**Section 402.15 Number and Ages of Children Served**

a) General Rule Regarding the Number of Children in a Foster Family Home

Refer to Appendices B and C of this part for a visual explanation of the number and ages of children allowed in a foster family home.

1) The maximum number of children permitted in a foster family home shall be six children who do not require specialized care, except as permitted in subsections (c), (d) and (e). This maximum number includes the foster parents' own children under age 18 and all other children under the age of 18 receiving full-time care.

2) When determining how many children a foster family home may accept for care, the maximum number of children shall be reduced as described in Appendix C when the foster, adopted, or biological children have developmental, emotional, behavioral, or medical needs which require specialized care.

b) General Rules Regarding Ages of Children in a Foster Family Home

1) Four Children Under Age Six

No more than four children under six years of age, including the foster parent's own children, shall receive full-time care in a foster family home at any one time. When all of the foster children are of common parentage, as defined in Section 402.2, the foster home may be specifically approved under subsection (c)(3)(A)(ii) to care for more than four children under six years of age with the approval of clinical services and licensing.

2) Two Children Under Age Two

No more than two children, including the family's own children, shall be under two years of age unless the foster family home is accommodating a sibling group on a temporary basis.

c) Expanded Capacity License Provisions for Foster Family Care

1) Foster parents may be licensed to care for more than six children on a full-time basis only if the foster parents are otherwise in compliance with the requirements of this Part, can meet the licensing standards for the additional children and have demonstrated competency in caring for the ages and characteristics of children for whom they are seeking the expanded capacity license. The maximum number of children permitted in a foster family home with an expanded capacity license is eight children unless:

A) all of the foster children are of common parentage, as defined in Section 402.2, and the Director of the Department has personally approved the placement; or

B) a waiver to permit an adoptive placement has been granted by the Director in accordance with subsection (e).

2) No more than two of the children cared for under an expanded capacity license may be under two years of age unless the foster family home is accommodating a sibling group on a temporary basis.

3) An expanded capacity license may be issued to allow only the following types of care:

A) Sibling Groups

i) A licensed foster family home may receive an expanded capacity license to care for a maximum of eight children (including the foster parent's own children under age 18 and all other children under age 18 receiving full-time care) in order to keep one or more sibling groups together in the foster family home.

ii) The maximum of no more than four children under age six does not apply when all of the foster children are of common parentage, as defined in Section 402.2, and clinical services and licensing have approved in writing a plan that allows for the full-time care of more than four children under age six.

iii) No expanded capacity license is required to allow overnight visits between siblings.

B) Foster Children with Children

A licensed foster family home may receive an expanded capacity license to care for a maximum of eight children (including the foster parent's own children under age 18 and all other children under age 18 receiving full-time care) to allow foster children who are parents to bring their own children with them to live in the foster family home. The expanded capacity license is to allow the foster family home to accept more than six children, but does not exempt the home from compliance with the requirements of Section 402.15(b), regarding the ages of children in the home.

C) Respite Foster Care

A licensed foster family home may receive an expanded capacity license to care for a maximum of eight children (including the foster parent's own children under age 18 and all other children under age 18 receiving full-time care), if the home provides respite foster care. Any children received for respite care shall be counted in the maximum of eight children.

D) Meaningful Relationships

To allow a child with an established meaningful relationship with the family to remain with the family and to allow a family with special training or skills to provide care to a child who has a severe disability.

E) For purpose of adoption.

d) Foster Care Placements Made Before January 1, 1998

1) These amendments are not retroactive in their effect. If more than six children under age 18 are residing in a foster family home as of December 31, 1997, the appropriateness of continuing in the foster care placement shall be evaluated for each child by June 30, 1998. The results of the evaluation shall be documented in the child's case record and a copy forwarded to the Department's local office of licensing.

2) If the evaluation finds that the foster children are receiving adequate and appropriate care in the current foster family home and that remaining in the current foster family home is in the best interests of the foster children, the foster children may remain in the foster care placement, even if there are more than six children in the home (including the foster parent's own children under age 18 and all other children under age 18 receiving full-time care).

A) Foster parents are not required to obtain an expanded capacity license to continue to care for children already placed with them as of December 31, 1997, but may not accept additional foster children until the home complies with the requirements of Section 402.15.

B) When the foster children in care as of December 31, 1997 move to another placement or attain the age of 18, the capacity of the foster home will be reduced until it reaches the maximum of six children, unless the foster parents have applied for and been granted an expanded capacity license allowing them to care for eight children.

3) If the evaluation finds that the foster children are not receiving adequate and appropriate care in their current foster family home or that remaining in the current foster family home is not in the best interests of one or more of the foster children, the affected children shall be moved to another appropriate placement. All such moves shall be made in a planned manner after prior notice has been given to the foster parents, as required by 89 Ill. Adm. Code 337 (Service Appeals Process).

e) Adoptive Placements

1) Maximum Number of Children

A licensed foster family home may receive an expanded capacity license to care for a maximum of eight children (including the foster parent's own children under age 18 and all other children under age 18 receiving full-time care) in order to effect an adoptive placement. The Director of the Department of Children and Family Services may waive in writing the maximum number of eight children to effect an adoptive placement provided the following criteria are met:

A) a licensed child welfare agency or the Department proposes to place an additional child or children in the home for the purpose of adoption;

B) a licensed child welfare agency or the Department has documented in the child's case record that this home is the most appropriate choice for an adoptive placement and is consistent with the best interests and special needs of the child or children;

C) the foster family is otherwise in compliance with the licensing requirements of this Part and can meet licensing standards for the additional child or children; and

D) the foster family or supervising agency has requested, in writing, that the Director waive the limit of eight children under the age of 18 so that an additional child or children may be placed in their home for purposes of adoption.

2) Ages of Children

The Director of the Department of Children and Family Services may waive in writing the age requirements in subsection (b), if necessary, to place a child in an adoptive home provided the criteria in subsection (c)(2) are met and there are a sufficient number of suitable adult caregivers to ensure that the children receive proper care and supervision.

f) Independent Foster Family Homes

Independent foster homes receive children by independent arrangement. These homes are not subject to direct and regular supervision by a child welfare agency. These homes shall not be licensed for more than a maximum of four children under age 18 (including the foster parent's own children under age 18 and all other children under age 18 receiving full-time care) unless all of the unrelated children are of common parentage. No more than two of these children, including the family's own children, shall be under the age of two unless the foster family is accommodating a sibling group on a temporary basis.

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