

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

6 (20 ILCS 505/7.3a)

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  
17 child 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

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  
19 in 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

1 when determining whether to allow a child in out-of-home care  
2 to participate in extracurricular, enrichment, cultural, and  
3 social activities.

4 (c) Requirements for decision-making.

5 (1) Each child who comes into the care and custody of  
6 the Department is fully entitled to participate in  
7 appropriate extracurricular, enrichment, cultural, and  
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  
13 for a child in out-of-home care to participate in  
14 appropriate extracurricular, enrichment, cultural, and  
15 social activities. Caregivers are expected to promote and  
16 support a child's participation in such activities. When  
17 using the reasonable and prudent parent standard, the  
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  
26 growth gained through participation in activities in

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 (c-5) No youth in care shall be required to store his or  
14 her belongings in plastic bags or in similar forms of  
15 disposable containers, including, but not limited to, trash  
16 bags, paper or plastic shopping bags, or pillow cases when  
17 relocating from one placement type to another placement type  
18 or when discharged from the custody or guardianship of the  
19 Department. The Department shall ensure that each youth in  
20 care has appropriate baggage and other items to store his or  
21 her belongings when moving through the State's child welfare  
22 system. As used in this subsection, "purchase of service  
23 agency" means any entity that contracts with the Department to  
24 provide services that are consistent with the purposes of this  
25 Act.

26 (d) Rulemaking. The Department shall adopt, by rule,

1 procedures no later than June 1, 2017 that promote and protect  
2 the ability of children to participate in appropriate  
3 extracurricular, enrichment, cultural, and social activities.  
4 (Source: P.A. 99-839, eff. 8-19-16.)