

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

**PART 402**  
**LICENSING STANDARDS FOR FOSTER FAMILY HOMES**

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**AUTHORITY:** Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10].

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June 2, 2016 – PT 2016.06

SOURCE: Adopted and codified at 5 Ill. Reg. 9548, effective October 1, 1981; emergency amendment at 6 Ill. Reg. 15580, effective December 15, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 3439, effective April 4, 1983; amended at 7 Ill. Reg. 13858, effective November 1, 1983; amended at 8 Ill. Reg. 23197, effective December 3, 1984; amended at 11 Ill. Reg. 4292, effective March 1, 1987; emergency amendment at 16 Ill. Reg. 11879, effective July 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 267, effective December 21, 1992; emergency amendment at 18 Ill. Reg. 8481, effective May 20, 1994, for a maximum of 150 days, emergency expired on October 17, 1994; amended at 19 Ill. Reg. 1801, effective February 1, 1995; amended at 19 Ill. Reg. 9463, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10743, effective July 1, 1995, for a maximum of 150 days; emergency expired November 27, 1995; amended at 20 Ill. Reg. 1589, effective January 10, 1996; emergency amendment at 20 Ill. Reg. 3954, effective February 16, 1996, for a maximum of 150 days; emergency expired July 15, 1996; amended at 21 Ill. Reg. 4548, effective April 1, 1997; amended at 22 Ill. Reg. 205, effective December 19, 1997; amended at 23 Ill. Reg. 7877, effective July 15, 1999; emergency amendment at 24 Ill. Reg. 6417, effective March 27, 2000, for a maximum of 150 days; emergency expired August 23, 2000; amended at 24 Ill. Reg. 17052, effective November 1, 2000; amended at 26 Ill. Reg. 2624, effective February 11, 2002; amended at 26 Ill. Reg. 11796, effective August 1, 2002; amended at 30 Ill. Reg. 6321, effective March 31, 2006; amended at 33 Ill. Reg. 11441, effective August 1, 2009; amended at 36 Ill. Reg. 4086, effective March 5, 2012; amended at 40 Ill. Reg., 808, effective December 31, 2015; amended at 40 Ill. Reg. 7797, effective May 16, 2016.

### Section 402.1 Purpose

- a) The purpose of this Part is to prescribe the standards for licensure as a foster family home and to describe how to apply for a license.
- b) The licensing standards set forth in this Part are applicable to foster family homes as defined in the Child Care Act as well as to those foster family homes operated or supervised by the Department and by agencies exempt from licensing as identified in 89 Ill. Adm. Code 382 (Agencies Exempt from Licensing).
- c) The Central Office of Licensing shall ensure that these licensing standards are reviewed every 3 years to determine whether the licensing standards, as written, are appropriate.

(Source: Amended at 33 Ill. Reg. 11441, effective August 1, 2009)

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## Section 402.2 Definitions

"Adoptive placement" means a living arrangement with a family that is directed toward establishing that family as the child's new legal parents. To be considered an adoptive placement, the child must be placed in a licensed foster family home or license exempt relative home for purposes of adoption and:

- be legally free (parental rights have been terminated or both parents have surrendered their parental rights); or
- be placed in a legal risk adoptive placement that has passed legal screening as described in 89 Ill. Adm. Code 309 (Adoption Services for Children for Whom the Department of Children and Family Services is Legally Responsible).

*"Approved smoke detector" or "detector" means a smoke detector of the ionization or photoelectric type that complies with all the requirements of the rules and regulations of the Illinois State Fire Marshal. [425 ILCS 60/2]*

"Approved in-service training" means:

- Foster PRIDE module or other Department approved training;
- foster parent conferences sponsored by the Department;
- other conferences approved by the Department;
- training provided under the auspices of a licensed child welfare agency when the agency's foster care program has been accredited by the Council on Accreditation of Services for Families and Children, Inc., 520 Eighth Avenue, Suite 2202B, New York NY 10018;
- materials borrowed from the Department's Foster/Adoptive Parent Lending Libraries;
- training toward first-aid, Heimlich maneuver, and/or cardiopulmonary resuscitation (CPR) certification; or
- other training, substantially meeting the Department's Foster PRIDE/Adopt PRIDE training, approved in writing by the Department of Children and Family Services.

"Background check" means:

Individuals 17 years of age or older:

- a criminal history check via fingerprints that are submitted to the Illinois State Police and the Federal Bureau of Investigation (FBI) for comparison to their criminal history records, as appropriate; and

Individuals 13 years of age or older:

- 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 Statewide Child Sex Offender Registry.

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"CANTS" means the Child Abuse and Neglect Tracking System, that has been replaced by SACWIS.

*"Child" means any person under 18 years of age. [225 ILCS 10/2.01]*

"Child care assistant" means an adult, 18 years of age or older, (whether a volunteer or an employee) who assists a licensed foster parent in the care of children within the foster home.

*"Child care facility" means any person, group of persons, agency, association or organization, corporation, institution, center or group, 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 [225 ILCS 10], established and maintained for the care of children. Child care facility includes a relative who is licensed as a foster family home under to Section 4 of the Child Care Act. [225 ILCS 10/2.05]*

"Classifiable fingerprints" means fingerprints obtained through an electronic or ink printing process that were determined to provide sufficiently clear impressions to identify the individual from whom the prints were obtained.

"Common parentage" means having the same biological or adoptive father, the same biological or adoptive mother, or the same biological or adoptive father and mother.

*"Complete application for foster family home license" means, at a minimum, a completed written application form; written authorization by the applicant and all adult members of the household to conduct a criminal background investigation; medical evidence in the form of a medical report, on forms prescribed by the Department, that the applicant and all members of the household are free from communicable diseases or physical and mental conditions that affect their ability to provide care for the child or children; the names and addresses of at least 3 persons not related to the applicant who can attest to the applicant's moral character; and fingerprints submitted by the applicant and all adult members of the applicant's household. [225 ILCS 10/4]*

"Contact between siblings" means contact between or among siblings who are residing apart from one another, and may include, but is not limited to: telephone calls; video conferencing; in person visitation; sending/receiving cards, letters, emails, text messages, gifts, etc.; sharing photographs or information; use of any approved social media (e.g., Facebook), and any other agreed upon forms of communication technology.

"Corporal punishment" means hitting, spanking, beating, shaking, pinching, and other measures that produce physical pain.

*"Department" means the Illinois Department of Children and Family Services. [225 ILCS 10/2.02]*

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"Discipline" means the process of helping children to develop inner controls so that they can manage their own behavior in socially acceptable ways. Discipline does not include the use of corporal punishment as defined in this Part.

"Educational advocacy training" means the 6-hour training that prepares foster parents to effectively advocate for the special educational needs of the children in their care by providing information on children's educational rights and foster parents' responsibility to protect those rights.

"Expanded capacity license" means the foster family home has been issued a license from the Department authorizing the foster family to accept more than six children for care (including the family's own children under age 18 and all other children under age 18 receiving full-time care) as permitted in Section 402.15(c) (for foster care placements) or (e) (for adoptive placements).

*"Fictive kin" means any individual, unrelated by birth or marriage, who is shown to have close personal or emotional ties with the child or the child's family prior to the child's placement with the individual. [20 ILCS 505/7(b)]*

*"Foster family home" means a facility for child care in residences of families who receive no more than 8 children unrelated or related to them, unless all the children are of common parentage, or residences of relatives who receive no more than 8 related or unrelated children placed by the Department, unless the children are of common parentage, for the purpose of providing family care and training for the children on a full-time basis, except the Director of Children and Family Services, pursuant to Department regulations, may waive the limit of 8 children unrelated to an adoptive family for good cause to facilitate an adoptive placement. The family's or relative's own children, under 18 years of age, shall be included in determining the maximum number of children served. [225 ILCS 10/2.17]* The Department requires foster family homes to receive an expanded capacity license allowing them to receive more than six children, including their own children under age 18 and all other children under the age of 18 receiving full-time care.

"Full-time care" means the child is a resident of the household, whether on a temporary, emergency, or permanent basis, and is receiving family care usually provided by a parent or guardian.

"Godparent" is a person who sponsors a child at baptism or one in whom the parents have entrusted a special duty that includes assisting in raising the child if the parent cannot raise the child. If the person is considered to be the child's godparent, in order for placement to occur, the same placement selection criteria as contained in 89 Ill. Adm. Code 301.60 (Placement Selection Criteria) must be met. If the godparent is not a licensed foster parent, all the conditions currently in effect for placement with relatives in 89 Ill. Adm. Code 301.80 (Relative Home Placement) must be met.

"In-service training" means approved training provided to currently licensed foster parents.

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

*"License applicant" means the operator or person with direct responsibility for daily operation of the facility to be licensed. [225 ILCS 10/4.4]*

"Licensed physician" means a person licensed to practice medicine in the State of Illinois.

"Licensee" means those individuals, agencies, or organizations who hold a license or permit issued by the Department of Children and Family Services.

"Licensing representative" means persons authorized by the Department under the Child Care Act to perform licensing activities.

"Licensing study" means a written review and assessment of an application for license, on-site visits, interviews, and the collection and review of supporting documents to determine compliance with the Child Care Act of 1969 and the standards prescribed by this Part.

"Member of the household" means a person who resides in a family home as evidenced by factors including, but not limited to, maintaining clothing and personal effects at the household address, or receiving mail at the household address, or using identification with the household address.

"Minor traffic violation" means a traffic violation, under the laws of the State of Illinois or any municipal authority in Illinois or another state or municipal authority, that is punishable solely by fines as a petty offense.

"Multi-purpose room" means a room in the foster family home that has been designed for several purposes. A multi-purpose room that is temporarily converted into a bedroom may only be a pass through room in the home if the privacy of the children using the room for a bedroom can be ensured. Activities within the room shall be normal bedroom activities such as sleeping, dressing and playing while used as a bedroom.

"Non-active status" means a licensed foster home has no foster placements and maintains continuous compliance with this Part that, by mutual written agreement with the Department, does not receive regular licensing monitoring visits by the Department or supervising agency.

"Permit" means a one-time only document issued by the Department of Children and Family Services for a two month period to allow the individuals to become eligible for an initial foster family home license.

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*"Petty offense" means any offense for which a fine only is provided, and a sentence of imprisonment is not an authorized disposition. [730 ILCS 5/5-1-17]*

*"Relative", for purposes of placement of children for whom the Department is legally responsible, means any person, 21 years of age or over, other than the parent, who:*

- is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, first cousin once removed (children of one's first cousin to oneself), second cousin (children of first cousins are second cousins to each other), godparent (as defined in this Section), great-uncle or great-aunt;*
- is the spouse, or party to a civil union, of such a relative; or*
- is the child's step-father, step-mother, step-grandfather, step-grandmother or adult step-brother or step-sister; or*
- is the partner, or adult child of a partner, in a civil union with the child's mother or father; or*
- is a fictive kin as defined in this Section.*

*"Relative" also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. For children who have been in the guardianship of the Department, have been adopted, and are subsequently returned to the temporary custody or guardianship of the Department, a "relative" may also include any person who would have qualified as a relative under this definition prior to the adoption, but only if the Department determines that it would be in the best interests of the child to consider this person a relative. [20 ILCS 505/7(b)]*

"Reputable character" means there is satisfactory evidence that the moral character of the applicant is trustworthy.

"Respite foster care" means temporary (not to exceed 30 days), full-time care in a licensed foster family home, group home, or child care institution, or in a license exempt relative home, when such temporary, full-time care is provided to foster children. Respite foster care is provided to foster children in order to give the full-time caregivers a rest from caregiving responsibilities.

"Responsible" means trustworthy performance of expected duties that serves the best interests of the foster children as evidenced by established child welfare standards, State and federal law, and the rules of the Department.

"SACWIS" means the Statewide Automated Child Welfare Information System operated by the Illinois Department of Children and Family Services that replaced the Child Abuse and Neglect Tracking System (CANTS).

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"Siblings" means children who have at least one parent in common. Children continue to be considered siblings after parental rights are terminated, if parental rights were terminated while a petition under Article II of the Juvenile Court Act of 1987 was pending. Children continue to be considered siblings after one or more of the children are adopted or placed in private guardianship, if they were in the custody or guardianship of the Department pursuant to Article II of the Juvenile Court Act of 1987 [705 ILCS 405] immediately prior to the adoption or guardianship. Step-siblings may be considered "siblings" when the children enter into substitute care together and have a positive relationship.

"Specialized care" or "specialized foster care services" means care provided to *a child in the custody or guardianship of the Department who requires such services due to emotional, behavioral, developmental or medical needs, or any combination thereof, or any other needs that require special intervention services, the primary goal being to maintain the child in foster care or in a permanency setting.* [20 ILCS 505/5.30(a)] Specialized foster care services are further described in 89 Ill. Adm. Code 301.90 (Foster Family Home Care).

"Supervising agency", for the purpose of this Part, means a licensed child welfare agency, a license-exempt agency, or the Department of Children and Family Services.

"Universal precautions" means an approach to infection control. According to the concept of universal precautions, all human blood and certain body fluids are treated as if known to be infectious for HIV, HBV, and other blood-borne pathogens.

"Visitation" means face-to-face contact:

between parents and their children who are in substitute care;

between siblings in substitute care who are placed apart from one another; or

between siblings in substitute care with siblings who are not in substitute care (e.g., emancipated, case closed due to independence, adopted, placed in private guardianship, living in home of parent, etc.).

(Source: Amended at 40 Ill. Reg. 7797, effective May 16, 2016)

### **Section 402.3            Effective Date of Standards (Repealed)**

(Source: Repealed at 19 Ill. Reg. 9463, effective July 1, 1995)



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July 9, 2012 – P.T. 2012.12

### Section 402.4 Application for License

- a) Application for license as a foster family home shall be completed, signed by the foster parent applicants, and filed with the Department of Children and Family Services by the supervising agency on forms prescribed by the Department. Applications submitted to the Department after July 1, 1995 shall be a complete application for a foster family home license, as defined in [Section 402.2](#). Any relative who receives a child or children for placement on a full-time basis may apply for a license to operate a foster family home as defined in Section 2.17 of the Child Care Act of 1969 [225 ILCS 10/2.17].
- b) When a contractor with the Department or an employee of the State of Illinois seeks to become licensed as a foster family home, the study to determine compliance with licensing standards shall be provided by a licensed child welfare agency other than the Department and by persons who have no significant working relationship or personal relationship with the contractor or State employee. If the license is granted, the contractor or State employee may continue his or her contract or employment while operating the foster family home. The contractor's or employee's foster family home shall be supervised, monitored, licensed and evaluated by a licensed child welfare agency other than the Department and by individuals who have no significant working relationship or personal relationship with the employee. The contractor or employee shall consult with appropriate contract monitors and/or supervisors to make sure his or her official duties do not involve any interaction with the licensed child welfare agency responsible for supervising, monitoring, licensing, or evaluating the foster family home of the contractor or employee. When a foster parent contracted by the Department to provide support services to other foster parents chooses not to be supervised and monitored by a private agency, the foster parent may be licensed by the Department only when licensing and supervision is provided from Department staff in a region outside the contracted foster parent's region of residence and service provision.
- c) As part of the application, each foster family home applicant and adult member of the household shall authorize background checks in accordance with 89 Ill. Adm. Code 385 (Background Checks) and shall submit to fingerprinting to determine if the individual has ever been charged with a crime, and if so, the disposition of the charges. In addition, members of the household ages 13 through 17 must authorize a check of CANTS and the Child Sex Offender Registry.
- d) The supervising agency shall study each foster home under its supervision before recommending issuance of a license. The licensing study shall be conducted by a qualified licensing representative and shall be reviewed and approved by the assigned supervisor. Supervisory approval indicates recommendation for license or denial of a license and compliance or non-compliance with the standards. The study shall be in writing and shall be signed by the licensing representative performing the study and by the assigned supervisor. When the application for a license is denied, the supervising agency shall advise the applicant in writing of the reasons for the denial.

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- e) A new application shall be filed when any of the following occurs:
  - 1) when an application for license has been withdrawn, and the licensee or agency seeks to reapply; or
  - 2) when there is a change in the name of the licensee, the address of the foster home or the supervising agency; or
  - 3) when there is a change in the status of joint licensees, such as marriage, entering into a civil union, separation, divorce, dissolving a civil union, or death; or
  - 4) not sooner than 12 months after the Department has revoked or refused to renew a license, and a new license is sought.
  
- f) A new application may be submitted at any time, including following the denial of an application for license, except that when a license has been revoked or the Department has refused to renew a license, the licensee may not reapply for licensure as a foster family home for a period of one year after revocation or refusal to renew.

(Source: Amended at 36 Ill. Reg. 4086, effective March 5, 2012)

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August 7, 2009 – P.T 2009.14

### Section 402.5 Application for Renewal of License

- a) Application forms for license renewal shall be mailed to foster parent licensees by the supervising agency at least three months prior to the expiration date of the license.
- b) The completed, signed application for renewal of the license shall be received by the supervising agency no later than 60 days after the date the application forms for license renewal were mailed to the licensee.
- c) Upon receipt of the application for license renewal, the supervising agency shall conduct a license study in order to determine that the foster home continues to meet licensing standards. The licensing study shall be in writing and shall be reviewed and signed by the supervisor and signed by the worker performing the study.
- d) *When a licensee has made timely and sufficient application for the renewal of a license and the Department fails to render a decision on 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 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, but such extensions shall be only upon good cause shown. [225 ILCS 10/5(d)]*
- e) As part of the renewal application, each foster family home applicant and member of the household 17 and older shall authorize criminal background checks in accordance with 89 Ill. Adm. Code 385 (Background Checks) and shall submit to fingerprinting, if fingerprints are not already on file with the Department, to determine if the individual has ever been charged with a crime and, if so, the disposition of the charges. In addition, members of the household ages 13 through 16 must authorize a SACWIS check and a check of the Child Sex Offender Registry.

(Source: Amended at 33 Ill. Reg., effective August 1, 2009)

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August 7, 2009 – P.T 2009.14

### Section 402.6 Provisions Pertaining to Permits

- a) A two month permit may be issued only with the personal written approval of the Director of the Department when:
- 1) The application for license has been completed and signed by the foster parent applicants and submitted to the Department;
  - 2) The required background check forms have been completed in accordance with 89 Ill. Adm. Code 385 (Background Checks), classifiable fingerprints, as defined in this Part, have been obtained, and Child Sex Offender Registry and CANTS checks have been completed that find no history of child abuse or neglect or criminal activities for the foster home applicants;
  - 3) A complete licensing study has been conducted by the licensing representative and it has been determined that the family is in reasonable compliance with all applicable standards except for receipt, review, and disposition of the criminal background check required by 89 Ill. Adm. Code 385 (Background Checks);
  - 4) Furnishings, equipment and space sufficient for the children have been acquired; and
  - 5) The applicants have signed:
    - A) affidavits indicating whether they have or have not been convicted or charged with a crime other than a minor traffic violation and a description of any convictions or charges;
    - B) acknowledgments that, by virtue of being a foster parent, they are mandated to report suspected child abuse or neglect;
    - C) acknowledgments that the permit is time limited and issuance of a license is contingent upon the results of the criminal background check;
    - D) acknowledgments that the permit may be canceled and the Department will refuse to issue a license if the results of the criminal background check are unfavorable; and
    - E) acknowledgments that any children placed in their care may be removed without prior notice if information provided during the application process has been falsified or the applicants have a prior criminal history, other than for a minor traffic violation.

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- b) A permit shall not be issued retroactively.
- c) Permits shall not be transferred to another person or other legal entity.
- d) Permits shall not be valid for a name or address different from the name and address shown on the issued permit.
- e) Permits shall not be renewable.
- f) A current permit shall be available in the foster home at all times while the home is operating under a permit.
- g) A license shall be issued at any time within the two month period covered by the permit provided that the foster family home achieves and maintains compliance with the Department's licensing standards.
- h) The foster family shall adhere to the provisions or restrictions specified on the permit.
- i) There shall be no fee or charge for the permit.

(Source: Amended at 26 Ill. Reg. 2624, effective February 11, 2002)

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## Section 402.7 Provisions Pertaining to the License

- a) A foster family home license is valid for four years unless revoked by the Department or voluntarily given up by the licensee.
- b) The number of children cared for in the foster family home shall not exceed the license capacity and must conform with the requirements for the number and ages of children specified on the license.
- c) The foster parents' biological and adopted children under 18 years of age and all other children under 18 years of age receiving full-time care shall be counted when determining license capacity.
- d) The license shall not be transferred to another person or other legal entity.
- e) The license shall not be valid for a name or an address other than the name and address on the license.
- f) A current license shall be available in the foster home at all times.
- g) There shall be no fee or charge for the license.
- h) The foster family shall adhere to the provisions or restrictions specified on the license.
- i) Non-active License Status
  - 1) The Department may place a foster family home license in non-active status when the licensee agrees in writing:
    - A) that the home has no foster placements and will not accept foster placements while in non-active status;
    - B) to maintain compliance with current and ongoing licensing standards as they are put into effect; and
    - C) to have the license moved to non-active status.
  - 2) A home in non-active status shall continue to be subject to Department and supervising agency involvement. The foster family home may be returned to active status upon any occurrence that may make the home inappropriate for non-active status, including but not limited to:
    - A) a licensing complaint;

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- B) a child abuse or neglect report;
  - C) SACWIS or criminal activity.
- 3) The foster family may request that the Department move its license back to active status by written notification to the home's licensing representative. Before the foster family home is returned to active status, the licensing representative shall complete an onsite monitoring visit, reassess the household composition to determine if any adult or child has moved into or out of the residence, update background checks for new household members, reassess the physical structure of the residence, reassess the medical and physical capacity of each foster parent, and reassess the licensed capacity of the home.
- 4) A non-active status foster family home license is valid and may remain in non-active status until its renewal date; however, the licensee must submit a complete renewal application, and complete the renewal study process, within the timeframes and guidelines of [Section 402.5](#) (Application for Renewal of License) for the license to be renewed. Upon the foster family home's request, the Department may move the license back into non-active status anytime after renewal, if it meets the aforementioned conditions for non-active status.

(Source: Amended at 33 Ill. Reg., effective August 1, 2009)

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### Section 402.8 General Requirements for the Foster Home

- a) The foster home shall be clean, well ventilated, free from observable hazards, properly lighted and heated, and free of fire hazards.
- b) The foster home may not use or have on the premises any unsafe children's product as described in the Children's Product Safety Act [430 ILCS 125] and 89 Ill. Adm. Code 386 (Children's Product Safety).
- c) The water supply of the foster family home shall comply with the requirements of the local and State health departments. If the foster family home accepts children under age ten or who are 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 Regulations shall be on file with the supervising agency.
- d) Water Hazards Protection
  - 1) All in-ground swimming pools located in areas accessible to children shall be fenced. The fence shall be at least 5 feet in height and secured by a locked gate.
  - 2) All above-ground pools shall have non-climbable sidewalls that are at least 4 feet high or shall be enclosed with a 5-foot fence that is at least 36 inches away from the pool's side wall and secured with a locked gate. When the pool is not in use, pool's steps shall be removed or the pool shall be otherwise protected to insure the pool cannot be accessed.
  - 3) Any hot tub not enclosed with a 5-foot fence shall have a securely locked cover.
  - 4) Any portable wading pool not enclosed with a 5-foot fence shall be emptied daily.
  - 5) Licensees in foster family homes with pools, hot tubs, ponds, outdoor fountains, decorative water ponds, fishponds, or the like must have current CPR certification.
  - 6) Foster homes shall come into compliance with the above water hazard requirements by January 1, 2010. Foster homes that have a license or a permit on January 1, 2009 and have had a fence with a minimum height of 3½ foot shall be considered in compliance with the fence requirement.
- e) No person shall smoke tobacco in a foster family home, open or enclosed motor vehicle while transporting a foster child, or *within 15 feet of entrances, exits,*



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*windows that open, and ventilation intakes that serve the foster family home.* [410 ILCS 82/10 and 70] This subsection does not prohibit smoking in a licensed foster home that does not have foster children in placement.

- f) Portable space heaters may be used as a supplementary source of heat if they have an Underwriters Laboratories sticker attached and are used in accordance with local and State building and fire codes. Portable space heaters may not be used in rooms where children are sleeping. Portable and fixed space heaters in areas occupied by children shall be separated by fire resistant partitions or barriers to prevent contact with the heater.
- g) Dangerous household supplies and dangerous tools shall be kept in a safe place inaccessible to children under 12 years of age. These items shall remain inaccessible to children during disposal.
- h) When not being dispensed or immediately accessible due to medical necessity, prescription and nonprescription drugs shall be kept in places that are not readily accessible to children under 12 years of age. Expired or unused medications, syringes, medical waste, or medication shall remain inaccessible to children during disposal.
- i) Any and all firearms and ammunition shall be locked up at all times and kept in places inaccessible to children. No firearms possessed in violation of a State or federal law or a local government ordinance shall be present in the home at any time. Loaded guns shall not be kept in a foster home unless required by law enforcement officers and in accordance with their law enforcement agency's safety procedures.
- j) The foster home shall comply with all requirements of the State laws and municipal codes for household pets. Certificates of inoculation for rabies shall be available for inspection.
- k) The foster home shall have an operating telephone on the premises unless the supervising agency has approved a written plan detailing the immediate and unrestricted access to a telephone.
- l) The foster home shall have fire and emergency evacuation plans that are to be discussed and rehearsed quarterly with the children.
- m) The foster 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 Section 3 of the Smoke Detector Act [425 ILCS 60/3].
- n) A foster home that is not exempted by Section 20 of the Carbon Monoxide Alarm Detector Act [430 ILCS 135] 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 that Act.

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- o) Adequate closet and dresser space comparable to that provided to the other children of the household shall be provided for each foster child to accommodate personal belongings.
- p) Foster parents shall respect children's rights to privacy while sleeping, bathing, toileting, and dressing.

(Source: Amended at 33 Ill. Reg., effective August 1, 2009)

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### Section 402.9 Requirements for Sleeping Arrangements

- a) Each foster child shall be provided his own separate bed or crib. Children who have been sharing a bed in compliance with previous versions of this subsection shall be provided his or her own separate bed or crib, by the foster parent, by October 1, 2002.
- b) If children placed in foster care exhibit sexually abusive behavior, sleeping arrangements for the sexually abusive child shall comply with the requirements of a safety plan approved by the Department.
- c) Children under six years of age may share a bedroom with related children of the opposite sex who are also under age six if each child is provided with a separate bed or crib.
- d) Unrelated children under two years of age may share a bedroom with children of the opposite sex who are also under the age of two if each child is provided a separate bed or crib.
- e) A foster child may share a bedroom with his or her own children of either sex if each child is provided a separate bed or crib.
- f) A foster child shall not share the bedroom with an adult except under emergency conditions for a brief period of time, when a child is ill, needs frequent attention or as allowed in [Section 402.9\(g\)](#). The supervising agency can require that a foster parent occupy sleeping quarters on the same level of the home as a child who has medical or behavioral issues that warrant close supervision. This requirement shall be written into the child's CFS 497, Service Plan, Part IIB.
- g) When adulthood (age 18) is reached by a foster, biological or adopted child for whom sharing the bedroom with a foster child under eighteen years of age has been determined to be in the best interests of the foster child, the supervising agency shall approve such arrangements in accordance with the provisions of this Section.
- h) The supervising agency may approve the use of a multi-purpose room for use as a bedroom in order to enable children of common parentage to be placed together or when it enables a placement that is otherwise in the best interests of the children. Such approvals shall be in writing and shall contain the names and birth dates of the children for whom the approval was issued. These approvals shall be reviewed and reapproved at each license renewal.
- i) There shall be a minimum of 40 square feet, excluding the closet and wardrobe area, for the first child occupying a bedroom and a minimum of 35 square feet for each additional child sharing the room. However, the supervising agency may approve a smaller room size on an individual case basis when such approval is in the best

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interests of the children. Such approvals shall be in writing and shall contain the names and birth dates of the children for whom the approval was issued. These approvals shall be reviewed at each license renewal.

- j) The room shall be exposed to an outside window or shall have auxiliary means of ventilation.
- k) The springs and mattresses on each bed requiring such shall be level, clean, unsoiled with no rips, tears or sags in the mattress or mattress cover, and not infested with insects. The bedding shall be suitable for the season.
- l) Linens shall be changed at least weekly for all children and as frequently as needed for children not toilet trained and for those who are enuretic.
- m) Waterproof mattress covers shall be provided for all beds or cribs for enuretic children.
- n) Sleeping rooms shall be comfortable and shall be furnished suitably for the age and sex of the child.
- o) Basements and Attics
  - 1) Basements and attics may be used for sleeping for children who are mobile, capable of self preservation, and able to understand and follow directions with minimal assistance in an emergency.
  - 2) Children for whom basement or attic sleeping arrangements may be provided shall be individually evaluated and approved by the supervising agency in accordance with the above cited requirements.
  - 3) To be used for sleeping, basements and attics shall have two exits with one exit leading directly to the outside with means to safely reach the ground level. The second exit may be an easily accessible outside window that provides an unobstructed opening, operable from the inside without the use of tools, and large enough to accommodate an adult. The sleeping area shall be separated from the furnace and utility areas.
  - 4) No basement or attic shall be used for sleeping without the approval of the supervising agency after consultation with the appropriate safety authorities.

(Source: Amended at 26 Ill. Reg. 2624, effective February 11, 2002)

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### Section 402.10 Nutrition and Meals

- a) The foster home shall provide at least three balanced meals per day in quantities sufficient to meet the recommended dietary allowances for nutritional needs of children. The time span between meals shall not be greater than 14 hours (overnight).
- 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 foster home shall consider the child's nutritional needs in relationship to the sex, age, religious beliefs and cultural background of the child.
- e) Meals served to children shall be substantially the same as those served other family members unless a variation based on medical needs or religious beliefs is required.
- f) Meals shall be served in an unhurried manner, under clean and sanitary conditions.
- g) Children shall be encouraged to eat the food that is served, but shall not be subjected to coercion or forced feeding.
- h) Children may be allowed to assist in meal preparation under adult supervision.

(Source: Renumbered from Section 402.9 at 7 Ill. Reg. 3439, effective April 4, 1983)

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### Section 402.11 Business and Employment of Foster Parents

- a) The operation of a commercial rooming or boarding house on the premises is not permitted.
- b) The operation of other business enterprises on the premises is permitted but shall not interfere with the care of the child or endanger the health, safety and welfare of the child. The supervising agency must know and approve of any business operation.
- c) Employment outside of the home is permitted but shall not interfere with the proper care of the foster child. When foster parents are employed outside the home, provision shall be made for adequate supervision of the children. The provision for supervision of the foster children shall be approved in writing by the supervising agency prior to placement of children in the home or at the time of employment. A copy of the approval shall be maintained in the supervising agency's licensing file and shall be sent to the foster parent.

(Source: Amended at 26 Ill. Reg. 2624, effective February 11, 2002)

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### Section 402.12 Qualifications of Foster Family

- a) The licensees shall be either a single person or two persons in a marriage or civil union with each other. Each foster parent shall be willing and able to assume appropriate responsibilities for the child or children received for care.
- b) An individual may be allowed to share the living arrangements only at the discretion of the supervising agency. The foster family is responsible for reporting to the supervising agency that an individual may be sharing the living arrangements prior to the individual moving into the home or prior to licensure. The individual will be subject to the same requirements as other members of the household, such as health certification and background checks as required in 89 Ill. Adm. Code 385 (Background Checks). The license capacity will be redetermined based on the new family composition.
- c) Foster parents shall be stable, law abiding, responsible, mature individuals, at least 21 years of age.
- d) The capability of the foster parents to provide care shall be considered prior to licensure of the foster family home. A decision to establish the age and number of children permitted in the home shall be based on an assessment of the foster family and shall consider at least the following:
  - 1) the foster parents' capability to provide care including an evaluation of the caregivers' health, strength, and mobility;
  - 2) the number, chronological and functional age, and characteristics and needs of the children currently under the care of the foster parents. This shall include an assessment of the foster parent's own children under age 18, all other children under age 18 receiving full-time care, and children receiving day care services in the foster family home;
  - 3) the characteristics, limitations, and responsibilities of the caregivers. All members of the foster family shall be free from active alcohol or substance dependency;
  - 4) the caregivers' ability to appropriately care for and adequately supervise the children currently in the home, as well as their ability to care for and supervise the ages, needs, and behaviors of the children who may be placed in the foster family home; and
  - 5) the number of foster parents in the home and the availability and experience of child care assistants.
- e) All members of the household age 13 and older (except for foster children) shall have passed the background check required by 89 Ill. Adm. Code 385 (Background Checks).

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- f) Foster parents shall accept agency supervision.
- g) Foster parents shall adequately supervise children in their care to assure compliance with laws including, but not limited to, criminal laws.
- h) Foster home applicants shall provide the names and addresses of at least three persons who are not related to them who can attest that the applicants are of reputable and responsible moral character.
- i) Foster parents shall respect a child's ties to his or her family and support the child in maintaining connections with his or her family. Foster parents shall cooperate with the supervising agency and the service plan for the child and his/her family. In an effort to become better acquainted with the child's siblings and other family members, a foster parent shall transport children to and supervise family visitation whenever possible.
- j) The foster family shall have sufficient financial resources to provide basic necessities for themselves and their own children.
- k) As a condition of initial licensure, each foster parent shall complete Pre-licensure Foster PRIDE/Adopt PRIDE Training or an equivalent pre-licensure foster parent training that has been approved by the Department.
- l) As a condition of fostering unrelated children in a licensed foster home, each foster parent shall complete Pre-placement Foster PRIDE/Adopt PRIDE Training or an equivalent pre-placement foster parent training that has been approved by the Department.
- m) Promoting Joint Placement of Sibling Groups and Sibling Contact
  - 1) As part of pre-licensure training, each foster parent shall receive training regarding the importance of maintaining sibling relationships and the child's sense of attachment to his/her siblings, the importance of maintaining sibling relationships over the child's lifespan, and the impact on the child if those relationships are severed. Foster home applicants shall be asked to explore their willingness to help children maintain contact with their siblings and other significant relationships in the children's past, as well as significant relationships they develop in the future. Foster home applicants shall be told that they may be contacted in the future regarding placement of siblings of a child subsequently requiring placement, or visitation and contact with siblings in other living arrangements or living independently.
  - 2) The Department shall assess the prospective foster family's understanding of a foster child's family connections, their willingness to help and support children in maintaining or developing a relationship with their siblings,



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including siblings with whom the children do not yet have a relationship, and recognize the value of preserving family ties between siblings, including their need for stability and continuity of relationships, and the importance of sibling contact in the development of the each child's identity.

- 3) When it is not possible to place all of the children together, the Department shall encourage the prospective foster families to encourage and facilitate visitation and contact among the siblings.
- n) In addition, each foster parent shall complete, as a condition of license renewal, 16 clock hours of approved in-service training. The foster home license shall not be renewed until each single foster parent and at least one foster parent in a married couple, or couple in a civil union, has completed educational advocacy training by the Department or approved agency that, if completed in the most recent licensing cycle, may count toward the 16 clock hours of in-service training. Child welfare agencies may require foster families under their supervision to complete additional training as a condition of continued supervision by the agency.
  - o) An expanded capacity license to allow foster homes to serve more than six children (including the foster parent's own children under age 18 and all other children under age 18 receiving full-time care) may be granted if the foster family home meets the requirements of Section 402.15(c). As a provision of retaining the expanded capacity license, foster parents shall complete a total of 9.0 clock hours of approved training each calendar year, beginning the calendar year the expanded capacity license is issued.
  - p) A statement that describes how the foster family and the foster family's home comply with the requirements of this Part shall be placed in the permanent foster home record. If the foster family home is not in compliance with any of the licensing standards, these standards shall be specifically recorded and the plan for achieving compliance shall be outlined. The plan for achieving compliance shall indicate whether foster children can remain in the foster home and whether new placements may be made in the foster home while the foster home is achieving compliance with the licensing standards. The statement shall be updated to reflect any changes in the status of the foster family or the foster home. All such updates shall be entered within five working days after the change in status.

(Source: Amended at 40 Ill. Reg. 808, effective December 31, 2015)

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**Section 402.13      Background Inquiry**

- a)      As a condition of issuance or renewal of a license by the Department, foster parents shall furnish information of:
- 1)      any offenses (other than minor traffic violations) for which they have been convicted; and
  - 2)      the disposition of the convictions.

The Department shall make a determination concerning the suitability of the foster parents in working with the child in accordance with this Part and 89 Ill. Adm. Code 385 (Background Checks).

- b)      All members of the foster family who transport foster children shall submit to annual verification of their driver's license, automobile liability insurance, and driving records. Any vehicle used to transport foster children shall be equipped with safety restraints in accordance with Section 4b of the Child Passenger Protection Act [615 ILCS 25/4b]. Any foster family member transporting foster children shall comply with the child passenger restraint requirements of the Child Passenger Protection Act and any other state and local vehicle safety laws or ordinances and shall ensure that all foster children wear required safety restraints at all times while being transported.
- c)      Persons who have been convicted of an offense shall not be automatically rejected as foster parents unless the offense is one of those listed in Part 402.Appendix A. Otherwise, the Department shall consider the following:
- 1)      the type of crime for which the individual was convicted;
  - 2)      the number of crimes for which the individual was convicted;
  - 3)      the nature of the offenses;
  - 4)      the age of the individual at the time of conviction;
  - 5)      the length of time that has elapsed since the last conviction;
  - 6)      the relationship of the crime and the capacity to care for children;
  - 7)      evidence of rehabilitation; and
  - 8)      opinions of community members concerning the individual in question.

(Source: Amended at 30 Ill. Reg. 6321, effective March 31, 2006)

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### Section 402.14 Health of Foster Family

- a) Foster parents and all members of the household shall provide medical evidence that they are free of communicable diseases or physical and mental conditions that affect the ability of the family to provide care.
- b) Before licensing, the foster parents shall furnish the supervising agency with a medical report on forms provided by the agency for each member of the household. A medical report shall be obtained for the foster parents, their children, other persons residing in the foster home, and child care assistants. The medical reports shall not be more than one year old. Copies of medical examinations of school age children who are members of the household that were completed in accordance with the requirements of the School Code [105 ILCS 5/27-8.1] are acceptable provided copies of the medical examinations are on file with the supervising agency.
- c) If there is a question regarding the mental or emotional health of the foster parent applicant or other adult members of the household, clinical reports and evaluations may be required by the supervising agency.
- d) Medical re-examinations of the foster parents and other members of the household shall be required at least once every four years or upon licensing renewal, whichever comes first. Copies of medical re-examinations of school age children who are members of the household that were completed in accordance with the requirements of the School Code [105 ILCS 5/27-8.1] are deemed to be in compliance with this requirement provided copies of the re-examinations are on file with the supervising agency. A medical re-examination of foster parents and other members of the household shall be required at an earlier date when, through personal observation of, or notification from the foster family, it becomes evident to the supervising agency or the physician has reason to believe that the foster parents or a member of the household has a communicable disease or other physical impairment.

(Source: Amended at 33 Ill. Reg., effective August 1, 2009)

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## Section 402.15 Number and Ages of Children Served

### a) General Rule Regarding the Number of Children in a Foster Family Home

Refer to Appendices B and C of this Part for a visual explanation of the number and ages of children allowed in a foster family home.

- 1) The maximum number of children permitted in a foster family home shall be six children who do not require specialized care, except as permitted in subsections (c), (d) and (e) of this Section. This maximum number includes the foster parents' own children under age 18 and all other children under the age of 18 receiving full-time care.
- 2) When determining how many children a foster family home may accept for care, the maximum number of children shall be reduced as described in [Appendix C](#) when the foster, adopted, or biological children have developmental, emotional, behavioral, or medical needs that require specialized care.

### b) General Rules Regarding Ages of Children in a Foster Family Home

#### 1) Four Children Under Age Six

No more than four children under six years of age, including the foster parent's own children, shall receive full-time care in a foster family home at any one time. When all of the foster children are of common parentage, as defined in [Section 402.2](#), the foster home may be specifically approved under subsection(c)(3)(A)(ii) of this Section to care for more than four children under six years of age with the approval of clinical services and licensing.

#### 2) Two Children Under Age Two

No more than two children, including the family's own children, shall be under two years of age unless the foster family home is accommodating a sibling group on a temporary basis.

### c) Expanded Capacity License Provisions for Foster Family Care

- 1) Foster parents may be licensed to care for more than six children on a full-time basis only if the foster parents are otherwise in compliance with the requirements of this Part, can meet the licensing standards for the additional children and have demonstrated competency in caring for the ages and characteristics of children for whom they are seeking the expanded capacity license. The maximum number of children permitted in foster family home with an expanded capacity license is eight children, unless:

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- A) all of the foster children are of common parentage, as defined in [Section 402.2](#) , and the Director of the Department has personally approved the placement; or
  - B) a waiver to permit an adoptive placement has been granted by the Director in accordance with subsection (e) below.
- 2) No more than two of the children cared for under an expanded capacity license may be under two years of age unless the foster family home is accommodating a sibling group on a temporary basis.
- 3) An expanded capacity license may be issued to allow only the following types of care:

### **A) Sibling Groups**

- i) A licensed foster family home may receive an expanded capacity license to care for a maximum of eight children (including the foster parent's own children under age 18 and all other children under age 18 receiving full-time care) in order to keep one or more sibling groups together in the foster family home.
- ii) The maximum of no more than four children under age six does not apply when all of the foster children are of common parentage, as defined in [Section 402.2](#), and clinical services and licensing have approved in writing a plan which allows for the full-time care of more than four children under age six.
- iii) No expanded capacity license is required to allow overnight visits between siblings.

### **B) Foster Children with Children**

A licensed foster family home may receive an expanded capacity license to care for a maximum of eight children (including the foster parent's own children under age 18 and all other children under age 18 receiving full-time care) to allow foster children who are parents to bring their own children with them to live in the foster family home. The expanded capacity license is to allow the foster family home to accept more than six children, but does not exempt the home from compliance with the requirements of [Section 402.15\(b\)](#), regarding the ages of children in the home.

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### C) Respite Foster Care

A licensed foster family home may receive an expanded capacity license to care for a maximum of eight children (including the foster parent's own children under age 18 and all other children under age 18 receiving full-time care), if the home provides respite foster care. Any children received for respite care shall be counted in the maximum of eight children.

### d) Foster Care Placements Made Before January 1, 1998

- 1) These amendments are not retroactive in their effect. If more than six children under age 18 are residing in a foster family home as of December 31, 1997, the appropriateness of continuing in the foster care placement shall be evaluated for each child by June 30, 1998. The results of the evaluation shall be documented in the child's case record and a copy forwarded to the Department's local office of licensing.
- 2) If the evaluation finds that the foster children are receiving adequate and appropriate care in the current foster family home and that remaining in the current foster family home is in the best interests of the foster children, the foster children may remain in the foster care placement, even if there are more than six children in the home (including the foster parent's own children under age 18 and all other children under age 18 receiving full-time care).
  - A) Foster parents are not required to obtain an expanded capacity license to continue to care for children already placed with them as of December 31, 1997, but may not accept additional foster children until the home is in compliance with the requirements of [Section 402.15](#) of this Part.
  - B) When the foster children in care as of December 31, 1997 move to another placement or attain the age of 18, the capacity of the foster home will be reduced until it reaches the maximum of six children, unless the foster parents have applied for and been granted an expanded capacity license allowing them to care for eight children.
- 3) If the evaluation finds that the foster children are not receiving adequate and appropriate care in their current foster family home or that remaining in the current foster family home is not in the best interests of one or more of the foster children, the affected children shall be moved to another appropriate placement. All such moves shall be made in a planned manner after prior notice has been given to the foster parents, as required by 89 Ill. Adm. Code 337, Service Appeals Process.

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### e) **Adoptive Placements**

#### 1) **Maximum Number of Children**

A licensed foster family home may receive an expanded capacity license to care for a maximum of eight children (including the foster parent's own children under age 18 and all other children under age 18 receiving full-time care) in order to effect an adoptive placement. The Director of the Department of Children and Family Services may waive in writing the maximum number of eight children to effect an adoptive placement provided the following criteria are met:

- A) a licensed child welfare agency or the Department proposes to place an additional child or children in the home for the purpose of adoption;
- B) a licensed child welfare agency or the Department has documented in the child's case record that this home is the most appropriate choice for an adoptive placement and is consistent with the best interests and special needs of the child or children;
- C) the foster family is otherwise in compliance with the licensing requirements of this Part and can meet licensing standards for the additional child or children; and
- D) the foster family or supervising agency has requested, in writing, that the Director waive the limit of eight children under the age of 18 so that an additional child or children may be placed in their home for purposes of adoption.

#### 2) **Ages of Children**

The Director of the Department of Children and Family Services may waive in writing the age requirements in subsection (b) of this Section, if necessary, to place a child in an adoptive home provided the criteria in subsection (c)(2) of this Section are met and there are a sufficient number of suitable adult caregivers to insure that the children receive proper care and supervision.

### f) **Independent Foster Family Homes**

Independent foster homes receive children by independent arrangement. These homes are not subject to direct and regular supervision by a child welfare agency. These homes shall not be licensed for more than a maximum of four children under age 18 (including the foster parent's own children under age 18 and all other children under age 18 receiving full-time care) unless all of the unrelated children are of common parentage. No more than two of these children, including the family's own children, shall be under the age of two unless the foster family is accommodating a sibling group on a temporary basis.

(Source: Amended at 22 Ill. Reg. 205, effective December 19, 1997)

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### Section 402.16 Meeting Basic Needs of Children

- a) All children in the foster family shall be treated equitably.
- b) Children shall receive supervision appropriate to their developmental age at all times. All children in the foster home shall be protected from exploitation, neglect, and abuse. Suspected child abuse or neglect shall be reported to the supervising agency and to the Department immediately.
- c) Foster parents shall provide the child with ongoing opportunities to explore a wide variety of interest areas to expand his or her knowledge of learning possibilities that may lead to the child's systematic and lifelong involvement in one or more interest areas.
- d) Foster parents shall make every effort to preserve family ties between siblings, recognizing their need for stability and continuity of relationships, and the importance of sibling contact in the development of each child's identity. Foster parents shall help and support children in developing a relationship with their siblings, including siblings with whom the children do not yet have a relationship, and encourage and facilitate contact between the siblings.
- e) Each child shall be given the opportunity to develop social relationships through participation in schools, and other community and group activities. Each child shall have the opportunity to invite friends to the foster home and to visit in the home of friends.
- f) Care shall be exercised in giving permission for the foster child to visit overnight with friends or relatives of the child or foster parents. Extended trips away from the foster home must be approved by the foster child's parent or guardian.
- g) Personal allowance money shall be available to the children based upon the child's age and ability to manage the money. Adolescents may be allowed to earn additional spending money.
- h) Foster parents shall assist the child in the proper handling of money.
- i) Each child shall have the opportunity to learn to assume some responsibility for himself and for household duties in accordance with his age, health, and ability. No child shall be permitted to do tasks which are hazardous, dangerous or risk harm to the child.
- j) The supervising agency shall immediately be notified of any situation that affects the care of the child, including but not limited to death, serious illness, incarceration, death of a child or any other significant occurrence.

(Source: Amended at 40 Ill. Reg. 808, effective December 31, 2015)



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### Section 402.17 Health Care of Children

- a) Each foster child shall have a medical and dental checkup once a year or upon medical or dental recommendation.
- b) In case of sickness or accident, immediate medical care shall be secured for the child in accordance with the supervising agency's directions.
- c) Immunizations and tests, unless exempt on religious grounds, shall be administered as required by the Department of Public Health regulations, or as recommended by a physician.
- d) Foster parents shall keep the supervising agency informed of any of the child's health concerns, including alcoholism and drug abuse.
- e) Prescription drugs or prescription medicines shall not be given to a foster child without a physician's prescription or authorization. When administering prescription medication, the foster parent shall follow the directions of the physician and all prescription medication administered by the foster parent shall be documented on the required medical log.
- f) Foster parents shall thoroughly acquaint anyone caring for the foster child in their absence with the foregoing health requirements.
- g) Any child who is suspected of having a serious contagious disease shall be separated from other children until a medical determination has been received that the disease is not contagious or is no longer contagious, or a plan for appropriate care and protection of other household members has been approved by the supervising agency after consultation with a licensed physician.

(Source: Amended at 26 Ill. Reg. 2624, effective February 11, 2002)

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### **Section 402.18 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.

(Source: Renumbered from Section 402.17 at 7 Ill. Reg. 3439, effective April 4, 1983)

### **Section 402.19 Recreation and Leisure Time**

Foster parents should encourage appropriate indoor and outdoor recreation.

(Source: Renumbered from Section 402.18 at 7 Ill. Reg. 3439, effective April 4, 1983)

### **Section 402.20 Education**

- a) Foster parents shall encourage each child to complete high school or vocational training in accordance with his aptitude. Foster parents shall cooperate with the supervising agency in the child's educational plan.
- b) 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.
- c) The supervising agency shall ensure that the foster parents shall maintain contact with those serving the educational needs of their children and seek their cooperation to assure that:
  - 1) children are placed in appropriate grades and program; and
  - 2) there is periodic evaluation of individual children.
- d) The supervising agency shall ensure that each child is provided with the necessary school supplies, materials and equipment.

(Source: Renumbered from Section 402.19 at 7 Ill. Reg. 3439, effective April 4, 1983)

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### Section 402.21 Discipline of Children

- a) Discipline shall be appropriate to the developmental age of the child, related to the child's act, and shall not be out of proportion to the particular inappropriate behavior. Discipline shall be handled without prolonged delay.
- b) The foster parent shall be responsible for the discipline of the child. Discipline shall never be delegated to a child's peer or peers, nor to persons who are strangers to the child.
- c) No child shall be subjected to corporal punishment, verbal abuse, threats or derogatory remarks about him or her or his or her family.
- d) No child shall be deprived of a meal or part of a meal as punishment.
- e) No child shall be deprived of visits with family or other persons who have established a parenting bond with the child. Cancellation of arranged visits as a form of discipline is prohibited.
- f) No child shall be deprived of clothing or sleep as punishment.
- g) A child may be restricted to an unlocked bedroom for a reasonable period of time. While restricted, the child shall have full access to sanitary facilities.
- h) A child may be temporarily restrained by a person physically holding the child if the child poses a danger to himself or to others.
- i) The personal spending money of a child may be used as a constructive disciplinary measure to teach the child about responsibility and the consequences of his behavior. However, no more than 50% of the child's monthly personal spending money shall be withheld for any reason.
  - 1) Withholding a child's monthly personal spending money shall occur only under the following circumstances:
    - A) for reasonable restitution for damages done by the child; or
    - B) for breaking the family's rules if the child has been given an oral warning that his spending money will be reduced for this infraction.
  - 2) When a child's spending money has been reduced because he has broken a rule, the foster parent shall keep the withheld money for the child and shall not use it for any reason. The foster parent shall give the child opportunities to earn the money back and shall explain to the child how the spending money can be restored.

**LICENSING STANDARDS FOR FOSTER FAMILY HOMES**  
**July 9, 2012 – P.T. 2012.12**

- j) Special or additional chores may be assigned as a disciplinary measure.
- k) Privileges may be temporarily removed as a disciplinary measure.

(Source: Amended at 36 Ill. Reg. 4086, effective March 5, 2012)

**Section 402.22           Emergency Care of Children**

In the case of an emergency requiring the absence of the foster parent from the foster home for a period of 24 hours or longer, the supervising agency must be notified so that appropriate arrangements may be made for the care of the child.

(Source: Renumbered from Section 402.21 at 7 Ill. Reg. 3439, effective April 4, 1983)

**Section 402.23           Release of Children**

The foster parents shall not release a foster child to anyone except as authorized by the supervising agency.

(Source: Renumbered from Section 402.22 at 7 Ill. Reg. 3439, effective April 4, 1983)

**Section 402.24           Confidentiality of Information**

All personal or identifying information concerning a foster child, including but not limited to, his background, his family, and the identity and location of all other persons or families with whom he has been, or will be placed, shall be treated as confidential by all persons involved with the child.

(Source: Amended at 11 Ill. Reg. 4292, effective March 1, 1987)

## LICENSING STANDARDS FOR FOSTER FAMILY HOMES

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### Section 402.25 Required Written Consents

- a) The supervising agency shall ensure that prior written consents from legally responsible persons (parent, court, or other legal custodian or guardian) are 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, psychological, 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 child under age of 18.
- b) Written consents shall be dated and limited to a specific period of time.
- c) Any written or verbal consent or authorization given by the individuals referenced in subsection (a) or by others that conflicts with any of the requirements of this Part is not valid.

(Source: Amended at 26 Ill. Reg. 2624, effective February 11, 2002)

## LICENSING STANDARDS FOR FOSTER FAMILY HOMES

August 7, 2009 – P.T 2009.14

### Section 402.26      **Records to be Maintained**

- a) Records to be maintained by the foster family shall include:
- 1) the name and date of birth of the child, the legal guardian of the child, religion of the child, and arrangements for education of the child;
  - 2) a record of immunizations the child has received; any physical problems, limitations, or allergies the child has; any current recommendations for special medical care;
  - 3) the name, address, and telephone number of the child's physician, guardian, and supervising agency;
  - 4) a log of medication prescribed and given;
  - 5) the names, addresses, and telephone numbers of persons to contact in case of emergency;
  - 6) the names and persons to whom the child may be released;
  - 7) a record of waivers for immunizations, medical examinations, and treatment;
  - 8) a record and/or receipts for distribution of allowance and clothing funds;
  - 9) a record of the emergency evacuation plan and quarterly rehearsals;
  - 10) a record of the child care supervision plan, when required under [Section 402.11\(c\)](#);
  - 11) a copy of the CFS-592, Overnight Visit Arrangements that shall be kept for the duration of the visit;
  - 12) a copy of any CFS-432, Guardian's Consent for Out-of-State Travel, or Extended Trips.
- b) The foster family shall maintain records to verify attendance at required pre-licensure and in-service trainings.
- c) Records maintained by the foster family shall be kept current and shall be open to inspection by the supervising agency. All persons who have access to the foster family's records shall respect their confidential nature.

(Source: Amended at 26 Ill. Reg. 2624, effective February 11, 2002)

## **LICENSING STANDARDS FOR FOSTER FAMILY HOMES**

**July 9, 2012 – P.T. 2012.12**

### **Section 402.27      Licensing Supervision**

Foster parents shall cooperate with the supervising agency to assure continuing compliance with licensing requirements. Each licensed facility, except those in non-active status, supervised by the Department or a private child welfare agency shall be visited by the licensing worker of the Department or the agency at least semiannually to ensure that the standards for licensing continue to be met.

(Source: Amended at 36 Ill. Reg. 4086, effective March 5, 2012)

### **Section 402.28      Adoptive Homes**

An adoptive home shall be licensed as a foster family home before placement of an unrelated child for adoption.

(Source: Amended at 20 Ill. Reg. 1589, effective January 10, 1996)

## LICENSING STANDARDS FOR FOSTER FAMILY HOMES

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### **Section 402.29      Director's Waivers**

- a) On a case-by-case basis, the Director or designee may waive non-safety related licensing standards that may impede or prevent licensure for relatives. Such waivers shall be for specific children in care and shall be in the best interest of those children.
- b) Unless prohibited by law, the Director of the Department may waive, or may conditionally waive, any requirement under this Part, if doing so is in the best interest of the foster children. Waivers from the Director shall be in writing. Written notification of any waiver under this Section, with an explanation of the waived provision and the basis for the best interest determination, shall be sent to the child's parents, unless their parental rights have been terminated, the State's Attorney, and the child's attorney.

(Source: Amended at 36 Ill. Reg. 4086, effective March 5, 2012)

### **Section 402.30      Severability of This Part**

If any court of competent jurisdiction finds that any rules, 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.

(Source: Renumbered from Section 402.29 at 26 Ill. Reg. 2624, effective February 11, 2002)



# LICENSING STANDARDS FOR FOSTER FAMILY HOMES

August 7, 2009 – P.T 2009.14

## APPENDIX A: Criminal Convictions that Prevent Licensure

If the foster parent applicants or any adult member of the household has been declared a sexually dangerous person under the Sexually Dangerous Persons Act [725 ILCS 205], or convicted of committing or attempting to commit one or more of the following serious criminal offenses under the Criminal Code of 1961 [720 ILCS 5], or under any earlier Illinois criminal law or code or an offense in another state, the elements of which are similar and bear a substantial relation to any of the criminal offenses specified below, this will serve as a bar to receiving a foster home license or permit.

### OFFENSES DIRECTED AGAINST THE PERSON

#### HOMICIDE

- Murder
- Solicitation of murder
- Solicitation of murder for hire
- Intentional homicide of an unborn child
- Voluntary manslaughter of an unborn child
- Involuntary manslaughter
- Reckless homicide
- Concealment of a homicidal death
- Involuntary manslaughter of an unborn child
- Reckless homicide of an unborn child
- Drug induced homicide

#### KIDNAPPING AND RELATED OFFENSES

- Kidnapping
- Aggravated kidnapping
- Aggravated unlawful restraint
- Forcible detention
- Child abduction
- Aiding and abetting child abduction
- Harboring a runaway

#### SEX OFFENSES

- Indecent solicitation of a child
- Indecent solicitation of an adult
- Public indecency
- Sexual exploitation of a child
- Custodial sexual assault
- Sexual relations within families
- Prostitution
- Soliciting for a prostitute
- Soliciting for a juvenile prostitute
- Solicitation of a sexual act
- Pandering

## LICENSING STANDARDS FOR FOSTER FAMILY HOMES

August 7, 2009 – P.T 2009.14

Keeping a place of prostitution  
Keeping a place of juvenile prostitution  
Patronizing a prostitute  
Patronizing a juvenile prostitute  
Pimping  
Juvenile pimping  
Exploitation of a child  
Obscenity  
Child pornography  
Harmful material  
Tie in sales of obscene publications to distributors  
Posting of identifying information on a pornographic Internet site

### **BODILY HARM**

Aggravated battery of a child  
Tampering with food, drugs, or cosmetics  
Drug induced infliction of great bodily harm  
Hate crime  
Stalking  
Aggravated stalking  
Threatening public officials  
Home invasion  
Vehicular invasion  
Criminal sexual assault  
Aggravated criminal sexual assault  
Predatory criminal sexual assault of a child  
Criminal sexual abuse  
Aggravated sexual abuse  
Criminal transmission of HIV  
Criminal neglect of an elderly or disabled person  
Child abandonment  
Endangering the life or health of a child  
Ritual mutilation  
Ritualized abuse of a child

If the foster parent applicants or any adult member of the household has been convicted of committing or attempting to commit one or more of the following serious criminal offenses under the Criminal Code of 1961 [720 ILCS 5], Cannabis Control Act [720 ILCS 550] or the Illinois Controlled Substances Act [720 ILCS 570], or under any earlier Illinois criminal law or code or an offense in another state, the elements of which are similar and bear a substantial relation to any of the criminal offenses specified below, this conviction will serve as a bar to receiving a foster home license or permit, unless **all** of the following requirements are met:

- 1. The relevant criminal offense or offenses occurred more than 10 years prior to the date of application or renewal.*

## LICENSING STANDARDS FOR FOSTER FAMILY HOMES

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2. *The applicant had previously disclosed the conviction or convictions to the Department for the purposes of a background check.*
3. *After the disclosure, the Department either placed a child in the home or the foster family home license was issued.*
4. *During the background check, the Department had assessed and waived the conviction in compliance with the existing statutes and rules in effect at the time of the waiver.*
5. *The applicant meets all other requirements and qualifications to be licensed as a foster family home under the Child Care Act and the Department's administrative rules.*
6. *The applicant has a history of providing a safe, stable home environment and appears able to continue to provide a safe, stable home environment. (Section 4.2 of the Child Care Act)*

### **OFFENSES DIRECTED AGAINST THE PERSON**

#### **KIDNAPPING AND RELATED OFFENSES**

Unlawful restraint

#### **BODILY HARM**

Felony aggravated assault

Vehicular endangerment

Felony domestic battery

Aggravated battery

Heinous battery

Aggravated battery with a firearm

Aggravated battery of an unborn child

Aggravated battery of a senior citizen

Intimidation

Compelling organization membership of persons

Abuse and gross neglect of a long term care facility resident

Felony violation of an order of protection

#### **OFFENSES DIRECTED AGAINST PROPERTY**

Felony theft

Robbery

Armed robbery

Aggravated robbery

Vehicular hijacking

Aggravated vehicular hijacking

Burglary

Possession of burglary tools

Residential burglary

Criminal fortification of a residence or building

Arson

## LICENSING STANDARDS FOR FOSTER FAMILY HOMES

August 7, 2009 – P.T 2009.14

Aggravated arson

Possession of explosive or explosive incendiary devices

### OFFENSES AFFECTING PUBLIC HEALTH, SAFETY AND DECENCY

Felony unlawful use of weapons

Aggravated discharge of a firearm

Reckless discharge of a firearm

Unlawful use of metal piercing bullets

Unlawful sale or delivery of firearms on the premises of any school

Disarming a police officer

Obstructing justice

Concealing or aiding a fugitive

Armed violence

Felony contributing to the criminal delinquency of a juvenile

### DRUG OFFENSES

Possession of more than thirty grams of cannabis

Manufacture of more than 10 grams of cannabis

Cannabis trafficking

Delivery of cannabis on school grounds

Unauthorized production of more than five cannabis sativae plants

Calculated criminal cannabis conspiracy

Unauthorized manufacture or delivery of controlled substances

Controlled substance trafficking

Manufacture, distribution, advertisement of look-alike substances

Calculated criminal drug conspiracy

Street gang criminal drug conspiracy

Permitting unlawful use of a building

Delivery of controlled, counterfeit or look-alike substances to persons under age 18, or at truck stops, rest stops, safety rest areas, or on school property

Using, engaging, or employing persons under 18 to deliver controlled, counterfeit or look-alike substances

Delivery of controlled substances

Sale or delivery of drug paraphernalia

Felony possession, sale or exchange of instruments adapted for use of controlled substance or cannabis by subcutaneous injection

*Final approval for licensure shall not be granted if the record check reveals a felony conviction for child abuse or neglect, for spousal abuse, for a crime against children, or for a crime involving violence, including rape, sexual assault or homicide, but not including other physical assault or battery or if there is a felony conviction for physical assault, battery or a drug-related offense committed within the past 5 years. [20 ILCS 505/5(v-1) and (v-2)]*

(Source: Amended at 33 Ill. Reg., effective August 1, 2009)

**LICENSING STANDARDS FOR FOSTER FAMILY HOMES**

August 7, 2009 – P.T 2009.14

**APPENDIX B: Number and Ages of Children in Foster Family Home: No Child Requires Specialized Care**

<b>Number and Ages of Children Under Age 18 in a Foster Family Home                      (includes family's own children under age 18)                      No Child Requires Specialized Care                      All Foster Children Have Same Mother or Same Father</b>		
<b>Ages of Children</b>	<b>Regular Foster Home License Number of Children</b>	<b>Expanded Capacity License<sup>1</sup> Number of Children<sup>2</sup></b>
Total number	6	As needed in order to keep siblings together <sup>2</sup> .
Under age six	4 <sup>3</sup>	4 <sup>3</sup>
Under age two	2	2

- 1 Approved only to allow placements of sibling groups, foster children with children, respite care, and for purposes of adoption.
- 2 To exceed eight children requires personal approval by the Director of the Department.
- 3 May exceed four children under age six in order to keep siblings together with the approval of clinical services and licensing.

<b>Number and Ages of Children Under Age 18 in a Foster Family Home                      (includes family's own children under age 18)                      No Child Requires Specialized Care                      All Foster Children Do Not Have Same Mother or Same Father</b>		
<b>Ages of Children</b>	<b>Regular Foster Home License Number of Children</b>	<b>Expanded Capacity License<sup>1</sup> Number of Children</b>
Total number	6	8 <sup>2</sup>
Under age six	4	4
Under age two	2	2

- 1 Approved only to allow placements of sibling groups, foster children with children, respite care, and for purposes of adoption.
- 2 May exceed eight children when the placement is an adoptive placement and the waiver is personally approved by the Director of the Department.

**LICENSING STANDARDS FOR FOSTER FAMILY HOMES**  
**August 7, 2009 – P.T 2009.14**

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# LICENSING STANDARDS FOR FOSTER FAMILY HOMES

August 7, 2009 – P.T 2009.14

## APPENDIX C: Number and Ages of Children in Foster Family Home: Child Requires Specialized Care

<b>Number and Ages of Children Under Age 18 in a Regular Foster Family Home (includes family's own children under age 18) Children Require Specialized Care</b>				
<b>Ages of Children</b>	<b>One Child Requires Specialized Care</b>	<b>Two Children Require Specialized Care</b>	<b>Three Children Require Specialized Care</b>	<b>Four Children Require Specialized Care</b>
Total number	5	4	4 <sup>1</sup>	4 <sup>1</sup>
Under age six	4	3	3 <sup>1</sup>	2 <sup>1,2</sup>
Under age two	2	2	2 <sup>1</sup>	1 <sup>1,2</sup>

- 1 Requires approval of the manager of clinical services and the licensing supervisor.
- 2 May allow one more child if approved via a staffing held at the convenience of the foster parent that includes licensing, clinical services, the child welfare workers for all involved children, and the foster parents.

**LICENSING STANDARDS FOR FOSTER FAMILY HOMES**  
**August 7, 2009 – P.T 2009.14**

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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

POLICY GUIDE 2017.09

Rules 383/ Rules 402/ Rules 431

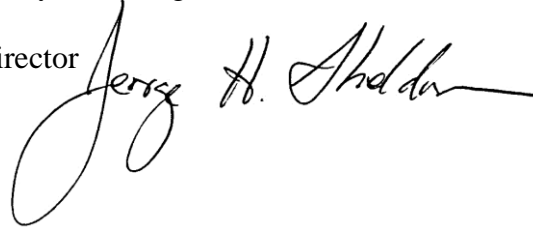
QUALITY OF CARE CONCERNS APPLICANT

DATE: June 14, 2017

TO: DCFS and Private Agency Licensing Staff

FROM: George H. Sheldon, Director

EFFECTIVE: Immediately



**I. PURPOSE**

This purpose of this Policy Guide is to inform staff of several amendments in Illinois law affecting foster care licensing practice made in **Public Act 099-779**. In the coming months DCFS will propose amendments to **Rules 383, Licensing Enforcement; Rules 402, Licensing Standards for Foster Family Homes; and Rules 431, Confidentiality of Personal Information of Persons Served by the Department**.

**II. PRIMARY USERS**

The primary users of this Policy Guide are Department and POS licensing staff who provide foster care licensing services as well as foster parents and ancillary staff who are involved with providing supports and training to foster parents.

**III. SUMMARY OF LEGISLATIVE CHANGES**

Public Act 099-779, effective January 1, 2017, amended Section 35.1 of the Children and Family Service Act, Sections (4), (6) and (7) of the Child Care Act of 1969 as amended and adds Section 2.22 (a) to the Child Care Act of 1969.

**IV. RELEASE OF LICENSING RECORDS TO GUARDIAN AD LITEM (GAL) or ATTORNEY**

Upon written request of the Guardian Ad Litem (GAL), or attorney appointed to represent a youth in care, pursuant to Article II of the Juvenile Court Act of 1987 the requested information in a licensing record shall be submitted to the GAL or attorney, including licensing complaints and investigations regarding a foster home in which the youth is placed or in which the Department plans to place the youth. Information that cannot be disclosed per state or federal law shall be redacted, prior to submission to the requesting GAL or attorney appointed to represent the youth in care.



The Guardian Ad Litem or attorney appointed to represent a youth in care may make a written request for licensing records of the child's caregiver or past caregivers or a future caregiver with whom DCFS plans to place the child. Written requests for records are to be sent to: the A&I Licensing Supervisor for POS Agencies or the Licensing Unit for DCFS. The Department shall have up to 15 business days or sooner to provide the licensing file, or specific information in the licensing file, to the Guardian Ad Litem or attorney. Information to be redacted in a licensing file shall include the list of information on the **CFS 600-3C, Redaction Checklist for Investigative Files Involving Department Youth in Care Represented by the Cook County Public Guardian**. The **CFS 600-3C** also includes the legislation from which these disclosures are prohibited.

## V. **QUALITY OF CARE CONCERNS APPLICANT**

A Quality of Care Concerns Applicant is an applicant for a foster care license or renewal of a foster care license where the applicant or any person living in the applicant's household has had a license:

- A. Revoked or refused to renew
- B. Surrendered for cause
- C. Expired or surrendered while either an abuse or neglect investigation or licensing investigation was pending or an involuntary hold was placed on the home.
- D. the applicant has been the subject of allegations of abuse or neglect
- E. Has an indicated report of abuse or neglect
- F. Has been the subject of involuntary holds that were placed on the home for the health, safety and well-being of a child or children in care
- G. Has been involved in substantiated licensing complaints which were not corrected and resulted in enforcement action against the facility license

A Quality of Care Concerns Applicant must submit a preliminary application if the license has been:

- 1. Revoked or refused to renew,
- 2. Surrendered for cause, or
- 3. Expired or surrendered when certain types of placement holds were in effect or during a pending licensing or child abuse or neglect investigation was pending.

The foster home may not reapply for a license before the expiration of 5 years following the Department's action or following the expiration or surrender of the license.

## VI. PRELIMINARY APPLICATION FOR QUALITY OF CARE CONCERNS APPLICANT

### A. Preliminary Application for Licensure

Individuals meeting the definition of Quality of Care Concerns Applicant must submit a **CFS-597-1, Preliminary Application for Licensure**. The preliminary application must include:

- A list of all youth in care fostered in their home that were subsequently removed from their home due to other outcomes than a return home to a parent or legal guardian. Also required are the circumstances that led to their removal.
- A list of all youth currently under 18 years of age who were in their care as foster children and were subsequently provided permanency in the home as an adopted youth or a youth for whom they received legal guardianship, but no longer reside in the home. The assessment requires that the reasons why the child or children are no longer residing in the home.

If the Quality of Care Concerns Applicant chooses to they may also submit:

- A documented statement from the preliminary applicant(s) as to why the concerns are not valid, or how concerns have been satisfactorily addressed and remediation has occurred.
- Affirmative documentation that demonstrates the quality of care applicant does not pose a risk to a child's physical/emotional health and well-being. Quality of Care Concerns Applicants may provide documentation of successful completion of additional education, training or corrective action.

A **CFS 542, Initial Inquiry**, form shall be completed by licensing staff for each individual making an inquiry into becoming licensed as a foster home provider, to determine if the individual meets the definition of a quality of care applicant.

When the individual has a quality of care concern involving a revocation, refusal to renew or surrender with cause where fewer than 5 years has passed, the individual making the inquiry shall be informed of the new language in statute that prevents them from applying at this time.

### B. Department shall verify and review information in the Preliminary Application:

The licensing representative shall document the review and assessment on the **CFS-597-2, Licensing Representative/Supervisor Assessment and Recommendation**, based upon review of the following documents:

- Prior licensing complaints
- Prior child abuse/neglect investigations
- Prior involuntary holds

POS Agencies shall submit Quality of Care Concerns Applicant recommendations to the A&I Licensing Supervisor for review and approval.

The licensing supervisor or A&I supervisor shall review the completed assessment and recommendation from the licensing representative and direct the licensing representative to send out the **CFS- 597-3, Quality of Care Concerns Preliminary Application Decision**.

The Department shall obtain consultation from its Clinical Division as appropriate and prescribed by Department Rule and Procedures.

**C. Potential outcome to a complete Preliminary Application**

The Department may issue a foster family license to a Quality of Care Concerns Applicant if the Department is satisfied that the foster family home does not pose a risk to children and that the foster family home will be able to meet the physical and emotional needs of children. The Department must carefully review all relevant documents and obtain consultation from the Department's Clinical Division to make one of the following determinations:

- Deny the preliminary application based upon quality of care concerns (this prevents the individual from eligibility to apply for licensure)
- Approve the preliminary application based upon the quality of care concerns having been assessed and remediated and applicant has been determined able to meet the physical and emotional needs of a child
- Provide tentative approval of a preliminary application, contingent upon receipt of additional information or assessment
- Approve preliminary application based upon results of assessment and recommendation to limit placement to a specific child or children in the home

**D. Department Written Response to a complete Preliminary Application**

When the preliminary application is approved, the Department shall provide written notice to the quality of care applicant by the **CFS-597-3, Quality of Care Concerns Preliminary Application Decision** that they may now apply for foster home licensure through the same established requirements and methods used for other applicants seeking foster home licensure.

When the preliminary application is denied, the Department shall provide written notice to the individual as to why the preliminary application was denied, per the assessment required in the Children & Family Services Act.

## VI. 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 OCFP – Mailbox. Non Outlook users may e-mail questions to [cfpolicy@idcfs.state.il.us](mailto:cfpolicy@idcfs.state.il.us).

## VII. FORMS

The following forms are available on templates and can be ordered in the usual manner:

**CFS 542, Initial Inquiry** (revised)

**CFS-597-1, Foster Care: Quality of Care Concerns Applicant Preliminary Application for Licensure** (new)

**CFS-597-2, Foster Care: Quality of Care Concerns Applicant Licensing Representative/Supervisor Assessment and Recommendation** (new)

**CFS-597-3, Quality of Care Concerns Preliminary Application Decision** (new)

## VIII. FILING INSTRUCTIONS

File this Policy Guide immediately following **Rule 383, Licensing Enforcement; Rule 402, Licensing Standards for Foster Family Homes; and Rule 431, Confidentiality of Persons Served by the Department.**

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**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

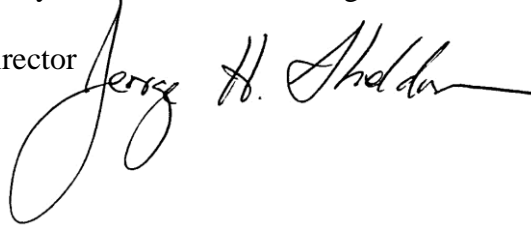
**POLICY GUIDE 2017.05**

**FOSTER HOME CLOSE SURRENDER AND NON-ACTIVE STATUS**

**DATE:** February 22, 2017

**TO:** DCFS and Private Agency Foster Home Licensing Staff

**FROM:** George H. Sheldon, Director



**EFFECTIVE:** Immediately

**I. PURPOSE**

The purpose of this Policy Guide is to inform Department and Purchase of Service (POS) Foster Home licensing staff what is required in terms of moving a foster home from non-active status to active status when the purpose is for accepting a surrender of the foster home license.

This Policy Guide is effective immediately and shall remain in force pending future rulemaking and procedure revision.

**II. PRIMARY USERS**

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

**III. BACKGROUND AND SUMMARY**

Currently, there is a requirement in Rule 402.7(i)(3) for any foster home that is moved from non-active status to active status to receive a home visit for the purpose of determining compliance with Rule 402. This Policy Guide is to make clear, that when the home is moved from non-active status to active status solely for the purpose of accepting a surrender of the foster family home license, the home visit to determine compliance with Rule 402 is not required.

**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 OCFP – Mailbox. Non Outlook users may e-mail questions to [cfpolicy@idcfs.state.il.us](mailto:cfpolicy@idcfs.state.il.us).



**V. FILING INSTRUCTIONS**

This Policy Guide should be filed immediately after **Rule 402: Licensing Standards for Foster Family Homes**



**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

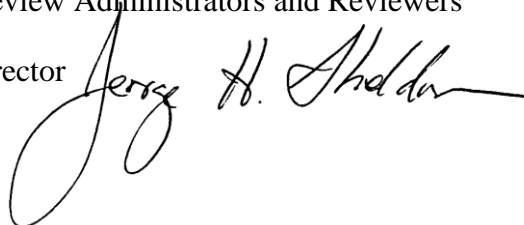
**POLICY GUIDE 2017.07**

**NORMALCY PARENTING AND THE  
REASONABLE AND PRUDENT PARENT STANDARD**

**RELEASE DATE:** June 9, 2017

**TO:** DCFS and Purchase of Service (POS) Permanency Administrators and Staff, DCFS and POS Foster Care Licensing Administrators and Staff, DCFS Agency & Institutions (A&I) Licensing Administrators and Staff, POS Child Welfare Agency and Child Care Institutions Administrators and Staff, and Administrative Case Review Administrators and Reviewers

**FROM:** George H. Sheldon, Director



**EFFECTIVE:** Immediately

**I. PURPOSE**

The purpose of this Policy Guide is to implement Public Act 99-839 (amending Section 7.3a of the Children and Family Services Act [20 ILCS 505/7.3a]) and Title IV-E of the Social Security Act [42 U.S.C. 670 et seq.], both of which authorize all caregivers of children/youth in substitute care to use “normalcy parenting” and apply the Reasonable and Prudent Parenting Standard when making parenting decisions in the children’s best interests. “Normalcy parenting” and the Reasonable and Prudent Parenting Standard are defined in Section III, below.

Procedures 315.135(d), Reasonable and Prudent Parent Standard, address much of the information contained below. To the extent that Procedures 315.135(d) may differ from this Policy Guide, the Policy Guide shall control.

Procedures 327.4(d), Duties of the Guardian, Other Consents address much of the information contained in Appendix A. To the extent that Procedures 327.4(d) may differ from this Policy Guide, the Policy Guide shall control.

This Policy Guide replaces Policy Guide 2015.16, The Reasonable and Prudent Parent Standard.

**II. PRIMARY USERS**

The primary users of this Policy Guide are DCFS and POS Permanency Supervisors and Caseworkers; DCFS and POS Foster Care Licensing Representatives and Supervisors, A&I Licensing Representatives and Supervisors, Child Welfare Agency, Child Care Institution and Group Home Administrators, Supervisors and Staff. This Policy Guide may impact Child Protection Specialists and Supervisors when there is any delay in assignment of a Permanency Worker for a child or youth in Protective or Temporary Custody.



### III. DEFINITIONS

**“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 own 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 children and youth in care the opportunity for normal growth and development through participation in age, physical, culturally and mentally appropriate activities, responsibilities and life skills.

**“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 U.S.C. 675(10)]

The caregiver must use the Reasonable and Prudent Parent Standard when determining whether to allow a child in care to participate in extracurricular, enrichment, cultural, and social activities.

**“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 Policy Guide, the “caregiver” for a youth under 18 years of age in an independent living (ILO) or transitional living (TLP) arrangement is assigned or designated staff of the ILO or TLP provider/child care facility.

*“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]

### IV. GENERAL PRINCIPLES

Effective immediately, ALL caregivers for all children/youth in out of home placements licensed by the Department should use Normalcy Parenting and the Reasonable and Prudent Parent Standard for decision-making regarding the children/youth’s participation in:

- extracurricular activities;
- enrichment opportunities;
- social activities; and
- cultural activities, religious, and other significant activities.

Normalcy parenting empowers caregivers to make these decisions without seeking approval or consent from the Permanency Worker or other child welfare staff.

The caregiver must still seek consent in other areas where specific State or federal laws limit consent authorization. Some examples where Normalcy Parenting does not apply include to consent to medical and dental care, and disclosure of mental health information.

**Appendix A** lists frequent events affecting the lives of children and youth in care, and the persons authorize to give consent for those events. Appendix A includes the categories of events where, under normalcy parenting, the caregiver is authorized to consent.

Appendix A is not intended to be exhaustive, since it is impossible to predict every potential event that may arise in a child's lives. If an event is not listed in Appendix A, the caregiver should consult with the Permanency Worker. If necessary, the Permanency Worker or Supervisor can consult with the Office of the DCFS Guardian.

Section 7.3a of the Child and Family Services Act lists 5 factors (a through e, below) that caregivers should consider as they apply the Reasonable and Prudent Parent Standard. Under each factor are a few questions that may help the caregiver in this process.

a) *The child's age, maturity, and developmental level to promote the overall health, safety, and best interests of the child.*

- Is my decision based on my child's individual needs and abilities? (Remember: every child is different.)
- Does this activity conflict with my child's Service Plan?
- Does my child/youth demonstrate sufficient maturity in decision-making as appropriate for his/her age/ability and participation in this activity?
- Does my child/youth understand his/her medical needs and is he/she able to tell others how to help him/her if necessary?
- If on medication, can my child/youth carry and self-administer medication?
- If needed, is my child/youth able to use public transportation or self-transportation?

b) *The best interest of the child based on information known by the caregiver.*

- Do I know my child/youth well enough to approve participation in this activity?
- Will the timing of this activity interfere with sibling or parent-child visitation, counseling appointments or doctor's appointments? Scheduling conflicts should be discussed with my child/youth's Permanency Worker to explore options that may enable the child/youth to participate in the activity.

- c) *The importance and fundamental value of encouraging the child's emotional and developmental growth gained through participation in activities in his or her community;*
- Does this activity promote my child/youth's social development?
  - Have I shared information with the Child and Family Team about my child's participation in this activity?
  - Does this activity support my child/youth's connection to his/her roots?
  - Is this activity an important milestone in my child/youth's culture?
- d) *The importance and fundamental value of providing the child with the most family-like living experience possible; and*
- Do I know who will be attending the activity?
  - Does my child understand our parental expectations regarding curfew, approval for last minute changes to the plan and the consequences for not complying with the expectations?
  - Does my child know who to call in case of an emergency?
- e) *The behavioral history of the child and the child's ability to safely participate in the proposed activity.*
- Can my child/youth take care of himself/herself, make a decision and make good choices?

**A caregiver is not liable for harm caused to a child in care who participates in an activity approved by the caregiver, provided that the caregiver has acted as a reasonable and prudent parent in permitting the child to engage in the activity.**

## **V. INSTRUCTIONS TO CHILD WELFARE STAFF (AND CHILD PROTECTION STAFF)**

**Procedures 315.135(d), Reasonable and Prudent Parent Standard** require Permanency Workers to discuss the importance of normalcy parenting with the caregiver at each monthly home visit.

Department and Purchase of Service (POS) agency Permanency Workers (Child Welfare Staff) shall ensure that each caregiver understands his/her responsibility to use the Reasonable and Prudent Parent Standard when deciding whether to allow children in care to participate in extracurricular, enrichment, cultural, and social activities offered by the children's school or in the community.

Permanency Supervisors shall ensure that these discussions occur and that Permanency Workers document these discussions in contact notes.

Procedures 315.135(d) address much of the information contained in this Policy Guide. To the extent that Procedures 315.135(d) may differ from this Policy Guide, the Policy Guide shall control.

## **VI. INSTRUCTIONS TO FOSTER CARE LICENSING STAFF**

Foster Care Licensing Representatives are required to discuss “normalcy parenting” and the Reasonable and Prudent Parent Standard with Foster Family Home licensees and permit holders at each announced and unannounced monitoring visit. The Licensing Representative shall ensure that licensees and permit holders understand their responsibility to use the Reasonable and Prudent Parent Standard when deciding whether to allow children in care to participate in extracurricular, enrichment, cultural, and social activities offered by the children’s school or in the community.

Foster Care Licensing Supervisors shall ensure that these discussions occur and that Licensing Representatives document these discussions in a contact note.

**Note:** Instruction for prospective foster parents on the Reasonable and Prudent Parent Standard has been included as a pre-service supplemental training. Current foster parents should complete training on the Reasonable and Prudent Parent Standard as on-demand in-service training.

## **VII. INSTRUCTIONS TO AGENCY AND INSTITUTIONS LICENSING STAFF**

Agencies & Institutions (A&I) Licensing Representatives are required to discuss “normalcy parenting” and the Reasonable and Prudent Parent Standard with administrators at each child care facility on their caseload. The A&I Licensing Representative shall ensure that the administrators understand:

- the responsibility to use “normalcy parenting” and the Reasonable and Prudent Parent Standard when deciding whether to allow a child placed at the child care institution to participate in extracurricular, enrichment, cultural, and social activities offered by the child’s school, family of origin, and/ or in the community; and
- the requirement to have present on-site at least one official who, with respect to any child placed at the child care institution, 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 training in how to use and apply the Reasonable and Prudent Parent Standard in the same manner as foster parents.

## VIII. INSTRUCTIONS FOR ADMINISTRATIVE CASE REVIEWERS

Administrative Case Reviewers shall ensure the children’s foster parents/relative caregivers or child care institution administrators are using “normalcy parenting” and the Reasonable and Prudent Parent Standard. At each ACR, Reviewers shall ask whether children have regular ongoing opportunities to engage in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities (including by consulting with the child in an age-appropriate manner about the opportunities of the child to participate in such activities).

## IX. QUESTIONS

Questions about this policy guide should be directed to the Office of Child and Family Policy at 217-524-1983 or via Outlook to OCFP – Mailbox.

## X. FILING INSTRUCTIONS

Remove **Policy Guide 2015.16, The Reasonable and Prudent Parent Standard** from behind the following:

- **Rules 316, Administrative Case Reviews and Court Hearings;**
- **Rules 402, Licensing Standards for Foster Family Homes; and**
- **Rules 404, Licensing Standards for Child Care Institutions and Maternity Centers.**

Place this Policy Guide immediately following:

- **Procedures 301.80, Relative Home Placement;**
- **Procedures 315. 135(d), Reasonable and Prudent Parenting Standard;**
- **Procedures 327.4(d), Other Consents;**
- **Rules 316, Administrative Case Reviews and Court Hearings;**
- **Rules 340, Foster Parent Code;**
- **Rules 402, Licensing Standards for Foster Family Homes;**
- **Rules 403, Licensing Standards for Group Homes; and**
- **Rules 404, Licensing Standards for Child Care Institutions and Maternity Centers.**

**Policy Guide 2017.07.Appendix A**

<b>Event</b>	<b>Who may consent</b>
<b>Adoption</b> , consent for child/youth under age 18	DCFS Guardian or an Authorized Agent from the Consent Unit*
<b>Athletic participation</b> , school extracurricular or recreational	Caregiver
<b>Behavioral/Mental Health Services</b> for a child/youth in care under age 18, including: <ul style="list-style-type: none"> <li>• Pre-hospitalization screening;</li> <li>• Rehabilitative or Mental Health Assessment;</li> <li>• Individual Treatment Plan (ITP) development;</li> <li>• Psychiatric Evaluation;</li> <li>• Psychological testing; and</li> <li>• Treatment with psychotropic medication</li> </ul>	DCFS Guardian or an Authorized Agent from the Consent Unit.* Youth between the ages of 12 and 18 years old must also consent to release of their mental health information.
<b>Cell phone</b> , permission to carry	Caregiver
<b>Consumer credit report checks</b> for a child/youth in care: <ul style="list-style-type: none"> <li>• Running a credit check</li> <li>• Reporting identity theft</li> </ul>	DCFS Guardian
<b>Dating</b>	Caregiver
<b>Driver's license / learner's permit</b>	The DCFS Guardian recognizes the caregiver as the "responsible adult" for purposes of the Illinois Driver Licensing Law [625 ILCS 5/6-100], noting that the caregiver is in the best position to assess that the youth is sufficiently prepared and able to safely operate a motor vehicle.
<b>Enlistment in armed forces</b> by youth under age 18	DCFS Guardian
<b>Enlistment in Job Corps</b>	DCFS Guardian or an Authorized Agent**
<b>Home schooling</b> a child	DCFS Guardian
<b>Legal representation</b> for child: <ul style="list-style-type: none"> <li>• Obtaining legal counsel</li> <li>• Filing a lawsuit</li> <li>• Negotiating settlements</li> <li>• Petition to change child's name</li> </ul>	DCFS Guardian or Special Counsel to the Guardian***
<b>Marriage license</b> , issuance to any youth in care who is at least 16 but less than 18 years of age	DCFS Guardian
<b>Media requests:</b> <ul style="list-style-type: none"> <li>• Release forms</li> <li>• Requests to interview of child/youth in care</li> </ul>	DCFS Guardian or an Authorized Agent from the Consent Unit*
<b>Overnight / Sleepovers</b> , not exceeding 48 hours (e.g., at friend's home or other planned activity)	Caregiver
<b>Out-of-country travel</b>	See <b>Travel</b> , below

\* Authorized Agents from the Consent Unit work for and report directly to the DCFS Guardian

\*\* These Authorized Agents are located in the DCFS Regional and Area Offices

\*\*\* Special Counsel to the Guardian work for and report directly to the DCFS Guardian

Event	Who may consent
<b>Out-of-state travel</b>	See <b>Travel</b> , below
<b>Passport</b> , obtaining for child/youth in care	DCFS Guardian or an Authorized Agent from the Consent Unit*
<b>Release of Information Consents</b>	DCFS Guardian or an Authorized Agent**
<b>Release of Liability forms</b>	DCFS Guardian or an Authorized Agent from the Consent Unit*
<b>Research project</b> in which the child/youth is a subject (not a school project)	DCFS Guardian or an Authorized Agent from the Consent Unit*
<p><b>Routine school activities</b>, such as:</p> <ul style="list-style-type: none"> <li>• school enrollment</li> <li>• notification of change in school placement</li> <li>• school conferences and problems at school</li> <li>• field trips within Illinois</li> <li>• field trips outside of Illinois (day trips only)</li> <li>• routine social events (picnics, school parties, etc.)</li> <li>• attendance at sporting events</li> <li>• extra-curricular activities (including athletic participation)</li> <li>• cultural events</li> <li>• school photos and years book pictures</li> <li>• report cards</li> </ul> <p><b>Other school activities:</b></p> <ul style="list-style-type: none"> <li>○ Special education programs – records, reports, conferences, evaluations and placement changes</li> <li>○ Mental health records (often part of the IEP)</li> <li>○ Release of school information (except special education records)</li> <li>○ School suspension / expulsion notices</li> <li>○ Fiscal, other (e.g., school fees)</li> </ul>	<p>Caregiver</p> <p>Caregiver or a Surrogate Parent appointed by the Illinois State Board of Education <b>ONLY</b></p> <p>Authorized Agent only**</p> <p>Authorized Agent only**</p> <p>DCFS Guardian only Permanency Worker/Case Manager</p>
<b>Social media</b> – Facebook, Instagram, etc.	Caregiver
<p><b>Travel</b></p> <ul style="list-style-type: none"> <li>• <b>In state travel</b></li> <li>• <b>In state travel and out-of-state travel</b>, not exceeding 48 hours and accompanied by caregiver</li> <li>• <b>Out-of-state travel</b>, 30 days or more</li> <li>• <b>Out-of-country travel</b>, all</li> </ul>	<p>Caregiver</p> <p>Caregiver. For travel more than 48 hours, the caregiver must notify the Permanency Worker/Case Manager of the trip, and provide the child/youth’s location and contact information.</p> <p>DCFS Guardian or an Authorized Agent from the Consent Unit* DCFS Guardian or an Authorized Agent from the Consent Unit*</p>

\* Authorized Agents from the Consent Unit work for and report directly to the DCFS Guardian

\*\* These Authorized Agents are located in the DCFS Regional and Area Offices

\*\*\* Special Counsel to the Guardian work for and report directly to the DCFS Guardian

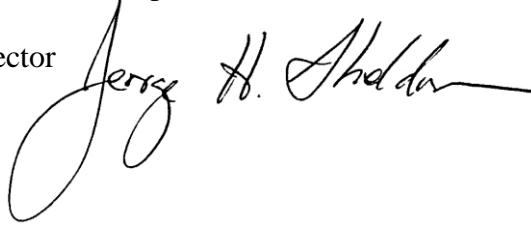


DEPARTMENT OF CHILDREN AND FAMILY SERVICES

POLICY GUIDE 2015.08

ENHANCED FIREARM SAFETY IN FOSTER FAMILY HOMES

**DATE:** May 1, 2015  
**TO:** All DCFS and Private Agency Staff and Supervisors  
**FROM:** George H. Sheldon, Acting Director  
**EFFECTIVE:** Immediately



**I. PURPOSE**

The purpose of this Policy Guide is to inform Department and Purchase of Services (POS) licensing staff of new requirements for the safe storage of firearms in foster family homes.

**II. PRIMARY USERS**

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

**III. BACKGROUND**

The Office of Inspector General (OIG) recommended requiring trigger locks and other enhanced safe storage practices for all firearms in foster family homes. These recommendations were made subsequent to an investigation of a foster youth who died from a self-inflicted gunshot wound after the youth found keys to his foster parents' gun cabinet. The OIG also completed an in-depth literature review of youth suicide that contributed in making these recommendations.

This Policy Guide summarizes the Department's new policy requirements for ensuring that the OIG's safety recommendations are followed by foster family homes.

**IV. SUMMARY**

The Department's licensing standards currently require firearms in foster family homes to be locked up at all times and kept in places inaccessible to children.



This Policy Guide adds greater levels of safety by implementing the Department's new policy requirements that:

- Licensing representatives shall request and recommend that foster parents store any and all firearms outside the foster home and its property;
- Any and all firearms and ammunition stored in the foster home, contrary to the recommendation to store them outside of the foster home, shall be unloaded and secured in separate and locked storage receptacles specifically manufactured to keep firearms and ammunition secure;
- Trigger locks shall be used on all firearms and shall be cross-checked by the foster parent to ensure the trigger lock model used has not been recalled by the Consumer Product Safety Commission; and
- Any keys needed to access said firearms and ammunition must be kept with the owner or stored outside the foster home and shall not be shared with anyone.

This new policy does not affect language in the current rule that states: "Loaded guns shall not be kept in a foster home unless required by law enforcement officers and in accordance with their law enforcement agency's safety precautions."

The Department will propose amendments to **Part 402, Licensing Standards for Foster Family Homes**, and make revisions to **Procedures 402** to ensure consistency with this Policy Guide.

Licensing staff shall immediately implement the new standards.

## V. 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 OCFP – Mailbox. Non Outlook users may e-mail questions to [cfpolicy@idcfs.state.il.us](mailto:cfpolicy@idcfs.state.il.us).

## VI. FILING INSTRUCTIONS

File this Policy Guide immediately following **Part 402, Licensing Standards for Foster Family Homes**.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Policy Guide 2015.03**

**Legislative Update for Foster Home Licensing Staff**

**DATE:** January 15, 2015

**TO:** All DCFS and POS Foster Home Licensing Representative and DCFS Agency and Institutions Licensing Representatives, and their Supervisors and Managers

**FROM:** Bobbie Gregg, Acting Director *Bobbie Gregg*

**EFFECTIVE:** Immediately

**I. PURPOSE**

The purpose of this Policy Guide is to inform DCFS and POS Foster Home Licensing Staff of several amendments in Illinois law affecting child welfare practice made in **Public Acts 98-704, 98-804 and 98-846**. In the coming weeks, DCFS Rules and Procedures will be amended to reflect these statutory changes.

**II. PRIMARY USERS**

The primary users of this Policy Guide are DCFS and POS foster home licensing representatives, Agency and Institutions licensing representatives, and their supervisors and managers.

**III. SUMMARY OF LEGISLATIVE CHANGES**

**A. Public Act 98-804 (House Bill 4636)**

**Public Act 98-804** became effective January 1, 2015, and amends several sections of the Child Care Act of 1963 [225 ILCS 10] that affect licensure of relative caregivers.

- **A child remains related to those to whom the child was related after TPR.** For purposes of licensing requirements, for children in the custody or guardianship of the Department pursuant to the Juvenile Court Act of 1987 [705 ILCS 405], after a parent signs a consent, surrender, or waiver or after a parent's rights are terminated, and while the child remains in the custody or guardianship of the Department, the child is considered to be related to those to whom the child was related prior to the signing of the consent, surrender, or waiver or the order terminating parental rights.
- **Expands Child Care Act Definition of "Related."** Expands the definition of "related" in the Child Care Act, for purposes of determining relative licensure, to include step-grandparents and second cousins, and to include relationships by civil union.



- **“First and Second Cousins” Defined.** Clarifies that a person is related to a child as a first cousin or a second cousin if they are both related to the same ancestor as either grandchild or great-grandchild.
- **Clarifies Child’s Relationship to Parent after TPR.** A child whose parent has executed a consent, a surrender, or a waiver pursuant to Section 10 of the Adoption Act, whose parent has signed a denial of paternity pursuant to Section 12 of the Vital Records Act [410 ILCS 535] or Section 12a of the Adoption Act, or whose parent has had his/her parental rights terminated is not a related child to that person, unless:
  - the consent is determined to be void or is void pursuant to subsection 10(O) of the Adoption Act; or
  - the parent executed a consent to adoption by a specified person or persons and a court finds the consent is void; or
  - the order terminating the parental rights of the parent is vacated by a court of competent jurisdiction.

**B. Public Act 98-846** (Senate Bill 3283)

**Public Act 98-846** affects Sections 2.04 and 2.17 of the Child Care Act regarding relative caregivers. It also affects Section 7 of the Children and Family Services Act [20 ILCS 505] as explained below.

- **Foster Family Home Licensure of Fictive Kin.** Expands the Child Care Act’s definition of “related” (Section 2.04) and “relative” for purposes of “foster family homes” (Section 2.17) to include “fictive kin, as defined in Section 7 of the Children and Family Services Act.” **However, Public Act 98-846 further provides that Section 7 of the Children and Family Services Act regarding placement with unlicensed fictive kin becomes operative June 1, 2015.** DCFS and POS placing workers and foster home licensing staff **shall not initiate any relative placements with fictive kin prior to June 1, 2015.** The Office of Child and Family Policy will be issuing Rules and Procedures to instruct DCFS and POS staff how and when to consider placement with fictive kin, and licensure requirements.

**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 OCFP – Mailbox. Non Outlook users may e-mail questions to cfpolicy@idcfs.state.il.us.

**V. FILING INSTRUCTIONS**

File this Policy Guide after Rules 402.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**POLICY GUIDE 2014.14**

**SWIMMING POOLS AND WATER HAZARDS IN FOSTER FAMILY HOMES**

**DATE:** July 18, 2014

**TO:** Rules and Procedures Bookholders, DCFS and Private Agency Licensing Staff

**FROM:** Bobbie Gregg, Acting Director *Bobbie Gregg*

**EFFECTIVE:** Immediately

**I. PURPOSE**

The purpose of this Policy Guide is to inform Department and Purchase of Services (POS) licensing staff of new requirements, which are consistent with the Consumer Product Safety Commission safety guidelines, regarding swimming pools and other bodies of water located on the licensed premises of a foster home.

**II. PRIMARY USERS**

The primary users of this policy guide are Department and POS foster home licensing staff.

**III. BACKGROUND**

This Policy Guide summarizes the Department's new water safety standards for foster homes. Licensing staff shall immediately ensure licensed foster homes receive the new standards and work with foster homes to come into compliance with them. These new safety policies for Foster Family Homes are being added to Rules and Procedures 402, which are currently under revision and will be available to staff in the near future.

**IV. SUMMARY OF NEW POOL AND WATER SAFETY REQUIREMENTS**

**In-ground Pools**

All in-ground pools located on the foster home's premises shall be fenced, or have a power safety cover that meets standards in the American Society for Testing & Materials that the Consumer Product Safety Commission has adopted.



## **Above-ground Pools**

All above-ground pools shall have non-climbable side walls that are at least 4 feet high or shall be enclosed with fence that is at least 36 inches away from the pool's side wall. This requirement pertains to the entire circumference or perimeter of the pool. When the pool is not in use, steps used to access the pool shall be removed or shall be enclosed by a fence.

## **Hot Tubs**

All hot tubs shall be fenced, or have a securely fitted and locked cover.

## **Portable Pools**

All portable pools shall be fenced, or be emptied and sanitized daily.

## **Fences and Barriers to Entry**

All fences enclosing pools shall have gates that open out and away from the pool, have a locking device and are designed to be self-closing and self-latching. Gates with a release mechanism located less than 54 inches from the bottom of the gate shall be located at least 3 inches below the top of the gate on the side facing the pool. A gate shall not have an opening greater than ½ inch within 18 inches of the latch release mechanism.

All fences shall be at least 5 feet in height, measured from the side of the barrier which faces away from the swimming pool. Vertical barriers for the fence shall be no more than 4 inches wide. Horizontal barriers shall be placed on the swimming pool side of the fence and be no more than 4 inches apart. A fence shall not have any decorative cut-outs, indentations or protrusions that are more than 1 ¾ inches and could be used as holds to climb the fence. The fence shall not have more than 4 inches between the ground and the bottom of the barrier.

When a house wall serves as part of a pool barrier, any door or window that provides access to a swimming pool shall be equipped with an alarm that sounds for 30 seconds or more within 7 seconds after the door is opened. The alarm shall be distinct from other sounds in the house and able to be heard by all household members, regardless of their location on the licensed premises of the foster home. The alarm shall have a de-activate feature that is at least 54 inches above the threshold of the door covered by the alarm. The alarm shall have an automatic reset feature. All alarms must meet the requirements of UL2017 – General Purpose Signaling Devices and Systems.

Note: Foster homes that have a license or a permit on January 1, 2009 and have had a fence with a minimum height of 3 ½ foot shall be considered in compliance.

## **Foster Parent Safety Training, Supervision of Children and Documentation**

Licensees in foster family homes with pools, hot tubs, ponds, outdoor fountains, decorative water ponds, fishponds or other pools of water must have current CPR/First Aid certification.

A foster child of any age shall not use a swimming pool, portable pool, spa, hot tub or other pools of water located on the premises of the foster home without line of sight supervision by a foster parent or other adult authorized by the foster parent.

Licensees shall be responsible to keep toxic chemicals related to pool maintenance locked up and inaccessible to foster children.

When a swimming pool is in use, a licensee shall keep a weekly log to record water quality test results and otherwise maintain the pool in a safe and sanitary condition.

### **V. 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 OCFP – Mailbox. Non Outlook users may e-mail questions to [cfpolicy@idcfs.state.il.us](mailto:cfpolicy@idcfs.state.il.us).

### **VI. FILING INSTRUCTIONS**

File this Policy Guide immediately following Rules 402, Licensing Standards for Foster Family Homes.

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