

DEPARTMENT OF CHILDREN AND FAMILY SERVICES
POLICY GUIDE 2017.04
LICENSING STANDARDS FOR CHILD WELFARE AGENCIES
ADOPTION-ONLY HOMES

DATE: February 17, 2017

TO: DCFS and Private Agency Adoption and 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 “Adoption-Only Homes” made in **Public Act 99-833**. In the coming months DCFS will propose amendments and revisions to **Rules and Procedures 401, Licensing Standards for Child Welfare Agencies**. In the interim, this Policy Guide will serve as procedures necessary for the implementation of Sections 3.2 and 3.3 of this Public Act.

II. PRIMARY USERS

The primary users of this Policy Guide are Department and Private Agency adoption and licensing staff that provide adoption services and foster care licensing services.

III. SUMMARY OF LEGISLATIVE CHANGES

Public Act 099-833, effective January 1, 2017 amends Sections (2.08), (2.17), (2.23), (2.25), (7.4), (7.6) and adds Sections (3.2) and (3.3) of the Child Care Act of 1969 as amended. P.A. 099-833 further changes The Adoption Act by amending Section (10) and adding Sections (12.2) and (12.3).

IV. BACKGROUND

Effective January 1, 2017, an “adoption-only” home supervised by a licensed child welfare agency is no longer required to be licensed as a foster home by the Department.

“Adoption-only home” is defined as “*a home that receives a child placed by an Illinois licensed child welfare agency providing adoption services for the sole purpose of adoption. The child shall not be under the custody or guardianship of Department pursuant to the Juvenile Court Act of 1987. Such adoption-only homes shall not be required to be licensed as a child care facility under this Act, but shall be required to meet the requirements set forth in Section 3.2 of this Act.*” [225 ILCS 10/2.23]



In order to approve an adoption-only home, a licensed child welfare agency shall:

- *conduct a home study, which shall consist of a thorough assessment of any prospective adoptive parent's physical, mental, financial and emotional ability to successfully parent a child through adoption;*
- *obtain a criminal background check of all adult residents in the home pursuant to Section 3.3 of this Act*
- *obtain child abuse background checks of all residents in the home who are 13 years of age or over*
- *assess the health of all prospective adoptive parents and family members living in the home, as well as any other residents of the home*
- *assess the finances of the prospective adoptive parent or parents*
- *obtain character references for the prospective adoptive parent or parents;*
- *assess the safety of the adoptive home*
- *provide adoption education and training to the prospective adoptive parent or parents*
- *conduct a pre-placement home visit and post-placement supervision*

Agencies may impose any other reasonable requirements that the agency deems appropriate in approving an adoption-only home.

Agencies shall provide the adoptive parent(s) the Adoptive Parents' Rights and Responsibilities prior to the finalization of an adoption. This is available as **CFS 403-D, Adoptive Parents' Rights and Responsibilities in Illinois** and may be used by agencies to facilitate this requirement.

The agencies and institutions licensing representative shall document an agencies' compliance with these requirements on the **CFS 520**.

The following standards are intended to ensure the safety and protection of children who are voluntarily surrendered to a licensed child welfare agency ("agency") and placed into an adoption-only home.

Duty to Disclose

Applicants should be notified of their duty to disclose all information regarding physical, mental or emotional health problems, information regarding arrests, history of substance abuse or offenses of sexual abuse, child abuse or family violence. Duty to disclose is an on-going process and withholding information may result in immediate termination of the adoption-only home approval process.

Home Study

The adoption-only home study shall consist of a thorough assessment of the applicant's physical, mental, financial, and emotional ability to successfully parent a child through adoption and including but not limited to:

- a. Motivation and readiness for adoption
- b. Description of each applicant to include date of birth, physical description, family of origin/family history, education, employment, personality, interests. Description of other household members, including children, if applicable.
- c. Marital relationship, current and prior(s), if applicable

- d. Parenting experiences
- e. Discipline beliefs/approach
- f. Understanding of adoption issues
- g. Anticipated child care plans for adopted child
- h. Description of home, community and availability of resources.
- i. Guardianship plans
- j. Summary of character references
- k. Background check results, including a statement as to whether the applicants or household members have a history of substance abuse, child abuse, domestic violence, criminal convictions and/or arrest history, physical or sexual abuse, either as a victim or perpetrator, even if the incident did not result in an arrest or conviction
- l. A statement indicating whether the applicants have ever had parental rights involuntarily terminated, including the circumstances
- m. Documentation of pre-adoptive training
- n. Characteristics of the child or children whom the applicants would be qualified to adopt
- o. No previous unfavorable home studies
- p. Final recommendation
- q. The home study shall be signed and dated by a home study worker who has conducted the home study and the worker's supervisor.

Documents of the applicants to be verified as part of the home study, and maintained in the adoptive home record, include but are not limited to:

- a. Photo identification, such as valid driver's license, passport, or other photo ID
- b. Marriage or Civil Union certificate
- c. Birth certificates
- d. Verification of termination of prior marriages(s) or civil union(s), as applicable.

Background Checks

A criminal background check shall be conducted on every household member age 18 and over. Agencies shall thoroughly investigate and evaluate the criminal history of the household residents age 18 and over and, in so doing, include an assessment of the applicant's character and, in the case of the prospective adoptive parent, the impact that the criminal history has on his or her ability to parent the child; the investigation should consider the type of crime, the number of crimes, the nature of the offense, the age at time of crime, the length of time that has elapsed since the last conviction, the relationship of the crime to the ability to care for children, and any evidence of rehabilitation.

All adults shall be fingerprinted. All adults shall submit signed statements disclosing any arrest/criminal history. The criminal background check of adults will include the following:

- Illinois State Police
- Federal Bureau of Investigation
- Illinois Sex Offender Registry
- National Sex Offender Registry
- Murderer and Violent Offender Against Youth Registry

Additionally, the agency shall obtain child abuse background checks on every household member who is 13 years of age or over from the state child abuse and neglect registries of the states in which such household members have resided in the preceding five years.

The agency shall obtain the criminal background checks and child abuse checks before the agency gives its approval for the placement of a child. The agency will use the DCFS Licensing Standards for Foster Family Homes Part 402 Appendix A of Criminal Convictions that Prevent Licensure as a guideline in its discretion in evaluating an applicant's or household member's criminal history. See Part 402 Appendix A.

1. If an adult applicant or household member has an arrest or conviction record, the agency shall thoroughly investigate and evaluate the criminal history of the applicant or household member and, in so doing, include an assessment of the applicant's character and, in the case of the prospective adoptive parent, the impact that the criminal history has on his or her ability to parent the child; the investigation should consider the type of crime, the number of crimes, the nature of the offense, the age at time of crime, the length of time that has elapsed since the last conviction, the relationship of the crime to the ability to care for children, and any evidence of rehabilitation.
2. The agency shall not approve the home if the record reveals a felony conviction for crimes against a child, including, but not limited to, child abuse or neglect, child pornography, rape, sexual assault, or homicide.
3. The agency shall not approve the home if the record reveals a felony conviction for homicide, rape, or sexual assault.
4. The agency shall not approve the home if the record reveals a felony conviction within the last five years, including, but not limited to, for physical assault, battery, drug-related offenses, or spousal abuse.

Health of Family and Household Members

All applicants and household members must have physical exams from a licensed health care professional. Adult household members must have results from a tuberculosis test. The exam results must indicate that the applicants are capable of caring for an adopted child. The agency may require further documentation and/or evaluation to make such a determination. All children who are household members must be up to date on immunizations as recommended by the Illinois Department of Public Health unless the immunization is contrary to the child's health as documented by a licensed health care professional, or applicants are able to document an exemption on religious grounds. Health information for adults, household members and children shall be documented in the adoptive home record. 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. Applicants and all household members must disclose any past or current medical issues, mental health, and substance abuse issues. The agency may require further documentation and/or evaluation to determine the suitability of the home.

Finances

Applicants shall demonstrate the ability to financially support a child or children and will provide verification of income. Types of verification may include income tax returns, W-2, pay stubs, accountant letter, etc. Applicants shall provide description of income sources, assets, liabilities, debts, and monthly expenses. Applicants shall indicate whether or not they have ever filed for bankruptcy. Agencies shall make an assessment of the applicants' ability to support a child or children based on the totality of the information provided by the applicants.

Character References

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.

Physical Structure and Safety

A home visit must be conducted within the 12 months prior to placement of a child, and documentation of compliance with these requirements shall be maintained in the adoptive home record. Minimum requirements of the home assessment must comply with Appendix A.

Training Requirements

Applicants shall complete a minimum of 6 hours of agency approved training for private domestic adoptions. For international adoptions, applicants shall complete 10 hours of training and 4 of the 10 hours shall be in person. This training must be completed prior to placement. Agencies' training shall comply with Rules 401.520. All training provided to an adoption-only home applicant shall be documented and kept on file at the site of the child welfare agency. The adoptive parent training may be provided by an agent or independent contractor of the child welfare agency, provided the curriculum has the prior written approval of the Department's Office of Training.

Post Placement Visits

The agency will conduct a minimum of two in-person contacts with the adoptive parent(s) and child following placement; however, in no such instance shall contact be any less than once per quarter until the adoption has finalized. At least one in-person contact must be in the adoptive parent's home. Additional contacts may be required by the agency based on the agency's assessment regarding the needs of the child and adoptive parent(s). Each in-person contact shall be documented in the adoptive home record. Post-placement services for the agency's out of state placements are subject to the rules of the adoptive parent's home state pursuant to the Interstate Compact on the Placement of Children.

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.

VII. REVISED FORM

CFS 403-D, Adoptive Parents' Rights and Responsibilities in Illinois (Rev 01/2017)

This form is available on the "T" Drive and DCFS Website.

VIII. FILING INSTRUCTIONS

Please file this Policy Guide immediately following **Rules 401 and Procedures 401, Licensing Standards for Child Welfare Agencies.**

Appendix A

Minimum Requirements of Adoptive Homes

These minimum requirements shall be provided to applicants in advance of commencing the home study process. As applicable, documentation of compliance with these minimum requirements shall be on file with the licensed child welfare agency.

- a) An adoptive home located in Illinois shall be clean, well ventilated, properly lighted and heated, with no observable safety hazards.
- b) The water supply of the adoptive home shall comply with the requirements of the local and State health departments. The maximum hot water temperature from all showers and bathtubs shall be maintained at no less than 100 degrees Fahrenheit and no more than 120 degrees Fahrenheit. If well water is used, a copy of the Illinois Public Health Inspection Report and Compliance with Regulations shall be on file with the supervising agency.
- c) Water Safety
 - 1) All in-ground swimming pools located in areas accessible to children shall be fenced and/or have a power safety cover that meets standards in the American Society for Testing & Materials that the Consumer Product Safety Commission has adopted. The fence shall encompass the entire pool and be at least 4 feet in height and secured by a lockable gate.
 - 2) All above-ground pools shall have non-climbable sidewalls that are at least 4 feet high or shall have a 4-foot fence that encompasses the entire pool and is no closer than 36 inches away from the pool's side wall and secured with a lockable gate. When the pool is not in use, the pool's steps shall be removed or shall be separated by the fence and locked gate.
 - 3) All hot tubs shall be enclosed by a 4-foot fence with a lockable gate, or shall have a securely fitted and lockable cover.
 - 4) All portable wading pools shall be enclosed with a 4-foot fence and lockable gate, or they shall be emptied and sanitized daily.
 - 5) Adoptive parents in homes with pools, hot tubs, ponds, outdoor fountains, decorative water ponds, fishponds, or any other standing body of water must have current CPR/First Aid certification through an instructor certified by the American Red Cross, American Heart Association, EMS Safety Services, Inc., American Trauma Event Management (ATEM) or other agency approved facilitator.
- d) Portable space heaters may be used as a supplementary source of heat if they have been safety-certified by OSHA 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 or unattended. Any portable heater on the Consumer Product Safety Commission's (CPSC) recall list shall not be used.

- e) Toxic household supplies, batteries, and dangerous tools shall be kept in a safe location that cannot be accessed by children who are not age and developmentally appropriate as determined by the adoptive parent. These items shall remain inaccessible to children during disposal.
- f) 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. Expired or unused medications, syringes, medical waste or medication shall remain inaccessible to children during disposal.
- g) 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 an adoptive home unless required by law enforcement officers and in accordance with their law enforcement agency's safety procedures. Any and all firearms and ammunition shall be secured in separate and locked storage receptacles that are specifically manufactured to keep firearms and ammunition secure. Any key(s) or combination/code needed to access said firearms or ammunition shall be kept in a location unknown and not readily accessible to children or be carried by the licensee. Access to said key(s) is the full responsibility of the adoptive parent.
- h) The adoptive home shall comply with all federal, state, county and municipal codes regarding household pets and other animals, including exotic animals. Certificates of inoculation for rabies for cats and dogs shall be available for inspection. Any individual animals with aggressive or dangerous behavior towards any person will be restricted from contact with children at all times.
- i) The adoptive home shall have an operating telephone (landline or cellular) on the premises.
- j) The adoptive home shall be equipped with a minimum of one operable fire extinguisher and one approved smoke detector in operating condition on every floor level and within 15 feet of sleeping areas, including basements and occupied upper-level areas, in accordance with Section 3 of the Smoke Detector Act [425 ILCS 60/3].
- k) An adoptive 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.
- l) Each adoptive child shall be provided their own separate bed or crib. No crib shall be used when it is on the Consumer Product Safety Commission's recall list. Safe sleep guidelines issued by the American Academy of Pediatrics shall be followed.
- m) The adoptive home shall have a written Fire Safety Evacuation Plan which shall be on file with the supervising agency.
- n) The adoptive home shall be free from unsafe child products. IDPH list of unsafe products shall be reviewed with applicants.