

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Child and Family Services Agency



Administrative Issuance: CFSA-18-9

TO: CFSA Staff and Child Placing Agencies
FROM: Heather D. Stowe, Ph.D., Principal Deputy Director
DATE: September 21, 2018
RE: Travel and Overnight Stays Involving Children in Foster Care

The Child and Family Services Agency (“CFSA” or “Agency”) develops and promotes policies that reinforce normalcy for children and youth (hereinafter, “children”) in foster care. It is important for children to have opportunities to participate in academic, athletic, extra-curricular, social and cultural enrichment activities.

This administrative issuance outlines the circumstances in which kinship and traditional foster parents, and contractually designated congregate care staff (hereinafter, “resource providers”) are empowered through application of the Reasonable and Prudent Parent Standard (RPP) to allow children to participate in overnight stays or travel with or without the resource provider. These activities may include, but are not limited to: participation in sports, social functions, recreational activities, cultural events, or other opportunities that foster a sense of normalcy for children in the foster care system.

Questions about this AI should be directed to the Deputy Director for Program Operations or the Office of the General Counsel.

Background

Biological parents of children in foster care maintain many residual rights around decision-making for their children; for example, they consent to medical care and selection of religious affiliation for their children. However, most day-to-day decisions should be made by the resource provider. In 2014, the federal government passed the [Preventing Sex Trafficking and Strengthening Families Act](#). This Act expands the ability of resource providers to apply a “reasonable and prudent parent standard” (RPP) when determining whether to allow participation in certain travel-related activities.

The Reasonable and Prudent Parent (RPP) Standard

The RPP standard is a decision-making framework for resource providers to make careful and sensible decisions about a child’s participation in extracurricular, enrichment, cultural and social activities that maintain the child’s health, safety and normalcy and support the child’s emotional and developmental growth.

RPP within the Context of Shared Parenting

Resource providers have various means of gathering information about the child that informs such decisions, including “shared parenting.” Shared parenting is an active, supportive relationship between birth parents and resource providers. It is a team approach that emphasizes listening, learning, sharing information, collaborating and making joint decisions. Particularly when a child is newly placed in the



resource home, consultation with biological parents can be key to understanding the child. There is an expectation that the case management team will engage the birth parents on their general opinions and preferences with respect to their child's participation in these activities.

While shared parenting is critical to engaging biological parents in decision-making, the ultimate determination of a child's participation in the activities outlined in this issuance resides with the resource provider, with the support of the Agency as needed.

Applying the RPP Standard

1. Effective application of the RPP standard is based on the resource provider's familiarity with the child. Communication with the case management team and the birth parent in particular informs the application of the RPP standard. Resource providers are encouraged to consult the child's assigned social worker or resource provider social worker whenever they have a newly placed child or otherwise believe that they cannot make an informed decision (following application of the RPP standard above).
2. The standard involves decision-making based on:
 - a. Limitations and prohibitions contained in the child's case plan and court orders.
 - b. The birth parent's previously stated preferences for, or objections to, particular types of activities.
 - c. The child's family, culture, needs, and interests.
 - d. The child's age, maturity, and developmental level, behavioral history and any developmental challenges.
 - e. The child's mental and physical health, including any medication regimen.
 - f. Any potential risk to the child when participating in the proposed activity (e.g., level of appropriate supervision).
 - g. The safety and security of the environment where the activity is to take place.
 - h. The accessibility of the child to the resource provider in case of emergency or change of plans.
 - i. The child's prior experience with the activity or a similar activity.
3. Unless prohibited by court order, the child's social worker and resource provider shall actively engage the biological parent's opinions and preferences regarding the child's participation in activities. Shared parenting in this context allows for open communication, clear understanding of preferences, and a more intentional application of RPP in general. Shared parenting applies to all the below examples.
4. Under District law, resource providers will not be held liable for any civil damages resulting from the application or the failure to apply the RPP standard, except in cases constituting gross negligence.

Definitions

Within this issuance:

- "Short overnight stays" occur when a child spends up to 2 nights away from the home with or without the resource provider.
- "Extended stays" exceed 2 nights in duration with or without the resource provider.
- "Local travel" refers to round trip excursions that can be completed within a day. Air travel of any kind is classified as non-local.



Travel and Overnight Stays which Resource Providers Have Discretion to Approve

1. The RPP standard applies to decisions on short overnight stays and local travel, examples of which include:
 - a. Local Travel
 - School field trips or outings
 - Out-of-town athletic events
 - Participation in clubs or after school activities
 - Day outings
 - b. Short Overnight Stays
 - Sleepovers with friends
 - Weekend getaways with resource providers
 - School-sponsored (or community group-sponsored) overnight trips
 - Organized camping trips (such as Boy Scouts or Girl Scouts)
2. Resource providers should be encouraged to call the social worker (or supervisor if the worker is unavailable) with any questions about the decision to approve the overnight stay or travel.
3. In addition to utilizing the RPP standard, before approving a short overnight stay or local travel for a minor child, the resource provider must ensure all of the following circumstances apply:
 - a. At least one adult (a person over 21 years of age) will have general oversight and responsibility for the child during the activity or event.
 - b. The resource provider has spoken to the adult who will be providing supervision during the stay.
 - c. The activity does not conflict with any court order or foster care program activity, including, but not limited to: meetings, therapy or visitation that cannot be reasonably rescheduled.
 - d. The resource provider is available in case the child needs to communicate with him or her, or the provider has made alternative plans for the child's care if the activity is unexpectedly disrupted.
4. Resource providers are to be encouraged and supported to plan for the medical needs of the child during the travel or overnight stay.
5. For any travel or overnight stay more than 100 miles from the resource provider home/facility, the resource provider must provide the social worker with the following information in advance of the activity¹:
 - a. The dates of travel or overnight stay.
 - b. The address and phone number(s) where the social worker can reach the resource provider and child during the activity.
 - c. The impact on court ordered activities, especially parent-child visitation, and resolution of any conflicts.
6. The assigned social worker shall discuss the activity with the birth parents before it occurs. If the birth parents cannot be located, then the social worker shall consult with the supervisory social worker or program manager regarding next steps for birth parent notification.
7. Travel and overnight stays more than 100 miles from the home/facility shall be documented in FACES by the assigned social worker within 24 hours of receipt of the information.

¹ Resource providers should be encouraged to provide this information whenever the child is out of the provider home/facility, but this notification requirement aligns specifically with that set forth in Title 29, Section 6002 of the DC Municipal Regulations (DCMR).



Travel and Overnight Stays that Require Further Consultation or Agency Permission

1. For non-local travel and extended overnight stays (as delineated in item #5 below), the resource provider is required to consult with the assigned social worker (or supervisor) before the travel to determine whether parental permission or consultation is required.
2. If the activity is a faith-based activity or field trip, the resource provider is to consult with the assigned social worker (or supervisor) before allowing the child to participate.² Questions involving faith-based activities are important to address through the shared parenting framework, wherein the resource provider, biological parent, and the child can articulate their priorities and preferences, and the child's participation in these activities can be planned with them in mind. In instances where there is a conflict between the biological parent and the resource provider, the case management team (e.g., the social worker, supervisor, birth parents, resource providers, Guardian *ad Litem* (GAL), Assistant Attorney General ("AAG"), and when appropriate, the child) shall collaborate to make the final determination.
3. Travel outside the United States must be pre-approved by CFSA and the parent or the DC Family Court (generally via court order if the parent cannot be located or is unavailable). In all instances in which a child will be traveling outside the United States, the Court must be notified.
4. If the overnight stay or travel conflicts with the requirements of a court order, the resource provider is to request permission from the social worker, who is to consult with the AAG, and when applicable, the case management team to negotiate a resolution to the conflict.
 - a. If the resolution to the conflict involves the re-scheduling of a court ordered activity, then the social worker shall also inform and include the birth parents in the decision, unless parental rights have been terminated.
 - b. The court is to be informed of any resulting schedule adjustment.
 - c. If the overnight stay or travel conflicts with a court-ordered activity that cannot be rescheduled in a timely manner, then consent is required from CFSA, the parent, and the Court.
5. Requests for Agency and/or parent permission for youth travel are to be submitted within the following timeframes:
 - a. For non-local travel within the U.S., requests must be made at least 10 business days before travel.
 - b. For international travel, requests are to be made at least 20 business days prior to travel.
 - c. For activities that conflict with court orders, requests must be made far enough in advance to allow adequate alternative plans to be arranged.
 - d. The case management team may collaborate to accommodate last minute requests.
6. When requesting approval, the following information shall be provided by the resource providers:
 - a. The date, time, and location of the travel or overnight stay.
 - b. The reason why the child's participation is in his or her best interests.
 - c. The resource provider's assurance that conditions in #3 in previous section are met.
7. The social worker will respond to and acknowledge all requests within 24 hours (or 1 business day) of receipt, and provide the resource provider with disposition within 5 business days of receipt.

² This exception follows the guidance of Title 29, section 6020 of the District of Columbia Code of Municipal Regulations, wherein resource providers are required to "recognize, encourage, and support the religious beliefs, ethnic heritage, and language of a foster child and his or her family". Moreover, the foster parent cannot "coerce a foster child into attending or participating in religious activities or ethnic events against his or her will".



Requirements for Obtaining Parental Consent for Travel and Overnight Stays

1. If the resource provider requests permission to allow the child to make non-local travel or an extended stay, the social worker shall engage the parent and advocate for parental consent before arriving at a final determination as to whether the child can participate.
 - a. Parental consent is not required if parental rights have been terminated.
 - b. Either parent may legally consent to the non-local travel or extended overnight stay, however consent should be sought first from the parent who has been primarily engaged in the child's case planning.
2. If the social worker and resource provider agree that the activity serves the child's best interests, but the parent does not consent to the child's participation, then the social worker or resource provider shall obtain permission from the supervisory social worker to raise the issue to the program manager, and/or program administrator, as well as the AAG.
 - a. If the child cannot participate in the activity, it is important that the social worker and resource provider engage the birth parent to help the child understand the issue and process the decision in such a way that the child doesn't experience trauma or feelings of rejection.
 - b. If necessary, the social worker shall work with the resource provider to find respite care for the child so that the travel or activity may take place for the rest of the participants.
3. If the social worker is unable to reach the parent after making reasonable efforts to do so, then the social worker must:
 - a. Document correspondence with (or unsuccessful efforts including Diligent Search to locate and engage) the parent in FACES.
 - b. Consult his or her chain of command and request Program Manager approval for the child's participation in the activity.
4. After making reasonable efforts to locate a parent or if parental rights have been terminated, the social worker may request that the program manager approve the extended overnight stay or non-local travel.
5. If there are any additional conflicts that are not covered above, the social worker, resource provider, or youth shall raise the issue through the supervisory social worker, program manager, and/or program administrator, as well as the AAG and the Agency Ombudsman.

