**Section 301.APPENDIX A Criminal Convictions that Prevent Placement of Children with Relatives**

a) Children for whom the Department of Children and Family Services is legally responsible shall not be placed with a relative, as defined in this Part, or allowed to remain in the home of a relative if the relative caregiver or any adult member of the household has been convicted of committing any of the following crimes, except as allowed via a waiver process under subsections (b) and (c).

1) Homicide

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\*

2) Sex Offenses

Child pornography\*

Exploitation of a child\*

Sexual exploitation of a child\*

Obscenity

Harmful materials

Tie in sales of obscene publications to distributors

Indecent solicitation of a child\*

Indecent solicitation of an adult

Public indecency

Sexual relations within families\*

Prostitution

Soliciting for a prostitute

Soliciting for a juvenile prostitute\*

Solicitation of a sexual act

Pandering

Keeping a place of prostitution\*

Keeping a place of juvenile prostitution\*

Patronizing a prostitute

Patronizing a juvenile prostitute\*

Pimping

Juvenile pimping\*

3) Kidnapping and Related Offenses

Kidnapping

Aggravated unlawful restraint

Forcible detention

Aiding and abetting child abduction\*

Aggravated kidnapping

Child abduction\*

4) Bodily Harm

Aggravated battery of a child\*

Criminal sexual assault\*

Aggravated criminal sexual assault\*

Predatory criminal sexual assault of a child\*

Criminal sexual abuse\*

Aggravated sexual abuse\*

Heinous battery\*

Aggravated battery with a firearm

Tampering with food, drugs, or cosmetics

Drug-induced infliction of great bodily harm

Aggravated stalking

Home invasion

Vehicular invasion

Criminal transmission of HIV

Criminal neglect of an elderly or disabled person

Child abandonment\*

Endangering the life or health of a child\*

Ritual mutilation

Ritualized abuse of a child\*

*Any violation of the Methamphetamine Control and Community Protection Act* [720 ILCS 646]*.*

5) An offense in any other state the elements of which are similar and bear a substantial relationship to any of the offenses listed in this subsection (a).

b) If the relative caregiver or any adult member of the household has been convicted of one of the crimes in subsections (a)(1) through (5) marked by an asterisk, any request for a waiver must be submitted in writing to the Director of the Department for his or her personal approval. The supervising agency shall submit the following information along with the request for waiver of the criminal convictions.

1) the age of the individual at the time of the convictions;

2) the length of time that has elapsed since the last conviction;

3) the relationship of the crime and the capacity to care for related children;

4) evidence of rehabilitation; and

5) opinions of community members concerning the individual in question.

c) If the relative caregiver or any adult member of the household has been convicted of one of the crimes identified in subsections (a)(1) through (5) not marked by an asterisk, related children for whom the Department is legally responsible shall not be placed in or continue to remain in the relative caregiver's household unless a waiver of this prior criminal history has been granted in accordance with the requirements of this subsection. The Director of the Department shall designate specific Department employees who have the authority to grant these waivers on a 24 hour per day basis. When the supervising agency believes that there have been extraordinary circumstances surrounding the criminal history or the convicted persons has been successfully rehabilitated and placement in the relative's household is in the best interests of the children, the supervising agency may request a waiver of this prior criminal history by asking the Department to consider the factors in subsection (b). These requests may be made orally, but must be confirmed in writing. The Department's decision with regard to the request for a waiver shall be documented in writing and included in the child's case record.

(Source: Amended at 36 Ill. Reg. 2098, effective January 30, 2012)