**Section 801.20 Definitions**

"Act" means the Secure Residential Youth Care Facility Licensing Act [730 ILCS 175].

"Charges" means a written statement of findings of non-compliance issued by the Department against a licensee for the purpose of an administrative hearing.

"Complaint" means any oral or written report made to or by the Department alleging violation of federal, State, or local laws and rules and regulations related to the licensing or operation of secure residential youth care facilities.

"Conditional License" means a temporary license issued to any secure residential youth care facility holding a license under the Act for which a formal finding of a violation of licensing procedures or standards or federal, State, or local laws has been made by the Department. A conditional license is a nonrenewable license which is issued for a period of six months.

"Controlled substances" means any substance identified in Section 102 of the Illinois Controlled Substances Act [720 ILCS 570/102], including cannabis as defined in Section 3 of the Cannabis Control Act [720 ILCS 550/3].

"Department" means the Illinois Department of Corrections.

"Deputy Director" means the Deputy Director of the Juvenile Division of the Department.

"Director" means the Director of the Department.

"Drug test" means a urinalysis or blood test conducted by a laboratory certified by the Substance Abuse and Mental Health Services Administration, formerly the National Institute on Drug Abuse, to identify the presence of illegal or controlled substances.

"Expedited permit" means a document issued by the Department to allow an applicant who is licensed by the Illinois Department of Children and Family Services as a child care residential facility to operate a secure residential youth care facility for a six-month period while providing a reasonable time to become eligible for a license, if applicable. This term also includes any emergency permit issued under provisions of previous rules in this Part.

"Finding" means a report of results of an investigation of a complaint or of grounds for revocation or termination by staff authorized by the Director.

"Governing body" means the board of directors of a corporation or partners, owners, proprietors, members, managers, or other entity or persons legally responsible for the operation of the facility.

"Hearing" means any formal proceeding held by the Department regarding the revocation of a license or refusal to renew a license to operate a secure residential youth care facility.

"Insolvent" means:

with regard to entities other than partnerships, the entity's financial condition is such that the sum of its debts is greater than all of its property, at a fair valuation, exclusive of property transferred, concealed, or removed with intent to hinder, delay, or defraud its creditors; or

with regard to a partnership, the sum of the partnership's debts is greater than the aggregate of:

all of the partnership's property, at fair valuation, exclusive of property transferred, concealed, or removed with intent to hinder, delay, or defraud its creditors; and

the sum of the excess of the value of each general partner's nonpartnership property, exclusive of property transferred, concealed, or removed with intent to hinder, delay, or defraud its creditors, over such partner's nonpartnership debts.

"Investigation" means an information gathering and assessment process initiated and conducted by the Department in order to determine compliance with Department or local regulatory or law enforcement agency's rules and regulations or with federal, State, and local laws.

"License" means a document issued by the Department to allow the applicant to establish or operate a secure residential youth care facility.

"Licensee" means those individuals, agencies, or organizations who hold a license, a conditional license, a permit, or an expedited permit.

"Licensing Administrator" means Department staff authorized by the Director to oversee the licensing process and operations of secure residential youth care facilities holding a license, permit, or expedited permit.

"Licensing representative" means Department staff authorized by the Director to examine facilities applying for a license, permit, or expedited permit.

"Licensing study" means the formal review of the application for a license or license renewal for a secure residential youth care facility by an authorized licensing representative. The study shall include an on-site visit of the premises and a review of the facility records as the Department considers necessary in determining that the facility meets or continues to meet licensing procedures and standards contained in this Part.

"Minor traffic violation" means any traffic violation which resulted in a fine of $100.00 or less without any other penalty, such as suspension or revocation of the driver's license, probation, jail sentence, or community service work.

"Permit" means a one-time document issued by the Department for a six-month period to allow a new licensing applicant or the holder of an expedited permit to become eligible for a license.

"Plan" means the facility's written policy, procedures, and practices in a particular area.

*"Secure residential youth care facility" as defined in the Act means a facility, or portion thereof:*

where youth are placed and reside for care, treatment, and custody;

that is designed and operated so as to ensure that all entrances and exits from the facility, or from a building or distinct part of a building within the facility, are under the exclusive control of the staff of the facility, whether or not the youth has freedom of movement within the perimeter of the facility or within the perimeter of a building or distinct part of a building within the facility; and

that uses physically restrictive construction including, but not limited to, locks, bolts, gates, doors, bars, fences, and screen barriers. This definition does not include jails, prisons, detention centers, or other correctional facilities; State operated mental health facilities; or facilities operating as psychiatric hospitals under a license pursuant to the Nursing Home Care Act [210 ILCS 45] *or the Hospital Licensing Act* [210 ILCS 85]. [730 ILCS 175/45-10]

"Substance abuse" means the illegal or unauthorized use of controlled substances or the misuse of over-the-counter medications.

"Variance" means the temporary waiver by the Deputy Director of one or more of the standards prescribed in this Part for a specific period of time.

"Waiver" means the waiver by the Deputy Director of one or more of the standards prescribed in this Part for the term of the license.

"Youth" as defined in the Act means *an adjudicated delinquent who is 18 years of age or under and is transferred to the Department pursuant to Section 3-10-11 of the Unified Code of Corrections* [730 ILCS 5/3-10-11].