**Section 383.90 Surrender of a License or Permit**

a) A licensee or permit holder may voluntarily surrender a license or permit to the Department or supervising agency.

b) A licensee may surrender his or her foster home, day care home, group day care home, or day care center license by so stating, orally or in writing, to the licensing representative or supervising agency. The supervising agency will document oral requests from licensees to surrender their license. The supervising agency shall make and document attempts to secure the surrender in writing. When licensees refuse to or otherwise avoid providing a written statement of their desire to surrender their license, the documented oral request shall be sufficient to accept surrender of the license, unless the licensee rescinds his or her request to surrender the license either orally or in writing.

c) A surrender for a licensed program or facility other than a licensed foster home, day care home, group day care home, or day care center facility shall be executed on a form prescribed by the Department. The licensee shall verify, in writing, whether:

1) the Department is investigating the licensee, the permit holder or the owners, operators or employees of the facility for any licensing complaint or report of suspected abuse or neglect involving the facility or actions while discharging duties at the facility;

2) litigation is pending between the licensee or permit holder, the facility and the Department; or

3) the licensee suspects that the facility or facilities supervised by it are under investigation by any agency of any state, their respective inspectors general, or any local, State or federal law enforcement agencies.

d) Surrender of a license or permit terminates all rights and privileges associated with the license or permit. A surrendered license or permit shall not be renewed, reissued, reinstated or restored.

e) Failure by a foster home, day care home or group day care home licensee or permit holder to submit a completed application for address change to the Department or supervising agency prior to, or within 14 days after, a change of residence shall be deemed a surrender of the foster home, day care home, or group day care home license or permit. The licensee may reapply at any time, but shall not provide child care until the new license is issued, unless that care is exempt from licensing, as defined in 89 Ill. Adm. Code 377 (Facilities and Programs Exempt from Licensure).

f) A licensed child welfare or day care agency shall attach to the surrender a complete listing of the names and addresses of all licensed child care programs and facilities supervised by the agency, any pending license applications that have not yet been determined by the supervising agency, and any license exempt day care homes, relative care homes, independent living facilities, youth transitional housing programs, or other programs for children and youth operated by the agency.

g) When a surrender of a license or permit 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 full license, the Department shall notify the licensee or permit holder, in writing, that the surrender shall be construed as a "surrender with cause".

h) Surrender of a license or permit after the Department has issued a notice of intent to revoke, refuse to renew or refuse to issue a full license shall be deemed an abandonment of the licensee's or permit holder's right to seek review of the decision under Subpart C, and the license or permit shall be revoked or not renewed or a full license shall be denied after issuance of a permit.

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