

PROCEDURES 401
LICENSING STANDARDS FOR CHILD WELFARE AGENCIES
May 4, 2015

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SUBPART A: INTRODUCTION AND DEFINITIONS

Section 401.30 Purpose

- a) The purpose of Procedures 401, Licensing Standards for Child Welfare Agencies, is to issue instructions to licensing representatives of the Department of Children and Family Services in determining whether a child welfare agency is in compliance with the Department's licensing requirements. These procedures may also be used by child welfare agencies in order to maintain compliance with Rule 401. The Sections in these procedures parallel the Sections in Rule 401 for ease of cross-referencing.
- b) **Documentation** - For new licenses and renewal recommendations, documentation of compliance with each rule/standard shall be made on form **CFS 520, Child Welfare License Compliance Record**. The **CFS 520** shall be kept in the licensing file.
- c) **Annual Monitoring Visits** - The following standards shall be monitored annually for compliance, when applicable. However, the licensing representative may consider additional standards, as needed, or standards that have been of concern in the past.

Section

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401.700	Agency Responsibilities for Independent Living Programs

- d) **Non-Compliance** - Documentation of non-compliance with licensing standards, corrective action and a date for compliance shall be noted on the **CFS 597-C, Licensing Monitoring Record** (instructions are listed on the back page of the form) for monitoring visits and renewal studies in the following manner:
 - The licensing representative will complete an original and a copy of **CFS 597-C**

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during the visit to the facility. The copy of **CFS 597-C** will be left with the responsible person at the site. The original will be filed in the Department licensing record.

- If the responsible person at the site is not the licensee or the person legally responsible for the facility, the original copy of **CFS 597-C** will be photocopied and forwarded to the appropriate person(s).
- e) **Enforcement Report** - Reports of a child welfare agency's non-compliance with the licensing standards are referred to the Central Office of Licensing for enforcement and should be the result of a child welfare agency's refusal or failure to cooperate with the Department, resistance to meet licensing standards and inability to develop and/or implement a plan to correct licensing violations/deficiencies found during the licensing study or monitoring review of the agency, licensing investigation, or as stated in Section 401.800.

(Source: P.T. 2007.20)

Section 401.40 Definitions

The licensing representative shall provide assistance with this Section in clarifying terms for the applicant/licensee.

(Source: P.T. 2007.20)

SUBPART B: PERMITS AND LICENSES

Section 401.100 Application for License

a) Initial Application

- 1) **Application Form** - Applicants for a child welfare agency license shall submit to the Department a complete initial application on form **CFS 597, Application for Child Care Facility License** as defined in subsection (b) of this Section.
- 2) **Signed by the Agency's Governing Body** - The child welfare agency's initial application shall be signed by the designated person of the agency's governing body and submitted to the Department's regional licensing office along with the required documents listed in subsection (b) of this Section.
- 3) **Completeness Review** - An application submitted to the Department shall be accurate and complete. The Department licensing representative shall review the application for accuracy by checking available database resources. The licensing representative shall not make corrections or changes, except for minor clerical changes, on inaccurate or incomplete applications. The licensing representative shall initial any minor clerical changes made on the application.

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- 4) **Incomplete Application** - Applications that are not accurate or complete, or that are not signed by the officers of the governing body, shall be returned to the applicant within 10 working days after receipt. A cover letter listing the items that are missing or inaccurate shall accompany the returned application. The licensing evaluation process shall not begin until the complete and accurate application with the supporting documents is received.

- b) **Complete Application** - The applicant shall attach the following documents to the **CFS 597, Application for Child Care Facility License**, to be considered a complete application:
 - 1) **Supporting Documents For Agencies NOT Providing Adoption Services**
 - A) The agency's Articles of Incorporation and by-laws;
 - B) The agency's certificate of corporate status, indicating it is in good standing with the Illinois Secretary of State;
 - C) A copy of IRS tax-exempt ruling, issued within the last year, if applicable; and
 - D) A copy of registration with the Charitable Trust Bureau of the Illinois Attorney General's Office, if applicable.

 - 2) **Officers - For Agencies NOT Proving Adoption Services**
 - A) A list of owners, officers, board members and principal shareholders owning more than 5% of the stock of the corporation. The list must have the name of the board chair, the home address and a contact phone number other than the agency's phone number, and the names of chairpersons of the governing body's committees.

A standing committee is a committee appointed by the board of directors/governing body of the agency to serve for a specific purpose, i.e. personnel, finances, buildings and grounds, and may be composed of board/governing body members, members of the community where the agency is located, agency personnel and/or persons with certain expertise whose counsel and assistance the agency may need.
 - B) Attestation by each person listed above that he or she has not been convicted of a felony or indicated as a perpetrator of child abuse or child neglect, on forms prescribed by the agency.

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- 3) **Supporting Documents For Agencies Providing Adoption Services**
- A) A copy of the IRS ruling, issued within the last year, recognizing the agency as a tax-exempt organization under section 501(c)(3) of the Internal Revenue Code of 1986;
 - B) A copy of the agency's registration with the Charitable Trust Bureau of the Illinois Attorney General;
 - C) Copies of 990 reports filed with the IRS for the preceding 3 years, if the agency has been in existence during the period covered;
 - D) A copy of the agency's articles of incorporation and by-laws and the Illinois Secretary of State's document indicating that the agency is in good standing;
 - E) A complete list of board members and officers. The list shall identify the name of the board chair, his or her home address and a contact phone number other than the agency's number; and the names of chairpersons of the governing body's committees; and
 - F) Attestations by each person listed above that he or she has not been convicted of a felony or indicated as a perpetrator of child abuse or child neglect, on forms prescribed by the agency.

NOTE: The following provisions, 4 through 7 of this subsection, apply to all applicants for a child welfare agency initial license.

- 4) **Mission Statement** - A copy of the agency's mission statement or the agency's statement of purpose. The mission statement must include:
- A) The type of services to be provided;
 - B) The name of the child care facilities to be operated and/or supervised by the agency; and
 - C) The plan for recruiting foster family and adoptive homes.
- 5) **Operating Budget** - The agency's proposed operating budget for the first two years. The operating budget must indicate what/who are the committed sources of revenue or contributions for the operating solvency of the agency.
- 6) **Range of Services** - The agency's proposed range of services and programs to be provided during the first two years. The range of services and programs must be in accordance with the agency's mission statement, as specified, in its Articles of Incorporation;

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- 7) **Staffing Plan** - The agency's proposed staffing plan must include:
- A) Job descriptions for all proposed staff positions and the qualification requirements, including required minimum educational and work experience for each position;
 - B) The addresses, phone numbers, and the staffing plans of the branch offices the agency plans to operate. If the agency is part of a multi-services agency, the staff positions that perform no function for services provided by the agency need not be included; and
 - C) A statement indicating the agency's commitment to submit the required information regarding branch offices that it is planning to operate, but for which no location has been secured at the time the application for license is submitted and within 30 days after the location for a branch office has been determined.
- c) **Items for Review** - Applicants for licensure as a child welfare agency shall have the following items available for review on-site when the licensing representative conducts a site visit. Submission of items/documents to the Department by mail does not substitute for on-site visits to the agency by the licensing representative:
- 1) **Personnel Records** - The licensing representative shall compare the list of proposed employees the agency submitted versus current employees. Review the following documentation of persons the agency has hired or made a commitment to hire.
 - A) **Education Requirements** - Each employee's certified transcripts of education credentials (course credits from an accredited university) required for positions listed in Subpart B of Rule 401 and Appendix G, when applicable.
 - B) **Work History** - Observe the agency's verification of each employee's prior work history when required.
 - C) **Professional License** - For professional employees and those for whom licensure or registration is required, a copy of the employee's current professional license or registration certificate properly executed and signed by the appropriate licensing or certification authority. (See Rule 401, Appendix H, Professionals who must be Registered or Licensed to Practice in the State of Illinois).
 - D) **Criminal Background Check** - For each employee who is subject to a background check (89 Ill. Adm. Code 385) a current and signed **CFS-718, Authorization for Background Check** authorizing the Department to conduct a background check on the employee.

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- E) **Employees with Criminal Background or Abuse/Neglect History** - See Sections 385.50 and 385.60 of Rule 385, Background Checks for instructions on employees with criminal convictions or indicated reports of child abuse/neglect. These sections provide instructions on the process of seeking a waiver of an employee's presumption of unsuitability with indicated child abuse/neglect reports in order to work in a facility with access to children. These background check results and authorization forms need to be maintained in a separate confidential file. See also Section 401.240 of the rule.
- 2) **Personnel Policies** - The agency's written personnel policies approved by the agency's governing body, including compensation policies and salary levels.
- Agencies providing adoption services are subject to requirements listed in Section 401.565 for the payment of salaries and other compensations;
- 3) **Service Delivery** - The agency's written service delivery policy including all of the agency's programs (for adoption agency see pertinent Sections under Subpart F of Rule 401);
- 4) **Risk Management Plan** - The agency's written risk-management plan as approved by the agency's governing body. See Appendix D of Rule 401 for required content of a risk management plan;
- 5) **Public Liability Insurance** - Proof of the agency's current public liability insurance. (See Section 401.220(g));
- 6) **Code of Ethics** - The agency's Code of Ethics as adopted by the governing body. See also Section 401.210(d)(3) for additional provisions to be included in the agency's code of ethics; and
- 7) **Financial Management Policies** - The agency's financial management policies as adopted by the governing body of the agency. See Rule 401.230, Finances.
- d) **Corporate Status Change** - When a change of ownership occurs after the initial application has been submitted and the license has not yet been granted, a new initial application must be filed with the Department. A child welfare agency seeking to transfer or convert its corporate status into an adoption agency may not be required to re-apply (See Section 401.141 for conditions).
- e) **New Application Required** - A new application for a child welfare agency license shall be filed when:
- 1) An application for license as a child welfare agency has been withdrawn before a recommendation was made on the application and the agency seeks to reapply; or

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- 2) The applicant had been licensed previously as a child welfare agency, but voluntarily surrendered the license, and any waiting period agreed to when the surrender was accepted has expired; or
 - 3) The applicant had been licensed as a child welfare agency, but the Department revoked or refused to renew the license and the requirements of subsection (f) of this Section have been fulfilled.
- f) **Application After the Surrender of License** - A new application may be submitted at any time when a license or permit has been voluntarily surrendered or an application has been withdrawn by the applicant, unless the applicant has signed an agreement with the Department not to reapply for a license for a specified period of time. Once an investigation of the facility has commenced, the license may be voluntarily surrendered only with the signed, written agreement of the regional licensing administrator on the form prescribed in Appendix A.
- g) **Licensed Revoked** - If the Department has revoked or refused to renew the license of a child welfare agency and the agency seeks to reapply for a license, the agency may do so if at least 12 months have passed since the effective date of the revocation or refusal to renew.
- If a new license is granted to the applicant, the Department shall issue a **provisional license** to the applicant for a period not to exceed two years.
- The denial of a reapplication for a license pursuant to this subsection must be supported by evidence that the prior revocation renders the applicant unqualified or incapable of satisfying the standards and rules promulgated by the Department pursuant to the Child Care Act of 1969, or incapable of maintaining a facility that adheres to such standards and rules. [225 ILCS 10/6(c)]*
- h) **Submit Initial Application** - An applicant shall submit the original completed initial application and one copy with all the supporting documents to the Department's regional licensing office located closest to the agency's address or to the assigned licensing representative.
- i) **Licensing Study**
- 1) **License Application Entered in Data System** – Department staff at the regional office shall enter the date that an accurate and complete license application is received into the Department's licensing data system within 30 working days after receipt.
 - 2) **Licensing Study** - Documentation that a new applicant meets each rule/standard shall be made on form **CFS 520, Child Welfare License Compliance Record**. The **CFS 520** shall be kept in the licensing file.

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Narrative Summary - In addition to the **CFS 520**, the licensing representative shall prepare a written narrative addressing the following items, when applicable, in order to provide a complete picture of the agency meeting the standards:

- A) Safety of Children - The agency policy that ensures that children under their care and supervision will be safe;
 - B) Appropriate Care of Children - The agency's written policies assuring that caseworkers:
 - i) visit the children in the agency's care at least once every 30 days and discuss their wellbeing and concerns; and
 - ii) assess the social/emotional climate in the foster or pre-adoptive home;
 - C) Record Keeping - Children's records and foster home files are updated regularly;
 - D) Supervision of Foster Homes - The agency has written policies assuring that foster parents are contacted monthly, separate from the children, and that caseworkers discuss medication administration and other policies with the foster parents;
 - E) Oversight of Group Homes; and
 - F) Summary and Recommendation
- 3) **Issuance of License** - Upon the completion of the licensing study by the licensing representative assigned to the facility and having determined that the facility and responsible persons reasonably meet the standards prescribed in Rule 401, the licensing representative shall send the recommendation to Central Office of Licensing that a license be issued to the applicant.

(Source: P.T. 2007.20)

Section 401.120 Provisional Licenses

- a) **Provisional License** – Is issued for the first two years (including the first two years after issuance of a new license after a revocation).

(Source: P.T. 2007.20)

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Section 401.130 Provisions Pertaining to Licenses

- a) **Full License** - A child welfare agency license is valid for a period of 4 years from the date of issuance.
- b) **Adoption Agencies Must Be Tax-Exempt** - A child welfare agency providing adoption services must be a tax-exempt 501(c)(3) organization, as described in the Internal Revenue Code of 1986, and licensed by August 15, 2007, unless the Department has granted an extension in accordance with Section 401.140(a)(6).

When a licensing representative becomes aware that a child welfare agency that provides adoption services is not in compliance with tax-exempt 501(c)(3) status described in the Internal Revenue Code of 1986, the representative shall:

- 1) Send a letter to the adoption agency's governing body, by certified and regular U.S. mail, giving the agency an opportunity to clarify the agency's corporate status. After August 15, 2007, agencies will be required to come into compliance within 14 days. When this condition is not met, the Department shall initiate proceedings to revoke the agency's license, unless the Department has granted an extension in accordance with Section 401.140(a) (6). See also Section 401.800; and
 - 2) Document the substantiated violation on the **CFS 597-C**. The substantiated violation will be available to the public (See Section 401.590).
- c) **Transfer or Retention of License** - A licensed child welfare agency that seeks to become a tax-exempt organization in order to provide adoption services and retain its current license number or ID may do so provided the agency complies with requirements in Section 401.141(b).

(Source: P.T. 2007.20)

Section 401.140 Application for Renewal of License

- a) The licensing representative shall complete the following steps when considering the agency's application for renewal of its license:
 - 1) **Notifications** - Sample of notification letters can be found in Appendix A.
 - A) **Six Months (120 Days)** - Six months prior to the expiration date of the child welfare agency's license, the licensing representative shall send to the agency's board of directors a license renewal application packet. A cover letter shall explain that Section 401.140(b) of the Rule requires the agency to submit the completed application for license renewal to the Department 3 months prior to the expiration of their license to be considered timely and sufficient.

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A copy of the letter sent to the agency shall be maintained in the agency's file. The date the application was mailed to the agency, and the date the completed application was received by the Department shall be recorded on the **CFS 520**.

- B) **3 Months Prior (90 Days)** - When the agency has not submitted a completed application to the Department 3 months prior to the expiration date of the license, the licensing representative shall mail to the agency's board of directors and executive director a second renewal application packet with a cover letter. The cover letter shall state that because the application was not received 90 days prior to the expiration date of the agency's license, the application, when submitted, will not be considered a timely and sufficient application and may affect the renewal date of the license, if granted. The licensing representative shall keep on file a copy of the letter mailed to the agency.
 - C) **Expiration Date** - When the agency has not submitted a completed application by the license expiration date, the licensing representative shall send a letter, by certified and regular mail, to the agency's board of directors stating that the license has expired and the child welfare agency is no longer considered to be licensed and must cease operating immediately. If the agency wishes to reapply for a license, a new application must be submitted and the application will be treated as any other initial license application.
 - D) **Expired License** - When an application for a renewal of license has been received after the expiration of the license, a new license shall not be issued until a study has been completed, the agency is in full compliance with the licensing standards and issuance of the license approved. The new license shall not be backdated to cover the gap between the expired license and the effective date of the new license.
- 2) **Complete Renewal Application** - A complete renewal application shall consist of:
- A) Completed forms **CFS 597-** and **CFS 718-3, Background Check Roster;**
 - B) A complete listing of the names and addresses of all licensed and license-exempt child care facilities supervised by the child welfare agency and any pending applications for licensure of a foster family or day care home that will be supervised by the child welfare agency;
 - C) A current list of names, home addresses or Post Office Boxes, and contact telephone numbers, other than the agency's telephone numbers, of owners, officers, board members, and principal shareholders owning more than 5% of the stock of the corporation;

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- D) A staff list, including names and job titles, indicating those who are licensed under Section 412.40 to practice as a direct child welfare service employee;
- E) A list of any pending investigations by the Department or any other governmental agency or entity in relation to the agency;
- F) The following documents, if changes were made to these documents since the application or last renewal:
 - i) Statement of purpose;
 - ii) Range of services; and
 - iii) Code of ethics.
- G) **Adoption Agency Renewal** - In addition to the above requirements, an adoption agency shall comply with the following:
 - i) **If License Expires After August 15, 2007** - An agency providing adoption services whose license expires on or after August 15, 2007, shall present up-to-date documentation from the Internal Revenue Service (IRS) showing that the agency is in compliance with all of the standards necessary to maintain status as a tax-exempt organization as described in section 501(c)(3) of the Internal Revenue Code of 1986. In addition, the agency shall attach copies of any form 990 reports filed with the IRS in the preceding 3 years, if applicable.
 - ii) **Adoption Agency Extension-License Expires Before August 15, 2007** - The Department may, at its sole discretion, grant a license extension for up to one year to an agency providing adoption services whose license renewal is pending or whose license will expire prior to August 15, 2007 that is unable to obtain 501(c)(3) status prior to August 15, 2007. For the extension to be granted, the adoption agency must demonstrate to the Department that it has made substantial progress in the process of becoming a tax-exempt organization as described in section 501(c)(3) of the Internal Revenue Code of 1986 and that there is a great likelihood that the agency will comply with the requirements of the Internal Revenue Code within the extension period. An agency can demonstrate this by providing the Department with a copy of a complete application for 501(c)(3) status, submitted to the IRS by mid-year 2006, new by-laws, a mission statement, a statement indicating a clear charitable purpose, projected expenditures and revenues, fundraising plans, and a group of individuals who have agreed to participate on the volunteer Board of Directors that has met and that has been documented by minutes.

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- b) **Submit Renewal Application by Applicant** - An applicant shall submit the original completed renewal application and one copy with all the supporting documents to the Department's regional licensing office located closest to the agency's address or to the assigned licensing representative.
- c) **Timely and Sufficient** - A timely and sufficient application is an accurately completed, dated and signed application that is returned to the Department no later than 3 months (90 days) prior to expiration date of the license. See Subsection 401.140(a)(1)(A).

Review of Application - Within 5 days after receiving the application, the licensing representative shall review the material submitted for completeness and accuracy, including the dates and signatures of the responsible persons. An incomplete application shall be returned to the licensee for completion along with a letter that details what needs to be corrected. A copy of this letter shall be maintained in the file. Licensing representatives shall not make changes or corrections on incomplete applications. Minor clerical changes, such as correcting a zip code or telephone number, may be made and shall be initialed by the person making the changes.

- d) **License Study** - Prior to the visit to the agency, the licensing representative shall review all annual monitoring records and licensing complaint files to be familiar with any concerns or compliance issues specific to the agency. Unannounced visits may be conducted within normal business hours. The licensing study shall include:
 - 1) Random surveys, that may include interviews, of clients who are consumers of the child welfare agency's services including foster, adoptive and biological parents in an agency providing adoption services, to assess the quality of service given and to determine if the child welfare agency is in compliance with the Rule 340, The Foster Parent Code. Copies of surveys conducted by accredited agencies may be sufficient;
 - 2) A review of a representative sample of child care facilities supervised by the child welfare agency (such as foster/adoptive parents and/or day care centers employees), that may include interviews and site visits to these facilities;
 - 3) A review of unusual incident reports, child abuse/neglect reports, financial and payment records, and other agency performance indicators to evaluate the quality of service provided by the agency;
 - 4) Interviews of child welfare agency employees and volunteers, if applicable. The licensing representative may ask questions that are directly tied to the licensing standards that help determine the agency's compliance with standards, such as: how often are children visited and caseloads carried by the worker;
 - 5) A review of the agency records, employee policy, staffing, and operations of any branch offices operated by the child welfare agency;

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- 6) For an adoption agency: A review of the agency's website (if the agency has a website) to ensure compliance with subsections 401.510 b) and c) regarding disclosures, Section 401.530 regarding Annual Reports, and Section 401.590 regarding grievance policies;
- 7) **License Application Entered in Data System** – The licensing representative or assigned staff at field office shall enter the date that all completed and signed renewal license applications are received within 5 working days after receipt;
- 8) **Documentation** - Documentation that an applicant agency for license renewal meets each rule/standard shall be made on form **CFS 520, Child Welfare License Compliance Record**. The **CFS 520** shall be kept in the licensing file;

Narrative Summary - In addition to the **CFS 520**, the licensing representative shall prepare a written narrative addressing the following items, when applicable, in order to provide more complete information of the agency's compliance with the standards:

- A) Safety of Children - The agency policy that ensures that children under their care and supervision will be safe;
 - B) Appropriate Care of Children - The agency's written policies assuring that caseworkers visit the children in the agency's care at least once every 30 days and discuss their wellbeing and concerns-, and; assess the social/emotional climate in the foster home;
 - C) Record Keeping - Children's records and foster home files are updated regularly;
 - D) Supervision of Foster Homes - The agency's written policies assuring that foster parents are contacted monthly, separate from the children, and that caseworkers discuss medication and other policies with the foster parents, when applicable;
 - E) Oversight of Group Homes, when applicable; and
 - F) Summary and Recommendation.
- e) **Issuance of Renewed License** - Upon the completion of the investigation by the licensing representative of the child welfare agency, its records and persons operating and providing services, and having determined that the facility and responsible persons reasonably meet the standards prescribed in Rule 401, a recommendation to renew is made. The licensing representative makes their recommendation on the renewal Individual License Summary ILS. The licensing supervisor shall review the recommendation, and if complete, submit it to the Central Office of Licensing. When renewal of the license is recommended, the Office of Licensing shall issue a renewed license to the applicant.

(Source: P.T. 2007.20)

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Section 401.141 License Transfer for Agencies Providing Adoption Services Seeking 501(c)(3) Status

- a) **License Exempt Status by August 2007** - A child welfare agency that has obtained tax-exempt status under section 501(c)(3) of the IRS code by August 15, 2007 may send a written request to the Department regional licensing administrator for an extension of the licensing period.
- b) **Retention of Current License** - The licensing representative shall verify that the following conditions have been met by a licensed child welfare agency that seeks to become a tax-exempt organization in order to provide adoption services and desires to retain its current license number or ID.
 - 1) The agency completed **CFS 597** form.
 - 2) The agency provided the Department with a copy of the Internal Revenue Service (IRS) ruling showing that the agency is officially recognized by the IRS as a tax-exempt organization under section 501(c)(3) of the Internal Revenue Code of 1986;
 - 3) A monitoring visit has been completed within the past 6 months indicating that the agency meets all other licensing requirements. The licensing representative **may** not have to visit the facility; and
 - 4) The principal officers, directors and programs of the converted child welfare agency or newly organized child welfare agency are substantially the same as the original.
- c) **Granting Extension Period** - the Department's Central Office of Licensing, with prior approval from the DCFS Office of Legal Services, may grant, in writing, an extension period of up to 12 months from August 15, 2007 for a child welfare agency to obtain tax-exempt status by the IRS under section 501(c)(3).

The Department licensing representative shall verify that the following documentation has been presented by an agency requesting an extension:

- 1) A copy of the agency's complete application, including all attachments to the IRS for tax-exempt status under section 501(c)(3), submitted prior to mid-year 2006; and
- 2) A copy of the agency's documentation from the IRS that the agency has made corrections or provided additional information to the IRS, when applicable.

(Source: P.T. 2007.20)

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Section 401.150 Acceptance of Accreditation through Deemed Status

a) Accredited Agencies in Deemed Status

- 1) A child welfare agency is considered to be in Deemed Status when the agency is fully accredited by the Council on Accreditation for Children and Family Services (COA), is in good standing with COA, and there have been no substantiated licensing violations, after all administrative appeals taken by the CWA have been exhausted, that affect the health, safety, morals, or welfare of children served by that agency for the last 4 years.
- 2) The licensing representative, with supervisory approval, shall notify the child welfare agency of their Deemed Status in writing.
- 3) The written notice shall also indicate that the agency may be removed from Deemed Status when one or more substantiated violations affect the health, safety, morals or welfare of children served by the agency (see **Section 401.155, Removal of Agency from Deemed Status** of Rule 401).
- 4) A copy of the Deemed Status letter shall be sent to the Central Office of Licensing.

b) Monitoring a CWA in Deemed Status

- 1) Prior to the annual monitoring visit to a CWA that is COA accredited, the licensing representative shall verify in writing with the Council on Accreditation that the agency's accreditation continues to be in good standing.
- 2) The licensing representative shall review the agency's licensing record and determine whether there have been substantiated licensing violations that affect the health, safety, morals, or welfare of children served by that agency for the last 4 years.
- 3) During the annual monitoring visit of a CWA in Deemed Status, the licensing representative shall complete the **CFS 520, Child Welfare Agency Compliance Record** following the instructions for CWA in Deemed Status to document the CWA continued compliance with the requirements of Part 401.

c) Substantiated Violation

When a licensing complaint is substantiated against an accredited child welfare agency and all administrative appeals taken by the CWA have been exhausted, the licensing worker shall notify the COA in writing of the substantiated violations. The child welfare agency shall receive a copy of this notice.

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d) Removal from Deemed Status

When a substantiated licensing violation might affect the health, safety, morals, or welfare of the children served by the child welfare program, the agency shall be removed from "deemed status" and a full licensing study shall be conducted as part of the license renewal process.

(Source: P.T. 2014.10)

SUBPART D: PERSONNEL REQUIREMENTS

Section 401.380 Personnel Records

a) The child welfare agency shall maintain personnel records on all employees of the agency, whether full-time or part-time. These records shall contain:

- 1) copies of the forms, **CFS 508, Report of Persons Employed in a Child Care Facility** and **CFS 508-1, Information on Person Employed in a Child Care Facility**, which are required to be sent to the Department and contain information on persons employed by the child welfare agency;

= =2 through 8)

= =b)

(Source: P.T. 2015.10)

SUBPART E SERVICES TO CHILDREN

Section 401.430 Interstate Placement of Children

a) See Rule 401.430.

b) The DCFS Interstate Compact Office will require completion of form CFS 490-1A, Interstate Adoption Placement Agency Information and maintain a file that contains information on all out-of-state adoption agencies or entities providing adoption related services that are involved in interstate adoption with Illinois.

Any out-of-state-agency, entity, or facilitator that is involved in an interstate adoption with Illinois shall complete form **CFS 490-1A**. See instructions in Section 401.600(e).

Information will be considered current for two years from the date of receipt by the Department, and will be required to be updated more frequently, as needed.

(Source: P.T. 2007.20)

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SUBPART F: AGENCY RESPONSIBILITIES FOR ADOPTION SERVICES

NOTE: The licensing representative, when reviewing an adoption agency's compliance with this Subpart of the Procedures, should take into consideration that the requirements in the majority of the following Sections became effective February 27, 2006.

(Source: P.T. 2007.20)

401.500 Child Welfare Agency Responsibilities for Adoption Services

The licensing representative shall review the following practices or documentation of a licensed child welfare agency providing adoption services for compliance:

- a) **Eligibility Criteria For The Selection And Evaluation Of Adoptive Homes.** Agencies must specify in their adoption program information (printed, website, etc) that is provided to prospective adoptive parents and birth parents the criteria that will render someone ineligible for services. For example, for international adoption programs, if a particular country requires adoptive parents to be married or under a particular age, this information must be provided to adoptive parents.

With the exception of international adoption program restrictions based solely on other countries' requirements regarding eligibility criteria of prospective adoptive parents, the following criteria shall not render any child, prospective adoptive parent, birth parent or foster parent ineligible for services: race, religion, gender or ethnicity.

- b) **Pre-Placement Services** – The agency shall have a policy on assessing and preparing potential adoptive families and children in need of adoption. The licensing representative shall review a sample of pre-placement services provided.
- c) **Legal Rights Protection** - The agency demonstrates to clients verbally and in written policy the understanding that the legal rights of the birth parents, the child and adoptive parents are to be protected throughout the adoption process.
- d) **Intercountry Adoptions** - All intercountry adoptions must be approved by the Intercountry Adoption Coordinator of the Department and meet the requirements of Rule 333, Intercountry Adoption Services. The U.S. Immigration Services will not grant permission to an adoption agency to bring a foreign-born child to the United States without the approval of the Interstate Compact Office.
- e) **Non-Discrimination** - Review the agency's non-discrimination policies and practices. Complaints of discrimination based on race, religion, gender or ethnicity must be reported to the agency's DCFS licensing representative in accordance to Sections 401.590 and 401.595.

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- f) **Home Study** - Review a random sample of files and verify that the adoption agency completed an individualized and comprehensive home study of each prospective adoptive parent and his or her home. Home studies for adoptive parents who are required to have a foster home license shall conform to Procedures 402, Licensing Standards for Foster Family Home.

(Source: P.T. 2007.20)

Section 401.510 Disclosures

- a) **Confidentiality Requirements** - The agency shall have a written policy requiring compliance with the confidentiality requirements of the Adoption Act and the Child Care Act regarding disclosure of information when providing adoption services (see subsection (g), below).
- b) **Disclosure Policy** - The Department licensing representative shall review the agency written disclosure policy for compliance with applicable laws and this Part. The disclosure policy shall be available to the public and be provided to clients in written form, and shall be posted on the agency's website (if the agency has a website). Policies must be kept up to date, both in written form and on the website. The policy shall require that the agency's clients (including the biological, adoptive parents), prospective clients, and the public are provided the following information about the agency at the earliest time possible, prior to entering into any contract or agreement:
- 1) A description of adoption services and programs;
 - 2) A summary of policies and practices;
 - 3) General eligibility requirements in written form (brochure and/or any other format of the agency's choosing);
 - 4) A general description of fees and refund policies for each adoption program; and
 - 5) The written rights and responsibilities of birth and adoptive parents as provided by the Department. See subsection (g)(1) of this Section for more detail.

The licensing representative shall review a random sample of client files to verify that the files contain signed copies and dated acknowledgments indicating that these policies have been received by clients.

- c) **Schedule of Fees** - The licensing representative shall review a random sample of client files to verify that prospective adoptive and birth parents, prior to their application for services, have been provided with:
- 1) A written schedule of fees charged by the agency for adoption services for all adoption programs; and
 - 2) A copy of the agency's refund policy related to fees.

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- d) **Adoption Contract or Agreement** - The licensing representative shall verify that:
- 1) The adoption contract indicates that the agency provided a copy of the signed and dated contract/agreement to the applicant;
 - 2) The original, signed agreement has been retained in the agency file;
 - 3) The agency's written policies are part of the written contract/agreement; and
 - 4) **Additional fees or expenses** - The licensing representative shall ensure that any additional fees or expenses incurred by the agency are:
 - A) Reasonably required by the circumstances of the adoption process;
 - B) Disclosed to the adoptive parents, in writing, before the fees or expenses are/were incurred; and
 - C) Accompanied by a signed and dated acknowledgment by the adoptive applicant regarding the specific circumstances requiring additional fees and/or expenses on an addendum or amendment to the original agreement, and distributed to clients.
- e) **COA Compliance** - Agencies accredited by the Council on Accreditation (COA) are deemed to be in compliance with subsection (b), (c), and (d) of this Section. However, COA accredited agencies must comply with the requirements of these procedures and change its policies on disclosures detailed in (b), (c) and (d) when these procedures are more stringent than COA standards and the standards utilized by the agency. The licensing representative shall verify the agency's accreditation by COA, when applicable.
- f) The agency must provide to adoptive parents, no later than the date of placement, non-identifying information (if known) concerning the child to be placed for adoption. See subsection (g)(4) for specific information.
- g) **Content of Written Disclosure Policy** - The licensing representative shall ensure that the content of the agency's disclosure policy meets the following criteria and those mentioned in subsection (b). Further, the licensing representative shall review a random sample of birth and adoptive parent files to ensure they include, as applicable:
- 1) **Birth Parents Rights and Responsibilities** - Full Disclosure - The agency shall provide a **CFS 403-C Birth Parent Rights and Responsibilities** to birth parents, if the placement is a non-DCFS involved case (excluding Inter-country adoptions) and shall read each page of the CFS 403-C aloud to the birth parents. Agencies shall utilize original CFS 403-C forms, and may not create their own forms and/or put them on agency letterhead.

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- A) The bottom of each page of the **CFS 403-C** shall be initialed by the birth parents and the agency representative who read the CFS 403-C aloud to the birth parents, attesting that the form has been read aloud in its entirety by the agency representative and all questions and concerns have been addressed to the satisfaction of the birth parents.
 - i) An Illinois-licensed agency shall present the **CFS 403-C** to birth parents in all agency-assisted domestic adoptions in which there is no Juvenile Court case pending.
 - ii) Ascertain that the birth parent has been provided information in his/her preferred language.
 - B) The form **CFS 403-C** can be found in Appendix B, or at the Department's website (www.state.il.us/dcf). DCFS representatives may order hard copies of the form from Central Stores and adoption agencies may obtain the form through their regional or field DCFS licensing office.
 - C) The licensing representative shall verify that a copy of the **CFS 403-C** was provided to the birth parents. The original form, with each page signed and dated by the birth parents and an agency employee, shall be maintained in the agency's file.
 - D) The licensing representative shall verify that the agency provided the birth parents with information about the Adoption Registry (phone: 877-323-5299 or the website www.idph.state.il.us/vitalrecords/adoptioninfo.htm). (This registry provides a means by which registrants may authorize or prohibit the release of identifying information, including a copy of the adopted person's original birth certificate, to others involved in their surrender or adoption. Confidential identifying information may be released to registrants only after the specified parties to the adoption have each filed a mutual consent for the exchange of this information).
- 2) **Information Shared with Birth Parents** - Prior to releasing any information about the adoptive parents to the birth parents, the licensing representative shall verify that the disclosure of information to birth parents contains a statement based in the confidentiality provision listed in subsection (a) of this Section, and that there is a written consent by the adoptive parents authorizing the release of the information listed below:
- A) The age of the adoptive parents;
 - B) The race, religion, and ethnic background of the adoptive parents;
 - C) The general physical appearance and health of the adoptive parents;
 - D) The education, occupation, hobbies, interests and talents of the adoptive parents;

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- E) The existence of any other children born to or adopted by the adoptive parents; and
- F) Any information that the adoptive family wishes to include in its Dear Birth Parent letter when such letter is used.

3) **Adoptive Parents Rights and Responsibilities**

- A) The **CFS 403-D, Adoptive Parents Rights and Responsibilities** shall be provided to adoptive parents in all cases in which no Juvenile Court case is pending. The licensing representative shall verify that the bottom of each page of the form **CFS 403-D**, has been initialed by adoptive parents and witnessed by the agency representative, attesting that the form has been read aloud in its entirety; signed by all parties and dated. Agencies shall utilize original CFS 403-D forms, and may not create their own forms and/or put them on agency letterhead.
- B) A sample of form **CFS 403-D**, can be found in Appendix C, or at the Department's website (www.state.il.us/dcf). DCFS representatives may order hard copies of the form from Central Stores and adoption agencies may obtain the form through their regional or field DCFS licensing office.
- C) The licensing representative shall verify that a copy of the **CFS 403-D**, was provided to the adoptive parents in all cases of domestic agency-assisted adoptions. The original signed form shall be maintained in the agency's file. (This form is not to be utilized in cases in which there is a pending Juvenile Court case).
- D) The licensing representative shall confirm that the agency provides adoptive parents with all appropriate known non-identifying information about the child and biological parents. If information has been obtained but not verified, this should be characterized as such in the file.
- E) Information that identifies the birth parents shall be redacted before the information is provided to adoptive parents, unless the adoption is open and identifying information has been exchanged. In open adoption cases, written consent from both the birth parents and adoptive parents, consenting to and acknowledging the exchange of identifying information, shall be obtained and kept in the file.

The adoptive parent's file shall also indicate that before the placement occurs, the worker has documented efforts to obtain the child and birth parent's relevant medical and mental health information, regarding the following:

- i) conditions or diseases believed to be hereditary;
- ii) drugs or medications taken by the child's mother during pregnancy;

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- iii) psychological and psychiatric information; and
 - iv) any other information that may be a factor influencing the child's present or future health, such as an admission by birth mother of substance abuse prior to pregnancy or past medical conditions.
- 4) **Non-identifying Information** - The agency's disclosure policy must provide for disclosure to the adoptive parents, in writing and prior to placement, the non-identifying information listed below, if known.
- A) The age of the birth parents;
 - B) The race, religion, and ethnic background of the birth parents;
 - C) The general physical appearance of birth parents;
 - D) The education, occupation, hobbies, interests and talents of the birth parents;
 - E) The existence of any other children born to the birth parents;
 - F) Information about the biological grandparents, reason for emigrating into the United States, if applicable, and country of origin;
 - G) The relationship between the birth parents;
 - H) Detailed medical and mental health histories of the child's non-identifying information regarding medical and mental health histories of the birth parents, and their immediate relatives; and
 - I) The actual date and place of birth of the child to be adopted, and other placement experiences of the child.

The agency shall document, in writing, the non-identifying information that the agency provided to the adoptive parents. Copies shall be maintained in the agency's adoptive parents' file and the birth parent's file. A signed and dated statement by the adoptive parents acknowledging receipt of this non-identifying information shall be kept in the adoptive parents' file, along with a detailed list of the information or documents provided. A copy of the acknowledgment shall be provided to the adoptive parents.

- 5) **Restricted Disclosure** - No information provided under subsection (g) of this Section may disclose the name or last known address of birth parents, biological grandparents, siblings of the birth parents, child sought to be adopted, or any other relative of the child sought to be adopted, except in open adoptions cases referred to in Section 401.510g)3)E) of this Procedure.

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- 6) **Adoption Agency Information and Complaint Registry** – The agency shall provide written information about the Adoption Agency Information and Complaint Registry (Section 401.590) to the adoptive family.
- 7) **Additional Disclosure Policy** – The licensing representative shall verify that the agency complies with the requirements set out in 225 ILCS 10/7.4.c)5) and 750 ILCS 50/18.3a)(k). Effective July 1, 2007 a licensed child welfare agency placing a child in a licensed foster family home for adoption shall provide the prospective adoptive parent with:
 - A) Available detailed information concerning the child's educational and health history, copies of immunization records (including insurance and medical card information), a history of the child's previous placements, if any, and reasons for placement changes, excluding any information that identifies or reveals the location of any previous caretaker.
 - B) A copy of the child's portion of the client service plan, including any visitation arrangement, and all amendments or revisions to it as related to the child.
 - C) Information containing details of the child's individualized educational plan when the child is receiving special education services.
 - D) Any known social or behavioral information (including, but not limited to, criminal background, fire setting, perpetration of sexual abuse, destructive behavior, and substance abuse) necessary to care for and safeguard the child.
 - E) The agency may prepare a written summary of the information required by this policy, which may be provided to the prospective adoptive parent in advance of a placement. The prospective adoptive parent may review the supporting documents in the child's file in the presence of casework staff. In the case of an emergency placement, the agency representative shall at least provide information verbally, and must subsequently provide the information in writing as required within 10 days. In the case of emergency placements, when time does not allow prior review, preparation, and collection of written information, the agency shall provide such information in writing as it becomes available.
 - F) An adoption agency that has received a request from a confidential intermediary for the full name, date of birth, last known address, or last known telephone number of a sought-after relative pursuant to subsection 18.3(g) of the Adoption Act [750 ILCS 50/18.3(g)], or for medical information on behalf of the adopted or surrendered person who would like the information about themselves, must satisfactorily comply with this request within a period of 45 days. Agencies are subject to significant civil financial penalties if compliance is not timely.

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- G) Following the issuance of a court order finding that the adoption agency has not complied with Section 18.3 of the Adoption Act, the adoption agency may be subject to a monetary penalty for each subsequent day of non-compliance. Any reimbursements and fines, notwithstanding any reimbursement directly to the petitioner, paid under this subsection are in addition to other remedies a court may otherwise impose by law. Proceeds from the penalties paid to the Department of Children and Family Services shall be deposited into the DCFS Children's Services Fund. The DCFS attorney who is appointed as an ex-officio member of the Confidential Intermediary Advisory Council will submit reports to the Confidential Intermediary Advisory Council by July 1 and January 1 of each year in order to report the penalties assessed and collected under this subsection, the amounts of related deposits into the DCFS Children's Services Fund, and any expenditures from such deposits.
- h) **Standards for Witnessing Surrenders** - The licensing representative shall review a sample of birth parents' files and verify that the following minimum standards for witnessing Final and Irrevocable Surrenders for the purpose of adoption are completed:
- 1) **Counseling Sessions** - The birth parents consenting to adoption or surrendering their parental rights must have participated in at least one face-to-face counseling session with an agency representative or staff counselor prior to signing the documents. (See subsection(h)(3), entitled Counselor Credentials, in this subsection). The counseling session/s shall conform to the following guidelines:
 - A) The counseling session shall take place at least 24 hours before the birth parent signs the consent/surrender document. If this is not possible, the agency shall document in detail the efforts the agency made to offer counseling to the birth parent and the reason the parent did not participate in such counseling.
 - B) The counseling session shall include both birth parents whenever possible. At least a portion of the session must provide for individual counseling. If one birth parent cannot attend the session, his or her absence shall be noted in the record with detailed reasons regarding why that person is absent. In addition, in situations where both birth parents are not available to attend the session, the agency must document what efforts were made to contact and persuade the absent parent, accommodate the parent's schedule, offer alternative arrangements, or make any other accommodations that would result in the parents participation.
 - C) The agency must review the key issues regarding consents and surrenders to adoption with the birth parents, including a careful and thorough reading of the Birth Parents' Rights and Responsibilities form.

In addition, the Agency's counseling sessions with birth parents should include, but should not be limited to, the following key issues:

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- D) Consideration by the birth parent of whether, after weighing alternatives, adoption is the best choice for his or her child and for himself or herself.
- E) Review of the Birth Parents' Rights and Responsibilities, in his or her preferred language.
- F) That the birth parent has considered the intention and purpose of the consent or surrender, after reading and hearing it read in his or her preferred language.
- G) There has been discussion that when birth parents sign consents or surrenders, it will be his or her free and voluntary act.
- H) The counselor has discussed with the birth parent whether he or she has been threatened or pressured by the agency, adoptive parent(s), or by any other person or party to place her or his child for adoption.
- I) The counselor has discussed with the birth parent the issue of whether all of his or her questions regarding the consent or surrender to adoption have been answered.
- J) The counselor has discussed with the birth parent whether he or she clearly understands that he or she is under no obligation to sign the consent or surrender, even though he or she may have received financial and emotional support.
- K) The counselor has discussed with the birth parent whether he or she is free of the influence of drugs and alcohol and whether he/she is currently being treated for any mental health condition or taking any medication that could affect his/her judgment in making an adoption decision.
- L) The counselor has discussed with the birth parent that he or she understands that his/her decision is final once a consent or surrender is signed, that the parent cannot change his/her mind after signing, and that the consent or surrender cannot be rescinded, cancelled or revoked.
- M) The birth parent has been informed that he/she can take as much time as needed to think about his/her decision prior to signing the consent or surrender, and that additional counseling sessions can be arranged, if requested or desired. If the child is born prior to signing a consent or surrender, the birth parents must make appropriate provisions for the custody of the child. The agency may assist by providing temporary care for the child.

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- N) The birth parent has been informed that any agreement made with adoptive parents about post-adoption contact (open-closed spectrum) is not legally binding.
 - O) The counselor has discussed with the birth parent that his or her signature on a surrender and or consent is final and irrevocable.
- 2) **Counseling Summary** - A written counseling session summary must be included in every birth parent's file. The summary must include:
- Date of session(s)
 - Basic demographic information
 - Current life situation, birth parent's relationship with other birth parent
 - Reasons for placement, discussion of adoption issues
 - The key issues identified and addressed in the session and documented by checklist or narrative
- 3) **Counselor Credentials** - The licensing representative shall ensure that the agency counselors who are authorized to conduct counseling sessions with birth parents have obtained, at a minimum, one of the accepted human services degrees listed in Rule 401 Appendix G, and have specific experience, knowledge and training regarding the voluntary termination of parental rights, and adoption in general. This experience, knowledge and training must be documented in the employee's personnel record. Examples of acceptable documentation are: training certificates, college transcripts, resumes that have been verified by the employer/agency as being accurate, letters of reference relating to the employee's knowledge, on-the-job training and supervision, documentation of workshops/conferences attended, etc.

The counselor must be an authorized representative of the adoption agency in accordance with criteria established in Appendix G, either employed by or contracted by the agency who does counseling, such as a licensed social worker, licensed counselor or other mental health professional.

(Source: P.T. 2007.20)

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Section 401.520 Adoptive Parents Training

- a) **Training for Adopt-Only Parents** - The DCFS Office of Training shall review and approve all agency training programs and curriculums.

The licensing representative shall review a sample of prospective adoptive parent files to verify that families are participating in training that consists of:

- 1) **A Minimum of 6 Complete Hours of Pre-placement Training** - Prospective adoptive parents shall complete a minimum of 6 hours of training that must be specifically geared toward the type of child the prospective adoptive parent seeks to adopt as well as general adoption issues.
- 2) **Training Methods** - The methods of training that are acceptable are:
 - one on one training sessions;
 - classroom settings or group sessions;
 - web-based training.

The 6-hour minimum may **not** include:

- Participation in and completion of the home study;
- An orientation meeting with the adoption agency to learn about programs and services offered by the agency;
- Private viewing of videos, DVDs, etc.;
- Listening to audiotapes;
- Reading books;
- Attendance of conference keynote speeches;
- DCFS Foster PRIDE Training.

These methods of training may be used to supplement the required minimum training requirements or may be used to supplement post-placement training.

- 3) **Continuing Education Training/Credits for Adopt-Only Families** - Adoptive parents may obtain continuing education credits by attending workshops at adoption conferences, if the Department has approved the subject matter and content of the workshops, and if the agency has approved the subject matter and content of the specific workshop in advance as being appropriate for that family. Licensed foster and adoptive parents must submit to the Department's Training Office a completed **CFS 574 Foster Parent Training Credit Approval Form** for review to receive foster parent training credit hours.
- 4) **Adopt Only and Foster Care Conversion Families** - Agencies shall provide individualized consultation to all adoptive and foster care families, regardless of whether they are an adopt-only family or a foster care conversion family, regarding the totality of the caregivers' or adoptive parents' training. The goal is to ensure that they receive the training needed to meet the needs of each child in their care and that they understand the life-long commitment to the child that is required in order to ensure that the adoption will be successful.

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Licensed foster parents who have completed all of Foster PRIDE training and who are current with their continuing education credits need to additionally complete Adopt-Only training only if the Foster PRIDE training has not provided information specific to the needs of the child who is being adopted.

- 5) **Special Needs Training** - Prospective adopt-only parents who are adopting a special needs child shall receive a minimum of 10 hours of training. In addition to the minimum 6 hours of training required in paragraph (1), above, at least 4 additional hours of training must address the specific needs of the child to be adopted. For example, adoptive parents who are adopting trans-culturally shall receive training on trans-cultural parenting; adoption of an older child will require training on the needs of children adopted at an older age. Agency shall use form **CFS 574-4, Special Needs and Foster Care Conversion Adoption**, for prior approval of training curriculum.
- b) **Providing training** - Agencies may either provide training to adoptive families directly, or refer families to other appropriate sources that have been approved by the Department. (The Office of Training will maintain a list of approved trainers). Foster PRIDE training is not appropriate for adopt-only families (these families are in need of specialized, concentrated training curriculums). Agencies that outsource training shall use an approved trainer who uses a curriculum approved by the Department.
- c) **Curricula** - The Department's Office of Training must approve all adoptive parent-training curricula. On or before December 1, 2007, each agency shall submit for each type of training to be provided a **CFS 574-2, Agency Reporting Form for Adoptive Parent Training Curriculum**, including a curriculum outline and a summary of the curriculum content and resources attached to the appropriate Curriculum Content Checklist (**CFS 574-3, International Adoption**, **CFS 574-4, Special Needs and Foster Care Conversion Adoption**, and/or **CFS 574-5, Domestic Infant Adoption**), to the Department's Office and Development of Training (at 10 W. 35th St., 5th Floor, Chicago, IL 60616, attn: Adoption Curriculum Reviewer)– for review and approval. Written approval for each curriculum shall be kept in the agency's training curriculum file.

The licensing representative shall verify that each curriculum used by the agency has been approved and that the written approval is in the training curriculum file.

The 6 hours minimum pre-placement training curriculum and the additional training for children with special needs shall be based on topics that specifically apply to the child and adoptive parents and include a selection of the following topics, but not limited to:

- 1) Understanding and respecting birth parents, including
 - A) Birth parent rights and responsibilities
 - B) Full and fair disclosure and confidentiality
 - C) Voluntary and involuntary termination of parental rights
 - D) Legal risk placement

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- E) Raising compassion, respect and understanding for the birth family
 - F) Understanding the reasons adoption plans are made for children
 - G) Respecting the birth parent's life long connection to the child
 - H) The importance of including birth parents in the gathering of background information, including information, history and strategies on how to do so
- 2) Talking to your child about adoption in a positive way
- A) Importance of Life Books
 - B) Helping children cope with separation/loss, history of maltreatment and identity formation
 - C) Need for background information and involvement in plans for continued connections when appropriate
 - D) Tools to answer children's questions
- 3) Continuum of openness in adoption
- A) Defining openness as a continuum
 - B) Benefits, relationships and responsibilities of openness
 - C) Developing a plan that is in the best interest of the child
 - D) The importance of and benefits to adoptive parents working to resolve conflicts and renegotiating plans when necessary
- 4) Adoption as a life-long process
- Universal adjustment issues
- 5) Adoption of a special needs child
- A) The affects of drug and alcohol use during pregnancy
 - B) Trans-racial adoption
 - C) Trans-cultural adoption
 - D) Issues in older child adoption
 - E) Adoption of a medically complex child
 - F) Providing day to day care of a child with complex medical needs
 - G) Adoption of a child with behavioral problems, or a mental health diagnosis
- 6) Child development and the impact of adoption
- 7) Parenting and discipline techniques
- 8) Adoption as a legal process
- 9) Infant/Child CPR
- 10) Positive Adoption Language
- 11) Adoptive parent rights and responsibilities
- 12) Post adoption monitoring and support,

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The training curriculum for a minimum of 4 additional hours for special needs child in addition to the minimum 6 clock hours training required in paragraph 1) may include topic number 6 listed above, "Adoption of a special needs child."

Training for International Adoptions - Regulations for adoptive parent training respective to the Intercountry Adoption Act of 2000, requires 10 hours of training **before** a family can have any contact with the child. Families who are adopting in this circumstance shall not travel to the child's country of origin to "view" or "select" a child until they have completed 10 hours of training. The Intercountry Adoption Act of 2000 requires that this training cover 8 **mandatory** topic areas. They are as follows:

1. The intercountry adoption process, general characteristics and needs of children awaiting adoption and the in-country conditions that affect children in the country parents plan to adopt.
2. The effect of malnutrition, relevant environmental toxins, maternal substance abuse, and any other known genetic, health, emotional and developmental risk factors associated with the country.
3. Information about the impact of leaving familiar ties and surrounding as appropriate to the expected age of the child.
4. Data on institutionalized children and the impact of institutionalization on children, including the effect of the length of time in institution and the type of care provided in-country.
5. Information on attachment disorders and other emotional problems that institutionalized or traumatized children and children with a history of multiple caregivers may experience before, during and after adoption.
6. Information on the laws and adoption processes of the expected country of origin, including foreseeable delays and impediments to finalization of an adoption.
7. Information on the long-term implications for a family that has become multicultural through Intercountry adoption.
8. Training includes an explanation of the reporting requirements associated with Hague adoptions, including post-placement or post-adoption reports required by the country of origin.

Additionally, prospective families shall be provided with training that prepares them for a particular child. This training is to address:

- the child's history and culture, racial, religious, ethnic and linguistic background; known health risks in the specific region or country where the child lives; and any other medical, social educational, development, or background data known about the particular child.

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Provide prospective adoptive families with information about:

- print, internet and other resources available for continuing to acquire information about common behavioral, medical and other issues; connecting with parenting support groups, adoption clinics and experts, and seeking appropriate help when needed.

Agency shall use form **CFS 574-3, International Adoption**, for prior approval of training curriculum.

Training may be conducted at the home, during sessions separate from the home study. Training may be provided by the home study agency or through collaboration with other agencies or expert resources, determined by the agency and approved by the Department.

Costs for training may be born by either adoptive parents or the agency. If the cost is born by the adoptive parent, details regarding the costs for training must be written in the agency's disclosure statement to the adoptive parents and in the agency's disclosure policy.

Documentation - The licensing representative shall confirm that each adoptive parent has received the training required in this Part.

- d) **COA Compliance** –The Department's training requirements for adoptive parents are more stringent than those set out in COA standards. All COA accredited adoption agencies shall comply with the Department's training requirements for adoptive parents, as set out in Rule and Procedures 401.

(Source: P.T. 2007.20)

Section 401.530 Annual Reports

- a) **Regional Office** - The licensing representative shall ensure that each adoption agency submits a completed form **CFS 596-Q, Adoption Agency Annual Report** each year and that the Report and financial statement is posted on the agency's website (if the agency has a website). The Annual Report is due each year no later than the 45th day after the annual anniversary date of the issuance of the agency's license. The licensing representative shall review the form for completeness and accuracy by checking available database resources. The licensing representative shall not make corrections or changes to the report, except for minor clerical changes. The licensing representative shall initial any minor clerical changes made. Document all on the **CFS 520**.

The **CFS 596-Q** is required only by agencies that provide adoption services, and not for other types of agency programs. Agencies that provide adoption services only through foster care conversions do not need to answer question #1, but must still answer questions # 2 – 12 in the report.

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Prior to conducting a monitoring visit, the licensing representative shall review the Adoption Agency Information and Complaint Registry to verify that the agency has filed form **CFS 596-Q**.

Each agency shall attach an audited financial statement to the Annual Report. The financial statement must provide information regarding the agency's adoption services and include all sources of revenue, assets, and details regarding expenditures including costs of maintaining staff and for services to birth and adoptive parents.

- b) **Failure to Submit Report** - Failure to disclose information, including the audited financial statement, required under this section may result in the suspension of the agency's license for a period of 90 days. Second or subsequent violations may result in revocation of the license.
- c) **Website** - Agencies with websites must maintain a current Annual Report on the website, and include the audited financial statement. The Annual Report shall be posted at the same time the report is submitted to the licensing representative. Agencies that have very large annual reports and audited financial statements that include programs in addition to their adoption programs may choose to generate separate annual reports and financial statements that just provide information relating to their adoption programs. The smaller report can then be posted on the agency's website in place of the larger report, as long as the smaller report contains all the pertinent adoption-related information.
- d) **Availability** – Each agency shall make Annual Reports for the prior four years available to the public. Agencies with websites need only maintain the most recent Annual Report on the website, and shall make the additional prior year reports available by request for no fee.
- e) **Confidentiality** - See Rule 401.530.

(Source: P.T. 2007.20)

Section 401.540 Preferential Treatment in Child Placement

- a) **Written Policy** - The licensing representative shall verify that the agency has a written policy prohibiting preferential treatment in matters relating to adoption and the process by which the agency will enforce that policy in relation to its board members, contributors, volunteers, employees, agents, independent contractors, or persons related to these individuals. The written policy shall be included in the employee handbook and maintained in the appropriate agency file.
- b) **Availability** - The licensing representative shall verify that a copy of the agency's written policy against preferential treatment has been given to all staff and board members, and that all staff involved in the provision of adoption services have been trained on the policy. The agency shall place documentation of completion of the training in the employee and board files.

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- c) **COA Compliance** - When the agency claims to be accredited by the Council on Accreditation (COA), the licensing representative shall verify the agency's certification. COA accredited agencies are deemed to be in compliance with this Section.

(Source: P.T. 2007.20)

Section 401.550 Waiver Prohibited

The licensing representative shall verify that the agency brochures for birth and adoptive parents state that it is prohibited by law from requiring birth or adoptive parents to sign any document that expressly or by implication waives any claim against an agency for intentional or reckless acts or omissions or for gross negligence. The agency staff shall not ask birth or adoptive parents to sign any documents that attempt to waive claims against the agency or any individual employed by the agency for intentional or reckless acts or omissions, or for gross negligence.

(Source: P.T. 2007.20)

Section 401.560 Adoption Services Fees

- a) **Excessive Fees Prohibited** - Agencies may charge fees that are within a range determined to be usual, reasonable and customary in the community for the delivery of adoption services in Illinois. The Department's Office of Planning and Budget and Office of Legal Services shall assist the licensing worker in determining the reasonable fee range in each region. Every licensed adoption agency shall follow the requirements listed in Section 401.565 c) in order for the Department to determine reasonable fees.

Upon request, the Department's Office of Planning and Budget shall give the licensing representative an assessment report of reasonable fees for adoption agencies in the region where the adoption agency is located.

The elements that shall be taken into account are:

- 1) The full range and duration of services and programs provided by the agency to birth parents and their children, to adoptive parents and for birth parents expenses paid by the agency for costs related to medical care and living expenses; and
- 2) Whether the agency provides and regularly utilizes a program of reduced-fee placement services or programs and places special needs children for adoption.

Adoption fees shall be based on the costs associated with service delivery to the adoptive parents and the birth parents, and clients may be charged only for services actually provided.

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- b) **Charge for Services Provided** - The agency's fees and costs must be based on the agency's overall services and delivery, and are limited to services actually provided to the client.
- c) **Payments to Birth Parents** - There is no specific point in a birth mother's pregnancy that must be reached before an agency may provide financial assistance.

The licensing representative shall verify that the agency maintains a record of all payments made to or on behalf of birth parents, and confirm that the record is maintained in the case file.

Financial support provided for birth parents must be provided directly to the source of the expense and not provided directly to birth parents whenever possible. For example, rent should be paid to a landlord and utility bills paid to the specific utility company. When cash is provided to a birth parent agency staff shall document the purpose for the cash payment and amount given in case notes and shall explain why payment was not made directly to the vendor/provider. Receipts for all expenses, including those made in cash to birth parents shall be kept in the case file. When receipts have been lost, the agency shall prepare a certification / affidavit in place of the receipt detailing the nature of the expense, to whom it was paid, and the amount and date.

- d) A record of services, such as counseling and/or casework services, provided to birth parents shall be maintained in agency files.

(Source: P.T. 2007.20)

Section 401.565 Adoption Agency Payments of Salaries or Other Compensations

- a) **Reasonable Compensation** - The Department's Office of Planning and Budget shall assist the licensing worker in determining the reasonable compensation in each region. Every licensed adoption agency shall follow the requirements listed in subsection c) of this section in order for the Department to determine reasonable compensation.

Upon request, the Department's Office of Planning and Budget shall submit to the licensing representative an assessment report of reasonable compensation for adoption agencies in the region where the adoption agency is located.

At least once every two years, the licensing representatives shall review and verify that the compensation paid by adoption agencies to officers, employees, independent contractors or any other person acting on behalf of a child welfare agency providing adoption services are not unreasonably high. The review shall evaluate whether the agency has considered:

- 1) Every form of compensation to an individual or consultant, including but not limited to: salary; fees; bonuses; cash value of deferred and non-cash compensation; cost of employer paid retirement; cost of employer paid medical and liability insurance; loans; cash equivalent value of vehicle use; expense accounts; food, housing and clothing allowance; and

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- 2) Whether compensation has been provided only for services rendered
- b) When determining whether the total compensation salary payments or other compensation is reasonable, the licensing representative shall take into account:
- 1) The community area;
 - 2) Data from agencies in the community that provide similar services; and
 - 3) Comparable experience and education of persons receiving compensation.
- c) Each licensed adoption agency shall give the Department a written, detailed accounting of the agency payment of salaries and other compensation on an annual basis. The accounting may be limited to those persons (officers, employees, independent contractors or any other person acting on behalf of a child welfare agency providing adoption services) whose compensation is either in part or in whole derived from adoption fees:
- 1) Before an initial license is granted, the provider agency will complete **CFS 596-R, Accounting of Adoption Agency Payments of Salaries and Other Compensation**.
 - 2) Subsequent to the receiving the initial license, the adoption agency shall provide on an annual basis, an accounting of all agency payment of salaries and other compensation on form **CFS 596-R**. The report shall be due to the persons or offices identified in subsection 401.565(c)(3) within 180 calendar days (6 months) of the end of the agency 's accounting (fiscal) year.
 - 3) A copy of the compensation report shall be provided to the local licensing representative. The adoption agency shall provide a second copy of the compensation report to:

Office of Planning & Budget
Department of Children & Family Services
Mail Station #440
406 East Monroe Street
Springfield, IL 62701
E-mail Address: Cost.Rpt@illinois.gov
Fax number: (217) 785-1765
 - 4) Documentation supporting the payment of salaries and other compensation must be present in the provider agency personnel and/or contractual files. Board minutes must reflect that the board members are aware of the staff total compensation and that the level of compensation to employees is reviewed at least annually.

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- d) See Rule 401.565(d).
- e) See Rule 401.565 (e).
- f) Agencies accredited by the Council on Accreditation for Child and Family Services are presumed to be in compliance with this section. However, this presumption does not exempt the agency from the reporting requirements of this section.

(Source: P.T. 2007.20)

Section 401.570 Independent Contractors Who Perform/Provide Adoption Services

- a) **Conditions for Using Independent Contractors** - The licensing representative shall review agency contracts with independent contractors who perform adoption services in Illinois for or on behalf of the agency, such as a person, group of persons, agency, association, organization, corporation, institution, center, or group. Each contract shall contain the following provisions:
 - 1) The terms of payment clearly stated;
 - 2) The services to be performed clearly stated;
 - 3) The name/s and positions of personnel performing the services;
 - 4) Qualifications of the personnel;
 - 5) That the independent contractor providing adoption services has the affirmative obligation to disclose the contractual relationship to all clients prior to performing any services;
 - 6) That no money shall be collected by the independent contractor for adoption services performed. All fees and costs for services will be paid by the client to the licensed supervising agency; and
 - 7) Approval from the Department's licensing supervisor or regional licensing administrator and the Office of Legal Services must be obtained in advance of any services being provided or the contract being finalized.
- b) **Relationship Disclosure and Notification to the public/printed material** - The licensing representative shall review that before any services can be provided under the terms of the contract, the independent contractor shall prominently display the information set out below on the independent contractor's letterhead, promotional/informational printed material and brochures, and on the Home Page of the independent contractor's website if the contractor has a website. Included in the notification shall be an explanation of the nature of the supervision, which shall be approved by the Department in advance of its use:

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- 1) The independent contractor performs the services provided for in the contract under the supervision of the named licensed agency;
 - 2) The supervising agency is responsible for the independent contractor's performance and compliance with Department Rules, Procedures and Illinois law; and
 - 3) The supervising agency's name license number, address and phone number.
- c) **Agency's Responsibility** - The licensing representative shall verify that the adoption agency acknowledges that the agency is not exempt from compliance with all of the provisions in Rule 401 and the Child Care Act notwithstanding the contract it has with an independent contractor for performing adoption services on behalf of the agency.
- d) **Limitation of Contract** - The Department will not approve contracts with entities in locations that are geographically distant from Illinois, as direct supervision of such entities is not feasible. Contracts with entities in bordering states will be considered on a case-by-case basis.
- e) **Termination of Contract** - The Department may require the adoption agency to terminate a contract with an independent contractor when:
- 1) The Independent contractor has violated a provision of Rule 401 or the Child Care Act; or
 - 2) The adoption agency has demonstrated an inability, or disregard of its responsibility, to monitor the services provided by the independent contractor and the agency has failed to comply with the corrective plan to correct the situation when required by the Department to do so.
 - 3) The Department's instruction to the adoption agency to terminate its contract with an independent contractor shall be in writing, and shall be reviewed and signed by the licensing supervisor or regional licensing administrator and shall specify the reasons for the termination. The adoption agency must inform the Department the agency's actions with the independent contractor within 10-business-days and the handling of the independent contractor client's services.
 - 4) **Supervising Agency** - The supervising agency shall post information regarding the termination of the contract within 10 business days on its website. This information shall remain on the website for at least 6 months.
 - 5) **Independent Contractor** - If the independent contractor has a website specifically relating to the provision of adoption services performed for the supervising agency, it must take its website down within 2 business days from the date of termination of the contract with the supervising agency.

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- f) **Websites** - The independent contractor's website shall include clear notification on its Home page regarding the supervision by the licensed adoption agency. The notification shall be incorporated onto each category and section of the independent contractor's website that relates to the provision of adoption services. If the independent contractor has a contract with more than one Illinois licensed adoption agency, the contractor shall post information regarding the terms of each contract on its website. The independent contractor shall timely remove information pertaining to adoption services with the agency if the contract is terminated.

The supervising agency's website shall provide information regarding its relationship with the independent contractor. The explanations/disclosures utilized in the printed material and on the website shall be the same.

(Source: P.T. 2007.20)

Section 401.580 Cessation or Dissolution of an Adoption Agency

- a) **Documentation of Cessation or Dissolution** - The licensing worker shall confirm that the agency has ceased operations and/or dissolved as an entity for the provision of adoption services. This may be documented in a letter from the agency to the licensing supervisor or regional licensing administrator.

The agency shall notify the licensing representative, in writing, within 5 days, of dissolution of the agency or cessation of adoption services.

- b) **Transfer of Files** - The licensing representative shall ensure that the agency's pending adoption files are transferred to another adoption agency within 30 calendar days of the notice of cessation or dissolution. The agency shall provide the licensing representative or licensing supervisor specific plan to transfer files to another adoption agency. The Department must be in agreement with the plan. When a DCFS ward is involved, Agency Performance Staff must be participate in the plan. Written documentation from the receiving agency accepting the transfer of files shall be sent to the Department's licensing representative and kept on file

The agency shall ensure that all parties involved, including prospective adoptive parents, licensed foster parents/homes, and birth parents with whom the agency is currently working, are informed, in writing of the transfer of their files to another agency.

(Source: P.T. 2007.20)

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Section 401.590 Adoption Agency Information and Complaint Registry

- a) **The DCFS Adoption Agency Information and Complaint Registry** - Once the Adoption Agency Information and Complaint Registry is established, the Central Office of Licensing shall update the Adoption Agency Information and Complaint Registry on a weekly basis, using information obtained from computer licensing screens and annual reports filed with the Department by the adoption agency.

Information Provided - Information provided by the Adoption Agency Information and Complaint Registry on an adoption agency shall include:

- 1) **Substantiated Licensing Violations** - The adoption agency's most recent 4-year history of substantiated licensing violations and corrected violations;
 - 2) **Enforcement Actions** - Any pending or finalized enforcement actions by the Department against the agency;
 - 3) **No Confidential Information** - The Registry shall NOT contain the following confidential information:
 - A) Specific details on the substantiated complaints, licensing violations, revocations, protective plans, administrative orders of closure, or surrenders;
 - B) Identifying information regarding child abuse and neglect reports – (non-information regarding a child abuse and neglect report would only be provided if it related to an employee at an adoption agency);
 - C) Information on any pending licensing investigation except for the presence of a protective plan;
 - D) Identifying information regarding birth or adoptive parents;
 - E) Financial information not included in the annual report; and
 - F) Identity of the reporter of the complaint.
- b) **Public Access to the Registry** - The general public may access information provided on the Adoption Agency Information and Complaint Registry by calling a statewide toll-free telephone number (to be announced).

Hours of Operation

The Department of Children and Family Services will establish and maintain a toll-free number to be staffed by the Central Office of Licensing staff from 8:30 a.m. - 5:00 p.m., Monday through Friday, excluding holidays. The toll-free phone line shall be available to all individuals within the State of Illinois. An alternative non-toll-free phone number will be available to individuals calling from outside of Illinois.

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- c) **Department Website** - Information about the Adoption Agency Information and Complaint Registry shall be available on the Department's website (www.state.il.us/dcfs);
- d) **Filing Complaints** - Written or oral complaints made by any member of the general public regarding a licensed adoption agency, which alleges a violation of licensing standards and/or the conduct of an agency's, shall be accepted by any of the following entities:
 - 1) **Child Welfare Agency** - A child welfare agency providing adoption services shall keep a written record of complaints about the agency's provision of adoption services according to the agency's written policy and procedures as required in Section 401.595, Agency Complaint Policy and Procedures. Any complaints alleging violations of licensing standards shall be reported immediately to the DCFS licensing representative or licensing supervisor.
 - 2) **Department Licensing Office** - A Department licensing office shall document complaints received from SCR or an adoption agency, or from an individual who contacts the office to complaint about an adoption agency. See Section 401.590(e) and (f) for procedures the licensing representative shall follow to document complaints.
 - 3) **State Central Registry** - Complaints received by SCR staff about an adoption agency shall be forwarded to the DCFS licensing office where the agency is located.

Minimal Information Obtained - See Procedures 383

Complaints alleging the operation of an unlicensed adoption agency shall be referred to the Department's regional licensing office or licensing supervisor/manager in the region in which the agency is located.

- e) **Investigation of Complaints** - The Department shall assign a DCFS licensing representative to investigate complaints of alleged violations of Rule 401, Licensing Standards for Child Welfare Agencies or the Child Care Act, in accordance with Procedures 383, Licensing Enforcement.
 - 1) The receipt and resolution of written complaints by an adoption agency shall follow procedures described in Section 401.595.
 - 2) Complaints that are made verbally to an adoption agency shall be documented in agency records and made available for review by the Department's licensing representative. Documentation of oral complaints shall include specific information regarding the nature or the complaint, the process to resolve the complaint, and the outcome of the complaint.

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f) **Complaints Unrelated to Licensure**

- 1) **Received by Agency** - Complaints received by an adoption agency that do not allege a violation of licensing standards or the Child Care Act shall be documented and resolved by the adoption agency. Written complaints shall be resolved according to the agency's complaint policy and procedures. See Section 401.595. A copy of the complaint and the resolution by the agency shall be forwarded to the licensing representative within 10 days of receipt of the complaint by the agency.
- 2) **Received by the Department** - Complaints received by the Department about an adoption agency that do not allege a violation of the licensing standards or the Child Care Act shall be documented and forwarded to the adoption agency responsible for resolution of the complaint.
- 3) The licensing representative shall review the agency's documentation and resolution of written complaints made against the agency during each monitoring visit to the agency. This review does not excuse the agency from submitting documentation of the complaint and resolution to the Department within 10 days from the date the complaint was received by the agency.

(Source: P.T. 2007.20)

Section 401.595 Agency Complaint Policy and Procedures

- a) **Written Complaint Components** – Licensing representatives ensure that each adoption agency's complaint policy and procedure related to written complaints include the components listed below. An agency complaint process shall not be unduly burdensome to complainants, and shall not establish any requirements in the agency's grievance procedure for which there is no practical purpose.
 - 1) **Investigation** - Each agency shall initiate investigations of written complaints within 2 business days of receipt. An agency staff person shall provide assistance to clients with special needs who request or need assistance putting their complaint/grievance into writing;
 - 2) **Documentation** - Agencies shall maintain written documentation of all written complaints received;
 - 3) **Finalize Complaint Investigation** - Agencies shall finalize the complaint investigations within 10 business days after a complaint is received. The resolution shall be sent, in writing, to the complainant, and the agency's DCFS licensing representative.

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- 4) If the agency cannot resolve the complaint within 10 days due to extenuating circumstances, an interim report shall be sent to the complaining party and to the DCFS licensing representative at the conclusion of the 10-day period. The interim report shall state the reason for the delay and an estimated date of completion of the investigation and final response. The copy of the interim report sent to the DCFS licensing representative shall include a copy of the written complaint. A final report shall be sent to the complaining party and DCFS licensing representative within 3 days after the conclusion of the investigation.
 - 5) **Retaliation** - An agency shall not retaliate against a complainant.
 - 6) **Designee** - Each agencies shall designate one management-level staff person to accept and coordinate the handling of complaints. The staff person may be identified by position rather than name.
 - 7) **Report** - A copy of each complaint and the agency's written response shall be presented to the agency's Board of Directors at its next meeting. Each complaint and resolution reviewed by the Board of Directors shall be reflected in the minutes of the meetings.
- b) The agency's complaint policy and procedures shall be filed with the Department's regional licensing office no later than February 15, 2006.
- c) **Failure to Submit Policy** - The Department may suspend the license of an adoption agency that failed to submit a complaint policy and procedure to DCFS by 2/15/06 for up to 90 days, or may revoke the agency's license if the agency continues to violate this requirement.
- The licensing representative shall notify the agency in writing that the complaint policy has not been received, or that the submitted policy does not meet the standards of Rule 401.595. The licensing representative shall include in the notification a corrective plan containing a specific time frame for compliance.
- d) **Providing Complaint Policy** - The licensing representative shall review client's files and verify that the agency provided a copy of its complaint policy to prospective clients, including birth parents, adoptive parents and adoptees, prior to entering into a contract or agreement for services.
- e) **Signed Policy** -The licensing representative shall verify each client file contains a copy of the complaint policy signed and dated by each client. If the client's preferred language is Spanish, the policy and form must be provided to the client in Spanish.
- f) **Website** - The licensing representative shall verify that the agency's website, if it has one, contains the complaint policy and forms, agency license number and toll-free adoption information line telephone number.

(Source: P.T. 2007.20)

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Section 401.600 Advertisement

- a) **Conditions for Advertisement** - A adoption agency licensed by the Department may advertise adoption services in Illinois.

The licensing representative shall periodically examine local advertisements sources (e.g. newspapers, yellow pages or television) to determine that all advertisers offering adoption services are licensed or have been issued a permit by the Department to operate a child welfare agency.

- b) **Penalties** - The licensing representative in consultation with the DCFS Office of Legal Services, shall refer all advertising violations for prosecution to the Illinois Attorney General or the State's Attorney of the appropriate county,

Exceptions – The following are exempt from the advertising provisions in Rule 401.600: Birth parents and persons seeking to adopt may advertise on their own behalf; and licensed attorneys advertising his or her availability to provide legal services relating to adoption. However, an attorney may not place an advertisement to 'match' adoptive and birth parents.

- c) **Agency's License Number (Provider ID)** - Verify that adoption services advertisements placed after August 15, 2006 by a licensed adoption agency includes the agency's licensed number.

- d) **Intentional Misrepresentations** - The licensing representative shall verify that the agency's advertisement does not contain any intentional misrepresentations of adoption services (e.g., services that are impermissible or exceed the boundaries of the law, e.g., offering to provide financial support to birth parents that exceeds that permitted by law).

- e) **Out-Of-State Agencies Advertising in Illinois** - If applicable, review the agency's collaborative interagency agreement with an out-of-state international adoption agency to confirm that it contains the following provisions:

- 1) Documentation on file that the out-of-state-agency is officially recognized by the IRS as a tax-exempt organization under section 501(c)(3) of the Internal Revenue code.

The licensing representative shall verify that the Department's Interstate Compact Office has the information about the out-of-state agency required in Sections 401.430(b). If not, the Illinois agency must request that the out-of-state agency complete the **CFS 490-1A, Interstate Adoption Placement Agency Information** and mail a copy to the Interstate Compact Office.

- 2) Documentation that the out-of-state agency has an international adoption program and is covered by the International Adoption Services and Intercountry Adoption Act of 2000.

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- 3) Advertisements by the out-of-state agency must contain the license number of the collaborating Illinois licensed adoption agency.

Except as provided in subsection e) above, agencies licensed in other states may not advertise in Illinois, either for the provision of adoption services, or for the provision of or participation in adoption seminars or informational meetings.

- f) **Not Authorized** - The licensing representative shall follow provisions in Section 401.800 when a publisher or broadcast company knowingly or recklessly advertises or publishes any advertisement offering or soliciting adoption services on behalf of an entity not authorized to advertise as indicated in Section 401.600(a).
- g) **DCFS Adoption Agency Website** -The licensing representative shall review the Department's website to verify that the following information about the adoption agency is posted. If the information is not posted and the agency has not provided the appropriate information to the Department, the licensing representative shall determine the reason that the information has not been provided and shall give the agency a deadline by which time the agency must provide the information to the Department.

Regarding each licensed adoption agency:

- 1) **Name** - Agency name, address, phone number, name of Executive Director (or equivalent position) and the agency's website address or link if applicable;
- 2) **Annual Report and Audited Financial Statement** - Each licensed agency shall post its annual report and financial statement;
- 3) **Cessation or Dissolution** - The agency date of dissolution of the agency or cessation of adoption services.

(Source: P.T. 2007.20)

SUBPART H: ENFORCEMENT AND SEVERABILITY CLAUSE

Section 401.800 Referrals to Law Enforcement and Injunctive Relief

The licensing representative, in consultation with the DCFS Office of Legal Services, shall refer all advertising violations for prosecution to the Illinois Attorney General or the State's Attorney of the appropriate county.

(Source: P.T. 2007.20)

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Section 401.Appendix A

SAMPLE LETTERS

Notice To Governing Body
License Will Expire in Six Months

Date
Name/Address of President/Chairperson of Governing Body

Agency Name
Address

Date: _____

Dear: Agency Board of Directors

This is to notify you that the current license for Name of Agency will expire on Date. The agency's board of directors needs to submit a complete renewal application to the address indicated below 3 months prior to the expiration date for the application to be considered timely and sufficient (Section 401.140(b)). Enclosed are also a copy of Part 401 Licensing Standards for Child Welfare Agencies and three copies of the licensing application. The Application must be signed by the officers of your Board

A complete renewal application consist of the following attached documents:

- 1) CFS 597
- 2) For CWAs that are in deemed status, and doing business with the Dept. list everything in 401.145(a). For those in deemed status, and not doing business with the Dept. list everything in 401.145(c)
- 3) For those not in deemed status, list everything in 401.140(a)and (b).

When the above materials have been received, I will contact the agency to schedule visit(s) for a licensing renewal study to be conducted.

If you have any questions, you may contact: Name

At _____ (Phone) - _____ ext.

Licensing Representative

DCFS Licensing Office Address

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Notice: License Will Expire in Three Months

Date: _____

Licensee Name

Licensee Address

Provider ID#

Dear: Licensee

You were previously notified that your current child welfare agency license will expire on _____ Date and that you were required to submit a **complete** renewal application on or before _____ Date.

This office has not received the required renewal application materials from you and the deadline for submitting your renewal application has passed. Your failure to submit a **complete** renewal application **by the 3-month deadline** means that the renewal process for your license may not be completed by the time your current license expires; and

If the complete renewal application is received after the expiration date of your license, the agency will be considered not licensed in Illinois, and the agency must cease operating.

If you submit a complete application **within 10 days** of the date on this letter, the Department will make a good faith effort to complete license renewal activities prior to the expiration date of your current license. Please be advised, however, that if you fail to meet the 10-day extension, “complete” license renewal applications which were received ‘on time’ will be given priority over your renewal application.

If you have any questions, you may contact: Name

At _____ (Phone) - _____ ext.

Licensing Representative

Licensing Supervisor

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Notice: License Has Expired

Date: _____

Dear: Former Licensee

The complete renewal application for Name of agency was not received until after the expiration date of your license. Therefore, the agency's renewal application will be treated as an "initial" application and the agency is not currently licensed in Illinois. The agency must cease operating immediately.

If you have any questions, you may contact: Name

At _____ (Phone) - _____ ext. _____

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**Notice of Failure to Meet License Renewal Deadline:
INCOMPLETE Application**

Date: _____

Dear: Licensee

Your were previously notified that Name of agency current child welfare agency license will expire on _____ Date _____ and that you were required to submit a “complete” renewal application on or before _____ Date _____.

This office received an incomplete renewal application from you on or before the 3 month deadline. The license standards requires that the licensee submit a complete renewal application by the 3 month. While you have not complied with the licensing renewal requirements. You are being **granted an additional 10 days from the date on this letter** to submit the remaining required documents/information. If you fail to meet the 10-day extension:

- 1) The renewal process for your license will not be completed by the time your current license expires; and
- 2) The Department will give priority to processing renewal applications which met the “complete and timely” requirements.

The missing documents/information which must be received no later than 10 days from the date on this letter are:

If you have any questions, you may contact :Name

At _____ (Phone) - _____ ext. _____

Licensing Representative

Licensing Supervisor

(Source: P.T. 2007.20)

LICENSING STANDARDS FOR CHILD WELFARE AGENCIES

May 4, 2015

CFS 403-C

Section 401.Appendix B

BIRTH PARENTS’ RIGHTS AND RESPONSIBILITIES IN ILLINOIS

This document does not constitute legal advice. Legal advice is dependent on the specific circumstances of each situation and jurisdiction. The information in this document is an overview and does not cover all cases or facets of adoption law in Illinois. It cannot replace the advice of an attorney licensed in your state.

Illinois has progressive adoption laws that protect the rights of birth parents and adoptive parents. Birth parents who are using the services of an adoption agency in Illinois must receive this document from her or his caseworker as soon as is reasonably practical after meeting with an agency worker. Birth parents may take this document home to read in private prior to reviewing it with a worker from the agency.

The information in this document is generally intended to refer to the rights of birth parents in private and agency-assisted adoptions, and does not refer to situations involving adoptions that go through the child welfare system and Juvenile Court. While much of the information contained in this document is applicable, birth parents who are considering adoption and have cases pending in Juvenile Court related to the adoption are advised to seek the assistance of their assigned caseworkers and their attorneys.

If you choose to place your child for adoption in Illinois, the adoption can be assisted by a

- ◆ licensed Illinois adoption agency (an ‘agency-assisted adoption’); or
◆ an attorney who is licensed in Illinois (a ‘private adoption’).

RIGHTS OF BIRTH PARENTS

AS A BIRTH PARENT IN ILLINOIS, YOU HAVE THE RIGHT TO:

- 1. Be treated with dignity and respect at all times.
2. Make decisions free from coercion or pressure.
3. Work with social service agencies, including those providing public assistance, while you are in the process of deciding whether to place your child for adoption or to parent your child. These agencies may be able to provide you with assistance regardless of your decision.
4. Confidentiality. No one has the right to share your identifying information (unless required otherwise by Illinois law or unless directed otherwise by court order) without your permission.
5. Be advised that your and your families’ non-identifying social, medical and mental health information will always be shared in an agency-assisted adoption and may be shared with adopting parents in private adoptions.

Birth Parent(s) Initials _____/_____

Witness Initials _____

LICENSING STANDARDS FOR CHILD WELFARE AGENCIES

May 4, 2015

BIRTH PARENTS' RIGHTS AND RESPONSIBILITIES IN ILLINOIS

6. Request and receive counseling during the pregnancy and after the birth of your child.
7. Ask to be involved in choosing your child's adoptive parents and to meet them prior to placement; or to choose another agency if your request cannot be honored.
8. Ask to participate in an open or closed adoption with the child's adoptive parents, with the understanding that any agreement or promises regarding your ability to have contact with your child or receive information after the finalization of the adoption cannot be enforced under Illinois law.
9. Decide on your own hospital plan if you are a birth mother. You may choose to have access to your child while he or she is in the hospital or to see your child and exercise your parental rights before signing a final and irrevocable surrender or consent to adoption. **Please note:** If you are a birth father and are not married to the birth mother, you will generally need the permission and agreement of the birth mother to have access to the baby in the hospital, or to exercise your parental rights.
10. Receive copies of all documents that you sign and have them provided to you in your preferred language.
11. Work with an adoption agency or attorney of your choice, including the right to change to a different agency or attorney at any time, without consequence, as long as you promptly inform all the parties involved.
12. Include your family and friends in any meetings you have with the agency or attorney if you so desire.
13. Receive, upon request, a written list of all promised support, financial or otherwise, from the agency or attorney. The kind of financial support that is provided for under the law is support associated with basic activities of daily living and related medical expenses for you and your child or children.

BIRTH PARENTS WORKING WITH AN ILLINOIS ADOPTION AGENCY HAVE THE RIGHT TO:

1. Know about all of the things that are important regarding the placement of your child for adoption. For example, you can request after-placement communication with your child's adoptive family. However, after-placement adoption agreements, including those concerning contact and communication, are not enforceable by a court under Illinois law.
2. Receive a copy of the agency's description of its adoption services, policies and practices, including fees for adoptive parents. This includes the right to be informed of the range and scope of services, including:
 - a. Copies of the agency's current licenses and certifications;
 - b. The agency's philosophy and/or religious affiliation;
 - c. Any policy, requirements, eligibility criteria or situation that would affect an agency's placement of your child;

Birth Parent(s) Initials _____/_____

Witness Initials _____

LICENSING STANDARDS FOR CHILD WELFARE AGENCIES

May 4, 2015

BIRTH PARENTS' RIGHTS AND RESPONSIBILITIES IN ILLINOIS

- d. The right to receive a written description of after-placement services that will be available to you, your family, and the adoptive family and any costs for such services.
- 3. Receive a copy of the agency's annual report and a copy of the agency's written grievance/complaint policy.
- 4. Receive information about the Department of Children and Family Services ("DCFS") Adoption Information and Complaint Registry by accessing the DCFS website at: www.state.il.us/dcfs/adoption/agencies/default.html.
- 5. Ask for your own attorney at no cost to you. In some cases, the parties with whom you are working may be able to pay your legal expenses or provide you with an attorney. Having an attorney provided to you, or retained by you at your own expense is not required. If you do work with an attorney, you should ask if he or she has any financial, business or other relationship with the agency or adoptive parents. An attorney may not represent both you and the adoptive parents or the agency at the same time.

IN CASES IN WHICH ADOPTION AGENCIES ARE NOT INVOLVED, BIRTH PARENTS WHO ARE WORKING TOWARD PRIVATE ADOPTION, HAVE THE RIGHT TO:

- 1. Verify the status of the attorney's license to practice law. In Illinois, you may access this information by calling the Illinois Attorney Registration and Disciplinary Commission at 1-800-826-8625 or accessing its website at www.iardc.org. If the attorney is in another state, that state will have a comparable entity. Another resource is the American Academy of Adoption Attorneys website: www.adoptionattorneys.org/ or telephone 202/832-2222.
- 2. Expect the attorney to have expertise in adoption law. Ask about the attorney's background and experience in adoption law.
- 3. Ask whether there is any conflict of interest that would affect the attorney's representation of you. An attorney should not represent both the birth parents and the adoptive parents at the same time.
- 4. Ask the attorney about the confidentiality of your private information that you disclose to your attorney. Unless you give permission for your private information to be disclosed, the attorney may not disclose it unless ordered to do so by the court.
- 5. Choose your own attorney. If you choose your own attorney, you have the right to be charged only those legal fees that are reasonable. You can consult with more than one lawyer before you decide to hire one and sign a retainer agreement.

Birth Parent(s) Initials _____/_____

Witness Initials _____

LICENSING STANDARDS FOR CHILD WELFARE AGENCIES

May 4, 2015

BIRTH PARENTS' RIGHTS AND RESPONSIBILITIES IN ILLINOIS

Note: Illinois laws do not permit an attorney to be paid to provide adoption services.

- Adoption services are defined as: arranging for the placement of a child, identifying a child for adoption, matching adoptive parents with biological parents, arranging or facilitating an adoption, taking or acknowledging consents or surrenders.
- Licensed attorneys may provide and charge for legal services related to the adoption. For example, fees may be charged to appear in court on your behalf or provide you with legal advice.

IMPORTANT FACTS ABOUT FINAL AND IRREVOCABLE SURRENDERS AND CONSENTS TO ADOPTION IN ILLINOIS

BIRTH MOTHERS: Under Illinois law, the first point at which you may sign a Surrender or Consent to adoption is 72 hours after the birth of your baby.

- Once signed, a Surrender or Consent for adoption is final and irrevocable.
- Once the Surrender or Consent has been signed, you may not change your mind.
- You have the right to refuse to sign a Surrender or Consent for adoption (right up until the last moment before signing) if you have any hesitation or doubt about your decision to place your child for adoption.
- You can request more time to make your decision and you can request that the agency you are working with provide you with short-term temporary care of your child during your decision-making time. However, the agency is not required to provide this service to you.

Birth mother's identification of birth father: In order to have a secure adoption plan, it is in the best interests of the child for you to identify the baby's father. It is important to tell the truth about who the father is when a child is placed for adoption. Whether your child is being adopted in Illinois or another state, you have an obligation to identify the birth father of your child when you place a child for adoption.

- When you sign an Illinois surrender or consent to adoption, as a birth mother, you will also fill out an "Affidavit of Identification" that addresses the identity of your child's father as part of the adoption process. This affidavit is considered by the court to be a sworn statement. It will be provided to the court and is considered to be conclusive proof of a father's identity.
- Please correctly identify the father of the child unless you absolutely do not know his identity or believe you have good cause to fear for your physical safety.

Here are some reasons why it is so important:

- Perhaps most important of all – the child you place for adoption ought to know his or her biological and family history. Everyone deserves to know their family of origin if they so choose.
- Once you sign a final and irrevocable surrender or consent to adoption, your parental rights will be permanently terminated.

Birth Parent(s) Initials _____/_____

Witness Initials _____

LICENSING STANDARDS FOR CHILD WELFARE AGENCIES

May 4, 2015

BIRTH PARENTS' RIGHTS AND RESPONSIBILITIES IN ILLINOIS

- Before your child can be adopted, a diligent search will be conducted for the father. If he is found (he may have registered with the Illinois Putative Father Registry), the father of the child will have an opportunity to contest (object to) the adoption.
- If the birth father gets involved in the adoption by objecting to it, you, the birth mother, will have no ability to cancel your surrender/consent or to regain your parental rights.

Birth Fathers: If you are a birth father, you may sign a Surrender or Consent to Adoption before the child's birth, but you may change your mind (revoke it), if your revocation is documented within 72 hours after the child's birth. If you do change your mind, you must do so in writing and give the written statement to the person, agency or court that took the Surrender or Consent, before your child is 72 hours old. Once your child is 72 hours old, the Surrender or Consent is final and irrevocable. Once your child has been born, if you did not sign a Surrender prior to the birth, you must wait until the child is 72 hours old before signing one.

PUTATIVE FATHER REGISTRY

A "putative father" is a man who may be a child's father, but who was not married to the child's mother before the child was born and has not established the fact that he is the father in a court proceeding. If the child's mother wants to place the child for adoption, the putative father must take steps to show that he is the legal father if he wants to object to the adoption.

If you think you are the father of a child and want a say in whether the child is adopted, you must register with the Illinois Putative Father Registry before the child is 30 days old. You may register before the baby is born. If you do not register with the Putative Father Registry before the 30-day deadline, the court may rule that you have waived your rights and permanently terminate your parental rights without notice to you. Your child may be permanently adopted without your consent.

For more information, see the website www.putativefather.org or call the Illinois Putative Father Registry at 800-420-2574.

BIRTH PARENT RESPONSIBILITIES

1. You have the responsibility to work cooperatively and honestly with the agency and/or attorney that handles the adoption.
2. If you have received financial assistance during your pregnancy from an agency or prospective adoptive parent, you are under no obligation to place your child for adoption. You and your family members are under no obligation to repay support received. However, you have the responsibility not to receive reimbursement or support for expenses simultaneously from more than one agency or attorney at a time.
3. You have the responsibility to provide the necessary documentation regarding financial need to make an appropriate determination of expenses and support.
4. Birth mothers must accurately complete an Affidavit of Identification which identifies the father of the child.
5. You have the responsibility to provide as much medical background and health history information on yourself and your immediate family as possible so that the adoptive family and your child will have this invaluable information.

Birth Parent(s) Initials _____/_____

Witness Initials _____

LICENSING STANDARDS FOR CHILD WELFARE AGENCIES

May 4, 2015

BIRTH PARENTS' RIGHTS AND RESPONSIBILITIES IN ILLINOIS

REQUIREMENTS FOR LICENSED CHILD WELFARE AGENCIES THAT PROVIDE ADOPTION SERVICES

1. This document shall be utilized in all agency-assisted adoptions in Illinois, **except in cases in which there is a pending Juvenile Court case** relating to the child being placed for adoption.
2. This document shall be read aloud in its entirety to the birth parent(s) by an agency employee and provided to them in writing in their preferred language.
3. The birth parent(s) and a witness from the agency must initial each page.
4. Birth parents who are using the services of an adoption agency in Illinois must receive this document from her or his caseworker as soon as is reasonably practical after meeting with an agency worker. If desired, the birth parent may take this document home to review it in private before going over it with the agency worker.
5. After it is signed and dated, a copy of this document shall be provided to the birth parent/s, and the original maintained in the adoption agency's client file.

RESOURCES

THE ILLINOIS DCFS LICENSED ADOPTION AGENCY WEBSITE

This website provides information on all the licensed adoption agencies in Illinois: www.state.il.us/dcfs/adoption/agencies/default.html. The "Summary of Illinois Licensed Adoption Agencies" documented on this website provides a basic overview of all agencies, including contact information regarding each agency's DCFS licensing representative.

THE ILLINOIS ADOPTION REGISTRY AND MEDICAL INFORMATION EXCHANGE

Your agency should provide you with information about the Adoption Registry, which provides a means by which registrants may authorize or prohibit the release of identifying information, including a copy of the adopted person's original birth certificate, to others involved in their surrender or adoption. Confidential facts may be released to registrants only after at least two specified parties to the adoption have each filed an explicit mutual consent for the exchange of this information. Website: www.idph.state.il.us/vitalrecords/adoptioninfo.htm or telephone 877-323-5299

THE ILLINOIS CONFIDENTIAL INTERMEDIARY PROGRAM

The DCFS Confidential Intermediary Program provides a way for adoptees, adoptive parents, birth parents and other birth relatives to connect. A Confidential Intermediary (CI), who is trained and certified by DCFS to provide this service, is appointed by the Court to locate the sought-after relative. When the relative is located, the CI explains the reason for the contact, describes the options available and helps facilitate a mutually agreeable outcome. The CI protects each person's privacy and confidentiality until/unless both decide to have direct contact. Website: www.ci-illinois.org or telephone 847-298-9096

Birth Parent(s) Initials _____/_____

Witness Initials _____

LICENSING STANDARDS FOR CHILD WELFARE AGENCIES

May 4, 2015

BIRTH PARENTS' RIGHTS AND RESPONSIBILITIES IN ILLINOIS

NORTH AMERICAN COUNCIL ON ADOPTABLE CHILDREN (NACAC)

Website: www.nacac.org/

970 Raymond Avenue, Suite 106

St. Paul, MN 55114 Telephone: 651-644-3036

Child Welfare Information Gateway

A division of the Children's Bureau, Administration for Children and Families, U.S. Department of Health and Human Services website: www.childwelfare.gov/

Signatures:

Birth Parents:

Birth Parent's Printed Name

Birth Parent's Signature

Date

Birth Parent's Printed Name

Birth Parent's Signature

Date

Witness's Printed Name

Witness's Signature

Date

Agency:

Printed Agency Name

Authorized Representative's Printed Name

Authorized Representative's Signature

Date

(Source: P.T. 2007.20)

Birth Parent(s) Initials _____/_____

Witness Initials _____

LICENSING STANDARDS FOR CHILD WELFARE AGENCIES
May 4, 2015

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LICENSING STANDARDS FOR CHILD WELFARE AGENCIES

May 4, 2015

CFS 403-D

Section 401.Appendix C

ADOPTIVE PARENTS' RIGHTS AND RESPONSIBILITIES IN ILLINOIS

This document does not constitute legal advice. Legal advice is dependent on the specific circumstances of each situation and jurisdiction. The information in this document is an overview and does not cover all cases or facets of adoption law in Illinois. It cannot replace the advice of an attorney licensed in your state.

Illinois has progressive adoption laws that protect the rights of birth parents and adoptive parents. Prior to paying any agency fees, adoptive parents who are using the services of an adoption agency in Illinois must receive this document from their caseworker as soon as is reasonably practical after meeting with an agency worker. Adoptive parents may take this document home to read in private prior to reviewing it with a worker from the agency.

This document provides adoptive parents with information regarding their choices, rights and responsibilities as they relate to adopting a child in Illinois. The information generally refers to the rights of adoptive parents in agency-assisted and private Illinois adoptions, and does not refer to situations involving adoptions that go through the child welfare system and the Juvenile Court. While much of the information contained in this document is applicable, prospective adoptive parents who are providing long term foster care and who are considering adoption should seek the assistance of their caseworkers and their attorneys.

THE DIFFERENT WAYS TO ADOPT A CHILD ARE TO:

- 1) adopt domestically through an adoption agency that is licensed in Illinois or elsewhere in the U.S. (an 'agency assisted adoption');
2) work with an adoption agency that is licensed in Illinois or elsewhere in the U.S. to adopt internationally (an 'international or intercountry adoption'); or
3) work with an adoption attorney to adopt domestically (a 'private adoption'; other states may or may not be involved); or
4) become a licensed foster parent and provide long term foster care for a child who has been removed from his or her parents due to abuse, neglect or dependence. If the child cannot return home to his or her birth parents, the placement will likely convert to an adoption.

Note: No agency or attorney can guarantee in advance that you will be approved as an adoptive parent, that a child will be placed with you or that if a child is placed with you that you will be ultimately approved by the court as an adoptive parent.

RIGHTS OF ADOPTIVE PARENTS

ADOPTIVE PARENTS WORKING WITH AN ILLINOIS ADOPTION AGENCY HAVE MANY RIGHTS, INCLUDING THE RIGHT TO:

- 1. Be treated with respect and dignity.

Adoptive Parent(s) Initials _____/_____

Witness Initials _____

LICENSING STANDARDS FOR CHILD WELFARE AGENCIES

May 4, 2015

ADOPTIVE PARENTS' RIGHTS AND RESPONSIBILITIES IN ILLINOIS

2. Make decisions free from pressure or coercion, including your decision to accept or reject the placement of a particular child.
3. Be informed of the rights of birth parents.
4. Receive a written schedule of agency fees and refund policies as well as a copy of the agency's annual report.

Note: An agency may not require you to make a donation, or increase its fees without notice. Agencies may not charge additional fees and expenses beyond those disclosed in the adoption fee schedule unless additional fees are reasonably required by the circumstances and you are informed of them before they are incurred. In addition, an agency may not charge excessive fees and they must be based on services provided to adoptive families and to birth parents.

5. Know whether or not the agency will provide you with a copy of your home study. Adoptive parents also have the right to request a transfer of their foster parent licensing or home study file to another agency and the right to expect that the transfer be made in a timely manner.
6. For the adoption of a child born in Illinois, receive in writing, no later than the date of placement, non-identifying information (if known) concerning the child and his or her birth family to be placed with you for adoption, including the:
 - Date and place of birth of the child; immunization records; and conditions or diseases believed to be hereditary;
 - Drugs or medications taken by the child's biological mother during pregnancy;
 - Psychological and psychiatric information known about the child and birth family;
 - Any other information that may be a factor influencing the child's present or future physical, mental or emotional health;
 - Information on previous placements, if any, and reasons for placement changes, excluding identifying information on previous caregivers;
 - Any known behavioral information about the child necessary to care for the child and other children in your home;
 - Age, general physical appearance, ethnic background, race, religion, education, occupations, hobbies, interests and talents of each of the biological parents;
 - Existence of any other children born to the biological parents;
 - Information about biological grandparents; reason for emigrating into the United States, if applicable, and country of origin;
 - Relationship between biological parents;
 - Detailed medical and mental health histories of the child, the biological parents, and members of their immediate families;
 - In the case of emergency placements, known information may be provided verbally, but subsequently must be provided in writing;
 - Information learned by the agency between the time of placement and the time of the adoption finalization as it is acquired;

Adoptive Parent(s) Initials _____/_____

Witness Initials _____

LICENSING STANDARDS FOR CHILD WELFARE AGENCIES

May 4, 2015

ADOPTIVE PARENTS' RIGHTS AND RESPONSIBILITIES IN ILLINOIS

Note: If you are adopting a child from another country, the availability of the abovementioned information will be limited. If you are adopting a child born in another State, you should receive all known background information and birth records.

7. Adoptive parents may view supporting documentation in the child's file in the presence of casework staff at the Illinois agency, but may not have access to identifying or personal information about other people. Adoptive parents should be advised by the adoption agency if certain information about birth family members is not provided due to confidentiality protections under federal law.
8. Training that includes counseling and guidance for ensuring a successful adoption. You must complete the training within the time frame required by your agency.
9. Confidentiality of your identifying information (unless otherwise required by Illinois law or court order).
10. Seek medical, emotional and social work advice from independent resources prior to accepting the placement of a particular child.
11. If you are adopting domestically, you can ask to participate in an open or closed adoption with your adopted child's birth parents and ask to meet them prior to placement; or to choose another agency if your request cannot be honored. Any agreement or promises regarding plans to have contact with the birth parents of your child or receive information after the finalization of the adoption cannot be enforced under Illinois law.

AS AN ADOPTIVE PARENT WORKING WITH AN ATTORNEY TOWARD A PRIVATE ADOPTION, YOU HAVE THE RIGHT TO:

1. Receive information regarding legal fees, expenses and refund policies.
2. Inquire about the attorney's license and status. You may access this information by calling the Illinois Attorney Registration and Disciplinary Commission at 800-826-8625 or 312-565-2600 or accessing its website at www.iardc.org. Another resource is the American Academy of Adoption Attorneys website: www.adoptionattorneys.org/ or telephone at 202/832-2222.
3. Ask about and expect that your attorney have experience in adoption law.
4. Inquire about any conflict of interest that would affect the attorney's representation of you. An attorney may not represent both the birth parents and the adoptive parents at the same time. Similarly, you should inquire about the attorney's relationship with any agencies with which you have worked.
5. Ask your attorney to explain to you the parameters of confidentiality of the private information you disclose to your attorney.

Adoptive Parent(s) Initials _____/_____

Witness Initials _____

LICENSING STANDARDS FOR CHILD WELFARE AGENCIES

May 4, 2015

ADOPTIVE PARENTS' RIGHTS AND RESPONSIBILITIES IN ILLINOIS

Note: Illinois laws do not permit an attorney to be paid to provide adoption services.

- Adoption services are defined as: arranging for the placement of a child, identifying a child for adoption, matching adoptive parents with biological parents, arranging or facilitating an adoption, taking or acknowledging consents or surrenders.
- Licensed attorneys may provide and charge for legal services related to the adoption. For example, fees may be charged to appear in court on your behalf or provide you with legal advice.

RESPONSIBILITIES OF ADOPTIVE PARENTS

As an adoptive parent, it is your responsibility to:

- Work cooperatively and honestly with the entity handling your adoption.
- Disclose if you have ever been the subject of an unfavorable home study or if you have ever withdrawn an application from an agency.
- Pay the agreed-upon fees promptly.
- Obtain the express permission of the agency that developed a "review only" home study before forwarding the study to other agencies.
- Keep your agency informed of new pertinent information about your family.
- Receive permission from the agency with which you are licensed before you accept a child being placed by another agency into your home.
- Cooperate in obtaining the required training on adoption related issues.
- Be cooperative with post-placement monitoring and support.
- If you are transferring your foster parent license from one agency to another, you are responsible for arranging for the original agency to send the home study directly to the subsequent adoption agency.

REQUIREMENTS FOR LICENSED ADOPTION AGENCIES

1. This document shall be utilized in all agency-assisted adoptions in Illinois, **except in cases in which there is a pending Juvenile Court case** relating to the child being placed for adoption
2. The Department of Children and Family Services must license any agency providing adoption services in Illinois.
 - The agency must be recognized by the IRS as a charitable organization under section 501(c) 3 of the Internal Revenue Code.
 - Only adoption agencies that are licensed may receive payment or compensation for providing adoption services or advertise their services. (Adoptive parents may advertise on their own behalf.)
 - DCFS will not issue or renew the license of an adoption agency unless it is already or has achieved 501(c)(3) status, as recognized by the Internal Revenue code, by August 15, 2007.

Adoptive Parent(s) Initials _____/_____

Witness Initials _____

LICENSING STANDARDS FOR CHILD WELFARE AGENCIES

May 4, 2015

ADOPTIVE PARENTS' RIGHTS AND RESPONSIBILITIES IN ILLINOIS

3. Before you submit an application to an adoption agency that is providing adoption services in Illinois, the agency must provide you with its estimated fees, its refund and grievance policies and procedures in writing.
4. Before you enter into a contract or agreement with an Illinois adoption agency, the agency must provide you with a description, in writing, of its adoption services, policies and practices, and general eligibility criteria, including:
 - a. Verification of its current licenses and certifications;
 - b. Description of the agency's philosophy and/or religious affiliation;
 - c. Content of the home study, preparation and licensing process, general training hours required and description of the home study process;
 - d. Any policy, requirements or situation that would affect the placement of a child with you;
 - e. Expected waiting period for the placement of a child with you;
 - f. How background information about the child is gathered and in what form it is shared; and
 - g. The post-placement process and the requirements for the finalization of your adoption.
5. This document shall be read aloud in its entirety to the adoptive parent(s) by an agency employee and shall be provided to them in writing in their preferred language.
6. The adoptive parent(s) and a witness from the agency must initial each page.
7. After it is signed and dated, a copy of this document shall be provided to the adoptive parent(s), and the original shall be maintained in the adoption agency's client file.

RESOURCES

THE ILLINOIS DCFS LICENSED ADOPTION AGENCY WEBSITE

This website provides information on all the adoption agencies in Illinois. The "Summary of Illinois Licensed Adoption Agencies" document provides a basic overview of all agencies, including contact information regarding each agency's DCFS licensing representative. www.state.il.us/dcf/adoption/agencies/default.html

THE ILLINOIS ADOPTION REGISTRY AND MEDICAL INFORMATION EXCHANGE

Your agency should offer you information about the Illinois Adoption Registry, which provides a means by which registrants may authorize or prohibit the release of identifying information, including a copy of the adopted person's original birth certificate, to others involved in their surrender or adoption. Confidential facts may be released to registrants only after at least two specified parties to the adoption have each filed an explicit mutual consent for the exchange of this information.

Website: www.idph.state.il.us/vitalrecords/adoptioninfo.htm or telephone 877-323-5299

THE ILLINOIS CONFIDENTIAL INTERMEDIARY PROGRAM

The DCFS Confidential Intermediary Program provides a way for adoptees, adoptive parents, birth parents and other birth relatives to connect. A Confidential Intermediary (CI), who is trained and certified by DCFS to provide this service, is appointed by the Court to locate the sought-after relative. When the

Adoptive Parent(s) Initials _____/_____

Witness Initials _____

LICENSING STANDARDS FOR CHILD WELFARE AGENCIES

May 4, 2015

ADOPTIVE PARENTS’ RIGHTS AND RESPONSIBILITIES IN ILLINOIS

relative is located, the CI explains the reason for the contact, describes the options available and helps facilitate a mutually agreeable outcome. The CI protects each person’s privacy and confidentiality until/unless both decide to have direct contact. Website: www.ci-illinois.org or telephone 847-298-9096

DCFS ADOPTION ASSISTANCE/SUBSIDIES FOR NON-WARD SPECIAL NEEDS CHILDREN:

For special needs children who are not wards of the Illinois Department of Children and Family Services, the Department will provide subsidies if the ward meets the necessary criteria. If you adopt a child who is eligible for supplemental security income (SSI), or who meets other special needs criteria, your child may be subsidy eligible. If you are working with an agency, check with your caseworker. Website www.state.il.us/dcf or telephone 800-232-3798

NORTH AMERICAN COUNCIL ON ADOPTABLE CHILDREN (NACAC)

Website: www.nacac.org/
970 Raymond Avenue, Suite 106
St. Paul, MN 55114 Telephone: 651-644-3036

CHILD WELFARE INFORMATION GATEWAY

A division of the Children’s Bureau, Administration for Children and Families, U.S. Department of Health and Human Services website: www.childwelfare.gov/

Signatures:

Adoptive Parents:

_____	_____	_____
Adoptive Parent’s Printed Name	Adoptive Parent’s Signature	Date
_____	_____	_____
Adoptive Parent’s Printed Name	Adoptive Parent’s Signature	Date
_____	_____	_____
Witness’s Printed Name	Witness’s Signature	Date

Agency:

Printed Agency Name

_____	_____	_____
Authorized Representative’s Printed Name	Authorized Representative’s Signature	Date

(Source: P.T. 2007.20)

Adoptive Parent(s) Initials _____/_____

Witness Initials _____

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

POLICY GUIDE 2017.04

LICENSING STANDARDS FOR CHILD WELFARE AGENCIES

ADOPTION-ONLY HOMES

DATE: February 17, 2017

TO: DCFS and Private Agency Adoption and 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 “Adoption-Only Homes” made in **Public Act 99-833**. In the coming months DCFS will propose amendments and revisions to **Rules and Procedures 401, Licensing Standards for Child Welfare Agencies**. In the interim, this Policy Guide will serve as procedures necessary for the implementation of Sections 3.2 and 3.3 of this Public Act.

II. PRIMARY USERS

The primary users of this Policy Guide are Department and Private Agency adoption and licensing staff that provide adoption services and foster care licensing services.

III. SUMMARY OF LEGISLATIVE CHANGES

Public Act 099-833, effective January 1, 2017 amends Sections (2.08), (2.17), (2.23), (2.25), (7.4), (7.6) and adds Sections (3.2) and (3.3) of the Child Care Act of 1969 as amended. P.A. 099-833 further changes The Adoption Act by amending Section (10) and adding Sections (12.2) and (12.3).

IV. BACKGROUND

Effective January 1, 2017, an “adoption-only” home supervised by a licensed child welfare agency is no longer required to be licensed as a foster home by the Department.

“Adoption-only home” is defined as “*a home that receives a child placed by an Illinois licensed child welfare agency providing adoption services for the sole purpose of adoption. The child shall not be under the custody or guardianship of Department pursuant to the Juvenile Court Act of 1987. Such adoption-only homes shall not be required to be licensed as a child care facility under this Act, but shall be required to meet the requirements set forth in Section 3.2 of this Act.*” [225 ILCS 10/2.23]



In order to approve an adoption-only home, a licensed child welfare agency shall:

- *conduct a home study, which shall consist of a thorough assessment of any prospective adoptive parent's physical, mental, financial and emotional ability to successfully parent a child through adoption;*
- *obtain a criminal background check of all adult residents in the home pursuant to Section 3.3 of this Act*
- *obtain child abuse background checks of all residents in the home who are 13 years of age or over*
- *assess the health of all prospective adoptive parents and family members living in the home, as well as any other residents of the home*
- *assess the finances of the prospective adoptive parent or parents*
- *obtain character references for the prospective adoptive parent or parents;*
- *assess the safety of the adoptive home*
- *provide adoption education and training to the prospective adoptive parent or parents*
- *conduct a pre-placement home visit and post-placement supervision*

Agencies may impose any other reasonable requirements that the agency deems appropriate in approving an adoption-only home.

Agencies shall provide the adoptive parent(s) the Adoptive Parents' Rights and Responsibilities prior to the finalization of an adoption. This is available as **CFS 403-D, Adoptive Parents' Rights and Responsibilities in Illinois** and may be used by agencies to facilitate this requirement.

The agencies and institutions licensing representative shall document an agencies' compliance with these requirements on the **CFS 520**.

The following standards are intended to ensure the safety and protection of children who are voluntarily surrendered to a licensed child welfare agency ("agency") and placed into an adoption-only home.

Duty to Disclose

Applicants should be notified of their duty to disclose all information regarding physical, mental or emotional health problems, information regarding arrests, history of substance abuse or offenses of sexual abuse, child abuse or family violence. Duty to disclose is an on-going process and withholding information may result in immediate termination of the adoption-only home approval process.

Home Study

The adoption-only home study shall consist of a thorough assessment of the applicant's physical, mental, financial, and emotional ability to successfully parent a child through adoption and including but not limited to:

- a. Motivation and readiness for adoption
- b. Description of each applicant to include date of birth, physical description, family of origin/family history, education, employment, personality, interests. Description of other household members, including children, if applicable.
- c. Marital relationship, current and prior(s), if applicable

- d. Parenting experiences
- e. Discipline beliefs/approach
- f. Understanding of adoption issues
- g. Anticipated child care plans for adopted child
- h. Description of home, community and availability of resources.
- i. Guardianship plans
- j. Summary of character references
- k. Background check results, including a statement as to whether the applicants or household members have a history of substance abuse, child abuse, domestic violence, criminal convictions and/or arrest history, physical or sexual abuse, either as a victim or perpetrator, even if the incident did not result in an arrest or conviction
- l. A statement indicating whether the applicants have ever had parental rights involuntarily terminated, including the circumstances
- m. Documentation of pre-adoptive training
- n. Characteristics of the child or children whom the applicants would be qualified to adopt
- o. No previous unfavorable home studies
- p. Final recommendation
- q. The home study shall be signed and dated by a home study worker who has conducted the home study and the worker's supervisor.

Documents of the applicants to be verified as part of the home study, and maintained in the adoptive home record, include but are not limited to:

- a. Photo identification, such as valid driver's license, passport, or other photo ID
- b. Marriage or Civil Union certificate
- c. Birth certificates
- d. Verification of termination of prior marriages(s) or civil union(s), as applicable.

Background Checks

A criminal background check shall be conducted on every household member age 18 and over. Agencies shall thoroughly investigate and evaluate the criminal history of the household residents age 18 and over and, in so doing, include an assessment of the applicant's character and, in the case of the prospective adoptive parent, the impact that the criminal history has on his or her ability to parent the child; the investigation should consider the type of crime, the number of crimes, the nature of the offense, the age at time of crime, the length of time that has elapsed since the last conviction, the relationship of the crime to the ability to care for children, and any evidence of rehabilitation.

All adults shall be fingerprinted. All adults shall submit signed statements disclosing any arrest/criminal history. The criminal background check of adults will include the following:

- Illinois State Police
- Federal Bureau of Investigation
- Illinois Sex Offender Registry
- National Sex Offender Registry
- Murderer and Violent Offender Against Youth Registry

Additionally, the agency shall obtain child abuse background checks on every household member who is 13 years of age or over from the state child abuse and neglect registries of the states in which such household members have resided in the preceding five years.

The agency shall obtain the criminal background checks and child abuse checks before the agency gives its approval for the placement of a child. The agency will use the DCFS Licensing Standards for Foster Family Homes Part 402 Appendix A of Criminal Convictions that Prevent Licensure as a guideline in its discretion in evaluating an applicant's or household member's criminal history. See Part 402 Appendix A.

1. If an adult applicant or household member has an arrest or conviction record, the agency shall thoroughly investigate and evaluate the criminal history of the applicant or household member and, in so doing, include an assessment of the applicant's character and, in the case of the prospective adoptive parent, the impact that the criminal history has on his or her ability to parent the child; the investigation should consider the type of crime, the number of crimes, the nature of the offense, the age at time of crime, the length of time that has elapsed since the last conviction, the relationship of the crime to the ability to care for children, and any evidence of rehabilitation.
2. The agency shall not approve the home if the record reveals a felony conviction for crimes against a child, including, but not limited to, child abuse or neglect, child pornography, rape, sexual assault, or homicide.
3. The agency shall not approve the home if the record reveals a felony conviction for homicide, rape, or sexual assault.
4. The agency shall not approve the home if the record reveals a felony conviction within the last five years, including, but not limited to, for physical assault, battery, drug-related offenses, or spousal abuse.

Health of Family and Household Members

All applicants and household members must have physical exams from a licensed health care professional. Adult household members must have results from a tuberculosis test. The exam results must indicate that the applicants are capable of caring for an adopted child. The agency may require further documentation and/or evaluation to make such a determination. All children who are household members must be up to date on immunizations as recommended by the Illinois Department of Public Health unless the immunization is contrary to the child's health as documented by a licensed health care professional, or applicants are able to document an exemption on religious grounds. Health information for adults, household members and children shall be documented in the adoptive home record. 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. Applicants and all household members must disclose any past or current medical issues, mental health, and substance abuse issues. The agency may require further documentation and/or evaluation to determine the suitability of the home.

Finances

Applicants shall demonstrate the ability to financially support a child or children and will provide verification of income. Types of verification may include income tax returns, W-2, pay stubs, accountant letter, etc. Applicants shall provide description of income sources, assets, liabilities, debts, and monthly expenses. Applicants shall indicate whether or not they have ever filed for bankruptcy. Agencies shall make an assessment of the applicants' ability to support a child or children based on the totality of the information provided by the applicants.

Character References

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.

Physical Structure and Safety

A home visit must be conducted within the 12 months prior to placement of a child, and documentation of compliance with these requirements shall be maintained in the adoptive home record. Minimum requirements of the home assessment must comply with Appendix A.

Training Requirements

Applicants shall complete a minimum of 6 hours of agency approved training for private domestic adoptions. For international adoptions, applicants shall complete 10 hours of training and 4 of the 10 hours shall be in person. This training must be completed prior to placement. Agencies' training shall comply with Rules 401.520. All training provided to an adoption-only home applicant shall be documented and kept on file at the site of the child welfare agency. The adoptive parent training may be provided by an agent or independent contractor of the child welfare agency, provided the curriculum has the prior written approval of the Department's Office of Training.

Post Placement Visits

The agency will conduct a minimum of two in-person contacts with the adoptive parent(s) and child following placement; however, in no such instance shall contact be any less than once per quarter until the adoption has finalized. At least one in-person contact must be in the adoptive parent's home. Additional contacts may be required by the agency based on the agency's assessment regarding the needs of the child and adoptive parent(s). Each in-person contact shall be documented in the adoptive home record. Post-placement services for the agency's out of state placements are subject to the rules of the adoptive parent's home state pursuant to the Interstate Compact on the Placement of Children.

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.

VII. REVISED FORM

CFS 403-D, Adoptive Parents' Rights and Responsibilities in Illinois (Rev 01/2017)

This form is available on the "T" Drive and DCFS Website.

VIII. FILING INSTRUCTIONS

Please file this Policy Guide immediately following **Rules 401 and Procedures 401, Licensing Standards for Child Welfare Agencies.**

Appendix A

Minimum Requirements of Adoptive Homes

These minimum requirements shall be provided to applicants in advance of commencing the home study process. As applicable, documentation of compliance with these minimum requirements shall be on file with the licensed child welfare agency.

- a) An adoptive home located in Illinois shall be clean, well ventilated, properly lighted and heated, with no observable safety hazards.
- b) The water supply of the adoptive home shall comply with the requirements of the local and State health departments. The maximum hot water temperature from all showers and bathtubs shall be maintained at no less than 100 degrees Fahrenheit and no more than 120 degrees Fahrenheit. If well water is used, a copy of the Illinois Public Health Inspection Report and Compliance with Regulations shall be on file with the supervising agency.
- c) Water Safety
 - 1) All in-ground swimming pools located in areas accessible to children shall be fenced and/or have a power safety cover that meets standards in the American Society for Testing & Materials that the Consumer Product Safety Commission has adopted. The fence shall encompass the entire pool and be at least 4 feet in height and secured by a lockable gate.
 - 2) All above-ground pools shall have non-climbable sidewalls that are at least 4 feet high or shall have a 4-foot fence that encompasses the entire pool and is no closer than 36 inches away from the pool's side wall and secured with a lockable gate. When the pool is not in use, the pool's steps shall be removed or shall be separated by the fence and locked gate.
 - 3) All hot tubs shall be enclosed by a 4-foot fence with a lockable gate, or shall have a securely fitted and lockable cover.
 - 4) All portable wading pools shall be enclosed with a 4-foot fence and lockable gate, or they shall be emptied and sanitized daily.
 - 5) Adoptive parents in homes with pools, hot tubs, ponds, outdoor fountains, decorative water ponds, fishponds, or any other standing body of water must have current CPR/First Aid certification through an instructor certified by the American Red Cross, American Heart Association, EMS Safety Services, Inc., American Trauma Event Management (ATEM) or other agency approved facilitator.
- d) Portable space heaters may be used as a supplementary source of heat if they have been safety-certified by OSHA 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 or unattended. Any portable heater on the Consumer Product Safety Commission's (CPSC) recall list shall not be used.

- e) Toxic household supplies, batteries, and dangerous tools shall be kept in a safe location that cannot be accessed by children who are not age and developmentally appropriate as determined by the adoptive parent. These items shall remain inaccessible to children during disposal.
- f) 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. Expired or unused medications, syringes, medical waste or medication shall remain inaccessible to children during disposal.
- g) 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 an adoptive home unless required by law enforcement officers and in accordance with their law enforcement agency's safety procedures. Any and all firearms and ammunition shall be secured in separate and locked storage receptacles that are specifically manufactured to keep firearms and ammunition secure. Any key(s) or combination/code needed to access said firearms or ammunition shall be kept in a location unknown and not readily accessible to children or be carried by the licensee. Access to said key(s) is the full responsibility of the adoptive parent.
- h) The adoptive home shall comply with all federal, state, county and municipal codes regarding household pets and other animals, including exotic animals. Certificates of inoculation for rabies for cats and dogs shall be available for inspection. Any individual animals with aggressive or dangerous behavior towards any person will be restricted from contact with children at all times.
- i) The adoptive home shall have an operating telephone (landline or cellular) on the premises.
- j) The adoptive home shall be equipped with a minimum of one operable fire extinguisher and one approved smoke detector in operating condition on every floor level and within 15 feet of sleeping areas, including basements and occupied upper-level areas, in accordance with Section 3 of the Smoke Detector Act [425 ILCS 60/3].
- k) An adoptive 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.
- l) Each adoptive child shall be provided their own separate bed or crib. No crib shall be used when it is on the Consumer Product Safety Commission's recall list. Safe sleep guidelines issued by the American Academy of Pediatrics shall be followed.
- m) The adoptive home shall have a written Fire Safety Evacuation Plan which shall be on file with the supervising agency.
- n) The adoptive home shall be free from unsafe child products. IDPH list of unsafe products shall be reviewed with applicants.