1 AN ACT concerning State government.

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

Section 5. The Children and Family Services Act is amended
by adding Section 7.3a as follows:

6	(20 ILCS 505/7.3a new)
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

SB3041 Engrossed - 2 - LRB099 20764 KTG 45428 b

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

SB3041 Engrossed - 3 - LRB099 20764 KTG 45428 b when determining whether to allow a child in out-of-home care 1 2 to participate in extracurricular, enrichment, cultural, and 3 social activities. (c) Requirements for decision-making. 4 5 (1) Each child who comes into the care and custody of the Department is fully entitled to participate in 6 appropriate extracurricular, enrichment, cultural, and 7 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 for a child in out-of-home care to participate in 13 14 appropriate extracurricular, enrichment, cultural, and social activities. Caregivers are expected to promote and 15 16 support a child's participation in such activities. When using the reasonable and prudent parent standard, the 17 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 growth gained through participation in activities in 26

SB3041 Engrossed - 4 - LRB099 20764 KTG 45428 b

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	Section 99. Effective date. This Act takes effect upon
18	becoming law.