NEW CRB FINDING FOR CHILDREN 16 AND OLDER WITH A PLAN OF APPLA

Effective October 1, 2015 CRB board members will be required to make a new finding for all children who are age 16 and older and have a permanency plan of APPLA.

The new finding, **Finding 3B**, is below:

3A: Has DHS ensured that appropriate services are in place to safeguard the child's safety, health and well being?

This finding applies in ALL cases.

3B: Has DHS taken appropriate steps to ensure that 1) the substitute care provider is following the reasonable and prudent parent standard, and 2) the child has regular, ongoing opportunities to engage in age appropriate or developmentally appropriate activities?

This finding only applies when the child is age 16 or older AND *the current permanency plan is APPLA.*

Finding 3B has two distinct elements: the first is the ***reasonable and prudent parent standard***, and the second is the requirement that ***the child be consulted and presented with opportunities to participate in age or developmentally appropriate activities***.

The **reasonable and prudent parent standard** is defined as "the standard, characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of the child or ward while encouraging the emotional and developmental growth of the child or ward, that a substitute care provider shall use when determining whether to allow a child or ward to participate in extracurricular, enrichment, cultural, and social activities." *ORS 419A.004*

Age Appropriate or Developmentally Appropriate Activities are defined as activities that are determined to be developmentally appropriate for a child, based on the development of cognitive, emotional, physical and behavioral capacities of the age group, or of the specific child. *ORS 419A.004*

In order to make this finding, board members should consider the following:

- What activities is the child interested in?
- Are there any barriers to providing access to these activities?
- When did DHS last consult with the substitute care provider regarding activities for the child?
- When did DHS consult with the child regarding opportunities to participate in activities?

While the CRB will only make the new finding for children age 16 and older with a plan of APPLA, another new bill, House Bill 2890, requires that DHS provide **ALL** children in care with the opportunity to participate in at least one activity and that DHS apply the reasonable and prudent parent standard when determining such participation. *Participation in religious services or summer camp alone do not satisfy this requirement.* *(Effective January 1, 2016)*