**Section 401.565 Adoption Agency Payment of Salaries or Other Compensation**

a) *A licensed child welfare agency may pay salaries or other compensation to its officers, employees, agents, contractors, or any other persons acting on its behalf for providing adoption services, provided that all of the following limitations apply:*

1) *The fees, wages, salaries, or other compensation of any description paid to the officers, employees, contractors, or any other person acting on behalf of a child welfare agency providing adoption services shall not be unreasonably high in relation to the services actually rendered. Every form of compensation shall be taken into account in determining whether fees, wages, salaries, or compensation are unreasonably high, including, but not limited to, salary, bonuses, deferred and non-cash compensation, retirement funds, medical and liability insurance, loans, and other benefits such as the use, purchase, or lease of vehicles, expense accounts, and food, housing, and clothing allowances;*

2) *Any earnings, if applicable, or compensation paid to the child welfare agency's directors, stockholders, or members of its governing body shall not be unreasonably high in relation to the services rendered; and*

3) *Persons providing adoption services for a child welfare agency may be compensated only for services actually rendered and only on a fee-for-service, hourly wage, or salary basis.*

b) *The Department shall take into account the location, number, and qualifications of staff, workload requirements, budget, and size of the agency or person, and available norms for compensation within the adoption community.*

c) *Every licensed child welfare agency providing adoption services shall provide the Department and the Attorney General with a report, on an annual basis, providing a description of the fees, wages, salaries and other compensation described in subsection (a) of this Section.*

d) *Nothing in the Adoption Compensation Prohibition Act* [720 ILCS 525] *shall be construed to prevent a child welfare agency from charging fees or the payment of salaries and compensation as limited in this Section and any applicable Sections of this* Part, the Child Care *Act or the Adoption Act.*

e) *This Section does not apply to international adoption services performed by those child welfare agencies governed by the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption and the Intercountry Adoption Act of 2000* (42 USC 14901 et. seq.)*.*

f) *An eligible adoption agency may be deemed compliant with this Section. This presumption of compliance may be rebutted by the Department with substantiated evidence to the contrary. The Department may require periodic certification of COA accreditation from the agency.*  [225 ILCS 10/2.27 and 14.6]

(Source: Added at 30 Ill. Reg. 2699, effective February 27, 2006)