

# SB3718



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB3718

Introduced 2/14/2020, by Sen. Robert Peters

#### SYNOPSIS AS INTRODUCED:

20 ILCS 505/7.3a  
20 ILCS 505/35.10

Amends the Children and Family Services Act. Requires the Department of Children and Family Services to ensure that every youth in care who is entering his or her final year of high school has completed a Free Application for Federal Student Aid form, if applicable, or an application for State financial aid on or after October 1, but no later than November 1, of the youth's final year of high school. Requires the Department to assist a youth in care in identifying and obtaining all documents necessary to complete a Free Application for Federal Student Aid form, if applicable, or an application for State financial aid.

LRB101 19700 KTG 69194 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning children.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Children and Family Services Act is amended  
5 by changing Sections 7.3a and 35.10 as follows:

6 (20 ILCS 505/7.3a)

7 Sec. 7.3a. Normalcy parenting for children in foster care;  
8 participation in childhood activities.

9 (a) Legislative findings.

10 (1) Every day parents make important decisions about  
11 their child's participation in extracurricular activities.  
12 Caregivers for children in out-of-home care are faced with  
13 making the same decisions.

14 (2) When a caregiver makes decisions, he or she must  
15 consider applicable laws, rules, and regulations to  
16 safeguard the health, safety, and best interests of a child  
17 in out-of-home care.

18 (3) Participation in extracurricular activities is  
19 important to a child's well-being, not only emotionally,  
20 but also in developing valuable life skills.

21 (4) The General Assembly recognizes the importance of  
22 making every effort to normalize the lives of children in  
23 out-of-home care and to empower a caregiver to approve or

1 not approve a child's participation in appropriate  
2 extracurricular activities based on the caregiver's own  
3 assessment using the reasonable and prudent parent  
4 standard, without prior approval of the Department, the  
5 caseworker, or the court.

6 (5) Nothing in this Section shall be presumed to  
7 discourage or diminish the engagement of families and  
8 guardians in the child's life activities.

9 (b) Definitions. As used in this Section:

10 "Appropriate activities" means activities or items that  
11 are generally accepted as suitable for children of the same  
12 chronological age or developmental level of maturity.  
13 Appropriateness is based on the development of cognitive,  
14 emotional, physical, and behavioral capacity that is typical  
15 for an age or age group, taking into account the individual  
16 child's cognitive, emotional, physical, and behavioral  
17 development.

18 "Caregiver" means a person with whom the child is placed in  
19 out-of-home care or a designated official for child care  
20 facilities licensed by the Department as defined in the Child  
21 Care Act of 1969.

22 "Reasonable and prudent parent standard" means the  
23 standard characterized by careful and sensible parental  
24 decisions that maintain the child's health, safety, and best  
25 interests while at the same time supporting the child's  
26 emotional and developmental growth that a caregiver shall use

1 when determining whether to allow a child in out-of-home care  
2 to participate in extracurricular, enrichment, cultural, and  
3 social activities.

4 (c) Requirements for decision-making.

5 (1) Each child who comes into the care and custody of  
6 the Department is fully entitled to participate in  
7 appropriate extracurricular, enrichment, cultural, and  
8 social activities in a manner that allows that child to  
9 participate in his or her community to the fullest extent  
10 possible.

11 (2) Caregivers must use the reasonable and prudent  
12 parent standard in determining whether to give permission  
13 for a child in out-of-home care to participate in  
14 appropriate extracurricular, enrichment, cultural, and  
15 social activities. Caregivers are expected to promote and  
16 support a child's participation in such activities. When  
17 using the reasonable and prudent parent standard, the  
18 caregiver shall consider:

19 (A) the child's age, maturity, and developmental  
20 level to promote the overall health, safety, and best  
21 interests of the child;

22 (B) the best interest of the child based on  
23 information known by the caregiver;

24 (C) the importance and fundamental value of  
25 encouraging the child's emotional and developmental  
26 growth gained through participation in activities in

1 his or her community;

2 (D) the importance and fundamental value of  
3 providing the child with the most family-like living  
4 experience possible; and

5 (E) the behavioral history of the child and the  
6 child's ability to safely participate in the proposed  
7 activity.

8 (3) A caregiver is not liable for harm caused to a  
9 child in out-of-home care who participates in an activity  
10 approved by the caregiver, provided that the caregiver has  
11 acted as a reasonable and prudent parent in permitting the  
12 child to engage in the activity.

13 (d) Rulemaking. The Department shall adopt, by rule,  
14 procedures no later than June 1, 2017 that promote and protect  
15 the ability of children to participate in appropriate  
16 extracurricular, enrichment, cultural, and social activities.

17 (f) The Department shall ensure that every youth in care  
18 who is entering his or her final year of high school has  
19 completed a Free Application for Federal Student Aid form, if  
20 applicable, or an application for State financial aid on or  
21 after October 1, but no later than November 1, of the youth's  
22 final year of high school.

23 (Source: P.A. 99-839, eff. 8-19-16.)

24 (20 ILCS 505/35.10)

25 Sec. 35.10. Documents necessary for adult living. The

1 Department shall assist a youth in care in identifying and  
2 obtaining documents necessary to function as an independent  
3 adult prior to the closure of the youth's case to terminate  
4 wardship as provided in Section 2-31 of the Juvenile Court Act  
5 of 1987. These necessary documents shall include, but not be  
6 limited to, any of the following:

7 (1) State identification card or driver's license.

8 (2) Social Security card.

9 (3) Medical records, including, but not limited to,  
10 health passport, dental records, immunization records,  
11 name and contact information for all current medical,  
12 dental, and mental health providers, and a signed  
13 certification that the Department provided the youth with  
14 education on executing a healthcare power of attorney.

15 (4) Medicaid card or other health eligibility  
16 documentation.

17 (5) Certified copy of birth certificate.

18 (6) Any applicable religious documents.

19 (7) Voter registration card.

20 (8) Immigration, citizenship, or naturalization  
21 documentation, if applicable.

22 (9) Death certificates of parents, if applicable.

23 (10) Life book or compilation of personal history and  
24 photographs.

25 (11) List of known relatives with relationships,  
26 addresses, telephone numbers, and other contact

1 information, with the permission of the involved relative.

2 (12) Resume.

3 (13) Educational records, including list of schools  
4 attended, and transcript, high school diploma, or high  
5 school equivalency certificate.

6 (14) List of placements while in care.

7 (15) List of community resources with referral  
8 information, including the Midwest Adoption Center for  
9 search and reunion services for former youth in care,  
10 whether or not they were adopted, and the Illinois Chapter  
11 of Foster Care Alumni of America.

12 (16) All documents necessary to complete a Free  
13 Application for Federal Student Aid form, if applicable, or  
14 an application for State financial aid.

15 If a court determines that a youth in care no longer requires  
16 wardship of the court and orders the wardship terminated and  
17 all proceedings under the Juvenile Court Act of 1987 respecting  
18 the youth in care finally closed and discharged, the Department  
19 shall ensure that the youth in care receives a copy of the  
20 court's order.

21 (Source: P.A. 100-680, eff. 1-1-19.)