

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

PART 402
LICENSING STANDARDS FOR FOSTER FAMILY HOMES

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Specialized Care

402.APPENDIX D Non-Safety Related Licensing Rules Eligible for a Waiver

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10].

SOURCE: Adopted and codified at 5 Ill. Reg. 9548, effective October 1, 1981; emergency amendment at 6 Ill. Reg. 15580, effective December 15, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 3439, effective April 4, 1983; amended at 7 Ill. Reg. 13858, effective November 1, 1983; amended at 8 Ill. Reg. 23197, effective December 3, 1984; amended at 11 Ill. Reg. 4292, effective March 1, 1987; emergency amendment at 16 Ill. Reg. 11879, effective July 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 267, effective December 21, 1992; emergency amendment at 18 Ill. Reg. 8481, effective May 20, 1994, for a maximum of 150 days; emergency expired on October 17, 1994; amended at 19 Ill. Reg. 1801, effective February 1, 1995; amended at 19 Ill. Reg. 9463, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10743, effective July 1, 1995, for a maximum of 150 days; emergency expired November 27, 1995; amended at 20 Ill. Reg. 1589, effective January 10, 1996; emergency amendment at 20 Ill. Reg. 3954, effective February 16, 1996, for a maximum of 150 days; emergency expired July 15, 1996; amended at 21 Ill. Reg. 4548, effective April 1, 1997; amended at 22 Ill. Reg. 205, effective December 19, 1997; amended at 23 Ill. Reg. 7877, effective July 15, 1999; emergency amendment at 24 Ill. Reg. 6417, effective March 27, 2000, for a maximum of 150 days; emergency expired August 23, 2000; amended at 24 Ill. Reg. 17052, effective November 1, 2000; amended at 26 Ill. Reg. 2624, effective February 11, 2002; amended at 26 Ill. Reg. 11796, effective August 1, 2002; amended at 30 Ill. Reg. 6321, effective March 31, 2006; amended at 33 Ill. Reg. 11441, effective August 1, 2009; amended at 36 Ill. Reg. 4086, effective March 5, 2012; amended at 40 Ill. Reg. 808, effective December 31, 2015; amended at 40 Ill. Reg. 7797, effective May 16, 2016; amended at 42 Ill. Reg. 2253, effective January 17, 2018; amended at 42 Ill. Reg. 20321, effective October 31, 2018; amended at 44 Ill. Reg. 6019, effective April 1, 2020; amended at 48 Ill. Reg. _____, effective _____.

Section 402.2 Definitions

"Adoptive placement" means a living arrangement with a family that is directed toward establishing that family as the child's new legal parents. To be considered an adoptive placement, the child must be placed in a licensed foster family home or license exempt relative home for purposes of adoption and:

be legally free (parental rights have been terminated or both parents have surrendered their parental rights); or

be placed in a legal risk adoptive placement that has passed legal screening as described in 89 Ill. Adm. Code 309 (Adoption Services for Children for Whom the Department of Children and Family Services is Legally Responsible).

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"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(b)]

"Approved smoke detector" or "detector" means a smoke detector of the ionization or photoelectric type that complies with all the requirements of the rules and regulations of the Illinois State Fire Marshal. [425 ILCS 60/2]

"Approved in-service training" means:

- Foster PRIDE module or other Department approved training;
- foster parent conferences sponsored by the Department;
- other conferences approved by the Department;
- training provided under the auspices of a licensed child welfare agency when the agency's foster care program has been accredited by the Council on Accreditation of Services for Families and Children, Inc., 520 Eighth Avenue, Suite 2202B, New York NY 10018;
- materials borrowed from the Department's Foster/Adoptive Parent Lending Libraries;
- training toward first-aid, Heimlich maneuver, and/or cardiopulmonary resuscitation (CPR) certification; or
- other training, substantially meeting the Department's Foster PRIDE/Adopt PRIDE training, approved in writing by the Department of Children and Family Services.

"Background check" means:

- Individuals 18 years of age or older:
 - a criminal history check via fingerprints 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

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Individuals 13 years of age or older:

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.

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

"Child care assistant" means an adult, 18 years of age or older, (whether a volunteer or an employee) who assists a licensed foster parent in the care of children within the foster home.

"Child care facility" means any person, group of persons, agency, association, organization, corporation, institution, center or group, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody in any facility as defined in the Child Care Act of 1969 [225 ILCS 10], established and maintained for the care of children. Child care facility includes a relative who is licensed as a foster family home under Section 4 of the Child Care Act. [225 ILCS 10/2.05]

"Classifiable fingerprints" means fingerprints obtained through an electronic or ink printing process that were determined to provide sufficiently clear impressions to identify the individual from whom the prints were obtained.

"Common parentage" means having the same biological or adoptive father, the same biological or adoptive mother, or the same biological or adoptive father and mother.

"Complete application for foster family home license" means, at a minimum, a completed written application form; written authorization by the applicant and all adult members of the applicant's household to conduct a criminal background investigation; medical evidence in the form of a medical report, on forms prescribed by the Department, that the applicant and all members of the household are free from communicable diseases or physical and mental conditions that affect their ability to provide care for the child or children; the names and addresses of at least 3 persons not related to the applicant who can attest to the applicant's moral character; the name and address of at least one relative who can attest to the applicant's capability to care for the child or

173 *children; and fingerprints submitted by the applicant and all adult members of the*
174 *applicant's household. [225 ILCS 10/4]*
175

176 "Contact between siblings" means contact between or among siblings who are
177 residing apart from one another, and may include, but is not limited to: telephone
178 calls; video conferencing; in person visitation; sending/receiving cards, letters,
179 emails, text messages, gifts, etc.; sharing photographs or information; use of any
180 approved social media (e.g., Facebook), and any other agreed upon forms of
181 communication technology.
182

183 "Corporal punishment" means hitting, spanking, beating, shaking, pinching, and
184 other measures that produce physical pain.
185

186 "*Department*" means the Illinois Department of Children and Family Services.
187 [225 ILCS 10/2.02]
188

189 "Discipline" means the process of helping children to develop inner controls so
190 that they can manage their own behavior in socially acceptable ways. Discipline
191 does not include the use of corporal punishment as defined in this Part.
192

193 "Educational advocacy training" means the 6-hour training that prepares foster
194 parents to effectively advocate for the special educational needs of the children in
195 their care by providing information on children's educational rights and foster
196 parents' responsibility to protect those rights.
197

198 "Expanded capacity license" means the foster family home has been issued a
199 license from the Department authorizing the foster family to accept more than six
200 children for care (including the family's own children under age 18 and all other
201 children under age 18 receiving full-time care) as permitted in Section 402.15(c)
202 (for foster care placements) or (e) (for adoptive placements).
203

204 "*Fictive kin*" means any individual, unrelated by birth or marriage, who:
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206 *is shown to have significant and close personal or emotional ties with the*
207 *child or the child's family prior to the child's placement with the*
208 *individual; or*
209

210 *is the current foster parent of a child in the custody or guardianship of the*
211 *Department pursuant to the Child and Family Services Act [20 ILCS 505]*
212 *and the Juvenile Court Act of 1987 [705 ILCS 405], if the child has been*
213 *placed in the home for at least one year and has established a significant*
214 *and family-like relationship with the foster parent, and the foster parent*
215 *has been identified by the Department as the child's permanent*

216 connection. [20 ILCS 505/7(b)]

217

218 "Foster family home" means the home of an individual or family:

219

220 that is licensed or approved by the State in which it is situated as a foster
221 family home that meets the standards established for the licensing or
222 approval; and

223

224 in which a child in foster care has been placed in the care of an
225 individual, who resides with the child and who has been licensed or
226 approved by the State to be a foster parent and:

227

228 who the Department of Children and Family Services deems capable of
229 adhering to the reasonable and prudent parent standard;

230

231 who provides 24-hour substitute care for children placed away from their
232 parents or other caretakers; and

233

234 who provides the care for no more than 6 children, except the Director of
235 Children and Family Services, pursuant to Department regulations, may
236 waive the numerical limitation of foster children who may be cared for in
237 a foster family home for any of the following reasons to allow: ~~a facility for~~
238 ~~child care in residences of families who receive no more than 6 children~~
239 ~~unrelated or related to them, unless all the children are of common~~
240 ~~parentage, or residences of relatives who receive no more than 6 related~~
241 ~~or unrelated children placed by the Department, unless the children are of~~
242 ~~common parentage, for the purpose of providing family care and training~~
243 ~~for the children on a full-time basis, except the~~

244

245 ~~Director of Children and Family Services, pursuant to Department~~
246 ~~regulations, may waive the numerical limitation of foster children who may be~~
247 ~~cared for in a foster family home to allow:~~

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249 ~~a parenting youth in foster care to remain with the child of the parenting~~
250 ~~youth;~~

251

252 ~~siblings to remain together;~~

253

254 ~~a child with an established, meaningful relationship with the family to~~
255 ~~remain with the family; or~~

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257 ~~a family with special training or skills to provide care to a child who has a~~
258 ~~severe disability.~~

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The family's or relative's own children, under 18 years of age, shall be included in determining the maximum number of children served. [225 ILCS 10/2.17] ~~The Department requires foster family homes to receive an expanded capacity license allowing them to receive more than six children, including their own children under age 18 and all other children under the age of 18 receiving full time care. No more than 6 children in a foster home shall be youth in care, unless the youth meet exceptions in Section 402.15, i.e., siblings, parenting youth, respite and adoption.~~

"Full-time care" means the child is a resident of the household, whether on a temporary, emergency, or permanent basis, and is receiving family care usually provided by a parent or guardian.

"Godparent" is a person who sponsors a child at baptism or one in whom the parents have entrusted a special duty that includes assisting in raising the child if the parent cannot raise the child. If the person is considered to be the child's godparent, in order for placement to occur, the same placement selection criteria as contained in 89 Ill. Adm. Code 301.60 (Placement Selection Criteria) must be met. If the godparent is not a licensed foster parent, all the conditions currently in effect for placement with relatives in 89 Ill. Adm. Code 301.80 (Relative Home Placement) must be met.

"In-service training" means approved training provided to currently licensed foster parents.

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

"License applicant" means the operator or person with direct responsibility for daily operation of the facility to be licensed. [225 ILCS 10/4.4]

"Licensed physician" means a person licensed to practice medicine in the State of Illinois.

"Licensee" means those individuals, agencies, or organizations who hold a license or permit issued by the Department of Children and Family Services.

"Licensing representative" means persons authorized by the Department under the Child Care Act to perform licensing activities.

"Licensing study" means a written review and assessment of an application for

302 license, on-site visits, interviews, and the collection and review of supporting
303 documents to determine compliance with the Child Care Act of 1969 and the
304 standards prescribed by this Part.

305
306 "Member of the household" means a person who resides in a family home as
307 evidenced by factors including, but not limited to, maintaining clothing and
308 personal effects at the household address, or receiving mail at the household
309 address, or using identification with the household address.

310
311 "Minor traffic violation" means a traffic violation, under the laws of the State of
312 Illinois or any municipal authority in Illinois or another state or municipal
313 authority, that is punishable solely by fines as a petty offense.

314
315 "Multi-purpose room" means a room in the foster family home that has been
316 designed for several purposes. A multi-purpose room that is temporarily
317 converted into a bedroom may only be a pass through room in the home if the
318 privacy of the children using the room for a bedroom can be ensured. Activities
319 within the room shall be normal bedroom activities such as sleeping, dressing and
320 playing while used as a bedroom.

321
322 "Non-active status" means a licensed foster home has no foster placements and
323 maintains continuous compliance with this Part that, by mutual written agreement
324 with the Department, does not receive regular licensing monitoring visits by the
325 Department or supervising agency.

326
327 "Normalcy parenting" means empowering a foster parent to approve or not
328 approve a child's participation in appropriate extracurricular enrichment, cultural
329 and social activities based on the caregiver's assessment using the reasonable and
330 prudent parent standard, without prior approval of the Department, the caseworker
331 or the court. The goal of normalcy parenting and the reasonable and prudent
332 parent standard is to allow the child's participation in extracurricular, enrichment,
333 cultural and social activities that are appropriate for the child's normal growth and
334 development.

335
336 "Permanent connection" means a family-like relationship, consistent with a child's
337 best interests, health, safety and well-being, that provides:

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339 safe, stable and committed parenting;

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341 unconditional love and lifelong support; and

342
343 a permanent legal status between child and family.

344

345 For a child for whom the Department is legally responsible, a permanent
346 connection may be the child's parents or another caregiver in the child's home
347 of origin. When the child cannot be safely returned home, a permanent
348 connection may be the current or former foster parent or relative caregiver, an
349 individual identified as an adoptive or legal guardianship placement resource,
350 or another individual from among the child's or family's lifelong connections
351 with whom a child has developed a familial relationship.

352
353 "Permit" means a one-time only document issued by the Department of Children
354 and Family Services for a 2 month period to allow the individuals to become
355 eligible for an initial foster family home license.

356
357 *"Petty offense" means any offense for which a fine only is provided, and a*
358 *sentence of imprisonment is not an authorized disposition. [730 ILCS 5/5-1-17]*
359

360 "Premises" means the location of the foster family home in which the family
361 resides and includes the attached yard, garage, basement and any other
362 outbuildings.

363
364 *"Reasonable and prudent parent standard" means the standard, characterized by*
365 *careful and sensible parental decisions that maintain the child's health, safety,*
366 *and best interests while at the same time supporting the child's emotional and*
367 *developmental growth, that a caregiver shall use when determining whether to*
368 *allow a child in out-of-home care to participate in extracurricular, enrichment,*
369 *cultural, and social activities. [20 ILCS 505/7.3a(b)]*

370
371 *"Relative", for purposes of placement of children for whom the Department is*
372 *legally responsible, shall include any person, 21 years of age or over, other than*
373 *the parent, who:*

374
375 *is currently related to the child in any of the following ways by blood or*
376 *adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew,*
377 *niece, first cousin, first cousin once removed (children of one's first cousin*
378 *to oneself), second cousin (children of first cousins are second cousins to*
379 *each other), godparent (as defined in this Section), great-uncle or great-*
380 *aunt; ~~or~~*

381
382 *is the spouse, or party to a civil union, of such a relative; or*

383
384 *is the child's step-father, step-mother, step-grandfather, step-grandmother*
385 *or adult step-brother or step-sister; or*

386
387 *is the partner, or adult child of a partner, in a civil union with the child's*

388 mother or father; or

389

390 is a fictive kin as defined in this Section.

391

392 *"Relative" also includes a person related in any of the foregoing ways to a*
393 *sibling of a child, even though the person is not related to the child, when the*
394 *child and its sibling are placed together with that person. For children who*
395 *have been in the guardianship of the Department, have been adopted, and are*
396 *subsequently returned to the temporary custody or guardianship of the*
397 *Department, a "relative" may also include any person who would have*
398 *qualified as a relative under this definition prior to the adoption, but only if*
399 *the Department determines and documents that it would be in the child's best*
400 *interests to consider this person a relative. [20 ILCS 505/7(b)]*

401

402 "Reputable character" means there is satisfactory evidence that the moral
403 character of the applicant is trustworthy.

404

405 ~~"Respite foster care" means temporary (not to exceed 30 days), full-time care in a~~
406 ~~licensed foster family home, group home, or child care institution, or in a license~~
407 ~~exempt relative home, when such temporary, full-time care is provided to children~~
408 ~~in care. Respite foster care is provided to children in care in order to give the full-~~
409 ~~time caregivers a rest from caregiving responsibilities.~~

410

411 "Responsible" means trustworthy performance of expected duties that serves the
412 best interests of the children in care as evidenced by established child welfare
413 standards, State and federal law, and the rules of the Department.

414

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

417

418 "Siblings" means children who have at least one parent in common. Children
419 continue to be considered siblings after parental rights are terminated, if parental
420 rights were terminated while a petition under Article II of the Juvenile Court Act
421 of 1987 was pending. Children continue to be considered siblings after one or
422 more of the children are adopted or placed in private guardianship, if they were in
423 the custody or guardianship of the Department pursuant to Article II of the
424 Juvenile Court Act of 1987 immediately prior to the adoption or guardianship.
425 Step-siblings may be considered "siblings" when the children enter into substitute
426 care together and have a positive relationship.

427

428 "Specialized care" or "specialized foster care services" means care provided to a
429 child in the custody or guardianship of the Department who requires such
430 services due to emotional, behavioral, developmental or medical needs, or any

431 *combination thereof, or any other needs that require special intervention services,*
432 *the primary goal being to maintain the child in foster care or in a permanency*
433 *setting. [20 ILCS 505/5.30(a)] Specialized foster care services are further*
434 *described in 89 Ill. Adm. Code 301.90 (Foster Family Home Care).*

435
436 "Supervising agency", for the purpose of this Part, means a licensed child welfare
437 agency, a license-exempt agency, or the Department of Children and Family
438 Services.

439
440 "Universal precautions" means an approach to infection control. According to the
441 concept of universal precautions, all human blood and certain body fluids are
442 treated as if known to be infectious for HIV, HBV, and other blood-borne
443 pathogens.

444
445 "Visitation" means face-to-face contact:

446
447 between parents and their children who are in substitute care;

448
449 between siblings in substitute care who are placed apart from one another;
450 or

451
452 between siblings in substitute care with siblings who are not in substitute
453 care (e.g., emancipated, case closed due to independence, adopted, placed
454 in private guardianship, living in home of parent, etc.).

455
456 (Source: Amended at 48 Ill. Reg. _____, effective _____)

457
458 **Section 402.15 Number and Ages of Children Served**

459
460 a) General Rule Regarding the Number of Children in a Foster Family Home
461 Refer to Appendices B and C of this ~~Part~~part for a visual explanation of the
462 number and ages of children allowed in a foster family home.

463
464 1) Capacity count in all circumstances includes all children in the foster
465 home under the age of 18 years old who receive full time care.

466
467 ~~2)~~ The maximum number of children permitted in a foster family home shall
468 be six children less than 18 years of age who do not require specialized
469 services~~care~~, except as permitted through Expanded Capacity waivers.~~in~~
470 ~~subsections (c), (d) and (e). This maximum number includes the foster~~
471 ~~parents' own children under age 18 and all other children under the age of~~
472 ~~18 receiving full time care.~~

473

474 32) When determining how many children a foster family home may accept
475 for care, the maximum number of children shall be reduced ~~as described in~~
476 ~~Appendix C~~ when any child under the age of 18 is in the home and has
477 ~~the foster, adopted, or biological children have~~ developmental, emotional,
478 behavioral, or medical needs ~~that~~which require specialized care. Youth in
479 care receiving specialized foster care services or the Department's
480 difficulty of level of care are to be considered as receiving specialized
481 care.

482
483 b) General Rules Regarding Ages of Children in a Foster Family Home
484

485 1) Four Children Five Years of Age or Less~~Under Age Six~~
486 No more than four children five years~~under six years~~ of age or less;
487 ~~including the foster parent's own children,~~ shall receive full-time care in a
488 foster family home at any one time. A waiver approved by the
489 Department may occur when~~When all of~~ the youth in care to be placed in
490 one home ~~foster children~~ are not of common parentage and a written plan
491 is submitted by the supervising agency as to how the child care
492 responsibilities shall be effectively met.~~, as defined in Section 402.2, the~~
493 ~~foster home may be specifically approved under subsection (c)(3)(A)(ii) to~~
494 ~~care for more than four children under six years of age with the approval~~
495 ~~of clinical services and licensing.~~

496
497 2) Two Children One Year Old or Less~~Under Age Two~~
498 No more than two children, who are one year old or less~~including the~~
499 ~~family's own children,~~ shall be placed in one~~under two years of age unless~~
500 ~~the~~ foster family home. A Department waiver may be granted to allow for
501 children not related to be placed in one home when there is a written plan
502 of how child care responsibilities shall be effectively met.~~is~~
503 ~~accommodating a sibling group on a temporary basis.~~

504
505 c) Expanded Capacity License Provisions for Foster Family Care
506

507 1) Licensees~~Foster parents~~ may be licensed to care for more than six children
508 on a full-time basis when only if the licensees~~foster parents~~ are otherwise
509 in compliance with the requirements of this Part, can meet the licensing
510 standards for the additional children and have demonstrated competency
511 in caring for the ages and characteristics of children for whom they are
512 seeking the expanded capacity license. ~~The maximum number of children~~
513 ~~permitted in a foster family home with an expanded capacity license is~~
514 ~~eight children unless:~~

515
516 A) ~~all of the foster children are of common parentage, as defined in~~

- 517 ~~Section 402.2, and the Director of the Department has personally~~
518 ~~approved the placement; or~~
519
520 B) ~~a waiver to permit an adoptive placement has been granted by the~~
521 ~~Director in accordance with subsection (e).~~
522
523 2) ~~No more than two of the children cared for under an expanded capacity~~
524 ~~license may be under two years of age unless the foster family home is~~
525 ~~accommodating a sibling group on a temporary basis.~~
526
527 23) An expanded capacity license may only be issued to allow ~~only the~~
528 ~~following types of care:~~
529
530 A) a parenting youth in care to remain with their own child;
531
532 B) siblings to remain together;
533
534 C) a child with an established meaningful relationship with the family
535 to remain with the family; or
536
537 D) a foster family with special training or skills to provide care to a
538 child who has a severe disability.
539
540 A) **Sibling Groups**
541
542 i) ~~A licensed foster family home may receive an expanded~~
543 ~~capacity license to care for a maximum of eight children~~
544 ~~(including the foster parent's own children under age 18~~
545 ~~and all other children under age 18 receiving full-time care)~~
546 ~~in order to keep one or more sibling groups together in the~~
547 ~~foster family home.~~
548
549 ii) ~~The maximum of no more than four children under age six~~
550 ~~does not apply when all of the foster children are of~~
551 ~~common parentage, as defined in Section 402.2, and~~
552 ~~clinical services and licensing have approved in writing a~~
553 ~~plan that allows for the full-time care of more than four~~
554 ~~children under age six.~~
555
556 iii) ~~No expanded capacity license is required to allow overnight~~
557 ~~visits between siblings.~~
558
559 B) ~~Foster Children with Children~~

560 A licensed foster family home may receive an expanded capacity
561 license to care for a maximum of eight children (including the
562 foster parent's own children under age 18 and all other children
563 under age 18 receiving full-time care) to allow foster children who
564 are parents to bring their own children with them to live in the
565 foster family home. The expanded capacity license is to allow the
566 foster family home to accept more than six children, but does not
567 exempt the home from compliance with the requirements of
568 Section 402.15(b), regarding the ages of children in the home.
569

570 C) Respite Foster Care

571 A licensed foster family home may receive an expanded capacity
572 license to care for a maximum of eight children (including the
573 foster parent's own children under age 18 and all other children
574 under age 18 receiving full-time care), if the home provides respite
575 foster care. Any children received for respite care shall be counted
576 in the maximum of eight children.
577

578 D) Meaningful Relationships

579 To allow a child with an established meaningful relationship with
580 the family to remain with the family and to allow a family with
581 special training or skills to provide care to a child who has a severe
582 disability.
583

584 E) For purpose of adoption.
585

586 d) Foster Care Placements Made Before January 1, 1998
587

588 1) These amendments are not retroactive in their effect. If more than six
589 children under age 18 are residing in a foster family home as of December
590 31, 1997, the appropriateness of continuing in the foster care placement
591 shall be evaluated for each child by June 30, 1998. The results of the
592 evaluation shall be documented in the child's case record and a copy
593 forwarded to the Department's local office of licensing.
594

595 2) If the evaluation finds that the foster children are receiving adequate and
596 appropriate care in the current foster family home and that remaining in
597 the current foster family home is in the best interests of the foster children,
598 the foster children may remain in the foster care placement, even if there
599 are more than six children in the home (including the foster parent's own
600 children under age 18 and all other children under age 18 receiving full-
601 time care).
602

603 A) ~~Foster parents are not required to obtain an expanded capacity~~
604 ~~license to continue to care for children already placed with them as~~
605 ~~of December 31, 1997, but may not accept additional foster~~
606 ~~children until the home complies with the requirements of Section~~
607 ~~402.15.~~

608
609 B) ~~When the foster children in care as of December 31, 1997 move to~~
610 ~~another placement or attain the age of 18, the capacity of the foster~~
611 ~~home will be reduced until it reaches the maximum of six children,~~
612 ~~unless the foster parents have applied for and been granted an~~
613 ~~expanded capacity license allowing them to care for eight children.~~

614
615 3) ~~If the evaluation finds that the foster children are not receiving adequate~~
616 ~~and appropriate care in their current foster family home or that remaining~~
617 ~~in the current foster family home is not in the best interests of one or more~~
618 ~~of the foster children, the affected children shall be moved to another~~
619 ~~appropriate placement. All such moves shall be made in a planned~~
620 ~~manner after prior notice has been given to the foster parents, as required~~
621 ~~by 89 Ill. Adm. Code 337 (Service Appeals Process).~~

622
623 e) ~~Adoptive Placements~~

624
625 1) ~~Maximum Number of Children~~
626 ~~A licensed foster family home may receive an expanded capacity license~~
627 ~~to care for a maximum of eight children (including the foster parent's own~~
628 ~~children under age 18 and all other children under age 18 receiving full-~~
629 ~~time care) in order to effect an adoptive placement. The Director of the~~
630 ~~Department of Children and Family Services may waive in writing the~~
631 ~~maximum number of eight children to effect an adoptive placement~~
632 ~~provided the following criteria are met:~~

633
634 A) ~~a licensed child welfare agency or the Department proposes to~~
635 ~~place an additional child or children in the home for the purpose of~~
636 ~~adoption;~~

637
638 B) ~~a licensed child welfare agency or the Department has documented~~
639 ~~in the child's case record that this home is the most appropriate~~
640 ~~choice for an adoptive placement and is consistent with the best~~
641 ~~interests and special needs of the child or children;~~

642
643 C) ~~the foster family is otherwise in compliance with the licensing~~
644 ~~requirements of this Part and can meet licensing standards for the~~
645 ~~additional child or children; and~~

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~~D) the foster family or supervising agency has requested, in writing, that the Director waive the limit of eight children under the age of 18 so that an additional child or children may be placed in their home for purposes of adoption.~~

~~2) Ages of Children~~

~~The Director of the Department of Children and Family Services may waive in writing the age requirements in subsection (b), if necessary, to place a child in an adoptive home provided the criteria in subsection (c)(2) are met and there are a sufficient number of suitable adult caregivers to ensure that the children receive proper care and supervision.~~

~~f) Independent Foster Family Homes~~

~~Independent foster homes receive children by independent arrangement. These homes are not subject to direct and regular supervision by a child welfare agency. These homes shall not be licensed for more than a maximum of four children under age 18 (including the foster parent's own children under age 18 and all other children under age 18 receiving full-time care) unless all of the unrelated children are of common parentage. No more than two of these children, including the family's own children, shall be under the age of two unless the foster family is accommodating a sibling group on a temporary basis.~~

(Source: Amended at 48 Ill. Reg. _____, effective _____)

671 **Section 402.APPENDIX B Number and Ages of Children in Foster Family Home: No**
 672 **Child Requires Specialized Care**

673
 674 Number and Ages of Children Under Age 18 in a Foster Family Home
 675 (~~Includes~~~~includes~~ family's own children under age 18)
 676 No Child Requires Specialized Care
 677 All Youth in Care~~Foster Children~~ Have Same Mother or Same Father
 678

Ages of Children	Regular Foster Home License Number of Children	Expanded Capacity License ¹ Number of Children ²
Total number	6	As needed in order to keep siblings together. ²
<u>Age 5 and under</u>	4 ³	4 ³
Under age six		
<u>Age 1 and under</u>	2	2
Under age two		

¹ ~~Approved only to allow placements of sibling groups, foster children with children, respite care, and for purposes of adoption.~~
² ~~To exceed eight children requires personal approval by the Director of the Department.~~
³ ~~May exceed four children under age six in order to keep siblings together with the approval of clinical services and licensing~~

679
 680 Number and Ages of Children Under Age 18 in a Foster Family Home
 681 (~~Includes~~~~includes~~ family's own children under age 18)
 682 No Child Requires Specialized Care
 683 All Youth in Care~~Foster Children~~ Do Not Have Same Mother or Same Father
 684

Ages of Children	Regular Foster Home License Number of Children	Expanded Capacity License ¹ Number of Children ²
Total number	6	<u>As needed</u> 8 ²
<u>Age 5 and under</u>	4 <u>unless an approved waiver</u>	4 <u>unless an approved waiver</u>
Under age six		
<u>Age 1 and under</u>	2 <u>unless an approved waiver</u>	2 <u>unless an approved waiver</u>
Under age two		

¹ ~~Approved only to allow placements of sibling groups, foster children with children, respite care, and for purposes of adoption.~~
² ~~May exceed eight children when the placement is an adoptive placement and the waiver~~

~~is personally approved by the Director of the Department.~~

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An Expanded Capacity license may be issued only under the following conditions:

To allow a parenting youth in care to remain with their own child

To allow siblings to remain together

To allow a child with an established meaningful relationship with the family to remain with the family

To allow a foster family with special training or skills to provide care to a child who has a severe disability

(Source: Amended at 48 Ill. Reg. _____, effective _____)

697 **Section 402.APPENDIX C Number and Ages of Children in Foster Family Home: Child**
 698 **Requires Specialized Care**

699
 700 Number and Ages of Children Under Age 18 in a Regular Foster Family Home
 701 (~~Includes~~~~includes~~ family's own children under age 18)
 702 Children Require Specialized Care
 703

Ages of Children	One Child Requires Specialized Care	Two Children Require Specialized Care	Three Children Require Specialized Care	Four Children Require Specialized Care
Total Number	5	4	4 ¹	4 ¹
Under age six	4	3	3 ¹	2 ^{1,2}
Under age two	2	2	2 ¹	1 ^{1,2}

¹ Requires approval of the manager of clinical services, after a clinical staffing, and the Director or designee~~licensing supervisor~~

² May allow one more child if approved via a staffing held at the convenience of the foster parent that includes licensing, clinical services, the child welfare workers for all involved children, and the foster parents.

704
 705 An Expanded Capacity license may be issued only under the following conditions:

- 706 To allow a parenting youth in care to remain with their own child
- 707 To allow siblings to remain together
- 708 To allow a child with an established meaningful relationship with the family to remain with the family
- 709 To allow a foster family with special training or skills to provide care to a child who
- 710 has a severe disability

711 (Source: Amended at 48 Ill. Reg. _____, effective _____)
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