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	Approved by:	

Interpretation

Question: Are foster parents who care for wards of the state exempt from day care home licensure when providing day care to other children from a single household?

Applicable To: Licensing Staff and Foster Parents

Policy Citation: Child Care Act Sec. 2.18 "Day care homes means family homes which receive more than 3 up to a maximum of 12 children for less than 24 hours per day. The number counted includes the family's natural or adopted children and all other persons under the age of 12. The term does not include facilities which receive only children from a single household."

Rule 377, Section 377.3 Day Programs Exempt From Licensure

- c) Family homes that care for no more than three (3) children under the age of twelve or which receive only children from a single household, for less than 24 hours per day, are exempt from licensure as day care homes. The three children to whom this exemption applies includes the family's natural or adopted children and any other persons under the age of 12 whether related or unrelated to the operator of the day care home.

(Source: Amended at 11 Ill. Reg. 14013, effective August 15, 1987)

Discussion: The Child Care Act requires a day care home to be licensed when more than 3 children are receiving day care. Included in the count are natural children, adopted children and foster children under 12 years of age. A foster parent would be exempt from day care home licensure if the home cares for less than 3 children or when

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receiving **only** children from a single household and the foster parent does not have any foster children under 12 years old placed in the home.

Foster children are not considered the foster parent's own children. Therefore, if a foster parent cares for children of a single household and has one or more foster children under 12 years of age placed in the foster home, the foster parent would be caring for children of different households and thus subject to licensure.

Response:

Foster parents who care for wards of the state are not exempt from day care home licensure when caring for more than 3 children including their own children, foster children or other children from a single household.