

<b>OCFP</b> <b>Office</b> <b>of Child and</b> <b>Family</b> <b>Policy</b>	<b>Department of Children and Family Services</b>	
	<b>Index No: 99-17</b>	<b>Issuance Date: August 3, 1999</b>
	<b>Origin of Request: Central Office of Licensing</b>	
	<b>Distribution: Licensing Staff, Administrative Staff, Child and Family Policy Staff (A,L,P)</b>	
	<b>Key Words: 89 IAC 406, Licensing Standards for Day Care Homes, 89 IAC 402, Licensing Standards for Foster Family Homes, Dually Licensed Homes, Placement of Ward Aged 13 Years or Older, CANTS Check, Sex Offender Registry Check</b>	
<b>Approved by:</b>		

### Interpretation

**Applicable To:**       **Licensed Day Care Homes**  
**Licensed Foster Family Homes**

**Policy Citation:**    406.9(a): No individual may receive a license from the Department when the applicant, a member of the household age 13 and over, or any individual who has access to children cared for in a day care home, or any employee of the day care home, has not authorized the background check required by 89 Ill. Adm. Code 385, Background Checks and been cleared in accordance with the requirements of Part 385.

402.13(a): As a condition of issuance or renewal of a license by the Department, foster parents shall furnish information of any offenses (other than minor traffic violations) for which they have been charged. The Department shall make a determination concerning their suitability in working with the child in accordance with this Part and 89 Ill. Adm. Code 385, Background Checks.

402.13(b): Persons who have been convicted of an offense shall not be automatically rejected as foster parents unless the offense is one of those listed in Part 402.Appendix A. Otherwise, the Department shall consider the following:

- 1)     the type of crime for which the individual was convicted;
- 2)     the number of crimes for which the individual was convicted;
- 3)     the nature of the offense(s);

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- 4) the age of the individual at the time of conviction;
- 5) the length of time that has elapsed since the last conviction;
- 6) the relationship of the crime and the capacity to care for children;
- 7) evidence of rehabilitation; and
- 8) opinions of community members concerning the individual in question.

**Question:** Does the Department require background checks (CANTS) on DCFS wards who reside in a home that is dually licensed (Foster Family Home and Licensed Day Care Home)?

**Discussion:** A dually licensed home is one that holds both a license to provide foster care and day care services. Subsection 406.9(a) requires each individual residing in a day care home, age 13 and older to agree to a background check. A background check for children ages 13 to 17 consists of a CANTS and a Sex Offender Registry check.

Department wards, 13 years of age or older, residing in a dually licensed home will come into contact with younger children receiving day care services. If a Department ward should have a child abuse and neglect or sex offense, the safety of children in a dually licensed home may be in jeopardy if actions are not taken to assure the safety of the day care children. In some circumstances, it may not be appropriate for a foster home to provide day care services when a potentially abusive child is residing in the foster parents home. In other circumstances, an abusive child may reside in the home if a protective plan is agreed upon and followed by the provider.

Each time a child, 13 years of age or older, is placed in a dually licensed home, a background check should be completed for the purpose of determining the safety history of the child. If it is determined that a child has a history of child abuse and neglect or sex offenses, an assessment of the safety of day care children shall be completed by the licensing staff, case manager of the child being placed and other appropriate clinical staff.

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**Response:** Department of Children and Family Services wards, 13 years of age and over, shall have a background check if residing in a dually licensed home.