**Section 402.APPENDIX A Criminal Convictions** **That** **Prevent Licensure**

If the foster parent applicants or any adult member of the household has been declared a sexually dangerous person under the Sexually Dangerous Persons Act [725 ILCS 205], or convicted of committing or attempting to commit one or more of the following serious criminal offenses under the Criminal Code of 1961 [720 ILCS 5], or under any earlier Illinois criminal law or code or an offense in another state, the elements of which are similar and bear a substantial relation to any of the criminal offenses specified below, this will serve as a bar to receiving a foster home license or permit.

OFFENSES DIRECTED AGAINST THE PERSON

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

KIDNAPPING AND RELATED OFFENSES

Kidnapping

Aggravated kidnapping

Aggravated unlawful restraint

Forcible detention

Child abduction

Aiding and abetting child abduction

Harboring a runaway

SEX OFFENSES

Indecent solicitation of a child

Indecent solicitation of an adult

Public indecency

Sexual exploitation of a child

Custodial sexual assault

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

Exploitation of a child

Obscenity

Child pornography

Harmful material

Tie in sales of obscene publication to distributors

Posting of identifying information on a pornographic Internet site

BODILY HARM

Aggravated battery of a child

Tampering with food, drugs, or cosmetics

Drug induced infliction of great bodily harm

Hate crime

Stalking

Aggravated stalking

Threatening public officials

Home invasion

Vehicular invasion

Criminal sexual assault

Aggravated criminal sexual assault

Predatory criminal sexual assault of a child

Criminal sexual abuse

Aggravated sexual abuse

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

If the foster parent applicants or any adult member of the household has been convicted of committing or attempting to commit one or more of the following serious criminal offenses under the Criminal Code of 1961 [720 ILCS 5], Cannabis Control Act [720 ILCS 550] or the Illinois Controlled Substances Act [720 ILCS 570], or under any earlier Illinois criminal law or code or an offense in another state, the elements of which are similar and bear a substantial relation to any of the criminal offenses specified below, this conviction will serve as a bar to receiving a foster home license or permit, unless all of the following requirements are met:

1. *The relevant criminal offense or offenses occurred more than 10 years prior to the date of application or renewal.*

2. *The applicant had previously disclosed the conviction or convictions to the Department for the purposes of a background check.*

3. *After the disclosure, the Department either placed a child in the home or the foster family home license was issued.*

4. *During the background check, the Department had assessed and waived the conviction in compliance with the existing statutes and rules in effect at the time of the waiver.*

5. *The applicant meets all other requirements and qualifications to be licensed as a foster family home under the Child Care Act and the Department's administrative rules.*

6. *The applicant has a history of providing a safe, stable home environment and appears able to continue to provide a safe, stable home environment.* (Section 4.2 of the Child Care Act)

OFFENSES DIRECTED AGAINST THE PERSON

KIDNAPPING AND RELATED OFFENSES

Unlawful restraint

BODILY HARM

Felony aggravated assault

Vehicular endangerment

Felony domestic battery

Aggravated battery

Heinous battery

Aggravated battery with a firearm

Aggravated battery of an unborn child

Aggravated battery of a senior citizen

Intimidation

Compelling organization membership of persons

Abuse and gross neglect of a long term care facility resident

Felony violation of an order of protection

OFFENSES DIRECTED AGAINST PROPERTY

Felony theft

Robbery

Armed robbery

Aggravated robbery

Vehicular hijacking

Aggravated vehicular hijacking

Burglary

Possession of burglary tools

Residential burglary

Criminal fortification of a residence or building

Arson

Aggravated arson

Possession of explosive or explosive incendiary devices

OFFENSES AFFECTING PUBLIC HEALTH, SAFETY AND DECENCY

Felony unlawful use of weapons

Aggravated discharge of a firearm

Reckless discharge of a firearm

Unlawful use of metal piercing bullets

Unlawful sale or delivery of firearms on the premises of any school

Disarming a police officer

Obstructing justice

Concealing or aiding a fugitive

Armed violence

Felony contributing to the criminal delinquency of a juvenile

DRUG OFFENSES

Possession of more than thirty grams of cannabis

Manufacture of more than 10 grams of cannabis

Cannabis trafficking

Delivery of cannabis on school grounds

Unauthorized production of more than five cannabis sativae plants

Calculated criminal cannabis conspiracy

Unauthorized manufacture or delivery of controlled substances

Controlled substance trafficking

Manufacture, distribution, advertisement of look-alike substances

Calculated criminal drug conspiracy

Street gang criminal drug conspiracy

Permitting unlawful use of a building

Delivery of controlled, counterfeit or look-alike substances to persons under age 18, or at truck stops, rest stops, safety rest areas, or on school property

Using, engaging, or employing persons under 18 to deliver controlled, counterfeit or look-alike substances

Delivery of controlled substances

Sale or delivery of drug paraphernalia

Felony possession, sale or exchange of instruments adapted for use of controlled substance or cannabis by subcutaneous injection

*Final approval for* licensure *shall not be granted if the record check reveals a felony conviction for child abuse or neglect, for spousal abuse, for a crime against children, or for a crime involving violence, including rape, sexual assault or homicide, but not including other physical assault or battery or if there is a felony conviction for physical assault, battery or a drug-related offense committed within the past 5 years.* [20 ILCS 505/5(v-1) and (v-2)]

(Source: Amended at 33 Ill. Reg. 11441, effective August 1, 2009)