

1 TITLE 89: SOCIAL SERVICES
2 CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
3 SUBCHAPTER e: REQUIREMENTS FOR LICENSURE
4

5 PART 404
6 LICENSING STANDARDS FOR CHILD CARE INSTITUTIONS
7 AND MATERNITY CENTERS
8

9	Section	
10	404.1	Purpose
11	404.2	Definitions
12	404.3	Effective Date of Standards (Repealed)
13	404.4	Application for License
14	404.5	Renewal of License
15	404.6	Provisions Pertaining to License
16	404.7	Provisions Pertaining to Permits
17	404.8	Incorporation
18	404.9	Composition and Responsibilities of the Governing Body
19	404.10	Finances
20	404.11	The Administrator
21	404.12	Administrative Coverage
22	404.13	Child Care Workers
23	404.14	Support Personnel
24	404.15	Substitute Child Care Staff
25	404.16	Volunteers
26	404.17	Requirements of Professional Staff
27	404.18	Medical and Health Services
28	404.19	Social Work Staff
29	404.20	Teachers
30	404.21	Recreation Staff
31	404.22	Staff Training
32	404.23	Health Requirements for Staff and Volunteers
33	404.24	Background Checks
34	404.25	Criteria for the Admission and Discharge of Children
35	404.26	Admission Preparation Requirements
36	404.27	Agreements and Consents Between Responsible Parties
37	404.28	Child Care Groupings
38	404.29	Discipline of Children
39	404.30	Controls
40	404.31	Clothing and Personal Belongings
41	404.32	Personal Care and Hygiene
42	404.33	Allowances
43	404.34	Education

- 44 404.35 Work and Training
- 45 404.36 Recreation and Leisure Time
- 46 404.37 Health and Safety
- 47 404.38 Food and Nutrition
- 48 404.39 Professional Services
- 49 404.40 Visitation
- 50 404.41 Community Life
- 51 404.42 Religion
- 52 404.43 Termination of Residential Care
- 53 404.44 Buildings
- 54 404.45 Grounds
- 55 404.46 Equipment
- 56 404.47 Records and Reports
- 57 404.48 Records Retention
- 58 404.49 Transportation
- 59 404.50 Severability of This Part
- 60 404.51 Residential Case Management Supervisors
- 61 404.52 Child Care Supervisors
- 62 404.53 Request for Approval of Applicants Under Section 404.52(c)(2) or (3)
- 63 404.54 Workforce and Educational Transcript Review Committee (WETRC)
- 64 404.55 Final Administrative Decision
- 65 404.56 Supervision
- 66 404.57 Acceptable Degrees

67
 68 **AUTHORITY:** Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10] and
 69 the Children's Product Safety Act [430 ILCS 125], the Children and Family Services Act [20
 70 ILCS 505/7.3a], and Title IV-E of the Social Security Act (42 USC 670 et seq.).

71
 72 **SOURCE:** Adopted and codified at 5 Ill. Reg. 13070, effective November 30, 1981; amended at
 73 7 Ill. Reg. 3424, effective April 4, 1983; amended at 8 Ill. Reg. 22870, effective November 15,
 74 1984; amended at 9 Ill. Reg. 19712, effective December 20, 1985; amended at 11 Ill. Reg.
 75 17504, effective October 15, 1987; amended at 21 Ill. Reg. 4488, effective April 1, 1997;
 76 amended at 24 Ill. Reg. 17031, effective November 1, 2000; emergency amendment at 26 Ill.
 77 Reg. 6868, effective April 17, 2002, for a maximum of 150 days; emergency expired September
 78 13, 2002; amended at 27 Ill. Reg. 508, effective January 15, 2003; amended at 29 Ill. Reg. 9976,
 79 effective July 1, 2005; amended at 31 Ill. Reg. 4704, effective March 19, 2007; amended at 42
 80 Ill. Reg. 20351, effective October 31, 2018; emergency amendment at 46 Ill. Reg. 1137,
 81 effective December 22, 2021, for a maximum of 150 days; emergency expired May 20, 2022;
 82 amended at 46 Ill. Reg. 15266, effective August 26, 2022; amended at 49 Ill. Reg. 3893,
 83 effective March 18, 2025; amended at 50 Ill. Reg. _____, effective _____.

84
 85 **Section 404.2 Definitions**

86

87 "Access to children" means an employee's job duties require that the employee be
88 present in a licensed child care facility during the hours that children are present
89 in the child care facility. In addition, any person who is permitted to be alone
90 outside the visual or auditory supervision of child care facility staff with children
91 present~~receiving care~~ in a licensed child care facility is considered to have access
92 to children~~subject to the background check requirements of this Part.~~

93
94 *"Appropriate activities" means activities or items that are generally accepted as*
95 *suitable for children of the same chronological age or developmental level of*
96 *maturity. Appropriateness is based on the development of cognitive, emotional,*
97 *physical, and behavioral capacity that is typical for an age or age group, taking*
98 *into account the individual child's cognitive, emotional, physical, and behavioral*
99 *development. [20 ILCS 505/7.3a]*

100
101 "Background check" means a criminal background clearance, or congregate care
102 background clearance for all eligible individuals living or working in a licensed
103 child care facility or non-licensed service providers.

104
105 "Background check clearance" means no disqualifying offenses were identified
106 during the background check.

107
108 ~~a criminal history check via fingerprints of persons age 18 and over that~~
109 ~~are submitted to the Illinois State Police and Federal Bureau of~~
110 ~~Investigation (FBI) for comparison to their criminal history records, as~~
111 ~~appropriate; and~~

112
113 ~~a check of the Statewide Automated Child Welfare Information System~~
114 ~~(SACWIS) and other state child protection systems, as appropriate, to~~
115 ~~determine whether an individual is currently alleged or has been indicated~~
116 ~~as a perpetrator of child abuse or neglect; and~~

117
118 ~~a check of the Illinois Sex Offender Registry.~~

119
120 "Caregiver" means a person with whom the child is placed in out-of-home care or
121 a designated official for child care facilities licensed by the Department as
122 defined in the Child Care Act of 1969. [20 ILCS 505/7.3a]

123
124 ~~"Caregiver" means a licensed foster parent or unlicensed relative caregiver who~~
125 ~~provides care for a child in DCFS custody or guardianship, or a designated~~
126 ~~official employed by and present at the licensed child care facility in which a~~
127 ~~child in DCFS custody or guardianship is placed. For purposes of this Part, the~~
128 ~~"caregiver" for a youth under 18 years of age in a child care institution or~~
129 ~~maternity center is assigned or designated staff of that facility.~~

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"Child" means any person under 18 years of age. For purposes of admission to and residence in child care institutions, group homes, and maternity centers, the term also means any person under 21 years of age who is referred by a parent or guardian, including an agency having legal responsibility for the person pursuant to the Juvenile Court Act of 1987. Termination of care for such persons under 21 years of age shall occur no later than 90 days following completion of a public school secondary education programs or the individual's eligibility for such a program. (~~Section 2.01 of the Child Care Act of 1969~~ [225 ILCS 10/2.01])

"Child care institution" means a child care facility where more than 7 children are received and maintained for the purpose of providing them with care or training or both. The term "child care institution" includes residential schools, primarily serving ambulatory ~~children with disabilities~~~~handicapped children~~, and those operating a full calendar year, but does not include:

any State-operated institution for child care established by legislative action;

any juvenile detention or shelter care home established and operated by any county or child protection district established under the "Child Protection Act";

any institution, home, place or facility operating under a license pursuant to the Nursing Home Care Act, the Specialized Mental Health Rehabilitation Act of 2013, the ID/DD Community Care Act, or the MC/DD Act [~~210 ILCS 45~~];

any bona fide boarding school in which children are primarily taught branches of education corresponding to those taught in public schools, grades one through 12, or taught in public elementary schools, and high schools, or both elementary and high schools, and which operates on a regular academic school year basis;

any facility licensed as a "group home" as defined in the Child Care Act of 1969 (~~Section 2.06 of the Child Care Act of 1969~~); or

any qualified residential treatment program [225 ILCS 10/2.06]; or

for purposes of this Part, forestry camps, training schools or any facility operated primarily for the detention of children who are determined to be delinquent.

173 "Congregate care facility" means a child care facility that holds a license issued
174 by the Department for one of the following: Youth Emergency Shelter, Youth
175 Transitional Housing Program, Child Care Institution, Maternity Center, Group
176 Home, or Secure Child Care Facility.

177
178 "Culturally competent" for purposes of this Part, means the ability to understand
179 and provide appropriate care for children based on knowledge of the norms,
180 traditions, and experiences of a child's ethnic background.

181
182 ~~"Child with a disability" means a child up to the age of 22 years old with mental~~
183 ~~retardation, hearing impairments (including deafness), speech or language~~
184 ~~impairments, visual impairments (including blindness), serious emotional~~
185 ~~disturbance (hereinafter referred to as emotional disturbance), orthopedic~~
186 ~~impairments, autism, traumatic brain injury, other health impairments, or specific~~
187 ~~learning disabilities; and who, due to these conditions, needs special education~~
188 ~~and related services. (Federal Individuals with Disabilities Education~~
189 ~~Improvement Act of 2004; 34 CFR 300.8)~~

190
191 ~~"Conditional employee" means an individual (including any substitute or~~
192 ~~assistant) who has applied for and been conditionally selected to perform child~~
193 ~~care functions or administrative, professional, or support functions that allow~~
194 ~~access to children, as defined in this Section, and who has commenced those~~
195 ~~duties while awaiting the results of the background check required by this Part.~~

196
197 "Deemed status" means the Department has approved an institution or maternity
198 center as in compliance with the requirements of this Part because the institution
199 or maternity center:

200
201 has received full accreditation status from the Council on Accreditation ~~for~~
202 ~~Children and Family Services (2001 Standards); and~~

203
204 during the past 4 years, has been cited with no substantiated licensing
205 violations that affect the health, safety, morals, or welfare of children it
206 serves.

207
208 ~~"Department" or "DCFS" or "DCFS" means the Illinois Department of Children~~
209 ~~and Family Services. [225 ILCS 10/2.02] (Section 2.02 of the Child Care Act of~~
210 ~~1969)~~

211
212 "Employee" means any staff person employed by a child care facility, and
213 includes any substitute or assistant. This definition includes administrative,
214 professional and other support staff who have access to children.
215

216 "Hair care" means all care and practices related to the maintenance, health, and
217 expression of hair, including, but not limited to, the daily maintenance routine,
218 cutting, styling, or dying of hair as well as culturally specific practices, products,
219 and techniques that reflect and respect diverse identities of youth in care as well
220 as promote dignity and self-worth. [20 ILCS 505/7.3b(b)(1)]

221
222 ~~"Initial background check" means the individual has cleared a check of the~~
223 ~~Statewide Automated Child Welfare Information System (SACWIS) and the~~
224 ~~Illinois Sex Offender Registry.~~

225
226 "License" means a document issued by the Department that authorizes child care
227 facilities to operate in accordance with applicable standards and the provisions of
228 the Child Care Act of 1969.

229
230 *"License applicant", for purposes of background checks, means the operator or*
231 *person with direct responsibility for daily operation of the facility to be licensed.*
232 [225 ILCS 10/4.4]~~(Section 4.4 of the Child Care Act of 1969)~~

233
234 "Licensee" means those individuals, agencies or organizations who hold a license
235 or permit issued by the Department.

236
237 "Licensing representative" means persons authorized by the Department under
238 the Child Care Act of 1969 to examine facilities for licensure.

239
240 *"Maternity center" means a facility in which any person, agency or corporation,*
241 *other than one licensed as a foster family home or group home under the Child*
242 *Care Act of 1969, receives, treats or cares for one or more unwed pregnant girls*
243 *under 18 years of age, except that the term does not include any facility licensed*
244 *under the Hospital Licensing Act. [225 ILCS 10/2.02]*~~(Section 2.07 of the Child~~
245 ~~Care Act of 1969)~~

246
247 "Medical examination" means a physical examination conducted by a Medical
248 Doctor or Doctor of Osteopathic Medicine licensed to practice medicine in the
249 State of Illinois, an Advanced Practice Nurse (APN) or Physician Assistant (PA).
250 The medical examination must be documented on forms prescribed by the
251 Department and signed and dated by the examining practitioner.

252
253 "Normalcy parenting" means empowering a caregiver to approve or not approve a
254 child's or youth's participation in appropriate extracurricular activities based on
255 the caregiver's own assessment using the reasonable and prudent parent standard,
256 without prior approval of the Department, the permanency worker or the court.
257 The goal of normalcy parenting and the reasonable and prudent parent standard is

258 to allow the child's participation in extracurricular, enrichment, cultural and social
259 activities that are appropriate for the child's normal growth and development.

260
261 "Permit" means a one-time only document issued by the Department for a 6
262 month period to allow the individual, agency or organization to become eligible
263 for a license.

264
265 "Reasonable and prudent parent standard" means the standard characterized by
266 careful and sensible parental decisions that maintain the child's health, safety,
267 and best interests while at the same time supporting the child's emotional and
268 developmental growth that a caregiver shall use when determining whether to
269 allow a child in out-of-home care to participate in extracurricular, enrichment,
270 cultural, and social activities. [20 ILCS 505/7.3a(b)]

271
272 ~~"Persons subject to background checks" means:~~

273
274 ~~the operator of the child care facility; and~~

275
276 ~~all current and conditional employees of the child care facility; and~~

277
278 ~~any person who is used to replace or supplement staff; and~~

279
280 ~~any person who has access to children, as defined in 89 Ill. Adm. Code~~
281 ~~385.20 (Background Checks).~~

282
283 ~~If the child care facility operates in a family home, the license applicant and~~
284 ~~all members of the household age 13 and over are subject to background~~
285 ~~checks, as appropriate, even if these members of the household are not usually~~
286 ~~present in the home during the hours the child care facility is in operation.~~

287
288 ~~"Reasonable and prudent parent standard" means the standard, characterized by~~
289 ~~careful and sensible parental decisions that maintain the health, safety, and best~~
290 ~~interests of a child while at the same time encouraging the emotional and~~
291 ~~developmental growth of the child, that a caregiver shall use when determining~~
292 ~~whether to allow a child in foster care under the responsibility of the State to~~
293 ~~participate in extracurricular, enrichment, cultural, and social activities.~~

294
295 "Replacement or supplemental staff" means any paid or unpaid individual who is
296 used to perform essential staff duties as evidenced by being counted in the staff-
297 child ratio or being ~~allowed~~permitted to be alone with children in a licensed child
298 care facility outside the visual or auditory supervision of child care facility staff.

299

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

302
303 (Source: Amended at 50 Ill. Reg. _____, effective _____)

304
305 **Section 404.22 Staff Training**

- 306
307 a) There shall be an organized in-service training program to equip child care
308 personnel to meet the individual and group care needs of the children.
309
310 b) All staff must provide evidence of a *completed* Department-approved *mandated*
311 *reporter training, including a section on implicit bias*, pursuant to the Abused and
312 Neglected Child Reporting Act, *within three months* after *their* initial
313 employment, *and at least every three years thereafter*. Documentation of
314 completion of training must be on file in individual personnel records. [325 ILCS
315 5/4(j)]
316
317 c) The in-service training program shall include content designed to familiarize staff
318 with:
319
320 1) licensing rules, including this Part;
321
322 2) 89 Ill. Adm. Code 384 (Behavior Treatment in Residential Child Care
323 Facilities);
324
325 3) program and range of services provided by the facility;
326
327 4) child development principles; and
328
329 5) the Abused and Neglected Child Reporting Act [325 ILCS 5].
330
331 d) If required by a child's hair care plan, child care personnel shall complete training
332 in a timely manner on how to provide culturally competent hair care for the child.
333

334 (Source: Amended at 50 Ill. Reg. _____, effective _____)

335
336 **Section 404.24 Background Checks**

- 337
338 a) The governing body shall ensure that all prospective and current employees and
339 other individuals subject to a background check submit to fingerprinting ~~(when~~
340 ~~required)~~, authorize a background check and otherwise meet the requirements of
341 89 Ill. Adm. Code 385 (Background Checks).
342

- 343 b) As a condition of issuance or renewal of a license by the Department, the
344 institution shall require persons subject to background checks to furnish
345 information on any offenses (other than a minor traffic violation) for which they
346 have been convicted in accordance with the standards set forth in the
347 ~~Department's rule~~-89 Ill. Adm. Code 385.
348
- 349 c) Persons subject to a congregate care criminal background check via fingerprints:
350
- 351 1) The operator of a congregate care facility;
 - 352
 - 353 2) All adults employed at a child congregate care facility regardless of
354 whether they have contact with children;
 - 355
 - 356 3) All volunteers;
 - 357
 - 358 4) All replacement or supplemental staff (as defined in this Part); and
359
 - 360 5) Any person who has access to children (as defined in this Part), including,
361 those under individual contract or working for a contracted service
362 provider that the child care facility has contracted with to provide day-to-
363 day operational services such as, but not limited to security, meal service,
364 housekeeping services, etc.; and
 - 365
 - 366 6) All interns.
- 367
- 368 d) The Components of a Congregate Care Facility Criminal Background Check
369 include:
370
- 371 1) Fingerprints submitted to the Illinois State Police (ISP) for comparison to
372 their criminal history records;
 - 373
 - 374 2) Fingerprints submitted to the Federal Bureau of Investigation (FBI) for
375 comparison to their national crime information databases;
 - 376
 - 377 3) A search of the DCFS State Central Register (SCR) to determine whether
378 an individual is currently alleged, or has been indicated as a perpetrator of
379 child abuse and/or neglect;
 - 380
 - 381 4) A search of the child abuse and neglect registry, repository, or database in
382 the state where the individual resided during the preceding five years; and
 - 383
 - 384 5) A search of the Illinois Sex Offender Registry (SOR) and in accordance
385 with the Adam Walsh Protection and Safety Act of 2006, the National Sex

Offender Public Website (NSOPW).

- e) ~~An employee may begin work while awaiting the results of the background check. Such employees shall not be left alone with children until the results of the initial background check have been received.~~

(Source: Amended at 50 Ill. Reg. _____, effective _____)

Section 404.32 Personal Care and Hygiene

- a) Children shall be given training and supervision to help them establish good habits of personal care, grooming, hair care, health, and hygiene.
- 1) Child care personnel shall assist each child with hair care, as needed, following the child's established hair care plan.
 - 2) Training and supervision of hair care shall follow the child's established hair care plan.
 - 3) A child care institution shall ensure a child has access to any needed hair care products including, but not limited to, brushes, combs, curling irons, hair straighteners, blow dryers, shampoo, conditioner, hairspray, hair gel, barrettes, hair clips, ponytail holders, hair ties, hairpins, rollers, and oils.
- b) Each child shall be provided with ~~combs, brushes,~~ toothbrushes, towels, and washcloths, appropriately identified for that child's ~~his/her~~ own use. Feminine hygiene supplies shall be available for adolescent children ~~girls~~.
- c) Clean linen shall be provided at least once a week and as needed for enuretic children.
- d) Waterproof mattress covers shall be provided for all beds of enuretic children.

(Source: Amended at 50 Ill. Reg. _____, effective _____)

Section 404.39 Professional Services

- a) Each child and family shall be assigned a child welfare worker. The assigned child welfare worker shall have weekly in-person contact with each child. The child welfare worker shall assist in:
- 1) planning for individual care, treatment, and discharge which shall include evaluation of the individual problems and needs of the child with

429 determination of the specific treatment and social work services required.
430 Plans shall include an analysis of those problems that preclude the child
431 from remaining in a family setting, preferably in his own home, or in
432 another less restrictive placement. Plans shall also include behavioral
433 objectives for the child that, when achieved, shall lead to the child's
434 discharge. Discharge plans shall specify ongoing support services to
435 allow the child to function satisfactorily after discharge from the
436 institution. Joint planning is recommended by all involved parties
437 whenever possible.
438

439 2) reviewing each child's current situation including progress, problems, and
440 needs at least every six months. The review shall include revision of the
441 plans for the child and an explanation of the child's progress toward
442 achieving his service goals and behavioral objectives. In addition, the
443 ~~case~~service plan shall include a statement of the specific treatments that
444 have been given the child and any further treatment that is planned;
445

446 3) planning the children's visits and contacts with their families or other
447 persons who have established a parenting bond with them. Weekly
448 visitations with these persons shall be encouraged. To the extent ~~the~~
449 ~~child~~he is able, the child shall participate in planning the visits; ~~and~~
450

451 4) the decision-making process around such issues as subsequent placement,
452 termination or change in the treatment plan, and discharge from care shall
453 be reviewed by the social work supervisor before implementation. When
454 needed, these decisions shall result in a revised ~~case~~service plan; ~~and~~-
455

456 5) developing a hair care plan in accordance with 89 Ill. Adm. Code 315.130
457 (Developing the Case Plan).
458

459 b) The child welfare worker shall assist families and children in:
460

461 1) understanding the need for placement;
462

463 2) developing and maintaining a continuing relationship with parents,
464 siblings and other relatives unless clearly contraindicated by specific
465 factors in the family situation; and
466

467 3) planning for and implementing the child's return home or other aftercare.
468

469 c) Social, psychological and psychiatric evaluation and treatment shall be provided
470 to children in need of such services by qualified personnel.
471

472 d) The institution shall maintain an average of one full time child welfare worker (or
473 equivalent) to every 25 children receiving services.

474

475

(Source: Amended at 50 Ill. Reg. _____, effective _____)