**Section 403.2 Definitions**

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

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

"Background check" means:

a criminal history check via fingerprints of persons age 18 and over that are submitted to the Illinois State Police and the Federal Bureau of Investigation (FBI) for comparison to their criminal history records, as appropriate, or via a LEADS check of persons ages 13 through 17; and

a check of Statewide Automated Child Welfare Information System (SACWIS) and other state child protection systems, as appropriate, to determine whether an individual is currently alleged or has been indicated as a perpetrator of child abuse or neglect; and

a check of the Illinois Sex Offender Registry.

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

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

*"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 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.* (Section 2.05 of the Child Care Act of 1969)

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

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

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

*"Group home" means a child care facility that provides care for no more than 10 children placed by and under the supervision of a licensed child welfare agency with these homes being owned or rented, staffed, maintained and otherwise operated by the agency.* (Section 2.17 of the Child Care Act of 1969)

"Initial background check" means the individual has cleared a check of SACWIS and the Illinois Sex Offender Registry.

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

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

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

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

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

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

"Permit" means a one-time only document issued by the Department for a 6-month period to allow the individual, agency or organization to become eligible for a license.

"Persons subject to background checks" means:

the operator of the child care facility; and

all current and conditional employees of the child care facility; and

any person who is used to replace or supplement staff; and

any person who has access to children, as defined in 89 Ill. Adm. Code 385.20 (Background Checks).

If the child care facility operates in a family home, the license applicant and all members of the household age 13 and over are subject to background checks, as appropriate, even if these members of the household are not usually present in the home during the hours the child care facility is in operation.

"Reasonable and prudent parent standard" means the standard, characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the State to participate in extracurricular, enrichment, cultural, and social activities. (42 USC 675(10))

"Supervising agency", for the purpose of this Part, means a licensed child welfare agency, as defined in the Child Care Act of 1969, that supervises the operation of group homes.

(Source: Amended at 42 Ill. Reg. 20337, effective October 31, 2018)