

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER d: LICENSING ADMINISTRATION

PART 382
AGENCIES EXEMPT FROM LICENSING

Section

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AUTHORITY: Implementing and authorized by Section 1 et seq. of The Child Care Act of 1969 (Ill. Rev. Stat. 1979, ch. 23, Sec. 2211 et seq.) and Section 1 et seq. of The Interstate Compact on the Placement of Children (Ill. Rev. Stat. 1979, ch. 23, par. 2601 et seq.).

SOURCE: Adopted at 5 Ill. Reg. 14513, effective December 29, 1981.

Section 382.1 Purpose

These rules describe the process used by the Department of Children and Family Services to license family homes in Illinois supervised by agencies in Illinois or in states adjacent to Illinois which are exempt from Illinois licensure. In addition, these rules explain that the Department will enter into joint agreements with agencies which are exempt from licensing provided they meet the standards for licensure as a child welfare agency in Illinois.

Section 382.2 Definitions

"Family homes" mean foster family homes and day and night care homes in Illinois which are licensed or subject to licensure by the Department of Children and Family Services. For a complete definition of these homes, refer to The Child Care Act, Illinois Revised Statutes, 1979, Chapter 23, Section 2211 et seq.

"License-exempt agency" means an agency which is exempt from licensure because it is:

a state agency in Illinois other than Illinois Circuit Courts;

or an agency located in a state adjacent to Illinois which is licensed or authorized to place children by its home state, but is exempt from licensure by the Department.

Section 382.3 Requirements for License-Exempt Agencies

- a) License-exempt agencies shall meet the standards for licensure as required in Part 401, Licensing Standards for Child Welfare Agencies.

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- b) An Illinois state agency shall file with the Department the citation of legal authority under which it can place children in foster family homes or arrange for their care in day or night care homes.
- c) An out-of-state agency shall be licensed or otherwise approved by its home state to operate as a child welfare agency to place children in foster family homes or arrange for their care in day or night care homes. Standards used by the home state for such licensure or approval shall be at least equal to those set forth in the Department's rulemaking, Part 401, Licensing Standards for Child Welfare Agencies.
- d) The administrator or social work supervisor employed by a license- exempt agency to supervise the care of children out of their own homes shall have the same qualifications as specified for similar administrators or social work supervisors in Part 401, Licensing Standards for Child Welfare Agencies.

Section 382.4 Joint Agreements

License-exempt agencies which meet the requirements specified in these rules shall enter into joint agreements with the Department of Children and Family Services, as the Department deems necessary, regarding the placement of children in licensed family homes in Illinois and the supervision of such homes. These agreements shall clarify the respective responsibilities of each party, shall name a designated agency representative who shall serve as liaison to the Department in licensing matters, and are in addition to the applicable provisions of the Interstate Compact on the Placement of Children.

Section 382.5 Licensing Family Homes

- a) The Department of Children and Family Services shall issue and renew licenses of family homes located in Illinois which are supervised by license-exempt agencies providing such homes are in compliance with the applicable rules adopted by the Department concerning standards for foster family or day or night care homes. (Part 402, Licensing Standards for Foster Family homes and Regulation 5.09, Minimum Standards For Licensed Day and Night Care Homes).
- b) The license-exempt agency shall recruit family homes and complete the required licensing study before licensure by the Department. The agency shall submit the application for licensure and the licensing study required for licensure to the Department. The Department shall review and approve or disapprove the application of licensure.
- c) All licenses issued by the Department shall be sent directly to the family homes. A copy of the license or the disapproval of the license shall be sent to the license-exempt agency which recruited the homes and completed the licensing study.

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Section 382.6 Agency Reports and Records

- a) In accordance with Department licensing standards, the agency shall submit to the Department:
 - 1) changes affecting the licensure status of its homes in Illinois on forms provided by the Department, and
 - 2) reports requested by the Department pertaining to Illinois homes under agency supervision or the children placed in them.
- b) Records of licensed homes and of children placed in them shall be kept in safe locked places and shall be opened to authorized representatives of the Department in accordance with licensing standards. Confidentiality of records shall be respected in accordance with Part 431, Confidentiality of Personal Information of Persons Served By the Department.

Section 382.7 Agency Services Provided to Children

An agency shall provide services to children as prescribed by the Department's rulemaking, Part 401, Licensing Standards for Child Welfare Agencies. An agency may apply any other standards, policy, or procedure which does not diminish or conflict with applicable Illinois licensing standards.

Section 382.8 Department Responsibilities

- a) The Director of the Department of Children and Family Services shall designate staff to serve as the Department's liaison in working with license-exempt agencies.
- b) The Department shall:
 - 1) furnish agencies with copies of laws, standards and other related rules, licensing forms and instructions, and information pertaining to licensure in Illinois;
 - 2) process licenses for family homes under the jurisdiction of the agency and maintain records of all such licenses issued by the Department;
 - 3) notify the applicant, with a copy of the notification to the supervising agency, if a license cannot be issued and the reasons it cannot be issued;
 - 4) communicate with representatives of the agency on problems involving the licensing of any of its homes;
 - 5) be accessible to the agency's designated representative for consultation about the licensing standards, the licensing process or the joint agreements; and

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- 6) determine that the agency continues to be eligible to seek licenses for and to supervise and place children in family homes in Illinois.

Section 382.9 Termination of Joint Agreements

- a) The causes for terminating a joint agreement shall be:
 - 1) the agency fails to comply with any of the terms in the agreement;
 - 2) the agency has ceased to do business, or its business will no longer include supervising Illinois family homes; or
 - 3) the agency no longer meets the requirements of Part 401, Licensing Standards for Child Welfare Agencies.
- b) Upon 15 days notice to a license-exempt agency, the Department may void a joint agreement until the cause(s) for voiding the agreement is remedied. This notice shall be sent by registered mail to the agency and shall explain why the agreement was voided.
- c) Upon 15 days notice to the Department, a license-exempt agency may terminate a joint agreement if it cannot continue supervising family homes in Illinois.

Section 382.10 Continuing Operation and Supervision of Family Homes

When the joint agreement is terminated, the family homes in Illinois which the agency supervised shall continue to operate as before termination of the agreement, providing the family homes remain in compliance with applicable licensing standards. When an agreement with a license-exempt agency has been terminated, the Department will provide for appropriate alternative supervision of the family homes by:

- a) seeking appropriate supervision by another child welfare agency which meets applicable licensing standards;
- b) supervising the family homes directly; or by
- c) seeking appropriate supervision of the family homes by another public agency or court empowered to provide such supervision.