed with funding from the North Carolina Division of Social Services (NC DSS) by the Family and Children's Resource Program, part of the Jordan Institute for Families at the UNC-Chapel Hill School of Social Work

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Webinar Goals




By the end of this webinar we hope you will be able to...

1. Describe the intent of NC's Reasonable and Prudent Parent Standard
2. Explain this standard and what it does (and does not) require
3. Name at least one thing you can do to support implementation of these changes
4. Talk to your resource parents about this topic

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Agenda

- Orientation & introductions
- Why focus on normalcy?
- What do policy and law say?
- NC's implementation work group
- What will all this mean for me & my agency?



Plenty of time for Q & A!

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<h3 style="background-color: #008080; color: white; padding: 2px;">Panelists</h3> <div style="background-color: #ADD8E6; padding: 5px;"><p>Danielle McConaga</p><p>Angie Stephenson</p><p>Chaney Stokes</p><p>Matt Anderson</p></div>		
<h3 style="background-color: #008080; color: white; padding: 2px;">Moderator</h3> <div style="background-color: #ADD8E6; padding: 5px;"><p>Mellicent Blythe</p></div>	<h3 style="background-color: #008080; color: white; padding: 2px;">Tech Support</h3> <div style="background-color: #ADD8E6; padding: 5px;"><p>Phillip Armfield</p><p>John McMahon</p></div>	

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Why focus on *normalcy* for kids in foster care?

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Normal Activities Impact . . .

- “Typical” development
- School performance
- Healthy, positive relationships
- Identity
- Resiliency



What does the *law* say?

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Preventing Sex Trafficking and Strengthening Families Act (H.R. 4980)

Includes normalcy provisions including “Reasonable and Prudent Parent Standard”

States must:

- Implement this standard by Sept. 29, 2015
- Revise licensing rules to incorporate this standard
- Provide training to foster parents on the standard

FEDERAL LAW

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This is not about requiring you or your agency to do new things.

It gives you options with the goal of benefitting kids in care.


THEN AGAIN, IT MAY BE A CULTURE CHANGE!

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NC's Foster Care Family Act (SB 423)

- Signed into law July 2, 2015
- Most provisions effective Oct. 1, 2015

Key sponsor:
Sen. Tamara Barringer of Wake Co.



Full text of the law:
<http://www.ncleg.net/Sessions/2015/Bills/Senate/PDF/S423v7.pdf>

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Reasonable & Prudent Parent Standard

- New G.S. 131D-10.2A (also G.S. 7B-903.1)
- Foster parents (and official in group care) authorized to provide or withhold permission for normal childhood activities when using the reasonable prudent parent standard, including, but not limited to:
 - Extracurricular activities
 - Cultural and enrichment activities
 - Social activities for periods up to 72 hours



Reasonable & Prudent Parent Standard

“Characterized by careful and sensible parental decisions that are reasonably intended to maintain the health, safety, and best interests of the 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.”

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Giving / Withholding Permission

“A caregiver, including the child's foster parent . . . has the authority to provide or withhold permission, without prior approval of the court or a county DSS, to allow a child in foster care, in the custody of a county DSS, or under the placement authority of a county DSS through a VPA, to participate in normal childhood activities.”

- Includes but not limited to, extracurricular, enrichment, and social activities
- May include overnight activities outside the direct supervision of the caregiver for up to 72 hours



Standard Applies to . . .


- Family foster care and therapeutic foster care parents
- Child care institutions
 - Each agency must have designated person
- Unless court orders otherwise



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Resource Parent Liability

- Not liable if acting in accordance with the R&P standard
- Liable if they are negligent / don't follow R&P
- Creates liability insurance for foster parents
 - Rate Bureau to develop optional policy by May 1, 2016 for Family Foster Care and TFC parents



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NC's Implementation Workgroup

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Workgroup Members

Leadership

- DHHS-DSS
- Teresa Strom and Rick Zechman

Membership

- Foster Care Licensing Staff
- NC Links Staff
- Guardian ad Litem Programs
- County DSS Agencies
- Private Agencies

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Workgroup Timeline

- April 27 - Initial Workgroup Meeting
 - First draft guidelines produced
- June 8 - Workgroup Meeting
 - Second draft guidelines produced
- Focus Groups Held to Review Guidelines
 - Feedback from stakeholders
- August 31 - Workgroup Meeting
 - Third draft guidelines produced
- September 15 - Final Guidelines Distributed

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Workgroup Product

[Reasonable and Prudent Parenting Activities Guide](#)

- Based on implementation in Washington State
- Identifies activities caregivers have authority to give permission – *but not a comprehensive list!*
- Organized by activity type; gives examples of when caregivers can give permission and when agency approval is required

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Category: Family Recreation

Caregivers Can Approve
Examples

- Movies
- Community events such as concert, fair, food truck rodeo
- Family events
- Camping
- Hiking
- Biking using a helmet
- Other sporting activities using appropriate protective gear
- Amusement park
- Fishing
(must follow NC General Statute 113)

Child welfare agency approval or court order needed
Examples

- Any of these events or activities lasting over 72 hrs.
- Target Practice (gun, bow and arrow, cross bow at either formal range or private property) must have local child welfare agency approval and be supervised by adult age 18 or over, abiding by all laws

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Implementation Resources

The guide:
<http://bit.ly/1RxWiad>

The "One-Pager":
<http://bit.ly/1GAsaEL>

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What will all this mean for *me* & *my agency* ?

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County Child Welfare Agencies


- There's power in partnership
 - Shifts onus of decision-making from the child welfare agency to sharing with foster caregivers
- Train and empower foster caregivers
- Communication and collaboration
 - Shared Parenting
 - Child and family team meetings



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Private Child-Placing Agencies

- Ensure your policies are consistent with the law
- Identify onsite official to exercise the standard (*applies only to child care institutions*)
- Train and empower staff and foster parents
- Keep an open line of communication with welfare agencies



Foster Caregivers

- "Permission to parent"
 - Make careful and sensible decisions that maintain the child's health, safety, and best interest
- Clear guidance to not say no just to manage risk
- Protection from liability when applying the standard



Foster Caregivers

“Confidence to Parent”


- Training
- Communicate regularly with child welfare agency, licensing agency, and child’s family
- Participate in Shared Parenting, CFTs, and court hearings
- Advocate and encourage child’s emotional and developmental growth



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Foster Caregivers

- Get adequate info. about child so you can make good decisions.
- Consider *where* the activity will be held, *who* child will be with, and *when* child will return.
- Ask: is this an age-appropriate extracurricular, enrichment, or social activity for the child?
- Take into account:
 - Child’s mental and physical health and behavioral capacities
 - Any reasonably foreseeable risk and what safety factors and direct supervision may be involved in order to prevent potential harm to child (i.e., hunting, etc.)



Case Example

- 15-year-old girl in your care asks permission to try out for school soccer team
- If she makes the team she must attend practice every day after school for 3-4 months.
- During season she’ll have games 1-2 evenings per week, some at home, some at other schools in the county.
- Her grades are mostly B’s and C’s.
- She visits with her birth family once a week and has a counseling appointment every other week.
- You don’t enjoy athletics and your birth children did not play team sports in high school, so you’re not familiar with what’s involved.



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Case Example (2)

Things you may consider when applying the standard:

- Talk to birth family/ social worker about whether they support this young person playing soccer.
- Talk to soccer coach to discuss length of practice.
- Find out if counseling appointment could be on Saturday.
- Talk to friends/family or ask coach for names of families already involved that you can talk with.
- Talk with soccer coach about equipment costs.



Guardians ad Litem

Promote normalcy for children in care by:

- Knowing the standard
- Understanding that it is not your role to make or participate in the decision
- Communicating with caregivers to offer advice and support in decision-making
- Advocating for solutions to overcome barriers to the child's participation in normal activities:
 - Cost
 - Logistics
 - Policies

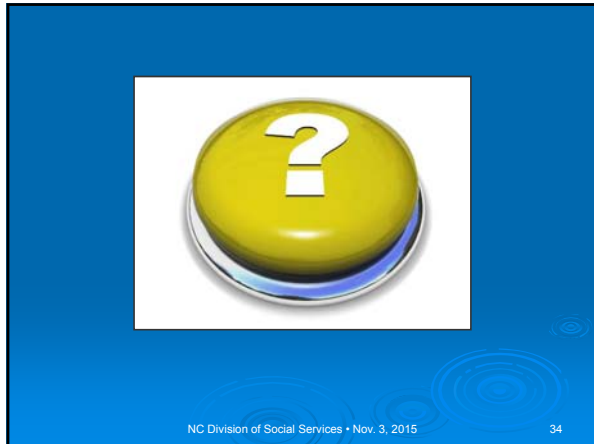
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Kids in Foster Care





- Respect
 - Foster care is a legal status, not a personality trait.
- Empowerment
 - Transition plans for older youths in care
- Normalcy
 - Improved outcomes for children and youth



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Presenter Contact Information

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Follow-up Document from the Webinar

Promoting Normalcy for Children and Youth in Foster Care

Webinar delivered Nov. 3, 2015

Follow-up document date: Dec. 21, 2016

Presenters

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*Child Welfare Services Section
NC Division of Social Services*

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Children's Home Society of NC

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Produced by

Family and Children's Resource Program, part of the
Jordan Institute for Families
UNC-Chapel Hill School of Social Work

Sponsored by

NC Division of Social Services

Webinar handouts: https://ncswlearn.org/ncsts/webinar/handouts/38_webinar_handouts_11_03_2015.pdf

Recording: if you missed the webinar or want to view it again, go to: <http://fcrp.unc.edu/webinars.asp>

Topics Covered

1. General
2. Training of Foster and Birth Parents
3. Impact on Social Workers
4. Background Checks
5. Funding Related
6. Birth Family Related
7. Overnight Stays
8. Consent
9. Foster Parent Liability Insurance
10. Court
11. Photos and Social Media
12. Driving and Transportation Related
13. Person Centered Plans
14. Guardian ad Litem Related
15. Youth Involved with Juvenile Justice
16. Miscellaneous
17. Participant Opinions/Comments

Responses in this document are from the NC Division of Social Services Child Welfare Services Section.

Answers to Questions Asked During the Webinar

I. General

Does this law cover kids NOT in DSS custody (i.e., placed by their biological parent)?

No. N.C.G.S. § 7B-903.1(b) specifies that the law applies only when a child is in the custody of a county DSS or the county has placement responsibility for the child.

Does the reasonable and prudent parent standard pertain to kinship placements as well?

Yes. N.C.G.S. § 7B-903.1(b) references placement providers without regard to whether the placement provider is a licensed foster home.

I'm a little concerned about our sexually reactive youth and confidentiality when staying all night with others when younger children are present...

A lot of times for children in this category the court would place limits on what a child can participate in. It is still important to individualize decisions, but for youth who are sexually reactive, foster parents will probably want to involve the court and DSS.

Can resource parents go against a social worker's (guidance regarding activities children and youth can participate in)? Do resource parents have a responsibility to notify case workers (when making decisions using the reasonable and prudent parent standard)?

Resource parents are not required to notify social workers of every decision made, though this will vary in some situations. In general, resource parents should be talking with youth and social workers (and ideally birth parents and other team members) about potential decisions that may come up. Reasonable people can disagree about what is "reasonable" in a given situation.

The NC Division of Social Services' **one-pager of questions to consider** when making a decision (*available here: <http://bit.ly/1GAsaEL>*) should be shared with resource parents to help them think through decisions and document or explain why they made a given decision. Obviously some resource parents will need more guidance than others to understand and apply this standard, and agencies may set some limits on a case-by-case basis. The one-pager provides an excellent opportunity for social workers and resource parents to discuss the decision-making process when applying the Reasonable and Prudent Parent Standard. If the agency remains concerned about decisions the placement provider is making, the agency may file a motion for review to bring the issue before the Court.

If DSS disagrees with a decision made by the foster parent, how should that be handled?

This would be an opportunity for discussion and communication. It doesn't necessarily mean there are consequences for the foster parent. Documentation by foster parents of the reasoning behind their decisions is helpful. Disagreements should be settled with partnership. If the agency remains concerned about decisions the placement provider is making, the agency may file a motion for review to bring the issue before the Court.

Does the language in the standard lend too much to one's interpretation? What one FP may permit a youth to do, another may not based on differences in personal standards.

The Division encourages decision making that results in individualized results. The best decision for one child may not be a good decision for another.

2. Communication with/Training of Foster and Birth Parents

Are foster parents getting this information? Does DHHS make them aware?

The *Reasonable and Prudent Parenting Activities Guide* (<http://bit.ly/1RxWiad>) and the "one-pager" (<http://bit.ly/1GAsaEL>) are tools that can be used to educate foster parents and other placement providers about the Reasonable and Prudent Parent Standard.

How is the Reasonable and Prudent Parent Standard info. going to be presented to biological parents when their children/youth come into custody of DSS? Will there be a state brochure/pamphlet to hand out?

Shared parenting meetings and child and family team meetings are good opportunities to inform biological parents and children entering care about the reasonable and prudent parent standard. Information should be shared on a level that families can understand. It is recommended that the central focus is on the need for normalcy for children in care. Youth may be directed to http://www.saysoinc.org/events/governor_signs_foster_care_family_act_into_law/ for more information related the NC Family Foster Care Act (aka, the "Normalcy" Bill).

While there is no plan to develop a state brochure or pamphlet, NC DSS is partnering with other organizations to spread the message statewide about the new standard. Partnering agencies may develop materials for distribution related to the new standard.

3. Impact on Social Workers

Would implementing this policy be an opportunity for the social worker to use the Youth Input Form?

While the "Youth Input Form" is not a NCDHHS/DSS form, any forms or tools that elicit input from youth will be helpful to social workers as they provide information to caregivers about the needs and desires of youth. The more informed the caregiver is about the youth the more success they will have in applying the standard for that youth.

What impact will these provisions have on the Out-of-Home Family Services Agreement? It will definitely have a great influence on the TLP... as it should.

We agree that Family Service Agreements, Person-Centered Plans, and other written planning tools should incorporate discussion about how to support normalcy for each child and youth.

Is it fair to say that what these legal changes primarily do is shift the burden of decision making about activities to the actual caregivers and away from the social workers?

Yes. The reasonable and prudent parent standard is about shifting the onus of decision-making from the agency to sharing it with the caregivers. In any case where this is not appropriate for a given child, the issue may be raised before the Court to adjust the balance as makes sense in that instance.

4. Background Check Questions

Can we still do a criminal background check for an individual identified by the foster parent to provide care over the weekend?

While the law is silent on the requirement of background checks, its intent is to remove barriers to normalcy for children in foster care. Criminal background checks are often cited by youth in foster care as a barrier to their participation in normal childhood activities, such as spending the night at a friend's house, since background checks require obtaining consent and may take time to process. This law does not apply to situations where the foster parent is arranging respite or alternate care arrangements for the child.

When a young person in foster care is spending the night with friends, who is responsible for making sure the family with whom the child will be staying has no criminal history?

The intent of the law is to remove barriers to normalcy for children in foster care. While the law does not specify any requirement to conduct criminal background checks, safety is always paramount. Decisions about overnight stays should be made taking into account the child, their individual plan, the circumstances of the family the child will be staying with, and an assessment of any risk. While the caregivers will be making these decisions, social workers, Guardians ad Litem, and biological parents may have information to assist the caregiver in making a successful decision.

What if a juvenile in foster care wants to participate in a buddy program? Can DSS do a criminal background check on that individual (the proposed "buddy")?

The intent of the law is to remove barriers to normalcy for children in foster care. While the law is silent on the requirement of background checks, some situations may warrant these types of checks. Mentoring and buddy type programs such as Big Brother/Big Sister often have built-in requirements for background checks of their volunteers. Parents rely on these programs to screen volunteers to help ensure safety of participating children. Likewise, it would be reasonable for foster caregivers and DSS to rely on buddy programs to screen their volunteers, unless the caregiver or DSS has other information that compels the DSS to conduct additional screening.

Recently one of my kids went on a church-based school trip. We assumed the chaperones-teachers and the principal- had clean background checks, but we still had to run them all the same...

Foster caregivers may inquire about the process agencies undergo to ensure safety of children participating in events and activities they sponsor. If there is concern, the foster caregiver may consult the social worker for additional support.

How do background checks apply to relatives of foster parents who come to visit in their homes or may do extended visit of a week or two?

Background checks in general are not addressed in the law and any background checks would be subject to licensing rules.

5. Funding-Related Questions

When a child is staying overnight with a non-licensed individual/family, how is funding provided?

This is about a social sleep-over. There is no funding provided to the unlicensed family providing the overnight care for the child. Placement does not change; typically the county continues to code the client to the foster home during this time.

For children who do stay the night or multiple nights out per the 72 hr. rule (described in the NC Family Foster Care Act): does the DSS agency withhold monies as per respite rules or continue to pay the foster parents as if the child was in their home during those evenings?

The NC Family Foster Care Act is not talking about planned respite but a social overnight. We're talking about a normal childhood activity. It is not a change in placement. Typically the county continues to code the client to the foster home during this time.

6. Birth Family-Related Questions

What if caregiver permissions affect visitation with parents?

That is something to consider and is something that we ask people to factor in when making decisions. It still is not necessarily a clear line about what to do or not do, but a factor to consider and try to adjust if possible. To the extent that visitation is court-ordered, deference should be given to that court order. However, that should not prevent the birth parent from collaborating with the placement provider and DSS to determine a method to provide the youth with access to normal childhood experiences.

What are your thoughts around foster parents and birth parents coming to a decision together without DSS knowledge or approval (for example, taking a trip to another state to visit)?

There is not necessarily a problem with foster parents and birth parents making a decision together without informing DSS, but of course that depends on the specifics of the decision, the child, both families, their relationship with the agency and each other, whether the court has addressed this issue previously, etc.

In light of principles of shared parenting, what level of sensitivity should foster parents extend to biological parents when applying the standard?

Foster parents should certainly strive to consider birth parent wishes and involve birth parents in decision-making as much as feasible. Of course, this might not always be possible due to time or circumstances, but we agree that shared parenting around decisions is an important goal. In some instances, providing normalcy for child/youth may require that a decision be made quickly, not allowing time for an inclusive process. Decisions about when to prioritize shared parenting over normalcy or normalcy over shared parenting should be individualized according to the needs of the foster child/youth, the dynamics of the family, and any prior court orders addressing how decisions are to be made.

7. Overnight Stays

Does the foster parent need to let the foster care social worker know about overnights before they occur?

Not necessarily. However, in any case where it would be important for the foster care social worker to know about sleepovers before they take place, DSS could request that the Court order this process.

When a child is on an overnight visit, who is responsible for the administration of medication? What are the documentation requirements?

Decisions about medication administration should be made according to the needs of the child. If the reasonable prudent parent standard does not reach the best result for a particular foster child, DSS can request that the Court order a different process.

When one of our DSS foster parents provides prearranged overnight care for another foster child we call this respite, and we update our child placement module (or DSS-5094) accordingly to ensure that the respite foster parent gets payment for the night or nights they had the child staying with them. I'm guessing this does not change?

This standard is about social visits, not respite. Foster care funding allows for respite, but the home must be licensed. There would not be funding for a social visit to stay overnight with a friend. Respite is about creating normalcy for foster parents. The NC Family Foster Care Act is about creating normalcy for youth.

Should we continue to provide foster parents/relatives an out-of-state travel letter that verifies who has custody and the process to access NC Medicaid when they travel out of state, even when travel is less than 72 hours?

The reasonable prudent parent standard does not require a change in this practice.

Does an ICPC have to be in place for youth who request to have visits out of state?

Regulation 9 of the ICPC policy defines a visit this way: "If the child's stay is intended to be for no longer than thirty (30) days and if the purpose is as described in Paragraph 2 (of Regulation 9), it will be presumed that the circumstances constitute a visit rather than a placement. A stay or proposed stay of longer than thirty (30) days is a placement or proposed placement, except that a stay of longer duration may be considered a visit if it begins and ends within the period of a child's vacation from school."

(source: <http://info.dhhs.state.nc.us/olm/manuals/dss/csm-70/man/PDF%20docs/ICPCsIII.pdf>).

What about traveling abroad--what guidelines will be specified?

The reasonable prudent parent standard is silent about traveling abroad, except that any travel lasting longer than 72 hours should be approved by DSS or the court. Often traveling abroad requires advance preparation. In most cases, it would make sense for DSS, the birth parents, the child's Guardian ad Litem, and the Court to be involved with this preparation.

8. Consent

Does the standard affect things like getting haircuts? Our resource parents must have permission from (birth) parents even if youth asks for a haircut.

This is a decision we would still engage birth parents in, knowing how important haircuts are to many parents. The standard is about participating in normal activities, not personal care.

How does the informed consent piece of this law fit with the prudent parent decisions? (example, ongoing psychotropic meds)

This new standard does not cover informed consent for medical treatment. Informed consent is governed by N.C.G.S. § 7B-505.1 and 7B-903.1(e). Informed consent will be covered in more detail in the Division's Jan. 22, 2016 webinar.

Does this standard affect foster parent/kinship providers participation in IEP/508 meetings?

This standard doesn't change educational decision-making. Resource parents are still encouraged to attend and participate in education-related meetings for children in their care. In addition to birth parents who retain their educational rights, in North Carolina family foster care parents, guardians, and relatives (e.g., kinship caregivers) who live with the child are legally allowed to fill the parental role in the IEP process. However, a therapeutic foster parent, group home worker, or the DSS worker cannot fill the role of a parent in an IEP meeting.

Source: NC Department of Public Instruction. (July 2014). *Policies governing services for children with disabilities*. Raleigh, NC: Author. <http://ec.ncpublicschools.gov/policies/nc-policies-governing-services-for-children-with-disabilities>.

What if a foster parent wants to involve the juvenile in a research program? What about confidentiality?

Getting the young person's input is going to be important. Participating in clinical trials is governed by N.C.G.S. § 7B-505.1 and 7B-903.1(e) and requires consent by a parent or a court order.

9. Foster Parent Liability Insurance

Do foster parents have to apply for (the newly available) foster parent insurance?

No, this is just an option, not a requirement.

Who will be responsible to pay for liability insurance?

The statute does not require any person or entity to be responsible for paying for liability insurance. It just makes an optional policy or endorsement available to foster parents who would like to purchase one.

10. Court

Please say more about the role of foster parents in court proceedings.

The Court must consider information from the foster parent at review and permanency planning hearings under N.C.G.S. § 7B-906.1(c). This requirement did not change with the new legislation that went into effect October 1, 2015.

11. Photos and Social Media

What about the publishing of photos of a child while participating at birthday parties, sports teams, newspapers, etc.? Most agencies have publishing photo guidelines.

The standard does not apply to publication of children and youth's photos. Agency guidelines should be consulted.

What about foster parents putting pictures of their foster kids on their own social media (e.g., Facebook)? I have only heard people ask about kids being able to have their own social media accounts, but have not heard answers as far as families being allowed to include the youth on their sites (especially for pre-adoptive home, to help make the child feel more included as part of the family).

Decisions about placing images and photos of children/youth on their own social media sites should be done in consultation with the social worker and the child/youth's parents. The standard does not apply to the foster caregiver's use of social media but it may apply to the youth's use of social media.

I have a family who wants to include their youth in care on their Christmas cards. Is this covered in normalcy or is this more confidentiality?

Decisions about using the image and photos of foster children/youth should be done in consultation with the social worker and the child/youth's parents. The goal of the standard is to create normalcy that promotes well-being as a result of engaging in activities that are developmentally and age-appropriate. Normalcy related to permanency is a separate issue.

12. Driving and Transportation Related

What about teenagers riding in vehicles with other teenagers?

This would also be a case-by-case decision, depending on the youth's developmental level, strengths and needs, circumstances, etc.

**(Regarding drivers insurance for youth in foster care who obtain their license)
Who is going to pay for drivers insurance? Or be the co-signor?**

The insurance contract will be between the youth and the insurance provider. These contracts are governed by N.C.G.S. § 48A-4. This statute states that the youth is responsible for paying the costs of the insurance premiums. The youth's Guardian ad Litem, the DSS director, or the Court may sign the application for a driver's license under N.C.G.S. § 20-11(i)(4).

13. Person-Centered Plans

For TFC agencies, historically we have had to document on the PCP that the child can be left unsupervised (at sporting events, movies at home). Do we still need to document this on the PCP?

It is great to be proactive in talking with the team ahead of time to support normalcy for children. For example, you can ask for a letter from the agency stating that the child can participate in certain activities or be unsupervised. The more those things can be planned and discussed ahead of time the better. Then things will be in place and it won't be necessary to say no to a child just because we are not prepared.

14. Guardian ad Litem Related

It says on your slide that Guardians ad Litem need to understand that it is not part of our role to make or participate in the decision (about whether young people in foster care can participate in various normal childhood activities). However, it says in another handout you provided that GALs can sign as the second signature for driving privileges. So there seems to be a little contradiction there. What does the statute say on this issue?

It is a separate issue from the reasonable and prudent standard. It is a different part of the same act. The Act allows foster youth old enough who have followed law and can pay for their own insurance to get a drivers permit and license. It also removes barriers that had prevented this in the past.

If decisions are being discussed and decided in CFT meetings, how is the GAL not involved?

The GAL may provide valuable information as it relates to the needs and desires of the child as well as information related to the law to assist the foster caregiver in successfully applying the standard to the children/youth in that GAL's purview. While the standard applies to foster caregivers, the GAL will be instrumental in helping the caregivers make good decisions.

15. Youth Involved with Juvenile Justice

I believe another factor to be scrutinized is the matter of how (the standard) is implemented in parenting our delinquency youth... for instance, caution to be practiced with regard to driver's licensure --- youth with habitual AWOL status. I have not read in full detail on the issue of driver's license but what of the insurance requirements, will the Department finance that... covered by LINKS funds? Social media flexibility ... supervision I suppose would be key. All I think should be documented in the youth's case plan. Maybe even a contractual agreement of sorts.

When caregivers apply the standard, the child/youth's individual needs and circumstances should be considered to ensure that decisions made are in the best interest of that child/youth.

Information related to youth driver's license and insurance may be found at <http://www.ncleg.net/Sessions/2015/Bills/Senate/PDF/S423v6.pdf>.

16. Miscellaneous

What consideration has been given to undocumented youth in custody?

The reasonable prudent parent standard and other normalcy requirements in SL 2015-135 do not distinguish between documented and undocumented youth in custody.

What about going hunting with a friend's family?

This is specifically addressed in the *Reasonable and Prudent Parenting Activities Guide* (<http://bit.ly/1RxWiad>).

How will social workers in the future have access to these handouts? Will they be posted on a website somewhere? This guide is very helpful.

The webinar handouts, as well as a recording of the webinar itself, are available here: <http://fcrp.unc.edu/webinars.asp>. The guide is available here: <http://bit.ly/1RxWiad>.

Perhaps someone from DMA can participate on the next webinar?

We will explore this possibility with our colleagues in DMA.

Has there been any consideration to increasing the board rate for foster parents?

No. The Board Rate was not part of the discussion for this legislation. Agencies and foster parents will need to be creative and seek out financial supports to help children participate in activities. Some resources might include scholarships through PTAs, booster clubs, and community recreation leagues; support from churches and civic organizations; support from relatives who are not able to provide placement but may be able to support a particular activity or need.

Can share again the statement you read to us from the person in Texas?

“Foster care is legal status, not a personality trait”- Tymothy Belseth, Youth Specialist, Texas Department of Family and Protective Services, tymothy.belseth@dfps.state.tx.us.

17. Participant Opinions/Comments on the Standard

- What I’ve gathered is that it will come down to staffing and discussing the needs of the child and making a sound, legal, and responsible step toward the child’s needs.
- In my opinion, teens close to aging out of foster care should be encouraged to come up with their own activities that support their personal interests.
- In reading the permissions of the policy though, it seems that most of the factors/ objectives should have been permissible, since we ask FP to treat youth as part of their family. It seems to me that it may have been a matter of FP/ caretakers / SW not permitting the youth to engage in activities because they were not aware of the laws/ policies regarding care. Just saying no without knowing whether or not engagement is/ was possible. For instance with extracurricular activities. I could see how the new laws will have great impact on facility type placements and licensing agencies. And, change in practice by SW professionals in their case management services.
- It is a great step into allowing our youth to initiate steps into practicing and developing decision making skills, realize normal consequences of choices we make... we are definitely allowing them to be continue a natural developmental path and build on resiliency as they learn to be independent adults. An exhilarating practice cultural change.