**Section 410.20 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. In addition, any person who is permitted to be alone outside the visual or auditory supervision of facility staff with children receiving care in a licensed child care facility is subject to the background check requirements of this Part.

"Background check" means:

- a criminal history check via fingerprints of persons age 18 and over which are submitted to the Illinois State Police and the Federal Bureau of Investigation (FBI) for comparison to their criminal history records, as appropriate, or via a LEADS check of persons ages 13 through 17; and

- a check of the Child Abuse and Neglect Tracking System (CANTS) and other state child protection systems, as appropriate, to determine whether an individual is currently alleged or has been indicated as a perpetrator of child abuse or neglect; and

- a check of the Statewide Child Sex Offender Registry.

"Case management services" means services that include the assessment and identification of client needs, the identification of available resources to meet client needs, the development of an individualized service plan, the coordination, monitoring and evaluation of services for each client, and advocacy for a client to assure that services and resources are accessible and provided.

*"Child" means any person under 18 years of age.* (Section 2.01 of the Child Care Act of 1969 [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 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.*(Section 2.05 of the Child Care Act of 1969)

"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" means the Illinois Department of Children and Family Services.* (Section 2.02 of the Child Care Act of 1969)

"Emergency shelter" means a licensed youth emergency shelter which provides shelter care services, including overnight shelter, to youth from 14 to 18 years of age and their children and which may provide overnight shelter to persons up to age 21. An emergency shelter which provides overnight shelter to persons under 18 years of age may not shelter persons over age 21 and their children.

"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 youth" means persons found within the State who are under the age of 21, are not in a safe and stable living situation and cannot be reunited with their families.

"Initial background check" means the individual has cleared a check of the Child Abuse and Neglect Tracking System and the Statewide Child Sex Offender Registry.

"License" means a document issued by the Department which authorizes child care facilities to operate in accordance with applicable standards and the provisions of the Act.

*"License applicant"*, for purposes of background checks, *means the operator or persons with direct responsibility for daily operation of the facility to be licensed.* (Section 4.4 of the Child Care Act of 1969)

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

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

"Permit" means a one-time only document issued by the Department for a six-month period to allow the individual(s), agency or organization to become eligible for a license.

"Persons subject to background checks" means:

- the operator(s) of the child care facility; and

- all current and conditional employees of the child care facility; and

- any person who is used to replace or supplement staff; and

- any person who has access to children, as defined in Section 385.20, Definitions, of 89 Ill. Adm. Code 385, Background Checks.

If the child care facility operates in a family home, the license applicant(s) and all members of the household age 13 and over are subject to background checks, as appropriate, even if these members of the household are not usually present in the home during the hours the child care facility is in operation.

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

"Resident" and "youth" means any person who is a resident in the shelter care services component of an emergency shelter for homeless youth.

"Shelter care services" means the provision of or referral for services as required by these rules, and the provision of overnight sleeping facilities, 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.

"Youth Emergency Shelter" means a child care facility licensed by the Department to provide shelter care services, including overnight shelter, and referral for other shelter care services, to homeless youth from 14 to 18 years of age and their children in accordance with the requirements of the Act, as amended, and the requirements of 89 Ill. Adm. Code 410, Licensing Standards for Youth Emergency Shelters.

(Source: Amended at 21 Ill. Reg. 4596, effective April 1, 1997)