

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**POLICY GUIDE 2017.09**

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

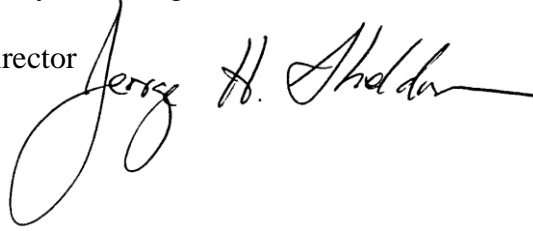
**QUALITY OF CARE CONCERNS APPLICANT**

**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.**

This page intentionally left blank.