**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)