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	Approved by:	

Interpretation

Question: Are background checks required for all the adults living in the homes of friends or relatives before overnight visits by foster children are allowed?

Applicable To: Foster Family Homes

Policy Citation: Section 385.20 Definitions

"Persons subject to background checks" means:

- the operator(s) of the child care facility; and
- all current and conditional employees of the child care facility; and
- any persons who are used to replace or supplement staff; and
- any person who has access to children, as defined in this Section; and
- any person who provides services that allow unsupervised access to children if the requirement for background checks is a condition of the contract or agreement or is required otherwise under 89 Ill. Adm. Code 357, Purchase of Service.

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

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

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Section 402.16 Meeting Basic Needs of Children

- a) All children in the foster family shall be treated equitably.
- b) Children shall receive supervision appropriate to their age at all times. All children in the foster home shall be protected from exploitation, neglect, and abuse. Suspected child abuse or neglect shall be reported to the supervising agency and to the Department immediately.
- c) Each child shall be given the opportunity to develop social relationships through participation in schools, and other community and group activities. Each child shall have the opportunity to invite friends to the foster home and to visit in the home of friends.
- d) Care shall be exercised in giving permission for the foster child to visit overnight with friends or relatives of the child or foster parent(s). Extended trips away from the foster home must be approved by the foster child's parent or guardian.

(Source: Renumbered from Section 402.24 at 7 Ill. Reg. 3439 effective April 4, 1983)

Discussion:

While section 385.20 requires those living in the foster home to undergo a background check, it is silent on background checks for relatives or friends visited by the foster child.

Foster children are part of the foster family and must be treated equitably with other children in the home according to 402.16(a). Foster parents should exercise the same amount of care to decide if a foster child can visit a friend or relative overnight as they do or would do with other children in the home.

The decision is specific to each situation and depends on the age, maturity, and behaviors of the foster child as well as the foster parent's knowledge of the home the child will be visiting. For example, a child with enuresis may only need a warning about potential problems and remedies, while a child with sexual acting out behavior may present such a danger that spending the night outside the foster home would be impossible. Ideally, a parent will know the family the child wants to visit. If they do not know the family, they must get as much information as possible from neighbors, school personnel, and others to determine the

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appropriateness of allowing an overnight visit. If in doubt, the foster parent should consult the child's caseworker to help with the decision.

The intent of 402.16(d) is to protect the foster children from abuse, neglect, exploitation, or other harm while they are visiting friends or relatives overnight. While it is especially important for foster parents to be vigilant due to the greater risks involved with overnight visits, the foster parent is also required to provide the foster child with an opportunity to develop social relationships. Requesting that relatives and friends submit to background checks before a child can spend the night is definitely an obstacle to developing "normal" social relationships. Most parents would never think of asking relatives and friends of their biological children to submit to background checks.

Response:

While due care must be exercised before giving permission for the foster child to visit overnight with friends or relatives of the child or foster parent, background checks of all the adults in the home to be visited are not required.