

STATEMENT OF PURPOSE

RS24066C1

This legislation is meant to delegate limited authority to foster parents to provide enrollment consent for foster child activities which schools and others may require, and for which foster parents may be reluctant to give without liability protection. The legislation does not change the status or rights of a biological parent or guardian, or the Idaho Department of Health and Welfare in their role as the legal custodian or guardian of a child.

The Preventing Sex Trafficking and Strengthening Families Act (Public Law 113-183) requires states to establish "appropriate liability" standards for foster parents who wish to normalize foster children's lives by enrolling them in activities. Idaho currently has no state statutes outlining liability coverage for foster parents and child care institutions under contract with the Department whose services are paid for via title IV-B or IV-E of the Social Security Act. The proposed statute would limit liability of foster parents and child care institutions who enroll foster children in activities so long as they apply a "reasonable and prudent parent" standard. The "reasonable and prudent parent standard" is defined as the standard characterized by careful and sensible parental decisions that maintain a child's health, safety, and best interests while at the same time encouraging the child's emotional and developmental growth, that a caregiver must use when determining whether allow a child in foster to participate in extracurricular, enrichment and social activities.

FISCAL NOTE

None.

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