

# LICENSING ENFORCEMENT

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### Section 383.10 Purpose

- a) These procedures implement the licensing functions set out in Rules 383. The procedures describe the Department and private child welfare agency licensing unit responsibilities: to examine and monitor child care facilities to determine compliance with the Child Care Act of 1969 and licensing standards; to receive and investigate licensing complaints; and to develop and implement protective or corrective plans that assure the safety of children while allowing licensed facilities to correct noted violations. The procedures describe the processes for: concurrent child protection and licensing investigations; reexamining foster homes after an indicated report; reviewing licensing decisions; conducting enforcement actions; and surrendering a license or permit.
- b) The Central Office of Licensing shall ensure that the licensing standards for foster family homes, group homes and child care institutions are reviewed every 3 years to determine whether the licensing standards, as written, are appropriate. This may be accomplished in one of the following ways:
  - 1) The Regional Licensing Administrators and selected Licensing Supervisors shall review Rules 402, 403 and 404 to identify any standards that should be added, amended or rescinded. The Regional Licensing Administrators and Licensing Supervisors shall submit their recommendations, and the reasons for those recommendations, in writing to the Central Office of Licensing. When a recommendation is accepted, the Deputy Director shall submit to the Office of Child and Family Policy a request to amend the applicable licensing standards to implement the recommendation.
  - 2) The Department also amends licensing standards to incorporate changes in law enacted by the Illinois General Assembly or as a result of court proceedings. When a statutory change or court proceeding requires amendments to Rules 402, 403 or 404, the remainder of the rules will also be reviewed for possible needed revisions.

### Section 383.15 Definitions

“Concurrent investigation” means that a SACWIS Intake Report involving a licensed child care facility has triggered child protection and licensing complaint investigations. When both child protection and licensing complaint investigations are required, the two investigations shall occur “concurrently” (at the same time), but not necessarily jointly.

“Day” means a calendar day, unless otherwise specified.

“Regional licensing administrator” means Department staff assigned the direct supervision of agency and institution (A&I) and day care licensing supervisors and managers. For purposes of these procedures, this term also means the Department’s Foster Home Licensing Managers assigned the direct supervision of the Department supervisors who supervise staff who conduct licensing studies for and supervise Department foster homes.

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“Stand-alone licensing complaint investigation” means a licensing complaint investigation that is not conducted concurrently with a child protection investigation (i.e., not a concurrent investigation).

“Substantiated violation” means that the licensing representative has determined, during a licensing complaint investigation or a monitoring or renewal visit, that the licensee has violated a licensing standard, the Child Care Act or other applicable DCFS Rules. To substantiate a violation, the licensing representative must:

- directly observe the violation during a site visit to the licensed facility (the licensing representative may be on the premises for any purpose); or
- gather sufficient evidence during a licensing complaint investigation to substantiate the violation when the licensing representative does not directly observe the violation.

### **Section 383.25      Monitoring Visits of Licensed Facilities**

#### a)      General Requirements

Department and supervising agency licensing representatives may visit a licensed facility for any purpose and may conduct monitoring visits as they determine appropriate, with or without notice, during the facility’s hours of operation.

All licensed foster homes shall be monitored at least twice each calendar year by a licensing representative from the supervising agency.

Day care homes shall be monitored at least annually by a licensing representative from the supervising agency.

Child care institutions, secure child care facilities, maternity centers, child welfare agencies, day care agencies, day care centers, group homes, group day care homes, youth emergency shelters and youth transitional housing programs shall be monitored at least annually by a licensing representative from the Department.

For all facility types that provide on-site care for children, a licensing representative from the Department or supervising agency shall view the entire premises and grounds at least annually during an unannounced visit. For home based facilities, this includes those parts of the home not included in the license. During each monitoring visit, the following correlating standards shall be reviewed, at a minimum: nutrition; supervision/staffing/ safety; discipline; children’s and staff’s files (when applicable); health and medical care; capacity; ages; and the physical facility.

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b) Types of Monitoring Visits

The licensing representative shall conduct monitoring visits as required to assure that child care facilities comply with licensing standards and the Child Care Act. The frequency of monitoring visits will vary depending upon the purpose, the specific circumstances and approval of the licensing supervisor. Typically, monitoring visits shall occur with the frequency specified in Procedures 383-[Appendix A](#), Monitoring Schedule, or as determined by the licensing supervisor.

c) Documenting the Monitoring Visit

The licensing representative shall document each substantiated violation of a licensing standard, the Child Care Act or other applicable DCFS Rule on the **CFS 597-C or CFS 597-FFH**, document how the licensing standard or the Child Care Act was violated, and discuss the violation with the licensee or permit holder. In addition, the licensing representative shall take all necessary actions to protect the children in care.

A copy of the **CFS 597-C or CFS 597-FFH** shall be left with the licensee/permit holder. If the licensee/permit holder is not present, the licensing representative shall leave a copy of the **CFS 597-C or CFS 597-FFH** with the adult in charge. When the licensing representative attempts a visit at a licensed foster, day care or group day care home and no-one is present at the home, a copy of the **CFS 597-C or CFS 597-FFH** stating that no-one was home shall be left at the door.

The licensing representative shall prepare a corrective plan and monitoring schedule when required and appropriate.

The licensing representative shall complete and submit the documentation to the licensing supervisor for review and approval within 7 days after the visit. When approved by the licensing supervisor, the licensing representative shall send a **CFS 596-01, Confirmation of Substantiated Violations and Corrective Plan** to the licensee/permit holder.

Since monitoring visits are unannounced, the licensing representative shall not discuss the contents of a monitoring schedule with the licensee and shall not give the licensee a copy of the monitoring schedule.

The licensing supervisor shall ensure that the substantiated violations are registered in the Licensing Complaint Tracking System and that a copy of all documentation is placed in the licensing record.

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### **Section 383.30      Complaints Alleging Violation of Licensing Standards, the Child Care Act or Other Applicable DCFS Rules**

#### a)      General Requirements

The Department and supervising agencies shall accept licensing complaints involving licensed child care facilities to determine whether there have been violations of licensing standards, the Child Care Act or other DCFS Rules applicable to the operation of the facility.

The Department shall accept licensing complaints involving unlicensed facilities to determine if such child care facilities are exempt from licensure or are subject to licensure and operating without a valid license or permit.

Any person who has knowledge of or has personally observed an incident or situation that may constitute a violation of licensing standards, the Child Care Act or other applicable DCFS Rules may make a licensing complaint. Complaints may be written or oral.

All Department and POS staff shall make a licensing complaint when they observe or have knowledge of a licensing violation.

Department and POS staff may transmit written complaints by DCFS e-mail, but shall not transmit complaints via the Internet.

The licensing record shall have a section designated "Complaints – Not To Be Released." All documentation pertaining to a complaint shall be placed in that section of the record.

#### b)      Licensing Complaint Intake Process

##### 1)      Direct Licensing Complaints to the Appropriate Licensing Unit

A complaint involving a licensed facility shall be directed to the Department or supervising agency licensing unit that is responsible for supervising the facility.

A complaint involving an unlicensed facility shall be directed to the DCFS licensing unit for the geographic area in which the facility is located.

When a licensing complaint is received by another unit within DCFS or the supervising agency, the person receiving the complaint shall forward the complainant or the complaint to the licensing unit.

If a complaint is received by the licensing unit in an agency other than the agency that is responsible for supervising the facility, the person receiving the complaint shall forward the complainant or the complaint to the licensing unit that is responsible for supervising the facility.



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When a telephone complaint is received by a unit or agency other than the agency that is responsible for supervising the facility, the person who receives the complaint shall transfer the caller to the licensing unit that is responsible for supervising the facility, if possible. If it is not possible to transfer the caller, the person taking the call shall inform the caller that a licensing representative will be calling back to take a complaint, and ask the caller for call-back information. The person taking the call shall forward that information to the licensing unit.

If the caller wishes to remain anonymous, the person taking the call shall follow the procedures for handling anonymous callers in Subsection 2, below.

### 2) Complete Licensing Complaint Report

When a complaint alleges a violation of licensing standards, the Child Care Act or other applicable DCFS Rules, or that an unlicensed facility may be subject to licensure, the licensing representative shall prepare a **CFS 596, Licensing Complaint Report** summarizing the facts alleged by the complainant.

Licensing staff shall take every complaint seriously, whatever its source or form, because of the potential effect on the safety and welfare of children.

Written complaints -- The person in the licensing unit who first receives the written complaint shall date-stamp the complaint upon receipt.

Telephone complaints -- The person in the licensing unit who speaks with the caller shall document the complaint on the **CFS 596** and shall:

- gather as much factual information as possible about the alleged violations or unlicensed facility;
- get a description of the complainant's observations or personal knowledge of the facts;
- inform the complainant that a licensing representative will conduct a licensing complaint investigation to determine if the alleged violations or any other licensing violations have occurred or are occurring, or if the unlicensed facility is subject to licensure;
- inform the complainant that his/her identity will not be disclosed during the investigation; and
- get the complainant's name, address and phone number, if possible, and explain that it may be necessary to get back in touch with him/her.

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Anonymous callers -- If a caller asks to make an anonymous complaint, the staff person taking the call shall assure the caller that the identity of a complainant is not disclosed during an investigation. The staff person shall encourage the caller to provide a name, address and telephone number to enable the licensing representative to contact the caller should further information be required and provide information about the outcome of the investigation.

In-person complaints – When someone makes a complaint in person, the licensing staff person to whom the complaint is made shall obtain as much information as possible, including a name, address and telephone number to enable the licensing representative to contact the complainant should further information be required and provide information about the outcome of the investigation. The staff person shall document the information on the **CFS 596**.

### 3) Report Suspected Child Abuse/Neglect and Criminal Activity

Every licensing representative is a mandated reporter. When a licensing representative has reason to suspect that a child is being or has been abused or neglected, he/she shall obtain as much specific information as possible, including the name, address and whereabouts of the alleged victim and alleged perpetrator, and details about the incident. The licensing representative shall make a report to SCR. The licensing representative shall document the date and time the report was made on the **CFS 596-B, Licensing Complaint Investigation Interview Notes**.

When a licensing representative has reason to believe that criminal activity is occurring in a licensed facility, the licensing representative shall immediately consult with the licensing supervisor and report the matter to local law enforcement.

### 4) Provide Information to Complainant

During the interview with the complainant, the licensing representative shall provide the following information, and shall document on the **CFS 596-B** that this information was provided:

- the process for investigating licensing complaints;
- that the complainant's identity will be kept confidential during the investigation;
- that the complainant (if not anonymous) will be notified in writing of the outcome of the investigation;

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- that there may be further contact with the complainant to clarify information; and
- that the complainant was asked whether he/she would be willing to testify at an administrative hearing in the event that the licensing complaint investigation results in revocation or non-renewal of a license, or the refusal to issue a license to a permit-holder.

### 5) Submit Licensing Complaint Report to Supervisor

The licensing staff person who took the complaint shall submit the **CFS 596** to the licensing supervisor for review and approval. The licensing supervisor shall review the complaint to determine whether a stand alone or concurrent licensing investigation or a monitoring visit should be conducted, and may assign an investigation or monitoring visit to the licensing representative for the facility named in the complaint or to another licensing representative, as the supervisor deems appropriate. The licensing supervisor shall ensure that a violation code is assigned and data-entered.

If the licensing supervisor is not on-site, the staff person shall give the complaint to the licensing representative for the facility. The licensing representative shall notify the licensing supervisor, by e-mail, of the complaint and provide a copy of the complaint (by fax, if necessary).

If the licensing representative and supervisor are not on-site, the staff person receiving the complaint shall contact the licensing supervisor (by pager, telephone and/or e-mail, if necessary) to alert the supervisor of the complaint. If the complaint contains allegations that would pose an immediate threat to the safety of the children in care and the licensing supervisor and licensing representative cannot be contacted, the staff person shall contact the Regional Licensing Administrator.

The licensing supervisor is not required to (but may) assign a complaint for investigation when:

- the alleged violation occurred more than 60 days before receipt of the complaint and is not of a continuing nature;
- the complaint is anonymous and fails to allege violations that affect the health, safety, morals or welfare of the children being served; or
- no violations of licensing standards, the Child Care Act or other applicable DCFS Rules are apparent from the complaint.

However, the licensing supervisor may direct a licensing representative to either make a monitoring visit or conduct a complaint investigation in these instances.

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- 6) Private Agency to Notify A&I Licensing Unit When Licensing Complaint Is Received

When a private agency licensing unit receives a licensing complaint, the licensing supervisor shall notify the agency's DCFS A&I licensing representative of the complaint within 72 hours.

- c) No Changes to a License During a Complaint Investigation

When a licensing complaint investigation is pending, a DCFS or private agency licensing supervisor shall deny a request from a licensee/permit holder to make any changes to the license, including but not limited to transfer of supervision of the license, change of address of the facility, expanding the capacity, ages of children served, hours of operation or licensed area within the facility.

### Section 383.35 Complaint Investigations in Licensed Facilities

- a) Responsibility for Conducting Licensing Complaint Investigations

Licensed Entity:	All Licensing Complaint Investigations Are Conducted By:
Agencies and institutions	DCFS Agencies & Institutions Licensing Unit
Private agency-supervised foster homes	Supervising Agency Licensing Unit
DCFS-supervised foster homes	DCFS Foster Home Licensing Unit
DCFS-supervised day care centers and day care homes	DCFS Day Care Licensing Unit
Private agency-supervised day care homes	Supervising Agency Licensing Unit
All others not previously specified	DCFS Agencies & Institutions Licensing Unit

- b) Concurrent and Stand Alone Licensing Complaint Investigations

A concurrent licensing complaint investigation occurs when SCR takes a report of suspected child abuse or neglect involving a licensed facility and the investigation specialist determines that a formal investigation (as defined in Procedures 300) should be conducted.

**Note: For concurrent investigations, follow this Section and [Section 383.37](#), Additional Requirements for Concurrent Investigations.**

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A stand-alone licensing complaint investigation may be conducted when a complaint has been received by the licensing unit, or, if a report was taken by SCR, the investigation specialist determines the report to be unfounded after an initial child protection investigation.

**Note: For Stand Alone Investigations, follow this Section only.**

### c) General Requirements in a Licensing Complaint Investigation

During a licensing complaint investigation, the licensing representative, in consultation with the licensing supervisor, shall:

- take all necessary actions to protect the children in care, including implementing a protective plan when appropriate, as determined by the Regional Licensing Administrator or licensing supervisor. (E.g., a protective plan may not be necessary when a child protection investigation becomes a formal investigation because of time constraints. In that circumstance, the licensing representative shall request that the investigation specialist note that fact in an e-mail.);
- perform all required complaint investigation activities;
- not disclose the identity of or any information that would identify the complainant or any person interviewed to the licensee/permit holder;
- discuss the licensing violations alleged in the complaint with the licensee/permit holder and allow the licensee/permit holder an opportunity to present his/her side of story; and
- conduct non-accusatory, impartial fact-finding interviews with all persons identified by the complainant as having information about the allegations, and other persons who may have relevant information, and document the interviews on the **CFS 596 series**.

### d) Required Investigation Activities

#### 1) Determine Need for Immediate Site Visit

As soon as possible after receiving the complaint, the licensing representative and supervisor shall determine whether an immediate unannounced site visit is necessary to ensure the safety of children in care or to preserve evidence of the alleged violations. The licensing representative shall document this consultation in a casenote.

When an immediate unannounced site visit is not necessary, the initial site visit shall occur within 2 business days.

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2) Register Complaint in the Licensing Complaint Tracking System

The licensing representative shall register the complaint in the Licensing Complaint Tracking System no later than 5 days after the complaint was received.

3) Prepare Licensing Complaint Investigation Plan

The licensing representative, in consultation with the licensing supervisor, shall prepare an investigation plan that shall:

- describe the alleged licensing violations, and provide a complete citation to the licensing standards, the Child Care Act or other applicable DCFS Rules for each alleged violation;
- list questions that must be answered by the licensing representative at the end of the investigation;
- list the names (if known) of persons to be interviewed who may have information that will help answer the questions. If names are unknown, the licensing representative shall indicate the position or occupation of persons believed to have relevant information (e.g., parent, physician, janitor, etc.); and
- describe the physical evidence (including documents) the licensing representative will examine to help answer the questions.

**The licensing representative may contact the complainant to gather more information about the complaint at any time during the investigation.**

4) Contact Involved Caseworkers (Foster Homes Only)

When the complaint involves a foster home, the licensing representative shall contact the caseworker for each child in the foster home and ask whether the caseworker has information that may be relevant to the investigation.

5) Prepare for Initial Unannounced Site Visit

The licensing representative shall do the following activities to prepare for the initial unannounced site visit:

- A) Determine If There Are Past or Pending Licensing Complaint Investigations

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The licensing representative shall check the ~~LC-09~~ license compliance tracking screens and licensing complaint files to determine whether there are past or pending licensing complaint investigations involving the facility and to determine whether the alleged violations are a recurrence of prior alleged or substantiated violations.

The licensing representative shall document the review of records on the **CFS 596**.

If a licensing complaint investigation is pending, the licensing representative shall notify the licensing supervisor and the licensing representative assigned to the pending investigation that a new complaint has been received.

The licensing supervisor shall determine whether to add a new allegation to an existing complaint or assign it as a new licensing complaint investigation.

The licensing representative shall document notification of the licensing supervisor and other licensing representative on the **CFS 596-B, Licensing Complaint Investigation Interview Notes**.

### B) Determine If There Is Pending Enforcement Action

The licensing representative shall determine whether there is a protective plan, a corrective plan or any other pending licensing enforcement action involving the facility.

If so, a site visit is required within 2 business days. The licensing representative shall notify the licensing supervisor and Regional Licensing Administrator that the new complaint has been received, and document notification on the **CFS 596-B**.

### 6) Conduct Initial Unannounced Site Visit

#### A) Provide Information to Licensee/Permit Holder

Upon arriving at the facility, the licensing representative shall show identification and ask to speak to the licensee/permit holder or other person in charge.

The licensing representative shall explain:

- the purpose of the visit;

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- the specific sections of licensing standards, the Child Care Act, or other DCFS Rules contained in the complaint; and
- the process for conducting a licensing complaint investigation.

When appropriate, the licensing representative may ask the licensee/permit holder or person in charge for permission to take photographs inside the facility. When photos are taken, the licensing representative shall sign and date the back of each photo and write the name and address of the facility, the room depicted, and the complaint number.

The licensing representative shall document in the complaint report whether permission was given to take photographs. When permission is denied, photographs shall not be taken. The licensing representative shall assure the licensee/permit holder that photographs will only be used for the purposes of the pending complaint investigation or any enforcement action resulting from the pending investigation.

Photographs are considered appropriate to verify physical conditions that place children at risk of harm, and may also be appropriate when situations may be difficult to describe. Photographs may be taken of children in care only with the permission of the children's parents or guardian.

If the licensee/permit holder or person in charge refuses to allow the licensing representative to enter the facility to conduct the site visit, the licensing representative shall inform the licensee/permit holder of the requirements of Section 5(g) of the Child Care Act (paraphrased below):

*During the hours of operation of any licensed child care facility, an authorized representative of the Department may without notice visit the facility for the purpose of determining its continuing compliance with licensing standards and the Child Care Act.*

If the licensee/permit holder or person in charge still refuses entry, the licensing representative shall contact the licensing supervisor. When appropriate, the licensing supervisor may contact local law enforcement or the State's Attorney's Office for assistance.

The licensing representative shall not threaten to take any action against a licensee or permit holder until such action is approved by the licensing supervisor.



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### B) Make Special Arrangements for Foster Family

During the initial unannounced site visit to a licensed foster family home, the licensing representative shall advise the foster parent that he/she has the right to call an advocate or friend and that the licensing representative will give the foster parent up to 4 hours to have the advocate or friend present at the home for the interview. If the foster parent indicates that he/she wishes to exercise his/her right to call an advocate or friend, the foster parent and licensing representative shall agree on the time, within 4 hours, when the licensing representative will return to complete the site visit. If an allegation in the complaint alleges that the health or safety of children in the home is at risk because of environmental conditions (e.g., unsafe or unsanitary conditions in the home, no food on the premises, etc.) the licensing representative shall request permission to enter and observe the premises, even if the foster parent requests time to contact an advocate or friend. After observing the premises, the licensing representative shall leave the foster home, and then return at the appointed time.

If the foster parent refuses entry or refuses to talk with the licensing representative at the appointed time, the licensing representative shall consult with the licensing supervisor to determine the appropriate course of action. The licensing representative shall also notify the caseworker for every child placed in the home of the foster parent's refusal to cooperate in a licensing complaint investigation.

The licensing representative shall document the foster parent's decision to contact an advocate and any delays in conducting the site visit on the **CFS 596-B**.

### C) Determine Whether to Place a Foster Home on Hold

The licensing representative shall consult with the licensing supervisor to determine whether to recommend that a foster home should be placed on "hold" status pending the outcome of a licensing complaint investigation. With supervisory approval, the licensing representative shall send a **CFS 2011, Placement "Hold" Request** by e-mail to the Associate Deputy Director for Licensing explaining the reasons for that recommendation. Licensing staff shall comply with Section IV of Procedures 301, Appendix E, Placement Clearance Desk ("Holds" on Foster Homes and Relative Homes)

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### 7) Develop Protective Plan and Monitoring Schedule

A protective plan is required when there is an on-going risk of harm to the children in care, and the children can be adequately protected from that harm during the course of the licensing complaint investigation.

The licensing representative shall prepare a protective plan and monitoring schedule for the supervisor's review and approval. When approved, the licensing supervisor shall instruct the licensing representative to implement the protective plan, and send a copy of the protective plan to the licensing supervisor.

The licensing representative shall inform the licensee/permit holder of the requirements of the protective plan and shall hand-deliver or send a copy of the protective plan to the licensee/permit holder by regular mail.

In investigations involving foster homes, the licensing representative shall notify the caseworker for each child in the foster home when a protective and/or safety plan is implemented.

Since monitoring visits are unannounced, the licensing representative shall not discuss the monitoring schedule or give a copy of the monitoring schedule to the licensee/permit holder.

The licensing representative shall place a copy of the documents in the complaint investigation section of the facility record.

### 8) Notify an Uninvolved Owner/ Licensee or Governing Body of Licensing Complaint Investigation

If the owner or licensee is not a subject of the licensing complaint, or if the complaint involves a facility with a governing body, the licensing representative shall send notice of the licensing complaint investigation on the **CFS 596-02, Notice to Owner/Licensee or Governing Body of Licensing Complaint Investigation** to the owner, licensee, or president/chairman of the governing body, by regular mail, within 5 days of the initial site visit. The licensing representative shall place a copy of the notice in the complaint investigation section of the facility record.

### 9) Complaints Involving Dual Licensed Homes

When a licensing complaint involves a dual licensed home (foster and day care), the licensing supervisors from both the foster and day care home licensing units shall assign the report to licensing representatives in their respective units. When possible, based upon the nature of the complaint, the supervisors may agree to designate one or the other licensing representative to take the lead ("lead worker").

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Both licensing representatives shall be instructed to complete all requirements with regard to the complaint. The workers shall consult with each other to assure that there are no conflicting requirements in the protective plan, and shall work concurrently and cooperatively to complete their separate licensing complaint investigations. Each worker shall provide a weekly report to the other assigned licensing representative.

The licensing representatives shall notify each other, in writing, of the findings of their respective investigations.

### 10) Complete Investigation and Documentation

The licensing representative shall complete a licensing complaint investigation within 30 days of the date the complaint was received by the licensing unit and shall complete all required licensing complaint investigation documentation.

The licensing representative shall keep the licensing supervisor apprised of substantiated violations documented during the course of the investigation, and shall report any violations that pose a threat to the health and safety of children in the facility.

The licensing representative shall not postpone completion of the licensing complaint investigation to allow the licensee/permit holder to correct the violations.

#### A) Requesting an Extension of Time to Complete Complaint Investigation

If the licensing complaint investigation cannot be completed within 30 days, the licensing representative shall submit a written request for a 30 day extension to the licensing supervisor no later than the 25th day after the complaint was received. The licensing representative shall list the reasons that the complaint investigation cannot be completed within 30 days, the activities to be completed, who is responsible for completing each activity, and the expected date of completion.

The licensing representative shall document the date on which a 30 day extension was requested and whether it was approved.

The licensing supervisor shall ensure that the 30 day extension is registered in the Licensing Complaint Tracking System.

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When a 30 day extension is approved, the licensing representative shall notify the licensee of the extension within 3 days by regular mail. The licensing representative shall place a copy of the correspondence in the complaint investigation section of the facility record.

The licensing supervisor shall submit requests for a third or subsequent 30 day extension (in stand alone investigations only) to the Regional Licensing Administrator for review and approval.

Private agency licensing representatives shall notify the A&I licensing representative each time the licensing supervisor grants an extension of time to complete a licensing complaint.

### B) Findings in a Licensing Complaint Investigation

At the conclusion of the licensing complaint investigation, the licensing representative shall document all recommended findings.

If the licensing representative finds no evidence that the alleged violations, or any other violations, have occurred, the licensing representative shall code the complaint investigation and the individual alleged violations as “unsubstantiated.”

When one or more violations are substantiated during the licensing complaint investigation, the licensing representative shall:

- code the complaint investigation as “substantiated”;
- code each substantiated violation as “substantiated” or, if corrected while the licensing representative was still on the premises, as “corrected”; and
- code each unsubstantiated violation as “unsubstantiated.”

For each substantiated violation, the licensing representative shall cite the applicable licensing standard, Child Care Act section or other applicable DCFS Rule and document how the standard/section/rule was violated.

### C) When Violations Are Egregious

The licensing supervisor shall immediately consult with the Regional Licensing Administrator when the licensing supervisor determines that one or more violations of licensing standards, the Child Care Act or other applicable DCFS Rules:

- threaten or affect all or the majority of the children in the facility;

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- apply to or involve all or the majority of the staff; or
- put children in immediate jeopardy and the licensing representative and supervisor recommend that the facility be immediately or temporarily closed.

The Regional Licensing Administrator shall review the information documented during the licensing complaint investigation and relevant information from the licensing record, and may:

- instruct the licensing supervisor to offer the licensee/permit holder an Informal Review; or
- contact the Associate Deputy Director to determine whether to issue an administrative order of closure when the continued operation of the facility jeopardizes the health, safety, morals or welfare of the children served by the facility and there appears to be sufficient documentation to pursue revocation of the license.

### 11) Submit Documentation and Recommended Decision to Supervisor

The licensing representative shall submit the completed complaint investigation file and recommended findings to the licensing supervisor for review and approval within 30 days (including any extensions granted by the licensing supervisor).

The licensing supervisor shall review the file within 7 business days. The licensing supervisor shall sign the Licensing Complaint Investigation Checklist when the complaint investigation file is approved. If the file is not approved, the licensing supervisor shall identify the deficiencies and set a timeframe for the licensing representative to complete the deficiencies.

The licensing supervisor shall ensure that the findings of the licensing complaint investigation are accurately registered in the Licensing Complaint Tracking System.

### 12) Notify Licensee of Completed Licensing Complaint Investigation

Within 5 days after approval of the complaint investigation file, the licensing representative shall notify the licensee/permit holder, by regular mail, that the licensing complaint investigation is completed by sending the **CFS 596-01, Confirmation of Substantiated Violations and Corrective Plan**, or **CFS 596-03, Completed Licensing Complaint Investigation – No Substantiated Violations**.

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The licensing representative shall not make any recommendations to the licensee/permit holder on the notice. If the licensing representative believes it appropriate to make one or more recommendations, the licensing representative shall discuss the proposed recommendations with the licensing supervisor. With supervisory approval, the licensing representative may make the recommendations to the licensee/permit holder in a separate letter that clearly states that licensee/permit holder is not required to accept or act upon the recommendations.

If egregious violations were documented and when directed by the Regional Licensing Administrator, the licensing supervisor shall send the **CFS 596-04, Notice of Substantiated Violations and Offer of Informal Review** to the licensee/permit holder, by certified mail.

The licensing supervisor shall ensure that a copy of correspondence with the licensee/permit holder is placed in the complaint investigation section of the facility record.

### 13) Other Notifications

#### A) Notify Uninvolved Owner, Licensee, or Governing Body

When the owner or licensee was not a subject of the licensing complaint, or the agency/facility has a governing body, the licensing representative shall send the owner/licensee or president/chairman a copy of the **CFS 596-01, CFS 596-03, or CFS 596-04**, by regular mail, on the same day that the notice is sent to the subject. The licensing representative shall note in the file the name and address of the person to whom this notice was mailed.

#### B) Notify Complainant

The licensing representative shall send the **CFS 596-05, Notice to Complainant of Licensing Complaint Investigation** to notify the complainant that the licensing investigation has been completed. The notice shall be sent by regular mail on the same day that notice is sent to the licensee/permit holder. No notice is required when the complainant did not provide a mailing address.

#### C) Private Agency to Submit Complaint Packet to A&I Licensing Representative upon Completion of a Licensing Complaint Investigation

A private agency licensing representative shall submit the completed licensing complaint investigation report on the **CFS 596 series** to the agency's DCFS A&I licensing representative when the investigation is concluded and has been approved by the

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private agency licensing supervisor. The A&I licensing representative shall review the entire packet within 7 business days. Any incomplete packets shall be returned to the private agency licensing supervisor with clear instructions on what needs to be completed. When the report is approved, the A&I licensing representative shall sign the **CFS 596-D** checklist and return the report packet to the private agency licensing supervisor. The A&I licensing representative shall place a copy of the **CFS 596-D** in the agency's licensing record. When the report is approved, the private agency licensing supervisor shall direct the private agency licensing representative to send the letters to the licensee and complainant notifying them of the outcome.

D) Notify Caseworkers (Foster Homes Only)

In investigations of foster homes, the licensing representative shall notify the caseworker for each child in the foster home that the licensing investigation is completed and of the outcome of the investigation.

e) Enter Findings in Licensing Complaint Tracking System

The licensing supervisor shall ensure that the findings of the investigation are entered into the Licensing Complaint Tracking System.

f) Required Documentation

The licensing representative shall maintain all documentation and supportive evidence related to the complaint investigation in the complaint investigation section of facility record. The complaint investigation section of the record shall contain the documents listed below:

<b>Investigations of Licensed Facilities</b>	<b>Document on this form:</b>
<b>Complaint:</b>	CFS 596, Licensing Complaint Report
<b>Interviews / Contacts:</b>	CFS 596-A, Licensing Complaint Investigation Contact Summary CFS 596-B, Licensing Complaint Investigation Interview Notes
<b>Findings:</b>	CFS 596-C, Licensing Complaint Investigation Findings – Licensed Facility
<b>Investigation Checklist:</b>	CFS 596-D, Licensing Complaint Investigation Checklist – Licensed Facility

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Investigations of Licensed Facilities	Document on this form:
<b>Protective Plan:</b>	CFS 596-G, Protective Plan
<b>Corrective Plan:</b>	CFS 596-01, Confirmation of Substantiated Violations and Corrective Plan
<b>Monitoring Schedules (for Protective and Corrective Plans):</b>	CFS 596-B or as directed by supervisor
<b>Initial Contact with Governing Body:</b>	CFS 596-02, Notice to Owner/Licensee or Governing Body of Licensing Complaint Investigation
<b>Notice / Offer of Supervisory Review:</b>  (Copy to Uninvolved Owner, Licensee, or Governing Body)	CFS 596-01, Confirmation of Substantiated Violations and Corrective Plan OR  CFS 596-03, Completed Licensing Complaint Investigation – No Substantiated Violations OR  CFS 596-04, Notice of Substantiated Violations and Offer of Informal Review
<b>Contact Complainant:</b>	CFS 596-05, Notice to Complainant of Licensing Complaint Investigation
<b>Private Agency Notice to A&amp;I Licensing Unit:</b>	Copy of Completed Complaint Investigation Report on CFS 596 series forms

### **Section 383.37 Additional Requirements for Concurrent Investigations**

Concurrent licensing and child protection investigations can occur when SCR takes a report of suspected child abuse or neglect involving a licensed facility. The licensing representative and supervisor shall follow requirements of this Section and [Section 383.35](#), Investigations of Complaints Concerning Licensed Facilities, when conducting a concurrent investigation.

a) **Assign the Report**

Upon receiving notice of the child abuse/neglect report, the licensing supervisor shall assign a licensing representative to track the status of the initial child protection investigation and review the protective plan.



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The licensing supervisor may direct the licensing representative to conduct additional activities or begin a concurrent licensing complaint investigation during the initial child protection investigation, when appropriate.

b) Track the Status of the Report

When assigned to track the status of a report of suspected child abuse/neglect, the licensing representative shall call up each assigned SCR number and complete a **CFS 596, Licensing Complaint Report**. For complaints involving facilities supervised by private agency licensing units, the A&I licensing representative shall prepare the **CFS 596**.

The licensing representative shall contact the investigation specialist or supervisor within 2 business days to:

- identify him/herself as the licensing representative who will conduct the licensing complaint investigation if one is needed;
- consult about the need for and contents of a protective plan; and
- request that the investigation specialist provide immediate notice when the decision is made to “unfound” the initial child protection investigation or begin a formal child protection investigation.

The licensing representative shall maintain weekly contact with the investigation specialist throughout the initial child protection investigation. The licensing representative shall keep the licensing supervisor apprised of the status of the initial child protection investigation.

c) Determine Status of Alleged Perpetrator

The licensing representative shall determine whether an alleged perpetrator who is not a licensee is a household member or works at the facility and has submitted to a background check in accordance with Rule 385 (Background Checks). The licensing representative shall notify the licensing supervisor if a background check has not been completed.

d) Prepare a Protective Plan

The licensing representative shall review the protective plan prepared by the investigation specialist. If a revision is necessary, the licensing representative shall prepare the revised plan on the **CFS 596-G, Protective Plan**. The licensing representative shall provide a copy of the **CFS 596-G** to the investigation specialist and licensee within 3 days.

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If the investigation specialist does not prepare a protective plan, the licensing representative, in consultation with the licensing supervisor, shall prepare one on the **CFS 596-G**. The licensing representative shall provide a copy of the **CFS 596-G** to the investigation specialist and licensee within 3 days.

The licensing representative shall monitor compliance with the protective plan and shall document each monitoring visit on a **CFS 597-C or CFS 597-FFH**. Each completed **CFS 597-C or CFS 597-FFH** shall be placed in the licensing (facility) record.

e) **When a Concurrent Licensing Complaint Investigation Is Not Required**

A concurrent licensing complaint investigation is not required when SCR takes a report of suspected child abuse or neglect involving a licensed facility and the investigation specialist determines the report to be unfounded after an initial child protection investigation.

Upon receiving notice of the decision to “unfound” the initial child protection investigation, the licensing representative shall either conduct a monitoring visit or complete a stand-alone licensing complaint investigation, as directed by the licensing supervisor.

1) **Conduct a Monitoring Visit**

When directed to conduct a monitoring visit, the licensing representative shall complete the monitoring visit within 30 days or as directed by the licensing supervisor and shall comply with all requirements set forth in [Section 383.25](#).

2) **Conduct a Stand-Alone Licensing Complaint Investigation**

When directed to conduct a stand-alone licensing complaint investigation, the licensing representative shall initiate the licensing complaint investigation within 2 business days (unless already initiated) and complete the investigation within 30 days, and shall comply with all requirements set forth in [Section 383.35](#).

A stand-alone investigation shall always be conducted when the facts of an unfounded report of suspected child abuse or neglect suggest a licensing violation (e.g., when a child protection investigation is unfounded because the corporal punishment administered was not “excessive” and therefore did not constitute abuse as defined in Procedures 300).

The private agency licensing representative shall submit either the **CFS 597-C** or the **CFS 596 series** forms to the agency’s A& I licensing representative within 5 days of approval by the private agency licensing supervisor.

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f) When a Concurrent Licensing Complaint Investigation Is Required

The licensing representative shall initiate the concurrent licensing complaint investigation within 2 business days of receiving notice that there will be a formal child protection investigation (unless already initiated).

The child protection and licensing complaint investigation shall occur concurrently (at the same time) and cooperatively. The investigation specialist and licensing representative shall jointly plan their respective investigations and exchange investigative information weekly. When possible, a joint site visit should be planned.

Information between the investigation specialist and the licensing representative may be shared or exchanged using DCFS Outlook e-mail. However, information shall never be shared over the Internet.

The licensing representative shall postpone completing the licensing complaint investigation until the child protection investigation is “indicated” or “unfounded” and that finding is approved by the manager responsible for the child abuse/neglect investigation.

g) Concurrent Investigations Involving Dual Licensed Homes

When a SACWIS Intake Report involves a dual licensed home (foster and day care), the licensing supervisors from both the foster and day care home licensing units shall assign the report to licensing representatives in their respective units. When possible, based upon the nature of the licensing complaint, the supervisors may agree to designate one or the other licensing representative to take the lead (“lead worker”).

Both licensing representatives shall be instructed to complete all requirements with regard to the report.

The assigned licensing representatives shall work cooperatively with each other. The licensing representatives’ responsibilities shall be carried out concurrently, but not necessarily jointly.

Both licensing representatives shall identify themselves to the investigation specialist, and shall indicate whether a lead worker has been designated.

The workers shall consult with each other to assure that there are no conflicting requirements in the protective plan.

Upon receiving notice of a final decision to “unfound” the initial child protection investigation, the assigned licensing representatives shall conduct a monitoring visit or stand-alone licensing complaint investigation, as directed by their respective licensing supervisors.

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Upon receiving notice that there will be a formal child protection investigation, the licensing representatives shall work concurrently and cooperatively to complete their separate licensing complaint investigations and shall provide a weekly report to the other assigned licensing representative and the investigation specialist.

The investigation specialist shall work cooperatively with the licensing representatives and shall keep them apprised of the status of the child protection investigation.

The licensing representatives and the investigation specialist shall notify each other, in writing, of the findings of their respective investigations.

### h) Requesting an Extension of Time to Complete Complaint Investigation

The licensing representative shall request 30 day extensions, as necessary, and the licensing supervisor shall approve extensions as needed until the child protection investigation is concluded.

### i) Notice to the Guardian Ad Litem

After a supervisory review or the expiration of the 10 day period to request a supervisory review, the licensing representative shall notify the guardian ad litem, on the **CFS 596-L, Notice to Guardian Ad Litem of Completed Licensing Complaint Investigation**, of the results of a concurrent licensing complaint investigation if a child in DCFS custody or guardianship was involved in the investigation of a foster home. The licensing representative shall send a copy of the **CFS 596-L** to the child welfare worker for each child currently in placement in the foster home.

### j) Updated Background Checks

At the conclusion of an “indicated” child protection investigation, the licensed facility (or, for home-based facilities, the licensing representative) shall receive a BCU notice requiring an updated background check on an “indicated” perpetrator from the Central Office of Licensing Background Check Unit. The licensing representative shall ensure that the licensed facility:

- assesses the updated background check information;
- completes the BCU turnaround document; and
- returns the completed BCU turnaround document to the Central Office of Licensing Background Check Unit by the designated deadline.

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k) Documents from a Concurrent Investigation that Must Be Destroyed

The licensing supervisor shall ensure that the all **SACWIS** documents contained in a complaint investigation section of the licensing record are destroyed when the child protection investigation has been “unfounded.”

l) Review of Violations When an Indicated Report Is Expunged

Upon receiving notice that the Department has expunged an indicated report involving a licensed child care facility after an administrative hearing pursuant to Rule 336 (Appeal of Child Abuse and Neglect Investigation Findings), the DCFS or private agency licensing representative and licensing supervisor shall review the written recommendation from the administrative hearing and the licensing complaint investigation. The licensing supervisor may invite the licensee to attend a supervisory review for this purpose, or may conduct the review with only the licensing representative present.

If a violation was substantiated solely because of the indicated child abuse/neglect allegation and that allegation has been expunged, the licensing supervisor may reverse that substantiated violation. However, if the licensing complaint investigation section or the licensing record notes evidence in support of the violation separate and apart from the fact that a child abuse/neglect allegation was indicated, the licensing supervisor shall not reverse that violation.

The licensing supervisor shall notify the licensee, in writing, of the outcome of this review. A copy of the correspondence shall be placed in the licensing complaint section of the facility record.

The licensing supervisor shall direct the licensing representative to destroy any documents from the expunged child protection investigation section of the licensing record that are in the complaint investigation section of the facility record.

### **Section 383.40      Reassessment of a Foster Home After an Indicated Child Abuse/Neglect Finding**

The licensing representative shall reassess a foster home after a child protection investigation has been “indicated” to evaluate whether the home continues to meet minimum licensing standards.

a) Update Background Checks

The Background Check Unit receives notice from the DCFS Office of Information Services and child protection supervisors identifying “indicated” findings of abuse or neglect associated with licensed facilities.

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If the licensed facility is a foster home, the Background Check Unit shall:

- Conduct an updated CANTS background check on the newly “indicated” perpetrators and register the findings in the Background Check System;
- Determine whether a fingerprint authorization is on file for the perpetrator of the abuse or neglect, update the criminal background check, and submit the findings to the licensing representative;
- Notify the licensing representative if the perpetrator of the abuse or neglect has not submitted a fingerprint authorization;
- Send the appropriate BCU notice to the licensing representative so the licensing representative can assess the newly “indicated” finding; and
- Send a blank **CFS 594-A, Certification of Re-Examination of Licensed Foster Home Following “Indicated” Child Abuse/Neglect Finding** to the licensing representative.

b) Assess Updated Background Information and Re-Examine Foster Home

1) Review Background Check Information

The licensing representative shall review the background check information provided by the Background Check Unit. If the perpetrator of the abuse or neglect has not submitted a fingerprint authorization, the licensing representative shall request one. The foster home reassessment shall not be conducted until a background check of the perpetrator is completed.

2) Re-Examine Foster Home

The licensing representative shall re-examine the foster home to determine if the home is in compliance with licensing standards.

If the licensing representative and his or her supervisor believe that the foster home should remain licensed despite an indicated finding that constitutes a presumption of unsuitability, the licensing representative shall prepare a request for waiver of the presumption of unsuitability and forward that to the Background Check Unit. The licensing representative shall not certify that the foster home continues to meet all licensing standards if the new “indicated” finding constitutes a “presumption of unsuitability” listed in Rule 385 (Background Checks) unless the DCFS Director has waived the presumption of unsuitability.

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### 3) Report Findings to Central Office

The licensing representative and licensing supervisor shall complete and send to the Background Check Unit by the designated deadline:

- **CFS 594-A**, noting whether the foster home does or does not continue to meet licensing standards; and
- The completed BCU document.

**Note: The BCU document and the CFS 594-A must be consistent with the child protection finding.**

The licensing representative shall place a copy of the documents in the licensing record.

### c) Complete Updated Background Check and Reassessment of Foster Home

Upon receiving a completed BCU document and **CFS 594-A** for a licensed foster home, the Background Check Unit shall:

- Review the documents submitted by the licensing representative for accuracy and consistency with the child protection finding;
- Return incomplete or inaccurate documents for proper completion; and
- Data enter BCU and **CFS 594-A** information.

The Background Check Unit shall forward requests for waivers of a “presumption of unsuitability” to the Director’s Office. Data entry of certification information on the **CFS 594-A** will not be completed until the Director (or designee) has made a decision to grant or deny the request for a waiver of the presumption of unsuitability.

### d) Annual Reassessment

The licensing representative shall re-examine the foster home annually. The annual re-examinations of the foster home may be conducted in conjunction with:

- a required semi-annual licensing monitoring visit; or
- a license renewal visit when the licensee applies for renewal of the license.

After each annual re-examination of the home, the foster home licensing worker and licensing supervisor shall complete a **CFS 594-A** and submit the original to the Central Office of Licensing for data entry.

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### Section 383.45 Protective Plan

a) Concurrent Investigations

When there is a pending formal child protection investigation and the licensee, an employee, a household member or another person in the facility is named as the alleged perpetrator of child abuse or neglect, the licensing representative or investigation specialist shall prepare a protective plan, in consultation with the licensing supervisor, to restrict contact between the alleged perpetrator and children cared for in the facility.

The protective plan shall either prohibit the alleged perpetrator from having any contact with the children in care during the child protection investigation, or require supervised contact between the alleged perpetrator and the children in care while the child protection investigation is pending.

The protective plan must specify the name of the person (or alleged perpetrator) whose contact with children is to be restricted, and the name of one or more adults, age 18 or older, who will be responsible for assuring compliance with the protective plan.

When the investigation specialist prepares a protective plan involving a licensed facility, the licensing representative and licensing supervisor shall review and, if necessary, revise the protective plan to comport with the requirements of these Procedures.

Protective plans shall be developed using the charts in [Appendix B](#). Variation from the options presented in these charts is permitted only with the written authorization of the Regional Licensing Administrator (all licensed facilities except DCFS foster homes) or DCFS Foster Care Licensing Manager (DCFS foster homes only).

The licensing supervisor may waive the requirement for the licensing representative to prepare a protective plan when an investigation specialist has removed all foster children from the home, or prepared a safety or protective plan that adequately addresses the child protection issues.

A protective plan may be rescinded, with approval of the licensing supervisor:

- after notification by the investigation specialist that the child protection investigation is concluded and that the allegations that formed the basis for the protective plan are unfounded; or
- when, with the licensing supervisor's approval, a corrective plan is implemented that adequately addresses the child protection issues.

**Note: For Foster Homes Only - Protective plan monitoring visits are not required when there are no foster children currently placed in the foster home and the Placement Clearance Desk has placed the home on "hold."**



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- b) Protective Plans in All Other Circumstances
- 1) The licensing representative shall prepare a protective plan on the **CFS 596-G, Protective Plan** that restricts contact between the licensee or permit holder, a household member, volunteer or employee of the program or facility and children cared for in the program or facility when:
    - A) the licensing representative determines that contact between the children in care and the individual presents an ongoing risk to the children, but that the health, safety and best interests of the children does not require closure of the program or facility, or removal of the children from the licensed foster family home; or
    - B) after a monitoring visit, the licensing representative documents a violation that requires a protective plan to restrict contact between the children in care and the individual to assure the health, safety and best interests of the children while the licensee is provided an opportunity to correct the violation.
  - 2) Depending upon the severity of the allegations or violations, a protective plan shall either:
    - A) prohibit the named individual from having any contact with the children in care; or
    - B) require that all contact between the named individual and the children in care be supervised by an appropriate adult approved by the Department or supervising agency.
  - 3) The protective plan must specify the name of the person whose contact with children is to be restricted, and the name of one or more adults, age 18 or older, who will be responsible for assuring compliance with the protective plan.
  - 4) The licensing representative shall also prepare a protective plan monitoring schedule, and shall submit the protective plan and monitoring schedule to the licensing supervisor for approval.
  - 5) When approved, the licensing representative shall mail or hand-deliver the protective plan to licensee/permit holder.
  - 6) A protective plan issued under this subsection (b) shall be reviewed by the licensing supervisor every 6 months.

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### Section 383.50 Corrective Plan

#### a) When a Corrective Plan Is Required

A written corrective plan is required when:

- the licensing representative documents one or more substantiated violations that are not corrected while the licensing representative is on site; and
- the licensee or permit holder can correct the violations within 60 days (unless the licensing representative obtains written authorization from the licensing supervisor to allow more than 60 days for correction of the violations); and
- the licensee or permit holder will work cooperatively with the licensing representative to develop and implement the corrective plan.

With written approval of the Regional Licensing Administrator, the licensing representative may refuse to allow a corrective plan when the licensee/permit holder has failed to comply with previous corrective plans. In such instances, the Regional Licensing Administrator shall instruct the licensing supervisor to offer an Informal Review.

#### b) Develop and Implement a Corrective Plan

##### 1) When a corrective plan is required and appropriate, the licensing representative shall take the appropriate step, below:

##### A) Corrective Plan for Violations Substantiated During a Monitoring Visit

When the licensing representative substantiates one or more violations during a monitoring visit and determines that a corrective plan is required and appropriate, the licensing representative and the licensee/permit holder (or designee) shall develop a corrective plan prior to leaving the facility. The licensing representative shall hand-write the corrective plan on the **CFS 597-C or CFS 597-FFH**.

The licensee/permit holder (or designee) shall sign the completed **CFS 597-C or CFS 597-FFH**. The licensing representative shall give a copy of the **CFS 597-C or CFS 597-FFH** to the licensee/permit holder (or designee) prior to leaving the facility.

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B) Corrective Plan for Violations Substantiated During a Renewal Visit

When the licensing representative substantiates one or more violations during a renewal visit and determines that a corrective plan is required and appropriate, the licensing representative and the licensee/permit holder (or designee) shall prepare a corrective plan on the **CFS 596-01, Confirmation of Substantiated Violations and Corrective Plan** within 7 days of completing the renewal visit, or shall require the licensee to submit a Corrective Plan within 7 days. The licensing representative shall not renew the license until all corrections have been made.

The licensing representative shall send a **CFS 596-01**, and a copy of the Corrective Plan to the licensee by regular mail

C) Corrective Plan for Violations Substantiated During a Licensing Complaint Investigation

When the licensing representative substantiates one or more violations during a licensing complaint investigation and a corrective plan is required and appropriate, the licensing representative shall prepare a corrective plan on the **CFS 596-01, Confirmation of Substantiated Violations and Corrective Plan** within 7 days of completing the investigation, or shall require the licensee to submit a Corrective Plan within 7 days.

D) For day care homes, group day care homes, day care centers and adoption agencies, the licensing representative shall also complete the appropriate license compliance tracking form.

2) Submit to Supervisor for Approval

The licensing supervisor shall approve all corrective plans and ensure that substantiated violations are registered in the Licensing Complaint Tracking System, Day Care Information Line and/or Adoption Agency Information and Complaint Registry.

c) Monitor Corrective Plan

The licensing representative shall conduct unannounced monitoring visits according to the monitoring schedule (see [Appendix A](#)) to review and document the licensee's compliance with the corrective plan.

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Monitoring visits shall continue until all violations addressed in the corrective plan are corrected, or any pending enforcement action is completed.

All corrective plan monitoring visits shall be documented on the **CFS 597-C or CFS 597-FFH**. The licensee/permit holder shall sign the **CFS 597-C or CFS 597-FFH** and the licensing representative shall leave a copy with the licensee/permit holder or other responsible adult prior to leaving the facility.

When all of the substantiated violations involve only “paperwork” violations (e.g., violations regarding missing or incorrect documents/records required to be maintained by the facility), the violation shall be considered corrected when the licensee/permit holder delivers a copy of the missing or incomplete documents to the licensing representative. The licensing representative shall make a note of all documents related to the children that were submitted by the licensee, and send the documents back to the licensee. Documents related to the licensee shall be placed in the licensing record.

The licensing representative shall submit the **CFS 597-C or CFS 597-FFH**, and, when appropriate, the appropriate license compliance tracking form, to the licensing supervisor for review and approval within 7 days of the visit.

Within 7 days of receipt, the licensing supervisor shall review the **CFS 597-C or CFS 597-FFH** and license compliance tracking form. The licensing supervisor shall return the approved documents to the licensing representative.

The licensing supervisor shall ensure that the corrected violations are registered in the Licensing Complaint Tracking System, Day Care Information Line and/or Adoption Agency Information and Complaint Registry.

d) Document New Violations

When the licensing representative substantiates one or more new or recurring violations during a corrective plan monitoring visit, the licensing representative shall document the violations on the **CFS 597-C or CFS 597-FFH** being completed for that monitoring visit. If appropriate, the licensing representative shall prepare a new corrective plan.

e) Determine Compliance with Corrective Plan

Within 7 days after the corrective plan end date, the licensing representative shall determine whether the licensee has complied with the corrective plan and corrected and maintained as corrected each of the violations. The licensing representative shall visit the facility in order to determine that noted violations have been corrected when the violations posed a threat to the health and safety of children. (Examples of such violations include, but are not limited to: smoke

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detector missing or not working; fully or partially blocked exit; serious injury to a child; abduction of a child; or a violation involving a weapon.) A visit is not required for “paperwork” violations (e.g., violations regarding missing or incorrect documents/records required to be maintained by the facility). The licensing representative shall document the visit and that violations have been corrected on the **CFS 597-C** or **CFS 597-FFH**.

1) Compliance Achieved

Within 5 days of confirming that all violations have been corrected, the licensing representative shall prepare the **CFS 596-09, Confirmation of Completed Corrective Plan**, confirming all violations have been corrected and for day care facilities and adoption agencies, update the appropriate license compliance tracking form. The licensing representative shall submit the documents to the licensing supervisor for review and approval.

When approved, the licensing representative shall send a copy of the **CFS 596-09** confirming that all violations are corrected to the licensee/permit holder, by regular mail and place a copy in the licensing record.

2) Compliance Not Achieved – Recommend Additional Time to Correct Violations

The licensing representative may recommend that a licensee/permit holder be allowed additional time to correct violations when one or more of the violations cannot be corrected within the time frames set in the corrective plan.

At least 10 days before the corrective plan end date, the licensing representative shall send an e-mail to the licensing supervisor that contains:

- name and Provider ID# of the facility;
- corrective plan start and end dates;
- specific violations that remain uncorrected, and the reason each is uncorrected;
- proposed new deadline date for correcting each of the still-uncorrected violations; and
- proposed amendments to any other provision of the corrective plan, if needed.

The licensing supervisor shall review the recommendation within 3 days.

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Within 5 days of receiving approval from the licensing supervisor to extend the corrective plan end date, the licensing representative shall contact the licensee/permit holder by phone or in person to discuss the new end date and any new provisions in the corrective plan. The licensing representative shall send an amended corrective plan to the licensee/permit holder by regular mail and place a copy in the licensing record.

### 3) Compliance Not Achieved -- Prepare Notice of Failed Corrective Plan

When the licensee/permit holder has not corrected, or maintained as corrected, each of the violations by the corrective plan end date, the licensing representative shall notify the licensing supervisor; and prepare a **CFS 596-10, Notice of Failed Corrective Plan and Right to Request Informal Review** and submit it to the licensing supervisor for approval.

When approved and signed by the licensing supervisor, the licensing representative shall send the notice to the licensee/permit holder by certified mail. The licensing representative shall send a copy of the notice to the Regional Licensing Administrator and place a copy in the licensing record.

## Section 383.55 Supervisory Review

### a) Purpose of a Supervisory Review

A supervisory review shall be offered to the licensee/permit holder whenever the licensing representative has substantiated a violation (unless the Department will be issuing or has issued an administrative order of closure, or the licensing supervisor offers an Informal Review). In addition, the licensing supervisor may offer the licensee/permit holder a supervisory review when the supervisor believes that a supervisory review will be helpful to address ongoing issues with the licensee/permit holder.

The purpose of the supervisory review is to give the licensee/permit holder an opportunity to discuss the situation with the licensing supervisor:

- when the licensee/permit holder questions whether one or more of the violations documented by the licensing representative occurred;
- when there is a disagreement regarding the application or interpretation of a specific section of a licensing standard, the Child Care Act or other applicable DCFS Rule when substantiating a violation; or
- when the licensee believes that one or more requirements in the corrective plan should be amended.

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When the licensee/permit holder requests a supervisory review, the licensing supervisor shall schedule the supervisory review within 14 days and hold the supervisory review at the earliest date. The licensee shall be notified by mail of the date, time and location of supervisory review.

The licensee/permit holder may withdraw a request for a supervisory review at any time prior to the supervisory review. The licensing supervisor shall document the date, time, and manner (e.g., telephone call, written correspondence, etc.) in which the licensee/permit holder withdraws the request for supervisory review, and shall ensure that the documented information is placed in the licensing record.

A supervisory review shall not be offered or conducted:

- to review a criminal conviction that constitutes a bar to licensure;
- when the licensee/permit holder has been offered an Informal Review; or
- when the Department will be issuing or has issued an administrative order of closure.

b) Required Attendees

The licensee/permit holder and the licensing representative who substantiated the violations shall attend the supervisory review. The licensing supervisor shall conduct the review.

c) Agenda

During the supervisory review, the licensing supervisor shall:

- ask the licensee/permit holder to explain his/her reasons for disputing the substantiated violation or the licensing representative's interpretation or application of the specific sections of the licensing standards, the Child Care Act or other applicable DCFS Rules;
- ask the licensing representative to explain the evidence upon which he/she substantiated the violation and how he/she interpreted or applied the specific sections of the licensing standards, the Child Care Act or other applicable DCFS Rules; and
- ask the licensee/permit holder to explain his or her reasons for disputing the provision if a provision in the corrective plan is in dispute.

At the conclusion of the supervisory review, the licensing supervisor shall inform the licensing representative and the licensee/permit holder that he or she will issue a written summary and decision within 10 days.

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d) Prepare Supervisory Review Report and Findings

The licensing supervisor shall prepare a **CFS 596-11, Supervisory Review Report and Findings** and shall make one of the following determinations, based upon the information presented, for each substantiated violation in dispute:

- “upheld” -- the licensing representative documented sufficient evidence to substantiate the violation and correctly interpreted or applied licensing standards, the Child Care Act or other applicable DCFS Rules in substantiating the violation; or
- “overturned” -- the licensing representative did not obtain or document sufficient evidence to substantiate the violation, or the licensing representative misinterpreted or misapplied the licensing standards, the Child Care Act or other applicable DCFS Rules.

For each disputed provision in the corrective plan, the licensing supervisor shall indicate whether the provision is:

- “upheld” -- the provision is appropriate and should be enforced as written; or
- “amended” -- the provision is changed as a result of the supervisory review.

When the corrective plan is amended, the licensing representative shall prepare a new corrective plan reflecting each amendment. Within 3 days, the licensing representative shall submit the new corrective plan to the licensing supervisor for review and approval.

Within 10 days of the supervisory review, the licensing supervisor shall send the **CFS 596-11** to the licensee/permit holder by certified mail or hand-delivery. If the corrective plan was amended, the supervisor shall attach the new corrective plan.

The licensing supervisor shall ensure that copies are placed in the licensing record.

### **Section 383.60      Informal Review**

a) Purpose of an Informal Review

The purpose of an Informal Review is to:

- allow the Department to gather facts regarding the failure of the licensee/permit holder to comply with a protective plan, or to submit or comply with a corrective plan; and/or
- provide the licensee/permit holder an opportunity to demonstrate why the Department should not initiate further enforcement action.



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The Department is not required to offer or conduct an Informal Review:

- to review a criminal conviction that constitutes a bar to licensure;
- when the Department determines that a violation cannot be corrected (e.g., extended incarceration of licensee) or it is not feasible to correct the violation;
- when a licensee/permit holder has failed to comply with the provisions of a corrective plan implemented after a previous informal review;
- when a licensee is operating on a conditional license; or
- when the Department will be issuing or has issued an administrative order of closure.

The **CFS 596-04, Notice of Substantiated Violations and Offer of Informal Review**, **CFS 596-10, Notice of Failed Corrective Plan and Right to Request Informal Review**, or **CFS 596-12, Notice of Right to Request Informal Review** shall be used whenever an Informal Review is offered. The **CFS 596-04, CFS 596-10** or **CFS 596-12** shall be signed by the licensing representative and licensing supervisor and sent to the licensee/permit holder by certified mail. A copy shall be sent to the Regional Licensing Administrator and placed in the licensing record.

b) Response of Licensee/Permit Holder to Offer of Informal Review

If the licensee/permit holder makes a written request for an Informal Review within 10 days after receiving the offer, the Regional Licensing Administrator shall schedule the Informal Review within 14 days and hold the Informal Review at the earliest date. The Regional Licensing Administrator shall send notice of the scheduled Informal Review to the licensee/permit holder by regular mail. The Regional Licensing Administrator shall also notify the licensing representative and supervisor of the date, time and location of the Informal Review.

The licensee/permit holder may withdraw a request for an Informal Review at any time prior to the Informal Review. The Regional Licensing Administrator shall document the date, time, and manner (e.g., telephone call, written correspondence, etc.) in which the licensee/permit holder withdraws the request for an Informal Review. The Regional Licensing Administrator shall send a confirming letter to the licensee/permit holder, by regular mail, explaining the action the Department will take regarding the license/permit. A copy of this letter shall be sent to the licensing supervisor, who shall ensure that the letter is placed in the licensing record and that the action occurs.

If the licensee/permit holder fails to make a timely written request for an Informal Review, the Regional Licensing Administrator shall notify the licensing representative and the licensing supervisor by DCFS Outlook e-mail. The licensing representative shall inform the licensee/permit holder of the action the Department will take regarding the license/permit.

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### Section 383.65 Participants in an Informal Review

The Regional Licensing Administrator shall conduct all Informal Reviews.

**Note:** The **DCFS Regional Licensing Administrator** shall conduct Informal Reviews for licensed child care facilities (whether supervised by DCFS or a private agency), except DCFS-supervised foster homes. The **DCFS Foster Care Licensing Manager** shall conduct Informal Reviews for DCFS-supervised foster homes.

The following persons shall attend and participate in the Informal Review:

- the licensing representative with direct knowledge about the issues being reviewed;
- the licensing supervisor; and
- the licensee/permit holder.

The following persons may participate in an Informal Review:

- an attorney or authorized representative for the licensee/permit holder. The licensee/permit holder shall sign a **CFS 600-3, Consent for Release of Information** authorizing the release of information to an attorney or authorized representative;
- the child welfare, child protection or adoption worker with information relevant to the issues being reviewed; and
- a person designated by the Regional Licensing Administrator to take notes.

### Section 383.70 Outcomes of the Informal Review

After the Informal Review, the Regional Licensing Administrator shall review all relevant information and documentation presented by the participants, make one of decisions listed below, and prepare a written Informal Review Summary and Decision. The licensing supervisor shall ensure that copies of the Informal Review Summary and Decision and all correspondence are filed in the complaint investigation section of the facility record if there was a complaint investigation or in the correspondence section of the licensing record if the corrective plan did not result from a licensing complaint investigation.

a) Decision: Licensee Complied With Corrective Plan

When the facts presented during the Informal Review reveal that the licensee/permit holder complied with the provisions of the corrective plan, the Regional Licensing Administrator shall send the Informal Review Summary and Decision to the licensee/permit holder by certified mail or hand-delivery within 14 days along with a cover letter informing the licensee/permit holder that all enforcement actions resulting from the substantiated violations and the corrective plan are concluded.

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b) Decision: Offer a Corrective Plan

The Regional Licensing Administrator may determine that it is appropriate to offer the licensee/permit holder a corrective plan when the facts presented during the Informal Review show that:

- the licensee/permit holder failed to comply with a corrective plan, but there are insufficient grounds for recommending additional enforcement action at this time; or
- the licensee/permit holder failed to comply with a corrective plan, but there are mitigating reasons for the failure, or an event beyond the control of the licensee/permit holder prevented compliance.

When the Regional Licensing Administrator is able to make this decision at the conclusion of the Informal Review, the parties present may draft the corrective plan at that time or the Regional Licensing Administrator may direct the parties to submit a corrective plan within 5 days.

The Regional Licensing Administrator shall send the Informal Review Summary and Decision and a cover letter offering a corrective plan to the licensee/permit holder by hand-delivery or certified mail.

To accept the offer of a corrective plan, the licensee/permit holder shall be instructed to contact the licensing supervisor within 10 days of the postmark date of the offer.

The licensing supervisor shall direct the licensing representative to schedule a meeting with the licensee/permit holder at the earliest opportunity (within 7 days) to develop the corrective plan. Before the corrective plan can be implemented, it must be approved by the licensing supervisor and Regional Licensing Administrator.

The licensing representative shall send the approved corrective plan to the licensee/permit holder by hand-delivery or regular mail, and place a copy in the licensing record. The licensing representative shall also prepare a monitoring schedule.

c) Decision: Offer a Conditional License

The Regional Licensing Administrator may determine that it is appropriate to offer the licensee a conditional license when the facts presented during the Informal Review show that:

- the licensee failed to comply with a corrective plan, but there are insufficient grounds for recommending revocation of the license at this time;

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- it is safe and appropriate to allow the licensee to continue operating for up to 6 months; and
- the licensee agrees to comply with another corrective plan and can reasonably be expected to achieve full compliance with all licensing standards within 5 months.

**Note: A conditional license shall never be offered to a permit holder.**

The Regional Licensing Administrator shall send the Informal Review Summary and Decision and **CFS 596-13, Offer of Conditional License** to the licensee by hand-delivery or certified mail within 10 days.

d) Decision: Recommend Enforcement Action

The Regional Licensing Administrator may determine that further enforcement action should be initiated when the facts presented during the Informal Review reveal one of the following:

- the initial decision to move directly to enforcement action without offering the licensee/permit holder a corrective plan was appropriate because the substantiated violations are egregious (see [Section 383.35\(d\)\(10\)\(C\)](#)), and/or the licensee/permit holder is unwilling to cooperate and correct the violations, and it would be unsafe to allow the licensee/permit holder to continue operating;
- the licensee/permit holder did not comply with a corrective plan and it is not safe or appropriate to develop and implement another corrective plan;
- the licensee/permit holder failed to accept an offer of a new or initial corrective plan; or
- the licensee/permit holder failed to comply with the conditions of a protective plan, and continued operation of the facility will endanger the health, safety and/or welfare of the children.

The Regional Licensing Administrator shall send the Informal Review Summary and Decision to the licensee by hand-delivery or certified mail within 10 days.

### **Section 383.75            Grounds for Revocation or Refusal to Renew a License, or Refusal to Issue a Full or Provisional License**

In general, licensing representatives, supervisors and administrators shall recommend action to revoke or refuse to renew a license, or refuse to issue a full or provisional license to a permit holder, when:

- the substantiated violations are egregious and it is unsafe, inappropriate and/or ineffective to develop a corrective plan to afford licensee/permit holder an opportunity to correct the violations;

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- the licensee/permit holder has been offered a corrective plan or a conditional license and has refused to accept or failed to comply with the terms of the corrective plan or conditional license;
- actions to bring the licensee/permit holder into full compliance and maintain full compliance have failed and an Informal Review has been offered; or
- an administrative order of closure has been issued.

Sections 8 and 8.1 of the Child Care Act list grounds for which the Department may revoke or refuse to renew a license, or refuse to issue a full license after the expiration of a permit (see below). The grounds listed in Section 8 are discretionary and those in Section 8.1 are mandatory.

*Section 8 - The Department may revoke or refuse to renew the license of any child care facility or child welfare agency or refuse to issue full license to the holder of a permit should the licensee or holder of a permit:*

- 1) *fail to maintain standards prescribed and published by the Department;*
- 2) *violate any of the provisions of the license issued;*
- 3) *furnish or make any misleading or any false statement or report to the Department;*
- 4) *refuse to submit to the Department any reports or refuse to make available to the Department any records required by the Department in making investigation of the facility for licensing purposes;*
- 5) *fail or refuse to submit to an investigation by the Department;*
- 6) *fail or refuse to admit authorized representatives of the Department at any reasonable time for the purpose of investigation;*
- 7) *fail to provide, maintain, equip and keep in safe and sanitary condition premises established or used for child care as required under standards prescribed by the Department, or as otherwise required by any law, regulation or ordinance applicable to the location of such facility;*
- 8) *refuse to display its license or permit;*
- 9) *be the subject of an indicated report under Section 3 of the Abused and Neglected Child Reporting Act or fail to discharge or sever affiliation with the child care facility of an employee or volunteer at the facility with direct contact with children who is the subject of an indicated report under Section 3 of that Act;*
- 10) *fail to comply with the provisions of Section 7.1;*

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- 11) *fail to exercise reasonable care in the hiring, training and supervision of facility personnel;*
- 12) *fail to report suspected abuse or neglect of children within the facility, as required by the Abused and Neglected Child Reporting Act;*
- 12.5) *fail to comply with subsection (c-5) of Section 7.4;*
- 13) *fail to comply with Section 5.1 or 5.2 of this Act; or*
- 14) *be identified in an investigation by the Department as an addict or alcoholic, as defined in the Alcoholism and Other Drug Abuse and Dependency Act, or be a person whom the Department knows has abused alcohol or drugs, and has not successfully participated in treatment, self-help groups or other suitable activities, and the Department determines that because of such abuse the licensee, holder of the permit, or any other person directly responsible for the care and welfare of the children served, does not comply with standards relating to character, suitability or other qualifications established under Section 7 of this Act.*

**Section 8.1** - *The Department shall revoke or refuse to renew the license of any child care facility or refuse to issue a full license to the holder of a permit should the licensee or holder of a permit:*

- 1) *fail to correct any condition which jeopardizes the health, safety, morals, or welfare of children served by the facility*
- 2) *fail to correct any condition or occurrence relating to the operation or maintenance of the facility comprising a violation under Section 8 of this Act; or*
- 3) *fail to maintain financial resources adequate for the satisfactory care of children served in regard to upkeep of premises, and provisions for personal care, medical services, clothing, education and other essentials in the proper care, rearing and training of children.*

### **Section 383.80**      **Conditional License**

A conditional license allows the licensee to continue operating the facility for a maximum of 6 months while the licensee corrects violations that are serious but do not jeopardize the health, safety, morals, or welfare of children served by the facility.

A conditional license shall only be offered to a licensee by the Regional Licensing Administrator. The licensee must surrender the current operating license (full or provisional) in order to receive a conditional license.

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To continue operating without interruption when the conditional license expires, the licensee must apply for and be issued a new license.

A conditional license shall never be offered to a permit holder.

a) Prepare Written Recommendation

Within 7 days after the Regional Licensing Administrator has decided to offer a conditional license, the licensing representative shall prepare and submit to the licensing supervisor a written recommendation (via e-mail or memorandum) for a conditional license that:

- summarizes the facts and licensing enforcement activity to date;
- lists the relevant documentation contained in the licensing and other records;
- describes why the licensee should be given an opportunity (or an additional opportunity) to correct violations and remain in operation; and
- explains why further enforcement action (e.g., revocation, administrative order of closure) is not appropriate at this time.

b) Review and Approval of Recommendation

The licensing supervisor shall review the written recommendation. When approved, the licensing supervisor shall forward the written recommendation to the Regional Licensing Administrator.

c) Make Offer to Licensee

When approved, the Regional Licensing Administrator shall send a **CFS 596-13, Offer of Conditional License** to the licensee by certified mail. The licensee must accept the offer by contacting the Regional Licensing Administrator in writing within 10 days of the postmark date of the offer.

The Regional Licensing Administrator shall send a copy of the offer to the licensing supervisor. The licensing supervisor shall ensure that the document is placed in the licensing record.

**Note: Nothing in these Procedures prohibits the licensing supervisor or the Regional Licensing Administrator from having a preliminary conversation with the licensee regarding the possibility of implementing a conditional license prior to making the offer officially in writing.**

1) Licensee Fails to Make Timely Acceptance of Offer

If the licensee fails to make a timely response to the offer of a conditional license, the Regional Licensing Administrator shall notify the licensing supervisor.

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The licensing representative, in consultation with the licensing supervisor, shall prepare an enforcement packet. The licensing representative shall attach a copy of the **CFS 596-13** that was sent to the licensee and all other relevant documentation to support the request for additional enforcement action.

The licensing representative shall continue to conduct monitoring visits until the enforcement action is completed to ensure that children served by the facility are safe. The licensing supervisor and licensing representative shall review and revise the current monitoring schedule.

2) Licensee Makes Timely Acceptance of Offer

If the licensee makes a timely acceptance of the offer of a conditional license, the licensing supervisor shall contact the licensee within 14 days to schedule a meeting to implement the conditional license.

d) Issuing a Conditional License

1) Prepare Corrective Plan and Monitoring Schedule

The licensing supervisor, in consultation with the licensing representative, shall prepare and submit a **CFS 596-06, Corrective Plan** and monitoring schedule to the Regional Licensing Administrator for approval.

The corrective plan shall contain a list of all substantiated violations that remain uncorrected, and a corrective plan that addresses each violation.

2) Prepare Conditional License Agreement

The Regional Licensing Administrator shall prepare a **CFS 596-14, Conditional License Agreement**, review the corrective plan to ensure that it addresses all substantiated violations that remain uncorrected, and review the monitoring schedule.

A) At the very beginning of the meeting, the Regional Licensing Administrator or designee shall require that the licensee immediately and voluntarily:

- surrender the current operating license by physically handing it to the Regional Licensing Administrator, licensing supervisor or licensing representative (the licensee must present the original license; a copy is not acceptable); and
- withdraw an application for license renewal if one has been submitted.



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If the licensee did not bring the original operating license to the meeting, or if the licensee refuses to surrender the license or refuses to withdraw a pending renewal application, the Regional Licensing Administrator shall adjourn the meeting immediately.

- B) The Regional Licensing Administrator shall review the conditional license agreement and corrective plan with the licensee and inform the licensee that he/she must:
- comply with the conditional license agreement;
  - correct all violations;
  - be in full compliance with all licensing standards by the end of the fifth month of the conditional license; and
  - remain in full compliance with all licensing standards.
- C) The licensing representative shall give the licensee an application for a new license and explain that a timely, complete and accurate application must be received no later than 90 days prior to the expiration date of the conditional license (a cover letter shall provide the licensee with a specific date by which the application must be submitted).
- D) The licensee and Regional Licensing Administrator shall sign the **CFS 596-14, Conditional License Agreement**.

The licensee and licensing representative shall sign the **CFS 596-06, Corrective Plan**.

The licensing representative shall give the licensee copies of the conditional license agreement and the corrective plan during the meeting.

The licensing representative and supervisor shall complete and sign the **CFS 596-15, Conditional License Implementation Checklist** before the meeting concludes to document that all required tasks have been completed.

Copies of the corrective plan, monitoring schedule, conditional license agreement, and checklist shall be placed in the licensing record.

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- E) The licensing supervisor shall notify the Central Office of Licensing Enforcement Unit of the conditional license start date, and send a copy of the signed conditional license agreement.
- F) Upon receiving notice of the conditional license start date, the Central Office of Licensing Enforcement Unit shall:
- complete data entry of the license recommendation;
  - obtain the conditional license document (original plus 2 copies), and type “Conditional License” and “Corrective Action Plan Available Upon Request” on the original and both copies;
  - send the conditional license to the licensee, by regular mail; and
  - send a copy of the conditional license to the Regional Licensing Administrator and licensing supervisor.

e) Monitoring

The licensing representative shall document compliance with the conditional license agreement and progress in correcting the violations on the **CFS 597-C or CFS 597-FFH**.

When the licensing representative substantiates one or more new violations (that are not listed on the corrective plan), documents a recurrence of one or more previously corrected violations, or documents noncompliance with any terms of the conditional license agreement during the first five months of the conditional license, the licensing representative shall document this on a **CFS 597-C or CFS 597-FFH**. The licensing representative shall leave the premises without developing a corrective plan to address the new violations with the licensee, and shall contact the licensing supervisor.

The licensing supervisor shall notify the Regional Licensing Administrator, who shall determine an appropriate course of action that may include, but is not limited to one of the following:

1) Decision: Modify the Corrective Plan

The licensing representative shall notify the licensee within one business day of the decision to modify the corrective plan.

The licensing representative shall prepare and submit to the licensing supervisor for review and approval a **CFS 596-01, Confirmation of Substantiated Violations and Corrective Plan** to address the new violations. The time frames in the corrective plan shall ensure that all violations are to be corrected no later than 30 days before the conditional license expiration date.

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The licensing representative shall send the modified corrective plan and **CFS 596-01** to the licensee by regular mail; OR

- 2) Decision: Issue Administrative Order of Closure

The Regional Licensing Administrator shall follow the requirements of [Section 383.105](#), Administrative Order of Closure; OR

- 3) Decision: Revoke the Conditional License

The Regional Licensing Administrator shall follow the requirements of [Section 383.85](#), Notice of Intent to Revoke or Refuse to Renew a License or to Refuse to Issue a Full or Provisional License.

- f) Application for New License

When the licensee submits a timely and complete application for a new license, the licensing representative shall notify the licensing supervisor and the Regional Licensing Administrator, and complete a licensing study at least 21 days before the expiration of the conditional license.

The licensing representative shall conduct additional, scheduled visits as required to complete the licensing study. The licensing representative and licensing supervisor shall determine whether to recommend issuance of a new license at least 14 days before the conditional license expiration date.

The licensing representative shall recommend issuance of a new license only if the licensee corrected all violations and achieved full compliance with all licensing standards.

The licensing representative shall recommend denial of a new license when the licensing representative has documented that the licensee has not corrected and maintained as corrected all violations or has not achieved full compliance with all licensing standards.

The licensing representative shall notify the licensee of the decision after supervisory approval on the **CFS 596-17, Notice of Decision to Issue License** or **CFS 596-18, Notice of Decision to Deny License**. The licensing supervisor shall notify the Regional Licensing Administrator and the Central Office of Licensing Enforcement Unit, by e-mail, of the recommendation to issue or deny a new license.

When the licensee fails to submit a timely and complete application for a new license, the licensing representative shall notify the licensing supervisor and the Regional Licensing Administrator.

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The licensing supervisor shall contact the licensee by telephone or in-person the next business day to determine the reason the licensee did not submit a timely application.

When the licensee's failure to submit a timely and complete application for a new license is due to circumstances beyond the licensee's control, the licensing supervisor may grant an extension of no more than 7 days. Only one extension is permitted. The licensing supervisor shall confirm the extension of time in writing.

If the licensee fails to submit a timely and complete application, the licensing representative shall send the **CFS 596-16, Notice of Failure to Submit Application for New License** to the licensee by certified mail or hand-delivery, and a recommendation to the Central Office of Licensing Enforcement Unit to "close/expire" the conditional license.

On the first business day after the conditional license expires, the Central Office of Licensing Enforcement Unit shall complete data entry to "close expire" the conditional license, and notify the licensee in writing that the conditional license has expired.

The licensing representative shall develop a monitoring schedule and conduct one or more monitoring visits to determine that the facility remains closed.

### **Section 383.85 Notice of Intent to Revoke or Refuse to Renew a License or to Refuse to Issue a Full or Provisional License.**

#### a) Submit Enforcement Packet

The licensing representative shall prepare and submit the **CFS 596-19, Enforcement Packet** to the licensing supervisor within 7 business days after the written decision from the Informal Review. DCFS A&I licensing representatives shall be available for consultation to private agency licensing staff during preparation of the enforcement packet.

The licensing supervisor shall review the enforcement packet to determine that it is correct and complete.

When approved, the licensing representative and supervisor shall sign the **CFS 596-19**.

DCFS day care and A&I licensing supervisors shall send enforcement packets directly to the **DCFS Regional Licensing Administrator** upon approval. DCFS foster home licensing supervisors shall submit the enforcement packet to the **DCFS Foster Home Licensing Manager**. Enforcement packets prepared by private agency licensing staff shall be sent to the **DCFS Regional Licensing Administrator** through the DCFS A&I licensing supervisor. The A&I licensing supervisor shall review and approve the enforcement packet, and shall sign the **CFS 596-19**.

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The Regional Licensing Administrator shall review the enforcement packet and, when approved, shall forward a copy to the Central Office of Licensing Enforcement Unit.

b) “Notice of Intent” to Licensee

The Central Office of Licensing Enforcement Unit shall send notice of intent to revoke or refuse to renew the license, or to refuse to issue a full or provisional license to the licensee or permit holder, along with information about requesting an administrative hearing within 5 business days of receiving the enforcement packet. This notice shall be sent to the licensee/permit holder by certified mail or hand-delivery.

The notice shall state the Department’s intended action and a short and plain statement of the matters that are the basis for the Department’s action. (A statement of charges may be attached in lieu of the short statement.)

A copy of the notice shall be sent to the Regional Licensing Administrator and licensing supervisor. The licensing supervisor shall ensure that the notice is placed in the licensing record.

The Central Office of Licensing Enforcement Unit shall contact the Administrative Hearings Unit approximately 21 days after sending the notice to confirm whether the licensee has requested an administrative hearing.

When the licensee/permit holder does not make a timely request for a hearing, the Central Office of Licensing Enforcement Unit shall notify the Regional Licensing Administrator and the licensing supervisor of that fact. The licensing supervisor shall complete the ILS recommending revocation or non-renewal of the license or refusal to issue a full or provisional license and forward the ILS to the Central Office of Licensing. The Central Office of Licensing shall ensure that the final action to revoke or refuse to renew the license or to refuse to issue a full or provisional license is entered into the data system. The Enforcement Unit shall notify the licensee by certified mail of the final decision and expiration date of the license or permit.

c) No Changes to License

The licensing unit shall not make any changes to the license after the Department has sent a notice of intent to revoke or refuse to renew the license, or to refuse to issue a full or provisional license to the licensee/permit holder, including but not limited to transfer of supervision of the license, change of address of the facility, expanding the capacity, ages of children served, hours of operation or licensed area within the facility.

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### Section 383.90 Surrender of a License or Permit

#### a) General Information

A licensee/permit holder may surrender the license or permit document to the Department or supervising agency. The licensee/permit holder shall return the original license/permit document to the Department or supervising agency at the time of surrender, unless other arrangements are specified by the Department or supervising agency.

When a licensee/permit holder surrenders a license/permit after an offer of an Informal Review on the **CFS 596-04, Notice of Substantiated Violations and Offer of Informal Review, CFS 596-10, Notice of Failed Corrective Plan and Right to Request Informal Review, or CFS 596-12, Notice of Right to Request Informal Review**, or the Department has issued an administrative order of closure, but before the Central Office of Licensing Enforcement Unit has issued a notice of intent to revoke or refuse to renew a license, or to refuse to issue a full or provisional license, the licensing representative shall inform the licensee/permit holder and the Central Office of Licensing, in writing, that the surrender will be accepted and registered in the data system as a “surrender with cause.”

When a licensee/permit holder surrenders a license/permit 1) after the Department has issued a notice of intent to revoke or refuse to renew a license or refuse to issue a full or provisional license, or 2) after the licensee/permit holder has requested an administrative hearing, this is deemed an abandonment of the licensee/permit holder’s right to hearing. The licensing representative shall inform the licensee/permit holder and the Central Office of Licensing that the Department has revoked the license, or refused to renew the license, or refused to issue a full/provisional license.

#### b) Home-Based Facilities

A licensee/permit holder may surrender his/her foster home, day care home or group day care home license or permit by so stating, orally or in writing, to the licensing representative or supervising agency. A surrender that is given orally shall be confirmed in writing by the licensing representative within 3 working days.

Licensing standards require every foster home, day care home or group day care home licensee or permit holder to notify the Department or supervising agency before a change of residence. When the licensing representative learns that a licensee/permit holder has changed his/her residence without giving notice, the licensing representative shall confer with the licensing supervisor.

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If less than 2 weeks (14 days) has elapsed since the move, the licensing representative shall contact the licensee/permit holder to inform him/her that the license/permit will be deemed surrendered unless the licensee/permit holder submits an application for change of address within 14 days of the move.

When more than 14 days has elapsed since the move and with supervisory approval, the licensing representative may notify the licensee/permit holder in writing that the license is deemed surrendered and request return of the license/permit document.

Although the licensee may apply for a new license at any time in this instance, the application will be treated as an application for an initial license. The licensee shall not provide child care until the new license is issued, unless that care is exempt from licensing, as defined in Rule 377, Facilities and Programs Exempt From Licensure.

### c) Child Care Facilities Other Than Home-Based Facilities

A surrender for a facility other than a foster home, day care home or group day care home shall be executed on a form prescribed by the Department.

The licensee must verify, in writing, whether:

- the Department is investigating the licensee, permit holder or the owners, operators or employees of the facility for any licensing complaint or report of suspected abuse or neglect involving the facility or actions while discharging duties at the facility;
- litigation is pending between the licensee/permit holder, the facility and the Department; or
- the licensee suspects that the facility or facilities supervised by it are under investigation by any state agency of any state, their respective inspectors general, or any local, State or federal law enforcement agencies.

A licensed child welfare or day care agency must attach a complete listing of the names and addresses of all licensed child care facilities supervised by the agency, any pending license applications that have not yet been determined by the supervising agency, and any license exempt day care homes, relative care homes, independent living facilities, or other programs for children and youth operated by the agency. The agency shall transfer the records for these facilities as directed by the DCFS A&I licensing supervisor.

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### **Section 383.95      Acquiring a New License after Surrender with Cause**

When the licensing record reflects that a license or permit was surrendered “with cause” the Department shall not accept an application for a new child care facility license (of any type) from the licensee or permit holder until at least one year has elapsed from the date of the surrender.

When deciding whether to issue a new license after a surrender with cause, the licensing representative shall consider the allegations and substantiated violations that were being considered at the time of the surrender to evaluate their seriousness and to determine whether the conditions have been corrected or are likely to recur.

### **Section 383.100      Licensing Complaint Investigation in Unlicensed Facilities**

#### a)      General Requirements

DCFS A&I, day care and foster home licensing representatives are responsible for conducting licensing complaint investigations involving unlicensed facilities.

During a licensing complaint investigation, the licensing representative, in consultation with the licensing supervisor, shall:

- take all necessary actions to protect the children in care;
- perform all required complaint investigation activities;
- not disclose the identity of, or any information that would identify, the complainant or any person interviewed to the owner/operator;
- discuss the allegation (operating a facility without a license) with the owner/operator and allow the licensee/owner/operator an opportunity to present his/her side of story; and
- conduct non-accusatory, impartial fact-finding interviews with all persons identified by the complainant as having information about the allegations, and other persons who may have relevant information, and document the interviews.

#### b)      Required Investigation Activities

##### 1)      Supervisor Reviews Intake and Assigns Investigation

The licensing supervisor shall review the complaint to determine whether it appears that the identified facility may be operating without a license in violation of the Child Care Act and a licensing investigation should be conducted. The licensing supervisor shall assign the investigation to a licensing representative.



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2) Determine Need for Immediate Site Visit

As soon as possible after receiving the complaint, the licensing representative and supervisor shall determine whether an immediate unannounced site visit is necessary to ensure the safety of children in care or to preserve evidence of the alleged violation. The licensing representative shall document the consultation with the supervisor.

3) Prepare Licensing Complaint Investigation Plan

The licensing representative, in consultation with the licensing supervisor, shall prepare an investigation plan that shall:

- describe why the facility is alleged to be subject to licensure and operating without a valid license or permit, and cite the relevant sections of Rule 377, if applicable, and the Child Care Act;
- list questions that must be answered by the licensing representative at the end of the investigation;
- list names (if known) of persons to be interviewed who may have information that will help answer the questions. If names are unknown, the licensing representative shall indicate the position or occupation of persons believed to have relevant information (i.e., parent, physician, janitor, etc.); and
- describe the physical evidence (including documents) the licensing representative will examine to help answer the questions.

4) Contact Complainant

**The licensing representative may contact the complainant (if known) to gather more information about the complaint at any time during the investigation.**

If the complainant did not actually observe the alleged violations, the licensing representative shall ask the complainant to provide the names of every person who may have observed the violations.

**Note: The licensing representative shall conduct a licensing investigation whether or not it is possible to get the name or identity of any person who directly observed the operation of the facility.**

The licensing representative shall document any additional information received from the complainant on the **CFS 596-B, Licensing Complaint Investigation Interview Notes**.

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### 5) Prepare for Initial Unannounced Site Visit

Before making the site visit, the licensing representative shall examine the Department licensing records, prior licensing complaint investigations (if any), and the licensing compliance tracking screen to determine whether the Department has had previous involvement with the facility and the owner/operator, and whether there is a pending licensing complaint investigation, enforcement action, or enforcement activity involving the facility.

The licensing representative, in consultation with the licensing supervisor, shall assess the information provided by the complainant and any information the licensing representative gleaned from Department records regarding prior licensing history or complaint investigations, and determine the timing of the first site visit.

The licensing representative shall document the review of these records on a **CFS 596-B** and on the **CFS 596-20, Licensing Complaint Investigation Checklist – Unlicensed Facility**.

If there is pending licensing enforcement action involving the facility, an immediate site visit is required. The licensing representative shall notify the licensing supervisor and Regional Licensing Administrator that the new complaint has been received. The licensing representative shall document notification of the licensing supervisor and Regional Licensing Administrator on a **CFS 596-B**.

### 6) Conduct Initial Unannounced Site Visit and Provide Information to Owner/Operator

The licensing representative shall conduct the first unannounced site visit within 2 business days of receiving the complaint. The licensing representative shall make as many site visits as necessary to determine if the program/facility is operating without a license or is exempt from licensure.

Upon arriving at the facility, the licensing representative shall show identification and ask to speak to the owner/operator or other person in charge. The licensing representative shall explain:

- the purpose of the visit (i.e., to investigate a licensing complaint that the facility is subject to licensure and is operating without a valid license or permit);
- the specific sections of Rule 377 and the Child Care Act that are applicable to the facility type, if any;

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- the process for conducting a licensing complaint investigation;
- if found to be operating in violation of the Child Care Act, that the owner/operator may apply for a license; and
- the consequence for continuing to operate without a license, which may include referral to the State's Attorney for prosecution.

If the owner/operator refuses to allow the licensing representative to enter the facility to conduct the site visit, the licensing representative shall inform the owner/operator of the requirements of Section 11 of the Child Care Act (paraphrased below):

*Whenever the Department is advised, or has reason to believe, that any person, group of persons or corporation is operating a child welfare agency or a child care facility without a license or permit, a Department licensing representative shall make an investigation to ascertain the facts. If the licensing representative is denied access, the Department will request intervention of local, county or State law enforcement agencies to seek an appropriate court order or warrant to examine the premises.*

If entry is refused, the licensing representative shall explain the consequences of non-cooperation (paraphrased below):

*A person or entity preventing the Department from carrying out its duties under Section 11 of the Child Care Act shall be guilty of a violation of and subject to the penalties listed in the Child Care Act. If the Department finds that the child welfare agency or child care facility is being, or has been operated without a license or permit, the Department shall report the results of its investigation to the Attorney General and to the appropriate State's Attorney for investigation and, if appropriate, prosecution.*

If the owner/operator still refuses entry, the licensing representative shall leave the facility and contact the licensing supervisor. When appropriate, the licensing supervisor shall contact a law enforcement agency or the State's Attorney's Office for assistance.

The licensing representative shall not threaten to take any action against the owner/operator until such action is approved by the licensing supervisor.

### 7) Complete Investigation and Documentation

The licensing representative shall complete a licensing complaint investigation within 30 days of the date the complaint was received by the licensing unit and shall complete all required licensing complaint investigation documentation.

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The licensing representative shall complete the **CFS 596-21, Facility Exempt from Licensure** or **CFS 596-22, Facility Operating Without a License**, and submit all documentation to the supervisor for review and approval.

If the licensing complaint investigation cannot be completed within 30 days, the licensing representative shall submit a written request for a 30 day extension to the licensing supervisor no later than the 25th day after the complaint was received. The licensing representative shall list the reasons that the complaint investigation cannot be completed within 30 days, the activities to be completed, who is responsible for completing each activity, and the expected date of completion.

The licensing representative shall document the date on which a 30 day extension was requested and whether it was approved on the **CFS 596-20, Licensing Complaint Investigation Checklist – Unlicensed Facility**.

When a 30 day extension is approved, the licensing representative shall notify the owner/operator of the extension within 3 days by regular mail. The licensing representative shall place a copy of the correspondence in the complaint investigation section of the facility record.

The licensing supervisor shall submit requests for a third or subsequent 30 day extension, by e-mail, to the Regional Licensing Administrator for review and approval.

8) **Submit Documentation and Recommended Decision to Supervisor**

The licensing representative shall submit the completed complaint investigation documents to the licensing supervisor for review and approval.

The licensing supervisor shall review the investigative file within 7 business days and shall sign the **CFS 596-20, Licensing Complaint Investigation Checklist—Unlicensed Facility** when the file is approved.

9) **Notify Owner/Operator of Completed Licensing Complaint Investigation**

Within 5 days after approval of the complaint investigation file, the licensing representative shall send the owner/operator:

- the **CFS 596-03, Completed Licensing Complaint Investigation – No Substantiated Violations**, by regular mail, when there was no evidence that child care is being provided at the home/facility;

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- the **CFS 596-21, Facility Exempt From Licensure**, by regular mail; or
- the **CFS 596-22, Facility Operating Without a License**, by certified mail.

The supervisor shall send a copy of a **CFS 596-22** to the Regional Licensing Administrator, Associate Deputy Director for Licensing, and the Central Office of Licensing Enforcement Unit.

10) Notify Complainant

The licensing representative shall notify the complainant that the licensing complaint investigation is completed. The **CFS 596-23, Notice to Complainant of Licensing Complaint Investigation (for Unlicensed Facility)** shall be sent by regular mail on the same day that notice is sent to the owner/operator. No notice is required when the complainant did not provide a mailing address.

11) Notify State's Attorney and Illinois Attorney General

The licensing supervisor shall notify the State's Attorney when a facility is operating without a license (use the **CFS 596-24** cover letter) and attach a copy of the **CFS 596-22, Facility Operating Without a License** that was sent to the owner/operator of the facility. The licensing supervisor shall send the DCFS General Counsel's office a copy of the **CFS 596-24** and **CFS 596-22**, and request that these documents be forwarded to the Office of the Illinois Attorney General.

If it becomes necessary to request prosecution to close the facility, the licensing supervisor shall request the State's Attorney to prosecute the owner/operator (use the **CFS 596-25** cover letter) and attach the **CFS 596-22**. The licensing supervisor shall notify the DCFS General Counsel's office of the request for prosecution and provide a copy of the **CFS 596-25** and **CFS 596-22** to be forwarded to the Office of the Illinois Attorney General.

The licensing supervisor shall ensure that copies of the **CFS 596-24** or **CFS 596-25** are sent to the Regional Licensing Administrator and the Central Office of Licensing Enforcement Unit.

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c) Required Documentation

The licensing representative shall maintain all documentation and supportive evidence related to the licensing complaint and the complaint investigation in the complaint investigation file. The complaint investigation file shall contain the documents listed below:

<b>Investigations of Unlicensed Facilities</b>	<b>Document on this form:</b>
<b>Complaint:</b>	CFS 596, Licensing Complaint Report
<b>Interviews / Contacts:</b>	CFS 596-A, Licensing Complaint Investigation Contact Summary CFS 596-B, Licensing Complaint Investigation Interview Notes
<b>Checklist:</b>	CFS 596-20, Licensing Complaint Investigation Checklist – Unlicensed Facility
<b>Notice of Findings:</b>	CFS 596-21, Facility Exempt From Licensure OR  CFS 596-22, Facility Operating Without a License
<b>Contact Complainant:</b>	CFS 596-23, Notice to Complainant of Licensing Complaint Investigation (for Unlicensed Facility)

**Section 383.105      Administrative Order of Closure**

DCFS may issue an administrative order of closure when continued operation of the facility jeopardizes the health, safety, morals, or welfare of children served by the facility. An administrative order of closure requires the immediate closure of a licensed, unlicensed or part-day child care facility.

After issuing an administrative order of closure against a licensed facility, the Department shall initiate proceedings within 10 working days to revoke or refuse to renew the facility's license.

When the Regional Licensing Administrator, in consultation with the licensing supervisor, finds that the continued operation of a child care facility jeopardizes the health, safety, morals or welfare of children served by the facility, the Regional Licensing Administrator shall contact the Associate Deputy Director for Licensing, by e-mail or telephone, to determine the appropriateness of requesting approval (from the General Counsel and the Director) for an administrative order of closure directing that the facility terminate operations.

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At a minimum, the Regional Licensing Administrator shall provide the following information verbally and in writing (by e-mail) to the Associate Deputy Director for Licensing:

- the specifics of the situation that “jeopardize the healthy, safety, morals or welfare of the children served by the facility”;
- what the licensing representative and supervisor have done, if anything, to remedy the situation thus far;
- why a corrective plan would be inappropriate and/or ineffective in this situation; and
- why immediate closure is needed rather than simply proceeding to revoke the license.

a) Central Office Approves/Prepares Administrative Order of Closure

When the Associate Deputy Director for Licensing approves issuing an administrative order of closure, the Associate Deputy Director shall consult with and request approval from the Department’s General Counsel and the Director (or designee).

When approval for an administrative order of closure is denied, the Associate Deputy Director for Licensing shall consult with the Regional Licensing Administrator to determine whether to develop a corrective plan or pursue another enforcement action.

When the Associate Deputy Director for Licensing receives approval from the General Counsel and the Director to proceed with an administrative order of closure, the Regional Licensing Administrator shall forward the documentation to the Central Office of Licensing Enforcement Unit. The Central Office of Licensing Enforcement Unit shall prepare the administrative order of closure in consultation with the Office of Legal Services and submit it to the Director’s Office for signature.

b) Serve Administrative Order of Closure on Licensee/Owner/Operator

The Central Office of Licensing Enforcement Unit shall contact the Regional Licensing Administrator to:

- identify 2 staff persons to serve the administrative order of closure. One person will hand-deliver a copy of the signed administrative order of closure to the licensee/permit holder and the other will accompany and witness the delivery;
- determine when delivery will be attempted; and
- determine what actions the 2 staff persons shall take if hand-delivery cannot be accomplished (e.g., the licensee refuses delivery or is not present at the facility). The Regional Licensing Administrator may direct the licensing representative to make follow-up visits if the administrative order of closure cannot be served at the facility.

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When the details of delivery have been arranged, the Central Office of Licensing Enforcement Unit shall send a copy of the signed administrative order of closure to the Regional Licensing Administrator and/or the licensing supervisor.

The licensing supervisor shall ensure that the administrative order of closure is delivered to the licensee/permit holder as arranged and a copy is placed in the licensing record.

The staff person designated to hand-deliver the administrative order of closure shall complete a **CFS 596-26, Administrative Order of Closure - Confirmation of Hand-Delivery** that shows the time and date of delivery and the person to whom the order was delivered. The licensing representative shall send a copy of the **CFS 596-26** to the Regional Licensing Administrator, Associate Deputy Director for Licensing and the Central Office of Licensing Enforcement Unit, and shall place the original in the licensing record. The licensee (or person with whom the administrative order of closure is left) is not required to sign the confirmation of delivery or any other documentation at the time of service.

The Central Office of Licensing Enforcement Unit shall send the signed original administrative order of closure to the licensee/permit holder, by certified mail, and send a copy to the Office of Legal Services, on the same day the copy of the administrative order of closure is hand-delivered (or hand-delivery is attempted).

If the facility is licensed, the Central Office of Licensing Enforcement Unit shall also include in the mailing a notice of intent to revoke or refuse to renew a license or to refuse to issue a full or provisional license. A copy of the notice of intent shall be sent to the Regional Licensing Administrator and the licensing supervisor. The licensing supervisor shall ensure that a copy is placed in the licensing record.

c) Cessation of Operation after Deliver of Administrative Order of Closure

The licensing representatives shall determine, from a view of the premises, how many children are currently in care and shall ensure that each child is immediately removed from the facility by a parent or his/her authorized representative. The licensing representatives shall not assist in removal of the children nor discuss the closure of the facility with parents/representatives.

If the administrative order of closure was delivered when the licensee was not present, a licensing representative shall return to the facility the next business day to verify that the facility is closed and care for children is no longer being provided.

d) Notice to State's Attorney/Attorney General

The licensing supervisor shall notify the State's Attorney for the county in which the facility is located that an administrative order of closure has been issued.

The Office of Legal Services shall determine if it is appropriate to send notice to the Office of the Illinois Attorney General.



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- e) Notify IDHS (Day Care and Group Day Care Homes Only)

The Associate Deputy Director for Licensing shall notify the Illinois Department of Human Services of the change in status of the license.

- f) Monitoring Visits

The licensing representative shall develop a monitoring schedule and conduct one or more monitoring visits to determine that the facility remains closed.

If the licensing representative discovers that the licensee/permit holder/operator has resumed operation of the facility, the licensing representative shall notify the licensing supervisor, who, with the Regional Licensing Administrator, will determine whether to pursue legal action to enforce the administrative order of closure.

- g) Enforcing an Administrative Order of Closure

When a decision is made to seek prosecution to enforce an administrative order of closure, the licensing supervisor shall call the State's Attorney's Office to request prosecution against the licensee/permit holder/operator. The licensing supervisor shall send a letter confirming the call and include a complete copy of the complaint investigation file.

The licensing supervisor shall document his/her contact with the State's Attorney's Office, and shall send copies of all correspondence to the Regional Licensing Administrator. The licensing supervisor shall ensure that copies of correspondence are placed in the facility record.

If the State's Attorney's Office fails or refuses to prosecute the licensee/permit holder/operator, the Regional Licensing Administrator shall request assistance from the DCFS Office of Legal Services in enforcing closure of the facility.

### **Section 383.110 When an Administrative Hearing Is Requested**

- a) Notify Licensing Staff

The Central Office of Licensing Enforcement Unit shall notify the Regional Licensing Administrator and licensing supervisor as soon as possible after a licensee/permit holder has filed a timely appeal.

- b) Prepare Statement of Charges

The Central Office of Licensing Enforcement Unit shall prepare and send a draft of the statement of charges to the Regional Licensing Administrator for review and approval. The Enforcement Unit shall send the approved statement of charges to the Administrative Hearings Unit within 14 business days.

The Department's representative may amend the statement of charges to include subsequent violations of licensing standards, the Child Care Act or other applicable DCFS Rules at any time prior to the commencement of the hearing.

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c) Designate Department Representative

The Office of Legal Services shall designate an attorney to represent the Department at the administrative hearing, and shall share this information with the Regional Licensing Administrator, the Central Office of Licensing Enforcement Unit and the Administrative Hearings Unit.

d) On-Going Licensing Enforcement Activity During Administrative Hearing Process

The licensing representative shall continue to conduct monitoring visits of the facility during the administrative hearing process, as directed by the licensing supervisor, until the Director issues a final administrative decision. The licensing representative shall document monitoring visits on the **CFS 597-C or CFS 597-FFH**, and submit a copy of the **CFS 597-C or CFS 597-FFH** to the licensing supervisor and Regional Licensing Administrator within 3 days of the visit.

When the licensing representative substantiates a new violation, he/she shall inform the licensing supervisor and the Regional Licensing Administrator. The licensing representative shall not develop a corrective plan with the licensee/permit holder unless directed to do so by the Regional Licensing Administrator.

The Regional Licensing Administrator shall determine whether to contact the Central Office of Licensing Enforcement Unit to include new violations in the preparation of the statement of charges.

The Regional Licensing Administrator shall consult with the Department representative to determine an appropriate course of action, including, but not limited to, amending the statement of charges, developing a corrective plan to address the new violations or issuing an administrative order of closure.

When the decision is to offer a corrective plan, the licensing representative and supervisor shall draft a corrective plan, monitoring schedule, and confirmation of substantiated violations in consultation with the Regional Licensing Administrator.

The licensing representative shall schedule a meeting with the licensee/permit holder within 7 days to hand-deliver and review the corrective plan and confirmation of substantiated violations. If the licensee/permit holder is not present or refuses to meet with the licensing representative at the appointed time, the licensing representative shall consult with the licensing supervisor to determine an appropriate course of action.

The licensing unit shall make no changes to the license during the administrative hearing process, including but not limited to transfer of supervision of the license, change of address of the facility, expanding the capacity, ages of children served, hours of operation or licensed area within the facility.

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**383.Appendix A – Monitoring Schedules**

<b>New License / Permit Monitoring Visits</b>		
<b>Type of Monitoring Visit</b>	<b>Announced or Unannounced Visits</b>	<b>Frequency of Monitoring Visits</b>
Permit	Unannounced	Monthly during permit period
Initial License	Unannounced	Within 60 days of issuance
Provisional License	Unannounced	Within 60 days of issuance

<b>Semi-Annual and Annual Monitoring Visits</b>		
<b>Type of Monitoring Visit</b>	<b>Announced or Unannounced Visits</b>	<b>Frequency of Monitoring Visits</b>
Foster Home	* Unannounced	Twice yearly (approximately every 6 months)
Day Care Facilities	Unannounced	Annually, within 60 days before or 30 days after anniversary date
All Other Facility Types	* Unannounced	Annually, 30 days before to 30 days after anniversary date

\* May be an announced visit with supervisory approval

<b>Protective and Corrective Plans Monitoring Visits</b>		
<b>Type of Monitoring Visit</b>	<b>Announced or Unannounced Visits</b>	<b>Frequency of Monitoring Visits</b>
Protective Plan	Unannounced	Per monitoring schedule
Corrective Plan	Unannounced	Per monitoring schedule
After Corrective Plan Is Completed	Unannounced	Within 7 days after the corrective plan end date when violations pose a threat to the health and safety of children. Otherwise within 60 days.

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<b>Enforcement Action Monitoring Visits</b>		
<b>Type of Monitoring Visit</b>	<b>Announced or Unannounced Visits</b>	<b>Frequency of Monitoring Visits</b>
Conditional License	Unannounced	Per monitoring schedule; Months 1-5: monthly (every 30 days); Month 6: weekly
Administrative Order of Closure	Unannounced	First operating day after delivery of an administrative order of closure; additional visits as approved
After Recommending Revocation of or Refusal to Renew a License	Unannounced	Monthly for foster homes that have no children in placement. Weekly for foster homes with children in placement and for all other facility types
During Administrative Hearing Process	Unannounced	Weekly until Director issues a final administrative decision
Unlicensed Facilities (to ensure care is not being provided to children)	Unannounced	Within 60 days after revocation, refusing to renew a license, refusing to issue a license to a permit holder, surrender with cause, or investigation of an unlicensed facility

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<b>Other Follow-Up Monitoring Visits</b>		
<b>Type of Monitoring Visit</b>	<b>Announced or Unannounced Visits</b>	<b>Frequency of Monitoring Visits</b>
<p>When a Licensing Complaint Does Not Meet Criteria for Licensing Investigation (licensed facilities only), e.g.:</p> <ul style="list-style-type: none"> <li>• alleged violation more than 60 days old and not of a continuing nature;</li> <li>• anonymous complaint fails to allege violations affecting health, safety, morals or welfare of children being served; or</li> <li>• no violations of licensing standards, CCA, DCFS Rules</li> </ul>	Unannounced	Within 60 days
When a CANTS Investigation Was Not Conducted Concurrently With a Licensing Complaint Investigation (licensed facilities only)	Unannounced	Within 14 days of learning of the “unfounded” finding (unless supervisor requires a stand-alone licensing complaint investigation)
After Substantiating Violations And a Corrective Plan Is Not Required	Unannounced	Within 60 days of substantiating the violations
After Finding That An Unlicensed Facility Is Subject to Licensure / Operating Without License or Permit	Unannounced	Within 14 days of approved finding

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**383.Appendix B – Protective Plan Alternatives**

<b>Protective Plan Alternatives *</b> <b>For Day Care Centers And Agencies / Institutions / Group Homes</b>	
<b>Alleged Perpetrator</b>	
<b>Licensee, Director, Employee or Volunteer is Alleged Perpetrator</b>	<p><b>No Contact</b></p> <ul style="list-style-type: none"> <li>• Alleged perpetrator may be on premises but shall have no contact with children; or</li> <li>• Alleged perpetrator shall not be on premises during business hours</li> </ul>

\* Variation from the options presented in this chart is permitted only with the written authorization of the Regional Licensing Administrator.

<b>Protective Plan Alternatives * For Day Care Homes / Group Day Care Homes</b>		
<b>Alleged Perpetrator</b>	<b>Single Licensee -- Day Care Home or Group Day Care Home</b>	<b>Two Licensees -- Day Care Home or Group Day Care Home</b>
<b>One (1) Licensee Is Alleged Perpetrator</b>	<p><b>No Contact</b></p> <ul style="list-style-type: none"> <li>• Licensee voluntarily closes; or</li> <li>• Licensee shall not be on premises during business hours; qualified sub runs business **</li> <li>• Other (no contact), as approved in writing by licensing supervisor</li> </ul>	<p><b>No Contact</b></p> <ul style="list-style-type: none"> <li>• Licensees voluntarily close; or</li> <li>• Alleged perpetrator shall not be on premises during business hours; other licensee or qualified sub runs business ***</li> <li>• Other (no contact), as approved in writing by licensing supervisor</li> </ul>
<b>Both (2) Licensees Are Alleged Perpetrators</b>	N/A	<p><b>No Contact</b></p> <ul style="list-style-type: none"> <li>• Licensees voluntarily close; or</li> <li>• Licensees shall not be on premises during business hours; qualified sub runs business ***</li> </ul>

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<p><b>Household Member Is Alleged Perpetrator</b></p>	<p><b>No Contact</b></p> <ul style="list-style-type: none"> <li>• Licensee voluntarily closes; or</li> <li>• Alleged perpetrator shall not be on premises during business hours</li> <li>• Other (no contact), as approved in writing by licensing supervisor</li> </ul>	<p><b>No Contact</b></p> <ul style="list-style-type: none"> <li>• Licensee voluntarily closes; or</li> <li>• Alleged perpetrator shall not be on premises during business hours</li> <li>• Other (no contact), as approved in writing by licensing supervisor</li> </ul>
<p><b>Employee, Volunteer or Non-Household Member Is Alleged Perpetrator</b></p>	<p><b>No Contact</b></p> <ul style="list-style-type: none"> <li>• Licensee voluntarily closes; or</li> <li>• Alleged perpetrator shall not be on premises during business hours</li> <li>• Other (no contact), as approved in writing by licensing supervisor</li> </ul>	<p><b>No Contact</b></p> <ul style="list-style-type: none"> <li>• Licensee voluntarily closes; or</li> <li>• Alleged perpetrator shall not be on premises during business hours</li> <li>• Other (no contact), as approved in writing by licensing supervisor</li> </ul>

\* Variation from the options presented in these charts is permitted only with the written authorization of the Regional Licensing Administrator.

\*\* See Licensing Standards for Day Care Homes, Part 406.11(a) for restrictions on use of qualified substitutes

\*\*\* See Licensing Standards for Group Day Care Homes, Part 408.55(a) for restrictions on use of qualified substitutes

<p align="center"><b>Protective Plan Alternatives * For Foster Homes</b></p>		
<p><b>Alleged Perpetrator</b></p>	<p><b>Single Licensee -- Foster Home</b></p>	<p><b>Two Licensees -- Foster Home</b></p>
<p><b>One (1) Foster Parent Is Alleged Perpetrator</b></p>	<p><b>No Contact or Supervised Contact</b></p> <ul style="list-style-type: none"> <li>• Investigations specialist removes foster children from home</li> <li>• Investigation specialist requires alleged perpetrator (foster parent) to leave the home</li> <li>• Put an adult age 18 or older in foster home to keep alleged perpetrator (foster parent) from having unsupervised contact at any time with foster children</li> </ul>	<p><b>No Contact or Supervised Contact</b></p> <ul style="list-style-type: none"> <li>• Investigation specialist removes foster children from home</li> <li>• Investigation specialist requires alleged perpetrator (foster parent) to leave the home</li> <li>• Non-perpetrator foster parent implements plan to keep alleged perpetrator (other foster parent) from having contact / unsupervised contact at any time with foster children</li> </ul>



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<p><b>Both (2) Foster Parents Are Alleged Perpetrators</b></p>	<p>N/A</p>	<p><b>No Contact or Supervised Contact</b></p> <ul style="list-style-type: none"> <li>• Investigation specialist removes foster children from home</li> <li>• Investigation specialist requires alleged perpetrators (foster parents) to leave the home</li> <li>• Put an adult age 18 or older in foster home to keep both alleged perpetrators (foster parents) from having unsupervised contact at any time with foster children</li> </ul>
<p><b>Household Member Is Alleged Perpetrator</b></p>	<p><b>No Contact or Supervised Contact</b></p> <ul style="list-style-type: none"> <li>• Investigation specialist removes foster children from home</li> <li>• Investigation specialist requires alleged perpetrator (household member) to leave the home</li> <li>• Foster parent implements a plan to keep alleged perpetrator (household member) from having contact / unsupervised contact at any time with foster children</li> </ul>	<p><b>No Contact or Supervised Contact</b></p> <ul style="list-style-type: none"> <li>• Investigation specialist removes foster children from home</li> <li>• Investigation specialist requires alleged perpetrator (household member) to leave the home</li> <li>• Foster parent implements a plan to keep alleged perpetrator (household member) from having contact / unsupervised contact at any time with foster children</li> </ul>

\* Variation from the options presented in these charts is permitted only with the written authorization of the Regional Licensing Administrator or DCFS Foster Care Licensing Manager.

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