



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3542

by Rep. Litesa E. Wallace

SYNOPSIS AS INTRODUCED:

20 ILCS 521/5

Amends the Foster Children's Bill of Rights Act. In addition to other specified rights, provides that it is the policy of the State that every child and adult in the care of the Department of Children and Family Services who is placed in foster care shall have the right to be placed in the least restrictive and most family-like setting available and in close proximity to his or her parent's home consistent with his or her health, safety, best interests, and special needs.

LRB100 10818 KTG 21051 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

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

4 Section 5. The Foster Children's Bill of Rights Act is
5 amended by changing Section 5 as follows:

6 (20 ILCS 521/5)

7 Sec. 5. Foster Children's Bill of Rights. It is the policy
8 of this State that every child and adult in the care of the
9 Department of Children and Family Services who is placed in
10 foster care shall have the following rights:

11 (1) To live in a safe, healthy, and comfortable home
12 where he or she is treated with respect.

13 (2) To be free from physical, sexual, emotional, or
14 other abuse, or corporal punishment.

15 (3) To receive adequate and healthy food, adequate
16 clothing, and, for youth in group homes, residential
17 treatment facilities, and foster homes, an allowance.

18 (4) To receive medical, dental, vision, and mental
19 health services.

20 (5) To be free of the administration of medication or
21 chemical substances, unless authorized by a physician.

22 (6) To contact family members, unless prohibited by
23 court order, and social workers, attorneys, foster youth

1 advocates and supporters, Court Appointed Special
2 Advocates (CASAs), and probation officers.

3 (7) To visit and contact brothers and sisters, unless
4 prohibited by court order.

5 (8) To contact the Advocacy Office for Children and
6 Families established under the Children and Family
7 Services Act or the Department of Children and Family
8 Services' Office of the Inspector General regarding
9 violations of rights, to speak to representatives of these
10 offices confidentially, and to be free from threats or
11 punishment for making complaints.

12 (9) To make and receive confidential telephone calls
13 and send and receive unopened mail, unless prohibited by
14 court order.

15 (10) To attend religious services and activities of his
16 or her choice.

17 (11) To maintain an emancipation bank account and
18 manage personal income, consistent with the child's age and
19 developmental level, unless prohibited by the case plan.

20 (12) To not be locked in a room, building, or facility
21 premises, unless placed in a secure child care facility
22 licensed by the Department of Children and Family Services
23 under the Child Care Act of 1969 and placed pursuant to
24 Section 2-27.1 of the Juvenile Court Act of 1987.

25 (13) To attend school and participate in
26 extracurricular, cultural, and personal enrichment

1 activities, consistent with the child's age and
2 developmental level, with minimal disruptions to school
3 attendance and educational stability.

4 (14) To work and develop job skills at an
5 age-appropriate level, consistent with State law.

6 (15) To have social contacts with people outside of the
7 foster care system, including teachers, church members,
8 mentors, and friends.

9 (16) If he or she meets age requirements, to attend
10 services and programs operated by the Department of
11 Children and Family Services or any other appropriate State
12 agency that aim to help current and former foster youth
13 achieve self-sufficiency prior to and after leaving foster
14 care.

15 (17) To attend court hearings and speak to the judge.

16 (18) To have storage space for private use.

17 (19) To be involved in the development of his or her
18 own case plan and plan for permanent placement.

19 (20) To review his or her own case plan and plan for
20 permanent placement, if he or she is 12 years of age or
21 older and in a permanent placement, and to receive
22 information about his or her out-of-home placement and case
23 plan, including being told of changes to the case plan.

24 (21) To be free from unreasonable searches of personal
25 belongings.

26 (22) To the confidentiality of all juvenile court

1 records consistent with existing law.

2 (23) To have fair and equal access to all available
3 services, placement, care, treatment, and benefits, and to
4 not be subjected to discrimination or harassment on the
5 basis of actual or perceived race, ethnic group
6 identification, ancestry, national origin, color,
7 religion, sex, sexual orientation, gender identity, mental
8 or physical disability, or HIV status.

9 (24) To have caregivers and child welfare personnel who
10 have received sensitivity training and instruction on
11 matters concerning race, ethnicity, national origin,
12 color, ancestry, religion, mental and physical disability,
13 and HIV status.

14 (25) To have caregivers and child welfare personnel who
15 have received instruction on cultural competency and
16 sensitivity relating to, and best practices for, providing
17 adequate care to lesbian, gay, bisexual, and transgender
18 youth in out-of-home care.

19 (26) At 16 years of age or older, to have access to
20 existing information regarding the educational options
21 available, including, but not limited to, the coursework
22 necessary for vocational and postsecondary educational
23 programs, and information regarding financial aid for
24 postsecondary education.

25 (27) To have access to age-appropriate, medically
26 accurate information about reproductive health care, the

1 prevention of unplanned pregnancy, and the prevention and
2 treatment of sexually transmitted infections at 12 years of
3 age or older.

4 (28) To receive a copy of this Act from and have it
5 fully explained by the Department of Children and Family
6 Services when the child or adult is placed in the care of
7 the Department of Children and Family Services.

8 (29) To be placed in the least restrictive and most
9 family-like setting available and in close proximity to his
10 or her parent's home consistent with his or her health,
11 safety, best interests, and special needs.

12 (Source: P.A. 99-344, eff. 1-1-16.)