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| ORP Office of Rules and Procedures | Department of Children and Family Services | |
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| | Key Words: Independent Living Program, Transitional Living Program, Child Welfare Agency, Child Care Institution, Licensing | |
| | Approved by: | |

Interpretation

Applicable To: **Licensed Child Welfare Agencies and Licensed Child Care Institutions**

Policy Citation: 225 ILCS 10/3(a) - *No person, group of persons or corporation may operate or conduct any facility for child care , as defined in this Act, without a license or permit issued by the Department or without being approved by the Department as meeting the standards established for such licensing, with the exception of facilities for whom standards are established by the Department of Corrections under Section 3-15-2 of the AUnified Department of Corrections@and with the exception of facilities defined in Section 2.10 of this Act, and with the exception of programs or facilities licensed by the Illinois Department of Alcoholism and Other Drug Dependency Act.*

225 ILCS 10/2.05 - *AFacility for child care@or Achild care facility@means any person, group of persons, agency association or organization, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody in any facility as defined in this Act, established and maintained for the care of children. AChild care facility@ includes a relative who is licensed as a foster family home under Section 4 of this Act.*

225 ILCS 10/2.06 - *AChild Care Institution@means a child care facility where more than 7 children are received and maintained for the purpose of providing them with care or training or both. The term Achild care institution@ includes residential schools, primarily serving ambulatory handicapped children, and those operating a full calendar year, but does not include:*

- (a) *any state-operated institution for child care established by legislative action;*
- (b) *any juvenile detention or shelter care home established and operated*

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by any county or child protection district established under the AChild Protection Act@

- c) *any institution, home, place or facility operating under a license pursuant to the Nursing Home Care Act;*
- d) *any bona fide boarding school in which children are primarily taught branches of education corresponding to those taught in public schools, grades 1 through 12, or taught in public elementary schools, high schools, or both elementary and high schools, and which operates on a regular academic school year basis; or*
- e) *any facility licensed as a Agroup home@as defined in this Act.*

225 ILCS 10/2.08 - AChild Welfare Agency@means a public or private child care facility receiving any child or children for the purpose of placing or arranging for the placement of the child or children in foster family homes or other facilities for child care, apart from the custody of the child=s or children=s parents. The term Achild welfare agency@includes all agencies established and maintained by a municipality or other political subdivision of the State of Illinois to protect, guard, train or care for children outside their own homes, but does not include any circuit court or duly appointed juvenile probation officer or youth counselor of the court, who receives and places children under an order of the court.

Question: **Is a license required for transitional and/or independent living programs?**

Discussion: Licensing finds that some of the licensed child care institutions and licensed child welfare agencies operate independent living programs and/or provide transitional living services without such programs being licensed as separate entities.

The Child Care Act of 1969, as amended, and the Department=s licensing standards for child welfare agencies and child care institutions do not define such programs nor do they require separate licensure for such programs. Such programs serving children would fall under the definition of a Achild welfare agency≡ or a Achild care institution≡.

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Response: When a licensed child welfare agency operates a transitional or independent living program, the transitional or independent living program is considered licensed under the child welfare agency license. When a transitional or independent living program is part of an already licensed child care institution and the transitional or independent living program is included in the area licensed as a child care institution, the program is considered licensed under the child care institution license. If the child care institution is operated by a licensed child welfare agency, the child welfare agency may determine whether the transitional or independent living program is licensed under the child care institution license or the child welfare agency license.

Persons or organizations operating a transitional or independent living program without being part of an already licensed child welfare agency or licensed child care institution must be licensed as either a child welfare agency or a child care institution.

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