

# Normalcy and the Reasonable and Prudent Parent Standard

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By now, you have probably heard the term “normalcy” used at your agency and workers may have mentioned the “Reasonable and Prudent Parent Standard.” This brief guide explains these concepts and provides a beginning understanding of what it means to you as a foster caregiver.

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## [What is normalcy?](#)

- Normalcy can be defined as the ability to “easily participate in age-appropriate social, scholastic, and enrichment activities.”
- The Juvenile Law Center (2015) writes that normalcy is “ensuring a child’s range of experiences while in foster care is typical of the range of experiences of any child of the same age.” They feel it is important for children to “practice the skills they will need as an adult while they are still in a protected environment. These experiences help them build relationships, develop skills, and prepare for adulthood.”
- The Center for the Study of Social Policy’s (2014) definition of normalcy focuses on “... activities that promote well-being.” ^

## [Why is normalcy important?](#)

- When youth are not able to participate in activities that are needed for development, they are unprepared for life as an adult. Many youth who age out of foster care experience unemployment or inadequate income, homelessness, and incarceration.  
<http://www.jimcaseyyouth.org/about/aging-out>

- The development of the adolescent brain provides a “window of opportunity.” Just as relationships are the key to positive early childhood development, relationships continue to be necessary in adulthood. Foster caregivers need to help teens navigate through this transitional time by providing them “normal” experiences and helping them think through life decisions (Henderson, 2011; Farruggia, 2006).
- Youth in care need normalcy so that they can build their social capital. Social capital is the “value that is created by investing in relationships with others through processes of trust and reciprocity” (Juvenile Law Center, 2015).
- Most youth in care have experienced trauma so they need support in the emotional development and well-being, not just appropriate cultural and social activities (Center for the Study of Social Policy, 2014).
- Allowing youth to test boundaries while in care can help them learn about natural consequences and the importance of making positive choices (Texas Department of Family And Protective Services, 2013). ^

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

“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 caregiver shall use when determining whether to allow a child in the care of the caregiver to participate in extracurricular, enrichment, and social activities” (ACYF-CB-IM-14-03, 2014; ORC 5103.162, 2014). ^

### Why are we talking about this now?

- Public Law 113-183, the *Preventing Sex Trafficking and Strengthening Families Act*, was passed in 2014. This law requires states to implement a Reasonable and Prudent Parent Standard to support normalcy for children in care. To learn about other provisions in this law, see the resource *Fact Sheet on HR4980*.
- This law focuses on the child welfare goal of well-being, after years of restrictive policies that put safety over well-being (Juvenile Law Center, 2015).
- The provisions in this bill are effective one year after enactment (September 29, 2015).
- Ohio passed a similar law in 2014, Ohio House Bill 213. This law went into effect September, 2014. ^

### What does it mean to me as a foster caregiver?

As a foster caregiver, you will have the responsibility of making decisions related to normal activities. To feel confident in taking on this responsibility:

- Take advantage of training being offered.
- Communicate with your licensing agency and the custodial agency and consider the policies and practice of both agencies when applying the Reasonable and Prudent Parent Standard

- Respect your role as nurturer to the child and advocate for, and encourage participation in, normal activities
- Hone your assessment skills, both the ability to assess the child’s development and decision-making skills and the ability to assess the activity as age-appropriate, safe, and in compliance with laws and policies. ^

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

Both the Federal and State laws provide a specific list of factors to consider:

- Child’s age, maturity and developmental level  
Example: Even though the child is 14, will the PG-13 movie have content that the child isn’t able to handle without behavioral issues or strong emotional responses?
- Potential risk factors  
Example: What is the risk difference in allowing a child to ride with a friend to school vs. allowing him to ride with a friend to late night concert?
- Best interest of the child  
Example: Was the sleep away camp selected because it fits the child’s interest and is what she wants to do, or is it to give the caregivers a “break”?
- Emotional and developmental growth  
Example: Will being on the soccer team help build the child’s self-esteem and develop the social skills she needs?
- Family-like living experience  
Example: Is this something the caregiver would let her birth or adopted children do? Is the only thing preventing the activity an agency policy?
- Child’s behavioral history  
Example: Given this child’s history of underage drinking, is allowing him to stay out late with friends unsupervised a prudent decision? ^

### How is Ohio working to normalize foster care?

Even though the Federal law does not mandate state legislation, Ohio is one of the leaders in implementing normalcy and passed state legislation in September 2014 (Juvenile Law Center, 2015). There are two sections of the Ohio Revised Code (ORC) that address normalcy and the Reasonable and Prudent Parent Standard.

- ORC 2151.315 Participation in extracurricular enrichment, and social activities
  - Defines “age-appropriate” as activities that are generally accepted as suitable for children of the same chronological age or level of maturity.
  - States that children in out of home care are entitled to participate in age-appropriate extra-curricular, enrichment, and social activities.
  - Lists what the caregiver is to consider when determining if the activity is “age appropriate.”
- ORC 5103.162 Qualified immunity of foster caregivers
  - Caregivers are immune from liability if they used a reasonable and prudent parent standard to authorize participation in an activity.

In order to collect data on current normalcy practice, ODJFS surveyed public and private agencies. A majority of public and private agencies who responded said they are willing to improve normalcy for

youth in foster care. Some agencies already were working on improvements in this area, and others were eliciting input from youth advisory groups and foster caregivers (ODJFS, 2015).

The survey revealed some misconceptions about state normalcy policies. Local policies may differ. The following are three examples.

- *Misconception:* For a child in foster care to stay overnight at a friend's house, the adults living or staying in the friend's house must undergo a background check.

*Reality:* The friend's parents are not considered alternate caregivers and do not need a background check. Only foster and adoptive parents, their adult household members, and staff at residential facilities are required to undergo background checks.

- *Misconception:* Children in foster care are not allowed to attend functions without adult supervision.

*Reality:* Ohio Administrative Code (OAC) rule 5101:2-7-11 states that foster caregivers should encourage children in foster care to participate in community, school, recreational and cultural heritage activities that are appropriate to their age and functioning. Furthermore, children in foster care should be allowed privileges and assigned responsibilities similar to other family members of a similar age and functioning level. However, foster caregivers must obtain prior written approval from the recommending agency before the child can be left unattended. OAC 5101:2-7-08(D) requires the written approval to specify the period of time the child is permitted to be unsupervised.

- *Misconception:* A birth parent's wishes must always be followed if she/he disagrees with an activity involving her/his child.

*Reality:* Birth parents' involvement with children in foster care is critical, and the parents maintain certain rights regarding their children. However, with the exceptions of visitation, and cultural or religious practices, OAC rules do not directly address parental rights regarding age appropriate social, scholastic and enrichment activities for children in foster care. Agencies and substitute caregivers should be sensitive to birth parents' input. They also should remember that normalcy activities cannot override case plans or other court-ordered requirements. For example, if a foster family vacation would cause a child to miss a scheduled visit with a birth parent, the agency and foster parent need to work with the birth parent to see if an alternate visit can be arranged (ODJFS, 2015).

The Federal law requires the Federal Department of Health and Human Services to provide technical assistance on best practices for strategies to assist foster caregivers in applying the Reasonable and Prudent Parent Standard, while allowing children to participate in normal and beneficial activities (section 111(a)(3) of P. L. 113-183). Ohio looks forward to additional guidance from the Federal government. ^

## How will my agency help me normalize the experience of the child in my home?

The federal law requires agencies to certify that foster parents have skills and knowledge on the Reasonable and Prudent Parent Standard. Ohio's Office of Families and Children Deputy Director Jennifer Justice recommended in the May 2015 First Friday newsletter that agencies update their normalcy policies and procedures, eliminate inconsistent practices, and educate their employees about common misconceptions.

Agencies can support foster caregivers by:

- Providing training, not just on the Reasonable and Prudent Parent Standard, but on child development, and the impact trauma can have on development, emotions, and behavior
- Supporting caregivers as professional members of the child serving team and being available for consultation
- Developing policies that are easily understood and housed in a place easily accessible to caregivers
- Gather all known information about the child's history and current functioning so the caregiver can be fully informed ^

## Where can I get more information?

Karen McGormley, Section Chief of Substitute Care and Permanency at ODJFS, is the lead for implementing normalcy and the Reasonable and Prudent Parent Standard in Ohio. Her email is [Karen.McGormley@jfs.ohio.gov](mailto:Karen.McGormley@jfs.ohio.gov).

Resource articles:

- Guide for States Implementing the Preventing Sex Trafficking and Strengthening Families Act (Center for the Study of Social Policy)  
<http://www.cssp.org/policy/2014/A-GUIDE-FOR-STATES-IMPLEMENTING-THE-PREVENTING-SEX-TRAFFICKING-AND-STRENGTHENING-FAMILIES-ACT-HR-4980.pdf>
- Normalcy Guide (Juvenile Law Center)  
[http://jlc.org/sites/default/files/publication\\_pdfs/JLC-NormalcyGuide-2015FINAL.pdf](http://jlc.org/sites/default/files/publication_pdfs/JLC-NormalcyGuide-2015FINAL.pdf)
- Fact Sheet on HR4980 (Children's Defense Fund)  
<http://www.childrensdefense.org/library/data/fact-sheet-on-hr-4980.pdf> ^

References:

Center for the Study of Social Policy. (2014). *Guide for States Implementing the Preventing Sex Trafficking and Strengthening Families Act*.

Children's Defense Fund. (2014). *Preventing Sex Trafficking and Strengthening Families Act (H.R. 4980)*.

Farruggia, S.P. (2006). *The Transition from foster care to independence*. (Unpublished dissertation). University of California, Irvine, California.

Henderson, T. (2011). *Tales of transition: A qualitative multiple case study inquiry on the emancipation preparation of foster care adolescents*. Dissertation Abstracts International, 71.

J. Pokempner, K. Mordecai, L. Rosado, & D. Subrahmanyam. (2015). *Normalcy Guide*. Juvenile Law Center.

Ohio Department of Job and Family Services, Office of Families and Children. (2015). *Normalcy for Children in Foster Care*. First Friday newsletter, May 2015, p.4.

Ohio Revised Code 5103.162. (2014). Available at <http://codes.ohio.gov/orc/5103.162>.

Ohio Revised Code 2151.315. (2014). Available at <http://codes.ohio.gov/orc/2151.315>.

Texas Department of Family and Protective Services, Child Protective Services. (2013). *Normalcy Activities for Children*. Letter to Residential Contractors, August 2013.

U.S. Department of Health and Human Services, Administration for Children and Families. (2014). *Information Memorandum ACYF-CB-IM-14-03*.