

Promoting Normalcy: Reasonable and Prudent Parent Standard Frequently Asked Questions

Children and youth in out-of-home care have the right to a childhood or adolescence that is similar in experience to children and adolescents residing in their own home. It is the responsibility of those involved in their lives to create as much normalcy as possible. Historically, laws, policies, and lengthy approval processes have restricted or delayed age-appropriate activities for children in out-of-home care. The implementation of a Reasonable and Prudent Parent Standard (RPPS) now allows out-of-home care providers to approve activities such as birthday parties, holding part-time jobs, or spending time with peers, which are common experiences for many children.

On February 4th, 2016, the Governor of Wisconsin signed 2015 Wisconsin Act 128, which establishes the Reasonable and Prudent Parent Standard in Wisconsin. This document answers frequently asked questions regarding the use of the Reasonable and Prudent Parent Standard, including specific types of decisions out-of-home care providers can make under the Reasonable and Prudent Standard. The answers to the following frequently asked questions provide some additional guidance on types of considerations for certain decisions, but are not intended to be a comprehensive list of considerations that an out-of-home care provider should think through when making a reasonable and prudent parenting decision.

This document includes frequently ask questions related to:

- Definitions
- Applicability, Liability, Cost, and Training Requirements
- The Decision Making Process
- Types of Decisions

Definitions

Q1: What is “Normalcy”?

A1: “Normalcy” means the ability to easily engage in healthy and developmentally appropriate activities that promote well-being such as social, scholastic, and enrichment activities. Establishing normalcy for children and youth in out-of-home care allows them to pursue their interests, do what their peers are able to do, build skills for their future and living independently, and build trust that they have a family who cares about them. A Reasonable and Prudent Parent Standard promotes normalcy for children and youth in out-of-home care, while still keeping the health, safety, and best interests of the child or youth as the priority.

Q2: What is a Reasonable and Prudent Parent Standard?

A2: A Reasonable and Prudent Parent Standard is a standard of decision making characterized by careful and sensible parental decisions that maintain the health, safety, cultural, religious, or tribal considerations, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child. This standard allows out-of-home care providers to make reasonable and prudent parenting decisions which encourage normalcy for children and youth in their care to participate in extracurricular, enrichment, cultural, and social activities.

Every day, parents and caregivers are faced with decisions regarding their child’s care that require them to make judgments that weigh benefits and risks to the child and others around them. Equipped with the appropriate training and information about a child, a reasonable and prudent parent would carefully come to a sensible decision about the best interests of the child, and the appropriateness of allowing a

child to participate in age and developmentally appropriate activities. Establishing a Reasonable and Prudent Parent Standard allows out-of-home care providers make these decisions.

Q3: *How is “age and developmentally appropriate” defined?*

A3: “Age and developmentally appropriate” is defined statutorily as “generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group, and in the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child.”

Applicability and Training Requirements

Q4: *To whom does the Reasonable and Prudent Parenting Standard apply?*

A4: For the purposes of this Standard, an out-of-home care provider includes the following providers who have a child placed in out-of-home care in their care:

- Foster parents,
- Guardians,
- unlicensed relatives,
- court-ordered kinship care providers,
- non-relatives,
- group homes, residential care center for children and youths, and or shelter care facilities.

Q5: *Will out-of-home care providers be required to use the Reasonable and Prudent Parenting Standard?*

A5: Yes, all out-of-home care providers are required to promote normalcy through the use of the Reasonable and Prudent Parent Standard for all children placed in their care. It is crucial to normalize a child/youth’s experience and allow children to participate in age and developmentally appropriate activities.

This standard is to be applied with consideration of the restrictiveness of the placement setting. Shelter care facilities, group homes, and residential care centers for children and youth need to consider the restrictiveness of the placement setting when approving activities under the Reasonable and Prudent Parent Standard, such as the safety of the other residents and the community, the increased level of supervision a child requires, staffing levels, etc.

Q6: *Will out-of-home care providers be required to receive training on applying the Reasonable and Prudent Parent Standard?*

A6: Yes, out-of-home care providers will be required to receive training regarding the use of the Reasonable and Prudent Parent Standard *prior* to making decisions for the child. Agencies will also be required to receive training on the use of this Standard and will be required to provide child-specific information to inform the out-of-home care provider’s application of the standard with each out-of-home care placement.

Q7: *Will out-of-home care providers be liable for any injury or harm that occurs as a result of an activity approved using the Reasonable and Prudent Parent Standard?*

A7: Specific statutory provisions were included to address the liability of out-of-home care providers and can be found in s. 895.485 Wis. Stats. It should be noted that not all liability is covered under the use of the Reasonable and Prudent Parent Standard if that liability is specific to other state and federal

legislation. For example, Wisconsin law specifically states that an individual who endorses a child's driving permit takes on liability for that child's driving.

Q8: *How do out-of-home care providers pay for these activities?*

A8: In certain circumstances, normalcy activities may be included in the child's foster care rate. If out-of-home care providers are having difficulty with funding normalcy activities, they should contact the child's caseworker to discuss options. The rate setters for each agency will have more information about the allowable costs that can be included in the foster care rate.

The Decision Making Process

Q9: *What information does an out-of-home care provider need before making decisions using the Reasonable and Prudent Parent Standard?*

A9: Agencies with placement and care responsibility of the child are required to give the out-of-home care provider information on the child/youth's background, interests, needs and strengths that will enable the provider to make reasonable and prudent parenting decisions that ensure the safety and best interests of the child. The out-of-home care provider will make reasonable and prudent parenting decisions under this standard based on the information they have for that child, as well as their own observations and assessment of the child while in care. Out-of-home care providers are required to ensure that the child/youth has the safety equipment and any necessary permissions and training to safely engage in each activity before participating in an age and developmentally appropriate activity.

Q10: *Does the use of the Reasonable and Prudent Parent Standard allow out-of-home care providers to make any type of decision for the child?*

A10: No. The Reasonable and Prudent Parent Standard allows out-of-home care providers to make decisions regarding a child's participation in age or developmentally appropriate extracurricular activities, enrichment activities, cultural activities, social activities, recreational activities, transportation, employment, peer relationships, and personal expression.

Decisions made using the Reasonable and Prudent Parent Standard cannot violate existing court orders and/or rulings and decisions related to visitation, therapy, or other related schedules. They may also not undermine any existing laws applicable to other areas, such as medical or educational statute or administrative rules. This includes, but is not limited to:

- Court-ordered visitation
- Medical approvals/Other medical laws
- Medication authorizations or approvals
- Disciplinary policies
- Confidentiality policies
- Educational-related decisions (including, but not limited to Individualized Education Plans, Birth-to-Three decisions, school enrollment, etc.)

If a decision to allow a child to participate in an age and developmentally appropriate activity violates an existing court order and/or rulings and decisions related to visitation, therapy, or other related schedules, the activity should not automatically be dismissed. The out-of-home care provider should discuss the activity with the child's caseworker to see if the child may still participate in the activity. For example, a weekend soccer practice may overlap with a child's family interaction. The out-of-home care provider should discuss options with the child's caseworker, court, and/or team to see if the family interaction schedule could be moved to accommodate the practice.

Q11: What types of considerations do out-of-home care providers need to take in order to make decisions under the Reasonable and Prudent Parent Standard?

A11: All reasonable and prudent parenting decisions must be child and situation specific. For each decision, out-of-home care providers should, at a minimum, consider:

- The age, maturity, and development of the child;
- potential risk factors of the situation;
- the best interest of the child;
- any cultural, religious, or tribal values of the child and the child's family;
- the growth opportunities of the activity;
- whether the activity encourages a family-like living experience;
- the child's behavioral history;
- any court orders or legal considerations.

Q12: Will parents, guardians and family still be involved in decision making for the child or youth?

A12: When appropriate, feasible, and in the best interests of the child, out-of-home care providers and the agency with placement and care responsibility should talk with the biological or adoptive parents and/or their family to consider their concerns and opinions related to the child's participation in activities, with the understanding that those concerns may not necessarily determine the participation of the child in any activity. The parent/guardian may have valuable insight about the child that may help the out-of-home care provider make decisions, and will allow them to remain an active part of the child's life. Out-of-home care providers are not required to call or connect with parents and guardians prior to a decision being made, but should consider values and input learned from shared parenting and from child and family team meetings.

In circumstances of disagreement on the *application* of the standard by the out-of-home care provider, the agency with placement and care of the child is ultimately responsible for decisions regarding the care of the child. Out-of-home care providers should work both with the agency that placed the child and, if applicable, the foster care licensing agency, to resolve any disagreements about a reasonable and prudent parenting decision for the child.

Q13: Will the child be involved in decision making under the Reasonable and Prudent Parent Standard?

A: When able, out-of-home care providers and the placing agency should consult with the child or youth about their wishes in an age-appropriate manner. Involving children in decisions about their participation in activities provides learning opportunities for the child, promotes independent living skills, and empowers the child to be involved in their own planning. The out-of-home care provider and the child may have different ideas and opinions on what is normal or age-and-developmentally appropriate. The Reasonable and Prudent Parent Standard does not require that an out-of-home care provider says "yes" to everything a child wishes.

Q14: Do out-of-home care providers have to follow any religious, cultural, or tribal beliefs of the child or their family?

A14: Reasonable and prudent parenting decisions should maintain the cultural, religious, or tribal values of the child. When appropriate, feasible, and in the best interests of the child, out-of-home care providers and the agency with placement and care responsibility must consult with the child's parents and family to take into consideration religious, cultural, tribal beliefs which may impact the out-of-home care provider's decisions, and provide that information to out-of-home care providers. In many circumstances, it may not be possible to fully understand the values and beliefs of a child's tribe without consulting with the tribe. Agencies with placement and care responsibility should incorporate

discussions on normalcy and gather information about tribal values and beliefs when collaborating with tribes so that out-of-home care providers may use this information to make reasonable and prudent parenting decisions that maintain tribal values and beliefs.

In circumstances of disagreement on the *application* of the standard by the out-of-home care provider, the agency with placement and care responsibility for the child is ultimately responsible for decisions regarding the care of the child. Out-of-home care providers should work both with the agency that placed the child and with their licensing agency to resolve any disagreements about a reasonable and prudent parenting decision for the child.

Types of Decisions

Q15: Can an out-of-home care provider decide whether to take a child out of the state or country?

A15: An out-of-home care provider may make the decision to take a child out-of-state without prior authorization for a period of time less than 48 hours. If the out-of-home care provider wants to take a child out-of-state for more than 48 hours, they must get authorization from the agency with placement and care responsibility of the child. The out-of-home care provider must get authorization from the agency with placement and care responsibility when taking the child out-of-the country for any period of time. The out-of-home care provider should use the Reasonable and Prudent Parent Standard to make decisions about traveling with a child placed in their care, including when possible and appropriate, engaging in conversations about the travel with the child's parent or guardian. The out-of-home care provider should consider any court-ordered activities that travel may interfere with. Reasonable and prudent parenting decisions *cannot* violate any court ordered visitation, appointments, or treatment planning. If the travel interferes with any of these activities, the out-of-home care provider must secure authorization from the agency and may also need authorization from the court.

Q16: Can an out-of-home care provider allow a child to visit or sleep over at someone else's home? Are background checks necessary?

A16: Yes, most out-of-home care providers, those that are family settings, may allow a child to visit or sleep over at someone else's home. Congregate settings should include approval by agencies with placement and care responsibility before this is allowed for a specific child.

Peer interaction in informal settings is crucial to a child's development and to developing healthy peer relationships. Out-of-home care providers should use the Reasonable and Prudent Parent Standard to make decisions about a child visiting a friend and staying over at someone else's home. This includes considering the child's age, maturity, and developmental level, as well as the potential risk factors of the situation. The child's behavioral history, any triggers the child has that may endanger the safety of the child or others, and the child's maturity level should also be considered when making this decision.

Out-of-home care providers should consider the level of supervision that will be at these activities, whether they are familiar with the individuals attending the event or supervising the event, and ensure that they have contact information for the friend or the location the child is going. If the out-of-home care provider is arranging for care away from the home for longer than 48 hours, the out-of-home care provider must secure approval from the agency with placement and care responsibility.

Background checks/approval for a child to go to parties, visits with a friend, or staying overnight at a friend's house are not required. Agencies may not implement policies or procedures that would require the person responsible for supervising the child to submit information necessary for the completion of a formal background check. The agency may obtain the first and last name of the responsible party and

seek out information on that individual that is a matter of public record through methods such as checking CCAP and running a sex offender background check. Out-of-home care providers should consider what any parent would do, such as, have a conversation with the other parent, ensure they understand any necessary care needs of the child (medical or otherwise) and ensure that a proper level of supervision will occur, and provide emergency contact information in the event it is needed.

Q17: *Can an out-of-home care provider hire a babysitter for a child? Are background checks necessary?*

A17: Yes, most out-of-home care providers, those in family like settings, can arrange for occasional, short-term babysitters. Out-of-home care providers must note that an occasional short-term babysitter is different than respite. Out-of-home care providers should use the Reasonable and Prudent Parent Standard to decide if using a babysitter is appropriate, and to decide how to select an appropriate babysitter. Some examples of times an out-of-home care provider may arrange for a babysitter are: for when they have medical appointments, training classes, adult social gatherings, or grocery shopping. If the out-of-care provider needs to make plans for the care of a child in their care by any other person or for the child away from the home for any period longer than 48 hours or on a regular basis, the out-of-home care provider must secure approval from the supervising agency.

Background checks/approval for hiring an occasional, short-term babysitter are not required. Agencies may not implement policies or procedures that would require the person responsible for supervising the child to submit information necessary for the completion of a formal background check. The agency may obtain the first and last name of the responsible party and seek out information on that individual that is a matter of public record through methods such as checking CCAP and running a sex offender background check. Out-of-home care providers should consider what any parent would do, such as, have a conversation with babysitter, ensure they understand any necessary care needs of the child (medical or otherwise) and ensure that a proper level of supervision will occur, and provide emergency contact information in the event it is needed.

Out-of-home care providers should consider whether there are any court orders or safety plans in place that do not allow the child to interact with certain individuals. The out-of-home care provider should consider the needs of the child and how that will impact the information the babysitter needs in order to care for the child. The out-of-home care provider should provide the babysitter with information related to caring for the child including any emotional, behavioral, medical, or physical conditions, as well as emergency contact information for the out-of-home care provider. The out-of-home care provider must maintain confidentiality requirements and the information provided should be related to the babysitter's ability to care for the child.

Shelter care facilities, group homes, and residential care centers are staffed agencies that are prohibited from hiring occasional, short-term babysitters for children placed in their care.

Q18: *Can an out-of-home care provider leave the child home alone for a temporary period of time?*

A18: Administrative rules for foster homes do not allow foster parents to leave a child less than 10 years of age home alone. For a child 10 years of age or older, the out-of-home care provider should use the Reasonable and Prudent Parent Standard to make this decision. They should consider the child's maturity and developmental level, their ability to protect themselves and respond in an emergency, the length of time they would be alone, the child's behavioral history, whether the child is comfortable being home alone, and their history with responsible behavior.

Shelter care facilities, group homes, and residential care centers are staffed agencies that provide supervision 24 hours a day and seven days a week, and are prohibited from leaving a child alone in the facility.

Q19: Can an out-of-home care provider allow a child in out-of-home care to babysit?

A19: Yes, if the child resides in a foster home, or with a guardian, unlicensed relative/non-relative, or court-ordered kinship provider. The opportunity to babysit may be a great way for the child to gain independent living skills, demonstrate their responsibility, and earn money for other activities. The out-of-home care provider can use the Reasonable and Prudent Parent Standard to allow a child to babysit, but may not require it. The out-of-home care provider should consider the child's age, maturity, developmental level, behavioral history, history of responsible behavior, and any behavioral issues that may put the child they are caring for at risk. Out-of-home care providers should also consider the needs of the child that they would be babysitting for, and whether the child is comfortable with the responsibility of babysitting.

Q20: Can an out-of-home care provider allow a child to get a part-time job?

A20: Yes. Out-of-home care providers may sign work permits for a child court-ordered into their care, which is not new with the Reasonable and Prudent Parent Standard (reference Ch. DWD 270 Administrative Code). Part-time jobs are a key way to learning independent living skills that will help the child work towards a successful adulthood. Out-of-home care providers should use the Reasonable and Prudent Parent Standard to decide whether the child is ready for a part-time job and if it would be in their best interest when considering their other obligations. The age, maturity, and developmental level, as well as the child's behavioral history should be considered when deciding to allow a child to get a part-time job or choosing which type of part-time job is appropriate. Out-of-home care providers should talk with the child to guide them in choosing appropriate employment. The out-of-home care provider should also use this as a learning opportunity for the child as they decide what limits they will put on their employment, such as limiting hours to keep up with school work and other obligations.

Q21: Can an out-of-home care provider allow a child to have a cell phone?

A21: Yes. Access to cell phones and other technology allows children to keep in touch with their peers, provides access to communication if they are traveling or without supervision, and provides an opportunity to learn how to appropriately manage technology.

The out-of-home care provider should use the Reasonable and Prudent Parent Standard to make decisions about a child's access to and use of cell phones and other technology. The out-of-home care provider should consider specific knowledge about the child's age, maturity and developmental level. This also includes engaging in conversations with the parent or guardian of the child when appropriate.

Out-of-home care providers should consider whether there are any court orders or safety plans that do not allow the child to interact with certain individuals. Out-of-home care providers should carefully consider the child's behavioral history and their safety (such as whether they were a victim of sex trafficking, run away often, etc.), and if there is a need to limit access or monitor messaging.

Shelter care facilities, group homes, and residential care centers that permit the use of cell phones must have a policy in place that sets parameters around such use.

Q22: *Can an out-of-home care provider allow a child to access social media?*

A22: Yes. Access to social media is a normal activity for a child that allows them to connect with peers and an opportunity to learn internet safety. The out-of-home care provider should use the Reasonable and Prudent Parent Standard to make decisions about a child's access to and use of social media and other technology. The out-of-home care provider should consider specific knowledge about the child's age, maturity and developmental level. This also includes engaging in conversations with the parent or guardian of the child when appropriate.

Out-of-home care providers should consider whether there are any court orders or safety plans in place that do not allow the child to interact with certain individuals. Out-of-home care providers should carefully consider the child's behavioral history and their safety (such as whether they were a victim of sex trafficking, run away often, etc.), and if there is a need to limit access or monitor messaging. This may include the need to limit use to open and public spaces or getting access to the child's username and password for social media accounts. Out-of-home care providers should use access to social media to teach the child about safe internet practices.

Shelter care facilities, group homes, and residential care centers must have a policy in place that sets parameters around the use of social media.

Out-of-home care providers should be aware of agency specific policies regarding the out-of-home care provider's use of social media and confidentiality. The Reasonable and Prudent Parent Standard does not allow an out-of-home care provider to decide to post pictures or information about children placed in their care. The Reasonable and Prudent Parent Standard does not supersede confidentiality requirements of the out-of-home care provider.

Q23: *Can an out-of-home care provider allow a child to get his/her haircut?*

A23: Yes. Out-of-home care providers should use the Reasonable and Prudent Parent Standard to make decisions about haircuts and styling, including engaging with the child's parents and family. Hair styles may have great cultural significance for the child and the child's family, such as long hair for tribal children. Out-of-home care providers should be familiar with and understand the cultural norms of the child and their family before considering whether to have the child's hair cut or styled differently.

Older children may have preferences about how their hair is styled or the desire to drastically change their hairstyle. Out-of-home care providers should use the Reasonable and Prudent Parent Standard, including considering the child's wishes, age, maturity, and developmental level in order to make a decision to allow the child to cut or dye their hair.

Q24: *Can an out-of-home care provider allow a child to consent to piercings and tattoos?*

A24: No. Piercings and tattoos are permanent changes to a child's body, and consent can only be granted by a parent or guardian. State laws impose age restrictions on certain types of piercings and tattoos.

Q25: *Can an out-of-home care provider allow a child to get a driver's license?*

A25: Yes. Driving is a key independent living skill that will benefit the child in preparing for a successful adulthood. Children under the age of 18 are required to have a sponsor in order to be issued an instruction permit or license. The out-of-home care provider may act as a sponsor for the child if the parent or legal guardian is absent or refuses to be a sponsor, which is not new with the Reasonable and Prudent Parent Standard (reference Ch. Trans 102 Administrative Code). This sponsor accepts liability for any damages caused by negligent or willful misconduct while driving. The liability limitations of the Reasonable and Prudent Parent Standard do not apply to the acceptance of liability when sponsoring a child for their instruction permit or license. Children must meet all requirements for the issuance of a

license or permit by state statute and administrative code in order to obtain a permit or license while in out-of-home care. This includes obtaining adequate insurance coverage in order to operate a vehicle.

As with any Reasonable and Prudent Parent Standard, the individual child and their maturity and developmental level should be considered. The out-of-home care provider should also consider the child's behavioral history and level of responsibility. Assisting the child in obtaining his/her driver's license does not mean that the out-of-home care provider must allow the child to drive anywhere or anytime he/she wants. Should the child obtain their license, the out-of-home care provider should continue to use the Reasonable and Prudent Parent Standard to make decisions regarding the child's driving to and from different activities.

If an out-of-home care provider is unable or unwilling to be a sponsor for the child or to assist the child with insurance coverage and the parent or guardian is also unable or unwilling, the out-of-home care provider should still pursue assisting the child in preparing for obtaining a driver's license. This may include signing the child up for driver's education classes or for studying for tests so that when the child turns 18 they are prepared to obtain a driver's license.

Q26: *Can an out-of-home care provider allow a child to have his/her picture taken for the school yearbook, teams, and other extra-curricular activities or achievements?*

A26: Yes. Out-of-home care providers should encourage opportunities for children to be recognized for activities and achievements. When approving this, out-of-home care providers should ensure that there is no indication that the child is in out-of-home care and that any accompanying information does not breach any confidentiality requirements or restrictions.

Q27: *Can an out-of-home care provider allow a child to be transported by someone other than themselves (peers, public-transportation, etc.)?*

A27: Yes. Out-of-home care providers must use the Reasonable and Prudent Parent Standard to make decisions to allow a child to be transported by someone other than themselves, including peers. Out-of-home care providers should consider the child's age and maturity, their developmental level, their behavioral history and demonstration of responsibility, their familiarity with the person transporting the child, and the distance traveled.

Q28: *Can an out-of-home care provider allow a child to participate in extra-curricular activities such as sports, field trips, and other recreational activities?*

A28: Yes. Extra-curricular and recreational activities are normal experiences for children that provide many opportunities to develop and improve social skills, develop their interests, and gain skills. These activities should be encouraged, and the out-of-home care provider should discuss these opportunities with the child. Out-of-home care providers are allowed to enroll or sign a child up for these activities, as well as sign concussion and safety forms related to these activities.

Q29: *Can an out-of-home care provider allow a child to go hunting?*

A29: Yes. An out-of-home care provider may allow a child to go hunting if it a reasonable and prudent parenting decision. This includes ensuring that the child meets any legal requirements such as their age and the completion of approved hunter's education courses. The out-of-home care provider must ensure that they are under the supervision of a responsible adult and that they have all of the necessary safety equipment and gear, such as blaze orange clothing.

When possible and appropriate, out-of-home care providers should also engage in conversations with the child's parent or guardian about hunting. They also should consider the child's history and past

interaction with guns. Consideration should be given to possible triggers or traumatic reactions a child may have to weapons.

Q30: *Can a foster parent allow a child to operate hazardous machinery?*

A30: Yes. Foster parents may allow a child to operate hazardous machinery by using the Reasonable and Prudent Parent Standard within certain restrictions. Ch. DCF 56 Administrative code defines hazardous machinery as:

“Any machine or other equipment generally known to be dangerous to untrained or unskilled operators or to operators who for any other reason are physically or mentally unable to operate the equipment safely, including a motor vehicle, power lawn mower, tractor or other farm machinery or equipment, snow blower, chain saw, power-driven shop tool, snowmobile, all-terrain vehicle and any other machinery or equipment determined by the licensing or supervising agency to be unsafe for a particular foster child to operate.”

Machinery and equipment does not need to consist of a motor or engine to be considered hazardous. For example, "gravity boxes" used on farms for transporting grain can be very dangerous since anyone falling into a full gravity box can "drown" in the grain and suffocate.

When making the decision to allow a child to operate hazardous machinery, a foster parent must ensure that no other laws or administrative code restrictions are violated, which may include age restrictions. The out-of-home care provider should carefully consider the child's age, maturity, and developmental level when deciding if operating the hazardous machinery is safe and appropriate for that child. The machinery and equipment must be maintained in safe and proper condition, and the child should have appropriate adult supervision during operation. The out-of-home care provider must also ensure that the child is properly trained and has the necessary clothing and safety equipment to operate the machinery or equipment.