**Section 403.21 Staff Coverage**

a) A group home shall employ at least 2 full-time child care staff who shall meet the requirements for child care staff enumerated in Section 403.18. The ratio of child care staff to children may include other staff if they meet the qualifications of child care staff as prescribed in Section 403.18. The group home or supervising agency shall ensure that groupings and supervision of children provides for individual attention and consideration of each child. Child care staff shall provide supervision to children at all times. The group home shall assign one or more child care workers for direct supervision of each group to be on duty and readily available while the children are awake and on the premises. Girls shall be under the direct supervision of adult female staff while they are in their bedroom, bathroom, or other areas of the home where privacy is expected. The following staffing patterns shall be followed:

1) At least one child care staff shall be on duty when one or more children are present. At least 2 child care staff shall be on duty when:

A) Six or more children under age 16 are present, except that one child care staff person may care for 6 or more children when all of the children present are 16 years of age or older; are not diagnosed moderately to severely developmentally or physically disabled; can provide for their own personal needs; do not assault; and are not security risks.

B) More than 4 children are present in the home who are under the age of 6 or are diagnosed as developmentally or physically disabled to an extent requiring close supervision or assistance with their own personal care needs or mobility.

C) When the group home or supervising agency has determined that the number of staff on duty is not sufficient to carry out the individual service plans and meet the individual needs of the children in care, additional staff shall be on duty and actively working with the children in care.

2) When an emergency arises such as injury of a child that would necessitate taking the child to the hospital, or an emergency in child care staff's personal life, or any other emergency, the child welfare agency under whose auspices the group home operates is responsible for assuring appropriate staff coverage. If staff on call are used, they shall meet the requirements of child care staff and shall be able to be in the group home within 20 minutes. Children shall never be left in the care of other children.

3) In instances in which the group home operates under a "shift" staffing pattern, at least one member of the night duty staff shall be awake and alert to assure protection and supervision of the children in care.

4) In instances in which the group home operates under a live-in staffing pattern, the live-in staff shall be provided with their own living quarters so located as to assure that they are readily available and within hearing distance from the children.

A) The awake night staff requirement may be waived in writing by the Director of the Department or designee.

B) A request for a waiver of the awake night staff requirement shall be in writing and it shall be the responsibility of the facility to demonstrate that the well-being of the children can be protected.

b) During the absence of regular child care personnel for time off, vacations, sick leave or any other absence (such as attendance at conferences or meetings, etc.), substitute child care personnel must be provided. These substitutes shall meet the requirements of child care staff as specified in Section 403.18.

c) The group home shall have present on site at least one child care staff person or administratorwho, with respect to any child placed at the group home, is designated to be the caregiver who is authorized to apply the reasonable and prudent parent standard to decisions involving the participation of the child in age or developmentally appropriate activities, and who is provided with the training in how to use and apply the reasonable and prudent parent standard in the same manner as foster parents. This training will include a detailed explanation of the reasonable and prudent parent standard and examples of how caregivers can apply this standard in specific situations. (See 42 USC 671(10) and (24).)

d) The caregiver must seek consent in other areas in which specific State or federal laws limit consent authorization. Some examples of when normalcy parenting does not apply include consent to medical and dental care and disclosure of mental health information.

(Source: Amended at 42 Ill. Reg. 20337, effective October 31, 2018)