**Section 408.APPENDIX E Background of Abuse, Neglect, or Criminal History Which May Prevent Licensure or Employment in a Group Day Care Home**

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| 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 involves contact with 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 that 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 a additional convictions that bar licensure of or employment in a child care facility.

(Source: Amended at 30 Ill. Reg. 18310, effective November 13, 2006)