

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

POLICY GUIDE 2023.01

**EXPANDED CAPACITY WAIVER PROCESS
FOR LICENSED FOSTER HOMES &
UNLICENSED RELATIVE HOMES
PROCEDURES 301, PLACEMENT AND VISITATION SERVICES
PROCEDURES 402, LICENSING STANDARDS FOR FOSTER FAMILY HOMES**

DATE: February 9, 2023

TO: DCFS and Private Agency Foster Home Licensing and Child Welfare Staff,
Child Protection Staff, and Placement Clearance Desk Staff

FROM: Marc D. Smith, Director

EFFECTIVE: Immediately

I. PURPOSE

The purpose of this Policy Guide is to incorporate how maximum capacity within a foster family home is determined, and provide procedures regarding the process for requesting and granting expanded capacity waivers in licensed foster homes, unlicensed relative homes, and fictive kin homes pursuant to changes in State law.

The Department is working on proposed amendments necessary to ensure affected rules and procedures align with this Policy Guide and will follow the established rule-making process.

This Policy Guide is effective immediately and replaces Policy Guide 2018.10.

II. PRIMARY USERS

The primary users of this Policy Guide are Department and Private Agency foster care licensing and child welfare staff, child protection staff, and Placement Clearance Desk staff.

III. BACKGROUND AND SUMMARY

The Family First Prevention Services Act (FFPSA) was signed into federal law on February 9, 2018, and included requirements for the Children’s Bureau to develop and adopt National Model Foster Family Home Licensing Standards. National Model Foster Family Home Licensing Standards were adopted and issued by the Children’s Bureau on February 4, 2019.



In response to the National Model Foster Family Home Licensing Standards, the Child Care Act of 1969, Section 2.17 was amended on July 12, 2019 to include additional provisions for expanded license capacities in foster family homes.

This Policy Guide contains the July 12, 2019 revisions to the Child Care Act, and an updated process for requesting and granting expanded capacity waivers related to placement restrictions in licensed foster homes, unlicensed relative homes, or fictive kin homes.

IV. SUMMARY OF REVISIONS TO THE CHILD CARE ACT OF 1969

Sec. 2.17. "Foster family home" means a facility for child care in residences of families who receive no more than 6 children unrelated to them, unless all the children are of common parentage, or residences of relatives who receive no more than 6 related 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 for any of the following reasons to allow: (1) a parenting youth in foster care to remain with the child of the parenting youth; (2) siblings to remain together; (3) a child with an established meaningful relationship with the family to remain with the family; or (4) a family with special training or skills to provide care to a child who has a severe disability. (Source: P.A. 101-63, eff. 7-12-19)

The number of children allowed to reside in a foster family home is 6 children. An expanded capacity request is required to allow for more than 6 children under 18 years of age to reside in a foster family home. **The Child Care Act no longer sets a maximum number of children permitted to reside in a foster family home with an expanded capacity license.**

V. CRITERIA FOR EXPANDED CAPACITY REQUESTS

This policy guide includes a breakdown of the **four** separate types of waiver requests as follows:

1. Best Interest Waiver of a Licensing Standard
2. Placement of more than 6 children under 18 years - No Specialized or Young Children
3. Provision of Specialized Foster Care Services or Services for Young Children
4. Unlicensed Relative or Fictive Kin Homes

It further provides the approval level, eligibility criteria, required forms and Outlook Mailboxes to which each requested waiver will be sent, distributed and reviewed.

FOSTER HOME-DEFINITIONS for EXPANDED CAPACITY WAIVER REQUESTS

“Traditional Foster Care” means:

No specialized foster care services provided in home or
No more than 4 children under 6 years of age are in home or
No more than 2 children under 2 years of age are in home

Expanded capacity request required when:

- Placement would result in 7 or more unrelated children under the age of 18 in the foster family home

“Young Children” means:

No more than 4 children under 6 years of age are in home or
No more than 2 children under the age of 2 in a foster home

Expanded capacity requests are required when the number of Infants and/or Young Children residing in the foster family home would result in:

- More than 4 children, not related, in the foster family home who are under 6 years of age
- More than 2 children, not related, in the foster family home who are under 2 years of age

“Specialized Foster Care” means:

A child currently in the foster home requires specialized foster care services or
A child has been identified as requiring specialized foster care services and is being considered for placement in the home

The maximum capacity of the foster family home is reduced from 6 children when:

One child in a foster family home is identified as needing special services:

- Maximum capacity of 5 children under the age of 18

Two children in a foster family home are identified as needing special services:

- Maximum capacity of 4 children under the age of 18

Three children in a foster family home are identified as needing special services:

- Maximum capacity of 4 children under the age of 18

Four children in a foster family home are identified as needing special services:

- Maximum capacity of 4 children under the age of 18

Expanded capacity requests are required when the number of children receiving specialized services exceeds the above capacity limitations

“Unlicensed Foster Home” means:

Relative Home or Fictive Kin Home serving youth in care, but is not licensed

DIRECTOR or ASSOCIATE DEPUTY of FOSTER HOME and AGENCIES & INSTITUTIONS LICENSING APPROVAL REQUIRED for

Waiver of Licensing Rules for Purpose of Meeting Best Interest of Child

Type-of-Care: Traditional, Specialized or Young Children

Requires Associate Deputy of Foster Care and Agencies & Institutions Licensing

Signature Approval

Only for one of the following purposes:

- Accommodating a Sibling Group
- Accommodating a Youth in Care Parenting their Own Child
- Accommodating a child with an Established Meaningful Relationship with the family, to remain with the family
- Accommodating a family with Special Training or Skills to provide care to a child who has a severe disability

Required forms: CFS 591 & CFS 402-1

Submit to: via Outlook to DCFS.WaiverRequests; or

via email to DCFS.WaiverRequests@illinois.gov

ASSOCIATE DEPUTY of FOSTER HOME and AGENCIES & INSTITUTIONS LICENSING APPROVAL REQUIRED for

Placement of more than 6 Children under age 18 in Household

Type of Care: Traditional Foster Home Services Only

Requires Associate Deputy of Foster Care and Agencies & Institutions Licensing

Signature Approval

Only for one of the following purposes:

- Accommodating a Sibling Group
- Accommodating a Youth in Care Parenting their Own Child
- Accommodating a child with an Established Meaningful Relationship with the family, to remain with the family
- Accommodating a family with Special Training or Skills to provide care to a child who has a severe disability

Required forms: CFS 591 & CFS 402-1

Submit to: via Outlook to DCFS.WaiverRequests; or

via email to DCFS.WaiverRequests@illinois.gov

DEPUTY DIRECTOR of CLINICAL SERVICES or DESIGNEE'S APPROVAL REQUIRED

Provision of Specialized Services or Services for Young Children

Type of Care: Specialized or Young Children

Requires Deputy Director of Clinical Services or Designee's Signature Approval

Only for one of the following purposes:

- Accommodating a Sibling Group
- Accommodating a Youth in Care Parenting their Own Child
- Accommodating a child with an Established Meaningful Relationship with the family to remain with the family
- Accommodating a family with Special Training or Skills to provide care to a child who has a severe disability

Required forms: CFS 402-1 & CFS 399-1

Submit to: via Outlook to DCFS.WaiverRequests; or
via email to DCFS.WaiverRequests@illinois.gov

DIRECTOR'S OFFICE APPROVAL REQUIRED

Unlicensed Relative Homes/Fictive Kin Homes

Type of Care: Unlicensed Relative Homes or Fictive Kin

Requires Director or Designee's Signature Approval

Only for one of the following purposes:

- Accommodating a Sibling Group
- Accommodating a Youth in Care Parenting their Own Child
- Accommodating a child with an Established Meaningful Relationship with the family to remain with the family
- Accommodating a family with Special Training or Skills to provide care to a child who has a severe disability

Required forms: CFS 301-80

Submit to: via Outlook to DCFS.DirectorsOffice or
via email to DCFS.DirectorsOffice@illinois.gov

VI. FREQUENTLY ASKED QUESTIONS

Who counts as a child?

A child is any member of the household under the age of 18. This includes own children and youth in care.

How is maximum capacity in a Foster Family Home calculated?

When determining maximum capacity, the number **includes all youth in care and all other children under the age of 18 who reside in the foster family home.** Youth in care who are 18 years of age or older shall also be counted when determining capacity.

How do I identify a youth in care, and/or other children in the licensed foster family home who require specialized services?

Youth in care must be approved for specialized foster home services by the Department. Other children, including adopted or biological children in the licensed residence, shall be identified as needing specialized services through an assessment by the supervising licensing agency. Special services would include, but not limited to the following areas: developmental, emotional, behavioral, or medical needs.

PLEASE NOTE:

- Youth in the licensed foster home with an adoption subsidy for specialized services shall be counted as a specialized youth when determining capacity.
- The current process for requesting a Director’s waiver for an individual that has been indicated on a report(s) that equate to a presumption of unsuitability shall remain the same.
- The Placement Clearance Desk and the Central Office of Licensing Background Checks Unit processes for waivers related to background history remain the same when:
 - Requesting a waiver for an indicated individual that is not a presumption of unsuitability; or
 - Requesting a waiver for a criminal bar that is not an absolute bar to licensure.

V. REVISED FORMS

CFS 301-80, Waiver of Exception to Placement Restriction for Unlicensed Homes (Rev 1/2023)

CFS 402-1, Waiver of Licensing Standards for Foster Family Homes Part 402 (Rev 1/2023)

CFS 402-1, Waiver of Licensing Standards for Foster Family Homes – Instructions (Rev 1/2023)

CFS 591, Request for Expanded Capacity in Foster Family Home License (Rev 1/2023)

The revised forms are available on the “T” Drive and DCFS Website.

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 DCFS.Policy. Non-Outlook users may e-mail questions to DCFS.Policy@illinois.gov.

VII. FILING INSTRUCTIONS

Remove Policy Guide 2018.10 from behind **Procedures 402, Licensing Standards for Foster Family Homes** and **Procedures 301, Placement and Visitation Services** and replace with this Policy Guide.

**EXPANDED CAPACITY WAIVER PROCESS FOR LICENSED HOMES &
UNLICENSED RELATIVE HOMES**

Expansion Type	Approval Level	Eligibility Criteria	Required Forms	Send Request to
Best Interest Waiver of Licensing Rules	Director or Associate Deputy of Foster Home and A & I Licensing signature approval	Accommodating a: <ul style="list-style-type: none"> • Sibling group • Youth in care parenting their own child • Child with an established meaningful relationship with the family • Families with special training or skills to provide care for a child who has a severe disability 	CFS 591 CFS 402-1	via Outlook to: DCFS.WaiverRequests or via email to: Waiver.Requests@illinois.gov
Placement of more than 6 children under 18 years. (No specialized or young children)	Associate Deputy of Foster Home and A & I Licensing signature approval	Accommodating a: <ul style="list-style-type: none"> • Sibling group • Youth in care parenting their own child • Child with an established meaningful relationship with the family • Families with special training or skills to provide care for a child who has a severe disability 	CFS 591 CFS 402-1	via Outlook to: DCFS.WaiverRequests or via email to: Waiver.Requests@illinois.gov
Provision of Specialized Services or Services for Young Children	Deputy Director of Clinical Services or Designee signature approval	Accommodating a: <ul style="list-style-type: none"> • Sibling group • Youth in care parenting their own child • Child with an established meaningful relationship with the family • Families with special training or skills to provide care to a child who has a severe disability 	CFS 402-1 CFS 399-1	via Outlook to: DCFS.WaiverRequests or via email to: Waiver.Requests@illinois.gov
Unlicensed Homes (Relative or Fictive Kin)	Director or Designee signature approval	Accommodating a: <ul style="list-style-type: none"> • Sibling group • Youth in care parenting their own child • Child with an established meaningful relationship with the family • Families with special training or skills to provide care to a child who has a severe disability 	CFS 301-80	via Outlook to: DCFS.DirectorsOffice or via email to: DCFS.DirectorsOffice@illinois.gov

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