**Section 406.9 Characteristics and Qualifications of the Day Care Family**

a) No individual may receive a license from the Department when the applicant, a member of the household age 13 and over, or any individual who has access to the children cared for in a day care home, or any employee of the day care home, has not authorized the background check required by 89 Ill. Adm. Code 385 (Background Checks) and been cleared in accordance with the requirements of Part 385.

b) Employees subject to background checks may begin employment on a conditional basis while awaiting the results of the background check. The employees may not be alone with children until the results of the initial background check have been received.

c) Persons who have been the perpetrator of certain types of child abuse or neglect or who have committed or attempted to commit certain crimes may not be licensed to operate a day care home, be a member of the household of a family home in which a day care home operates, or be an employee or volunteer in a day care home. These allegations/criminal convictions are listed in Appendix C of this Part.

d) Day care homes shall be responsible for ensuring that persons subject to criminal background checks make themselves available for fingerprinting when scheduled by the Department or its authorized representatives. Failure of a person subject to criminal background checks to appear for scheduled fingerprinting may result in the denial of a license application or refusal to renew or revocation of an existing license unless the child care facility can demonstrate that it took reasonable measures to insure cooperation with the fingerprinting process. Adequate cause for failure to appear for fingerprinting includes, but is not limited to:

1) death in the family of the person;

2) serious illness of the person or illness in the person's immediate family; or

3) weather or transportation emergencies.

e) As a condition of licensure, each licensee or license applicant must *certify under penalty of perjury that he or she is current or not more than 30 days delinquent in complying with a child support order. Failure to so certify may result in a denial of the license application, refusal to renew the license, or revocation of the license.* (Section 10-65(c) of the Illinois Administrative Procedure Act [5 ILCS 100/10-65(c)])

f) If the licensees or license applicants acknowledge that they are more than 30 days delinquent in complying with an order for child support or, upon completion of the background check, the licensees or license applicants are found to be delinquent despite their certification, the Department shall deny the application for license, refuse to renew the license, or revoke the license unless the licensees or license applicants arrange for payment of past due and current child support and pay child support in accordance with that agreement.

g) Members of the household who have contact with the children in care shall treat them with respect, courtesy, and patience.

h) The caregiver is responsible for the day-to-day operation of the day care home in accordance with the standards prescribed in this Part.

i) The licensee shall be present in the home when day care children are in attendance unless a qualified substitute caregiver per Section 406.11 is present.

j) The licensee and other adult members of the household in contact with day care children shall be stable, law abiding, responsible, mature individuals.

k) The caregivers in a day care home shall be at least 18 years of age.

l) Caregivers licensed after January 1, 2011 shall have proof of a high school diploma, equivalent certificate, or degree from a regionally accredited institution of higher education or vocational institution.

m) The caregivers and all members of the household shall provide medical evidence as required by Section 406.24(i) that they are free of reportable communicable disease, and, in the case of caregivers, free of physical or mental conditions that could interfere with the child care responsibilities.

n) The licensee who is the primary caregiver shall be certified in first aid, the Heimlich maneuver and infant/child cardiopulmonary resuscitation (CPR) by the American Red Cross, the American Heart Association or other entity approved by the Illinois Department of Public Health.

o) During the hours of operation of the day care home, there shall be at least one person on the premises certified in first aid, the Heimlich maneuver and infant/child cardiopulmonary resuscitation (CPR) by the American Red Cross or the American Heart Association, or other entity approved by the Illinois Department of Public Health. The caregivers shall have on file current certificates attesting to the training.

p) The caregiver shall successfully complete a Department approved basic training course of 6 or more clock hours in providing care to children with disabilities. Refer to Appendix Dfor basic course requirements. The licensee shall have on file a certificate attesting to the successful completion of the training.

1) New licensee shall complete this training within 36 months from the issue date of the initial license.

2) A licensee who has completed training prior to November 15, 2003 may have that training approved as meeting the provisions of this Section. A certificate of training completion and a description of the course content must be submitted to the Department for approval.

q) Through interaction with the licensing representative, children, parents or guardian of children in care and operation of the day care home in accordance with standards prescribed by this Part, caregivers shall exhibit competence in the following specific areas:

1) Knowledge of basic hygiene, safety, and nutrition.

2) The ability to relate comfortably with parents and to communicate with them on differences in caregiving methods, values, and goals.

3) The ability to communicate with children.

4) The ability to set realistic controls for children and to enforce these without harshness or physical abuse.

5) Knowledge of the child's need to explore and manipulate and the willingness to provide and maintain a home where children can enjoy living and learning.

6) Using developmentally appropriate behavior management techniques that do not constitute corporal punishment of children.

r) The caregivers may not work or be employed outside the home during the hours the day care home is licensed. Outside employment during hours that child care is not being provided shall not interfere with child care.

s) The caregiver shall be awake, alert, and able to supervise the children when providing care, except as allowed by Section 406.23(h).

t) The caregivers shall complete 15 clock hours of in-service training per licensing year in accordance with the requirements in Appendix D.

1) The training may be derived from programs offered by any of the entities identified in Appendix D.

2) Courses or workshops to meet this requirement include, but are not limited to, those listed in Appendix D.

3) The records of the day care home shall document the training in which the caregiver has participated, and these records shall be available for review by the Department.

4) Caregivers obtaining clock hours in excess of the required 15 clock hours per year may apply up to 5 clock hours to the next year's training requirements.

5) Licensees shall submit to the local licensing office a certificate of completion of lead safety training consisting of instruction in the following topics:

A) Mitigation plan strategies for test results of 2.01 ppb or above; and

B) Impact of lead exposure.

u) Licensees or applicants shall not provide false or misleading information regarding their compliance with the applicable regulations.

(Source: Amended at 43 Ill. Reg. 187, effective January 1, 2019)