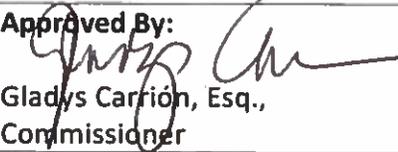


City of New York  
Administration for Children's Services

Policy and Procedure  
#2016/xx

**Applying the Reasonable and Prudent Parenting Standard:  
Supporting Normative Experiences for Children, Youth and Young Adults in Foster Care**

<p><b>Approved By:</b>  Gladys Carrion, Esq., Commissioner</p>	<p><b>Date Issued:</b> <u>10/12/2016</u></p>	<p><b>Number of Pages:</b> 16</p>	<p><b>Number of Attachments:</b> 5</p>
<p><b>Related Laws:</b> Family Court Act §§ 355.5(7); 756-a(d) and 1089; NYS Social Service Law 383-a; Preventing Sex Trafficking and Strengthening Families Act of 2014, (P.L.113-183)</p>	<p><b>Administration for Children's Services Divisions/Provider Agencies:</b> Child Protection, Family Court Legal Services, Family Permanency Services and foster care provider agency staff</p>	<p><b>Contact Office /Unit:</b> Andrew Mandel Assistant Commissioner for Family Permanency Services  <a href="mailto:Andrew.mandel@acs.nyc.gov">Andrew.mandel@acs.nyc.gov</a></p>	
<p><b>Supporting Regulations:</b> 18 NYCRR 427.3; 428.5(c); 428.9(c); 430.12(c); 441.25; 443.2(e) and 443.3(b)</p>	<p><b>Supporting Case Law:</b></p>	<p><b>Bulletins &amp; Directives:</b> <a href="#">14-OCFS-INF-06 New York Bill of Rights for Children and Youth in Foster Care</a> <a href="#">15-OCFS-ADM-21 Supporting Normative Experiences for Children, Youth, and Young Adults in Foster Care: Applying a Reasonable and Prudent Parent Standard</a> <a href="#">15-OCFS-ADM-13 Required Annual Credit Checks for Youth and Young Adults in Foster Care 14 Years or age and Older</a> <a href="#">15-OCFS-ADM-18 New York State Bill of Rights for Children and Youth in Foster Care</a> <a href="#">15-OCFS-ADM-19 Planning for a Successful Adulthood: Another Planned Permanent Living Arrangement with a Permanency Resource for Youth 16 Years and Older</a></p>	

		<a href="#"><u>15-OCFS-ADM-22</u></a> <a href="#"><u>Case Planning for Youth in Foster Care 14 Years of Age or Older</u></a>
<b>Key Words:</b> Normalcy, normal, normative, permanency, wellbeing, well-being, reasonable, prudent, parenting, RPP, caretaker, liability, foster, sleepover, camp, childcare, child care, after school, afterschool, after-school, play date, playdate, trip, school trip, job, work, volunteer, visit, vacation, curfew, date, dating, prom, dance, sport, sports, team, teams, yearbook, drive, driving, conferencing, Family Assessment Service Plan, FASP, Family Team Conference, FTC, permanency planning meeting,	<b>Related Policies:</b>	<b>Supersedes:</b>
<b>SUMMARY:</b> This policy provides staff at the Administration for Children’s Services (ACS) and its contracted foster care provider agencies (provider agencies) with information on the requirement for implementing the reasonable and prudent parent standard (the standard) found in the federal Preventing Sex Trafficking and Strengthening Families Act and described in <a href="#"><u>15-OCFS-ADM-21</u></a> . The policy includes definitions of the standard, caregiver, normative experiences, and age- or developmentally-appropriate activities. This policy also discusses opportunities for implementing the standard utilizing the Family Assessment Service Plan (FASP), Family Team Conferencing (FTC), and permanency planning meeting <sup>1</sup> , and considerations for applying the standard, including issues such as caretaker liability, cost, training and documentation.		
<b>SCOPE:</b> This policy applies to staff at the ACS Office of Child Welfare Programs, which includes the divisions of Child Protection (DCP) and Family Permanency Services (FPS). This policy also applies to staff within Family Court Legal Services (FCLS), as well as staff at the provider agencies.		

<sup>1</sup> Permanency planning meetings are also known as Service Planning Reviews (SPR) and Family Team Conferences (FTC).

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**Attachments:**

Attachment A: Applying the Reasonable and Prudent Standard: Gathering Information to Support Normative Experiences

Attachment B: Applying the Reasonable and Prudent Standard: Caregiver Considerations

Attachment C: Applying the Reasonable and Prudent Parent Standard: Know Before You Say "No"

Attachment D: Guidelines for Determining Normative Activities

## I. Introduction

### A. Preventing Sex Trafficking and Strengthening Families Act

The Preventing Sex Trafficking and Strengthening Families Act of 2014 (P.L. 113-183) (the Act) is a federal law that amended some provisions of Title IV-E of the Social Services Act. One of the goals of the Act is to improve safety, permanency and well-being outcomes as well as to promote normalcy for children, youth, and young adults<sup>2</sup> in the child welfare system. Section 111 of the Act, “Supporting Normalcy for Children in Foster Care,” and also known as the reasonable and prudent parenting standard, mandates state child welfare agencies, contracted provider agencies, and courts to facilitate age- and developmentally-appropriate experiences for all children and to take steps to support normalcy and promote permanency.<sup>3</sup>

### B. Purpose

The purpose of this policy is to provide information to all staff and caregivers regarding the application of the reasonable and prudent parent standard (the standard), best practices for supporting normative experiences for children in foster care, definitions of the standard, training requirements, costs associated with the standard, documentation, and the issue of caretakers’ exposure to liability.

### C. Definitions Related to the Standard<sup>4</sup>

1. **Child:** A child, youth or young adult who is in foster care or who was in foster care at the time the standard was applied.
2. The **reasonable and prudent parent standard:** A measure or quality characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child in foster care while, at the same time, encouraging the emotional and developmental growth of the child. A caregiver must use the standard when determining whether to allow a child in foster care to participate in extracurricular, enrichment, cultural, and social activities.
3. **Caregiver:** The foster parent, relative, or suitable person with whom the child has been placed; or a designated employee of a child care facility, including the institution, group residence, group home, or agency-operated boarding home in which the child has been placed.

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<sup>2</sup> For the purpose of this policy, children, youth and young adults will be referred to as “child or children.”

<sup>3</sup> See [OCFS Administrative Directive 15-OCFS-ADM-21](#) for a description of the Act; see 18 NYCRR § 441.25, which outlines the mandates of the reasonable and prudent parent standard.

<sup>4</sup> 18 NYCRR § 441.25.

4. **Child care facility:** An institution, group residence, group home, agency-operated boarding home, or supervised independent living program.
5. **Age- or developmentally-appropriate:** Activities or items that are (a) generally accepted as being 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 cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group; and (b) 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.
6. **Normative experiences:** Age- and developmentally-appropriate activities and opportunities that promote the healthy cognitive, social, emotional, physical, and educational development of children, regardless of their involvement in the child welfare system.
  - a. Examples of normative experiences/activities<sup>5</sup> include, but are not limited to:
    - i. Going to a friend's house;
    - ii. Riding a bike;
    - iii. Having a sleepover;
    - iv. Having a playdate;
    - v. Taking a school trip;
    - vi. Working at a part-time job (after-school or summer job);
    - vii. Joining a club;
    - viii. Dating;
    - ix. Attending the prom;
    - x. Learning to drive;
    - xi. Having a later curfew – as the youth approaches adulthood;
    - xii. Participating in extracurricular activities considered to be “routine” for many teenagers, such as participating in sports, teams, and clubs;
    - xiii. Attending choir and dance classes and classes for other interests and talents the youth may have;
    - xiv. Volunteering;
    - xv. Using the internet;
    - xvi. Going on family vacations;

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<sup>5</sup> Refer to *Attachment C, Applying the Reasonable and Prudent Parent Standard: “Know” Before You Say “No”* for frequently asked questions that provide guidance on the normative experiences/activities listed here and assistance in applying the standard.

- xvii. Traveling out of state;
- xviii. Taking pictures for publication in a newspaper or yearbook;
- xix. Traveling alone via public transportation; and
- xx. Going on social outings with friends.

## II. Supporting Normalcy for Children in Foster Care

- A. Burdensome laws, policies, guidelines, and lengthy approval processes have traditionally hampered caregivers and staff in the child welfare system when making decisions about a child's participation in normal and age-appropriate day-to-day activities. The standard allows caregivers to make daily decisions in lieu of the parent<sup>6</sup> and the caseworker, and provides caregivers with protection from liability where they appropriately utilize the standard in making decisions about the child.
- B. Implementation of the standard supports best practices for working with children. The standard requires all child welfare staff and caregivers to make a paradigm shift and move to a more expansive goal of creating a child welfare system that:
  - 1. Builds relationships among all the different stakeholders in the child's life;
  - 2. Promotes a more developmentally-appropriate environment;
  - 3. Includes trauma-responsive practice;
  - 4. Is grounded in practices that support racial equity;
  - 5. Responds to the needs and voices of children, youth, and young adults; and
  - 6. Provides children opportunities to learn skills, and develop relationships while growing up in stable, nurturing families and supportive communities.
- C. The standard gives foster parents and designated child care staff (caregivers) more discretion in permitting children in foster care to engage in typical childhood activities.
  - 1. The Act requires caregivers to make parental decisions with regard to the child's participation in extracurricular, enrichment, cultural and social activities in the same manner that they would for their own child, while maintaining the foster child's health, safety, and best interest.
  - 2. Specific provisions in the law include:
    - a. Allowing caregivers to make decisions regarding whether the child may engage in extracurricular, enrichment, cultural and social activities.<sup>7</sup>

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<sup>6</sup> The term parent(s) refers to birth and adoptive parent(s).

<sup>7</sup> The caregiver must apply the reasonable and prudent parent standard, including, where appropriate, engaging the parent, guardian, or relative caretaker and child (if age-appropriate) in determining the child's participation in

- b. Giving caregivers the authority to sign permission slips, where allowed by the entity requiring the written permission<sup>8</sup>, and to arrange for transportation for the child to and from extracurricular, enrichment, and social activities.
- c. Protecting caregivers from liability where they appropriately utilize the standard in making decisions regarding the foster child's participation in normative experiences.
- d. Requiring caregivers to observe and follow court orders and judgments which may impact decisions regarding normative experiences.
  - i. For example, a child cannot go on a weekend trip if it violates a scheduled visitation time, unless otherwise agreed upon by the case worker, case planner and/or manager, caregiver, child (if age- and developmentally-appropriate), and parent (if appropriate), and with the knowledge and consent of the Court.
- e. Requiring states to establish policies on the rights of the child with respect to education, health, visitation, and court participation for children in foster care who are 14 years or older. See [15-OCFS-ADM-18](#) for more specific guidelines established by New York State in accordance with the Act.
- f. Requiring child welfare agencies to amend caregivers' training to include developing knowledge and skills related to the reasonable and prudent standard, as outlined in Section VIII of this policy.
- g. Encouraging child welfare agencies to build relationships by engaging parents, guardians, foster parents, or prior caretakers when appropriate to do so. Engagement is not required where the parent's rights have been terminated or surrendered, or where safety concerns are present.
- h. Requiring permanency hearings for all categories of children in foster care with a permanency planning goal (PPG) of another planned permanent living arrangement (APPLA+<sup>9</sup>), and requiring documentation of the steps taken by ACS and provider agencies to confirm that the foster parent or facility is following the

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the activity. The determination and the basis for such determination must be documented in the child's case record.

<sup>8</sup> For medical consents, see the [Medical Consents for Children in Foster Care policy](#), dated 9/16/2014.

<sup>9</sup> APPLA + refers to another planned permanent living arrangement with a significant connection to an adult.

requirements of the standard and that the child has regular and ongoing opportunities to engage in age- or developmentally-appropriate activities.<sup>10</sup>

### III. Applying the Standard

#### A. Guidance to Provider Agencies

1. Effective September 1, 2015, all caregivers in New York State must use the standard to provide children in their care with opportunities to participate in age- and developmentally-appropriate normative experiences that promote a child's successful development to adulthood.
2. Attachment D, *Guidelines for Determining Normative Activities*, is a guide to be used by the provider agency staff and caregivers to inform their understanding of age- and developmentally-appropriate normative experiences.
3. Provider agencies must train all caregivers in the application and utilization of the standard.
4. Provider agencies must develop procedures for the selection and training of the employees in each child care facility who have been designated to make decisions regarding normative experiences while utilizing the standard.
  - a. The process to be used in the selection of the designated employee should be specified, as well as the procedures for the application of the standard in decisions regarding the children in care.

#### B. Guidance for Applying the Standard with Youth with a PPG of APPLA+

ACS and provider agencies must document in CONNECTIONS (CNNX) and demonstrate to the court that they are supporting normative experiences for all youth with a PPG of APPLA+ through the implementation of the standard. The case worker, case planner, and/or case manager must:

1. Demonstrate to the court that he/she has provided regular and ongoing opportunities for the child to engage in age- and developmentally-appropriate activities, including consulting with the youth about opportunities to participate in activities.
2. Document in the permanency hearing report (PHR) the steps taken to verify that the child's caregiver is following the standard.

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<sup>10</sup> See changes to the Family Court Act §§ 355.5, 756-a, and 1089.

3. Document information relevant to the caregiver's efforts to use the standard in providing the child with opportunities to participate in normative experiences and including in the appropriate CNNX fields (once available) efforts to engage the parent in shared decision-making.
  - a. Until such time as the CNNX changes have been implemented, case workers, case planners and/or case managers must document information in the Family Assessment Service Plan (FASP), Service Plan Review (SPR), and case progress notes.<sup>11</sup>

C. Guidance to Case Workers & Caregivers

1. The case worker, case planner and/or case manager must apply the standard in all phases of the case and at critical stages:
  - a. At the onset of the case, when he/she begins to gather information for shared decision-making, meetings and the completion of the:
    - i. FASP;
    - ii. Family Team Conference (FTC)/permanency planning meeting; and
    - iii. Planning for the permanency hearing report.
  - b. In the process of developing the FASP, the case worker, case planner, and/or case manager should use this as one of the first opportunities to engage the parent, guardian or prior caretaker. It is specifically designed to "support a family-focused approach to casework,"<sup>12</sup> The information-gathering process for the initial FASP can also serve as a critical first step to planning and decision-making.
    - i. The case worker, case planner and/or case managers may use this opportunity to engage the parent, guardian or prior caretaker in discussions regarding:
      - a) The daily decisions and regular activities that pertain to the child; and
      - b) The child's continued participation in normative activities so that there are minimum interruptions to the child's life.
    - ii. The FTC/permanency planning meeting can be used as an opportunity to discuss and make decisions together regarding the child's continued

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<sup>11</sup> See [15-OCFS-ADM-21](#).

<sup>12</sup> New York State Office of Children and Family Services. [Family Assessment Service Plan Guide](#), "Module 2: The FASP."

participation in normative activities and the initiation of new activities, as outlined in Section I. C. 6. a. of this policy. If the parent, guardian or prior caretaker disagrees with a decision regarding the child's participation in a normative activity, the input and position of the parent, guardian or prior caretaker should be considered in the decision-making process, where appropriate. This input is dependent on the individual situation. In cases in which the parental rights have been surrendered or terminated, or there are safety concerns, or the parties are not available, such consultation or discussion should not be part of the decision-making process<sup>13</sup>.

- iii. The case worker, case planner, and/or case manager may use Attachment A, *Applying the Reasonable and Prudent Standard: Gathering Information to Support Normative Experiences*,<sup>14</sup> to engage the parent/guardian and to learn about the child when they meet with the parent to gather information for the FASP.
  - iv. The parent can use the FTC/SPR meeting as an opportunity to express preferences and provide feedback on efforts to support the child's safety and well-being through normative activities.
- c. The FTC/permanency planning meeting serves as an opportunity for the planning team (see description below) to come together to discuss and agree upon age- and developmentally-appropriate activities:
- i. The planning team includes the following people:
    - 1) Parent;
    - 2) Guardian or prior caretaker, as appropriate;
    - 3) Caregiver;
    - 4) Case worker, case planner, and/or case manager; and
    - 5) Child if 10 years of age or older;
    - 6) Up to two (2) additional individuals identified by the youth if 14 years of age or older.<sup>15</sup>

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<sup>13</sup> See Attachment C, *Applying the Reasonable and Prudent Parent Standard: Know Before You Say "No"*, for additional information.

<sup>14</sup> Attachment A contains a series of questions for gathering information from the parent, guardian, or prior caregiver and child, if age- and developmentally-appropriate, about the child's day-to-day activities and participation in normative activities.

<sup>15</sup> As mandated in the Act, youth 14 years of age or older may invite up to two (2) individuals of their choosing to serve as members of the case planning team. These persons are in addition to the foster parent and case worker, case planner, and case manager. One (1) individual selected by the youth may be designated to be the youth's advisor and, as necessary, advocate on behalf of the youth, with respect to the application of the standard. ACS or the provider agency may reject an individual selected by the child if there is good cause to believe that the individual would not act in the best interests of the child. For additional information refer to [15-OCFS-ADM-22](#).

- d. The case planner has an opportunity to talk with the parent about normative activities when preparing the PHR.
  - e. Any interaction between the case worker, case planner, and/or case managers with caregivers, parents, guardians or prior caretakers, and children provides another opportunity to address or discuss normative experiences.
2. The caregiver must apply the standard:
- a. In making parental decisions that maintain the health, safety, and best interest of the child, as well as decisions about the child's participation in extracurricular, enrichment, cultural, and social activities that are age- and developmentally-appropriate, in a way that protects the child while allowing for normative experiences. Caregivers can use Attachment E, *Caregivers Guidelines for Reasonable and Prudent Parenting Standard*, to assist caregivers in ascertaining when they can make decisions about normative activities without consulting the provider agency staff and when they must obtain prior approval from the case worker, court, or parent.
  - b. On a case-by-case basis and as part of child-centered planning. Attachment B, *Applying the Reasonable and Prudent Standard: Caregiver Considerations*, provides a list of questions a caregiver may want to ask or explore prior to making a determination as to whether or not a child should participate in proposed normative experiences.
  - c. For the purpose of improving safety, permanency, and well-being outcomes of children. Case workers/planners/case managers, and caregivers may refer to Attachment C, *Applying the Reasonable and Prudent Parent Standard: Know Before You Say "No"*, as a guide considering a child's participation in normative experiences.
  - d. In any communications with the case worker/case manager, parent, guardian or prior caretaker, and the child, if it is age- and developmentally-appropriate to do so, where the discussion concerns participation in normative experiences.
  - e. To support the cognitive, social, emotional, physical, and educational development of the child, treating the child as they would their own child by providing guidance and support, setting behavioral expectations, and establishing age- and developmentally-appropriate boundaries.

#### **IV. Documentation**

#### A. CNNX Enhancements

Fields within CNNX are being developed to capture information pertaining to the child's participation in age- and developmentally-appropriate activities and decision-making. In the meantime, case workers, case planners, and/or case managers should document information in regard to the standard, shared parenting/decision-making, and participation in normative experiences in the FASP, FTC/permanency planning meeting, and case progress notes in CNNX.

#### B. Permanency Hearing Report Enhancements<sup>16</sup>

Modifications to the permanency hearing report are mandatory for youth with a permanency planning goal (PPG) of APPLA+ and best practice for all children. These modifications will include documentation of the steps taken to ensure that the child's foster home or congregate care facility is using the standard in planning and supporting the normative experiences of the child, and documenting the specific opportunities provided for youth to participate and engage in regular, ongoing activities that are age- or developmentally-appropriate.

### V. **Costs Associated with the Standard**

A. The cost associated with an extracurricular activity may be a factor in considering if it is possible for the child to participate. All costs should be reasonable and allowable.<sup>17</sup> The rate received by the foster boarding home or congregate care facility is expected to cover most of the expenses involved with the care of the child, including most routine activity expenses.

B. Foster parents will be reimbursed by the foster care agency under the special payments budget allocation fund for foster youth to participate in youth sports leagues, enroll in a music or art class, and take part in a variety of extracurricular activities. Failing to allow foster youth to participate in everyday activities not only stigmatizes them, but also inflicts social and emotional harm. Enabling youth to play on a sports team or join a club, which may require financial resources, lets youth develop healthy relationships and better develop social skills. Activities allowed as special payments are found in the aforementioned document<sup>18</sup> by clicking on one of the two links below:  
[Payment Bulletin: Guide to Foster Care Special Payments - July 2013](#) or

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<sup>16</sup> [15-OCFS-ADM-19](#)

<sup>17</sup> Foster parents must check with the foster care agency's case planner or supervisor or director for guidance on the reimbursement rate, prior to making a commitment regarding payment for extracurricular activities.

<sup>18</sup> The Payment Bulletin: Guide to Foster Care Special Payments, July 2013, is being updated and will be available in October 2016.

[http://www1.nyc.gov/assets/acs/pdf/finance/child\\_welfare\\_providers/5\\_Guide\\_to\\_Foster\\_Care\\_Special\\_Payments\\_FINAL\\_July\\_2013.pdf](http://www1.nyc.gov/assets/acs/pdf/finance/child_welfare_providers/5_Guide_to_Foster_Care_Special_Payments_FINAL_July_2013.pdf)

## VI. Immunity from Liability Associated with the Standard<sup>19</sup>

### A. Section 383-a of the NYS Social Service Law

A caregiver is not liable for injuries to the child that occur as a result of participation in age- or developmentally-appropriate extracurricular, enrichment, cultural, or social activities if the caregiver was in compliance with the standard as defined in Section I. C. 2. of this policy and outlined in Attachment B, *Applying the Reasonable and Prudent Parent Standard: Caregiver Considerations*.

### B. Limiting a Caregivers' Exposure to Liability

A caregiver is not liable for injuries to the child that occur as a result of participation in age- or developmentally-appropriate activities where such decisions require the input or permission of a case worker, case planner, and/or case managers, or the agency; the case worker, case planner, and/or case managers, or agency shall also apply the standard in making a decision about participation in such activities.

1. Caregivers' participation in training on the definition and application of the standard will assist in limiting their exposure to liability. Additionally, it is recommended that caregivers:
  - a. Document their communications with the parties involved in applying the standard for each of the foster children for whom the caregiver is responsible. A foster parent may consider documenting communications in a notebook.
  - b. Become familiar with the past history and current circumstances of the child for whom the caregiver is making reasonable and prudent parenting decisions. The caregiver should obtain both past and current information including, but not limited to:
    - i. Information on the health of the child;
    - ii. Physical ability and behavioral problems;
    - iii. School and educational experiences;
    - iv. Recreational activities the child is already engaged in; and
    - v. The relationship between the child and the parent(s).

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<sup>19</sup> See Section 383-a of the New York State Social Services Law, which amends Section 10 of part L of chapter 56 of the laws of 2015 to address immunity from liability for application of the reasonable and prudent parent standard.

2. For caregivers in child care facilities, it is just as important to be familiar with the individual foster child's case history, including health, behavioral and clinical information, as well as internal agency records such as incident logs.
3. When a foster parent or caregiver is uncertain about whether to consent to an activity, he/she should contact the child's case planner or the person designated by the provider agency prior to giving consent. However, if the caregiver, case worker, case planner, case manager, and child (if age- and developmentally-appropriate) decide to move forward with an alternative decision – a decision that is different from that of the parent, guardian or prior caretaker's – and the alternative decision is in the best interest of the child, then the caregiver and child may move forward with that alternative decision. See Attachment C, *Applying the Reasonable and Prudent Parent Standard: Know Before You Say "No"*, for additional information. The child's case planner or designated agency staff member must document this communication in the case progress notes in CNNX.
4. When an employee in a child care facility is uncertain whether or not to consent to an activity, he/she must contact the child's case manager or designated ACS or provider agency staff member. This communication must be documented in the case progress notes in CNNX by the case manager in the child care facility.
5. Additionally, caregivers, parents, guardians or prior caretakers, case workers, case planners, and/or case managers, and children (if age- and developmentally-appropriate) are encouraged to utilize Attachments A, B, and C for guidance on commonly asked questions and considerations that should be explored prior to making a decision.

#### C. When a Child in Foster Care is Injured

1. A caregiver's liability for injuries to the child that occur as a result of participation in age- or developmentally-appropriate extracurricular, enrichment, cultural, or social activities is dependent upon whether such decision to allow participation was made in compliance with the standard.
2. Immunity from liability for caregivers does not limit the ability of a child to bring an action against a caregiver or any other party whose acts or omissions result in injury to such child.

#### D. Best Practices For Reducing the Potential to Exposure to Liability

1. Caregivers are encouraged to utilize a collaborative approach via shared parenting to promote safety and reduce the potential exposure to liability. This includes promoting a partnership and building a relationship, where appropriate, with the parent, guardian

or prior caretaker, case worker, case manager, the caregiver, and the child (if age- and developmentally-appropriate) to jointly make decisions that impact and influence the day-to-day activities of the child.

2. This approach should begin when developing the initial FASP and continue throughout the child's placement in foster care.
3. Using this approach when the child is first placed is a strategy for establishing guidelines for day-to-day decisions about activities, e.g., riding a bike, playing sports, and other such decisions.
4. Some activities, such as traveling out-of-state on a family vacation or getting a driver's license, may require a larger discussion prior to making the decision as to whether such activity is appropriate for the child.

## **VII. Documentation of the Utilization of the Standard**

- A. ACS and provider agency staff must document in CNNX all decisions made pertaining to the standard and the child's participation in normative experiences.
- B. The PHR must be modified to incorporate and document the steps taken to make certain that the child's foster home or congregate care facility is following the standard, and that the child has regular, ongoing opportunities to engage in age- or developmentally-appropriate activities.
- C. Caregivers may consider also documenting other steps they have taken for the safety of the child, such as the purchase or securing of safety equipment for a particular activity (e.g., a bicycle helmet for biking, or shin guards for soccer).
- D. Caregivers in congregate care facilities must document all activities in CNNX and in agency logs, including the incident logs.

## **VIII. Training for Implementing the Standard**

- A. There are two primary categories of persons who need training – those who will implement the standard, and those who will need to understand their role in supporting the implementation of the standard.
  1. Foster parents and designated staff located in a child care facility, group residence, group home, or agency boarding home, must implement the standard and will have training available via the Human Services Learning Center (HSLC).

2. For caregivers who do not have access to the HSLC, an account may be set up through the provider agency STARS training system.
3. The training is mandatory for all current and prospective foster parents, as well as the congregate care staff who have been designated to apply the standard. The provider agencies will arrange and schedule the trainings. The training includes:
  - a. An overview of the regulatory definitions of the standard, caregiver, and age- or developmentally-appropriate activities;
  - b. The importance of applying the standard to support normative experiences;
  - c. Suggestions for how to start applying the standard via the FASP and SPR;
  - d. Preparing for the permanency hearing for youth with a goal of APPLA+;
  - e. Considerations for making decisions; and
  - f. Caregiver liability.
4. The training is mandatory and available to those who serve a role in supporting the implementation of the standard – case workers, case planners, case managers, and supervisors. These staff can access the training via the HSLC.
5. Provider agency staff can make the training available to parents, guardians and prior caretakers via STARS or DVD, so that they are aware of and actively participate in the implementation of the standard.

Note: The online training is the first phase of training for caregivers and staff. As guidance is made available from the federal Administration for Children, Youth and Families (ACYF) and as the state gains experience in applying the standard, additional training opportunities may be developed, which will address the demands and needs of those applying and supporting the implementation of the standard.

# Applying the Reasonable and Prudent Parent Standard: Gathering Information to Support Normative Experiences

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Removal from the home is a difficult and traumatic experience for a child.<sup>1</sup> Gathering information to allow for uninterrupted participation in daily activities and agreement on normative experiences are approaches to minimizing that trauma and supporting the healthy development of the child. Below are questions a case worker, case planner, and/or case manager may ask a birth/adoptive parent, guardian, or prior caretaker<sup>2</sup> and child (if age and developmentally appropriate) to support continued, uninterrupted participation in normative experiences. Answers to these questions should be shared with the caregiver and child (if age and developmentally appropriate).

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Is the child currently involved in any school or extracurricular activities? If yes, what are they and at what time (e.g., after school)? Is there a schedule? How does the child get to/from the activity? Does participation in the activity require out of county, state and/or country travel? What is the contact information for the person in charge?

Is there a cost associated with the activity? If so, what is the cost and how has it been paid?

What are the child's interests? For example, does the child have interests in a particular sport, dance, music, etc.? How does the child express those interests?

What are the child's strengths? For example, does the child diligently complete his/her homework assignments; is the child willing to help others?

What are the child's needs? For example, does the child need reassurance when making decisions, or does he/she need reminders to brush his/her teeth before bed?

Does the child attend religious services or is the child involved in any religious activities? If so, where and when?

Are there any dietary restrictions for medical or religious reasons, or for personal preference?

If age appropriate, what time would you like the child to go to bed?

How should the child's current hair cut/style be maintained?

Does the child have any social media accounts (e.g., Facebook, Twitter, Instagram)? If so, are there any restrictions placed on the child's use of those accounts? Do you require that the child provide his/her password so that the usage of the account can be monitored?

Does the child use anyone else's social media accounts?

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<sup>1</sup> For the purposes of this document, the term "child" refers to children, youth, and young adults.

<sup>2</sup> Prior caretaker is defined as the individual, such as a grandmother, aunt or family friend, who cared for the child before he or she came into foster care.

Attachment A

Is the child allowed to visit and/or stay overnight at a friend's house? If yes, which friend(s)?

If age appropriate, is the child allowed to date? Does the child have a current boyfriend or girlfriend? Is the child sexually active?

If age appropriate, does the child have a curfew? If so, what is it?

Does the child work a part-time job? If yes, where and at what time does his/her shift start and end? How does the child get to/from work?

Has the child's job affected his/her grades in school, or the ability to complete homework or other school assignments on time? Has working limited the child's ability to participate in after school activities or athletics? Are these activities important to the child?

If age appropriate, does the child have a driver's license? If yes, do you allow the child to drive?

If age and developmentally appropriate, is the child allowed to travel in a friend's car to/from school and/or activities?

**For a child who is an adjudicated juvenile delinquent, PINS, or in a Close to Home placement**

Is the child restricted from any community locations? If yes, where and why?

Is the child receiving aftercare services? If yes, what and where?

# Applying the Reasonable and Prudent Parent Standard: Caregiver Considerations

At the core of applying reasonable and prudent parent standard is knowing the child and making decisions on an individual case-by-case basis, with active communication between the caregiver<sup>1</sup>, birth/adoptive parent, guardian or prior caretaker<sup>2</sup>, and the child<sup>3</sup> (if age and developmentally appropriate). Below are questions and considerations a caregiver may want to ask or explore prior to making a determination as to whether or not a child should participate in normative experiences.

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Does this activity promote the child's cognitive, social, emotional, physical, and/or educational development?

How well do I know the child? Has the child only recently been placed in my care, or has he/she been here for several months?

Has the child shown maturity in decision-making and exhibited responsible behavior that is appropriate for their age/ability?

Would I allow my own child to participate in this activity?

Who will be attending the activity?

If appropriate, who will be supervising the activity? Have I met the person? Do I have the person's contact information? Have I shared my contact information with the person supervising the activity and the child?

Does the child understand his/her medical needs and is he/she able to tell others how to help him/her if necessary?

Does the child know who to call and how to respond in case of an emergency?

Have I reviewed any medical or other history in considering whether the activity is in the child's best interests?

Do I have sufficient information about the child's medical/developmental/educational history to make decisions? If I need additional information, do I know where to obtain it?

Does the child have the necessary and appropriate safety equipment, such as bicycle helmet, shin guards, etc.?

Will this activity violate a court order?

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<sup>1</sup> "Caregiver" is defined as the foster parent with whom the child in foster care has been placed; or a designated employee of a child care facility, including the institution, group residence, group home, agency boarding home or supervised independent living program in which the child has been placed.

<sup>2</sup> Whenever we refer to consulting with or engaging a birth/adoptive parent, guardian or prior caretaker, we mean only in those situations where it is appropriate to do so. In cases where parental rights have been surrendered or terminated or there are safety concerns or the parties are not available, such consultation or discussion need not be a part of the decision-making process.

<sup>3</sup> For the purpose of this document, the term "child" refers to children, youth, and young adults.

## Attachment B

Would the activity violate the safety plan? If there is a safety plan, has it been shared with the child?

Will the timing of this activity interfere with a sibling, grandparent, or parental visitation, counseling appointment or doctor's appointment? If so, how will you resolve the conflict?

Does the child understand our parental expectations regarding curfew, seeking and receiving approval for last minute changes in the child's plans, and the consequences for not complying with the expectations?

Does the child understand that his/her participation in this activity is dependent on maintaining all other obligations, such as regular school attendance and completion of school assignments?

If able and appropriate, have I consulted with the child's birth/adoptive parent, guardian or prior caretaker about this/her thoughts/feelings about the child participating in this particular activity?

# Applying the Reasonable and Prudent Parent Standard: Know Before You Say “No”

## Introduction

On September 29, 2014, President Obama signed the Preventing Sex Trafficking and Strengthening Families Act (the Act) into law, which amended various provisions of Title IV-E of the Social Security Act. One of the primary purposes of the Act is to improve the safety, permanency, and well-being outcomes of children, youth and young adults<sup>1</sup> involved with the child welfare system. Section 111 of the Act, *Supporting Normalcy for Children in Foster Care*, seeks to advance the well-being of children, youth and young adults by requiring states to support normative experiences for children through the implementation of the reasonable and prudent parent standard (the standard). The standard allows for a caregiver<sup>2</sup> to make parental decisions that maintain the health, safety, and best interest of the child, as well as decisions about the child’s participation in extracurricular, enrichment, cultural and social activities that are age and developmentally appropriate, in a way that protects the child while allowing for normative experiences.<sup>3</sup>

New York State amended state statute and OCFS regulations to implement the Act. These amendments took effect on September 1, 2015.

“Know” Before You Say “No” is intended to answer frequently asked questions that may assist in applying the standard. Caseworkers, case planners, case managers, foster parents, and congregate care staff are encouraged to refer to this Q&A tool when considering a child’s participation in normative experiences.

For additional information pertaining to the application of the standard and population considerations, refer to OCFS regulation 18 NYCRR 441.25 and 15-OCFS-ADM-21.

## Frequently Asked Questions and Answers

***If the birth/adoptive parent, guardian or prior caretaker disagrees with a decision, is that the ultimate decision as to whether a child can participate in a normative experience?***

Where appropriate, the input and position of the birth/adoptive parent, guardian or prior caretaker should be considered in the decision making process. This input is dependent on the individual situation. In cases where parental rights have been surrendered or terminated or there are safety concerns or the parties are not available, such consultation or discussion

<sup>1</sup> For the purpose of this document, children, youth, and young adults in foster care will be referred to as “child.”

<sup>2</sup> The Office of Children and Family regulation 18 NYCRR 441.25 defines “caregiver” as the foster parent with whom the child in foster care has been placed; or a designated employee of a child care facility, including the institution, group residence, group home, agency boarding home or supervised independent living program in which the child has been placed.

<sup>3</sup> Normative experiences are age and developmentally appropriate activities and opportunities that promote the healthy cognitive, social, emotional, physical, and educational development of children, youth, and young adults, regardless of their involvement in the child welfare system.

## Attachment C

should not be a part of the decision-making process. However, if the caregiver, case worker, case planner, case manager, and child (if age and developmentally appropriate) determine that an alternative decision is appropriate and in the best interest of the child, then the caregiver and child may move forward with that alternative decision. The determination and the basis for such determination must be documented in the child's case record.

### ***If the child gets hurt while participating in an activity that a caregiver has approved, is a caregiver liable?***

In New York State, where a foster child is injured as a result of an activity carried out as part of the standard, the New York State common law standards for negligence, intentional wrongdoing and gross negligence, as evolved over the years in the case law of this state, would apply. There is no separate statutory liability standard applicable to caregivers on the subject.

However, the following guidance is offered on how a caregiver can take steps to limit potential exposure to liability and, even more importantly, to limit the potential for injury to a child in foster care.

- Inquire about and be familiar with OCFS policies that relate to the application of the reasonable and prudent parent standard;
- Follow the guidance provided by the applicable LDSS concerning the particular child;
- Participate in available trainings on the subject of reasonable and prudent parenting;
- If there is uncertainty regarding a particular issue concerning a child's activities, foster parents should consult with the child's case worker and facility staff should consult with appropriate supervisory staff on such decisions regarding the child;
- Be aware of the positions and wishes of the birth parents, guardians or prior caretakers, and consult with them as appropriate;
- Discuss the activity with the child and if the activity occurs, receive feedback from the child and monitor for changes in child's behavior, health or other functions;
- Record all communications relating to the consideration and application of the reasonable and prudent parent standard in relation to a particular child;
- Staff in congregate care facilities applying the standard should be familiar with the foster child's case record, including, but not limited to, relevant health, behavioral and clinical information;
- Be aware of medical reports or court orders that limit activities and apply the reasonable and prudent parent standard in a manner consistent with such report or order;
- For foster parents, receive and be familiar with placement information that must be provided to the foster parent regarding a foster child placed in the foster home as required by OCFS regulation.<sup>4</sup>
- Make sure that foster children receive medical checkups as prescribed by OCFS regulations and medical directives;
- Be aware of and comply with the child's school policies on athletic injuries.

<sup>4</sup> Office of Children and Family Services. *New York State Foster Parent Manual*, p.13.  
<http://ocfs.ny.gov/main/publications/Pub5011.pdf>

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Additionally, caregivers are encouraged to refer to 15-OCFS-ADM-21 for guidance on how a caregiver can take steps to limit potential exposure to liability and, even more importantly, limit the potential for injury to a child in foster care.

Additionally, caregivers, birth/adoptive parents, guardians or prior caretakers, case workers, case planner, case managers, and children (if age and developmentally appropriate) are encouraged to utilize all of the attachments included with 15-OCFS-ADM-21 for guidance on commonly asked questions and considerations that should be explored prior to making a decision.

### ***Is a congregate care staff person required to contact the Justice Center when a child is injured while participating in an approved activity?***

Depending on the severity of the injury, congregate care staff may be required to contact the Justice Center if a child is injured while participating in an approved activity.

### ***Is a caregiver allowed to sign permission slips for school activities (e.g., field trip, sports team)?***

The first consideration is to be aware of the policy of the school district as to who may sign the permission slip on behalf of the child. If the school district allows caregivers to sign, subject to the considerations referenced in the next paragraph, a caregiver may sign permission slips allowing a child to participate in school activities. For example, if the child is attending a school trip to a museum, the caregiver may move forward with signing the permission slip without seeking out the permission of the birth/adoptive parent, guardian or prior caretaker. If an activity involves travel outside of the county or state, the caregiver may grant permission but must notify the case worker, case planner, or case manager prior to the event occurring. If the school activity involves travel outside of the country, the local department of social services commissioner or designee must be notified prior to the event occurring and must consent.

The caregiver must apply the reasonable and prudent parent standard when determining participation in the activity, including but not limited to, assessing the potential risk for injury from the activity, ability to comply with the rules set forth by the schools as it pertains to medical restrictions, understand the child's physical and/or cognitive ability, and confirm that participation in such activity does not conflict with any mandatory court appearance, court ordered visitation, or violate the child's safety plan. Caregivers should refer to Attachment B: Applying the Reasonable and Prudent Parent Standard: Caregiver Considerations when determining whether a child may participate in an activity. Additionally, if appropriate, the birth/adoptive parent, guardian or prior caretaker, and child (if age and developmentally appropriate), should be engaged prior to making a decision.

## Attachment C

### ***Is a caregiver allowed to enroll and sign permission slips for participation in a sport or team activity (e.g., dance, cheerleading, drama club) outside of the school?***

The first consideration is who is authorized to enroll or sign permission slips as established by the organization that is operating or overseeing the sport or team activity. If allowed by the rules of the particular activity, a caregiver may enroll and sign permission slips for a child to participate in an activity outside of the school.

When determining whether to allow the child to participate in the activity, the caregiver must apply the reasonable and prudent parent standard when determining participation in the activity, including but not limited to, assessing the potential risk for injury from the activity, ability to comply with the rules set forth by the activity as it pertains to medical restrictions, understand the child's physical and/or cognitive ability, and confirm that participation in such activity does not conflict with any mandatory court appearance, court ordered visitation, or violate the child's safety plan. Additionally, the caregiver should, where appropriate, engage the birth/adoptive parent, guardian or prior caretaker and child (if age appropriate) in determining the child's participation in the activity. When making a decision, all should consider how participation in this activity will continue should the child is returned to the birth/adoptive parent, guardian or prior caretaker.

Caregivers should refer to 15-OCFS-ADM-21, Attachment B: *Applying the Reasonable and Prudent Parent Standard: Caregiver Considerations* when determining whether a child may participate in an activity.

### ***Is a caregiver allowed to permit a child to travel with their team for sports or other activities (e.g., dance, cheerleading, theatre)?***

Prior to consenting to such travel, the caregiver must apply the reasonable and prudent parent standard, including, where appropriate, engaging the birth/adoptive parent, guardian or relative caretaker and child (if age appropriate) in determining the child's participation in the activity. For travel outside of the county or state, the case worker, case planner, or case manager must be notified prior to the event occurring. If the activity involves travel outside of the country, the caregiver should confirm that such travel does not conflict with court orders and consider the child's medical needs and behavioral history. In addition, the local department of social services commissioner or designee must be notified prior to the event occurring and consent to such travel.

For travel outside of the country, caregivers should consider if the child has relatives in the country of travel as well as any potential risks pertaining to child abduction. Caregivers are encouraged to refer to the U.S. Department of State International Parent Child Abduction website for more information:

<http://travel.state.gov/content/childabduction/english/preventing/tips.html>

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Any concerns regarding travel outside of the country should be discussed with the case worker, case planner, case manager and, as appropriate, the local department of social services commissioner or voluntary agency executive director.

### ***Is a child in foster care allowed to travel out of county, state, and/or country with a caregiver?***

The caregiver must apply the reasonable and prudent parent standard for travel out of county, state and/or country with the child. This includes, where appropriate, engaging the birth/adoptive parent, guardian or prior caretaker and child (if age appropriate) in determining the child's ability to travel. The caregiver should consider at minimum the length of time in which the child has been with the caregiver/family, the child's comfort in traveling with the caregiver/family, and if the travel will conflict with any mandatory court appearances and/or court ordered visitations. For travel outside of the county or state, the case worker, case planner, case manager must be notified prior to the event occurring. If the activity involves travel outside of the country, the caregiver should confirm that such travel does not conflict with court orders and consider the child's medical needs and behavioral history. In addition, the local department of social services commissioner or designee must be notified prior to the event occurring and consent to such travel.

For travel outside of the country, caregivers should consider if the child has relatives in the country of travel and any potential risks pertaining to child abduction. Caregivers are encouraged to refer to the U.S. Department of State International Parent Child Abduction website <http://travel.state.gov/content/childabduction/english/preventing/tips.html>. Any concerns regarding travel outside of the country should be discussed with the case worker, case planner, case manager and, as appropriate, the local department of social services commissioner or voluntary agency executive director.

### ***How are the costs associated with various activities to be paid?***

The rate received by the foster boarding home or congregate care facility is expected to cover most of the expenses involved with the care of the child, including most routine activity expenses. Some unusual costs may be allowable as special payments subject to the approval of the applicable LDSS.<sup>5</sup> For these more expensive activities, foster parents should work with their LDSS.

### ***Are background checks/clearances necessary in order for a child to attend a party (e.g., birthday, graduation), visit with a friend, or stay overnight at a friend's house?***

Background checks/clearances are not legally necessary in order for the child to attend a party, visit with a friend, or stay overnight at a friend's house. SCR clearances under Social Services Law (SSL) §424-a and criminal history checks under SSL §378-a are not authorized for these

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<sup>5</sup> 18 NYCRR 427.3

## Attachment C

individuals. In all instances, the caregiver must apply the reasonable and prudent parent standard.

For older children in foster care under the age of 18 who seek to attend a party unsupervised by the caregiver, the caregiver should consider the child's age and maturity to determine if this is developmentally appropriate, as well as the child's history with responsible behavior. Additional factors to consider include who will be in attendance at the party and where the party will be located. The caregiver should have the contact information of the adult supervising the party.

For visiting with a friend, the caregiver should consider the child's age and maturity, the child's history with responsible behavior, whether the caregiver has met the child's friend, knowledge about the friend (e.g., the friend's positive or negative behavior), contact information for the friend (e.g., home address, cell phone number), and the location in which the child will be visiting the friend.

For an overnight stay at a friend's house, the caregiver should consider the child's age and maturity, the child's history with responsible behavior; the child's mental health history, including any triggers that may endanger the child or others in the host household; meeting in-person with the parents or other responsible adults of the family with whom the child will be staying overnight; determining any other individuals who will be in the home during the overnight stay and ascertaining, to the extent possible, that they will not endanger the child's safety; sharing all emergency contact information with the host family; and, knowing where the child will be sleeping.

### ***Is a child in foster care allowed to access social media (e.g., Facebook, Twitter, Snapchat, Instagram)?***

There is no legal right to access to social media, but it may be allowed on a case by case basis as discussed below.

The caregiver must apply the reasonable and prudent parent standard, including engaging, where appropriate, the birth/adoptive parent, guardian or prior caretaker, and child (if age appropriate), in determining the child's access to social media. The caregiver should consider the child's age and maturity, whether the activity is developmentally appropriate, the child's history with responsible behavior, the child's safety (e.g., whether the child is a victim of sex trafficking), if there is a court order or order of protection that limits who the child may interact with; monitoring the child's social media activity by limiting his or her use of social media to an open or public space, connecting with the child via the online platform, obtaining the child's user information (username and password) for his/her social media account(s); and teaching the child about safe Internet practices, such as not chatting or meeting with strangers and not sharing personal information online (e.g., Social Security number, address).

***Is a child in foster care allowed to have a cell phone?***

While there is no right of a child in foster care to a cell phone, there is also no prohibition against a foster child having one.

The caregiver must apply the reasonable and prudent parent standard in determining whether or not a child is allowed to have a cell phone, including, where appropriate, engaging the birth/adoptive parent, guardian or prior caretaker and child (if age appropriate). The caregiver should consider the age and maturity of the child, the child's history with responsible behavior, if developmentally appropriate, the child's safety (e.g., the child is a victim of sex trafficking), if the child travels a long distance to/from school, has a part time job, if there is a court order or order of protection that limits who the child may interact with, access to social media via the cell phone, and monitoring text messages.

Regulatory standards relating to the use of telephones by children in foster care are set forth in OCFS regulation 18 NYCRR 441.18(b).

***Is a caregiver allowed to cut or style a child's hair or arrange for someone else to do so?***

A hair style may have cultural significance for the child and/or the child's birth/adoptive parent, guardian prior caretaker or family. Understanding this, a caregiver should not cut or style, or consent to the cutting or styling, of a child's hair without the engagement, if appropriate, of the birth/adoptive parent, guardian or prior caretaker, or familiarity with the cultural norms of the child and/or the child's family. At the time of removal or when completing the initial Family Assessment and Services Plan (FASP), the case worker, case planner, case manager should obtain from the birth/adoptive parent, guardian or prior caretaker and child (if age appropriate) information as to how the child's hair should be cut, styled, and maintained. If the child is older and requests that his/her hair be cut or styled differently, the caretaker must apply the reasonable and prudent parent standard, including engaging, if appropriate, the birth/adoptive parent, guardian or prior caretaker, and considering the age and maturity of the child, whether the request is developmentally appropriate, whether there is a medical reason (e.g., lice), and the child's desire for changing the cut/style of his/her hair.

***Can a caregiver determine the child's bedtime and curfew?***

A caregiver must apply the reasonable and prudent parent standard when determining a child's bedtime and curfew. This includes considering the child's age and maturity, the child's history of responsible behavior (e.g., history of curfew violations), the child's safety (e.g., the child is a victim of sex trafficking), and, where appropriate, engaging the birth/adoptive parent, guardian or prior caretaker and child (if age appropriate) when determining the bedtime and/or curfew for a child.

***Is a child in foster care allowed to stay with a babysitter?***

A child in foster care is allowed to stay with a babysitter for a limited time under certain conditions. OCFS regulation, 18 NYCRR 443.3(b)(3) states that foster parents will never leave foster children under the age of 10 alone without competent adult supervision or foster children above that age except as might reasonably be done by a prudent parent in the case of his or her own children. Regardless of the child's age, the reasonable and prudent parent standard must be applied when selecting a babysitter. A caregiver should consider the age and development of the child; the child's mental health history, including any triggers that may endanger the child or others in the household; the child's comfort with the babysitter; the competence and maturity of the babysitter; and the babysitter's experience in caring for children.

A background check/clearance is not legally required for a babysitter. SSL §424-a does not authorize SCR screening, and SSL §378-a does not authorize a criminal history record check of a babysitter.

***Is a child in foster care allowed to attend events without the caregiver's supervision?***

A child in foster care is allowed to attend events without the caregiver's supervision. See the standard set forth above for foster parents stated in 18 NYCRR 443.3(b)(3). The adult providing supervision does not have to be the foster parent or caregiver. For all children, regardless of age, the reasonable and prudent parent standard must be applied to determine if participation in the event is appropriate.

When applying the reasonable and prudent parent standard, the caregiver should consider the age and maturity of the child, the child's history with responsible behavior, whether the activity is developmentally appropriate, the caregiver's familiarity with the child, verifying the contact information (e.g., cell phone number) for the adult who will be supervising the event, traveling with the child to the event to meet face-to-face the person(s) supervising/hosting the event, and knowing the location of the event. Additionally, the caregiver should provide to the child and the adult supervising the event his/her contact information in case of an emergency.

***Is a child in foster care allowed to stay home alone in the foster home for a limited time?***

OCFS regulation 18 NYCRR 443.3(b)(3) states that foster parents will never leave foster children under the age of 10 years without competent adult supervision or foster children above that age except as might reasonably be done by a prudent parent in the case of his or her own children. For a child 10 years of age or older, the caregiver must apply the reasonable and prudent parent standard to determine whether a child is allowed to stay home alone for a limited time. The caregiver should consider the age and maturity of the child, the child's history with responsible behavior, if developmentally appropriate, familiarity with the child, and the child's comfort with being home alone.

***Is a child in foster care allowed to babysit?***

A child in foster care may be allowed to babysit, but cannot be required to do so. In determining whether to allow a child in foster care to babysit, the caregiver should consider the age and maturity of the child, the child's history with responsible behavior, any behavioral issues that could put other children at risk of harm, whether it is developmentally appropriate, and the child's comfort with being a babysitter.

***Is the child in foster care allowed to have his/her picture taken for the school yearbook, school and non-school sports team, other extracurricular activities (e.g., dance club, theatre)?***

A child in foster care is allowed to have his/her picture for a school yearbook, school and non-school sports team, and other extracurricular activities, etc. as long as there is no indication that the child is in foster care.

***Is a child in foster care allowed to go to overnight summer camp?***

Permission for a child in foster care to participate in overnight summer camp must be granted by the applicable local department of social services commissioner or designee (18 NYCRR 431.13). Prior to seeking permission, caregivers are encouraged, where appropriate, to engage the birth/adoptive parent, guardian or prior caretaker, and child (if age appropriate) in determining whether a child should participate in overnight summer camp. Caregivers must apply the reasonable and prudent parent standard when considering overnight summer camp, including the child's interest in the overnight summer camp; the age and development of the child; the child's mental health history, including any triggers that may endanger the child or others at the camp; and the child's comfort with staying out overnight.

***Is a child in foster care allowed to attend prom and post-prom activities?***

In applying the reasonable and prudent parent standard, a determination can be made as to whether a child may go to the prom and participate in post-prom activities. The caregiver should consider the child's age and maturity, the child's history of responsible behavior (e.g., performance in school, returning home by curfew), and engage (where appropriate) the birth/adoptive parent, guardian or prior caretaker and child in the decision-making. If it is determined that the child is not allowed to attend the prom and/or post-prom activities, the reason for this determination should be explained to the child.

Reasonable costs associated with a prom (e.g., dress or tuxedo) should not serve as a barrier to the youth attending the prom. Caregivers should contact the child's case worker, case planner, case manager to discuss independent living or special payments available pursuant to OCFS regulation 18 NYCRR 427.3(c)(2) funds that may be available to support participation in the prom.

***Can a child in foster care have a part-time job?***

Having a part-time job is a normative experience for adolescents. OCFS regulation, 18 NYCRR 441.10 recognizes the importance and value of work experiences for youth in foster care as they offer opportunities for beneficial skill development. Caregivers must apply the reasonable and prudent parent standard when considering whether a child is ready for a part-time job. Considerations should include the age and maturity of the child, the child's history of responsible behavior, the type of job, how the child will travel to/from the job, the number of hours and time in which the child shall work, how the job may impact the child's ability to perform academically, and the types of skills the child will develop from a part time job.

***Is a child allowed to obtain a driver's license?***

New York State law states that once a child turns the age of 16, he or she is eligible to pursue a driver's license. For those children in foster care who are under the age of 18, a parent or legal guardian must sign the consent section of the driver's license application. When determining whether or not a child who is age 16 or older should be able to obtain a driver's license, a caregiver must apply the reasonable and prudent parent standard. The caregiver should consider the maturity of the child, the child's history with responsible behavior, familiarity with the child, and insurance coverage for the child (not offered by the Office of Children and Family Services). Additionally, the caregiver should engage the child and, if appropriate, the birth/adoptive parent, guardian or prior caretaker in determining whether or not the child has permission to pursue a license.

***Is a child in foster care allowed to travel alone via public transportation?***

A caregiver may grant a child in foster care permission to travel alone via public transportation. Prior to this determination, the caregiver should consider the age and maturity of the child, if it is developmentally appropriate, the child's history with responsible behavior, familiarity with the child, the distance the child is traveling, the reason for which the child is traveling, and the child's comfort with traveling alone via public transportation. Additionally, the caregiver should engage the child and, if appropriate, the birth/adoptive parent, guardian or prior caretaker when determining whether or not to permit a child to travel alone on public transportation.

***Is a child in foster care allowed to ride in a car without the caregiver to/from school and other activities (e.g., travel home after sports practice)?***

A caregiver may permit a child to ride in a car (including a friend's car) without the caregiver to/from school and other activities. The caregiver must apply the reasonable and prudent parent standard when determining whether or not to allow a child to ride in a friend's car. The caregiver should consider the age and maturity of the child, the child's history with responsible behavior, if developmentally appropriate, familiarity with the child, familiarity with the child's friend, and the distance that is being traveled. Additionally, the caregiver should engage (where appropriate)

the birth/adoptive parent, guardian or prior caretaker when determining whether or not to permit a child to ride in a friend's car to/from school and other activities.

***Is a caregiver allowed to consent to piercings and tattoos?***

A caregiver may not provide consent for piercings or tattoos of a child in foster care. Public Health Law §460-a requires that a person be age 18 years or older in order to obtain piercings and tattoos. For those under the age of 18 years, proof of consent from a parent or legal guardian must be provided.

***Is a child in foster care allowed to go hunting?***

Environmental Conservation Law §§ 11-701 and 11-929 set forth the standards for the age at which a child may hunt, what weapons may be used, where consents are required, and the need for adult supervision. Even if the child in foster care is legally authorized to hunt, where appropriate, the birth/adoptive parent, guardian or prior caretaker should be consulted before he or she is given permission to do so. In addition, the caregiver must obtain prior permission from the local department of social services commissioner or designee before allowing a foster child in the caregiver's care to hunt. Additionally, the caregiver must apply the reasonable and prudent parent standard in determining whether to allow a child to participate in hunting; this includes considering the child's age and maturity, whether the activity is developmentally appropriate, the child's history with responsible behavior, the child's history with hunting, supervision of the child while hunting (if the child is under the age of 16), and familiarity with the child.

***Is a child in foster care allowed to operate an ATV?***

Vehicle and Traffic Law § 2410 is very specific and limiting regarding the operation of ATVs by children under the age of 18. Before making any determination regarding the foster child's operation of an ATV, Vehicle and Traffic Law § 2410 must be consulted. It may also be advisable for the caregiver to confirm his or her understanding of the law with local law enforcement and document law enforcement's response. If it is determined that the age and qualifications of the child and the site to be used meets the legal specifications, the caregiver must be certain that all necessary safety training is completed, the child has the appropriate protective gear, and there is appropriate supervision by a qualified adult during the child's operation of the ATV.

In applying the reasonable and prudent parent standard to a decision regarding the child's operation of an ATV in accordance with Vehicle and Traffic Law, the following characteristics of the child must be considered: the child's age and maturity, whether the activity is developmentally appropriate, the child's history with responsible behavior, and the child's experience with operating an ATV. The caregiver should engage (where appropriate) the child's birth or adoptive parent or guardian, and the case worker, case planner, or case manager, in making this decision.

**Appendix D**  
**Guidelines for Determining Normative Activities**

**Normative Experiences for Reasonable and Prudent Parenting:** The purpose of this document is to act as a guide to understand age appropriate activities and special considerations. For each aspect listed below, it is important that the birth/adoptive parent, guardian, or prior caretaker be involved in the decision making process, where appropriate, as it pertains to the child's participation in activities and opportunities.

<b>Age of the Child</b>	<b>Developmental and Well-Being Goals</b>	<b>Some Examples of Normative Experiences that are Age and Developmentally Appropriate</b>
<p><b>Infant &amp; Young Child:</b> 0-5 years</p>	<ul style="list-style-type: none"> <li>● Cognitive and emotional development.</li> <li>● Bonding with a responsive caretaker.</li> </ul>	<p>Encouraging the birth/adoptive parent to <i>talk and play</i> with the child; Shared parenting &amp; decisions for their child(ren):</p> <ul style="list-style-type: none"> <li>● Play-dates, play time at home and in the park,</li> <li>● Reading books, and talking and singing with the child.</li> </ul>
<p><b>School-aged children</b> 6-12 years</p>	<ul style="list-style-type: none"> <li>● Reinforcing their sense of self</li> <li>● Talking about their feelings</li> <li>● Striving for independence,</li> <li>● Learning to distinguish between reality and fantasy.</li> </ul>	<p>Normative activities include:</p> <ul style="list-style-type: none"> <li>● going to a friend's house;</li> <li>● riding a bike;</li> <li>● having a sleepover;</li> <li>● having a playdate;</li> </ul>
<p><b>Adolescence</b> 13-17 years</p>	<ul style="list-style-type: none"> <li>● Learn their interests and talents, experiment and take risks,</li> <li>● Practice independent decision-making.</li> <li>● Assist youth in learning about adolescent development and healthy sexual identity and behavior, including responsibilities, choices, and consequences.</li> </ul>	<p>Supporting developmental milestones- (e.g., physical and emotional changes that occur during puberty)</p> <ul style="list-style-type: none"> <li>● Taking a driver's education course, obtaining a driver's license, driving a car</li> <li>● Participation on sport teams, student clubs, other extracurricular activities</li> <li>● Taking public transportation alone, finding a part-time job</li> </ul>
<p><b>Young Adult<sup>1</sup></b> 18-21 years</p>	<ul style="list-style-type: none"> <li>● The young adult should be supported to make decisions and hone his/her independent, critical thinking skills as part of preparation for a successful adulthood.</li> </ul>	<p>Support for young adults needs to be applied differently as they are legally adults and have the ability to exit foster care at any time.</p> <ul style="list-style-type: none"> <li>● Providing a safe space for the young adult to try new things and learn from successes and failures;</li> <li>● Supporting the young adult in advocating for him/herself;</li> <li>● Assisting the young adult in thinking about and being accountable for one's actions and the consequences of those actions.</li> </ul>

<sup>1</sup> The standard with young adults in foster care will need to be applied differently as these young people are legally adults and have the ability to exit foster care based on their own decision at any time.

**Special Considerations:** In order to apply the standard effectively for each of the following considerations, it is important for the caregiver to be aware of the child's unique needs and continue to provide a safe, nurturing, home regardless of the consideration. Caregivers should also be aware of the certain consideration at hand but it should not serve as a barrier to participation in appropriate activities and opportunities. Instead, caregivers should seek opportunities and adjust a child's participation accordingly. Additionally, the caregiver should work with the appropriate professional and case worker regarding supplementary services. As always, the caregiver should also engage the birth/adoptive parent, guardian, or prior caretaker (where applicable and appropriate).

Consideration	Developmental and Well Being Goals	Caregiver Responsibilities
Children with developmental and/or physical disabilities <sup>2</sup>	<ul style="list-style-type: none"> <li>Having an understanding of the child's cognitive and/or physical abilities prior to agreeing on the child's participation in normative experiences.</li> </ul>	<ul style="list-style-type: none"> <li>Speak with the child's health care provider(s), teachers and other adults as appropriate</li> <li>Observe and interact with the child to learn about and understand the child's developmental and/or physical capacity.</li> <li>Once this is understood, the caregiver may identify activities and opportunities to support optimal development of the child, e.g., sports teams for children with developmental disabilities or physical limitations, educational programs that support integrated classrooms</li> </ul>
Children with a behavioral diagnosis	<ul style="list-style-type: none"> <li>Developing a healthy bond with a caring and nurturing adult, and developing a healthy sense of self.</li> </ul>	<ul style="list-style-type: none"> <li>Work closely with the child's mental health provider to better understand the child's mental health diagnosis and to address needs</li> <li>Seek guidance and feedback from those who serve as a support or resource to the child, such as the child's teacher(s) or guidance counselor</li> </ul>
Children who use or abuse substances	<ul style="list-style-type: none"> <li>Awareness of whether or not the child is using or abusing alcohol and/or substances and respond accordingly</li> </ul>	<ul style="list-style-type: none"> <li>Discuss situation with the case worker, case planner or case manager regarding treatment services and work with an addiction treatment professional to identify activities and opportunities that safely support the healthy development of the child</li> <li>Arrange peer-to-peer counseling sessions and provide the child with education about the disease of addiction and its impact on the self.</li> </ul>
Expecting and Parenting Children	<ul style="list-style-type: none"> <li>Reduce the risk that the young parent's child will enter the foster care system</li> </ul>	<ul style="list-style-type: none"> <li>Provide necessary support to keep the young parent enrolled in school and in good standing</li> <li>Discuss educational programs and opportunities that provide child care services and assist the young parent in safely caring for the baby.</li> </ul>

<sup>2</sup> The child's developmental and physical capacities play a role in determining the activities and opportunities in which the child may participate.

<p><b>Youth placed due to adjudication of delinquency or Persons in Need of Supervision (PINS)</b></p>	<ul style="list-style-type: none"> <li>• Awareness of the behavioral and delinquent history of the child and set boundaries as appropriate when permitting a child to participate in normative experiences.</li> </ul>	<ul style="list-style-type: none"> <li>• Consider the delicate balance between the child's responsibilities and privileges</li> <li>• The legal responsibility of the agency to supervise the child</li> <li>• The safety of the community when determining whether or not to allow a child to participate in skill development activities.</li> </ul>
<p><b>Victims of sex trafficking</b></p>	<ul style="list-style-type: none"> <li>• The standard should be applied to both prevent and respond to children in foster care who are at risk of becoming or are victims of sex trafficking.<sup>3</sup></li> <li>• If a child discloses to the caregiver that he or she had been a victim of sex trafficking, foster parents must immediately report this to the child's case worker, case planner or case manager.</li> </ul>	<ul style="list-style-type: none"> <li>• Employees of a child care facility should follow their agency's procedures to ensure that this is reported to law enforcement as described in 15-OCFS-ADM-16.</li> <li>• Follow the applicable local protocols regarding case management and coordination.</li> <li>• Seek out activities and opportunities that assist the child in building a positive sense of self;</li> <li>• Help the child to healthily cope with trauma and other adverse experiences; and,</li> <li>• Educate the child about the definition of sexual exploitation and its negative impact</li> </ul>
<p><b>Children who are missing from care<sup>4</sup></b></p>	<ul style="list-style-type: none"> <li>• The absence of a child in care without consent must be reported to law enforcement and to the National Center for Missing and Exploited Children by the applicable authorized agency within 24 hours after receiving notice of the absence [18 NYCRR 431.8].</li> </ul>	<ul style="list-style-type: none"> <li>• Make diligent efforts to locate the child. <ul style="list-style-type: none"> <li>○ If the child has a cell phone, call or text the child.</li> <li>○ Contact his or her friends and check places the child frequently visits</li> </ul> </li> <li>• The caregiver will need to apply OCFS regulatory procedures for foster children who are absent without consent from their foster care placement.</li> <li>• Developing agreements with the child that focus on: <ul style="list-style-type: none"> <li>○ Communication</li> <li>○ Balance between responsibilities and privileges</li> <li>○ Participating in normative experiences</li> </ul> </li> </ul>

<sup>3</sup> Refer to 15-OCFS-ADM-16 for definition of "sex trafficking."

<sup>4</sup> If the child is absent from the foster boarding home or child care facility without the knowledge and/or consent of the caregiver, it must first be ascertained if the child's safety might be at risk because her or she has either run away or been abducted.

## CAREGIVER GUIDELINES FOR REASONABLE AND PRUDENT PARENT STANDARD

The chart below is a non-exhaustive list of activities for which the caregiver may follow the reasonable and prudent parent standard or obtain prior approval from the caseworker, court, or parent. The factors below must be applied prior to making decisions. An activity may not override or interfere with service plans, safety plans, or other court-ordered requirements, such as parent visitation. Children and caregivers must comply with all laws, use protective/safety gear, and have proper training and certificates.

**Below are some points I need to consider when applying the Reasonable and Prudent Parent Standard:**

1. Age and maturity of the child.
2. Whether the activity is developmentally appropriate for the child.
3. Potential risk and appropriateness of the activity.
4. Federal and state laws and licensing requirements.
5. Importance of encouraging the child's emotional and developmental growth and is in the best interest of the child.
7. Importance of providing the child with the most family-like experience.
8. The child's history with responsible behavior.
9. If there is a court order or order of protection that limits who the child may interact with.
10. Prior experiences, particular interest and skills of the child.
11. Parental requests, as it relates to specific activities.

Child Activity Category	Examples of Normal Childhood Activities Caregivers can Approve Independently	Examples of Childhood Activities Case planner, case manager, Court or Parent Must Approve
<b>Recreation</b>	<ul style="list-style-type: none"> <li>• Movies</li> <li>• Community events</li> <li>• Short Camping Trips</li> <li>• Hiking</li> <li>• Boating</li> <li>• Canoeing/Kayaking</li> <li>• Swimming</li> <li>• Biking</li> </ul>	<ul style="list-style-type: none"> <li>• Any events or activities lasting more than 48 hours.</li> <li>• Any events or activities that are out of state.</li> <li>• Overnight/Sleep-away Camp</li> </ul>
<b>Social, Extra-Curricular Activities, Religious or Cultural Participation</b>	<ul style="list-style-type: none"> <li>• Overnights with friends</li> <li>• School activities/clubs</li> <li>• Dances</li> <li>• Dating</li> <li>• Attending Summer Day Camp</li> <li>• Activities with friends</li> <li>• Community activities/events</li> <li>• Cell phone use</li> <li>• Social media access</li> <li>• Religious and/or cultural practices or activities.</li> </ul>	<ul style="list-style-type: none"> <li>• Any events or activities lasting more than 48 hours.</li> <li>• Any events or activities that are out of state.</li> <li>• Participation in religious or cultural practices outside of the legal parent's chosen religion.</li> </ul>
<b>Sports</b>	<ul style="list-style-type: none"> <li>• Intramural sports</li> <li>• Archery</li> </ul>	<ul style="list-style-type: none"> <li>• Hunting – hunter safety is required.</li> <li>• Range shooting/target practice</li> </ul>
<b>Motorized Activities</b>	<p>A Child riding as a passenger on a motorized vehicle with an adult operating the vehicle. This includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>• Snowmobiles</li> <li>• All-terrain/off road vehicles</li> <li>• Personal watercraft</li> <li>• Boat</li> </ul>	<ul style="list-style-type: none"> <li>• A Child riding as a passenger with an adult on a motorcycle or moped.</li> <li>• Children operating motorized equipment or vehicle -- must also follow all age requirements and have proper training and/or certification.</li> </ul>

<p><b>Driving</b></p>	<ul style="list-style-type: none"> <li>• Driver's training classes</li> <li>• Driver's test</li> <li>• Driving with friends</li> </ul> <p>*Caregiver acts as the parent/guardian for the purpose of the Graduated Driver's License Law.</p>	<ul style="list-style-type: none"> <li>• Driver's license<sup>6</sup> – only a parent or guardian may sign the application.</li> </ul>
<p><b>Employment, Babysitting, and Staying Home Alone</b></p>	<ul style="list-style-type: none"> <li>• Babysitting – based on child's maturity level and ability to handle the responsibility.</li> <li>• Employment for youth ages 14-17 – must have a permit and follow the requirements for youth employment</li> <li>• Staying home alone – based on child's maturity level and ability to handle responsibility.</li> </ul>	<ul style="list-style-type: none"> <li>• Entering the military</li> </ul>
<p><b>Child's Appearance</b></p>	<ul style="list-style-type: none"> <li>• Clothing</li> <li>• Maintenance haircuts – standard trim that does not significantly change the child's appearance, unless the child's hair style has cultural and religious significance for the child and/or child's parents.</li> <li>• Temporary hair color that washes out.</li> </ul> <p><b>Notify caseworker when <i>child and parent's</i></b></p>	<ul style="list-style-type: none"> <li>• Haircuts that change child's appearance.<sup>6</sup></li> <li>• Permanent hair color</li> <li>• Piercings</li> <li>• Tattoos</li> <li>• A baby's first haircut</li> </ul>
<p><b>Appropriately Earned Responsibilities</b></p>	<ul style="list-style-type: none"> <li>• Age appropriate bedtime/curfew</li> <li>• Cellphone usage</li> <li>• Concerts/events without adult supervision</li> <li>• Prom/Post Prom Activities</li> <li>• Public Transportation</li> <li>• Transportation without caretaker</li> </ul>	

<sup>6</sup> Parents should be given the opportunity to make decisions for their children in cases of hair styles and haircuts as stated in Attachment C of 15-OCFS-ADM-21 for details.

## Attachment E

### CAREGIVER GUIDELINES FOR THE APPLICATION OF THE REASONABLE AND PRUDENT PARENT STANDARD

The chart below is a non-exhaustive list of activities for which the caregiver may follow the reasonable and prudent parent standard or obtain prior approval from the caseworker, court, or parent. The factors below must be applied prior to making decisions. An activity must be consistent with court-ordered requirements or orders.<sup>1</sup>

**Below are some points I need to consider when applying the Reasonable and Prudent Parent Standard:**

1. Age and maturity of the child.
2. Whether the activity is developmentally appropriate for the child.
3. Potential risk and appropriateness of the activity.
4. Federal and state laws and licensing requirements.
5. Importance of encouraging the child's emotional and developmental growth and is in the best interest of the child.
7. Importance of providing the child with the most family-like experience.
8. The child's history with responsible behavior.
9. If there is a court order or order of protection that limits who the child may interact with.
10. Prior experiences, particular interest and skills of the child.
11. Parental requests, for example specific activities.

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<sup>1</sup> Caregivers are encouraged to utilize a collaborative approach via shared parenting to reduce the potential exposure to liability. This includes promoting partnership between (where appropriate) the birth/adoptive parent, guardian or prior caretaker, case worker, case manager, the caregiver, and the child (if age and developmentally appropriate) to jointly make decisions that impact and influence the day- to-day activities of the child. See 15-OCFS-ADM-21.

Child Activity Category	Examples of Normal Childhood Activities Caregivers can Approve Independently	Examples of Childhood Activities Case planner, case manager, Court or Parent Must Approve
Recreation	<ul style="list-style-type: none"> <li>• Movies</li> <li>• Community events</li> <li>• Short Camping Trips</li> <li>• Hiking</li> <li>• Boating</li> <li>• Canoeing/Kayaking</li> <li>• Swimming</li> <li>• Biking</li> </ul>	<ul style="list-style-type: none"> <li>• Any events or activities lasting more than 48 hours.</li> <li>• Any events or activities that are out of state.</li> <li>• Overnight/Sleep-away Camp</li> </ul>
Social, Extra-Curricular Activities, Religious or Cultural Participation	<ul style="list-style-type: none"> <li>• Overnights with friends</li> <li>• School activities/clubs</li> <li>• Dances</li> <li>• Dating</li> <li>• Attending Summer Day Camp</li> <li>• Activities with friends</li> <li>• Community activities/events</li> <li>• Cell phone use</li> <li>• Social media access</li> <li>• Religious and/or cultural practices or activities.</li> </ul>	<ul style="list-style-type: none"> <li>• Any events or activities lasting more than 48 hours.</li> <li>• Any events or activities that are out of state.</li> <li>• Participation in religious or cultural practices outside of the legal parent's chosen religion.</li> </ul>
Sports	<ul style="list-style-type: none"> <li>• School and community based sports</li> <li>• Archery</li> </ul>	<ul style="list-style-type: none"> <li>• Hunting – hunter safety is required.</li> <li>• Range shooting/target practice</li> </ul>
Motorized Activities	<p>A Child riding as a passenger on a motorized vehicle with an adult operating the vehicle. This includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>• Snowmobiles</li> <li>• All-terrain/off road vehicles</li> <li>• Personal watercraft</li> <li>• Boat</li> </ul>	<ul style="list-style-type: none"> <li>• A Child riding as a passenger with an adult on a motorcycle or moped.</li> <li>• Children operating motorized equipment or vehicle -- must also follow all age requirements and have proper training and/or certification.</li> </ul>

<p><b>Driving</b></p>	<ul style="list-style-type: none"> <li>• Driver's training classes</li> <li>• Driver's test</li> <li>• Driving with friends</li> <li>• Caretaker may be the responsible adult for the purpose of the Graduated Driver's License Permit Law.<sup>2</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Driver's license<sup>3</sup></li> </ul>
<p><b>Employment, Babysitting, and Staying Home Alone</b></p>	<ul style="list-style-type: none"> <li>• Babysitting – based on child's maturity level and ability to handle the responsibility.</li> <li>• Employment for youth ages 14-17 – must have a permit and follow the requirements for youth employment</li> <li>• Staying home alone – based on child's maturity level and ability to handle responsibility.</li> </ul>	<ul style="list-style-type: none"> <li>• Entering the military<sup>4</sup></li> </ul>
<p><b>Child's Appearance</b></p>	<ul style="list-style-type: none"> <li>• Clothing</li> <li>• Maintenance haircuts – standard trim that do not significantly alter the child's appearance, unless the child's hair style has cultural and religious significance for the child and/or child's parents.</li> <li>• Temporary hair color that washes out.</li> </ul>	<ul style="list-style-type: none"> <li>• Haircuts that significantly alter child's appearance.<sup>5</sup></li> <li>• Permanent hair color</li> <li>• Piercings</li> <li>• Tattoos</li> <li>• A baby's first haircut</li> </ul>

<sup>2</sup> Youth and foster parents must be fully familiar with the age, geographic, time and other conditions attached to a junior learner's permit and to the adult learner's permit. Among other things, a youth under the age of 18 may only drive under the direct supervision of an adult acting in place of a parent, only during the hours of 5 AM to 9 PM within the 5 boroughs of the City of New York, and only if the vehicle driven has dual controls.

<sup>3</sup> Only a parent or guardian may sign the application if the child is under the age of 18. However, no parental consent is required if the youth is age 17 and has a Driver's Education Certificate.

<sup>4</sup> Children 17 years old who enlist in the U.S. military require parental consent. Students who participate in junior ROTC are not required to join the military after high school.

<sup>5</sup> Parents should be given the opportunity to make decisions for their children in cases of hair styles and haircuts as stated in Attachment C of 15-OCFS-ADM-21 for details.

**Appropriately Earned Privileges**

- Age appropriate bedtime/curfew
- Cellphone usage or ownership
- Concerts/events without adult supervision
- Prom/Post Prom Activities
- Traveling alone on public transportation