



Sen. Mike Simmons

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10300HB5097sam001

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1 AMENDMENT TO HOUSE BILL 5097

2 AMENDMENT NO. _____. Amend House Bill 5097 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Children and Family Services Act is
5 amended by adding Section 7.3b as follows:

6 (20 ILCS 505/7.3b new)

7 Sec. 7.3b. Case plan requirements for hair-related needs
8 of youth in care.

9 (a) Purposes. Hair plays an important role in fostering
10 youths' connection to their race, culture, and identity.
11 Haircare promotes positive messages of self-worth, comfort,
12 and affection. Because these messages typically are developed
13 through interactions with family and community members, it is
14 necessary to establish a framework to ensure that youth in
15 care are not deprived of these messages and that caregivers
16 and appropriate child care facility staff are adequately

1 prepared to provide culturally competent haircare for youth.

2 (b) Definitions. As used in this Section:

3 (1) "Haircare" means all care related to the
4 maintenance of hair, including, but not limited to, the
5 daily maintenance routine, cutting, styling, or dying of
6 hair.

7 (2) "Culture" means the norms, traditions, and
8 experiences of a person's community that inform that
9 person's daily life and long-term goals.

10 (3) "Identity" means the memories, experiences,
11 relationships, and values that create one's sense of self.
12 This amalgamation creates a steady sense of who one is
13 over time, even as new facets are developed and
14 incorporated into one's identity.

15 (c) Haircare plan. Every case plan shall include a
16 Haircare Plan for each youth in care that is developed in
17 consultation with the youth based upon the youth's
18 developmental abilities, as well as with the youth's parents
19 or caregivers or appropriate child care facility staff if not
20 contrary to the youth's wishes, and that outlines any training
21 or resources required by the caregiver or appropriate child
22 care facility staff to meet the haircare needs of the youth. At
23 a minimum, the Haircare Plan must address:

24 (1) necessary haircare steps to be taken to preserve
25 the youth's desired connection to the youth's race,
26 culture, gender, religion, and identity;

1 (2) necessary steps to be taken specific to the
2 youth's haircare needs during emergency and health
3 situations; and

4 (3) the desires of the youth as they pertain to the
5 youth's haircare.

6 A youth's Haircare Plan must be reviewed at the same time
7 as the case plan review required under Section 6a as well as
8 during monthly visits to ensure compliance with the Haircare
9 Plan and identify any needed changes.

10 (d) By June 1, 2025, the Department shall develop training
11 and resources to make available for caregivers and appropriate
12 child care facility staff to provide culturally competent
13 haircare to youth in care.

14 (e) By June 1, 2025, the Department must adopt rules to
15 facilitate the implementation of this Section.

16 Section 10. The Foster Parent Law is amended by changing
17 Sections 1-15 and 1-20 as follows:

18 (20 ILCS 520/1-15)

19 Sec. 1-15. Foster parent rights. A foster parent's rights
20 include, but are not limited to, the following:

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

24 (2) The right to be given standardized pre-service

1 training and appropriate ongoing training to meet mutually
2 assessed needs and improve the foster parent's skills.

3 (3) The right to be informed as to how to contact the
4 appropriate child placement agency in order to receive
5 information and assistance to access supportive services
6 for children in the foster parent's care.

7 (4) The right to receive timely financial
8 reimbursement commensurate with the care needs of the
9 child as specified in the service plan.

10 (5) The right to be provided a clear, written
11 understanding of a placement agency's plan concerning the
12 placement of a child in the foster parent's home. Inherent
13 in this right is the foster parent's responsibility to
14 support activities that will promote the child's right to
15 relationships with the child's own family and cultural
16 heritage.

17 (6) The right to be provided a fair, timely, and
18 impartial investigation of complaints concerning the
19 foster parent's licensure, to be provided the opportunity
20 to have a person of the foster parent's choosing present
21 during the investigation, and to be provided due process
22 during the investigation; the right to be provided the
23 opportunity to request and receive mediation or an
24 administrative review of decisions that affect licensing
25 parameters, or both mediation and an administrative
26 review; and the right to have decisions concerning a

1 licensing corrective action plan specifically explained
2 and tied to the licensing standards violated.

3 (7) The right, at any time during which a child is
4 placed with the foster parent, to receive additional or
5 necessary information that is relevant to the care of the
6 child.

7 (7.5) The right to be given information concerning a
8 child (i) from the Department as required under subsection
9 (u) of Section 5 of the Children and Family Services Act
10 and (ii) from a child welfare agency as required under
11 subsection (c-5) of Section 7.4 of the Child Care Act of
12 1969.

13 (8) The right to be notified of scheduled meetings and
14 staffings concerning the foster child in order to actively
15 participate in the case planning and decision-making
16 process regarding the child, including individual service
17 planning meetings, administrative case reviews,
18 interdisciplinary staffings, and individual educational
19 planning meetings; the right to be informed of decisions
20 made by the courts or the child welfare agency concerning
21 the child; the right to provide input concerning the plan
22 of services for the child and to have that input given full
23 consideration in the same manner as information presented
24 by any other professional on the team; and the right to
25 communicate with other professionals who work with the
26 foster child within the context of the team, including

1 therapists, physicians, attending health care
2 professionals, and teachers.

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

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

22 (11) The right to be notified in a timely and complete
23 manner of all court hearings, including notice of the date
24 and time of the court hearing, the name of the judge or
25 hearing officer hearing the case, the location of the
26 hearing, and the court docket number of the case; and the

1 right to intervene in court proceedings or to seek
2 mandamus under the Juvenile Court Act of 1987.

3 (12) The right to be considered as a placement option
4 when a foster child who was formerly placed with the
5 foster parent is to be re-entered into foster care, if
6 that placement is consistent with the best interest of the
7 child and other children in the foster parent's home.

8 (13) The right to have timely access to the child
9 placement agency's existing appeals process and the right
10 to be free from acts of harassment and retaliation by any
11 other party when exercising the right to appeal.

12 (14) The right to be informed of the Foster Parent
13 Hotline established under Section 35.6 of the Children and
14 Family Services Act and all of the rights accorded to
15 foster parents concerning reports of misconduct by
16 Department employees, service providers, or contractors,
17 confidential handling of those reports, and investigation
18 by the Inspector General appointed under Section 35.5 of
19 the Children and Family Services Act.

20 (15) The right to timely training necessary to meet
21 the haircare needs of the children placed in the foster
22 parent's care.

23 (Source: P.A. 103-22, eff. 8-8-23.)

24 (20 ILCS 520/1-20)

25 Sec. 1-20. Foster parent responsibilities. A foster

1 parent's responsibilities include, but are not limited to, the
2 following:

3 (1) The responsibility to openly communicate and share
4 information about the child with other members of the
5 child welfare team.

6 (2) The responsibility to respect the confidentiality
7 of information concerning foster children and their
8 families and act appropriately within applicable
9 confidentiality laws and regulations.

10 (3) The responsibility to advocate for children in the
11 foster parent's care.

12 (4) The responsibility to treat children in the foster
13 parent's care and the children's families with dignity,
14 respect, and consideration.

15 (5) The responsibility to recognize the foster
16 parent's own individual and familial strengths and
17 limitations when deciding whether to accept a child into
18 care; and the responsibility to recognize the foster
19 parent's own support needs and utilize appropriate
20 supports in providing care for foster children.

21 (6) The responsibility to be aware of the benefits of
22 relying on and affiliating with other foster parents and
23 foster parent associations in improving the quality of
24 care and service to children and families.

25 (7) The responsibility to assess the foster parent's
26 ongoing individual training needs and take action to meet

1 those needs.

2 (8) The responsibility to develop and assist in
3 implementing strategies to prevent placement disruptions,
4 recognizing the traumatic impact of placement disruptions
5 on a foster child and all members of the foster family; and
6 the responsibility to provide emotional support for the
7 foster children and members of the foster family if
8 preventive strategies fail and placement disruptions
9 occur.

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

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

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

22 (12) The responsibility to know and, as necessary,
23 fulfill the foster parent's responsibility to serve as a
24 mandated reporter of suspected child abuse or neglect
25 under the Abused and Neglected Child Reporting Act; and
26 the responsibility to know the child welfare agency's

1 policy regarding allegations that foster parents have
2 committed child abuse or neglect and applicable
3 administrative rules and procedures governing
4 investigations of those allegations.

5 (13) The responsibility to know and receive training
6 regarding the purpose of administrative case reviews,
7 client service plans, and court processes, as well as any
8 filing or time requirements associated with those
9 proceedings; and the responsibility to actively
10 participate in the foster parent's designated role in
11 these proceedings.

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

15 (15) The responsibility to know and understand the
16 importance of maintaining accurate and relevant records
17 regarding the child's history and progress; and the
18 responsibility to be aware of and follow the procedures
19 and regulations of the child welfare agency with which the
20 foster parent is licensed or affiliated.

21 (16) The responsibility to share information, through
22 the child welfare team, with the subsequent caregiver
23 (whether the child's parent or another substitute
24 caregiver) regarding the child's adjustment in the foster
25 parent's home.

26 (17) The responsibility to provide care and services

1 that are respectful of and responsive to the child's
2 cultural needs and are supportive of the relationship
3 between the child and the child's own family; the
4 responsibility to recognize the increased importance of
5 maintaining a child's cultural identity when the race or
6 culture of the foster family differs from that of the
7 foster child; the responsibility to provide haircare that
8 preserves the child's desired connection to the child's
9 race, culture, gender, religion, and identity; and the
10 responsibility to take action to address these issues.

11 (Source: P.A. 103-22, eff. 8-8-23.)

12 Section 15. The Foster Children's Bill of Rights Act is
13 amended by changing Section 5 as follows:

14 (20 ILCS 521/5)

15 Sec. 5. Foster Children's Bill of Rights. It is the policy
16 of this State that every child and adult in the care of the
17 Department of Children and Family Services who is placed in
18 foster care shall have the following rights:

19 (1) To live in a safe, healthy, and comfortable home
20 where they are treated with respect.

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

23 (3) To receive adequate and healthy food, adequate
24 clothing, and, for youth in group homes, residential

1 treatment facilities, and foster homes, an allowance.

2 (4) To receive medical, dental, vision, and mental
3 health services.

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

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

10 (7) To visit and contact siblings, unless prohibited
11 by court order.

12 (8) To contact the Advocacy Office for Children and
13 Families established under the Children and Family
14 Services Act or the Department of Children and Family
15 Services' Office of the Inspector General regarding
16 violations of rights, to speak to representatives of these
17 offices confidentially, and to be free from threats or
18 punishment for making complaints.

19 (9) To make and receive confidential telephone calls
20 and send and receive unopened mail, unless prohibited by
21 court order.

22 (10) To attend religious services and activities of
23 their choice.

24 (11) To maintain an emancipation bank account and
25 manage personal income, consistent with the child's age
26 and developmental level, unless prohibited by the case

1 plan.

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

7 (13) To attend school and participate in
8 extracurricular, cultural, and personal enrichment
9 activities, consistent with the child's age and
10 developmental level, with minimal disruptions to school
11 attendance and educational stability.

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

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

17 (16) If they meet age requirements, to attend services
18 and programs operated by the Department of Children and
19 Family Services or any other appropriate State agency that
20 aim to help current and former foster youth achieve
21 self-sufficiency prior to and after leaving foster care.

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

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

24 (19) To be involved in the development of their own
25 case plan and plan for permanent placement.

26 (20) To review their own case plan and plan for

1 permanent placement, if they are 12 years of age or older
2 and in a permanent placement, and to receive information
3 about their out-of-home placement and case plan, including
4 being told of changes to the case plan.

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

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

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

16 (24) To have caregivers and child welfare personnel
17 who have received sensitivity training and instruction on
18 matters concerning race, ethnicity, national origin,
19 color, ancestry, religion, mental and physical disability,
20 and HIV status.

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

26 (26) At 16 years of age or older, to have access to

1 existing information regarding the educational options
2 available, including, but not limited to, the coursework
3 necessary for vocational and postsecondary educational
4 programs, and information regarding financial aid for
5 postsecondary education.

6 (27) To have access to age-appropriate, medically
7 accurate information about reproductive health care, the
8 prevention of unplanned pregnancy, and the prevention and
9 treatment of sexually transmitted infections at 12 years
10 of age or older.

11 (28) To receive a copy of this Act from and have it
12 fully explained by the Department of Children and Family
13 Services when the child or adult is placed in the care of
14 the Department of Children and Family Services.

15 (29) To be placed in the least restrictive and most
16 family-like setting available and in close proximity to
17 their parent's home consistent with their health, safety,
18 best interests, and special needs.

19 (30) To participate in an age and developmentally
20 appropriate intake process immediately after placement in
21 the custody or guardianship of the Department. During the
22 intake process, the Department shall provide the youth
23 with a document describing inappropriate acts of
24 affection, discipline, and punishment by guardians, foster
25 parents, foster siblings, or any other adult responsible
26 for the youth's welfare. The Department shall review and

1 discuss the document with the child. The Department must
2 document completion of the intake process in the child's
3 records as well as giving a copy of the document to the
4 child.

5 (31) To participate in appropriate intervention and
6 counseling services after removal from the home of origin
7 in order to assess whether the youth is exhibiting signs
8 of traumatic stress, special needs, or mental illness.

9 (32) To receive a home visit by an assigned child
10 welfare specialist, per existing Department policies and
11 procedures, on a monthly basis or more frequently as
12 needed. In addition to what existing policies and
13 procedures outline, home visits shall be used to assess
14 the youth's well-being and emotional health following
15 placement, to determine the youth's relationship with the
16 youth's guardian or foster parent or with any other adult
17 responsible for the youth's welfare or living in or
18 frequenting the home environment, and to determine what
19 forms of discipline, if any, the youth's guardian or
20 foster parent or any other person in the home environment
21 uses to correct the youth.

22 (33) To be enrolled in an independent living services
23 program prior to transitioning out of foster care where
24 the youth will receive classes and instruction,
25 appropriate to the youth's age and developmental capacity,
26 on independent living and self-sufficiency in the areas of

1 employment, finances, meals, and housing as well as help
2 in developing life skills and long-term goals.

3 (34) To be assessed by a third-party entity or agency
4 prior to enrollment in any independent living services
5 program in order to determine the youth's readiness for a
6 transition out of foster care based on the youth's
7 individual needs, emotional development, and ability,
8 regardless of age, to make a successful transition to
9 adulthood.

10 (35) To haircare that preserves the child's desired
11 connection to the child's race, culture, gender, religion,
12 and identity and to have a corresponding haircare plan
13 established in accordance with Section 7.3b of the
14 Children and Family Services Act. The Department must
15 provide, in a timely and consistent manner, training for
16 all caregivers and child welfare personnel on how to meet
17 the haircare needs of children.

18 (Source: P.A. 102-810, eff. 1-1-23; 103-22, eff. 8-8-23.)".