

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER b: PROGRAM AND TECHNICAL SUPPORT

**PART 340
FOSTER PARENT CODE**

SUBPART A: PURPOSE, DEFINITIONS AND INTRODUCTION

Section

- 340.10 Purpose
- 340.20 Definitions
- 340.30 Introduction

SUBPART B: FOSTER PARENT RIGHTS AND RESPONSIBILITIES

- 340.40 Foster Parent Rights
- 340.50 Foster Parent Responsibilities

SUBPART C: REQUIREMENTS FOR FOSTER PARENT ANNUAL PLAN

- 340.60 Content
- 340.70 Resolution of Foster Parent Grievances
- 340.80 Public Review
- 340.90 Annual Plan Submission

SUBPART D: REVIEW, APPROVAL, MONITORING AND REPORTING

- 340.100 Review and Approval Process
- 340.110 Monitoring
- 340.120 Reporting

SUBPART E: SEVERABILITY OF THIS PART

- 340.130 Severability of this Part

Appendix A Outline and Minimum Requirements for Foster Parent Law Annual Implementation Plan

Appendix B Rating Components for Foster Parent Law Annual Implementation Plan

AUTHORITY: Implementing and authorized by the Foster Parent Law [20 ILCS 520].

SOURCE: Adopted at 24 Ill. Reg. 8515, effective July 1, 2000; amended at 27 Ill. Reg. 1124, effective January 15, 2003; amended at 33 Ill. Reg. 2202, effective January 31, 2009; amended at 34 Ill. Reg. 2523, effective February 1, 2010.

FOSTER PARENT CODE
March 29, 2010 – P.T. 2010.03

SUBPART A: PURPOSE, DEFINITIONS AND INTRODUCTION

Section 340.10 Purpose

The purpose of this Part is to prescribe the requirements for the annual plans for implementing the Foster Parent Law [20 ILCS 520]. This Part also establishes the process for the approval and monitoring of the annual plans.

Section 340.20 Definitions

“Advisory Council” means the Statewide Foster Care Advisory Council established in accordance with the Statewide Foster Care Advisory Council Law [20 ILCS 525].

“Annual plan” means a plan developed to implement the requirements of the Foster Parent Law [20 ILCS 520].

“Child welfare team” means the persons who provide child welfare services to a child under Section 5 of the Children and Family Services Act [20 ILCS 505]. Persons on the child welfare team include the child welfare worker, the child welfare supervisor, licensed foster parents, and other providers identified in the client service plan.

“Department” means the Department of Children and Family Services.

“Director” means the Director of the Department of Children and Family Services.

“Foster parent” means a person who is licensed as a foster parent under the Child Care Act of 1969 [225 ILCS 10].

“Foster parent grievance procedure” means a procedure established by the Department or purchase of service agency to respond to and resolve foster parent complaints regarding violations of the Foster Parent Law that are not appealable under 89 Ill. Adm. Code 337 (Service Appeal Process).

“Purchase of service agency” means a licensed child welfare agency under contract with the Department to provide foster care services and to supervise licensed foster parents.

Section 340.30 Introduction

The Foster Parent Law [20 ILCS 520] establishes public policy regarding the rights and responsibilities of foster parents as an essential part of the child welfare team. The Department and purchase of service agencies are responsible for developing annual plans for implementation of the law to insure that foster parents are provided with the information and support to fulfill their responsibility to fully participate as a member of the child welfare team.

FOSTER PARENT CODE
February 11, 2009 – P.T. 2009.01

SUBPART B: FOSTER PARENT RIGHTS AND RESPONSIBILITIES

Section 340.40 Foster Parent Rights

- a) *A foster parent's rights include, but are not limited to, the following:*
- 1) *The right to be treated with dignity, respect, and consideration as a professional member of the child welfare team.*
 - 2) *The right to be given standardized pre-service training and appropriate ongoing training to meet mutually assessed needs and improve the foster parent's skills.*
 - 3) *The right to be informed as to how to contact the appropriate child placement agency in order to receive information and assistance to access supportive services for children in the foster parent's care.*
 - 4) *The right to receive timely financial reimbursement commensurate with the care needs of the child as specified in the service plan.*
 - 5) *The right to be provided a clear, written understanding of a placement agency's plan concerning the placement of a child in the foster parent's home. Inherent in this right is the foster parent's responsibility to support activities that will promote the child's right to relationships with his or her own family and cultural heritage.*
 - 6) *The right to be provided a fair, timely, and impartial investigation of complaints concerning the foster parent's licensure, to be provided the opportunity to have a person of the foster parent's choosing present during the investigation, and to be provided due process during the investigation; the right to be provided the opportunity to request and receive mediation or an administrative review of decisions that affect licensing parameters, or both mediation and an administrative review; and the right to have decisions concerning a licensing corrective action plan specifically explained and tied to the licensing standards violated.*
 - 7) *The right, at any time during which a child is placed with the foster parent, to receive additional or necessary information that is relative to the care of the child.*
 - 8) *The right to be given information concerning a child from the Department, as required under Section 5(u) of the Children and Family Services Act, and from a child welfare agency, as required under Section 7.4 (c-5) of the Child Care Act of 1969. [20 ILCS 520/1-15]*

FOSTER PARENT CODE
February 11, 2009 – P.T. 2009.01

- A) At the time the caseworker places a child with a foster parent or prospective adoptive parent, or prior to placement of the child, whenever possible, the worker shall provide available information in writing (except as provided in subsection (a)(8)(B)) about the child necessary for the proper care of the child to the foster parent or prospective adoptive parent. The information to be provided to the caregiver shall include:
- i) The medical history of the child, including known medical problems or communicable diseases, information concerning the immunization status of the child, and insurance and medical card information;
 - ii) The educational history of the child, including any special educational needs and details of the child's Individualized Education Plan (IEP), Individual Family Service Plan (IFSP) when the child is receiving special education services, or 504 Educational Special Needs Plan, if applicable;
 - iii) A copy of the child's portion of the client service plan, including any visitation arrangements and all amendments or revisions; case history of the child, including how the child came into care; the child's legal status; the permanency goal for the child; a history of the child's previous placements; and reasons for placement changes, excluding information that identifies or reveals the location of any previous foster or relative home caregiver; and
 - iv) Other relevant background information of the child, including any prior criminal history; information about any behavior problems, including fire setting, perpetration of sexual abuse, destructive behavior and substance abuse habits; likes and dislikes; etc.
- B) In the case of an emergency placement, when all of the information referenced in subsection (a)(8)(A) is not available, the worker shall provide known information verbally as it becomes available and subsequently provide this information in writing.
- C) In advance of placement, the caseworker may provide the foster parent or adoptive parent with a written summary of the information listed in subsection (a)(8)(A).

FOSTER PARENT CODE
February 11, 2009 – P.T. 2009.01

- D) Within 10 working days after the placement, the worker shall obtain from the prospective adoptive parent, foster parent or other caregiver signed verification of receipt of the information described in subsection (a)(8)(A) and forward a copy of the information to the child's guardian ad litem.
 - E) Supervisory review and approval is required prior to providing any information to the foster parent or prospective adoptive parent.
- 9) *The right to be notified of scheduled meetings and staffings concerning the foster child in order to actively participate in the case planning and decision- making process regarding the child, including individual service planning meetings, administrative case reviews, interdisciplinary staffings, and individual educational planning meetings; the right to be informed of decisions made by the courts or the child welfare agency concerning the child; the right to provide input concerning the plan of services for the child and to have that input given full consideration in the same manner as information presented by any other professional on the team; and the right to communicate with other professionals who work with the foster child within the context of the team, including therapists, physicians, and teachers.*
- 10) *The right to be given, in a timely and consistent manner, any information a case worker has regarding the child and the child's family which is pertinent to the care and needs of the child and to the making of a permanency plan for the child. Disclosure of information concerning the child's family shall be limited to that information that is essential for understanding the needs of and providing care to the child in order to protect the rights of the child's family. When a positive relationship exists between the foster parent and the child's family, the child's family may consent to disclosure of additional information.*
- 11) *The right to be given reasonable written notice of any change in a child's case plan, plans to terminate the placement of the child with the foster parent, and the reasons for the change or termination in placement. The notice shall be waived only in cases of a court order or when a child is determined to be at imminent risk of harm.*
- 12) *The right to be notified in a timely and complete manner of all court hearings, including notice of the date and time of the court hearing, the name of the judge or hearing officer hearing the case, the location of the hearing, and the court docket number of the case; and the right to intervene in court proceedings or to seek mandamus under the Juvenile Court Act of 1987.*

FOSTER PARENT CODE
February 11, 2009 – P.T. 2009.01

- 13) *The right to be considered as a placement option when a foster child who was formerly placed with the foster parent is to be re-entered into foster care, if that placement is consistent with the best interest of the child and other children in the foster parent's home.*
 - 14) *The right to have timely access to the child placement agency's existing appeals process and the right to be free from acts of harassment and retaliation by any other party when exercising the right to appeal.*
 - 15) *The right to be informed of the Foster Parent Hotline established under Section 35.6 of the Children and Family Services Act and all of the rights accorded to foster parents concerning reports of misconduct by Department employees, service providers, or contractors, confidential handling of those reports, and investigation by the Inspector General appointed under Section 35.5 of the Children and Family Services Act. [20 ILCS 520/1-15]*
- b) Implementation of these rights shall be explained in narrative form in the annual implementation plans described in [Appendix A](#).

(Source: Amended at 33 Ill. Reg., effective January 31, 2009)

Section 340.50 Foster Parent Responsibilities

- a) *A foster parent's responsibilities include, but are not limited to, the following:*
- 1) *The responsibility to openly communicate and share information about the child with other members of the child welfare team.*
 - 2) *The responsibility to respect the confidentiality of information concerning foster children and their families and act appropriately within applicable confidentiality laws and regulations.*
 - 3) *The responsibility to advocate for children in the foster parent's care.*
 - 4) *The responsibility to treat children in the foster parent's care and the children's family with dignity, respect, and consideration.*
 - 5) *The responsibility to recognize the foster parent's own individual and familial strengths and limitations when deciding whether to accept a child into care; and the responsibility to recognize the foster parent's own support needs and utilize appropriate supports in providing care for foster children.*

FOSTER PARENT CODE
February 11, 2009 – P.T. 2009.01

- 6) *The responsibility to be aware of the benefits of relying on and affiliating with other foster parents and foster parent associations in improving the quality of care and service to children and families.*
- 7) *The responsibility to assess the foster parent's ongoing individual training needs and take action to meet those needs.*
- 8) *The responsibility to develop and assist in implementing strategies to prevent placement disruptions, recognizing the traumatic impact of placement disruptions on a foster child and all members of the foster family; and the responsibility to provide emotional support for the foster children and members of the foster family if preventive strategies fail and placement disruptions occur.*
- 9) *The responsibility to know the impact foster parenting has on individuals and family relationships; and the responsibility to endeavor to minimize, as much as possible, any stress that results from foster parenting.*
- 10) *The responsibility to know the rewards and benefits to children, parents, families, and society that come from foster parenting and to promote the foster parenting experience in a positive way.*
- 11) *The responsibility to know the roles, rights, and responsibilities of foster parents, other professionals in the child welfare system, the foster child, and the foster child's own family.*
- 12) *The responsibility to know and, as necessary, fulfill the foster parent's responsibility to serve as a mandated reporter of suspected child abuse or neglect under the Abused and Neglected Child Reporting Act; and the responsibility to know the child welfare agency's policy regarding allegations that foster parents have committed child abuse or neglect and applicable administrative rules and procedures governing investigations of those allegations.*
- 13) *The responsibility to know and receive training regarding the purpose of administrative case reviews, client service plans, and court processes, as well as any filing or time requirements associated with those proceedings; and the responsibility to actively participate in the foster parent's designated role in these proceedings.*
- 14) *The responsibility to know the child welfare agency's appeal procedure for foster parents and the rights of foster parents under the procedure.*
- 15) *The responsibility to know and understand the importance of maintaining accurate and relevant records regarding the child's history and progress; and the responsibility to be aware of and follow the procedures and*

FOSTER PARENT CODE
February 11, 2009 – P.T. 2009.01

regulations of the child welfare agency with which the foster parent is licensed or affiliated.

- 16) *The responsibility to share information, through the child welfare team, with the subsequent caregiver (whether the child's parent or another substitute caregiver) regarding the child's adjustments in the foster parent's home.*
- 17) *The responsibility to provide care and services that are respectful of and responsive to the child's cultural needs and are supportive of the relationship between the child and his or her own family; the responsibility to recognize the increased importance of maintaining a child's cultural identity when the race or culture of the foster family differs from that of the foster child; and the responsibility to take action to address these issues. [20 ILCS 520/1-20]*

- b) Implementation strategies for these responsibilities shall be explained in narrative form in the annual implementation plans described in [Appendix A](#).

(Source: Amended at 33 Ill. Reg., effective January 31, 2009)

SUBPART C: REQUIREMENTS FOR FOSTER PARENT ANNUAL PLAN

Section 340.60	Content
-----------------------	----------------

- | | |
|----|---|
| a) | Each Department region and each purchase of service agency shall prepare an annual plan for implementing the Foster Parent Law [20 ILCS 520]. |
| b) | The annual plan shall indicate how the Department region or purchase of service agency will address each of the foster parent rights and responsibilities in Sections 340.40 and 340.50 . |
| c) | The annual plan shall be developed with input from foster parents supervised by the Department region or purchase of service agency. The process for input shall be documented in the annual plan. |
| d) | The annual plan shall summarize the public and foster parent comment on the annual plan and how the Department region or purchase of service agency responded to the comments received. |
| e) | A purchase of service agency serving several parts of the State may submit a single annual plan if it includes documentation of foster parent involvement from each region and material that addresses the uniqueness of the programs and needs in the respective geographic regions. |

FOSTER PARENT CODE
March 29, 2010 – P.T. 2010.03

- f) Plans submitted shall address deficiencies noted by the Advisory Council in the prior annual plan.
- g) Plans shall address implementation deficiencies related to foster parent rights and responsibilities noted in agency performance team compliance reports or reports from the Division of Quality Assurance.
- h) The annual plan shall describe the agency's foster parent grievance procedures for addressing foster parent complaints regarding violations by the Department region or purchase of service agency of the Foster Parent Law in accordance with [Section 340.70](#). The procedures shall be developed with input from foster parents.

Section 340.70 Resolution of Foster Parent Grievances

- a) Each Department region and purchase of service agency shall have a procedure for addressing foster parent grievances on violations of the Foster Parent Law that are not covered by any existing appeal or grievance process.
 - 1) The procedure shall be developed with input from foster parents.
 - 2) The procedure shall provide that a decision on the grievance shall be made no later than 30 calendar days after the grievance was filed.
 - 3) The procedure shall identify the process for a foster parent to file a grievance.
- b) Each Department region and purchase of service agency shall develop and implement a process to notify foster parents of the procedure.
- c) Nothing in this Section shall abridge the appeal rights under 89 Ill. Adm. Code 336 (Appeal of Child Abuse and Neglect Investigation Findings) or 89 Ill. Adm. Code 337 (Service Appeal Process).

Section 340.80 Public Review

- a) Prior to submission of the annual plan to the Department, all foster parents supervised by the Department region or a purchase of service agency shall be notified of the availability of the proposed annual plan, how to receive copies of the proposed plan, and where to submit comments on the proposed plan. Comments from foster parents and the general public shall be accepted for at least 30 days following the notice of availability. Notification may be by letter or through the Department or agency newsletter.

FOSTER PARENT CODE
March 29, 2010 – P.T. 2010.03

- b) The Department region or purchase of service agency shall make copies of its proposed annual plan available to persons upon request.

Section 340.90 Annual Plan Submission

- a) The Department regions and purchase of service agencies shall submit an annual plan no later than November 30 of each year to the Department's Division of Foster Care and Permanency Services.
- b) A minimum of two copies of the plan shall be submitted.

SUBPART D: REVIEW, APPROVAL, MONITORING AND REPORTING

Section 340.100 Review and Approval Process

- a) The Department shall insure that appropriate staff are available to assist the Advisory Council in coordinating and conducting the evaluation of the Foster Parent Law implementation plans.
- b) The Department shall conduct an annual training, before any plans are scored, for Advisory Council members about how to score plans.
- c) Two members of the Advisory Council, or their designees, shall review annual plans within 90 days after submission.
- d) Annual plans with an average rating of the three scores of 75 or more points on the rating scale will be recommended for acceptance by the Advisory Council.
- e) The Advisory Council shall vote to accept or reject each annual plan. Approval or rejection will be determined by a majority of members of the Advisory Council present at the time of voting.
- f) Annual plans that are not accepted will be returned to the Department region or purchase of service agency with an explanation of deficiencies and a request for a revised plan to be submitted to the Department's Division of Foster Care and Permanency Services within 45 calendar days. The revised plans will be given to the Advisory Council for review.
- g) Annual plans that are determined acceptable will result in a letter being sent to the Department region or purchase of service agency with a list of strengths as determined by the Advisory Council and suggestions for improvement, if any.

(Source: Amended at 34 Ill. Reg. 2523, effective February 1, 2010)

FOSTER PARENT CODE
March 29, 2010 – P.T. 2010.03

Section 340.110 Monitoring

- a) Implementation of annual plans shall be monitored by the Advisory Council, as necessary, through information and indicators provided by the Department, such as:
 - 1) Written reports from agency performance teams; and
 - 2) Reports containing information that is germane to the agency's plan from other Department units, such as the Division of Quality Assurance and the Advocacy Office for Children and Families.
- b) A copy of all information that is given to the Advisory Council about a particular region or purchase of service agency shall also be given to the region or purchase of service agency.
- c) Complaints received by the Advisory Council will be referred to the appropriate Department unit, such as Licensing, the Advocacy Office for Children and Families, Quality Assurance, or the agency performance team.

(Source: Amended at 27 Ill. Reg. 1124, effective January 15, 2003)

Section 340.120 Reporting

- a) Department regions and purchase of service agencies who have not submitted an annual plan by January 1 of each year shall be considered delinquent.
 - 1) Purchase of service agencies shall be reported by the Advisory Council to the Deputy Director of the Division of Foster Care and Permanency Services, who shall report to the Office of Licensing and to the Director for violation of 89 Ill. Adm. Code 401.420(g) (Licensing Standards for Child Welfare Agencies).
 - 2) Department regions shall be reported by the Advisory Council to the Director and to the Office of Quality Assurance for violation of the Foster Parent Law [20 ILCS 520].
- b) The Advisory Council shall submit a report to the Director and to the Division of Purchase of Service Monitoring on the fifth of each month beginning in January of each year, detailing the annual plans that have been received, those that have been approved, and those that have been rejected. The monthly reports shall continue until all plans have been submitted and approved.

FOSTER PARENT CODE
March 29, 2010 – P.T. 2010.03

- c) The Advisory Council may recommend and the Director may take appropriate action, up to and including refusal to issue a new contract or contract renewal for foster care services to an agency, or placement of a DCFS region on hold for cases, when an agency or DCFS region has not submitted an annual plan, has failed to correct an unacceptable plan, or has failed to correct deficiencies in annual plan implementation.

SUBPART E: SEVERABILITY OF THIS PART

Section 340.130 Severability of this Part

If any court of competent jurisdiction finds that any rule, clause, phrase, or provision of this Part is unconstitutional or invalid for any reason whatsoever, this finding shall not affect the validity of the remaining portions of this Part.

FOSTER PARENT CODE
February 11, 2009 – P.T. 2009.01

340.APPENDIX A Outline and Minimum Requirements for Foster Parent Law Annual Implementation Plan

This Appendix lists the minimum requirements for the contents of the Foster Parent Law Annual Implementation Plan. These are presented in an outline that may be followed by Department regions and purchase of service agencies in development of the plan. Other formats are acceptable if the plan addresses each of the minimum requirements.

- I. How the agency is addressing each foster parent right in the Foster Parent Law
- II. How the agency is addressing each foster parent responsibility in the Foster Parent Law
- III. Documentation of foster parent input into the development of the annual plan
- IV. Foster parent notification
 - A. Documentation of notification to foster parents of availability of plan
 - B. Summary of foster parent comments
 - C. Summary of agency response to foster parent comments
- V. Summary of agency response to public comments
- VI. Explanation of how foster parents and other stakeholders are involved in developing and monitoring the implementation of the annual plan
- VII. Summary of what worked well and response to deficiencies from prior year's plan, if applicable
- VIII. Agency procedures for addressing foster parent grievances regarding violations of the Foster Parent Law and process for notifying foster parents of the availability of the grievance procedures

(Source: Amended at 33 Ill. Reg., effective January 31, 2009)

FOSTER PARENT CODE
February 11, 2009 – P.T. 2009.01

This page intentionally left blank.

FOSTER PARENT CODE
February 11, 2009 – P.T. 2009.01

340.APPENDIX B Rating Components for Foster Parent Law Annual Implementation Plan

The following identifies the rating components that will be used in evaluating the Foster Parent Law Implementation Plans. Rating components are indicated under each foster parent right and responsibility.

Unless otherwise noted, each component is worth one point. The narrative must describe how the agency or region does what each component requires in order to receive the point.

Foster Parent Rights (Explanation of how agency insures foster parent rights)

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

The agency or region has and implements strategies to ensure that its foster parents are treated with dignity and respect

Total - 5 points

2. The right to be given standardized pre-service training and appropriate ongoing training to meet mutually assessed needs and improve the foster parent's skills.

Minimum standardized pre-service training per 89 Ill. Adm. Code 402
(Licensing Standards for Foster Family Homes)
PRIDE or other DCFS approved training
Co-training approach (foster parent/staff)
Regular utilization of mutual assessment tool for training needs
Training commensurate with levels of care provided
Evidence of ongoing training schedule or calendar

Total - 6 points

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

24 hour/7 day availability of emergency support
Established method for accessing support services (e.g., SASS, placement stabilization and staff phone numbers and on-call schedules)

Total - 2 points

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

Regular board payment (attached rate schedule)
Payment for additional services, such as respite care and camp

FOSTER PARENT CODE
February 11, 2009 – P.T. 2009.01

Timely assessment and payment commensurate with levels of care provided

Method of resolving payment problems

Total - 4 points

5. The right to be provided a clear, written understanding of a placement agency's plan concerning the placement of a child in the foster parent's home. Inherent in this right is the foster parent's responsibility to support activities that will promote the child's right to relationships with his or her own family and cultural heritage.

Foster parent participation in development of the case plan

Timely notification of changes in case plan/permanency goal, including method of notification

Foster parent participation/input into visitation/communication plan

Total - 3 points

6. The right to be provided a fair, timely, and impartial investigation of complaints concerning the foster parent's licensure, to be provided the opportunity to have a person of the foster parent's choosing present during the investigation, and to be provided due process during the investigation; the right to be provided the opportunity to request and receive mediation or an administrative review of decisions that affect licensing parameters, or both mediation and an administrative review; and the right to have decisions concerning a licensing corrective action plan specifically explained and tied to the licensing standards violated.

Policy describing the agency's investigation of alleged violations and demonstration of how the agency disseminates that information to foster parents

Person of foster parent's choosing present during the investigation

Specified time frames for investigation as required by 89 Ill. Adm. Code 383

Procedure for appealing negative results/corrective action plans (NOTE: Merely stating that DCFS procedure is followed is not sufficient.)

Total - 4 points

7. The right, at any time during which a child is placed with the foster parent, to receive additional or necessary information that is relative to the care of the child.

Caseworker training in all information to be disclosed

Description of how caseworkers are held accountable for sharing the information

Total - 2 points

FOSTER PARENT CODE
February 11, 2009 – P.T. 2009.01

8. The right to be given information concerning a child from the Department as required under Section 5 of the Children and Family Services Act and from a child welfare agency as required under Section 7.4 (c-5) of the Child Care Act of 1969.

The agency has clear rules and procedures as to what information to share and how to share it with foster parents (see [Section 340.40](#))

Staff training in all pertinent policies and procedures

Description of how caseworkers are held accountable for sharing the information

Total – 4 points

9. The right to be notified of scheduled meetings and staffings concerning the foster child in order to actively participate in the case planning and decision-making process regarding the child, including individual service planning meetings, administrative case reviews, interdisciplinary staffings, and individual educational planning meetings; the right to be informed of decisions made by the courts or the child welfare agency concerning the child; the right to provide input concerning the plan of services for the child and to have that input given full consideration in the same manner as information presented by any other professional on the team; and the right to communicate with other professionals who work with the foster child within the context of the team, including therapists, physicians, and teachers.

Foster parents notified and encouraged to participate in all meetings and staffings about foster children in their care

Foster parents informed of decisions made by agencies and courts

Foster parents encouraged to give input into case planning and input is given full consideration

Foster parents encouraged to communicate with all child team members

Total - 4 points

10. The right to be given, in a timely and consistent manner, any information a case worker has regarding the child and the child's family which is pertinent to the care and needs of the child and to the making of a permanency plan for the child. Disclosure of information concerning the child's family shall be limited to that information that is essential for understanding the needs of and providing care to the child in order to protect the rights of the child's family. When a positive relationship exists between the foster parent and the child's family, the child's family may consent to disclosure of additional information.

A description is given to foster parents at intake, and a prescribed method of disclosing information is utilized

FOSTER PARENT CODE
February 11, 2009 – P.T. 2009.01

Ongoing sharing of information that is pertinent to the well-being and health of the child

Total - 2 points

11. The right to be given reasonable written notice of any change in a child's case plan, plans to terminate the placement of the child with the foster parent, and the reasons for the change or termination in placement. The notice shall be waived only in cases of a court order or when a child is determined to be at imminent risk of harm.

14 day notice (not applicable for movements involving imminent risk)
Notice in writing
Appeal, including emergency review process, is given to foster parent

Total - 3 points

12. The right to be notified in a timely and complete manner of all court hearings, including notice of the date and time of the court hearing, the name of the judge or hearing officer hearing the case, the location of the hearing, and the court docket number of the case; and the right to intervene in court proceedings or to seek mandamus under the Juvenile Court Act of 1987.

Method for notifying foster parents of hearings and their right to be heard
Description of how caseworkers are held accountable for notifying foster parents

Total - 2 points

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

Method for checking past placement records, when possible
Process for determining best interest regarding placement decision

Total - 2 points

14. The right to have timely access to the child placement agency's existing appeals process and the right to be free from acts of harassment and retaliation by any other party when exercising the right to appeal.

Documentation that an internal appeals system has been established and description of how it prohibits retaliation
Process for accessing the external DCFS appeals system, when necessary

Total - 2 points

FOSTER PARENT CODE
February 11, 2009 – P.T. 2009.01

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

Training/brochures available on the Foster Parent Hotline and the Office
of the Inspector General

Total - 1 point

Foster Parent Responsibilities (Explanation of how agency makes foster parents aware of and helps to achieve or meet their responsibilities)

1. The responsibility to openly communicate and share information about the child with other members of the child welfare team.

Training on type and importance

Total - 1 point

2. The responsibility to respect the confidentiality of information concerning foster children and their families and act appropriately within applicable confidentiality laws and regulations.

Initial and ongoing training on importance of confidentiality
Laws and regulations available to foster parents

Total - 2 points

3. The responsibility to advocate for children in the foster parent's care.

Educational advocacy training available
Court training available
Service appeal brochures and training available
Encouragement to participate in staffings, Administrative Case Reviews,
Placement Review Teams, case conferences and court hearings

Total - 4 points

4. The responsibility to treat children in the foster parent's care and the children's family with dignity, respect, and consideration.

Initial and ongoing training on this topic
Monitoring by staff charged with case management

Total - 4 points

FOSTER PARENT CODE
February 11, 2009 – P.T. 2009.01

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

Ongoing mutual assessment method
Training based on assessments
Placements based on strengths
Support needs addressed

Total - 4 points

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

Affiliations with foster parent associations are encouraged and facilitated
Internal support groups encouraged, and information provided to foster parents

Total - 2 points

7. The responsibility to assess the foster parent's ongoing individual training needs and take action to meet those needs.

Method and tool for assessing general training needs of foster parents
Process for providing for identified needs

Total - 2 points

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

Method of early identification of children at risk of disrupting or creating disruption in the family
Support for foster children and family members if preventive strategies fail
Training in purpose and availability of stabilization services

Total - 3 points

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

FOSTER PARENT CODE
February 11, 2009 – P.T. 2009.01

Training/methods to recognize and minimize stress factors
Respite available
“Voluntary hold” methods explained and understood
Counseling and other supports available

Total - 4 points

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

Foster parents informed of events/activities that acknowledge and support foster parents and participation is encouraged
Training in the public relations aspect of foster parenting is made available

Total - 2 points

11. The responsibility to know the roles, rights, and responsibilities of foster parents, other professionals in the child welfare system, the foster child, and the foster child’s own family.

Training and co-training with staff is required
Regular meetings with other team members are held and encouraged
Foster parents have a recognized voice within the agency’s management organization (3 points)

Total - 5 points

12. The responsibility to know and, as necessary, fulfill the foster parent’s responsibility to serve as a mandated reporter of suspected child abuse or neglect under the Abused and Neglected Child Reporting Act; and the responsibility to know the child welfare agency’s policy regarding allegations that foster parents have committed child abuse or neglect and applicable administrative rules and procedures governing investigations of those allegations.

Training, initial and ongoing, including Sexually Abusive Children and Youth reporting responsibility
Written foster parent acknowledgment/contract
Training involving allegations against foster parents and the applicable rules and regulations that govern the investigation of the allegations

Total - 3 points

13. The responsibility to know and receive training regarding the purpose of administrative case reviews, client service plans, and court processes, as well as any filing or time requirements associated with those proceedings; and the responsibility to actively participate in the foster parent’s designated role in these proceedings.

FOSTER PARENT CODE
February 11, 2009 – P.T. 2009.01

Training on the importance of participating
Emphasis on foster parents taking an active role in planning for permanency goal through court hearings, Administrative Case Reviews, etc.

Total - 2 points

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

Awareness of agency's internal appeal systems and utilization
Rights of foster parents spelled out

Total - 2 points

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

Training provided on importance of complete records
Regulations/expectations are available in writing
Agency provides folder, notebook, or case record for the storage and/or transportation of foster parent records

Total - 3 points

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

Training on this expectation is offered

Total - 1 point

- 17) The responsibility to provide care and services that are respectful of and responsive to the child's cultural needs and are supportive of the relationship between the child and his or her own family; the responsibility to recognize the increased importance of maintaining a child's cultural identity when the race or culture of the foster family differs from that of the foster child; and the responsibility to take action to address these issues.

Training encouraged and made available, both initial and ongoing
Internal and external resources made accessible or available

Total - 2 points

FOSTER PARENT CODE
February 11, 2009 – P.T. 2009.01

Other Scoring Components

1. The plan contains a description of an inclusive and representative process for involving foster parents in developing the plan - 2 points
2. The plan describes how agency case managers were involved - 2 points
3. The plan contains names of foster parents who had input into the plan - 2 points
4. The plan contains sign-off approval from foster parents - 2 points
5. The public notification requirement was met - 2 points
6. Previously identified deficiencies were addressed - 2 points
7. The plan related grievance procedure has been established with input from agency foster parents, and the plan is operational - 2 points
8. Foster parents are notified of the availability of the grievance process - 2 points

(Source: Amended at 33 Ill. Reg., effective January 31, 2009)

FOSTER PARENT CODE
February 11, 2009 – P.T. 2009.01

This page intentionally left blank.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

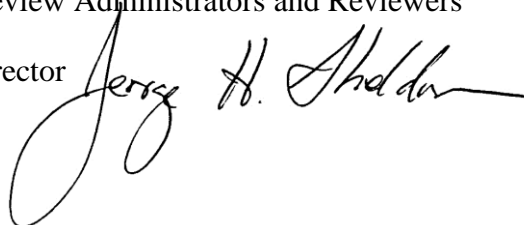
POLICY GUIDE 2017.07

**NORMALCY PARENTING AND THE
REASONABLE AND PRUDENT PARENT STANDARD**

RELEASE DATE: June 9, 2017

TO: DCFS and Purchase of Service (POS) Permanency Administrators and Staff, DCFS and POS Foster Care Licensing Administrators and Staff, DCFS Agency & Institutions (A&I) Licensing Administrators and Staff, POS Child Welfare Agency and Child Care Institutions Administrators and Staff, and Administrative Case Review Administrators and Reviewers

FROM: George H. Sheldon, Director



EFFECTIVE: Immediately

I. PURPOSE

The purpose of this Policy Guide is to implement Public Act 99-839 (amending Section 7.3a of the Children and Family Services Act [20 ILCS 505/7.3a]) and Title IV-E of the Social Security Act [42 U.S.C. 670 et seq.], both of which authorize all caregivers of children/youth in substitute care to use “normalcy parenting” and apply the Reasonable and Prudent Parenting Standard when making parenting decisions in the children’s best interests. “Normalcy parenting” and the Reasonable and Prudent Parenting Standard are defined in Section III, below.

Procedures 315.135(d), Reasonable and Prudent Parent Standard, address much of the information contained below. To the extent that Procedures 315.135(d) may differ from this Policy Guide, the Policy Guide shall control.

Procedures 327.4(d), Duties of the Guardian, Other Consents address much of the information contained in Appendix A. To the extent that Procedures 327.4(d) may differ from this Policy Guide, the Policy Guide shall control.

This Policy Guide replaces Policy Guide 2015.16, The Reasonable and Prudent Parent Standard.

II. PRIMARY USERS

The primary users of this Policy Guide are DCFS and POS Permanency Supervisors and Caseworkers; DCFS and POS Foster Care Licensing Representatives and Supervisors, A&I Licensing Representatives and Supervisors, Child Welfare Agency, Child Care Institution and Group Home Administrators, Supervisors and Staff. This Policy Guide may impact Child Protection Specialists and Supervisors when there is any delay in assignment of a Permanency Worker for a child or youth in Protective or Temporary Custody.



III. DEFINITIONS

“Normalcy parenting” means empowering a caregiver to approve or not approve a child’s or youth’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 Permanency Worker or the court. The goal of Normalcy Parenting and the Reasonable and Prudent Parent Standard is to allow children and youth in care the opportunity for normal growth and development through participation in age, physical, culturally and mentally appropriate activities, responsibilities and life skills.

“Reasonable and Prudent Parent Standard” means *the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the State to participate in extracurricular, enrichment, cultural, and social activities.* [42 U.S.C. 675(10)]

The caregiver must use the Reasonable and Prudent Parent Standard when determining whether to allow a child in care to participate in extracurricular, enrichment, cultural, and social activities.

“Caregiver” means a licensed foster parent or unlicensed relative caregiver who provides care for a child in DCFS custody or guardianship, or a designated official employed by and present at the licensed child care facility in which a child in DCFS custody or guardianship is placed. For purposes of this Policy Guide, the “caregiver” for a youth under 18 years of age in an independent living (ILO) or transitional living (TLP) arrangement is assigned or designated staff of the ILO or TLP provider/child care facility.

“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. [20 ILCS 505/7.3a]

IV. GENERAL PRINCIPLES

Effective immediately, ALL caregivers for all children/youth in out of home placements licensed by the Department should use Normalcy Parenting and the Reasonable and Prudent Parent Standard for decision-making regarding the children/youth’s participation in:

- extracurricular activities;
- enrichment opportunities;
- social activities; and
- cultural activities, religious, and other significant activities.

Normalcy parenting empowers caregivers to make these decisions without seeking approval or consent from the Permanency Worker or other child welfare staff.

The caregiver must still seek consent in other areas where specific State or federal laws limit consent authorization. Some examples where Normalcy Parenting does not apply include to consent to medical and dental care, and disclosure of mental health information.

Appendix A lists frequent events affecting the lives of children and youth in care, and the persons authorize to give consent for those events. Appendix A includes the categories of events where, under normalcy parenting, the caregiver is authorized to consent.

Appendix A is not intended to be exhaustive, since it is impossible to predict every potential event that may arise in a child's lives. If an event is not listed in Appendix A, the caregiver should consult with the Permanency Worker. If necessary, the Permanency Worker or Supervisor can consult with the Office of the DCFS Guardian.

Section 7.3a of the Child and Family Services Act lists 5 factors (a through e, below) that caregivers should consider as they apply the Reasonable and Prudent Parent Standard. Under each factor are a few questions that may help the caregiver in this process.

a) *The child's age, maturity, and developmental level to promote the overall health, safety, and best interests of the child.*

- Is my decision based on my child's individual needs and abilities?
(Remember: every child is different.)
- Does this activity conflict with my child's Service Plan?
- Does my child/youth demonstrate sufficient maturity in decision-making as appropriate for his/her age/ability and participation in this activity?
- Does my child/youth understand his/her medical needs and is he/she able to tell others how to help him/her if necessary?
- If on medication, can my child/youth carry and self-administer medication?
- If needed, is my child/youth able to use public transportation or self-transportation?

b) *The best interest of the child based on information known by the caregiver.*

- Do I know my child/youth well enough to approve participation in this activity?
- Will the timing of this activity interfere with sibling or parent-child visitation, counseling appointments or doctor's appointments? Scheduling conflicts should be discussed with my child/youth's Permanency Worker to explore options that may enable the child/youth to participate in the activity.

- 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;*
- Does this activity promote my child/youth's social development?
 - Have I shared information with the Child and Family Team about my child's participation in this activity?
 - Does this activity support my child/youth's connection to his/her roots?
 - Is this activity an important milestone in my child/youth's culture?
- d) *The importance and fundamental value of providing the child with the most family-like living experience possible; and*
- Do I know who will be attending the activity?
 - Does my child understand our parental expectations regarding curfew, approval for last minute changes to the plan and the consequences for not complying with the expectations?
 - Does my child know who to call in case of an emergency?
- e) *The behavioral history of the child and the child's ability to safely participate in the proposed activity.*
- Can my child/youth take care of himself/herself, make a decision and make good choices?

A caregiver is not liable for harm caused to a child in 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.

V. INSTRUCTIONS TO CHILD WELFARE STAFF (AND CHILD PROTECTION STAFF)

Procedures 315.135(d), Reasonable and Prudent Parent Standard require Permanency Workers to discuss the importance of normalcy parenting with the caregiver at each monthly home visit.

Department and Purchase of Service (POS) agency Permanency Workers (Child Welfare Staff) shall ensure that each caregiver understands his/her responsibility to use the Reasonable and Prudent Parent Standard when deciding whether to allow children in care to participate in extracurricular, enrichment, cultural, and social activities offered by the children's school or in the community.

Permanency Supervisors shall ensure that these discussions occur and that Permanency Workers document these discussions in contact notes.

Procedures 315.135(d) address much of the information contained in this Policy Guide. To the extent that Procedures 315.135(d) may differ from this Policy Guide, the Policy Guide shall control.

VI. INSTRUCTIONS TO FOSTER CARE LICENSING STAFF

Foster Care Licensing Representatives are required to discuss “normalcy parenting” and the Reasonable and Prudent Parent Standard with Foster Family Home licensees and permit holders at each announced and unannounced monitoring visit. The Licensing Representative shall ensure that licensees and permit holders understand their responsibility to use the Reasonable and Prudent Parent Standard when deciding whether to allow children in care to participate in extracurricular, enrichment, cultural, and social activities offered by the children’s school or in the community.

Foster Care Licensing Supervisors shall ensure that these discussions occur and that Licensing Representatives document these discussions in a contact note.

Note: Instruction for prospective foster parents on the Reasonable and Prudent Parent Standard has been included as a pre-service supplemental training. Current foster parents should complete training on the Reasonable and Prudent Parent Standard as on-demand in-service training.

VII. INSTRUCTIONS TO AGENCY AND INSTITUTIONS LICENSING STAFF

Agencies & Institutions (A&I) Licensing Representatives are required to discuss “normalcy parenting” and the Reasonable and Prudent Parent Standard with administrators at each child care facility on their caseload. The A&I Licensing Representative shall ensure that the administrators understand:

- the responsibility to use “normalcy parenting” and the Reasonable and Prudent Parent Standard when deciding whether to allow a child placed at the child care institution to participate in extracurricular, enrichment, cultural, and social activities offered by the child’s school, family of origin, and/ or in the community; and
- the requirement to have present on-site at least one official who, with respect to any child placed at the child care institution, is designated to be the caregiver who is authorized to apply the Reasonable and Prudent Parent Standard to decisions involving the participation of the child in age or developmentally appropriate activities, and who is provided with training in how to use and apply the Reasonable and Prudent Parent Standard in the same manner as foster parents.

VIII. INSTRUCTIONS FOR ADMINISTRATIVE CASE REVIEWERS

Administrative Case Reviewers shall ensure the children’s foster parents/relative caregivers or child care institution administrators are using “normalcy parenting” and the Reasonable and Prudent Parent Standard. At each ACR, Reviewers shall ask whether children have regular ongoing opportunities to engage in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities (including by consulting with the child in an age-appropriate manner about the opportunities of the child to participate in such activities).

IX. QUESTIONS

Questions about this policy guide should be directed to the Office of Child and Family Policy at 217-524-1983 or via Outlook to OCFP – Mailbox.

X. FILING INSTRUCTIONS

Remove **Policy Guide 2015.16, The Reasonable and Prudent Parent Standard** from behind the following:

- **Rules 316, Administrative Case Reviews and Court Hearings;**
- **Rules 402, Licensing Standards for Foster Family Homes; and**
- **Rules 404, Licensing Standards for Child Care Institutions and Maternity Centers.**

Place this Policy Guide immediately following:

- **Procedures 301.80, Relative Home Placement;**
- **Procedures 315. 135(d), Reasonable and Prudent Parenting Standard;**
- **Procedures 327.4(d), Other Consents;**
- **Rules 316, Administrative Case Reviews and Court Hearings;**
- **Rules 340, Foster Parent Code;**
- **Rules 402, Licensing Standards for Foster Family Homes;**
- **Rules 403, Licensing Standards for Group Homes; and**
- **Rules 404, Licensing Standards for Child Care Institutions and Maternity Centers.**

Policy Guide 2017.07.Appendix A

Event	Who may consent
Adoption , consent for child/youth under age 18	DCFS Guardian or an Authorized Agent from the Consent Unit*
Athletic participation , school extracurricular or recreational	Caregiver
Behavioral/Mental Health Services for a child/youth in care under age 18, including: <ul style="list-style-type: none"> • Pre-hospitalization screening; • Rehabilitative or Mental Health Assessment; • Individual Treatment Plan (ITP) development; • Psychiatric Evaluation; • Psychological testing; and • Treatment with psychotropic medication 	DCFS Guardian or an Authorized Agent from the Consent Unit.* Youth between the ages of 12 and 18 years old must also consent to release of their mental health information.
Cell phone , permission to carry	Caregiver
Consumer credit report checks for a child/youth in care: <ul style="list-style-type: none"> • Running a credit check • Reporting identity theft 	DCFS Guardian
Dating	Caregiver
Driver's license / learner's permit	The DCFS Guardian recognizes the caregiver as the "responsible adult" for purposes of the Illinois Driver Licensing Law [625 ILCS 5/6-100], noting that the caregiver is in the best position to assess that the youth is sufficiently prepared and able to safely operate a motor vehicle.
Enlistment in armed forces by youth under age 18	DCFS Guardian
Enlistment in Job Corps	DCFS Guardian or an Authorized Agent**
Home schooling a child	DCFS Guardian
Legal representation for child: <ul style="list-style-type: none"> • Obtaining legal counsel • Filing a lawsuit • Negotiating settlements • Petition to change child's name 	DCFS Guardian or Special Counsel to the Guardian***
Marriage license , issuance to any youth in care who is at least 16 but less than 18 years of age	DCFS Guardian
Media requests: <ul style="list-style-type: none"> • Release forms • Requests to interview of child/youth in care 	DCFS Guardian or an Authorized Agent from the Consent Unit*
Overnight / Sleepovers , not exceeding 48 hours (e.g., at friend's home or other planned activity)	Caregiver
Out-of-country travel	See Travel , below

* Authorized Agents from the Consent Unit work for and report directly to the DCFS Guardian

** These Authorized Agents are located in the DCFS Regional and Area Offices

*** Special Counsel to the Guardian work for and report directly to the DCFS Guardian

Event	Who may consent
Out-of-state travel	See Travel , below
Passport , obtaining for child/youth in care	DCFS Guardian or an Authorized Agent from the Consent Unit*
Release of Information Consents	DCFS Guardian or an Authorized Agent**
Release of Liability forms	DCFS Guardian or an Authorized Agent from the Consent Unit*
Research project in which the child/youth is a subject (not a school project)	DCFS Guardian or an Authorized Agent from the Consent Unit*
<p>Routine school activities, such as:</p> <ul style="list-style-type: none"> • school enrollment • notification of change in school placement • school conferences and problems at school • field trips within Illinois • field trips outside of Illinois (day trips only) • routine social events (picnics, school parties, etc.) • attendance at sporting events • extra-curricular activities (including athletic participation) • cultural events • school photos and years book pictures • report cards <p>Other school activities:</p> <ul style="list-style-type: none"> ○ Special education programs – records, reports, conferences, evaluations and placement changes ○ Mental health records (often part of the IEP) ○ Release of school information (except special education records) ○ School suspension / expulsion notices ○ Fiscal, other (e.g., school fees) 	<p>Caregiver</p> <p>Caregiver or a Surrogate Parent appointed by the Illinois State Board of Education ONLY</p> <p>Authorized Agent only**</p> <p>Authorized Agent only**</p> <p>DCFS Guardian only Permanency Worker/Case Manager</p>
Social media – Facebook, Instagram, etc.	Caregiver
<p>Travel</p> <ul style="list-style-type: none"> • In state travel • In state travel and out-of-state travel, not exceeding 48 hours and accompanied by caregiver • Out-of-state travel, 30 days or more • Out-of-country travel, all 	<p>Caregiver</p> <p>Caregiver. For travel more than 48 hours, the caregiver must notify the Permanency Worker/Case Manager of the trip, and provide the child/youth’s location and contact information.</p> <p>DCFS Guardian or an Authorized Agent from the Consent Unit* DCFS Guardian or an Authorized Agent from the Consent Unit*</p>

* Authorized Agents from the Consent Unit work for and report directly to the DCFS Guardian

** These Authorized Agents are located in the DCFS Regional and Area Offices

*** Special Counsel to the Guardian work for and report directly to the DCFS Guardian