

<b>OCFP</b> <b>Office</b> <b>of Child and</b> <b>Family</b> <b>Policy</b>	<b>Department of Children and Family Services</b>	
	<b>Index No: 2000.09</b>	<b>Issuance Date: June 21, 2000</b>
	<b>Origin of Request: Central Office of Licensing</b>	
	<b>Distribution: Licensing Staff, Administrative Staff, Office of Child and Family Policy (A,L,P)</b>	
	<b>Key Words: 89 IAC 402, Licensing Standards for Foster Family Homes, Married Applicant with Husband in Prison</b>	
	<b>Approved by:</b>	

### Interpretation

**Question:**                    **A married woman is interested in becoming a licensed foster parent. Her husband is in prison and is not eligible for parole for several years. The spouse is requesting to be licensed as a separated individual. Can she obtain a license in her name?**

**Applicable To:**            **Licensing Standards for Foster Family Homes**

**Policy Citation:**        402.12(a): The licensee(s) 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.

402.12(d): 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.

**Discussion:**                Two people who are legally married with no intent to divorce or legally separate are married applicants regardless of the degree that their occupations or pastimes prevent them from living together.

Subsection 402.12(g) and (k) require that each adult obtain a background check and that both adult members of the family attend training. These are requirements that must be met by both adults and are not waived. The Department has found various creative ways to allow for spouses, such as military personnel, who live away from the home to participate in all activities for licensure. Unless the circumstances and nature of the criminal activity automatically prevent licensure, an incarcerated spouse may be similarly accommodated.

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It is the Department's intent to assist families in meeting the licensing standards while at the same time assuring that licensed foster homes are safe. A foster home license is granted for four years. Regardless of the length of the sentence, a spouse serving time may be paroled, granted clemency, or otherwise released from prison during any given four year time period and would eventually be living in the home. The Department has a responsibility to assure the appropriateness of a family member before issuing a license.

**Response:**

**One individual of a married couple cannot be a single licensee. Both adult members of the family shall meet the requirements of 89 Ill. Adm. Code 402, Licensing Standards for Foster Family Homes, for licensure as a foster home.**