#### DEPARTMENT OF CHILDREN AND FAMILY SERVICES

# Human Services/Executive Agency FY14 Headcount: 2,848

http://www.state.il.us/dcfs/index.shtml

#### **Summary of Agency Operations**

The Illinois Department of Children and Family Services (DCFS) plans and coordinates child abuse and neglect prevention programs and services. Agency programs protect children who are reported to be abused or neglected, and work to increase their families' capacity to safely care for them. DCFS staff and private agency partners work to provide for the well-being of the children in our care and seek to secure permanent and stable living situations.

#### **Internal Hiring**

### Agency positions subject to restrictions based on criminal history

Child protection specialist, Child protection advance specialist, Child welfare specialist, Child welfare advance specialist, Public service administrator (direct service only), Police and security force

#### Statutory Restrictions Applicable to Internal Hiring

#### Direct child welfare service employee license [20 ILCS 505/5c]

By January 1, 2000, the Department, in consultation with private child welfare agencies, shall develop and implement a direct child welfare service employee license. By January 1, 2001 all child protective investigators and supervisors and child welfare specialists and supervisors employed by the Department or its contractors shall be required to demonstrate sufficient knowledge and skills to obtain and maintain the license.

# Administrative code, Title 89, Chapter III, Sub chapter f, Part 412, Section 412.40 Licensing Requirement

Direct child welfare services supervisors and workers employed by the Department of Children and Family Services [or purchase of service agencies] shall be licensed by the Department to practice as a direct child welfare services employee.

b. Qualifications for License: 2) has no pending or indicated reports of child abuse or neglect, and has no pending or criminal conviction of any offenses stipulated under the Criminal Code of 1961 listed in Section 4.2(b) of the Child Care Act of 1969 [225 ILCS 10/4.2(b)] (enumerated below)

**Restriction Type:** Mandatory

**Restriction Duration:** No time limit specified

#### 225 ILCS 10/4.2 Child Care Act of 1969

(b) In addition to the other provisions of this Section, **no applicant may receive a license** from the Department and no person may be employed by a child care facility licensed by the Department **who has been declared a sexually dangerous person under "An Act in relation to sexually dangerous persons, and providing for their commitment, detention and** 

supervision", approved July 6, 1938, as amended, or convicted of committing or attempting to commit any of the following offenses stipulated under the Criminal Code of 1961 or the Criminal Code of 2012 (enumerated at the end of the Fact Sheet)

**Restriction Type:** Discretionary

**Restriction Duration:** No time limit specified

#### 225 ILCS 420/5 Child Protective Investigator and Child Welfare Specialist

In addition to the requirements of Section 4, ...the Department may take into consideration any felony conviction of the applicant, but such conviction shall not operate automatically as a complete bar to certification.

**Restriction Type:** Discretionary **Restriction Duration:** Not specified

#### Police and security force [20 ILCS 510/510-200]

(a) The Department has the power to appoint, subject to the Personnel Code, persons to be members of a police and security force. Members of the police and security force shall be peace officers and as such have all powers possessed by policemen in cities and sheriffs, including the power to make arrests on view or on warrants of violations of State statutes or city or county ordinances. These powers may, however, be exercised only in counties of more than 500,000 population when required for the protection of Department properties, interests, and personnel or when specifically requested by appropriate State or local law enforcement officials. Members of the police and security force may not serve and execute civil process.

See Law Enforcement Training and Standards Board Fact Sheet for **mandatory restrictions** on certification of peace officers.

# System of personnel administration

Personnel Code [20 ILCS 415]

#### Title 80, Ill Admin Code, Section 302.130 Removal of names from eligible list

See Chapter IV of the Final Report for the enumerated criminal history restrictions in the Personnel Code, administered by CMS Bureau of Personnel, related to being qualified for open competitive examinations and subsequent appointment.

#### **Background Check Procedures:**

#### (1) Self-disclosure on application

Yes [25 ILCS 10/4.2] Child Care Act of 1969 (a) No applicant may receive a license from the Department and no person may be employed by a licensed child care facility who refuses to authorize an investigation as required by Section 4.1.

Administrative Code, Title 89, Chapter III, Sub chapter d, Part 385, Section 385.30 Applicability of this Part (d) A condition of employment 1) As a condition of employment in a licensed child care facility in a position that allows access to children, all persons subject to background checks, as defined in Section 385.20, shall complete and sign authorizations for background checks and submit to fingerprinting, if required. This applies to all current and conditional employees subject to background checks, as defined in Section 385.20, and to any

individual used as replacement or supplemental staff in the direct care and supervision of children.

#### 20 ILCS 510/510-100 (Criminal history record information)

Whenever the Department is authorized or required by law to consider some aspect of criminal history record information for the purpose of carrying out its statutory powers and responsibilities, then, upon request and payment of fees in conformance with the requirements of Section 2605-400 of the Department of State Police Law (20 ILCS 2605/2605-400), the Department of State Police is authorized to furnish, pursuant to positive identification, the information contained in State files that is necessary to fulfill the request.

#### (2) Background check review procedure (per agency's report to the Task Force)

#### Where applicant background is clear:

- 1. Receipt of application and authorization for background check
- 2. Request ISP, SOR, FBI and CANTS from OES
- 3. Background is clear
- 4. Ensure all other requirements are met
- 5. Approve license

### Where applicant background is not clear:

- 1. Receipt of application and authorization for background check
- 2. Request ISP, SOR, FBI and CANTS from OES
- 3. Background is not clear
- 4. Request Criminal History Record Information
- 5. Review Criminal History for offenses that bar licensure
- 6. No conviction of offense that is a bar to licensure
- 7. Ensure all other requirements are met
- 8. Approved license

#### **Alternatively:**

- 1. Receipt of application and authorization for background check
- 2. Request ISP, SOR, FBI and CANTS from OES
- 3. Background is not clear
- 4. Request Criminal History Record Information
- 5. Review Criminal History for offenses that bar licensure
- 6. Contact employee. Determine if employee agrees that rap sheet is correct
- 6a. Employee does not agree with Criminal History
- 6b. Employee agrees with Criminal History
- 7. Verify record with Circuit Clerk
- 8. Notify employee license with not be approved

#### Exemption, waiver, or review mechanisms

Per agency's report to the Task Force, Rule 412 does not authorize waiver or appeal. Applicants can seek review through DCFS Chain of Command: 1. Associate Deputy Director; 2. Deputy Director. Review request is an informal process based on the Associate and Deputy's director.

# Administrative code, Title 89, Chapter III, Sub chapter f, Part 429, Section 429.3 The Department's Affirmative Acton Policy

d) Nothing in this policy shall prohibit the Department from denying employment to persons on the basis of criminal convictions. However, the Department will consider the gravity of the offense, the circumstances under which it occurred, the background and age of the applicant at the time of the offense and whether the offense is related to the applicant's suitability for employment.

**Restriction Type:** Discretionary **Restriction Duration:** Not specified

#### Total number of people who underwent a background check

756

#### Occupational Licensing, Certification, Regulation

Occupational licenses issued by agency that are subject to criminal history restrictions Child welfare service employee license for any employees, including contractual purchase of service employees, who has access to children and work in: Child welfare agencies (CWA), Group home (GH), Child care institutions (CCI), Day care home (DCH), Day care centers (DCC), Group day care homes (GDCH), Youth transitional housing (YTH), Youth Emergency Shelter (YES)

#### 225 ILCS 10/2.05 Child Care Act of 1969 (Definition)

"Facility for child care" or "child care facility" means any person, group of persons, agency, association, organization, corporation, institution, center, or group, 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 this Act, established and maintained for the care of children. "Child care facility" includes a relative who is licensed as a foster family home under Section 4 of this Act.

A licensed facility operating as a "child care institution", "maternity center", "child welfare agency", "day care agency" or "day care center" must apply for renewal of its license held, the application to be made to the Department on forms prescribed by it.

#### Statutory/regulatory restrictions applicable to occupational licensing

#### Direct child welfare service employee license [20 ILCS 505/5c]

(a) By January 1, 2000, the Department, in consultation with private child welfare agencies, shall develop and implement a direct child welfare service employee license. By January 1, 2001 all child protective investigators and supervisors and child welfare specialists and supervisors employed by the Department **or its contractors** shall be required to demonstrate sufficient knowledge and skills to obtain and maintain the license. The Direct Child Welfare Service Employee License Board of the Department shall have the authority to revoke or suspend the license of anyone who after a hearing is found to be guilty of misfeasance. The Department shall promulgate such rules as necessary to implement this Section.

**Restriction Type:** Mandatory

**Restriction Duration:** No time limit specified

Direct child welfare service employee licensee, or facility employee who transports children with a motor vehicle

Child Care Act of 1969 [225 ILCS 10/5.1] (b) If a direct child welfare service employee licensee is expected to transport a child or children with a motor vehicle in the course of performing his or her duties, the Department must verify that the licensee meets the requirements set forth in Section 5.1 of the Child Care Act of 1969: 4. has not been convicted of more than 2 offenses against traffic regulations governing the movement of vehicles within a twelve month period; 5. has not been convicted of reckless driving or driving under the influence or manslaughter or reckless homicide resulting from the operation of a motor vehicle within the past 3 years; 6. has signed and submitted a written statement certifying that he has not, through the unlawful operation of a motor vehicle, caused an accident which resulted in the death of any person within the 5 years immediately prior to the date of application.

**Restriction Type: Mandatory** 

**Restriction Duration: See above statute for various time restrictions** 

#### Child Care Act of 1969 [225 ILCS 10/5.1]

a) The Department shall ensure that no day care center, group home or child care institution as defined in this Act shall on a regular basis transport a child or children with any motor vehicle unless such vehicle is operated by a person who complies with the following requirements: 2. Currently holds a valid driver's license, which has not been revoked or suspended for one or more traffic violations during the 3 years immediately prior to the date of application; 5. Has not been convicted of reckless driving or driving under the influence or manslaughter or reckless homicide resulting from the operation of a motor vehicle within the past 3 years.

**Restriction Type: Mandatory** 

**Restriction Duration: See above statute for various time restrictions** 

# Administrative Code, Title 89, Chapter III, Sub chapter e, Part 401, Sub part E, Section 401.450 Transportation of Children

c) The child welfare agency shall ask all drivers to answer the following questions in writing and shall include the response to these questions in their personnel files. Persons who answer "yes" to either of the questions in subsection (c)(1), (2) or (3) **shall not** be permitted to transport children. 2). Have you been convicted of driving under the influence, manslaughter, or reckless homicide in the past 3 years?

**Restriction Type:** Mandatory

**Restriction Duration:** Previous 12 month for traffic violations; Previous 3 years for reckless driving, reckless homicide; Previous 5 years for accidental death of person resulting from unlawful operation of motor vehicle

#### Foster home license applicants

20 ILCS 505/5 Direct child welfare services; Department of Children and Family Services (v-1) Prior to final approval for placement of a child, the Department shall conduct a criminal records background check of the prospective foster or adoptive parent, including fingerprint-based checks of national crime information databases. Final approval for placement shall not be granted if the record check reveals a felony conviction for child abuse or neglect, for spousal abuse, for a crime against children, or for a crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery, or if there is a felony conviction for physical assault, battery, or a drug-related offense committed within the past 5 years.

**Restriction Type:** Mandatory

**Restriction Duration:** Previous 5 years for drug-related offense; no time limit for other offense

enumerated

#### Background check process for foster parent applicants

Administrative Code, Title 89, Chapter III, Sub chapter e, Part 402, Section 402.13 Background Inquiry A) As a condition of issuance or renewal of a license by the Department, foster parents shall furnish information of: 1) Any offenses (other than minor traffic violations) for which they have been convicted; and 2) The disposition of the convictions

**Restriction Type:** Mandatory

**Restriction Duration:** No time limit specified

**20 ILCS 505/5 Direct child welfare services; Department of Children and Family Services** (v-2) Prior to final approval for placement of a child, the Department shall check its child abuse and neglect registry for information concerning prospective foster and adoptive parents, and any adult living in the home. If any prospective foster or adoptive parent or other adult living in the home has resided in another state in the preceding 5 years, the Department shall request a check of that other state's child abuse and neglect registry.

**Restriction Type:** Mandatory

**Restriction Duration:** In the preceding 5 years

Waiver process for foster parent applicants

Administrative Code, Title 89, Chapter III, Sub chapter e, Part 402, Section 402.13

Background Inquiry C. Persons who have been convicted of an offense shall not be automatically rejected as foster parents unless the offense is one of those listed in Part 402.Appendix A. Otherwise, the Department shall consider the following: 1) the type of crime for which the individual was convicted; 2) the number of crimes for which the individual was convicted; 3) the nature of the offenses; 4) the age of the individual at the time of conviction; 5) the length of time that has elapsed since the last conviction; 6) the relationship of the crime

and the capacity to care for children; 7) evidence of rehabilitation; 8) opinions of community members concerning the individual in question.

**Restriction Type:** Discretionary

Restriction Duration: No time limit specified

Child Care of 1969 [225 ILCS 10/4.2] (d) Notwithstanding subsection (c), the Department may make an exception and issue a new foster family home license or may renew an existing foster family home license of an applicant who was convicted of an offense described in subsection (c), provided all of the following requirements are met: (1) The relevant criminal offense or offenses occurred more than 10 years prior to the date of application or renewal. (2) The applicant had previously disclosed the conviction or convictions to the Department for purposes of a background check. (3) After the disclosure, the Department either placed a child in the home or the foster family home license was issued. (4) During the background check, the Department had assessed and waived the conviction in compliance with the existing statutes and rules in effect at the time of the hire or licensure. (5) The applicant meets all other requirements and qualifications to be licensed as a foster family home under this Act and the Department's administrative rules. (6) The applicant has a history of providing a safe, stable home environment and appears able to continue to provide a safe, stable home environment. (e) In evaluating the exception pursuant to subsections (b-2) and (d), the Department must carefully review any relevant documents to determine whether the applicant, despite the disqualifying convictions, poses a substantial risk to State resources or clients. In making such a determination, the following guidelines shall be used: (1) the age of the applicant when the offense was committed; (2) the circumstances surrounding the offense; (3) the length of time since the conviction; (4) the specific duties and responsibilities necessarily related to the license being applied for and the bearing, if any, that the applicant's conviction history may have on his or her fitness to perform these duties and responsibilities; (5) the applicant's employment references; (6) the applicant's character references and any certificates of achievement; (7) an academic transcript showing educational attainment since the disqualifying conviction; (8) a Certificate of Relief from Disabilities or Certificate of Good Conduct; and (9) anything else that speaks to the applicant' character.

#### Applicants for Day Care, Group Day Care Facility License

# Administrative Code, Title 89, Chapter III, Sub chapter e, Part 406, Section 406.9 Characteristics and Qualifications of the Day Care Family

- a) No individual may receive a license from the Department when the applicant, a member of the household age 13 and over, or any individual who has access to the children cared for in a day care home, or any employee of the day care home, has not authorized the background check required by 89 Ill. Adm. Code 385 (Background Checks) and been cleared in accordance with the requirements of Part 385.
- c) Persons who have been the perpetrator of certain types of child abuse or neglect or who have committed or attempted to commit certain crimes may not be licensed to operate a day care home, be a member of the household of a family home in which a day care home operates, or be an employee or volunteer in a day care home. These allegations/criminal convictions are listed in Appendix C of this Part (below).

**Restriction Type:** Mandatory

Restriction Duration: No time limit specified

Administrative Code, Title 89, Chapter III, Sub chapter e, Part 406, Section 406.Appendix C Background of Abuse, Neglect, or Criminal history which may prevent licensure or employment in a day care home;

Administrative Code, Title 89, Chapter III, Sub chapter e, Part 408, Sub part F, Section 408.40 Background Check (group day care home) 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. (Offenses enumerated at the end of the Fact Sheet)

**Restriction Type:** Mandatory

**Restriction Duration:** No time limit specified

Waiver for child care facilities license (other than foster family homes)

Child Care of 1969 [225 ILCS 10/4.2] (b-2) Notwithstanding subsection (b-1), the Department may make an exception and, for child care facilities other than foster family homes, issue a new child care facility license to or renew the existing child care facility license of an applicant, a person employed by a child care facility, or an applicant who has an adult residing in a home child care facility who was convicted of an offense described in subsection (b-1), provided that all of the following requirements are met: (1) The relevant criminal offense occurred more than 5 years prior to the date of application or renewal, except for drug offenses. The relevant drug offense must have occurred more than 10 years prior to the date of application or renewal, unless the applicant passed a drug test, arranged and paid for by the child care facility, no less than 5 years after the offense. (2) The Department must conduct a background check and assess all convictions and recommendations of the child care facility to determine if hiring or licensing the applicant is in accordance with Department administrative rules and procedures; (3) The applicant meets all other requirements and qualifications to be licensed as the pertinent type of child care facility under this Act and the Department's administrative rules.

#### Governing body of the child welfare agency and principal shareholders

Administrative Code, Title 89, Chapter III, Sub chapter e, Part 401, Sub part C, Section 401, 210 Composition and responsibilities of the governing body

b) Each member of the governing body of the child welfare agency and principal shareholders (owning 5% or more of the corporate stock) shall be of reputable and responsible character who shall certify that they have never been convicted of a felony or indicated as a perpetrator in a child abuse or neglect report, as defined in Appendix B of 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect).

**Restriction Type:** Mandatory **Restriction Duration:** Not specified

#### Background check review procedure for all childcare facility license applicants

## 225 ILCS 10/4.1 (Criminal Background Investigations)

The Department shall require that each child care facility license applicant as part of the application process, and each employee of a child care facility as a condition of employment, authorize an investigation to determine if such applicant or employee has ever been charged with a crime and if so, the disposition of those charges; this authorization shall indicate the scope of the inquiry and the agencies which may be contacted. Upon this authorization, the Director shall request and receive information and assistance from any federal, State or local governmental agency as part of the authorized investigation. Each applicant shall submit his or her fingerprints to the Department of State Police in the form and manner prescribed by the Department of State Police. These fingerprints shall be checked against the fingerprint records now and hereafter filed in the Department of State Police and Federal Bureau of Investigation criminal history records databases. The Department of State Police shall charge a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The Department of State Police shall provide information concerning any criminal charges, and their disposition, now or hereafter filed, against an applicant or child care facility employee upon request of the Department of Children and Family Services when the request is made in the form and manner required by the Department of State Police.

Information concerning convictions of a license applicant investigated under this Section, including the source of the information and any conclusions or recommendations derived from the information, shall be provided, upon request, to such applicant prior to final action by the Department on the application. State conviction information provided by the Department of State Police regarding employees or prospective employees of child care facilities licensed under this Act shall be provided to the operator of such facility, and, upon request, to the employee or prospective employee. Any information concerning criminal charges and the disposition of such charges obtained by the Department shall be confidential and may not be transmitted outside the Department, except as required herein, and may not be transmitted to anyone within the Department except as needed for the purpose of evaluating an application or a child care facility employee. Only information and standards which bear a reasonable and rational relation to the performance of a child care facility shall be used by the Department or any licensee. Any employee of the Department of Children and Family Services, Department of State Police, or a child care facility receiving confidential information under this Section who gives or causes to be given any confidential information concerning any criminal convictions of a child care facility applicant, or child care facility employee, shall be guilty of a Class A misdemeanor unless release of such information is authorized by this Section.

A child care facility may hire, on a probationary basis, any employee authorizing a criminal background investigation under this Section, pending the result of such investigation. Employees shall be notified prior to hiring that such employment may be terminated on the basis of criminal background information obtained by the facility.

#### **Employment Contracting**

#### **Employment contracting restrictions based on criminal history**

**20 ILCS 505/5 Direct child welfare services; Department of Children and Family Services** To provide direct child welfare services when not available through other public or private child care or program facilities.

# Title 89, Chapter III, Part 412 Licensure of Direct Child Welfare Services Employees and Supervisors

"Purchase of service provider" means an agency or individual offering services to a Department client through a signed contract with the Department.

Same licensing processes are used for contractual licensed employees

#### Summary of Employment Restrictions from Agency Report

The Illinois Department of Children and Family Services (DCFS) plans and coordinates children abuse and neglect prevention programs and services. The following agency positions are subject to restrictions based on criminal history: Child protection specialist, Child protection advance specialist, Child welfare specialist, Child welfare advance specialist, Public service administrator (direct service only), Police and security force.

DCFS licenses child welfare employees (CWEL), including all caseworkers, investigators, foster home licensing workers and their supervisors. DCFS is required to conduct criminal background checks on any employee who has access to children and work in: Child welfare agencies (CWA), Group home (GH), Child care institutions (CCI), Day care home (DCH), Day care centers (DCC), Group day care homes (GDCH), Youth transitional housing (YTH), Youth Emergency Shelter (YES) as well as non-licensed contract staff from DCFS contract liaisons.

DCFS (Rule 412) does not authorize waiver or appeals but applicants can seek a review of their case through DCFS Chain of Command: (1) Associate Deputy Director or (2) Deputy Director. A total of 756 individuals underwent a background check within the last 2 years.

## Offenses listed under the Child Care Act of 1969 [225 ILCS 10/4.2]

(b) In addition to the other provisions of this Section, no applicant may receive a license from the Department and no person may be employed by a child care facility licensed by the Department who has been... convicted of committing or attempting to commit any of the following offenses stipulated under the Criminal Code of 1961 or the Criminal Code of 2012: 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; a sex offense under Article 11, except offenses described in Sections 11-7, 11-8, 11-12, 11-13, 11-35, 11-40, and 11-45; kidnapping; aggravated unlawful restraint; aggravated kidnapping; child abduction; aggravated battery of a child as described in Section 12-4.3 or subdivision (b)(1) of Section 12-3.05; criminal sexual assault; aggravated criminal sexual assault; predatory criminal sexual assault of a child; criminal sexual abuse; aggravated sexual abuse; heinous battery as described in Section 12-4.1 or subdivision (a)(2) of Section 12-3.05; aggravated battery with a firearm as described in Section 12-4.2 or subdivision (e)(1), (e)(2), (e)(3), or (e)(4) of Section 12-3.05; tampering with food, drugs, or cosmetics; drug induced infliction of great bodily harm as described in Section 12-4.7 or subdivision (g)(1) of Section 12-3.05; hate crime; stalking; aggravated stalking; threatening public officials; home invasion; vehicular invasion; criminal transmission of HIV; criminal abuse or neglect of an elderly or disabled person as described in Section 12-21 or subsection (b) of Section 12-4.4a; child abandonment; endangering the life or health of a child; ritual mutilation; ritualized abuse of a child; an offense in any other jurisdiction the elements of which are similar and bear a substantial relationship to any of the foregoing offenses.

(b-1.5) In addition to any other provision of this Section, for applicants with access to confidential financial information or who submit documentation to support billing, no applicant whose initial application was considered after the effective date of this amendatory Act of the 97th General Assembly may receive a license from the Department or a child care facility licensed by the Department who has been convicted of committing or attempting to commit any of the following felony offenses: financial institution fraud under Section 17-10.6 of the Criminal Code of 1961 or the Criminal Code of 2012; identity theft under Section 16-30 of the Criminal Code of 1961 or the Criminal Code of 2012; financial exploitation of an elderly person or a person with a disability under Section 17-56 of the Criminal Code of 1961 or the Criminal Code of 2012; computer tampering under Section 17-51 of the Criminal Code of 1961 or the Criminal Code of 2012; aggravated computer tampering under Section 17-52 of the Criminal Code of 1961 or the Criminal Code of 2012; computer fraud under Section 17-50 of the Criminal Code of 1961 or the Criminal Code of 2012; deceptive practices under Section 17-1 of the Criminal Code of 1961 or the Criminal Code of 2012; forgery under Section 17-3 of the Criminal Code of 1961 or the Criminal Code of 2012; State benefits fraud under Section 17-6 of the Criminal Code of 1961 or the Criminal Code of 2012; mail fraud and wire fraud under Section 17-24 of the Criminal Code of 1961 or the Criminal Code of 2012; theft under paragraphs (1.1) through (11) of subsection (b) of Section 16-1 of the Criminal Code of 1961 or the Criminal Code of 2012.

Child Care Act of 1969 [225 ILCS 10/4.2 (b-1) In addition to the other provisions of this Section, beginning January 1, 2004, no new applicant and, on the date of licensure renewal, no current licensee may operate or receive a license from the Department to operate, no person may be employed by, and no adult person may reside in a child care facility licensed by the Department who has been convicted of committing or attempting to commit any of the following offenses or an offense in any other jurisdiction the elements of which are similar and bear a substantial relationship to any of the following offenses: (I) BODILY HARM: felony aggravated assault; vehicular endangerment; felony domestic battery; aggravated battery; heinous battery; aggravated battery with a firearm; aggravated battery of an unborn child; aggravated battery of a senior citizen; intimidation; compelling organization membership of

persons; abuse and criminal neglect of a long term care facility resident; felony violation of an order of protection.

- (II) OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY: felony unlawful use of weapons; aggravated discharge of a firearm; reckless discharge of a firearm; unlawful use of metal piercing bullets; unlawful sale or delivery of firearms on the premises of any school; disarming a police officer; obstructing justice; concealing or aiding a fugitive; armed violence; felony contributing to the criminal delinquency of a juvenile.
- (III) DRUG OFFENSES: possession of more than 30 grams of cannabis; manufacture of more than 10 grams of cannabis; cannabis trafficking; delivery of cannabis on school grounds; unauthorized production of more than 5 cannabis sativa plants; calculated criminal cannabis conspiracy; unauthorized manufacture or delivery of controlled substances; controlled substance trafficking; manufacture, distribution, or advertisement of look-alike substances; calculated criminal drug conspiracy; street gang criminal drug conspiracy; permitting unlawful use of a building; delivery of controlled, counterfeit, or look-alike substances to persons under age 18, or at truck stops, rest stops, or safety rest areas, or on school property; using, engaging, or employing persons under 18 to deliver controlled, counterfeit, or look-alike substances; delivery of controlled substances; sale or delivery of drug paraphernalia; felony possession, sale, or exchange of instruments adapted for use of a controlled substance, methamphetamine, or cannabis by subcutaneous injection; felony possession of a controlled substance; any violation of the Methamphetamine Control and Community Protection Act.
- (c) In addition to the other provisions of this Section, no applicant may receive a license from the Department to operate a foster family home, and no adult person may reside in a foster family home licensed by the Department, who has been convicted of committing or attempting to commit any of the following offenses stipulated under the Criminal Code of 1961, the Criminal Code of 2012, the Cannabis Control Act, the Methamphetamine Control and Community Protection Act, and the Illinois Controlled Substances Act:

  (I) OFFENSES DIRECTED AGAINST THE PERSON: (A) KIDNAPPING AND RELATED OFFENSES: unlawful restraint. (B) BODILY HARM: felony aggravated assault; vehicular endangerment; felony domestic battery; aggravated battery; heinous battery; aggravated battery with a firearm; aggravated battery of an unborn child; aggravated battery of a senior citizen; intimidation; compelling organization membership of persons; abuse and criminal neglect of a long term care facility resident; felony violation of an order of protection;
- (II) OFFENSES DIRECTED AGAINST PROPERTY: felony theft; robbery; armed robbery; aggravated robbery; vehicular hijacking; aggravated vehicular hijacking; burglary; possession of burglary tools; residential burglary; criminal fortification of a residence or building; arson; aggravated arson; possession of explosive or explosive incendiary devices.
- (III) OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY: felony unlawful use of weapons; aggravated discharge of a firearm; reckless discharge of a firearm; unlawful use of metal piercing bullets; unlawful sale or delivery of firearms on the premises of any school; disarming a police officer; obstructing justice; concealing or aiding a fugitive; armed violence; felony contributing to the criminal delinquency of a juvenile.
- (IV) DRUG OFFENSES: possession of more than 30 grams of cannabis; manufacture of more than 10 grams of cannabis; cannabis trafficking; delivery of cannabis on school grounds; unauthorized production of more than 5 cannabis sativa plants; calculated criminal cannabis conspiracy; unauthorized manufacture or delivery of controlled substances; controlled substance

trafficking; manufacture, distribution, or advertisement of look-alike substances; calculated criminal drug conspiracy; Street gang criminal drug conspiracy; permitting unlawful use of a building; delivery of controlled, counterfeit, or look-alike substances to persons under age 18, or at truck stops, rest stops, or safety rest areas, or on school property; using, engaging, or employing persons under 18 to deliver controlled, counterfeit, or look-alike substances; delivery of controlled substances; sale or delivery of drug paraphernalia; felony possession, sale, or exchange of instruments adapted for use of a controlled substance, methamphetamine, or cannabis by subcutaneous injection; any violation of the Methamphetamine Control and Community Protection Act.