


Pat Quinn
Governor



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Director

Illinois Department of Children & Family Services

August, 2009

NOTICE TO: Foster Parents
REFERENCE: Revisions to Licensing Standards for Family Foster Homes
FROM: Erwin McEwen 
EFFECTIVE: Immediately

Attached you will find a copy of recently adopted amendments to **Part 402, Licensing Standards for Foster Family Homes**.

In addition to minor formatting and editing changes, the most significant revisions to **Part 402, Licensing Standards for Foster Family Homes** that the Department is making at this time are:

The Department created the “Non-Active Status” designation in subsection **402.7(i)** to allow foster homes that are not actively fostering children to remain licensed and have licensing monitoring temporarily suspended while no foster children are placed in the home.

The Department added language in Section **402.8** to require pool enclosures and carbon monoxide detectors in foster homes and prohibit smoking around foster children.

In **Appendix A**, additional bars for foster home licensure were added as required by Children and Family Service Act and the Adam Walsh Child Protections Act.

QUESTIONS

Foster care providers should direct questions regarding this notice or the amended rule to their local licensing representative.

FILING INSTRUCTIONS

Discard your current Rule 402, Licensing Standards for Foster Family Homes, in its entirety, including all appendices, and replace with the attached amended Rule 402.

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LICENSING STANDARDS FOR FOSTER FAMILY HOMES

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TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 402

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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., effective August 1, 2009.

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., 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 a 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).

“Approved smoke detector” or “detector” means a smoke detector of the ionization or photoelectric type which complies with all the requirements of the rules and regulations of the Illinois State Fire Marshal. (Section 2 of the Smoke Detector Act [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.

“Background check” means:

Individuals 17 years of age or older:

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

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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 Statewide Child Sex Offender Registry.

“CANTS” means the Child Abuse and Neglect Tracking System, which has been replaced by SACWIS.

"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, 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, established and maintained for the care of children. Child care facility includes a relative who is licensed as a foster family home pursuant 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 a completed written application form; written authorization by the applicant and all adult members of the 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 character; and fingerprints submitted by the applicant and all adult members of the applicant's household. [225 ILCS 10/4]

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

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"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).

"Foster family home" means a facility for child care in residences of families who receive no more than 8 children unrelated or related to them, unless all the children are of common parentage, or residences of relatives who receive no more than 8 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 limit of 8 children unrelated to an adoptive family for good cause to facilitate an adoptive placement. 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.

"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. The worker shall verify the godparent/godchild relationship by contacting the parents to confirm that fact that they did, in fact, designate the person as the godparent. If the parents are unavailable, the worker should contact other close family members to verify the relationship. 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 302.60 (Placement Selection) 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 must be met.

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“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.

"License applicant" means the operator or person with direct responsibility for daily operation of the facility to be licensed. (Section 4.4 of the Child Care Act)

“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 therein or another state or municipal authority which is punishable solely by fines as a petty offense. [625 ILCS 5/6-601]

“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.

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

"Petty offense" means any offense for which a sentence to a fine only is provided.
[730 ILCS 5/5-1-17]

"Relative", for purposes of placement of children for whom the Department is legally responsible, *means 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, or
- *is the spouse of such a relative, or*
- *is the child's step-father, step-mother, or adult step-brother or step-sister.*

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. [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 foster children. Respite foster care is provided to foster children 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 foster children 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 that replaced the Child Abuse and Neglect Tracking System (CANTS).

"Specialized care" means care provided to a child who has developmental, emotional, behavioral, or medical needs and who has been determined to require specialized care. The need for specialized care shall be redetermined once every six months.

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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.

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

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 supervising agency shall study each foster home under its supervision before recommending issuance of a license. The licensing study shall be conducted by a qualified licensing representative and shall be reviewed and approved by the assigned supervisor. Supervisory approval indicates recommendation for license or denial of a license and compliance or non-compliance with the standards. The study shall be in writing and shall be signed by the licensing representative performing the study and by the assigned supervisor. When the application for a license is denied,

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the supervising agency shall advise the applicant in writing of the reasons for the denial.

- 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 licensees, such as marriage, separation, divorce, 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 26 Ill. Reg. 2624, effective February 11, 2002)

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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., 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;

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- B) a child abuse or neglect report;
 - C) SACWIS or criminal activity.
- 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., 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 and heated, 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) 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.
- d) Water Hazards Protection
 - 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 hot tub not enclosed with a 5-foot fence shall have a securely locked cover.
 - 4) Any portable wading pool not enclosed with a 5-foot fence shall be emptied daily.
 - 5) Licensees in foster family homes with pools, hot tubs, ponds, outdoor fountains, decorative water ponds, fishponds, or the like must have current CPR certification.
 - 6) 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.
- e) No person shall smoke tobacco in a foster family home, open or enclosed motor vehicle while transporting a foster child, or *within 15 feet of entrances, exits,*

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windows that open, and ventilation intakes that serve the foster family home. [410 ILCS 82/10 and 70] This subsection does not prohibit smoking in a licensed foster home that does not have foster children in placement.

- f) 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.
- g) 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.
- h) 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.
- i) Any and all firearms and ammunition shall be locked up 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.
- j) The foster home shall comply with all requirements of the State laws and municipal codes for household pets. Certificates of inoculation for rabies shall be available for inspection.
- k) 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.
- l) The foster home shall have fire and emergency evacuation plans that are to be discussed and rehearsed quarterly with the children.
- m) The foster home shall be equipped with a minimum of one approved smoke detector in operating condition on every floor level, including basements and occupied attics, in accordance with Section 3 of the Smoke Detector Act [425 ILCS 60/3].
- n) 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.

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- o) 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.
- p) Foster parents shall respect children's rights to privacy while sleeping, bathing, toileting, and dressing.

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

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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) 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.
- 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 CFS 497, Service Plan, Part IIB.
- 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

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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.

- j) The room shall be exposed to an outside window or shall have auxiliary means of ventilation.
- k) The springs and mattresses on each bed requiring such shall be level, clean, unsoiled with no rips, tears or sags in the mattress or mattress cover, and not infested with insects. The bedding shall be suitable for the season.
- l) 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.
- m) Waterproof mattress covers shall be provided for all beds or cribs for enuretic children.
- n) Sleeping rooms shall be comfortable and shall be furnished suitably for the age and sex of the child.
- o) 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 above cited requirements.
 - 3) To be used for sleeping, basements and attics shall have two exits with one exit leading directly 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.

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

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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 a commercial rooming or boarding house on the premises is not permitted.
- b) 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.
- c) 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.

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

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Section 402.12 **Qualifications of Foster Family**

- a) The licensees shall be either a single person or a man and woman married to 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 foster family 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.

- c) Foster parents shall be stable, law abiding, responsible, mature individuals, at least 21 years of age.
- 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:
 - 1) the foster parent's capability to provide care including an evaluation of the caregivers' health, strength, and mobility;
 - 2) 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;
 - 3) the characteristics, limitations, and responsibilities of the caregivers. All members of the foster family shall be free from active alcohol or substance dependency;
 - 4) 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
 - 5) the number of foster parents in the home and the availability and experience of child care assistants.

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- e) All members of the household age 13 and older (except for foster children) shall have passed the background check required in 89 Ill. Adm. Code 385 (Background Checks).
- f) Foster parents shall accept agency supervision.
- g) Foster parents shall adequately supervise children in their care to assure compliance with laws including, but not limited to, criminal laws.
- h) 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.
- i) Unless parental rights have been terminated, foster parents shall respect and support a child's ties to his or her biological family and shall cooperate with the supervising agency and the service plan for the child and his/her family.
- j) The foster family shall have sufficient financial resources to provide basic necessities for themselves and their own children.
- k) 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.
- l) 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.
- 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 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 family 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 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.

(Source: Amended at 30 Ill. Reg. 6321, effective March 31, 2006)

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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) 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. Any vehicle used to transport foster children shall be equipped with safety restraints in accordance with Section 4b of the Child Passenger Protection Act [615 ILCS 25/4b]. 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.
- 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 30 Ill. Reg. 6321, effective March 31, 2006)

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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, their children, other persons residing in the foster home, and child care assistants. The medical reports shall not be more than one year old. 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.
- 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 33 Ill. Reg., effective August 1, 2009)

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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) of this Section. 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 that 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) of this Section to care for more than four children under six years of age with the approval of clinical services and licensing.

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 foster family home with an expanded capacity license is eight children, unless:

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- 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) below.
- 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 which 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.

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.

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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) 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 is in compliance with the requirements of Section 402.15 of this Part.
 - 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.

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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) of this Section, if necessary, to place a child in an adoptive home provided the criteria in subsection (c)(2) of this Section are met and there are a sufficient number of suitable adult caregivers to insure that the children receive proper care and supervision.

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 22 Ill. Reg. 205, effective December 19, 1997)

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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 shall provide the child with ongoing 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.
- d) 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.
- e) Care shall be exercised in giving permission for the foster child to visit overnight with friends or relatives of the child or foster parents . Extended trips away from the foster home must be approved by the foster child's parent or guardian.
- f) 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.
- g) Foster parents shall assist the child in the proper handling of money.
- h) 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.
- i) 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 26 Ill. Reg. 2624, effective February 11, 2002)

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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) Immunizations and tests, unless exempt on religious grounds, shall be administered as required by the 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.
- 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 26 Ill. Reg. 2624, effective February 11, 2002)

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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

Foster parents should encourage appropriate indoor and outdoor recreation.

(Source: Renumbered from Section 402.18 at 7 Ill. Reg. 3439, effective April 4, 1983)

Section 402.20 Education

- a) Foster parents shall encourage each child to complete high school or vocational training in accordance with his 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.
- 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: Renumbered from Section 402.19 at 7 Ill. Reg. 3439, effective April 4, 1983)

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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 his 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 him.
- f) No child shall be deprived of clothing or sleep as punishment.
- 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 as 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.

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- 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 26 Ill. Reg. 2624, effective February 11, 2002)

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)

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)

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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 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 26 Ill. Reg. 2624, effective February 11, 2002)

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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 the child, 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, guardian, 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) the names and persons to whom the child may be released;
 - 7) a record of waivers for immunizations, medical examinations, and treatment;
 - 8) a record and/or receipts for distribution of allowance and clothing funds;
 - 9) a record of the emergency evacuation plan and quarterly rehearsals;
 - 10) a record of the child care supervision plan, when required under Section 402.11(c);
 - 11) a copy of the CFS-592, Overnight Visit Arrangements that shall be kept for the duration of the visit;
 - 12) a copy of any CFS-432, Guardian's Consent for Out-of-State Travel, or Extended Trips.
- b) The foster family shall maintain records to verify attendance at required pre-licensure 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 26 Ill. Reg. 2624, effective February 11, 2002)

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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 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 33 Ill. Reg., effective August 1, 2009)

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

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: Old Section 402.29 renumbered to Section 402.30 and new Section 402.29 adopted at 26 Ill. Reg. 2624, effective February 11, 2002)

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)

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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

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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.*

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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

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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)

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

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		
Ages of Children	Regular Foster Home License Number of Children	Expanded Capacity License¹ Number of Children²
Total number	6	As needed in order to keep siblings together ² .
Under age six	4 ³	4 ³
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.

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		
Ages of Children	Regular Foster Home License Number of Children	Expanded Capacity License¹ Number of Children
Total number	6	8 ²
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.

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

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				
Ages of Children	One Child Requires Specialized Care	Two Children Require Specialized Care	Three Children Require Specialized Care	Four Children Require Specialized Care
Total number	5	4	4 ¹	4 ¹
Under age six	4	3	3 ¹	2 ^{1,2}
Under age two	2	2	2 ¹	1 ^{1,2}

- 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.

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