**Section 50.105 Definitions**

"Access to Children" – an employee (including volunteers) whose job duties require that the employee be present in the child care facility during the hours that children are present in the facility and includes any person who is permitted to be alone outside the visual or auditory supervision of facility staff with children receiving care in the facility. All individuals with access to children in care must submit to the required background checks.

"Background Check" –

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

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

a check of the Illinois and National Sex Offender Registries.

"Base Wages and Salary" − is the amount of gross earned income calculated by multiplying the number of hours worked by the hourly wage plus tips, before any deductions, such as taxes, pension payments, union dues, insurance, etc., are made. Base wages and salary do not include non-recurrent or inconsistent pay for overtime, incentives, bonuses, sick, vacation, travel reimbursements or other types of non-recurrent or inconsistent income.

"CANTS" – the Child Abuse and Neglect Tracking System operated and maintained by the Department of Children and Family Services. This system is being replaced by the Statewide Automated Child Welfare Information System (SACWIS).

"Child Care Assistance Program" or "CCAP" – Child care services authorized by the Department of Human Services (DHS) as specified in 89 Ill. Adm. Code 50.

"Child Care Provider" or "Child Care Facility" – any individual (other than a parent or legal guardian), group of persons, agency, association, or organization that provides programs or services for compensation, exclusively directed towards persons under the age of 18.

"Conviction" – *a judgment of conviction or sentence entered upon a plea of guilty or upon a verdict or finding of guilty of an offense, rendered by a legally constituted jury or by a court of competent jurisdiction authorized to try the case without a jury*. (Section 2-5 of the Criminal Code of 1961 [720 ILCS 5/2-5])

"Employment" or "Work" – a trade, profession, occupation, job or other means of livelihood for which a wage, salary or monetary compensation is paid.

"Family" – the applicant, his or her spouse, and the biological or adoptive children or stepchildren of the applicant or his or her spouse under age 21 living in the same household. Family must also include the child for whom care is requested, the child's dependent blood-related and adoptive siblings, and the child's and sibling's parents living in the same household. The family may also include other persons related by blood or law to the applicant or his or her spouse living in the same household if they are dependent upon the family for more than 50 percent of their support, if including these individuals would be beneficial for the family. The family may also include a child of the applicant or his or her spouse under age 21 who is dependent upon the family for more than 50 percent of his or her support and who is a full-time student away at school, provided he or she has not established legal residence outside the family household, if including this individual would be beneficial for the family.

"Improper Payment" – any payment that should not have been made or that was made in an incorrect amount (including overpayments and underpayments) under statutory, contractual, administrative, or other legally applicable requirements, and includes any payment to an ineligible recipient, any payment for an ineligible service, any duplicate payment, payments for services not received, and any payment that does not account for applicable discounts.

"Member of the Household" – a person who lives at the same address as the parent, legal guardian or child, as evidenced by factors including, but not limited to, maintaining clothing and personal effects at the household address, receiving mail at the household address, or using identification with the household address.

"Parents" or "Parents or other Relatives" – applicants for or recipients of child care assistance who reside in the same household as the child. Parents or other relatives include:

a biological parent;

an adoptive parent;

a child's biological or adoptive parent who is the primary residential parent (custodian) of the child:

in an order of joint custody entered pursuant to Section 602.1 of the Illinois Marriage and Dissolution of Marriage Act [750 ILCS 5]; or

in an original or modification proceeding as provided in Section 201 of the Uniform Child-Custody Jurisdiction and Enforcement Act [750 ILCS 36], pursuant to Section 601 of the Illinois Marriage and Dissolution of Marriage Act;

a stepparent;

a legal guardian; or

a caretaker relative within the fifth degree of kinship. The degrees of kinship are the following blood and adoptive relatives:

First Degree of Kinship:

father; or

mother.

Second Degree of Kinship:

brother;

sister;

grandfather; or

grandmother.

Third Degree of Kinship:

great-grandfather;

great-grandmother

uncle;

aunt;

nephew; or

niece.

Fourth Degree of Kinship:

great-great-grandfather;

great-great-grandmother;

great-uncle;

great-aunt;

first cousin;

great-niece; or

great-nephew.

Fifth Degree of Kinship:

great-great-great-grandfather;

great-great-great-grandmother;

great-great-uncle;

great-great-aunt;

first cousin once removed;

second cousin;

great-great niece; or

great-great nephew.

Step-Relatives:

step-father;

step-mother;

step-brother; or

step-sister.

"Persons Subject to Background Checks" –

the operators of the child care facility;

all current and conditional employees of the child care facility;

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

any person who has access to children.

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

"School-age youth" for the purposes of the Child Care Assistance Program (CCAP), means a child ages 5 through 13 (or through the age of 18 if approved for CCAP due to a special need or court order) who is enrolled in school. A five year old child is considered school age only when enrolled in a school based education/kindergarten program. This enrollment does not include a before/after school program.

"Special Needs Child" –

a child with a disability, as defined in section 602 of the Individuals with Disabilities Education Act (20 USC 1401);

a child who is eligible for Early Intervention services under Part C (subchapter III) of the Individuals with Disabilities Education Act (20 USC 1431 et seq.);

a child who is less than 13 years of age and who is eligible for services under section 504 of the Rehabilitation Act of 1973 (29 USC 794).

"Teen Parent" – parents through age 19.

"Two-Parent Household" or "Two-Parent Family" − a family with two parents living in the home; includes unmarried parents who share a child in common.

(Source: Amended at 42 Ill. Reg. 8491, effective May 8, 2018)