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| OCFP Office of Child and Family Policy | Policy Interpretation | |
| | Index No: 2015.01 | Issuance Date: January 12, 2015 |
| | Origin of Request: Central Office of Licensing | |
| | Distribution: Department and POS Staff | |
| | Key Words: 89 IAC 403, Licensing Standards for Group Homes. | |
| | Approved by: <i>Bobbie Gregg</i> | |

Question: **Should children of wards in group homes be counted when determining the license capacity?**

Applicable To: **Department and POS staff**

Policy Citations: *"Group home" means a child care facility which provides care for no more than 10 children placed by and under the supervision of a licensed child welfare agency with these homes being owned or rented, staffed, maintained and otherwise operated by the agency. (Section 2.17 of the Child Care Act of 1969)*

Section 403.6 Provisions Pertaining to the License

- b) The number of children admitted to the group home shall not exceed the license capacity.
- c) Children under 18 years of age whose parents, guardians, custodians, or other person(s) responsible for their care serve as staff members maintaining a residence in the group home shall be included in determining the license capacity if they:
 - 1) live in the same quarters as children accepted for care; or
 - 2) have been admitted for direct care by the group home on the same basis as other children.

(Source: Amended at 21 Ill. Reg. 4587, effective April 1, 1997)



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Discussion:

Staff have inconsistently interpreted the cited provisions in Section 403.6(c). Some staff maintain that all children under 18 years of age living in the group home must be counted in determining capacity, whereas other staff exclude the children of parenting wards in the capacity count. This inconsistency has led to confusion and a disparity in defining maximum capacity in group homes.

The Department has determined that it is not the intent of Section 403.6(b) to include children of parenting wards, who reside with their parent in the group home when determining licensed capacity.

Subsequent rulemaking will clarify the Department's policy as stated in this interpretation.

Response:

The children of wards in group homes shall not be counted when determining the license capacity.