

Reasonable Prudent Parent Standard- Tip Sheet¹

“Every child adjudged a dependent child of the juvenile court shall be entitled to participate in age-appropriate extracurricular, enrichment, and social activities, including, but not limited to, access to computer technology and the Internet. A state or local regulation or policy shall not prevent, or create barriers to, participation in those activities.” (Welf. & Inst. Code § 362.05) “A caregiver shall be immune from liability in a civil action to recover damages for injury, death, or loss to person or property caused by either of the following: An act or omission made by the caregiver while exercising a reasonable and prudent parent standard.” (Welf. & Inst. Code § 362.06)

All Court participants should know, and the report should reflect:

- **What extracurricular activities is the youth involved in?**
- **What opportunities has the youth had to socialize with his or her peers?**
- **Has the child traveled at all?**
- **Does the young person have a job?**
- **What activities does the child wish to participate in?**
- **What barriers has the caregiver experienced connecting the youth to extracurricular and social activities?**
- **Is the youth participating in all activities he/she would like to participate in? If not, why not?**

Agency Attorneys	Children’s attorneys	Parent Attorneys
<ul style="list-style-type: none"> • Should review provisions of the law with casework staff and check to see if agency policies need to be updated. 	<ul style="list-style-type: none"> • Should advocate for their clients to be able to engage in age and developmentally appropriate activities. Consider working with local partners to arrange low-cost alternatives for foster youth wanting to engage in these activities. 	<ul style="list-style-type: none"> • Should ensure their clients’ rights and concerns are considered. If there is a dispute, ask the court to make rulings if necessary. For example, if a parent objects to a child getting a job after school, the agency should consider the basis for the parent’s objection. <ul style="list-style-type: none"> ○ Is there a safety issue? ○ Will the child’s school work suffer? ○ Is the work incompatible with the family’s religious preferences?
<ul style="list-style-type: none"> • Should look into providing reduced rate liability insurance for foster parents for activities covered under normalcy provisions. 	<p>Should encourage their clients to come to court and advocate for their own normalcy activities. As courts see the impact of these activities on children, they will be more willing to encourage them in the future.</p>	<ul style="list-style-type: none"> • If the agency and parent cannot agree on a resolution, the parent can ask for the issue to be reviewed in the next court hearing and have the court make findings based on the evidence presented.
		<ul style="list-style-type: none"> • Alternately, mediation may be used to resolve the issues between the caregiver and the parents.

¹ The federal Preventing Sex Trafficking and Strengthening Families Act of 2014 now requires states to implement a “reasonable and prudent parenting standard” giving foster parents the authority to make day-to-day decisions affecting children in their care regarding extracurricular, enrichment, cultural, social or sporting activities. California has codified the reasonable prudent parent standard in Welf. & Inst Code §§ 362.04, 362.05, and Health and Safety Code §1522.44.

Considerations for Judicial Officers:

Verify the case plan outlines efforts to ensure caregivers and RFA families are able to apply a reasonable prudent parent standard; caregivers and RFA families should support the child’s participation in age- or developmentally-appropriate activities.²

Questions to consider:

Is the youth provided regular and ongoing opportunities to participate in age or developmentally appropriate activities and experiences?
Can the youth describe these activities?
If opportunities are not being provided or taken advantage of, what are the barriers?
Does the child face barriers to participation because of a disability; special need; lesbian, gay, bisexual, transgender, or queer status (LGBTQ); parenting; or any other identified issue?
Are barriers related to cost of an activity or transportation?
If a child is in a STRTP, does the child understand how to request permission to participate in activities from the designated caregiver?
If a child is in a STRTP, is the reasonable and prudent parent standard being exercised? Has the caregiver received the required trainings?
If a child is in a STRTP, how are the child’s parents being involved in the child’s experience of normalcy?

The court should prepare to handle disputes with parents over activities. The child’s biological parent may disagree with an activity identified for a child. The court should be involved if the foster parents and parents cannot agree. Disputes may include:

- Parent objecting to an activity due to concern about safety
- Parent objecting to activity that might be against the family’s religious beliefs
- Parent objecting to an activity which may interfere with other activities that the parent believes are more important.

When trying to resolve differences between parents and foster parents, judicial officers should determine:

- The parent’s motives for objecting to the activity
- The reasonableness of the parent’s concern
- The prior history of the child and the family regarding this or other suggested activities
- The child’s expressed interests
- The parent’s reasonable and sincere objections

² NCJFCJ Enhanced Guidelines; disposition and review hearing bench cards