

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

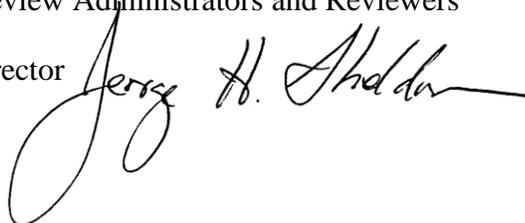
POLICY GUIDE 2017.07

**NORMALCY PARENTING AND THE
REASONABLE AND PRUDENT PARENT STANDARD**

RELEASE DATE: June 9, 2017

TO: DCFS and Purchase of Service (POS) Permanency Administrators and Staff, DCFS and POS Foster Care Licensing Administrators and Staff, DCFS Agency & Institutions (A&I) Licensing Administrators and Staff, POS Child Welfare Agency and Child Care Institutions Administrators and Staff, and Administrative Case Review Administrators and Reviewers

FROM: George H. Sheldon, Director



EFFECTIVE: Immediately

I. PURPOSE

The purpose of this Policy Guide is to implement Public Act 99-839 (amending Section 7.3a of the Children and Family Services Act [20 ILCS 505/7.3a]) and Title IV-E of the Social Security Act [42 U.S.C. 670 et seq.], both of which authorize all caregivers of children/youth in substitute care to use “normalcy parenting” and apply the Reasonable and Prudent Parenting Standard when making parenting decisions in the children’s best interests. “Normalcy parenting” and the Reasonable and Prudent Parenting Standard are defined in Section III, below.

Procedures 315.135(d), Reasonable and Prudent Parent Standard, address much of the information contained below. To the extent that Procedures 315.135(d) may differ from this Policy Guide, the Policy Guide shall control.

Procedures 327.4(d), Duties of the Guardian, Other Consents address much of the information contained in Appendix A. To the extent that Procedures 327.4(d) may differ from this Policy Guide, the Policy Guide shall control.

This Policy Guide replaces Policy Guide 2015.16, The Reasonable and Prudent Parent Standard.

II. PRIMARY USERS

The primary users of this Policy Guide are DCFS and POS Permanency Supervisors and Caseworkers; DCFS and POS Foster Care Licensing Representatives and Supervisors, A&I Licensing Representatives and Supervisors, Child Welfare Agency, Child Care Institution and Group Home Administrators, Supervisors and Staff. This Policy Guide may impact Child Protection Specialists and Supervisors when there is any delay in assignment of a Permanency Worker for a child or youth in Protective or Temporary Custody.



III. DEFINITIONS

“Normalcy parenting” means empowering a caregiver to approve or not approve a child’s or youth’s participation in appropriate extracurricular activities based on the caregiver’s own assessment using the Reasonable and Prudent Parent Standard, without prior approval of the Department, the Permanency Worker or the court. The goal of Normalcy Parenting and the Reasonable and Prudent Parent Standard is to allow children and youth in care the opportunity for normal growth and development through participation in age, physical, culturally and mentally appropriate activities, responsibilities and life skills.

“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 the State to participate in extracurricular, enrichment, cultural, and social activities.* [42 U.S.C. 675(10)]

The caregiver must use the Reasonable and Prudent Parent Standard when determining whether to allow a child in care to participate in extracurricular, enrichment, cultural, and social activities.

“Caregiver” means a licensed foster parent or unlicensed relative caregiver who provides care for a child in DCFS custody or guardianship, or a designated official employed by and present at the licensed child care facility in which a child in DCFS custody or guardianship is placed. For purposes of this Policy Guide, the “caregiver” for a youth under 18 years of age in an independent living (ILO) or transitional living (TLP) arrangement is assigned or designated staff of the ILO or TLP provider/child care facility.

“Appropriate activities” means activities or items that are generally accepted as suitable for children of the same chronological age or developmental level of maturity. Appropriateness is based on the development of cognitive, emotional, physical, and behavioral capacity that is typical for an age or age group, taking into account the individual child's cognitive, emotional, physical, and behavioral development. [20 ILCS 505/7.3a]

IV. GENERAL PRINCIPLES

Effective immediately, ALL caregivers for all children/youth in out of home placements licensed by the Department should use Normalcy Parenting and the Reasonable and Prudent Parent Standard for decision-making regarding the children/youth’s participation in:

- extracurricular activities;
- enrichment opportunities;
- social activities; and
- cultural activities, religious, and other significant activities.

Normalcy parenting empowers caregivers to make these decisions without seeking approval or consent from the Permanency Worker or other child welfare staff.

The caregiver must still seek consent in other areas where specific State or federal laws limit consent authorization. Some examples where Normalcy Parenting does not apply include to consent to medical and dental care, and disclosure of mental health information.

Appendix A lists frequent events affecting the lives of children and youth in care, and the persons authorize to give consent for those events. Appendix A includes the categories of events where, under normalcy parenting, the caregiver is authorized to consent.

Appendix A is not intended to be exhaustive, since it is impossible to predict every potential event that may arise in a child's lives. If an event is not listed in Appendix A, the caregiver should consult with the Permanency Worker. If necessary, the Permanency Worker or Supervisor can consult with the Office of the DCFS Guardian.

Section 7.3a of the Child and Family Services Act lists 5 factors (a through e, below) that caregivers should consider as they apply the Reasonable and Prudent Parent Standard. Under each factor are a few questions that may help the caregiver in this process.

- a) *The child's age, maturity, and developmental level to promote the overall health, safety, and best interests of the child.*
 - Is my decision based on my child's individual needs and abilities? (Remember: every child is different.)
 - Does this activity conflict with my child's Service Plan?
 - Does my child/youth demonstrate sufficient maturity in decision-making as appropriate for his/her age/ability and participation in this activity?
 - Does my child/youth understand his/her medical needs and is he/she able to tell others how to help him/her if necessary?
 - If on medication, can my child/youth carry and self-administer medication?
 - If needed, is my child/youth able to use public transportation or self-transportation?

- b) *The best interest of the child based on information known by the caregiver.*
 - Do I know my child/youth well enough to approve participation in this activity?
 - Will the timing of this activity interfere with sibling or parent-child visitation, counseling appointments or doctor's appointments? Scheduling conflicts should be discussed with my child/youth's Permanency Worker to explore options that may enable the child/youth to participate in the activity.

- c) *The importance and fundamental value of encouraging the child's emotional and developmental growth gained through participation in activities in his or her community;*
- Does this activity promote my child/youth's social development?
 - Have I shared information with the Child and Family Team about my child's participation in this activity?
 - Does this activity support my child/youth's connection to his/her roots?
 - Is this activity an important milestone in my child/youth's culture?
- d) *The importance and fundamental value of providing the child with the most family-like living experience possible; and*
- Do I know who will be attending the activity?
 - Does my child understand our parental expectations regarding curfew, approval for last minute changes to the plan and the consequences for not complying with the expectations?
 - Does my child know who to call in case of an emergency?
- e) *The behavioral history of the child and the child's ability to safely participate in the proposed activity.*
- Can my child/youth take care of himself/herself, make a decision and make good choices?

A caregiver is not liable for harm caused to a child in care who participates in an activity approved by the caregiver, provided that the caregiver has acted as a reasonable and prudent parent in permitting the child to engage in the activity.

V. INSTRUCTIONS TO CHILD WELFARE STAFF (AND CHILD PROTECTION STAFF)

Procedures 315.135(d), Reasonable and Prudent Parent Standard require Permanency Workers to discuss the importance of normalcy parenting with the caregiver at each monthly home visit.

Department and Purchase of Service (POS) agency Permanency Workers (Child Welfare Staff) shall ensure that each caregiver understands his/her responsibility to use the Reasonable and Prudent Parent Standard when deciding whether to allow children in care to participate in extracurricular, enrichment, cultural, and social activities offered by the children's school or in the community.

Permanency Supervisors shall ensure that these discussions occur and that Permanency Workers document these discussions in contact notes.

Procedures 315.135(d) address much of the information contained in this Policy Guide. To the extent that Procedures 315.135(d) may differ from this Policy Guide, the Policy Guide shall control.

VI. INSTRUCTIONS TO FOSTER CARE LICENSING STAFF

Foster Care Licensing Representatives are required to discuss “normalcy parenting” and the Reasonable and Prudent Parent Standard with Foster Family Home licensees and permit holders at each announced and unannounced monitoring visit. The Licensing Representative shall ensure that licensees and permit holders understand their responsibility to use the Reasonable and Prudent Parent Standard when deciding whether to allow children in care to participate in extracurricular, enrichment, cultural, and social activities offered by the children’s school or in the community.

Foster Care Licensing Supervisors shall ensure that these discussions occur and that Licensing Representatives document these discussions in a contact note.

Note: Instruction for prospective foster parents on the Reasonable and Prudent Parent Standard has been included as a pre-service supplemental training. Current foster parents should complete training on the Reasonable and Prudent Parent Standard as on-demand in-service training.

VII. INSTRUCTIONS TO AGENCY AND INSTITUTIONS LICENSING STAFF

Agencies & Institutions (A&I) Licensing Representatives are required to discuss “normalcy parenting” and the Reasonable and Prudent Parent Standard with administrators at each child care facility on their caseload. The A&I Licensing Representative shall ensure that the administrators understand:

- the responsibility to use “normalcy parenting” and the Reasonable and Prudent Parent Standard when deciding whether to allow a child placed at the child care institution to participate in extracurricular, enrichment, cultural, and social activities offered by the child’s school, family of origin, and/ or in the community; and
- the requirement to have present on-site at least one official who, with respect to any child placed at the child care institution, is designated to be the caregiver who is authorized to apply the Reasonable and Prudent Parent Standard to decisions involving the participation of the child in age or developmentally appropriate activities, and who is provided with training in how to use and apply the Reasonable and Prudent Parent Standard in the same manner as foster parents.

VIII. INSTRUCTIONS FOR ADMINISTRATIVE CASE REVIEWERS

Administrative Case Reviewers shall ensure the children’s foster parents/relative caregivers or child care institution administrators are using “normalcy parenting” and the Reasonable and Prudent Parent Standard. At each ACR, Reviewers shall ask whether children have regular ongoing opportunities to engage in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities (including by consulting with the child in an age-appropriate manner about the opportunities of the child to participate in such activities).

IX. QUESTIONS

Questions about this policy guide should be directed to the Office of Child and Family Policy at 217-524-1983 or via Outlook to OCFP – Mailbox.

X. FILING INSTRUCTIONS

Remove **Policy Guide 2015.16, The Reasonable and Prudent Parent Standard** from behind the following:

- **Rules 316, Administrative Case Reviews and Court Hearings;**
- **Rules 402, Licensing Standards for Foster Family Homes; and**
- **Rules 404, Licensing Standards for Child Care Institutions and Maternity Centers.**

Place this Policy Guide immediately following:

- **Procedures 301.80, Relative Home Placement;**
- **Procedures 315. 135(d), Reasonable and Prudent Parenting Standard;**
- **Procedures 327.4(d), Other Consents;**
- **Rules 316, Administrative Case Reviews and Court Hearings;**
- **Rules 340, Foster Parent Code;**
- **Rules 402, Licensing Standards for Foster Family Homes;**
- **Rules 403, Licensing Standards for Group Homes; and**
- **Rules 404, Licensing Standards for Child Care Institutions and Maternity Centers.**

Policy Guide 2017.07.Appendix A

Event	Who may consent
Adoption , consent for child/youth under age 18	DCFS Guardian or an Authorized Agent from the Consent Unit*
Athletic participation , school extracurricular or recreational	Caregiver
Behavioral/Mental Health Services for a child/youth in care under age 18, including: <ul style="list-style-type: none"> • Pre-hospitalization screening; • Rehabilitative or Mental Health Assessment; • Individual Treatment Plan (ITP) development; • Psychiatric Evaluation; • Psychological testing; and • Treatment with psychotropic medication 	DCFS Guardian or an Authorized Agent from the Consent Unit.* Youth between the ages of 12 and 18 years old must also consent to release of their mental health information.
Cell phone , permission to carry	Caregiver
Consumer credit report checks for a child/youth in care: <ul style="list-style-type: none"> • Running a credit check • Reporting identity theft 	DCFS Guardian
Dating	Caregiver
Driver's license / learner's permit	The DCFS Guardian recognizes the caregiver as the "responsible adult" for purposes of the Illinois Driver Licensing Law [625 ILCS 5/6-100], noting that the caregiver is in the best position to assess that the youth is sufficiently prepared and able to safely operate a motor vehicle.
Enlistment in armed forces by youth under age 18	DCFS Guardian
Enlistment in Job Corps	DCFS Guardian or an Authorized Agent**
Home schooling a child	DCFS Guardian
Legal representation for child: <ul style="list-style-type: none"> • Obtaining legal counsel • Filing a lawsuit • Negotiating settlements • Petition to change child's name 	DCFS Guardian or Special Counsel to the Guardian***
Marriage license , issuance to any youth in care who is at least 16 but less than 18 years of age	DCFS Guardian
Media requests: <ul style="list-style-type: none"> • Release forms • Requests to interview of child/youth in care 	DCFS Guardian or an Authorized Agent from the Consent Unit*
Overnight / Sleepovers , not exceeding 48 hours (e.g., at friend's home or other planned activity)	Caregiver
Out-of-country travel	See Travel , below

* Authorized Agents from the Consent Unit work for and report directly to the DCFS Guardian

** These Authorized Agents are located in the DCFS Regional and Area Offices

*** Special Counsel to the Guardian work for and report directly to the DCFS Guardian

Event	Who may consent
Out-of-state travel	See Travel , below
Passport , obtaining for child/youth in care	DCFS Guardian or an Authorized Agent from the Consent Unit*
Release of Information Consents	DCFS Guardian or an Authorized Agent**
Release of Liability forms	DCFS Guardian or an Authorized Agent from the Consent Unit*
Research project in which the child/youth is a subject (not a school project)	DCFS Guardian or an Authorized Agent from the Consent Unit*
<p>Routine school activities, such as:</p> <ul style="list-style-type: none"> • school enrollment • notification of change in school placement • school conferences and problems at school • field trips within Illinois • field trips outside of Illinois (day trips only) • routine social events (picnics, school parties, etc.) • attendance at sporting events • extra-curricular activities (including athletic participation) • cultural events • school photos and years book pictures • report cards <p>Other school activities:</p> <ul style="list-style-type: none"> ○ Special education programs – records, reports, conferences, evaluations and placement changes ○ Mental health records (often part of the IEP) ○ Release of school information (except special education records) ○ School suspension / expulsion notices ○ Fiscal, other (e.g., school fees) 	<p>Caregiver</p> <p>Caregiver or a Surrogate Parent appointed by the Illinois State Board of Education ONLY</p> <p>Authorized Agent only**</p> <p>Authorized Agent only**</p> <p>DCFS Guardian only Permanency Worker/Case Manager</p>
Social media – Facebook, Instagram, etc.	Caregiver
<p>Travel</p> <ul style="list-style-type: none"> • In state travel • In state travel and out-of-state travel, not exceeding 48 hours and accompanied by caregiver • Out-of-state travel, 30 days or more • Out-of-country travel, all 	<p>Caregiver</p> <p>Caregiver. For travel more than 48 hours, the caregiver must notify the Permanency Worker/Case Manager of the trip, and provide the child/youth’s location and contact information.</p> <p>DCFS Guardian or an Authorized Agent from the Consent Unit*</p> <p>DCFS Guardian or an Authorized Agent from the Consent Unit*</p>

* Authorized Agents from the Consent Unit work for and report directly to the DCFS Guardian

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