

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 403
LICENSING STANDARDS FOR GROUP HOMES

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- 403.35 Progress and Compliance Review
- 403.36 Acceptable Degrees

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10] and the Children’s Product Safety Act [430 ILCS 125].

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Section 403.1 Purpose

- a) The purpose of this part is to prescribe the standards for licensure as a group home and to describe how to apply for a group home license.
- b) The licensing standards set forth in this part are applicable to group homes as defined in the Child Care Act of 1969 as well as to those which may be owned or operated by the Department.

Section 403.2 Definitions

“Access to children” means an employee’s job duties require that the employee be present in a licensed child care facility during the hours that children are present in the facility. In addition, any person who is permitted to be alone outside the visual or auditory supervision of facility staff with children receiving care in a licensed child care facility is subject to the background check requirements of this Part.

"Appropriate activities" means activities or items that are generally accepted as suitable for children of the same chronological age or developmental level of maturity. Appropriateness is based on the development of cognitive, emotional, physical, and behavioral capacity that is typical for an age or age group, taking into account the individual child's cognitive, emotional, physical, and behavioral development. [20 ILCS 505/7.3a]

"Background check" means:

- a criminal history check via fingerprints of persons age 18 and over that are submitted to the Illinois State Police and the Federal Bureau of Investigation (FBI) for comparison to their criminal history records, as appropriate, or via a LEADS check of persons ages 13 through 17; and
- a check of the Statewide Automated Child Welfare Information System (SACWIS) and other state child protection systems, as appropriate, to determine whether an individual is currently alleged or has been indicated as a perpetrator of child abuse or neglect; and
- a check of the Illinois Sex Offender Registry.

"Caregiver" means a licensed foster parent or unlicensed relative caregiver who provides care for a child in DCFS custody or guardianship, or a designated official employed by and present at the licensed child care facility in which a child in DCFS custody or guardianship is placed. For purposes of this Part, the "caregiver" for a youth under 18 years of age in a group home is assigned or designated staff of the facility.

"Child" means any person under 18 years of age. (Section 2.01 of the Child Care Act of 1969 [225 ILCS 10/2.01])

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"Child care facility" means any person, group of persons, agency, association or organization, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody in any facility as defined in the Child Care Act of 1969, established and maintained for the care of children. (Section 2.05 of the Child Care Act of 1969)

"Child with a disability" means a child up to the age of 22 years old with mental retardation, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance (hereinafter referred to as emotional disturbance), orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities; and who, due to these conditions, needs special education and related services. (Federal Individuals with Disabilities Education Improvement Act of 2004; 34 CFR 300.8)

"Department" means the Illinois Department of Children and Family Services. (Section 2.02 of the Child Care Act of 1969)

"Employee" means any staff person employed by a child care facility, and includes any substitute or assistant. This definition includes administrative, professional and other support staff who have access to children.

"Group home" means a child care facility that provides care for no more than 10 children placed by and under the supervision of a licensed child welfare agency with these homes being owned or rented, staffed, maintained and otherwise operated by the agency. (Section 2.17 of the Child Care Act of 1969)

"Initial background check" means the individual has cleared a check of the SACWIS and the Illinois Sex Offender Registry.

"License" means a document issued by the Department that authorizes child care facilities to operate in accordance with applicable standards and the provisions of the Child Care Act.

"License applicant", for purposes of background checks, means the operator or person with direct responsibility for daily operation of the facility to be licensed. (Section 4.4 of the Child Care Act of 1969)

"Licensee" means those individuals, agencies or organizations who hold a license or permit issued by the Department.

"Licensing representative" means persons authorized by the Department under the Child Care Act of 1969 to examine facilities for licensure.

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"Medical examination" means a physical examination conducted by a Medical Doctor or Doctor of Osteopathic Medicine licensed to practice medicine in the State of Illinois, an Advanced Practice Nurse (APN) or Physician Assistant (PA). The medical examination must be documented on forms prescribed by the Department and signed and dated by the examining practitioner.

"Normalcy parenting" means empowering a caregiver to approve or not approve a child's or youth's participation in appropriate extracurricular activities based on the caregiver's assessment using the reasonable and prudent parent standard, without prior approval of the Department, the permanency worker or the court. The goal of normalcy parenting and the reasonable and prudent parent standard is to allow the child's participation in extracurricular, enrichment, cultural and social activities that are appropriate for the child's normal growth and development.

"Permit" means a one-time only document issued by the Department for a 6 month period to allow the individual, agency or organization to become eligible for a license.

"Persons subject to background checks" means:

- the operator of the child care facility; and
- all current and conditional employees of the child care facility; and
- any person used to replace or supplement staff; and
- any person who has access to children, as defined in 89 Ill. Adm. Code 385.20 (Background Checks).

If the child care facility operates in a family home, the license applicant and all members of the household age 13 and over are subject to background checks, as appropriate, even if these members of the household are not usually present in the home during the hours the child care facility is in operation.

"Reasonable and prudent parent standard" means the standard, characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the State to participate in extracurricular, enrichment, cultural, and social activities. (42 USC 675(10))

"Supervising agency", for the purpose of this Part, means a licensed child welfare agency, as defined in the Child Care Act of 1969, which supervises the operation of group home(s).

Source: Amended at 42 Ill. Reg.20337, effective October 31, 2018)

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Section 403.3 Effective Date of Standards (Repealed)

(Source: Repealed at 21 Ill. Reg. 4587, effective April 1, 1997)

Section 403.4 Application for License

- a) Only a duly licensed child welfare agency may file an application for a group home license.
- b) For the application to be considered complete, the following items shall be attached to the application:
 - 1) staffing plan, including job descriptions and qualifications of staff;
 - 2) program plan;
 - 3) operating budget; and
 - 4) a list of persons subject to the background check requirements of 89 Ill. Adm. Code 385, Background Checks, and each person's complete, signed authorization to conduct the background check.
- c) A new application shall be filed:
 - 1) when an application for a license has been withdrawn, and the agency seeks to reapply; or
 - 2) when there is a change in:
 - A) the name of the licensee;
 - B) the address of the group home;
 - C) the supervising agency; or
 - 3) not sooner than 12 months after the Department has revoked or refused to renew a license, and a new license is sought.
- d) A new application may be submitted at any time when a license, permit or application has been voluntarily surrendered or withdrawn by the applicant.

(Source: Amended at 21 Ill. Reg. 4587, effective April 1, 1997)

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Section 403.5 Application for Renewal of License

- a) The Department shall mail the application forms for renewal of a license to the child welfare agency responsible for the group home six months before the expiration of the group home's license.
- b) The child welfare agency shall submit the completed application to the Department at least three months before the date of the expiration of the group home's license.
- c) Upon receipt of the application for license renewal, the Department shall conduct a license study in order to determine that the group home continues to meet licensing standards. The written licensing study shall be reviewed and signed by the licensing supervisor and the licensing representative performing the study.
- d) When a licensee has made timely and sufficient application for renewal of a license or a new license with reference to any activity of a continuing nature and the Department fails to render a decision the application for renewal of the license prior to the expiration date of the license, the existing license shall continue in full force and effect for up to thirty (30) days until the final Department decision has been made. The Department may further extend the period in which such decision must be made in individual cases for up to 30 days, if good cause is shown. "Good cause" includes but is not limited to staff shortages.

(Source: Amended at 7 Ill. Reg. 3454, effective April 4, 1983)

Section 403.6 Provisions Pertaining to the License

- a) Group home license is valid for four years unless revoked by the Department or voluntarily surrendered by the licensee.
- b) The number of children admitted to the group home shall not exceed the license capacity.
- c) Children under 18 years of age whose parents, guardians, custodians, or other person(s) responsible for their care serve as staff members maintaining a residence in the group home shall be included in determining the license capacity if they:
 - 1) live in the same quarters as children accepted for care; or
 - 2) have been admitted for direct care by the group home on the same basis as other children.

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- d) If children whose parents, guardians, custodians, or other person(s) responsible for their care serve as staff members, maintain a residence in the group home or have regular access to the children accepted for care, a background check, as required by 89 Ill. Adm. Code 385, Background Checks, shall be conducted on all children age 13 and over.
- e) The following changes in licensing status shall occur only upon prior approval of the Department:
 - 1) the age or characteristics of children served;
 - 2) the licensed capacity; and
 - 3) the area within the group home used for children.
- f) The license shall not be transferred or transmitted to another person or other legal entity.
- g) The license shall not be valid for a name or an address different than the name and address shown on the license.
- h) The license shall be displayed on the premises.
- i) There shall be no fee or charge for the license.

(Source: Amended at 21 Ill. Reg. 4587, effective April 1, 1997)

Section 403.7 Provisions Pertaining to Permits

- a) A permit shall not be issued until:
 - 1) the application for license has been completed and signed by the responsible child welfare agency and submitted to the Department;
 - 2) written clearances concerning compliance with the fire and safety requirements as specified in State laws and municipal codes. If well water is used, a copy of the inspection report and certification of compliance with local or State health department regulations must be on file;
 - 3) a person in charge of the daily operation of the group home has been employed, has passed the background check requirements of 89 Ill. Adm. Code 385 (Background Checks) and is prepared to begin work at the facility;

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- 4) furnishings, equipment and space sufficient for the number of children to be served have been acquired;
 - 5) child care staff sufficient for the number of children to be served have been hired and are prepared to begin work at the facility;
 - 6) a plan for the provision of food, clothing, educational and religious opportunities and health care of children has been developed;
 - 7) the facility has established procedures and forms to maintain required records, including records on the children served;
 - 8) a written plan on how the requirements for licensure will be met within the permit period has been developed; and
 - 9) a projected annual budget for the group home, approved by the policymaking board of the supervising child welfare agency, has been developed.
- b) A permit shall not be issued retroactively.
 - c) The permit shall not be transferred or transmitted to another person or other legal entity.
 - d) The permit shall not be valid for a name or an address different than the name and address shown on the issued permit.
 - e) The permit shall not be renewable.
 - f) The permit shall be displayed on the premises at all times.
 - g) A license shall be issued any time within the 6 month period covered by the permit provided the facility achieves and maintains compliance with the Department's licensing standards.
 - h) There will be no fee or charge for issuing the permit.

(Source: Amended at 42 Ill. Reg. 20337, effective October 31, 2018)

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Section 403.8 Child Care Services

- a) Each child shall be provided with clothing that fits properly, which is appropriate for the season, and is comparable to that worn by other children of similar age in the community.
- b) Each child shall be given training and direction in good health and nutrition practices appropriate for the child's age level.
- c) Each child shall be provided with essential individual toilet articles and linens.
- d) Each child shall be given the opportunity to participate in extracurricular, enrichment, cultural and social activities that are appropriate for the child's normal growth and development. This includes the opportunity to develop social relationships and to pursue hobbies and personal interests through participation in neighborhood, school and other community and group activities. Except when the needs of the child and group indicate otherwise, children shall have the opportunity to exchange visits with friends in the community. When participation of a child or youth less than 18 years of age in an extracurricular, enrichment, cultural, or social activity requires a caregiver's consent, the group home shall use normalcy parenting and the reasonable and prudent parent standard when determining whether to allow participation. Youth 18 years of age and older do not require a guardian's consent to participate in these activities; group home staff should guide and support the youth in identifying and locating appropriate activities for the youth's continued growth and development.
- e) The group home shall use normalcy parenting and the reasonable and prudent parent standard when determining whether to allow a foster child to visit overnight with friends or relatives of the child.
- f) If a child suffers an injury participating in an activity approved by the group home and the designated group home staff approving the activity acted in accordance with the reasonable and prudent parent standard, the Department shall hold the group home harmless from liability.
- g) Travel
 - 1) The group home is authorized to approve the child's travel within the State of Illinois. When in-state travel will exceed 48 hours, the group home must notify the permanency worker of the trip and provide the child's location and contact information.
 - 2) The group home is authorized to approve the child's out-of-state travel of up to 29 days. Out-of-state travel of 30 days or more must be approved by the DCFS Guardian. When out-of-state travel will exceed 48 hours, the group home must notify the permanency worker of the trip and provide the child's location and contact information.

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- 3) The group home shall ensure that planned travel for the child does not interfere with school, court, medical and other important services/treatment required in the child's service plan.
- h) Personal allowance money shall be available to children based upon the child's age and ability to manage the money. Adolescents may be allowed to earn additional spending money.
- i) The group home shall assist the child in the proper handling of money and personal property.
 - 1) The group home or supervising agency holding a child's funds shall have procedures to ensure the safety of those funds. Amounts of \$300 and over shall be deposited in an insured account. The group home or supervising agency shall provide annual reports on the status of each child's insured account to the child's caseworker.
 - 2) Personal financial transactions or transfer of a child's personal property among others in the group home shall be prohibited. This prohibition does not apply to the common practice in families of transferring outgrown clothes or equipment.
 - 3) The group home shall assure that the child's personal belongings acquired by or given to the child during placement (such as clothing, books and school items, medications, Medicaid Card, toys, gifts, private collections, lifebook materials and photographs, child's private savings, allowances and other personal items) follow the child's placement and are returned to the child when the child changes placement or leaves DCFS care.
- j) Every child shall have the opportunity to learn to assume some responsibility for himself or herself and for group home duties in accordance with his or her age, health and ability. No child shall be permitted to do tasks that are hazardous, dangerous or potentially harmful to the child.
- k) Work assignments shall not interfere with regular school programs, study periods, recreation or sleep.
- l) The supervising child welfare agency shall immediately be notified of any situation that affects the provision of care to the child.

(Source: Amended at 42 Ill. Reg. 20337, effective October 31, 2018)

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Section 403.9 Discipline of Children

The use of discipline in the group home shall be in accordance with the standards set forth in the Department's rulemaking, 89 Ill. Adm. Code 384, Discipline and Behavior Management in Child Care Facilities. The group home shall provide an environment of safety and well being for children in care. Staff shall not abuse or neglect children and shall provide a safe environment at all times. No child shall be subjected to corporal punishment, verbal abuse, threats or derogatory remarks about the child or the child's family.

Section 403.10 Health and Safety

- a) Each child shall be examined by a physician within 30 days before placement in a group home unless the placement is an emergency. In an emergency placement the physical examination shall be scheduled within five days after placement and completed within 15 days after placement. In all cases each child shall be screened for communicable diseases within 72 hours.
- b) Each child shall be examined annually or more frequently if findings and medical opinion indicate need. Diagnosed medical problems shall be treated promptly.
- c) Each child shall be given a dental examination at least annually. Diagnosed dental defects shall be treated promptly.
- d) Immunizations and tests, unless exempt on religious grounds, shall be administered as required by the Illinois Department of Public Health regulations or as recommended by a physician.
- e) In case of sickness or accident, immediate medical care shall be secured for the child in accordance with the supervising child welfare agency's directions.
- f) Any child who is ill or suspected of having a contagious disease should be separated from other children until a medical determination has been received that the disease is not contagious or is no longer contagious.
- g) The group home shall keep the supervising child welfare agency informed of any of the child's health problems including the problems of alcoholism and drug abuse.
- h) The group home shall conduct and record fire and evacuation training at least once every 3 months and consult with local fire authorities regarding fire safety practices.
- i) Household pets shall be inoculated as required by state and local regulations.
- j) No firearms or ammunition shall be allowed in the group home.
- k) The group homes may not use or have on the premises, on or after July 1, 2000, any unsafe children's product as described in the Children's Product Safety Act and 89 Ill. Adm. Code 386 (Children's Product Safety).

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- l) No person shall smoke tobacco in a group home, in an open or enclosed motor vehicle while transporting a child, or within 15 feet of entrances, exits, windows that open, and ventilation intakes that serve the group home. (See 410 ILCS 82/15.)
- m) The group home shall ensure that all persons providing transportation services comply with the driver licensing, Rules of the Road, financial responsibility, vehicle equipment and vehicle inspection provisions of the Illinois Vehicle Code [625 ILCS 5]. Persons with special driving permits are not considered to have a valid driver's license.
 - 1) The group home shall require that all prospective drivers submit a written response to the following questions, which shall be put in the driver's personnel file. No person answering "yes" to any of these questions shall be permitted to transport children.
 - A) Has your driver's license been revoked or suspended within the past 3 years for driving under the influence, manslaughter or reckless homicide?
 - B) Have you been convicted of driving under the influence, manslaughter or reckless homicide in the past 3 years?
 - C) Have you caused an accident that resulted in the death of any person within the past 5 years? (See 225 ILCS 10/5.1(a).)
 - 2) A child care facility driver application and a copy of the current medical form shall be submitted to the Department for any individual who transports children regularly on behalf of a group home.
 - 3) Age-appropriate safety restraints that are federally approved and labeled as approved shall be used at all times when transporting children in vehicles having a gross weight of less than 10,000 pounds, except that individual safety restraints shall not be required when children ride as passengers in taxicabs or common carriers or public utilities. No more than one child may be in each seat belt.
 - 4) The group home shall adopt emergency procedures to be followed in the event of an accident, serious illness, or severe weather. Copies of these procedures and other pertinent information shall be provided to all persons driving on behalf of the group home and shall remain in the possession of the driver while en route.

(Source: Amended at 34 Ill. Reg. 6054, effective May 1, 2010)

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Section 403.11 Education

- a) Each child shall have the opportunity and shall be encouraged to complete high school or vocational training in accordance with his aptitude.
- b) Children excluded from school, or unable to benefit from usual school attendance, shall be provided education, training or work experience consistent with their needs and abilities. Such alternate education shall meet the requirements of the Illinois State Board of Education.
- c) Children shall be permitted and encouraged to participate in extra-curricular activities including sports, art and music to the extent of their interests, abilities and talents.
- d) The group home shall maintain contact with those serving the educational needs of its children and shall seek their cooperation to assure that:
 - 1) children are placed in appropriate grades and programs; and
 - 2) there is periodic evaluation of individual children.
- e) The group home shall insure that each child has available necessary school supplies, materials and equipment.

Section 403.12 Religion

- a) The religious beliefs and rights of children shall be legally protected.
- b) Each child shall be given religious instruction in his own faith, or that of his parents, unless there is written consent of the parent or guardian (if residual parental rights have been legally terminated) for the child to participate in religious instruction and to attend the facility of another faith. This shall include consent to baptism or confirmation.
- c) Children shall be permitted to participate in religious services either singly or in groups.

Section 403.13 Recreation and Leisure Time

- a) Each child shall be encouraged to participate in indoor and outdoor recreation consistent with the child's age and developmental needs.
- b) There should be a written policy covering recreation activities and schedules.

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Section 403.14 Food and Nutrition

- a) Foods shall be prepared and served to provide the recommended dietary allowances (R.D.A.) for the nutritional needs of the children.
- b) Food products from home-raised animals shall meet the standards of the Departments of Agriculture and Public Health.
- c) When a physician has prescribed a special diet for a child the home shall provide the special diet.
- d) The group home shall consider the child's nutritional needs in relationship to the sex, age, religious beliefs and cultural background of the child.
- e) Meals shall be served under clean and sanitary conditions.
- f) Each child shall be provided three balanced meals a day. The time span between one meal and the next meal shall not be greater than fourteen hours (overnight).
- g) Children shall be encouraged to eat food served, but shall not be subjected to undue coercion or forced feeding.
- h) Staff members shall be present to provide supervision for children during mealtimes.
- i) If meals are provided to on-duty staff, they shall be substantially the same as those served to children, unless a special diet due to modified needs or religious beliefs is required.
- j) Menus shall be prepared and posted one week in advance of actual service.
- k) Records of all meals actually served shall be retained for one year and shall be available for periodic review and evaluation.
- l) Children may be allowed to assist in meal preparation under adult supervision.

Section 403.15 Background Checks

- a) The governing body of the supervising child welfare agency shall ensure that all prospective and current employees submit to fingerprinting (when required) authorize a background check and otherwise meet the requirements of 89 Ill. Adm. Code 385, Background Checks.
- b) As a condition of issuance or renewal of a license by the Department, the group home shall require persons subject to background checks to furnish written information on any offenses (other than a minor traffic violation) for which they have been convicted in accordance with the Department's rulemaking 89 Ill. Adm. Code 385.

(Source: Amended at 21 Ill. Reg. 4587, effective April 1, 1997)

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Section 403.16 Professional Services

- a) A child welfare worker, as defined in the Department's rulemaking, 89 Ill. Adm. Code 401, Licensing Standards for Child Welfare Agencies, shall be assigned, at all times, to each child served in the group home.
- b) The assigned child welfare worker shall have weekly in-person contact with each child.
- c) Social, psychological and psychiatric evaluation and treatment shall be provided to children in need of such services by qualified personnel.

Section 403.17 Agency Supervision of the Group Home

- a) The supervising child welfare agency shall designate a program administrator to provide ongoing program administration, personnel administration and monitoring of the group home's operation. The program administrator shall possess a Master's degree in social work from an accredited school of social work or an academically equivalent Master's degree in a human services field from an accredited school and 2 years of full-time supervisory experience in a social work or human services setting.
- b) Supervision shall include on-site visitation and on-site conferences with personnel employed at the home at least twice a month. Visits at the home shall include contact with children to determine the child's view of the program.
- c) The supervising child welfare agency shall be responsible for providing and maintaining qualified staff as specified in this Part.
- d) The supervising child welfare agency shall assure that all persons connected in any way with the group home are of reputable character.
- e) The child care supervisor position, the group home case management supervisor position and the program administrator position are distinct and separate from each other.

(Source: Amended at 46 Ill. Reg. 15249, effective August 26, 2022)

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Section 403.18 Child Care Staff

- a) Child care staff are those persons whose primary responsibility is the daily care of children. Persons employed in other capacities may function as child care staff provided they are qualified as child care staff.
- b) Child care staff shall:
 - 1) be at least 18 years of age, if there is an on-site supervisor. If there is no on-site supervisor, child care staff must be at least 21 years of age;
 - 2) have obtained a high school diploma or GED certificate;
 - 3) be in good physical and mental health per Section 403.22;
 - 4) have demonstrated skills in the field of child care or the capacity to develop such skills;
 - 5) have demonstrated ability to work within agency structure and program and to accept agency supervision; and
 - 6) have demonstrated ability to work constructively with parents, other agencies and the community.

(Source: Amended at 21 Ill. Reg. 4587, effective April 1, 1997)

Section 403.19 Professional Staff

All professional staff shall meet the requirements outlined in the Department's rulemaking, 89 Ill. Adm. Code 401, Licensing Standards for Child Welfare Agencies.

Section 403.20 Support Staff

Supportive services for maintenance, housekeeping and food preparation shall be provided by qualified staff or contractual personnel. Supportive services shall be provided by child care staff provided these duties do not interfere with supervision of the children.

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Section 403.21 Staff Coverage

- a) A group home shall employ at least 2 full-time child care staff who shall meet the requirements for child care staff enumerated in Section 403.18. The ratio of child care staff to children may include other staff if they meet the qualifications of child care staff as prescribed in Section 403.18. The group home or supervising agency shall ensure that groupings and supervision of children provides for individual attention and consideration of each child. Child care staff shall provide supervision to children at all times. The group home shall assign one or more child care workers for direct supervision of each group to be on duty and readily available while the children are awake and on the premises. Girls shall be under the direct supervision of adult female staff while they are in their bedroom, bathroom, or other areas of the home where privacy is expected. The following staffing patterns shall be followed:
- 1) At least one child care staff shall be on duty when one or more children are present. At least 2 child care staff shall be on duty when:
 - A) Six or more children under age 16 are present, except that one child care staff person may care for 6 or more children when all of the children present are 16 years of age or older; are not diagnosed moderately to severely developmentally or physically disabled; can provide for their own personal needs; do not assault; and are not security risks.
 - B) More than 4 children are present in the home who are under the age of 6 or are diagnosed as developmentally or physically disabled to an extent requiring close supervision or assistance with their own personal care needs or mobility.
 - C) When the group home or supervising agency has determined that the number of staff on duty is not sufficient to carry out the individual service plans and meet the individual needs of the children in care, additional staff shall be on duty and actively working with the children in care.
 - 2) When an emergency arises such as injury of a child that would necessitate taking the child to the hospital, or an emergency in child care staff's personal life, or any other emergency, the child welfare agency under whose auspices the group home operates is responsible for assuring appropriate staff coverage. If staff on call are used, they shall meet the requirements of child care staff and shall be able to be in the group home within 20 minutes. Children shall never be left in the care of other children.
 - 3) In instances in which the group home operates under a "shift" staffing pattern, at least one member of the night duty staff shall be awake and alert to assure protection and supervision of the children in care.

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- 4) In instances in which the group home operates under a live-in staffing pattern, the live-in staff shall be provided with their own living quarters so located as to assure that they are readily available and within hearing distance from the children.
 - A) The awake night staff requirement may be waived in writing by the Director of the Department or designee.
 - B) A request for a waiver of the awake night staff requirement shall be in writing and it shall be the responsibility of the facility to demonstrate that the well-being of the children can be protected.
- b) During the absence of regular child care personnel for time off, vacations, sick leave or any other absence (such as attendance at conferences or meetings, etc.), substitute child care personnel must be provided. These substitutes shall meet the requirements of child care staff as specified in Section 403.18.
- c) The group home shall have present on site at least one child care staff person or administrator who, with respect to any child placed at the group home, is designated to be the caregiver who is authorized to apply the reasonable and prudent parent standard to decisions involving the participation of the child in age or developmentally appropriate activities, and who is provided with the training in how to use and apply the reasonable and prudent parent standard in the same manner as foster parents. This training will include a detailed explanation of the reasonable and prudent parent standard and examples of how caregivers can apply this standard in specific situations. (See 42 USC 671(10) and (24).)
- d) The caregiver must seek consent in other areas in which specific State or federal laws limit consent authorization. Some examples of when normalcy parenting does not apply include consent to medical and dental care and disclosure of mental health information.

(Source: Amended at 42 Ill. Reg. 20337, effective October 31, 2018)

Section 403.22 Health Requirements for Staff and Volunteers

- a) All child care and support staff shall have an initial medical examination which provides evidence that they are free of communicable diseases, including active tuberculosis or physical and mental conditions which affect their ability to perform assigned duties.
- b) Child care and support staff shall be reexamined at least every two years. Reports of the examination shall be maintained by the supervising child welfare agency.

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Section 403.23 Live-in Staff (Repealed)

(Source: Repealed at 11 Ill. Reg. 1488, effective January 15, 1987)

Section 403.24 Night Duty Staff (Repealed)

(Source: Repealed at 11 Ill. Reg. 1488, effective January 15, 1987)

Section 403.25 Staff Training

- a) There shall be an organized in-service training program to equip child care personnel to meet the individual and group care needs of the children.
- b) The in-service training program shall include content designed to familiarize staff with the licensing standards.

Section 403.26 Physical Facilities

- a) Buildings, or parts of buildings, acquired or converted for use as a group home shall be safe, clean, well-ventilated, properly lighted and heated.
- b) The water supply of the group home shall comply with the requirements of the local and State health departments. If the group home accepts children under age 10 or developmentally disabled, the maximum hot water temperature from all showers and bathtubs shall be no more than 115° Fahrenheit. If well water is used, a copy of the inspection report and compliance with local or State health department regulations shall be on file.
- c) Fire prevention and health standards complying with State laws and municipal codes shall be maintained.
 - 1) The group home shall be equipped with a minimum of one approved smoke detector in operating condition on every floor level, including basements and occupied attics, in accordance with the Smoke Detector Act [425 ILCS 60/3].
 - 2) A group home with any fuel burning equipment or an attached garage shall be equipped with a minimum of one approved carbon monoxide detector within 15 feet of every sleeping room in accordance with Section 10 of the Carbon Monoxide Alarm Detector Act [430 ILCS 135/10].
 - 3) *The carbon monoxide alarm may be combined with smoke detecting devices provided that the combined unit complies with the respective provisions of the administrative code, reference standards, and the State Fire Marshal rules relating to both smoke detecting devices and carbon monoxide alarms and provided that the combined unit emits an alarm in a manner that clearly differentiates the hazard.* [430 ILCS 135/10]

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- d) Prescription and non-prescription drugs, dangerous household supplies and dangerous tools shall be kept in safe, locked places. Firearms and ammunition shall not be kept in a group home.
- e) There shall be provisions for separating a child who is ill or suspected of having a contagious disease from other children pending medical determination.
- f) The group home shall have an operating telephone on the premises.
- g) Each child shall be provided with a separate bed. Each bed shall have a mattress and comfortable bedding. Waterproof mattress covers shall be provided for any child who is enuretic.
- h) Linens shall be changed at least weekly and more frequently for all enuretic children and all children not toilet trained.
- i) Children over six years of age shall not share a bedroom with children of the opposite sex.
- j) Sleeping rooms shall be furnished according to the ages and special needs of the children. There shall be a minimum of 40 square feet of floor space per child, excluding the closet and wardrobe area.
- k) Basements or attics shall not be used for sleeping unless provided for in the license document. To be used for sleeping, basements and attics shall have 2 exits with one exit opening directly to the outside and with means to safely reach the ground.
- l) The room shall be exposed to an outside window or shall have auxiliary means of ventilation.
- m) There shall be a complete bathroom unit including lavatory, toilet, tub or shower for every 5 children.
- n) The kitchen and dining facilities shall be clean and equipped for preparation, service and proper preservation of food.
- o) Space and equipment shall be provided for indoor and outdoor recreation. Recreational resources in nearby communities may be used to fulfill this requirement.
- p) Places shall be provided for quiet pursuits and privacy.

(Source: Amended at 34 Ill. Reg. 6054, effective May 1, 2010)

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Section 403.27 Required Written Consents

- a) Written consents from legally responsible persons (parent, court, or other legal custodian or guardian) shall be obtained for certain acts of a child or performance of certain acts on his behalf, including but not limited to:
 - 1) health care and treatment, including medical, surgical, psychiatric and dental;
 - 2) use of psychoactive drugs;
 - 3) religious instruction and/or church attendance in a different faith;
 - 4) work programs, induction into the armed services, driving a car and car ownership;
 - 5) extensive visits, trips or excursions;
 - 6) use of photographs for publicity or other purposes;
and
 - 7) consent to marriage for children under age 18.
- b) Written consents shall be dated and limited to a specific period of time.

Section 403.28 Records and Reports

- a) Records on the children under care shall be maintained by the child welfare agency operating the group home, in accordance with the Department's rulemaking, 89 Ill. Adm. Code 401, Licensing Standards for Child Welfare Agencies.
- b) Individual personnel records shall be maintained by the operating child welfare agency in accordance with the Department's rulemaking, 89 Ill. Adm. Code 401, Licensing Standards for Child Welfare Agencies.
- c) In addition to the records maintained by the child welfare agency, the group home shall maintain current records on its premises. These records shall include:
 - 1) name, birth date, legal guardian, religion and educational placement of each child in residence;
 - 2) a daily log which includes observations on each child's progress in the group home;
 - 3) records of special medical and dental needs of each child including any history of alcoholism or drug addiction;
 - 4) a daily log of medication prescribed for and given to each child; and
 - 5) a daily log concerning the use of confinement.

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- d) The group home shall state in the child's record and shall report to the child's parent, guardian and the Department any unusual incidents and serious occurrences involving children. These incidents and serious occurrences shall be reported in writing, or if made verbally, confirmed in writing within two working days of the occurrence. Unusual incidents or occurrences include serious accident or injury requiring extensive medical care or hospitalization, death, arrest, alleged abuse or neglect, major fire or other emergency situations, or any serious incident which results in legal action by or against the group home, which affects any child or children, personnel or conduct of the group home.
- e) Records shall be kept in safe, locked places. Authorized Department staff shall have access to the records through the operating child welfare agency. All personnel with access to these records shall respect their confidential nature.

Section 403.29 Severability of This Part

If any court of competent jurisdiction finds that any section, clause, phrase, or provision of this part is unconstitutional or invalid for any reason whatsoever, this finding shall not affect the validity of the remaining portions of this part.

Section 403.30 Group Home Case Management Supervisors

- a) Each group home may establish a group home case management supervisor position.
- b) The duties of group home case management supervisors shall include but are not limited to:
 - 1) Provide case management support and oversight that encompasses culturally appropriate and meaningful activities to the children using person-centered approaches and strategies that fully engage and include the children in each aspect of their daily life, have maximum choice and control, and gain independence;
 - 2) Schedule and attend coordinated service planning meetings;
 - 3) Assess effectiveness of authorized hours through service delivery and staff performance; and
 - 4) Respond to and advise multiple oversight agencies on corrective and recommended actions.
- c) All persons employed as group home case management supervisors are required to be in full compliance with 89 Ill. Adm. Code 412 and all other applicable requirements in Department laws and regulations. In addition, a person must possess the following qualifications to work as a group home case management supervisor:
 - 1) Bachelor's degree in social work or human/social services with 1 year of

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experience in a child welfare and/or human/social services setting; or

- 2) Bachelor's degree that has been approved as academically equivalent to a social work or human services related degree with 1 year of experience in a child welfare and/or social services setting.

(Source: Added at 46 Ill. Reg. _____, effective _____)

Section 403.31 Child Care Supervisors

- a) A group home shall employ at least one child care supervisor.
- b) The duties of child care supervisors shall include but are not limited to:
 - 1) Coordinate proper coverage and oversee the daily operations of the group home;
 - 2) Provide direct supervision to child care staff and children in the group home;
 - 3) Monitor activities of children and timely medication delivery;
 - 4) Schedule appointments for children's activities;
 - 5) Plan and implement weekly skills groups;
 - 6) Co-lead groups and activities;
 - 7) Assist with rotating on-call duties;
 - 8) Coach children on independent living skills such as housekeeping, shopping, meal preparation, and personal hygiene and activity planning; and
 - 9) Engage with children about the children's goals and interests.
- c) All persons employed as child care supervisors are required to be in full compliance with all applicable requirements in Department laws and regulations, and must meet the qualifications in at least one of subsections (c)(1) through (4). A person qualifying under Sections 403.31(c)(2) or (3) must go through the approval processes described in Sections 403.32 through 403.35:
 - 1) Be at least 25 years of age; have 60 semester hours of college credits; 2 years of full-time experience in a residential child care program; demonstrate skill in working with and managing children of the type served in the program; and demonstrate ability to work cooperatively with administration staff and persons external to the program; or
 - 2) Bachelor's degree in social work or related human services field; or

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- 3) 5 years of supervised experience in a congregate care milieu.
- 4) Any individual employed as a child care supervisor prior to December 22, 2021, may continue to be so employed and is deemed qualified unless their employment changes.

(Source: Added at 46 Ill. Reg. 15249, effective August 26, 2022)

Section 403.32 Request for Approval of Applicants under Section 403.31(c)(2) or (3)

When a child welfare agency wants to hire as a child care supervisor an applicant with qualifications under Section 403.31(c)(2) or (3), the Workforce and Educational Transcript Review Committee (WETRC) shall make a recommendation and the Associate Deputy of Agencies and Institutions Licensing (Associate Deputy) or designee shall approve the applicant before an offer of employment can be made.

- a) The child welfare agency's Administrator or Human Resources Director shall submit, using a State of Illinois email account if one exists, to the Workforce and Educational Transcript Review Committee at DCFS.Licwrkforedu@illinois.gov the following documentation:
 - 1) Official or certified copy of high school or undergraduate level educational transcripts;
 - 2) Resume and/or application submitted by the applicant that details employment history by identifying all past employers, positions, responsibilities and respective dates related to applicant's experience in child welfare;
 - 3) An action plan specific to the applicant being considered for employment as a child care supervisor. The plan shall include:
 - A) 90-day probationary period;
 - B) Measurable objectives to strengthen the person's knowledge and skills in conducting the responsibilities as a child care supervisor;
 - C) Training, including but not limited to:
 - i) Virtual Training Center (VTC) Curriculum;
 - ii) Mentoring;
 - iii) Job shadowing; or
 - iv) Additional time in supervision with a child care supervisor who meets the criteria under Section 403.31(c)(1).

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- 4) Current copy of the child welfare agency's accreditation standards addressing educational credentials and experience requirements for human resources.
- b) Child welfare agency's recruitment shall focus on attracting candidates for the child care supervisor position that meet the requirements of Section 403.31(c)(1). The agency must provide the WETRC as part of its request for approval the following documentation to show its recruitment efforts.
- 1) Child care supervisor job posting.
 - A) Posting shall state that a candidate with the qualifications listed in Section 403.31(c)(1) is preferred;
 - B) Posting may indicate that a candidate with the qualifications listed in Section 403.31(c)(2) or (3) is acceptable only if approved by the Associate Deputy or designee subsequent to a recommendation from the WETRC.
 - 2) A summary of recruitment efforts other than a job posting;
 - 3) An employee roster of all child care supervisors with the following information:
 - A) Current title;
 - B) Educational credentials;
 - C) Work experience; and
 - D) Hire date.
 - 4) If an applicant with the qualifications listed in Section 403.31(c)(1) applied for the child care supervisor position but was not selected, the agency must provide a written statement indicating the reasons for not selecting the candidate.

(Source: Added at 46 Ill. Reg. 15249, effective August 26, 2022)

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Section 403.33 Workforce and Educational Transcript Review Committee (WETRC)

- a) For purposes of this Part, the Workforce and Educational Transcript Review Committee (WETRC) established in 89 Ill. Adm. Code 401 shall, in addition to any other duties listed in 89 Ill. Adm. Code 401 and 404, perform the following functions:
 - 1) For applicants with qualifications under Section 403.31(c)(2) or (3), review the documentation submitted pursuant to Section 403.32 and recommend approving or denying the request.
 - 2) For applicants with a Bachelor's degree in another field who have completed significant course work that may qualify as human services course work, the committee shall review all transcripts and course information and make a decision on the equivalency of the degree to a human services degree.
- b) The WETRC shall follow the same review and approval process enumerated in 89 Ill. Adm. Code 401 and 404. Specifically:
 - 1) The chair person or designee shall view the committee's mailbox DCFS.Licwrkforedu@illinois.gov on daily basis.
 - 2) The chair person shall review all documents received, develop a written summary of the applicant's qualifications and forward the summary with supporting documents to all WETRC members via their respective State of Illinois e-mail addresses before the scheduled review by the committee.
 - 3) The chair person shall schedule a meeting of the WETRC on the 1st and 3rd Fridays of every month. If a holiday falls on the scheduled date, the committee will meet the next following business day. Based on the number of requests for approval and availability of the committee members, the DCFS Committee Chair may schedule additional meetings. The purpose of the meeting is for the members to review, discuss and recommend by majority of members present to approve or deny the request. For purposes of this subsection, 4 members present constitutes a majority. The chair person shall not vote unless to break a tie.
 - 4) Within 5 business days following the meeting, the chair person shall send the following documentation to the Associate Deputy, Deputy Director of Licensing and all the committee members:
 - A) Documentation received under Section 403.32; and
 - B) Written memorandum which states the committee's recommendation and the reasons supporting the recommendation.

(Source: Added at 46 Ill. Reg. 15249, effective August 26, 2022)

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Section 403.34 Final Administrative Decision

- a) The Associate Deputy shall make the final administrative decision whether to approve or deny a request to approve an applicant with qualifications under Section 403.31(c)(2) or (3) for a child care supervisor position. The Associate Deputy or designee shall review the documentation received under Section 403.32 and the written memorandum with the WETRC's recommendation and shall issue a final written administrative decision within 5 business days of receiving the documentation for review under Section 403.33(b)(4).
- b) The final written administrative decision of the Associate Deputy or designee is not appealable within the agency.
- c) Upon issuance, the final written administrative decision shall be sent to the following:
 - 1) Child welfare agency Administrator or Human Resources Director making the initial request;
 - 2) Deputy Director of Licensing;
 - 3) Chairperson of the Workforce and Educational Transcript Review Committee; and
 - 4) The assigned Agencies and Institutions Licensing staff for requesting agency.
- d) A final written administrative decision shall be issued within 10 business days from the meeting at which the WETRC reviewed the request. The request will not be considered automatically approved if the final written administrative decision is not reached within ten business days from the from meeting at which the WETRC reviewed the request. A written notification of an extension shall be sent to the child welfare agency Administrator or Human Resources Director making the initial request if an extension is needed to process the request.

(Source: Added at 46 Ill. Reg. 15249, effective August 26, 2022)

Section 403.35 Supervision

An applicant with qualifications under Section 403.31(c)(2) or (3) approved for the child care supervisor position shall be under the direct supervision of a program administrator and/or group home case management supervisor.

(Source: Added at 46 Ill. Reg. 15249, effective August 26, 2022)

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Section 403.36 Acceptable Degrees

- a) The following degrees shall be accepted as human services degrees:
- 1) Child, Family and Community Services
 - 2) Early Childhood Development
 - 3) Guidance and Counseling
 - 4) Home Economics - Child and Family Services
 - 5) Human Development Counseling
 - 6) Human Service Administration
 - 7) Human Services
 - 8) Master of Divinity
 - 9) Pastoral Care
 - 10) Pastoral Counseling
 - 11) Psychiatric Nursing
 - 12) Psychiatry
 - 13) Psychology
 - 14) Public Administration
 - 15) Social Science
 - 16) Social Services
 - 17) Sociology
- b) The following degrees shall be accepted as academically equivalent to human services degrees:
- 1) Criminal Justice
 - 2) Health Care Administration
 - 3) Health and Wellness

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- 4) Public Health Administration
- 5) Health and Human Services
- 6) Youth/ Family Services and Administration
- 7) Human Services Administration
- 8) Applied Behavioral Services
- 9) Behavioral Analysis and Therapy
- 10) Child and Adolescent Development
- 11) Child Development
- 12) Communicative Disorders with a specialization in Rehabilitation Counseling
- 13) Community Counseling
- 14) Counseling
- 15) Counseling for Child Welfare Specialist
- 16) Correctional Counseling
- 17) Education - Counseling Major
- 18) Education - Counseling and Human Development
- 19) Education- Guidance and Counseling
- 20) Counseling and Organizational Psychology
- 21) Counseling Studies
- 22) Education Curriculum development-coursework in early childhood, childhood psycho-pathology, pre-school child
- 23) Alcoholism and Drug Abuse
- 24) Family and Consumer Sciences
- 25) Human Behavior

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- 26) Human Development
- 27) Human Ecology with specialization in Human Development and Family Studies
- 28) Human Services and Counseling
- 29) Leadership and Human Services Administration
- 30) Not-for-profit Management
- 31) Professional Counseling
- 32) Public Management
- 33) Rehabilitation Counseling
- 34) Social and Behavioral Science
- 35) Social Psychology
- 36) Urban Education Community Counseling

(Source: Added at 46 Ill. Reg.15249, effective August 26, 2022)

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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

POLICY GUIDE 2020.02

**LIMITATIONS ON USE OF RECREATIONAL AND MEDICAL CANNABIS
IN CHILD WELFARE PRACTICE**

DATE: January 3, 2020
TO: DCFS and Private Agency Licensing Staff
FROM: Marc D. Smith, Acting Director
EFFECTIVE: Immediately

I. PURPOSE

The purpose of this Policy Guide is to provide DCFS and Purchase of Service (POS) Agency staff with information regarding limitations that apply to the lawful use (possession, consumption, storage) of recreational and medical cannabis as it pertains to child welfare practice.

The Department will propose amendments to rules and procedures affected by these statutes in the near future.

II. PRIMARY USERS

The primary users of this Policy Guide are Department and POS Agency licensing staff.

Definitions:

“Cannabis” has the definition as assigned in the Cannabis Regulation and Tax Act. [410 ILCS 705]

“Cannabis-infused product” means a beverage, food, oil, ointment, tincture, topical formulation, or another product containing cannabis that is not intended to be smoked as defined in the Cannabis Regulation and Tax Act. [410 ILCS 705]

“Child Care Facility” means a child care facility as defined in the Child Care Act. [225 ILCS 10]

“Medical cannabis” means cannabis products that are acquired for “medical use” as that term is defined in the Compassionate Use of Medical Cannabis Program Act. [410 ILCS 130]



III. SUMMARY OF ILLINOIS LAW

The Illinois Cannabis Regulation and Tax Act and the Compassionate Use of Medical Cannabis Program Act regulate the possession, consumption and storage of recreational and medical cannabis. The Cannabis Regulation and Tax Act was amended, effective January 1, 2020, to permit the recreational use of cannabis in Illinois.

These Acts also contain limitations on the possession, consumption and storage of recreational and medical cannabis in or near licensed and unlicensed child care facilities, in vehicles and in the presence of persons under 21 years of age.

These Acts allow for an individual to use any type of cannabis and continue to be eligible for initial or renewal of licensure for any type of child care facility; this includes unlicensed relative foster homes and employees of any licensed and unlicensed child care facility.

These Acts provide numerous limitations on the use and possession of cannabis (which includes cannabis-infused products) as it relates to child care. For example, the Acts DO NOT PERMIT:

- Undertaking any task under the influence of cannabis when doing so would constitute negligence, professional malpractice, or professional misconduct;
- Possessing cannabis in a private residence that is used at any time to provide licensed or unlicensed child care (day care and foster care) or other similar social service care on the premises;
- Using cannabis in a private residence that is used at any time to provide licensed or unlicensed child care (day care and foster care) or other similar social service care on the premises;
- Using cannabis in any public place;
- Using cannabis knowingly in close physical proximity to anyone under 21 years of age who is not a registered medical cannabis patient under the Compassionate Use of Medical Cannabis Pilot Program Act;
- Smoking cannabis in any place where smoking is prohibited under the Smoke Free Illinois Act;
- Facilitating the use of cannabis by any person who is not allowed to use cannabis under either the Cannabis Regulation and Tax Act or the Compassionate Use of Medical Cannabis Program Act;
- Using cannabis in any motor vehicle; or
- Possessing (driver or passenger) cannabis in a motor vehicle except in a sealed, odor-proof, child-resistant cannabis container.

Any violation of these laws may subject the violator to civil or criminal penalties.

IV. QUESTIONS

Questions regarding this Policy Guide may be directed to the Office of Child and Family Policy at 217-524-1983 or via Outlook at DCFS.Policy. Non-Outlook users may e-mail questions to DCFS.Policy@illinois.gov.

V. FILING INSTRUCTIONS

File this Policy Guide immediately following Rules:

Rules 401, Licensing Standards for Child Welfare Agencies;
Rules 402, Licensing Standards for Foster Family Homes;
Rules 403, Licensing Standards for Group Homes;
Rules 404, Licensing Standards for Child Care Institutions and Maternity Centers;
Rules 406, Licensing Standards for Day Care Homes;
Rules 407, Licensing Standards for Day Care Centers;
Rules 408, Licensing Standards for Group Day Care Homes;
Rules 409, Licensing Standards for Youth Transitional Living Programs;
Rules 410, Licensing Standards for Youth Emergency Shelters; and
Rules 411, Licensing Standards for Secure Child Care Facilities.

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