



Clark County Family Services Policy

SUBJECT:

Reasonable and Prudent Parenting Standard/Normalcy

Effective Date	Amendment Number	Amendment Effective Date
September 22, 2016	3	December 19, 2024

SCOPE:

Supporting normalcy for children through the Reasonable and Prudent Parent Standard (RPPS) in foster care by:

- I. Ensuring the status of being in foster care does not limit the ability of a child to experience and participate in community, school, family, or social activities.
- II. Expanding developmentally appropriate opportunities provided to children in foster care by requiring prudent parenting decision-making by foster caregivers, foster care agencies in partnership with their out-of-home caregivers and Designated Officials within congregate care settings.

SPECIFIC LEGAL and OTHER REFERENCES:

[NAC 432B](#)

[NRS 432B](#)

NAC 424.505

Preventing Sex Trafficking and Strengthening Families Act, Sec. 111

[Division of Child and Family Services \(DCFS\) - 1303 Reasonable and Prudent Parenting Standard](#)

PROGRAMS IMPACTED:

Adoptions
Adoption Permanency
Child Haven Family Service Programs (CHFSP)
Independent Living
Licensing
Nevada Initial Assessment
Permanency
Training

SUMMARY OF CHANGES:

1. Clarified the process for the out-of-home caregiver to select a short-term care and/or supervision provider without the need of a background check.
2. Clarified normalcy activity length allowed without agency approval from two (2) nights to seventy-two (72) hours.
3. Clarified the types of activities and situations that can be considered and approved by the out-of-home caregiver.

DEFINITIONS:

Age and Developmentally-Appropriate:

As federally defined by Sec. 475. [42 U.S.C. 675] means: 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.

Designated Official:

The person identified by a congregate care facility, residential childcare facility, staff-run group home or other types of residential facilities providing residential care for children in out-of-home care. In the above-mentioned placement types, there must always be an available Designated Official who has the responsibility and training to make normalcy decisions to allow children in their care to experience social, extracurricular, cultural, and enrichment activities and events.

Out-of-home Caregiver: The person or persons (licensed or unlicensed) who provides placement to a child or that provides care in a treatment home or residential treatment facility in which a child is placed.

Normalcy: Per NAC 424.063, the condition of experiencing a typical childhood through participation in activities that are age or developmentally appropriate, as defined in 42 U.S.C. § 675.

Reasonable and Prudent Parent Standard (RPPS):

The standard characterized by careful, nurturing, 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 through participation in extracurricular, enrichment, cultural, and social activities.

FORMS, PUBLICATIONS, AND INSTRUCTIONAL (FPI) DOCUMENTS:

- A. [Reasonable and Prudent Parenting Activities Guide](#) (DCFS document)

POLICY:

- I. Federal law requires the use of the “*Reasonable and Prudent Parent Standard*” (RPPS) by expanding opportunities provided to foster children by requiring prudent parenting decision-making by out-of-home caregivers, foster care agencies and Designated Officials within congregate care settings.
- II. The Reasonable and Prudent Parenting Standard, when appropriately used, offers the necessary guidance and latitude to ascertain appropriate parental decisions, which support the safety, best interests, and healthy and normal development of the child. Normal activities for the child/youth include involvement in social, extracurricular, cultural, and enrichment activities, which provide a child natural opportunity to experience safe risk-taking, supported by parental guidance and nurturing. Children/youth experiencing these types of commonplace activities in their daily lives provides the necessary learning opportunities for healthy development and normal maturation.

III. Key Points for CCFS Staff

- A. Safety must be considered in an age- and developmentally appropriate context; in addition, a child’s own sense of safety must be taken into consideration within any decisions. Appropriate physical safety precautions must be taken to ensure the child may experience normal day-to-day activities.
- B. Out-of-home caregiver responsibilities include, but are not limited to:
 - 1. Provide sufficient guidance and boundary setting.
 - 2. Utilize good planning.
 - 3. Be conscientious and mindful.
 - 4. Make reasonable and prudent decisions.
 - 5. Take appropriate safety precautions based on the activity type.
 - 6. Continually monitor for child safety.
- C. Injuries and mistakes in judgement may occur while the child is participating in common childhood activities. Risk must be managed effectively through careful planning.
- D. Background checks of other adults when the child is participating in typical childhood activities are not required. This includes overnight stays at a friend’s house, participating in organized sports and other similar activities.
- E. Out-of-home caregivers must be given all known information regarding the child that is pertinent to caring for the child in order to make the necessary prudent decisions based upon the child’s needs and circumstances.
- F. Out-of-home caregivers and CCFS staff must involve all children in out-of-home care, who are age and developmentally capable of participating in all decisions impacting their lives.
- G. CCFS staff are available to provide guidance to contracted out-of-home caregivers, residential care provider or foster care agency in regard to providing opportunities for children in out-of-home care to

experience normalcy through participating in developmentally appropriate social, extracurricular, cultural and enrichment activities.

IV. Out-of-Home Caregiver Decision-Making

- A. All licensed out-of-home caregivers must complete RPPS training in order to meet the RPPS requirements prior to making independent decisions regarding a child's participation in developmentally appropriate activities.
 - 1. Licensed caregivers are required to complete RPPS training.
 - 2. Unlicensed relatives should be encouraged to attend training in the RPPS to work in partnership with the child welfare agency.
- B. Out-of-home caregivers are able to consult with assigned CCFS staff and other persons involved with the child to assist the out-of-home caregiver in making typical, parental decisions for the child to attend or participate in developmentally appropriate activities, events or functions. As long as RPPS is being applied the out-of-home caregiver is the primary decision maker, and co-parenting efforts should be utilized.
 - 1. The out-of-home caregiver is ultimately responsible for the decisions made under the RPPS.
- C. According to NRS 432B.635, out-of-home caregiver is immune from civil or criminal liability for approving or allowing the child to participate in extracurricular, cultural or personal enrichment activities if, in approving or allowing the child to participate in such activities, the person acted as a reasonable and prudent parent would have acted under the same circumstances to maintain the health, safety and best interests of the child while at the same time encouraging the emotional and developmental growth of the child.
 - 1. The exception to this immunity is if an out-of-home caregiver violates a court order.
- D. Out-of-home caregivers may select a reliable and mature individual to provide care and supervision of the foster child on occasions when the out-of-home caregiver needs to be away from the home. In addition to using the standard, a caregiver must also consider the maturity, experience, and the person's ability to provide appropriate care. The short-term care and supervision can be used for, but is not limited to, medical appointments, grocery shopping, special occasions, adult social gatherings, trainings, and self-care. An out-of-home caregiver must provide pertinent information including:
 - 1. Information about the child's emotional, behavioral, medical, or physical conditions including the need for medication.
 - 2. Current emergency contact information, including agency case worker.
 - 3. This supervision may not be provided from another foster child unless approved by the foster child's caseworker.
 - 4. A background check is not required for the person providing the care and supervision.
- E. An out-of-home caregiver may use the standard for deciding normalcy activities; however, the agency must approve activities longer than seventy-two (72) hours. For short term or day trips (less than seventy-two [72] hours) that do not impact visitation, the foster caregiver is not required to provide advance notification to the agency. For activities or trips longer than seventy-two (72) hours, the foster caregiver must provide details of the activity and request advance authorization from the Permanency Specialist as soon as possible. The agency and out-of-home caregiver should consider events such as visitation, appointments, case plan activities, and contact with the child's Permanency Specialist and family. These could include trips with the out-of-home caregiver, friends, or an organized activity. The trip must not violate any court ordered case plan requirements, such as visitation, without securing authorization from all parties or the court. If the child is not allowed to go on the trip, the caregiver and agency should work together to identify a formal or informal respite placement for the child.
 - 1. Informal respite, which includes the caregiver's network is preferred.
 - 2. Background checks are not required for informal respite providers or individuals who may be providing some supervision during a normalcy activity (e.g., coaches, friends, or family)
- F. Out-of-home caregivers must adhere to all Nevada laws that provide requirements and standards regarding foster children and foster homes.

V. Facilitating Parental Involvement in Out-of-home caregiver Decision-Making

- A. Out-of-home caregivers are entitled to make prudent parenting decisions for their foster children on a day-to-day basis. However, caseworkers also need to ensure that foster caregivers understand the legal implications of intact parental rights and the parent's right and personal need to remain involved in their child's life through the decisions being made regarding their child. Parents should be included in

conversations related to activities to voice their concerns and opinions. The parent will likely have helpful information that an out-of-home caregiver can use to make a good decision so sharing views and information is important. Parents may also be able to participate in activities with youth when consistent with the permanency and visitation plan.

- B. The assigned specialist can facilitate communication between birth parent/guardian and foster caregiver by encouraging a partnership and balance in decision-making in regard to the foster child experiencing normalcy. The assigned specialist must determine with the out-of-home caregiver how to safely and appropriately involve the child's parents in discussions around supporting normalcy for the child.
- C. The reasonable and prudent parent standard gives caregivers decision-making power for certain activities and does not require approval from outside parties, the court, or parents and legal guardians. Youth, especially those who are 14 years old or older, should be involved in conversations about participation in activities so that they can express their interest and understand the caregiver's reasoning. However, just as with any other decision that a parent makes, a caregiver or agency may say "no" to a child's request to participate in an activity. The assigned specialist and the out-of-home caregiver should partner to identify if there are any other solutions or compromises that can be made to alleviate any issues using the normalcy standards.
- D. When the out-of-home caregiver and the birth parent disagree about a decision, the assigned specialist can identify if there are any other solutions or compromises that can be made to alleviate any issues. When necessary, the assigned specialist should seek consultation with their supervisor and determine what is in the child's best interests. If the out-of-home caregiver, parent, or the youth are not satisfied with the outcome a grievance can be requested. Refer to Ombudsman Process Practice Guidance for further information.

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October 12, 2024

Approved Date