



REASONABLE AND PRUDENT PARENT STANDARD

For Certified Family Homes and Licensed Foster Family Homes

Title 22 of the California Code of Regulations (22 CCR), Section 89377: Reasonable and Prudent Parent Standard 22 CCR, Section 89377(a): The caregiver shall be responsible for applying the Reasonable and Prudent Parent Standard as defined in Welfare and Institutions Code section 362.04 and specified in sections 362.05 and 727

Each time a situation occurs that the reasonable and prudent parent standard must be applied, Certified/Licensed foster parents must analyze the situation and make a well-reasoned decision on how to address or approach the situation. However, situations not specifically addressed in law may also occur with children in the foster care system that needs to be addressed by the Certified/Licensed foster parent. The department strongly recommends that a Certified/Licensed foster parent use the reasonable and prudent parent standard in those situations. The intent of this document is to clarify when the reasonable and prudent parent standard must or should be used.

Definition of the Reasonable and Prudent Parent Standard

“Reasonable and prudent parent standard” means the standard characterized by careful and sensible parental decisions that maintain the child’s health, safety, and best interests while at the same time encouraging the emotional and developmental growth of the child.

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Goal of the Reasonable and Prudent Parent Standard

The goal of the reasonable and prudent parent standard is to help normalize the lives of foster children by allowing them to participate in activities, such as sleep-overs with friends, social events, school-sponsored field trips, and scouting. Participation in these types of activities is important to the child’s well-being and assists in developing valuable life skills.

Applying the Reasonable and Prudent Parent Standard

In order to apply the reasonable and prudent parent standard, Certified/Licensed foster parents must take “reasonable steps” to determine the appropriateness of the request, activity, or situation before approving it. These steps include:

- Considering the best interests of a child based on information known to the Certified/Licensed foster parent.

- This may include information about the child's history, needs and services plan, any requests from social workers, and any orders by the court.
- Considering the child's age, mental and physical health, behavioral tendencies, maturity, and developmental level.
- Determining if there are any inherent risks of harm involved in the activity.
 - The Certified/Licensed foster parent may consider factors that minimize the risk of harm, such as wearing safety equipment or ensuring that there is appropriate supervision for the activity (e.g. a lifeguard on duty at the pool).

Scenarios in which the Reasonable and Prudent Parent Standard is Required to be Used:

- Allowing the child to participate in age-appropriate extracurricular, enrichment, and social activities, such as:
 - Sleep-overs with friends,
 - Social events,
 - School-sponsored field trips, and
 - Scouting.
- Use of occasional short-term babysitters and alternative caregivers.
- Leaving a child alone without adult supervision or in a parked vehicle consistent with the requirements of Vehicle Code section 15620.
- Access to fish ponds, fountains, creeks, and similar bodies of water.
- Access to household kitchen knives and appliances, disinfectants, and cleaning solutions.
- Access to medications for self-administration.

Telephone Access

Welfare and Institutions Code 16001.9(a)(9) states that all children in foster care have the right to receive and make confidential telephone calls unless prohibited by court order.¹ The Certified/Licensed foster parent, county social worker, or probation officer may impose reasonable restrictions.²

Examples of reasonable restrictions may include not allowing social calls after bedtime or until homework has been completed, or limiting social calls to ensure that telephone use does not infringe upon the rights of others. An example of an unreasonable restriction would be to limit telephone calls to a child's siblings without a court order or to a child's social worker or probation officer, Court Appointed Special Advocate (CASA), or foster youth advocates and supporters.³ Foster care providers can only restrict phone calls if they believe a child's health and safety is at risk from making the phone call.⁴

¹ Welf. & Inst. Code, § 16001.9(a)(9). Personal rights include the right to make and receive confidential telephone calls and send and receive unopened mail, unless prohibited by court order.

² 89372(a)(5)(A) Personal Rights. Reasonable restrictions may be imposed by the caregiver, social worker, or probation officer on calls and correspondence.

³ 89372(a)(5)(C) & (D) Personal Rights. No restrictions shall be applied to telephone calls, mail, and electronic communication with relatives, unless prohibited by court order, or social workers, authorized representatives, attorneys, foster youth advocates and supporters, Court Appointed Special Advocates (CASA), and probation officers.

⁴ Welfare and Institutions Code 16001.9(b); 22 CCR § 89372(b).

The Reasonable and Prudent Parent Standard may assist Certified/Licensed foster parents in developing:

- Reasonable disciplinary measures (telephone restrictions are subject to social worker/probation officer review).
- Limitations on the length/time of telephone calls to ensure that everyone has equal access to the phone and that telephone usage does not infringe upon the rights of others.
- House rules for the protection of a child.
- Needs and services plan requirements.

The Reasonable and Prudent Parent Standard Does Not Allow a Certified/Licensed foster parent to:

- Make decisions that conflict with applicable statute or regulation

Use of Occasional Short-Term Babysitters

California law authorizes Certified/Licensed foster parents to arrange for an occasional short-term babysitter to watch child(ren) without requiring the babysitter to undergo a criminal record clearance, Child Abuse Index Clearance (CACI) clearance, health screening, or CPR training. However, the Certified/Licensed foster parent must use the reasonable and prudent parent standard in determining and selecting appropriate babysitters for occasional short-term use. The short-term babysitter can be used for, but is not limited to, medical appointments, grocery shopping, special occasions, adult social gatherings, or trainings.

Some Guidelines to Remember

- Parent must provide the babysitter with pertinent information,⁵ including:
 - Information about the child's emotional, behavioral, medical or physical conditions including the need for medication.
 - Current emergency contact information.
- "Short-term" means that it cannot last for more than twenty-four (24) consecutive hours.⁶
- In addition to using the "applying the Reasonable and Prudent Parent" section considerations, a parent must also consider the maturity, experience, and ability of the babysitter to provide appropriate care.
- Occasional short-term babysitters are not to be used as regular daycare while a Certified/Licensed foster parent is at work or school. Certified/Licensed foster parents may use a licensed child care facility for regular daycare.

Foster family homes and foster family agencies with additional questions about how to apply the reasonable and prudent parent standard may contact their assigned Licensing Program Analyst or contact the Technical Support Program at Technicalsupportprogram@dss.ca.gov.

⁵ Per Welf. & Inst. Code, § 362.04(d)

⁶ Welf. & Inst. Code, § 362.04(b)