

H.589

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.

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

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

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2018.