**Section 402.8 General Requirements for the Foster Home**

a) The foster home shall be clean, well ventilated, free from observable hazards, properly lighted, heated and cooled, and free of fire hazards.

b) The foster home may not use or have on the premises any unsafe children's product as described in the Children's Product Safety Act [430 ILCS 125] and 89 Ill. Adm. Code 386 (Children's Product Safety).

c) A foster home shall have a kitchen, including, but not limited to, properly operating appliances (at a minimum, stove, oven, refrigerator and sink).

d) A foster home shall have a bathroom with properly operating toilet, sink and shower or tub.

e) The operation of a commercial rooming or boarding house on the premises is not permitted.

f) The water supply of the foster family home shall comply with the requirements of the local and State health departments. If the foster family home accepts children under age ten or who are developmentally disabled, the maximum hot water temperature from all showers and bathtubs shall be no more than 115° Fahrenheit. If well water is used, a copy of the Inspection Report and Compliance with Regulations shall be on file with the supervising agency.

g) The applicant or licensee shall maintain the home, premises, and all structures on the premises in a safe and sanitary condition, including proper trash disposal and recycling when available.

h) Water Hazards Protection

Swimming pools, hot tubs and spas shall meet all State, tribal and/or local safety requirements.

1) All in-ground swimming pools located in areas accessible to children shall be fenced. The fence shall be at least 5 feet in height and secured by a locked gate.

2) All above-ground pools shall have non-climbable sidewalls that are at least 4 feet high or shall be enclosed with a 5-foot fence that is at least 36 inches away from the pool's side wall and secured with a locked gate. When the pool is not in use, pool's steps shall be removed or the pool shall be otherwise protected to insure the pool cannot be accessed.

3) Any swimming pool shall be equipped with devices that are manufactured and labeled as life saving devices and approved by the U.S. Coast Guard for sale as life saving devices.

4) A swimming pool shall have a working pump and filtering system when the pool cannot be emptied after each use.

5) Any hot tub not enclosed with a 5-foot fence shall have a securely locked cover.

6) Any portable wading pool not enclosed with a 5-foot fence shall be emptied daily.

7) Licensees in foster family homes with pools, hot tubs, ponds, outdoor fountains, decorative water ponds, fishponds, or the like must have current CPR certification.

8) Foster homes shall come into compliance with the above water hazard requirements by January 1, 2010. Foster homes that have a license or a permit on January 1, 2009 and have had a fence with a minimum height of 3½ foot shall be considered in compliance with the fence requirement.

i) No person shall smoke tobacco or other substances in a foster family home, in any *vehicle* used to transport youth in care, in the presence of youth in care, or *within 15 feet of entrances, exits, windows that open, and ventilation intakes that serve* the foster family home. [410 ILCS 82/10 and 70] Smoking and vaping materials of any kind, and the use of any substances by smoking or vaping, are prohibited. However, this subsection does not prohibit smoking in a licensed foster home that does not have foster children in placement.

j) Applicants and licensees shall not use any illegal substance, abuse prescription or non-prescription drugs, or abuse alcohol. Licensees shall not drink alcohol in excess while caring for youth in care.

k) Alcoholic beverages and toxic/hazardous materials shall be stored where youth in care cannot access them.

l) Portable space heaters may be used as a supplementary source of heat if they have an Underwriters Laboratories sticker attached and are used in accordance with local and State building and fire codes. Portable space heaters may not be used in rooms where children are sleeping. Portable and fixed space heaters in areas occupied by children shall be separated by fire resistant partitions or barriers to prevent contact with the heater.

m) Dangerous household supplies and dangerous tools shall be kept in a safe place inaccessible to children under 12 years of age. These items shall remain inaccessible to children during disposal.

n) When not being dispensed or immediately accessible due to medical necessity, prescription and nonprescription drugs shall be kept in places that are not readily accessible to children under 12 years of age. Expired or unused medications, syringes, medical waste, or medication shall remain inaccessible to children during disposal.

o) Any and all firearms and ammunition shall be stored and locked up separately at all times and kept in places inaccessible to children. No firearms possessed in violation of a State or federal law or a local government ordinance shall be present in the home at any time. Loaded guns shall not be kept in a foster home unless required by law enforcement officers and in accordance with their law enforcement agency's safety procedures.

p) Foster parents shall adequately supervise children in their care to assure compliance with laws, including, but not limited to, criminal laws.

q) The foster home shall comply with all requirements of the State, tribal and local laws and/or municipal codes for household pets. Certificates of inoculation for rabies shall be available for inspection.

r) The foster home shall be free from rodent and/or insect infestation.

s) The foster home shall maintain a first aid kit and supplies, including, but not limited to, adhesive bandages, scissors, thermometer, nonpermeable gloves, sterile gauze pads, adhesive tape, tweezers and mild soap.

t) The foster home shall have an operating telephone on the premises unless the supervising agency has approved a written plan detailing the immediate and unrestricted access to a telephone.

u) The foster home shall maintain a comprehensive list of emergency telephone numbers, including poison control, and shall post those numbers in a prominent place in the home.

v) The foster home shall have fire and emergency evacuation plans that are to be discussed and rehearsed quarterly with the children.

w) The foster home shall be equipped with a minimum of one approved smoke detector in operating condition on every floor level and within 15 feet of every room used for sleeping purposes, including basements and occupied attics, in accordance with Section 3 of the Smoke Detector Act [425 ILCS 60].

x) The foster home shall have at least one operable fire extinguisher that is readily accessible.

y) Basements and Attics

1) Basements and attics may be used for sleeping for children who are mobile, capable of self-preservation, and able to understand and follow directions with minimal assistance in an emergency.

2) Children for whom basement or attic sleeping arrangements may be provided shall be individually evaluated and approved by the supervising agency in accordance with the requirements of subsection (y)(1).

3) To be used for sleeping, basements and attics shall have two exits with one exit that provides access to the outside with means to safely reach the ground level. The second exit may be an easily accessible outside window that provides an unobstructed opening, operable from the inside without the use of tools, and large enough to accommodate an adult. The sleeping area shall be separated from the furnace and utility areas.

4) No basement or attic shall be used for sleeping without the approval of the supervising agency after consultation with the appropriate safety authorities.

z) A foster home that is not exempted by Section 20 of the Carbon Monoxide Alarm Detector Act [430 ILCS 135] shall be equipped with a minimum of one approved carbon monoxide detector within 15 feet of every sleeping room, in accordance with Section 10 of that Act.

aa) Adequate closet and dresser space comparable to that provided to the other children of the household shall be provided for each foster child to accommodate personal belongings.

ab) Foster parents shall respect children's rights to privacy while sleeping, bathing, toileting, and dressing.

ac) The room shall be exposed to an outside window or shall have auxiliary means of ventilation.

ad) If children placed in foster care exhibit sexually abusive behavior, sleeping arrangements for the sexually abusive child shall comply with the requirements of a safety plan approved by the Department.

(Source: Amended at 44 Ill. Reg. 6019, effective April 1, 2020)