**Section 405.2 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.

"Accredited" means accredited by the North Central Association of Schools and Colleges, its regional counterparts, or the National Accreditation Council.

"Background check" means:

• a criminal history check via fingerprints of persons age 18 and over which 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 the Child Abuse and Neglect Tracking System (CANTS) 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 Statewide Child Sex Offender Registry.

"CANTS" means the Child Abuse and Neglect Tracking System operated and maintained by the Illinois Department of Children and Family Services.

*"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 [225 ILCS 10/2.05])

*"Conviction" means a judgment of conviction or sentence entered upon a plea of guilty or upon a verdict or finding of guilty of an offense, rendered by a legally constituted jury or by a court of competent jurisdiction authorized to try the case without a jury.* (Section 2-5 of the Criminal Code of 1961)

*"Day care agency" means any person, group of persons, public or private agency, association or organization which undertakes to provide one or more day care homes with administrative services including, but not limited to consultation, technical assistance, training, supervision, evaluation, and provision of or referral to health and social services under contractual arrangement.* (Section 2.11 of the Child Care Act of 1969)

"Day care center" means any child care facility which regularly provides day care for less than 24 hours per day for more than 8 children in a family home and that are not licensed as a day care home or group day care home, or more than 3 children in a facility other than a family home. Exclusions from this definition are listed in Section 2.09 of the Child Care Act of 1969.

*"Day care homes" means family homes which receive more than 3 up to a maximum of* *12* *children for less than 24 hours per day. The number counted includes the family's natural or adopted children and all other persons under the age of 12. The term does not include facilities which receive only children from a single household*. (Section 2.18 of the Child Care Act of 1969)

*"Department" means the Illinois Department of Children and Family Services.* (Section 2.02 of the Child Care Act of 1969 [225 ILCS 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.

"Governing body;" as used in this Part, means the board of directors of a corporation; otherwise, the term means the owner(s) or other person(s), agency, association or organization legally responsible for the operation of the day care agency.

"Initial background check" means the individual has cleared a check of the Child Abuse and Neglect Tracking System and the Statewide Child Sex Offender Registry.

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

*"License applicant",* for purposes of background checks, *means the operator or persons with direct responsibility for daily operation of the facility to be licensed.* (Section 4.4 of the Child Care Act of 1969 [225 ILCS 10/4.4])

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

"License study" means the review of an application for license, on-site visit(s), interviews, and the collection and review of supporting documents to determine compliance with the Child Care Act of 1969 and the standards prescribed by this Part.

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

"Minor traffic violation" means a traffic violation under the laws of the State of Illinois or any municipal authority therein or another state or municipal authority which is punishable solely as a petty offense. (Section 6-601 of the Illinois Driver Licensing Law [625 ILCS 5/6-601])

"Parents", as used in this Part, means the person(s) assuming legal responsibility for the care and protection of the child on a 24-hour basis; includes guardian or legal custodian.

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

"Persons subject to background checks" means:

• the operator(s) 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 Section 385.20, Definitions, of 89 Ill. Adm. Code 385, Background Checks.

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

(Source: Amended at 21 Ill. Reg. 4513, effective April 1, 1997)