



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3684

by Rep. Litesa E. Wallace

SYNOPSIS AS INTRODUCED:

New Act

Creates the Foster Children's Bill of Rights Act. Provides that it is the policy of this 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 certain rights, including the right to: (i) live in a safe, healthy, and comfortable home where he or she is treated with respect; (ii) be free from physical, sexual, emotional, or other abuse, or corporal punishment; (iii) receive adequate and healthy food, adequate clothing, and, for youth in group homes, an allowance; (iv) receive medical, dental, vision, and mental health services; (v) be free of the administration of medication or chemical substances, unless authorized by a physician; (vi) contact family members, unless prohibited by court order, and social workers, attorneys, foster youth advocates, and other specified persons; (vii) contact the Advocacy Office for Children and Families established under the Children and Family Services Act or the Department of Children and Family Services' Office of the Inspector General regarding violations of rights, speak to representatives of these offices confidentially, and be free from threats or punishment for making complaints; (viii) attend court hearings and speak to the judge; (ix) review his or her own case plan and plan for permanent placement, and receive information about his or her out-of-home placement and case plan, including being told of changes to the case plan; and (x) receive a copy of the Act and have it fully explained to him or her when he or she is placed in the care of the Department of Children and Family Services. Provides that nothing in the Act shall be interpreted to require a foster care provider to take any action that would impair the health and safety of children in out-of-home placement.

LRB099 08042 KTG 28186 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 1. Short title. This Act may be cited as the Foster
5 Children's Bill of Rights Act.

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

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

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

14 (3) To receive adequate and healthy food, adequate
15 clothing, and, for youth in group homes, an allowance.

16 (4) To receive medical, dental, vision, and mental
17 health services.

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

20 (6) To contact family members, unless prohibited by
21 court order, and social workers, attorneys, foster youth
22 advocates and supporters, Court Appointed Special
23 Advocates (CASAs), and probation officers.

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

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

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

13 (10) To attend religious services and activities of his
14 or her choice.

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

18 (12) To not be locked in a room, building, or facility
19 premises, unless placed in a secure child care facility
20 licensed by the Department of Children and Family Services
21 under the Child Care Act of 1969.

22 (13) To attend school and participate in
23 extracurricular, cultural, and personal enrichment
24 activities, consistent with the child's age and
25 developmental level, with minimal disruptions to school
26 attendance and educational stability.

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

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

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

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

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

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

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

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

23 (22) To the confidentiality of all juvenile court
24 records consistent with existing law.

25 (23) To have fair and equal access to all available
26 services, placement, care, treatment, and benefits, and to

1 not be subjected to discrimination or harassment on the
2 basis of actual or perceived race, ethnic group
3 identification, ancestry, national origin, color,
4 religion, sex, sexual orientation, gender identity, mental
5 or physical disability, or HIV status.

6 (24) To have caregivers and child welfare personnel who
7 have received instruction on cultural competency and
8 sensitivity relating to, and best practices for, providing
9 adequate care to lesbian, gay, bisexual, and transgender
10 youth in out-of-home care.

11 (25) At 16 years of age or older, to have access to
12 existing information regarding the educational options
13 available, including, but not limited to, the coursework
14 necessary for vocational and postsecondary educational
15 programs, and information regarding financial aid for
16 postsecondary education.

17 (26) To have access to age-appropriate, medically
18 accurate information about reproductive health care, the
19 prevention of unplanned pregnancy, and the prevention and
20 treatment of sexually transmitted infections at 12 years of
21 age or older.

22 (27) To receive a copy of this Act and have it fully
23 explained to the child or adult when he or she is placed in
24 the care of the Department of Children and Family Services.

25 Section 10. Foster care provider. Nothing in this Act shall

1 be interpreted to require a foster care provider to take any
2 action that would impair the health and safety of children in
3 out-of-home placement.