

AN ACT concerning children.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

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

(20 ILCS 505/7.3a)

Sec. 7.3a. Normalcy parenting for children in foster care; participation in childhood activities.

(a) Legislative findings.

(1) Every day parents make important decisions about their child's participation in extracurricular activities. Caregivers for children in out-of-home care are faced with making the same decisions.

(2) When a caregiver makes decisions, he or she must consider applicable laws, rules, and regulations to safeguard the health, safety, and best interests of a child in out-of-home care.

(3) Participation in extracurricular activities is important to a child's well-being, not only emotionally, but also in developing valuable life skills.

(4) The General Assembly recognizes the importance of making every effort to normalize the lives of children in out-of-home care and to empower a caregiver to approve or

not approve a child's participation in appropriate extracurricular activities based on the caregiver's own assessment using the reasonable and prudent parent standard, without prior approval of the Department, the caseworker, or the court.

(5) Nothing in this Section shall be presumed to discourage or diminish the engagement of families and guardians in the child's life activities.

(b) Definitions. As used in this Section:

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

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

"Reasonable and prudent parent standard" means the standard characterized by careful and sensible parental decisions that maintain the child's health, safety, and best interests while at the same time supporting the child's emotional and developmental growth that a caregiver shall use

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

(c) Requirements for decision-making.

(1) Each child who comes into the care and custody of the Department 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.

(2) Caregivers must 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. Caregivers are expected to promote and support a child's participation in such activities. When using the reasonable and prudent parent standard, the caregiver shall consider:

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

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

(C) the importance and fundamental value of encouraging the child's emotional and developmental growth gained through participation in activities in

his or her community;

(D) the importance and fundamental value of providing the child with the most family-like living experience possible; and

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

(3) 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, provided that the caregiver has acted as a reasonable and prudent parent in permitting the child to engage in the activity.

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

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

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procedures no later than June 1, 2017 that promote and protect the ability of children to participate in appropriate extracurricular, enrichment, cultural, and social activities.

(Source: P.A. 99-839, eff. 8-19-16.)