

1 AN ACT in relation to foster parents.

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
5 amended by adding Section 35.7 as follows:

6 (20 ILCS 505/35.7 new)

7 Sec. 35.7. Foster parent rights and responsibilities.

8 (a) The General Assembly hereby finds and declares:

9 (1) Family foster care is an essential service for
10 children and their families who have been separated due
11 to the tragedy of child abuse, neglect or dependency.

12 (2) When children have been separated from their
13 families, it is the responsibility of the child welfare
14 team to respond to the needs of the children and their
15 families, including: providing protection and nurturance
16 to children in a safe, healthy environment; meeting the
17 developmental and emotional needs of children, including
18 maintaining and promoting each child's cultural identity
19 and heritage; and working toward permanency for children
20 by connecting them to safe, nurturing relationships
21 intended to last a lifetime, preferably with their own
22 families.

23 (3) Foster parents are an essential part of and
24 fulfill an integral role on the child welfare team along
25 with children in care who are old enough to participate
26 in planning and services, parents of children in care,
27 caseworkers, and other professionals serving the child
28 and family.

29 (4) By providing care for children and supporting
30 the attachment of children to their families in a manner

1 sensitive to each child's and family's unique needs, the
2 foster parent serves the child, the family, and the
3 community.

4 (5) In order to successfully fulfill their role on
5 the professional child welfare team, foster parents must
6 be committed to the goal of the child welfare program and
7 provide care to children and promote the best interests
8 of the children and families served.

9 (6) In order to achieve this goal it is necessary
10 to understand and be sensitive to issues of culture,
11 ethnicity, religion, and children's connectedness with
12 their families, and to maintain a level of care, conduct,
13 and demeanor that is consistent with the high
14 professional ethics demanded of all other members of the
15 child welfare team.

16 The General Assembly finds that there is a need to
17 establish a public policy defining the role of foster parents
18 and hereby establishes this Statement of Foster Parents'
19 Rights and Responsibilities which shall apply to all foster
20 parents in the State of Illinois, whether supervised by the
21 Department of Children and Family Services or an agency under
22 contract to the Department to provide foster care services.

23 (b) The rights of foster parents include:

24 (1) The right to be treated with dignity, respect
25 and consideration as a professional member of the child
26 welfare team.

27 (2) The right to be provided standardized
28 pre-service training and appropriate ongoing training to
29 meet mutually assessed needs and improve the foster
30 parents' skills.

31 (3) The right to be informed as to how to contact
32 the appropriate child placement agency in order to
33 receive information and assistance to access supportive
34 services for children in their care.

1 (4) The right to receive timely financial
2 reimbursement commensurate with the care needs of the
3 child as specified in the service plan.

4 (5) The right to be provided a clear, written
5 understanding of a placement agency's plan concerning the
6 placement of a child in their home. Inherent in this
7 policy is the responsibility to support activities that
8 will promote the child's right to relationships with his
9 own family and cultural heritage.

10 (6) The right to be provided a fair, timely, and
11 impartial investigation of licensing complaint issues and
12 be provided the opportunity to have a person of their
13 choosing present during the investigation and due
14 process; the right to be provided the opportunity to
15 request and receive mediation or an administrative review
16 of decisions that affect licensing parameters; and the
17 right to have decisions concerning a licensing corrective
18 action plan specifically explained and tied to the
19 licensing standards violated.

20 (7) The right, at any time during which a child is
21 placed with the foster parent, to receive additional or
22 necessary information that is relevant to the care of the
23 child.

24 (8) The right to be notified of scheduled meetings
25 and staffings concerning the foster child in order to
26 actively participate in the case planning and
27 decision-making process regarding the child in their
28 care, including individual service planning meetings,
29 administrative case reviews, interdisciplinary staffings,
30 and individual educational planning meetings; the right
31 to be informed of decisions made by the courts or the
32 agency concerning the child; the right to have their
33 input on the plan of services for a child given full
34 consideration in the same manner as information presented

1 by any other professional on the team; and the right to
2 communicate with other professionals who work with the
3 foster child within the context of the team, including
4 therapists, physicians, and teachers.

5 (9) The right to be provided, in a timely and
6 consistent manner, with any information a caseworker has
7 regarding the child and the child's family which is
8 pertinent to the care and needs of the child and to the
9 making of a permanency plan for the child. Disclosure of
10 information concerning a child's family shall be limited
11 to that information which is essential for understanding
12 the needs of and providing care to the child in order to
13 protect the rights of the child's family. When a
14 positive relationship exists between the foster parents
15 and the child's family, the child's family may consent to
16 disclosure of additional information.

17 (10) The right to be given reasonable written
18 notice of any change in a child's case plan or of plans
19 to terminate the placement of the child with the foster
20 parent and of the reasons for the change or termination
21 in placement. Such notice should only be waived in cases
22 of a court order or when the child is determined to be at
23 imminent risk of harm.

24 (11) The right to be notified in a timely and
25 complete manner of all court hearings including the date
26 and time of the court hearing, the name of the judge or
27 hearing officer hearing the case, the location of the
28 court proceeding, and the court docket number of the
29 case, and the right to intervene in court proceedings or
30 to seek mandamus under the Juvenile Court Act of 1987.

31 (12) The right to be considered as a placement
32 option when a foster child who was formerly placed with
33 the foster parents is to be re-entered into foster care
34 when such placement would be consistent with the best

1 interest of the child and other children in the home.

2 (13) The right to have timely access to the
3 existing appeals process with the child placement agency.
4 The assertion of the access to appeal shall be free from
5 acts of harassment and retaliation.

6 (14) The right to be informed of the Foster Parent
7 Hotline established under this Act and all of the rights
8 accorded to foster parents concerning reports of
9 misconduct by Department employees, service providers or
10 contractors, confidential handling of those reports, and
11 investigation by the Inspector General.

12 (c) In recognition of the above rights, foster parents
13 also have the following responsibilities:

14 (1) The responsibility to openly communicate and
15 share information about the child with other members of
16 the child welfare team.

17 (2) The responsibility to respect the
18 confidentiality of information concerning foster children
19 and their families and act appropriately within
20 applicable confidentiality laws and regulations.

21 (3) The responsibility to advocate for children in
22 their care.

23 (4) The responsibility to treat children in their
24 care and their families with dignity, respect, and
25 consideration.

26 (5) The responsibility to recognize their own
27 individual and familial strengths and limitations when
28 deciding whether to accept a child into care, recognize
29 their own support needs, and utilize appropriate supports
30 in providing care for foster children.

31 (6) The responsibility to be aware of the benefits
32 of relying on and affiliating with other foster parents
33 and foster parent associations in improving the quality
34 of care and service to children and families.

1 (7) The responsibility to assess their ongoing
2 individual training needs and take action to meet those
3 needs.

4 (8) The responsibility to develop and assist in the
5 implementation of strategies to prevent placement
6 disruptions, to recognize the traumatic impact of
7 placement disruptions on a foster child and all members
8 of the foster family, and to provide emotional support
9 for the foster child and members of the foster family
10 should preventive strategies fail and placement
11 disruption occur.

12 (9) The responsibility to know the impact foster
13 parenting has on individuals and family relationships,
14 and endeavor to minimize, as much as possible, any stress
15 that results from foster parenting.

16 (10) The responsibility to know the rewards and
17 benefits to children, parents, families, and society that
18 come from foster parenting and to promote the foster
19 parenting experience in a positive way.

20 (11) The responsibility to know the role, rights,
21 and responsibilities of foster parents, other
22 professionals in the child welfare system, the child, and
23 the child's own family.

24 (12) The responsibility to know and as necessary to
25 fulfill their responsibility to serve as mandated
26 reporters of suspected child abuse or neglect under the
27 Abused and Neglected Child Reporting Act; and to know the
28 child welfare agency's policy regarding allegations that
29 foster parents have committed child abuse or neglect and
30 applicable administrative rules and procedures governing
31 investigations of such allegations.

32 (13) The responsibility to know and receive
33 training regarding the purpose of administrative case
34 reviews, client service plans, and court processes, as

1 well as any filing or time requirements associated with
2 these proceedings, and to actively participate in their
3 designated roles in these proceedings.

4 (14) The responsibility to know the child welfare
5 agency's appeal procedure for foster parents and the
6 rights of foster parents under the procedure.

7 (15) The responsibility to know and understand the
8 importance of maintaining accurate and relevant records
9 regarding the child's history and progress and be aware
10 of and follow the procedures and regulations of the child
11 welfare agency by which they are licensed or with which
12 they are affiliated.

13 (16) The responsibility to share information
14 through the child welfare team regarding the child's
15 adjustment in their home with the subsequent caregiver,
16 whether the child's parent or another substitute
17 caregiver.

18 (17) The responsibility to provide care and
19 services that are respectful of and responsive to the
20 child's cultural needs and are supportive of the
21 relationship between the child and his or her own family;
22 to recognize the increased importance of maintaining a
23 child's cultural identity when the race or culture of the
24 foster family differs from that of the foster child; and
25 to take action to address these issues.

26 (d) The Department of Children and Family Services and
27 agencies providing foster care services under contract with
28 the Department shall be responsible for implementing the
29 provisions of this Section. Annual plans for each region of
30 the Department of Children and Family Services and its
31 contracted agencies shall be developed for public review and
32 comment. These plans shall be reviewed, approved, and
33 monitored by the Department's Foster Care Advisory Committee
34 under rules developed by the Department.

1 (e) Nothing in this Section shall be construed to create
2 a private right of action or a judicially enforceable claim
3 on the part of any individual or agency.

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