

<b>OCFP</b> <b>Office</b> <b>of Child and</b> <b>Family</b> <b>Policy</b>	<b>Department of Children and Family Services</b>	
	<b>Index No: 2002.04</b>	<b>Issuance Date: May 3, 2002</b>
	<b>Origin of Request: Regional Resource Staff</b>	
	<b>Distribution: Licensing Staff, Administrative Staff, Office of Child and Family Policy (A,L,P)</b>	
	<b>Key Words: 89 IAC 406, Day Care Homes, 89 IAC 408, Group Day Care Homes, 89 IAC 402, Foster Family Homes, Capacity, Dual Licensure.</b>	
	<b>Approved by:</b>	

### Interpretation

**Question:** In establishing the license capacity for a day care home or group day care home that is also licensed as a foster family home, is the licensing worker to consider only the number of children in the home under 12 years of age, or should the worker include the license capacity indicated in the foster home license?

**Applicable To:** Licensed Day Care Homes, Licensed Group day Care Homes, Licensed Foster Family Homes

**Policy Citation:** Child Care Act Sec. 2.18 "Day care homes means family homes which receive more than 3 up to a maximum of 12 children for less than 24 hours per day. The number counted includes the family's natural or adopted children and all other persons under the age of 12. The term does not include facilities which receive only children from a single household."

#### **Section 406.2 Definitions**

"Licensed capacity" means the maximum number of children receiving child care under age 12 permitted in the home at any one time. Children age 12 and over on the premises are not considered in determining license capacity.

#### **Section 402.15 Number and Ages of Children Served**

- a) General Rule Regarding the Number of Children in a Foster Family Home
  - 1) The maximum number of children permitted in a foster family home shall be six children who do not require specialized care, except as permitted in

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subsections (c), (d) and (e) of this Section. This maximum number includes the foster parents' own children under age 18 and all other children under the age of 18 receiving full-time care.

(Source: Amended at 22 Ill. Reg. 205, effective December 19, 1997)

**Section 406.13 Number and Ages of Children Served**

- a) The maximum number of children cared for in a day care home shall be 12 children under the age of 12, including the caregiver's own children, related children, and unrelated children.

(Source: Amended at 25 Ill. Reg. 5714, effective April 1 2001)

**Section 408.65 Number and Ages of Children Served**

- a) The maximum number of children cared for in a group day care home shall be 16 children under the age of 12, including the caregiver's own children, related children, and unrelated children.

(Source: Amended at 25 Ill. Reg., effective April 1, 2001)

**Discussion:**

In considering the license capacity in a day care home or group day care home, the definition in rule indicates that the licensing worker should consider the number of children under 12 years of age receiving care at any one time.

The licensing worker will determine the day care home or group day care home capacity based upon the number of children, including foster children and the foster parent's own children, under age 12 in the home at the time the capacity is established for day care. It does not include the number of children that may be coming into placement at some later date.

At the time the licensing worker is getting ready to recommend a day care home or group day care home license, the applicant must be advised that accepting additional children under 12 years of age for foster care placement may require an amendment (reduction) to the day care home capacity unless other children living in the home have aged out of the day care home age range. In the day care home license recommendation

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correspondence, the licensing worker shall confirm in writing the potential for reduction in capacity.

**Response:**

**The maximum capacity for a day care home that is also licensed as a foster family home shall be reduced by the number of children under 12 years of age living in the home. Any children under age 12 placed in the foster home after the license capacity has been established will require that the capacity of the day care home be amended.**