

# “Let Kids be Kids” Law

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The “Let Kids be Kids” law went into effect July 1, 2013.

Click [here](#) for a summary of the HB 215 bill. Click [here](#) for the full bill

This law recognizes the importance of allowing children in foster care the ability to take part in everyday activities, without the unnecessary involvement of case managers, provider agencies or the court system.

The “Reasonable and Prudent Parent” standard incorporated in the law allows foster parents to give foster children permission to do daily, age appropriate, activities such as joining a school athletic team, getting a driver’s license or going to the beach with friends.

## Key points for foster parents:

- Promote normalcy for each child to the fullest extent possible.
- Encourage and give permission to the child, dependent on his or her age and maturity level, to engage and participate in appropriate social and extracurricular activities in order to promote social development, obtain employment, have contact with family members, have access to phone usage, have reasonable curfews, and travel with other youth or adults.
- Allow the child to participate in social media without supervision as long as permission has been given from the caregiver.
- Permit the child to take part in overnight or planned outings which support recreation and normal life experiences, as long as the licensed caregiver has determined the outing to be safe and appropriate.
- Notify the case manager of overnight stays exceeding one night, prior to the event occurring
- Be sensitive to the input of the child’s parent as to the types of activities they would like their child to participate in, and whenever possible, include them in the decision making.
- Background screening is not necessary for a child to participate in normal school or community activities and outings, such as school field trips, dating, scout campouts, and activities with friends, families, school, and church groups.

## Participation in Childhood Activities

Participation in these types of activities is important to the child's well-being, not only emotionally, but in developing valuable life-coping skills.

The caregivers, rather than caseworkers, DCF or the Court, can now make decisions regarding activities in which foster children may participate - removing obstacles and red tape.

## Caregiver Making the Decisions

A caregiver can now make the same decisions regarding a foster child's participation in childhood activities as any other "reasonably prudent parents" would make for their own child.

Although caregivers may consult with case managers and others prior to making decisions regarding activities in which their foster children participate, it is ultimately the caregiver's decision. The Department, therapists, CBC staff, the GAL, other caregivers, and case managers may offer advice to support the caregiver in making decisions as a reasonable prudent parent; however, they may not make the decisions for caregivers.

Each group home or shelter must identify someone to be the "caregiver" responsible for making such decisions for each child in their care, in accordance with Section 39.4091, Florida Statutes. A person must be identified as the caregiver, not a committee or an office.

### **Prior Approval Not Required**

Neither the case worker or DCF may require prior approval of the caregiver's own assessment using a reasonable and prudent parent standard.

### **Pre-existing Court Orders**

A caregiver's decisions regarding normalcy activities cannot be contrary to a pre-existing court order. For example, if there is court ordered visitation with the child's parents on Saturdays, a normalcy activity planned or approved by the caregiver would not trump or take precedence over an existing court order for Saturday visitation.