

**Effective 3/27/2014**

**62A-4a-212 Requirements for decision making -- Rulemaking authority.**

- (1)
  - (a) A caregiver shall use a reasonable and prudent parent standard in determining whether to permit a child to participate in an activity.
  - (b) A caregiver shall consider:
    - (i) the child's age, maturity, and developmental level to maintain the overall health and safety of the child;
    - (ii) potential risk factors and the appropriateness of the activity;
    - (iii) the best interest of the child based on the caregiver's knowledge of the child;
    - (iv) the importance of encouraging the child's emotional and developmental growth;
    - (v) the importance of providing the child with the most family-like living experience possible; and
    - (vi) the behavioral history of the child and the child's ability to safely participate in the proposed activity.
  - (c) The division shall verify that private agencies providing out-of-home placement under contract with the division:
    - (i) promote and protect the ability of a child to participate in age-appropriate activities; and
    - (ii) implement policies consistent with this section.
  - (d)
    - (i) A caregiver is not liable for harm caused to a child in an out-of-home placement if the child participates in an activity approved by the caregiver, when the caregiver has acted in accordance with a reasonable and prudent parent standard.
    - (ii) This section does not remove or limit any existing liability protection afforded by statute.
- (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall adopt rules establishing the procedures for verifying that private agencies providing out-of-home placement under contract with the division comply with and promote this part.

Enacted by Chapter 67, 2014 General Session