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	Approved by:	

Interpretation

Question: Does a foster parent need written consent to take pictures of foster children?

Applicable To: Foster Family Homes

Policy Citation: Section 402.25 Required Written Consents

- a) The supervising agency shall ensure that written consents from legally responsible persons (parent, court, or other legal custodian or guardian) are obtained for certain acts of a child or performance of certain acts on his behalf, including but not limited to:
 - 6) use of photographs for publicity or other purposes;
- b) Written consents shall be dated and limited to a specific period of time.
- c) Any written or verbal consent or authorization given by the individuals referenced in paragraph (a) above or by others which conflicts with any of the requirements Part 402, is not valid.

(Source: Renumbered from Section 402.24 at 7 Ill. Reg. 3439 effective April 4, 1983)

Discussion: Department rule requires a written consent be obtained when pictures of a foster child are to be taken for publicity or other purposes.

The intent of the rule is to protect the privacy of the foster child. Photographs for publication or other purposes that have the potential of becoming a public document, such as taking pictures for marketing purposes or for a church news bulletin or the school newsletter, require the consent from the legally responsible persons (parent, court, or other legal custodian or guardian).

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Foster Parents open their homes to abused and neglected children. These foster parents are in the unique position of having these children's lives enmeshed with their own and are encouraged to treat these children with the same consideration as they would treat their own children.

Foster children become part of the foster family home so photographing children's events, such as birthdays, vacations, etc., will naturally occur. Family pictures are private and are not to be shared with the public.

Foster parents should be aware that pictures of foster children that may have the potential for becoming a public document need a written consent from the Department. Consent for photographs shall be obtained from the Office of the Guardian. Additional information on press protocol may also be obtained from the same office.

Response:

Foster parents must obtain written consent through their supervising agency in accordance with Part 402.25 before taking photographs of foster children that have the potential of becoming a public document, but do not need consent for photographs taken as part of the private family activities.