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H.589

Introduced by Representatives Grad of Moretown, Pugh of South Burlington,
and Willhoit of St. Johnsbury

Referred to Committee on

Date:

Subject: Human services; foster care; reasonable and prudent parent standard

Statement of purpose of bill as introduced: This bill proposes to establish a
reasonable and prudent parent standard that limits foster parents' liability for
decisions made in compliance with the standard.

An act relating to the reasonable and prudent parent standard

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 33 V.S.A. § 4906 is added to read:

§ 4906. FOSTER CARE; REASONABLE AND PRUDENT PARENT

STANDARD

(a) As used in this section:

(1) "Caregiver" means a foster parent, including a kinship foster parent
or residential treatment or other program, with whom a child or youth in the
custody of the Commissioner for Children and Families has been placed.

(2) "Reasonable and prudent *parent* standard" means the standard

characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child or youth in the custody of the Commissioner while at the same time encouraging the emotional and developmental growth of the child that a caregiver shall use when determining whether to allow a child in the custody of the Commissioner to participate in extracurricular, enrichment, cultural, and social activities.

1 (b) A caregiver shall use the reasonable and prudent parent standard when
2 determining whether to allow a child in the custody of the Commissioner to
3 participate in extracurricular, enrichment, cultural, and social activities.

4 (c) A caregiver shall not be liable for injuries to a child in the custody of
5 the Commissioner that occur as a result of acting in accordance with the
6 reasonable and prudent parent standard. A caregiver acting in good faith in
7 compliance with the reasonable and prudent parent standard shall be immune
8 from civil liability arising from such action.

9 Sec. 2. EFFECTIVE DATE

10 This act shall take effect on July 1, 2018.