



# Florida Guardian ad Litem Normalcy Checklist

## ADVOCATE REMOVING BARRIERS TO NORMALCY

The GAL shall advocate to remove barriers that prevent children from participating in age-appropriate extracurricular, enrichment and social activities (normalcy) as required by § 39.4091, Florida Statutes.

### WHAT IS THE LAW?

Caregivers must use a **reasonable prudent parent standard** to determine if child can participate in **age-appropriate** activity considering the child's:

- Age, maturity and developmental level
- Risks of activity
- Best interest of child
- Importance of child's emotional & developmental growth
- Importance most family-like living experience
- Behavioral history of the child & child's ability to safely participate in activity

Caregiver is not liable for harm caused to child, provided decision was reasonable and prudent

**Reasonable Prudent Parent Standard:** The standard characterized by careful and sensible parental decisions that maintain the child's health, safety, and best interests while at the same time encouraging the child's emotional and developmental growth, that a caregiver shall use when determining whether to allow a child in out-of-home care to participate in extracurricular, enrichment, and social activities

### REMOVE BARRIERS BY ENSURING:

- CBCs / department not requiring prior approval for age-appropriate activity
- There is an identified caregiver (a *person*) making normalcy decisions (even if child placed in group home or shelter)
  - o Group homes & shelters are not exempt from § 39.4091
- Pre-existing court orders do not conflict with statute / normalcy decisions
  - o Request Staffing / File Motion

- Policies and practices of agencies & placements consistent with § 39.4091
- Caregiver making decisions consistent with reasonable prudent parent standard

### FREQUENT ISSUES

#### Social Media

- Child permitted to participate in social media as long as permission has been given by caregiver

#### Driving

- Caregiver and Services Worker shall assist the child in finding a driver's education program
- Support of the child's efforts to learn to drive a car, obtain learner's permit & driver's license (age, maturity, insurance)
- Efforts shall be made to obtain automobile insurance

#### Overnight / Planned Outings

- The out-of-home caregiver must determine that it is safe & appropriate
- 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 group

#### Babysitting

- Can be 14+ (14-15 must have babysitting course)
- Caregiver must ensure:
  - o Babysitter suitable for the age, developmental level and behaviors of child
  - o Babysitter understands how to handle emergencies, has telephone numbers - case manager and physician; and
  - o Discipline and confidentiality policies for the child have been explained
- Babysitting does not have to be in a licensed setting

#### Vacations

- Caregiver may take child on vacations. Inform department / CBC

#### Allowance

- Ages 6+ must receive allowance at least once a month

- Cannot be withheld as a form of discipline
- Additional amounts can be given as reward
- Providing toiletries, toys or other tangible items in lieu of money is not permitted. Allowance money should also not include money needed to purchase toiletries. F.A.C. 65C-13.029

### SPECIAL CONSIDERATIONS

- Disabled youth shall be provided with an equal opportunity to participate in activities.
- Confidentiality requirements for department records shall not restrict the child's participation in customary activities appropriate for the child's age and developmental level

#### Child shall be given permission /encouragement to:

- obtain employment
- have contact with family members
- have access to phone usage
- have reasonable curfews
- travel with other youth or adults
- have his or her picture taken for publication in a newspaper or yearbook
- receive public recognition for accomplishments
- participate in school or after-school organizations or clubs
- participate in community events

#### Child must be provided information regarding:

- drug and alcohol use and abuse
- teen sexuality issues
- runaway prevention
- health services
- community involvement
- knowledge of available resources
- identifying legal issues
- understanding his or her legal rights
- accessing specific legal advice

Always be aware of WHO is making the decisions for children