

# Office of Licensing and Monitoring Quarterly Provider Meeting



November 19, 2015 – Pikesville Library, 1301 Reisterstown Rd, Pikesville, MD  
21208.

## *Agenda*

*Welcome*

*Darlene Ham*

*Contracts*

*Tennille Thomas*

*Office of Inspector General*

*David Walton*

*Reasonable and Prudent Standard*

*April Edwards*  
*Sean Bloodsworth*  
*Carol Ann Smith*

*Safety Report Compliance*

*Adele Black*

*Regulation Updates*

*Richard Berger*

*Questions and Answers*



November 17, 2015

Dear Provider:

In September 2014, Congress passed the "Preventing Sex Trafficking and Strengthening Families" Act, Public 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



November 17, 2015

Dear Provider:

In September 2014, Congress passed the "Preventing Sex Trafficking and Strengthening Families" Act, Public 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 foster parent. It is the responsibility of the licensed Child Placement Agency to ensure foster parents are knowledgeable and have the skills to make reasonable and prudent parent decisions regarding their foster child.

Effective immediately, all licensed Child Placement Agencies shall implement and document proficiency in the Reasonable and Prudent Parent Standard. Child Placement Agencies 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 employees that are assigned to work with placed youth are required to be trained in the Reasonable and Prudent Parent Standard.
2. Each employee's personnel file shall document the acknowledgement of adequate Reasonable and Prudent Parent Standard training and a signed agreement of implementation.
3. All current and new foster parent applicants are required to be trained in the Reasonable and Prudent Parent Standard.
4. The licensed Child Placement Agency shall incorporate the Reasonable and Prudent Parent Standard into the Pride Pre-Service training.
5. The licensed Child Placement Agency shall develop an in-service training module for all existing foster parents.
6. The licensed Child Placement Agency shall add to the foster parent agreement the acknowledgement of adequate training and agreement with implementation at the initial and annual certifications. An example foster parent agreement statement: *I/We certify that I/we have been adequately trained and are knowledgeable of the "reasonable and prudent parent"*

*standard and agree to apply the standard in making age or developmentally appropriate activity decisions for the child (ren) in my/our care.*

7. The licensed Child Placement Agency is responsible for having liability insurance for the agency. COMAR 07.02.21.13
8. The treatment plan is required to have a statement of the Reasonable and Prudent Parent criteria efforts made on behalf of foster youth.
9. 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?
10. The licensed Child Placement Agency is required to ensure foster parents are applying the standard correctly in parenting the child in their home and provide support and guidance to foster parents.
11. Foster parents should be able to demonstrate to the Child Placement Worker how they are applying the standard to all the foster children in their home.
12. Child Placement Workers are responsible for encouraging the foster parent and providing any suggestions that may support the foster parent in making the appropriate decision.

CPA - Reasonable and Prudent Parent Instructions

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,

A handwritten signature in black ink, appearing to read "Darlene Ham". The signature is written in a cursive style with a large initial "D".

Darlene Ham  
Executive Director  
Office of Licensing and Monitoring

# Child Placement Agencies Safety Compliance:

## (Independent Living Programs/ILP - DHR contracted agencies)

**FY'15 - Quarter 3**

TOTAL agencies	13
Compliant	10 77%
Non-Compliant	3 23%

**FY'15 - Quarter 4**

TOTAL agencies	11
Compliant	11 100%
Non-Compliant	0 0%

**FY'16 - Quarter 1**

TOTAL agencies	11
Compliant	10 91%
Non-Compliant	1 9%

**If all reports were submitted on time:**

Compliant	11 85%
Non-Compliant	2 15%

**If all reports were submitted on time:**

Compliant	11 100%
Non-Compliant	0 0%

**If all reports were submitted on time:**

Compliant	11 100%
Non-Compliant	0 0%

**Compliance for reports ONLY (doesn't include OLM monitoring visit):**

Compliant	11 85%
Non-Compliant	2 15%

**Compliance for reports ONLY (doesn't include OLM monitoring visit):**

Compliant	11 100%
Non-Compliant	0 0%

**Compliance for reports ONLY (doesn't include OLM monitoring visit):**

Compliant	11 100%
Non-Compliant	0 0%

# Child Placement Agencies Safety Compliance:

## (Treatment Foster Care/TFC - DHR contracted agencies)

### FY'15 - Quarter 3

<u>TOTAL agencies</u>	32
Compliant	23      72%
Non-Compliant	9        28%

If all reports were submitted on time:

Compliant	23      72%
Non-Compliant	9        28%

Compliance for reports ONLY (doesn't include OLM monitoring visit):

Compliant	25      78%
Non-Compliant	7        22%

### FY'15 - Quarter 4

<u>TOTAL agencies</u>	31
Compliant	20      65%
Non-Compliant	11      35%

If all reports were submitted on time:

Compliant	21      68%
Non-Compliant	10      32%

Compliance for reports ONLY (doesn't include OLM monitoring visit):

Compliant	26      84%
Non-Compliant	5        16%

### FY'16 - Quarter 1

<u>TOTAL agencies</u>	31
Compliant	15      48%
Non-Compliant	16      52%

If all reports were submitted on time:

Compliant	17      55%
Non-Compliant	14      45%

Compliance for reports ONLY (doesn't include OLM monitoring visit):

Compliant	20      65%
Non-Compliant	11      35%



# Residential Child Care Programs Safety Compliance:

(RCC - DHR contracted agencies)

**FY'15 - Quarter 3**

<u>TOTAL agencies</u>	46
Compliant	39    85%
Non-Compliant	7    15%

**FY'15 - Quarter 4**

<u>TOTAL agencies</u>	45
Compliant	41    91%
Non-Compliant	4    9%

**FY'16 - Quarter 1**

<u>TOTAL agencies</u>	45
Compliant	37    82%
Non-Compliant	8    18%

If all reports were submitted on time:

Compliant	46    100%
Non-Compliant	0    0%

If all reports were submitted on time:

Compliant	44    98%
Non-Compliant	1    2%

If all reports were submitted on time:

Compliant	42    93%
Non-Compliant	3    7%

## Reasonable & Prudent Parenting Public Law 113-183 H.R. 4980



### Background Information

- In September of 2014, Congress passed the “Preventing Sex Trafficking and Strengthening Families” Act.
- This act established the “reasonable and prudent parent” standard.
- SSA has been directed to ensure that resource parents are trained on the “reasonable and prudent parent” standard and to ensure that resource applicants as well as existing resource parents, are knowledgeable of the standard and able to apply the standard appropriately to youth in their care.

## Why is this standard important?

- It is important to instill a sense of “normalcy” and to avoid the social stigma often attached to children for being in foster care.
- “Normalcy” is defined as ensuring a child’s range of experiences while in foster care are typical of the range of experiences of any child of the same age.
- The following activities are examples of some age and developmentally appropriate cultural, social, enrichment, and/or extracurricular activities:
  - Ability to participate in an after school activity.
  - Ability to stay overnight at a friend’s house.
  - Ability to date when it’s age appropriate.
  - Ability to participate in holiday and historical observances.

## What does the “Reasonable and Prudent Parent” standard mean?

- The standard is 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 (resource parent) must 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. This standard applies to all children in out of home care.



## What does the term “age or developmentally-appropriate” mean?

- Activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally-appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group; and
- In the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child.

## Reasonable and Prudent Parent Responsibilities

- The resource parent has been given the authority to make parental decisions concerning youth placed in their care.
- Resource parents should be able to demonstrate how they are utilizing the reasonable and prudent parent standard with youth in their care.
  - This means that they have the knowledge to make appropriate decisions utilizing the agency’s policies and procedures as a guide.
- Resource parents are responsible for utilizing the decision making tools from Pride In-Service and Pre-Service training to ensure that the “reasonable and prudent” parent decisions are in the child’s best interest.
- The agency worker for the child and resource parent are responsible for documenting that the resource parent has demonstrated reasonable and prudent parenting in making decisions for the youth in their care.

### Applying the “Reasonable and Prudent Parent” Standard for Resource Parents

- Resource parents are to make sound decisions for the youth in their care regarding social activities such as dating, overnight visits with friends/family, babysitting, etc...
- Resource parents are to encourage children to participate in age-appropriate activities that may interest the youth such as sports, after school clubs, church groups, cultural activities, community events etc....

How to make parental decisions when applying the “reasonable and prudent parent” standard.

- The following areas should be taken into consideration:
  - Maturity
  - Safety
  - “Normalcy”

## Making the Decision: Maturity

- The following are examples of questions to consider when applying this standard:
- What is the child's age?
- What is the child's developmental level?
- What is the child's maturity level?
- Is the youth able to make decisions that are appropriate?
- What is the child's behavioral history and ability?
- What level of supervision does the child require?

## Making the Decision: Safety

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

## Making the Decision: “Normalcy”

- Does the activity encourage the child’s emotional growth?
- Does the activity encourage social or cultural interaction?
- Is the activity in the child’s best interest?
- Does the activity promote the child’s well-being?
- Does the activity promote “normalcy” for the child?

## Question and Answer Session

- Amy is 16 years old and a good student in school. She has been in her current resource home for almost one year now and would like to have her curfew extended from 11:00 p.m. to 12:00 a.m. on the weekends. How would you apply the standard?
- Tommy is 12 years old and fairly new to foster care. He is diagnosed with ADHD but is compliant with his medication. He has befriended the neighbor’s 13 year old son and would like to stay over for the weekend. The resource parent and the neighbor are good friends. How would you apply the standard?
- Russell is 6 years old and suffers from low-self esteem. He has been in foster care since he was 1 and residing in the same resource home. His family wants him to attend a soccer camp at the local recreation center but is struggling with whether or not it is a good idea. How can the resource worker assist the family in making a good decision?
- Mary is 18 years old and has just graduated from high school. She will be attending college in the fall. She is employed part-time and has a car. She would like to go to Ocean City with friends for the weekend. She has proven to be very responsible but her foster mother is uncomfortable with making this decision. How can the resource worker assist with making this decision?

## References

- [www.congress.gov](http://www.congress.gov) (Pl113-183) (H.R.4980)
- <http://www.acf.hhs.gov/programs/cd/resource/pi1507>
- [http://www.acf.hhs.gov/sites/files/cd/pi1507\\_attachmentb.pdf](http://www.acf.hhs.gov/sites/files/cd/pi1507_attachmentb.pdf)
- <http://www.ocwtp.net/PDFs/Normalcy%20and%20RPPS%0Guide.pdf>





**DEPARTMENT OF HUMAN RESOURCES  
SOCIAL SERVICES ADMINISTRATION  
311 WEST SARATOGA STREET  
BALTIMORE, MARYLAND 21201**

DATE: October 15, 2015

POLICY #: SSA-CW # 16-17

TO: Directors, Local Departments of Social Services  
Assistant Directors of Social Services  
Local Departments of Social Services  
Resource Unit Administrators and Staff

FROM: Tracey Paliath, Deputy Secretary of Programs  
Social Services Administration *Tracey Paliath*

RE: Reasonable and Prudent Parent Standard

PROGRAMS AFFECTED: Out-of-Home Placement Services (Foster Care Services)  
And Resource Units

ORIGINATING OFFICE: Placement Services and Inter-Agency Initiatives

ACTION REQUIRED OF: All Local Departments

REQUIRED ACTION: Implement policy and procedures for the reasonable and prudent resource  
parent standard as stated in the "Preventing Sex Trafficking and  
Strengthening Families Act, Public Law 113-183.

ACTION DUE DATE: Immediately

CONTACT PERSON: Steven Youngblood, LCSW-C  
Director of Foster Care Services  
410-767-7695  
steven.youngblood@maryland.gov

## **PURPOSE:**

The purpose of this policy directive is to ensure that local departments of social services and public resource parents are educated and knowledgeable of the reasonable and prudent parent standard and to ensure that the standard is applied appropriately to all children in care. This policy should be used in conjunction with SSA Policy Directive SSA-CW#16-16 Family and Friend Contact.

## **BACKGROUND:**

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 “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 resource parent. It is the responsibility of the department to ensure resource parents are knowledgeable and have the skills to make reasonable and prudent parent decisions regarding their foster child.

### **Reasonable Prudent Parent Standard:**

The “reasonable and prudent parent” is 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. A caregiver (resource parent) must use the standard when determining whether to allow a child in foster care under the responsibility of the state to participate in extracurricular and social activities. The activities should be age or developmentally appropriate. An age or developmentally appropriate activity is an activity for a child of a certain age or maturity level based on the capacities typical for the age group and the individual child. Training will be provided to the resource parents to equip them with the knowledge and skills to apply this standard.

### **Resource Parent Responsibilities**

The resource parent is responsible for making decisions regarding the child’s participation in age or developmentally appropriate activities. Social activities such as dating, day outings and/or overnight visits with friends, participation in clubs and/or after school activities are all activity opportunities for a child. Resource parents who parent the medically fragile population should also be knowledgeable of the standard as children who have a medical, emotional, and/or physical disability should not be alienated from social activities. The child’s disability alone should not be the sole determinant in what activities the child can participate.

If the resource parent feels unsure or unclear about making a decision, they should consult with their resource worker and the child's caseworker for assistance in making a decision that is "reasonable and prudent" and whether the activity is age and/or developmentally appropriate. If the child disagrees with the resource parent's decision, they should be able to communicate their feelings with their caseworker and request a meeting. The meeting can include the child's chosen "reasonable and prudent" advisor/advocate.

### **Applying the "reasonable and prudent" parent standard**

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

- Maturity
  - The following are examples of questions to consider when applying this standard:
  - What is the child's age?
  - What is the child's developmental level?
  - What is the child's maturity level?
  - Is the child able to make decisions that are appropriate?
  - What is the child's behavioral history and ability?
  - What level of supervision does the child require?
- Safety
  - Is the activity safe?
  - What are the risks associated with the activity?
  - Is the activity in line with the agency's policies or procedures?
  - What are the legal or policy barriers (curfew, learner's permit)?
  - What level of supervision does the activity require?
- "Normalcy"
  - Does the activity encourage the child's emotional growth?
  - Does the activity encourage social or cultural interaction?
  - Is the activity in the child's best interest ?
  - Does the activity promote the child's well-being?
  - Does the activity promote "normalcy" for the child?

### **Resource Worker Responsibilities**

Resource workers are required to ensure that resource parents are applying the standard correctly in parenting the child in their home and provide support and guidance to resource parents as deemed appropriate. Resource parents should be able to demonstrate to the worker how they are applying the standard to all of the child in their home. Workers are responsible for encouraging the parent and providing any suggestions that may support the parent in making the appropriate decision. The caseworker should take the opportunity as part of the annual recertification process to discuss the standard with resource parents, especially those who parent children ages 14 and older.

### **Case worker Responsibilities**

The child's caseworker is responsible, during their monthly visits, for ensuring that the child(ren) in the resource home are able to participate in social, cultural, and extra-curricular activities that are age or developmentally appropriate. The caseworker should also encourage the child to participate in these activities and ensure that the child and resource parent provider have access to such activities.

### **Measure of Compliance**

The resource worker is responsible for verifying that the standard is documented in the MD CHESSIE resource home contact file cabinet. Resource parents who attend the pre-service training are required to have documentation that they have been trained on the standard and agree to apply the standard while parenting children in their care during the pre-service training. The Resource Parent Agreement (Attachment A) must be signed by the in-service trainer and resource parent and a copy forwarded to the resource parent caseworker to be placed in the MD CHESSIE resource home file cabinet. These standards will be measured during the QA case record reviews conducted by SSA.

### **Training and Certification Requirements**

Local Department PRIDE trainer(s) are required to incorporate the "reasonable and prudent parent" webinar into the existing PRIDE training. By November 2015, all resource home PRIDE trainers will be scheduled to attend and participate in a mandatory Web-Ex overview of the "reasonable and prudent parent" standard.

Training of resource parents will include an addition to the PRIDE pre-service training and a in-service training module for all existing resource parents. The resource parent and PRIDE trainer will ensure that the Resource Parent Agreement form is signed after the training is completed. All existing resource parents are mandated to complete the training module by September 30, 2016 at which time verification must be provided to the resource worker to document the certification in MD CHESSIE.

**RESOURCE PARENT AGREEMENT**

As a resource parent(s) of any child placed with me/us by the \_\_\_\_\_ Department of Social Services, I/we understand and agree that legal custody and control of the child (ren) at all times remains with the Department. I/we understand that foster care is a temporary situation and I/we as resource parent(s) agree to cooperate fully with the Department in its efforts to reunify the child (ren) with his/her family. I/we understand that a child placed in my/our home for adoption also remains in the legal custody and control of the department and that this agreement remains in effect until the court orders a final adoption decree (if applicable). I/we understand and agree to the following:

To uphold the confidentiality of the information given to me/us by the Department about the child and the child's family.

To notify the Department within (5) days of any changes in our household.

To not independently accept a child or an adult for care from an individual or agency other than the agency that approved the foster home.

To inform the foster care/adoption worker of any change in our personal circumstance, health, household composition, or any other relevant factors including any criminal charges, investigations, or other findings related to any crime committed by a household member which may impact the well-being of the children in our care or agency approval of our status as a resource parent(s).

To report any suspected incidents of a child's physical or sexual abuse or neglect to the local department as soon as the incident becomes known to the resource parent(s).

That the length of time a child will remain in my/our home cannot be known at the time the child is placed.

I/We certify that I/we have been adequately trained and are knowledgeable of the "reasonable and prudent parent" standard and agree to apply the standard in making age or developmentally appropriate activity decisions for the child (ren) in my/our care.

That the Department reserves the right to remove any child at its discretion.

That visiting and communication between that child and his /her family will be arranged by the department unless otherwise established by the Department.

That the Department will provide board, medical care, and supervision of the child during his/her placement.

That I/we reserve the right to ask the Department to remove any child; that I/we will consult with the child's worker and give the Department at least (10) working days notice prior to the child's removal.

\_\_\_\_\_  
RESOURCE PARENT SIGNATURE      DATE      RESOURCE PARENT SIGNATURE      DATE


\_\_\_\_\_  
TRAINER'S SIGNATURE      DATE

**DEPARTMENT OF HUMAN RESOURCES  
SOCIAL SERVICES ADMINISTRATION  
311 W. SARATOGA STRETT  
BALTIMORE, MD 21201**

**DATE:** September 15, 2015

**POLICY #:** SSA-CW# 16-16  
(Replaces Policy SSA# 12-20)

**TO:** Directors, Local Departments of Social Services  
Assistant Directors, Services

**FROM:** Tracey Paliath   
Deputy Secretary of Programs

**RE:** Family and Friend Contact

**PROGRAMS  
AFFECTED:** Out-of-Home Placement Services

**ORIGINATING OFFICE:** Out-of-Home Placement

**ACTION REQUIRED OF:** All Local Departments

**REQUIRED ACTION:** Implement Policy and Procedures

**ACTION DUE:** October 1, 2015

**CONTACT PERSONS:** Steven Youngblood, LCSW-C  
Director, Foster Care Services  
410-767-7695  
[steven.youngblood@maryland.gov](mailto:steven.youngblood@maryland.gov)

Anita T. Wilkins, LGSW  
Program Manager, Placement Services  
410-767-7119  
[anita.wilkins@maryland.gov](mailto:anita.wilkins@maryland.gov)

**Purpose:**

This policy will clarify questions local departments of social services (LDSS) staff and resource providers have concerning allowable activities for children and the authority the resource providers have to make reasonable and prudent parent decisions regard activities for children/youth in their care. Due to the complexity of the dating and visiting activities, this policy provides specific guidelines for the resource provider. This policy supersedes and replaces Policy SSA# 12-20.

**Background:**

A child in out-of-home placement should be afforded the same opportunities for social engagement as a child who is not in the care of the LDSS. On September 29, 2014, The Preventing Sex Trafficking and Strengthening Families Act, Public Law (P.L. 113-183), was signed into law. This act authorizes resource parents and other resource providers to apply reasonable and prudent parent standards when allowing foster children to participate in age or developmentally appropriate activity opportunities.

**Definitions:**

Age appropriate or developmentally appropriate means suitable, developmentally appropriate activities for children/youth of a certain age or maturity level based on the capacities typical for the age group and the individual child.

Reasonable and prudent parent standard means the standard characterized by careful and sensible parental decisions that maintain a child's health, safety, and best interest while at the same time encouraging the child's emotional and developmental growth, that a caregiver (resource parent or resource provider staff) must use when determining whether to allow a child in out-of-home placement under the responsibility of the state to participate in extracurricular, enrichment, and social activities.

**Determining appropriateness of activities:**

In order to determinate if an activity is age or developmentally appropriate the resource provider shall take the following into consideration:

- Appropriateness of the activity in consideration of the child's age, maturity, and developmental level.
- Any law, regulation, or policy that would prevent or create barriers to participation in an activity (example curfew laws).
- Safety and/or risk.
- Best interest of the child.
- Encouragement of emotional growth.
- Level of supervision.
- Child's behavioral history and ability.

**Activity Opportunities:**

Age or developmentally appropriate activities include:

- Social activities (movies, parties)
- Visits
- Dating
- Group Social activities (concerts, sporting events,)
- Extracurricular school activities or any activities requiring permission slips and arranging transportation for the child to and from the activities (sport teams, clubs, committees field trips, over night events)
- Club activities (boy or girl scouts, community volunteer organizations)
- Cultural Activities (festivals, holiday observance)

**Visiting and Dating for children under the age of 18:*****Day and overnight visits***

The resource provider shall use appropriate discretion and judgment (reasonable and prudent parent standards) when allowing a child in out-of-home placement to spend extended periods of time/day visits or overnight visits with friends. The resource provider shall do the following, prior to approving a child to spend time, including overnights, with friends:

- Meet the adult who will be supervising the activities or who resides in the home where the child will be staying. This includes the resource provider transporting and accompanying the child to the home and walking the child into the home where the overnight visit will occur. The resource provider shall observe the home to make sure it is visually safe.
- Obtain the name, address, and phone numbers for the supervising adult where the child will be staying prior to the visit. The resource provider shall give the supervising adult their phone number.
- Inform the caseworker prior to any overnight stay. The resource provider shall relay all the information about where the child will stay to the caseworker. This may not always be possible in all situations. If the caseworker is not notified the child may still attend the activities. If the resource provider is unable to speak with the caseworker directly prior to the activities, the resource provider shall leave the information on the caseworker's voicemail or through email.

***Relative Visits:***

Visitation between a child and relatives does not require supervision if there is no history of abuse or neglect between the relative and child, and the **LDSS has approved the relative for visitation**. Please note these are social visits and are not to be used as daycare, long term supervision, or placement. Visitation may include weekend visits. The caseworker shall provide the resource provider with clear guidelines concerning the length of time of the visit and transportation.



***Dating:***

When a child in out-of-home placement reaches the age and/or maturity level when dating is appropriate the resource provider shall:

- Obtain the name and phone number of the foster child's date;
- Obtain the name and phone number of the parent/adult responsible for the care of the foster child's date;
- Meet in person the foster child's date and ensure the date is age appropriate;
- Have knowledge of where the foster child is going on the date;
- Have knowledge of the transportation arrangement; and
- Set a clear time of when the foster child must return home from the date.

In general, at the age of 16 it is usually appropriate for children to begin to date. However, the age when dating occurs depends on the maturity level of the foster child. Dating can begin at an earlier age if the resource provider determines it is age or developmentally appropriate.

**Visiting and Dating for youth age 18 and over:**

After the age of 18, the youth is able to make decisions concerning whom they spend extended periods of time. If the resource provider disagrees with the youth's decision concerning day and overnight visits, the resource provider and caseworker will discuss the concerns with the youth. Even though the youth may make their own decision concerning visiting and dating the resource provider shall obtain the following information:

- Name, address, and phone numbers for the foster youth's date or friend where the foster youth is visiting;
- Have knowledge prior to the visit or date if the youth intends to stay overnight;
- Have knowledge of the transportation arrangement; and
- Set a clear time of when the foster youth must return home.

**MD CHESSIE:**

All overnight visits shall be documented in MD CHESSIE in a contact note. The contact note shall provide a detailed account of the child's activities. The caseworker shall also document in Case Plan 2 section IIIa question 3 all age or developmentally appropriate activities.