



November 17, 2015

Dear Provider:

In September 2014, Congress passed the "Preventing Sex Trafficking and Strengthening Families" Act, Pubic Law (P.L.113-183). In addition to other provisions, the Act establishes a "reasonable and prudent" parent standard for decision making. This standard addresses how to ensure that children who enter out of home care and children who are currently in care experience the same type of extracurricular, enrichment, and social activities that a child who is not in care may have the opportunity to experience. The decision and application of the "reasonable and prudent parent" standard is the responsibility of the RCC designated employee. It is the responsibility of the licensed Residential Child Placement Program to ensure the RCC designated employees are knowledgeable and have the skills to make Reasonable and Prudent Parent decisions regarding foster children in the RCC facility.

Effective immediately, all licensed Residential Child Care Programs shall implement and document proficiency in the Reasonable and Prudent Parent Standard. Residential Child Care Programs are required to comply with the new law by developing policies to implement the process. The policy should include the following instructions:

**Instructions:**

1. All Residential Child Care Programs must designate at least one staff person **per shift** who is authorized and trained to make decisions involving the child's participation in age or developmentally appropriate activities according to the Reasonable and Prudent Parent Standard.
2. The designated employee's personnel file shall document the acknowledgement of adequate Reasonable and Prudent Parent Standard training and a signed agreement of implementation.
3. The licensed Residential Child Care Program shall incorporate the Reasonable and Prudent Parent Standard into their initial and annual 40 hour training.
4. The licensed Residential Child Care Program shall develop an in-service training module for all existing employees.
5. The licensed Residential Child Care Program shall provide professional liability insurance, general liability insurance and directors' and officers' liability insurance. COMAR 14.31.05.04(4)(c)(d)(e).

RCC - Reasonable and Prudent Parent Instructions

6. The individual service plan is required to have a statement of the Reasonable and Prudent Parent criteria efforts made on behalf of foster youth.

7. In applying the reasonable and prudent parent standard, the following areas should be taken into consideration: (1) Maturity, (2) Safety, and (3) "Normalcy".

The following are examples of questions to consider when applying this standard:

a. Maturity

- i. What is the child's age?
- ii. What is the child's developmental level?
- iii. What is the child's maturity level?
- iv. Is the youth able to make decisions that are appropriate?
- v. What is the child's behavioral history and ability?
- vi. What level of supervision does the child require?

b. Safety

- i. Is the activity safe?
- ii. What are the risks associated with the activity?
- iii. Is the activity in line with the agency's policies or procedures?
- iv. What are the legal or policy barriers (curfew, learner's permit)?
- v. What level of supervision does the activity require?

c. Normalcy

- i. Does the activity encourage the child's emotional growth?
- ii. Does the activity encourage social or cultural interaction?
- iii. Is the activity in the child's best interest?
- iv. Does the activity promote the child's well-being?
- v. Does the activity promote "normalcy" for the child?

8. The licensed Residential Child Care Program is required to ensure identified employees are applying the standard correctly and provide support and guidance to the employees.

Thank you for your prompt attention to this matter. The Office of Licensing and Monitoring appreciates the services you provide for Maryland's children in out of home care. If you have any questions regarding this correspondence, please contact your Licensing Coordinator.

Sincerely,



Darlene Ham  
Executive Director  
Office of Licensing and Monitoring