**Section 401.570 Independent Contractors**

a) Subject to subsection (a)(1), a child welfare agency providing adoption services may use the services of any person, group of persons, agency, association, organization, corporation, institution, center, or group as an independent adoption contractor to perform services on behalf of the licensed agency.

1) The licensed agency must have a written agreement with the independent contractor specifying:

A) Terms of remuneration;

B) Services to be performed;

C) Personnel performing those services;

D) Qualifications of the personnel, in addition to any other information or requirements the Department may specify; and

E) That the contract may be terminated at any time.

2) Within 30 days after entering the agreement, a copy of the written agreement shall be submitted to the Department.

b) The independent contractor providing services on behalf of the licensed agency has an affirmative obligation to disclose its contractual relationship to all clients prior to performing any services.

c) The licensed agency is not exempt, by reason of the use of the contractor, from compliance with all of the provisions in this Part and in the Child Care Act of 1969.

d) The Department has the authority to disapprove, and shall do so in writing, the use of any contractor if the Department is not satisfied with the agency's agreement. The factors to be considered include, but are not limited to:

1) Personnel who are performing the services;

2) The qualifications of the personnel; or

3) If the contractor violates any provision of this Part, the Child Care Act or the Adoption Act.

e) The Department has the authority to require the immediate termination of the contract between an agency and independent contractor.

(Source: Amended at 37 Ill. Reg. 19115, effective November 30, 2013)