**Section 437.20 Definitions**

"Act" means the State Officials and Employees Ethics Act [5 ILCS 430].

"Business relationship" means an association between individuals or companies, entered into for commercial purposes, and sometimes formalized with legal contracts or agreements. Many employees maintain a friendly business relationship with an extensive network of other executives, business people, and contractors that they can call upon for advice or for other business purposes.

"Child care facility," as used in this Part, means a "facility for child care" as defined by the Child Care Act of 1969 [225 ILCS 10/2.05], and includes any child care institution, child welfare agency, day care center, part-day child care facility, day care agency, group home, foster family home, day care home, group day care home, transitional or independent living arrangement, residential or youth emergency shelter.

"Code of Ethics for Child Welfare Professionals" means the ethics code that addresses business ethics, a code of professional practice, and an employee code of conduct.

"Conflict of interest" means an employee has a personal interest that could result in using his or her official position for private gain, giving preferential treatment to any entity or person in the conduct of official duties because of personal interest, impeding or adversely affecting governmental efficiency or economy because of personal interest, failing to act impartially in the conduct of official duties because of personal interest, or engaging in conduct that could adversely affect the confidence of the public in the integrity of the Department of Children and Family Services.

"Conflict of Interest Committee" is a group appointed by the Director that reviews issues, inquiries or concerns and provides assistance and guidance to DCFS employees regarding this Part.

"Decisionmaking function" or "decisionmaking authority" means personal involvement in, or direct supervisory responsibility for, the formulation, monitoring or execution of a contract or grant. This includes, but is not limited to, preparation of contract or grant specifications, program plans and scopes of services, evaluation of bids or proposals, negotiation of contract or grant terms, evaluation of service delivery or the contract or grant deliverables, monitoring of services provided, evaluation of contract or grant performance, supervision of contract or grant performance, and providing input into whether a contract or grant should be approved, renewed or terminated. Decisionmaking function or decisionmaking authority also means that an individual's duties include, but are not limited to, the referral or transfer of any applicant for or client of Department services to a child care facility or other entity; the supervision, monitoring, licensing, or evaluation of a child care facility or other entity; or the decision whether to award or refuse to award a contract or grant to a child care facility or other entity.

*"Department"* or"DCFS" *means the Illinois Department of Children and Family Services.* [225 ILCS 10/2.02]

"Director" means the Director of the Illinois Department of Children and Family Services.

"Economic interest" means any form of ownership, debt interest or contract whereby the individual may incur monetary gain or loss. The term does not include a contract for teaching services at a public or private college, community college or university.

"Employee" or "State employee" means an individual who, on a full-time or part-time basis, receives remuneration from the Department for services performed. For purposes of this Part, the term "employee" includes an individual who receives remuneration directly from the Department pursuant to a contract for personal services.

"Familial relationship" means two employees or an employee and a job applicant in the relationship of:

wife, husband, civil union partner, son, daughter, mother, father, sister, brother, nephew, niece, aunt, uncle, grandmother, grandfather, granddaughter, grandson, first cousin;

any of those relationships arising as a result of marriage or civil union, including father-in-law, mother-in-law, son-in-law, daughter-in-law, grandson-in-law, granddaughter-in-law, brother-in-law, sister-in-law, stepmother, stepfather, stepdaughter, stepson, stepsister, stepbrother, step-granddaughter, step-grandson, half-sister, half-brother; or

a legal dependent as claimed on the most recent federal income tax return.

"Fiduciary duty" means the obligation of all Department employees to act in the best interests of the client in the conduct of official business and fulfillment of the Department's statutory responsibilities. Fiduciary duty requires each employee to act in good faith without personal self-interest and with care, candor and loyalty in carrying out his or her duties on behalf of the Department.

*"Foster family home",* for the purpose of this Part, *means a facility for child care in residences of families who receive no more than 8 children unrelated* or related to them, *unless all the children are of common parentage, or residences of relatives who receive no more than 8 related* or unrelated *children placed by the Department, unless the children are of common parentage, for the purpose of providing family care and training for the children on a full-time basis, except that the Director, pursuant to Department regulations, may waive the limit of 8 children unrelated to an adoptive family for good cause to facilitate an adoptive placement. The family's or relative's own children under 18 years of age shall be included in determining the maximum number of children served.* [225 ILCS 10/2.17] The term "foster family home" also includes the residences of related children placed by the Department and the residences of families that receive children for purposes of adoption.

*"Gift" means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value, including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an employee, member or officer.* [5 ILCS 430/1-5]

"Immediate family member" means any of the following relationships by blood, marriage, civil union or adoption: spouse, son, daughter, mother, father, sibling, brother- or sister-in-law, or a legal dependent. For the purpose of this Part, this includes any youth-in-care residing at the residence.

"Member of the household" means a person who resides in a family home as evidenced by factors including, but not limited to, maintaining clothing and personal effects at the household address, receiving mail at the household address, or using identification with the household address. For the purpose of this Part, this includes any youth-in-care residing at the residence.

"Personal interest" means that one has the potential to gain or lose money, other consideration, gifts, favors, or preferential treatment for oneself or another, depending upon the outcome of a decision, review or other transaction.

"Personal relationship" means related by blood, marriage, civil union or adoption, or that a DCFS employee has a social, business or other relationship that has the potential to influence or affect the employee's objectivity or judgement when performing a task directly involving the person with whom he or she has a personal relationship. Personal relationship also includes a Department employee's association with a member of his or her household who is unrelated to the employee by blood, marriage, civil union or adoption, but whose association with the Department employee has the potential to influence or affect the employee's objectivity or judgment.

"Secondary employment" means any external employment or work activity, with a public or private entity, or self-employment that is in addition to an employee's position with the Department, even while on leave. Secondary employment includes, but is not limited to, working for another employer, self-employment, the private practice of any profession, occupation or trade, consulting services, being involved in a family business, volunteer work and teaching.

"Significant working relationship" means a relationship that involves direct or indirect supervision or shared work responsibility.

(Source: Amended at 44 Ill. Reg. 16418, effective September 28, 2020)