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Title 22@ Social Security

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Division 6@ Licensing of Community Care Facilities

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Chapter 9.5@ Foster Family Homes

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Article 3@ Core Requirements for Caregivers, Relatives, and Nonrelative Extended Family Members

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Section 89377@ Reasonable and Prudent Parent Standard

## **89377 Reasonable and Prudent Parent Standard**

### **(a)**

The caregiver shall be responsible for applying the reasonable and prudent parent standard as defined in Section 89201(r)(1), in determining whether to allow a "child" to participate in age or developmentally-appropriate extracurricular, enrichment, cultural, and social activities.

### **(b)**

Applying the reasonable and prudent parent standard shall not result in denying the rights of a "child" as specified in Welfare and Institutions Code section 16001.9 and Section 89372 or, if applicable, Section 89572.2, or contradict court orders or the written plan identifying the specific needs and services of the "child."

### **(c)**

In applying the reasonable and prudent parent standard, the caregiver shall consider: (1) The age, maturity, and developmental level of a "child;" (2) The nature and inherent risks of harm of the activity; and (3) The best interests of a "child" based on information provided to, or known by, the caregiver about the "child". This information includes the history, behavioral tendencies, mental and physical health, medications, abilities and limitations, sexual orientation, gender identify, developmental level, and court orders for the "child". (A) The caregiver may contact the "child's" social worker, physician, counselor, or educator to

obtain information described above in paragraph (3). (4) The importance of encouraging a "child's" emotional and developmental growth.(A) Emotional and developmental growth includes, but is not limited to, the following: 1. The "child's" level of understanding about healthy relationships; 2. The "child's" level of understanding about sexuality and body development; 3. The "child's" feelings about spirituality; and 4. Other stages of maturity experienced during adolescence and youth. (5) The importance of providing the "child" with a sense of normalcy in the most family-like living experience possible.

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**(2)**

The nature and inherent risks of harm of the activity; and

**(3)**

The best interests of a "child" based on information provided to, or known by, the caregiver about the "child". This information includes the history, behavioral tendencies, mental and physical health, medications, abilities and limitations, sexual orientation, gender identify, developmental level, and court orders for the "child". (A) The caregiver may contact the "child's" social worker, physician, counselor, or educator to obtain information described above in paragraph (3).

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**(4)**

The importance of encouraging a "child's" emotional and developmental growth.(A) Emotional and developmental growth includes, but is not limited to, the following: 1. The "child's" level of understanding about healthy relationships; 2. The "child's" level

of understanding about sexuality and body development; 3. The "child's" feelings about spirituality; and 4. Other stages of maturity experienced during adolescence and youth.

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**2.**

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**3.**

The "child's" feelings about spirituality; and

**4.**

Other stages of maturity experienced during adolescence and youth.

**(5)**

The importance of providing the "child" with a sense of normalcy in the most family-like living experience possible.

**(d)**

If the foster family home has dual licensure as a family child care home, the caregiver shall not use the reasonable and prudent parent standard as specified in subsections (a) through (c) to make decisions for children in the family day care.