

## **Joint Committee on Administrative Rules**

# **ADMINISTRATIVE CODE**

**TITLE 89: SOCIAL SERVICES  
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
SUBCHAPTER b: PROGRAM AND TECHNICAL SUPPORT  
PART 340 FOSTER PARENT CODE  
SECTION 340.40 FOSTER PARENT RIGHTS**

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### **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]*
  - 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).
  - 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.*
  - 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. 2202, effective January 31, 2009)

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