

TITLE 89: SOCIAL SERVICES  
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

**PART 404**  
**LICENSING STANDARDS FOR CHILD CARE INSTITUTIONS**  
**AND MATERNITY CENTERS**

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**AUTHORITY:** Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10] and the Children's Product Safety Act [430 ILCS 125].

**SOURCE:** Adopted and codified at 5 Ill. Reg. 13070, effective November 30, 1981; amended at 7 Ill. Reg. 3424, effective April 4, 1983; amended at 8 Ill. Reg. 22870, effective November 15, 1984; amended at 9 Ill. Reg. 19712, effective December 20, 1985; amended at 11 Ill. Reg. 17504, effective October 15, 1987; amended at 21 Ill. Reg. 4488, effective April 1, 1997; amended at 24 Ill. Reg. 17031, effective November 1, 2000; emergency amendment at 26 Ill. Reg. 6868, effective April 17, 2002, for a maximum of 150 days; emergency expired September 13, 2002; amended at 27 Ill. Reg. 508, effective January 15, 2003; amended at 29 Ill. Reg. 9976, effective July 1, 2005; amended at 31 Ill. Reg. 4707, effective March 19, 2007; amended at 42 Ill. Reg. 20351, effective October 31, 2018 emergency amendment at 46 Ill. Reg. 1137, effective December 22, 2021, for a maximum of 150 days; emergency expired May 20, 2022; amended at 46 Ill. Reg. 15266, effective August 26, 2022.

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**Section 404.1 Purpose**

- a) The purpose of this part is to prescribe the standards for licensure as a child care institution and to describe how to apply for a license.
- b) The licensing standards set forth in this part are applicable to all child care institutions and maternity centers as defined in the Child Care Act, as well as to those child care institutions owned, operated or supervised by the Department.

**Section 404.2 Definitions**

"Access to children" means an employee's job duties require that the employee be present in a licensed child care facility during the hours that children are present in the facility. In addition, any person who is permitted to be alone outside the visual or auditory supervision of facility staff with children receiving care in a licensed child care facility is subject to the background check requirements of this Part.

*"Appropriate activities" means activities or items that are generally accepted as suitable for children of the same chronological age or developmental level of maturity. Appropriateness is based on the development of cognitive, emotional, physical, and behavioral capacity that is typical for an age or age group, taking into account the individual child's cognitive, emotional, physical, and behavioral development. [20 ILCS 505/7.3a]*

"Background check" means:

- a criminal history check via fingerprints of persons age 18 and over that are submitted to the Illinois State Police and Federal Bureau of Investigation (FBI) for comparison to their criminal history records, as appropriate; and
- a check of the Statewide Automated Child Welfare Information System (SACWIS) and other state child protection systems, as appropriate, to determine whether an individual is currently alleged or has been indicated as a perpetrator of child abuse or neglect; and
- a check of the Illinois Sex Offender Registry.

"Caregiver" means a licensed foster parent or unlicensed relative caregiver who provides care for a child in DCFS custody or guardianship, or a designated official employed by and present at the licensed child care facility in which a child in DCFS custody or guardianship is placed. For purposes of this Part, the "caregiver" for a youth under 18 years of age in a child care institution or maternity center is assigned or designated staff of that facility.

*"Child" means any person under 18 years of age. (Section 2.01 of the Child Care Act of 1969 [225 ILCS 10/2.01])*

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*"Child 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 "child care institution" includes residential schools, primarily serving ambulatory handicapped children, and those operating a full calendar year, but does not include:*

- *any State-operated institution for child care established by legislative action;*
- *any juvenile detention or shelter care home established and operated by any county or child protection district;*
- *any institution, home, place or facility operating under a license pursuant to the Nursing Home Care Act [210 ILCS 45];*
- *any bona fide boarding school in which children are primarily taught branches of education corresponding to those taught in public schools, grades one through 12, or elementary and high schools, and which operates on a regular academic school year basis;*
- *any facility licensed as a "group home" as defined in the Child Care Act of 1969 (Section 2.06 of the Child Care Act of 1969); or*
- *for purposes of this Part, forestry camps, training schools or any facility operated primarily for the detention of children who are determined to be delinquent.*

"Child with a disability" means a child up to the age of 22 years old with mental retardation, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance (hereinafter referred to as emotional disturbance), orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities; and who, due to these conditions, needs special education and related services. (Federal Individuals with Disabilities Education Improvement Act of 2004; 34 CFR 300.8)

"Conditional employee" means an individual (including any substitute or assistant) who has applied for and been conditionally selected to perform child care functions or administrative, professional, or support functions that allow access to children, as defined in this Section, and who has commenced those duties while awaiting the results of the background check required by this Part.

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"Deemed status" means the Department has approved an institution or maternity center as in compliance with the requirements of this Part because the institution or maternity center:

- has received full accreditation status from the Council on Accreditation for Children and Family Services (2001 Standards); and
- during the past 4 years, has been cited with no substantiated licensing violations that affect the health, safety, morals, or welfare of children it serves.

*"Department" or "DCFS" means the Illinois Department of Children and Family Services. (Section 2.02 of the Child Care Act of 1969)*

"Employee" means any staff person employed by a child care facility, and includes any substitute or assistant. This definition includes administrative, professional and other support staff who have access to children.

"Initial background check" means the individual has cleared a check of the Statewide Automated Child Welfare Information System (SACWIS) and the Illinois Sex Offender Registry.

"License" means a document issued by the Department that authorizes child care facilities to operate in accordance with applicable standards and the provisions of the Child Care Act of 1969.

*"License applicant", for purposes of background checks, means the operator or person with direct responsibility for daily operation of the facility to be licensed. (Section 4.4 of the Child Care Act of 1969)*

"Licensee" means those individuals, agencies or organizations who hold a license or permit issued by the Department.

"Licensing representative" means persons authorized by the Department under the Child Care Act of 1969 to examine facilities for licensure.

*"Maternity center" means a facility in which any person, agency or corporation, other than one licensed as a foster family home or group home under the Child Care Act of 1969, receives, treats or cares for one or more unwed pregnant girls under 18 years of age, except that the term does not include any facility licensed under the Hospital Licensing Act. (Section 2.07 of the Child Care Act of 1969)*

"Medical examination" means a physical examination conducted by a Medical Doctor or Doctor of Osteopathic Medicine licensed to practice medicine in the State of Illinois, an Advanced Practice Nurse (APN) or Physician Assistant (PA). The medical examination must be documented on forms prescribed by the Department and signed and dated by the examining practitioner.

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"Normalcy parenting" means empowering a caregiver to approve or not approve a child's or youth's participation in appropriate extracurricular activities based on the caregiver's own assessment using the reasonable and prudent parent standard, without prior approval of the Department, the permanency worker or the court. The goal of normalcy parenting and the reasonable and prudent parent standard is to allow the child's participation in extracurricular, enrichment, cultural and social activities that are appropriate for the child's normal growth and development.

"Permit" means a one-time only document issued by the Department for a six-month period to allow the individual, agency or organization to become eligible for a license.

"Persons subject to background checks" means:

- the operator of the child care facility; and
- all current and conditional employees of the child care facility; and
- any person who is used to replace or supplement staff; and
- any person who has access to children, as defined in 89 Ill. Adm. Code 385.20 (Background Checks).

If the child care facility operates in a family home, the license applicant 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.

"Reasonable and prudent parent standard" means the standard, characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the State to participate in extracurricular, enrichment, cultural, and social activities.

"Replacement or supplemental staff" means any paid or unpaid individual who is used to perform essential staff duties as evidenced by being counted in the staff-child ratio or being permitted to be alone with children in a licensed child care facility outside the visual or auditory supervision of facility staff.

"SACWIS" means the Statewide Automated Child Welfare Information System operated by the Illinois Department of Children and Family Services.

(Source: Amended at 42 Ill. Reg. 9976, effective July 1, 2005)

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**Section 404.3 Effective Date of Standards (Repealed)**

(Source: Repealed at 21 Ill. Reg. 20351, effective October 31, 2018)

**Section 404.4 Application for License**

- a) Application for license shall be completed by the officers of the governing body of the institution on forms prescribed and furnished by the Department.
- b) For the application to be considered complete, the following shall be attached to the application:
  - 1) articles of incorporation and bylaws, indicating that the institution's corporate status is in good standing with the Illinois Secretary of State and specifying whether the institution is for profit or not-for-profit;
  - 2) if a not-for-profit corporation under Section 501 of the Internal Revenue Code (26 USCA 501), a copy of the Internal Revenue Service ruling on the institution's exemption status from Federal income tax and registration with the Charitable Trust Bureau of the Attorney General's Office (if applicable);
  - 3) a statement of purpose, including the types of child care provided;
  - 4) list of owners, officers, board members, and principal shareholders owning more than 5% of the stock of the corporation and each person's attestation that he or she has not been convicted of a felony or indicated as a perpetrator of child abuse or child neglect, as defined in Appendix B of 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect). This includes any or all of the above persons who reside outside the State of Illinois. The board list shall include the name, home address or Post Office Box and contact phone number other than the agency's telephone number, of the board chair and officers of the board and name of the board members and committees of the governing body;
  - 5) list of standing committees;
  - 6) documentation of compliance with local zoning regulations;
  - 7) operating budget;
  - 8) range of services;
  - 9) staffing plan which includes job descriptions and the qualifications of staff;

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- 10) a list of persons subject to the background check requirements of 89 Ill. Adm. Code 385 (Background Checks) and each person's complete, signed authorization to conduct the background check; and
  - 11) a code of ethics adopted by the governing body. This code of ethics must be at least as stringent as the Code of Ethics for Child Welfare Professionals (published by the Office of Communications, Department of Children and Family Services, 406 E. Monroe Street, Station #65, Springfield, Illinois 62701, May 1996, or found on the Department's website at [www.state.il.us/dcf](http://www.state.il.us/dcf)).
- c) A new application shall be filed:
- 1) when an application for license has been withdrawn, and the institution seeks to reapply;
  - 2) there is a change of address of a facility;
  - 3) there is a change of ownership, name or corporate status; or
  - 4) not sooner than 12 months after the Department has revoked or refused to renew a license, and a new license is sought.
- d) A new application may be submitted at any time a license, permit or application has been voluntarily surrendered or withdrawn by the applicant.

(Source: Amended at 29 Ill. Reg. 9976, effective July 1, 2005)

**Section 404.5 Renewal of License**

- a) Application
- 1) License renewal application forms shall be mailed to the institution by the Department six months prior to the expiration date of license. Officers of the governing body shall submit the completed application to the Department three months prior to the expiration date of the license. The child care institution or maternity center shall also include with the application verification of any accreditations earned. For a renewal application to be considered complete, the following shall be attached to the application:
    - A) a current list of names and addresses of owners, officers, board members, principal shareholders owning more than 5% of the stock of the corporation;



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- B) a staff list, including name and job title, indicating those who are licensed to practice as a direct child welfare employee required in 89 Ill. Adm. Code 412.40; and
  - C) the following documents, if changes were made to them since the last application or renewal:
    - i) statement of purpose;
    - ii) range of services; and
    - iii) code of ethics.
- 2) Upon receipt of the application for license renewal, the Department shall conduct a license study in order to determine that the institution continues to meet licensing standards. The licensing study shall be in writing; reviewed and signed by the licensing supervisor and the licensing representative performing the study.
- 3) *When a licensee has made timely and sufficient application for renewal of a license or a new license with reference to any activity of a continuing nature and the Department fails to render a decision on the application for renewal of the license prior to the expiration date of the license, the existing license shall continue in full force and effect for up to 30 days until the final Department decision has been made. The Department may further extend the period in which such decision must be made in individual cases for up to 30 days, if good cause is shown. [205 ILCS 10/5(d)] "Good cause" includes but is not limited to shortages of staff.*
- b) Acceptance of Accreditation as Deemed Status
- 1) When a child care institution or maternity center is fully accredited by the Council on Accreditation for Children and Family Services, Inc. (Council on Accreditation), 120 Wall Street, 11<sup>th</sup> Floor, New York NY 10005 (2001 standards) and there have been no substantiated licensing violations that affect the health, safety, morals, or welfare of children served by that facility for the last four years, that child care institution or maternity center is deemed to be in compliance with the program requirements of this Part.
  - 2) The Department shall verify in writing with the Council on Accreditation that the child care institution or maternity center's accreditation continues to be in good standing and shall conduct annual monitoring visits to verify the continued compliance of the facility with the requirements of this Part.

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- 3) If licensing violations are substantiated against an accredited child care institution or maternity center, the Department licensing worker shall notify in writing the Council on Accreditation of the substantiated violations. The facility shall receive a copy of this notice.
  - 4) If a substantiated licensing violation may affect the health, safety, morals, or welfare of the children served by the child care institution or maternity center, the institution or maternity center shall be removed from deemed status and a full license study shall be conducted as part of the license renewal process.
- c) Renewal Application Under Deemed Status
- 1) A child care institution or maternity center in deemed status doing business with the Department shall submit to the Department Regional Office of Licensing:
    - A) Signed and completed renewal application on a form provided by the Department;
    - B) Written description of any change in the institution's tax exempt status, charitable trust registration, and range of services provided;
    - C) List of current employees, including the name of the Administrator;
    - D) List of current board members, including their names, home phone numbers, and addresses;
    - E) Copy of any Corrective Plan currently placed on the institution;
    - F) Copy of additional information submitted by the institution to the Council on Accreditation, including:
      - i) Institution's consumer surveys' results;
      - ii) Information regarding any "hold" on the institution's intake placed by the Council on Accreditation, including: was the hold for any part of the current license sequence; was the institution on hold at the time of renewal; reason for the hold, and duration of the hold status; and
      - iii) Copy of the most recent Annual Maintenance of Accreditation Report the institution filed with the Council on Accreditation;
    - G) Copy of letter the institution has from the Council on Accreditation for Children and Family Services showing that the institution is fully accredited.

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- 2) The Department shall obtain the following information from other sources about the institution in deemed status doing business with the Department:
  - A) Results of the institution's financial audit and any documented financial problems;
  - B) The number of indicated child abuse/neglect investigations and licensing complaint investigations; and
  - C) Council on Accreditation confirmation that the institution is fully accredited and in good standing.
  
- 3) Institutions and maternity centers not doing business with the Department shall submit to the Department:
  - A) Signed and completed renewal application on a form provided by the Department;
  - B) Written description of any change (if applicable) in the institution's corporate exempt status, charitable trust status and range of services provided;
  - C) List of current employees, including the name of the Administrator;
  - D) List of current board members, including their names, home phone numbers and addresses;
  - E) Copy of information the institution submitted to the Council on Accreditation regarding results of or information about the institution's consumer surveys;
  - F) Copy of the last Annual Maintenance of Accreditation Report the institution filed with the Council on Accreditation;
  - G) Copy of letter the institution has from the Council on Accreditation showing that the institution is fully accredited; and
  - H) Copy of the institution's most recent audit.
  
- 4) The Department shall obtain the following information from other sources about the institution in deemed status that is not doing business with the Department:
  - A) Number of indicated child abuse/neglect investigations and licensing complaint investigations;
  - B) Council on Accreditation confirmation that the institution is fully accredited and in good standing.

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d) Removal of Institution or Maternity Center from Deemed Status

The following shall occur before the Department is to remove a child care institution or maternity center from deemed status:

- 1) The Department shall have documentation of one or more substantiated violations that affect the health, safety, morals or welfare of children served by the institution or maternity center's program.
- 2) After review and confirmation of the substantiated violation by the licensing supervisor and manager, the Central Office of Licensing shall submit a recommendation for removing the institution from deemed status to a 5-member panel comprised of representatives from the Divisions of Quality Assurance, Purchase of Service Monitoring, and Program Operations, and the Offices of Child and Family Policy and Licensing.
- 3) The 5-member panel shall review the recommendation for removal from deemed status.
  - A) If the panel concurs with the recommendation, the panel shall forward the recommendation to the Director for final approval.
  - B) If the panel does not concur with the recommendation, the institution or maternity center will maintain deemed status.
- 4) The Department shall notify the institution or maternity center in writing of the Director's decision to remove or maintain the institution in deemed status.

(Source: Amended at 29 Ill. Reg. 9976, effective July 1, 2005)

**Section 404.6 Provisions Pertaining to License**

- a) A child care institution license is valid for four years unless revoked by the Department or voluntarily surrendered by the licensee.
- b) The child care institution shall adhere to the provisions specified on the license.
- c) The following changes in licensing status shall occur only upon prior approval of the Department:
  - 1) the age or characteristics of children served;
  - 2) the licensed capacity; or
  - 3) the area within the institution used for children.

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- d) The license shall not be transferred to another person, or other legal entity, nor shall it be valid for a name or an address other than that shown on the license.
- e) The license capacity of the institution shall not be increased unless the facility is in compliance with licensing standards.
- f) A current license shall be displayed at the institution in an area visible to the public at all times.
- g) There shall be no fee or charge for the license.
- h) The institution's code of ethics adopted by the governing body must be at least as stringent as the Code of Ethics for Child Welfare Professionals (published by the Office of Communications, Department of Children and Family Services, 406 E. Monroe Street, Station #65, Springfield, Illinois 62701, May 1996, or found on the Department's website at [www.state.il.us/dcfs](http://www.state.il.us/dcfs)).

(Source: Amended at 29 Ill. Reg. 9976, effective July 1, 2005)

**Section 404.7 Provisions Pertaining to Permits**

- a) A permit shall not be issued until:
  - 1) the application for license has been completed and signed by an officer of the governing body of the child care institution or maternity center and submitted to the Department;
  - 2) written clearances concerning compliance with the fire, health, sanitation, local zoning, and safety requirements as specified in State laws and municipal codes are received. If well water is used, a copy of the inspection report and certification of compliance with local or Illinois Department of Public Health regulations is on file;
  - 3) a person in charge of the administration and operation of the child care institution who has passed the background check requirements of 89 Ill. Adm. Code 385, Background Checks has been employed;
  - 4) furnishings, equipment and space sufficient for the number of children to be served have been acquired;
  - 5) child care staff sufficient for the number of children to be served have been hired;

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- 6) a written plan has been filed which requires provision of food, clothing, educational and religious opportunities and health care of children to meet the physical, spiritual, mental and health needs of the children;
  - 7) the facility has established procedures and forms to maintain required and necessary records including records on the children served;
  - 8) a written plan on how the requirements for licensure will be met has been developed within the permit period;
  - 9) references and medical reports on all staff, including the administrator, are on file at the institution; and
  - 10) demonstration of financial capability through a projected budget and letters of commitment from the sources of income specified in the budget.
- b) A permit shall not be issued retroactively.
  - c) The permit shall not be transferred or transmitted to another person or other legal entity.
  - d) The permit shall not be valid for a name or an address different than the name and address shown on the issued permit.
  - e) The permit shall not be renewable.
  - f) The permit shall be displayed on the premises in an area visible to the public at all times.
  - g) A license shall be issued any time within the six month period covered by the permit provided the facility achieves and maintains compliance with the Department's licensing standards.
  - h) There will be no fee or charge for issuing the permit.

(Source: Amended at 29 Ill. Reg. 9976, effective July 1, 2005)

**Section 404.8 Incorporation**

The child care institution or responsible governing body shall be incorporated and a copy of the articles of incorporation filed with the Department at the time of application. Later amendments or a certificate of dissolution shall be filed as they occur.

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**Section 404.9 Composition and Responsibilities of the Governing Body**

- a) The governing body of an institution incorporated not-for-profit shall be a Board of Directors composed of at least five persons, at least one of whom shall be an Illinois resident. All board members shall be of reputable and responsible character. The governing body shall be responsible to the Department for maintaining the standards set forth in this Part.
- b) If incorporated as a not-for-profit corporation, the governing body shall adopt a conflict of interest policy that requires, at a minimum:
  - 1) that no member of the board of directors may derive any personal profit directly by reason of his or her membership on the board of directors or because of services provided to the board (the restriction of deriving profit from a transaction does not apply as long as the goods or services provided to the center or institution are priced at or below market value, and are documented and accessible for review by the Department or its auditors upon request);
  - 2) that each board member must disclose to the board any personal interest that he or she or any immediate family member may have in any current or potential matter before the board and refrain from participating in any decision on such matters; and
  - 3) that no member of the administrator's or the chief financial officer's immediate families shall serve on the board of directors for the child care institution or maternity center and no member or any board member's immediate family may serve as administrator, the chief financial officer, or independent contractor of the institution; and
  - 4). That there shall be no familial relationship between the executive director and the chief financial officer.
- c) If incorporated as a for-profit corporation, the board shall adopt a code of conduct.
- d) The governing body shall:
  - 1) establish written by-laws;
  - 2) assure that the institution operates at all times with an on-site administrator, who, by official notice, is made known to the Department;
  - 3) hold at least four meetings annually;
  - 4) keep records of minutes of all Board meetings reflecting official actions of the Board;

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- 5) officially notify the Department in writing within two days after a change in the administrator of the institution or within 30 days after any major changes in the corporate structure, including, but not limited to:
  - A) changes in the articles of incorporation or bylaws;
  - B) changes in the not-for-profit status or tax exempt status as determined by the Internal Revenue Service (if applicable) or its charitable organization status as determined by the Illinois Attorney General;
  - C) addition of any principal shareholder owning at least five percent of the stock of the corporation;
  - D) changes in the governing body or its officers; and
  - E) other changes in services provided by the institution;
- 6) establish written policies of the institution which shall be made available to all board members and employees including services to be provided by the institution: admissions, personnel policies, fiscal operations, care of children and other policies as needed to direct the institution, such as family visitation, community contacts with children and the functions of the administrator;
- 7) provide and maintain physical facilities appropriate for the program and supporting services;
- 8) maintain and keep all records and documents required by this Part in the State of Illinois where they shall be readily available for licensing review;
- 9) assure fidelity bonding of fiscally responsible officers and employees, elected or appointed, whether or not compensated by salary, against breach of fiduciary duty or the loss of monies, securities or other property which the institution may sustain through any fraudulent or dishonest act or acts committed by any officer or employee acting alone or in collusion with others; and
- 10) assure that all persons working with children are of reputable character.

(Source: Amended at 31 Ill. Reg. 4704, effective March 19, 2007)



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**Section 404.10 Finances**

- a) The agency shall maintain a degree of financial solvency that insures adequate care of the children for whom it has assumed responsibility. An agency is considered insolvent if its financial condition is such that the sum of its debts is greater than all of its property, at a fair valuation, exclusive of property transferred, concealed or removed with intent to hinder, delay or defraud its creditors. (This definition of "insolvency" is based on the definition contained in the United States Bankruptcy Code of 1978, 11 U.S.C. 101(26).)
- b) The institution shall maintain fiscal records which shall include:
  - 1) current and projected operating budget for the facility for which license is sought;
  - 2) financial records annually audited and certified by public accountants not affiliated with the institution.
- c) The above records shall be maintained and kept in the State of Illinois where they shall be readily available for review by designated Department licensing and audit staff.
- d) A certified copy of the institution's annual audit as performed by an independent auditor shall be submitted to authorized Department staff upon request.

(Source: Amended at 7 Ill. Reg. 3424, effective April 4, 1983)

**Section 404.11 The Administrator**

- a) The administrator is that person designated by the board or owners to carry out established policies and procedures and the day-to-day management of the institution.
- b) An administrator shall have:
  - 1) a Master's Degree from an accredited school of social work and three years' work experience with children, at least two of which were in institutional or other residential group care programs and at least an additional two years of administrative experience; or
  - 2) a Master's Degree in a human services field from an accredited school and three years work experience with children, at least two of which were in institutional or other residential group care programs and at least an additional two years of administrative experience; or

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- 3) a Bachelor's Degree from an accredited college or university, five years' work experience with children, at least three of which were in institutional or other residential group care programs and an additional two years of administrative experience.
- c) All persons currently serving as administrators who have served in that capacity for a minimum of five years prior to April 1, 1997 at the institution where currently employed shall be deemed qualified.
- d) If there is no social work supervisor, the administrator shall, in addition, meet the qualifications for a social work supervisor as defined in Section 404.19 (Social Work Staff).
- e) A person/persons shall be appointed to act in behalf of the administrator when the administrator is absent.
- f) If the administrator is to be on leave for more than one month or has left prior to a replacement, the Department shall be notified of the name of the person appointed as acting administrator. The acting administrator shall have the qualifications of an administrator. The notification to the Department shall include documentation that the acting administrator meets the qualifications to be an administrator.
- g) The Department shall be notified when there is a change of administrator. The notification shall include documentation that the individual meets the qualifications to be an administrator.

(Source: Amended at 29 Ill. Reg. 9976, effective July 1, 2005)

**Section 404.12 Administrative Coverage**

- a) The institution shall not be left at any time, or under any circumstances, without a properly designated, administratively responsible person on the premises. The designated administratively responsible person may be the child care worker for each unit, with the administrator, or someone designated by the administrator, to be on call.
- b) Program Administrator  

The administrator may delegate certain program responsibilities to a program administrator. These may include day-to-day management of the program for children, supervision of program staff, staff development and training, educational activities and other services to children. The program administrator shall have:

  - 1) a Master's Degree from an accredited school of social work and 3 years' work experience with children, at least 2 of which were in institutional or other residential group care programs; or

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- 2) a Master's Degree in a human services field from an accredited school and 3 years work experience with children, at least 2 of which were in institutional or other residential group care programs; or
  - 3) a Bachelor's Degree from an accredited college or university, 5 years' work experience with children, at least 3 of which were in institutional or other residential group care programs.
- c) The institution or maternity center, at all times, shall have on-site at least one official who, with respect to any child placed at the child care institution or maternity center, is designated to be the caregiver who is authorized to apply the reasonable and prudent parent standard to decisions involving the participation of the child in age or developmentally appropriate activities, and who is provided with training in how to use and apply the reasonable and prudent parent standard in the same manner as foster parents. This training will include a detailed explanation of the reasonable and prudent parent standard and examples of how caregivers can apply this standard in specific situations. (See 42 USC 671(10) and (24).)
- d) The institution or maternity center must seek consent in other areas in which specific State or federal laws limit consent authorization. Some examples of when normalcy parenting does not apply include consent to medical and dental care and disclosure of mental health information.
- e) Each child shall be given the opportunity and encouraged to participate in age, physical, culturally and mentally appropriate activities that provide opportunities for normal growth and development. This includes the opportunity to develop social relationships and to pursue hobbies and personal interests through participation in neighborhood, school and other community and group activities. Except when the needs of the child and institution indicate otherwise, children shall have the opportunity to exchange visits with friends in the community. When participation of a child less than 18 years of age in an extracurricular, enrichment, cultural, or social activity requires a caregiver's consent, the institution shall use normalcy parenting and the reasonable and prudent parent standard when determining whether to allow participation. Youth 18 years of age and older do not require a guardian's consent to participate in these activities.
- f) The institution shall use normalcy parenting and the reasonable and prudent parent standard when determining whether to allow a foster child to visit overnight with friends or relatives of the child.
- g) If a child suffers an injury participating in an activity approved by the institution and the designated institution staff approving the activity acted in accordance with the reasonable and prudent parent standard, the Department shall hold the institution harmless from liability.

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- h) Travel
  - 1) The child care institution or maternity center is authorized to approve the child's travel within the State of Illinois. When in-state travel will exceed 48 hours, the group home must notify the permanency worker of the trip and provide the child's location and contact information.
  - 2) The institution or center is authorized to approve the child's out-of-state travel of up to 29 days. Out-of-state travel of 30 days or more must be approved by the DCFS Guardian. When out-of-state travel will exceed 48 hours, the group home must notify the permanency worker of the trip and provide the child's location and contact information.
  - 3) The institution or center shall ensure that planned travel for the child does not interfere with school, court, medical and other important services/treatment required in the child's service plan.

(Source: Amended at 42 Ill. Reg. 20351, effective October 31, 2018)

**Section 404.13 Child Care Workers**

- a) Child care workers' primary responsibility is the daily care of children.
- b) Child care workers shall work under the supervision of a child care supervisor and shall have the following qualifications:
  - 1) Be at least 18 years of age, if there is an on-site supervisor. If there is no on-site supervisor, child care staff must be at least 21 years of age;
  - 2) Hold a high school diploma or GED certificate;
  - 3) Be in good physical and mental health;
  - 4) Have the capacity to accept the supervision within the child care program and to relate constructively to authority; and
  - 5) Demonstrate the ability to work cooperatively with other staff and a variety of persons external to the program, including representatives of other institutions and agencies and parents of the children.
- c) Child care workers employed as of November 30, 1981, by facilities which are licensed shall be deemed qualified.
- d) At least one-half of the child care workers shall be full-time employees.

(Source: Amended at 46 Ill. Reg. 15266, effective August 26, 2022)

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**Section 404.14 Support Personnel**

- a) Clerical and secretarial services shall be provided to maintain correspondence, records, bookkeeping and files in current and good order.
- b) A person with knowledge and experience to plan and prepare well-balanced meals in accordance with published nutritional standards and the needs of the children shall be employed.
- c) The institution shall have adequate support staff to assist in meal preparation, maintenance of the kitchen, and to keep food areas in a clean and sanitary condition.
- d) Adequate personnel shall be provided to assure housekeeping and maintenance services in all areas at all times.

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**Section 404.15 Substitute Child Care Staff**

Substitute child care staff shall be employed to allow regular time off and vacations for child care staff.

**Section 404.16 Volunteers**

All volunteers shall meet the requirements for the functions they perform, shall be trained for the tasks they perform, and shall be under the supervision of an appropriate staff supervisor.

**Section 404.17 Requirements of Professional Staff**

Professional staff which are full-time, part-time, or consulting (employed or contractual), such as social workers, psychologists, psychiatrists, physicians, dentists, teachers, nutritionists, nurses, speech, occupational, recreational or physical therapists, etc., shall meet the respective licensing and registration requirements of the State of Illinois.

**Section 404.18 Medical and Health Services**

- a) A qualified physician working in collaboration with the administrator shall be designated to assure that comprehensive medical and health services are provided according to the needs of the children and the requirements of this part.
- b) The on-call physician shall:
  - 1) be a physician licensed in the State of Illinois to practice medicine in all its branches;
  - 2) be on the premises at regular intervals but not less than once per month to personally observe and evaluate medical and health services;
  - 3) participate in the establishment of the institution's written medical policies and supervise the medical and health program of the institution, including admission and periodic examinations, immunizations and treatment programs, unless the resident has his/her own personal physician to perform these functions;
  - 4) review all prescriptions monthly and authorize their continuance in writing, unless the resident has his/her own personal physician to perform these functions;
  - 5) be responsible for the observation of applicable laws, rules and regulations in the prescription, storage and administration of drugs and medications;

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- 6) arrange for and supervise the locked storage, use and disposal of drugs and medications and allow for standing orders from children's individual physicians for the dispensing of medications prescribed by them;
- 7) designate persons responsible for administering medications prescribed to the children to be present when medications are dispensed. Medications shall be consumed when a staff member is present; and
- 8) advise on the qualifications and appointment of other medical consultants and specialists whose services are required.

(Source: Amended at 29 Ill. Reg. 9976, effective July 1, 2005)

**Section 404.19 Social Work Staff**

- a) Social work supervisors shall have a Master's Degree from an accredited school of social work or an equivalent Master's Degree in a human services field and two years of full-time experience in a social work setting.
- b) If the administrator qualifies as a social work supervisor, he may serve in that capacity.
- c) Child welfare workers who provide social services shall have at least a Bachelor's Degree and shall be under the supervision of a qualified social work supervisor.

**Section 404.20 Teachers**

Teachers employed in the institution's educational program offering academic credit, shall meet the requirements of the Illinois State Board of Education or a public or private Board of Education which conducts a system of schools at the elementary and secondary grade levels. Such teachers shall have the ability and commitment to work within the institutional structure and program.

**Section 404.21 Recreation Staff**

- a) Recreation workers shall have a high school diploma and the capacity to accept supervision and to work cooperatively with other staff and a variety of persons external to the program. Recreation workers shall demonstrate an ability to assess and meet the recreation and activity needs of the children.
- b) Recreational staff employed by facilities which are licensed when this part is adopted shall be deemed qualified.

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**Section 404.22 Staff Training**

- a) There shall be an organized in-service training program to equip child care personnel to meet the individual and group care needs of the children.
- b) The in-service training program shall include content designed to familiarize staff with:
  - 1) licensing rules, including this Part;
  - 2) 89 Ill. Adm. Code 384 (Behavior Treatment in Residential Child Care Facilities);
  - 3) program and range of services provided by the facility;
  - 4) child development principles; and
  - 5) the Abused and Neglected Child Reporting Act [325 ILCS 5].

(Source: Amended at 29 Ill. Reg. 9976, effective July 1, 2005)

**Section 404.23 Health Requirements for Staff and Volunteers**

- a) All staff members shall have an initial medical examination which provides evidence that they are free of communicable diseases, including active tuberculosis, or physical and mental conditions which affect their ability to perform assigned duties.
- b) Staff shall be re-examined at least once every two years.
- c) Cooks, nutritionists, dietitians, kitchen helpers and others assisting in the preparation, serving and handling of food and utensils shall have culture tests when required by the examining physician or by local health ordinances.
- d) The above requirements are applicable to volunteers who have direct contact with children.



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**Section 404.24 Background Checks**

- a) The governing body shall ensure that all prospective and current employees submit to fingerprinting (when required), authorize a background check and otherwise meet the requirements of 89 Ill. Adm. Code 385 (Background Checks).
- b) As a condition of issuance or renewal of a license by the Department, the institution shall require persons subject to background checks to furnish information on any offenses (other than a minor traffic violation) for which they have been convicted in accordance with the standards set forth in the Department's Rule 89 Ill. Adm. Code 385.
- c) An employee may begin work while awaiting the results of the background check. Such employees shall not be left alone with children until the results of the initial background check have been received.

(Source: Amended at 21 Ill. Reg. 4488, effective April 1, 1997)

**Section 404.25 Criteria for the Admission and Discharge of Children**

- a) The institution shall establish written admission policies.
- b) Children shall be admitted only upon written consent or application of parent or guardian, upon court order, or, in emergency situations, upon authorization of an officer of the law or a Department child protective services worker. No person who has attained age 18 shall be admitted unless referred by a parent or a guardian, including an agency having legal responsibility for the person under 705 ILCS 405/2-27.
- c) The institution shall assess with the referring agency, child and/or family the child's need for placement, the purpose for referral to the specific institution, and the institution's ability to serve the child.
- d) A plan for services for the child and family shall be in writing, shall be reviewed at least every 6 months, and shall be signed by all the parties involved. The plan shall describe the services to be provided, describe how they will meet the needs of the child and family, describe how they are directed toward resolution of the need for placement, and establish a time frame for termination of services and care in the facility.
- e) Referrals from and acceptance of out-of-state children for care shall be in accordance with 89 Ill. Adm. Code 328 (Interstate Compact on the Placement of Children) and other applicable laws and rules.

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- f) Prior to placement, information and documents about a child shall be obtained from the respective parent or guardian or from the referring agency at the time of admission; however, if any of this information does not exist, is not available, or is not provided, the institution shall include in its record a written statement from the referral source to that effect.
  
- g) The information and documents shall include:
  - 1) name, birthdate, sex, race, religion, legal status and current address of the child;
  - 2) names, addresses and telephone numbers of parents, significant relatives, guardian, referring agency and referring agency social worker;
  - 3) name and address of the school last attended, current placement, school report and/or information on the child's educational needs;
  - 4) name, address and telephone number of the doctor, clinic or hospital currently or recently treating the child;
  - 5) financial and insurance resources available to the child; and
  - 6) listing of prior placements with length of time and reasons for placement and change.
  
- h) Medical data about the child shall include:
  - 1) complete medical history including current problems, medications and handicaps, past health conditions such as diseases, allergies and surgeries, immunizations and dates, and a report of the most recent physical examination;
  - 2) all available information pertaining to the health history of the child's family; and
  - 3) if any of this information regarding medical history of the child or family of the child does not exist, the institution shall include in its record a written statement from the referral source to that effect.
  
- i) Social data about the child and his family describing pertinent past experiences and circumstances leading to the child's admission shall include:
  - 1) significant behavioral problems of the child;
  - 2) child's strengths and areas of need;

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- 3) physical description of the child;
  - 4) current family situation;
  - 5) relationship of child and family or other significant adults;
  - 6) relationship of child to peers, adults;
  - 7) immediate and long-range goals;
  - 8) results and dates of prior psychiatric or psychological evaluations or tests;  
and
  - 9) consents and agreements as required.
- j) Any child who, after attempts have been made to meet the child's individual needs, demonstrates the inability to benefit from the type of care offered by the institution, or whose presence is detrimental to the group, shall be discharged from the institution.
- k) In all instances, when an institution decides that it is in the best interest of the child to terminate enrollment, the child's and parents' or guardian's needs shall be considered by planning with the parents or guardian to meet the child's needs when he or she leaves the institution, including referrals to other institutions, agencies or facilities.

(Source: Amended at 29 Ill. Reg. 9976, effective July 1, 2005)

**Section 404.26 Admission Preparation Requirements**

Preparation of the child for his admission shall include involvement of the child in planning in a manner considerate of his age and ability to participate and shall include a specific effort to help him understand the purpose for the placement and the importance of the placement for him.

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**Section 404.27 Agreements and Consents Between Responsible Parties**

- a) Written agreements for care and service shall be entered into between the institution and the parent or guardian and the referring agency, in order to protect the interest of the child and all other parties concerned and shall include:
  - 1) arrangements for board payments, clothing, medical care, allowances and other expenditures required on behalf of the child;
  - 2) conditions under which psychological and psychiatric services are to be provided on behalf of a child and/or his family;
  - 3) arrangements for special training, education or educational alternatives, the arts, vocations and religious training;
  - 4) arrangements for continuing contacts between the institution and other responsible parties and between the child and other responsible parties;
  - 5) the role of each responsible party related to direct services for the child and/or family;
  - 6) reports, conferences, and other means to be used for communication between the institution and other responsible parties; and
  - 7) names and addresses of those who have been and will continue to be involved with the child and family and are of importance to the child. This includes the social work staff person responsible for the child.
  
- b) Written consents from legally responsible persons (parent, court, or other legal custodian or guardian) shall be obtained for certain acts of a child or performance of certain acts on his behalf, including but not limited to:
  - 1) health care and treatment, including medical, surgical, psychiatric, and dental;
  - 2) use of psychoactive drugs;
  - 3) religious instruction and/or church attendance in a different faith;
  - 4) work programs, induction into the armed services, driving a car and car ownership;
  - 5) extensive visits, trips, or excursions whether sponsored by the institution or others;
  - 6) use of photographs for publicity or other purposes;
  - 7) consent to marriage for children under age 18; and
  - 8) changing the child's living arrangement to another physical site.

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**Section 404.28 Child Care Groupings**

- a) Groupings and supervision of children shall provide for individual attention and consideration of each child. Groups shall consist of a maximum of 15 children.
- b) Child care staff shall provide appropriate supervision to children at all times.
- c) There shall be:
  - 1) no more than 12 children when there are children between 6 and 12 years of age in the group;
  - 2) no more than 5 children when there are children between 2 and 6 years of age in the group; and
  - 3) no more than 6 children when there are children under 2 years of age in the group.
- d) In case of an emergency the institution must be able to provide for the safety of the children.
- e) Two or more groups may share common programs and living accommodations but sufficient numbers of child care workers shall be maintained.
- f) Children under 18 years of age whose parents serve as staff members maintaining a residence in the institution shall be included in determining the license capacity if they:
  - 1) live in the same quarters as children accepted for care; and
  - 2) have been admitted for direct care by the institution on the same basis as other children.
- g) The institution shall assign one or more child care workers for direct supervision of each group to be on duty and readily available while the children are awake and on the premises. Girls shall be under the direct supervision of adult female staff while in their living quarters.
- h) For night time supervision, there shall be at least one person on duty and awake for each two groups occupying common or attached living quarters. Girls shall be under the direct supervision of adult female staff during the night. Additional staff shall be on call in case of emergency or other need.
  - 1) The awake night staff requirements may be waived in writing by the Director of the Department or his designee for an institution, or that portion of an institution, wherein groups of up to ten children are the responsibility of child care staff who share family style living quarters.

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- 2) A request for a waiver of the night staff requirement shall be in writing and it shall be the responsibility of the facility to demonstrate that the well-being of the children will be protected by other means. No waiver may be granted for a group wherein one or more children has been diagnosed as mentally retarded, developmentally disabled or physically incapacitated.
- i) Each child shall be assigned to a group and shall be provided his own bed and readily accessible storage space where he may keep his personal belongings and possessions.
- j) When the needs of individual children dictate, additional staff may be required to meet the needs of all children. The appropriate ratio shall be determined through consultation among the parent/guardian, staff, resource personnel and the Department.
- k) Maternity centers where mothers have their children residing with them at the center shall consider the age of the mother, her cognitive abilities and the age and number of children residing with the mother when considering staffing ratios in the facility program plan. The Department shall approve ratios.

(Source: Amended at 29 Ill. Reg. 9976, effective July 1, 2005)

**Section 404.29 Discipline of Children**

The use of discipline in the child care institution shall be in accordance with the standards set forth in the Department's rulemaking, Part 384, Discipline and Behavior Management in Child Care Facilities.

**Section 404.30 Controls**

The use of controls shall be in accordance with the standards contained in the Department's rulemaking, Part 384, Discipline and Behavior Management in Child Care Facilities.

**Section 404.31 Clothing and Personal Belongings**

- a) Children shall be supplied with clothing required for their health, comfort, and physical well-being, according to their individual needs, age, and sex.
- b) Clothing items shall be individually selected, properly fitted, appropriate to the season, and in accordance with the standards of the community. A child who is old enough to do so, shall be involved in the selection of his own clothing.
- c) All items shall be supplied in quantities necessary for school and other special uses.
- d) Clothing shall be appropriately identified for the child's own use.
- e) No used shoes or used undergarments shall be provided to a child.

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- f) Donated clothing shall be selected with care to eliminate the use of shoddy, torn, or soiled garments, outmoded styles and improper sizes.
- g) A suitable supply of clothing shall accompany the child upon discharge from the institution.
- h) The facility shall assure that a child's personal valuables brought to placement and acquired by or given to the child, such as clothing, books, toys, gifts, private collections, photographs, child's private savings, allowances and other items, accompany the placement and are returned to the child when the child leaves the placement.

(Source: Amended at 29 Ill. Reg. 9976, effective July 1, 2005)

**Section 404.32 Personal Care and Hygiene**

- a) Children shall be given training and supervision to help them establish good habits of personal care, grooming, health and hygiene.
- b) Each child shall be provided with combs, brushes, toothbrushes, towels, and washcloths, appropriately identified for his/her own use. Feminine hygiene supplies shall be available for adolescent girls.
- c) Clean linen shall be provided at least once a week and as needed for enuretic children.
- d) Waterproof mattress covers shall be provided for all beds of enuretic children.

**Section 404.33 Allowances**

- a) Personal allowance money shall be available to children based upon the child's age and ability to manage money. Adolescents may be allowed to earn additional personal spending money.
- b) The institution shall assist the child in the proper handling of money.
- c) The institution shall have procedures for maintaining and managing a separate account for each child's funds. Amounts of \$300 and over shall be deposited in an insured account. Reports on the status of each child's insured account shall be given to the child's caseworker annually. The institution shall ensure a safe and secure environment for the physical protection of other forms of the child's financial assets.
- d) Personal financial transactions or transfer of a child's or youth's personal property among children or youth, children or youth and staff, and children or youth and volunteers/interns shall be prohibited. This does not apply to the common practice in families and foster families to transfer outgrown clothes or equipment.

(Source: Amended at 29 Ill. Reg. 9976, effective July 1, 2005)

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**Section 404.34 Education**

- a) All children between the ages of seven and 16 are required by law to attend school regularly. Institutions shall comply with the law, and shall encourage each child to complete high school or vocational training in accordance with his aptitude.
- b) Children excluded from school, or unable to benefit from usual school attendance, shall be provided education, training, or work experience consistent with their needs and abilities. Such alternate education shall meet the requirements of the Illinois State Board of Education.
- c) Children shall be permitted and encouraged to participate in extra-curricular activities including sports, art, and music to the extent of their interests, abilities, and talents.
- d) The institution shall maintain contact with those serving the educational needs of its children and shall seek their cooperation to assure that:
  - 1) children are placed in appropriate grades and programs; and
  - 2) there is periodic evaluation of individual children.
- e) The institution shall insure that each child has available necessary school supplies, materials and equipment.

**Section 404.35 Work and Training**

- a) Every child shall have the opportunity to learn to assume some responsibility for himself and for household duties in accordance with his age, health, and ability. No child shall be permitted to do tasks which are hazardous, dangerous, or risk harm to the child. Children may be assigned to household tasks in their living unit.
- b) Assignments and tasks shall be made according to the age, sex and abilities of the child and shall not interfere with the child's school program, study periods, recreation, sleep or other needed activities.
- c) The institution shall utilize its own and/or available community resources to meet the work training and developmental needs of the children. Work training programs and employment of children shall be approved by the administration when the child is employed outside the institution, and shall not interfere with the child's regular school program, study periods, recreation, sleep or other needed activities.



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**Section 404.36 Recreation and Leisure Time**

- a) Recreation activities play a major role in the development of children. Recreation should enhance sportsmanship, coordination, and peer acceptance.
- b) Recreation should be appropriately planned for after school hours, weekends, and holidays.
- c) An exercise room and a yard of sufficient area to allow strenuous physical exercises must be accessible.
- d) There shall be a written policy covering recreation activities and schedules.
- e) Recreational activities shall include the use of recreational resources in the community when available and appropriate.

**Section 404.37 Health and Safety**

- a) Each child shall be examined by a physician, advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the advanced practice nurse to perform health examinations, or a physician assistant who has been delegated the performance of health examinations by the supervising physician, within 30 days prior to placement in the institution unless the placement is an emergency. In an emergency placement, the physical examination shall be scheduled within 5 days after placement and completed within 15 days after placement. In all cases each child shall be screened for communicable diseases within 72 hours.
- b) Children shall be examined annually or more frequently if findings and medical opinions indicate need. Diagnosed medical problems shall be promptly treated.
- c) Dental examinations shall be given at least annually. Diagnosed dental defects shall receive prompt treatment; however, recommended orthodontia shall be referred to the child's legal guardian.
- d) In the absence of any religious exemptions, immunizations and tests shall be administered in accordance with standard medical practices and as required by the Illinois Department of Public Health.
- e) If treatment is in process for any physical impairment which requires continuing or follow-up medical attention, the parent, guardian or other facility to whom the child is discharged shall be so notified.
- f) The institution shall have a written plan for use in case of fires and natural disaster. The institution shall conduct fire and disaster drills with staff and children at least once every three months. Records of such drills shall be kept. At least once every six months, a fire marshal or other authority responsible for public safety shall view the drills.

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- g) Household pets shall be inoculated as required by state and local regulations.
- h) No firearms or ammunition shall be allowed in the institution.
- i) The facility may not use or have on the premises, on or after July 1, 2000, any unsafe children's product as described in the Children's Product Safety Act and 89 Ill. Adm. Code 386 (Children's Product Safety).
- j) Sharp scissors, plastic bags, knives, cigarettes, matches, lighters, flammable liquids, prescriptions and over the counter medications, sharp instruments, power tools, cleaning supplies, and any other such items that might be harmful to children shall be kept in areas inaccessible to children. Hazardous items for infants and toddlers also include coins, balloons, safety pins, marbles, Styrofoam<sup>®</sup> and similar products, and sponge, rubber or soft plastic toys. Items such as cleaning supplies, kitchen utensils, used for skill building for children age 12 and older, shall be used with appropriate staff supervisions.
- k) All cleaning compounds, pesticides, fertilizers and other potentially hazardous or explosive compounds or agents shall be stored in original containers with legible labels in a locked area that is inaccessible to children.
- l) Staff shall not abuse or neglect children and shall protect children from harm at all times.
- m) No child shall be subjected to corporal punishment, verbal abuse, threats or derogatory remarks about the child or the child's family.

(Source: Amended at 29 Ill. Reg. 9976, effective July 1, 2005)

**Section 404.38 Food and Nutrition**

- a) Food shall be prepared and served using the food guide pyramid provided by the United States Department of Agriculture Center for Nutrition to meet the nutritional needs of the children.
- b) Food products from home-raised animals shall meet the standards of the Illinois Departments of Agriculture and Public Health.
- c) Special dietary needs of children shall be met as medically prescribed.
- d) The institution shall consider nutritional needs in relationship to sex, age, religious beliefs and cultural influences.
- e) Meals shall be served under clean and sanitary conditions.
- f) Three balanced meals shall be served each day. The time span between service of one meal and the next meal shall not be greater than 14 hours (overnight).

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- g) Children shall be encouraged to eat food served, but shall not be subjected to undue coercion or forced feeding.
- h) Staff members shall be present to provide supervision for children during meal times.
- i) If meals are provided to on-duty staff, they shall be substantially the same as those served children (unless a special diet due to medical needs or religious beliefs is required).
- j) Menus shall be prepared and posted one week in advance of actual service.
- k) Records of all meals actually served shall be retained for one year and shall be available for periodic review and evaluation.

(Source: Amended at 29 Ill. Reg. 9976, effective July 1, 2005)

**Section 404.39 Professional Services**

- a) Each child and family shall be assigned a child welfare worker. The assigned child welfare worker shall have weekly in-person contact with each child. The child welfare worker shall assist in:
  - 1) planning for individual care, treatment, and discharge which shall include evaluation of the individual problems and needs of the child with determination of the specific treatment and social work services required. Plans shall include an analysis of those problems that preclude the child from remaining in a family setting, preferably in his own home, or in another less restrictive placement. Plans shall also include behavioral objectives for the child that, when achieved, shall lead to the child's discharge. Discharge plans shall specify ongoing support services to allow the child to function satisfactorily after discharge from the institution. Joint planning is recommended by all involved parties whenever possible.
  - 2) reviewing each child's current situation including progress, problems, and needs at least every six months. The review shall include revision of the plans for the child and an explanation of the child's progress toward achieving his service goals and behavioral objectives. In addition, the service plan shall include a statement of the specific treatments that have been given the child and any further treatment that is planned;
  - 3) planning the children's visits and contacts with their families or other persons who have established a parenting bond with them. Weekly visitations with these persons shall be encouraged. To the extent he is able, the child shall participate in planning the visits; and

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- 4) the decision-making process around such issues as subsequent placement, termination or change in the treatment plan, and discharge from care shall be reviewed by the social work supervisor before implementation. When needed, these decisions shall result in a revised service plan.
- b) The child welfare worker shall assist families and children in:
  - 1) understanding the need for placement;
  - 2) developing and maintaining a continuing relationship with parents, siblings and other relatives unless clearly contraindicated by specific factors in the family situation; and
  - 3) planning for and implementing the child's return home or other aftercare.
- c) Social, psychological and psychiatric evaluation and treatment shall be provided to children in need of such services by qualified personnel.
- d) The institution shall maintain an average of one full time child welfare worker (or equivalent) to every 25 children receiving services.

**Section 404.40 Visitation**

- a) Children shall be allowed to visit families other than their own and friends in the community when the living conditions of the family to be visited are known and the visits are approved by the institution. The child and persons to be visited shall have opportunity to become acquainted prior to overnight visits.
- b) The institution shall have a written agreement with the parent or guardian for the child to permit visiting overnight with families and friends in the community.
- c) The institution shall assure that visits with the child, on or off the facility's premises, are in the child's best interests. The institution shall have continuing responsibility for the children who are visiting outside the institution.
- d) The persons with whom the child visits overnight shall be:
  - 1) made aware of the responsibilities they assume for the child;
  - 2) informed how to handle possible emergencies; and
  - 3) given specific instructions on how to reach a representative of the institution should the need arise.
- e) Visits shall not be arranged for the primary purpose of accommodating persons wishing to take a child nor for the purpose of temporarily closing the institution nor for reducing workload of staff nor to have simultaneous vacations or relief periods.

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**Section 404.41 Community Life**

The institution shall encourage and provide opportunities for children, individually and in groups, to participate in available community services, facilities and programs.

**Section 404.42 Religion**

- a) The religious beliefs and rights of children shall be legally protected.
- b) Each child shall be given religious instruction of his own faith, or that of his parents, unless there is written consent of the parent or guardian (if residual parental rights have been legally terminated) for the child to participate in religious instruction and to attend the facility of another faith. This shall include consent to baptism or confirmation.
- c) Children shall be permitted to participate in religious services either singly or in groups.

**Section 404.43 Termination of Residential Care**

- a) Termination of care in the child care institution for those persons over age 18 shall occur no later than 90 days following completion of a public school secondary education program or the individual's eligibility for such an educational program, as specified in Ill. Rev. Stat. 1983, ch. 122, par. 10-20.12, whichever occurs first.
- b) The institution shall have a written policy pertaining to the conditions which children may be terminated from institutional care and served in a less restrictive placement.
- c) Termination of institutional care shall be part of the ongoing program planning for the child's care and treatment. A discharge plan shall specify the child's behavioral objectives to be achieved through the institution's treatment program. Minimal behavioral criteria for the child's discharge shall be specified if there is no permanent physical or mental incapacity which would otherwise prevent the child from living in a less restrictive environment. A diagnosis of emotional disturbance or mental illness shall not void the institution's obligation to specify behavioral criteria for discharge planning.
- d) The child and family shall participate in the planning for termination of institutional care to the best of their ability and insofar as such planning with the family is feasible. They shall be helped to understand the reasons for termination.
- e) A report on the child's current situation and documentation pertaining to his health, birth, family, legal status, school and religious affiliation shall be provided to the child's parent or guardian at the time care is terminated.

(Source: Amended at 9 Ill. Reg. 19712, effective December 20, 1985)

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**Section 404.44 Buildings**

- a) Buildings shall be maintained in compliance with state and local ordinances for health, safety and sanitation.
- b) The institution shall receive inspection annually and clearance from:
  - 1) the Illinois Department of Public Health or local health department; and
  - 2) the Office of the Illinois State Fire Marshal, or designated local fire departments.
- c) The institution shall establish and maintain a program for the upkeep, repair, and replacement of buildings.
- d) Housekeeping and repair programs shall be scheduled and shall be the responsibility of housekeeping and maintenance personnel.
- e) No business shall be conducted on the institution premises that would intrude upon, deter, or interfere with the child care activities or services.
- f) An institution or organization proposing to construct a new child care institution, to relocate, or to undertake major remodeling of buildings shall:
  - 1) notify the Department of such plans;
  - 2) submit building plans for approval to state and local offices if required by law or regulation; and
  - 3) not allow children to occupy any buildings under construction or undergoing major remodeling.
- g) Architectural plans for new, remodeled or replaced buildings shall be suited to the child care function of the institution and its program needs.
- h) The institution shall not permit occupancy of any new, remodeled, or relocated building until state or local fire and health authorities have inspected and approved such buildings.

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- i) Living quarters for children shall:
  - 1) be well ventilated, properly lighted, and well heated;
  - 2) be of adequate size and privacy to conform to good standards of health; and
  - 3) meet the children's basic and individual needs.
  
- j) Sleeping rooms for children shall:
  - 1) be separate for boys and girls over 6 years of age;
  - 2) provide at least 40 square feet of floor space per child, including rooms for single occupancy;
  - 3) provide each child with his own bed and readily accessible storage space where he may keep his personal belongings and possessions; and
  - 4) be equipped with furnishings including but not limited to chairs, tables, desks, mirrors, and bed linen, in good repair.
  
- k) Lavatory, bath, and toilet facilities for children shall:
  - 1) consist of one toilet and one lavatory for every 6 children;
  - 2) be equipped with hot and cold running water and shall be located near the sleeping quarters;
  - 3) be separate for boys and girls;
  - 4) consist of at least one tub or shower for every 8 children; and
  - 5) be equipped with mirrors and areas for storage of toilet articles and for hanging towels and wash cloths, unless provided individually in sleeping areas.
  
- l) Other living unit areas shall include:
  - 1) living rooms large enough to accommodate the free and informal use by the children of the unit;
  - 2) availability of areas for special or quiet activities of individuals and groups; and
  - 3) storage space for supplies and equipment not in use.

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- m) The administrator who lives on the premises shall be provided with living quarters separate from those used by the children.
- n) Staff members who live on the premises shall be provided with sleeping rooms and bath facilities separate from those used by the children.
- o) Dining facilities and equipment shall be provided for all children and staff residing on the premises.
- p) Kitchen facilities shall provide for efficient and sanitary preparation, storage and service of food and for the proper cleaning, sanitizing and storage of all equipment and utensils in accordance with Department of Public Health requirements.
- q) There shall be adjacent, readily accessible hand washing and toilet facilities for the use of kitchen staff and helpers with posting of public health warning to remind food handlers, dishwashers, and other kitchen helpers to make use of hand washing facilities after toileting, grooming, and smoking.
- r) Children should be instructed in the proper use of laundry equipment facilities before they are permitted to use them. Appliances shall be equipped with safety devices.
- s) There shall be office facilities and equipment for efficient conduct of the institution's business affairs.
- t) Formal classrooms located on the premises shall be housed in areas so planned or arranged that one program or activity does not intrude or interfere with another.
- u) There shall be rooms on the premises where children can see family, visitors, and professional staff in privacy and without undue or unnecessary interruptions.
- v) Facilities including toilets, lavatories, drinking fountains and telephones shall be available to accommodate non-resident staff and visitors.

(Source: Amended at 29 Ill. Reg. 9976, effective July 1, 2005)

**Section 404.45 Grounds**

The grounds of the institution shall be well drained and maintained in safe condition. Debris shall be removed and hazardous conditions remedied with safety devices such as fences, barriers and outdoor lighting.



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**Section 404.46 Equipment**

- a) The institution shall provide, store and maintain equipment necessary to carry out the functions of its various services and programs.
- b) There shall be communication provided by telephone or other inter-communication system between buildings and units for reaching staff and children.
- c) Recreation equipment used shall be maintained in a safe condition.

**Section 404.47 Records and Reports**

- a) The institution shall maintain records on each child receiving services and all agency personnel, and in addition, shall submit certain reports as prescribed by the Department. These records and reports shall be confidential. Authorized representatives of the Department shall have access to the records and reports. All persons with access to the records and reports shall respect their confidential nature.
- b) The institution shall submit to the Department of Children and Family Services such periodic and special reports as may be required.
- c) The institution shall state in the child's record and shall report to the child's parent, guardian and the Department licensing representative any unusual incidents or serious occurrences involving children. These incidents and occurrences shall be reported immediately by telephone, fax or other electronic means to the Department licensing representative and confirmed in writing within 48 hours after the occurrence. These incidents and occurrences (see 89 Ill. Adm. Code 331 (Unusual Incidents)) include serious accident or injury requiring extensive medical care or hospitalization; death; arrest; alleged abuse or neglect; major fire or other emergency situations; or any serious incident which results in legal action by or against the institution, which affects any child or children, personnel, or conduct of the institution.
- d) A permanent record and master file card shall be maintained for every child under care which shall include:
  - 1) name, birthdate, sex, race, religion and legal status of the child;
  - 2) names, addresses and telephone numbers of parents, significant relatives, guardian, referring agency and social worker;
  - 3) dates of admission and termination of care;
  - 4) information pertaining to the circumstances and reasons for termination of care;

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- 5) names, relationship, address and telephone number of the persons with whom the child resides following termination of care;
  - 6) summaries of evaluation conferences; and
  - 7) the child's health, including current health evaluations, medical and dental reports, psychological and psychiatric examination reports, illnesses, treatment and persons providing treatment, charting of medication including type, dosage, time and signature of persons dispensing the medication, any history of alcoholism or drug addiction.
- e) In addition to the permanent record, the institution shall maintain active records containing the admission study and ongoing data including important documents pertaining to birth, family, legal status, school, religious affiliation, health findings and treatment and consents and other documents as appropriate.
- f) Children's records shall also include the child's adjustment, functioning and progress in:
- 1) group interaction; staff and peer relationships;
  - 2) school or work;
  - 3) special skills, interests and activities;
  - 4) the community;
  - 5) relationship with his family and significant changes in the family;
  - 6) relationship and contacts with guardian, and other agencies;
  - 7) treatment services provided the child;
  - 8) reducing behavioral problems to enable him to live in a less restrictive setting; and
  - 9) interaction with his family during visitation.
- g) Records shall be maintained for all employees and, in addition, for each volunteer who has responsibility for the direct care or supervision of children. These records shall contain all pertinent information relative to character, suitability, qualifications for the position, health, 3 pre-employment references, history of employment for the last 5 years, and at a minimum, annual evaluations of performance. Personnel records shall include the date of employment and the date and reasons for separation. These records shall be available for Department review.

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- h) The institution shall maintain and submit reports on staff and volunteers to the Department on forms prescribed by the Department.
  - 1) An individual report on each new employee (including owner, operator, or director) shall be filed with the Department; a copy of this report shall be kept at the facility.
  - 2) For all new hires, a complete authorization for background checks, as required by 89 Ill. Adm. Code 385 (Background Checks) must be submitted to the Department Central Office of Licensing within 2 business days after beginning employment.
  - 3) Changes of the administrator shall be forwarded to the licensing representative of the Department, within 2 business days after the change. If the 2 day notification is submitted electronically or by phone, written confirmation, with documentation of credentials as required by Section 404.11, shall be submitted to the Department licensing representative within 10 business days. All other staff changes should be reported monthly to the licensing representative.
  - 4) Copies of documentation of medical information and verification of educational achievement.
- i) The institution shall maintain a separate file of the results of the background check required by Section 404.24 and 89 Ill. Adm. 385 (Background Checks).
- j) The institution shall maintain in its official records the major decisions and policies of the governing body or board.
- k) Financial records of operations including a copy of the annual independent certified audit shall be maintained as part of the permanent records of the institution.
- l) The institution shall provide safe, locked places for maintenance, safe storage and preservation of confidential and business records.

(Source: Amended at 29 Ill. Reg. 9976, effective July 1, 2005)

**Section 404.48 Records Retention**

Personnel, general and financial records required of the institution shall be maintained for five years. Children's records shall be maintained for five years after the child reaches the age of majority.

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**Section 404.49 Transportation**

A child care institution or maternity center providing transportation services on a regular basis shall comply with the driver licensing, Rules of the Road, financial responsibility, vehicle equipment and vehicle inspection provisions of the Illinois Vehicle Code [625 ILCS 5].

- a) The driver of a vehicle transporting children on behalf of a child care institution or maternity center, whether paid or unpaid, shall comply with the following requirements:
  - 1) be 21 years of age or older;
  - 2) currently holds a valid driver's license that has not been revoked or suspended for one or more traffic violations during the 3 years immediately prior to the date of application;
  - 3) demonstrates physical fitness to operate vehicles (the results of a medical examination conducted by a licensed physician shall be kept on file at the center or institution);
  - 4) has not been convicted of more than 2 offenses against traffic regulations governing the movement of vehicles within a 12 month period;
  - 5) has not been convicted of reckless driving or driving under the influence or manslaughter or reckless homicide resulting from the operation of a motor vehicle within the past 3 years;
  - 6) has signed and submitted a written statement certifying that he/she has not, through the unlawful operation of a motor vehicle, caused an accident that resulted in the death of any person within the 5 years immediately prior to the date of application.
- b) Any child care institution or maternity center may provide for transportation of a child or children for special outings, functions or purposes that are not scheduled on a regular basis without verification that drivers for such purposes meet the requirements of this Section.
- c) A child care institution or maternity center driver application shall be submitted to the Department and a copy of the current medical form shall be maintained in the institution's or center's files for any individual who transports children regularly on behalf of the center or institution.
- d) Any individual who holds a valid unrestricted Illinois school bus driver permit issued by the Secretary of State pursuant to the Illinois Vehicle Code and who is currently employed by a school district, parochial school, or a contractor with a school district or parochial school to drive a school bus transporting children to and from school shall be deemed in compliance with the requirements of subsections (a) and (c).

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- e) The institution or maternity center shall have and enforce written safety procedures for transporting children.
- f) The number of children transported in a vehicle shall not exceed the manufacturer's rated passenger capacity.
- g) Age-appropriate safety restraints that are federally approved and labeled as such shall be used at all times when transporting children in vehicles having a gross weight of less than 10,000 pounds, except that individual safety restraints shall not be required when children ride as passengers in taxicabs or common carriers or public utilities operating under the jurisdiction of the Illinois Commerce Commission. No more than one child may be in each seat belt.
- h) Any vehicle used for the transportation of children on behalf of the institution shall be equipped with a first aid kit when used for transporting children.
- i) A written emergency plan to be followed in case of accidents, serious illness or severe weather alerts and other pertinent information shall be maintained. The emergency plan shall remain in the possession of the driver while en route.

(Source: Section 404.49 renumbered to Section 404.50; new Section 404.49 adopted at 29 Ill. Reg. 9976, effective July 1, 2005)

**Section 404.50 Severability of This Part**

If any court of competent jurisdiction finds that any Section, clause, phrase, or provision of this Part is unconstitutional or invalid for any reason whatsoever, this finding shall not affect the validity of the remaining portions of this Part.

(Source: Section 404.50 renumbered from Section 404.49 and amended at 29 Ill. Reg. 9976, effective July 1, 2005)

**Section 404.51 Residential Case Management Supervisors**

- a) Each child care institution or a maternity center may establish a residential case management supervisor position.
- b) The duties of residential case management supervisors shall include but are not limited to:
  - 1) Set up and maintain case files in accordance with proper standards.
  - 2) Develop treatment plans.
  - 3) Conduct treatment plan reviews.

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- 4) Conduct admissions and discharges.
  - 5) Serve as liaison with social workers, family members and other parties.
  - 6) Conduct and document monthly wellness checks.
  - 7) Coordinate arrangements for all medical care.
  - 8) Assist with supervision of residents, as needed.
  - 9) Provide after care services on a scheduled basis and as needed.
- c) All persons employed as residential case management supervisors are required to be in full compliance with 89 Ill. Adm. Code 412 and all other applicable requirements in Department laws and regulations. In addition, a person must possess the following qualifications to work as a residential case management supervisor:
- 1) Bachelor's degree in social work or human/social services with 1 year of experience in a residential care setting; or
  - 2) Bachelor's degree that has been approved as academically equivalent to a social work or human services related degree with 1 year of experience in a residential care setting.

(Source: Added at 46 Ill. Reg. 15266, effective August 26, 2022)

**Section 404.52 Child Care Supervisors**

- a) There shall be at least one child care supervisor who shall be a full-time employee. The administrator or another person qualified as a child care supervisor may fill the position. Child care supervisors employed as of November 30, 1981 by facilities which are licensed, shall be deemed qualified.
- b) The duties of child care supervisors shall include but are not limited to:
  - 1) Provide direct supervision to child care workers and children in a child care institution or maternity center.
  - 2) Coordinate proper coverage and oversee the daily operations of the child care institution or maternity center.
  - 3) Coach children on independent living skills such as housekeeping, shopping, meal preparation, and personal hygiene and activity planning.

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- 4) Plan and implement weekly skills groups.
  - 5) Co-leads group and activities.
  - 6) Engage with children about children's goals and interests.
  - 7) Assist with rotating on-call duties.
- c) All persons employed as child care supervisors are required to be in full compliance with all applicable requirements in Department laws and regulations, and must meet the qualifications in at least one of subsections (c)(1) through (4). A person qualifying under subsections (c)(2) or (3) must go through the approval processes described in Sections 404.53 through 404.56:
- 1) Be at least 25 years of age; have 2 years of college credits; 2 years of full-time experience in a residential child care program; demonstrate skill in working with and managing children of the type served in the program; and demonstrate ability to work cooperatively with administration staff and persons external to the program; or
  - 2) Bachelor's degree in social work or related human services field; or
  - 3) 5 years of supervised experience in a congregate care milieu.
  - 4) Any individual employed as a child care supervisor prior to December 22, 2021 may continue to be so employed and is deemed qualified unless their employment changes.

(Source: Added at 46 Ill. Reg. 15266, effective August 26, 2022)

**Section 404.53 Request for Approval of Applicants under Section 404.52(c)(2) or (3)**

When a child care institution or a maternity center wants to hire as a child care supervisor an applicant with qualifications under Section 404.52(c)(2) or (3), the Workforce and Educational Transcript Review Committee (WETRC) shall make a recommendation and the Associate Deputy of Agencies and Institutions Licensing (Associate Deputy) or designee shall approve the applicant before an offer of employment can be made.

- a) The child care institution's or a maternity center's Administrator or Human Resources Director shall submit, using a State of Illinois email account if one exists, to WETRC at DCFS.Licwrkforedu@illinois.gov the following documentation:
  - 1) Official or certified copy of high school or undergraduate level educational transcripts;
  - 2) Resume and/or application submitted by the applicant that details

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employment history by identifying all past employers, positions, responsibilities and respective dates related to applicant's experience in child welfare;

- 3) An action plan specific to the applicant being considered for employment as a child care supervisor. The plan shall include:
    - A) 90-day probationary period;
    - B) Measurable objectives to strengthen the person's knowledge and skills in conducting the responsibilities as a child care supervisor;
    - C) Training, including but not limited to:
      - i) Virtual Training Center (VTC) Curriculum;
      - ii) Mentoring;
      - iii) Job shadowing; or
      - iv) Additional time in supervision with a child care supervisor who meets the criteria under Section 404.52(c)(1).
  - 4) Current copy of the child care institution's or maternity center's accreditation standards addressing educational credentials and experience requirements for human resources.
- b) Child care institutions' and maternity centers' recruitment shall focus on attracting candidates for the child care supervisor position that meet the requirements of Section 404.52(c)(1). The child care institution or maternity center must provide to the WETRC, as part of its request for approval, the following documentation to show its recruitment efforts.
- 1) Child care supervisor job posting.
    - A) Posting shall state that a candidate with the qualifications listed in Section 404.52(c)(1) is preferred.
    - B) Posting may indicate that a candidate with the qualifications listed in Section 404.52(c)(2) or (3) is acceptable only if approved by the Associate Deputy or designee subsequent to a recommendation from WETRC.
  - 2) A summary of recruitment efforts other than a job posting.



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- 3) An employee roster of all child care supervisors with the following information:
  - A) Current title;
  - B) Educational credentials;
  - C) Work experience; and
  - D) Hire date.
- 4) If an applicant with the qualifications listed in Section 404.52(c)(1) applied for the child care supervisor position but was not selected, the child care institution or maternity center must provide a written statement indicating the reasons for not selecting the candidate.

(Source: Added at 46 Ill. Reg. 15266, effective August 26, 2022)

**Section 404.54 Workforce and Educational Transcript Review Committee (WETRC)**

- a) For purposes of this Part, the Workforce and Educational Transcript Review Committee (WETRC) established in 89 Ill. Adm. Code 401 shall, in addition to any other duties listed in 89 Ill. Adm. Code 401 and 403, perform the following functions:
  - 1) For applicants with qualifications under Section 404.52(c)(2) or (3), review the documentation submitted pursuant to Section 404.53 and recommend approving or denying the request.
  - 2) For applicants with a Bachelor's degree in another field who have completed significant course work that may qualify as human services course work, the committee shall review all transcripts and course information and make a decision on the equivalency of the degree to a human services degree.
- b) The WETRC shall follow the same review process enumerated in 89 Ill. Adm. Code 401 and 403. Specifically:
  - 1) The chair person or designee shall view the committee's mailbox DCFS.Licwrkforedu@illinois.gov on daily basis.
  - 2) The chair person shall review all documents received, develop a written summary of the applicant's qualifications and forward the summary with supporting documents to all WETRC members via their respective State of Illinois e-mail addresses before the scheduled review by the committee.

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- 3) The chair person shall schedule a meeting of WETRC the 1st and 3rd Fridays of every month. If a holiday falls on the scheduled date, the committee will meet the next following business day. Based on the number of requests for approval and availability of the committee members, the DCFS Committee Chair may schedule additional meetings. The purpose of the meeting is for the members to review, discuss and recommend by majority of members present to approve or deny the request. For purposes of this subsection, 4 members present constitutes a majority. The chair person shall not vote unless to break a tie.
- 4) Within 5 business days following the meeting, the chair person shall send the following documentation to the Associate Deputy, Deputy Director of Licensing and all the committee members:
  - A) Documentation received under Section 404.53; and
  - B) Written memorandum which states the committee's recommendation and the reasons supporting the recommendation.

(Source: Added at 46 Ill. Reg. 15266, effective August 26, 2022)

**Section 404.55 Final Administrative Decision**

- a) The Associate Deputy or designee shall make the final administrative decision whether to approve or deny a request to approve an applicant with qualifications under Section 404.52(c)(2) or (3) for a child care supervisor position. The Associate Deputy or designee shall review the documentation received under Section 404.53 and the written memorandum with the WETRC's recommendation and shall issue a final written administrative decision within 5 business days of receiving the documentation for review under Section 404.54(b)(4).
- b) The final written administrative decision of the Associate Deputy or designee is not appealable within the agency.
- c) Upon issuance, the final written administrative decision shall be sent to the following:
  - 1) Administrator or Human Resources Director of the child care institution or maternity center making the initial request;
  - 2) Deputy Director of Licensing;
  - 3) Chair person of the WETRC; and
  - 4) The assigned Agencies and Institutions Licensing staff for requesting child care institution or maternity center.

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- d) A final written administrative decision shall be issued within 10 business days from the meeting at which the WETRC reviewed the request. The request will not be considered automatically approved if the final written administrative decision is not reached within ten business days from the meeting at which the WETRC reviewed the request. A written notification of an extension shall be sent to the Administrator or Human Resources Director of the child care institution or maternity center making the initial request, if an extension is needed to process the request.

(Source: Added at 46 Ill. Reg. 15266, effective August 26, 2022)

**Section 404.56 Supervision**

An applicant with qualifications under Section 404.52(c)(2) or (3) approved for the child care supervisor shall be under the direct supervision of a program administrator or a residential case management supervisor.

(Source: Added at 46 Ill. Reg. 15266, effective August 26, 2022)

**Section 404.57 Acceptable Degrees**

- a) The following degrees shall be accepted as human services degrees:
- 1) Child, Family and Community Services
  - 2) Early Childhood Development
  - 3) Guidance and Counseling
  - 4) Home Economics - Child and Family Services
  - 5) Human Development Counseling
  - 6) Human Service Administration
  - 7) Human Services
  - 8) Master of Divinity
  - 9) Pastoral Care
  - 10) Pastoral Counseling
  - 11) Psychiatric Nursing
  - 12) Psychiatry

**LICENSING STANDARDS FOR CHILD CARE INSTITUTIONS  
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- 13) Psychology
  - 14) Public Administration
  - 15) Social Science
  - 16) Social Services
  - 17) Sociology
- b) The following degrees shall be accepted as academically equivalent to human services degrees:
- 1) Criminal Justice
  - 2) Health Care Administration
  - 3) Health and Wellness
  - 4) Public Health Administration
  - 5) Health and Human Services
  - 6) Youth/ Family Services and Administration
  - 7) Human Services Administration
  - 8) Applied Behavioral Services
  - 9) Behavioral Analysis and Therapy
  - 10) Child and Adolescent Development
  - 11) Child Development
  - 12) Communicative Disorders with a specialization in Rehabilitation Counseling
  - 13) Community Counseling
  - 14) Counseling
  - 15) Counseling for Child Welfare Specialist
  - 16) Correctional Counseling

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- 17) Education- Counseling Major
- 18) Education- Counseling and Human Development
- 19) Education- Guidance and Counseling
- 20) Counseling and Organizational Psychology
- 21) Counseling Studies
- 22) Education Curriculum development-coursework in early childhood, childhood psycho-pathology, pre-school child
- 23) Alcoholism and Drug Abuse
- 24) Family and Consumer Sciences
- 25) Human Behavior
- 26) Human Development
- 27) Human Ecology with specialization in Human Development and Family Studies
- 28) Human Services and Counseling
- 29) Leadership and Human Services Administration
- 30) Not-for-profit Management
- 31) Professional Counseling
- 32) Public Management
- 33) Rehabilitation Counseling
- 34) Social and Behavioral Science
- 35) Social Psychology
- 36) Urban Education Community Counseling

(Source: Added at 46 Ill. Reg. 15266, effective August 26, 2022)

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**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**POLICY GUIDE 2020.02**

**LIMITATIONS ON USE OF RECREATIONAL AND MEDICAL CANNABIS  
IN CHILD WELFARE PRACTICE**

**DATE:** January 3, 2020  
**TO:** DCFS and Private Agency Licensing Staff  
**FROM:** Marc D. Smith, Acting Director  
**EFFECTIVE:** Immediately

**I. PURPOSE**

The purpose of this Policy Guide is to provide DCFS and Purchase of Service (POS) Agency staff with information regarding limitations that apply to the lawful use (possession, consumption, storage) of recreational and medical cannabis as it pertains to child welfare practice.

The Department will propose amendments to rules and procedures affected by these statutes in the near future.

**II. PRIMARY USERS**

The primary users of this Policy Guide are Department and POS Agency licensing staff.

**Definitions:**

“Cannabis” has the definition as assigned in the Cannabis Regulation and Tax Act. [410 ILCS 705]

“Cannabis-infused product” means a beverage, food, oil, ointment, tincture, topical formulation, or another product containing cannabis that is not intended to be smoked as defined in the Cannabis Regulation and Tax Act. [410 ILCS 705]

“Child Care Facility” means a child care facility as defined in the Child Care Act. [225 ILCS 10]

“Medical cannabis” means cannabis products that are acquired for “medical use” as that term is defined in the Compassionate Use of Medical Cannabis Program Act. [410 ILCS 130]



### III. SUMMARY OF ILLINOIS LAW

The Illinois Cannabis Regulation and Tax Act and the Compassionate Use of Medical Cannabis Program Act regulate the possession, consumption and storage of recreational and medical cannabis. The Cannabis Regulation and Tax Act was amended, effective January 1, 2020, to permit the recreational use of cannabis in Illinois.

These Acts also contain limitations on the possession, consumption and storage of recreational and medical cannabis in or near licensed and unlicensed child care facilities, in vehicles and in the presence of persons under 21 years of age.

These Acts allow for an individual to use any type of cannabis and continue to be eligible for initial or renewal of licensure for any type of child care facility; this includes unlicensed relative foster homes and employees of any licensed and unlicensed child care facility.

**These Acts provide numerous limitations on the use and possession of cannabis (which includes cannabis-infused products) as it relates to child care. For example, the Acts DO NOT PERMIT:**

- Undertaking any task under the influence of cannabis when doing so would constitute negligence, professional malpractice, or professional misconduct;
- Possessing cannabis in a private residence that is used at any time to provide licensed or unlicensed child care (day care and foster care) or other similar social service care on the premises;
- Using cannabis in a private residence that is used at any time to provide licensed or unlicensed child care (day care and foster care) or other similar social service care on the premises;
- Using cannabis in any public place;
- Using cannabis knowingly in close physical proximity to anyone under 21 years of age who is not a registered medical cannabis patient under the Compassionate Use of Medical Cannabis Pilot Program Act;
- Smoking cannabis in any place where smoking is prohibited under the Smoke Free Illinois Act;
- Facilitating the use of cannabis by any person who is not allowed to use cannabis under either the Cannabis Regulation and Tax Act or the Compassionate Use of Medical Cannabis Program Act;
- Using cannabis in any motor vehicle; or
- Possessing (driver or passenger) cannabis in a motor vehicle except in a sealed, odor-proof, child-resistant cannabis container.

Any violation of these laws may subject the violator to civil or criminal penalties.



#### **IV. 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 DCFS.Policy. Non-Outlook users may e-mail questions to [DCFS.Policy@illinois.gov](mailto:DCFS.Policy@illinois.gov).

#### **V. FILING INSTRUCTIONS**

File this Policy Guide immediately following Rules:

Rules 401, Licensing Standards for Child Welfare Agencies;  
Rules 402, Licensing Standards for Foster Family Homes;  
Rules 403, Licensing Standards for Group Homes;  
Rules 404, Licensing Standards for Child Care Institutions and Maternity Centers;  
Rules 406, Licensing Standards for Day Care Homes;  
Rules 407, Licensing Standards for Day Care Centers;  
Rules 408, Licensing Standards for Group Day Care Homes;  
Rules 409, Licensing Standards for Youth Transitional Living Programs;  
Rules 410, Licensing Standards for Youth Emergency Shelters; and  
Rules 411, Licensing Standards for Secure Child Care Facilities.

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