

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Child and Family Services Agency**



**Administrative Issuance:** CFSA-18-10

TO: CFSA Staff and Child Placing Agencies  
FROM: Heather D. Stowe, Ph.D., Principal Deputy Director  
DATE: September 21, 2018  
RE: Resource Provider Signatures on Consent or Waiver of Liability Forms for Children in their Care

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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 sign consent or waiver forms to allow children to participate in certain activities and to experience a sense of normalcy during their stay in care.

Questions about this administrative issuance should be directed to the Deputy Director for Program Operations or the Office of the General Counsel (OGC).

### **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 \(P.L. 113-183\)](#). This Act expands the ability of resource providers to apply a “reasonable and prudent parent standard” (RPP) when making decisions for children in their care, which may include signing consent and waiver forms for typical enrichment 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.

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. Moreover, 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. 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.

### **RPP and Consents & Waiver of Liability Forms**

Resource providers applying the RPP standard may sign consents or waiver of liability forms to allow children in their care to participate in common extracurricular, enrichment, or social activities such as:

- Birthday party activities (e.g., inflatable playgrounds or climbing walls)
- School-sponsored field trips and overnight trips
- Participation in school sports or extracurricular clubs
- Outings or activities sponsored by community organizations (e.g., Girl Scouts or Boy Scouts)

If the above activities involve overnight stays, then resource providers should consult the [Administrative Issuance on Travel and Overnight Stays](#) for guidance.



### **Exceptions to a Resource Provider's Authority to Sign Consent or Waiver Liability Forms**

Parental consent, or consent from CFSA or the Family Court, is required in the following circumstances:

1. Planned medical procedures, interventions, or treatment, including immunizations.
2. Emergency room treatment (life-saving treatment can be provided by medical professionals without consent)
3. Emergency inpatient psychiatric treatment
4. Activities expressly prohibited by court order – Application of RPP does not extend to consenting to (or waiving liability for) activities that are in conflict with a court order.
5. Faith-based activities or field trips<sup>1</sup> – Questions involving faith-based activities should be addressed 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 should 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.
6. Release of Information Consent Forms – The resource provider may not sign a consent form to release information on behalf of a child in care. The resource provider should consult with the social worker and with the assigned AAG about any such circumstance.
7. Activities with a higher than normal risk of personal injury (e.g. sky diving, bungee jumping, and tackle football)

The resource provider shall not sign forms associated with the above circumstances, but rather is to consult with the child's assigned social worker regarding the course of action that is to be followed on any of these activities.

### **Social Worker's Roles and Responsibilities**

To ensure that CFSA's practice complies with the legislative guidelines for implementation of the RPP standard, case carrying social workers and resource provider social workers are responsible for engaging in the following activities:

1. Educate resource providers on the RPP standard.
2. Educate resource providers about the residual rights that birth parents maintain and which the RPP cannot override.
3. Encourage resource providers to use the RPP standard, when determining whether to allow children to participate in typical childhood activities, and empower them to apply the RPP for the purpose of signing certain waivers and consent forms on the children's behalf.
4. Encourage shared parenting between biological parents and resource providers. The RPP is not intended to shift authority from one adult to another, but rather to maximize normalcy for children in care.

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<sup>1</sup> This exception follows 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 resource provider cannot "coerce a foster child into attending or participating in religious activities or ethnic events against his or her will".



5. Encourage resource providers to actively work with the case management team and the children in their care to identify activities that promote the child's normalcy, and help the providers overcome any identified barriers to accessing them.
6. Obtain permission or consent from the biological parent, Agency, or Family Court for any activities that require a higher level of permission than can be exercised under the application of the RPP.
7. Work to support the relationship and bridge communication between birth parents and resource providers and assist in resolving any conflicts that might arise.
8. Document in FACES.NET information regarding the enrichment activities in which each child is participating.
9. Advise resource providers and youth that unresolved conflicts around any decision may be raised through the supervisory social worker, program manager, and/or program administrator, as well as the AAG and the Agency Ombudsman.

