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Interpretation

Question: Can an applicant for a foster parent license who refuses to get a physical exam because of religious reasons be licensed?

Applicable To: Licensing Staff & Foster Parents

Policy Citation: The Child Care Act of 1969: *An application to operate a foster family home shall include, at a minimum completed written form; written authorization by the applicant and all adult members of the applicant's household to conduct a criminal background investigation; medical evidence in the form of a medical report, on forms prescribed by the Department, that the applicant and all members of the household are free from communicable diseases or physical and mental conditions that affect their ability to provide care for the child or children.*[225 ILCS 10/4(b)]

Discussion: The purpose of The Child Care Act as a regulatory law is to reduce risk to children who otherwise may be harmed when placed in a child care facility. The license sets the minimum standards to operate a child care facility and, at the same time, protect children being placed there. Individuals that desire to obtain a license to care for children other than their own must meet the licensing requirements. These applicants voluntarily are willing to submit to the requirements of licensure in order to care for children other than their own. Thus, the requirement of providing medical exams to eliminate risk of communicable diseases to children does not violate their constitutional rights of religious freedom.

Response: Applicants for a foster parent license must provide medical evidence in the form of a medical report that the applicant and all members of the household are free from communicable diseases in order to obtain a license.