

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER b: PROGRAM AND TECHNICAL SUPPORT

PART 331
UNUSUAL INCIDENTS

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AUTHORITY: Implementing the Abused and Neglected Child Reporting Act [325 ILCS 5] and Section 33.1 of the Criminal Code of 1961 and implementing and authorized by the Children and Family Services Act [20 ILCS 505] and the Child Care Act of 1969 [225 ILCS 10].

SOURCE: Adopted and codified at 5 Ill. Reg. 6760, effective June 26, 1981; amended at 25 Ill. Reg. 7440, effective June 15, 2001; amended at 32 Ill. Reg., effective July 10, 2008.

Section 331.1 Purpose (Repealed)

(Source: Repealed at 25 Ill. Reg., effective June 15, 2001)

Section 331.2 Definitions (Repealed)

(Source: Repealed at 25 Ill. Reg., effective June 15, 2001)

Section 331.3 Reporting Unusual Incidents (Repealed)

(Source: Repealed at 25 Ill. Reg., effective June 15, 2001)

Section 331.4 Notifying Relatives of Unusual Incidents (Repealed)

(Source: Repealed at 25 Ill. Reg., effective June 15, 2001)

Section 331.5 Unusual Incidents in Department Facilities (Repealed)

(Source: Repealed at 25 Ill. Reg., effective June 15, 2001)

Section 331.6 Criminal Behavior of Foster Parents (Repealed)

(Source: Repealed at 25 Ill. Reg., effective June 15, 2001)

Section 331.7 Unusual Incidents Involving Department Employees (Repealed)

(Source: Repealed at 25 Ill. Reg., effective June 15, 2001)

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Section 331.10 Purpose

The purpose of this Part is to identify events or occurrences that are considered unusual incidents and to require reporting them to the Department when they involve persons provided services by the Department (whether directly or by a grant, contract or purchase of services agreement), Department employees or facilities or entities licensed or regulated by the Department. The Department shall maintain a system of tracking and monitoring such unusual incidents.

(Source: Added at 25 Ill. Reg., effective June 15, 2001)

Section 331.20 Definitions

"Caregiver" means persons designated by the Department of Children and Family Services to be responsible for the day-to-day care of children and youth for whom the Department is legally responsible. This includes foster parents, relative caregivers, and administrators of group homes, child care institutions, and child welfare agencies.

"Child care facility", as used in this Part, means any child care institution, maternity center, child welfare agency, day care center, day care agency, group home, foster family home, day care home, group day care home, youth emergency shelter or secure child care facility as defined by the Child Care Act of 1969 [225 ILCS 10].

"Child or youth for whom the Department is legally responsible" or "ward" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parents have signed an adoptive surrender or voluntary placement agreement with the Department.

"Disposition", for purposes of an Unusual Incident Report, means that activities or services have been undertaken such that the risk to a child or other person's health, safety or welfare has been mitigated or resolved to the point that usual and customary services can be provided, if appropriate. "Disposition" of an unusual incident does not mean a case is closed. Rather, "disposition" means that the extraordinary circumstances reported have been addressed appropriately by responsible staff of the Department or POS (purchase of service) providers and the actions taken have been recorded in a manner prescribed by the Department.

"Employee", as used in this Part, means any staff person employed by the Department, purchase of services (POS) provider contracted by the Department or a child care facility, and includes any substitute, assistant, volunteer or work-study student used to replace or supplement staff in the direct care or supervision of children. This definition includes administrative, professional and other support staff who have contact with children as part of their duties in the present or prospective employment. The term also includes persons who receive remuneration directly from the Department pursuant to a contract for personal services.

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“Unusual incident”, as used in this Part, means an occurrence or event beyond the customary operations, routines or relationships in the Department, a child care facility or other entity that is licensed or regulated by the Department of Children and Family Services or that provides services for the Department pursuant to a grant, contract or purchase of service agreement. Unusual incidents may involve children and youth, employees, foster parents or relative caregivers. Unusual incidents may also involve damage to property, allegations of criminal activity, misconduct, or other occurrences affecting the operations of the Department or a child care facility. Any incident that could have media impact may be an unusual incident. Unusual incidents are further enumerated in [Sections 331.30, 331.40 and 331.50](#) of this Part.

“Ward” – See “Child or youth for whom the Department is legally responsible”.

(Source: Amended at 32 Ill. Reg., effective July 10, 2008)

Section 331.30 Reporting Requirements

Department employees, staff of purchase of service providers and contractors shall report unusual incidents as defined in this Part to the Department in the manner and on forms prescribed by the Department. Such reporting shall be in addition to any reporting required to comply with the Abused and Neglected Child Reporting Act [325 ILCS 5] or to comply with applicable licensing standards.

(Source: Added at 25 Ill. Reg., effective June 15, 2001)

Section 331.40 Unusual Incidents Involving Children and Youth

- a) Caregivers shall immediately report to the Department those unusual incidents that involve any child or youth for whom the Department is legally responsible on a form and in a manner prescribed by the Department. Assigned caseworkers shall instruct foster parents and relative caregivers to report unusual incidents to the caseworker, who shall be responsible for reporting the incident to the Department. Further, Department employees shall immediately report all unusual incidents to the appropriate administrator of the Department region in which the unusual incident occurred and to the administrator in charge of the operations of the Department or his or her designee.

- b) Events or occurrences that shall be reported to the Department as unusual incidents when they involve a child or youth for whom the Department is legally responsible include, but are not limited to:
 - 1) Abuse of a ward alleged;
 - 2) Neglect of a ward alleged;
 - 3) Sexual abuse of a ward alleged;
 - 4) Death of DCFS ward;
 - 5) Self-inflicted injury/wound to a ward;

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- 6) Accidental injury/wound to a ward;
 - 7) Restraint of a ward results in injury;
 - 8) Medication – ward refusal;
 - 9) Medical emergency;
 - 10) Medication dispensing error;
 - 11) Medication, adverse reaction;
 - 12) Psychiatric emergency;
 - 13) Medical hospitalization;
 - 14) Psychotropic medication – emergency administration;
 - 15) Psychiatric hospitalization;
 - 16) School – ward suspended;
 - 17) School – ward expelled;
 - 18) Crime – ward detained, arrested, charged with or convicted of crime or act of delinquency;
 - 19) Restraint of a ward (manual);
 - 20) Seclusion of a ward;
 - 21) Runaway or missing ward;
 - 22) Weapon alleged to be in ward's possession;
 - 23) Alcohol or substance abuse by a ward suspected;
 - 24) Assault of a ward alleged;
 - 25) Sexual assault of a ward alleged;
 - 26) Sexually aggressive behavior by a ward alleged;
 - 27) Sexually problematic behavior by a ward alleged;
 - 28) Pregnant or parenting ward identified;
 - 29) Kidnapping or abduction of ward;
 - 30) Suicide attempt by ward;
 - 31) Suicide ideation/threat by ward;
 - 32) Property damage of \$50 or more;
 - 33) Aggressive act or behavior by a ward alleged;
 - 34) Death of a former ward;
 - 35) Death of a non-ward; and
 - 36) Accident involving ward.
- c) The death of a child or youth for whom the Department had previous legal responsibility shall be reported as an unusual incident when the death is made known to the staff of the Department or a purchase of service provider, and the death occurs within one year after discharge from guardianship or custody of the Department.
- d) Any child whose death is reported to the State Central Register as a result of alleged child abuse or neglect shall be treated as an unusual incident in accordance with this Part.

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- e) Alleged child abuse or neglect reported as an unusual incident shall also be reported immediately to the State Central Register, in accordance with 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect). Action taken shall be in accordance with those rules.
- f) Unusual incidents involving children or youth for whom the Department is legally responsible shall be reported immediately to the Department by telephone and other electronic means in a manner and form prescribed by the Department. Verbal reports shall be confirmed in a manner and form prescribed by the Department within two working days after the occurrence.
- g) Any usual incident that involves the death, assault, sexual assault, abduction or kidnapping of a child or youth for whom the Department is legally responsible shall be reported immediately to appropriate law enforcement authorities. Further, that a child or youth is missing or has run away shall be reported to law enforcement authorities as soon as the caregiver has reason to believe that the child or youth has run away or is missing.
- h) In addition to filing an unusual incident report, any incident that involves death, assault, sexual assault, abduction or kidnapping of a child or youth that occurs on the premises of a Department facility shall be reported immediately, by phone, to the administrator in charge of the operations of the Department or his or her designee and to the Department's Inspector General. Any other unusual incidents in Department facilities shall be reported to the administrator in charge of the operations of the Department or his or her designee in the manner prescribed by this Part.
- i) Immediately upon receipt of a report indicating that a child or youth for whom the Department is legally responsible has been the subject of abuse or neglect, is deceased, is the subject of an abduction or kidnapping, or has been on an unauthorized absence of more than 24 hours, the Department shall notify the parents, guardian or legal custodian. If the parents, guardian or legal custodian is unavailable, the Department shall notify the next of kin or other family member of the unusual incident.
- j) When an incident described in this Section involves a child or youth for whom the Department is legally responsible who is in the direct care of a child care facility other than the Department, the responsible child care facility shall notify the parents, guardian or legal custodian, if other than the Department. If the parents, guardian or legal custodian is unavailable, the child care facility shall notify the next of kin or other family member of the unusual incident. Information regarding that notification shall be included in the facility's report to the Department regarding the incident.

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- k) The Department may waive the requirement of reporting repeated incidents described in subsection (b) when the Department determines that the incidents are part of the behavior pattern of a particular child or youth, or that the incidents are part of the individual treatment plan for a particular child or youth. The caregiver may apply to the Department for a waiver under this provision in accordance with procedures prescribed by the Department. The caregiver must not discontinue reporting any unusual incidents until authorization is formally granted by the Department, in accordance with procedures prescribed by the Department. The Department shall notify the child's attorney or guardian ad litem of the waiver authorization.

AGENCY NOTE: Terms used in this Section to describe unusual incidents have the meaning ascribed to them by the Criminal Code of 1961 [720 ILCS 5] or 89 Ill. Adm. Code 300 (Reports of Child Abuse or Neglect), as applicable.

(Source: Amended at 32 Ill. Reg., effective July 10, 2008)

Section 331.50 Unusual Incidents Involving Employees or Facilities

- a) Incidents or occurrences that shall be reported to the Department as unusual incidents when they involve the employees or facilities of the Department or a child care facility include, but are not limited to:
- 1) Crime – Employee arrested, charged or convicted;
 - 2) Threats against DCFS or POS staff or facility, including bomb threats, firearms, or riot/mob action;
 - 3) Misrepresentation of services or costs of services provided;
 - 4) Falsification of credentials or records;
 - 5) Firearms – Employee, other than law enforcement officer, has firearm on premises;
 - 6) Robbery or burglary occurred on premises;
 - 7) Hazardous/physical condition identified at facility;
 - 8) Legal action by/against a child care facility resulting from serious incident;
 - 9) Fire or natural disaster damaged or affected facility/home;
 - 10) Crime – Foster parent arrested, charged with or convicted of a crime;
 - 11) Media involvement/media inquiry;
 - 12) Violation of a court order;
 - 13) Report against DCFS or POS worker involving a ward alleged; or
 - 14) Bribery or attempted bribery of a DCFS employee.
- b) Unusual incidents described in subsection (a) shall be reported immediately to the Department as soon as the reporter has reason to believe that an unusual incident has occurred, in a manner and form prescribed by the Department.

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- c) All unusual incidents for which Department employees are allegedly responsible, including but not limited to violations of the Illinois Criminal Code of 1961 [720 ILCS 5], theft or destruction of State property, and using a weapon or bringing a weapon onto State owned or leased property, shall be reported immediately to the Department's Inspector General, as well as to other appropriate authorities in accordance with statute and this Part.
- d) Bribery of a State employee is a criminal offense. Any Department employee who has reasonable grounds to believe that an attempt to bribe him or her has or will be made shall report such incidents immediately to his or her immediate supervisor and to the Department's Inspector General, as well as report to other appropriate authorities in accordance with statute and this Part.
- e) Any incident that could have media impact that is other than part of planned public education or similar effort shall be reported as an unusual incident. Such incidents include, but are not limited to, those that involve a child or youth for whom the Department is legally responsible, persons served by the Department, child care facilities licensed by the Department, staff of the Department or a purchase of service provider, or litigation affecting a purchase of service provider.

(Source: Amended at 32 Ill. Reg., effective July 10, 2008)

Section 331.60 Criminal Behavior of Foster Parents or Relative Caregivers

In accordance with Section 34.1 of the Children and Family Services Act [20 ILCS 505/34.1], the Department shall report any suspected criminal behavior on the part of relative caregivers or foster parents licensed by the Department to the Department's Inspector General. The Inspector General shall determine whether a possible criminal act has been committed or that special expertise is required in the investigation. Upon such determination, the Inspector General shall immediately notify the Department of State Police.

(Source: Added at 25 Ill. Reg., effective June 15, 2001)

Section 331.70 Dispositions and Reviews

The assigned child welfare worker, in collaboration with his or her supervisor, shall ensure that each report of an unusual incident involving a child or youth for whom the child welfare worker is responsible is reviewed and disposed of in a manner consistent with this Part and applicable Department policies and procedures. Administrative units of the Department, as determined by the Director, shall review and dispose of reports involving personnel, licensing and administrative issues. The Department shall periodically review reports and their dispositions to determine whether there is a need to modify policies, programs, or operating procedures, provide training to meet specific needs or improve the quality of services provided.

(Source: Added at 25 Ill. Reg., effective June 15, 2001)

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Section 331.80 Records Retention

- a) The Department shall retain any report of an unusual incident received pursuant to this Part for at least five years from the date of receipt of the report. Records may be retained as hard copy documents, microfilm, magnetic tapes, computer files or other methods that permit retrieval and reproduction.

- b) If any litigation, claim, financial management review, licensing review or audit is begun before the expiration of the five-year period, the records shall be retained until at least three years after all litigation, claims or audit findings involving the report have been resolved and final action taken.

(Source: Added at 25 Ill. Reg., effective June 15, 2001)

Section 331.90 Violation of this Part

Child care facilities and Department staff are required to report occurrences described in this Part and take steps to remedy the situation, when appropriate.

- a) Failure of a child care facility or purchase of service provider to report an unusual incident as required by this Part or interference with the reporting of such incident may result in adverse action regarding a child care license, including revocation or termination of a purchase of service agreement or contract.

- b) Failure of Department employees to report incidents as required by this Part or interference with the reporting of such incident, may result in disciplinary action up to and including dismissal.

(Source: Added at 25 Ill. Reg., effective June 15, 2001)

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APPENDIX A
Types of Unusual Incidents

Abuse of a Ward Alleged

A caregiver, parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child or a paramour of the child's parent is alleged to have inflicted, caused to be inflicted, or allowed to be inflicted upon a ward physical or mental injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function to a ward.

Accident Involving a Ward

A child for whom the Department is legally responsible has experienced an unexpected and undesirable event that poses a threat to the ward's physical safety and well-being. Accidents include, but are not limited to, car accidents, sports accidents, falls within a facility or during a field trip.

Accidental Injury/Wound

In the case of a wound, a ward has unexpectedly received an injury in which the skin or other external surface is torn, pierced, or cut through unintentional means. An injury can encompass conditions such as burns, broken bones, severe sprains, etc. For either a wound or an injury to be reportable, the child or youth must have required medical attention.

Aggressive Act or Behavior by a Ward Alleged

A ward has engaged in serious aggressive physical behavior toward people, animals, property or other objects, posing a clear and present risk of injury to the child or youth or others.

Alcohol or Substance Abuse by a Ward Suspected

Suspected alcohol or substance abuse means that a caregiver or other person has reason to believe that a child or youth has illegally consumed alcohol; used or is using cannabis or a controlled substance (as defined by the Illinois Controlled Substance Act [720 ILCS 570]) without a physician's prescription; or is using or has used inhalants or other substances intended to have an intoxicating or hallucinogenic effect that may result in clinical dependency.

Assault of a Ward Alleged

As a result of threats, assault, and/or physical contact, a ward is placed in reasonable fear (apprehension) of receiving or actually sustaining great bodily harm from another individual without legal justification, e.g., was held at knife point.

Bribery or Attempted Bribery of a DCFS Employee

Any instance in which a DCFS employee accepted or is given, offered, or promised something such as money or favor to influence the employee's judgment or conduct in the performance of official duties is bribery or attempted bribery.

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Crime: Foster Parent Suspected, Arrested or Convicted

A foster parent or relative caregiver is suspected of committing a crime or has been arrested or convicted of a criminal act as defined in the Illinois Criminal Code of 1961 [720 ILCS 5] (Criminal Code).

Crime: Employee Arrested, Charged with or Convicted

A Department or purchase of service (POS) employee has been arrested, charged with or convicted of a criminal act as defined in the Criminal Code.

Crime: Ward Detained, Arrested, Charged with or Convicted

A ward has been detained or taken into custody by law enforcement authorities, charged with committing a crime, or convicted of committing a criminal act as defined in the Criminal Code. A follow-up report is required in the event the ward is convicted.

Death of a DCFS Ward

A child dies while in the legal custody or guardianship of the Department, regardless of the cause of death and regardless of whether the child was supervised directly by the Department or by a POS provider.

Death of a Former Ward

A child for whom the Department was legally responsible dies within one year after discharge from guardianship or custody of the Department.

Death of a Non-Ward

A child has died and the Department has current or prior involvement with the family, or a child has died in a facility licensed by the Department, such as a foster home or day care center. Current involvement may include a pending child abuse and neglect investigation or an open intact family service case. Prior involvement may include, but is not limited to, being a subject in a previous child abuse or neglect investigation, or a member of a closed intact family service case.

Falsification of Credentials or Records

Falsification of credentials means that a job applicant or a DCFS or private agency employee submits or has submitted a job application, academic records, employment record, license or certification, or similar document to establish eligibility for employment or continued employment, or used in determining the individual's eligibility for an appointment, reassignment, promotion or leave, or other employment decisions that falsely states the qualifications or achievements of the individual.

Falsification of records or statements includes an act of misrepresentation, falsification or omission of any fact in a written or verbal communication by a Department employee or an employee of a POS agency. Records may include client or case records, court testimony, vouchers, personnel records, and time and attendance records.

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Fire/Natural Disaster Damaged or Affected Facility/Home

Natural disaster means those situations caused by nature that are a significant threat of harm to the safety of employees or clients in either a Department or POS provider facility/home. Natural disasters include tornado, flood, earthquake, severe winter storms. Utility emergencies such as gas leaks are included in this category. To be reported as an unusual incident, customary operations, routines or relationships at the facility/home must be disrupted.

Firearms – Employee, other than Law Enforcement Officer, Has Firearms on Premises

A Department employee or employee of a private agency brought a firearm onto facility property, including parking lots (other than by a law enforcement officer). "Firearm" means a handgun, sawed-off shotgun, sawed-off rifle, semiautomatic firearm, machine gun, rifle, shotgun, spring gun and stun gun and includes other firearms small enough to be concealed upon the person or in a briefcase or purse, or in a State-owned or private vehicle.

Hazardous/Physical Condition Discovered at Facility

A dangerous condition exists in a child-care facility and presents a threat to the physical well-being of children, staff, or other persons at the facility. This category usually pertains to the condition of the physical plant or grounds, or to materials, implements or weapons stored in or around the facility.

Kidnapping/Abduction of a Ward

A child or youth for whom the Department is legally responsible was seized and detained unlawfully by a person without the consent of either the caregiver or guardian.

Legal Action By/Against a Child Care Facility Resulting from a Serious Incident

An incident involving a ward, employee of the Department or child care facility in which legal proceedings have been, or may be, initiated against the Department or child care facility by the ward, employee or facility.

Manual Restraint

See "Restraint of a Ward, Manual".

Media Involvement/Media Inquiry

Media involvement or inquiry means any incident that may have media impact and is not part of a planned public announcement, education or similar effort. Media involvement or inquiries may focus on a child or youth for whom the Department is legally responsible, persons served by the Department, child care facilities licensed by the Department, staff of the Department or a POS provider or on litigation affecting a POS provider.

Medical Emergency

Medical emergency means any urgent situation requiring that a child or youth be seen by a physician on-site or transported to an urgent care clinic, doctor's office or hospital emergency room for immediate treatment. Immediate medical intervention is required to address the medical problem or condition that threatens the child's health or well-being, but does not result in admission to a hospital.

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Medical Hospitalization

A medical or health problem or condition requires admission of a ward to a hospital for examination, observation or treatment for other than for mental health reasons.

Medication – Adverse Reaction

An adverse reaction is an unanticipated and negative reaction to a medication. Symptoms may include itching, hives, dizziness, abdominal cramping or headache. Anaphylactic reaction is a life-threatening medical emergency as symptoms may include difficulty in breathing, bleeding, confusion or loss of consciousness.

Medication Dispensing Error

A ward received an incorrect dosage of a prescription or non-prescription (over the counter) medication, posing a risk to the child's ongoing health or well-being.

Medication – Ward Refusal

A ward refused to take his/her prescribed medication and failure to do so may jeopardize the health or well being of the child.

Misrepresentation of Services or Cost of Services

Misrepresentation of services means that services were reported as having been provided to a person served by either the Department or a purchase of service provider when those services were not provided, or that the services were provided for a period of time or under conditions other than those reported. Such misrepresentation may occur in reports to the Department, the courts, auditors or others acting on behalf of the Department.

Misrepresentation of the costs of services means the actual costs to provide service were intentionally inflated to produce a larger billing or payment than one is entitled to for the services provided. Misrepresentation of the cost of services includes deliberately understating the cost of providing services in order to gain advantage in a competitive bidding situation.

Neglect of a Ward Alleged

A child for whom the Department is legally responsible is allegedly not receiving proper or necessary nourishment, medical care or routine care.

Pregnant or Parenting Ward Identified

Parenting ward includes both females and males for whom the Department is legally responsible, regardless of whether the ward's child remains in the custody of the ward.

Property Damage of \$50 or More by a Ward

An incident has occurred in which the actions of a ward resulted in damage to the property of others and there is a potential liability claim against the Department for damages of \$50 or more.

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Psychiatric Emergency

A psychiatric emergency is a situation in which behaviors or symptoms arising from an emotional disturbance or mental illness place a child or youth or others at risk for harm to self or others. A psychiatric emergency requires crisis intervention by a psychiatrist or other mental health professional, in whatever setting, to reduce the risk of injury to the child or youth or to others.

Psychiatric Hospitalization

An incident or episode has occurred in which a ward has been admitted to a hospital or psychiatric facility for examination, observation or treatment for mental health reasons.

Psychotropic Medication – Emergency Administration

Psychotropic medications were administered on an emergency basis to reduce the risk of harm to the child, youth or others. All emergency psychotropic medications must be ordered by a psychiatrist and be subject to post-approval by telefax or telephone to the consent line in the Office of the Guardianship Administrator, as described in 89 Ill. Adm. Code 325 (Administration of Psychotropic Medications to Children for Whom the Department of Children and Family Services is Legally Responsible). In accordance with Department policies (89 Ill. Adm. Code 325 (Administration of Psychotropic Medications to Children for whom the Department is Legally Responsible), emergency medications may not continue for more than 48 hours, excluding Saturdays, Sundays and holidays. The use of chemical restraint or the introduction of medication for the express purpose of restricting a child's or youth's movement is prohibited.

Report Against DCFS or POS Worker Involving a Ward Alleged

An employee of the Department or a POS provider is alleged to have put a ward's safety or well-being in jeopardy. The direct child welfare services employee license of an individual who is named as an alleged perpetrator in a pending child abuse or neglect investigation may be suspended or may not be reinstated, pending the outcome of the investigation. In accordance with 89 Ill. Adm. Code 412, Licensure of Child Welfare Employees or Supervisors, if the report is indicated by the Department, the Direct Child Welfare Services Employee License Board may suspend, revoke or refuse to reinstate the license of a direct child welfare services employee unless or until the indication is reversed on appeal or administrative court review. One of the other types of unusual incidents described in this Appendix may also be deemed appropriate for submission with this type of report.

Restraint of a Ward, Manual

The ward was the subject of a behavior management technique involving the use of physical contact or force, characterized by arm or body holds to physically restrict the child or youth and to protect him/her from injuring self or others. Physical restraint may only be used as an intervention when a child is a threat of physical harm to self or others. (The use of physical restraint is limited to secure child care facilities, child care institutions, group homes and youth emergency shelters licensed by the Department. No other facility licensed by the Department is authorized to use manual restraint.) Manual restraint or physical restraint is further defined in 89 Ill. Adm. Code 384 (Discipline and Behavior Management in Child Care Facilities).

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Restraint Results in Injury to a Ward

A ward sustained a physical injury while being restrained by a responsible caregiver. The injury must have been accidental and occurred during the course of the restraint. Physical restraint is a behavior management technique involving the use of physical contact or force, characterized by measures such as arm or body holds, to protect a child from injuring himself/herself or others. Examples of injuries that are likely to occur during restraint include broken bones, bruises, bumps, strains and rug burns.

Robbery/Burglary Occurred on Premises

Both DCFS and POS facilities must submit an Unusual Incident Report if a burglary or robbery occurs. Law enforcement must also be notified.

Runaway/ Missing Ward

A runaway or missing ward must be reported when a responsible facility representative, a caregiver or law enforcement becomes aware that the whereabouts of a ward are unknown.

"Missing" means that a child or youth is absent from the residence of a caregiver or the premises of a child care facility without the knowledge or consent of the persons responsible for the child's welfare, the whereabouts of the youth are unknown, and the intent to run away has not been established.

"Runaway" means a child or youth who is absent from the residence of a caregiver or the premises of a child care facility without the consent of the persons responsible for the child's or youth's welfare, when the whereabouts of the child or youth are unknown and the intent to run away has been established.

A child or youth must be reported as missing or having run away as soon as a search of the home or facility is completed and it is confirmed that the youth has left the home/campus without permission. The absence is to be reported even when the child or youth returns in a short period of time.

School – Ward Expelled

A ward has been barred from educational classes and the use of school facilities for up to two calendar years.

School – Ward Suspended

A ward has been temporarily barred from attending educational classes and access to school facilities or school bus. "Suspension" is usually for up to 10 school days, but may be longer for safety reasons, as determined by school authorities.

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Seclusion of a Ward

A child or youth was removed from an area to a specifically designated room from which egress is restricted. The Department, in accordance with 89 Ill. Adm. Code 384, must approve the room that is designated as a seclusion room. Seclusion is a behavior management technique limited in its use to secure child care facilities, child care institutions, group homes, and youth emergency shelter licensed by the Department. No other facility licensed by the Department is authorized to use seclusion.

Self-inflicted Injury/Wound

A ward has deliberately inflicted an injury or wound upon himself or herself and direct care of the site of the injury is needed or required. Depending on the extent or severity of the injury or wound, care may be provided by the caregiver, other lay person or a medical professional.

Sexual Abuse of a Ward Alleged

A child for whom the Department is legally responsible has allegedly been sexually abused by a parent or responsible caregiver, immediate family member, other person residing in the home, parent's paramour, or other person responsible for the child's welfare as defined by 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect).

Sexually Aggressive Behavior by a Ward Alleged

Sexually aggressive behavior means sexual behaviors that are intrusive or potentially harmful to others. Sexually aggressive behavior may involve children/youth who are not peers (not at the same developmental level) and may be accompanied by pressure or coercion to participate or the use of force, threat of harm or violence.

Sexual Assault of a Ward Alleged

A child for whom the Department is legally responsible has allegedly been the victim of a forceful threat and use of force in submitting to (carrying out) a sexual act by a person who is not the child's caregiver, immediate family member, other person residing in the home, parent's paramour, or other person responsible for the child's welfare. Examples include rape, attempted rape, date rape.

Sexually Problematic Behavior by a Ward Alleged

Sexually problematic behaviors in children and youth are sexual behaviors that are compulsive, excessive, persistent and/or inconsistent with the child's age and development. They may include masturbation in inappropriate places; simulating sex with other children, toys, furniture or animals; or, as children become older, promiscuity, touching or fondling others (outside of play or consensual sexual activities with peers) or other boundary problems like kissing others on the lips or unwelcome, unwanted, and intrusive touching.

Suicide Attempt by a Ward

A ward intentionally, but unsuccessfully, attempted to take his/her own life.

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Suicide Ideation/Threat by a Ward

A ward expresses or conveys to a caregiver or others a mental image of committing suicide.

Threats Against DCFS/POS Staff or Facility, Including Bomb Threats, Firearms, or Riot/Mob Action

A threat is a communication that forewarns of the intent to inflict physical, emotional or any other harm to an individual or to subject an individual to physical confinement or restraint. Riot and/or mob action refers to situations in which two or more persons are gathered with the intent to do harm to a person or persons in a Department or POS provider building or property.

Violation of a Court Order

An order relating to a ward or Department client issued by a court, whether juvenile, criminal or civil, was violated, placing the ward's safety and well-being in jeopardy. Examples include violations of Orders of Protection prohibiting contact with wards, failure to render court ordered services, etc.

Weapon Alleged to be in Ward's Possession

A ward had in his/her possession an instrument that is capable of producing death or serious bodily injury when used for its intrinsic purpose, or that has the potential to cause serious bodily injury or endanger a life because of the way it is used, the way it is attempted to be used or the force with which it is used. The term weapon includes firearms, knives, clubs, and explosive devices.

(Source: Added at 32 Ill. Reg., effective July 10, 2008)