

APPENDIX VII

Recommended Provider Contract Language

Prudent Parenting Standard and Normalcy

1. The reasonable and prudent parent standard was established in HB 4980 and it recognizes the importance of normalizing the lives of children in out-of-home placements. Rather than requiring authorization from agencies or the court, this act empowers caregivers to approve or disapprove a child's participation in activities without prior approval of the department, the child's county or private agency caseworker, or the court. In this context a caregiver refers to a resource parent OR individual trained and appointed in other out-of-home placement settings. The Pennsylvania specific law defines the reasonable and prudent parent standard as:

“The Standard, characterized by careful and sensible parental decisions that maintain the health, safety and best interests of a child while encouraging the emotional and developmental growth of the child, that a caregiver must use when determining whether to allow a child in out-of-home placement under the responsibility of the county agency to participate in the extracurricular, enrichment, cultural and social activities.”

2. County Agency Youth, age 14 and older, who are placed in substitute care, SHALL receive Independent Living (IL) services. These services will be offered by the county agency, or by the service provider, if the service provider has designated staff to deliver Independent Living skills to youth.
3. The county agency will provide the service provider with the county agency's expectations and guidelines for what constitutes reasonable and prudent parenting standards.
4. All placement settings, other than a resource family home, MUST designate an individual to provide decision-making authority under the reasonable and prudent parent standard for children residing in their care. The individual designated should consult with the county agency caseworkers or staff members, who are most familiar with the child, in applying and using the reasonable and prudent parent standard.
5. The service provider must provide training and monitoring of resource families regarding the application and use of the reasonable and prudent parent standard.
6. The service provider shall ensure that a caregiver is provided with a written notification of the caregiver's responsibilities and rights under this act. The notification shall be provided at the time of a resource family home certification or the designation of a caregiver by a county agency or private agency and annually thereafter.

7. The reasonable and prudent parent standard training required under this act must be completed as follows:
 - a. All current caregivers must complete the training by December 31, 2015. An individual who becomes a caregiver after the effective date of this section must complete the training prior to a child's placement, unless there is an emergency placement. If a child is placed in an emergency placement after the effective date of this section, the caregiver shall complete the training within 60 days of the emergency placement. The areas they must be trained on include, but are not limited to the following:
 - Knowledge and skills relating to the developmental stages of the cognitive, emotional, physical and behavioral capacities of a child;
 - Knowledge and skills relating to applying the reasonable and prudent parent standard to decisions such as:
 - Whether to allow a child to engage in extracurricular, enrichment, cultural and social activities, which include sports, field trips and overnight activities lasting one or more days;
 - Signing permission slips and arranging transportation for the child to and from extracurricular, enrichment, cultural and social activities; and
 - Methods for appropriately considering the concerns of the biological parents of a child in decisions related to participation of the child in activities, with the understanding that those concerns should not necessarily determine the participation of the child in any activity.
 - b. Caregiver training should cover a history of P.L. 113-183 and Act 75 of 2015. The training should include: To whom does the law apply/not apply; reasons for the law; value of the law; the role of the caregiver as it relates to providing access to activities and experiences; and differences between consent and notice.
 - c. During training, caregivers must spend time learning about developmental stages of the cognitive, emotional, physical and behavioral capacities of a child. This includes exploring:
 - Explanation of healthy and unhealthy risks
 - Developmental issues and logical consequences (i.e. "testing the waters" or judgmental errors are normal)
 - Knowledge of trauma and triggers and safety plans associated with trauma
 - Examples of age or developmentally appropriate activities
 - d. The Activities and Experiences for Children in Out-of-Home Placement Act states:

“A caregiver, county agency and private agency shall not be liable for harm caused to a child while engaged in an activity or experience approved by the caregiver if the caregiver has completed the required training related to the reasonable and prudent parent standard, the caregiver has made a good faith effort to use the reasonable and prudent parenting standard in approving the activity or experience AND the approval does not conflict with any applicable court order or service plan.”

- e. Using this authority must be done within the bounds of the law, which excludes some topics from the reasonable and prudent parent standard. The following decisions will still require collaboration with agencies or the court:
- Religious training
 - Educational placement
 - Non-routine physical care or treatment
 - Mental Health treatment and the use of psychotropic medications
 - Activities that violate a case plan or court order
8. Upon request by the county agency, the provider shall provide documentation of compliance with the foregoing which shall include, but not limited to: a) dates of training and names of trainers and any other documentation requested by the county agency; b) developmentally and age appropriate activities provided and offered to youth in their care; and c) policies, standards and/or procedures adopted by the provider regarding HB 477.