



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5418

Introduced 1/31/2022, by Rep. Thomas Morrison

SYNOPSIS AS INTRODUCED:

20 ILCS 521/5

Amends the Foster Children's Bill of Rights Act. Expands the list of rights under the Foster Children's Bill of Rights to include: (i) the right to participate in a formal intake process immediately after placement in the custody or guardianship of the Department of Children and Family Services during which the youth will be instructed on inappropriate acts of affection, discipline, and punishment by guardians, foster parents, foster siblings, or any other adult responsible for the youth's welfare; (ii) the right to have access to intervention and counseling services within the first 24 hours after removal from the home in order to assess whether the youth is exhibiting signs of a post-traumatic stress disorder, special needs, or mental illness; (iii) the right to have monthly assessment visits with a staff member of the Department's Division of Child Protection to determine the youth's well-being and emotional health following placement, to determine the youth's relationship with his or her guardian or foster parent or with any other adult responsible for the youth's welfare, and to determine what forms of discipline, if any, the youth's guardian or foster parent or any other responsible adult uses to correct the youth; (iv) the right to be gradually transitioned out of foster care and not systematically aged out of State care; (v) the right to be enrolled in an independent living program prior to his or her transition out of foster care where the youth will receive phased in classes and instruction on independent living and self-sufficiency in the areas of employment, finances, meals, and housing as well as help in developing life skills and long-term goals; and (vi) the right to be assessed by a third-party entity or agency prior to enrollment in any independent living program in order to determine the youth's readiness for a transition out of foster care based on the youth's individual needs, emotional development, and ability, regardless of age, to make a successful transition to adulthood.

LRB102 24881 KTG 34130 b

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
16 his or her choice.

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

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

26 (13) To attend school and participate in

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

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

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

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

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

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

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

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

26 (21) To be free from unreasonable searches of personal

1 belongings.

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

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

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

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

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

1 (27) To have access to age-appropriate, medically
2 accurate information about reproductive health care, the
3 prevention of unplanned pregnancy, and the prevention and
4 treatment of sexually transmitted infections at 12 years
5 of age or older.

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

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

14 (30) To participate in a formal intake process
15 immediately after placement in the custody or guardianship
16 of the Department during which the youth will be
17 instructed on inappropriate acts of affection, discipline,
18 and punishment by guardians, foster parents, foster
19 siblings, or any other adult responsible for the youth's
20 welfare.

21 (31) To have access to intervention and counseling
22 services within the first 24 hours after removal from the
23 home in order to assess whether the youth is exhibiting
24 signs of a post-traumatic stress disorder, special needs,
25 or mental illness.

26 (31) To have monthly assessment visits with a staff

1 member of the Department's Division of Child Protection to
2 determine the youth's well-being and emotional health
3 following placement, to determine the youth's relationship
4 with his or her guardian or foster parent or with any other
5 adult responsible for the youth's welfare, and to
6 determine what forms of discipline, if any, the youth's
7 guardian or foster parent or any other responsible adult
8 uses to correct the youth.

9 (32) To be gradually transitioned out of foster care
10 and not systematically aged out of State care.

11 (33) To be enrolled in an independent living program
12 prior to his or her transition out of foster care where the
13 youth will receive phased in classes and instruction on
14 independent living and self-sufficiency in the areas of
15 employment, finances, meals, and housing as well as help
16 in developing life skills and long-term goals.

17 (34) To be assessed by a third-party entity or agency
18 prior to enrollment in any independent living program in
19 order to determine the youth's readiness for a transition
20 out of foster care based on the youth's individual needs,
21 emotional development, and ability, regardless of age, to
22 make a successful transition to adulthood.

23 (Source: P.A. 99-344, eff. 1-1-16; 100-189, eff. 1-1-18.)