**Section 406.APPENDIX C Background of Abuse, Neglect, or Criminal History Which May Prevent Licensure or Employment in a Day Care Home**

A. The Department makes the presumption that an individual who has been determined to be a perpetrator of child abuse or neglect involving the allegations listed below, as defined in Appendix B, Child Abuse and Neglect Allegations of 89 Ill. Adm. Code 300, Reports of Child Abuse and Neglect is not suitable for work that allows access to children.

 Death

 Head injury, brain damage, skull fracture or hematoma

 Internal injuries

 Wounds (gunshot, knife, or puncture)

 Torture

 Sexually transmitted diseases

 Sexual penetration

 Sexual molestation

 Sexual exploitation

 Failure to thrive

 Malnutrition

 Medical neglect of disabled infant

 A single indicated report of child abuse or neglect that resulted in serious injury to the child, regardless of the allegations involved

 More than one indicated report involving any of the following allegations, regardless of severity:

 Burns or scalding

 Poison or noxious substances

 Bone fractures

 Cuts, bruises, welts, abrasions and injuries

 Human bites

 Sprains or dislocations

 Tying or close confinement

 Substance misuse

 Mental and emotional impairment

 Substantial risk of physical injury

 Inadequate supervision

 Abandonment or desertion

 Medical neglect

 Lock-out

 Inadequate food

 Inadequate shelter

 Inadequate clothing

 Environmental neglect

 If the licensees/license applicants believes there are unusual circumstances that should be considered to mitigate the presumption of unsuitability, the licensees/license applicants may request a waiver of the presumption of unsuitability. Materials to be considered are to be submitted to the licensing entity.

B. Criminal Convictions Which Prevent Licensure or Employment

 If any person subject to background checks has been included in the Statewide Child Sex Offender Database or convicted of committing or attempting to commit one or more of the following serious criminal offenses under the Criminal Code of 1961 [720 ILCS 5] or under any earlier Illinois criminal law or code or an offense in another state, the elements of which are similar and bear a substantial relationship to any of the criminal offenses specified below, this conviction will serve as a bar to receiving a license or permit to operate as a child care facility and from obtaining employment or continuing in employment in a licensed child care facility that allows access to children as part of the duties.

 The offenses that serve as a bar to licensure, residence in a family home in which a child care facility operates, or employment that allows access to children in any child care facilities subject to licensing include:

 OFFENSES DIRECTED AGAINST THE PERSON

 HOMICIDE

 Murder

 Solicitation of murder

 Solicitation of murder for hire

 Intentional homicide of an unborn child

 Voluntary manslaughter of an unborn child

 Involuntary manslaughter

 Reckless homicide

 Concealment of a homicidal death

 Involuntary manslaughter of an unborn child

 Reckless homicide of an unborn child

 Drug induced homicide

 KIDNAPPING AND RELATED OFFENSES

 Kidnapping

 Aggravated kidnapping

 Aggravated unlawful restraint

 Forcible detention

 Child abduction

 Aiding and abetting child abduction

 Harboring a runaway

 SEX OFFENSES

 Indecent solicitation of a child

 Indecent solicitation of an adult

 Public indecency

 Sexual exploitation of a child

Custodial sexual misconduct

Presence within school zone by child sex offenders

Approaching, contacting, residing, or communicating with a child within a public park zone by child sex offenders

 Sexual relations within families

 Prostitution

 Soliciting for a prostitute

 Soliciting for a juvenile prostitute

 Solicitation of a sexual act

 Pandering

 Keeping a place of prostitution

 Keeping a place of juvenile prostitution

 Patronizing a prostitute

 Patronizing a juvenile prostitute

 Pimping

 Juvenile pimping

 Exploitation of a child

 Obscenity

 Child pornography

 Harmful material

 Tie-in sales of obscene publications to distributors

Posting of identifying information on a pornographic Internet site

 BODILY HARM

 Heinous battery

 Aggravated battery with a firearm

 Aggravated battery of a child

 Tampering with food, drugs, or cosmetics

 Hate crime

 Stalking

 Aggravated stalking

 Threatening public officials

 Home invasion

 Vehicular invasion

 Criminal sexual assault

 Aggravated criminal sexual assault

 Predatory criminal sexual assault of a child

 Criminal sexual abuse

 Aggravated sexual abuse

 Criminal transmission of HIV

 Criminal neglect of an elderly or disabled person

 Child abandonment

 Endangering the life or health of a child

 Ritual mutilation

 Ritualized abuse of a child

 Drug induced infliction of great bodily harm

Refer to Appendix A of Part 385 for additional convictions that bar licensure of or employment in a child care facility.

(Source: Amended at 30 Ill. Reg. 18280, effective November 13, 2006)