

0. Licensing of Resource Homes and Child Caring Institutions (CCI)--Implementation of the Reasonable and Prudent Parent Standard for Resource Family Homes and Child Caring Institutions

0.1 PURPOSE The Preventing Sex Trafficking and Strengthening Families Act (Public Law 113-183). This act was signed into law on September 29, 2014, attempts to expand the opportunities for children/young people in foster care to participate in developmentally appropriate activities such as field trips, sleep overs and other extracurricular activities. These experiences allow youth to build skills, while developing talents, and healthy relationships with peers and supportive adults. New experiences and opportunities—even healthy risk taking –helps children/young people discover who they are and learn important decision making skills when they are supported by nurturing resource caregivers. The new law requires states to support the healthy development of youth in care through implementing “reasonable and prudent parent standard for decisions made by resource caregivers and on-site CCI caregivers.

0.2 AUTHORITY

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| A. P.L. 113-183 | Preventing Sex Trafficking and Strengthening Families Act of 2014 |
| B. HRS 346-17 | Child Placing Organization, Child Caring Institutions, and Resource Family Homes; authority over, investigations of, and standards for. |
| C. HRS 587A-3 | Guiding Principles For Children in Foster Care |

0.3 DEFINITIONS

“**Age-appropriate**” means an activity or items that is generally accepted as suitable for a child of the same chronological age or level of maturity. Age appropriateness is based on the development of cognitive, emotional, physical, and behavioral capacity which is typical for an age or age group.

In the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child.

“Resource Family” or **“resource caregiver”** means a family or person or a designated official for a group child care facility who is: (1) Licensed by the Department of Human Services to provide temporary safe foster care services for children under the jurisdiction of the department in out-of-home care.

“Child Caring Institution (CCI)” or **“group home”** means any institution or group home licensed by the department, for the purpose of receiving six or more unrelated minor children for temporary substitute supervision, care, and maintenance apart from their legal custodians on a twenty four hour basis for monetary payment.

“CCI Caregiver” this document makes references to on-site CCI caregiver which is defined as a designated on-site prudent parent in a Child Caring Institution (CCI). Each CCI shall identify someone to be the on-site "caregiver" responsible for making prudent parent decisions for each young person in their care. All shifts will need to have an identified on-site caregiver that has received training on the reasonable and prudent parent standard and are able to make decisions involving the participation of the young person in age or developmentally appropriate activities. A person must be identified as the caregiver, not a committee or an office.

Qualified Immunity-(As defined in HAR 346-17) Any resource caregiver or child caring institution issued a certificate of approval pursuant to this section shall be immune from liability in a civil action to recover damages for injury, death, or loss to a person or property that results by authorizing a child in the caregiver’s or institution’s foster care to participate in an extracurricular, enrichment, cultural, or social activity; provided that the authorization is in accordance with the reasonable and prudent parent standard as defined in title 42 United States Code section 675 (10) (A).

“Reasonable and Prudent Parent Standard” means the standard characterized by careful, and sensible parental decisions that maintain a child’s health, safety, and best interests while at the same time encouraging the child’s emotional and developmental growth, that a resource caregiver and on-site CCI caregiver shall use when determining whether to allow a child in the care of the caregiver to participate in

extracurricular, enrichment, and social activities. (as defined in title 42 United States Code section 675 (10) (A).

“Young people” in this document will refer to the youth in foster care as “young people” or “young person” because being “normal” means being seen as a person rather than a “foster kid”.

“Youth Voice” gives young people the opportunity and support to express their wants, needs and concerns in a safe environment. Youth Voice involves authentic youth engagementⁱ, which is when young people are actively and authentically involved, motivated and excited about an issue, process or event. They become self-advocates and use their skills at home, public settings, and personal relationships.

Adults play a key role in Youth Voice as partners offering support to the young people. Adults are expected to encourage self-advocacy, offer their support to the young person, and assist them wherever they may need help.

When young people become advocates of their own lives, they increase their opportunities for success and decrease risky behavior and unhealthy choices. When young people are encouraged and able to practice using their voice and receive adult support to make decisions in their lives, they become empowered and this impacts their self-esteem. A young person needs this kind of support and practice when they are adolescents in order to develop into healthy young adults.

Young people use their self-advocacy skills at home, school, work, healthcare, parenting and personal relationships. A few examples of young people using their skills:

A young person wants to get an afterschool job and they are 16 years old, the legal age to obtain a job in Hawaii. They ask their resource caregiver and social worker if they can get a job near their school and promise to keep their grades up and save some of the money they earn in a bank account.

A young person wants to try out for a play at school. They ask their resource caregiver for support in finding material to audition with and ask for rides to and from rehearsal when they get into the play.

A young person would like to play basketball for his high school. He asked his resource caregiver and social worker for support in finding funding for uniforms, equipment and for rides to and from practice.

“**Social Capital**” is the value that is created by investing in relationships with others through processes of trust and reciprocity.

“**Normalcy**” as defined by young people in foster care means, being part of a caring and supportive family, developing and cultivating friendships, engaging in extracurricular and every day activities, being a person, not a label, and making decisions, trying new things and sometimes making mistakes. Allowing for mistakes to be teaching moments and not used as a reason to ask the child/young person to leave.

“**Protective factors**” resource caregivers and on-site CCI caregivers will build and promote protective factors in reducing the incidence of child abuse and neglect, those protective factors include:

- **Youth Resilience**-helping the child/young person manage stress and enhance their ability to function well when faced with stressors, challenges, or adversity; the outcome is personal growth and positive change.
- **Social Connections**-helping them have healthy consistent relationships with people, institutions, the community, and empowered to make sound decisions.
- **Knowledge of child & adolescent development**-understanding the unique aspects of adolescent development; implementing developmentally and contextually appropriate best practices and helping the child/young person understand their current development.
- **Child’s Social and Emotional Competence**-helping the child/young person develop skills and attitudes that are essential for forming an independent identity and preparing for a productive, responsible, and satisfying adulthood.
- **Concrete supports in time of need**- helping the child/young person understand the importance of asking for help and advocating for oneself, receiving a quality of service designed to preserve the child/young person’s dignity, provide opportunities for skill development, and promote health body and mind development.

0.4 REASONABLE AND PRUDENT PARENT STANDARD FOR RESOURCE HOMES AND CHILD CARING INSTITUTIONS

The Department shall ensure that resource caregivers and the on-site CCI caregivers know and understand the reasonable and prudent parenting standard and how to exercise those standards to the children and young people placed in their resource home/group home.

The Department shall ensure that prior to a child being placed in a resource home, all resource caregivers and the on-site CCI caregivers are trained on the Reasonable and Prudent Parenting Standard which includes, but is not limited to the guidelines "Normalcy For Children and Young People in Foster Care" A Guide for Resource Caregivers and Child Caring Institutions on the Reasonable and Prudent Parent Standard. Resource caregivers and the on-site CCI caregivers shall also receive the question and answer document on prudent parenting entitled, "Don't Say "NO" Until You "KNOW" A Guide for Caregivers to Promote Normalcy and Well-Being for Children and Young People in Foster Care.

A. The reasonable and prudent parent standard is characterized by careful, and sensible parental decisions that maintain a child's health, safety, and best interests while at the same time encouraging the child's emotional and developmental growth that a caregiver (resource caregiver and the on-site CCI caregiver) shall use when determining whether to allow a child in the care of the resource caregiver to participate in extracurricular, enrichment, and social activities.

1. The application of the standard will require resource caregivers and the on-site CCI caregiver to know and understand the strengths and needs of the children/young people that are placed in their home. Resource caregivers and the on-site CCI caregiver needs to talk, read and interact with their children, but what resource caregivers and the on-site CCI caregiver really needs to know is how they interact makes all the difference in the development of the child/young person vocabulary, comprehension and critical thinking skills.
2. Every child/young person who is in foster care, regardless of race, ethnicity, disability, sexual orientation, age, gender and religious affiliation, has a **right** to participate in age-appropriate extracurricular, enrichment, and social activities.
3. All resource caregivers and the on-site CCI caregiver shall use the reasonable and prudent parent standard in determining whether to

give permission for children/young people to participate in extracurricular, enrichment, social or cultural activities.

4. Resource Caregivers and the on-site CCI caregiver shall provide a nurturing environment that encourages emotional and developmental growth and provides the most family-like setting experience as possible.
5. Resource Caregivers and the on-site CCI caregiver shall assist in the healthy development of children/young people in care through implementing reasonable and prudent parent decision making that supports health, safety and best interest of the child. These decisions can include opportunities for healthy risk-taking like those typically made by parents of children who are not in foster care. The protocol intends to promote "normalcy" and the ability to engage in healthy developmental appropriate activities that promote well-being for all youth in care. The reasonable and prudent parent standard should take into account that healthy risk taking is part of growing up.
6. Resource Caregivers and the on-site CCI caregiver shall build supports within their families, friends and community networks to support growth opportunities for the children/young people in their care.
7. Resource Caregivers and the on-site CCI caregiver shall build and promote **protective factors** in reducing the incidence of child abuse and neglect, those **protective factors** include: youth resilience, social connections, knowledge of child & adolescent development, child's social and emotional competence, and concrete supports in time of need.

B. Considerations in Exercising the Reasonable and Prudent Parent Standard

The Department shall ensure that resource caregivers and the on-site CCI caregiver consider the following when using the reasonable and prudent parent standard for children/young people placed in their resource home/group home:

1. The child's age, maturity, and developmental level to maintain the overall health and safety of the child.

2. The potential risk factors and the appropriateness of the extracurricular, enrichment, or social activity.
3. The best interest of the child, based on information known by the caregiver.
4. The importance of encouraging the child's emotional and developmental growth.
5. The importance of providing the child with the most family-like living experience possible.
6. The behavioral, emotional and risk-taking history of the child and the child's ability to safely participate in the proposed activity.
7. The wishes and interest of the youth.

C. Encouraging Access to Age Appropriate Activities and promoting "Normalcy"

The goal of exercising the reasonable and prudent parent standard in the child welfare context is to try to normalize the experiences of children and young people in care so that they have the opportunities and experiences that all youth do that mark a healthy childhood and adolescence.

The Department shall ensure that the resource caregiver and the on-site CCI caregivers understands their responsibility to provide the child/young person placed in their home (family resource home) or group home (Child Caring Institution (CCI)) the same opportunities as their peers.

The Department shall address with resource caregivers and the on-site CCI caregivers any barriers to providing "normalcy" for children/young people in their care.

The Department shall ensure that Resource Caregivers and the on-site CCI caregivers:

1. Encourage the child/young person, dependent upon his/her age and maturity level, to engage in appropriate activities such as social and extracurricular events, babysitting, service/learning or volunteering, vocational opportunities or employment, contact with family member, and prudent phone use.

2. Establish reasonable, age appropriate curfew and encourage respect for curfews.
3. Allow participation in appropriate computer or electronic activities, including cell phones usage and social media with the permission or supervision of resource caregivers or on-site CCI caregiver.
4. Afford the child/young person opportunities for social and recreational development that are normal life experiences. The child/young person may attend overnight or planned outings which support recreation and normal life experiences, as long as the licensed resource caregiver or the on-site CCI caregiver have determined the outing to be safe and appropriate.
5. Notify the Child Welfare Services (CWS) worker of overnight stays exceeding two nights, prior to the event occurring.
6. Be sensitive to the input of the child's parent as to the types of activities they would like their child to participate in, and whenever possible, include them in the decision making.
7. Background screening is not necessary for a child to participate in normal school or community and cultural activities and outings, such as school field trips, dating, camping, overnight sleepovers and activities with friends, families, school, and church groups.
8. Ensure allocation of age appropriate allowances and encourage appropriate money management.
9. Ensuring children/young people's range of experiences while in foster care is typical of the range of experiences of any child of the same age.
10. Look for opportunities to teach independence, starting in childhood. Giving choices, encouraging (reasonable) risk-taking and allowing a child to make mistakes are all ways that parents build the skills that make independence possible.
 - a. Understanding that adolescent risk taking is normal and healthy. Adults play a crucial role of providing the appropriate amount of supervision and boundaries, thus allowing youth to make and learn from their mistakes in a safe environment.

- b. Children/young people should not fear losing their placement because they make mistakes.

D. Consultation and Support

Resource caregivers and the on-site CCI caregiver may at any time consult with the CWS worker and others during the decision making process if they are unsure or confused in regard to the application of applying the guidelines. They should also consult with the child/young person and the child's team (CWS worker, GAL, therapist etc...)if assistance or training is needed in regard to how to support youth with issues related to cultural, ethnic, or religious identity as well as sexual/gender orientation concerns.

The Department shall ensure that resource caregivers and the on-site CCI caregiver provides a nurturing, supportive, and non-discriminatory environment for youth, and that the resource caregiver understands and are encouraged to seek support when they need assistance in doing so.

E. Pre-existing Court Orders

A resource caregiver and the on-site CCI caregiver decisions regarding normalcy activities cannot be contrary to a pre-existing court order. For example, if there is court ordered visitation with the child's parents on Saturdays, a normalcy activity planned or approved by the caregiver would not trump or take precedence over an existing court order for Saturday visitation.

The Department shall inform the resource caregiver and the on-site CCI caregiver of the court order timely so that the resource caregiver is able to plan activities for the child/young person accordingly.

0.5 Special Considerations for Exercising The Reasonable and Prudent Parent Standard

One of the characteristic of adolescence is exploring identity and a sense of belonging. Young people do this through participating in activities that enrich their talents and interest, but also through seeking to understand and identify in terms of race, ethnicity, and religion. This exploration may also take the form of exploring or questioning sexual and gender identity.

Another Special consideration in exercising the reasonable and prudent parent standard is identifying and eliminating barriers that particular groups of young people may face to participate in age and developmentally appropriate activities. For example, young people who

are pregnant or parenting and youth with disabilities may need additional support to participate in age appropriate activities. Identifying and arranging these supports are part of exercising the standard and should be included in the case plan.

The Department shall ensure that resource caregivers and the on-site CCI caregivers understand the following special considerations when exercising the Reasonable and Prudent Parent Standard for children placed in their home:

A. A Young Person's Voice

Respect the voice of the young person and young people have the right to a safe and supportive environment as they address issues of sexuality, challenges with disabilities and who they are as an individual. Supporting the young person with what they are going through, accepting them for who they are and helping the young person find their voice. Resource Caregivers and the on-site CCI caregivers may need to assist the young person to advocate for themselves to overcome barriers that they may experience in their life. There may be a need to seek outside training, support and/or expertise to assist the young person.

B. Cultural Awareness

Racial and Ethnic identity:

When children/young people from different racial and ethnic backgrounds are placed in a resource home or a Child Caring Institution (CCI), the resource caregiver and the on-site CCI caregiver shall take the time to learn and educate themselves about the children/young person's culture. This shows respect for not only the child, but the child's birth family.

A young person's identity is directly linked to his or her cultural and ethnic heritage. One of the ways to support a youth in embracing his or her cultural identity is through recognition and acknowledgement of holidays, traditions, rituals, food preferences and customs that may be part of their cultural heritage. Resource caregivers and the on-site CCI caregivers could choose to attend community-sponsored cultural events, ethnic fairs, art and music festivals, and other celebrations and events that recognize the child's ethnic identities.

C. Hair & Skin Care Considerations:

Appearance is important to all of us, including children/young people. Resource caregivers and the on-site CCI caregivers caring for children of different ethnicity, may experience hair and skin care practices quite different from their own. Consulting with a child's immediate and extended family members for advice regarding hair and skin care techniques is the best way to gain specific knowledge about caring for a child's hair, skin and body. When this is not possible, consultation with appropriate resources i.e.: child's doctor, cosmetologist etc.

D. Religion & Spirituality

Choosing and practicing a religion is generally considered among the rights that parent have with respect to their children that is protected by the US Constitution and remains intact even when a child/young person enters foster care. These rights are not limited by these guidelines. Nevertheless, the following principles should be kept in mind by resource caregivers and the on-site CCI caregivers when a youth asks to participate in a religious activity and when involving youth in a resource caretaker's or a group home (CCI) religious activity or practices.

1. The child's parents have the right to express preferences in regard to religion, spirituality, or related activities for their child.
2. The age appropriate child can choose the religious or spiritual activities in which he or she wants to participate.
3. There are children/young people whose family had no religious preference while some resource caregiver's, religion or spirituality may be an important part of their family life. It is acceptable to invite a child/young person to participate, but never to impose a religious practice on the child/young person.

Hawaii Administrative Rules (HAR) 17-1625-44 and HAR 17-1627-32 supports the constitutional rights of children and their religious practice.

E. Children and Young People: Sexual Orientation and Gender Identity/Expression

Exploring sexual and gender identity is a typical part of growing up. Children and young people identifying as LGBTQ should be provided the same opportunities as any other child/young person. At the same time, they may need additional or special support to manage exploration of their identity in a safe and nurturing environment. This

may include: participating in LGBTQ support groups, or the activities of LGBTQ organizations, or experimentation with different styles of dressing and self-presentation. Flexibility is needed for young people participating in activities that would create safe spaces for LGBTQ in foster care. (Flexibility is needed in developing appropriate activities for LGBTQ young people in foster care in order to assure their safety and healthy development).

Resource Caregivers and the on-site CCI caregivers shall seek assistance and information on resources and opportunities for LGBTQ children and young people if not already aware of them and seek consultation with the CWS worker, therapist or other appropriate resources when needed. In order for the young person to find activities that best suit their specific needs, locations of supportive activities might be further away and therefore require accommodating transportation and or adjusting a curfew.

Some additional consideration for LGBTQ young people may include, but not limited to:

- Providing and securing clothing that is aligned with the young person's personal gender identity.
- Use of pronouns that the youth has requested ex: he, she and preferred name usage.
- Support and advocacy for LGBTQ children/young people in social and educational settings as requested by the young person.
- Checking in with the child/young person to ensure they feel supported and accepted in the home at school and in their community.

F. Pregnant and Parenting Young People

1. Pregnant and parenting youth-mothers and fathers-may face additional barriers to experiencing "normalcy" that should be addressed in the case plan. Mothers and fathers should be supported in their roles as parents as well as in participating in age appropriate activities. Hands on and other parenting instruction should be provided and a young person's right as a parent should be respected and supported in their placement setting. Arrangements for child care must also be made so that parents have the opportunity to pursue their educational and employment goals as well as extra-curricular and enrichment experiences.

2. Fathers should be supported and included in pre-pregnancy activities and upon birth of their child to support the development of a strong bond with their child and appropriate co-parenting relationship with the child's mother.
 3. Minor parents retain all rights to their children as non-minor parent would regardless of whether they are in the child welfare system. However, if a child is removed from a dependent child based on abuse, neglect or a voluntary placement, reasonable efforts must be made to keep the parent and child together.
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