

TITLE 89: SOCIAL SERVICES  
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

**PART 402**  
**LICENSING STANDARDS FOR FOSTER FAMILY HOMES**

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AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10].

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SOURCE: Adopted and codified at 5 Ill. Reg. 9548, effective October 1, 1981; emergency amendment at 6 Ill. Reg. 15580, effective December 15, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 3439, effective April 4, 1983; amended at 7 Ill. Reg. 13858, effective November 1, 1983; amended at 8 Ill. Reg. 23197, effective December 3, 1984; amended at 11 Ill. Reg. 4292, effective March 1, 1987; emergency amendment at 16 Ill. Reg. 11879, effective July 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 267, effective December 21, 1992; emergency amendment at 18 Ill. Reg. 8481, effective May 20, 1994, for a maximum of 150 days, emergency expired on October 17, 1994; amended at 19 Ill. Reg. 1801, effective February 1, 1995; amended at 19 Ill. Reg. 9463, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10743, effective July 1, 1995, for a maximum of 150 days; emergency expired November 27, 1995; amended at 20 Ill. Reg. 1589, effective January 10, 1996; emergency amendment at 20 Ill. Reg. 3954, effective February 16, 1996, for a maximum of 150 days; emergency expired July 15, 1996; amended at 21 Ill. Reg. 4548, effective April 1, 1997; amended at 22 Ill. Reg. 205, effective December 19, 1997; amended at 23 Ill. Reg. 7877, effective July 15, 1999; emergency amendment at 24 Ill. Reg. 6417, effective March 27, 2000, for a maximum of 150 days; emergency expired August 23, 2000; amended at 24 Ill. Reg. 17052, effective November 1, 2000; amended at 26 Ill. Reg. 2624, effective February 11, 2002; amended at 26 Ill. Reg. 11796, effective August 1, 2002; amended at 30 Ill. Reg. 6321, effective March 31, 2006; amended at 33 Ill. Reg. 11441, effective August 1, 2009; amended at 36 Ill. Reg. 4086, effective March 5, 2012; amended at 40 Ill. Reg., 808, effective December 31, 2015; amended at 40 Ill. Reg. 7797, effective May 16, 2016; amended at 42 Ill. Reg. 2253, effective January 17, 2018; amended at 42 Ill. Reg. 20321, effective October 31, 2018; amended at 44 Ill. Reg. 6019, effective April 1, 2020.

### Section 402.1 Purpose

- a) The purpose of this Part is to prescribe the standards for licensure as a foster family home and to describe how to apply for a license.
- b) The licensing standards set forth in this Part are applicable to foster family homes as defined in the Child Care Act as well as to those foster family homes operated or supervised by the Department and by agencies exempt from licensing as identified in 89 Ill. Adm. Code 382 (Agencies Exempt from Licensing).
- c) The Central Office of Licensing shall ensure that these licensing standards are reviewed every 3 years to determine whether the licensing standards, as written, are appropriate.

(Source: Amended at 33 Ill. Reg. 11441, effective August 1, 2009)

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## Section 402.2 Definitions

"Adoptive placement" means a living arrangement with a family that is directed toward establishing that family as the child's new legal parents. To be considered an adoptive placement, the child must be placed in a licensed foster family home or license exempt relative home for purposes of adoption and:

- be legally free (parental rights have been terminated or both parents have surrendered their parental rights); or
- be placed in a legal risk adoptive placement that has passed legal screening as described in 89 Ill. Adm. Code 309 (Adoption Services for Children for Whom the Department of Children and Family Services is Legally Responsible).

*"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(b)]*

*"Approved smoke detector" or "detector" means a smoke detector of the ionization or photoelectric type that complies with all the requirements of the rules and regulations of the Illinois State Fire Marshal. [425 ILCS 60/2]*

"Approved in-service training" means:

- Foster PRIDE module or other Department approved training;
- foster parent conferences sponsored by the Department;
- other conferences approved by the Department;
- training provided under the auspices of a licensed child welfare agency when the agency's foster care program has been accredited by the Council on Accreditation of Services for Families and Children, Inc., 520 Eighth Avenue, Suite 2202B, New York NY 10018;
- materials borrowed from the Department's Foster/Adoptive Parent Lending Libraries;
- training toward first-aid, Heimlich maneuver, and/or cardiopulmonary resuscitation (CPR) certification; or
- other training, substantially meeting the Department's Foster PRIDE/Adopt PRIDE training, approved in writing by the Department of Children and Family Services.

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"Background check" means:

Individuals 18 years of age or older:

- a criminal history check via fingerprints that are submitted to the Illinois State Police and the Federal Bureau of Investigation (FBI) for comparison to their criminal history records, as appropriate; and

Individuals 13 years of age or older:

- a check of the Statewide Automated Child Welfare Information System (SACWIS) and other state child protection systems, as appropriate, to determine whether an individual is currently alleged or has been indicated as a perpetrator of child abuse or neglect; and
- a check of the Illinois Sex Offender Registry.

*"Child" means any person under 18 years of age. [225 ILCS 10/2.01]*

"Child care assistant" means an adult, 18 years of age or older, (whether a volunteer or an employee) who assists a licensed foster parent in the care of children within the foster home.

*"Child care facility" means any person, group of persons, agency, association or organization, corporation, institution, center or group, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody in any facility as defined in the Child Care Act of 1969 [225 ILCS 10], established and maintained for the care of children. Child care facility includes a relative who is licensed as a foster family home under to Section 4 of the Child Care Act. [225 ILCS 10/2.05]*

"Classifiable fingerprints" means fingerprints obtained through an electronic or ink printing process that were determined to provide sufficiently clear impressions to identify the individual from whom the prints were obtained.

"Common parentage" means having the same biological or adoptive father, the same biological or adoptive mother, or the same biological or adoptive father and mother.

"Complete application for foster family home license" means, at a minimum, *a completed written application 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; the names and addresses of at least 3 persons not related to the applicant who can attest to the applicant's moral*

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*character; the name and address of at least one relative who can attest to the applicant's capability to care for the child or children; and fingerprints submitted by the applicant and all adult members of the applicant's household. [225 ILCS 10/4]*

"Contact between siblings" means contact between or among siblings who are residing apart from one another, and may include, but is not limited to: telephone calls; video conferencing; in person visitation; sending/receiving cards, letters, emails, text messages, gifts, etc.; sharing photographs or information; use of any approved social media (e.g., Facebook), and any other agreed upon forms of communication technology.

"Corporal punishment" means hitting, spanking, beating, shaking, pinching, and other measures that produce physical pain.

*"Department" means the Illinois Department of Children and Family Services. [225 ILCS 10/2.02]*

"Discipline" means the process of helping children to develop inner controls so that they can manage their own behavior in socially acceptable ways. Discipline does not include the use of corporal punishment as defined in this Part.

"Educational advocacy training" means the 6-hour training that prepares foster parents to effectively advocate for the special educational needs of the children in their care by providing information on children's educational rights and foster parents' responsibility to protect those rights.

"Expanded capacity license" means the foster family home has been issued a license from the Department authorizing the foster family to accept more than six children for care (including the family's own children under age 18 and all other children under age 18 receiving full-time care) as permitted in Section 402.15(c) (for foster care placements) or (e) (for adoptive placements).

*"Fictive kin" means any individual, unrelated by birth or marriage, who:*

*is shown to have close personal or emotional ties with the child or the child's family prior to the child's placement with the individual; or*

*is the current foster parent of a child in the custody or guardianship of the Department pursuant to the Child and Family Services Act [20 ILCS 505] and the Juvenile Court Act of 1987 [705 ILCS 405], if the child has been placed in the home for at least one year and has established a significant and family-like relationship with the foster parent, and the foster parent has been identified by the Department as the child's permanent connection. [20 ILCS 505/7(b)]*

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*"Foster family home" means a facility for child care in residences of families who receive no more than 6 children unrelated or related to them, unless all the children are of common parentage, or residences of relatives who receive no more than 6 related or unrelated children placed by the Department, unless the children are of common parentage, for the purpose of providing family care and training for the children on a full-time basis, except the Director of Children and Family Services, pursuant to Department regulations, may waive the numerical limitation of foster children who may be cared for in a foster family home to allow:*

*a parenting youth in foster care to remain with the child of the parenting youth;*

*siblings to remain together;*

*a child with an established, meaningful relationship with the family to remain with the family; or*

*a family with special training or skills to provide care to a child who has a severe disability.*

*The family's or relative's own children, under 18 years of age, shall be included in determining the maximum number of children served. [225 ILCS 10/2.17]*

The Department requires foster family homes to receive an expanded capacity license allowing them to receive more than six children, including their own children under age 18 and all other children under the age of 18 receiving full-time care. No more than 6 children in a foster home shall be youth in care, unless the youth meet exceptions in Section 402.15, i.e., siblings, parenting youth, respite and adoption.

"Full-time care" means the child is a resident of the household, whether on a temporary, emergency, or permanent basis, and is receiving family care usually provided by a parent or guardian.

"Godparent" is a person who sponsors a child at baptism or one in whom the parents have entrusted a special duty that includes assisting in raising the child if the parent cannot raise the child. If the person is considered to be the child's godparent, in order for placement to occur, the same placement selection criteria as contained in 89 Ill. Adm. Code 301.60 (Placement Selection Criteria) must be met. If the godparent is not a licensed foster parent, all the conditions currently in effect for placement with relatives in 89 Ill. Adm. Code 301.80 (Relative Home Placement) must be met.

"In-service training" means approved training provided to currently licensed foster parents.

"License" means a document issued by the Department of Children and Family Services that authorizes child care facilities to operate in accordance with applicable standards and the provisions of the Child Care Act.

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*"License applicant" means the operator or person with direct responsibility for daily operation of the facility to be licensed. [225 ILCS 10/4.4]*

"Licensed physician" means a person licensed to practice medicine in the State of Illinois.

"Licensee" means those individuals, agencies, or organizations who hold a license or permit issued by the Department of Children and Family Services.

"Licensing representative" means persons authorized by the Department under the Child Care Act to perform licensing activities.

"Licensing study" means a written review and assessment of an application for license, on-site visits, interviews, and the collection and review of supporting documents to determine compliance with the Child Care Act of 1969 and the standards prescribed by this Part.

"Member of the household" means a person who resides in a family home as evidenced by factors including, but not limited to, maintaining clothing and personal effects at the household address, or receiving mail at the household address, or using identification with the household address.

"Minor traffic violation" means a traffic violation, under the laws of the State of Illinois or any municipal authority in Illinois or another state or municipal authority, that is punishable solely by fines as a petty offense.

"Multi-purpose room" means a room in the foster family home that has been designed for several purposes. A multi-purpose room that is temporarily converted into a bedroom may only be a pass through room in the home if the privacy of the children using the room for a bedroom can be ensured. Activities within the room shall be normal bedroom activities such as sleeping, dressing and playing while used as a bedroom.

"Non-active status" means a licensed foster home has no foster placements and maintains continuous compliance with this Part that, by mutual written agreement with the Department, does not receive regular licensing monitoring visits by the Department or supervising agency.

"Normalcy parenting" means empowering a foster parent to approve or not approve a child's participation in appropriate extracurricular enrichment, cultural and social activities based on the caregiver's assessment using the reasonable and prudent parent standard, without prior approval of the Department, the caseworker or the court. The goal of normalcy parenting and the reasonable and prudent parent standard is to allow the child's participation in extracurricular, enrichment, cultural and social activities that are appropriate for the child's normal growth and development.

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"Permanent connection" means a family-like relationship, consistent with a child's best interests, health, safety and well-being, that provides:

- safe, stable and committed parenting;
- unconditional love and lifelong support; and
- a permanent legal status between child and family.

For a child for whom the Department is legally responsible, a permanent connection may be the child's parents or another caregiver in the child's home of origin. When the child cannot be safely returned home, a permanent connection may be the current or former foster parent or relative caregiver, an individual identified as an adoptive or legal guardianship placement resource, or another individual from among the child's or family's lifelong connections with whom a child has developed a familial relationship.

"Permit" means a one-time only document issued by the Department of Children and Family Services for a 2 month period to allow the individuals to become eligible for an initial foster family home license.

*"Petty offense" means any offense for which a fine only is provided, and a sentence of imprisonment is not an authorized disposition. [730 ILCS 5/5-1-17]*

"Premises" means the location of the foster family home in which the family resides and includes the attached yard, garage, basement and any other outbuildings.

*"Reasonable and prudent parent standard" means the standard, characterized by careful and sensible parental decisions that maintain the child's health, safety, and best interests while at the same time supporting the child's emotional and developmental growth, that a caregiver shall use when determining whether to allow a child in out-of-home care to participate in extracurricular, enrichment, cultural, and social activities. [20 ILCS 505/7.3a(b)]*

*"Relative", for purposes of placement of children for whom the Department is legally responsible, shall include any person, 21 years of age or over, other than the parent, who:*

- is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, first cousin once removed (children of one's first cousin to oneself), second cousin (children of first cousins are second cousins to each other), godparent (as defined in this Section), great-uncle or great-aunt;*
- is the spouse, or party to a civil union, of such a relative; or*
- is the child's step-father, step-mother, step-grandfather, step-grandmother or adult step-brother or step-sister; or*



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- is the partner, or adult child of a partner, in a civil union with the child's mother or father; or
- is a fictive kin as defined in this Section.

*"Relative" also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. For children who have been in the guardianship of the Department, have been adopted, and are subsequently returned to the temporary custody or guardianship of the Department, a "relative" may also include any person who would have qualified as a relative under this definition prior to the adoption, but only if the Department determines and documents that it would be in the child's best interests to consider this person a relative. [20 ILCS 505/7(b)]*

"Reputable character" means there is satisfactory evidence that the moral character of the applicant is trustworthy.

"Respite foster care" means temporary (not to exceed 30 days), full-time care in a licensed foster family home, group home, or child care institution, or in a license exempt relative home, when such temporary, full-time care is provided to children in care. Respite foster care is provided to children in care in order to give the full-time caregivers a rest from caregiving responsibilities.

"Responsible" means trustworthy performance of expected duties that serves the best interests of the children in care as evidenced by established child welfare standards, State and federal law, and the rules of the Department.

"SACWIS" means the Statewide Automated Child Welfare Information System operated by the Illinois Department of Children and Family Services.

"Siblings" means children who have at least one parent in common. Children continue to be considered siblings after parental rights are terminated, if parental rights were terminated while a petition under Article II of the Juvenile Court Act of 1987 was pending. Children continue to be considered siblings after one or more of the children are adopted or placed in private guardianship, if they were in the custody or guardianship of the Department pursuant to Article II of the Juvenile Court Act of 1987 immediately prior to the adoption or guardianship. Step-siblings may be considered "siblings" when the children enter into substitute care together and have a positive relationship.

"Specialized care" or "specialized foster care services" means care provided to a child in the custody or guardianship of the Department who requires such services due to emotional, behavioral, developmental or medical needs, or any combination thereof, or any other needs that require special intervention services, the primary goal being to maintain the child in foster care or in a permanency setting. [20 ILCS 505/5.30(a)] Specialized foster care services are further described in 89 Ill. Adm. Code 301.90 (Foster Family Home Care).

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"Supervising agency", for the purpose of this Part, means a licensed child welfare agency, a license-exempt agency, or the Department of Children and Family Services.

"Universal precautions" means an approach to infection control. According to the concept of universal precautions, all human blood and certain body fluids are treated as if known to be infectious for HIV, HBV, and other blood-borne pathogens.

"Visitation" means face-to-face contact:

between parents and their children who are in substitute care;

between siblings in substitute care who are placed apart from one another; or

between siblings in substitute care with siblings who are not in substitute care (e.g., emancipated, case closed due to independence, adopted, placed in private guardianship, living in home of parent, etc.).

(Source: Amended at 44 Ill. Reg. 6019, effective April 1, 2020)

### **Section 402.3 Effective Date of Standards (Repealed)**

(Source: Repealed at 19 Ill. Reg. 9463, effective July 1, 1995)

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### Section 402.4 Application for License

- a) Application for license as a foster family home shall be completed, signed by the foster parent applicants, and filed with the Department of Children and Family Services by the supervising agency on forms prescribed by the Department. Applications submitted to the Department after July 1, 1995 shall be a complete application for a foster family home license, as defined in Section 402.2. Any relative who receives a child or children for placement on a full-time basis may apply for a license to operate a foster family home as defined in Section 2.17 of the Child Care Act of 1969 [225 ILCS 10/2.17].
- b) When a contractor with the Department or an employee of the State of Illinois seeks to become licensed as a foster family home, the study to determine compliance with licensing standards shall be provided by a licensed child welfare agency other than the Department and by persons who have no significant working relationship or personal relationship with the contractor or State employee. If the license is granted, the contractor or State employee may continue his or her contract or employment while operating the foster family home. The contractor's or employee's foster family home shall be supervised, monitored, licensed and evaluated by a licensed child welfare agency other than the Department and by individuals who have no significant working relationship or personal relationship with the employee. The contractor or employee shall consult with appropriate contract monitors and/or supervisors to make sure his or her official duties do not involve any interaction with the licensed child welfare agency responsible for supervising, monitoring, licensing, or evaluating the foster family home of the contractor or employee. When a foster parent contracted by the Department to provide support services to other foster parents chooses not to be supervised and monitored by a private agency, the foster parent may be licensed by the Department only when licensing and supervision is provided from Department staff in a region outside the contracted foster parent's region of residence and service provision.
- c) As part of the application, each foster family home applicant and adult member of the household shall authorize background checks in accordance with 89 Ill. Adm. Code 385 (Background Checks) and shall submit to fingerprinting to determine if the individual has ever been charged with a crime, and if so, the disposition of the charges. In addition, members of the household ages 13 through 17 must authorize a check of CANTS and the Child Sex Offender Registry.
- d) The child welfare agency shall conduct a home study for each initial application for foster home licensure under its supervision. The home study shall be conducted by a qualified licensing representative and shall be reviewed and approved by a qualified licensing supervisor. (Supervisor requirements can be found in 89 Ill. Adm. Code 401, Licensing Standards for Child Welfare Agencies.) The home study shall require the licensing representative to have one scheduled initial on-site visit to determine if the home meets licensing standards. The licensing representative shall provide in writing how the applicants can meet standards, or why they cannot meet standards, for foster home licensure at that time.

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- 1) When more than 30 days have passed since the licensing representative has been to the home, prior to the recommendation to issue a foster home license, the licensing representative shall go to the home a second time to ensure the home continues to meet the requirements of this Part.
  - 2) The licensing representative shall make a scheduled visit to the home when all household members are present to observe and assess family dynamics. The licensing representative, with supervisory approval, shall have discretion on whether to interview or observe each household member based on his or her age and development.
  - 3) The licensing representative shall assess the applicant and the applicant's ability to communicate and effectively work with youth in care in conjunction with the youth's health care providers and other service providers.
  - 4) Before a final recommendation for licensure is made, applicants shall provide specific and signed assurances they understand and shall adhere to provisions of this Part that include, but are not limited to, corporal punishment, smoking, alcohol and/or drug use, and reasonable and prudent parenting standards.
- e) A new application shall be filed when any of the following occurs:
- 1) when an application for license has been withdrawn, and the licensee or agency seeks to reapply; or
  - 2) when there is a change in the name of the licensee, the address of the foster home or the supervising agency; or
  - 3) when there is a change in the status of joint licensees, such as marriage, entering into a civil union, separation, divorce, dissolving a civil union, or death; or
  - 4) not sooner than 12 months after the Department has revoked or refused to renew a license, and a new license is sought.
- f) A new application may be submitted at any time, including following the denial of an application for license, except that when a license has been revoked or the Department has refused to renew a license, the licensee may not reapply for licensure as a foster family home for a period of one year after revocation or refusal to renew.

(Source: Amended at 44 Ill. Reg. 6019, effective April 1, 2020)

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### Section 402.5 Application for Renewal of License

- a) Application forms for license renewal shall be mailed to foster parent licensees by the supervising agency at least three months prior to the expiration date of the license.
- b) The completed, signed application for renewal of the license shall be received by the supervising agency no later than 60 days after the date the application forms for license renewal were mailed to the licensee.
- c) Upon receipt of the application for license renewal, the supervising agency shall conduct a license study in order to determine that the foster home continues to meet licensing standards. The licensing study shall be in writing and shall be reviewed and signed by the supervisor and signed by the worker performing the study.
- d) *When a licensee has made timely and sufficient application for the renewal of a license and the Department fails to render a decision on the application for renewal of the license prior to the expiration date of the license, the existing license shall continue in full force and effect for up to 30 days until the final Department decision has been made. The Department may further extend the period in which such decision must be made in individual cases for up to 30 days, but such extensions shall be only upon good cause shown. [225 ILCS 10/5(d)]*
- e) As part of the renewal application, each foster family home applicant and member of the household 17 and older shall authorize criminal background checks in accordance with 89 Ill. Adm. Code 385 (Background Checks) and shall submit to fingerprinting, if fingerprints are not already on file with the Department, to determine if the individual has ever been charged with a crime and, if so, the disposition of the charges. In addition, members of the household ages 13 through 16 must authorize a SACWIS check and a check of the Child Sex Offender Registry.

(Source: Amended at 33 Ill. Reg. 11441, effective August 1, 2009)

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### Section 402.6 Provisions Pertaining to Permits

- a) A two month permit may be issued only with the personal written approval of the Director of the Department when:
  - 1) The application for license has been completed and signed by the foster parent applicants and submitted to the Department;
  - 2) The required background check forms have been completed in accordance with 89 Ill. Adm. Code 385 (Background Checks), classifiable fingerprints, as defined in this Part, have been obtained, and Child Sex Offender Registry and CANTS checks have been completed that find no history of child abuse or neglect or criminal activities for the foster home applicants;
  - 3) A complete licensing study has been conducted by the licensing representative and it has been determined that the family is in reasonable compliance with all applicable standards except for receipt, review, and disposition of the criminal background check required by 89 Ill. Adm. Code 385 (Background Checks);
  - 4) Furnishings, equipment and space sufficient for the children have been acquired; and
  - 5) The applicants have signed:
    - A) affidavits indicating whether they have or have not been convicted or charged with a crime other than a minor traffic violation and a description of any convictions or charges;
    - B) acknowledgments that, by virtue of being a foster parent, they are mandated to report suspected child abuse or neglect;
    - C) acknowledgments that the permit is time limited and issuance of a license is contingent upon the results of the criminal background check;
    - D) acknowledgments that the permit may be canceled and the Department will refuse to issue a license if the results of the criminal background check are unfavorable; and
    - E) acknowledgments that any children placed in their care may be removed without prior notice if information provided during the application process has been falsified or the applicants have a prior criminal history, other than for a minor traffic violation.

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- b) A permit shall not be issued retroactively.
- c) Permits shall not be transferred to another person or other legal entity.
- d) Permits shall not be valid for a name or address different from the name and address shown on the issued permit.
- e) Permits shall not be renewable.
- f) A current permit shall be available in the foster home at all times while the home is operating under a permit.
- g) A license shall be issued at any time within the two month period covered by the permit provided that the foster family home achieves and maintains compliance with the Department's licensing standards.
- h) The foster family shall adhere to the provisions or restrictions specified on the permit.
- i) There shall be no fee or charge for the permit.

(Source: Amended at 26 Ill. Reg. 2624, effective February 11, 2002)

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## Section 402.7 Provisions Pertaining to the License

- a) A foster family home license is valid for four years unless revoked by the Department or voluntarily given up by the licensee.
- b) The number of children cared for in the foster family home shall not exceed the license capacity and must conform with the requirements for the number and ages of children specified on the license.
- c) The foster parents' biological and adopted children under 18 years of age and all other children under 18 years of age receiving full-time care shall be counted when determining license capacity.
- d) The license shall not be transferred to another person or other legal entity.
- e) The license shall not be valid for a name or an address other than the name and address on the license.
- f) A current license shall be available in the foster home at all times.
- g) There shall be no fee or charge for the license.
- h) The foster family shall adhere to the provisions or restrictions specified on the license.
- i) Non-active License Status
  - 1) The Department may place a foster family home license in non-active status when the licensee agrees in writing:
    - A) that the home has no foster placements and will not accept foster placements while in non-active status;
    - B) to maintain compliance with current and ongoing licensing standards as they are put into effect; and
    - C) to have the license moved to non-active status.
  - 2) A home in non-active status shall continue to be subject to Department and supervising agency involvement. The foster family home may be returned to active status upon any occurrence that may make the home inappropriate for non-active status, including but not limited to:
    - A) a licensing complaint;
    - B) a child abuse or neglect report;
    - C) SACWIS or criminal activity.



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- 3) The foster family may request that the Department move its license back to active status by written notification to the home's licensing representative. Before the foster family home is returned to active status, the licensing representative shall complete an onsite monitoring visit, reassess the household composition to determine if any adult or child has moved into or out of the residence, update background checks for new household members, reassess the physical structure of the residence, reassess the medical and physical capacity of each foster parent, and reassess the licensed capacity of the home.
- 4) A non-active status foster family home license is valid and may remain in non-active status until its renewal date; however, the licensee must submit a complete renewal application, and complete the renewal study process, within the timeframes and guidelines of Section 402.5 (Application for Renewal of License) for the license to be renewed. Upon the foster family home's request, the Department may move the license back into non-active status anytime after renewal, if it meets the aforementioned conditions for non-active status.

(Source: Amended at 33 Ill. Reg. 11441, effective August 1, 2009)

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## Section 402.8 General Requirements for the Foster Home

- a) The foster home shall be clean, well ventilated, free from observable hazards, properly lighted, heated and cooled, and free of fire hazards.
- b) The foster home may not use or have on the premises any unsafe children's product as described in the Children's Product Safety Act [430 ILCS 125] and 89 Ill. Adm. Code 386 (Children's Product Safety).
- c) A foster home shall have a kitchen, including, but not limited to, properly operating appliances (at a minimum, stove, oven, refrigerator and sink).
- d) A foster home shall have a bathroom with properly operating toilet, sink and shower or tub.
- e) The operation of a commercial rooming or boarding house on the premises is not permitted.
- f) The water supply of the foster family home shall comply with the requirements of the local and State health departments. If the foster family home accepts children under age ten or who are developmentally disabled, the maximum hot water temperature from all showers and bathtubs shall be no more than 115° Fahrenheit. If well water is used, a copy of the Inspection Report and Compliance with Regulations shall be on file with the supervising agency.
- g) The applicant or licensee shall maintain the home, premises, and all structures on the premises in a safe and sanitary condition, including proper trash disposal and recycling when available.
- h) **Water Hazards Protection**  
Swimming pools, hot tubs and spas shall meet all State, tribal and/or local safety requirements.
  - 1) All in-ground swimming pools located in areas accessible to children shall be fenced. The fence shall be at least 5 feet in height and secured by a locked gate.
  - 2) All above-ground pools shall have non-climbable sidewalls that are at least 4 feet high or shall be enclosed with a 5-foot fence that is at least 36 inches away from the pool's side wall and secured with a locked gate. When the pool is not in use, pool's steps shall be removed or the pool shall be otherwise protected to insure the pool cannot be accessed.
  - 3) Any swimming pool shall be equipped with devices that are manufactured and labeled as life saving devices and approved by the U.S. Coast Guard for sale as life saving devices.

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- 4) A swimming pool shall have a working pump and filtering system when the pool cannot be emptied after each use.
  - 5) Any hot tub not enclosed with a 5-foot fence shall have a securely locked cover.
  - 6) Any portable wading pool not enclosed with a 5-foot fence shall be emptied daily.
  - 7) Licensees in foster family homes with pools, hot tubs, ponds, outdoor fountains, decorative water ponds, fishponds, or the like must have current CPR certification.
  - 8) Foster homes shall come into compliance with the above water hazard requirements by January 1, 2010. Foster homes that have a license or a permit on January 1, 2009 and have had a fence with a minimum height of 3½ foot shall be considered in compliance with the fence requirement.
- i) No person shall smoke tobacco or other substances in a foster family home, in any *vehicle* used to transport youth in care, in the presence of youth in care, or *within 15 feet of entrances, exits, windows that open, and ventilation intakes that serve* the foster family home. [410 ILCS 82/10 and 70] Smoking and vaping materials of any kind, and the use of any substances by smoking or vaping, are prohibited. However, this subsection does not prohibit smoking in a licensed foster home that does not have foster children in placement.
  - j) Applicants and licensees shall not use any illegal substance, abuse prescription or non-prescription drugs, or abuse alcohol. Licensees shall not drink alcohol in excess while caring for youth in care.
  - k) Alcoholic beverages and toxic/hazardous materials shall be stored where youth in care cannot access them.
  - l) Portable space heaters may be used as a supplementary source of heat if they have an Underwriters Laboratories sticker attached and are used in accordance with local and State building and fire codes. Portable space heaters may not be used in rooms where children are sleeping. Portable and fixed space heaters in areas occupied by children shall be separated by fire resistant partitions or barriers to prevent contact with the heater.
  - m) Dangerous household supplies and dangerous tools shall be kept in a safe place inaccessible to children under 12 years of age. These items shall remain inaccessible to children during disposal.

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- n) When not being dispensed or immediately accessible due to medical necessity, prescription and nonprescription drugs shall be kept in places that are not readily accessible to children under 12 years of age. Expired or unused medications, syringes, medical waste, or medication shall remain inaccessible to children during disposal.
- o) Any and all firearms and ammunition shall be stored and locked up separately at all times and kept in places inaccessible to children. No firearms possessed in violation of a State or federal law or a local government ordinance shall be present in the home at any time. Loaded guns shall not be kept in a foster home unless required by law enforcement officers and in accordance with their law enforcement agency's safety procedures.
- p) Foster parents shall adequately supervise children in their care to assure compliance with laws, including, but not limited to, criminal laws.
- q) The foster home shall comply with all requirements of the State, tribal and local laws and/or municipal codes for household pets. Certificates of inoculation for rabies shall be available for inspection.
- r) The foster home shall be free from rodent and/or insect infestation.
- s) The foster home shall maintain a first aid kit and supplies, including, but not limited to, adhesive bandages, scissors, thermometer, nonpermeable gloves, sterile gauze pads, adhesive tape, tweezers and mild soap.
- t) The foster home shall have an operating telephone on the premises unless the supervising agency has approved a written plan detailing the immediate and unrestricted access to a telephone.
- u) The foster home shall maintain a comprehensive list of emergency telephone numbers, including poison control, and shall post those numbers in a prominent place in the home.
- v) The foster home shall have fire and emergency evacuation plans that are to be discussed and rehearsed quarterly with the children.
- w) The foster home shall be equipped with a minimum of one approved smoke detector in operating condition on every floor level and within 15 feet of every room used for sleeping purposes, including basements and occupied attics, in accordance with Section 3 of the Smoke Detector Act [425 ILCS 60].
- x) The foster home shall have at least one operable fire extinguisher that is readily accessible.

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- y) Basements and Attics
  - 1) Basements and attics may be used for sleeping for children who are mobile, capable of self-preservation, and able to understand and follow directions with minimal assistance in an emergency.
  - 2) Children for whom basement or attic sleeping arrangements may be provided shall be individually evaluated and approved by the supervising agency in accordance with the requirements of subsection (y)(1).
  - 3) To be used for sleeping, basements and attics shall have two exits with one exit that provides access to the outside with means to safely reach the ground level. The second exit may be an easily accessible outside window that provides an unobstructed opening, operable from the inside without the use of tools, and large enough to accommodate an adult. The sleeping area shall be separated from the furnace and utility areas.
  - 4) No basement or attic shall be used for sleeping without the approval of the supervising agency after consultation with the appropriate safety authorities.
- z) A foster home that is not exempted by Section 20 of the Carbon Monoxide Alarm Detector Act [430 ILCS 135] shall be equipped with a minimum of one approved carbon monoxide detector within 15 feet of every sleeping room, in accordance with Section 10 of that Act.
- aa) Adequate closet and dresser space comparable to that provided to the other children of the household shall be provided for each foster child to accommodate personal belongings.
- ab) Foster parents shall respect children's rights to privacy while sleeping, bathing, toileting, and dressing.
- ac) The room shall be exposed to an outside window or shall have auxiliary means of ventilation.
- ad) If children placed in foster care exhibit sexually abusive behavior, sleeping arrangements for the sexually abusive child shall comply with the requirements of a safety plan approved by the Department.

(Source: Amended at 44 Ill. Reg. 6019, effective April 1, 2020)

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### Section 402.9 Requirements for Sleeping Arrangements

- a) Each foster child shall be provided his own separate bed or crib. Children who have been sharing a bed in compliance with previous versions of this subsection shall be provided his or her own separate bed or crib, by the foster parent, by October 1, 2002.
- b) Foster parents shall not co-sleep with a youth in care and shall follow the recommendations of the American Academy of Pediatrics (AAP) regarding safe sleep (<https://www.aap.org/en-us/advocacyandpolicy/aap-health-initiatives/healthy-child-care/Pages/Safe-Sleep.aspx>). This requirement is non-waivable.
- c) Children under six years of age may share a bedroom with related children of the opposite sex who are also under age six if each child is provided with a separate bed or crib.
- d) Unrelated children under two years of age may share a bedroom with children of the opposite sex who are also under the age of two if each child is provided a separate bed or crib.
- e) A foster child may share a bedroom with his or her own children of either sex if each child is provided a separate bed or crib.
- f) A foster child shall not share the bedroom with an adult except under emergency conditions for a brief period of time, when a child is ill, needs frequent attention or as allowed in Section 402.9(g). The supervising agency can require that a foster parent occupy sleeping quarters on the same level of the home as a child who has medical or behavioral issues that warrant close supervision. This requirement shall be written into the child's Service Plan on forms developed and prescribed by the Department.
- g) When adulthood (age 18) is reached by a foster, biological or adopted child for whom sharing the bedroom with a foster child under eighteen years of age has been determined to be in the best interests of the foster child, the supervising agency shall approve such arrangements in accordance with the provisions of this Section.
- h) The supervising agency may approve the use of a multi-purpose room for use as a bedroom in order to enable children of common parentage to be placed together or when it enables a placement that is otherwise in the best interests of the children. Such approvals shall be in writing and shall contain the names and birth dates of the children for whom the approval was issued. These approvals shall be reviewed and reapproved at each license renewal.
- i) There shall be a minimum of 40 square feet, excluding the closet and wardrobe area, for the first child occupying a bedroom and a minimum of 35 square feet for each additional child sharing the room. However, the supervising agency may approve a smaller room size on an individual case basis when such approval is in the best interests of the children. Such approvals shall be in writing and shall contain the names and birth dates of the children for whom the approval was issued. These approvals shall be reviewed at each license renewal.

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- j) The springs and mattresses on each bed requiring such shall be level, clean, unsoiled with no rips or tears in the mattress or mattress cover, and not infested with insects. The bedding shall be suitable for the season. This requirement is non-waivable.
- k) Linens shall be changed at least weekly for all children and as frequently as needed for children not toilet trained and for those who are enuretic.
- l) Waterproof mattress covers shall be provided for all beds or cribs for enuretic children.
- m) Sleeping rooms shall be comfortable and shall be furnished suitably for the age and sex of the child.

(Source: Amended at 44 Ill. Reg. 6019, effective April 1, 2020)

### **Section 402.10 Nutrition and Meals**

- a) The foster home shall provide at least three balanced meals per day in quantities sufficient to meet the recommended dietary allowances for nutritional needs of children. The time span between meals shall not be greater than 14 hours (overnight).
- b) Food products from home-raised animals shall meet the standards of the Departments of Agriculture and Public Health.
- c) When a physician has prescribed a special diet for a child, the home shall provide the special diet.
- d) The foster home shall consider the child's nutritional needs in relationship to the sex, age, religious beliefs and cultural background of the child.
- e) Meals served to children shall be substantially the same as those served other family members unless a variation based on medical needs or religious beliefs is required.
- f) Meals shall be served in an unhurried manner, under clean and sanitary conditions.
- g) Children shall be encouraged to eat the food that is served, but shall not be subjected to coercion or forced feeding.
- h) Children may be allowed to assist in meal preparation under adult supervision.

(Source: Renumbered from Section 402.9 at 7 Ill. Reg. 3439, effective April 4, 1983)

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### Section 402.11 Business and Employment of Foster Parents

- a) The operation of other business enterprises on the premises is permitted but shall not interfere with the care of the child or endanger the health, safety and welfare of the child. The supervising agency must know and approve of any business operation. This is non-waivable.
- b) The licensee's employment outside of the home is permitted but shall not interfere with the proper care of the foster child. When foster parents are employed outside the home, provision shall be made for adequate supervision of the children. The provision for supervision of the foster children shall be approved in writing by the supervising agency prior to placement of children in the home or at the time of employment. A copy of the approval shall be maintained in the supervising agency's licensing file and shall be sent to the foster parent. This is non-waivable.

(Source: Amended at 44 Ill. Reg. 6019, effective April 1, 2020)

### Section 402.12 Qualifications of Foster Family

- a) The licensees shall be either a single person or two persons in a marriage or civil union with each other. Each foster parent shall be willing and able to assume appropriate responsibilities for the child or children received for care.
- b) An individual may be allowed to share the living arrangements only at the discretion of the supervising agency. The licensee is responsible for reporting to the supervising agency that an individual may be sharing the living arrangements prior to the individual moving into the home or prior to licensure. The individual will be subject to the same requirements as other members of the household, such as health certification and background checks as required in 89 Ill. Adm. Code 385 (Background Checks). The license capacity will be redetermined based on the new family composition. This is non-waivable.
- c) Foster parents shall be stable, law abiding, responsible, mature individuals, at least 21 years of age. This is non-waivable.
- d) The capability of the foster parents to provide care shall be considered prior to licensure of the foster family home. A decision to establish the age and number of children permitted in the home shall be based on an assessment of the foster family and shall consider at least the following criteria, which are non-waivable:
  - 1) the foster parents' capability to provide care including an evaluation of the caregivers' health, strength, and mobility;
  - 2) whether at least one applicant for foster home licensure can read and write at the level necessary to meet the needs of youth in care and whether the applicants participate effectively in the community in which they reside;



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- 3) the number, chronological and functional age, and characteristics and needs of the children currently under the care of the foster parents. This shall include an assessment of the foster parent's own children under age 18, all other children under age 18 receiving full-time care, and children receiving day care services in the foster family home;
  - 4) the characteristics, limitations, and responsibilities of the caregivers. All members of the foster family shall be free from active alcohol or substance dependency;
  - 5) the caregivers' ability to appropriately care for and adequately supervise the children currently in the home, as well as their ability to care for and supervise the ages, needs, and behaviors of the children who may be placed in the foster family home; and
  - 6) the number of foster parents in the home and the availability and experience of child care assistants.
- e) All members of the household age 13 and older (except for foster children) shall have passed the background check required by 89 Ill. Adm. Code 385 (Background Checks). This is non-waivable.
  - f) Foster parents shall accept agency supervision. This is non-waivable.
  - g) Foster home applicants shall provide the names and addresses of at least three persons who are not related to them who can attest that the applicants are of reputable and responsible moral character, as well as the name and address of at least one relative who can attest to the applicant's capability to care for the child or children. This is non-waivable.
  - h) Foster parents shall respect a child's ties to his or her family and support the child in maintaining connections with his or her family. Foster parents shall cooperate with the supervising agency and the service plan for the child and his/her family. In an effort to become better acquainted with the child's siblings and other family members, a foster parent shall transport children to and supervise family visitation whenever possible.
  - i) The licensee shall have sufficient and stable financial resources to provide for all needs of current household members and for any youth placed in the foster home.
  - j) As a condition of initial licensure, each foster parent shall complete Pre-licensure Foster PRIDE/Adopt PRIDE Training or an equivalent pre-licensure foster parent training that has been approved by the Department.

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- k) As a condition of fostering unrelated children in a licensed foster home, each foster parent shall complete Pre-placement Foster PRIDE/Adopt PRIDE Training or an equivalent pre-placement foster parent training that has been approved by the Department.
- l) Promoting Joint Placement of Sibling Groups and Sibling Contact
  - 1) As part of pre-licensure training, each foster parent shall receive training regarding the importance of maintaining sibling relationships and the child's sense of attachment to his/her siblings, the importance of maintaining sibling relationships over the child's lifespan, and the impact on the child if those relationships are severed. Foster home applicants shall be asked to explore their willingness to help children maintain contact with their siblings and other significant relationships in the children's past, as well as significant relationships they develop in the future. Foster home applicants shall be told that they may be contacted in the future regarding placement of siblings of a child subsequently requiring placement, or visitation and contact with siblings in other living arrangements or living independently.
  - 2) The Department shall assess the prospective foster family's understanding of a foster child's family connections, their willingness to help and support children in maintaining or developing a relationship with their siblings, including siblings with whom the children do not yet have a relationship, and recognize the value of preserving family ties between siblings, including their need for stability and continuity of relationships, and the importance of sibling contact in the development of the each child's identity.
  - 3) When it is not possible to place all of the children together, the Department shall encourage the prospective foster families to encourage and facilitate visitation and contact among the siblings.
- m) In addition, each foster parent shall complete, as a condition of license renewal, 16 clock hours of approved in-service training. The foster home license shall not be renewed until each single foster parent and at least one foster parent in a married couple, or couple in a civil union, has completed educational advocacy training by the Department or approved agency that, if completed in the most recent licensing cycle, may count toward the 16 clock hours of in-service training. Child welfare agencies may require foster families under their supervision to complete additional training as a condition of continued supervision by the agency.
- n) An expanded capacity license to allow foster homes to serve more than six children (including the foster parent's own children under age 18 and all other children under age 18 receiving full-time care) may be granted if the foster family home meets the requirements of Section 402.15(c). As a provision of retaining the expanded capacity license, foster parents shall complete a total of 9.0 clock hours of approved training each calendar year, beginning the calendar year the expanded capacity license is issued.

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- o) A statement that describes how the foster family and the foster family's home comply with the requirements of this Part shall be placed in the permanent foster home record. If the foster family home is not in compliance with any of the licensing standards, these standards shall be specifically recorded and the plan for achieving compliance shall be outlined. The plan for achieving compliance shall indicate whether foster children can remain in the foster home and whether new placements may be made in the foster home while the foster home is achieving compliance with the licensing standards. The statement shall be updated to reflect any changes in the status of the foster family or the foster home. All such updates shall be entered within five working days after the change in status. This is non-waivable.

(Source: Amended at 44 Ill. Reg. 6019, effective April 1, 2020)

### Section 402.13 Background Inquiry

- a) As a condition of issuance or renewal of a license by the Department, foster parents shall furnish information of:

- 1) any offenses (other than minor traffic violations) for which they have been convicted; and
- 2) the disposition of the convictions.

The Department shall make a determination concerning the suitability of the foster parents in working with the child in accordance with this Part and 89 Ill. Adm. Code 385 (Background Checks).

- b) Licensed foster parents shall have access to reliable, legal and safe transportation, which may include public transportation.

- 1) All members of the foster family who transport foster children shall submit to annual verification of their driver's license, automobile liability insurance, and driving records.
- 2) Any vehicle used to transport foster children shall be equipped with safety restraints in accordance with Section 4b of the Child Passenger Protection Act [625 ILCS 25/4b].
- 3) Any foster family member transporting foster children shall comply with the child passenger restraint requirements of the Child Passenger Protection Act and any other state and local vehicle safety laws or ordinances and shall ensure that all foster children wear required safety restraints at all times while being transported.

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- c) Persons who have been convicted of an offense shall not be automatically rejected as foster parents unless the offense is one of those listed in Part 402. Appendix A. Otherwise, the Department shall consider the following:
- 1) the type of crime for which the individual was convicted;
  - 2) the number of crimes for which the individual was convicted;
  - 3) the nature of the offenses;
  - 4) the age of the individual at the time of conviction;
  - 5) the length of time that has elapsed since the last conviction;
  - 6) the relationship of the crime and the capacity to care for children;
  - 7) evidence of rehabilitation; and
  - 8) opinions of community members concerning the individual in question.

(Source: Amended at 44 Ill. Reg. 6019, effective April 1, 2020)

### Section 402.14 Health of Foster Family

- a) Foster parents and all members of the household shall provide medical evidence that they are free of communicable diseases or physical and mental conditions that affect the ability of the family to provide care.
- b) Before licensing, the foster parents shall furnish the supervising agency with a medical report on forms provided by the agency for each member of the household. A medical report shall be obtained for the foster parents, each child, other persons residing in the foster home, and child care assistants. Medical reports shall include up-to-date immunizations for all children, as recommended by AAP, unless the child's licensed primary care physician documents that an immunization is contrary to the child's health. Each medical report shall be no more than 12 months old from the date the application is accepted by the Department. All caregivers in a foster home licensed to care for infants and/or children with special medical needs are required to have the following up-to-date immunizations, per the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention (ACIP): Pertussis, Tdap and an annual flu vaccination, unless their primary care physician documents that an immunization is contrary to their health. Copies of medical examinations of school age children who are members of the household that were completed in accordance with the requirements of the School Code [105 ILCS 5/27-8.1] are acceptable provided copies of the medical examinations are on file with the supervising agency.

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- c) If there is a question regarding the mental or emotional health of the foster parent applicant or other adult members of the household, clinical reports and evaluations may be required by the supervising agency.
- d) Medical re-examinations of the foster parents and other members of the household shall be required at least once every four years or upon licensing renewal, whichever comes first. Copies of medical re-examinations of school age children who are members of the household that were completed in accordance with the requirements of the School Code [105 ILCS 5/27-8.1] are deemed to be in compliance with this requirement provided copies of the re-examinations are on file with the supervising agency. A medical re-examination of foster parents and other members of the household shall be required at an earlier date when, through personal observation of, or notification from the foster family, it becomes evident to the supervising agency or the physician has reason to believe that the foster parents or a member of the household has a communicable disease or other physical impairment.

(Source: Amended at 44 Ill. Reg. 6019, effective April 1, 2020)

### Section 402.15 Number and Ages of Children Served

- a) **General Rule Regarding the Number of Children in a Foster Family Home**  
Refer to Appendices B and C of this part for a visual explanation of the number and ages of children allowed in a foster family home.
  - 1) The maximum number of children permitted in a foster family home shall be six children who do not require specialized care, except as permitted in subsections (c), (d) and (e). This maximum number includes the foster parents' own children under age 18 and all other children under the age of 18 receiving full-time care.
  - 2) When determining how many children a foster family home may accept for care, the maximum number of children shall be reduced as described in Appendix C when the foster, adopted, or biological children have developmental, emotional, behavioral, or medical needs which require specialized care.
- b) **General Rules Regarding Ages of Children in a Foster Family Home**
  - 1) **Four Children Under Age Six**  
No more than four children under six years of age, including the foster parent's own children, shall receive full-time care in a foster family home at any one time. When all of the foster children are of common parentage, as defined in Section 402.2, the foster home may be specifically approved under subsection (c)(3)(A)(ii) to care for more than four children under six years of age with the approval of clinical services and licensing.

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- 2) Two Children Under Age Two  
No more than two children, including the family's own children, shall be under two years of age unless the foster family home is accommodating a sibling group on a temporary basis.
- c) Expanded Capacity License Provisions for Foster Family Care
  - 1) Foster parents may be licensed to care for more than six children on a full-time basis only if the foster parents are otherwise in compliance with the requirements of this Part, can meet the licensing standards for the additional children and have demonstrated competency in caring for the ages and characteristics of children for whom they are seeking the expanded capacity license. The maximum number of children permitted in a foster family home with an expanded capacity license is eight children unless:
    - A) all of the foster children are of common parentage, as defined in Section 402.2, and the Director of the Department has personally approved the placement; or
    - B) a waiver to permit an adoptive placement has been granted by the Director in accordance with subsection (e).
  - 2) No more than two of the children cared for under an expanded capacity license may be under two years of age unless the foster family home is accommodating a sibling group on a temporary basis.
  - 3) An expanded capacity license may be issued to allow only the following types of care:
    - A) Sibling Groups
      - i) A licensed foster family home may receive an expanded capacity license to care for a maximum of eight children (including the foster parent's own children under age 18 and all other children under age 18 receiving full-time care) in order to keep one or more sibling groups together in the foster family home.
      - ii) The maximum of no more than four children under age six does not apply when all of the foster children are of common parentage, as defined in Section 402.2, and clinical services and licensing have approved in writing a plan that allows for the full-time care of more than four children under age six.
      - iii) No expanded capacity license is required to allow overnight visits between siblings.

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- B) Foster Children with Children  
A licensed foster family home may receive an expanded capacity license to care for a maximum of eight children (including the foster parent's own children under age 18 and all other children under age 18 receiving full-time care) to allow foster children who are parents to bring their own children with them to live in the foster family home. The expanded capacity license is to allow the foster family home to accept more than six children, but does not exempt the home from compliance with the requirements of Section 402.15(b), regarding the ages of children in the home.
  - C) Respite Foster Care  
A licensed foster family home may receive an expanded capacity license to care for a maximum of eight children (including the foster parent's own children under age 18 and all other children under age 18 receiving full-time care), if the home provides respite foster care. Any children received for respite care shall be counted in the maximum of eight children.
  - D) Meaningful Relationships  
To allow a child with an established meaningful relationship with the family to remain with the family and to allow a family with special training or skills to provide care to a child who has a severe disability.
  - E) For purpose of adoption.
- d) Foster Care Placements Made Before January 1, 1998
- 1) These amendments are not retroactive in their effect. If more than six children under age 18 are residing in a foster family home as of December 31, 1997, the appropriateness of continuing in the foster care placement shall be evaluated for each child by June 30, 1998. The results of the evaluation shall be documented in the child's case record and a copy forwarded to the Department's local office of licensing.
  - 2) If the evaluation finds that the foster children are receiving adequate and appropriate care in the current foster family home and that remaining in the current foster family home is in the best interests of the foster children, the foster children may remain in the foster care placement, even if there are more than six children in the home (including the foster parent's own children under age 18 and all other children under age 18 receiving full-time care).
    - A) Foster parents are not required to obtain an expanded capacity license to continue to care for children already placed with them as of December 31, 1997, but may not accept additional foster children until the home complies with the requirements of Section 402.15.

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- B) When the foster children in care as of December 31, 1997 move to another placement or attain the age of 18, the capacity of the foster home will be reduced until it reaches the maximum of six children, unless the foster parents have applied for and been granted an expanded capacity license allowing them to care for eight children.
  - 3) If the evaluation finds that the foster children are not receiving adequate and appropriate care in their current foster family home or that remaining in the current foster family home is not in the best interests of one or more of the foster children, the affected children shall be moved to another appropriate placement. All such moves shall be made in a planned manner after prior notice has been given to the foster parents, as required by 89 Ill. Adm. Code 337 (Service Appeals Process).
- e) Adoptive Placements
- 1) Maximum Number of Children

A licensed foster family home may receive an expanded capacity license to care for a maximum of eight children (including the foster parent's own children under age 18 and all other children under age 18 receiving full-time care) in order to effect an adoptive placement. The Director of the Department of Children and Family Services may waive in writing the maximum number of eight children to effect an adoptive placement provided the following criteria are met:

    - A) a licensed child welfare agency or the Department proposes to place an additional child or children in the home for the purpose of adoption;
    - B) a licensed child welfare agency or the Department has documented in the child's case record that this home is the most appropriate choice for an adoptive placement and is consistent with the best interests and special needs of the child or children;
    - C) the foster family is otherwise in compliance with the licensing requirements of this Part and can meet licensing standards for the additional child or children; and
    - D) the foster family or supervising agency has requested, in writing, that the Director waive the limit of eight children under the age of 18 so that an additional child or children may be placed in their home for purposes of adoption.
  - 2) Ages of Children

The Director of the Department of Children and Family Services may waive in writing the age requirements in subsection (b), if necessary, to place a child in an adoptive home provided the criteria in subsection (c)(2) are met and there are a sufficient number of suitable adult caregivers to ensure that the children receive proper care and supervision.



## LICENSING STANDARDS FOR FOSTER FAMILY HOMES

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- f) Independent Foster Family Homes  
Independent foster homes receive children by independent arrangement. These homes are not subject to direct and regular supervision by a child welfare agency. These homes shall not be licensed for more than a maximum of four children under age 18 (including the foster parent's own children under age 18 and all other children under age 18 receiving full-time care) unless all of the unrelated children are of common parentage. No more than two of these children, including the family's own children, shall be under the age of two unless the foster family is accommodating a sibling group on a temporary basis.

(Source: Amended at 44 Ill. Reg. 6019, effective April 1, 2020)

### Section 402.16 Meeting Basic Needs of Children

- a) All children in the foster family shall be treated equitably.
- b) Children shall receive supervision appropriate to their developmental age at all times. All children in the foster home shall be protected from exploitation, neglect, and abuse. Suspected child abuse or neglect shall be reported to the supervising agency and to the Department immediately.
- c) Foster parents are expected to use normalcy parenting and the reasonable and prudent parent standard for decision-making regarding the child's participation in extracurricular, cultural and social activities that are appropriate for the child's normal growth and development and enrichment. Normalcy parenting empowers foster parents to make decisions about appropriate activities without seeking approval or consent from the caseworker or guardian. Foster parents must still seek consent in other areas where specific State or federal laws limit consent authorization. A foster parent is not liable for harm caused to a child in care who participates in an appropriate activity approved by the foster parent, provided that the foster parent has acted as a reasonable and prudent parent in permitting the child to engage in the activity.
- d) Foster parents shall provide the child with enrichment and expanded learning opportunities to explore a wide variety of interest areas to expand his or her knowledge of learning possibilities that may lead to the child's systematic and lifelong involvement in one or more interest areas. Foster parents are expected to use normalcy parenting and the reasonable and prudent parent standard to support the child's pursuit of his or her areas of interest.
- e) Foster parents shall make every effort to preserve family ties between siblings, recognizing their need for stability and continuity of relationships, and the importance of sibling contact in the development of each child's identity. Foster parents shall help and support children in developing a relationship with their siblings, including siblings with whom the children do not yet have a relationship, and encourage and facilitate contact between the siblings.

## LICENSING STANDARDS FOR FOSTER FAMILY HOMES

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- f) Each child shall be given the opportunity to develop social relationships through participation in schools, and other community and group activities. Each child shall have the opportunity to invite friends to the foster home and to visit in the home of friends.
- g) Foster parents shall use normalcy parenting and the reasonable and prudent parent standard to decide if a child in care can visit overnight with friends or relatives of the child or foster parents. Foster parents are authorized to approve visits that do not exceed 48 hours away from the foster parents' care. Visits of more than 48 hours must be approved by the DCFS Guardian.
- h) Personal allowance money shall be available to the children based upon the child's age and ability to manage the money. Adolescents may be allowed to earn additional spending money.
- i) Foster parents shall assist the child in the proper handling of money.
- j) Each child shall have the opportunity to learn to assume some responsibility for himself and for household duties in accordance with his age, health, and ability. No child shall be permitted to do tasks which are hazardous, dangerous or risk harm to the child.
- k) The supervising agency shall immediately be notified of any situation that affects the care of the child, including but not limited to death, serious illness, incarceration, death of a child or any other significant occurrence.

(Source: Amended at 42 Ill. Reg. 20321, effective October 31, 2018)

### Section 402.17 Health Care of Children

- a) Each foster child shall have a medical and dental checkup once a year or upon medical or dental recommendation.
- b) In case of sickness or accident, immediate medical care shall be secured for the child in accordance with the supervising agency's directions.
- c) Licensees shall follow all recommendations provided by AAP and the treating physician to guarantee that each youth in care is up-to-date on immunizations and tests, unless exempt on the religious grounds of the birth parent. The immunizations and tests shall be administered as required by Department of Public Health regulations or as recommended by a physician.
- d) Foster parents shall keep the supervising agency informed of any of the child's health concerns, including alcoholism and drug abuse.

## LICENSING STANDARDS FOR FOSTER FAMILY HOMES

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- e) Prescription drugs or prescription medicines shall not be given to a foster child without a physician's prescription or authorization. When administering prescription medication, the foster parent shall follow the directions of the physician and all prescription medication administered by the foster parent shall be documented on the required medical log.
- f) Foster parents shall thoroughly acquaint anyone caring for the foster child in their absence with the foregoing health requirements.
- g) Any child who is suspected of having a serious contagious disease shall be separated from other children until a medical determination has been received that the disease is not contagious or is no longer contagious, or a plan for appropriate care and protection of other household members has been approved by the supervising agency after consultation with a licensed physician.

(Source: Amended at 44 Ill. Reg. 6019, effective April 1, 2020)

### Section 402.18 Religion

- a) The religious beliefs and rights of children shall be legally protected.
- b) Each child shall be given religious instruction in his own faith, or that of his parents, unless there is written consent of the parent or guardian (if residual parental rights have been legally terminated) for the child to participate in religious instruction and to attend the facility of another faith. This shall include consent to baptism or confirmation.
- c) Children shall be permitted to participate in religious services either singly or in groups.

(Source: Renumbered from Section 402.17 at 7 Ill. Reg. 3439, effective April 4, 1983)

### Section 402.19 Recreation and Leisure Time

Children shall be permitted and encouraged to participate in appropriate indoor and outdoor recreation. Foster parents are expected to use normalcy parenting and the reasonable and prudent parent standard for decision-making regarding the child's participation in these activities.

(Source: Amended at 42 Ill. Reg. 20321, effective October 31, 2018)

## LICENSING STANDARDS FOR FOSTER FAMILY HOMES

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### Section 402.20 Education

- a) Foster parents shall encourage each child to complete high school or vocational training in accordance with his or her aptitude. Foster parents shall cooperate with the supervising agency in the child's educational plan.
- b) Children shall be permitted and encouraged to participate in extra-curricular activities including sports, art and music to the extent of their interests, abilities, and talents. Foster parents are expected to use normalcy parenting and the reasonable and prudent parent standard for decision-making regarding the child's participation in these activities.
- c) The supervising agency shall ensure that the foster parents shall maintain contact with those serving the educational needs of their children and seek their cooperation to assure that:
  - 1) children are placed in appropriate grades and program; and
  - 2) there is periodic evaluation of individual children.
- d) The supervising agency shall ensure that each child is provided with the necessary school supplies, materials and equipment.

(Source: Amended at 42 Ill. Reg. 20321, effective October 31, 2018)

### Section 402.21 Discipline of Children

- a) Discipline shall be appropriate to the developmental age of the child, related to the child's act, and shall not be out of proportion to the particular inappropriate behavior. Discipline shall be handled without prolonged delay.
- b) The foster parent shall be responsible for the discipline of the child. Discipline shall never be delegated to a child's peer or peers, nor to persons who are strangers to the child.
- c) No child shall be subjected to corporal punishment, verbal abuse, threats or derogatory remarks about him or her or his or her family.
- d) No child shall be deprived of a meal or part of a meal as punishment.
- e) No child shall be deprived of visits with family or other persons who have established a parenting bond with the child. Cancellation of arranged visits as a form of discipline is prohibited.
- f) No child shall be deprived of clothing or sleep as punishment.

## LICENSING STANDARDS FOR FOSTER FAMILY HOMES

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- g) A child may be restricted to an unlocked bedroom for a reasonable period of time. While restricted, the child shall have full access to sanitary facilities.
- h) A child may be temporarily restrained by a person physically holding the child if the child poses a danger to himself or to others.
- i) The personal spending money of a child may be used as a constructive disciplinary measure to teach the child about responsibility and the consequences of his behavior. However, no more than 50% of the child's monthly personal spending money shall be withheld for any reason.
  - 1) Withholding a child's monthly personal spending money shall occur only under the following circumstances:
    - A) for reasonable restitution for damages done by the child; or
    - B) for breaking the family's rules if the child has been given an oral warning that his spending money will be reduced for this infraction.
  - 2) When a child's spending money has been reduced because he has broken a rule, the foster parent shall keep the withheld money for the child and shall not use it for any reason. The foster parent shall give the child opportunities to earn the money back and shall explain to the child how the spending money can be restored.
- j) Special or additional chores may be assigned as a disciplinary measure.
- k) Privileges may be temporarily removed as a disciplinary measure.

(Source: Amended at 36 Ill. Reg. 4086, effective March 5, 2012)

### Section 402.22 Emergency Care of Children

In the case of an emergency requiring the absence of the foster parent from the foster home for a period of 24 hours or longer, the supervising agency must be notified so that appropriate arrangements may be made for the care of the child.

(Source: Renumbered from Section 402.21 at 7 Ill. Reg. 3439, effective April 4, 1983)

### Section 402.23 Release of Children

The foster parents shall not release a foster child to anyone except as authorized by the supervising agency.

(Source: Renumbered from Section 402.22 at 7 Ill. Reg. 3439, effective April 4, 1983)

## LICENSING STANDARDS FOR FOSTER FAMILY HOMES

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### Section 402.24 Confidentiality of Information

All personal or identifying information concerning a foster child, including but not limited to, his background, his family, and the identity and location of all other persons or families with whom he has been, or will be placed, shall be treated as confidential by all persons involved with the child.

(Source: Amended at 11 Ill. Reg. 4292, effective March 1, 1987)

### Section 402.25 Required Written Consents

- a) The supervising agency shall ensure that prior written consents from legally responsible persons (parent, court, or other legal custodian or guardian) are obtained for certain acts of a child or performance of certain acts on his or her behalf, including but not limited to:
  - 1) health care and treatment, including medical, surgical, psychiatric, psychological, and dental;
  - 2) use of psychoactive drugs;
  - 3) religious instruction and/or church attendance in a different faith;
  - 4) work programs, induction into the armed services, driving a car and car ownership;
  - 5) extensive visits, trips, or excursions;
  - 6) use of photographs for publicity or other purposes; and
  - 7) consent to marriage for child under age of 18.
- b) Written consents shall be dated and limited to a specific period of time.
- c) Any written or verbal consent or authorization given by the individuals referenced in subsection (a) or by others that conflicts with any of the requirements of this Part is not valid.

(Source: Amended at 44 Ill. Reg. 6019, effective April 1, 2020)

## LICENSING STANDARDS FOR FOSTER FAMILY HOMES

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### Section 402.26 Records to be Maintained

- a) Records to be maintained by the foster family shall include:
  - 1) the name and date of birth of each youth in care placed in the foster home, the legal guardian of the child, religion of the child, and arrangements for education of the child;
  - 2) a record of immunizations the child has received; any physical problems, limitations, or allergies the child has; any current recommendations for special medical care;
  - 3) the name, address, and telephone number of the child's physician, legal guardian, permanency worker, supervisor, and supervising agency;
  - 4) a log of medication prescribed and given;
  - 5) the names, addresses, and telephone numbers of persons to contact in case of emergency;
  - 6) a list of the names of persons to whom the child may be released;
  - 7) a record of any waivers granted by the legal guardian for immunizations, medical examinations, and treatment, when applicable;
  - 8) a record and/or receipts for distribution of allowance and clothing funds;
  - 9) a record of the emergency evacuation plan and quarterly rehearsals (see Section 402.8);
  - 10) a record of the child care supervision plan, when required under Section 402.11(b);
  - 11) a copy of the overnight visit forms developed and prescribed by the Department, which shall be kept for the duration of the visit;
  - 12) a copy of any consent for out-of-state travel or extended trips on a CFS-432, Consent for Out-of-State Travel/Out of Country/Extended Trips form.
- b) The foster family shall maintain records to verify attendance at required pre-service and in-service trainings.
- c) Records maintained by the foster family shall be kept current and shall be open to inspection by the supervising agency. All persons who have access to the foster family's records shall respect their confidential nature.

(Source: Amended at 44 Ill. Reg. 6019, effective April 1, 2020)

## LICENSING STANDARDS FOR FOSTER FAMILY HOMES

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### Section 402.27 Licensing Supervision

Foster parents shall cooperate with the supervising agency to assure continuing compliance with licensing requirements. Each licensed facility, except those in non-active status, supervised by the Department or a private child welfare agency shall be visited by the licensing worker of the Department or the agency at least semiannually to ensure that the standards for licensing continue to be met.

(Source: Amended at 36 Ill. Reg. 4086, effective March 5, 2012)

### Section 402.28 Adoptive Homes

An adoptive home shall be licensed as a foster family home before placement of an unrelated child for adoption.

(Source: Amended at 20 Ill. Reg. 1589, effective January 10, 1996)

### Section 402.29 Director's Waivers

- a) On a case-by-case basis, the Director or designee may waive non-safety related licensing standards that may impede or prevent licensure for relatives. Such waivers shall be for specific children in care and shall be in the best interest of those children.
- b) Unless prohibited by law, the Director of the Department may waive, or may conditionally waive, any requirement under this Part, if doing so is in the best interest of the foster children. Waivers from the Director shall be in writing. Written notification of any waiver under this Section, with an explanation of the waived provision and the basis for the best interest determination, shall be sent to the child's parents, unless their parental rights have been terminated, the State's Attorney, and the child's attorney.

(Source: Amended at 36 Ill. Reg. 4086, effective March 5, 2012)

### Section 402.30 Severability of This Part

If any court of competent jurisdiction finds that any rules, 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.

(Source: Renumbered from Section 402.29 at 26 Ill. Reg. 2624, effective February 11, 2002)



# LICENSING STANDARDS FOR FOSTER FAMILY HOMES

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## Section 402.APPENDIX A: Criminal Convictions that Prevent Licensure

If the foster parent applicants or any adult member of the household has been declared a sexually dangerous person under the Sexually Dangerous Persons Act [725 ILCS 205], or convicted of committing or attempting to commit one or more of the following serious criminal offenses under the Criminal Code of 1961 [720 ILCS 5], or under any earlier Illinois criminal law or code or an offense in another state, the elements of which are similar and bear a substantial relation to any of the criminal offenses specified below, this will serve as a bar to receiving a foster home license or permit.

### OFFENSES DIRECTED AGAINST THE PERSON

#### HOMICIDE

- Murder
- Solicitation of murder
- Solicitation of murder for hire
- Intentional homicide of an unborn child
- Voluntary manslaughter of an unborn child
- Involuntary manslaughter
- Reckless homicide
- Concealment of a homicidal death
- Involuntary manslaughter of an unborn child
- Reckless homicide of an unborn child
- Drug induced homicide

#### KIDNAPPING AND RELATED OFFENSES

- Kidnapping
- Aggravated kidnapping
- Aggravated unlawful restraint
- Forcible detention
- Child abduction
- Aiding and abetting child abduction
- Harboring a runaway

#### SEX OFFENSES

- Indecent solicitation of a child
- Indecent solicitation of an adult
- Public indecency
- Sexual exploitation of a child
- Custodial sexual assault
- Sexual relations within families
- Prostitution
- Soliciting for a prostitute
- Soliciting for a juvenile prostitute
- Solicitation of a sexual act
- Pandering

## LICENSING STANDARDS FOR FOSTER FAMILY HOMES

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Keeping a place of prostitution  
Keeping a place of juvenile prostitution  
Patronizing a prostitute  
Patronizing a juvenile prostitute  
Pimping  
Juvenile pimping  
Exploitation of a child  
Obscenity  
Child pornography  
Harmful material  
Tie in sales of obscene publications to distributors  
Posting of identifying information on a pornographic Internet site

### **BODILY HARM**

Aggravated battery of a child  
Tampering with food, drugs, or cosmetics  
Drug induced infliction of great bodily harm  
Hate crime  
Stalking  
Aggravated stalking  
Threatening public officials  
Home invasion  
Vehicular invasion  
Criminal sexual assault  
Aggravated criminal sexual assault  
Predatory criminal sexual assault of a child  
Criminal sexual abuse  
Aggravated sexual abuse  
Criminal transmission of HIV  
Criminal neglect of an elderly or disabled person  
Child abandonment  
Endangering the life or health of a child  
Ritual mutilation  
Ritualized abuse of a child

If the foster parent applicants or any adult member of the household has been convicted of committing or attempting to commit one or more of the following serious criminal offenses under the Criminal Code of 1961 [720 ILCS 5], Cannabis Control Act [720 ILCS 550] or the Illinois Controlled Substances Act [720 ILCS 570], or under any earlier Illinois criminal law or code or an offense in another state, the elements of which are similar and bear a substantial relation to any of the criminal offenses specified below, this conviction will serve as a bar to receiving a foster home license or permit, unless **all** of the following requirements are met:

- 1. The relevant criminal offense or offenses occurred more than 10 years prior to the date of application or renewal.*

## LICENSING STANDARDS FOR FOSTER FAMILY HOMES

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2. *The applicant had previously disclosed the conviction or convictions to the Department for the purposes of a background check.*
3. *After the disclosure, the Department either placed a child in the home or the foster family home license was issued.*
4. *During the background check, the Department had assessed and waived the conviction in compliance with the existing statutes and rules in effect at the time of the waiver.*
5. *The applicant meets all other requirements and qualifications to be licensed as a foster family home under the Child Care Act and the Department's administrative rules.*
6. *The applicant has a history of providing a safe, stable home environment and appears able to continue to provide a safe, stable home environment. (Section 4.2 of the Child Care Act)*

### OFFENSES DIRECTED AGAINST THE PERSON

#### KIDNAPPING AND RELATED OFFENSES

Unlawful restraint

#### BODILY HARM

Felony aggravated assault

Vehicular endangerment

Felony domestic battery

Aggravated battery

Heinous battery

Aggravated battery with a firearm

Aggravated battery of an unborn child

Aggravated battery of a senior citizen

Intimidation

Compelling organization membership of persons

Abuse and gross neglect of a long term care facility resident

Felony violation of an order of protection

#### OFFENSES DIRECTED AGAINST PROPERTY

Felony theft

Robbery

Armed robbery

Aggravated robbery

Vehicular hijacking

Aggravated vehicular hijacking

Burglary

Possession of burglary tools

Residential burglary

Criminal fortification of a residence or building

Arson

## LICENSING STANDARDS FOR FOSTER FAMILY HOMES

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Aggravated arson

Possession of explosive or explosive incendiary devices

### OFFENSES AFFECTING PUBLIC HEALTH, SAFETY AND DECENCY

Felony unlawful use of weapons

Aggravated discharge of a firearm

Reckless discharge of a firearm

Unlawful use of metal piercing bullets

Unlawful sale or delivery of firearms on the premises of any school

Disarming a police officer

Obstructing justice

Concealing or aiding a fugitive

Armed violence

Felony contributing to the criminal delinquency of a juvenile

### DRUG OFFENSES

Possession of more than thirty grams of cannabis

Manufacture of more than 10 grams of cannabis

Cannabis trafficking

Delivery of cannabis on school grounds

Unauthorized production of more than five cannabis sativae plants

Calculated criminal cannabis conspiracy

Unauthorized manufacture or delivery of controlled substances

Controlled substance trafficking

Manufacture, distribution, advertisement of look-alike substances

Calculated criminal drug conspiracy

Street gang criminal drug conspiracy

Permitting unlawful use of a building

Delivery of controlled, counterfeit or look-alike substances to persons under age 18, or at truck stops, rest stops, safety rest areas, or on school property

Using, engaging, or employing persons under 18 to deliver controlled, counterfeit or look-alike substances

Delivery of controlled substances

Sale or delivery of drug paraphernalia

Felony possession, sale or exchange of instruments adapted for use of controlled substance or cannabis by subcutaneous injection

*Final approval for licensure shall not be granted if the record check reveals a felony conviction for child abuse or neglect, for spousal abuse, for a crime against children, or for a crime involving violence, including rape, sexual assault or homicide, but not including other physical assault or battery or if there is a felony conviction for physical assault, battery or a drug-related offense committed within the past 5 years. [20 ILCS 505/5(v-1) and (v-2)]*

(Source: Amended at 33 Ill. Reg., effective August 1, 2009)

**LICENSING STANDARDS FOR FOSTER FAMILY HOMES**

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**Section 402.APPENDIX B: Number and Ages of Children in Foster Family Home: No Child Requires Specialized Care**

<b>Number and Ages of Children Under Age 18 in a Foster Family Home                      (includes family’s own children under age 18)                      No Child Requires Specialized Care                      All Foster Children Have Same Mother or Same Father</b>		
<b>Ages of Children</b>	<b>Regular Foster Home License Number of Children</b>	<b>Expanded Capacity License<sup>1</sup> Number of Children<sup>2</sup></b>
Total number	6	As needed in order to keep siblings together <sup>2</sup> .
Under age six	4 <sup>3</sup>	4 <sup>3</sup>
Under age two	2	2

- 1 Approved only to allow placements of sibling groups, foster children with children, respite care, and for purposes of adoption.
- 2 To exceed eight children requires personal approval by the Director of the Department.
- 3 May exceed four children under age six in order to keep siblings together with the approval of clinical services and licensing.

<b>Number and Ages of Children Under Age 18 in a Foster Family Home                      (includes family’s own children under age 18)                      No Child Requires Specialized Care                      All Foster Children Do Not Have Same Mother or Same Father</b>		
<b>Ages of Children</b>	<b>Regular Foster Home License Number of Children</b>	<b>Expanded Capacity License<sup>1</sup> Number of Children</b>
Total number	6	8 <sup>2</sup>
Under age six	4	4
Under age two	2	2

- 1 Approved only to allow placements of sibling groups, foster children with children, respite care, and for purposes of adoption.
- 2 May exceed eight children when the placement is an adoptive placement and the waiver is personally approved by the Director of the Department.

**LICENSING STANDARDS FOR FOSTER FAMILY HOMES**  
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**LICENSING STANDARDS FOR FOSTER FAMILY HOMES**

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**Section 402.APPENDIX C: Number and Ages of Children in Foster Family Home: Child Requires Specialized Care**

<b>Number and Ages of Children Under Age 18 in a Regular Foster Family Home (includes family's own children under age 18) Children Require Specialized Care</b>				
<b>Ages of Children</b>	<b>One Child Requires Specialized Care</b>	<b>Two Children Require Specialized Care</b>	<b>Three Children Require Specialized Care</b>	<b>Four Children Require Specialized Care</b>
Total number	5	4	4 <sup>1</sup>	4 <sup>1</sup>
Under age six	4	3	3 <sup>1</sup>	2 <sup>1,2</sup>
Under age two	2	2	2 <sup>1</sup>	1 <sup>1,2</sup>

- 1 Requires approval of the manager of clinical services and the licensing supervisor.
- 2 May allow one more child if approved via a staffing held at the convenience of the foster parent that includes licensing, clinical services, the child welfare workers for all involved children, and the foster parents.

**LICENSING STANDARDS FOR FOSTER FAMILY HOMES**  
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## LICENSING STANDARDS FOR FOSTER FAMILY HOMES

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### Section 402.APPENDIX D Non-Safety Related Licensing Rules Eligible for a Waiver

This Appendix identifies portions of this Part identified as nonsafety related licensing standards eligible for waivers when the waiver of one or more of these licensing standards would assist a licensed foster home to care for a related youth in care.

- 1) Section 402.9 Requirements for Sleeping Arrangements
  - A) Section 402.9(b): Children under six years of age may share a bedroom with related children of the opposite sex who are also under six if each child is provided with a separate bed or crib.
  - B) Section 402.9(c): Unrelated children under two years of age may share a bedroom with children of the opposite sex who are also under the age of two if each child is provided a separate bed or crib.
  - C) Section 402.9(h): There shall be a minimum of 40 square feet, excluding the closet and wardrobe area, for the first child occupying a bedroom and a minimum of 35 square feet for each additional child sharing the room.
  - D) Section 402.9(1): Sleeping rooms shall be comfortable and shall be furnished suitably for the age and sex of the child.
- 2) Section 402.12 Qualifications of Foster Family
  - A) Section 402.12(d)(6): The number of foster parents in the home and the availability and experience of child care assistants.
  - B) Section 402.12(m): In addition, each foster parent shall complete, as a condition of license renewal, 16 clock hours of approved in-serving training. The foster home license shall not be renewed until each single foster parent and at least one foster parent in a married couple, or couple in a civil union, has completed educational advocacy training by the Department or approved agency that, if completed in the most recent licensing cycle, may count toward the 16 clock hours of in-service training. Child welfare agencies may require foster families under their supervision to complete additional training as a condition of continued supervision by the agency.
  - C) Section 402.12(n): An expanded capacity license to allow foster homes to serve more than six children (including the foster parent's own children under age 18 and all other children under age 18 receiving full-time care) may be granted if the foster family home meets the requirements of Section 402.15(c). As a provision of retaining the expanded capacity license, foster parents shall complete a total of 9.0 clock hours of approved training each calendar year, beginning the calendar year the expanded capacity license is issued.

## LICENSING STANDARDS FOR FOSTER FAMILY HOMES

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- 3) Section 402.23 Release of Children  
Section 402.23: The foster parents shall not release a foster child to anyone except as authorized by the supervising agency.
- 4) Section 402.25 Required Consents  
Section 402.25(a)(4): The supervising agency shall ensure that the prior written consents from legally responsible persons (parent, court, or other legal custodian or guardian) are obtained for certain acts of a child or performance of certain acts on his or her behalf, including but not limited to: work programs, induction into the armed services, driving a car and car ownership.
- 5) Section 402.26 Records to be Maintained
  - A) Section 402.26(a)(11): Records to be maintained by the foster family shall include a copy of the overnight visit forms that shall be developed and prescribed by the Department and that shall be kept for the duration of the visit.
  - B) Section 402.26(a)(12): Records to be maintained by the foster family shall include a copy of any consent for out-of-state travel or extended trips on forms developed and prescribed by the Department.

(Source: Added at 44 Ill. Reg. 6019, effective April 1, 2020)

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**POLICY GUIDE 2020.02**

**LIMITATIONS ON USE OF RECREATIONAL AND MEDICAL CANNABIS  
IN CHILD WELFARE PRACTICE**

**DATE:** January 3, 2020  
**TO:** DCFS and Private Agency Licensing Staff  
**FROM:** Marc D. Smith, Acting Director  
**EFFECTIVE:** Immediately

**I. PURPOSE**

The purpose of this Policy Guide is to provide DCFS and Purchase of Service (POS) Agency staff with information regarding limitations that apply to the lawful use (possession, consumption, storage) of recreational and medical cannabis as it pertains to child welfare practice.

The Department will propose amendments to rules and procedures affected by these statutes in the near future.

**II. PRIMARY USERS**

The primary users of this Policy Guide are Department and POS Agency licensing staff.

**Definitions:**

“Cannabis” has the definition as assigned in the Cannabis Regulation and Tax Act. [410 ILCS 705]

“Cannabis-infused product” means a beverage, food, oil, ointment, tincture, topical formulation, or another product containing cannabis that is not intended to be smoked as defined in the Cannabis Regulation and Tax Act. [410 ILCS 705]

“Child Care Facility” means a child care facility as defined in the Child Care Act. [225 ILCS 10]

“Medical cannabis” means cannabis products that are acquired for “medical use” as that term is defined in the Compassionate Use of Medical Cannabis Program Act. [410 ILCS 130]



### III. SUMMARY OF ILLINOIS LAW

The Illinois Cannabis Regulation and Tax Act and the Compassionate Use of Medical Cannabis Program Act regulate the possession, consumption and storage of recreational and medical cannabis. The Cannabis Regulation and Tax Act was amended, effective January 1, 2020, to permit the recreational use of cannabis in Illinois.

These Acts also contain limitations on the possession, consumption and storage of recreational and medical cannabis in or near licensed and unlicensed child care facilities, in vehicles and in the presence of persons under 21 years of age.

These Acts allow for an individual to use any type of cannabis and continue to be eligible for initial or renewal of licensure for any type of child care facility; this includes unlicensed relative foster homes and employees of any licensed and unlicensed child care facility.

**These Acts provide numerous limitations on the use and possession of cannabis (which includes cannabis-infused products) as it relates to child care. For example, the Acts DO NOT PERMIT:**

- Undertaking any task under the influence of cannabis when doing so would constitute negligence, professional malpractice, or professional misconduct;
- Possessing cannabis in a private residence that is used at any time to provide licensed or unlicensed child care (day care and foster care) or other similar social service care on the premises;
- Using cannabis in a private residence that is used at any time to provide licensed or unlicensed child care (day care and foster care) or other similar social service care on the premises;
- Using cannabis in any public place;
- Using cannabis knowingly in close physical proximity to anyone under 21 years of age who is not a registered medical cannabis patient under the Compassionate Use of Medical Cannabis Pilot Program Act;
- Smoking cannabis in any place where smoking is prohibited under the Smoke Free Illinois Act;
- Facilitating the use of cannabis by any person who is not allowed to use cannabis under either the Cannabis Regulation and Tax Act or the Compassionate Use of Medical Cannabis Program Act;
- Using cannabis in any motor vehicle; or
- Possessing (driver or passenger) cannabis in a motor vehicle except in a sealed, odor-proof, child-resistant cannabis container.

Any violation of these laws may subject the violator to civil or criminal penalties.

#### **IV. QUESTIONS**

Questions regarding this Policy Guide may be directed to the Office of Child and Family Policy at 217-524-1983 or via Outlook at DCFS.Policy. Non-Outlook users may e-mail questions to [DCFS.Policy@illinois.gov](mailto:DCFS.Policy@illinois.gov).

#### **V. FILING INSTRUCTIONS**

File this Policy Guide immediately following Rules:

Rules 401, Licensing Standards for Child Welfare Agencies;  
Rules 402, Licensing Standards for Foster Family Homes;  
Rules 403, Licensing Standards for Group Homes;  
Rules 404, Licensing Standards for Child Care Institutions and Maternity Centers;  
Rules 406, Licensing Standards for Day Care Homes;  
Rules 407, Licensing Standards for Day Care Centers;  
Rules 408, Licensing Standards for Group Day Care Homes;  
Rules 409, Licensing Standards for Youth Transitional Living Programs;  
Rules 410, Licensing Standards for Youth Emergency Shelters; and  
Rules 411, Licensing Standards for Secure Child Care Facilities.

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**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**POLICY GUIDE 2017.09**

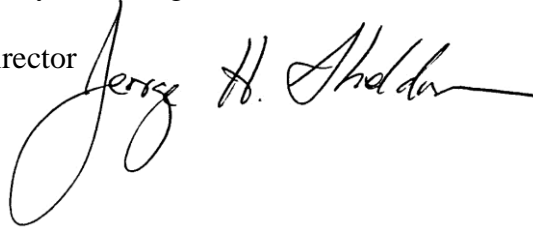
**Rules 383/ Rules 402/ Rules 431**

**QUALITY OF CARE CONCERNS APPLICANT**

**DATE:** June 14, 2017

**TO:** DCFS and Private Agency Licensing Staff

**FROM:** George H. Sheldon, Director



**EFFECTIVE:** Immediately

**I. PURPOSE**

This purpose of this Policy Guide is to inform staff of several amendments in Illinois law affecting foster care licensing practice made in **Public Act 099-779**. In the coming months DCFS will propose amendments to **Rules 383, Licensing Enforcement; Rules 402, Licensing Standards for Foster Family Homes; and Rules 431, Confidentiality of Personal Information of Persons Served by the Department.**

**II. PRIMARY USERS**

The primary users of this Policy Guide are Department and POS licensing staff who provide foster care licensing services as well as foster parents and ancillary staff who are involved with providing supports and training to foster parents.

**III. SUMMARY OF LEGISLATIVE CHANGES**

Public Act 099-779, effective January 1, 2017, amended Section 35.1 of the Children and Family Service Act, Sections (4), (6) and (7) of the Child Care Act of 1969 as amended and adds Section 2.22 (a) to the Child Care Act of 1969.

**IV. RELEASE OF LICENSING RECORDS TO GUARDIAN AD LITEM (GAL) or ATTORNEY**

Upon written request of the Guardian Ad Litem (GAL), or attorney appointed to represent a youth in care, pursuant to Article II of the Juvenile Court Act of 1987 the requested information in a licensing record shall be submitted to the GAL or attorney, including licensing complaints and investigations regarding a foster home in which the youth is placed or in which the Department plans to place the youth. Information that cannot be disclosed per state or federal law shall be redacted, prior to submission to the requesting GAL or attorney appointed to represent the youth in care.



The Guardian Ad Litem or attorney appointed to represent a youth in care may make a written request for licensing records of the child's caregiver or past caregivers or a future caregiver with whom DCFS plans to place the child. Written requests for records are to be sent to: the A&I Licensing Supervisor for POS Agencies or the Licensing Unit for DCFS. The Department shall have up to 15 business days or sooner to provide the licensing file, or specific information in the licensing file, to the Guardian Ad Litem or attorney. Information to be redacted in a licensing file shall include the list of information on the **CFS 600-3C, Redaction Checklist for Investigative Files Involving Department Youth in Care Represented by the Cook County Public Guardian**. The **CFS 600-3C** also includes the legislation from which these disclosures are prohibited.

## V. **QUALITY OF CARE CONCERNS APPLICANT**

A Quality of Care Concerns Applicant is an applicant for a foster care license or renewal of a foster care license where the applicant or any person living in the applicant's household has had a license:

- A. Revoked or refused to renew
- B. Surrendered for cause
- C. Expired or surrendered while either an abuse or neglect investigation or licensing investigation was pending or an involuntary hold was placed on the home.
- D. the applicant has been the subject of allegations of abuse or neglect
- E. Has an indicated report of abuse or neglect
- F. Has been the subject of involuntary holds that were placed on the home for the health, safety and well-being of a child or children in care
- G. Has been involved in substantiated licensing complaints which were not corrected and resulted in enforcement action against the facility license

A Quality of Care Concerns Applicant must submit a preliminary application if the license has been:

- 1. Revoked or refused to renew,
- 2. Surrendered for cause, or
- 3. Expired or surrendered when certain types of placement holds were in effect or during a pending licensing or child abuse or neglect investigation was pending.

The foster home may not reapply for a license before the expiration of 5 years following the Department's action or following the expiration or surrender of the license.



## VI. PRELIMINARY APPLICATION FOR QUALITY OF CARE CONCERNS APPLICANT

### A. Preliminary Application for Licensure

Individuals meeting the definition of Quality of Care Concerns Applicant must submit a **CFS-597-1, Preliminary Application for Licensure**. The preliminary application must include:

- A list of all youth in care fostered in their home that were subsequently removed from their home due to other outcomes than a return home to a parent or legal guardian. Also required are the circumstances that led to their removal.
- A list of all youth currently under 18 years of age who were in their care as foster children and were subsequently provided permanency in the home as an adopted youth or a youth for whom they received legal guardianship, but no longer reside in the home. The assessment requires that the reasons why the child or children are no longer residing in the home.

If the Quality of Care Concerns Applicant chooses to they may also submit:

- A documented statement from the preliminary applicant(s) as to why the concerns are not valid, or how concerns have been satisfactorily addressed and remediation has occurred.
- Affirmative documentation that demonstrates the quality of care applicant does not pose a risk to a child's physical/emotional health and well-being. Quality of Care Concerns Applicants may provide documentation of successful completion of additional education, training or corrective action.

A **CFS 542, Initial Inquiry**, form shall be completed by licensing staff for each individual making an inquiry into becoming licensed as a foster home provider, to determine if the individual meets the definition of a quality of care applicant.

When the individual has a quality of care concern involving a revocation, refusal to renew or surrender with cause where fewer than 5 years has passed, the individual making the inquiry shall be informed of the new language in statute that prevents them from applying at this time.

### B. Department shall verify and review information in the Preliminary Application:

The licensing representative shall document the review and assessment on the **CFS-597-2, Licensing Representative/Supervisor Assessment and Recommendation**, based upon review of the following documents:

- Prior licensing complaints
- Prior child abuse/neglect investigations
- Prior involuntary holds

POS Agencies shall submit Quality of Care Concerns Applicant recommendations to the A&I Licensing Supervisor for review and approval.

The licensing supervisor or A&I supervisor shall review the completed assessment and recommendation from the licensing representative and direct the licensing representative to send out the **CFS- 597-3, Quality of Care Concerns Preliminary Application Decision**.

The Department shall obtain consultation from its Clinical Division as appropriate and prescribed by Department Rule and Procedures.

**C. Potential outcome to a complete Preliminary Application**

The Department may issue a foster family license to a Quality of Care Concerns Applicant if the Department is satisfied that the foster family home does not pose a risk to children and that the foster family home will be able to meet the physical and emotional needs of children. The Department must carefully review all relevant documents and obtain consultation from the Department's Clinical Division to make one of the following determinations:

- Deny the preliminary application based upon quality of care concerns (this prevents the individual from eligibility to apply for licensure)
- Approve the preliminary application based upon the quality of care concerns having been assessed and remediated and applicant has been determined able to meet the physical and emotional needs of a child
- Provide tentative approval of a preliminary application, contingent upon receipt of additional information or assessment
- Approve preliminary application based upon results of assessment and recommendation to limit placement to a specific child or children in the home

**D. Department Written Response to a complete Preliminary Application**

When the preliminary application is approved, the Department shall provide written notice to the quality of care applicant by the **CFS-597-3, Quality of Care Concerns Preliminary Application Decision** that they may now apply for foster home licensure through the same established requirements and methods used for other applicants seeking foster home licensure.

When the preliminary application is denied, the Department shall provide written notice to the individual as to why the preliminary application was denied, per the assessment required in the Children & Family Services Act.

## VI. QUESTIONS

Questions regarding this Policy Guide may be directed to the Office of Child and Family Policy at 217-524-1983 or via Outlook at OCFP – Mailbox. Non Outlook users may e-mail questions to [cfpolicy@idcfs.state.il.us](mailto:cfpolicy@idcfs.state.il.us).

## VII. FORMS

The following forms are available on templates and can be ordered in the usual manner:

**CFS 542, Initial Inquiry** (revised)

**CFS-597-1, Foster Care: Quality of Care Concerns Applicant Preliminary Application for Licensure** (new)

**CFS-597-2, Foster Care: Quality of Care Concerns Applicant Licensing Representative/Supervisor Assessment and Recommendation** (new)

**CFS-597-3, Quality of Care Concerns Preliminary Application Decision** (new)

## VIII. FILING INSTRUCTIONS

File this Policy Guide immediately following **Rule 383, Licensing Enforcement; Rule 402, Licensing Standards for Foster Family Homes; and Rule 431, Confidentiality of Persons Served by the Department.**

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**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

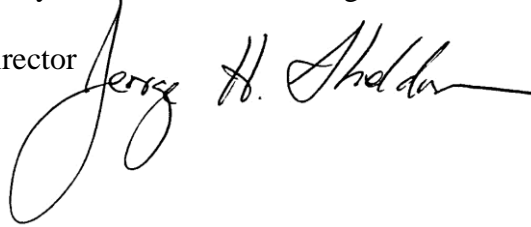
**POLICY GUIDE 2017.05**

**FOSTER HOME CLOSE SURRENDER AND NON-ACTIVE STATUS**

**DATE:** February 22, 2017

**TO:** DCFS and Private Agency Foster Home Licensing Staff

**FROM:** George H. Sheldon, Director



**EFFECTIVE:** Immediately

**I. PURPOSE**

The purpose of this Policy Guide is to inform Department and Purchase of Service (POS) Foster Home licensing staff what is required in terms of moving a foster home from non-active status to active status when the purpose is for accepting a surrender of the foster home license.

This Policy Guide is effective immediately and shall remain in force pending future rulemaking and procedure revision.

**II. PRIMARY USERS**

The primary users of this Policy Guide are Department and POS foster home licensing staff.

**III. BACKGROUND AND SUMMARY**

Currently, there is a requirement in Rule 402.7(i)(3) for any foster home that is moved from non-active status to active status to receive a home visit for the purpose of determining compliance with Rule 402. This Policy Guide is to make clear, that when the home is moved from non-active status to active status solely for the purpose of accepting a surrender of the foster family home license, the home visit to determine compliance with Rule 402 is not required.

**IV. QUESTIONS**

Questions regarding this Policy Guide may be directed to the Office of Child and Family Policy at 217-524-1983 or via Outlook at OCFP – Mailbox. Non Outlook users may e-mail questions to [cfpolicy@idcfs.state.il.us](mailto:cfpolicy@idcfs.state.il.us).



**V. FILING INSTRUCTIONS**

This Policy Guide should be filed immediately after **Rule 402: Licensing Standards for Foster Family Homes**

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Policy Guide 2015.03**

**Legislative Update for Foster Home Licensing Staff**

**DATE:** January 15, 2015

**TO:** All DCFS and POS Foster Home Licensing Representative and DCFS Agency and Institutions Licensing Representatives, and their Supervisors and Managers

**FROM:** Bobbie Gregg, Acting Director *Bobbie Gregg*

**EFFECTIVE:** Immediately

**I. PURPOSE**

The purpose of this Policy Guide is to inform DCFS and POS Foster Home Licensing Staff of several amendments in Illinois law affecting child welfare practice made in **Public Acts 98-704, 98-804 and 98-846**. In the coming weeks, DCFS Rules and Procedures will be amended to reflect these statutory changes.

**II. PRIMARY USERS**

The primary users of this Policy Guide are DCFS and POS foster home licensing representatives, Agency and Institutions licensing representatives, and their supervisors and managers.

**III. SUMMARY OF LEGISLATIVE CHANGES**

**A. Public Act 98-804 (House Bill 4636)**

**Public Act 98-804** became effective January 1, 2015, and amends several sections of the Child Care Act of 1963 [225 ILCS 10] that affect licensure of relative caregivers.

- **A child remains related to those to whom the child was related after TPR.** For purposes of licensing requirements, for children in the custody or guardianship of the Department pursuant to the Juvenile Court Act of 1987 [705 ILCS 405], after a parent signs a consent, surrender, or waiver or after a parent's rights are terminated, and while the child remains in the custody or guardianship of the Department, the child is considered to be related to those to whom the child was related prior to the signing of the consent, surrender, or waiver or the order terminating parental rights.
- **Expands Child Care Act Definition of "Related."** Expands the definition of "related" in the Child Care Act, for purposes of determining relative licensure, to include step-grandparents and second cousins, and to include relationships by civil union.



- **“First and Second Cousins” Defined.** Clarifies that a person is related to a child as a first cousin or a second cousin if they are both related to the same ancestor as either grandchild or great-grandchild.
- **Clarifies Child’s Relationship to Parent after TPR.** A child whose parent has executed a consent, a surrender, or a waiver pursuant to Section 10 of the Adoption Act, whose parent has signed a denial of paternity pursuant to Section 12 of the Vital Records Act [410 ILCS 535] or Section 12a of the Adoption Act, or whose parent has had his/her parental rights terminated is not a related child to that person, unless:
  - the consent is determined to be void or is void pursuant to subsection 10(O) of the Adoption Act; or
  - the parent executed a consent to adoption by a specified person or persons and a court finds the consent is void; or
  - the order terminating the parental rights of the parent is vacated by a court of competent jurisdiction.

**B. Public Act 98-846** (Senate Bill 3283)

**Public Act 98-846** affects Sections 2.04 and 2.17 of the Child Care Act regarding relative caregivers. It also affects Section 7 of the Children and Family Services Act [20 ILCS 505] as explained below.

- **Foster Family Home Licensure of Fictive Kin.** Expands the Child Care Act’s definition of “related” (Section 2.04) and “relative” for purposes of “foster family homes” (Section 2.17) to include “fictive kin, as defined in Section 7 of the Children and Family Services Act.” **However, Public Act 98-846 further provides that Section 7 of the Children and Family Services Act regarding placement with unlicensed fictive kin becomes operative June 1, 2015.** DCFS and POS placing workers and foster home licensing staff **shall not initiate any relative placements with fictive kin prior to June 1, 2015.** The Office of Child and Family Policy will be issuing Rules and Procedures to instruct DCFS and POS staff how and when to consider placement with fictive kin, and licensure requirements.

**IV. QUESTIONS**

Questions regarding this Policy Guide may be directed to the Office of Child and Family Policy at 217-524-1983 or via Outlook at OCFP – Mailbox. Non Outlook users may e-mail questions to cfpolicy@idcfs.state.il.us.

**V. FILING INSTRUCTIONS**

File this Policy Guide after Rules 402.



**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**POLICY GUIDE 2014.14**

**SWIMMING POOLS AND WATER HAZARDS IN FOSTER FAMILY HOMES**

**DATE:** July 18, 2014

**TO:** Rules and Procedures Bookholders, DCFS and Private Agency Licensing Staff

**FROM:** Bobbie Gregg, Acting Director *Bobbie Gregg*

**EFFECTIVE:** Immediately

**I. PURPOSE**

The purpose of this Policy Guide is to inform Department and Purchase of Services (POS) licensing staff of new requirements, which are consistent with the Consumer Product Safety Commission safety guidelines, regarding swimming pools and other bodies of water located on the licensed premises of a foster home.

**II. PRIMARY USERS**

The primary users of this policy guide are Department and POS foster home licensing staff.

**III. BACKGROUND**

This Policy Guide summarizes the Department's new water safety standards for foster homes. Licensing staff shall immediately ensure licensed foster homes receive the new standards and work with foster homes to come into compliance with them. These new safety policies for Foster Family Homes are being added to Rules and Procedures 402, which are currently under revision and will be available to staff in the near future.

**IV. SUMMARY OF NEW POOL AND WATER SAFETY REQUIREMENTS**

**In-ground Pools**

All in-ground pools located on the foster home's premises shall be fenced, or have a power safety cover that meets standards in the American Society for Testing & Materials that the Consumer Product Safety Commission has adopted.



## **Above-ground Pools**

All above-ground pools shall have non-climbable side walls that are at least 4 feet high or shall be enclosed with fence that is at least 36 inches away from the pool's side wall. This requirement pertains to the entire circumference or perimeter of the pool. When the pool is not in use, steps used to access the pool shall be removed or shall be enclosed by a fence.

## **Hot Tubs**

All hot tubs shall be fenced, or have a securely fitted and locked cover.

## **Portable Pools**

All portable pools shall be fenced, or be emptied and sanitized daily.

## **Fences and Barriers to Entry**

All fences enclosing pools shall have gates that open out and away from the pool, have a locking device and are designed to be self-closing and self-latching. Gates with a release mechanism located less than 54 inches from the bottom of the gate shall be located at least 3 inches below the top of the gate on the side facing the pool. A gate shall not have an opening greater than ½ inch within 18 inches of the latch release mechanism.

All fences shall be at least 5 feet in height, measured from the side of the barrier which faces away from the swimming pool. Vertical barriers for the fence shall be no more than 4 inches wide. Horizontal barriers shall be placed on the swimming pool side of the fence and be no more than 4 inches apart. A fence shall not have any decorative cut-outs, indentations or protrusions that are more than 1 ¾ inches and could be used as holds to climb the fence. The fence shall not have more than 4 inches between the ground and the bottom of the barrier.

When a house wall serves as part of a pool barrier, any door or window that provides access to a swimming pool shall be equipped with an alarm that sounds for 30 seconds or more within 7 seconds after the door is opened. The alarm shall be distinct from other sounds in the house and able to be heard by all household members, regardless of their location on the licensed premises of the foster home. The alarm shall have a de-activate feature that is at least 54 inches above the threshold of the door covered by the alarm. The alarm shall have an automatic reset feature. All alarms must meet the requirements of UL2017 – General Purpose Signaling Devices and Systems.

Note: Foster homes that have a license or a permit on January 1, 2009 and have had a fence with a minimum height of 3 ½ foot shall be considered in compliance.

## **Foster Parent Safety Training, Supervision of Children and Documentation**

Licensees in foster family homes with pools, hot tubs, ponds, outdoor fountains, decorative water ponds, fishponds or other pools of water must have current CPR/First Aid certification.

A foster child of any age shall not use a swimming pool, portable pool, spa, hot tub or other pools of water located on the premises of the foster home without line of sight supervision by a foster parent or other adult authorized by the foster parent.

Licensees shall be responsible to keep toxic chemicals related to pool maintenance locked up and inaccessible to foster children.

When a swimming pool is in use, a licensee shall keep a weekly log to record water quality test results and otherwise maintain the pool in a safe and sanitary condition.

### **V. QUESTIONS**

Questions regarding this Policy Guide may be directed to the Office of Child and Family Policy at 217-524-1983 or via Outlook at OCFP – Mailbox. Non Outlook users may e-mail questions to [cfpolicy@idcfs.state.il.us](mailto:cfpolicy@idcfs.state.il.us).

### **VI. FILING INSTRUCTIONS**

File this Policy Guide immediately following Rules 402, Licensing Standards for Foster Family Homes.

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**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**  
**INFORMATION TRANSMITTAL**

**DATE:** June 22, 2018  
**TO:** All Department and Purchase of Service Agency Staff  
**FROM:** Roxanne Lizcano, Deputy Director Licensing  
**EFFECTIVE:** Immediately

**I. PURPOSE**

The purpose of this Information Transmittal is to provide DCFS Licensing with clarification of how licensing staff are to conduct practice regarding medical cannabis that is approved by a physician, per the Compassionate Use of Medical Cannabis Pilot Program Act.

**II. DEFINITIONS**

“Cannabis” as defined in the Cannabis Control Act [720 ILCS 550/3(a)]  
“Child Care Facility” as defined in the Child Care Act [225 ILCS 10/2.05]

**III. SUMMARY OF LEGISLATION**

Medically prescribed cannabis is legal in Illinois under the Compassionate Use of Medical Cannabis Act [410 ILCS 130/1]. There is nothing in the Act that prevevents a user of medically prescribed cannabis from being a foster parent or child care licensee however, there are sections of that law that apply to foster parents and child care licensees.

The law requires that 1) no person may possess cannabis in a private residence used to provide *licensed child care* or other *similar social services* on the premises and 2) no person may use cannabis in a private residence used at any time to provide *day care* or other *similar social services* on the premises.

**IV. PROCEDURES**

For licensees, applicants for licensure, household members, employees, volunteers and contractual providers who are currently approved by a licensed physician to use medical cannabis, a written, signed and dated plan for compliance with Licensing Standards and The Compassionate Use of Medical Cannabis Pilot Program Act, is required.



The applicant or licensee shall provide proof of physician authorization for use and document where the medical cannabis will be stored and ingested. Documentation for foster family homes shall be placed on CFS 452-7. Documentation for day care centers shall be placed on the Risk Management Plan. Documentation for day care homes/group day care homes shall be placed on the Hazard Plan.

## **V. QUESTIONS**

Questions regarding this Policy Guide may be directed to the Office of Child and Family Policy at 217-524-1983 or via Outlook at DCFS.Policy. Non Outlook users may e-mail questions to DCFS.Policy@illinois.gov

## **VI. NEW FORM**

The following form is available on templates and can be ordered in the usual manner.

CFS 452-7: Compliance with the Compassionate Use of Medical Cannabis Pilot Program Act – Child Care Facility

## **VII. FILING INSTRUCTIONS**

File this Information Transmittal immediately following:  
Rule 402, Licensing Standards for Foster Family Homes;  
Rules 406, Licensing Standards for Day Care Homes;  
Rules 407, Licensing Standards for Day Care Centers; and  
Rules 408, Licensing Standards for Group Day Care Homes.