

HB 1596: GENDER INCLUSIVE CHILD WELFARE STATUTE

UPDATE 6/9/23: HB 1596 was signed into law by Governor Pritzker.

HB 1596 amends various child welfare and juvenile court statutes to reflect more inclusive language in laws relating to children and families. The number of individuals who identify as LGBTQ+ continues to grow.

Research shows that the LGBTQ youth are overrepresented in the child welfare system. The Illinois Auditor General estimated that Illinois has hundreds of LGBTQ youth in care. Adopting gender-inclusive language promotes equality and respect for all individuals. As stated by the United Nations:

- *[U]sing gender-inclusive language means speaking and writing in a way that does not discriminate against a particular sex, social gender or gender identity, and does not perpetuate gender stereotypes. Given the key role of language in shaping cultural and social attitudes, using gender-inclusive language is a powerful way to promote gender equality and eradicate gender bias.*

In February 2021, the [Illinois Auditor General announced](#) (http://auditor.illinois.gov/Audit-Reports/Performance-Special-Multi/Performance-Audits/2021_Releases/21-DCFS-LGBTQ-Youth-in-Care-Perf-Full.pdf) that DCFS failed to implement or ensure compliance with DCFS rules and procedures to affirm LGBTQ youth (DCFS' policy

states that “affirming” means to “acknowledge and support the individual’s rights to self-determination of gender and sexual orientation.”). The legislation takes a first step in responding to an Illinois Auditor General report urging DCFS to affirm and recognize hundreds of young people in their care, which starts by changing:

- gendered words/phrases of the statutory text to gender-inclusive terms to honor all gender identities. For example, replacing pronouns with the possessive of the nouns to which the pronouns refer, replacing “mother” and “father” with “parent,” replacing “pregnant woman” with “pregnant person,” replacing “Ombudsman” with “Ombudsperson,” etc.
- references to “biological” parents to “birth” parents. This more accurately and respectfully reflects situations in which children are born to parents with whom they are not genetically related.

This bill does not make substantive changes to the meaning of statutes, but the following statutes would be amended with gender-inclusive terms: the Children and Family Services Act, Civil Administrative Code of Illinois/(Department of Children and Family Services Powers Law), Child Death Review Team Act, Foster Parent Law, Foster Children’s Bill of Rights Act, Statewide Foster Care Advisory Council Law, Department of Children and Family Services Statewide Youth Advisory Board Act, Interstate Compact on Adoption Act, Child Care Act of 1969, Abandoned Newborn Infant Protection Act, Abused and Neglected Child Reporting Act, Child Sexual Abuse Prevention Act, Juvenile Court Act, Unified Code of Corrections/(DJJ Ombuds), and Emancipation of Minors Act.

TESTIMONY FROM HEARING ON AUDITOR GENERAL REPORT FINDINGS ([HTTPS://WWW.ACLU-IL.ORG/EN/NEWS/TESTIMONY-DCFS-CARE-LGBTQ-YOUTH](https://www.aclu-il.org/en/news/testimony-dcfs-care-lgbtq-youth)).



SESSION

103rd

BILL NUMBER

[HB 1596 \(https://www.ilga.gov/legislation/BillStatus.asp?DocNum=1596&GAID=17&DocTypeID=HB&LegId=143979&SessionID=112&GA=103\)](https://www.ilga.gov/legislation/BillStatus.asp?DocNum=1596&GAID=17&DocTypeID=HB&LegId=143979&SessionID=112&GA=103)
