**Section 383.15 Definitions**

"Administrative hearing" means a formal review of a decision by the Department to revoke or refuse to renew a license, or to refuse to issue a full license to the holder of a permit.

"Administrative order of closure" means a document issued by the Department that orders the immediate closure of a child care program or facility subject to licensure under the Child Care Act, whether the program or facility is licensed or unlicensed.

"Administrative Law Judge" means a licensed attorney who is assigned by the Director and is responsible to conduct administrative hearings and issue recommended decisions to the Director.

"Appellant" means the person or entity who requests an administrative hearing or on whose behalf an administrative hearing is requested.

"Authorized representative" means an attorney, or other person who has written authorization from the appellant, to assist, act and/or speak on the appellant's behalf in the informal review or administrative hearing process. The, Department shall assist the appellant in making written authorization, upon request.

"Chief Administrative Law Judge" means the supervisor of the Administrative Law Judges and coordinator for the administrative hearing process.

*"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.* [225 ILCS 10/2.01]

"Child Care Act of 1969" or "Child Care Act" means 225 ILCS 10, the Illinois statute that provides the Department with the authorization and outline of requirements needed to license and monitor child care facilities and authorization to promulgate administrative rules consistent with the Act.

*"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 defined in* the Child Care 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* the Child Care Act. [225 ILCS 10/2.05]

"Complaint" means any oral or written statement, notice or report made by any person or entity to Department staff or staff of a private supervising agency alleging that a licensed facility is in violation of the Child Care Act or licensing standards, or that an unlicensed child care facility is operating under conditions that require it to be licensed under the Child Care Act or administrative rules of the Department.

"Concurrent Investigation" means an allegation of abuse/neglect has been reported to have occurred within a licensed child care facility and the allegation has been accepted for investigation by the Department as a child protection report.

"Conditional license" means a non-renewable document issued by the Department after an informal review that authorizes a licensee to continue operating a licensed child care facility for a period of six months in compliance with a corrective plan, the Child Care Act and licensing standards, and requires the licensee to comply fully with all terms of the conditional license agreement.

"Corrective plan" means a written document approved by a licensing supervisor that lists substantiated violations of licensing standards and/or the Child Care Act, the actions to be taken by the licensee or permit holder to correct the substantiated violations, and the time frames for correcting the substantiated violations.

"Day" means a calendar day, unless otherwise specified in this Part.

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

"Department representative" means an attorney licensed to practice in the State of Illinois who is assigned to represent the Department at an administrative hearing.

"Director" means the Director of the Department of Children and Family Services.

"Final administrative decision" means the Department's final decision, order or determination, rendered by the Director in a particular case, on an issue reviewed through an administrative hearing that affects the legal rights, duties or privileges of participants and that may be further reviewed by the circuit court under the Administrative Review Law [735 ILCS 5/Art. III].

"Full license" means a document issued by the Department that authorizes the applicant to operate a child care program or facility for either a 3 or 4 year time period in accordance with licensing standards and the Child Care Act. The term "full license" does not include a permit or a conditional license.

"Good Cause" denotes a sensible and reasoned approach to take certain action allowed by statute or administrative rule.

"Indicated report" means any report of child abuse or neglect made to the Department pursuant to the Abused and Neglected Child Reporting Act [325 ILCS 5] for which it is determined, after an investigation, that credible evidence of the alleged abuse or neglect exists.

"Informal review" means a meeting conducted by the licensing administrator or designee to gather information regarding a permit holder's or licensee's noncompliance with the Child Care Act and licensing standards to determine whether further enforcement or other action shall be recommended.

"Initial application for license" means the first application for licensure submitted by the individual, corporation, or other legal entity, or an application for licensure submitted by the holder of a conditional licensee.

"License" means a document issued by the Department that authorizes the applicant to establish or operate a child care program or facility in accordance with applicable licensing standards and the Child Care Act.

"Licensee" means an individual, agency or organization that holds a license issued by the Department.

"Licensing administrator" means management-level staff of the Department who are assigned the direct supervision of licensing supervisors.

"Licensing complaint investigation" means an information gathering and assessment process initiated following receipt of a complaint and conducted by a licensing representative in order to determine compliance with the Child Care Act and licensing standards.

"Licensing representative" means Department or licensed child welfare agency staff, who, in accordance with Section 5(c) of the Child Care Act, have passed an examination demonstrating familiarity with the Child Care Act and with the appropriate standards and regulations of the Department and who are authorized by the Department or agency to examine child care programs and facilities applying for or issued a license.

"Licensing standards" means the administrative rules promulgated by the Department governing the licensing and operation of child care facilities.

"Licensing study" means the written assessment of an application for a child care program or facility license that includes, but is not limited to, on-site visits, interviews, background checks, character references, medical clearances, and the collection and review of other supporting documents to determine compliance with the Child Care Act and licensing standards.

"Licensing supervisor" means Department or licensed child welfare (see 89 Ill. Adm. Code 401.310) or day care (see 89 Ill. Adm. Code 405.10) agency staff assigned the responsibility for direct supervision of licensing representatives.

"Monitoring visit" means an on-site visit to the program or facility by the licensing representative to determine continuing compliance with the Child Care Act and licensing standards.

"Parties" means the Department and a person or persons who have requested an administrative hearing. No person may join in an administrative hearing as a party unless that person has standing to request an administrative hearing on the same issues before the Administrative Law Judge.

"Permit" means a one-time only document issued by the Department in accordance with applicable licensing standards.

"Permit holder" means an individual, agency or organization that holds a permit issued by the Department.

"Permit period" means the time period designated in the licensing standards for a particular facility type during which an individual, agency or organization may operate a child care program or facility pursuant to a permit issued by the Department.

"Perpetrator" means a person who, as a result of a child protection investigation, has been determined by the Department to have caused child abuse or neglect.

"Preponderance of the evidence" means the greater weight of the evidence or evidence that renders a fact more likely than not.

"Program", as used in this Part, means a Youth Transitional Housing Program operating in a licensed child care facility in accordance with applicable standards defined in 89 Ill. Adm. Code 409 (Licensing Standards for Youth Transitional Housing Programs) and the Children and Family Services Act [20 ILCS 505], or in an unlicensed facility where the transitional living facility meets the requirements of 89 Ill. Adm. Code 409.

"Protective plan" means a written plan of action developed by a licensing representative or a child protective service worker, and approved by the licensing supervisor, that restricts contact between a licensee, employee, volunteer, household member, or another person in contact with children in a licensed facility and the children cared for in the facility.

"Refuse to issue full license" means the Department has refused to issue a full license at the end of a permit period.

"Refuse to renew a license" means that, after submission of a license renewal application and a licensing study based upon that application, the Department refuses to extend the license for an additional term.

"Regional Licensing Administrator" means the Department's regional-level manager who supervises Department licensing supervisors.

"Request for an administrative hearing" means the written request by an appellant for an administrative hearing.

"Revocation of a license" means the Department has terminated the rights and privileges associated with a license or a permit.

"Stand-Alone Complaint" means an alleged violation of the licensing standards has been accepted for investigation, with no child protection investigation related to the licensed facility.

"Stipulation" means an agreement by the parties that certain facts are true and can be introduced into evidence without further proof.

"Substantiated violation" means evidence collected clearly shows the licensee was out of compliance with a specific Section of the administrative rule or statute.

"Supervising agency" means the Department, licensed child welfare agency or licensed day care agency that recommended licensure of or supervises a licensed foster home or day care home.

"Supervisory review" means a meeting conducted by the licensing supervisor, that may also include the licensing representative, during which a licensee or permit holder may be heard and present additional information and/or provide an explanation related to the substantiated violations of the rule and/or Child Care Act.

"Surrender of a license or permit" means a voluntary act by a licensee or permit holder to relinquish a license or permit to operate a child care program or facility. Surrender of a license or permit relinquishes all rights and privileges associated with the license or permit.

"Surrender with cause" means a surrender of a license or permit that occurs after the Department has offered an informal review or issued an administrative order of closure, but before the Department has issued a notice of intent to revoke, refuse to renew, or refuse to issue a full license.

"Unlicensed child care facility" means a child care program or facility subject to licensure under the Child Care Act that is operating without a valid license or permit.

(Source: Amended at 42 Ill. Reg. 8197, effective June 1, 2018)