



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB5665

by Rep. Christine Winger

#### SYNOPSIS AS INTRODUCED:

20 ILCS 505/7.3a new

Amends the Children and Family Services Act. Provides that each child who comes into the care and custody of the Department of Children and Family Services is fully entitled to participate in appropriate extracurricular, enrichment, cultural, and social activities in a manner that allows that child to participate in his or her community to the fullest extent possible. Requires caregivers to use the reasonable and prudent parent standard in determining whether to give permission for a child in out-of-home care to participate in appropriate extracurricular, enrichment, cultural, and social activities. Requires caregivers to consider certain factors when using the reasonable and prudent parent standard, including: (i) the child's age, maturity, and developmental level to promote the overall health, safety, and best interests of the child; and (ii) the importance and fundamental value of encouraging the child's emotional and developmental growth gained through participation in activities in his or her community. Provides that a caregiver is not liable for harm caused to a child in out-of-home care who participates in an activity approved by the caregiver. Grants the Department rulemaking authority. Effective immediately.

LRB099 15277 KTG 44836 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 Children and Family Services Act is amended  
5 by adding Section 7.3a as follows:

6 (20 ILCS 505/7.3a new)

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 child  
17 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 (b) Definitions. As used in this Section:

7 "Appropriate activities" means activities or items that  
8 are generally accepted as suitable for children of the same  
9 chronological age or developmental level of maturity.  
10 Appropriateness is based on the development of cognitive,  
11 emotional, physical, and behavioral capacity that is typical  
12 for an age or age group, taking into account the individual  
13 child's cognitive, emotional, physical, and behavioral  
14 development.

15 "Caregiver" means a person with whom the child is placed in  
16 out-of-home care or a designated official for child care  
17 facilities licensed by the Department as defined in the Child  
18 Care Act of 1969.

19 "Reasonable and prudent parent standard" means the  
20 standard characterized by careful and sensible parental  
21 decisions that maintain the child's health, safety, and best  
22 interests while at the same time supporting the child's  
23 emotional and developmental growth that a caregiver shall use  
24 when determining whether to allow a child in out-of-home care  
25 to participate in extracurricular, enrichment, cultural, and  
26 social activities.

1 (c) Requirements for decision-making.

2 (1) Each child who comes into the care and custody of  
3 the Department is fully entitled to participate in  
4 appropriate extracurricular, enrichment, cultural, and  
5 social activities in a manner that allows that child to  
6 participate in his or her community to the fullest extent  
7 possible.

8 (2) Caregivers must use the reasonable and prudent  
9 parent standard in determining whether to give permission  
10 for a child in out-of-home care to participate in  
11 appropriate extracurricular, enrichment, cultural, and  
12 social activities. Caregivers are expected to promote and  
13 support a child's participation in such activities. When  
14 using the reasonable and prudent parent standard, the  
15 caregiver shall consider:

16 (A) the child's age, maturity, and developmental  
17 level to promote the overall health, safety, and best  
18 interests of the child;

19 (B) the best interest of the child based on  
20 information known by the caregiver;

21 (C) the importance and fundamental value of  
22 encouraging the child's emotional and developmental  
23 growth gained through participation in activities in  
24 his or her community;

25 (D) the importance and fundamental value of  
26 providing the child with the most family-like living

1 experience possible; and

2 (E) the behavioral history of the child and the  
3 child's ability to safely participate in the proposed  
4 activity.

5 (3) A caregiver is not liable for harm caused to a  
6 child in out-of-home care who participates in an activity  
7 approved by the caregiver, provided that the caregiver has  
8 acted as a reasonable and prudent parent in permitting the  
9 child to engage in the activity.

10 (d) Rulemaking. The Department shall adopt, by rule,  
11 procedures no later than June 1, 2017 that promote and protect  
12 the ability of children to participate in appropriate  
13 extracurricular, enrichment, cultural, and social activities.

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law.