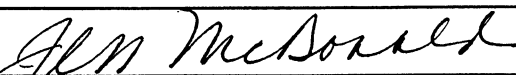


OCFP Office of Child and Family Policy	Department of Children and Family Services	
	Index No: 2001.02	Issuance Date: February 01, 2001
	Origin of Request: Family Development Specialist	
	Distribution: X, Z, and C-3	
	Key Words: 89 IAC 402, Licensing Standards For Foster Family Homes, Lice, Hair Cutting, Hair Permanents, Hair Dyeing, Ear Piercing, Residual Parental Rights.	
	Approved by: 	

Interpretation

Question: May a foster child's hair be cut before the shelter care hearing if the child has lice? If a child has been adjudicated, does a foster parent need the birth parent's permission for haircuts, hair permanents or dyeing, ear piercing, or other minor cosmetic actions?

Applicable to: Foster Family Homes and Family Development and Child Welfare Staff of the Department and staff of purchase of service provider agencies.

Policy Citation: *"Residual parental rights and responsibilities" means those rights and responsibilities remaining with the parent after the transfer of legal custody or guardianship of the person, including, but not necessarily limited to, the right to reasonable visitation (which may be limited by the court in the best interests of the minor as provided in subsection (8)(b) of this Section), the right to consent to adoption, the right to determine the minor's religious affiliation, and the responsibility for his support.*

(Source: The Juvenile Court Act of 1987 [705 ILCS 405/1-3])

Discussion: The Juvenile Court Act does not specifically grant or restrict the Department's right to cut the hair of a child after taking protective custody. Best practice indicates that when the health and comfort of the child is involved, the Department should consent to cutting hair to enhance lice removal, taking into account, if possible, the wishes of the parents, the wishes of the child (especially older children), cultural considerations, and so forth. The Juvenile Court Act does not include or preclude permission for haircuts, hair permanents, hair dyeing, ear piercing, and the like, as residual parental rights. Again, best practice is to include the parents in those decisions as much as practicable, taking into account the cultural and religious attitudes of the family. Granting permission for children in certain religious groups to have their hair cut or ears pierced may be seen as a violation of the parents' right to determine their child's religious affiliation, which is a residual parental right.



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Contacting the parent on these matters reduces the possibility of anger and hostility between parties and is good casework practice.

Response:

Residual parental rights do not include the exclusive right to consent for haircuts, hair permanents, hair dyeing, ear piercing, and the like. Foster parents shall contact the child's caseworker for permission before proceeding.

With the guardian's permission, a foster child's hair may be cut before the shelter care hearing when the child's hair is unable to be cleaned or is causing the child distress or discomfort. Foster parents shall wait until after the shelter care hearing before contacting the child's caseworker for guardian consent for purely cosmetic changes.