

OCFP Office of Child and Family Policy	Department of Children and Family Services	
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	Key Words: 89 Ill. Adm. Code 404, Licensing Standards for Child Care Institutions and Maternity Centers, Adults and Children Sharing Common Area, Respite Care	
Approved by:		

Interpretation

Applicable To: Licensed Child Care Institutions

Policy Citation: Section 302.20 Definitions

"Child welfare services" means publicly funded social services which are directed toward the accomplishment of the following purposes:

placing and maintaining children in facilities that provide separate living quarters for children under the age of 18 and for children 18 years of age and older, unless a child 18 years of age is in the last year of high school education or vocational training, in an approved individual or group treatment program, or in a licensed shelter facility. The Department is not required to place or maintain children:

who are in a foster home; or

who are developmentally disabled, as defined in the Mental Health and Developmental Code; or

who are female children who are pregnant, pregnant and parenting or parenting; or

who are siblings; or

in facilities that provide separate living quarters for children 18 years of age and older and for children under 18 years of age.

Question: Can a program that provides respite care for developmentally disabled children and adults allow children under the age of 18 to share common areas in the facility with adults over the age of 18?

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Discussion: Subsection 302.20 Definitions (Child welfare services), indicates that the Department must place children under the age of eighteen in separate living quarters from children over the age of eighteen except in facilities where the individuals are developmentally disabled. The intent of subsection 302.20 Definitions (Child welfare services), is to maintain a safe environment while meeting the developmental needs of individuals being served.

The agency in question is providing respite care for developmentally disabled individuals and maintains separate sleeping quarters for adults and children. The agency allows common living quarters such as the cafeteria and other activity areas to be used by both age groups at the same time. It may be appropriate for a developmentally delayed adult that is functioning at a child=s developmental level to participate in activities suitable for his/her developmental age provided that:

- X the adult and child are functioning at a similar developmental level;
- X the individual poses no risk of harm to others within the activity area;
- X supervision within the area is appropriate and meets the requirements of staff supervision for children of the developmental age within the activity area;
- X the developmentally disabled adult is not considered a helper, aid or other adult figure in the activity area, and;
- X the developmentally disabled adult is not allowed outside of a staff's vision within the same area of the children.

Response: **An agency providing respite care for developmentally disabled adults and children can allow both age groups to associate within the same common area of a facility. Developmentally delayed adults and children cannot share common sleeping quarters, but daily activity areas and eating areas can be shared provided the developmental levels of the adults and children are similar; the adults pose no risk of harm to the children in the same area; staff supervision within the area is appropriate and meets the requirements of staff supervision for children of the developmental age within the shared activity area; the developmentally delayed adult is not in a helper, aid or other adult figure role, and; the adult is not allowed outside of a staff's vision within the same area of the children.**

NOTE: Please disregard Policy Interpretation 99-f, which was sent out in error with no Issurance Date. Please replace Policy Interpretation 99-f with this Policy Interpretation 99-16.