**Section 409.20 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.

"Background check" means:

A criminal history check via fingerprints of staff/volunteers age 18 and over that are submitted to the Illinois State Police and the Federal Bureau of Investigation (FBI) for comparison to their criminal history records, as appropriate; and

A check of the Statewide Automated Child Welfare Information System (SACWIS) and other State child protection systems, as appropriate, to determine whether an individual is currently alleged or has been indicted as a perpetrator of child abuse or neglect; and

A check of the Illinois Sex Offender Registry.

*"Child" means any person under 18 years of age*. [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 the 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.*  [225 ILCS 10/2.05]

"Conditional employee" means an individual (including any substitute or assistant) who has applied for and been conditionally selected to perform child care functions or administrative, professional, or support functions that allow access to children, as defined in this Section, and who has commenced such duties while awaiting the results of the background check required by this Part.

*"Department"* or "DCFS" *means the Illinois Department of Children and Family Services.* [225 ILCS 10/2.02]

"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.

*"Homeless minor" or "homeless youth" means a person at least 16 years of age but less than 18 years of age who lacks a regular, fixed and adequate place to live and who desires to participate in a youth transitional housing program. The term includes, but is not limited to, a minor who is sharing the dwelling of another or living in a temporary shelter or who is unable or unwilling to return to the residence of a parent. The term does not include a minor in the custody or under the guardianship of the Department of Children and Family Services for the purpose of obtaining emancipation as a homeless minor.* [750 ILCS 30/3-2.5]

"Initial background check" means the individual has cleared a check of the Statewide Automated Child Welfare Information System (SACWIS) and the Illinois Sex Offender Registry.

"License" means a document issued by the Department that authorizes a child care facility to operate in accordance with applicable standards and the provisions of the Child Care Act of 1969 or a Youth Transitional Housing Program in accordance with the Children and Family Services Act [20 ILCS 505/4b].

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

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

"Persons subject to background checks" means:

The operator of the child care facility;

All current and conditional employees of the child care facility;

Any person who is used to replace or supplement staff;

Any staff/volunteer who has access to children, as defined in 89 Ill. Adm. Code 385.20 (Definitions).

In addition, any person who is permitted to be alone outside the visual or auditory supervision of facility staff with children or youth receiving care in a licensed child care facility is subject to the background check requirements of this Part.

"Program license", as used in this Part, means a document issued by the Department that authorizes a Youth Transitional Housing Program to operate in a licensed child care facility in accordance with applicable standards defined in the Children and Family Services Act [20 ILCS 505], or in a unlicensed facility where the transitional living facility meets the requirements of this Part.

"Program license capacity" means the number of residents, as approved by the Department and indicated in the program license, that the transitional living facility can physically hold, not including the resident's own children.

"Program permit" means a one-time only document issued by the Department for a six-month period to allow the individual, agency or organization to become eligible for a program license.

"Replacement or supplemental staff" means any paid or unpaid individual who performs essential staff duties as evidenced by being counted in the staff-child ratio or by being permitted to be alone with children in a licensed child care facility outside the visual or auditory supervision of facility staff.

"Resident" means any homeless minor and his/her minor children who are sheltered or housed in a Youth Transitional Housing Program facility.

"SACWIS" means the Statewide Automated Child Welfare Information System operated by the Illinois Department of Children and Family Services.

"Transitional care services" means the provision of shelter or housing with laundry facilities, bathroom facilities (sink, toilet, shower), food and the adult supervision of such services when they are in operation and available to the recipients of these services, and the provision of services by referral as required by this Part.

"Transitional living facility" means the physical structure in which the Youth Transitional Housing Program provides shelter or housing.

"Youth", as used in this Part, means any person at least 16 years of age but less than 18 years of age.

"Youth transitional housing program" or "YTHP" means a licensed program that provides shelter or housing, and services to partially emancipated homeless minors who are at least 16 but less than 18 years of age for whom the Department does not have custody or guardianship (see 20 ILCS 505/4b; 750 ILCS 30/3-2.10).