

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

PART 409  
LICENSING STANDARDS FOR YOUTH TRANSITIONAL HOUSING PROGRAMS

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## 409.APPENDIX A Minimum Requirements for a Risk Management Plan

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505].

SOURCE: Adopted at 30 Ill. Reg. \_\_\_\_\_, effective September 1, 2006.

### Section 409.10 Purpose

- a) The purpose of this Part is to prescribe the standards for licensure as a Youth Transitional Housing Program and to describe how to apply for such a program license.
- b) The licensing standards set forth in this Part are applicable to Youth Transitional Housing Programs as defined in the Children and Family Services Act [20 ILCS 505/4b] and in the Emancipation of Minors Act [750 ILCS 30]. An individual or organization that operates a Transitional Housing Program only for youth ages 18 and older is exempt from licensing under this Part.

### Section 409.20 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.

"Background check" means:

A criminal history check via fingerprints of staff/volunteers age 18 and over that are submitted to the Illinois State Police and the 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 indicted as a perpetrator of child abuse or neglect; and

A check of the Illinois Sex Offender Registry.

*"Child" means any person under 18 years of age. [225 ILCS 10/2.01]*

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*"Child care facility" means any person, group of persons, agency, association or organization, whether established for gain or otherwise, who or which receives or arranges for the care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody in any facility as defined in the Child Care Act of 1969, established and maintained for the care of children. [225 ILCS 10/2.05]*

"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 such duties while awaiting the results of the background check required by this Part.

*"Department" or "DCFS" means the Illinois Department of Children and Family Services. [225 ILCS 10/2.02]*

"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.

*"Homeless minor" or "homeless youth" means a person at least 16 years of age but less than 18 years of age who lacks a regular, fixed and adequate place to live and who desires to participate in a youth transitional housing program. The term includes, but is not limited to, a minor who is sharing the dwelling of another or living in a temporary shelter or who is unable or unwilling to return to the residence of a parent. The term does not include a minor in the custody or under the guardianship of the Department of Children and Family Services for the purpose of obtaining emancipation as a homeless minor. [750 ILCS 30/3-2.5]*

"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 a child care facility to operate in accordance with applicable standards and the provisions of the Child Care Act of 1969 or a Youth Transitional Housing Program in accordance with the Children and Family Services Act [20 ILCS 505/4b].

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

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

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"Persons subject to background checks" means:

The operator of the child care facility;

All current and conditional employees of the child care facility;

Any person who is used to replace or supplement staff;

Any staff/volunteer who has access to children, as defined in 89 Ill. Adm. Code 385.20 (Definitions).

In addition, any person who is permitted to be alone outside the visual or auditory supervision of facility staff with children or youth receiving care in a licensed child care facility is subject to the background check requirements of this Part.

"Program license", as used in this Part, means a document issued by the Department that authorizes a Youth Transitional Housing Program to operate in a licensed child care facility in accordance with applicable standards defined in the Children and Family Services Act [20 ILCS 505], or in a unlicensed facility where the transitional living facility meets the requirements of this Part.

"Program license capacity" means the number of residents, as approved by the Department and indicated in the program license, that the transitional living facility can physically hold, not including the resident's own children.

"Program 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 program license.

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

"Resident" means any homeless minor and his/her minor children who are sheltered or housed in a Youth Transitional Housing Program facility.

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

"Transitional care services" means the provision of shelter or housing with laundry facilities, bathroom facilities (sink, toilet, shower), food and the adult supervision of such services when they are in operation and available to the recipients of these services, and the provision of services by referral as required by this Part.

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"Transitional living facility" means the physical structure in which the Youth Transitional Housing Program provides shelter or housing.

"Youth", as used in this Part, means any person at least 16 years of age but less than 18 years of age.

"Youth transitional housing program" or "YTHP" means a licensed program that provides shelter or housing, and services to partially emancipated homeless minors who are at least 16 but less than 18 years of age for whom the Department does not have custody or guardianship (see 20 ILCS 505/4b; 750 ILCS 30/3-2.10).

## **Section 409.40      Application for Youth Transitional Housing Program License in a Licensed Child Care Facility**

- a) Application for a Youth Transitional Housing Program license shall be completed by the officers of the governing body or its representatives for an agency or organization of a licensed child care facility where the program will operate 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) A copy of the child care facility license where the Youth Transitional Housing Program (YTHP) will operate;
  - 2) A statement of purpose, including the types of youth to whom care is to be provided;
  - 3) A comprehensive staffing plan that includes job descriptions and the qualifications of the staff to work in the YTHP. If the YTHP operates within a multi-service agency, those staff positions that perform no functions for the YTHP do not need to be included in the staffing plan; and
  - 4) 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.
- c) In addition, the license applicant shall have the following items available for review when the licensing worker visits the agency or organization's headquarters:
  - 1) Articles of incorporation and by-laws, indicating that the agency's corporate status is in good standing with the Illinois Secretary of State; and, if a not-for-profit corporation under section 501 of the Internal

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Revenue Code (26 USC 501), a copy of the Internal Revenue Service ruling on the agency's exemption status from federal income tax and registration with the Charitable Trust Bureau of the Illinois Attorney General's office (if applicable);

- 2) A list of current employees and administrators who will work in or have oversight of the YTHP and employees and persons to whom the agency has made a commitment to hire to work at the YTHP; and
    - A) Certified transcripts of each employee's educational credentials (if obtained from a foreign school or university, the credentials must be translated into English and include a statement of equivalency in the United States educational system);
    - B) Verification of prior work history, when the work history is required to qualify for the current position; and
    - C) Copy of current professional license or registration, if required;
  - 3) The agency or organization's written personnel policies, including written compensation policies and salary levels;
  - 4) The agency or organization's written policies for providing service by referral;
  - 5) The agency or organization's risk management plan developed in accordance with [Appendix A](#) of this Part;
  - 6) The agency or organization's documentation of current public liability insurance in the amount of \$300,000 per occurrence;
  - 7) The agency or organization's code of ethics that has been adopted by the governing body that 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, available at the Department website [www.state.il.us/dcfs](http://www.state.il.us/dcfs)); and
  - 8) The agency or organization's financial management policies.
- d) A new application shall be filed:
- 1) When an application for a license has been withdrawn, and the agency or organization seeks to reapply; or

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- 2) When there is a change in:
  - A) The name of the licensee;
  - B) The address of the YTHP;
  - C) The organization or governing body; or
- 3) Not sooner than 12 months after the Department has revoked or refused to renew a license, and a new license is sought.
- e) A new application may be submitted at any time when a program license, program permit or application has been voluntarily surrendered or withdrawn by the applicant.

## **Section 409.50 Application for Youth Transitional Housing Program License in a Facility Not Licensed by the Department**

- a) The officers of the governing body, or its representatives, for the agency or organization where the YTHP will operate shall complete an application for a YTHP license 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) A copy of articles of incorporation and by-laws, indicating that the agency or organization's corporate status is in good standing with the Illinois Secretary of State and, if a not-for-profit corporation under section 501 of the Internal Revenue Code (26 USC 501), a copy of the Internal Revenue Service ruling on the corporation's exemption status from federal income tax and registration with the Charitable Trust Bureau of the Illinois Attorney General's office (if applicable);
  - 2) A statement of purpose, including the types of youth care to be provided;
  - 3) A comprehensive staffing plan that includes job descriptions and the qualifications of the staff to work in the YTHP. If the YTHP operates within a multi-service agency, those staff positions that perform no functions for the YTHP do not need to be included in the staffing plan; and
  - 4) 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.

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- c) In addition, the license applicant shall have the following items available for review when the licensing worker visits the agency or organization's headquarters:
- 1) Floor plan where the youth transitional housing program will operate;
  - 2) A list of current employees and administrators who will work in or have oversight of the YTHP and employees and persons to whom the agency has made a commitment to hire to work at YTHP; and
    - A) Certified transcripts of each employee's educational credentials (if obtained from a foreign school or university, the credentials must be translated into English and include a statement of equivalency in the United States educational system);
    - B) Verification of prior work history, when the work history is required to qualify for the current position; and
    - C) Copy of current professional license or registration, if required;
  - 3) The agency or organization's written personnel policies, including written compensation policies and salary levels;
  - 4) The agency or organization's written policies for providing service by referral;
  - 5) The agency or organization's risk management plan developed in accordance with [Appendix A](#) of this Part;
  - 6) The agency or organization's documentation of current public liability insurance in the amount of \$300,000 per occurrence;
  - 7) The agency or organization's code of ethics that has been adopted by the governing body that 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, available at the Department website [www.state.il.us/dcfs](http://www.state.il.us/dcfs)); and
  - 8) The agency or organization's financial management policies.
- d) A new application shall be filed:
- 1) When an application for a license has been withdrawn, and the agency or organization seeks to reapply; or



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- 2) When there is a change in:
    - A) The name of the licensee;
    - B) The address of the YTHP;
    - C) The organization or governing body; or
  - 3) Not sooner than 12 months after the Department has revoked or refused to renew a license, and a new license is sought.
- e) A new application may be submitted at any time when a program license, program permit or application has been voluntarily surrendered or withdrawn by the applicant.

## **Section 409.60      Application for Renewal of Youth Transitional Housing Program License**

- a) The Department shall mail the application forms for renewal of a program license to the agency or organization responsible for the YTHP 6 months prior to the expiration of the YTHP license.
- b) To be considered a timely and sufficient application, the agency or organization shall submit the completed application to the Department at least 3 months prior to the expiration of the YTHP license.
- c) Upon receipt of the application for license renewal, the Department shall conduct a license study that will include, but is not limited to, on-site visits, a review of the records, interviews, and safety clearances in order to determine whether the YTHP continues to meet licensing standards. The written licensing study shall be reviewed and signed by the licensing supervisor and the licensing representative performing the study.
- d) *When a licensee has made timely and sufficient application for renewal of a license and the Department fails to render a decision prior to the expiration date of the license, the existing license shall continue in full force and effect for up to 30 days or until the final Department decision has been made. The Department may further extend the period in which the decision must be made in individual cases up to 30 days, if good cause is shown. [225 ILCS 10/5(d)] "Good cause" includes, but is not limited to, staff shortages or failure by the Department to mail the renewal application in a timely manner.*

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## **Section 409.70 Provisions Pertaining to the Program License**

- a) A facility licensed by the Department that provides a YTHP for partially emancipated homeless minors who are 16 years or older but less than 18 years of age, for whom the Department does not have custody or guardianship, shall obtain a YTHP license under conditions of this Part. A YTHP shall not house any person under age 16 unless that person is the minor child of a homeless youth who is a resident of the program.
- b) A facility that is not licensed by the Department may obtain a program license to operate a YTHP provided that the transitional living facility where the homeless minors are residents is in compliance with all the requirements of [Section 409.230](#).
- c) A YTHP license is valid for 4 years unless revoked by the Department or voluntarily surrendered by the licensee.
- d) The number of persons admitted to the transitional living facility shall not exceed the program license capacity.
- e) The age limits specified on the program license shall be observed.
- f) The following changes in program licensing status shall occur only upon prior approval of the Department:
  - 1) The program licensed capacity; and
  - 2) The area within the transitional living facility used for residents.
- g) The program license shall not be transferred or transmitted to another legal entity.
- h) The program license shall not be valid for a name or address different than the name and address shown on the program license.
- i) The program license shall be displayed on the premises in plain sight.
- j) There shall be no fee or charge for the program license.

## **Section 409.80 Provisions Pertaining to Program Permits**

- a) A program permit shall not be issued until:
  - 1) The application for a program license has been completed and signed by the applicant and submitted to the Department;

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- 2) Written clearances issued by State or local authorities concerning compliance with the fire, health, sanitation and safety requirements as specified in State rules and municipal codes are received. State rules include, when applicable, Fire Prevention and Safety (41 Ill. Adm. Code 100); Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances (41 Ill. Adm. Code 180); Storage, Transportation, Sale and Use of Liquefied Petroleum Gas (41 Ill. Adm. Code 200); Boiler and Pressure Vessel Safety Rules and Regulations (41 Ill. Adm. Code 120); Food Service Sanitation Code (77 Ill. Adm. Code 750); Private Sewage Disposal Code (77 Ill. Adm. Code 905); Control of Communicable Diseases Code (77 Ill. Adm. Code 690); Illinois Plumbing Code (77 Ill. Adm. Code 890); and Structural Pest Control Code (77 Ill. Adm. Code 830). If well water is used, a copy of the inspection report and certification of compliance with local or State health department regulations, Illinois Water Well Construction Code (77 Ill. Adm. Code 920) and Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925), must be on file;
- 3) A person in charge of the daily operation (administrator or homeless youth supervisor) of the transitional living facility has been selected who has passed the background check requirements of 89 Ill. Adm. Code 385 (Background Checks) and is prepared to begin work at the facility;
- 4) Furnishings, equipment and space sufficient for the number of youth to be sheltered or housed have been acquired;
- 5) Sufficient staff for the number of youth to be sheltered or housed has been selected and are prepared to begin work at the facility;
- 6) Background checks required by [Section 409.180](#) have been completed;
- 7) A plan for the provision of food, clothing, educational and religious opportunities and health care for youth has been developed;
- 8) The program has established procedures and forms to maintain required records including records on the youth served;
- 9) A written plan on how the requirements for licensure will be met within the program permit period has been developed;
- 10) A projected annual budget for the YTHP, approved by the governing body or the policy-making body, has been developed;
- 11) An on-site visit to the facility by the licensing representative where the YTHP will operate has been completed; and
- 12) The program has presented proof of liability insurance.

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- b) A program permit shall not be issued retroactively.
- c) This program permit shall not be transferred or transmitted to another legal entity.
- d) The program permit shall not be valid for a name or an address different from the name and address shown on the issued program permit.
- e) The program permit shall not be renewable.
- f) The program permit shall be displayed on the premises at all times in plain sight.
- g) A program license shall be issued any time within the six-month period covered by the program 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 program permit.

## **Section 409.90 Organization and Administration**

- a) The members of the governing body or organization of the facility where the YTHP operates are responsible for maintaining the standards set forth in this Part. The governing body may delegate responsibility for day-to-day compliance with these standards to the program administrator.
- b) The Office of Legal Services, Department of Children and Family Services, 100 W. Randolph, Chicago, Illinois 60601 shall be notified in writing within 10 business days after receipt of any notice of legal action that may affect the YTHP. The notice shall include a copy of all complaints, notices, demands, orders and other relevant materials received by the agency. The Office of Legal Services shall forward a copy of all materials to the Central Office of Licensing.
- c) A complete, current set of licensing standards for the YTHP shall be available at all times in an area that is accessible to agency employees.
- d) The administrator, supervisors and staff shall have a working knowledge of the Child Care Act of 1969 [225 ILCS 10], the Abused and Neglected Child Reporting Act [325 ILCS 5], the Children and Family Services Act [20 ILCS 505], the Juvenile Court Act of 1987 [705 ILCS 405], and the Emancipation of Minors Act [750 ILCS 30].
- e) Employees of a YTHP are mandated to report suspected child abuse or neglect directly to the State Central Register and are required to acknowledge their status as mandated reporters by signing a form prescribed by the Department when they begin their employment. Employees shall make reports immediately to the State Central Register as required by the Abused and Neglected Child Reporting Act. The telephone number for reporting is 1-800-252-2873.

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- f) The YTHP shall develop a risk management plan, as described in [Appendix A](#) of this Part, that identifies potential financial and operational risks, specifies ways to reduce or eliminate the risks, and establishes procedures to be followed in an emergency or crisis.
- g) The YTHP shall carry public liability insurance in the single limit minimum amount of \$300,000 per occurrence.

## **Section 409.100      Finances**

- a) The agency or organization operating a YTHP shall maintain a degree of financial solvency that ensures care of homeless minors as required by this Part. 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 creditors. (This definition of "insolvency" is based on the definition contained in the United States Bankruptcy Code of 1978 (11 USC 101(26)).)
- b) The YTHP shall maintain fiscal records that shall include:
  - 1) Current and projected operating budget for the program;
  - 2) Financial records that are audited annually and certified by public accountants not affiliated with the program.
- c) The records in subsection (b) shall be maintained and kept in the State of Illinois where they shall be readily available for review by designated Department licensing staff.

## **Section 409.110      Administrator of the Youth Transitional Housing Program**

- a) The agency or organization shall designate a qualified administrator to provide ongoing program administration, personnel administration and monitoring of the YTHP's operation. The administrator shall maintain fiscal and administrative records for the facility. The administrator shall conduct on-site visits and on-site conferences with personnel employed at the facility at least twice a month. Visits at the facility shall include contact with residents to determine the residents' view of the program.
- b) Administration staff of a licensed child welfare facility may serve as the administrator of the youth transitional housing program.

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- c) The administrator shall:
  - 1) Be at least 25 years of age;
  - 2) Have at least a Bachelor's degree; and
  - 3) Have at least 3 years of successful full-time experience in a residential program or in related youth service programs with at least 3 years in program administration.
- d) The administrator is that person designated by the governing body to carry out established policies and procedures and the day-to-day management of the YTHP. The requirements of this Section apply to the person who reports to the board about the day-to-day management of the agency, regardless of the title used to describe the position within the program. When the YTHP operates within a larger, multi-service agency, the administrator responsible for the YTHP need not be the chief executive officer for the multi-service agency.
- e) The administrator may delegate certain program responsibilities to a program administrator. These may include day-to-day management of the program for homeless youth, supervision of YTHP staff, YTHP staff development and training, educational activities and other services to youth.

## **Section 409.140 Youth Transitional Housing Program Staff**

- a) A YTHP supervisor shall be required for any YTHP and shall:
  - 1) Be at least 25 years of age;
  - 2) Have obtained a Bachelor's degree;
  - 3) Have 3 years of full-time experience in a residential, transitional or shelter care program or in related youth service programs;
  - 4) Demonstrate skill in working with and managing youth of the type served in the program; and
  - 5) Demonstrate ability to work cooperatively with administrative staff and persons external to the program.
- b) All persons currently serving as supervisors and who have served in that capacity for a minimum of 3 years immediately preceding September 1, 2006 shall continue to be deemed qualified for their positions as supervisors where they are employed as of the effective date of this Part.

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- c) YTHP staff are those persons whose primary responsibility is the daily supervision of the residents of the YTHP. Persons employed in other capacities may function as homeless youth caretakers provided they are qualified as YTHP staff and other duties do not interfere with supervision of the youth. YTHP staff shall:
- 1) Be at least 21 years of age;
  - 2) Have obtained a high school diploma or general education diploma (GED certificate);
  - 3) Be in good physical and mental health per [Section 409.190](#);
  - 4) Have demonstrated through employment or volunteer work:
    - A) Skills in the field of youth care or the capacity to develop these skills;
    - B) Ability to work within the program structure and to accept supervision; and
    - C) Ability to work constructively with parents, other agencies and the community.
- d) YTHP case managers are those persons whose primary responsibilities are to assess the needs of homeless youth, to develop individualized plans for services, and to identify available resources to meet client needs. Homeless youth case managers shall:
- 1) Be at least 21 years of age;
  - 2) Have obtained a Bachelor's degree; and
  - 3) Have at least 2 years of full-time case management experience in a residential, transitional or shelter care program or in related youth service programs.

### **Section 409.150 Professional Staff Requirements**

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

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## Section 409.160 Support Staff

Support staff or contractual personnel may provide supportive services such as maintenance, housekeeping and food preparation. YTHP staff may provide supportive services only if these duties do not interfere with supervision of the homeless youth in the transitional living facility. Homeless youth may be required to do simple household duties such as cooking and cleaning under the supervision of staff.

## Section 409.170 Volunteers

- a) All volunteers shall meet the requirements of the functions they perform, shall be trained for the tasks they perform and shall be under the supervision of an appropriate staff member.
- b) YTHP volunteers may provide support to YTHP staff in providing daily supervision of YTHP residents.
- c) YTHP volunteers shall:
  - 1) Be at least 21 years of age;
  - 2) Have obtained a high school diploma or general education diploma (GED certificate);
  - 3) Be in good physical and mental health per [Section 409.190](#);
  - 4) Have demonstrated through employment or volunteer work:
    - A) Skills in the field of youth care or the capacity to develop these skills;
    - B) Ability to work within the program structure and to accept supervision; and
    - C) Ability to work constructively with parents, other agencies and the community.

## Section 409.180 Background Checks

- a) The governing body or organization shall ensure that all prospective and current employees and volunteers used to replace or supplement staff submit to fingerprinting (see the definition of "Persons subject to background checks" in [Section 409.20](#)), authorize a background check and otherwise meet the requirements of 89 Ill. Adm. Code 385.



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- b) As a condition of issuance or renewal of a program license by the Department, the governing body or organization that operates the YTHP shall require all prospective and current employees, volunteers and subcontractor employees who have direct contact with residents 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 89 Ill. Adm. Code 385.
- c) An employee or volunteer may begin work while awaiting the results of the background check. These conditional employees shall not be left alone with residents until the results of the initial background check have been received.
- d) All background information shall be maintained separately in a confidential file, apart from the employee's personnel records, that may be accessed only by authorized agency and Department staff.

### **Section 409.190 Health Requirements for Staff and Volunteers**

- a) All YTHP staff and volunteers shall have an initial medical examination, that provides evidence that they are free from communicable diseases, including active tuberculosis, or physical or mental conditions identified by the examining physician that affect their ability to perform assigned duties.
- b) YTHP staff and volunteers shall have a tuberculosis skin test administered by the Mantoux method in accordance with the rules of the Department of Public Health, 77 Ill. Adm. Code 690 (Control of Communicable Diseases Code).
- c) YTHP staff and volunteers shall be reexamined at least every 2 years. The YTHP shall maintain reports of the examination.
- d) 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.
- e) Should the YTHP staff or volunteers be diagnosed as having a communicable disease for which isolation is required by the Illinois Department of Public Health (IDPH) or a local health department, the YTHP shall abide by the requirements of the public health agency until the infectious period has elapsed. Further, a YTHP staff member or substitute who does not reside in the transitional living facility diagnosed as having a communicable disease for which isolation is required shall be barred from the facility until IDPH or the local health department authorizes the presence of that person.
- f) During the hours of operation of the transitional living facility, there shall be at least one person on the premises certified in first-aid, the Heimlich maneuver and in cardiopulmonary resuscitation (CPR) by the American Red Cross or the

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American Heart Association. YTHP staff shall have on file current certificates attesting to the training.

- g) YTHP staff or volunteers shall not smoke or consume alcohol in the presence of YTHP residents or in any parts of the facility used by YTHP residents. YTHP staff that appear to be under the influence of alcohol or other drugs shall not be present in the YTHP.

## **Section 409.200 Staff Training**

- a) There shall be an organized in-service training program to equip YTHP staff to meet the individual and group care needs of the YTHP residents. In-service training shall consist of at least 10 clock hours of training per year for each of the four years in the program license period for YTHP supervisors and staff, whether paid or volunteer. Documentation that each employee of the YTHP has completed the training program shall be included in the employee's personnel record.
- b) The in-service training program shall include content designed to familiarize YTHP staff with licensing rules, infection control measures, safety, identification of drug and alcohol abuse, symptoms of communicable disease, adolescent development and training in the customs of different cultures.

## **Section 409.210 Live-in Staff**

- a) Facilities that utilize live-in staff shall provide staff with their own bedroom so located as to assure that they are readily available and easily accessible to the residents of the YTHP.
- b) Persons counted in the staff-to-youth ratio must be present, awake and free from responsibilities other than those directly related to the care and supervision of the residents when they are present. These responsibilities may include food preparation and light housekeeping to maintain the areas where youth care is provided.
  - 1) The Director of the Department or his or her designee may waive the awake night staff requirement for live-in arrangements when the facility has demonstrated that the well being of the youth can be protected in accordance with the requirements of this Part.
  - 2) A request for a waiver of the awake night staff requirement shall be in writing and the Director's decision shall be in writing.

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## Section 409.220 Supervision of Residents

- a) Administrative Coverage  
The YTHP 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 an YTHP supervisor with the administrator, or someone designated by the administrator, to be on call.
- b) Staff Coverage
  - 1) At all times that there are one through 7 or more homeless youth in the program, the program shall maintain a minimum staff/youth ratio of one staff person per 8 youth.
  - 2) Overnight staff coverage for YTHP housing more than 16 homeless youth may maintain two staff persons in the facility and one person on call.
  - 3) The responsible staff shall meet to determine the supervision requirements of the specific population as necessary by changes in that population. When the governing body or organization determines that one staff person per 8 homeless youth or two staff and one on call for overnight is not sufficient to carry out the goals and objectives of the YTHP, additional staff, or other staff who meet the qualifications of YTHP staff as prescribed in [Section 409.140](#), shall be on duty.
  - 4) The responsible staff shall meet to determine the supervision requirements of the specific population as necessary by changes in that population. When 2 YTHP staff is not sufficient to carry out the goals and objectives of the shelter or housing program, additional staff or other staff who meet the qualifications of YTHP staff as prescribed in [Section 409.140](#) shall be on duty.
  - 5) Decisions regarding the need for additional staff shall be documented and available for review upon request. Other staff shall perform YTHP staff duties only when their other assignments and time allow.
- c) When an emergency arises such as injury that necessitates taking the homeless youth to the hospital, or any other emergency, the individual agency or organization under whose auspices the YTHP operates is responsible for assuring appropriate staff coverage. If staff on call is used they shall meet the requirements of YTHP staff.
- d) During the absence of regular YTHP staff for time off, vacations, sick leave or any other absence (such as attendance at conferences or meetings), substitute YTHP staff must be provided. These substitutes shall meet the requirements of YTHP staff as specified in [Section 409.140](#).

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- e) In instances where the YTHP operates under a "shift" staffing pattern, night duty staff shall be awake and alert to assure protection and supervision of the YTHP residents in care.
- f) When the YTHP operates in a facility serving homeless of the community, the sleeping quarters of the YTHP youth shall be separate from the sleeping quarters of the residents 21 years and older in the facility.
- g) When the YTHP operates in a facility serving homeless of the community, the YTHP staff or volunteers shall ensure that the residents 21 years and older of the facility and the YTHP youth are maintained separate from each other.
- h) When YTHP operates in a licensed child welfare facility, the sleeping quarters of the YTHP youth shall be separate from the sleeping quarters of the residents in the licensed facility.

## **Section 409.230 Physical Facilities**

- a) Programs, other than the YTHP, in the facility may house persons up to 21 years old. No person 21 years of age and older, other than YTHP staff, shall be permitted in the sleeping and housing areas of the YTHP.
- b) The YTHP may operate in a child care facility licensed in accordance with the Child Care Act of 1969 or in a facility not licensed by the Department that meets all the requirements of this Part. In addition, the agency or organization operating the YTHP shall assure that the following provisions are in compliance:
  - 1) Buildings, or parts of buildings, acquired or converted for use as a transitional living facility shall be safe, clean, well-ventilated, properly lighted and heated.
  - 2) If well water is used, a copy of the inspection report and compliance with local or State health department regulations shall be on file.
  - 3) Fire prevention and health standards complying with State laws and municipal codes shall be maintained.
  - 4) The YTHP shall have written emergency plans in the event of fire or natural disaster. The plans shall be posted in an area accessible to residents and shall be reviewed with residents upon their first admission.
  - 5) Dangerous household supplies and dangerous tools shall be kept in safe, locked places. Unlawful controlled substances, firearms, ammunition, and other weapons shall not be permitted in a transitional living facility.

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- 6) There shall be provisions for separating a resident who is suspected of having a contagious disease from other residents pending medical determination.
- 7) The transitional living facility shall have an operating telephone on the premises.
- 8) Each resident shall be provided with a separate bed. Each bed shall have a mattress and comfortable bedding. The bedding shall be changed for each new resident assigned to a bed. Linens shall be changed at least weekly.
- 9) When a program admits the minor children of residents, appropriate bedding must be provided for the age of the children accepted.
- 10) Residents shall not share a sleeping area or sleeping room with residents of the opposite sex except for minor children of residents.
- 11) Sleeping areas shall be furnished according to the special needs of the residents. There shall be a minimum of 35 square feet of floor space per resident, excluding the closet and wardrobe area and an additional 35 square feet for each child of a resident.
- 12) Basements and attics may be used for sleeping for homeless youth who are mobile, physically and mentally capable of self-preservation, and able to understand and follow directions with minimal assistance in an emergency.
  - A) To be used for sleeping, basements and attics shall have two exits with one exit leading directly to the outside with means to safely reach the ground level. The second exit may be an easily accessible outside window that provides an unobstructed opening, operable from the inside without the use of tools, and large enough to accommodate an adult. The sleeping area shall be separated from the furnace and utility areas.
  - B) No basement or attic shall be used for sleeping without the written approval of fire, health, and safety officials.
- 13) The sleeping areas shall be exposed to an operable outside window or shall have some alternate permanent means of ventilation.
- 14) There shall be a bathroom unit including shower, lavatory and toilet for every 8 homeless youth. Bathroom use shall be separate for males and females.

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- 15) Laundry facilities for the residents shall be provided in one of two ways:
  - A) Laundry facilities on-site at the transitional living facility; or
  - B) By providing funds to pay for outside laundry facilities.
- 16) Shower use shall be separate for males and females.
- 17) The water supply of the facility shall comply with the requirements of the local and State health departments. If the YTHP houses the resident's children under age 10 or who are developmentally disabled, the maximum hot water temperature from all showers and bathtubs shall be no more than 115° Fahrenheit.
- 18) Kitchen and dining facilities shall be maintained in a clean and sanitary condition in accordance with the requirements of the Food Service Sanitation Code (77 Ill. Adm. Code 750) and those of the local public health authorities.
- 19) Space and equipment shall be provided for indoor and outdoor recreation. Recreational resources in nearby communities may be used to fulfill this requirement.
- 20) There shall be office facilities and equipment for the conduct of the YTHP's professional services and business affairs. The office facilities do not need to be at the same location as the transitional living facility but they must be located within reasonable daytime access to the residents.
- 21) There shall be space designated in the facility for private interviews or conferences with residents.

## **Section 409.240 Facility Capacity**

The initial program license capacity of a YTHP shall be limited to no more than 24 residents. After one year of operation, the YTHP may file a request that the program license capacity be expanded. In the application, the YTHP shall demonstrate that:

- a) There is an identified need for additional beds;
- b) Space, equipment and staff are available in the proposed transitional living facility to meet all requirements of this Part; and
- c) The organization has successfully operated a transitional living facility with a lower capacity.

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## **Section 409.250 Authorization to House Homeless Youth**

- a) The YTHP shall be authorized to provide transitional shelter or housing to homeless youth under the following circumstances:
  - 1) The homeless youth is 16 or older but less than 18 years of age and has petitioned for emancipation or has been partially emancipated under the Emancipation of Minors Act;
  - 2) The partially emancipated homeless youth has consented to receive shelter or housing services;
  - 3) The Department does not have custody or guardianship of the homeless youth.
- b) A YTHP shall not house any person over the age of 17 years or any person under the age of 16 years unless that person is a minor child of a homeless youth who is a resident of the YTHP.
- c) A written plan for services for the homeless youth shall be developed and, 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 it will meet the needs of the homeless youth, and establish a time frame for termination of services and care in the YTHP.

## **Section 409.260 Reporting to the Child Abuse/Neglect Hotline**

YTHP staff, including volunteers, shall report immediately all youth under age 18 by telephone to the Statewide Central Register of the Department of Children and Family Services if there is reasonable cause to suspect the child has been abused or neglected. A parent who refuses to accept care and custody of his/her child under age 18 and who refuses to make an alternative safe plan for the care of the child shall be reported for neglect. Any additional information that has not been previously reported during custody, adjudication or emancipation hearings shall be reported by staff within 24 hours after receiving allegations of abuse or neglect.

## **Section 409.270 Admission Criteria**

- a) The YTHP shall establish written admission policies, indicating criteria for suspending shelter or housing to the homeless youth in [Section 409.280](#).
- b) The homeless youth must enter the YTHP on his/her own volition.

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- c) No homeless youth may be admitted to the YTHP who, in the assessment of staff with supervisory concurrence, poses a serious threat of injury to himself/herself or other residents (e.g., intoxication, under the influence of drugs, or aggressive or self-harming behavior). Any homeless youth with serious health problems shall be immediately referred for local emergency health services.
- d) Any homeless youth who is suspected of having a contagious disease should be separated from other youth until a medical determination has been received that the disease is not contagious or is no longer contagious.
- e) Homeless minors, except as described in subsections (c) and (d) of this Section, who have been partially emancipated or are currently waiting the completion of the partial emancipation process at the YTHP shall be admitted to a YTHP if the YTHP is willing and able and no other temporary housing is available.
- f) The agency or organization shall have a copy or written verification of the court order granting partial emancipation of the homeless youth.
- g) The homeless youth shall provide written consent to receive shelter or housing and services.
- h) Information and documents collected as part of the admission and assessment shall include:
  - 1) Personal History
    - A) Name, birth date, sex, race, religion, legal status and current address of the homeless youth;
    - B) Names, addresses and telephone numbers of parents, significant relatives, guardian, referring agency and referring agency social worker;
    - C) Name and address of the school last attended, current address, school report and/or information on the homeless youth's educational needs;
    - D) Name, address and telephone number of the doctor, clinic or hospital currently or recently treating the homeless youth;
    - E) Financial and insurance resources available to the homeless youth; and
    - F) Listing of prior housing history with length of time and reasons for change.



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- 2) Medical history. Attempts to obtain medical data about the homeless youth shall include:
  - A) 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;
  - B) All available information pertaining to the health history of the homeless youth's family; and
  - C) If any of this information regarding medical history of the homeless youth or family of the homeless youth does not exist, the YTHP shall include in its record a written statement from the referral source to that effect.
- 3) Employment history.
  - i) Any youth, aged 18 years old up to 21 years old, who is housed in the facility, where the YTHP is located, shall meet the admission criteria required for homeless youth participating in the YTHP and shall have completed a comparable screening and assessment.

## **Section 409.280 Shelter and Housing Services**

- a) Shelter or housing shall be available every day of the year to homeless youth who have been partially emancipated.
- b) The YTHP may consist of providing shelter or housing, and services to homeless youth who are at least 16 but less than 18 years of age and have been partially emancipated under the Emancipation of Minors Act. No person 21 years of age or older, other than staff, shall be permitted in the sleeping area portion of the YTHP.
- c) Service referrals may include, but are not limited to:
  - 1) Contract with providers of youth services;
  - 2) Assistance to the youth to be independent and self-reliant.
- d) In the event that a youth is seriously ill or otherwise unable to take care of himself/herself away from the shelter or housing during the hours that it is not normally open, the YTHP shall have procedures in place to provide for adequate care and supervision of the homeless youth until appropriate care can be found.

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- e) Shelter or housing may be suspended for up to 72 hours for the homeless youth's failure to follow policies of the YTHP. The agency shall find a safe place for the homeless youth to stay during the suspension before the suspension can take place.
- f) The YTHP shall have a written policy in place that enumerates the situations in which a homeless youth may be suspended or terminated from shelter or housing. The policy shall be approved by the Department and accessible to residents and shall be reviewed with homeless youth upon their first admission.
- g) The agency or organization may discharge from the YTHP any homeless youth who, after attempts have been made to meet the homeless youth's individual needs, demonstrates the inability to benefit from the type of shelter or housing offered by the YTHP, or whose presence is detrimental to the group. When applicable, the agency or organization shall notify the court that granted partial emancipation to the homeless youth of this action.
- h) In all instances, when the YTHP determines that its facility is no longer appropriate for the homeless youth or that another program is more appropriate for the homeless youth, the YTHP shall work to meet the homeless youth's needs when he or she leaves the shelter or housing, including referrals to other institutions, agencies or facilities.

## **Section 409.290      Length of Stay**

Homeless youth can remain in the transitional living program up to attaining the age of 18 years. From 18 years of age and up to 21 years of age, the person can participate in another program within the facility, if available.

## **Section 409.300      Legal Safeguards of Homeless Youth Served**

- a) The agency or organization shall have written verification of the legal status for all homeless youth accepted for shelter or housing care and service by referral.
- b) The agency holding a homeless youth's funds shall have procedures for ensuring the safety of those funds. Amounts of \$300 and over shall be deposited in an insured account. Reports on the status of each homeless youth's insured account shall be kept on file for inspection by a licensing representative when requested and a copy shall be given to the youth.
- c) Personal financial transactions or transfers of a homeless youth's personal property among youth, youth and staff or volunteers/interns shall be prohibited. This prohibition does not apply to the common practice of transferring outgrown clothes or equipment.

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- d) The agency shall assure that a homeless youth's valuables brought to a program are inventoried and a copy provided to the youth. Other valuables acquired by or given to the homeless youth, such as clothing, books, toys, gifts, private collections, photographs, youth's private savings, allowances and other items, accompany the homeless youth and are returned to the homeless youth when the he/she leaves that program.

## **Section 409.310      Discipline and Control of Residents**

- a) The use of discipline and behavior management techniques in the YTHP shall be in accordance with 89 Ill. Adm. Code 384 (Behavior Treatment in Residential Child Care Facilities).
- b) YTHPs shall not institute an organized self-governance program, use confinement techniques to control residents other than the provisions indicated in 89 Ill. Adm. Code 384 (Behavior Treatment in Residential Child Care Facilities), administer psychotropic medications, or operate secure residential care facilities.
- c) The use of restraints/confinement shall be limited to incidents or events in which it is briefly required to ensure the youth's safety, the safety of other residents, or the safety of staff. Law enforcement authorities shall be immediately notified. Youth who pose a threat of self injury or appear to have a mental health disorder shall be referred to emergency health services.

## **Section 409.320      Food and Nutrition**

- a) It shall be the responsibility of the YTHP to provide for the food and nutritional needs of the residents in one of 3 ways:
  - 1) Through written agreements approved by the Department with other organizations that provide evening and breakfast meals for the residents; or
  - 2) Through the provision of kitchen and dining facilities at the temporary shelter and the food necessary for the preparation of an evening and breakfast meal; or
  - 3) Food coupons/or stipend for homeless youth to purchase and prepare meals in their units.
- b) If homeless youth or their minor children who have special medical, cultural, or religious needs are accepted at the YTHP, the meals shall be appropriate for the special needs of the homeless youth or their minor children.

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- c) If the YTHP is providing the evening and breakfast meal at the transitional living facility, homeless youth staff may prepare the evening and breakfast meal for the residents or may allow the residents to prepare their own meals and a brown bag lunch under the supervision of homeless youth staff.
- d) Homeless youth or their minor children suspected of suffering from dehydration or malnutrition shall be referred for a medical assessment and treatment, as appropriate.

### **Section 409.330      Transportation of Homeless Youth**

- a) A YTHP providing transportation of homeless youth shall comply with the provisions of: Sections 6-101 and 6-102 of the Illinois Driver Licensing Law [625 ILCS 5/6-101 and 6-102], the Illinois Safety Responsibility Law [625 ILCS 5/Ch. 7], the Illinois Rules of the Road [625 ILCS 5/Ch. 11] and the Illinois Vehicle Equipment Law [625 ILCS 5/Ch. 12].
- b) The driver of a vehicle transporting homeless youth or their minor children on behalf of a program shall be at least 21 years of age.
- c) The number of homeless youth transported in a vehicle shall not exceed the manufacturer's rated passenger capacity.
- d) Seat belts shall be worn at all times the vehicle is in motion.
- e) A vehicle used by the program to transport homeless youth or their minor children shall be equipped with restraint systems required by law and maintained in a mechanically safe condition at all times.

### **Section 409.340      Case Management Services**

The YTHP shall be responsible for providing case management services for the residents through the direct provision of case management services by staff of the YTHP. The goals of case management may include:

- a) Providing a full assessment of all homeless youths' needs and the needs of their minor children.
- b) Developing individualized service plans.
- c) Providing appropriate linkages with community resources to improve the educational and employment skills of all residents.

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- d) Ensuring resources to meet the medical and mental health needs of all homeless youth and their minor children.
- e) Providing support to assist homeless youth in the development of life skills and personal characteristics that they will need to live independently.
- f) Providing assistance necessary to locate independent housing and the aftercare necessary to maintain independent living status.
- g) Providing support to assist homeless youth in the development of parental skills, when appropriate.

## **Section 409.350 Medical and Health Services**

- a) It shall be the responsibility of the YTHP to assist those residents who are eligible in applying for Medicaid/KidCare benefits. Medical care referrals shall be provided to residents as a component of case management services. Services shall be provided through a family physician or through community-based facilities that have entered into written agreements to provide medical care for homeless youth and their minor children in the YTHP.
- b) Prescription drugs will be self-administered. Transitional living staff shall assist homeless youth with self-administration of prescription drugs. Assisting with self-administered medications is limited to reminding the resident to take his/her medications, reading instructions for utilization, uncapping medication containers, and providing the proper liquid and utensils with which to take medications. Prescription medications shall be kept in a locked, safe place within the transitional living facility.
- c) Hygiene products, including but not limited to clean linens, towel, washcloth, new toothbrush and comb or pick, shall be provided to each incoming resident.

## **Section 409.360 Education**

Each homeless youth shall have the opportunity and shall be encouraged to complete high school or vocational training in accordance with his or her aptitude through referral to community resources that can provide these services.

## **Section 409.370 Religion**

Each homeless youth shall be given information on available religious institutions in the area.

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## Section 409.380 Required Written Consents for Minors

- a) The YTHP staff or the referral source will assure that the partially emancipated minor can consent and has consented on his/her own behalf for participation in the YTHP.
- b) Written consents shall be dated and limited to a specific time period.

## Section 409.390 Records and Reports

- a) The agency or organization shall maintain current records on each homeless youth receiving transitional living services, on agency personnel (including volunteers), and on each facility operating under its supervision.
- b) Records for each homeless youth shall include a brief admission history, consent to care signed by the youth, and case recording reflective of the ongoing transitional living services for the homeless youth.
- c) Records shall be maintained on all employees and, in addition, for each volunteer who has responsibility for the care and supervision of homeless youth. The records shall document compliance with [Section 409.180](#).
- d) The organization shall maintain a separate file of the results of the background checks required by [Section 409.180](#).
- e) The organization shall maintain records on staff and volunteers and shall submit reports to the Department of Children and Family Services. The following personnel reports are required:
  - 1) A personnel report on each new employee (including owner, operator, or director) shall be filed with the Department of Children and Family Services. A copy of this report shall be kept at the agency.
  - 2) All staff changes shall be reported to the Department within 2 business days after beginning employment. Such reports shall be accompanied by complete, signed authorizations for background checks.
  - 3) Copies of documentation of medical information, verification of educational achievement, and character references of employees shall be provided, upon request, to the Department.
- f) Financial records of the operations shall be maintained as part of the permanent records of the YTHP and shall include a copy of the certified annual audit.

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- g) In addition to the records maintained by the organization, the YTHP shall maintain current records on its premises. These records shall include a daily log that includes entries on each resident's stay in the YTHP and records any unusual incidents of serious occurrences and the use of any behavior management techniques as described in 89 Ill. Adm. Code 384 (Behavior Treatment in Residential Child Care Facilities).
- h) The YTHP shall report to the Department any unusual incidents and serious occurrences involving residents under age 18. These incidents and occurrences shall be reported in writing, or if made verbally, confirmed in writing within 2 working days of the occurrence. Unusual incidents or occurrences 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 that results in legal action by or against the YTHP, that affects any resident, personnel or conduct of the YTHP.
- i) Records shall be kept in safe, locked places.
- j) Authorized Department licensing representatives or other Department representatives who have the Director's written authorization shall have access to the records and reports. All persons who have access to the records and reports shall respect their confidential nature.

## **Section 409.400      Records Retention**

Personnel, general and financial records required of the YTHP shall be maintained for 5 years. Minor's records shall be maintained for at least 5 years after he/she reaches the age of majority.

## **Section 409.410      Termination of Transitional Living Services**

The YTHP shall have a written policy outlining the reasons for which residents may be terminated from transitional living services consistent with [Section 409.280](#), and shall advise residents both in writing and verbally of the policy.

## **Section 409.420      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.

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## Section 409.APPENDIX A Minimum Requirements for a Risk Management Plan

The risk management plan required by Sections 409.40(c)(5) and 409.50(c)(5) shall address at least the following areas of risk with the answers sufficiently explained.

- 1) What risks are presented by the shelter or housing services offered by the YTHP when the YTHP is operational? How is the agency or organization minimizing those risks?
- 2) What risks are presented to staff or volunteers and caregivers in the conduct of their duties? How is the YTHP minimizing those risks? Does the agency or organization provide staff with a photo identification card?
- 3) What training is provided to staff or volunteers to help them identify and minimize risks associated with their various duties or living arrangements? Describe all required training.
- 4) Does the YTHP have a plan to assure the quality of shelter or housing services it delivers? Describe the quality assurance plan.
- 5) Are adequate investigations into the qualifications, education, and experience of staff or volunteers completed before they are hired? Describe the hiring process.
- 6) Are facility personnel or volunteers sufficiently qualified to provide shelter or housing services to the types of youth accepted for care? How do staff qualifications compare to the special needs that youth may present?
- 7) Does the design of any building used for family and child related activities (such as rooms used for family counseling or visits) minimize risks to staff and clients?
- 8) Does the YTHP appropriately maintain the buildings?
- 9) Does the agency or organization have a regular maintenance schedule for vehicles used to transport youth? If so, describe the schedule.
- 10) Does the YTHP require persons who transport children and or youth to use safety restraints and make adequate child safety seats available to staff and volunteers?
- 11) Does the YTHP have policies in place regarding when staff and volunteers of the same and opposite sex may be alone with clients?
- 12) Does the YTHP have emergency and disaster preparedness plans? Are they posted and made available to staff? If so, describe the plan and how it is made available to staff.
- 13) Does the YTHP have plans to ensure the needs and special risks when homeless youth are caring for their own children?



**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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**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

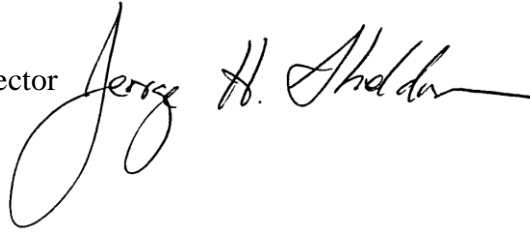
**POLICY GUIDE 2016.05**

**Rule 409: Licensing Standards for Youth Transitional Housing Programs**

**DATE:** May 11, 2016

**TO:** Rules and Procedures Bookholders, DCFS and Private Agency Licensing Staff

**FROM:** George H. Sheldon, Director



**EFFECTIVE:** Immediately

**I. PURPOSE**

The purpose of this Policy Guide is to provide staff with clarification of existing policy and information about policy changes regarding Youth Transitional Housing Programs serving partially emancipated youth under the age of 18. These changes will ensure the appropriate use of resources and help ensure that partially emancipated youth reside in separate sleeping quarters from adults. The Department will propose amendments to **Rules 409, Licensing Standards for Youth Transitional Housing Programs**, to reflect the changes in this Policy Guide.

**II. PRIMARY USERS**

The primary users of this Policy Guide are Department and POS licensing and placement staff and staff of Youth Transitional Housing Programs.

**III. SUMMARY**

Youth Transitional Housing Programs (YTHP) serving partially emancipated youth under the age of 18:

- May provide a transitional housing program serving adults ages 18-25 on the same premises as the Youth Transitional Housing Program for partially emancipated youth under the age of 18.
- When a partially emancipated youth is housed in the Youth Transitional Housing Program, the partially emancipated youth must reside in sleeping quarters apart from any adult served by another program.
- When there are no partially emancipated youth residing on the premises, the agency can use the sleeping quarters for other programs serving adults between the ages of 18 and 25.



#### **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 OCFP – Mailbox. Non Outlook users may e-mail questions to [cfpolicy@idcfs.state.il.us](mailto:cfpolicy@idcfs.state.il.us).

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

File this Policy Guide immediately following **Part 409, Licensing Standards for Youth Transitional Housing Programs**.