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INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register.

The Register is a weekly update of the Illinois Administrative Code (a compilation of the rules adopted by State agencies). The most recent edition of the Code, along with the Register, comprise the most current accounting of State agencies' rulemakings.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1, et seq.].

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2017

Issue#	Rules Due Date	Date of Issue
1	December 27, 2016	January 6, 2017
2	January 3, 2017	January 13, 2017
3	January 9, 2017	January 20, 2017
4	January 17, 2017	January 27, 2017
5	January 23, 2017	February 3, 2017
6	January 30, 2017	February 10, 2017
7	February 6, 2017	February 17, 2017
8	February 14, 2017	February 24, 2017
9	February 21, 2017	March 3, 2017
10	February 27, 2017	March 10, 2017
11	March 6, 2017	March 17, 2017
12	March 13, 2017	March 24, 2017
13	March 20, 2017	March 31, 2017
14	March 27, 2017	April 7, 2017
15	April 3, 2017	April 14, 2017
16	April 10, 2017	April 21, 2017
17	April 17, 2017	April 28, 2017
18	April 24, 2017	May 5, 2017
19	May 1, 2017	May 12, 2017
20	May 8, 2017	May 19, 2017

21	May 15, 2017	May 26, 2017
22	May 22, 2017	June 2, 2017
23	May 30, 2017	June 9, 2017
24	June 5, 2017	June 16, 2017
25	June 12, 2017	June 23, 2017
26	June 19, 2017	June 30, 2017
27	June 26, 2017	July 7, 2017
28	July 3, 2017	July 14, 2017
29	July 10, 2017	July 21, 2017
30	July 17, 2017	July 28, 2017
31	July 24, 2017	August 4, 2017
32	July 31, 2017	August 11, 2017
33	August 7, 2017	August 18, 2017
34	August 14, 2017	August 25, 2017
35	August 21, 2017	September 1, 2017
36	August 28, 2017	September 8, 2017
37	September 5, 2017	September 15, 2017
38	September 11, 2017	September 22, 2017
39	September 18, 2017	September 29, 2017
40	September 25, 2017	October 6, 2017
41	October 2, 2017	October 13, 2017
42	October 10, 2017	October 20, 2017
43	October 16, 2017	October 27, 2017
44	October 23, 2017	November 3, 2017
45	October 30, 2017	November 13, 2017
46	November 6, 2017	November 17, 2017
47	November 13, 2017	November 27, 2017
48	November 20, 2017	December 1, 2017
49	November 27, 2017	December 8, 2017
50	December 4, 2017	December 15, 2017
51	December 11, 2017	December 26, 2017
52	December 18, 2017	December 29, 2017

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Reports of Child Abuse and Neglect
- 2) Code Citation: 89 Ill. Adm. Code 300
- 3)

<u>Section Number:</u>	<u>Proposed Action:</u>
300.20	Amendment
- 4) Statutory Authority: Implementing and authorized by the Abused and Neglected Child Reporting Act [325 ILCS 5], the Abandoned Newborn Infants Protection Act [325 ILCS 2] and Section 3 of the Consent by Minors to Medical Procedures Act [410 ILCS 210/3].
- 5) A Complete Description of the Subjects and Issues Involved: Definition of "fictive kin" is expanded to include the current foster parent of a child in the custody or guardianship of the Department, if the child has been placed in the home for at least one year and has established a significant and family-like relationship with the foster parent, and the foster parent has been identified by the Department as the child's permanent connection, as defined by Department rule. These changes implement PA 99-836 concerning relative home placement.
- 6) Published studies and reports, and sources of underlying data used to compose this rulemaking: None
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 8) Does this proposed rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
300.Appendix B	Amendment	40 Ill. Reg. 13064; September 16, 2016
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand the State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. Comments should be submitted to:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield IL 62701-1498

217/524-1983
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The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

- 13) Initial Regulatory Flexibility Analysis: The Department has determined that the proposed amendments will not have an economic impact on small businesses.
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included in either of the 2 most recent Regulatory Agendas because the need for rulemaking was not anticipated.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERYPART 300
REPORTS OF CHILD ABUSE AND NEGLECT

Section	
300.10	Purpose
300.20	Definitions
300.30	Reporting Child Abuse or Neglect to the Department
300.40	Content of Child Abuse or Neglect Reports
300.45	Five Year Demonstration of the Differential Response Program
300.50	Transmittal of Child Abuse or Neglect Reports
300.60	Special Types of Reports (Recodified)
300.70	Referrals to the Local Law Enforcement Agency and State's Attorney
300.80	Delegation of the Investigation
300.90	Time Frames for the Investigation
300.100	Initial Investigation
300.110	The Formal Investigative Process
300.120	Taking Children into Temporary Protective Custody
300.130	Notices Whether Child Abuse or Neglect Occurred
300.140	Transmittal of Information to the Illinois Department of Professional Regulation and to School Superintendents
300.150	Referral for Other Services
300.160	Special Types of Reports
300.170	Child Death Review Teams
300.180	Abandoned Newborn Infants
300.APPENDIX A	Acknowledgement of Mandated Reporter Status
300.APPENDIX B	Child Abuse and Neglect Allegations

AUTHORITY: Implementing and authorized by the Abused and Neglected Child Reporting Act [325 ILCS 5], the Abandoned Newborn Infants Protection Act [325 ILCS 2] and Section 3 of the Consent by Minors to Medical Procedures Act [410 ILCS 210/3].

SOURCE: Adopted and codified as 89 Ill. Adm. Code 302 at 5 Ill. Reg. 13188, effective November 30, 1981; amended at 6 Ill. Reg. 15529, effective January 1, 1983; recodified at 8 Ill. Reg. 992; peremptory amendment at 8 Ill. Reg. 5373, effective April 12, 1984; amended at 8 Ill.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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Reg. 12143, effective July 9, 1984; amended at 9 Ill. Reg. 2467, effective March 1, 1985; amended at 9 Ill. Reg. 9104, effective June 14, 1985; amended at 9 Ill. Reg. 15820, effective November 1, 1985; amended at 10 Ill. Reg. 5915, effective April 15, 1986; amended at 11 Ill. Reg. 1390, effective January 13, 1987; amended at 11 Ill. Reg. 1151, effective January 14, 1987; amended at 11 Ill. Reg. 1829, effective January 15, 1987; recodified from 89 Ill. Adm. Code 302.20, 302.100, 302.110, 302.120, 302.130, 302.140, 302.150, 302.160, 302.170, 302.180, 302.190, and Appendix A at 11 Ill. Reg. 3492; emergency amendment at 11 Ill. Reg. 4058, effective February 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12619, effective July 20, 1987; recodified at 11 Ill. Reg. 13405; amended at 13 Ill. Reg. 2419, effective March 1, 1989; emergency amendment at 14 Ill. Reg. 11356, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 17558, effective October 15, 1990; amended at 14 Ill. Reg. 19827, effective November 28, 1990; emergency amendment at 15 Ill. Reg. 14285, effective September 25, 1991; amended at 15 Ill. Reg. 17986, effective December 1, 1991; emergency amendment at 17 Ill. Reg. 15658, effective September 10, 1993, for a maximum of 150 days; emergency expired February 7, 1994; amended at 18 Ill. Reg. 8377, effective May 31, 1994; amended at 18 Ill. Reg. 8601, effective June 1, 1994; amended at 19 Ill. Reg. 3469, effective March 15, 1995; amended at 19 Ill. Reg. 10522, effective July 1, 1995; amended at 20 Ill. Reg. 10328, effective July 19, 1996; amended at 22 Ill. Reg. 18847, effective October 1, 1998; amended at 23 Ill. Reg. 13590, effective November 15, 1999; amended at 24 Ill. Reg. 7707, effective June 1, 2000; amended at 25 Ill. Reg. 12781, effective October 1, 2001; amended at 26 Ill. Reg. 7435, effective May 15, 2002; amended at 26 Ill. Reg. 11730, effective August 1, 2002; amended at 27 Ill. Reg. 1114, effective January 15, 2003; amended at 27 Ill. Reg. 9431, effective June 9, 2003; peremptory amendment at 29 Ill. Reg. 21065, effective December 8, 2005; amended at 33 Ill. Reg. 7862, effective June 15, 2009; amended at 34 Ill. Reg. 6373, effective May 1, 2010; amended at 35 Ill. Reg. 1599, effective January 15, 2011; amended at 35 Ill. Reg. 2861, effective February 8, 2011; amended at 36 Ill. Reg. 4026, effective March 5, 2012; amended at 36 Ill. Reg. 16756, effective November 15, 2012; emergency amendment at 38 Ill. Reg. 1100, effective January 1, 2014, for a maximum of 150 days; emergency expired May 30, 2014; amended at 38 Ill. Reg. 1962, effective December 31, 2013; amended at 38 Ill. Reg. 13214, effective June 11, 2014; amended at 40 Ill. Reg. 648, effective December 31, 2015; amended at 40 Ill. Reg. 7682, effective May 16, 2016; amended at 41 Ill. Reg. _____, effective _____.

Section 300.20 Definitions

"Abandonment" means parental conduct that demonstrates the purpose of relinquishing all parental rights and claims to the child. Abandonment is also defined as any parental conduct that evinces a settled purpose to forego all parental duties and relinquish all parental claims to the child.

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"Abused child" means a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent:

inflicts, causes to be inflicted, or allows to be inflicted upon such child physical or mental injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

creates a substantial risk of physical or mental injury to such child by other than accidental means which would be likely to cause death, disfigurement, impairment of physical or emotional health, or loss of or impairment of any bodily function;

commits or allows to be committed any sex offense against such child, as such sex offenses are defined in the Criminal Code of 2012 [720 ILCS 5] or in the Wrongs to Children Act [720 ILCS 150], and extending those definitions of sex offenses to include children under 18 years of age;

commits or allows to be committed an act or acts of torture upon such child;

inflicts excessive corporal punishment;

commits or allows to be committed the offense of female genital mutilation, as defined in Section 12-34 of the Criminal Code of 2012, against the child;

causes to be sold, transferred, distributed, or given to such child under 18 years of age, a controlled substance as defined in Section 102 of the Illinois Controlled Substances Act [720 ILCS 570] in violation of Article IV of the Illinois Controlled Substances Act or in violation of the Methamphetamine Control and Community Protection Act [720 ILCS 646], except for controlled substances that are prescribed in accordance with Article III of the Illinois Controlled Substances Act and are dispensed to such child in a manner that substantially complies with the prescription; or

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commits or allows to be committed the offense of involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons for forced labor or services as defined in Section 10-9 of the Criminal Code of 2012 against the child.

A child shall not be considered abused for the sole reason that the child has been relinquished in accordance with the Abandoned Newborn Infant Protection Act [325 ILCS 2]. [325 ILCS 5/3]

"Act" means the Abused and Neglected Child Reporting Act [325 ILCS 5].

"Blatant disregard" means an incident where the real, significant, and imminent risk of harm would be so obvious to a reasonable parent or caretaker that it is unlikely that a reasonable parent or caretaker would have exposed the child to the danger without exercising precautionary measures to protect the child from harm. [325 ILCS 5/3]

"CANTS/SACWIS 8" or "C/S8" means the Department's document titled Notification of a Report of Suspected Child Abuse and/or Neglect. This document explains the Department's child abuse/neglect allegation investigation process.

"CANTS/SACWIS 9" or "C/S9" means the Department's document titled Notification of Intent to Indicate Child Care Worker for Report of Child Abuse and/or Neglect. This document is used to notify a person that the Department plans to indicate that person as a perpetrator of child abuse/neglect.

"CANTS/SACWIS 10" or "C/S10" means the Department's document titled Notice of Intent to Indicate a Child Care Worker for Report of Child Abuse and/or Neglect-Questions and Answers. This is an informational document explaining the impact of a determination of indicated child abuse/neglect and the appeal process.

"CANTS/SACWIS 11" or "C/S11" means the Department's document titled Notification of Indicated Decision in an Employment Related Report of Suspected Child Abuse and/or Neglect. This is the document by which the Department notifies a person that the Department has determined that there is credible evidence that he or she is responsible for the child abuse or neglect described in that document.

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"Caregiver" means the child's parents, guardian, custodian or relative with whom the child lives and who has primary responsibility for the care and supervision of the child.

"Child" means any person under the age of 18 years, unless legally emancipated by reason of marriage or entry into a branch of the United States armed services. [325 ILCS 5/3]

"Child care facility" means any person, group of persons, agency, association, organization, corporation, institution, center or group, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody in any facility as defined in the Child Care Act of 1969 [225 ILCS 10], established and maintained for the care of children. "Child care facility" includes a relative who is licensed as a foster family home under Section 4 of the Child Care Act of 1969. [225 ILCS 10/2.05]

"Child care worker" means any person who is employed to work directly with children and any person who is an owner/operator of a child care facility, regardless of whether the facility is licensed by the Department. Child care facilities, for purposes of this definition, include child care institutions; child welfare agencies; day care/night care centers; day care/night care homes; day care/night care group day care homes; group homes; hospitals or health care facilities; schools, including school teachers and administrators, but not tenured school teachers or administrators who have other disciplinary processes available to them; and before and after school programs, recreational programs and summer camps. "Child care worker" also means persons employed as full-time nannies. A child care worker may, at his or her discretion, be subject to this Part if alleged to be responsible for child abuse or neglect outside of his or her employment. "Child care worker" includes a person: currently employed as a child care worker; currently enrolled in an academic program that leads to a position as a child care worker; or who has applied for a license required for a child care worker position. A person will be considered to be "employed as a child care worker" under this Part if, at the time of the notice of the investigation, he or she: has applied for, or will apply within 180 days for, a position as a child care worker; is enrolled in, or will commence within 180 days, an academic program that leads to a position as a child care worker; or has applied for a license as a child care worker.

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"Child-placing agency" means a licensed public or private agency that receives a child for the purpose of placing or arranging for the placement of the child in a foster family home or other facility for child care, apart from the custody of the child's parents. [325 ILCS 2/10]

"Child Protective Service Unit" or "CPS" means certain specialized State employees of the Department assigned by the Director or his or her designee to perform the duties and responsibilities described under this Part. [325 ILCS 5/3] CPS staff are also referred to as child protection staff.

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parents have signed an adoptive surrender or voluntary placement agreement with the Department.

"CPSW" means a Child Protective Service Worker.

"Collateral contact" means obtaining information concerning a child, parent, or other person responsible for the child from a person who has knowledge of the family situation but was not directly involved in referring the child or family to the Department for services.

"Contact between siblings" means contact between or among siblings who are residing apart from one another, and may include, but is not limited to: telephone calls; video conferencing; in person visitation; sending/receiving cards, letters, emails, text messages, gifts, etc.; sharing photographs or information; use of any approved social media (e.g., Facebook); and any other agreed upon forms of communication technology.

"Credible evidence of child abuse or neglect" means that the available facts, when viewed in light of surrounding circumstances, would cause a reasonable person to believe that a child was abused or neglected.

"Delegation of an investigation" means the investigation of a report of child abuse or neglect has been deferred to another authority. The Department maintains responsibility for determining whether the report is indicated or unfounded, entering information about the report in the State Central Register and notifying the subjects of the report and mandated reporters of the results of the investigation.

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"Department" or "DCFS" means the Department of Children and Family Services.

"Determination" means a final Department decision about whether there is credible evidence that child abuse or neglect occurred. A determination must be either "indicated" or "unfounded".

"DR Specialist" means a Differential Response Specialist as described in Section 300.45(e)(1).

"Disfigurement" means a serious or protracted blemish, scar, or deformity that spoils a person's appearance or limits bodily functions.

"Ecomap" means a pictorial representation of family connections to different systems and community and other resources to identify significant people and/or systems around the family to illustrate the strengths, impact and quality of each connection. (Hartman, A., Diagrammatic Assessment of Family Relationships. Social Casework, 59, 465-476 (1978).)

"Emergency medical facility" means a freestanding emergency center or trauma center, as defined in the Emergency Medical Services (EMS) Systems Act [210 ILCS 50]. [325 ILCS 2/10]

"Emergency medical professional" includes licensed physicians, and any emergency medical technician-basic, emergency medical technician-intermediate, emergency medical technician-paramedic, trauma nurse specialist, and pre-hospital RN, as defined in the Emergency Medical Services (EMS) Systems Act. [325 ILCS 2/10]

"Fictive kin" means any individual, unrelated by birth or marriage, who:

is shown to have close personal or emotional ties with the child or the child's family prior to the child's placement with the individual; or

is the current foster parent of a child in the custody or guardianship of the Department pursuant to the Child and Family Services Act and the Juvenile Court Act of 1987, if the child has been placed in the home for at least one year and has established a significant and family-like relationship with the foster parent, and the foster parent has been

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identified by the Department as the child's permanency connection. [20 ILCS 505/7(b)]

"Fire station" means a fire station within the State with at least one staff person. [325 ILCS 2/10]

"Formal investigation" means those activities conducted by Department child protection staff necessary to make a determination as to whether a report of suspected child abuse or neglect is indicated or unfounded. Those activities shall include: *direct contact with the subject or subjects of the report as soon as possible after the report is received; an evaluation of the environment of the child named in the report and any other children in the same environment; a determination of the risk to such children if they continue to remain in the existing environments, as well as a determination of the nature, extent and cause of any condition enumerated in such report; the name, age and condition of other children in the environment; and an evaluation as to whether there would be an immediate and urgent necessity to remove the child from the environment if appropriate family preservation services were provided. After seeing to the safety of the child or children, the Department shall forthwith notify the subjects of the report, in writing, of the existence of the report and their rights existing under the Act in regard to amendment or expungement.* [325 ILCS 5/7.4(b)(3)]

"Genogram" means a pictorial representation of an individual's family relationships.

"Godparent" is a person who sponsors a child at baptism or one in whom the parents have entrusted a special duty that includes assisting in raising a child if the parent cannot raise the child. If the person is considered to be the child's godparent, in order for placement to occur, the same placement selection criteria as contained in 89 Ill. Adm. Code 301.60 (Placement Selection Criteria) must be met. If the godparent is not a licensed foster parent, all the conditions currently in effect for placement with relatives in 89 Ill. Adm. Code 301.80 (Relative Home Placement) must be met.

"Hospital" has the same meaning as in the Hospital Licensing Act [210 ILCS 85].

"Indicated report" means any report of child abuse or neglect made to the Department for which it is determined, after an investigation, that credible evidence of the alleged abuse or neglect exists.

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"Initial investigation" means those activities conducted by Department child protection staff to determine whether a report of suspected child abuse or neglect is a good faith indication of abuse or neglect and, therefore, requires a formal investigation. Good faith in this context means that the report was made with the honest intention to identify actual child abuse or neglect.

"Initial oral report" means a report alleging child abuse or neglect for which the State Central Register has no prior records on the family.

"Involved subject" means a child who is the alleged victim of child abuse or neglect or a person who is the alleged perpetrator of the child abuse or neglect.

"Legal custody" means the relationship created by a court order in the best interest of a newborn infant that imposes on the infant's custodian the responsibility of physical possession of the infant, the duty to protect, train, and discipline the infant, and the duty to provide the infant with food, shelter, education, and medical care, except as these are limited by parental rights and responsibilities. [325 ILCS 2/10]

"Local law enforcement agency" means the police of a city, town, village or other incorporated area or the sheriff of an unincorporated area or any sworn officer of the Illinois Department of State Police.

"Mandated reporters" means those individuals required to report suspected child abuse or neglect to the Department. A list of these persons and their associated responsibilities is provided in Section 300.30.

"Member of the clergy" means a clergyman or practitioner of any religious denomination accredited by the religious body to which he or she belongs. [325 ILCS 5/3]

"Neglected child" means any child:

who is not receiving the proper or necessary nourishment or medically indicated treatment, including food or care, not provided solely on the basis of present or anticipated mental or physical impairment as determined by a physician acting alone or in consultation with other physicians or otherwise is not receiving the proper or necessary support,

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or medical or other remedial care recognized under State law as necessary for a child's well-being (including when there is harm or substantial risk of harm to the child's health or welfare), or other care necessary for a child's well-being, including adequate food, clothing and shelter; or

who is subjected to an environment that is injurious insofar as:

the child's environment creates a likelihood of harm to the child's health, physical well-being, or welfare; and

the likely harm to the child is the result of a blatant disregard of parent or caretaker responsibilities; or

who is abandoned by his or her parents or other person responsible for the child's welfare without a proper plan of care; or

who has been provided with interim crisis intervention services under Section 3-5 of the Juvenile Court Act of 1987 [705 ILCS 405/3-5] and whose parent, guardian, or custodian refuses to permit the child to return home and no other living arrangement agreeable to the parent, guardian, or custodian can be made, and the parent, guardian, or custodian has not made any other appropriate living arrangement for the child; or

who is a newborn infant whose blood, urine or meconium contains any amount of controlled substance as defined in Section 102(f) of the Illinois Controlled Substances Act [720 ILCS 570/102(f)] or a metabolite thereof, with the exception of a controlled substance or metabolite thereof whose presence in the newborn infant is the result of medical treatment administered to the mother or newborn infant.

A child shall not be considered neglected for the sole reason that the child's parent or other person responsible for his or her welfare has left the child in the care of an adult relative for any period of time.

A child shall not be considered neglected for the sole reason that the child has been relinquished in accordance with the Abandoned Newborn Infant Protection Act [325 ILCS 5].

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A child shall not be considered neglected or abused for the sole reason that such child's parent or other person responsible for his or her welfare depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care under Section 4 of the Abused and Neglected Child Reporting Act. When the circumstances indicate harm or substantial risk of harm to the child's health or welfare and necessary medical care is not being provided to treat or prevent that harm or risk of harm because the parent or other person responsible for the child's welfare depends upon spiritual means alone for treatment or cure, the child is subject to the requirements of the Act for the reporting of, investigation of, and provision of protective services with respect to the child and his or her health needs, and in such cases spiritual means through prayer alone for the treatment or cure of disease or for remedial care will not be recognized as a substitute for necessary medical care, if the Department or, as necessary, a juvenile court determines that medical care is necessary.

A child shall not be considered neglected or abused solely because the child is not attending school in accordance with the requirements of Article 26 of the School Code [105 ILCS 5]. [325 ILCS 5/3]

"Newborn infant" means a child who a licensed physician reasonably believes is 30 days old or less at the time the child is initially relinquished to a hospital, police station, fire station, or emergency medical facility, and who is not an abused or a neglected child. [325 ILCS 2/10]

"Perpetrator" means a person who, as a result of investigation, has been determined by the Department to have caused child abuse or neglect.

"Person responsible for the child's welfare" means:

the child's parent, guardian, foster parent or relative caregiver;

an operator, supervisor or employee of a public or private residential agency or institution or public or private profit or not-for-profit child care facility; or

any other person responsible for the child's welfare at the time of the alleged abuse or neglect, including:

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any person that is the custodian of a child under 18 years of age who commits or allows to be committed, against the child, the offense of involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons for forced labor or services, as provided in Section 10-9 of the Criminal Code of 2012; or

any person who came to know the child through an official capacity or position of trust, including but not limited to health care professionals, educational personnel, recreational supervisors, members of the clergy and volunteers or support personnel in any setting where children may be subject to abuse or neglect. [325 ILCS 5/3]

"Police station" means:

a municipal police station;

a county sheriff's office;

a campus police department located on any college or university owned or controlled by the State or any private college or private university that is not owned or controlled by the State when employees or the campus police department are present; or

any of the district headquarters of the Illinois State Police. [325 ILCS 2/10]

"Private guardianship" means an individual person appointed by the court to assume the responsibilities of the guardianship of the person as defined in Section 1-3 of the Juvenile Court Act of 1987 [705 ILCS 405/1-3] or Article XI of the Probate Act of 1975 [755 ILCS 5].

"Relative", for purposes of placement of children for whom the Department is legally responsible, means any person, 21 years of age or over, other than the parent, who:

is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, first cousin once removed (children of one's first cousin

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to oneself), *second cousin* (children of first cousins are second cousins to each other), *godparent* (as defined in this Section), *great-uncle*, or *great-aunt*;

is the spouse, or party to a civil union, *of such a relative*;

is the child's step-father, step-mother, step-grandfather, step-grandmother, or adult step-brother or step-sister;

is the partner, or adult child of a partner, in a civil union with the child's mother or father; or

is a fictive kin as defined in this Section.

"Relative" also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. For children who have been in the guardianship of the Department, have been adopted, and are subsequently returned to the temporary custody or guardianship of the Department, a "relative" may also include any person who would have qualified as a relative under this definition prior to the adoption, but only if the Department determines that it would be in the best interests of the child to consider this person a relative. [20 ILCS 505/7(b)]

"Relinquish" means to bring a newborn infant, who a licensed physician reasonably believes is 30 days old or less, to a hospital, police station, fire station, or emergency medical facility and to leave the infant with personnel of the facility, if the person leaving the infant does not express an intent to return for the infant or states that he or she will not return for the infant. In the case of a mother who gives birth to an infant in a hospital, the mother's act of leaving that newborn infant at the hospital:

without expressing an intent to return for the infant; or

stating that she will not return for the infant is not a "relinquishment" under the Abandoned Newborn Infant Protection Act. [325 ILCS 2/10]

"Siblings" mean children who have at least one parent in common. Children continue to be considered siblings after parental rights are terminated, if parental

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rights were terminated while a petition under Article II of the Juvenile Court Act of 1987 was pending. Children continue to be considered siblings after one or more of the children are adopted or placed in private guardianship, if they were in the custody or guardianship of the Department pursuant to Article II of the Juvenile Court Act of 1987 [705 ILCS 405] immediately prior to the adoption or guardianship. Step-siblings may be considered "siblings" when the children enter into substitute care together, have a positive relationship and ~~share~~have at least one parent in common.

"Strengthening and Supporting Families service period" means a level of service intervention that will average 90 days, but no more than 120 days.

"State Central Register" is the record of child abuse and/or neglect reports maintained by the Department pursuant to the Act.

"Subject of a report" means any child reported to the child abuse/neglect State Central Register, and his or her parent, personal guardian or other person responsible for the child's welfare who is named in the report.

"SSF worker" means a Strengthening and Supporting Families worker.

"Temporary protective custody" means custody within a hospital or other medical facility or a place previously designated by the Department, subject to review by the Court. Temporary protective custody cannot exceed 48 hours, excluding Saturdays, Sundays and holidays.

"Undetermined report" means any report of child abuse or neglect made to the Department in which it was not possible to complete an investigation within 60 days on the basis of information provided to the Department.

"Unfounded report" means any report of child abuse or neglect for which it is determined, after an investigation, that no credible evidence of the alleged abuse or neglect exists.

"Visitation" means face-to-face contact:

between parents and their children who are in substitute care;

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between siblings in substitute care who are placed apart from one another;
or

between siblings in substitute care with siblings who are not in substitute care (e.g., emancipated, case closed due to independence, adopted, placed in private guardianship, living in home of parent, etc.).

(Source: Amended at 41 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Placement and Visitation Services
- 2) Code Citation: 89 Ill. Adm. Code 301
- 3) Section Number: 301.20 Proposed Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by the Children and Family Services Act [20 ILCS 505]; Section 3-6-2(g) of the Unified Code of Corrections [730 ILCS 5/3-6-2(g)]; Section 1-103 of the Illinois Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301]; the Adoption Assistance and Child Welfare Act of 1980 (42 USCA 670 et seq.); 45 CFR 1356.40 and 1356.41; the Juvenile Court Act of 1987 [705 ILCS 405]; and the Adoption Act [750 ILCS 50].
- 5) A Complete Description of the Subjects and Issues Involved: Definition of "fictive kin" is expanded to include the current foster parent of a child in the custody or guardianship of the Department, if the child has been placed in the home for at least one year and has established a significant and family-like relationship with the foster parent, and the foster parent has been identified by the Department as the child's permanent connection, as defined by Department rule. This change implements PA 99-836 concerning relative home placement.
- 6) Published studies and reports, and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand the State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. Comments should be submitted to:

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Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield IL 62701-1498

217/524-1983
TDD: 217524-3715
fax: 217/557-0692
email: CFPolicy@idcfs.state.il.us

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

- 13) Initial Regulatory Flexibility Analysis: The Department has determined that the proposed amendments will not have an economic impact on small businesses.
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included in either of the 2 most recent Regulatory Agendas because the need for rulemaking was not anticipated.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER a: SERVICE DELIVERY

PART 301

PLACEMENT AND VISITATION SERVICES

Section

- 301.1 Purpose (Renumbered)
- 301.2 Definition (Repealed)
- 301.3 Foster Care Placement Goal (Renumbered)
- 301.4 Plans to Achieve This Goal (Renumbered)

SUBPART A: PLACEMENT SERVICES

Section

- 301.10 Purpose
- 301.20 Definitions
- 301.30 Introduction
- 301.40 Legal Authority to Place
- 301.50 Emergency Placement
- 301.60 Placement Selection Criteria
- 301.70 Sibling Placement
- 301.80 Relative Home Placement
- 301.90 Foster Family Home Care
- 301.100 Residential Care
- 301.110 Care in a Medical/Psychiatric Facility
- 301.120 Sharing Appropriate Information with the Caregiver
- 301.130 Medical Examinations for Children in Placement
- 301.140 Education of Children While in Placement

SUBPART B: VISITATION SERVICES

Section

- 301.200 Purpose
- 301.210 Family-Child Visitation
- 301.220 Sibling Visitation
- 301.230 Contact Among Siblings Placed Apart
- 301.240 Grandparents Visitation

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- 301.250 Sibling Visitation and Contact with Adopted Siblings and Siblings in Private Guardianship
301.255 Sibling Visitation with and Among Adult Siblings

SUBPART C: FOSTER CARE PLACEMENT GOAL

- Section
301.310 Purpose
301.320 Foster Care Placement Goal
301.330 Plans to Achieve This Goal

SUBPART D: FOSTER PARENT/RELATIVE CAREGIVER IDENTIFYING INFORMATION

- Section
301.410 Purpose
301.420 Confidentiality of Foster Parent/Relative Caregiver Identifying Information
301.430 Routine Disclosure of Foster Parent/Relative Caregiver Identifying Information
301.440 Specific Disclosure of Foster Parent/Relative Caregiver Identifying Information
301.450 Specific Notice of Disclosure
301.460 Disclosure Prohibited
301.470 Redislosure Prohibited

- 301.APPENDIX A Criminal Convictions which Prevent Placement of Children with Relatives

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505]; Section 3-6-2(g) of the Unified Code of Corrections [730 ILCS 5/3-6-2(g)]; Section 1-103 of the Illinois Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301]; the Adoption Assistance and Child Welfare Act of 1980 (42 USC 670 et seq.); 45 CFR 1356.40 and 1356.41; the Juvenile Court Act of 1987 [705 ILCS 405]; and the Adoption Act [750 ILCS 50].

SOURCE: Adopted and codified at 7 Ill. Reg. 881, effective January 12, 1983; amended at 9 Ill. Reg. 9904, effective July 1, 1985; amended at 19 Ill. Reg. 9438, effective July 1, 1995; emergency amendment at 20 Ill. Reg. 3961, effective February 16, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 4602, effective March 15, 1996; amended at 20 Ill. Reg. 9036, effective July 11, 1996; amended at 20 Ill. Reg. 9518, effective July 5, 1996; amended at 21 Ill. Reg. 13580, effective October 1, 1997; amended at 23 Ill. Reg. 13062, effective October 20, 1999; emergency amendment at 24 Ill. Reg. 6427, effective March 27, 2000, for a maximum of

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150 days; emergency expired August 23, 2000; amended at 25 Ill. Reg. 841, effective January 5, 2001; amended at 25 Ill. Reg. 11803, effective September 14, 2001; amended at 26 Ill. Reg. 11739, effective August 1, 2002; amended at 34 Ill. Reg. 7898, effective May 31, 2010; amended at 36 Ill. Reg. 2098, effective January 30, 2012; amended at 36 Ill. Reg. 4039, effective March 5, 2012; expedited correction at 37 Ill. Reg. 19418, effective March 5, 2012; amended at 40 Ill. Reg. 666, effective December 31, 2015; amended at 40 Ill. Reg. 7699, effective May 16, 2016; amended at 41 Ill. Reg. _____, effective _____.

SUBPART A: PLACEMENT SERVICES

Section 301.20 Definitions

"Administrative case review" or "ACR" means case reviews required by 42 USC 675(1) and 20 ILCS 505/6a.

"Biological father" means a man who was not married to the mother when the child was born and who has acknowledged his paternity in open court, or who has signed a statement acknowledging paternity, or who is legally presumed to be the father because he married the child's mother after the child's birth and his name appears on the child's official record of birth, or whose paternity is adjudicated in court. When paternity has been established in the above manner, the relatives of the biological father as well as those of the mother may be considered for the placement of related children.

"Child only standard of need" means the assistance standard for cases in which no adult member is included, as established by the Illinois Department of Human Services in 89 Ill. Adm. Code 111 (Assistance Standards).

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parents signed an adoptive surrender or voluntary placement agreement with the Department.

"Contact between siblings" means contact among siblings who are **residing** apart from one another, and may include, but is not limited to: telephone calls; video conferencing; in person visitation; sending/receiving cards, letters, emails, text messages, gifts, etc.; sharing photographs or information; use of any approved social media (e.g., Facebook); and any other agreed upon forms of communication technology.

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"Department" as used in this Part, means the Department of Children and Family Services.

"Diligent search", as used in this Part, means the efforts used by the Department to find a joint placement for siblings who must be placed apart from their families. Diligent search is further defined in Section 301.70(f).

"Family" means one or more adults and children, related by blood, marriage, civil union or adoption and residing in the same household.

"Father" means a man *presumed to be the natural father of a child if:*

he and the child's natural mother are or have been married to each other, even though the marriage is or could be declared invalid, and the child is born or conceived during such marriage;

after the child's birth, he and the child's natural mother have married each other, even though the marriage is or could be declared invalid, and he is named, with his consent, as the child's father on the child's birth certificate pursuant to Section 12 of the Vital Records Act [410 ILCS 535/12];

he and the child's natural mother have signed an acknowledgment of paternity in accordance with rules adopted by the Illinois Department of Healthcare and Family Services under Section 10-17.7 of the Illinois Public Aid Code [305 ILCS 5/10-17.7]; or

he and the child's natural mother have signed an acknowledgement of parentage or, if the natural father is someone other than the one presumed to be the father under this definition, an acknowledgement of parentage and denial of paternity in accordance with Section 12 of the Vital Records Act. [750 ILCS 45/5]

A man can rebut a presumption of paternity only as provided in Section 5(b) of the Illinois Parentage Act of 1984 [750 ILCS 45/5(b)]. Father also means a man who adopts a child or has been determined by court or administrative adjudication to be the child's father.

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"Federally-funded foster care" means foster care maintenance payments made in accordance with Title IV-E of the Social Security Act for which federal matching grants are received.

"Fictive kin" means any individual, unrelated by birth or marriage, who:

is shown to have close personal or emotional ties with the child or the child's family prior to the child's placement with the individual; or

is the current foster parent of a child in the custody or guardianship of the Department pursuant to the Child and Family Services Act and the Juvenile Court Act of 1987, if the child has been placed in the home for at least one year and has established a significant and family-like relationship with the foster parent, and the foster parent has been identified by the Department as the child's permanency connection. [20 ILCS 505/7(b)]

"Final placement decision" means the decision made by the Department, within 90 days after the initial placement of a child with a relative, to leave or remove the child in the relative home based on the evaluation of the results of the criminal background check of the relative and household members and based on the best interest of the child.

"Foster care payment" means the amount paid by the Department for a child's room, board, clothing, and personal allowance in a licensed foster family home.

"Godparent" is a person who sponsors a child at baptism or one in whom the parents have entrusted a special duty that includes assisting in raising the child if the parent cannot raise the child. If the person is considered to be the child's godparent, in order for placement to occur, the same placement selection criteria as contained in Section 301.60 (Placement Selection Criteria) must be met. If the godparent is not a licensed foster parent, all the conditions currently in effect for placement with relatives in Section 301.80 (Relative Home Placement) must be met.

"Joint placement", in the context of sibling placement, means the siblings are placed in the same substitute care setting.

"LEADS" means Law Enforcement Agency Data System.

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"Parents" means the child's legal parents whose parental rights have not been terminated. Biological fathers are considered legal parents when paternity has been established as required by the definition of "father" in this Section.

"Permanency goal" means the desired outcome of intervention and service, which is determined to be consistent with the health, safety, well-being, and best interests of the child. A permanent legal status is usually a component of the permanency goal.

"Permanent family placement" means placement in a foster family home or a relative home that is intended to last until the child reaches age 21 or until the child is capable of self-sufficiency. The Department may retain guardianship of the child or the foster parent or relative may assume guardianship of the child.

"Permanent legal status" means a legally binding relationship between a child and a family as established by birth or a court of law.

"Placement Clearance Process" means the approval of a child's placement in foster care or unlicensed relative care from the Placement Clearance Unit.

"Placing worker" means the Child Protection Specialist, Permanency Worker or Intact Family Worker with responsibility to select the substitute care placement for a child.

"Region" means Cook County or any of the downstate Department of Children and Family Services regions.

"Relative", for purposes of placement of children for whom the Department is legally responsible, *means any person, 21 years of age or over, other than the parent, who:*

is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, first cousin once removed (children of one's first cousin to oneself), second cousin (children of first cousins are second cousins to each other), godparent (as defined in this Section), great-uncle, or great-aunt; or

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is the spouse, or party to a civil union, of such a relative; or

is the child's step-father, step-mother, step-grandfather, step-grandmother, or adult step-brother or step-sister; or

is the partner, or adult child of a partner, in a civil union with the child's mother or father; or

is a fictive kin as defined in this Section.

Relative also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. For children who have been in the guardianship of the Department, have been adopted, and are subsequently returned to the temporary custody or guardianship of the Department, a "relative" may also include any person who would have qualified as a relative under this definition prior to the adoption, but only if the Department determines that it would be in the best interests of the child to consider this person a relative. [20 ILCS 505/7(b)]

"Residential facility", for the purposes of the Aristotle P. Consent Decree, means all non-foster care or relative home care placements.

"Service plan" means a written plan on a form prescribed by the Department in the plan toward the permanency goal for the children required by 42 USC 675(5), 325 ILCS 5/8.2, and 89 Ill. Adm. Code 315 (Permanency Planning).

"Siblings" means children who have at least one parent in common. Children continue to be considered siblings after parental rights are terminated, if parental rights were terminated while a petition under Article II of the Juvenile Court Act of 1987 [705 ILCS 405] was pending. Children continue to be considered siblings after one or more of the children are adopted or placed in private guardianship, if they were in the custody or guardianship of the Department pursuant to Article II of the Juvenile Court Act of 1987 [705 ILCS 405] immediately prior to the adoption or guardianship. Step-siblings may be considered "siblings" when the children enter into substitute care together, have a positive relationship and share at least one parent in common.

"Substitute care" means the care of children who require placement away from

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their families. Substitute care includes foster family care, care of a child for whom the Department is legally responsible provided in a relative family home, care provided in a group home, and care provided in a child care or other institution.

"Visitation" means face-to-face contact:

between parents and their children who are in substitute care;

between siblings in substitute care who are placed apart from one another;
or

between siblings in substitute care with siblings who are not in substitute care (e.g., emancipated, case closed due to independence, adopted, placed in private guardianship, living in home of parent, etc.).

"Voluntary placement agreement" means a time-limited written request and consent from a parent, guardian or legal custodian of a child for placement of the child out of the home. When signed by designated Department staff, the Department agrees to provide child welfare services which include placement.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Services Delivered by the Department of Children and Family Services
- 2) Code Citation: 89 Ill. Adm. Code 302
- 3) Section Number: 302.20 Proposed Action: Amendment
- 4) Statutory Authority: The Children and Family Services Act [20 ILCS 505]; Section 3-6-2(g) of the Unified Code of Corrections [730 ILCS 5/3-6-2(g)]; the Illinois Alcoholism and Dangerous Drug Dependency Act [20 ILCS 305]; the Adoption Assistance and Child Welfare Act of 1980 (42 USCA 670 et seq.); 45 CFR 1356.40 and 1356.41; the Juvenile Court Act of 1987 [705 ILCS 405]; and the Adoption Act [750 ILCS 50].
- 5) A Complete Description of the Subjects and Issues Involved: Definition of "fictive kin" is expanded to include the current foster parent of a child in the custody or guardianship of the Department, if the child has been placed in the home for at least one year and has established a significant and family-like relationship with the foster parent, and the foster parent has been identified by the Department as the child's permanent connection, as defined by Department rule. These changes implement PA 99-836 concerning relative home placement.
- 6) Published studies and reports, and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand the State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

period of 45 days following publication of this Notice. Comments should be submitted to:

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield IL 62701-1498

217/524-1983
TDD: 217/524-3715
fax: 217/557-0692
email: CFPolicy@idcfs.state.il.us

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

- 13) Initial Regulatory Flexibility Analysis: The Department has determined that the proposed amendments will not have an economic impact on small businesses.
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included in either of the 2 most recent Regulatory Agendas because the need for rulemaking was not anticipated.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERYPART 302
SERVICES DELIVERED BY THE
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBPART A: GENERAL PROVISIONS

Section	Purpose
302.10	Purpose
302.20	Definitions
302.30	Introduction
302.40	Department Service Goals
302.50	Functions in Support of Services

SUBPART B: REPORTS OF SUSPECTED CHILD ABUSE OR NEGLECT (RECODIFIED)

Section	Purpose
302.100	Reporting Child Abuse or Neglect to the Department (Recodified)
302.110	Content of Child Abuse or Neglect Reports (Recodified)
302.120	Transmittal of Child Abuse or Neglect Reports (Recodified)
302.130	Special Types of Reports (Recodified)
302.140	Referrals to the Local Law Enforcement Agency and State's Attorney (Recodified)
302.150	Delegation of the Investigation (Recodified)
302.160	The Investigative Process (Recodified)
302.170	Taking Children Into Temporary Protective Custody (Recodified)
302.180	Notification of the Determination Whether Child Abuse or Neglect Occurred (Recodified)
302.190	Referral for Other Services (Recodified)

SUBPART C: DEPARTMENT CHILD WELFARE SERVICES

Section	Purpose
302.300	Adoptive Placement Services (Repealed)
302.305	Adoption Listing Service for Hard-to-Place Children or Children with Disabilities for Whom the Department is Not Legally Responsible

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302.310	Adoption Assistance
302.311	Nonrecurring Adoption Expenses (Repealed)
302.315	Adoption Registry (Repealed)
302.320	Counseling or Casework Services
302.330	Day Care Services
302.340	Emergency Caretaker Services
302.350	Family Planning Services
302.360	Health Care Services
302.365	Mental Health Services (Repealed)
302.370	Homemaker Services
302.380	Information and Referral Services
302.390	Behavioral Health Services
302.400	Successor Guardianship (Repealed)
302.405	Subsidized Guardianship Program
302.410	Subsidized Guardianship (KinGap)

SUBPART D: INTENSIVE FAMILY PRESERVATION SERVICES

Section	Purpose
302.500	Purpose
302.510	Implementation of the Family Preservation Act
302.520	Types of Intensive Family Preservation Services
302.530	Phase In Plan for Statewide Family Preservation Services
302.540	Time Frames

302.APPENDIX A	Acknowledgement of Mandated Reporter Status (Recodified)
302.APPENDIX B	Calculating the Amount of Adoption Assistance (Repealed)

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505]; Section 3-6-2(g) of the Unified Code of Corrections [730 ILCS 5/3-6-2(g)]; the Illinois Alcoholism and Dangerous Drug Dependency Act [20 ILCS 301]; the Adoption Assistance and Child Welfare Act of 1980 (42 USCA 670 et seq.); 45 CFR 1356.40 and 1356.41; the Juvenile Court Act of 1987 [705 ILCS 405]; and the Adoption Act [750 ILCS 50].

SOURCE: Adopted and codified at 5 Ill. Reg. 13188, effective November 30, 1981; amended at 6 Ill. Reg. 15529, effective January 1, 1983; recodified at 8 Ill. Reg. 992; peremptory amendment at 8 Ill. Reg. 5373, effective April 12, 1984; amended at 8 Ill. Reg. 12143, effective July 9, 1984; amended at 9 Ill. Reg. 2467, effective March 1, 1985; amended at 9 Ill. Reg. 9104, effective June 14, 1985; amended at 9 Ill. Reg. 15820, effective November 1, 1985; amended at 10 Ill. Reg.

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5557, effective April 15, 1986; amended at 11 Ill. Reg. 1390, effective January 13, 1987; amended at 11 Ill. Reg. 1551, effective January 14, 1987; amended at 11 Ill. Reg. 1829, effective January 15, 1987; recodified to 89 Ill. Adm. Code 300 at 11 Ill. Reg. 3492, Sections 302.20, 302.100, 302.110, 302.120, 302.130, 302.140, 302.150, 302.160, 302.170, 302.180, 302.190, Appendix A; amended at 13 Ill. Reg. 18847, effective November 15, 1989; amended at 14 Ill. Reg. 3438, effective March 1, 1990; amended at 14 Ill. Reg. 16430, effective September 25, 1990; amended at 14 Ill. Reg. 19010, effective November 15, 1990; amended at 16 Ill. Reg. 274, effective December 31, 1992; emergency amendment at 17 Ill. Reg. 2513, effective February 10, 1993, for a maximum of 150 days; emergency expired July 9, 1993; amended at 17 Ill. Reg. 13438, effective July 31, 1993; amended at 19 Ill. Reg. 9107, effective June 30, 1995; amended at 19 Ill. Reg. 9485, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10746, effective July 1, 1995, for a maximum of 150 days; emergency expired November 27, 1995; emergency amendment at 19 Ill. Reg. 16735, effective November 28, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 4606, effective March 15, 1996; amended at 20 Ill. Reg. 6670, effective May 1, 1996; emergency amendment at 21 Ill. Reg. 1033, effective January 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3265, effective March 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 6204, effective May 15, 1997; amended at 21 Ill. Reg. 10912, effective July 29, 1997; amended at 22 Ill. Reg. 7140, effective April 13, 1998; emergency amendment at 22 Ill. Reg. 7289, effective April 13, 1998, for a maximum of 150 days; emergency expired September 10, 1998; amended at 22 Ill. Reg. 8803, effective May 15, 1998; amended at 22 Ill. Reg. 21314, effective December 1, 1998; emergency amendment at 25 Ill. Reg. 4292, effective March 15, 2001, for a maximum of 150 days; emergency expired August 11, 2001; amended at 25 Ill. Reg. 11821, effective August 31, 2001; amended at 25 Ill. Reg. 16243, effective December 15, 2001; amended at 26 Ill. Reg. 11747, effective August 1, 2002; amended at 26 Ill. Reg. 16434, effective October 22, 2002; amended at 28 Ill. Reg. 2155, effective February 1, 2004; emergency amendment at 28 Ill. Reg. 10405, effective July 8, 2004, for a maximum of 150 days; emergency expired December 4, 2004; amended at 29 Ill. Reg. 20354, effective November 30, 2005; amended at 30 Ill. Reg. 2323, effective February 2, 2006; amended at 32 Ill. Reg. 11611, effective July 10, 2008; emergency amendment at 33 Ill. Reg. 14310, effective October 1, 2009, for a maximum of 150 days; amended at 34 Ill. Reg. 3248, effective February 26, 2010; emergency amendment at 34 Ill. Reg. 13182, effective September 1, 2010, for a maximum of 150 days; emergency expired January 28, 2011; amended at 35 Ill. Reg. 2899, effective February 8, 2011; amended at 35 Ill. Reg. 8204, effective May 15, 2011; amended at 36 Ill. Reg. 4048, effective March 5, 2012; expedited correction at 37 Ill. Reg. 19427, effective March 5, 2012; amended at 40 Ill. Reg. 693, effective December 31, 2015; amended at 40 Ill. Reg. 7721, effective May 16, 2016; amended at 41 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

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Section 302.20 Definitions

"Adoption assistance" or "adoption subsidy" means financial assistance from the Department that is provided to the adoptive parents after the finalization of an adoption.

"Adoption placement" means a living arrangement with a family that is directed toward establishing that family as the child's new legal parents. To be considered an adoptive placement the child must be placed in a licensed foster family home or a license-exempt relative home and either:

be legally free (parental rights have been terminated or both parents have surrendered their parental rights); or

be placed in a legal risk adoptive placement that has passed legal screening as described in 89 Ill. Adm. Code 309 (Adoption Services for Children for Whom the Department of Children and Family Services is Legally Responsible).

"Biological father" means a man who was not married to the mother when the child was born and who has acknowledged his paternity in open court, or who has signed a statement acknowledging paternity, or who is legally presumed to be the father because he married the child's mother after the child's birth and his name appears on the child's official record of birth, or whose paternity is adjudicated in court. When paternity has been established in the above manner, the relatives of the biological father as well as those of the mother may be considered for the placement of the related children.

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parents have signed an adoptive surrender or voluntary placement agreement with the Department.

"Child welfare services" means public social services that are directed toward the accomplishment of the following purposes:

protecting and promoting the health, safety and welfare of all children, including homeless, dependent, or neglected children;

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preventing, remedying, or assisting in the solution of problems that may result in, the neglect, abuse, exploitation, or delinquency of children;

preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing breakup of the family where the prevention of child removal is desirable and possible when the child can be cared for at home without endangering the child's health and safety;

restoring to their families children who have been removed, by the provision of services to the child and the families when the child can be cared for at home without endangering the child's health and safety;

placing children in suitable adoptive homes, in cases where restoration to the biological family is not safe, possible or appropriate;

assuring safe and adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption. At the time of placement, the Department shall consider concurrent planning so that permanency may occur at the earliest opportunity. Consideration should be given so that if reunification fails or is delayed, the placement made is the best available placement to provide permanency for the child;

providing supportive services and living maintenance that contributes to the physical, emotional and social well-being of children for whom the Department is legally responsible who are pregnant and unmarried;

providing shelter and independent living services for homeless youth; and

placing and maintaining children in facilities that provide separate living quarters for children under the age of 18 and for children 18 years of age and older, unless a child 18 years of age is in the last year of high school education or vocational training, in an approved individual or group treatment program, in a licensed shelter facility, or in a secure child care facility. The Department is not required to place or maintain children:

who are in a foster home; or

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who are persons with a developmental disability, as defined in the Mental Health and Developmental Disabilities Code [405 ILCS 5];
or;

who are female children who are pregnant, pregnant and parenting or parenting; *or*

who are siblings;

in facilities that provide separate living quarters for children 18 years of age and older and for children under 18 years of age. [20 ILCS 505/5]

These services include but are not limited to: counseling, advocacy, protective and family maintenance day care, homemaker, emergency caretaker, family planning, adoption, placement, child protection, and information and referral.

"Custodial Caregiver" means an individual with whom a child resides who is directly responsible for the day-to-day care of the child ensuring the child's safety and well-being.

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

"Family" means one or more adults and children, related by blood, marriage, civil union, or adoption and residing in the same household.

"Fictive kin" means any individual, unrelated by birth or marriage, who:

is shown to have close personal or emotional ties with the child or the child's family prior to the child's placement with the individual; or

is the current foster parent of a child in the custody or guardianship of the Department pursuant to the Child and Family Services Act and the Juvenile Court Act of 1987, if the child has been placed in the home for at least one year and has established a significant and family-like relationship with the foster parent, and the foster parent has been identified by the Department as the child's permanency connection. [20 ILCS 505/7(b)]

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"Godparent" is a person who sponsors a child at baptism or one in whom the parents have entrusted a special duty that includes assisting in raising the child if the parent cannot raise the child. If the person is considered to be the child's godparent, in order for placement to occur, the same placement selection criteria as contained in 89 Ill. Adm. Code 301.60 (Placement Selection Criteria) must be met. If the godparent is not a licensed foster parent, all the conditions currently in effect for placement with relatives in 89 Ill. Adm. Code 301.80 (Relative Home Placement) must be met.

"Level of care" means one of the following types of substitute care that would be appropriate for the child, if placed in foster care: regular foster care, intensive foster care, or specialized foster care.

"Minimum parenting standards" means that a parent or other person responsible for the child's welfare sees that the child is adequately fed, clothed appropriately for the weather conditions, provided with adequate shelter, protected from physical, mental and emotional harm, and provided with necessary medical care and education as required by law.

"Parents" means the child's legal parents whose rights have not been terminated. Biological fathers are considered legal parents when paternity has been established as required by the definition in this Section.

"Permanency goal" means the desired outcome of intervention and service that is determined to be consistent with the health, safety, well-being, and best interests of the child. A permanent legal status is usually a component of the permanency goal.

"Permanent legal status" means a legally binding relationship between a child and a family as established by birth or a court of law.

"Pre-existing condition" means, for purposes of adoption assistance and subsidized guardianship, a disabling physical, emotional or mental health condition that the child had prior to the finalization of the adoption or transfer of guardianship. Such condition must be documented by a duly licensed or credentialed professional.

"Private guardianship" means an individual person appointed by the court to

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assume the responsibilities of the guardianship of the person as defined in Section 1-3 of the Juvenile Court Act of 1987 [705 ILCS 405/1-3] or Article XI of the Probate Act of 1975 [755 ILCS 5].

"Relative", for purposes of placement of children for whom the Department is legally responsible, means any person, 21 years of age or over, other than the parent, who:

is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, first cousin once removed (children of one's first cousin to oneself), second cousin (children of first cousins are second cousins to each other), godparent (as defined in this Section), great-uncle, or great-aunt; or

is the spouse, or party to a civil union, of such relative; or

is the child's step-father, step-mother, step-grandfather, step-grandmother or adult step-brother or step-sister; or

is the partner, or adult child of a partner, in a civil union with the child's mother or father; or

is a fictive kin as defined in this Section.

Relative also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. For children who have been in the guardianship of the Department, have been adopted, and are subsequently returned to the temporary custody or guardianship of the Department, a "relative" may also include any person who would have qualified as a relative under this definition prior to the adoption, but only if the Department determines that it would be in the best interests of the child to consider this person a relative. [20 ILCS 505/7(b)]

"Service constellation" means a variety of services provided to a child and his/her family.

"Service plan" means a written plan on a form prescribed by the Department in

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the plan toward the permanency goal for the children.

"Siblings" means children who have at least one parent in common. Children continue to be considered siblings after parental rights are terminated or after one or more of the children are adopted or placed in private guardianship, if they were in the custody or guardianship of the Department pursuant to Article II of the Juvenile Court Act of 1987 immediately prior to the private adoption or guardianship. Step-siblings may be considered "siblings" when the children enter into substitute care together, have a positive relationship and share at least one parent in common.

"Subsidized Guardianship Program" means a program of the Department that offers a financial subsidy to relative care or licensed foster home caregivers who are willing to assume private guardianship of children who are eligible for the program. The Subsidized Guardianship Program is further defined in Section 302.405 (Subsidized Guardianship) and Section 302.410 (Subsidized Guardianship (KinGap)).

"Voluntary placement agreement" means a time-limited written request and consent from a parent, guardian or legal custodian of a child for placement of the child out of the home. When signed by designated Department staff, the Department agrees to provide child welfare services that include placement.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Access to and Eligibility for Child Welfare Services
- 2) Code Citation: 89 Ill. Adm. Code 304
- 3) Section Number: 304.2 Proposed Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Section 5 of the Children and Family Services Act [20 ILCS 505/5]; Sections 2 and 2.1 of the Abused and Neglected Child Reporting Act [325 ILCS 5/2 and 5/2.1]; Section 1-2 of the Juvenile Court Act of 1987 [705 ILCS 405/1-2]; the Illinois Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301]; the Adoption Assistance and Child Welfare Act of 1980, which amends Section 471 of the Social Security Act (42 USCA 671 (a) (14)).
- 5) A Complete Description of the Subjects and Issues Involved: Definition of “fictive kin” is expanded to include the current foster parent of a child in the custody or guardianship of the Department, if the child has been placed in the home for at least one year and has established a significant and family-like relationship with the foster parent, and the foster parent has been identified by the Department as the child's permanent connection, as defined by Department rule. These changes implement PA 99-836 concerning relative home placement.
- 6) Published studies and reports, and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand the State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. Comments should be submitted to:

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Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield IL 62701-1498

217/524-1983
TDD: 217/524-3715
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email: CFPolicy@idcfs.state.il.us

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

- 13) Initial Regulatory Flexibility Analysis: The Department has determined that the proposed amendments will not have an economic impact on small businesses.
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included in either of the 2 most recent Regulatory Agendas because the need for rulemaking was not anticipated.

The full text of the Proposed Amendment begins on the next page:

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TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER a: SERVICE DELIVERY

PART 304

ACCESS TO AND ELIGIBILITY FOR CHILD WELFARE SERVICES

Section

304.1	Purpose
304.2	Definitions
304.3	Introduction to Child Welfare Services
304.4	Eligibility for Child Welfare Services
304.5	Access to Child Welfare Services
304.6	Decision Concerning Case Opening

AUTHORITY: Implementing and authorized by Section 5 of the Children and Family Services Act [20 ILCS 505/5]; Sections 2 and 2.1 of the Abused and Neglected Child Reporting Act [325 ILCS 5/2 and 5/2.1]; Section 1-2 of the Juvenile Court Act of 1987 [705 ILCS 405/1-2]; the Illinois Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301]; the Adoption Assistance and Child Welfare Act of 1980, which amends Section 471 of the Social Security Act (42 USCA 671 (a) (14)).

SOURCE: Adopted and codified at 5 Ill. Reg. 13117, effective November 30, 1981; amended at 8 Ill. Reg. 12118, effective July 9, 1984; amended at 17 Ill. Reg. 251, effective December 31, 1992; amended at 19 Ill. Reg. 9429, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10738, effective July 1, 1995, for a maximum of 150 days; emergency expired November 27, 1995; amended at 20 Ill. Reg. 1569, effective January 10, 1996; amended at 22 Ill. Reg. 18843, effective October 1, 1998; amended at 26 Ill. Reg. 11756, effective August 1, 2002; amended at 36 Ill. Reg. 4058, effective March 5, 2012; amended at 40 Ill. Reg. 708, effective December 31, 2015; amended at 40 Ill. Reg. 7732, effective May 16, 2016; amended at 41 Ill. Reg. _____, effective _____.

Section 304.2 Definitions

"Abused child" means a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent:

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inflicts, causes to be inflicted, or allows to be inflicted upon such child physical or mental injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

creates a substantial risk of physical or mental injury to such child by other than accidental means which would be likely to cause death, disfigurement, impairment of physical or emotional health, or loss of or impairment of any bodily function;

commits or allows to be committed any sex offense against such child, as such sex offenses are defined in the Criminal Code of 2012 [720 ILCS 5], or in the Wrongs to Children Act [720 ILCS 150], and extending those definitions of sex offenses to include children under 18 years of age;

commits or allows to be committed an act or acts of torture upon such child;

inflicts excessive corporal punishment;

commits or allows to be committed the offense of female genital mutilation, as defined in Section 12-34 of the Criminal Code of 2012, against the child;

causes to be sold, transferred, distributed, or given to such child under 18 years of age, a controlled substance, as defined in Section 102 of the Illinois Controlled Substances Act [720 ILCS 570], in violation of Article IV of the Illinois Controlled Substances Act or in violation of the Methamphetamine Control and Community Protection Act [720 ILCS 646], except for controlled substances that are prescribed in accordance with Article III of the Illinois Controlled Substances Act and are dispensed to such child in a manner that substantially complies with the prescription; or

commits or allows to be committed the offense of involuntary servitude, involuntary sexual servitude of a minor, or trafficking in persons for forced labor or services, as defined in Section 10-9 of the Criminal Code of 2012, against the child.

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A child shall not be considered abused for the sole reason that the child has been relinquished in accordance with the Abandoned Newborn Infant Protection Act [325 ILCS 2]. [325 ILCS 5/3]

"Addicted minor" includes any minor who is an addict or an alcoholic as defined in the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301/1-10].

"Adjudicated", as used in this Part, means that the Juvenile Court has entered an order declaring that a child is abused, neglected, dependent, a minor requiring authoritative intervention, a delinquent minor or an addicted minor.

"Biological father" means a man who was not married to the mother when the child was born and who has acknowledged his paternity in open court, or who has signed a statement acknowledging paternity, or who is legally presumed to be the father because he married the child's mother after the child's birth and his name appears on the child's official record of birth, or whose paternity is adjudicated in court. When paternity has been established in the above manner, the relatives of the biological father as well as those of the mother may be considered for the placement of related children.

"Child welfare services" means public social services that are directed toward the accomplishment of the following purposes:

protecting and promoting the health, safety and welfare of all children, including homeless, dependent, or neglected children;

preventing or remedying, or assisting in the solution of problems that may result in, the neglect, abuse, exploitation, or delinquency of children;

preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing the breakup of the family where the prevention of child removal is desirable and possible when the child can be cared for at home without endangering the child's health and safety;

restoring to their families children who have been removed, by the provision of services to the child and the families when the child can be cared for at home without endangering the child's health and safety;

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placing children in suitable adoptive homes, in cases where restoration to the biological family is not possible or appropriate;

assuring safe and adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption. At the time of placement, the Department shall consider concurrent planning, as described in Section 5(1-1) of the Children and Family Services Act [20 ILCS 505/5(1-1)] so that permanency may occur at the earliest opportunity. Consideration should be given so that, if reunification fails or is delayed, the placement made is the best available placement to provide permanency for the child;

providing supportive services and living maintenance that contribute to the physical, emotional and social well-being of children who are pregnant and unmarried;

providing shelter and independent living services for homeless youth; and

placing and maintaining children in facilities that provide separate living quarters for children under the age of 18 and for children 18 years of age and older, unless a child 18 years of age is in the last year of high school education or vocational training, in an approved individual or group treatment program, in a licensed shelter facility, or secure child care facility. The Department is not required to place or maintain children:

who are in a foster home;

who are persons with a developmental disability as defined in the Mental Health and Developmental Disabilities Code [405 ILCS 5];

who are female children who are pregnant, pregnant and parenting or parenting; or

who are siblings, in facilities that provide separate living quarters for children 18 years of age and older and for children under 18 years of age. [20 ILCS 505/5(a)(3)]

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These services include, but are not limited to: counseling, advocacy, day care, homemaker, emergency caretaker, family planning, adoption, visitation, placement, child protection, and information and referral.

"Delinquent minor" means a minor who before his or her 18th birthday violated or attempted to violate a Federal or State law or municipal ordinance. Delinquent minor is further defined in the Juvenile Court Act of 1987 [705 ILCS 405].

"Department client" means a child or a family who is receiving child welfare services either directly from the Department or through the Department's purchase of service providers.

"Dependent minor" means any minor under 18 years of age:

who is without a parent, guardian or legal custodian;

who is without proper care because of the physical or mental disability of his parent, guardian or custodian;

who is without proper medical or other remedial care recognized under State law or other care necessary for his or her well being through no fault, neglect or lack of concern by his parents, guardian or custodian, provided that no order may be made terminating parental rights, nor may a minor be removed from the custody of his or her parents for longer than 6 months, pursuant to an adjudication as a dependent minor under Section 2-4(c) of the Juvenile Court Act of 1987, unless it is found to be in his or her best interest by the court or the case automatically closes as provided under Section 2-31 of that Juvenile Court Act of 1987; or

who has a parent, guardian or legal custodian who with good cause wishes to be relieved of all residual parental rights and responsibilities, guardianship or custody, and who desires the appointment of a guardian of the person with power to consent to the adoption of the minor under Section 2-29 of the Juvenile Court Act of 1987.

This definition does not apply to a minor who would be included herein solely for the purpose of qualifying for financial assistance for himself, his parent or parents, guardian or custodian or to a minor solely because his or her parent or parents or guardian has left the minor for any period of time in the care of

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an adult relative, who the parent or parents or guardian know is both a mentally capable adult relative and physically capable adult relative, as defined by the Juvenile Court Act of 1987. [705 ILCS 405/2-4]

"Family" means one or more adults and children, related by blood, marriage, civil union or adoption and residing in the same household.

"Fictive kin" means any individual, unrelated by birth or marriage, who:

is shown to have close personal or emotional ties with the child or the child's family prior to the child's placement with the individual; or

is the current foster parent of a child in the custody or guardianship of the Department pursuant to the Child and Family Services Act and the Juvenile Court Act of 1987, if the child has been placed in the home for at least one year and has established a significant and family-like relationship with the foster parent, and the foster parent has been identified by the Department as the child's permanency connection. [20 ILCS 505/7(b)]

"Godparent" is a person who sponsors a child at baptism or one in whom the parents have entrusted a special duty that includes assisting in raising the child if the parent cannot raise the child. If the person is considered to be the child's godparent, in order for placement to occur, the same placement selection criteria as contained in 89 Ill. Adm. Code 301.60 (Placement Selection Criteria) must be met. If the godparent is not a licensed foster parent, all the conditions currently in effect for placement with relatives in 89 Ill. Adm. Code 301.80 (Relative Home Placement) must be met.

"Minimum parenting standards" means that a parent or other person responsible for the child's welfare sees that the child is adequately fed, clothed appropriately for the weather conditions, provided with adequate shelter, protected from physical, mental and emotional harm, and provided with necessary medical care and education required by law.

"Minor requiring authoritative intervention" or "MRAI" means *any minor under 18 years of age:*

who is:

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absent from home without consent of parent, guardian or custodian, or

beyond the control of his or her parent, guardian or custodian, in circumstances that constitute a substantial or immediate danger to the minor's physical safety; and

who, after being taken into limited custody for the period provided for in Section 3.3 of the Juvenile Court Act of 1987 and offered interim crisis intervention services, where available, refuses to return home after the minor and his or her parent, guardian or custodian cannot agree to an arrangement for an alternative voluntary residential placement or to the continuation of such placement.

Any minor taken into limited custody for the reasons specified in Section 3.3 of the Juvenile Court Act of 1987 may not be adjudicated an MRAI until the following number of days have elapsed from his or her having been taken into limited custody: 21 days for the first instance of being taken into limited custody and 5 days for the second, third, or fourth instances of being taken into limited custody. For the fifth or any subsequent instance of being taken into limited custody for the reasons specified in Section 3.3, the minor may be adjudicated as requiring authoritative intervention without any specified period of time expiring after his or her being taken into limited custody, without the minor's being offered interim crisis intervention services, and without the minor's being afforded an opportunity to agree to an arrangement for an alternative voluntary residential placement. Notwithstanding any other provision of Section 3.3, for the first instance in which a minor is taken into limited custody where one year has elapsed from the last instance of his having been taken into limited custody, the minor may not be adjudicated an MRAI until 21 days have passed since being taken into limited custody. [705 ILCS 405/3-3]

"Neglected child" means any child:

who is not receiving the proper or necessary nourishment or medically indicated treatment including food or care not provided solely on the basis of present or anticipated mental or physical impairment as determined by a physician acting alone or in consultation with other physicians or

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otherwise is not receiving the proper or necessary support or medical or other remedial care recognized under State law as necessary for a child's well-being (including where there is harm or substantial risk of harm to the child's health or welfare), or other care necessary for a child's well-being, including adequate food, clothing and shelter; or

who is subjected to an environment that is injurious insofar as:

the child's environment creates a likelihood of harm to the child's health, physical well-being, or welfare; and

the likely harm to the child is the result of a blatant disregard of parent or caretaker responsibilities; or

who is abandoned by his or her parents or other person responsible for the child's welfare without a proper plan of care; or

who has been provided with interim crisis intervention services under Section 3-5 of the Juvenile Court Act of 1987 [705 ILCS 405/3-5] and whose parent, guardian, or custodian refuses to permit the child to return home and no other living arrangement agreeable to the parent, guardian, or custodian can be made, and the parent, guardian, or custodian has not made any other appropriate living arrangement for the child; or

who is a newborn infant whose blood, urine or meconium contains any amount of controlled substance as defined in Section 102(f) of the Illinois Controlled Substances Act [720 ILCS 570/102(f)] or a metabolite thereof, with the exception of a controlled substance or metabolite thereof whose presence in the newborn infant is the result of medical treatment administered to the mother or the newborn infant.

A child shall not be considered neglected for the sole reason that the child's parent or other person responsible for his or her welfare has left the child in the care of an adult relative for any period of time.

A child shall not be considered neglected for the sole reason that the child has been relinquished in accordance with the Abandoned Newborn Infant Protection Act [325 ILCS 5].

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A child shall not be considered neglected or abused for the sole reason that such child's parent or other person responsible for his or her welfare depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care under Section 4 of the Abused and Neglected Child Reporting Act. When the circumstances indicate harm or substantial risk of harm to the child's health or welfare and necessary medical care is not being provided to treat or prevent that harm or risk of harm because the parent or other person responsible for the child's welfare depends upon spiritual means alone for treatment or cure, the child is subject to the requirements of the Abused and Neglected Child Reporting Act for the reporting of, investigation of, and provision of protective services with respect to the child and his or her health needs, and, in such cases, spiritual means through prayer alone for the treatment or cure of disease or for remedial care will not be recognized as a substitute for necessary medical care, if the Department or, as necessary, a juvenile court determines that medical care is necessary.

A child shall not be considered neglected or abused solely because the child is not attending school in accordance with the requirements of Article 26 of the School Code [105 ILCS 5]. [325 ILCS 5/3]

"Purchase of services provider" means an agency or individual offering services to a Department client through a signed contract with the Department.

"Relative", for purposes of placement of children for whom the Department is legally responsible, means any person, 21 years of age or over, other than the parent, who:

is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, first cousin once removed (children of one's first cousin to oneself), second cousin (children of first cousins are second cousins to each other), godparent (as defined in this Section), great-uncle, or great-aunt;

is the spouse, or party to a civil union, of such a relative;

is the child's step-father, step-mother, step-grandfather, step-grandmother or adult step-brother or step-sister; or

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is the partner, or adult child of a partner, in a civil union with the child's mother or father;⁵ or

is a fictive kin as defined in this Section.

"Relative" also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. For children who have been in the guardianship of the Department, have been adopted, and are subsequently returned to the temporary custody or guardianship of the Department, a "relative" may also include any person who would have qualified as a relative under this definition prior to the adoption, but only if the Department determines that it would be in the best interests of the child to consider this person a relative. [20 ILCS 505/7(b)]

"Services delivered by the Department" means those social services provided either directly by Department of Children and Family Services staff or by purchase of service providers.

"Voluntary placement agreement" means a time-limited written request and consent from a parent, guardian or legal custodian of a child for placement of the child out of the home. When signed by designated Department staff, the Department agrees to provide child welfare services which include placement.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Adoption Services for Children for Whom the Department of Children and Family Services is Legally Responsible
- 2) Code Citation: 89 Ill. Adm. Code 309
- 3) Section Number: 309.20 Proposed Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 4 and 5 of the Children and Family Services Act [20 ILCS 505/4 and 5] and the Adoption Act [750 ILCS 50]; implementing the Adoption Assistance and Child Welfare Act of 1980 (42 USCA 670 et seq; 45 CFR 1356.40 and 1356.41); and the Adoption and Safe Families Act (42 USCA 1305).
- 5) A Complete Description of the Subjects and Issues Involved: Definition of "fictive kin" is expanded to include the current foster parent of a child in the custody or guardianship of the Department, if the child has been placed in the home for at least one year and has established a significant and family-like relationship with the foster parent, and the foster parent has been identified by the Department as the child's permanent connection, as defined by Department rule. These changes implement PA 99-836 concerning relative home placement.
- 6) Published Studies and Reports, and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand the State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. Comments should be submitted to:

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NOTICE OF PROPOSED AMENDMENT

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The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

- 13) Initial Regulatory Flexibility Analysis: The Department has determined that the proposed amendments will not have an economic impact on small businesses.
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included in either of the 2 most recent Regulatory Agendas because the need for rulemaking was not anticipated.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERY

PART 309

ADOPTION SERVICES FOR CHILDREN FOR WHOM THE DEPARTMENT OF
CHILDREN AND FAMILY SERVICES IS LEGALLY RESPONSIBLE

Section	
309.10	Purpose
309.20	Definitions
309.30	Recruitment of Adoptive Families
309.35	Good Faith Effort to Locate Siblings in Adoption and Subsidized Guardianship Placements
309.40	Adoption Listing Services
309.50	Identification of Children for Potential Adoption Planning
309.60	Legal Risk Placements
309.70	Freeing Children for Adoption
309.80	Termination of Parental Rights
309.90	Putative Father Registry
309.100	Preparation of Children for Adoption
309.105	Who May Adopt a Child
309.110	Preparation and Training of Adoptive Families
309.120	Preparation of the Child's Biological Parents
309.130	Placement Considerations
309.135	Post-Permanency Sibling Contact Agreement
309.140	Placement of Children with Adoptive Families
309.150	Providing Information to Adoptive Families
309.160	Post-Placement Services
309.170	Post-Adoption Services
309.180	Adoption Assistance
309.190	Adoption Registry

AUTHORITY: Implementing and authorized by Sections 4 and 5 of the Children and Family Services Act [20 ILCS 505/4 and 5] and the Adoption Act [750 ILCS 50]; implementing the Adoption Assistance and Child Welfare Act of 1980 (42 USCA 670 et seq; 45 CFR 1356.40 and 1356.41); and the Adoption and Safe Families Act (42 USCA 1305).

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SOURCE: Adopted at 22 Ill. Reg. 8769, effective May 15, 1998; amended at 23 Ill. Reg. 11098, effective September 16, 1999; amended at 25 Ill. Reg. 11778, effective September 14, 2001; amended at 26 Ill. Reg. 16449, effective October 23, 2002; emergency amendment at 30 Ill. Reg. 17123, effective October 13, 2006, for a maximum of 150 days; emergency expired March 11, 2007; amended at 31 Ill. Reg. 8466, effective June 8, 2007; amended at 36 Ill. Reg. 4069, effective March 5, 2012; amended at 40 Ill. Reg. 720, effective December 31, 2015; amended at 40 Ill. Reg. 7744, effective May 16, 2016; amended at 41 Ill. Reg. _____, effective _____.

Section 309.20 Definitions

"Adoption assistance" or "adoption subsidy" means financial assistance and other services from the Department which are provided to the adoptive parents after the finalization of an adoption of a child with special needs as defined in Section 309.180.

"Adoption placement" means a living arrangement with a family that is directed toward establishing that family as the child's new legal parents.

"Adoption triad" means the adoptive family, the adoptee (child being adopted) and the biological family.

"Adult" means a person who has attained the age of 18.

"Agency" means a public child welfare agency or a licensed child welfare agency.

"Attachment" means the lasting psychological tie between two people who have significance for each other that endures through space and time and serves to join them emotionally.

"Best interests", as defined in the Juvenile Court Act of 1987 [705 ILCS 405], means consideration of the following factors, in the context of the child's age and developmental needs:

the physical safety and welfare of the child, including food, shelter, health, and clothing;

the development of the child's identity;

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the child's background and ties, including familial, cultural, and religious;

the child's sense of attachments, including:

where the child actually feels love, attachment, and a sense of being valued (as opposed to where adults believe the child should feel such love, attachment, and sense of being valued);

the child's sense of security;

the child's sense of familiarity;

continuity of affection for the child;

the least disruptive placement alternative for the child;

the child's wishes and long-term goals;

the child's community ties, including church, school, and friends;

the child's need for permanence, which includes the child's need for stability and continuity of relationships with parent figures and with siblings and other relatives;

the uniqueness of every family and child;

the risks attendant to entering and being in substitute care; and

the preferences of the persons available to care for the child. [705 ILCS 405/1-3]

"Certification training" means training directed toward preparing a family to adopt a child for whom the Department of Children and Family Services is legally responsible and may consist of the following different types of training:

six hours of standardized training for foster care conversion adoptions;⁵ that means that a foster parent or relative caregiver is adopting a child who has been in his or her care; or

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six hours of standardized training and an additional individualized training plan specific to the child's needs for adoptive parents who have not had the child in their care prior to the adoptive placement; or

training specified by private child welfare agencies who meet the standards of the Council on Accreditation of Services for Families and Children.

"Children for whom the Department of Children and Family Services is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parents have signed an adoptive surrender or voluntary placement agreement with the Department.

"Confidential intermediary" is an individual appointed by the court *for the purpose of exchanging medical information with one or more mutually consenting biological relatives, obtaining identifying information about one or more mutually consenting biological relatives, or arranging contact with one or more mutually consenting biological relatives. Additionally, in cases in which~~where~~ an adopted or surrendered person is deceased, an adult child of the adopted or surrendered person or his or her adoptive parents or surviving spouse may file a petition under Section 18.3a of the Adoption Act [750 ILCS 50/18.3a] and in cases in which~~where~~ the birth parent is deceased, an adult birth sibling of the adopted or surrendered person or of the deceased birth parent may file a petition under Section 18.3a for the purpose of exchanging medical information with one or more mutually consenting biological relatives of the adopted or surrendered person, obtaining identifying information about one or more mutually consenting biological relatives of the adopted or surrendered person, or arranging contact with one or more mutually consenting biological relatives of the adopted or surrendered person.* [750 ILCS 50/18.3a] The duties and responsibilities of a confidential intermediary are set out in Section 18.3a(i) of the Adoption Act.

"Consent to adoption by a specified person" is a voluntary act by the parents to relinquish all parental rights of a child to a person or persons specified by the parents in the specific consent document. Consent to adoption by a specified person is further described in Section 309.70 (Freeing Children for Adoption).

"Contact between siblings" means contact among siblings who are residing apart from one another, and may include, but is not limited to: telephone calls; video

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conferencing; in person visitation; sending/receiving cards, letters, emails, text messages, gifts, etc.; sharing photographs or information; use of any approved social media (e.g., Facebook); and any other agreed upon forms of communication technology.

"Fictive kin" means any individual, unrelated by birth or marriage, who:

is shown to have close personal or emotional ties with the child or the child's family prior to the child's placement with the individual; or

is the current foster parent of a child in the custody or guardianship of the Department pursuant to the Child and Family Services Act and the Juvenile Court Act of 1987, if the child has been placed in the home for at least one year and has established a significant and family-like relationship with the foster parent, and the foster parent has been identified by the Department as the child's permanency connection. [20 ILCS 505/7(b)]

"Godparent" is a person who sponsors a child at baptism or one in whom the parents have entrusted a special duty that includes assisting in raising the child if the parent cannot raise the child. If the person is considered to be the child's godparent, in order for placement to occur, the same placement selection criteria as contained in Section 301.60 (Placement Selection Criteria) must be met. If the godparent is not a licensed foster parent, all the conditions currently in effect for placement with relatives in Section 301.80 (Relative Home Placement) must be met.

"Internal legal screening" means an internal review required by the Department prior to referring a case for termination of parental rights for the purpose of freeing a child for adoption. Depending on local practice, a representative of the State's Attorney's Office may participate in the screening. The purpose of the screening is to determine whether sufficient grounds for termination of parental rights exist and whether adoption is in the best interest of the child. Legal screening is further described in Section 309.80 (Termination of Parental Rights).

"Legal risk placement" means the placement with a family of a child, not yet legally free for adoption, made in the best interests of the child with the intent that the family will become an adoptive resource for the child should the child become legally free for adoption.

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"Parental unfitness" means a finding by the court that a person is unfit to parent a child, without regard to the likelihood that the child will be placed for adoption. The grounds of unfitness are described in Section 1(D) of the Adoption Act [750 ILCS 50/1(D)].

"Persons approved for adoption" means persons who have been licensed as a foster family home in accordance with 89 Ill. Adm. Code 402 (Licensing Standards for Foster Family Homes) or relative caregivers with whom children have been placed in accordance with 89 Ill. Adm. Code 301 (Placement and Visitation Services) and who also meet the certification requirements of Section 309.110(c).

"Post-adoption services" are services meant to assist and support the family in maintaining itself in a healthy and nurturing environment and in preserving the adoption. Post-adoption services may include, but are not limited to, social, psychological, psychiatric, health, educational and adoption preservation services. Financial services are available to families and adoptees following the legal consummation of the adoption, when they are eligible for adoption assistance. Post-adoption services also address the needs of adult adoptees and their biological families to seek information and contact, when desired.

"Putative father" means a male, regardless of age, who may be a child's father, but who was not married to the child's mother on or before the date that the child was or is to be born and for whom paternity of the child has not been established in a court proceeding.

"Relative", for purposes of placement of children for whom the Department is legally responsible, means any person, 21 years of age or over, other than the parent, who:

is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, first cousin once removed (children of one's first cousin to oneself), second cousin (children of first cousins are second cousins to each other), godparent (as defined in this Section), great-uncle, or great-aunt; or

is the spouse, or party to a civil union, of such a relative; or

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is the child's step-father, step-mother, step-grandfather, step-grandmother, or adult step-brother or step-sister; or

is the partner, or adult child of a partner, in a civil union with the child's mother or father; or

is a fictive kin as defined in this Section.

"Relative" also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. For children who have been in the guardianship of the Department, have been adopted, and are subsequently returned to the temporary custody or guardianship of the Department, a "relative" may also include any person who would have qualified as a relative under this definition prior to the adoption, but only if the Department determines that it would be in the best interests of the child to consider this person a relative. [20 ILCS 505/7(b)]

"Siblings" means children who have at least one parent in common. Children continue to be considered siblings after parental rights are terminated, if parental rights were terminated while a petition under Article II of the Juvenile Court Act of 1987 was pending. Children continue to be considered siblings after one or more of the children are adopted or placed in private guardianship, if they were in the custody or guardianship of the Department pursuant to Article II of the Juvenile Court Act of 1987 immediately prior to the adoption or guardianship. Step-siblings may be considered "siblings" when the children enter into substitute care together, have a positive relationship and share at least one parent in common.

"Surrender for adoption" is a voluntary act by the parents to relinquish all parental rights of a child to an agency for the purpose of placing the child for adoption.

"Termination of parental rights" is a legal action of the court or a voluntary action by the parents that relieves the birth parents of a child of all parental responsibility for the child and deprives them of all legal rights with respect to the child.

"Visitation" means face-to-face contact:

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between parents and their children who are in substitute care;

between siblings in substitute care who are placed apart from one another;
or

between siblings in substitute care with siblings who are not in substitute care (e.g., emancipated, case closed due to independence, adopted, placed in private guardianship, living in home of parent, etc.).

(Source: Amended at 41 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Permanency Planning
- 2) Code Citation: 89 Ill. Adm. Code 315
- 3) Section Number: 315.20 Proposed Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by the Children and Family Services Act [20 ILCS 505], the Abused and Neglected Child Reporting Act [325 ILCS 5], the Adoption Assistance and Child Welfare Act of 1980, amending Section 475 of the Social Security Act (42 USCA 670 et seq.), the Juvenile Court Act of 1987 [705 ILCS 405], and the Adoption Act [750 ILCS 50].
- 5) A Complete Description of the Subjects and Issues Involved: Definition of "fictive kin" is expanded to include the current foster parent of a child in the custody or guardianship of the Department, if the child has been placed in the home for at least one year and has established a significant and family-like relationship with the foster parent, and the foster parent has been identified by the Department as the child's permanent connection, as defined by Department rule. These changes implement PA 99-836 concerning relative home placement.
- 6) Published studies and reports, and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand the State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. Comments should be submitted to:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

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The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

- 13) Initial Regulatory Flexibility Analysis: The Department has determined that the proposed amendments will not have an economic impact on small businesses.
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included in either of the 2 most recent Regulatory Agendas because the need for rulemaking was not anticipated.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER a: SERVICE DELIVERY

PART 315

PERMANENCY PLANNING

SUBPART A: PRINCIPLES OF PERMANENCY PLANNING

Section

- 315.10 Purpose
- 315.20 Definitions
- 315.30 Best Interests Health and Safety of the Child
- 315.40 Accountability
- 315.45 The Need for a Permanent Home
- 315.50 Reasonable Efforts/Reasonable Progress
- 315.60 The Child's Sense of Time
- 315.70 The Critical Decisions
- 315.80 Components of the Permanency Planning Process

SUBPART B: ASSESSMENT AND OTHER CASEWORK ACTIVITIES

Section

- 315.100 Assessment
- 315.110 Worker Interventions and Contacts
- 315.120 Family Meetings
- 315.125 Preservation of Sibling Relationships
- 315.130 Developing the Service Plan
- 315.140 Distributing the Service Plan
- 315.150 Revising the Service Plan
- 315.160 Case Reviews and Court Hearings

SUBPART C: SELECTING THE PERMANENCY GOAL

Section

- 315.200 Selection of the Permanency Goal
- 315.205 Return Home Within Five Months
- 315.210 Return Home Within One Year
- 315.215 Return Home Pending Status Hearing

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315.220	Substitute Care Pending Court Determination on Termination of Parental Rights
315.225	Adoption
315.230	Guardianship
315.235	Independence
315.240	Cannot Be Provided for in a Home Environment
315.241	Continuing Foster Care
315.245	Concurrent Planning
315.250	Applicability of Reunification Services

SUBPART D: EVALUATION AND DECISIONMAKING

Section

315.300	Evaluating Whether Children in Placement Should Be Returned Home
315.305	When Reunification Is Inappropriate
315.310	Termination of Services and Planning for Aftercare

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505], the Abused and Neglected Child Reporting Act [325 ILCS 5], the Adoption Assistance and Child Welfare Act of 1980, amending Section 475 of the Social Security Act (42 USCA 670 et seq.), the Juvenile Court Act of 1987 [705 ILCS 405], and the Adoption Act [750 ILCS 50].

SOURCE: Adopted at 23 Ill. Reg. 2539, effective February 1, 1999; amended at 25 Ill. Reg. 11785, effective September 14, 2001; amended at 26 Ill. Reg. 7720, effective May 24, 2002; amended at 26 Ill. Reg. 11765, effective August 1, 2002; amended at 28 Ill. Reg. 8465, effective June 4, 2004; amended at 32 Ill. Reg. 8103, effective May 30, 2008; amended at 35 Ill. Reg. 14934, effective September 1, 2011; amended at 36 Ill. Reg. 4073, effective March 5, 2012; expedited correction at 37 Ill. Reg. 19431, effective March 5, 2012; amended at 40 Ill. Reg. 743, effective December 31, 2015; amended at 40 Ill. Reg. 7754, effective May 16, 2016; amended at 41 Ill. Reg. _____, effective _____.

SUBPART A: PRINCIPLES OF PERMANENCY PLANNING

Section 315.20 Definitions

"Administrative case review" means a review of permanency planning open to the participation of the parents of the child, conducted by a person who is not responsible for the case management of, or the delivery of services to, either the child or the parents who are the subjects of the review. (See 42 USC 675(6).) The administrative case review is also open to the participation of other professionals involved in assessing or treating the child, any legal representative of the parent or

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child, and the foster parents as specified in 89 Ill. Adm. Code 316 (Administrative Case Reviews and Court Hearings).

"Best interest of the child", as defined in the Juvenile Court Act of 1987, means consideration of the following factors:

the physical safety and welfare of the child, including food, shelter, health, and clothing;

the development of the child's identity;

the child's background and ties, including familial, cultural, and religious;

the child's sense of attachments, including:

where the child actually feels love, attachment, and a sense of being valued (as opposed to where adults believe the child should feel such love, attachment, and a sense of being valued);

the child's sense of security;

the child's sense of familiarity;

continuity of affection for the child;

the least disruptive placement alternative for the child;

the child's wishes and long-term goals;

the child's community ties, including church, school, and friends;

the child's need for permanence, which includes the child's need for stability and continuity of relationships with parent figures and with siblings and other relatives;

the uniqueness of every family and child;

the risks attendant to entering and being in substitute care; and

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the preferences of the persons available to care for the child. [705 ILCS 405/1-3]

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parents have signed an adoptive surrender or voluntary placement agreement with the Department.

"Client service plan" means a written plan on a form prescribed by the Department that guides all participants in the plan of intervention toward the permanency goals for the children.

"Concurrent planning" means a process whereby the Department or its service provider works toward family reunification with a family whose children has been removed from the home while, at the same time, developing an alternative plan, if reunification with the family cannot be attained.

"Contact between siblings" means contact between or among siblings who are residing apart from one another, and may include, but is not limited to: telephone calls; video conferencing; in person visitation; sending/receiving cards, letters, emails, text messages, gifts, etc.; sharing photographs or information; use of any approved social media (e.g., Facebook); and any other agreed upon forms of communication technology.

"Family" means one or more adults and children, related by blood, marriage, civil union, or adoption and residing in the same household.

"Father" means a man *presumed to be the natural father of a child if:*

he and the child's natural mother are or have been married to each other, even though the marriage is or could be declared invalid, and the child is born or conceived during such marriage;

after the child's birth, he and the child's natural mother have married each other, even though the marriage is or could be declared invalid, and he is named, with his consent, as the child's father on the child's birth certificate pursuant to Section 12 of the Vital Records Act [410 ILCS 535/12];

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he and the child's natural mother have signed an acknowledgment of paternity in accordance with rules adopted by the Illinois Department of Healthcare and Family Services under Section 10-17.7 of the Illinois Public Aid Code [305 ILCS 5/10-17.7];

he and the child's mother have signed an acknowledgment of parentage or, if the natural father is someone other than the one presumed to be the father under this Section, an acknowledgment of parentage and denial of paternity in accordance with Section 12 of the Vital Records Act. [750 ILCS 45/5]

A man can rebut a presumption of paternity only as provided in Section 5(b) of the Illinois Parentage Act of 1984 [750 ILCS 45/5(b)]. Father also means a man who adopts a child or has been determined by court or administrative adjudication to be the child's father.

"Fictive kin" means any individual, unrelated by birth or marriage, who:

is shown to have close personal or emotional ties with the child or the child's family prior to the child's placement with the individual; or

is the current foster parent of a child in the custody or guardianship of the Department pursuant to the Child and Family Services Act and the Juvenile Court Act of 1987, if the child has been placed in the home for at least one year and has established a significant and family-like relationship with the foster parent, and the foster parent has been identified by the Department as the child's permanency connection. [20 ILCS 505/7(b)]

"Godparent" is a person who sponsors a child at baptism or one in whom the parents have entrusted a special duty that includes assisting the child if the parent cannot raise the child. If the person is considered to be the child's godparent, in order for placement to occur, the same placement selection criteria as contained in 89 Ill. Adm. Code 301.60 (Placement Selection Criteria) must be met. If the godparent is not a licensed foster parent, all the conditions currently in effect for placement with relatives in 89 Ill. Adm. Code 301.80 (Relative Home Placement) must be met.

"Guardian" means an individual person appointed by the court to assume the

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responsibilities of the guardianship of the person as defined in Section 1-3 of the Juvenile Court Act of 1987 [705 ILCS 405/1-3] or Article XI of the Probate Act of 1975 [755 ILCS 5].

"Individual Treatment Plan" or "ITP" or "Treatment Plan" as defined in 59 Ill. Adm. Code 132 (Medicaid Community Mental Health Services Program) means a written document developed by the appropriate service provider staff with the participation of the client with a mental illness and, if applicable, the client's guardian, which specifies the client's diagnosis, problems, and service needs to be addressed, the intermediate objectives and long-term goals for the services and the planned interventions for achieving these goals.

"Individualized Education Plan/Program" or "IEP" means the document prepared by the local school district, as a result of a Multi-disciplinary Conference, that identifies the specific special education services that will be provided to the child. The IEP also includes education goals, services, frequency, quantity and duration. IEP is further defined in 23 Ill. Adm. Code 226 (Special Education).

"Individualized Family Service Plan" or "IFSP" means a written working document developed for each child in order to facilitate the provisions of Early Intervention (EI) services. The IFSP is created by the family, an inter-disciplinary team, the core EI agency, and the case manager (service coordinator). The EI agency is responsible for coordinating the IFSP implementation.

"Minimum parenting standards" means that a parent or other person responsible for the child's welfare is able and willing to ensure that a child is healthy and safe, which includes ensuring that the child is adequately fed, clothed appropriately for the weather conditions, provided with adequate shelter, protected from physical, mental and emotional harm, and provided with necessary medical care and education required by law.

"Parents" means the child's legal parents whose rights have not been terminated. Biological fathers are considered legal parents when paternity has been established as required by the definition in this Section.

"Permanency goal" means the desired outcome of intervention and service that is determined to be consistent with the health, safety, well-being, and best interests of the child. A permanent legal status is usually a component of the permanency goal.

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"Permanent legal status" means a legally binding relationship between a child and a family as established by birth or by a court of law.

"Relative", for purposes of placement of children for whom the Department is legally responsible, *means any person, 21 years of age or over, other than the parent, who:*

is currently related to the child in any of the following ways by blood, adoption, marriage, or civil union: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, first cousin once removed (children of one's first cousin to oneself), second cousin (children of first cousins are second cousins to each other), godparent (as defined in this Section), great-uncle, or great-aunt; or

is the spouse, or party to a civil union, of such a relative; or

is the child's step-father, step-mother, step-grandfather, step-grandmother or adult step-brother or step-sister; or

is the partner, or adult child of a partner, in a civil union with the child's mother or father; or

is a fictive kin as defined in this Section.

Relative also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. For children who have been in the guardianship of the Department, have been adopted, and are subsequently returned to the temporary custody or guardianship of the Department, a "relative" may also include any person who would have qualified as a relative under this definition prior to the adoption, but only if the Department determines that it would be in the best interests of the child to consider this person a relative. [20 ILCS 505/7(b)]

"Service termination planning" means service planning that starts with the first contact with the family and that focuses on providing a smooth transition from Department guardianship or custody. It includes the receipt of child welfare services to discharge from guardianship or custody and the termination of

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Department funded services.

"Siblings" means children who have at least one parent in common. Children continue to be considered siblings after parental rights are terminated, if parental rights were terminated while a petition under Article II of the Juvenile Court Act of 1987 was pending. Children continue to be considered siblings after one or more of the children are adopted or placed in private guardianship, if they were in the custody or guardianship of the Department pursuant to Article II of the Juvenile Court Act of 1987 [705 ILCS 405] immediately prior to the adoption or guardianship. Step-siblings may be considered "siblings" when the children enter into substitute care together, have a positive relationship and share at least one parent in common.

"Substitute care" means the care of children who require placement away from their families or private guardians. Substitute care includes foster family care, care provided in a relative home placement as defined in 89 Ill. Adm. Code 301 (Placement and Visitation Services), Section 301.80 (Relative Home Placement), care provided in a group home, care provided in a maternity center or a child care, mental health or other institution, and care provided in an independent living arrangement.

"Termination of parental rights" means a court order that relieves the legal parents of parental responsibility for the child and revokes all legal rights with respect to the child. The termination order also frees the child from all obligations of maintenance and obedience with respect to the legal parents.

"Visitation" means face-to-face contact:

between parents and their children who are in substitute care;

between siblings in substitute care who are placed apart from one another;
or

between siblings in substitute care with siblings who are not in substitute care (e.g., emancipated, case closed due to independence, adopted, placed in private guardianship, living in home of parent, etc.).

(Source: Amended at 41 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Administrative Case Reviews and Court Hearings
- 2) Code Citation: 89 Ill. Adm. Code 316
- 3) Section Number: 316.20 Proposed Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Section 5 of the Children and Family Services Act [20 ILCS 505/5], Section 7.1 of the Abused and Neglected Child Reporting Act [325 ILCS 5/7.1], the Adoption Assistance and Child Welfare Act of 1980, amending Section 475 of the Social Security Act (42 USCA 675), Section 2-5 of the Juvenile Court Act of 1987 [705 ILCS 405/2-5], and Section 1 of the Adoption Act [750 ILCS 50/1].
- 5) A Complete Description of the Subjects and Issues Involved: Definition of "fictive kin" is expanded to include the current foster parent of a child in the custody or guardianship of the Department, if the child has been placed in the home for at least one year and has established a significant and family-like relationship with the foster parent, and the foster parent has been identified by the Department as the child's permanent connection, as defined by Department rule. These changes implement PA 99-836 concerning relative home placement.
- 6) Published studies and reports, and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand the State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. Comments should be submitted to:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield IL 62701-1498

217/ 524-1983
TDD: 217/ 524-3715
fax: 217/557-0692
e-mail: CFPolicy@idcfs.state.il.us

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

- 13) Initial Regulatory Flexibility Analysis: The Department has determined that the proposed amendments will not have an economic impact on small businesses.
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included in either of the 2 most recent Regulatory Agendas because the need for rulemaking was not anticipated.

The full text of the Proposed Amendment begins on the next page:

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NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER a: SERVICE DELIVERY

PART 316

ADMINISTRATIVE CASE REVIEWS AND COURT HEARINGS

Section

316.10	Purpose
316.20	Definitions
316.30	Administrative Case Review System
316.40	Frequency of Administrative Case Reviews
316.50	Conduct and Participation at Administrative Case Reviews
316.60	Notice of Administrative Case Reviews
316.70	Roles and Responsibilities of the Administrative Case Reviewer
316.80	Caseworker Responsibilities at the Administrative Case Review
316.90	Decision Review
316.100	Appealability of Decisions
316.110	The Department's Role in the Juvenile Court
316.120	Permanency Hearings
316.130	Caseworker Responsibilities at the Permanency Hearing
316.140	Compliance with the Client Service Planning Requirements

AUTHORITY: Implementing and authorized by Section 5 of the Children and Family Services Act [20 ILCS 505/5], Section 7.1 of the Abused and Neglected Child Reporting Act [325 ILCS 5/7.1], the Adoption Assistance and Child Welfare Act of 1980, amending Section 475 of the Social Security Act (42 USCA 675), Section 2-5 of the Juvenile Court Act of 1987 [705 ILCS 405/2-5], and Section 1 of the Adoption Act [750 ILCS 50/1].

SOURCE: Adopted at 23 Ill. Reg. 2528, effective February 1, 1999; amended at 26 Ill. Reg. 16909, effective November 8, 2002; amended at 35 Ill. Reg. 14942, effective September 1, 2011; amended at 36 Ill. Reg. 4082, effective March 5, 2012; amended at 40 Ill. Reg. 767, effective December 31, 2015; amended at 40 Ill. Reg. 7764, effective May 16, 2016; amended at 41 Ill. Reg. _____, effective _____.

Section 316.20 Definitions

"Administrative case review" means a review of permanency planning open to the participation of the parents of the child, conducted by a person who is not

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responsible for the case management of, or the delivery of services to, either the child or the parents who are the subjects of the review. (See 42 USC 675(6)). The administrative case review is also open to the participation of other professionals involved in assessing or treating the child, any legal representative of the parent or child, and the foster parents as specified in this Part.

"Administrative case reviewer" means a trained professional who is not responsible for the case management of, or delivery of services to, either the child or the parents who are the subjects of the review.

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parents have signed an adoptive surrender or voluntary placement agreement with the Department.

"Contact between siblings" means contact between or among siblings who are residing apart from one another and may include, but is not limited to: telephone calls; video conferencing; in person visitation; sending/receiving cards, letters, emails, text messages, gifts, etc.; sharing photographs or information; use of any approved social media (e.g., Facebook); and any other agreed upon forms of communication.

"Family" means one or more adults and children, related by blood, marriage, civil union, or adoption and residing in the same household.

"Fictive kin" means any individual, unrelated by birth or marriage, who:

is shown to have close personal or emotional ties with the child or the child's family prior to the child's placement with the individual; or

is the current foster parent of a child in the custody or guardianship of the Department pursuant to the Child and Family Services Act and the Juvenile Court Act of 1987, if the child has been placed in the home for at least one year and has established a significant and family-like relationship with the foster parent, and the foster parent has been identified by the Department as the child's permanency connection. [20 ILCS 505/7(b)]

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"Godparent" is a person who sponsors a child at baptism or one in whom the parents have entrusted a special duty that includes assisting in raising the child if the parent cannot raise the child. If the person is considered to be the child's godparent, in order for placement to occur, the same placement selection criteria as contained in 89 Ill. Adm. Code 301.60 (Placement Selection Criteria) must be met. If the godparent is not a licensed foster parent, all the conditions currently in effect for placement with relatives in 89 Ill. Adm. Code 301.80 (Relative Home Placement) must be met.

"Parents" means the child's legal parents whose rights have not been terminated. Biological fathers are considered legal parents when paternity has been established as required by the definition in 89 Ill. Adm. Code 315 (Permanency Planning).

"Permanency goal" means the desired outcome of intervention and service that is determined to be consistent with the health, safety, well-being and best interests of the child. A permanent legal status is usually a component of the permanency goal.

"Relative", for purposes of placement of children for whom the Department is legally responsible, *means any person, 21 years of age or over, other than the parent, who:*

is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, first cousin once removed (children of one's first cousin to oneself), second cousin (children of first cousins are second cousins to each other), godparent (as defined in this Section), great-uncle, or great-aunt; or

is the spouse, or party to a civil union, of such a relative; or

is the child's step-father, step-mother, step-grandfather, step-grandmother, or adult step-brother or step-sister; or

is the partner, or adult child of a partner, in a civil union with the child's mother or father; or

is a fictive kin as defined in this Section.

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"Relative" also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. For children who have been in the guardianship of the Department, have been adopted, and are subsequently returned to the temporary custody or guardianship of the Department, a "relative" may also include any person who would have qualified as a relative under this definition prior to the adoption, but only if the Department determines that it would be in the best interests of the child to consider this person a relative. [20 ILCS 505/7(b)]

"Service plan" means a written plan on a form prescribed by the Department that guides all participants in the plan toward the permanency goals for the children.

"Siblings" means children who have at least one parent in common. Children continue to be considered siblings after parental rights are terminated, if parental rights were terminated while a petition under Article II of the Juvenile Court Act of 1987 was pending. Children continue to be considered siblings after one or more of the children are adopted or placed in private guardianship, if they were in the custody or guardianship of the Department pursuant to Article II of the Juvenile Court Act of 1987 [705 ILCS 405] immediately prior to the adoption or guardianship. Step-siblings may be considered "siblings" when the children enter into substitute care together, have a positive relationship and share at least one parent in common.

"Substitute care" means the care of children who require placement away from their families. Substitute care includes foster family care, care provided in a relative home placement as defined in 89 Ill. Adm. Code 301.80 (Relative Home Placement), care provided in a group home, care provided in a maternity center or a child care, mental health or other institution, and care provided in an independent living arrangement.

"Visitation" means face-to-face contact:

between parents and their children who are in substitute care;

between siblings in substitute care who are placed apart from one another;
or

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between siblings in substitute care with siblings who are not in substitute care (e.g., emancipated, case closed due to ~~independence~~independence, adopted, placed in private guardianship, living in home of parent, etc.).

(Source: Amended at 41 Ill. Reg. _____, effective _____)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Interstate Placement of Children
- 2) Code Citation: 89 Ill. Adm. Code 328
- 3) Section Number: 328.2 Proposed Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by the Interstate Compact on the Placement of Children Act [45 ILCS 15]; Sections 4 and 5 of the Children and Family Services Act [20 ILCS 505/4 and 5]; Section 16 of the Child Care Act of 1969 [225 ILCS 10/16], and the Interstate Compact on Adoption Act [45 ILCS 17/5-1].
- 5) A Complete Description of the Subjects and Issues Involved: Definition of "fictive kin" is expanded to include the current foster parent of a child in the custody or guardianship of the Department, if the child has been placed in the home for at least one year and has established a significant and family-like relationship with the foster parent, and the foster parent has been identified by the Department as the child's permanent connection, as defined by Department rule. These changes implement PA 99-836 concerning relative home placement.
- 6) Published studies and reports, and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand the State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. Comments should be submitted to:

Jeff Osowski

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield IL 62701-1498

217/524-1983
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fax: 217/557-0692
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The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

- 13) Initial Regulatory Flexibility Analysis: The Department has determined that the proposed amendments will not have an economic impact on small businesses.
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included in either of the 2 most recent Regulatory Agendas because the need for rulemaking was not anticipated.

The full text of the Proposed Amendment begins on the next page:

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NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER b: PROGRAM AND TECHNICAL SUPPORTPART 328
INTERSTATE PLACEMENT OF CHILDREN

SUBPART A: INTERSTATE COMPACT ON PLACEMENT OF CHILDREN

Section

328.1	Purpose
328.2	Definitions
328.3	Placement of Illinois Children
328.4	Placement of Children From Other States
328.5	Removal of Illinois Children

SUBPART B: INTERSTATE COMPACT ON ADOPTION AND MEDICAL ASSISTANCE

Section

328.100	Purpose
328.110	Interstate Compact
328.120	Definitions
328.130	Relocation of Adopted Children from Illinois to Other States
328.140	Relocation of Adopted Children from ICAMA Party State into Illinois

AUTHORITY: Implementing and authorized by the Interstate Compact on the Placement of Children Act [45 ILCS 15]; Sections 4 and 5 of the Children and Family Services Act [20 ILCS 505/4 and 5]; Section 16 of the Child Care Act of 1969 [225 ILCS 10/16] and the Interstate Compact on Adoption Act [45 ILCS 17/5-1] (see P.A. 90-28).

SOURCE: Adopted and codified at 7 Ill. Reg. 9207, effective August 5, 1983; amended at 23 Ill. Reg. 5245, effective May 1, 1999; amended at 26 Ill. Reg. 11773, effective August 1, 2002; amended at 40 Ill. Reg. 780, effective December 31, 2015; amended at 40 Ill. Reg. 7770, effective May 16, 2016; amended at 41 Ill. Reg. _____, effective _____.

SUBPART A: INTERSTATE COMPACT ON PLACEMENT OF CHILDREN

Section 328.2 Definitions

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"Children for Whom the Department has Legal Responsibility" or "Department Wards", as used in this Part, means children for whom the Department of Children and Family Services has temporary protective custody, custody or guardianship via court order, or children whose parents have signed an adoptive surrender or voluntary placement agreement with the Department.

"Facility" means a person, group of persons, or corporation caring for children licensed under applicable laws. Facility includes, but is not limited to, child care institution, related or non-related foster family home or group home.

"Fictive kin" means any individual, unrelated by birth or marriage, who:

is shown to have close personal or emotional ties with the child or the child's family prior to the child's placement with the individual; or

is the current foster parent of a child in the custody or guardianship of the Department pursuant to the Child and Family Services Act and the Juvenile Court Act of 1987, if the child has been placed in the home for at least one year and has established a significant and family-like relationship with the foster parent, and the foster parent has been identified by the Department as the child's permanency connection. [20 ILCS 505/7(b)]

"Godparent" is a person who sponsors a child at baptism or one in whom the parents have entrusted a special duty that includes assisting in raising the child if the parent cannot raise the child. If the person is considered to be the child's godparent, in order for placement to occur, the same placement selection criteria as contained in 89 Ill. Adm. Code 301.60 (Placement Selection Criteria) must be met. If the godparent is not a licensed foster parent, all the conditions currently in effect for placement with relatives in 89 Ill. Adm. Code 301.80 (Relative Home Placement) must be met.

"Interstate Compact on the Placement of Children" is a law, enacted by all 50 states and the territories of Guam and the Virgin Islands, for the purpose of establishing uniform procedures for handling the interstate placement of children in foster homes, adoptive homes, or other child care facilities.

"Placement", as used in this Part, means the arrangement for the continuing care

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of a child in a foster or adoptive family home, group home, child care institution, or other child care facility as defined by the Child Care Act of 1969 [225 ILCS 10]. Placements do not include care of a child in a medical facility, a mental health facility, a correctional facility or an educational facility.

"Relative", for purposes of placement of children for whom the Department is legally responsible, *means any person, 21 years of age or over, other than the parent, who:*

is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, first cousin once removed (children of one's first cousin to oneself), second cousin (children of first cousins are second cousins to each other), godparent (as defined in this Section), great-uncle, or great-aunt;

is the spouse, or party to a civil union, of such a relative;

is the child's step-father, step-mother, step-grandfather, step-grandmother or adult step-brother or step-sister; or

is the partner, or adult child of a partner, in a civil union with the child's mother or father; or

is a fictive kin as defined in this Section.

"Relative" also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. For children who have been in the guardianship of the Department, have been adopted, and are subsequently returned to the temporary custody or guardianship of the Department, a "relative" may also include any person who would have qualified as a relative under this definition prior to the adoption, but only if the Department determines that it would be in the best interests of the child to consider this person a relative. [20 ILCS 505/7(b)]

(Source: Amended at 41 Ill. Reg. _____, effective _____)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Service Appeal Process
- 2) Code Citation: 89 Ill. Adm. Code 337
- 3) Section Number: 337.20 Proposed Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 4 and 5 of the Children and Family Services Act [20 ILCS 505/4 and 5].
- 5) A Complete Description of the Subjects and Issues Involved: Definition of "family" is amended to reinstate original definition. An amendment to the definition was inadvertently adopted in a previous rulemaking. Definition of "fictive kin" is expanded to include the current foster parent of a child in the custody or guardianship of the Department, if the child has been placed in the home for at least one year and has established a significant and family-like relationship with the foster parent, and the foster parent has been identified by the Department as the child's permanent connection, as defined by Department rule. These changes implement PA 99-836 concerning relative home placement.
- 6) Published studies and reports, and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand the State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. Comments should be submitted to:

Jeff Osowski

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

Office of Child and Family Policy
Department of Children and Family Services
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The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

- 13) Initial Regulatory Flexibility Analysis: The Department has determined that the proposed amendments will not have an economic impact on small businesses.
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included in either of the 2 most recent Regulatory Agendas because the need for rulemaking was not anticipated.

The full text of the Proposed Amendment begins on the next page:

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NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERYPART 337
SERVICE APPEAL PROCESS

Section	
337.10	Purpose
337.20	Definitions
337.30	The Service Appeal Process
337.40	Department and Provider Agency Responsibilities on Appealable Issues
337.50	The Right to a Service Appeal
337.60	Who May Appeal
337.70	What May Be Appealed
337.80	What May Not Be Appealed
337.90	Notices of Department or Provider Agency Decisions
337.100	How to Request a Service Appeal
337.110	Grounds for Dismissal of a Service Appeal Request
337.120	Time Frames for the Service Appeal Process
337.130	Continuing Services During the Service Appeal Process
337.140	Confidentiality During the Service Appeal Process
337.150	Notice Concerning a Service Appeal
337.160	Abandonment of a Service Appeal
337.170	Fair Hearing Appeal Rights
337.180	The Administrative Law Judge
337.190	Record of a Fair Hearing
337.200	Combined Hearings
337.210	Continuances Requested in a Combined Hearing
337.220	The Final Administrative Decision
337.230	Who Receives a Copy of the Final Administrative Decision
337.240	Notice of the Availability of Judicial Review
337.250	Severability of This Part

AUTHORITY: Implementing and authorized by Sections 4 and 5 of the Children and Family Services Act [20 ILCS 505/4 and 5].

SOURCE: Adopted at 17 Ill. Reg. 1046, effective January 15, 1993; amended at 19 Ill. Reg. 7175, effective June 1, 1995; amended at 19 Ill. Reg. 10557, effective July 1, 1995; emergency

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amendment at 25 Ill. Reg. 4283, effective March 19, 2001, for a maximum of 150 days; emergency amendment repealed in response to an Objection of the Joint Committee on Administrative Rules at 25 Ill. Reg. 6735, effective May 8, 2001; amended at 26 Ill. Reg. 6246, effective June 1, 2002; amended at 26 Ill. Reg. 11778, effective August 1, 2002; amended at 36 Ill. Reg. 4388, effective March 7, 2012; amended at 40 Ill. Reg. 786, effective December 31, 2015; amended at 40 Ill. Reg. 7775, effective May 16, 2016; amended at 40 Ill. Reg. 13608, effective September 18, 2016; amended at 41 Ill. Reg. _____, effective _____.

Section 337.20 Definitions

"Adequate notice" means a notice that contains all of the elements identified in Section 337.90(c) of this Part.

"Administrative Hearings Unit" means the Department's unit responsible for receiving requests for and acting upon a service appeal and conducting fair hearings on appeal.

"Administrative law judge" means an attorney who is appointed by the Director of the Department and who is responsible for conducting the fair hearing.

"Administrator of the Administrative Hearings Unit" means the person who is responsible for receiving requests for a service appeal and for coordinating the fair hearings.

"Appellant" means the person who requests a service appeal or on whose behalf a service appeal is requested.

"Authorized representative" means a person authorized in writing by the appellant to assist the appellant in the appeal process. If the appellant is unable to reduce such authorization to writing, the Department shall assist the appellant in doing so. The representative may be legal counsel or other spokesperson.

"Clinical Intervention for Placement Preservation" or "CIPP" means a regionally based, multidisciplinary team consisting of designated DCFS staff, the child (when age-appropriate), the child's family, extended family and others who have relevant and current information about the child, and professionals who are critical to achieve informed, sound decision-making.

"Clinical Intervention for Placement Preservation (CIPP) Action Plan" means a

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written document summarizing a clinical assessment of a child's or youth's service needs, identifying the resources required to meet those needs, and establishing time frames for their achievement.

"Child welfare services" means public social services that are directed toward the accomplishment of the following purposes:

protecting and promoting the health, safety and welfare of all children, including homeless, dependent, or neglected children;

preventing, remedying, or assisting in the solution of problems that may result in, the neglect, abuse, exploitation, or delinquency of children;

preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing breakup of the family where the prevention of child removal is desirable and possible, when the child can be cared for at home without endangering the child's health and safety;

restoring to their families children who have been removed by the provision of services to the child and the families, when the child can be cared for at home without endangering the child's health and safety;

placing children in suitable adoptive homes, in cases where restoration to the biological family is not possible or appropriate;

assuring safe and adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption. At the time of placement, the Department shall consider concurrent planning so that permanency may occur at the earliest opportunity. Consideration should be given so that, if reunification fails or is delayed, the placement made is the best available placement to provide permanency for the child;

providing supportive services and living maintenance that contributes to the physical, emotional and social well-being of children for whom the Department is legally responsible who are pregnant and unmarried;

providing shelter and independent living services for homeless youth; and

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placing and maintaining children in facilities that provide separate living quarters for children under the age of 18 and for children 18 years of age and older, unless a child 18 years of age is in the last year of high school education or vocational training, in an approved individual or group treatment program, or in a licensed shelter facility, or secure child care facility. The Department is not required to place or maintain children:

who are in a foster home; or

who are persons with a developmental disability, as defined in the Mental Health and Developmental Disabilities Code [405 ILCS 5];
or

who are female children who are pregnant, pregnant and parenting or parenting; or

who are siblings;

in facilities that provide separate living quarters for children 18 years of age and older and for children under 18 years of age. [20 ILCS 505/5(a)(3)]

These services include but are not limited to: counseling, advocacy, day care, homemaker, emergency caretaker, family planning, adoption, visitation, placement, child protection and information and referral.

"Clinical placement review" means a process in which designated clinical Department staff will review a disputed decision by the Department or purchase of service agency to remove a child from the home of a foster family or relative caregiver, when the child will be placed in the home of another foster family or relative caregiver.

"Date of action" means the effective date of the action or proposed action by the Department or provider agency that resulted in the appeal.

"Date of appeal" means the postmark date or date of receipt of appellant's written request for an appeal, whichever is earlier, at the address specified in the notice.

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"Date of notice" means the date on which the appellant receives written notice of the Department's intended action or decision or the date on which the appellant learns of the intended action or decision, if a written notice was not provided.

"Day care services" means care provided to children for less than 24 hours per day in facilities requiring licensure under the Child Care Act of 1969 [225 ILCS 10] in facilities exempt from licensure, in the homes of relatives, or in their own home.

"Department representative" means an attorney or designated individual responsible for presenting the Department's position in mediation, staffings and negotiations and at an emergency review and fair hearing.

"Emergency review" means a limited review of the actions or decisions of the Department or provider agency that may adversely affect an individual or individuals served by the Department. An emergency review provides for an interim decision pending a fair hearing.

"Fair hearing", as used in this Part, means a formal review of the action or decision of the Department or provider agency to determine whether that action or decision is in compliance with applicable laws and rules and will be in the best interests of the child.

"Family" means the biological or adoptive parents (provided a court has not terminated parental rights), legal guardian, or any relative who has assumed custody and control of the child in the absence of the child's biological or adoptive parents~~one or more adults and children, related by blood, marriage, civil union or adoption and residing in the same household.~~

"Final administrative decision" means the Department's final decision, order, or determination on an appealed issue rendered by the Director in a particular case that affects the legal rights, duties or privileges of appellants and that may be appealed in a circuit court under the Administrative Review Law [735 ILCS 5/Art. III].

"Fictive kin" means any individual, unrelated by birth or marriage, who:

is shown to have close personal or emotional ties with the child or the child's family prior to the child's placement with the individual; or

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is the current foster parent of a child in the custody or guardianship of the Department pursuant to the Child and Family Services Act and the Juvenile Court Act of 1987, if the child has been placed in the home for at least one year and has established a significant and family-like relationship with the foster parent, and the foster parent has been identified by the Department as the child's permanency connection. [20 ILCS 505/7(b)]

"Godparent" is a person who sponsors a child at baptism or one in whom the parents have entrusted a special duty that includes assisting in raising the child if the parent cannot raise the child. If the person is considered to be the child's godparent, in order for placement to occur, the same placement selection criteria as contained in 89 Ill. Adm. Code 301.60 (Placement Selection Criteria) must be met. If the godparent is not a licensed foster parent, all the conditions currently in effect for placement with relatives in 89 Ill. Adm. Code 301.80 (Relative Home Placement) must be met.

"Imminent risk of harm" means that individuals' actions, omissions or conditions endanger the life, or seriously jeopardize the physical or mental health or safety of themselves or others, if protective action would not be taken immediately.

"Individual legally acting on a person's behalf" means an individual who has been appointed by a court to act on behalf of a person when the person is incompetent, incapacitated, or otherwise unable to speak for himself or herself.

"Mediation" means a meeting open to all parties affected by the decision being appealed to attempt agreement on the issue in dispute with a mediator, who assists the parties in resolving issues and drawing up an agreement.

"Mediator" means a neutral third party appointed by the Director of the Department who conducts the mediation and assists the parties in resolving issues and drawing up an agreement.

"Parties" means the Department or its agents and those persons who have appealed the service decisions made by the Department or its agents.

"Preponderance of the evidence" means the greater weight of the evidence or evidence that renders a fact more likely than not.

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"Provider agency" means an agency offering case management and/or casework services through a signed contract with the Department for paid services.

"Relative", for purposes of placement of children for whom the Department is legally responsible, means *any person, 21 years of age or over, other than the parent, who:*

is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, first cousin once removed (children of one's first cousin to oneself), second cousin (children of first cousins are second cousins to each other), godparent (as defined in this Section), great-uncle, or great-aunt; or

is the spouse, or party to a civil union, of such a relative; or

is the child's step-father, step-mother, step-grandfather, step-grandmother or adult step-brother or step-sister; or

is the partner, or adult child of a partner, in a civil union with the child's mother or father; or

is a fictive kin as defined in this Section.

"Relative" also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. For children who have been in the guardianship of the Department, have been adopted, and are subsequently returned to the temporary custody or guardianship of the Department, a "relative" may also include any person who would have qualified as a relative under this definition prior to the adoption, but only if the Department determines, and documents, that it would be in the child's best interests to consider this person a relative, based upon the factors for determining best interests set forth in Section 1-3(4.05) of the Juvenile Court Act of 1987 [705 ILCS 405/1-3(4.05)]. [20 ILCS 505/7(b)]

"Request for an appeal" means the written request by an appellant for a fair hearing to review an action taken or a decision made by the Department or a

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provider agency on behalf of the Department. If the appellant is unable to request an appeal in writing, the Department or provider agency shall help the appellant put the request in writing.

"Reviewer" means the person appointed by the Department to conduct an emergency review.

"Service appeal process" means the appeal system offered by the Department to parents, children, guardians ad litem, foster parents and relative caregivers to challenge service decisions of the Department.

"Services" means child welfare or day care services, including placement services or benefits provided by the Department or its provider agencies under Titles IV and XX of the Social Security Act (42 USC 601 et seq. and 1397 et seq.) or the laws of the State of Illinois.

"Stay of action" means the action or decision made by the Department or its provider agency will not be implemented pending an emergency review or final administrative decision by the Department.

"Timely written notice" means a notice that complies with the requirements of Section 337.90(b).

(Source: Amended at 41 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Appeal of Foster Family Home License Denials by Relative Caregivers
- 2) Code Citation: 89 Ill. Adm. Code 338
- 3) Section Number: 338.20 Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 5 of the Children and Family Services Act [20 ILCS 505/ 5].
- 5) A Complete Description of the Subjects and Issues Involved: Definition of "fictive kin" is expanded to include the current foster parent of a child in the custody or guardianship of the Department, if the child has been placed in the home for at least one year and has established a significant and family-like relationship with the foster parent, and the foster parent has been identified by the Department as the child's permanent connection, as defined by Department rule. These changes implement PA 99-836 concerning relative home placement.
- 6) Published studies and reports, and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand the State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. Comments should be submitted to:

Jeff Osowski
Office of Child and Family Policy

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

Department of Children and Family Services
406 E. Monroe, Station #65
Springfield IL 62701-1498

217/524-1983
TDD: 217/524-3715
fax: 217/557-0692
e-mail: CFPolicy@idcfs.state.il.us

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

- 13) Initial Regulatory Flexibility Analysis: The Department has determined that the proposed amendments will not have an economic impact on small businesses.
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included in either of the 2 most recent Regulatory Agendas because the need for rulemaking was not anticipated.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER b: PROGRAM AND TECHNICAL SUPPORT

PART 338

APPEAL OF FOSTER FAMILY HOME LICENSE DENIALS
BY RELATIVE CAREGIVERS

Section

338.10	Purpose
338.20	Definitions
338.30	Who May Appeal
338.40	What May Be Appealed
338.50	What May Not Be Appealed
338.60	Concurrent Jurisdiction
338.70	Notices of Department Decisions
338.80	The Appeal Process
338.90	Internal Review
338.100	The Administrative Hearing
338.110	Rights and Responsibilities in Administrative Hearings
338.120	Rules of Evidence
338.130	The Administrative Law Judge
338.140	Combined or Separate Hearings
338.150	Final Administrative Decision
338.160	Records of Administrative Hearings
338.170	Severability of This Part
338.180	Transition Provisions

AUTHORITY: Implementing and authorized by Section 5 of the Children and Family Services Act [20 ILCS 505/5].

SOURCE: Emergency rules adopted at 19 Ill. Reg. 12305, effective August 11, 1995, for a maximum of 150 days; adopted at 20 Ill. Reg. 1574, effective January 10, 1996; amended at 26 Ill. Reg. 11786, effective August 1, 2002; amended at 40 Ill. Reg. 796, effective December 31, 2015; amended at 40 Ill. Reg. 7785, effective May 16, 2016; amended at 41 Ill. Reg. _____, effective _____.

Section 338.20 Definitions

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"Administrative hearing" in the context of this Part means a formal review of the Department's decision to deny a foster family home license to the relative who is serving as caregiver of children for whom the Department is legally responsible.

"Administrative law judge" means the person who is appointed by the Director of the Department and is responsible for conducting the fair hearing.

"Administrator of the Administrative Hearings Unit" means the person who is responsible for coordinating the administrative hearing appeal process.

"Appeal file" means the correspondence, statements, reports, investigative files, documents and other written material submitted to the Administrative Hearings Unit and the appellant after the commencement of the appeal. It does not include any documents or other material that may be in the custody of any other unit of DCFS, unless the document or material has been submitted to both the appellant and the Administrative Hearings Unit.

"Appellant" means the person who requests a review or administrative hearing or in whose behalf a review and administrative hearing is requested.

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parents have signed an adoptive surrender or voluntary placement agreement with the Department.

"Date of action" means the date on which any Department action becomes effective.

"Date of appeal" is the postmark date on the appellant's request to appeal the Department's decision to deny the application for a foster family home license.

"Date of notice" means the date of the written notice of the Department's decision.

"Department's representative" means an attorney or designated individual responsible for presenting the Department's case.

"Fictive kin" means any individual, unrelated by birth or marriage, who:

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is shown to have close personal or emotional ties with the child or the child's family prior to the child's placement with the individual; or

is the current foster parent of a child in the custody or guardianship of the Department pursuant to the Child and Family Services Act and the Juvenile Court Act of 1987, if the child has been placed in the home for at least one year and has established a significant and family-like relationship with the foster parent, and the foster parent has been identified by the Department as the child's permanency connection.

[20 ILCS 505/7(b)]

"Final administrative decision" means the Department's final decision, order or determination on an appealed issue rendered by the Director in a particular case that affects the legal rights, duties or privileges of participants and that may be further appealed to the circuit court under the Administrative Review Law [735 ILCS 5/Art. III].

"Full-time care" means the child is a resident of the household, whether on a temporary, emergency, or permanent basis, and is receiving family care usually provided by a parent or guardian.

"Godparent" is a person who sponsors a child at baptism or one in whom the parents have entrusted a special duty that includes assisting in raising the child if the parent cannot raise the child. If the person is considered to be the child's godparent, in order for placement to occur, the same placement selection criteria as contained in 89 Ill. Adm. Code 301.60 (Placement Selection Criteria) must be met. If the godparent is not a licensed foster parent, all the conditions currently in effect for placement with relatives in 89 Ill. Adm. Code 301.80 (Relative Home Placement) must be met.

"License" means a document issued by the Department of Children and Family Services which authorizes a relative caregiver to operate a foster family home in accordance with 89 Ill. Adm. Code 402 (Licensing Standards for Foster Family Homes) and the provisions of the Child Care Act of 1969 [225 ILCS 10] and rules promulgated thereunder.

"Party" to any administrative hearing or other proceeding in the Department is the Department or the appellant, as the case may be.

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"Relative", for purposes of placement of children for whom the Department is legally responsible, *means any person, 21 years of age or over, other than the parent, who:*

is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, first cousin once removed (children of one's first cousin to oneself), second cousin (children of first cousins are second cousins to each other), godparent (as defined in this Section), great-uncle, or great-aunt; or

is the spouse, or party to a civil union, of such a relative; or

is the child's step-father, step-mother, step-grandfather, step-grandmother or adult step-brother or step-sister; or

is the partner, or adult child of a partner, in a civil union with the child's mother or father, or

is a fictive kin as defined in this Section.

"Relative" also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. For children who have been in the guardianship of the Department, have been adopted, and are subsequently returned to the temporary custody or guardianship of the Department, a "relative" may also include any person who would have qualified as a relative under this definition prior to the adoption, but only if the Department determines that it would be in the best interests of the child to consider this person a relative. [20 ILCS 505/7(b)]

(Source: Amended at 41 Ill. Reg. _____, effective _____)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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- 1) Heading of the Part: Authorized Child Care Payments
- 2) Code Citation: 89 Ill. Adm. Code 359
- 3) Section Number: 359.2 Proposed Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 5 of the Children and Family Services Act [20 ILCS 505/ 5].
- 5) A Complete Description of the Subjects and Issues Involved: Definition of "fictive kin" is expanded to include the current foster parent of a child in the custody or guardianship of the Department, if the child has been placed in the home for at least one year and has established a significant and family-like relationship with the foster parent, and the foster parent has been identified by the Department as the child's permanent connection, as defined by Department rule. These changes implement PA 99-836 concerning relative home placement.
- 6) Published studies and reports, and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand the State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. Comments should be submitted to:

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

406 E. Monroe, Station #65
Springfield IL 62701-1498

217/524-1983
TDD: 217/524-3715
fax: 217/557-0692
e-mail: CFPolicy@idcfs.state.il.us

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

- 13) Initial Regulatory Flexibility Analysis: The Department has determined that the proposed amendments will not have an economic impact on small businesses.
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included in either of the 2 most recent Regulatory Agendas because the need for rulemaking was not anticipated.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER c: FISCAL ADMINISTRATIONPART 359
AUTHORIZED CHILD CARE PAYMENTS

Section

359.1	Purpose
359.2	Definitions
359.3	Introduction
359.4	Payments for Substitute Care Services
359.5	Payments for Family Preservation and Auxiliary Services
359.6	Payments for Independent Living Arrangements
359.7	Payments for Children's Personal and Physical Maintenance
359.8	Payments for Unmarried Mothers (Repealed)
359.9	Payments for Medical Care
359.10	Overpayments and Repayments

AUTHORITY: Implementing and authorized by Section 5 of the Children and Family Services Act [20 ILCS 505/5].

SOURCE: Adopted and codified at 5 Ill. Reg. 13129, effective November 30, 1981; amended at 9 Ill. Reg. 19705, effective December 16, 1985; amended at 10 Ill. Reg. 15575, effective September 19, 1986; amended at 19 Ill. Reg. 10464, effective July 1, 1995; emergency amendment at 21 Ill. Reg. 3259, effective March 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 10904, effective July 29, 1997; amended at 26 Ill. Reg. 11791, effective August 1, 2002; amended at 40 Ill. Reg. 802, effective December 31, 2015; amended at 40 Ill. Reg. 7791, effective May 16, 2016; amended at 41 Ill. Reg. _____, effective _____.

Section 359.2 Definitions

"Auxiliary services" means those services provided by the Department to children in their own homes as well as to children in placement which supplement or complement the primary service. For example, when advocacy services are provided to children in substitute care, this is an auxiliary service.

"Child only standard of need" means the assistance standard for cases in which no adult member is included, as determined by the Illinois Department of Human

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Services.

"Children for whom the Department has legal responsibility" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or whose parents have signed an adoptive surrender or voluntary placement agreement with the Department.

"Contact between siblings" means contact between or among siblings who are placed apart from one another, and may include, but is not limited to: telephone calls; video conferencing; in person visitation; sending/receiving cards, letters, emails, text messages, gifts, etc.; sharing photographs or information; use of any approved social media (e.g., Facebook); and any other agreed upon forms of communication technology.

"Family preservation services" means those services provided to children and families who require social services to maintain the family unit intact.

"Fictive kin" means any individual, unrelated by birth or marriage, who:

is shown to have close personal or emotional ties with the child or the child's family prior to the child's placement with the individual; or

is the current foster parent of a child in the custody or guardianship of the Department pursuant to the Child and Family Services Act and the Juvenile Court Act of 1987, if the child has been placed in the home for at least one year and has established a significant and family-like relationship with the foster parent, and the foster parent has been identified by the Department as the child's permanency connection. [20 ILCS 505/7(b)]

"Foster care payment" means the amount paid by the Department for a child's room, board, clothing, and personal allowance in a licensed foster family home.

"Godparent" is a person who sponsors a child at baptism or one in whom the parents have entrusted a special duty that includes assisting in raising the child if the parent cannot raise the child. If the person is considered to be the child's godparent, in order for placement to occur, the same placement selection criteria as contained in 89 Ill. Adm. Code 301.60 (Placement Selection Criteria) must be met. If the godparent is not a licensed foster parent, all the conditions currently in

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effect for placement with relatives in 89 Ill. Adm. Code 301.80 (Relative Home Placement) must be met.

"Overpayment" means an amount paid for a service in excess of the actual incurred expenses or rate for that service or a payment for a service that is not rendered. This includes board payments for a child that continue after the child is no longer in the placement for which the payment is made.

"Relative", for purposes of placement of a child for whom the Department is legally responsible, *means any person, 21 years of age or over, other than the parent, who:*

is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, first cousin once removed (children of one's first cousin to oneself), second cousin (children of first cousins are second cousins to each other), godparent (as defined in this Section), great-uncle or great-aunt; or

is the spouse, or party to a civil union, of such a relative; or

is the child's step-father, step-mother, step-grandfather, step-grandmother or adult step-brother or step-sister; or

is the partner, or adult child of a partner, in a civil union with the child's mother or father; or

is a fictive kin as defined in this Section.

Relative also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. For children who have been in the guardianship of the Department, have been adopted, and are subsequently returned to the temporary custody or guardianship of the Department, a "relative" may also include any person who would have qualified as a relative under this definition prior to the adoption, but only if the Department determines that it would be in the best interests of the child to consider this person a relative. [20 ILCS 505/7(b)]

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"Siblings" means children who have at least one parent in common. Children continue to be considered siblings after parental rights are terminated or after one or more of the children are adopted or placed in private guardianship, if they were in the custody or guardianship of the Department pursuant to Article II of the Juvenile Court Act of 1987 immediately prior to the adoption or guardianship. Step-siblings may be considered "siblings" when the children enter into substitute care together, have a positive relationship and share at least one parent in common.

"Substitute care services" means those services provided to children who require placement away from their families or private guardians. Substitute care includes foster family care, care provided in a relative home placement as defined in 89 Ill. Adm. Code 301.80 (Relative Home Placement), care provided in a group home, care provided in a maternity center or a child care facility, mental health or other institution, and care provided in an independent living arrangement.

"Visitation" means face-to-face contact:

between parents and their children who are in substitute care;

between siblings in substitute care who are placed apart from one another;
or

between siblings in substitute care with siblings who are not in substitute care (e.g., emancipated, case closed due to independence, adopted, placed in private guardianship, living in home of parent, etc.).

(Source: Amended at 41 Ill. Reg. _____, effective _____)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Licensing Standards for Foster Family Homes
- 2) Code Citation: 89 Ill. Adm. Code 402
- 3) Section Number: 402.2 Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10].
- 5) A Complete Description of the Subjects and Issues Involved: Definition of "fictive kin" is expanded to include the current foster parent of a child in the custody or guardianship of the Department, if the child has been placed in the home for at least one year and has established a significant and family-like relationship with the foster parent, and the foster parent has been identified by the Department as the child's permanent connection, as defined by Department rule. These changes implement PA 99-836 concerning relative home placement.
- 6) Published studies and reports, and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand the State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice. Comments should be submitted to:

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

406 E. Monroe, Station #65
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The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

- 13) Initial Regulatory Flexibility Analysis: The Department has determined that the proposed amendments will not have an economic impact on small businesses.
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included in either of the 2 most recent Regulatory Agendas because the need for rulemaking was not anticipated.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 402

LICENSING STANDARDS FOR FOSTER FAMILY HOMES

Section

402.1	Purpose
402.2	Definitions
402.3	Effective Date of Standards (Repealed)
402.4	Application for License
402.5	Application for Renewal of License
402.6	Provisions Pertaining to Permits
402.7	Provisions Pertaining to the License
402.8	General Requirements for the Foster Home
402.9	Requirements for Sleeping Arrangements
402.10	Nutrition and Meals
402.11	Business and Employment of Foster Parents
402.12	Qualifications of Foster Family
402.13	Background Inquiry
402.14	Health of Foster Family
402.15	Number and Ages of Children Served
402.16	Meeting Basic Needs of Children
402.17	Health Care of Children
402.18	Religion
402.19	Recreation and Leisure Time
402.20	Education
402.21	Discipline of Children
402.22	Emergency Care of Children
402.23	Release of Children
402.24	Confidentiality of Information
402.25	Required Written Consents
402.26	Records to be Maintained
402.27	Licensing Supervision
402.28	Adoptive Homes
402.29	Director's Waivers
402.30	Severability of This Part

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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402.APPENDIX A	Criminal Convictions That Prevent Licensure
402.APPENDIX B	Number and Ages of Children in Foster Family Home: No Child Requires Specialized Care
402.APPENDIX C	Number and Ages of Children in Foster Family Home: Child Requires Specialized Care

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10].

SOURCE: Adopted and codified at 5 Ill. Reg. 9548, effective October 1, 1981; emergency amendment at 6 Ill. Reg. 15580, effective December 15, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 3439, effective April 4, 1983; amended at 7 Ill. Reg. 13858, effective November 1, 1983; amended at 8 Ill. Reg. 23197, effective December 3, 1984; amended at 11 Ill. Reg. 4292, effective March 1, 1987; emergency amendment at 16 Ill. Reg. 11879, effective July 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 267, effective December 21, 1992; emergency amendment at 18 Ill. Reg. 8481, effective May 20, 1994, for a maximum of 150 days; emergency expired on October 17, 1994; amended at 19 Ill. Reg. 1801, effective February 1, 1995; amended at 19 Ill. Reg. 9463, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10743, effective July 1, 1995, for a maximum of 150 days; emergency expired November 27, 1995; amended at 20 Ill. Reg. 1589, effective January 10, 1996; emergency amendment at 20 Ill. Reg. 3954, effective February 16, 1996, for a maximum of 150 days; emergency expired July 15, 1996; amended at 21 Ill. Reg. 4548, effective April 1, 1997; amended at 22 Ill. Reg. 205, effective December 19, 1997; amended at 23 Ill. Reg. 7877, effective July 15, 1999; emergency amendment at 24 Ill. Reg. 6417, effective March 27, 2000, for a maximum of 150 days; emergency expired August 23, 2000; amended at 24 Ill. Reg. 17052, effective November 1, 2000; amended at 26 Ill. Reg. 2624, effective February 11, 2002; amended at 26 Ill. Reg. 11796, effective August 1, 2002; amended at 30 Ill. Reg. 6321, effective March 31, 2006; amended at 33 Ill. Reg. 11441, effective August 1, 2009; amended at 36 Ill. Reg. 4086, effective March 5, 2012; amended at 40 Ill. Reg. 808, effective December 31, 2015; amended at 40 Ill. Reg. 7797, effective May 16, 2016; amended at 41 Ill. Reg. _____, effective _____.

Section 402.2 Definitions

"Adoptive placement" means a living arrangement with a family that is directed toward establishing that family as the child's new legal parents. To be considered an adoptive placement, the child must be placed in a licensed foster family home or license exempt relative home for purposes of adoption and:

be legally free (parental rights have been terminated or both parents have

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surrendered their parental rights); or

be placed in a legal risk adoptive placement that has passed legal screening as described in 89 Ill. Adm. Code 309 (Adoption Services for Children for Whom the Department of Children and Family Services is Legally Responsible).

"Approved smoke detector" or "detector" means a smoke detector of the ionization or photoelectric type that complies with all the requirements of the rules and regulations of the Illinois State Fire Marshal. [425 ILCS 60/2]

"Approved in-service training" means:

Foster PRIDE module or other Department approved training;

foster parent conferences sponsored by the Department;

other conferences approved by the Department;

training provided under the auspices of a licensed child welfare agency when the agency's foster care program has been accredited by the Council on Accreditation of Services for Families and Children, Inc., 520 Eighth Avenue, Suite 2202B, New York NY 10018;

materials borrowed from the Department's Foster/Adoptive Parent Lending Libraries;

training toward first-aid, Heimlich maneuver, and/or cardiopulmonary resuscitation (CPR) certification; or

other training, substantially meeting the Department's Foster PRIDE/Adopt PRIDE training, approved in writing by the Department of Children and Family Services.

"Background check" means:

Individuals 17 years of age or older:

a criminal history check via fingerprints that are submitted to the

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Illinois State Police and the Federal Bureau of Investigation (FBI) for comparison to their criminal history records, as appropriate; and

Individuals 13 years of age or older:

a check of the Statewide Automated Child Welfare Information System (SACWIS) and other state child protection systems, as appropriate, to determine whether an individual is currently alleged or has been indicated as a perpetrator of child abuse or neglect; and

a check of the Statewide Child Sex Offender Registry.

"CANTS" means the Child Abuse and Neglect Tracking System that has been replaced by SACWIS .

"Child" means any person under 18 years of age. [225 ILCS 10/2.01]

"Child care assistant" means an adult, 18 years of age or older, (whether a volunteer or an employee) who assists a licensed foster parent in the care of children within the foster home.

"Child care facility" means any person, group of persons, agency, association, organization, corporation, institution, center or group, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody in any facility as defined in the Child Care Act of 1969 [225 ILCS 10], established and maintained for the care of children. Child care facility includes a relative who is licensed as a foster family home under Section 4 of the Child Care Act. [225 ILCS 10/2.05]

"Classifiable fingerprints" means fingerprints obtained through an electronic or ink printing process that were determined to provide sufficiently clear impressions to identify the individual from whom the prints were obtained.

"Common parentage" means having the same biological or adoptive father, the same biological or adoptive mother, or the same biological or adoptive father and mother.

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"Complete application for foster family home license" means, at a minimum, *a completed written application form; written authorization by the applicant and all adult members of the household to conduct a criminal background investigation; medical evidence in the form of a medical report, on forms prescribed by the Department, that the applicant and all members of the household are free from communicable diseases or physical and mental conditions that affect their ability to provide care for the child or children; the names and addresses of at least 3 persons not related to the applicant who can attest to the applicant's moral character; and fingerprints submitted by the applicant and all adult members of the applicant's household.* [225 ILCS 10/4]

"Contact between siblings" means contact between or among siblings who are residing apart from one another, and may include, but is not limited to: telephone calls; video conferencing; in person visitation; sending/receiving cards, letters, emails, text messages, gifts, etc.; sharing photographs or information; use of any approved social media (e.g., Facebook), and any other agreed upon forms of communication technology.

"Corporal punishment" means hitting, spanking, beating, shaking, pinching, and other measures that produce physical pain.

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

"Discipline" means the process of helping children to develop inner controls so that they can manage their own behavior in socially acceptable ways. Discipline does not include the use of corporal punishment as defined in this Part.

"Educational advocacy training" means the 6-hour training that prepares foster parents to effectively advocate for the special educational needs of the children in their care by providing information on children's educational rights and foster parents' responsibility to protect those rights.

"Expanded capacity license" means the foster family home has been issued a license from the Department authorizing the foster family to accept more than six children for care (including the family's own children under age 18 and all other children under age 18 receiving full-time care) as permitted in Section 402.15(c) (for foster care placements) or (e) (for adoptive placements).

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"Fictive kin" means any individual, unrelated by birth or marriage, who:

is shown to have close personal or emotional ties with the child or the child's family prior to the child's placement with the individual; or

is the current foster parent of a child in the custody or guardianship of the Department pursuant to the Child and Family Services Act and the Juvenile Court Act of 1987, if the child has been placed in the home for at least one year and has established a significant and family-like relationship with the foster parent, and the foster parent has been identified by the Department as the child's permanency connection. [20 ILCS 505/7(b)]

"Foster family home" 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 the Director of Children and Family Services, 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 Department requires foster family homes to receive an expanded capacity license allowing them to receive more than six children, including their own children under age 18 and all other children under the age of 18 receiving full-time care.

"Full-time care" means the child is a resident of the household, whether on a temporary, emergency, or permanent basis, and is receiving family care usually provided by a parent or guardian.

"Godparent" is a person who sponsors a child at baptism or one in whom the parents have entrusted a special duty that includes assisting in raising the child if the parent cannot raise the child. If the person is considered to be the child's godparent, in order for placement to occur, the same placement selection criteria as contained in 89 Ill. Adm. Code 301.60 (Placement Selection Criteria) must be met. If the godparent is not a licensed foster parent, all the conditions currently in effect for placement with relatives in 89 Ill. Adm. Code 301.80 (Relative Home

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Placement) must be met.

"In-service training" means approved training provided to currently licensed foster parents.

"License" means a document issued by the Department of Children and Family Services that authorizes child care facilities to operate in accordance with applicable standards and the provisions of the Child Care Act.

"License applicant" means the operator or person with direct responsibility for daily operation of the facility to be licensed. [225 ILCS 10/4.4]

"Licensed physician" means a person licensed to practice medicine in the State of Illinois.

"Licensee" means those individuals, agencies, or organizations who hold a license or permit issued by the Department of Children and Family Services.

"Licensing representative" means persons authorized by the Department under the Child Care Act to perform licensing activities.

"Licensing study" means a written review and assessment of an application for license, on-site visits, interviews, and the collection and review of supporting documents to determine compliance with the Child Care Act of 1969 and the standards prescribed by this Part.

"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, or receiving mail at the household address, or using identification with the household address.

"Minor traffic violation" means a traffic violation, under the laws of the State of Illinois or any municipal authority in Illinois or another state or municipal authority, that is punishable solely by fines as a petty offense.

"Multi-purpose room" means a room in the foster family home that has been designed for several purposes. A multi-purpose room that is temporarily converted into a bedroom may only be a pass through room in the home if the privacy of the children using the room for a bedroom can be ensured. Activities

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within the room shall be normal bedroom activities such as sleeping, dressing and playing while used as a bedroom.

"Non-active status" means a licensed foster home has no foster placements and maintains continuous compliance with this Part that, by mutual written agreement with the Department, does not receive regular licensing monitoring visits by the Department or supervising agency.

"Permit" means a one-time only document issued by the Department of Children and Family Services for a two month period to allow the individuals to become eligible for an initial foster family home license.

"Petty offense" means any offense for which a fine only is provided, and a sentence of imprisonment is not an authorized disposition. [730 ILCS 5/5-1-17]

"Relative", for purposes of placement of children for whom the Department is legally responsible, means any person, 21 years of age or over, other than the parent, who:

is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, first cousin once removed (children of one's first cousin to oneself), second cousin (children of first cousins are second cousins to each other), godparent (as defined in this Section), great-uncle or great-aunt; or

is the spouse, or party to a civil union, of such a relative; or

is the child's step-father, step-mother, step-grandfather, step-grandmother or adult step-brother or step-sister; or

is the partner, or adult child of a partner, in a civil union with the child's mother or father; or

is a fictive kin as defined in this Section.

"Relative" also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. For children who

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have been in the guardianship of the Department, have been adopted, and are subsequently returned to the temporary custody or guardianship of the Department, a "relative" may also include any person who would have qualified as a relative under this definition prior to the adoption, but only if the Department determines that it would be in the best interests of the child to consider this person a relative. [20 ILCS 505/7(b)]

"Reputable character" means there is satisfactory evidence that the moral character of the applicant is trustworthy.

"Respite foster care" means temporary (not to exceed 30 days), full-time care in a licensed foster family home, group home, or child care institution, or in a license exempt relative home, when such temporary, full-time care is provided to foster children. Respite foster care is provided to foster children in order to give the full-time caregivers a rest from caregiving responsibilities.

"Responsible" means trustworthy performance of expected duties that serves the best interests of the foster children as evidenced by established child welfare standards, State and federal law, and the rules of the Department.

"SACWIS" means the Statewide Automated Child Welfare Information System operated by the Illinois Department of Children and Family Services that replaced the Child Abuse and Neglect Tracking System (CANTS).

"Siblings" means children who have at least one parent in common. Children continue to be considered siblings after parental rights are terminated, if parental rights were terminated while a petition under Article II of the Juvenile Court Act of 1987 was pending. Children continue to be considered siblings after one or more of the children are adopted or placed in private guardianship, if they were in the custody or guardianship of the Department pursuant to Article II of the Juvenile Court Act of 1987 [705 ILCS 405] immediately prior to the adoption or guardianship. Step-siblings may be considered "siblings" when the children enter into substitute care together, ~~and~~ have a positive relationship and share at least one parent in common.

"Specialized care" or "specialized foster care services" means care provided to *a child in the custody or guardianship of the Department who requires such services due to emotional, behavioral, developmental or medical needs, or any combination thereof, or any other needs that require special intervention services,*

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the primary goal being to maintain the child in foster care or in a permanency setting. [20 ILCS 505/5.30(a)] Specialized foster care services are further described in 89 Ill. Adm. Code 301.90 (Foster Family Home Care).

"Supervising agency", for the purpose of this Part, means a licensed child welfare agency, a license-exempt agency, or the Department of Children and Family Services.

"Universal precautions" means an approach to infection control. According to the concept of universal precautions, all human blood and certain body fluids are treated as if known to be infectious for HIV, HBV, and other blood-borne pathogens.

"Visitation" means face-to-face contact:

between parents and their children who are in substitute care;

between siblings in substitute care who are placed apart from one another;
or

between siblings in substitute care with siblings who are not in substitute care (e.g., emancipated, case closed due to independence, adopted, placed in private guardianship, living in home of parent, etc.).

(Source: Amended at 41 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Rulemaking
- 2) Code Citation: 2 Ill. Adm. Code 2250
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
2250.10	Amendment
2250.20	Amendment
2250.30	Repealed
2250.40	Repealed
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking proposes to re-title the Part, Public Requests and Rulemaking. Section 2250.10, Public Requests, will direct the Board to follow the procedures in the Illinois Freedom of Information Act [5 ILCS 140]. Provisions in Sections 2250.20 and 2250.30 are being merged and Section 2250.40 is being repealed. Section 2250.20 directs the Board to comply with the rulemaking procedures contained within the Illinois Administrative Procedure Act [5 ILCS 100] and the rules promulgated under that Act.
- 6) Published studies or reports and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: No local governmental units will be required to increase expenditures.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this Notice, to:

Mickey Ezzo
Illinois Racing Board

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100 West Randolph
Suite 5-700
Chicago IL 60601

312/814-5017
Mickey.ezzo@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda which this rulemaking was summarized: This rulemaking was not included on either of the two most recent Regulatory Agendas because: The Board did not anticipate amending the rule within that timeframe.

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE E: MISCELLANEOUS STATE AGENCIES
CHAPTER XXXI: ILLINOIS RACING BOARD

PART 2250

PUBLIC REQUESTS AND RULEMAKING

Section

- 2250.10 Public Requests~~Initiation of Rulemaking Proceedings~~
2250.20 ~~Public Participation in~~ Rulemaking
2250.30 Requests to Initiate Rulemaking (Repealed)
2250.40 Emergency Rulemaking (Repealed)

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Subpart A adopted at 4 Ill. Reg. 19, p. 240, effective April 29, 1980; codified at 5 Ill. Reg. 10873; Subpart B adopted at 2 Ill. Reg. 36, p. 272, effective September 9, 1978; codified at 5 Ill. Reg. 10875; Subpart A recodified from 11 Ill. Adm. Code 202 and Subpart B recodified from 11 Ill. Adm. Code 203 at 8 Ill. Reg. 16342; old Part repealed and new Part adopted at 24 Ill. Reg. 12732, effective August 1, 2000; amended at 41 Ill. Reg. _____, effective _____.

Section 2250.10 Public Requests~~Initiation of Rulemaking Proceedings~~

The Board shall follow the procedures in the Illinois Freedom of Information Act [5 ILCS 140] in regard to requests for information. Requests should be directed to:

Freedom of Information Officer
Illinois Racing Board
100 W. Randolph Street
Suite 5-700
Chicago IL 60601

~~The Board shall initiate rulemaking proceedings pursuant to Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].~~

(Source: Amended at 41 Ill. Reg. _____, effective _____)

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Section 2250.20 ~~Public Participation in Rulemaking~~

- a) ~~The Board shall comply with the rulemaking procedures contained within the Illinois Administrative Procedure Act [5 ILCS 100] and the rules promulgated under the Act in the adoption and filing of Board rules. Interested parties may submit comments, data, views or arguments within 45 days after publication of a proposed rulemaking in the Illinois Register.~~
- b) ~~Comments on a proposed rulemaking should be addressed to Administrative Rules Coordinator and must be received at the Board's principal office within 45 days after publication of the rulemaking in the Illinois Register.~~
- e) ~~The time for filing comments may be extended by a member of the Board or by the Chairman.~~
- b~~d~~) The Chairman of the Board may order the submission of views and comments orally at a special or regularly scheduled meeting of the Board, or he/she may refer the matter to:
- 1) a standing committee ~~that~~which shall conduct a public hearing at which interested parties may submit evidence or express their views on the proposed rulemaking;
 - 2) a committee appointed by the Chairman; or
 - 3) a single Board member designated by the Chairman.
- c) Any interested person or group may request the Board to adopt, amend or repeal a rule. The request shall be directed to:
- Executive Director
Illinois Racing Board
100 W. Randolph Street
Suite 5-700
Chicago IL 60601
- d) The request shall contain the following:
- 1) The name and address of the person or group submitting the request.

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- 2) The specific rule of the Board that the requestor believes should be amended or repealed, or the specific language the requestor believes should be adopted as a rule by the Board.
 - 3) Facts and arguments in support of the proposed rulemaking.
 - 4) The specific reason the requestor believes that the Board should initiate the rulemaking action.
 - 5) Identification of any person or group adversely affected by the proposed rulemaking.
 - 6) Specific reference to any existing rules that are inconsistent with the proposed rulemaking.
- e) ~~The Board shall consider all data, views, arguments, and comments submitted by interested parties.~~

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 2250.30 Requests to Initiate Rulemaking (Repealed)

- a) ~~Any person may request the Board to adopt, amend or repeal a rule pursuant to Section 5-145 of the Illinois Administrative Procedure Act [5 ILCS 100/5-145].~~
- b) ~~Any person requesting the initiation of rulemaking shall be required to submit the following information in writing within 10 days after the original request:~~
 - 1) ~~The name and address of the person submitting the request.~~
 - 2) ~~A statement of the rule proposed for adoption.~~
 - 3) ~~Specific reference to any rules the requestor seeks to have amended or repealed.~~
 - 4) ~~Specific reference to any existing rules that are inconsistent with the proposed rulemaking.~~

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- 5) ~~The statutory authority for the proposal.~~
- 6) ~~A brief statement of facts and arguments in support of the proposed rulemaking.~~
- 7) ~~Identification of any person adversely affected by the proposed rulemaking.~~

(Source: Repealed at 41 Ill. Reg. _____, effective _____)

Section 2250.40 Emergency Rulemaking (Repealed)

~~If the Board finds that an emergency reasonably constituting a threat to the public interest, safety or welfare requires adoption of a rulemaking upon fewer than 45 days notice, it may adopt an emergency rule without prior notice or hearing, pursuant to Section 5-45 of the Illinois Administrative Procedure Act [5 ILCS 100/5-45].~~

(Source: Repealed at 41 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Access to Public Records of the Illinois Racing Board
- 2) Code Citation: 2 Ill. Adm. Code 2251
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
2251.101	Repealed
2251.102	Repealed
2251.201	Repealed
2251.202	Repealed
2251.203	Repealed
2251.301	Repealed
2251.302	Repealed
2251.303	Repealed
2251.401	Repealed
2251.402	Repealed
2251.403	Repealed
2251.404	Repealed
2251.405	Repealed
2251.406	Repealed
2251.407	Repealed
2251.501	Repealed
2251.502	Repealed
2251.503	Repealed
2251.APPENDIX A	Repealed
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This rule is being repealed because the proposed amendments to Part 2250 will include a provision that requires the Board to follow the procedures in the Illinois Freedom of Information Act [5 ILCS 140].
- 6) Published studies or reports and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No

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- 10) Are there any other rulemakings pending in this Part? No
- 11) Statement of Statewide Policy Objective: No local governmental units will be required to increase expenditures.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this Notice, to:
- Mickey Ezzo
Illinois Racing Board
100 West Randolph
Suite 5-700
Chicago IL 60601
- 312/814-5017
Mickey.ezzo@illinois.gov
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda which this rulemaking was summarized: This rulemaking was not included on either of the two most recent Regulatory Agendas because: The Board did not anticipate repealing the rule within that timeframe.

The full text of the Proposed Repealer begins on the next page:

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NOTICE OF PROPOSED REPEALER

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE E: MISCELLANEOUS STATE AGENCIES
CHAPTER XXXI: ILLINOIS RACING BOARD

PART 2251

ACCESS TO PUBLIC RECORDS OF THE ILLINOIS RACING BOARD (REPEALED)

SUBPART A: INTRODUCTION

Section	
2251.101	Summary and Purpose
2251.102	Definitions

SUBPART B: CLASSIFICATION OF RECORDS

Section	
2251.201	Records That Will Be Disclosed
2251.202	Records That Will Be Withheld from Disclosure
2251.203	Statutory Exemptions

SUBPART C: PROCEDURES FOR REQUESTING RECORDS FROM THE BOARD

Section	
2251.301	Submittal of Requests for Records
2251.302	Information To Be Provided in Requests for Records
2251.303	Requests for Records for Commercial Purposes

SUBPART D: BOARD RESPONSE TO REQUESTS FOR RECORDS

Section	
2251.401	Timeline for Board Response
2251.402	Requests for Records that the Board Considers Unduly Burdensome
2251.403	Requests for Records that Require Electronic Retrieval
2251.404	Denials of Requests for Records
2251.405	Requests for Review of Denials – Public Access Counselor
2251.406	Circuit Court Review
2251.407	Administrative Review

SUBPART E: PROCEDURES FOR PROVIDING RECORDS TO REQUESTERS

ILLINOIS RACING BOARD

NOTICE OF PROPOSED REPEALER

Section

- 2251.501 Inspection of Records
2251.502 Copying of Records; Fees
2251.503 Reduction and Waiver of Fees

2251.APPENDIX A Fee Schedule for Duplication and Certification of Records

AUTHORITY: Implementing the Freedom of Information Act [5 ILCS 140] and authorized by Section 3(h) of the Freedom of Information Act, Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

SOURCE: Adopted at 9 Ill. Reg. 7168, effective May 2, 1985; old Part repealed and new Part adopted at 24 Ill. Reg. 12717, effective August 1, 2000; old Part repealed and new Part adopted at 34 Ill. Reg. 6189, effective April 16, 2010; amended at 34 Ill. Reg. 10168, effective July 1, 2010; repealed at 41 Ill. Reg. _____, effective _____.

SUBPART A: INTRODUCTION

Section 2251.101 Summary and Purpose

- a) All records required by law to be filed with the Illinois Racing Board are open for public inspection and may be examined during regular business hours at the Board's central office. An employee of the Board may be present throughout the inspection.
- b) The Freedom of Information Officer shall make available to the public at no charge the following materials:
 - 1) A brief description of the organizational structure and budget of the Board;
 - 2) A brief description of the means for requesting information and records;
 - 3) A list of types and categories of records maintained by the Board;
 - 4) An individual Part of the Board's rules; and

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- 5) A current Annual Report of the Board.
- c) All requests for information shall be in writing and directed to the Board's FOIA Officer via mail, facsimile or electronic communications in accordance with the procedures defined in Sections 2251.301 and 2251.302;
- d) Reasonable attempts will be made to prevent the disclosure of information constituting an "unwarranted invasion of personal privacy", as defined in Section 2251.102, including occupation license applications, unless information requests are made by racing officials in this or other jurisdictions.
- e) Should the Board determine the requested information is exempt from disclosure, under Section 7 or 7.5 of FOIA, the FOIA Officer shall notify the requesting party in accordance with the procedures contained within Section 2251.404. If the Board asserts that the records are exempt under Section 2251.202(a)(1)(C) or (F), it will, within the time periods provided for responding to a request, provide written notice to the requester and the Public Access Counselor of its intent to deny the request in whole or in part in accordance with the procedures contained within Section 2251.404.

Section 2251.102 Definitions

Terms not defined in this Section shall have the same meaning as in the Freedom of Information Act. The following definitions are applicable for purposes of this Part:

"Act" means the Illinois Horse Racing Act of 1975 [230 ILCS 5].

"Board" means the Illinois Racing Board as established by the Act.

"Commercial purpose" means the use of any part of a record or records, or information derived from records, in any form for sale, resale or solicitation or advertisement for sales or services. For purposes of this definition, requests made by news media and non-profit, scientific or academic organizations shall not be considered to be made for a "commercial purpose" when the principal purpose of the request is:

to access and disseminate information concerning news and current or passing events;

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for articles of opinion or features of interest to the public; or

for the purpose of academic, scientific, or public research or education.
(Section 2(c-10) of FOIA)

"Copying" means the reproduction of any record by means of any photographic, electronic, mechanical, or other process, device or means now known or hereafter developed and available to the Board. (Section 2(d) of FOIA)

"Director" means the Director of the Board.

"FOIA" means the Freedom of Information Act [5 ILCS 140].

"Freedom of Information Officer" or "FOI Officer" means an individual or individuals responsible for receiving and responding to requests for public records.

"News media" means a newspaper or other periodical issued at regular intervals, news service in paper or electronic form, radio station, television station, television network, community antenna television service, or person or corporation engaged in making news reels or other motion picture news for public showing. (Section 2(f) of FOIA)

"Person" means any individual, corporation, partnership, firm, organization or association, acting individually or as a group. (Section 2(b) of FOIA)

"Private information" means unique identifiers, including a person's Social Security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person. (Section 2(c-5) of FOIA)

"Public Access Counselor" means an individual appointed to that office by the Attorney General under Section 7 of the Attorney General Act [15 ILCS 205].

"Public body" means all legislative, executive, administrative, or advisory bodies of the State, State universities and colleges, counties, townships, cities, villages,

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incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees or commissions of this State, any subsidiary bodies of any of the foregoing, including but not limited to committees and subcommittees thereof, and a School Finance Authority created under Article 1E of the School Code [105 ILCS 5]. (Section 2(a) of FOIA)

"Records" means all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, electronic communications, recorded information and all other documentary materials pertaining to the transaction of public business, regardless of physical form or characteristics, having been prepared by or for, or having been or being used by, received by, in the possession of or under the control of the Board. (Section 2(c) of FOIA)

"Requester" is any person who has submitted to the Board a written request, electronically or on paper, for records.

"Unwarranted invasion of personal privacy" means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information. (Section 7(1)(c) of FOIA)

SUBPART B: CLASSIFICATION OF RECORDS

Section 2251.201 Records That Will Be Disclosed

Upon request meeting the requirements of this Part, the Board will disclose to the requester all records requested except that it will not disclose certain records as provided in Section 2251.202 or 2251.203. Records covered under this Section shall include, but are not be limited to:

- a) *Records of funds. All records relating to the obligation, receipt and use of public funds of the Board are records subject to inspection and copying by the public. (Section 2.5 of FOIA)*
- b) *Payrolls. Certified payroll records submitted to the Board under Section 5(a)(2) of the Prevailing Wage Act [820 ILCS 130] are records subject to inspection and copying in accordance with the provisions of FOIA; except that contractors' and employees' addresses, telephone numbers, and Social Security numbers will be redacted by the Board prior to disclosure. (Section 2.10 of FOIA)*

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- c) *Criminal history records. The following documents maintained by the Board pertaining to criminal history record information are records subject to inspection and copying by the public pursuant to FOIA:*
- 1) *Court records that are public;*
 - 2) *Records that are otherwise available under State or local law; and*
 - 3) *Records in which the requesting party is the individual identified, except as provided under Section 2251.202(a)(5)(F) of this Part. (Section 2.15(b) of FOIA)*
- d) *Settlement agreements. All settlement agreements entered into by or on behalf of the Board are records subject to inspection and copying by the public, provided that information exempt from disclosure under Section 2251.202 or 2251.203 of this Part may be redacted. (Section 2.20 of FOIA)*

Section 2251.202 Records That Will Be Withheld from Disclosure

When a request is made to inspect or copy a record that contains information that is otherwise exempt from disclosure under this Section, but also contains information that is not exempt from disclosure, the Board will make the remaining information available for inspection and copying. (Section 7(1) of FOIA)

- a) *Subject to this requirement and Section 7 of FOIA, the following shall be exempt from inspection and copying:*
- 1) *Information specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law; (Section 7(1)(a) of FOIA)*
 - 2) *Private information, unless disclosure is required by another provision of FOIA, a State or federal law or a court order; (Section 7(1)(b) of FOIA)*
 - 3) *Files, documents and other data or databases maintained by one or more law enforcement agencies and specifically designed to provide information to one or more law enforcement agencies regarding the*

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physical or mental status of one or more individual subjects; (Section 7(1)(b-5) of FOIA)

- 4) *Personal information contained within records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. "Unwarranted invasion of personal privacy" means the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy; (Section 7(1)(c) of FOIA)*
- 5) *Records in the possession of any public body created in the course of administrative enforcement proceedings, and any law enforcement or correctional agency for law enforcement purposes, but only to the extent that disclosure would:*
 - A) *Interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency that is the recipient of the request;*
 - B) *Interfere with active administrative enforcement proceedings conducted by the public body that is the recipient of the request;*
 - C) *Create a substantial likelihood that a person will be deprived of a fair trial or an impartial hearing;*
 - D) *Unavoidably disclose the identity of a confidential source, confidential information furnished only by the confidential source, or persons who file complaints with or provide information to administrative, investigative, law enforcement, or penal agencies; except that the Board will provide traffic accident reports, the identities of witnesses to traffic accidents, and rescue reports, except when disclosure would interfere with an active criminal investigation;*

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- E) *Disclose unique or specialized investigative techniques other than those generally used and known, or disclose internal documents of correctional agencies related to detection, observation or investigation of incidents of crime or misconduct, and disclosure would result in demonstrable harm to the Board;*
 - F) *Endanger the life or physical safety of law enforcement personnel or any other person; or*
 - G) *Obstruct an ongoing criminal investigation by the Board; (Section 7(1)(d) of FOIA)*
- 6) *Preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the Executive Director of the Board. The exemption provided in this subsection (a)(6) extends to all those records of officers and agencies of the General Assembly that pertain to the preparation of legislative documents; (Section 7(1)(f) of FOIA)*
- 7) *Trade secrets and commercial or financial information obtained from a person or business when the trade secrets or commercial or financial information are furnished under a claim that they are proprietary, privileged or confidential, and that disclosure of the trade secrets or commercial or financial information would cause competitive harm to the person or business, and only insofar as the claim directly applies to the records requested. All trade secrets and commercial or financial information obtained by the Board, including a public pension fund, from a private equity fund or a privately held company within the investment portfolio of a private equity fund as a result of either investing or evaluating a potential investment of public funds in a private equity fund. The exemption contained in this subsection (a)(7) does not apply to the aggregate financial performance information of a private equity fund, nor to the identity of the fund's managers or general partners. The exemption contained in this subsection (a)(7) does not apply to the identity of a privately held company within the investment portfolio of a private equity fund, unless the disclosure of the identity of a privately held company may cause competitive harm. Nothing in this subsection (a)(7) shall be*

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construed to prevent a person or business from consenting to disclosure;
(Section 7(1)(g) of FOIA)

- 8) *Proposals and bids for any contract, grant or agreement, including information that if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contractor agreement with the Board, until an award or final selection is made. Information prepared by or for the Board in preparation of a bid solicitation shall be exempt until an award or final selection is made;* (Section 7(1)(h) of FOIA)
- 9) *Valuable formulae, computer geographic systems, designs, drawings and research data obtained or produced by the Board when disclosure could reasonably be expected to produce private gain or public loss. The exemption for "computer geographic systems" provided in this subsection (a)(9) does not extend to requests made by news media as defined in Section 2251.102 when the requested information is not otherwise exempt and the only purpose of the request is to access and disseminate information regarding the health, safety, welfare or legal rights of the general public;* (Section 7(1)(i) of FOIA)
- 10) *Architects' plans and engineers' technical submissions, and other construction related technical documents for projects not constructed or developed in whole or in part with public funds and for projects constructed or developed with public funds, including but not limited to power generating and distribution stations and other transmission and distribution facilities, water treatment facilities, airport facilities, sport stadiums, convention centers, and all government owned, operated or occupied buildings, but only to the extent that disclosure would compromise security;* (Section 7(1)(k) of FOIA)
- 11) *Minutes of meetings of the Board closed to the public as provided in the Open Meetings Act [5 ILCS 120] until the Board makes the minutes available to the public under Section 2.06 of the Open Meetings Act;* (Section 7(1)(l) of FOIA)
- 12) *Communications between the Board and an attorney or auditor representing the Board that would not be subject to discovery in litigation, and materials prepared or compiled by or for the Board in anticipation of*

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a criminal, civil or administrative proceeding upon the request of an attorney advising the Board, and materials prepared or compiled with respect to internal audits of the Board; (Section 7(1)(m) of FOIA)

- 13) *Records relating to the Board's adjudication of employee grievances or disciplinary cases; however, this exemption shall not extend to the final outcome of cases in which discipline is imposed; (Section 7(1)(n) of FOIA)*
- 14) *Administrative or technical information associated with automated data processing operations, including but not limited to software, operating protocols, computer program abstracts, file layouts, source listings, object modules, load modules, user guides, documentation pertaining to all logical and physical design of computerized systems, employee manuals, and any other information that, if disclosed, would jeopardize the security of the system or its data or the security of materials exempt under this Section; (Section 7(1)(o) of FOIA)*
- 15) *Records relating to collective negotiating matters between the Board and its employees or representatives, except that any final contract or agreement shall be subject to inspection and copying; (Section 7(1)(p) of FOIA)*
- 16) *Test questions, scoring keys, and other examination data used to determine the qualifications of an applicant for a license or employment; (Section 7(1)(q) of FOIA)*
- 17) *The records, documents and information relating to real estate purchase negotiations until those negotiations have been completed or otherwise terminated. With regard to a parcel involved in a pending or actually and reasonably contemplated eminent domain proceeding under the Eminent Domain Act [735 ILCS 30], records, documents and information relating to that parcel shall be exempt except as may be allowed under discovery rules adopted by the Illinois Supreme Court. The records, documents and information relating to a real estate sale shall be exempt only until a sale is consummated; (Section 7(1)(r) of FOIA)*
- 18) *Any and all proprietary information and records related to the operation of an intergovernmental risk management association or self-insurance*

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pool or jointly self-administered health and accident cooperative or pool. Insurance or self-insurance (including any intergovernmental risk management association or self-insurance pool) claims, loss or risk management information, records, data, advice or communications; (Section 7(1)(s) of FOIA)

- 19) *Information that would disclose or might lead to the disclosure of secret or confidential information, codes, algorithms, programs or private keys intended to be used to create electronic or digital signatures under the Electronic Commerce Security Act [5 ILCS 175]; (Section 7(1)(u) of FOIA)*
 - 20) *Vulnerability assessments, security measures and response policies or plans that are designed to identify, prevent or respond to potential attacks upon a community's population or systems, facilities, or installations, the destruction or contamination of which would constitute a clear and present danger to the health or safety of the community, but only to the extent that disclosure could reasonably be expected to jeopardize the effectiveness of the measures or the safety of the personnel who implement them or the public. Information exempt under this subsection (a)(20) may include such things as details pertaining to the mobilization or deployment of personnel or equipment, to the operation of communication systems or protocols, or to tactical operations; (Section 7(1)(v) of FOIA)*
 - 21) *Information contained in or related to proposals, bids or negotiations related to electric power procurement under Section 1-75 of the Illinois Power Agency Act [20 ILCS 3855] and Section 16-111.5 of the Public Utilities Act [20 ILCS 5] that is determined to be confidential and proprietary by the Illinois Power Agency or by the Illinois Commerce Commission; (Section 7(1)(y) of FOIA)*
 - 22) *Information the disclosure of which is exempted under the Viatical Settlements Act [215 ILCS 158]. (Section 7(1)(aa) of FOIA)*
- b) *A record that is not in the possession of the Board but is in the possession of a party with whom the Board has contracted to perform a governmental function on behalf of the Board, and that directly relates to the governmental function and is not otherwise exempt under FOIA, shall be considered a record of the Board for purposes of Subpart C. (Section 7(1)(B) of FOIA)*

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Section 2251.203 Statutory Exemptions

To the extent provided for by the following statutes, the following shall be exempt from inspection and copying:

- a) *All information determined to be confidential under Section 4002 of the Technology Advancement and Development Act [20 ILCS 700].*
- b) *Library circulation and order records identifying library users with specific materials under the Library Records Confidentiality Act [75 ILCS 70].*
- c) *Applications, related documents, and medical records received by the Experimental Organ Transplantation Procedures Board and any and all documents or other records prepared by the Experimental Organ Transplantation Procedures Board or its staff relating to applications it has received.*
- d) *Information and records held by the Department of Public Health and its authorized representatives relating to known or suspected cases of sexually transmissible disease or any information the disclosure of which is restricted under the Illinois Sexually Transmissible Disease Control Act [410 ILCS 325].*
- e) *Information the disclosure of which is exempted under Section 30 of the Radon Industry Licensing Act [420 ILCS 44].*
- f) *Firm performance evaluations under Section 55 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535].*
- g) *Information the disclosure of which is restricted and exempted under Section 50 of the Illinois Prepaid Tuition Act [110 ILCS 979].*
- h) *Information the disclosure of which is exempted under the State Officials and Employees Ethics Act [5 ILCS 430] and records of any lawfully created State or local inspector general's office that would be exempt if created or obtained by an Executive Inspector General's office under that Act.*

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- i) *Information contained in a local emergency energy plan submitted to a municipality in accordance with a local emergency energy plan ordinance that is adopted under Section 11-21.5-5 of the Illinois Municipal Code [65 ILCS 5].*
- j) *Information and data concerning the distribution of surcharge moneys collected and remitted by wireless carriers under the Wireless Emergency Telephone Safety Act [20 ILCS 2605].*
- k) *Law enforcement officer identification information or driver identification information compiled by a law enforcement agency or the Department of Transportation under Section 11-212 of the Illinois Vehicle Code [625 ILCS 5].*
- l) *Records and information provided to a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act [210 ILCS 28].*
- m) *Information provided to the predatory lending database created pursuant to Article 3 of the Residential Real Property Disclosure Act [765 ILCS 77], except to the extent authorized under that Article.*
- n) *Defense budgets and petitions for certification of compensation and expenses for court appointed trial counsel as provided under Sections 10 and 15 of the Capital Crimes Litigation Act [725 ILCS 124]. This subsection (n) shall apply until the conclusion of the trial of the case, even if the prosecution chooses not to pursue the death penalty prior to trial or sentencing.*
- o) *Information that is prohibited from being disclosed under Section 4 of the Illinois Health and Hazardous Substances Registry Act [410 ILCS 525].*
- p) *Security portions of system safety program plans, investigation reports, surveys, schedules, lists, data, or information compiled, collected or prepared by or for the Regional Transportation Authority under Section 2.11 of the Regional Transportation Authority Act [70 ILCS 3615] or the St. Clair County Transit District under the Bi-State Transit Safety Act [45 ILCS 111].*
- q) *Information prohibited from being disclosed by the Personnel Records Review Act [820 ILCS 40].*

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- r) *Information prohibited from being disclosed by the Illinois School Student Records Act [105 ILCS 10].*
- s) *Information the disclosure of which is restricted under Section 5-108 of the Public Utilities Act [220 ILCS 5]. (Section 7.5 of FOIA)*

SUBPART C: PROCEDURES FOR REQUESTING RECORDS FROM THE BOARD

Section 2251.301 Submittal of Requests for Records

- a) Any request for records should be submitted in writing to the Board's FOI Officer. The FOI Officer is located in the Central Office of the Illinois Racing Board at the James R. Thompson Center in Chicago.
- b) Contact information for the FOI Officer can be found online at www.state.il.us/agency/irb/racing/inside/FOIA%20Contact.htm.
- c) FOIA requests may be submitted via mail, e-mail, fax or hand delivery. Requests should be mailed or hand delivered to:

Illinois Racing Board
100 W. Randolph St.
Suite 7-701
Chicago IL 60601
Attn: FOI Officer
- d) E-mailed requests should be sent to IRB.info@illinois.gov, contain the request in the body of the e-mail, and indicate in the subject line of the e-mail that it contains a FOIA request. Faxed FOIA requests should be faxed to 312-814-5062, Attn: FOI Officer.

Section 2251.302 Information To Be Provided in Requests for Records

A request for records should include:

- a) The complete name, mailing address and telephone number of the requester;

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- b) As specific a description as possible of the records sought. Requests that the Board considers unduly burdensome or categorical may be denied (see Section 3(g) of FOIA and Section 2251.402 of this Part);
- c) A statement as to the requested medium and format for the Board to use in providing the records sought: for example, paper, specific types of digital or magnetic media, or videotape;
- d) A statement as to the requested manner for the Board to use in providing the records sought: for example, inspection at Board headquarters or providing paper or electronic copies;
- e) A statement as to whether the requester needs certified copies of all or any portion of the records, including reference to the specific documents that require certification; and
- f) A statement as to whether the request is for a commercial purpose.

Section 2251.303 Requests for Records for Commercial Purposes

- a) It is a violation of FOIA for a person to knowingly obtain a record for a commercial purpose without disclosing that it is for a commercial purpose if requested to do so by the Board.
- b) *The Board will respond to a request for records to be used for a commercial purpose within 21 working days after receipt. The response shall:*
 - 1) *Provide to the requester an estimate of the time required by the Board to provide the records requested and an estimate of the fees to be charged, which the Board may require the person to pay in full before copying the requested documents;*
 - 2) *Deny the request pursuant to one or more of the exemptions set out in Section 2251.202 or 2251.203;*
 - 3) *Notify the requester that the request is unduly burdensome and extend an opportunity to the requester to attempt to reduce the request to manageable proportions; or*

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- 4) *Provide the records requested.* (Section 3.1(a) of FOIA)
- c) *Unless the records are exempt from disclosure, the Board will comply with a request within a reasonable period considering the size and complexity of the request, and giving priority to records requested for non-commercial purposes.* (Section 3.1(b) of FOIA)

SUBPART D: BOARD RESPONSE TO REQUESTS FOR RECORDS

Section 2251.401 Timeline for Board Response

- a) *Except as stated in subsection (b) or (c), the Board will respond to any written request for records within 5 business days after its receipt of the request. Failure to comply with a written request, extend the time for response, or deny a request within 5 business days after its receipt shall be considered a denial of the request. If the Board fails to respond to a request within the requisite periods in this subsection (a), but thereafter provides the requester with copies of the requested records, it will not impose a fee for the copies. If the Board fails to respond to a request received, it will not treat the request as unduly burdensome as provided under Section 2251.402.* (Section 3(d) of FOIA) A written request from the Board to provide additional information shall be considered.
- b) *The time limits prescribed in subsection (a) may be extended by the Board for not more than 5 business days from the original due date for any of the following reasons:*
 - 1) *The requested records are stored in whole or in part at locations other than the office having charge of the requested records;*
 - 2) *The request requires the collection of a substantial number of specified records;*
 - 3) *The request is couched in categorical terms and requires an extensive search for the records responsive to it;*
 - 4) *The requested records have not been located in the course of routine search and additional efforts are being made to locate them;*

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- 5) *The requested records require examination and evaluation by personnel having the necessary competence and discretion to determine if they are exempt from disclosure under Section 7 or 7.5 of FOIA or should be revealed only with appropriate deletions;*
 - 6) *The request for records cannot be complied with by the Board within the time limits prescribed by subsection (a) without unduly burdening or interfering with the operations of the Board; or*
 - 7) *There is a need for consultation, which shall be conducted with all practicable speed, with another public body or among two or more components of a public body having a substantial interest in the determination or in the subject matter of the request. (Section 3(e) of FOIA)*
- c) *The person making a request and the Board may agree in writing to extend the time for compliance for a period to be determined by the parties. If the requester and the Board agree to extend the period for compliance, a failure by the Board to comply with any previous deadlines shall not be treated as a denial of the request for the records. (Section 3(e) of FOIA)*
 - d) *When additional time is required for any of the reasons set forth in subsection (b), the Board will within 5 business days after receipt of the request, notify the person making the request of the reasons for the extension and the date by which the response will be forthcoming. Failure to respond within the time permitted for extension shall be considered a denial of the request. If the Board fails to respond to a request within the time permitted for extension but thereafter provides the requester with copies of the requested records, it may not impose a fee for those copies. If the Board requests an extension and subsequently fails to respond to the request, it will not treat the request as unduly burdensome under Section 2251.402. (Section 3(f) of FOIA)*

Section 2251.402 Requests for Records that the Board Considers Unduly Burdensome

- a) *The Board will fulfill requests calling for all records falling within a category unless compliance with the request would unduly burden the Board, there is no way to narrow the request, and the burden on the Board outweighs the public interest in the information. Before invoking this exemption, the Board will extend to the requester an opportunity to confer with it in an attempt to reduce the*

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request to manageable proportions. (Section 3(g) of FOIA) The amended request must be in writing.

- b) *If the Board determines that a request is unduly burdensome, it will do so in writing, specifying the reasons why it would be unduly burdensome and the extent to which compliance will so burden the operations of the Board. The response shall be treated as a denial of the request for information.* (Section 3(g) of FOIA)
- c) *Repeated requests for records that are unchanged or identical to records previously provided or properly denied under this Section from the same person shall be deemed unduly burdensome.* (Section 3(g) of FOIA)

Section 2251.403 Requests for Records that Require Electronic Retrieval

- a) A request for records that requires electronic retrieval will be treated the same as any other request for records, with the same timeline and extensions as allowed for other records.
- b) The Board will retrieve and provide electronic records only in a format and medium that is available to the Board.

Section 2251.404 Denials of Requests for Records

- a) The Board will deny requests for records when:
 - 1) Compliance with the request would unduly burden the Board, as determined pursuant to Section 2251.402, and the requester has not reduced the request to manageable proportions; or
 - 2) The records are exempt from disclosure pursuant to Section 7 or 7.5 of FOIA or Section 2251.202 or 2251.203 of this Part.
- b) *The denial of a request for records will be in writing.*
 - 1) *The notification shall include a description of the records denied; the reason for the denial, including a detailed factual basis for the application of any exemption claimed; and the names and titles or positions of each person responsible for the denial;* (Section 9(a) of FOIA)

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- 2) *Each notice of denial shall also inform such person of the right to review by the Public Access Counselor and provide the address and phone number for the Public Access Counselor. The notice of denial will inform the requester of the right to review under Section 2251.406; and (Section 9(a) of FOIA)*
- 3) *When a request for records is denied on the grounds that the records are exempt under Section 7 or 7.5 of FOIA, the notice of denial shall specify the exemption claimed to authorize the denial and the specific reasons for the denial, including a detailed factual basis and a citation to the supporting legal authority. (Section 9(b) of FOIA)*
- c) A requester may treat the Board's failure to respond to a request for records within 5 business days after receipt of the written request as a denial for purposes of the right to review by the Public Access Counselor.
- d) If the Board has given written notice pursuant to Section 2251.401(d), failure to respond to a written request within the time permitted for extension may be treated as a denial for purposes of the right to review by the Public Access Counselor.
- e) *Any person making a request for records shall be deemed to have exhausted his or her administrative remedies with respect to that request if the Board fails to act within the time periods provided in Section 2251.401. (Section 9(c) of FOIA)*

Section 2251.405 Requests for Review of Denials – Public Access Counselor

- a) As indicated in Section 9.5 of FOIA, *a person whose request to inspect or copy a record is denied by the Board may file a request for review with the Public Access Counselor established in the Office of the Attorney General not later than 60 days after the date of the final denial. (Section 9.5(a) of FOIA)*
- b) *If the Board asserts that the records are exempt under Section 2251.202(a)(4) or (a)(6), it will, within the time periods provided for responding to a request, provide written notice to the requester and the Public Access Counselor of its intent to deny the request in whole or in part. The notice will include:*
 - 1) *A copy of the request for access to records;*

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- 2) *The proposed response from the Board; and*
- 3) *A detailed summary of the Board's basis for asserting the exemption. (Section 9.5(b) of FOIA)*
- c) *Upon receipt of a notice of intent to deny from the Board, the Public Access Counselor shall determine whether further inquiry is warranted. The Public Access Counselor shall process the notification of intent to deny as detailed in Section 9.5(b) of FOIA. Times for response or compliance by the Board under Section 2251.401 will be tolled until the Public Access Counselor concludes his or her inquiry. (Section 9.5(b) of FOIA)*
- d) *Within 7 working days after the Board receives a request for review from the Public Access Counselor, the Board will provide copies of records requested and will otherwise fully cooperate with the Public Access Counselor. (Section 9.5(c) of FOIA)*
- e) *Within 7 working days after it receives a copy of a request for review and request for production of records from the Public Access Counselor, the Board may, but is not required to, answer the allegations of the request for review. The answer may take the form of a letter, brief or memorandum. The Public Access Counselor shall forward a copy of the answer to the person submitting the request for review, with any alleged confidential information to which the request pertains redacted from the copy. (Section 9.5(d) of FOIA)*
- f) *The requester may, but is not required to, respond in writing to the answer within 7 working days and shall provide a copy of the response to the Board. (Section 9.5(d) of FOIA)*
- g) *In addition to the request for review, and the answer and response thereto, if any, a requester or the Board may furnish affidavits or records concerning any matter germane to the review. (Section 9.5(e) of FOIA)*
- h) *A binding opinion from the Attorney General shall be binding upon both the requester and the Board, subject to administrative review under Section 2251.407. (Section 9.5(f) of FOIA)*
- i) *If the Attorney General decides to exercise his or her discretion to resolve a request for review by mediation or by a means other than issuance of a binding*

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opinion, the decision not to issue a binding opinion shall not be reviewable.
(Section 9.5(f) of FOIA)

- j) *Upon receipt of a binding opinion concluding that a violation of FOIA has occurred, the Board will either take necessary action immediately to comply with the directive of the opinion or will initiate administrative review under Section 2251.407. If the opinion concludes that no violation of FOIA has occurred, the requester may initiate administrative review under Section 2251.407.* (Section 9.5(f) of FOIA)
- k) *If the Board discloses records in accordance with an opinion of the Attorney General, the Board is immune from all liabilities by reason thereof and shall not be liable for penalties under FOIA.* (Section 9.5(f) of FOIA)
- l) *If the requester files suit under Section 2251.406 with respect to the same denial that is the subject of a pending request for review, the requester shall notify the Public Access Counselor, and the Public Access Counselor shall so notify the Board.* (Section 9.5(g) of FOIA)
- m) *The Attorney General may also issue advisory opinions to the Board regarding compliance with FOIA. A review may be initiated upon receipt of a written request from the Executive Director of the Board or the Board's Chief Legal Counsel, which shall contain sufficient accurate facts from which a determination can be made. The Public Access Counselor may request additional information from the Board in order to assist in the review. If the Board relies in good faith on an advisory opinion of the Attorney General in responding to a request, the Board is not liable for penalties under FOIA, so long as the facts upon which the opinion is based have been fully and fairly disclosed to the Public Access Counselor.* (Section 9.5(h) of FOIA)

Section 2251.406 Circuit Court Review

A requester also has the right to file suit for injunctive or declaratory relief in the Circuit Court for Sangamon County or for the county in which the requester resides, in accordance with the procedures set forth in Section 11 of FOIA.

Section 2251.407 Administrative Review

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A binding opinion issued by the Attorney General shall be considered a final decision of an administrative agency, for purposes of administrative review under the Administrative Review Law [735 ILCS 5/Art. III]. An action for administrative review of a binding opinion of the Attorney General shall be commenced in Cook County or Sangamon County. An advisory opinion issued to the Board shall not be considered a final decision of the Attorney General for purposes of this Section. (Section 11.5 of FOIA)

SUBPART E: PROCEDURES FOR PROVIDING RECORDS TO REQUESTERS

Section 2251.501 Inspection of Records

- a) The Board may make available records for personal inspection at the Board's central office located at the James R. Thompson Center, 100 W. Randolph St., Ste. 7-701, Chicago IL 60601. No original record shall be removed from State-controlled premises except under constant supervision of the Board. The Board may provide records in duplicate forms including, but not limited to, paper copies, data processing printouts, videotape, microfilm, audio tape, reel to reel microfilm, photographs and computer disks.
- b) *When a person requests a copy of a record maintained in an electronic format, the Board shall furnish it in the electronic format specified by the requester, if feasible. If it is not feasible to furnish the records in the specified electronic format, then the Board will furnish it in the format in which it is maintained by the Board, or in paper format at the option of the requester. (Section 6(a) of FOIA)*
- c) A requester may inspect records by appointment only, scheduled subject to space availability. The Board will schedule inspection appointments to take place during normal business hours, which are 8:30 a.m. to 5:00 p.m. Monday through Friday, exclusive of State holidays. If the requester must cancel the viewing appointment, the requester shall so inform the Board as soon as possible before the appointment.
- d) In order to maintain routine Board operations, the requester may be asked to leave the inspection area for a specified period of time.
- e) The requester will have access only to the designated inspection area.

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- f) Requesters shall not be permitted to take briefcases, folders or similar materials into the room where the inspection takes place. A Board employee may be present during the inspection.
- g) The requester shall segregate and identify the documents to be copied during the course of the inspection.

Section 2251.502 Copying of Records; Fees

- a) In accordance with Section 2251.503 and unless a fee is otherwise fixed by statute, the Board will provide copies of records and certifications of records in accordance with the fee schedule set forth in Appendix A.
- b) *In calculating its actual cost for reproducing records or for the use of the equipment of the Board to reproduce records, the Board will not include the costs of any search for and review of the records or other personnel costs associated with reproducing the records.* (Section 6(b) of FOIA)
- c) In order to expedite the copying of records that the Board cannot copy, due to the volume of the request or the operational needs of the Board, in the timelines established in Section 2251.401, the requester may provide, at the requester's expense, the copy machine, all necessary materials, and the labor to copy the records at the Board headquarters in the James R. Thompson Center. No original record shall be removed from State-controlled premises except under constant supervision of the Board.
- d) Copies of records will be provided to the requester only upon payment of any fees due. *The Board may charge the requester for the actual cost of purchasing the recording medium, whether disc, diskette, tape, or other medium, but the Board will not charge the requester for the costs of any search for and review of the records or other personnel costs associated with reproducing the records.* (Section 6(a) of FOIA) Payment must be by check or money order sent to the Board, payable to "Treasurer, State of Illinois".
- e) If a contractor is used to inspect or copy records, the following procedures shall apply:
 - 1) The requester, rather than the Board, must contract with the contractor;

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- 2) The requester is responsible for all fees charged by the contractor;
- 3) The requester must notify the Board of the contractor to be used prior to the scheduled on-site inspection or copying;
- 4) Only Board personnel may provide records to the contractor;
- 5) The Board must have verification that the requester has paid the Board, if payment is due, for the copying of the records before providing the records to the contractor; and
- 6) The requester must provide to the Board the contractor's written agreement to hold the records secure and to copy the records only for the purpose stated by the requester.

Section 2251.503 Reduction and Waiver of Fees

- a) *Fees may be reduced or waived by the Board if the requester states the specific purpose for the request and indicates that a waiver or reduction of the fee is in the public interest. In making this determination, the Board will consider the following:*
 - 1) *Whether the principal purpose of the request is to disseminate information regarding the health, safety, welfare or legal rights of the general public; and*
 - 2) *Whether the principal purpose of the request is personal or commercial benefit. For purposes of this subsection (a), "commercial benefit" shall not apply to requests made by news media when the principal purpose of the request is to access and disseminate information regarding the health, safety, welfare or legal rights of the general public. (Section 6(c) of FOIA)*
- b) The Board will provide records without charge to federal, State and municipal agencies, Constitutional officers and members of the General Assembly, and not-for-profit organizations providing evidence of good standing with the Secretary of State's Office.

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- c) *Except to the extent that the General Assembly expressly provides, statutory fees applicable to copies of records when furnished in a paper format will not be applicable to those records when furnished to a requester in an electronic format. (Section 6(a) of FOIA)*

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Section 2251.APPENDIX A Fee Schedule for Duplication and Certification of Records

TYPE OF DUPLICATION	FEE (PER COPY)
Paper copy from original, up to and including 50 copies of black and white, letter or legal sized copies	No charge
Paper copy from original, in excess of 50 copies of black and white, letter or legal sized copies	\$.15/page
Paper copy from microfilm original	\$.15/page
VHS video copy of tape	Actual cost of the reproduction
Audio tape copy of tape	Actual cost of the reproduction
CD ROM disk	Actual cost of the reproduction
Photograph from negative	Actual cost of the reproduction
Blueprints/oversized prints	Actual cost of the reproduction
Paper copies in color or in a size other than letter or legal	Actual cost of the reproduction
Certification fee	\$1.00/record

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- 1) Heading of the Part: Supertrifecta Exchange
- 2) Code Citation: 11 Ill. Adm. Code 310
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
310.10	Repealed
310.20	Repealed
310.30	Repealed
310.40	Repealed
310.50	Repealed
310.60	Repealed
310.70	Repealed
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This rule is being repealed because this pari-mutuel wager is obsolete and no longer utilized by the racetracks.
- 6) Published studies or reports and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending in this Part? No
- 11) Statement of Statewide Policy Objective: No local governmental units will be required to increase expenditures.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this Notice, to:

Mickey Ezzo
Illinois Racing Board
100 West Randolph
Suite 5-700

ILLINOIS RACING BOARD

NOTICE OF PROPOSED REPEALER

Chicago IL 60601
312/814-5017
Mickey.ezzo@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda which this rulemaking was summarized: This rulemaking was not included on either of the two most recent Regulatory Agendas because: The Board did not anticipate repealing the rule within that timeframe.

The full text of the Proposed Repealer begins on the next page:

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NOTICE OF PROPOSED REPEALER

TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULES

PART 310
SUPERTRIFECTA EXCHANGE (REPEALED)

Section

310.10	Definition
310.20	General Provisions
310.30	Pool Distribution
310.40	Dead Heats
310.50	Scratches
310.60	Races Canceled
310.70	Mandatory Distribution

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 19 Ill. Reg. 15214, effective November 1, 1995; repealed at 41 Ill. Reg. _____, effective _____.

Section 310.10 Definition

The supertrifecta exchange requires selection of the first three finishers, in their exact order, in the first of two designated contests, and the selection of the first four finishers, in their exact order in the second of two designated contests. Each winning wager for the first supertrifecta exchange contest must be exchanged for a free ticket on the second supertrifecta exchange contest in order to remain eligible for the second half supertrifecta exchange contest. Winning first half supertrifecta exchange wagers will receive both an exchange and a monetary payoff. All supertrifecta exchange wagers shall be calculated in an entirely separate pool.

Section 310.20 General Provisions

- a) Unless expressly noted in this Part, all trifecta rules shall apply.
- b) Supertrifecta exchange tickets shall be sold and exchanged by licensed facilities and at attended ticket-issuing machines. The sale, exchange or transfer of

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supertrifecta exchange tickets by any other facility or person is prohibited.

- c) Supertrifecta exchange wagers shall not be sold in denominations of less than \$1.
- d) The supertrifecta exchange rules shall be prominently displayed in the official program on each day the supertrifecta exchange wager is offered.
- e) If a wagering facility is unable to process wagers on the second supertrifecta exchange contest, due to unforeseen problems, including but not limited to totalizator malfunction, natural disaster, electrical failure, holders of winning wagers on the first supertrifecta exchange contest shall be entitled to the monetary value of the winning wager but shall not be eligible for an exchange ticket on the second supertrifecta exchange contest.
- f) Any organization licensee who elects to offer a supertrifecta exchange wager shall notify the State Director of Mutuels, in writing, at least 30 days prior to the start of its meet.

Section 310.30 Pool Distribution

- a) An organization shall elect a 50% or 75% carryover method prior to the start of its meet. The remaining 50% or 25% shall be the daily net pool.
- b) In the first supertrifecta exchange contest, winning wagers and distribution of the daily net pool shall be determined using the following precedence, based upon the official order of finish for the first supertrifecta exchange contest:
 - 1) As a single price pool to those whose combination finished in correct sequence as the first three betting interests; but if there are no such wagers, then
 - 2) As a single price pool to those whose combination included, in correct sequence, the first two betting interests; but if there are no such wagers, then
 - 3) As a single price pool to those whose combination correctly selected the first place betting interest only; but if there are no such wagers, then
 - 4) The entire supertrifecta exchange pool, for that contest, shall be added to

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the carryover pool and the second half shall be canceled.

- c) If no first half supertrifecta exchange wager selects the first three finishers of that contest in exact order, winning wagers shall not receive any exchange tickets for the second half supertrifecta exchange pool. In such cases, the second half supertrifecta exchange pool shall be retained and added to any existing supertrifecta exchange carryover pool.
- d) The carryover pool shall be distributed to winning wagers on the second supertrifecta exchange contest according to the following precedence, based upon the official order of finish for the second supertrifecta exchange contest:
 - 1) As a single price pool to those whose combination finished in correct sequence as the first four betting interests; but if there are no such wagers, then
 - 2) The entire carryover pool for that contest shall be added to any existing carryover and retained for the next consecutive second half supertrifecta exchange pool.
- e) If a winning first half supertrifecta exchange wager is not presented for payment and exchange prior to the second half supertrifecta exchange contest, the ticket holder shall receive the monetary value associated with the first half supertrifecta exchange pool but forfeits all rights to any distribution of the second half supertrifecta exchange pool.

Section 310.40 Dead Heats

- a) If there is a dead heat or multiple dead heats in either the first or second supertrifecta exchange contest, all supertrifecta exchange wagers selecting the correct order of finish, including any dead-heated contestant, shall be considered winners.
- b) If there is a dead heat in the first supertrifecta exchange contest, payoffs shall be calculated as a profit split.
- c) If there is a dead heat in the second supertrifecta exchange contest, payoffs shall be calculated as a single price pool.

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Section 310.50 Scratches

- a) Should a betting interest in the first supertrifecta exchange contest be scratched, those wagers including the scratched betting interest shall be refunded.
- b) Should a betting interest in the second supertrifecta exchange contest be scratched, an announcement concerning the scratch shall be made and a reasonable amount of time shall be provided for exchange of tickets that include the scratched betting interest. If tickets have not been exchanged prior to the close of betting for the second supertrifecta exchange contest, the ticket holder forfeits all rights to the second supertrifecta exchange pool.
- c) If, due to a late scratch, the number of betting interests in the second supertrifecta exchange contest is reduced to fewer than the minimum, all exchange tickets and outstanding first half winning wagers shall be entitled to the second half supertrifecta exchange pool for that contest as a single price pool, but not the supertrifecta exchange carryover.

Section 310.60 Races Canceled

- a) If either of the supertrifecta exchange contests are canceled prior to the first supertrifecta exchange contest, the entire supertrifecta exchange pool shall be refunded.
- b) If the second supertrifecta exchange contest is canceled, all exchange tickets and outstanding first half winning supertrifecta exchange tickets shall be entitled to the daily net supertrifecta exchange pool for that contest as a single price pool, but not the supertrifecta exchange carryover.

Section 310.70 Mandatory Distribution

- a) The supertrifecta exchange carryover shall be designated for distribution on the last program of a race meeting or the last program during a consecutive race meeting of the same type of racing at the same track and shall be advertised to the public.
- b) In the event a mandatory distribution is required, the following precedence will be followed in determining winning wagers for the second supertrifecta exchange contest, based upon the official order of finish:

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- 1) As a single price pool to those who selected the first four finishers in exact order; but if there are no such wagers, then
 - 2) As a single price pool to those whose combination correctly selected the first, second and third place betting interests; but if there are no such wagers, then
 - 3) As a single price pool to those whose combination correctly selected the first and second place finishers; but if there are no such wagers, then
 - 4) As a single price pool to those whose combination correctly selected the first place betting interest; but if there are no such wagers, then
 - 5) As a single price pool to those whose combination correctly selected the second, third and fourth place finishers; but if there are no such wagers, then
 - 6) As a single price pool to those whose combination correctly selected the second and third place betting interest; but if there are no such wagers, then
 - 7) As a single price pool to those whose combination correctly selected the second place betting interest; but if there are no such wagers, then
 - 8) As a single price pool to those whose combination correctly selected the third and fourth place betting interest; but if there are no such wagers, then
 - 9) As a single price pool to those whose combination correctly selected the third place betting interest; but if there are no such wagers, then
 - 10) As a single price pool to those whose combination correctly selected the fourth place betting interest; but if there are no such wagers, then
 - 11) As a single price pool to holders of valid exchange tickets.
- c) In the event no valid exchange tickets are issued the carryover shall be distributed in the following precedence, based upon the official order of finish:

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- 1) As a single price pool to those whose combination correctly selected the first and second place betting interests in the first supertrifecta exchange contest; but if there are no such wagers, then
- 2) As a single price pool to those whose combination correctly selected the first place finisher in the first supertrifecta exchange contest; but if there are no such wagers, then
- 3) As a single price pool to those holding first half supertrifecta exchange wagers.

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- 1) Heading of the Part: Hi/Low
- 2) Code Citation: 11 Ill. Adm. Code 313
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
313.10	Repealed
313.20	Repealed
313.30	Repealed
313.40	Repealed
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This rule is being repealed because this pari-mutuel wager is obsolete and no longer utilized by the racetracks.
- 6) Published studies or reports and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending in this Part? No
- 11) Statement of Statewide Policy Objective: No local governmental units will be required to increase expenditures.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this Notice, to:

Mickey Ezzo
Illinois Racing Board
100 West Randolph
Suite 5-700
Chicago IL 60601

312/814-5017

ILLINOIS RACING BOARD

NOTICE OF PROPOSED REPEALER

Mickey.ezzo@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda which this rulemaking was summarized: This rulemaking was not included on either of the two most recent Regulatory Agendas because: The Board did not anticipate repealing the rule within that timeframe.

The full text of the Proposed Repealer begins on the next page:

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NOTICE OF PROPOSED REPEALER

TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULES

PART 313
HI/LOW (REPEALED)

Section

313.10	Hi/Low
313.20	General Provisions
313.30	Pool Variations
313.40	Pool Distribution

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 20 Ill. Reg. 10702, effective August 1, 1996; repealed at 41 Ill. Reg. _____, effective _____.

Section 313.10 Hi/Low

The Hi/Low wager is the sum of the official program numbers of the first three finishers, irrespective of order, in a designated contest upon which winning wagers are determined. All Hi/Low wagers shall be calculated as an entirely separate wagering pool.

Section 313.20 General Provisions

- a) The minimum Hi/Low wager shall not be more than \$20. The designated minimum wager shall be displayed in the official program on each day the Hi/Low wager is offered.
- b) The Section shall be displayed in the official program on each racing day the Hi/Low wager is offered.
- c) The designated target number and/or pool variation selected by the organization licensee in accordance with Section 313.30 of this Part shall be prominently displayed in the official program for each race designated for Hi/Low wagering. The target number selected by the organization licensee shall not be lower than 6

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or greater than the sum of the 3 highest post position numbers.

- d) Hi/Low wagering shall be prohibited on races that contain coupled entries or mutuel fields.
- e) Takeout shall be deducted from each gross Hi/Low pool pursuant to the Act [230 ILCS 5/26(a)]. The takeout rate established by the organization licensee shall be prominently displayed in the official program each racing day that the Hi/Low wager is offered.

Section 313.30 Pool Variations

The organization licensee shall select one of the following 3 variations for each Hi/Low wager:

- a) A target number plus $\frac{1}{2}$ designated by the organization licensee, which creates 2 wagering options (Hi or Low).
- b) A target number designated by the organization licensee, which creates 3 wagering options (Hi, Low or Push). A push shall be a wager which correctly selects the target number and not the Hi or Low category.
- c) Three wagering options, designated by the organization licensee, based on the total possible minimum and maximum range (i.e., 6 to 12, 13 to 17, and 18 to 27 for a 10 horse field).

Section 313.40 Pool Distribution

- a) The Hi/Low wager shall be distributed as a single price pool as described in 11 Ill. Adm. Code 300.20(a).
- b) In the event there are fewer than 3 finishers in a designated Hi/Low contest, the entire Hi/Low pool shall be refunded.
- c) In the event there is a dead heat in a designated Hi/Low contest, the sum of program numbers for all horses placed first, second and third shall be the number upon which winning wagers are determined (e.g., finishing horses 1, 2 (dead heated), 3 and 4; total number to determine pool would be 10).
- d) In the event there are no winning wagers for a Hi/Low contest, the entire Hi/Low

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pool shall be refunded.

- e) In the event a scratch of betting interests eliminates one or more of the wagering options established pursuant to Section 313.20 of this Part, the entire Hi/Low pool shall be refunded.

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- 1) Heading of the Part: Show Quinella
- 2) Code Citation: 11 Ill. Adm. Code 316
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
316.10	Repealed
316.20	Repealed
316.30	Repealed
316.40	Repealed
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This rule is being repealed because this pari-mutuel wager is obsolete and no longer utilized by the racetracks.
- 6) Published studies or reports and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending in this Part? No
- 11) Statement of Statewide Policy Objective: No local governmental units will be required to increase expenditures.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this Notice, to:

Mickey Ezzo
Illinois Racing Board
100 West Randolph
Suite 5-700
Chicago IL 60601

312/814-5017

ILLINOIS RACING BOARD

NOTICE OF PROPOSED REPEALER

Mickey.ezzo@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda which this rulemaking was summarized: This rulemaking was not included on either of the two most recent Regulatory Agendas because: The Board did not anticipate repealing the rule within that timeframe.

The full text of the Proposed Repealer begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED REPEALER

TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULES

PART 316
SHOW QUINELLA (REPEALED)

Section

316.10	General
316.20	Pool Distribution
316.30	Dead Heat
316.40	Scratches

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 21 Ill. Reg. 6583, effective May 19, 1997; repealed at 41 Ill. Reg. _____, effective _____.

Section 316.10 General

- a) The Show Quinella requires the selection of two of the first three place finishers, irrespective of order, for a single contest. The Show Quinella wager shall be calculated in an entirely separate pool.
- b) The Show Quinella rules shall be prominently displayed in the official program each day the wager is offered.
- c) Show Quinella wagers shall not be sold in denominations of less than \$1, unless otherwise approved by the Board pursuant to 11 Ill. Adm. Code 300.40(a).
- d) The organization licensee may re-name this wager, but shall notify the State Director of Mutuels of the name to be used.

Section 316.20 Pool Distribution

The organization licensee shall elect one of the following methods for distribution of the Show Quinella pool:

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- a) Method 1: Single price with no carryover: The net Show Quinella pool shall be distributed as a single price to those whose combinations finished as the first two betting interests, the first and third betting interests and/or the second and third betting interests; but if there are no such wagers, then the entire pool shall be refunded on Show Quinella wagers for that contest.
- b) Method 2: Single price with carryover: The net Show Quinella pool shall be distributed as a single price pool to those whose combination finished as the first two betting interests, the first and third betting interests and/or the second and third betting interests; but if there are no such wagers, then the net pool shall be carried forward, added to any existing carryover and added to the next Show Quinella pool.
- c) Method 3: Profit split with no carryover: The net Show Quinella pool shall be distributed as a profit split to those whose combination finished as the first two betting interests, the first and third betting interests and/or the second and third betting interests; but if there are no such wagers, then the entire pool shall be refunded on Show Quinella wagers for that contest.
- d) Method 4: Profit split with carryover: The net Show Quinella pool shall be distributed as a profit split to those whose combination finished as the first two betting interests, the first and third betting interests and/or the second and third betting interests; but if there are no such wagers, then the net pool shall be carried forward, added to any existing carryover and added to the next Show Quinella pool.
- e) If contestants of a coupled entry or mutuel field finish within the first three finishers, the next separate betting interest shall be used to comprise the first three place finishers to determine the winning combinations for this wager.

Section 316.30 Dead Heat

- a) In the event there is a dead heat for first place involving:
 - 1) two or three separate betting interests, the net pool shall be distributed as if no dead heat occurred.
 - 2) four or more separate betting interests, the net pool shall be distributed

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between all possible winning combinations of the first and second, first and third, and second and third place finishers.

- b) In the event there is a dead heat for second place involving:
 - 1) two separate betting interests, the net pool shall be distributed as if no dead heat occurred.
 - 2) three or more separate betting interests, the net pool shall be distributed between all possible winning combinations of the first and second, first and third, and second and third place finishers.
- c) In the event there is a dead heat for third place involving two or more separate betting interests, the net pool shall be distributed between all possible winning combinations of the first and third, second and third, and first and second place finishers.

Section 316.40 Scratches

- a) In the event any contestant, which is not part of an entry or mutuel field, is scratched, all wagers including the scratched betting interest shall be refunded.
- b) Scratches involving an entry or mutuel field shall not be refunded unless all contestants of the entry or mutuel field are scratched.
- c) In the event scratches reduce the number of betting interests in any Show Quinella contest to fewer than five, the entire pool shall be refunded.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Countdown
- 2) Code Citation: 11 Ill. Adm. Code 317
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
317.10	Repealed
317.20	Repealed
317.30	Repealed
317.40	Repealed
317.50	Repealed
317.60	Repealed
317.70	Repealed
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking is being repealed because this pari-mutuel wager is obsolete and no longer utilized by the racetracks.
- 6) Published studies or reports and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporation by reference? No
- 10) Are there any other rulemakings pending in this Part? No
- 11) Statement of Statewide Policy Objective: No local governmental units will be required to increase expenditures.
- 12) Time, Place and Manner in which interested persons may comment on this rulemaking: Written comments should be submitted, within 45 days after this Notice, to:

Mickey Ezzo
Illinois Racing Board
100 West Randolph

ILLINOIS RACING BOARD

NOTICE OF PROPOSED REPEALER

Suite 5-700
Chicago IL 60601

312/814-5017
Mickey.ezzo@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda which this rulemaking was summarized: This rulemaking was not included on either of the two most recent Regulatory Agendas because: The Board did not anticipate repealing the rule within that timeframe.

The full text of the Proposed Repealer begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED REPEALER

TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULES

PART 317
COUNTDOWN (REPEALED)

Section

317.10	General
317.20	Pool Calculations
317.30	Dead Heats
317.40	Scratches
317.50	Cancellation
317.60	Carryover Cap
317.70	Mandatory Distribution

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 21 Ill. Reg. 6572, effective May 19, 1997; amended at 22 Ill. Reg. 2212, effective January 1, 1998; repealed at 41 Ill. Reg. _____, effective _____.

Section 317.10 General

- a) The Countdown wager consists of four consecutive designated contests. The Countdown wager requires the selection of the fourth place finisher in the first designated contest; the third place finisher in the second designated contest; the second place finisher in the third designated contest; and the first place finisher in the fourth designated contest. The Countdown wager shall be calculated in an entirely separate pool.
- b) The Countdown wager shall be described in detail in the official program on each day the wager is offered. The scratch provisions contained in Section 317.40 shall be prominently displayed in the official program on each day the wager is offered.
- c) Each designated contest of the Countdown wager shall be conspicuously identified in the official program.

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- d) Countdown wagers shall not be sold in denominations of less than \$1.
- e) The organization licensee may re-name this wager, but shall notify the State Director of Mutuels of the name to be used.

Section 317.20 Pool Calculations

The organization licensee may select one of the following methods for conducting its Countdown pool. As used in this Part, "Major Pool" is defined as 75% of the daily net pool; and "Minor Pool" is defined as 25% of the daily net pool. Any deviation from the Major/Minor pool percentage division must be approved by the State Director of Mutuels.

- a) Method 1, Countdown with Carryover: The net Countdown pool and carryover, if any, shall be distributed as a single price pool to those who selected the correct winning betting interest in each of the four designated contests as established in Section 317.10 of this Part, based upon the official order of finish. If there are no such wagers, then a designated percentage of the net pool shall be distributed as a single price pool to those who selected the greatest number of winning betting interests in the Countdown contests; the remainder shall be added to the carryover.
- b) Method 2, Countdown with Minor Pool and Carryover: The major share of the net Countdown pool and the carryover, if any, shall be distributed to those who selected the winning betting interest in each of the four designated contests as established in Section 317.10 of this Part, based upon the official order of finish. The minor share of the net Countdown pool shall be distributed to those who selected the second greatest number of winning betting interests in the Countdown contests, based upon the official order of finish. If there are no wagers selecting the winning betting interest in each of the four designated Countdown contests, the minor share of the net Countdown pool shall be distributed as a single price pool to those who selected the greatest number of winning betting interests in the Countdown contests; the major share shall be added to the carryover.
- c) Method 3, Countdown with No Minor Pool and No Carryover: The net Countdown pool shall be distributed as a single price pool to those who selected the greatest number of winning betting interests in the Countdown contests, based upon the official order of finish. If there are no winning wagers on any of the

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Countdown contests, the pool is refunded.

- d) Method 4, Countdown with Major Pool and No Carryover: The major share of the net Countdown pool shall be distributed to those who selected the greatest number of winning betting interests in the Countdown contests, based upon the official order of finish. The minor share of the net Countdown pool shall be distributed to those who selected the second greatest number of winning betting interests in the Countdown contests, based upon the official order of finish. If there are no wagers selecting the second greatest number of winning betting interests in the Countdown contests, the minor share of the net Countdown pool shall be combined with the major share for distribution as a single price pool to those who selected the greatest number of winning betting interests in the Countdown contests. If the greatest number of winning betting interests is one, the major and minor shares are combined for distribution as a single price pool. If there are no winning wagers, the pool is refunded.
- e) Method 5, Countdown with Minor Pool and No Carryover: The major share of net Countdown pool shall be distributed to those who selected the winning betting interests in each of the four designated Countdown contests, based upon the official order of finish. The minor share of the net Countdown pool shall be distributed to those who selected the second greatest number of winning betting interests in the Countdown contests, based upon the official order of finish. If there are no wagers selecting the winning betting interest in each of the designated Countdown contests, the entire net Countdown pool shall be distributed as a single price pool to those who selected the greatest number winning betting interests in the Countdown contests. If there are no wagers selecting the second greatest number of winning betting interests in the Countdown contests, the minor share of the net Countdown pool shall be combined with the major share for distribution as a single price pool to those who selected the winning betting interests in each of the four designated Countdown contests. If there are no winning wagers on any of the Countdown contests, the pool is refunded.

Section 317.30 Dead Heats

- a) In the event there is a dead heat involving any of the first through fourth place finishers in a Countdown contest, the Countdown pool shall be distributed as a single price pool.

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- b) In the event there is a dead heat in any of the Countdown contests, the following shall apply:
- 1) In the first designated Countdown contest, all betting interests involved in a dead heat for third or fourth place shall be considered winners. If there is a dead heat for third and fourth place, only those betting interests involved in the dead heat for third place shall be considered winners.
 - 2) In the second designated Countdown contest, all betting interests involved in a dead heat for second or third place shall be considered winners. If there is a dead heat for second and third, only those betting interests involved in the dead heat for second place shall be considered winners.
 - 3) In the third designated Countdown contest, all betting interests involved in a dead heat for first or second place shall be considered winners. If there is a dead heat for first and second place, only those betting interests involved in the dead heat for first place shall be considered winners.
 - 4) In the fourth designated Countdown contest, all betting interests involved in a dead heat for first place shall be considered winners.

Section 317.40 Scratches

In the event a betting interest is scratched from any Countdown contest, the contestant with the greatest amount wagered in the win pool with the lowest program number shall be substituted for the scratched betting interest.

Section 317.50 Cancellation

- a) The Countdown pool shall be canceled and all Countdown wagers for the individual performance shall be refunded if three or more contests included as part of the Countdown wager are canceled or declared "no contest".
- b) If one or two contests included as part of a Countdown are canceled or declared "no contest", the daily net pool shall be distributed as a single price pool to wagers correctly selecting the winning betting interests in the remaining Countdown contests. The carryover, if any, shall be carried to the next racing program.

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Section 317.60 Carryover Cap

The Countdown carryover, if any, may be capped at a designated level approved by the State Director of Mutuels so that if, at the close of any performance, the amount in the Countdown carryover equals or exceeds the designated cap, the Countdown carryover will be frozen until it is won or distributed pursuant to Section 317.70 of this Part. After the Countdown carryover is frozen, 100 percent of the net pool, part of which ordinarily would be added to the Countdown carryover, shall be distributed to those whose selection correctly designates the greatest number of winning betting interests, as defined in Section 317.10 of this Part, in the Countdown contests for the performance.

Section 317.70 Mandatory Distribution

- a) A written request for permission to distribute the Countdown carryover on a specific performance may be submitted to the State Director of Mutuels. The request shall contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution.
- b) Should the Countdown carryover be designated for distribution on a specified date and performance in which there are no wagers selecting the winning betting interest in each of the four designated Countdown contests, the entire pool shall be distributed as a single price pool to:
 - 1) those whose selection correctly designates the winning betting interest in any three of the four Countdown contests, but if there are no such wagers, then
 - 2) those whose selection correctly designates the winning betting interest in any two of the four Countdown contests, but if there are no such wagers, then
 - 3) those whose selection correctly designates the winning betting interests in one of the four Countdown contests.
- c) The Countdown carryover shall be designated for distribution on a specified date and performance only under the following circumstances:
 - 1) Upon written approval from the State Director of Mutuels as provided for in subsection (a) of this Section.

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- 2) On the closing performance of the meet, split meet or successive or intervening race meeting at the same race track.
- d) If, for any reason, the Countdown carryover must be held over to the corresponding Countdown of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the State Director of Mutuels. The Countdown carryover plus accrued interest shall then be added to the net Countdown pool of the following meet on a date and performance designated by the State Director of Mutuels.
- e) With written approval of the Board, the organization licensee may contribute to the Countdown carryover a sum of money up to any designated cap.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: WPS Pick (N)
- 2) Code Citation: 11 Ill. Adm. Code 323
- 3)

<u>Section Numbers:</u>	<u>Proposed Actions:</u>
323.10	Repealed
323.20	Repealed
323.30	Repealed
323.40	Repealed
323.50	Repealed
323.60	Repealed
323.70	Repealed
323.80	Repealed
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This rule is being repealed because this pari-mutuel wager is obsolete and no longer utilized by the racetracks.
- 6) Published studies or reports and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending in this Part? No
- 11) Statement of Statewide Policy Objective: No local governmental units will be required to increase expenditures.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this Notice, to:

Mickey Ezzo
Illinois Racing Board
100 West Randolph

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NOTICE OF PROPOSED REPEALER

Suite 5-700
Chicago IL 60601

312/814-5017
Mickey.ezzo@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda which this rulemaking was summarized: This rulemaking was not included on either of the two most recent Regulatory Agendas because: The Board did not anticipate repealing the rule within that timeframe.

The full text of the Proposed Repealer begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED REPEALER

TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULES

PART 323
WPS PICK (N) (REPEALED)

Section	
323.10	General
323.20	Pool Distribution
323.30	Dead Heats
323.40	Scratches
323.50	Races Cancelled
323.60	Carryover Cap
323.70	Mandatory Distribution
323.80	Disclosure

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 30 Ill. Reg. 14585, effective September 1, 2006; repealed at 41 Ill. Reg. _____, effective _____.

Section 323.10 General

- a) The WPS (win, place, show) Pick (n) requires selection of a winning contestant in each of a designated number of contests. Each individual contest in the WPS Pick (n) will be designated as a win contest, place contest, or show contest.
- b) A win contest requires the selection of the first place finisher, a place contest requires the selection of a first or second place finisher, and a show contest requires the selection of a first or second or third place finisher.
- c) The organization licensee shall designate the number of contests, whether each individual contest is a win, place, or show contest, and the method for pool calculation prior to the start of its meet.
- d) The organization licensee shall submit, in writing, its intent to offer the WPS Pick

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- (n) wager to the State Director of Mutuels no later than 30 days prior to the start of its meet.
- e) An organization licensee offering the WPS Pick (n) wager may rename the wager so long as the name adopted by the organization licensee remains the same throughout the race meet.
 - f) WPS Pick (n) wagers shall be calculated in an entirely separate pool.

Section 323.20 Pool Distribution

The organization licensee may select one of the following methods for conducting its WPS Pick (n) pool. As used in this Part, "major pool" is defined as 75% of the daily net pool and "minor pool" is defined as 25% of the daily net pool. Any deviation from the major/minor pool percentage division must be approved by the State Director of Mutuels.

- a) Method 1, WPS Pick (n) with Carryover: The net WPS Pick (n) pool and carryover, if any, shall be distributed as a single price pool to those who selected a winning contestant in each of the WPS Pick (n) contests, based upon the official order of finish. If there are no such wagers, then a designated percentage of the net pool shall be distributed as a single price pool to those who selected a winning contestant in the greatest number of WPS Pick (n) contests and the remainder shall be added to the carryover.
- b) Method 2, WPS Pick (n) with Minor Pool and Carryover: The major share of the net WPS Pick (n) pool and the carryover, if any, shall be distributed to those who selected a winning contestant in each of the WPS Pick (n) contests, based upon the official order of finish. The minor share of the net WPS Pick (n) pool shall be distributed to those who selected a winning contestant in the second greatest number of WPS Pick (n) contests, based upon the official order of finish. If there are no wagers selecting a winning contestant of all WPS Pick (n) contests, the minor share of the net WPS Pick (n) pool shall be distributed as a single price pool to those who selected a winning contestant in the greatest number of WPS Pick (n) contests and the major share shall be added to the carryover.
- c) Method 3, WPS Pick (n) with No Minor Pool and No Carryover: The net WPS Pick (n) pool shall be distributed as a single price pool to those who selected a winning contestant in the greatest number of WPS Pick (n) contests, based upon the official order of finish. If there are no winning wagers, the pool is refunded.

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- d) Method 4, WPS Pick (n) with Minor Pool and No Carryover: The major share of the net WPS Pick (n) pool shall be distributed to those who selected a winning contestant in the greatest number of WPS Pick (n) contests, based upon the official order of finish. The minor share of the net WPS Pick (n) pool shall be distributed to those who selected a winning contestant in the second greatest number of WPS Pick (n) contests, based upon the official order of finish. If there are no wagers selecting a winning contestant in a second greatest number of WPS Pick (n) contests, the minor share of the net WPS Pick (n) pool shall be combined with the major share for distribution as a single price pool to those who selected a winning contestant in the greatest number of WPS Pick (n) contests. If the greatest number of winning contestants selected is one, the major and minor shares are combined for distribution as a single price pool. If there are no winning wagers, the pool is refunded.
- e) Method 5, WPS Pick (n) with Minor Pool and No Carryover: The major share of net WPS Pick (n) pool shall be distributed to those who selected a winning contestant in each of the WPS Pick (n) contests, based upon the official order of finish. The minor share of the net WPS Pick (n) pool shall be distributed to those who selected a winning contestant in the second greatest number of WPS Pick (n) contests, based upon the official order of finish. If there are no wagers selecting a winning contestant in all WPS Pick (n) contests, the entire net WPS Pick (n) pool shall be distributed as a single price pool to those who selected a winning contestant in the greatest number of WPS Pick (n) contests. If there are no wagers selecting a winning contestant in a second greatest number of WPS Pick (n) contests, the minor share of the net WPS Pick (n) pool shall be combined with the major share for distribution as a single price pool to those who selected a winning contestant in each of the WPS Pick (n) contests. If there are no winning wagers, the pool is refunded.
- f) Method 6, WPS Pick (n) with Minor Pool and Carryover: The net WPS Pick (n) pool and carryover, if any, shall be distributed to those who selected a winning contestant in each of the WPS Pick (n) contests, based upon the official order of finish. If there are no wagers selecting a winning contestant in all WPS Pick (n) contests, two-thirds of the net pool (major pool) or one-half of the total gross pool, whichever is greater, shall be distributed as a single price pool to those who present a valid pari-mutuel wager for that WPS Pick (n) pool and the remaining one-third of the net pool shall be added to the carryover. The minimum pay-off

ILLINOIS RACING BOARD

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provisions contained in 11 Ill. Adm. Code 405.130 shall not apply when distributing the major pool in this pool calculation.

Section 323.30 Dead Heats

- a) If there is a dead heat for first, second, or third in any of the WPS Pick (n) contests involving contestants representing the same betting interest, the WPS Pick (n) pool shall be distributed as if no dead heat occurred.
- b) If there is a dead heat for first in any of the WPS Pick (n) contests designated as a win contest involving contestants representing two or more betting interests, the WPS Pick (n) pool shall be distributed as a single price pool with each winning wager receiving an equal share of the profit.
- c) If there is a dead heat for first in any of the WPS Pick (n) contests designated a place or show contest involving contestants representing two or more betting interests, the WPS Pick (n) pool shall be distributed as if no dead heat occurred.
- d) If there is a dead heat for second in any of the WPS Pick (n) contests designated as a win or show contest, the WPS Pick (n) pool shall be distributed as if no dead heat occurred.
- e) If there is a dead heat for second in any of the WPS Pick (n) contests designated as a place contest, involving contestants representing two or more betting interests, the WPS Pick (n) pool shall be distributed as a single price pool with each winning wager including each betting interest that finished first or any betting interest involved in the dead heat for second.
- f) If there is a dead heat for third in any of the WPS Pick (n) contests designated as a win or place contest, the WPS Pick (n) pool shall be distributed as if no dead heat occurred.
- g) If there is a dead heat for third in any of the WPS Pick (n) contests designated as a show contest, involving contestants representing two or more betting interests, the WPS Pick (n) pool shall be distributed as a single price pool with each winning wager including each betting interest that finished first or second or any betting interest involved in the dead heat for third.

Section 323.40 Scratches

ILLINOIS RACING BOARD

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Should a betting interest in any of the WPS Pick (n) contests be scratched, the actual favorite, as evidenced by total amounts wagered in the win pool at the closing of wagering on that contest, shall be substituted for the scratched betting interest for all purposes, including pool calculations. In the event that the win pool total for two or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number. The totalizator shall produce reports showing each of the wagering combinations with substituted betting interests that became winners as a result of the substitution, in addition to the normal winning combination.

Section 323.50 Cancelled Races

- a) The WPS Pick (n) pool shall be cancelled and all WPS Pick (n) wagers for the individual performance shall be refunded if:
 - 1) At least two contests included as part of a WPS Pick 3 are cancelled or declared "no contest".
 - 2) At least three contests included as part of a WPS Pick 4 or WPS Pick 5 are cancelled or declared "no contest".
 - 3) At least four contests included as part of a WPS Pick 6 or WPS Pick 7 are cancelled or declared "no contest".
 - 4) At least five contests included as part of a WPS Pick 8 or WPS Pick 9 are cancelled or declared "no contest".
 - 5) At least six contests included as part of a WPS Pick 10 or WPS Pick 11 are cancelled or declared "no contest".
- b) If at least one contest included as part of a WPS Pick (n) is cancelled or declared "no contest", but not more than the number specified in subsection (a), the net pool shall be distributed as a single price pool to those who selected a winning contestant in the greatest number of WPS Pick (n) contests for that performance. Such distribution shall include the portion ordinarily retained for the WPS Pick (n) carryover but not the carryover from previous performances.

Section 323.60 Carryover Cap

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The WPS Pick (n) carryover may be capped at a designated level approved by the State Director of Mutuels so that if, at the close of any performance, the amount in the WPS Pick (n) carryover equals or exceeds the designated cap, the WPS Pick (n) carryover will be frozen until it is won or distributed under Section 323.70. After the WPS Pick (n) carryover is frozen, 100% of the net pool, part of which ordinarily would be added to the WPS Pick (n) carryover, shall be distributed to those who selected a winning contestant in the greatest number of WPS Pick (n) contests for that performance.

Section 323.70 Mandatory Distribution

- a) A written request for permission to distribute the WPS Pick (n) carryover on a specific performance may be submitted to the State Director of Mutuels. The request must contain justification for the distribution, an explanation of the benefit to be derived, and the intended date and performance for the distribution.
- b) Should the WPS Pick (n) carryover be designated for distribution on a specified date and performance in which there are no wagers selecting a winning contestant in each of the WPS Pick (n) contests, the entire pool shall be distributed as a single price pool to those who selected a winning contestant in the greatest number of WPS Pick (n) contests. The WPS Pick (n) carryover shall be designated for distribution on a specified date and performance only under the following circumstances:
 - 1) Upon written approval from the State Director of Mutuels as provided for in subsection (a).
 - 2) Upon written approval from the State Director of Mutuels when there is a change in the carryover cap, a change from one type of WPS Pick (n) wagering to another, or the WPS Pick (n) is discontinued.
 - 3) On the closing performance of the meet, split meet or successive or intervening race meeting at the same race track.
- c) If, for any reason, the WPS Pick (n) carryover must be held over to the corresponding WPS Pick (n) of a subsequent meet, the carryover shall be deposited in an interest-bearing account approved by the Sate Director of Mutuels. The WPS Pick (n) carryover plus accrued interest shall then be added to the net WPS Pick (n) pool of the following meet on a date and performance designated by the State Director of Mutuels.

ILLINOIS RACING BOARD

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- d) With written approval of the Board, the organization licensee may contribute to the WPS Pick (n) carryover a sum of money up to any cap designated by the Board.

Section 323.80 Disclosure

The organization licensee may display potential distribution to ticket holders depending on the outcome of the appropriate WPS Pick (n) contest.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: General Licensee Rules
- 2) Code Citation: 11 Ill. Adm. Code 1313
- 3) Section Number: 1313.70 Proposed Action: Amendment
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking eliminates the provision in Section 1313.70 requiring harness horses racing in stakes races to be in the paddock by 12 noon on race day. The added security time, between five and eight hours, brings about a hardship to harness horsemen, racetrack security, and the horses. For harness horsemen and racetrack security, it requires them to be in the paddock with their horses for nearly 12 hours on race day. It also requires the horses to be out of their normal surroundings for a longer period of time and can adversely affect their performance. All harness horses racing in Illinois will still be subject to the standard four hour detention.
- 6) Published studies or reports and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: No local governmental units will be required to increase expenditures.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this Notice, to:

Mickey Ezzo
Illinois Racing Board
100 West Randolph

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

Suite 5-700
Chicago IL 60601

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Mickey.ezzo@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Harness horsemen and racetracks. For harness horsemen, it requires them to be in the paddock with their horses for nearly 12 hours on race day. This will result in savings to harness horsemen and reduce the hardship placed on their horses. This will also result in a savings to racetracks.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent Regulatory Agendas because: The Board did not anticipate amending the rule within that timeframe.

The full text of the Proposed Amendment begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER f: RULES AND REGULATIONS OF HARNESS RACING

PART 1313
GENERAL LICENSEE RULES

Section

1313.10	Worker's Compensation (Repealed)
1313.20	Health Regulations (Repealed)
1313.30	Observe Sanitary, Safety, Humane Rules (Repealed)
1313.40	Halters
1313.48	Safety Helmets
1313.50	Equipment Change and Records
1313.60	Sulky Performance Standards
1313.70	Horses in Paddock
1313.80	Body Alcohol Testing
1313.90	Deceased and Sick Horses (Repealed)
1313.100	Firearms
1313.110	Private Practice Prohibited
1313.120	Veterinarian Reports (Repealed)
1313.130	Clean Equipment (Repealed)

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Published in Rules and Regulations of Harness Racing, (original date not cited in publication); passed July 11, 1972; amended April 13, 1973; amended June 11, 1973; amended October 25, 1973, filed December 17, 1973 codified at 5 Ill. Reg. 10937; amended at 11 Ill. Reg. 14816, effective August 24, 1987; amended at 11 Ill. Reg. 20205, effective December 31, 1987; amended at 18 Ill. Reg. 15442, effective September 30, 1994; emergency amendment at 28 Ill. Reg. 5713, effective March 24, 2004, for a maximum of 150 days; emergency expired August 20, 2004; amended at 28 Ill. Reg. 12119, effective August 22, 2004; amended at 29 Ill. Reg. 19688, effective December 1, 2005; amended at 31 Ill. Reg. 16519, effective December 1, 2007; amended at 33 Ill. Reg. 11890, effective August 1, 2009; amended at 41 Ill. Reg. _____, effective _____.

Section 1313.70 Horses in Paddock

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

- a) All horses must be in the paddock, in their assigned stalls, between 4 hours and 6 hours before scheduled post time of the race in which the horse is entered, as determined by the Board. ~~Horses racing in stakes races with a purse of \$20,000 or greater, and elimination races for stakes races with a purse of \$40,000 or greater, shall be in their assigned stalls in the paddock at 12:00 noon the day of the race.~~ Failure to have a horse in the assigned stall at the designated deadline shall result in the horse being scratched, and the trainer of record shall be subject to a fine not less than \$200 and not more than \$500. The fine may be waived if the Stewards determine that a verifiable emergency (for example, inclement weather, medical emergency or trainer vehicle breakdown or accident) prevented the trainer from getting the horse to the racetrack at the designated deadline. The trainer shall submit appropriate written documentation of the emergency as determined by the Stewards (for example, emergency room report, towing or repair bill or police report). Except for warm-up scores, no horse shall leave the paddock until called to post.
- b) Persons entitled to admission to the paddock are:
- 1) Owners of horses competing on the date of the race.
 - 2) Trainers of horses competing on the date of the race.
 - 3) Drivers of horses competing on the date of the race.
 - 4) Grooms and caretakers of horses competing on the date of the race.
 - 5) Officials whose duties require their presence in the paddock or receiving barn.
- c) No more than 2 members of a registered stable, other than the driver, shall be entitled to admission to the paddock on any racing day.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Number: 100.9910 Proposed Action:
New Section
- 4) Statutory Authority: 35 ILCS 35/10
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking adds new Section 100.9910, implementing the State Tax Preparer Oversight Act.
- 6) Published studies or reports and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citation:</u>
100.3380	Amendment	40 Ill. Reg. 15878; December 2, 2016
100.3390	Amendment	40 Ill. Reg. 15878; December 2, 2016
100.7310	Amendment	40 Ill. Reg. 16181, December 23, 2016
100.7325	Amendment	40 Ill. Reg. 16181, December 23, 2016
100.3370	Amendment	40 Ill. Reg. 16711, December 30, 2016
- 11) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 12) Time, Place and Manner in which interested persons may comment on this rulemaking: Persons who wish to submit comments on this rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Brian Stocker
Staff Attorney

DEPARTMENT OF REVENUE

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Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield IL 62796

217/782-2844

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking provides guidance on the State Tax Preparer Oversight Act, and applies to individuals operating or employed by small businesses that prepare Illinois income tax returns for their customers.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: None

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF REVENUE

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TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 100
INCOME TAX

SUBPART A: TAX IMPOSED

Section	
100.2000	Introduction
100.2050	Net Income (IITA Section 202)
100.2060	Compassionate Use of Medical Cannabis Pilot Program Act Surcharge (IITA Section 201(o))

SUBPART B: CREDITS

Section	
100.2100	Replacement Tax Investment Credit Prior to January 1, 1994 (IITA Section 201(e))
100.2101	Replacement Tax Investment Credit (IITA 201(e))
100.2110	Investment Credit; Enterprise Zone and River Edge Redevelopment Zone (IITA Section 201(f))
100.2120	Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone and River Edge Redevelopment Zone (IITA Section 201(g))
100.2130	Investment Credit; High Impact Business (IITA 201(h))
100.2140	Credit Against Income Tax for Replacement Tax (IITA 201(i))
100.2150	Training Expense Credit (IITA 201(j))
100.2160	Research and Development Credit (IITA Section 201(k))
100.2163	Environmental Remediation Credit (IITA 201(l))
100.2165	Education Expense Credit (IITA 201(m))
100.2170	Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)
100.2171	Angel Investment Credit (IITA 220)
100.2180	Credit for Residential Real Property Taxes (IITA 208)
100.2185	Film Production Services Credit (IITA Section 213)
100.2190	Tax Credit for Affordable Housing Donations (IITA Section 214)
100.2193	Student-Assistance Contributions Credit (IITA 218)
100.2195	Dependent Care Assistance Program Tax Credit (IITA 210)
100.2196	Employee Child Care Assistance Program Tax Credit (IITA Section 210.5)
100.2197	Foreign Tax Credit (IITA Section 601(b)(3))

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- 100.2198 Economic Development for a Growing Economy Credit (IITA 211)
100.2199 Illinois Earned Income Tax Credit (IITA Section 212)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS
OCCURRING PRIOR TO DECEMBER 31, 1986

Section

- 100.2200 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Scope
- 100.2210 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) – Definitions
- 100.2220 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Current Net Operating Losses: Offsets Between Members
- 100.2230 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) – Carrybacks and Carryforwards
- 100.2240 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Effect of Combined Net Operating Loss in Computing Illinois Base Income
- 100.2250 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) – Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS FOR LOSSES
OCCURRING ON OR AFTER DECEMBER 31, 1986

Section

- 100.2300 Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
- 100.2310 Computation of the Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
- 100.2320 Determination of the Amount of Illinois Net Loss for Losses Occurring On or After December 31, 1986
- 100.2330 Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses Occurring On or

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- After December 31, 1986
- 100.2340 Illinois Net Losses and Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns
- 100.2350 Illinois Net Losses and Illinois Net Loss Deductions, for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Changes in Membership

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

- Section
- 100.2405 Gross Income, Adjusted Gross Income, Taxable Income and Base Income Defined; Double Deductions Prohibited; Legislative Intention (IITA Section 203(e), (g) and (h))
- 100.2410 Net Operating Loss Carryovers for Individuals, and Capital Loss and Other Carryovers for All Taxpayers (IITA Section 203)
- 100.2430 Addition and Subtraction Modifications for Transactions with 80-20 and Noncombination Rule Companies
- 100.2435 Addition Modification for Student-Assistance Contribution Credit (IITA Sections 203(a)(2)(D-23), (b)(2)(E-16), (c)(2)(G-15), (d)(2)(D-10))
- 100.2450 IIT Refunds (IITA Section 203(a)(2)(H), (b)(2)(F), (c)(2)(J) and (d)(2)(F))
- 100.2455 Subtraction Modification: Federally Disallowed Deductions (IITA Sections 203(a)(2)(M), 203(b)(2)(I), 203(c)(2)(L) and 203(d)(2)(J))
- 100.2465 Claim of Right Repayments (IITA Section 203(a)(2)(P), (b)(2)(Q), (c)(2)(P) and (d)(2)(M))
- 100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))
- 100.2480 Enterprise Zone and River Edge Redevelopment Zone Dividend Subtraction (IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(c)(2)(M) and 203(d)(2)(K))
- 100.2490 Foreign Trade Zone/High Impact Business Dividend Subtraction (IITA Sections 203(a)(2)(K), 203(b)(2)(L), 203(c)(2)(O), 203(d)(2)(M))

SUBPART F: BASE INCOME OF INDIVIDUALS

- Section
- 100.2510 Subtraction for Contributions to Illinois Qualified Tuition Programs (Section 529 Plans) (IITA Section 203(a)(2)(Y))

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- 100.2580 Medical Care Savings Accounts (IITA Sections 203(a)(2)(D-5), 203(a)(2)(S) and 203(a)(2)(T))
- 100.2590 Taxation of Certain Employees of Railroads, Motor Carriers, Air Carriers and Water Carriers

SUBPART H: BASE INCOME OF TRUSTS AND ESTATES

Section

- 100.2655 Subtraction Modification for Enterprise Zone and River Edge Redevelopment Zone Interest (IITA Section 203(b)(2)(M))
- 100.2657 Subtraction Modification for High Impact Business Interest (IITA Section 203(b)(2)(M-1))
- 100.2680 Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside for Charity (Repealed)

SUBPART J: GENERAL RULES OF ALLOCATION AND APPORTIONMENT OF BASE INCOME

Section

- 100.3000 Terms Used in Article 3 (IITA Section 301)
- 100.3010 Business and Nonbusiness Income (IITA Section 301)
- 100.3015 Business Income Election (IITA Section 1501)
- 100.3020 Resident (IITA Section 301)

SUBPART K: COMPENSATION

Section

- 100.3100 Compensation (IITA Section 302)
- 100.3110 State (IITA Section 302)
- 100.3120 Allocation of Compensation Paid to Nonresidents (IITA Section 302)

SUBPART L: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section

- 100.3200 Taxability in Other State (IITA Section 303)
- 100.3210 Commercial Domicile (IITA Section 303)
- 100.3220 Allocation of Certain Items of Nonbusiness Income by Persons Other Than Residents (IITA Section 303)

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SUBPART M: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section

- 100.3300 Allocation and Apportionment of Base Income (IITA Section 304)
- 100.3310 Business Income of Persons Other Than Residents (IITA Section 304) – In General
- 100.3320 Business Income of Persons Other Than Residents (IITA Section 304) – Apportionment (Repealed)
- 100.3330 Business Income of Persons Other Than Residents (IITA Section 304) – Allocation
- 100.3340 Business Income of Persons Other Than Residents (IITA Section 304)
- 100.3350 Property Factor (IITA Section 304)
- 100.3360 Payroll Factor (IITA Section 304)
- 100.3370 Sales Factor (IITA Section 304)
- 100.3371 Sales Factor for Telecommunications Services
- 100.3373 Sales Factor for Publishing
- 100.3380 Special Rules (IITA Section 304)
- 100.3390 Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))
- 100.3400 Apportionment of Business Income of Financial Organizations for Taxable Years Ending Prior to December 31, 2008 (IITA Section 304(c))
- 100.3405 Apportionment of Business Income of Financial Organizations for Taxable Years Ending on or after December 31, 2008 (IITA Section 304(c))
- 100.3420 Apportionment of Business Income of Insurance Companies (IITA Section 304(b))
- 100.3450 Apportionment of Business Income of Transportation Companies (IITA Section 304(d))
- 100.3500 Allocation and Apportionment of Base Income by Nonresident Partners

SUBPART N: ACCOUNTING

Section

- 100.4500 Carryovers of Tax Attributes (IITA Section 405)

SUBPART O: TIME AND PLACE FOR FILING RETURNS

Section

- 100.5000 Time for Filing Returns (IITA Section 505)
- 100.5010 Place for Filing Returns: All Taxpayers (IITA Section 505)
- 100.5020 Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)

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100.5030	Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)
100.5040	Innocent Spouses
100.5050	Frivolous Returns
100.5060	Reportable Transactions (IITA Section 501(b))
100.5070	List of Investors in Potentially Abusive Tax Shelters and Reportable Transactions
100.5080	Registration of Tax Shelters (IITA Section 1405.5)

SUBPART P: COMPOSITE RETURNS

Section	
100.5100	Composite Returns: Eligibility (IITA Section 502(f))
100.5110	Composite Returns: Responsibilities of Authorized Agent
100.5120	Composite Returns: Individual Liability
100.5130	Composite Returns: Required forms and computation of Income (IITA Section 502(f))
100.5140	Composite Returns: Estimated Payments
100.5150	Composite Returns: Tax, Penalties and Interest
100.5160	Composite Returns: Credits on Separate Returns
100.5170	Composite Returns: Definition of a "Lloyd's Plan of Operation"
100.5180	Composite Returns: Overpayments and Underpayments

SUBPART Q: COMBINED RETURNS

Section	
100.5200	Filing of Combined Returns
100.5201	Definitions and Miscellaneous Provisions Relating to Combined Returns
100.5205	Election to File a Combined Return
100.5210	Procedures for Elective and Mandatory Filing of Combined Returns
100.5215	Filing of Separate Unitary Returns (IITA Section 304(e))
100.5220	Designated Agent for the Members
100.5230	Combined Estimated Tax Payments
100.5240	Claims for Credit of Overpayments
100.5250	Liability for Combined Tax, Penalty and Interest
100.5260	Combined Amended Returns
100.5265	Common Taxable Year
100.5270	Computation of Combined Net Income and Tax
100.5280	Combined Return Issues Related to Audits

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SUBPART R: PAYMENTS

Section
100.6000 Payment on Due Date of Return (IITA Section 601)

SUBPART S: REQUIREMENT AND AMOUNT OF WITHHOLDING

Section
100.7000 Requirement of Withholding (IITA Section 701)
100.7010 Compensation Paid in this State (IITA Section 701)
100.7020 Transacting Business Within this State (IITA Section 701)
100.7030 Payments to Residents (IITA Section 701)
100.7035 Nonresident Partners, Subchapter S Corporation Shareholders, and Trust
Beneficiaries (IITA Section 709.5)
100.7040 Employer Registration (IITA Section 701)
100.7050 Computation of Amount Withheld (IITA Section 702)
100.7060 Additional Withholding (IITA Section 701)
100.7070 Voluntary Withholding (IITA Section 701)
100.7080 Correction of Underwithholding or Overwithholding (IITA Section 701)
100.7090 Reciprocal Agreement (IITA Section 701)
100.7095 Cross References

SUBPART T: AMOUNT EXEMPT FROM WITHHOLDING

Section
100.7100 Withholding Exemption (IITA Section 702)
100.7110 Withholding Exemption Certificate (IITA Section 702)
100.7120 Exempt Withholding Under Reciprocal Agreements (IITA Section 702)

SUBPART U: INFORMATION STATEMENT

Section
100.7200 Reports for Employee (IITA Section 703)

SUBPART V: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD

Section
100.7300 Returns and Payments of Income Tax Withheld from Wages (IITA Sections 704

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- and 704A)
- 100.7310 Returns Filed and Payments Made on Annual Basis (IITA Sections 704 and 704A)
- 100.7320 Time for Filing Returns and Making Payments for Taxes Required to Be Withheld Prior to January 1, 2008 (IITA Section 704)
- 100.7325 Time for Filing Returns and Making Payments for Taxes Required to Be Withheld On or After January 1, 2008 (IITA Section 704A)
- 100.7330 Payment of Tax Required to be Shown Due on a Return (IITA Sections 704 and 704A)
- 100.7340 Correction of Underwithholding or Overwithholding (IITA Section 704)
- 100.7350 Domestic Service Employment (IITA Sections 704 and 704A)
- 100.7360 Definitions and Special Provisions Relating to Reporting and Payment of Income Tax Withheld (IITA Sections 704 and 704A)
- 100.7370 Penalty and Interest Provisions Relating to Reporting and Payment of Income Tax Withheld (IITA Sections 704 and 704A)
- 100.7380 Economic Development for a Growing Economy (EDGE) and Small Business Job Creation Credit (IITA Section 704A(g) and (h))

SUBPART W: ESTIMATED TAX PAYMENTS

- Section
- 100.8000 Payment of Estimated Tax (IITA Section 803)
- 100.8010 Failure to Pay Estimated Tax (IITA Sections 804 and 806)

SUBPART X: COLLECTION AUTHORITY

- Section
- 100.9000 General Income Tax Procedures (IITA Section 901)
- 100.9010 Collection Authority (IITA Section 901)
- 100.9020 Child Support Collection (IITA Section 901)

SUBPART Y: NOTICE AND DEMAND

- Section
- 100.9100 Notice and Demand (IITA Section 902)

SUBPART Z: ASSESSMENT

- Section
- 100.9200 Assessment (IITA Section 903)

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100.9210 Waiver of Restrictions on Assessment (IITA Section 907)

SUBPART AA: DEFICIENCIES AND OVERPAYMENTS

Section

100.9300 Deficiencies and Overpayments (IITA Section 904)
100.9310 Application of Tax Payments Within Unitary Business Groups (IITA Section 603)
100.9320 Limitations on Notices of Deficiency (IITA Section 905)
100.9330 Further Notices of Deficiency Restricted (IITA Section 906)

SUBPART BB: CREDITS AND REFUNDS

Section

100.9400 Credits and Refunds (IITA Section 909)
100.9410 Limitations on Claims for Refund (IITA Section 911)
100.9420 Recovery of Erroneous Refund (IITA Section 912)

SUBPART CC: INVESTIGATIONS AND HEARINGS

Section

100.9500 Access to Books and Records (IITA Section 913)
100.9505 Access to Books and Records – 60-Day Letters (IITA Section 913) (Repealed)
100.9510 Taxpayer Representation and Practice Requirements
100.9520 Conduct of Investigations and Hearings (IITA Section 914)
100.9530 Books and Records

SUBPART DD: JUDICIAL REVIEW

Section

100.9600 Administrative Review Law (IITA Section 1201)

SUBPART EE: DEFINITIONS

Section

100.9700 Unitary Business Group Defined (IITA Section 1501)
100.9710 Financial Organizations (IITA Section 1501)
100.9720 Nexus
100.9730 Investment Partnerships (IITA Section 1501(a)(11.5))
100.9750 Corporation, Subchapter S Corporation, Partnership and Trust Defined (IITA

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Section 1501)

SUBPART FF: LETTER RULING PROCEDURES

Section
100.9800 Letter Ruling Procedures

SUBPART GG: MISCELLANEOUS

Section
100.9900 Tax Shelter Voluntary Compliance Program
[100.9910 State Tax Preparer Oversight Act \[35 ILCS 35\]](#)

100.APPENDIX A Business Income Of Persons Other Than Residents
100.TABLE A Example of Unitary Business Apportionment
100.TABLE B Example of Unitary Business Apportionment for Groups Which
Include Members Using Three-Factor and Single-Factor Formulas

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49, p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4624, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13

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Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended at 24 Ill. Reg. 10593, effective July 7, 2000; amended at 24 Ill. Reg. 12068, effective July 26, 2000; emergency amendment at 24 Ill. Reg. 17585, effective November 17, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18731, effective December 11, 2000; amended at 25 Ill. Reg. 4640, effective March 15, 2001; amended at 25 Ill. Reg. 4929, effective March 23, 2001; amended at 25 Ill. Reg. 5374, effective April 2, 2001; amended at 25 Ill. Reg. 6687, effective May 9, 2001; amended at 25 Ill. Reg. 7250, effective May 25, 2001; amended at 25 Ill. Reg. 8333, effective June 22, 2001; amended at 26 Ill. Reg. 192, effective December 20, 2001; amended at 26 Ill. Reg. 1274, effective January 15, 2002; amended at 26 Ill. Reg. 9854, effective June 20, 2002; amended at 26 Ill. Reg. 13237, effective August 23, 2002; amended at 26 Ill. Reg. 15304, effective October 9, 2002; amended at 26 Ill. Reg. 17250, effective November 18, 2002; amended at 27 Ill. Reg. 13536, effective July 28, 2003; amended at 27 Ill. Reg. 18225, effective November 17, 2003; emergency amendment at 27 Ill. Reg. 18464, effective November 20, 2003, for a maximum of 150 days; emergency expired April 17, 2004; amended at 28 Ill. Reg. 1378, effective January 12, 2004; amended at 28 Ill. Reg. 5694, effective March 17, 2004; amended at 28 Ill. Reg. 7125, effective April 29, 2004; amended at 28 Ill. Reg. 8881, effective June 11, 2004; emergency amendment at 28 Ill. Reg. 14271, effective October 18, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 14868, effective October 26, 2004; emergency amendment at 28 Ill. Reg. 15858, effective November 29, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 2420, effective January 28, 2005; amended at 29 Ill. Reg. 6986, effective April 26, 2005; amended at 29 Ill. Reg. 13211, effective August 15, 2005; amended at 29 Ill. Reg. 20516, effective December 2, 2005; amended at 30 Ill. Reg. 6389, effective March 30, 2006; amended at

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30 Ill. Reg. 10473, effective May 23, 2006; amended by 30 Ill. Reg. 13890, effective August 1, 2006; amended at 30 Ill. Reg. 18739, effective November 20, 2006; amended at 31 Ill. Reg. 16240, effective November 26, 2007; amended at 32 Ill. Reg. 872, effective January 7, 2008; amended at 32 Ill. Reg. 1407, effective January 17, 2008; amended at 32 Ill. Reg. 3400, effective February 25, 2008; amended at 32 Ill. Reg. 6055, effective March 25, 2008; amended at 32 Ill. Reg. 10170, effective June 30, 2008; amended at 32 Ill. Reg. 13223, effective July 24, 2008; amended at 32 Ill. Reg. 17492, effective October 24, 2008; amended at 33 Ill. Reg. 1195, effective December 31, 2008; amended at 33 Ill. Reg. 2306, effective January 23, 2009; amended at 33 Ill. Reg. 14168, effective September 28, 2009; amended at 33 Ill. Reg. 15044, effective October 26, 2009; amended at 34 Ill. Reg. 550, effective December 22, 2009; amended at 34 Ill. Reg. 3886, effective March 12, 2010; amended at 34 Ill. Reg. 12891, effective August 19, 2010; amended at 35 Ill. Reg. 4223, effective February 25, 2011; amended at 35 Ill. Reg. 15092, effective August 24, 2011; amended at 36 Ill. Reg. 2363, effective January 25, 2012; amended at 36 Ill. Reg. 9247, effective June 5, 2012; amended at 37 Ill. Reg. 5823, effective April 19, 2013; amended at 37 Ill. Reg. 20751, effective December 13, 2013; recodified at 38 Ill. Reg. 4527; amended at 38 Ill. Reg. 9550, effective April 21, 2014; amended at 38 Ill. Reg. 13941, effective June 19, 2014; amended at 38 Ill. Reg. 15994, effective July 9, 2014; amended at 38 Ill. Reg. 17043, effective July 23, 2014; amended at 38 Ill. Reg. 18568, effective August 20, 2014; amended at 38 Ill. Reg. 23158, effective November 21, 2014; emergency amendment at 39 Ill. Reg. 483, effective December 23, 2014, for a maximum of 150 days; amended at 39 Ill. Reg. 1768, effective January 7, 2015; amended at 39 Ill. Reg. 5057, effective March 17, 2015; amended at 39 Ill. Reg. 6884, effective April 29, 2015; amended at 39 Ill. Reg. 15594, effective November 18, 2015; amended at 40 Ill. Reg. 1848, effective January 5, 2016; amended at 40 Ill. Reg. 10925, effective July 29, 2016; amended at 40 Ill. Reg. 13432, effective September 7, 2016; amended at 40 Ill. Reg. 14762, effective October 12, 2016; amended at 40 Ill. Reg. 15575, effective November 2, 2016; amended at 41 Ill. Reg. _____, effective _____.

SUBPART GG: MISCELLANEOUS

[Section 100.9910 State Tax Preparer Oversight Act \[35 ILCS 35\]](#)a) [Definitions](#)1) [Income Tax Return Preparer](#)

- A) [The term "income tax return preparer" means any person who prepares for compensation, or who employs one or more persons to prepare for compensation, any return of tax imposed by the IITA or any claim for refund of tax imposed by the IITA. The](#)

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preparation of a substantial portion of a return or claim for refund shall be treated as the preparation of that return or claim for refund. (IITA Section 1501(a)(26)(A))

B) A person is not an income tax return preparer if all he or she does is the following:

- i) furnish typing, reproducing, or other mechanical assistance;
- ii) prepare returns or claims for refunds of the employer by whom he or she is regularly and continuously employed;
- iii) prepare as a fiduciary returns or claims for refunds for any person; or
- iv) prepare claims for refunds for a taxpayer in response to a notice of deficiency issued to that taxpayer or in response to any waiver of restriction after the commencement of an audit of that taxpayer or of another taxpayer if a determination in the audit of the other taxpayer directly or indirectly affects the tax liability of the taxpayer whose claims he or she is preparing. (IITA Section 1501(a)(26)(B))

2) PTIN. Section 5 of the State Tax Preparer Oversight Act (STPOA) provides that the term "Preparer Tax Identification Number" or "PTIN" means the identifying number required under 26 CFR 1.6109-2(d). (STPOA Section 5)

3) EIN. The term "Employer Identification Number" or "EIN" means the identifying number assigned to an employer under 26 CFR 31.6011(b)-1.

b) Requirement to Sign Return. If a return required under the IITA is prepared by an income tax return preparer for a taxpayer, that preparer shall sign the return as preparer of that return. (IITA Section 503) This requirement shall apply only to the preparer who would be considered the "signing tax return preparer" with respect to the return by applying the provisions of 26 CFR 301.7701-15. In addition, if there is an employment relationship or association between the

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individual required to sign a return under this subsection and another person, the signature of that other person must be included on the filed return when required by Department forms.

- c) Requirement to Include PTIN. For taxable years beginning on or after January 1, 2017, any income tax return preparer must include his or her PTIN on any tax return prepared by the income tax return preparer and filed under the IITA or any claim for refund of tax imposed by the IITA. (STPOA Section 10) This requirement shall apply only to the preparer who would be considered the "signing tax return preparer" with respect to the return or claim for refund by applying the provisions of 26 CFR 301.7701-15(b)(1), and only with respect to an income tax return preparer who holds an active PTIN at the time of filing the Illinois return or claim for refund.
- d) Requirement to Include EIN. If there is an employment relationship or association between the individual required to sign a return under subsection (b) and another person, the name and EIN of that other person must be included on the filed return or claim for refund when required by Department forms.
- e) Oversight Program. The Department will use the PTIN information required to be included on a filed return or claim for refund under subsection (c) for purposes of administering the enforcement provisions of subsection (f). The PTIN information allows the Department to identify preparers who prepare fraudulent or otherwise erroneous returns, and returns reflecting unsubstantiated tax positions. The Department will share and exchange PTIN information with the Internal Revenue Service on income tax return preparers who are suspected of fraud, disciplined, or barred from filing tax returns with the Department or the Internal Revenue Service. (STPOA Section 10) The Department will share similar enforcement or discipline information with other states.
- f) Enforcement
- 1) Misconduct Investigations. The Department may investigate the actions of any income tax return preparer doing business in the State and may bar or suspend an income tax return preparer from filing returns with the Department for good cause. (STPOA Section 15) Good cause to bar or suspend an income tax return preparer may be found when a preparer engages in conduct described in 26 USC 7407(b)(1) (other than conduct subject to penalty under 26 USC 6695(a) (failure to provide the taxpayer

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with a copy of the return), (d) (failure to retain copies or lists of returns prepared by the preparer), (e) (failure to correct information returns) and (f) (negotiation of checks issued to taxpayers)), as if 26 USC 7407(b)(1) applied for purposes of the IITA.

- 2) Misconduct Hearings. Prior to imposing the enforcement provisions of subsection (f)(1), the Department will hold a hearing as provided in this subsection (f)(2). The Department shall, at least 30 days before the date set for the hearing: notify the accused in writing of the charges made and the time and place for the hearing on the charges; direct him or her to file a written answer to the charges with the Department under oath within 20 days after the service on him or her of the notice; and inform the accused that, if he or she fails to answer, disciplinary action shall be taken against him or her, as the Department may consider proper. At the time and place fixed in the notice, the Department shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present any pertinent statements, testimony, evidence, and arguments. The Department may continue the hearing from time to time. In the case the person, after receiving the notice, fails to file an answer, he or she may be subject to the disciplinary action set forth in the notice. The written notice may be served by registered or certified mail to the person's address of record. All final administrative decisions of the Department under this Section shall be subject to judicial review pursuant to the Administrative Review Law [735 ILCS 5/Art. III]. The term "administrative decision" shall have the meaning ascribed in Section 3-101 of that Law. Proceedings for judicial review shall be commenced in the Circuit Court of the county in which the party applying for review resides; provided that, if the party is not a resident of this State, the venue shall be in Sangamon or Cook County. (STPOA Section 15)
- 3) Penalty for Omitting PTIN
 - A) In addition to any other penalty provided by law, any individual violating the STPOA by failing to provide his or her PTIN shall pay a civil penalty to the Department in the amount of \$50 per offense, but not to exceed \$25,000 per calendar year; however, no such penalty shall be imposed if it is shown that the failure is due to reasonable cause and not due to willful neglect, as determined by the Department. (STPOA Section 15(a)) The penalty under this

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subsection (f)(3)(A) shall apply only with respect to an income tax return preparer who holds an active PTIN at the time of filing the Illinois return or claim for refund. The penalty does not apply to an income tax return preparer who does not have an active PTIN, whether or not the preparer is required to obtain a PTIN. Reasonable cause shall be determined under the standards set forth in 86 Ill. Adm. Code 700.400. The penalty imposed under this subsection (f)(3)(A) shall not be considered tax imposed under the IITA.

- B) The Department shall issue a notice of penalty liability for the amount claimed by the Department pursuant to subsection (f)(3)(A). Procedures for protest and review of a notice of penalty liability issued pursuant to this subsection (f)(3)(B) and assessment of the penalty due under this subsection (f)(3)(B) shall be the same as those prescribed for protest and review of a notice of deficiency set forth in IITA Section 908.

(Source: Added at 41 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Health Facilities and Services Review Operational Rules
- 2) Code Citation: 77 Ill. Adm. Code 1130
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
1130.140	Amendment
1130.531	New Section
- 4) Statutory Authority: Illinois Health Facilities Planning Act [20 ILCS 3960/12].
- 5) Effective Date of Rules: February 2, 2017
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.
- 9) Notice of Proposed published in the *Illinois Register*: 40 Ill. Reg. 13795; October 7, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: In Section 1130.140, the definition of "CMMS" was placed in correct the alphabetical order.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? None were made.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Codifying the Board's practice of removing beds from the Inventory after the Board approves a discontinuation. The Board is updating the definition of "substantially changes the scope or changes the functional operation of the facility" to make it more precise. The Board is reinstating exemption requirements for projects involving neonatal intensive care beds.

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- 16) Information and questions regarding these adopted rules shall be directed to:

Jeannie Mitchell
Assistant General Counsel
Health Facilities and Services Review Board
69 W. Washington Street, Suite 3501
Chicago IL 60602

312/814-6226
Jeannie.Mitchell@illinois.gov

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER II: HEALTH FACILITIES AND SERVICES REVIEW BOARD
SUBCHAPTER b: OTHER BOARD RULES

PART 1130
HEALTH FACILITIES AND SERVICES REVIEW OPERATIONAL RULES

SUBPART A: AUTHORITY

Section	
1130.110	Statutory Authority/Applicability
1130.120	Introduction
1130.130	Purpose
1130.140	Definitions
1130.150	Referenced and Incorporated Materials

SUBPART B: GENERAL REQUIREMENTS

Section	
1130.210	Persons and Facilities Subject to the Act
1130.215	Health Care Facilities Subject to the Act
1130.220	Necessary Parties to the Application for Permit or Exemption
1130.230	Fees
1130.240	Reporting and Notification Requirements
1130.250	HFSRB Meetings

SUBPART C: PROJECTS OR TRANSACTIONS SUBJECT TO THE ACT

Section	
1130.310	Projects or Transactions Subject to the Act

SUBPART D: PROJECTS OR TRANSACTIONS ELIGIBLE FOR
EXEMPTION FROM PERMIT REQUIREMENTS

Section	
1130.410	Projects or Transactions Exempt from Permit Requirement

SUBPART E: OPERATIONAL REQUIREMENTS FOR EXEMPTIONS

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Section	
1130.500	General Requirements for Exemptions
1130.510	Requirements for Exemptions Involving the Acquisition of Major Medical Equipment (Repealed)
1130.520	Requirements for Exemptions Involving the Change of Ownership of a Health Care Facility
1130.525	Requirements for Exemptions Involving the Discontinuation of a Health Care Facility or Category of Service
1130.530	Requirements for Exemptions Involving Health Maintenance Organizations (Repealed)
1130.531	Requirements for Exemptions for the Establishment or Expansion of Neonatal Intensive Care Service and Beds (Repealed)
1130.539	Requirements for Exemptions Involving the Establishment of Positron Emission Tomography (P.E.T.) Service (Repealed)
1130.540	Requirements for Exemptions Involving Discontinuation (Repealed)
1130.541	Requirements for Exemptions for Combined Facility Licensure (Repealed)
1130.542	Requirements for Exemptions for Temporary Use of Beds for Demonstration Programs (Repealed)
1130.543	Requirements for Exemption for Equipment to be Acquired By or on Behalf of a Health Care Facility (Repealed)
1130.544	Requirements for Exemption for the Addition of Dialysis Stations (Repealed)
1130.550	Agency Processing of an Application for Exemption
1130.560	State Board Action
1130.570	Validity of an Exemption and Reporting Requirements
1130.580	Relinquishment of an Exemption
1130.590	Revocation of an Exemption

SUBPART F: OPERATIONAL REQUIREMENTS FOR THE REVIEW
AND PROCESSING OF APPLICATIONS FOR PERMIT

Section	
1130.610	Duration of the Review Period and Time Frames
1130.620	Technical Assistance, Classification, Completeness Review, and Review Procedures
1130.630	HFSRB Staff Actions During the Review Period
1130.635	Additional Information Provided During the Review Period
1130.640	Extension of the Review Period
1130.650	Modification of an Application
1130.655	HFSRB Consideration and Action

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- 1130.660 Approval of an Application
- 1130.670 Intent to Deny an Application
- 1130.680 Denial of an Application

SUBPART G: PERMIT VALIDITY, REPORTING REQUIREMENTS AND REVOCATION

Section

- 1130.710 Validity of Permits
- 1130.720 Financial Commitment
- 1130.730 Extension of the Financial Commitment Period
- 1130.740 Permit Renewal
- 1130.750 Alteration of Post-Permit Projects
- 1130.760 Annual Progress Reports
- 1130.770 Project Completion, Final Realized Costs and Cost Overruns
- 1130.775 Relinquishment of a Permit
- 1130.780 Revocation of a Permit
- 1130.790 Penalties, Fines and Sanctions for Non-compliance with the Act and HFSRB Rules

SUBPART H: DECLARATORY RULINGS

Section

- 1130.810 Declaratory Rulings

SUBPART I: PUBLIC HEARING AND COMMENT PROCEDURES

Section

- 1130.910 Applicability
- 1130.920 Notice of Review and Opportunity for Public Hearing and Comment on Applications for Permit
- 1130.930 Notice of Public Hearing on Applications for Permit
- 1130.940 Procedures for Public Hearing on Applications for Permit
- 1130.950 Written Comments on Applications for Permit
- 1130.960 Notice Procedures for Public Hearing on Applications for Certificate of Recognition (or Revocation of Recognition) (Repealed)
- 1130.970 Procedures for Public Hearing on Applications for Certificate of Recognition (or Revocation of Recognition) (Repealed)
- 1130.980 Procedures Concerning Public Hearing for Certificate of Exemption
- 1130.990 Procedures for Public Hearing and Comment on Proposed Rules

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1130.995 Procedures for Written Public Comment on All Other Matters

SUBPART J: PRACTICE AND PROCEDURE IN ADMINISTRATIVE HEARINGS

Section

- 1130.1010 The Right to an Administrative Hearing and Applicable Rules
- 1130.1020 Initiation of a Contested Case (Pleadings)
- 1130.1030 Waiver of Hearing
- 1130.1040 Parties to Hearings
- 1130.1050 Appearance – Right to Counsel
- 1130.1060 Prehearing Conferences
- 1130.1070 Intervention
- 1130.1080 Disqualification of Administrative Law Judge
- 1130.1090 Form of Papers
- 1130.1100 Service
- 1130.1110 Conduct of Hearings
- 1130.1120 Discovery
- 1130.1130 Motions
- 1130.1140 Subpoenas
- 1130.1150 Administrative Law Judge's Report and Recommendation
- 1130.1160 Proposal for Decision (Repealed)
- 1130.1170 Final Decision
- 1130.1180 Records of Proceedings
- 1130.1190 Miscellaneous
- 1130.1200 Copies of Pleadings to be Filed
- 1130.1210 Applicability

1130.APPENDIX A Capital Expenditure Minimums/Review Thresholds

AUTHORITY: Authorized by Section 12 of and implementing the Illinois Health Facilities Planning Act [20 ILCS 3960].

SOURCE: Adopted at 14 Ill. Reg. 7183, effective May 1, 1990; emergency amendment at 15 Ill. Reg. 4787, effective March 18, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 9731, effective June 17, 1991; emergency amendments at 16 Ill. Reg. 13153, effective August 4, 1992, for a maximum of 150 days; emergency expired January 1, 1993; amended at 17 Ill. Reg. 4448, effective March 24, 1993; amended at 17 Ill. Reg. 5882, effective March 26, 1993; amended at 19 Ill. Reg. 2972, effective March 1, 1995; expedited correction at 21 Ill. Reg. 3753, effective March 1, 1995; recodified at 20 Ill. Reg. 2597; emergency amendment at 21 Ill. Reg. 12671,

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effective September 2, 1997, for a maximum of 150 days; emergency expired January 30, 1998; amended at 23 Ill. Reg. 2911, effective March 15, 1999; emergency amendment at 23 Ill. Reg. 3835, effective March 15, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7752, effective July 9, 1999; amended at 24 Ill. Reg. 6013, effective April 7, 2000; amended at 25 Ill. Reg. 10786, effective August 24, 2001; amended at 27 Ill. Reg. 2976, effective February 21, 2003; amended at 30 Ill. Reg. 14852, effective September 1, 2006; amended at 31 Ill. Reg. 15270, effective November 1, 2007; amended at 32 Ill. Reg. 12355, effective July 18, 2008; amended at 37 Ill. Reg. 6227, effective June 1, 2013; amended at 38 Ill. Reg. 2869, effective February 1, 2014; amended at 39 Ill. Reg. 6347, effective June 1, 2015; amended at 40 Ill. Reg. 14647, effective October 14, 2016; amended at 41 Ill. Reg. 2043, effective February 2, 2017.

SUBPART A: AUTHORITY

Section 1130.140 Definitions

"Act" means the Illinois Health Facilities Planning Act [20 ILCS 3960].

"Administrative Law Judge" means the person appointed to preside at administrative hearings under Subpart J and pursuant to the Act.

"Administrator" means the chief executive officer of HFSRB, responsible to the HFSRB Chairman and, through the Chairman, responsible to HFSRB for the execution of its policies and procedures.

"Adverse Action" means a disciplinary action taken by IDPH, CMMS, or any other State or federal agency against a person or entity that owns or operates or owns and operates a licensed or Medicare or Medicaid certified healthcare facility in the State of Illinois. These actions include, but are not limited to, all Type "A" and Type "AA" violations. As defined in Section 1-129 of the Nursing Home Care Act [210 ILCS 45], "*Type 'A' violation*" means a violation of the Nursing Home Care Act or of the rules promulgated thereunder which creates a condition or occurrence relating to the operation and maintenance of a facility presenting a substantial probability that risk of death or serious mental or physical harm to a resident will result therefrom or has resulted in actual physical or mental harm to a resident. As defined in Section 1-128.5 of the Nursing Home Care Act, a "*Type AA violation*" means a violation of the Act or of the rules promulgated thereunder which creates a condition or occurrence relating to the operation and maintenance of a facility that proximately caused a resident's death. [210 ILCS 45/1-129]

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"Affirmation" means a statement, declaration, proclamation, pronouncement or notice made by an applicant regarding the information requirements for an application for exemption, with the understanding that there are still consequences to any matters that are non-compliant with the terms of the exemption issued.

"Agency" or "IDPH" means the Illinois Department of Public Health.

"Alteration" means any revision or change to a project as detailed in the application that occurs after HFSRB issued the permit. A completed project cannot be altered. The site of the proposed project or the persons who are the permit holder cannot be altered.

"Applicant" means a person, as defined in the Act, who applies for a permit or exemption. See Section 1130.220 to determine what parties are necessary for an application.

"Audit" means the most recent formal examination, correction and official endorsement of financial reports by an independent certified public accountant.

"Authorized Representative" means a person who has authority to act on behalf of the legal entity or person that is the applicant or permit holder. Authorized representatives are: in the case of a corporation, any of its officers or members of its board of directors; in the case of a limited liability company, any of its managers or members (or the sole manager or member when two or more managers or members do not exist); in the case of a partnership, any of its general partners (or the sole general partner when two or more general partners do not exist); in the case of estates and trusts, any of its beneficiaries (or the sole beneficiary when two or more beneficiaries do not exist); and in the case of a sole proprietor, the individual who is the proprietor.

"Capital Expenditure" *means an expenditure made by or on behalf of a health care facility (as such a facility is defined in the Act), which, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance, or is made to obtain by lease or comparable arrangement any facility or part thereof or any equipment for a facility or part and which exceeds the capital expenditure minimum. For purposes of this definition, the cost of any studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition, improvement,*

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expansion, or replacement of any plant or equipment with respect to which an expenditure is made shall be included in determining if such expenditure exceeds the capital expenditure minimum. Unless otherwise interdependent or submitted as one project by the applicant, components of construction or modification undertaken by means of a single construction contract or financed through the issuance of a single debt instrument shall not be grouped together as one project. Donations of equipment or facilities to a health care facility which if acquired directly by such facility would be subject to review under the Act shall be considered capital expenditures, and a transfer of equipment or facilities for less than fair market value shall be considered a capital expenditure if a transfer of the equipment or facilities at fair market value would be subject to review. [20 ILCS 3960/3]

"Capital Expenditure Minimum" means the dollar amount or value which would require a permit for capital projects and major medical equipment. Capital expenditure minimums are adjusted annually to reflect the increase in construction costs due to inflation per Section 1130.310. Current capital expenditure minimums are posted on the HFSRB website (www.hfsrb.illinois.gov) and Appendix A.

"Censure" means a formal and public reprimand issued by HFSRB.

"Chairman" or "Board Chair" means the presiding officer of HFSRB.

"Change in the Bed Count of a Health Care Facility" means a change in a health care facility's authorized bed capacity, including reductions, increases with permit or allowable increases without permit. *A permit or exemption shall be obtained prior to the construction or modification of a health care facility that: changes the bed capacity of a health care facility by increasing the total number of beds or by distributing beds among various categories of service or by relocating beds from one physical facility to another by more than 20 beds or 10% of total bed capacity as defined by the State Board in its Inventory of Health Care Facilities and Services and Need Determinations found on the Board's website at www.hfsrb.illinois.gov, whichever is less, over a 2-year period. [20 ILCS 3960/5]* The two-year period begins on the date the additional beds or stations become operational. (See Section 1130.240(f) for more detail.)

"Change of Ownership" means a change in the person who has operational control of an existing health care facility or *a change in the person who has ownership or*

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control of a health care facility's physical plant and capital assets. A change of ownership is indicated by, but not limited to, the following transactions: sale, transfer, acquisition, leases, change of sponsorship or other means of transferring control. [20 ILCS 3960/3] Examples of change of ownership include:

a transfer of stock or assets resulting in a person obtaining majority interest (i.e., over 50%) in the person who is licensed or certified (if the facility is not subject to licensure), or in the person who owns or controls the health care facility's physical plant and capital assets; or

the issuance of a license by IDPH to a person different from the current licensee; or

for facilities not subject to licensing, the issuance of a provider number to a different person by certification agencies that administer Titles XVIII and XIX of the Social Security Act; or

a change in the membership or sponsorship of a not-for-profit corporation; or

a change of 50% or more of the voting members of a not-for-profit corporation's board of directors, during any consecutive 12-month period, that controls a health care facility's operations, license, certification (when the facility is not subject to licensing) or physical plant and capital assets; or

a change in the sponsorship or control of the person who is licensed or certified (when the facility is not subject to licensing) to operate, or who owns the physical plant and capital assets of a governmental health care facility; or

any other transaction that results in a person obtaining control of a health care facility's operations or physical plant and capital assets, including leases.

"Change of Ownership Among Related Persons" means a transaction in which the parties to the transaction are under common control or ownership before and after the transaction is completed. [20 ILCS 3960/8.5(a)]

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"Charity Care" means care provided by a health care facility for which the provider does not expect to receive payment from the patient or a third party payer. [20 ILCS 3960/3]

"Clinical Service Area" means a department or service that is directly related to the diagnosis, treatment, or rehabilitation of persons receiving services from the health care facility [20 ILCS 3960/3]. A clinical service area's physical space shall include those components required under the facility's licensure or Medicare or Medicaid Certification, and as outlined by documentation from the facility as to the physical space required for appropriate clinical practice.

"CMMS" means the federal Centers for Medicare and Medicaid Services.

"Combined Service Area Project" means a project that consists of both clinical service areas and non-clinical service areas.

"Completion Date" or "Project Completion Date" means the date the applicant established for the completion of the project, when the permit was approved or renewed. When a project requires an applicant to obtain a license, the project is not considered complete until the facility is licensed.

"Construction" or "Modification" means the establishment, erection, building, alteration, reconstruction, modernization, improvement, extension, discontinuation, change of ownership of or by a health care facility, or the purchase or acquisition by or through a health care facility of equipment or service for diagnostic or therapeutic purposes or for facility administration or operation or any capital expenditure made by or on behalf of a health care facility which exceeds the capital expenditure minimum; however, any capital expenditures made by or on behalf of a health care facility for the construction or modification of a facility licensed under the Assisted Living and Shared Housing Act or a conversion project undertaken in accordance with Section 30 of the Older Adult Services Act shall be excluded from any obligations under the Act. [20 ILCS 3960/3]

"Contested Case" is defined in Section 1-30 of the IAPA [5 ILCS 100/1-30].

"Control" means that a person possesses any of the following discretionary and non-ministerial rights or powers:

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In the case of an entity, the ability to direct the management and policies of the entity, whether through the voting of securities, corporate membership, contract, or otherwise. Examples of such control include, without limitation:

holding 50% or more of the outstanding voting securities of an issue;

in the case of an entity that has no outstanding voting securities, having the right to 50% or more of the profits or, in the event of dissolution, the right to 50% or more of the assets of the entity;

having the power to appoint or remove 50% or more of the governing board members of an entity;

having the power to require or approve the use of funds or assets of the entity; or

having the power to approve, amend or modify the entity's bylaws or other governance documents.

In the case of capital assets or real property, the power to direct or cause the direction of the personal property, real property or capital assets that are components of the project (i.e., fixed equipment, mobile equipment, buildings and portions of buildings). Examples of such control include, without limitation:

ownership of 50% or more in the property or asset;

serving as lessee or sublessee.

"Conversion" means a change in the control of an existing health care facility's physical plant, assets, or operations by such methods as, but not limited to, a change in ownership, acquisition, merger, consolidation, lease, stock transfer, or change in sponsorship. Types of conversion include:

change of ownership;

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consolidation by combining two or more existing health care facilities into a new health care facility, terminating the existence of the existing or original facilities ($A + B = C$). Consolidation results in the establishment of a health care facility within the meaning of the Act and in the discontinuation of the existing facilities, resulting in termination of license for facilities subject to licensing or the loss of certification for facilities not subject to licensing;

merger by the absorption of one or more existing health care facilities into another existing health care facility. The result of the absorption is that only one facility survives ($A + B = B$). Merger results in the modification (e.g., expansion of beds or services) of the survivor facility and the discontinuation of the facility being absorbed.

"Date" means, for purposes of 77 Ill. Adm. Code 1130, a period starting at 12:00:01 a.m. of a specified day and ending at 12:00:01 a.m. the following day.

"Director" means *the Director of the Department of Public Health*. [20 ILCS 3960/3]

"Discontinuation" means to cease operation of an entire health care facility or category of service on a voluntary or involuntary basis. A permit or exemption is required prior to a discontinuation. [For discontinuations approved by HFSRB, the discontinued beds will be removed from the Inventory once the permit is issued.](#) A facility or category of service that has ceased operation or has interrupted service on a temporary basis due to unanticipated or unforeseen circumstances (such as the lack of appropriate staff, or a natural or unnatural disaster) may be determined to not have discontinued, provided that the facility has exercised appropriate efforts to maintain operation, and has provided documentation of the circumstances and anticipated date of restoration to HFSRB within 30 days after the temporary interruption of the service. Discontinuation also includes a determination by HFSRB that:

a category of service approved after January 1, 1992 is not operating at utilization standards/target occupancy rates specified in 77 Ill. Adm. Code 1100 (Narrative and Planning Policies), for that category of service, by the end of the second year of operation after project completion and on average for any two-year period thereafter (based upon data reported by the facility to HFSRB staff pursuant to Section 13 of the Act), and that

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need no longer exists in the planning area based upon the existence of such factors as, but not limited to, access to other services in the planning area, excess service capacity in the planning area, and the facility's ability to adequately staff the existing service; or

an existing category of service is not operating at utilization standards/target occupancy rates specified in 77 Ill. Adm. Code 1100, for that category of service, on average for any two-year period commencing on January 1, 1995 and thereafter (based upon data reported by the facility to HFSRB staff pursuant to Section 13 of the Act), and that need no longer exists in the planning area based upon the existence of such factors as, but not limited to, access to other services in the planning area, excess service capacity in the planning area, and the facility's ability to adequately staff the existing service.

HFSRB NOTE: HFSRB may determine that a discontinuation has not occurred when a facility has complied with the requirements of this definition. Failure to obtain a permit or exemption prior to discontinuation may result in the imposition of sanctions or penalties as provided by the Act.

"Due Diligence" means to take such actions toward the completion of a project for which a permit has been issued with that diligence and foresight that persons of ordinary prudence and care commonly exercise under like circumstances. An accidental or unavoidable cause that cannot be avoided by the exercise of due diligence is a cause that reasonable prudent and careful persons, under like circumstances, do not and would not ordinarily anticipate, and whose effects under similar circumstances they do not and would not ordinarily avoid.

"Emergency Projects" means projects that are *emergent in nature and must be undertaken immediately to prevent or correct structural deficiencies or hazardous conditions that may harm or injure persons using the facility, as defined at 77 Ill. Adm. Code 1110.40(a).* [20 ILCS 3960/12(9)]

"Entity" means any corporation, company, partnership, joint venture, association, trust, foundation, fund or other legally recognized organization, public body or municipality.

"Establish" or "Establishment" means the construction of a new health care facility, the licensing of unlicensed buildings or structures as a health care facility,

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the replacement of an existing health care facility on another site, or *the initiation of a category of service as defined by the Board*. [20 ILCS 3960/3]

"Estimated Project Cost" or "Project Costs" means the sum of all costs, including the fair market value of any equipment or other real property (whether acquired by lease, donation, or gift) necessary to complete a project, including:

- preplanning costs;
- site survey and soil investigation fees;
- site preparation costs;
- off-site work;
- construction contracts and contingencies (including demolition);
- capital equipment included in construction contracts;
- architectural and engineering fees;
- consultants and other professional fees that are related to the project;
- capital equipment not in construction contracts;
- bond issuance expenses;
- net interest expense during construction; and
- all other costs that are to be capitalized.

"Exemption" means the classification of projects that are exempt from the Certificate of Need permit review process, but are reviewed under *the procedures and requirements of HFSRB regarding issuance of exemptions*. (See Subpart E.) *An exemption shall be approved when all information required by the Board, in accordance with Subpart E, is submitted*. [20 ILCS 3960/6(b)]

"Existing Health Care Facility" means any health care facility subject to the Act that:

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has a license issued by IDPH and has provided services within the past 12 months, unless the failure to provide such service is the result of pending license revocation procedures, and has not surrendered or abandoned its license or had its license revoked or voided or otherwise deemed invalid by IDPH; or

is certified under Titles XVIII or XIX of the Social Security Act (42 USC 1395); or

is a facility operated by the State of Illinois.

HFSRB NOTE: Projects approved by HFSRB for establishment of a health care facility that have not been deemed complete in accordance with the provisions of this Part shall not be considered existing facilities, but the approved number of beds or services shall be recorded in the Inventory of Health Care Facilities and shall be counted against any applicable need estimate.

"Ex Parte Communication" means a communication between a person who is not a State Board member or employee that reflects on the substance of a formally filed State Board proceeding and that takes place outside the record of the proceeding. Communications regarding matters of procedure and practice, such as the format of a pleading, number of copies required, manner of service, and status of proceedings, are not considered ex parte communications. Technical Assistance with respect to an application, not intended to influence any decision on the application, may be provided by employees to the applicant. Once an application is filed and deemed complete, a written record of any communication between staff and an applicant shall be prepared by staff and made part of the public record, using a prescribed, standardized format, and shall be included in the application file. [20 ILCS 3960/4.2]

"Fair Market Value" means the dollar value of a project or any component of a project that is accomplished by lease, donation, gifts or any other means that would have been required for purchase, construction, or acquisition.

"Final Decision" or "Final Administrative Decision" or "Final Determination" means:

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the decision by HFSRB to approve or deny an application for permit. Action taken by HFSRB to deny an application for permit is subsequent to an administrative hearing or to the waiver of such hearing; or

the decision by HFSRB on all matters other than the issuance of a permit.

HFSRB NOTE: The decision is final at the close of business of the HFSRB meeting at which the action is taken.

"Final Realized Costs" means all costs that are normally capitalized under generally accepted accounting principles that have been incurred to complete a project for which a permit or exemption was issued. These costs include all expenditures and the dollar or fair market value of any component of the project, whether acquired through lease, donation or gift.

"Financial Commitment" means the commitment of at least 33% of total funds assigned to cover total project cost, that occurs by:

The actual expenditure of 33% or more of the total project cost; or

The commitment to expend 33% or more of the total project cost by signed contracts or other legal means. (See Section 1130.760 (Annual Progress Reports).)

"Hearing Officer" means the person with authority to conduct public hearings and to take all necessary steps to assure the proper completion of public hearings and to assure compliance with requirements of the Act. Responsibilities include: determining the order and time allotment for public testimony; maintaining order; setting and announcing new hearing dates, times and places, as necessary; determining the conclusion of the hearing and assuring that all documents, exhibits and other written materials presented or requested at the hearing are in the hearing officer's custody; and preparing a report for submittal to HFSRB.

"HFSRB" or "State Board" or "Board" means the Illinois Health Facilities and Services Review Board.

"IAPA" means the Illinois Administrative Procedure Act [5 ILCS 100].

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"Intent to Deny" means the negative decision of HFSRB, following its initial consideration of an application for permit that failed to receive the number of affirmative votes required by the Act. (See Section 1130.670.)

"Interdependent Components" means components of construction or modification that are architecturally or programmatically interrelated to the extent that undertaking one or more of the components compels the other components to be undertaken. *Unless otherwise interdependent, or submitted as one project by the applicant, components of construction or modification undertaken by means of a single construction contract or financed through the issuance of a single debt instrument shall not be grouped together as one project.* [20 ILCS 3960/3]

"Inventory" means the HFSRB Inventory of Health Care Facilities and Need Determination created pursuant to Section 12(4) of the Act and found on the Board's website at www.hfsrb.illinois.gov.

"Major Construction Project" means:

Projects for the construction of new buildings;

Additions to existing facilities;

Modernization projects whose cost is in excess of \$1,000,000 or 10% of the facility's operating revenue, whichever is less; and

Such projects as the State Board shall define and prescribe (see Section 1130.310) pursuant to the Act. [20 ILCS 3960/5]

"Major Medical Equipment" *means medical equipment that is used for the provision of medical and other health services and that costs in excess of the capital expenditure minimum, except that this term does not include medical equipment acquired by or on behalf of a clinical laboratory to provide clinical laboratory services if the clinical laboratory is independent of a physician's office and a hospital and it has been determined under Title XVIII of the Social Security Act (42 USCA 1395x) to meet the requirements of paragraphs (10) and (11) of section 1861(S) of the Social Security Act. In determining whether medical equipment has a value in excess of the capital expenditure minimum, the value of studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition of the equipment shall be included. [20*

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"Medicaid Certified" or "Medicare Certified" or "Medicaid Certification" or "Medicare Certification" means approval for a facility to receive reimbursement under Title XVIII (Medicare) and/or XIX (Medicaid) of the Social Security Act (42 USC 1395).

"Modification of an Application" or "Modification" means any change to an application during the review period (i.e., prior to a final HFSRB action). These changes include, but are not limited to: changing the proposed project's physical size or gross square feet, the site within a planning area, the operating entity when the operating entity is not the applicant, the number of proposed beds, the categories of service to be provided, the cost, the method of financing, proposed project completion date, the configuration of space within the building, or any change in the person who is the applicant, including the addition or deletion of one or more persons as co-applicants.

HFSRB NOTE: A change of site to a site outside the planning area originally identified in the application is not considered a modification and invalidates the application.

"Moral Turpitude" means conduct that has an inherent quality of baseness, vileness or depravity with respect to another person or society in general, contrary to the accepted and customary rule of right and duty. Examples include rape, forgery, robbery, arson, counterfeiting and wrongful solicitation.

"Newspaper of General Circulation" means newspapers other than those intended to serve a particular, defined population, such as the publications of professional and trade associations.

"Newspaper of Limited Circulation" is defined in Section 8.5(c) of the Act.

"Non-clinical Service Area" *means an area for the benefit of the patients, visitors, staff or employees of a health care facility and not directly related to the diagnosis, treatment, or rehabilitation of persons receiving services from the health care facility. "Non-clinical service areas" include, but are not limited to, chapels; gift shops; newsstands; computer systems; tunnels, walkways, and elevators; telephone systems; projects to comply with life safety codes; educational facilities; student housing; patient, employee, staff, and visitor dining*

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areas; administration and volunteer offices; modernization of structural components (such as roof replacement and masonry work); boiler repair or replacement; vehicle maintenance and storage facilities; parking facilities; mechanical systems for heating, ventilation, and air conditioning; loading docks; and repair or replacement of carpeting, tile, wall coverings, window coverings or treatments, or furniture. Solely for the purpose of this definition, "non-clinical service area" does not include health and fitness centers. [20 ILCS 3960/3]

"Non-substantive Projects" means certain projects that have been defined in 77 Ill. Adm. Code 1110.40, with a review period of 60 days.

"Notification of HFSRB Action" means the transmittal of HFSRB decisions to the applicant or permit or exemption holder. Notification shall be given to the applicant's or permit holder's designated contact person, legal representative or chief executive officer.

"Operational" means that a permit holder is providing the services approved by HFSRB and, for a new health care facility or a new category of service, licensure or Medicare and/or Medicaid certification has been obtained, and residents/patients are utilizing the facility or equipment or are receiving service.

"Out-of-state Facility" *means a person that is both licensed as a hospital or as an ambulatory surgery center under the laws of another state or that qualifies as a hospital or an ambulatory surgery center under regulations adopted pursuant to the Social Security Act and not licensed under the Ambulatory Surgical Treatment Center Act, the Hospital Licensing Act, or the Nursing Home Care Act. Affiliates of out-of-state facilities shall be considered out-of-state facilities. Affiliates of Illinois licensed health care facilities 100% owned by an Illinois licensed health care facility or its parent, or Illinois physicians licensed to practice medicine in all its branches, shall not be considered out-of-state facilities. Nothing in this definition shall be construed to include an office or any part of an office of a physician licensed to practice medicine in all its branches in Illinois that is not required to be licensed under the Ambulatory Surgical Treatment Center Act. [20 ILCS 3960/3]*

"Permit" means authorization to execute and complete a project related to a health care facility, as reviewed and approved by HFSRB and as specified in the Act.

"Person" means any one or more natural persons, legal entities, governmental

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bodies other than federal, or any combination thereof. [20 ILCS 3960/3]

"Project Financial Commitment Date" means the date by which the permit holder is to expend or commit to expend by contract or other legal means at least 33% of the total project cost. (See Section 1130.760 (Annual Progress Reports).)

"Proposal" or "Project" means any proposed construction or modification of a health care facility or any proposed acquisition of equipment to be undertaken by an applicant.

"Related Person" means any person that:

is at least 50% owned, directly or indirectly, by either the health care facility or a person owning, directly or indirectly, at least 50% of the health care facility; or

owns, directly or indirectly, at least 50% of the health care facility; or [20 ILCS 3960/3]

is otherwise controlled or managed by one or more health care facilities or controls or manages the health care facility; or

otherwise controls or manages the health care facility; or

is otherwise, directly or indirectly, under common management or control with one or more health care facilities.

"Relinquishment of a Permit" means a voluntary and knowing abandonment of a permit or exemption, forsaking all rights associated with that permit or exemption. Once relinquishment is granted by HFSRB, a relinquished permit or exemption is considered null and void. The ~~Inventory inventory~~ will be modified, if affected by the permit relinquishment, to the same status as prior to the permit issuance.

"Review Period" means the time from the date an application for permit or exemption is deemed complete by HFSRB staff until HFSRB renders its final decision.

"Site" means the physical location of a proposed project and is identified by

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address or legal property description.

"Square Feet" or "SF" or "Square Footage" means a unit of measure of physical service areas or buildings considered by HFSRB. Departmental Gross Square Feet (DGSF) means the designation of physical areas for departments and services. It consists of the entire space dedicated to the use of that department or service, including walls, shafts and circulation. Building Gross Square Feet (BGSF) means the designation of physical area of an entire building. It includes all exterior walls and space within those walls.

"State Board Staff Report" means the document that sets forth the review and findings of State Board staff as prescribed by the State Board, regarding applications subject to the Board's jurisdiction. [20 ILCS 3960/3]

"Substantially Changes the Scope or Changes the Functional Operation of the Facility" means:

~~the addition or discontinuation of a category of service as defined in 77 Ill. Adm. Code 1110.40(c) and Section 1130.140;~~

~~the discontinuation of a health care facility or category of service as defined in this Part;~~

a change of a material representation made by the applicant in an application for permit or exemption subsequent to receipt of a permit that is relied upon by HFSRB in making its decision. Material representations are those that provide a factual basis for issuance of a permit or exemption and include:

withdrawal or non-participation in the Medicare and/or Medicaid programs;

charge information;

requirements of variances pursuant to 77 Ill. Adm. Code 1110;

other representations made to HFSRB as stipulated or agreed upon in the public record and specified in the application or the permit or exemption approval letter;

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the addition of a specialty not previously approved by HFSRB for an ambulatory surgical treatment center (ASTC) that has not been classified as a multi-specialty ASTC by HFSRB in accordance with the provisions of 77 Ill. Adm. Code 1110.1540;

an increase of more than three dialysis stations or more than 10% of the facility's total number of dialysis stations, whichever is less, over a two-year period. The two-year period begins on the date the facility's additional stations are certified. When a permit is issued for additional stations or for the establishment of an additional facility/service, the facility may not add any more dialysis stations for two years from the date that such stations approved in the permit are certified without obtaining an additional permit; or

the acquisition, construction, or leasing of space, buildings, or structures for providing outpatient surgical services on a site or location that is not within the licensed premises of the health care facility. Outpatient surgical services are those surgical procedures that are routinely performed in such settings as a hospital or ambulatory surgical treatment center, or in any room or area that is designed, equipped, and used for surgery, such as, but not limited to, a surgical suite or special procedures room. Outpatient surgical services do not include those procedures performed as part of a physician's private practice in examination or non-surgical treatment rooms.

"Substantially Complete" means that the application for permit has been determined ready for review, with the understanding that additional information may be needed for clarification during the course of the review period.

"Substantive Projects" means types of projects that are defined in the Act and classified as substantive. *Substantive projects shall include no more than the following:*

Projects to construct a new or replacement facility located on a new site; or a replacement facility located on the same site as the original facility and the costs of the replacement facility exceed the capital expenditure minimum.

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Projects proposing a new service or discontinuation of a service, which shall be reviewed by the Board within 60 days.

Projects proposing a change in the bed capacity of a health care facility by an increase in the total number of beds or by a redistribution of beds among various categories of service or by a relocation of beds from one facility to another by more than 20 beds or more than 10% of total bed capacity, as defined by the State Board in the Inventory, whichever is less, over a 2-year period. [20 ILCS 3960/12]

"Technical Assistance" means help provided by an employee of HFSRB to a person, a health care facility or the HFSRB, and is not considered ex parte communication as defined in Section 4.2 of the Act. Technical Assistance may be provided to any person regarding pre-application conferences, the filing of an application, or other request to HFSRB provided that the communication is *not intended to influence any decision on the application*. Technical Assistance may be provided for the benefit of HFSRB to clarify issues relevant to an application or other business of HFSRB. The assistance may be in the form of written correspondences, conversations, site visits, meetings, and/or consultations with independent experts. *Once an application or exemption is filed and deemed complete, a written record of any communication between staff and an applicant shall be prepared by staff and made part of the public record, using a prescribed, standardized format, and shall be included in the application file, within 10 business days after the assistance is provided. [20 ILCS 3960/4.2]*

"Temporary Suspension of Facility or Category of Service" means a facility that has ceased operation or that has ceased to provide a category of service (see 77 Ill. Adm. Code 1100.220 for category of service definition) for a period not to exceed one year, due to unanticipated or unforeseen circumstances (such as the loss of appropriate staff or a natural or unnatural disaster). The time period may be extended upon finding that the resumption of facility operation or category of service has proceeded with due diligence and HFSRB approval of the requested extension. The facility administrator shall file notice to HFSRB of a temporary suspension of service, in compliance with the requirements described in Section 1130.240(d).

(Source: Amended at 41 Ill. Reg. 2043, effective February 2, 2017)

SUBPART E: OPERATIONAL REQUIREMENTS FOR EXEMPTIONS

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Section 1130.531 Requirements for Exemptions for the Establishment or Expansion of Neonatal Intensive Care Service and Beds ~~(Repealed)~~

- a) Application for Exemption
The application for exemption is subject to approval under Section 1130.560 and shall include the information required by Section 1130.500, as well as the following information:
- 1) A description of the project that identifies the location of the neonatal intensive care unit and the number of neonatal intensive care beds proposed;
 - 2) Verification that a final cost report will be submitted to the Agency no later than 90 days following the anticipated project completion date;
 - 3) Verification that failure to complete the project within the 24 months after the Board approved the exemption will invalidate the exemption.
- b) Extension of Exemption
The exemption holder can request an extension. To receive the extension, the exemption holder must show that the project has proceeded with due diligence.

(Source: Former Section repealed at 39 Ill. Reg. 6347, effective June 1, 2015, and new Section added at 41 Ill. Reg. 2043, effective February 2, 2017)

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- 1) Heading of the Part: Tobacco Products Manufacturers' Escrow Enforcement Act of 2003
- 2) Code Citation: 14 Ill. Adm. Code 250
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
250.20	Amendment
250.30	Amendment
250.80	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 35 of the Tobacco Products Manufacturers' Escrow Enforcement Act of 2003 [30 ILCS 167/35(c)].
- 5) Effective Date of Rules: February 2, 2017
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Statement of Availability: A copy of the adopted rules is on file and is available for public inspection in the Attorney General's principal office in Springfield (500 South Second Street, Springfield).
- 9) Notice of Proposal published in the *Illinois Register*: 40 Ill. Reg. 14817; November 4, 2016
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: There are no differences between the proposal and the final version.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The amendments update Sections 250.30 and 250.80 to provide more cost effective methods for providing notice to distributors of the

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addition or removal of tobacco products manufacturers or brand family names from the various directories maintained by the Office of the Attorney General. The amendments add electronic mail and facsimile to the list of available notification options, as well as permitting notice by publication on the Office of the Attorney General website. The amendments also require a distributor to provide its electronic mail address to the Office of the Attorney General, if the distributor has created an electronic email account. The amendments update the definitions found in Section 250.20 consistent with the foregoing and make other technical changes.

- 16) Information and questions regarding these adopted rules shall be directed to:

Marilyn Kueper
Chief, Tobacco Enforcement Bureau
Office of the Attorney General
500 South Second Street
Springfield IL 62701

217/785-8541

The full text of the Adopted Amendments begins on the next page:

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TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER II: ATTORNEY GENERALPART 250
TOBACCO PRODUCTS MANUFACTURERS'
ESCROW ENFORCEMENT ACT OF 2003

Section	
250.10	General
250.20	Definitions
250.30	Distributor Filings
250.40	Prohibition of Distribution of Non-Compliant TPM Cigarettes
250.50	Appointment of Agent for Service of Process
250.60	Certification Requirements for Tobacco Product Manufacturers
250.70	NPMs Required to Make Quarterly Installment Payments
250.80	Establishment of Directory of Participating Manufacturers and Directory of Compliant NPMs
250.90	Release of Escrow Account Money
250.100	Review of AGO Determinations
250.110	Violations

AUTHORITY: Implementing and authorized by Sections 25 and 35 of the Tobacco Products Manufacturers' Escrow Enforcement Act of 2003 [30 ILCS 167].

SOURCE: Adopted at 27 Ill. Reg. 7719, effective April 16, 2003; emergency amendment at 28 Ill. Reg. 939, effective January 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7904, effective May 28, 2004; amended at 31 Ill. Reg. 12718, effective August 24, 2007; amended at 41 Ill. Reg. 2068, effective February 2, 2017.

Section 250.20 Definitions

"AGO" means the Office of the Illinois Attorney General.

"Brand family" has the same meaning ~~ascribed~~ ~~prescribed~~ in Section 10 of the Escrow Enforcement Act.

"Cigarette" has the same meaning ~~ascribed~~ ~~prescribed~~ in Section 10 of the Escrow Act ~~[30 ILCS 168]~~, which includes roll-your-own ("~~RYO~~") tobacco.

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"Department" means the Illinois Department of Revenue.

"Director" means Director of Revenue.

"Distributor" has the same meaning ~~ascribed prescribed~~ in Section 1 of the Cigarette Tax Act [35 ILCS 130], and Section 1 of the Cigarette Use Tax Act [35 ILCS 135]. Additionally, "distributor", and, in addition, means a distributor, as defined by Section 10-5 of the Tobacco Products Tax Act of 1995 [35 ILCS 143], of roll-your-own tobacco in accordance with Section 10-5 of the Tobacco Products Tax Act of 1995 [35 ILCS 143], as appropriate.

"Escrow Act" means the Tobacco Product Manufacturers' Escrow Act [30 ILCS 168].

"Escrow Enforcement Act" means the Tobacco Products Manufacturers' Escrow Enforcement Act of 2003 [30 ILCS 167] ~~(see P.A. 93-446)~~.

"Filed" means received by the AGO in readable form, however transmitted, or postmarked for delivery by the U.S. mail.

"Liability year" means the calendar year in which a tobacco product manufacturer's cigarettes are sold in Illinois, and to which the requirements of the Escrow Act apply.

"Master Settlement Agreement" or "MSA" has the meaning ascribed in Section 10 of the Escrow Act.

"NPM" means a tobacco product manufacturer that is not a participating manufacturer~~Participating Manufacturer~~.

"Participating manufacturer" has the same meaning ~~ascribed prescribed~~ in Section 15(a)(1) of the Escrow Act ~~[30 ILCS 168]~~.

"Qualified Escrow Fund" has the same meaning ~~ascribed prescribed~~ in Section 10 of the Escrow Act.

"Roll-Your-Own" or "RYO" has the same meaning set out in Section 10 of the Escrow Act (definition of "cigarette").

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"Stamps or imprints" means revenue tax stamps or imprints as provided for in Section 3 of the Cigarette Tax Act or stamps or imprints evidencing the payment of cigarette use tax as provided for in Section 3 of the Cigarette Use Tax Act, as appropriate.

"Tobacco product manufacturer" or "TPM" has the same meaning ~~ascribed~~prescribed in Section 10 of the Escrow Act.

"Units sold" has the same meaning ~~ascribed~~prescribed in Section 10 of the Escrow Act and includes "roll-your-own" tobacco for which tobacco products tax is owed and does not bear an excise tax stamp of the State.

(Source: Amended at 41 Ill. Reg. 2068, effective February 2, 2017)

Section 250.30 Distributor Filings

- a) Each distributor shall report quarterly to the AGO on paper or electronic forms provided by the AGO such information as is necessary for the AGO to ascertain the quantity of each NPM's cigarettes sold in Illinois by the distributor during the preceding quarter. Paper forms shall be sent to: Office of the Illinois Attorney General, 500 South Second Street, Springfield, Illinois 62706. Paper forms may alternatively be faxed to (217) 524-4701. Electronic forms shall be e-mailed to tobacco@atg.state.il.us. The quarterly information to be reported shall include:
- 1) The number of each NPM's cigarettes distributed by the distributor within Illinois, by brand.
 - 2) The equivalent stick count of each NPM's RYO tobacco distributed by the distributor within Illinois, by brand.
 - 3) The NPM name and address for each brand.
 - 4) The name and address of the person or entity from whom the distributor purchased or obtained the brand.
 - 5) The name and address of the first importer of foreign NPM brands or the first purchaser of non-resident NPM brands.

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- b) The information required by subsection (a) shall be filed prior to the 20th day after the end of each calendar quarter. The filing for:
- 1) January, February, and March is due on or before April 20.
 - 2) April, May, and June is due on or before July 20.
 - 3) July, August, and September is due on or before October 20.
 - 4) October, November, and December is due on or before January 20 of the following year.
- c) Distributors not selling any NPM brands for the relevant time period shall timely file a form as described in subsection (a) marked "none".
- d) Distributors shall maintain and make available to the Attorney General all records, invoices, and documentation relating to or reflecting purchases and sales of NPM cigarettes, which records, invoices and documentation provide a basis for the filings under subsection (a), for a period of not less than five years after the date of sale.
- e) Distributors ~~shall~~ may provide an electronic mail address to the AGO for the purpose of receiving electronic mail updates and notifications, if the distributor has created an electronic mail account.
- f) Distributors shall provide any additional information requested by the AGO including, but not limited to, samples of packaging, labeling of each brand family, names of customers and quantities of each brand sold to them and a statement signed by an officer of the manufacturer, under penalty of perjury, certifying whether the manufacturer is, or is not, a participating tobacco manufacturer under the MSA.
- g) Distributors not complying with this Section 250.30, or filing false or inaccurate information with the AGO, may be deemed to be in violation of the Escrow Enforcement Act and dealt with in accordance with Section 250.110.

(Source: Amended at 41 Ill. Reg. 2068, effective February 2, 2017)

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Section 250.80 Establishment of Directory of Participating Manufacturers and Directory of Compliant NPMs

- a) The AGO shall develop, maintain, and publish a directory of participating manufacturers who have generally performed their financial obligations under the MSA, and a separate directory of compliant NPMs who have established a qualified escrow account and who are otherwise in compliance with Section 15(a)(2) of the Escrow Act and Section 15(a)(2) and (3) of the Escrow Enforcement Act.
- b) The directories shall be published on the AGO's website (www.illinoisattorneygeneral.gov) and shall be revised as necessary as new information is received by the AGO.
 - 1) If the AGO intends to remove or not list a TPM from the directory, the AGO shall send a notice of intent to deny the TPM or its agent for service of process. The notice of intent to deny shall include:
 - A) the factual and legal deficiencies upon which the AGO's intended action rests;
 - B) the actions that the TPM must undertake to cure the factual or legal deficiencies upon which the intended action is based; and
 - C) a notification that the TPM shall have 10 calendar days to cure deficiencies and submit documentation or other information of its attempt to cure to the AGO.
 - 2) The AGO may extend the time period for a TPM to cure its deficiencies.
- c) If the TPM's deficiencies have been cured, a notice of approval shall be sent to the TPM or its agent for service of process. If the TPM's deficiencies have not been cured, a notice of removal or refusal to list shall be sent to the TPM or its agent for service of process. The notice of approval, removal or refusal to list shall be sent by certified or registered U.S. Mail or by other commercial mail delivery service 10 days prior to the change. The notice of approval, removal or refusal to list shall be a final administrative decision. Any TPM may request judicial review of the final administrative decision in the manner set forth in Section 250.100.

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- d) If the AGO decides to add or remove a TPM or brand family from the directory, a notice shall be ~~provided~~ to distributors. The notice to distributors shall be ~~provided~~ by U.S. Mail, ~~or by~~ other commercial mail delivery service, electronic mail or facsimile 10 calendar days prior to the change. In addition, notice of the directory change may be published on the AGO's website (www.illinoisattorneygeneral.gov) 10 calendar days prior to the change.
- e) The AGO shall not place an NPM on the directory of compliant NPMs unless all outstanding final judgments (including interest thereon) for violations of the Escrow Act and the Escrow Enforcement Act have been fully satisfied for that brand family and NPM, and:
- 1) the NPM has had sales in one or more Liability Years prior to the date of the directory's publication and it is in full compliance with its escrow obligations under the Escrow Act and the Escrow Enforcement Act and Section 250.70 as to such sales, including the payment of any applicable penalties; or
 - 2) the NPM is a successor to a tobacco product manufacturer that has had sales in one or more Liability Years prior to the date of the directory's publication, and it has deposited funds into a qualified escrow account to fully fund all prior Liability Year obligations for all of its predecessor's brands and paid all the penalties due for all such brands for all prior Liability Years, if the NPM's predecessor has not already done so; or
 - 3) the NPM has had no sales in any prior Liability Years but has established a qualifying escrow account (as evidenced by an approved Escrow Agreement) and is otherwise compliant with the Escrow Act and the Escrow Enforcement Act.
- f) Under Section 15(a)(2) of the Escrow Act, each NPM for a particular brand family is jointly and severally liable with every other NPM for that particular brand family for all Liability Year escrow obligations and penalties.
- g) In determining compliance for purposes of placing a TPM on the directory of participating manufacturers and the directory of compliant NPMs, the AGO may consider the following factors:

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- 1) the requirements for placement on the directory as set forth in this Part and in the Acts;
- 2) distributor filings;
- 3) the TPM's certifications, affidavits, and supporting documents;
- 4) the lack of completeness of the TPM's certifications, affidavits, and supporting documents;
- 5) the NPM's escrow agreement;
- 6) the failure of a TPM who is a PM to generally perform its financial obligations under the MSA, or of the TPM, predecessor of the TPM, or previous TPM of the brand families to make its full MSA payments unless as otherwise provided in MSA Section§ XI(d);
- 7) the failure of the NPM, predecessor of the NPM, or previous NPM of the brand families to timely pay or fully fund its qualified escrow account or to timely or entirely pay judgments or penalties due to a qualified escrow account or to the AGO under the Escrow Act or other states' tobacco statutes;
- 8) whether the TPM is, in fact, the manufacturer of the brands with respect to which the TPM seeks to be listed as compliant;
- 9) whether acting on its own or through a distributor, wholesaler, retailer, or similar intermediary or intermediaries or another TPM, the TPM's having engaged in business as a distributor (as defined in the Tobacco Products Tax Act of 1995 [35 ILCS 143]) without first having obtained a license to do so from the Department;
- 10) the TPM's failure to cure the deficiencies identified in a notice of intent to deny under this Part within 10 calendar days after receiving the notice;
- 11) the TPM's failure to provide additional information as requested by the AGO;

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- 12) information from any other source (e.g., U.S. Department of the Treasury, Department of Revenue, distributors) that pertains to the verification of the accuracy of the information provided by the TPM;
- 13) whether the TPM is controlled, managed, or operated by a person with a current or prior interest in any other TPM that is not or has not been compliant with the Escrow Act or that is the subject of an injunction for failure to comply with the Escrow Act; and
- 14) any other facts or circumstances that are relevant to the certification of the TPM.

(Source: Amended at 41 Ill. Reg. 2068, effective February 2, 2017)

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NOTICE OF PEREMPTORY AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3)

<u>Section Numbers:</u>	<u>Peremptory Actions:</u>
310.47	Amendment
310.260	Amendment
310.APPENDIX A TABLE P	Amendment
310.APPENDIX A TABLE Q	Repealed
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking: The Department of Central Management Services is amending the Pay Plan (80 Ill. Adm. Code 310) Sections 310.47, 310.260 and 310.Appendix A Tables P and Q to reflect two Memoranda of Understanding. The first Memorandum of Understanding (MOU) is between the State of Illinois and Illinois Federation of Public Employees for Salary Placement for RC-033 Titles incorporated into the RC-029 Bargaining Unit initially signed September 7, 2016 and providing the salary effective date signed January 3, 2017. The second MOU that applies to the Meat and Poultry Inspector and Meat and Poultry Inspector Trainee employees in the Department of Agriculture signed September 11, 2014. The Illinois Labor Relations Board issued the Certification of Unit Clarification (Case No. S-UC-(S)-14-054) to merge bargaining unit RC-033 into bargaining unit RC-029 May 15, 2014. Both bargaining units were represented by the Illinois Federation of Public Employees. The titles represented by the RC-033 bargaining unit were Meat and Poultry Inspector and Meat and Poultry Inspector Trainee.
- 5) Statutory Authority: Authorized by Sections 8, 8a and 9(7) of the Personnel Code [20 ILCS 415/8, 20 ILCS 415/8a and 20 ILCS 415/9(7)], subsection (d) of Section 1-5 of the Illinois Administrative Procedure Act [5 ILCS 100/1-5(d)] and by Sections 4, 6, 15 and 21 of the Illinois Public Labor Relations Act [5 ILCS 315/4, 5 ILCS 315/6, 5 ILCS 315/15 and 5 ILCS 315/21].
- 6) Effective Date: February 2, 2017
- 7) A Complete Description of the Subjects and Issues Involved: In the table of contents, the heading for Section 310.Appendix A Table P has Meat and Poultry Inspectors and Meat and Poultry Inspector Trainees added. Repealed in parentheses is added at the end of the heading for Section 310.Appendix A Table Q.

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In Section 310.47 subsection (f) (2) for the Meat and Poultry Inspector Trainee title, the bargaining unit is changed to RC-029 and the effective date is changed to May 15, 2014. The in-hire rate remains the same for the title.

In Section 310.260 for the Meat and Poultry Inspector Trainee title, the bargaining unit is changed to RC-033.

In Section 310.Appendix A Table P, Meat and Poultry Inspectors and Meat and Poultry Inspector Trainees are added to the employees represented by the bargaining unit in the heading. In the title table, the Meat and Poultry Inspector title, its title code 26070, bargaining unit RC-029 and pay grade 13.5 and the Meat and Poultry Inspector Trainee title, its title code 26075, bargaining unit RC-029 and pay grade 09 are added. In the Notes, the Shift Differential Pay and Longevity Pay Notes have subheadings and the respective provision for the Meat and Poultry Inspector and Meat and Poultry Inspector Trainee titles added. A new Clothing Reimbursement and Allowance Note is added for the Meat and Poultry Inspector and Meat and Poultry Inspector Trainee titles. A rate table effective May 15, 2014 is added to indicate the rates in the new 09 and 13.5 pay grades. In the rate table effective July 1, 2014, the new pay grades are added.

Section 310.Appendix A Table Q is repealed.

- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed with the Index Department: February 2, 2017
- 10) This and other Pay Plan amendments are available in the Division of Technical Services of the Bureau of Personnel.
- 11) Is this in compliance with Section 5-50 of the Illinois Administrative Procedure Act?
Yes
- 12) Are there any other rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Actions:</u>	<u>Illinois Register Citations:</u>
310.Appendix A Table L	Amendment	40 Ill. Reg. 15444; November 18, 2016
310.47	Amendment	41 Ill. Reg. 213; January 13, 2017
310.260	Amendment	41 Ill. Reg. 213; January 13, 2017
310.410	Amendment	41 Ill. Reg. 213; January 13, 2017
310.Appendix A Table I	Amendment	41 Ill. Reg. 213; January 13, 2017

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- 13) Statement of Statewide Policy Objective: The amendments to the Pay Plan affects only the employees subject to the Personnel Code and does not set out any guidelines that affect local or other jurisdictions in the State.
- 14) Information and questions regarding these peremptory amendments shall be directed to:

Mr. Jason Doggett
Manager
Compensation Section
Division of Technical Services
Bureau of Personnel
Department of Central Management Services
503 William G. Stratton Building
Springfield IL 62706

217/524-1055
fax: 217/558-4497
CMS.PayPlan@Illinois.gov

The full text of the Peremptory Amendments begins on the next page:

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NOTICE OF PEREMPTORY AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.45	Comparison of Pay Grades or Salary Ranges Assigned to Classifications
310.47	In-Hire Rate
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes (Repealed)
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate (Repealed)
310.240	Daily or Hourly Rate Conversion
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate

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310.270	Legislated Rate (Repealed)
310.280	Designated Rate
310.290	Out-of-State Rate (Repealed)
310.295	Foreign Service Rate (Repealed)
310.300	Educator Schedule for RC-063 and HR-010
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections (Repealed)
310.330	Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

Section	
310.410	Jurisdiction
310.415	Merit Compensation Salary Range Assignments
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases and Bonuses
310.455	Intermittent Merit Increase (Repealed)
310.456	Merit Zone (Repealed)
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Broad-Band Pay Range Classes
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units (Repealed)
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase and Bonus Guidechart
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)
310.560	Merit Incentive Program
310.570	Gain Sharing Program

SUBPART D: FROZEN NEGOTIATED-RATES-OF-PAY DUE TO
FISCAL YEAR APPROPRIATIONS AND EXPIRED SALARY SCHEDULES IN
COLLECTIVE BARGAINING UNIT AGREEMENTS

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Section

310.600	Jurisdiction (Repealed)
310.610	Pay Schedules (Repealed)
310.620	In-Hiring Rate (Repealed)
310.630	Definitions (Repealed)
310.640	Increases in Pay (Repealed)
310.650	Other Pay Provisions (Repealed)
310.660	Effective Date (Repealed)
310.670	Negotiated Rate (Repealed)
310.680	Trainee Rate (Repealed)
310.690	Educator Schedule for Frozen RC-063 and Frozen HR-010 (Repealed)
310.APPENDIX A	Negotiated Rates of Pay
310.TABLE A	RC-104 (Conservation Police Supervisors, Illinois Fraternal Order of Police Labor Council)
310.TABLE B	VR-706 (Assistant Automotive Shop Supervisors, Automotive Shop Supervisors and Meat and Poultry Inspector Supervisors, Laborers' – ISEA Local #2002)
310.TABLE C	RC-056 (Site Superintendents and Departments of Veterans' Affairs, Natural Resources, Human Services and Agriculture and Historic Preservation Agency Managers, IFPE)
310.TABLE D	HR-001 (Teamsters Local #700)
310.TABLE E	RC-020 (Teamsters Locals #330 and #705)
310.TABLE F	RC-019 (Teamsters Local #25)
310.TABLE G	RC-045 (Automotive Mechanics, IFPE)
310.TABLE H	RC-006 (Corrections Employees, AFSCME)
310.TABLE I	RC-009 (Institutional Employees, AFSCME)
310.TABLE J	RC-014 (Clerical Employees, AFSCME)
310.TABLE K	RC-023 (Registered Nurses, INA)
310.TABLE L	RC-008 (Boilermakers)
310.TABLE M	RC-110 (Conservation Police Lodge)
310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, Meat and Poultry Inspectors and Meat and Poultry Inspector Trainees , IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE) (Repealed)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	VR-704 (Departments of Corrections, Financial and Professional

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	Regulation, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002)
310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educator, Educator Trainees, Juvenile Justice School Counselors and Special Education Resources Coordinators, AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
310.TABLE AA	NR-916 (Departments of Central Management Services, Natural Resources and Transportation, Teamsters)
310.TABLE AB	RC-150 (Public Service Administrators Option 6, AFSCME) (Repealed)
310.TABLE AC	RC-036 (Public Service Administrators Option 8L Department of Healthcare and Family Services, INA)
310.TABLE AD	RC-184 (Blasting Experts, Blasting Specialists and Blasting Supervisors Department of Natural Resources, SEIU Local 73)
310.TABLE AE	RC-090 (Internal Security Investigators, Metropolitan Alliance of Police Chapter 294)
310.APPENDIX B	Frozen Negotiated-Rates-of-Pay (Repealed)
310.TABLE A	Frozen RC-104-Rates-of-Pay (Conservation Police Supervisors, Laborers' – ISEA Local #2002) (Repealed)
310.TABLE C	Frozen RC-056-Rates-of-Pay (Site Superintendents and Departments of Veterans' Affairs, Natural Resources, Human Services and Agriculture and Historic Preservation Agency Managers, IFPE) (Repealed)
310.TABLE H	Frozen RC-006-Rates-of-Pay (Corrections Employees, AFSCME) (Repealed)
310.TABLE I	Frozen RC-009-Rates-of-Pay (Institutional Employees, AFSCME) (Repealed)
310.TABLE J	Frozen RC-014-Rates-of-Pay (Clerical Employees, AFSCME) (Repealed)
310.TABLE K	Frozen RC-023-Rates-of-Pay (Registered Nurses, INA) (Repealed)
310.TABLE M	Frozen RC-110-Rates-of-Pay (Conservation Police Lodge) (Repealed)
310.TABLE N	Frozen RC-010 (Professional Legal Unit, AFSCME) (Repealed)
310.TABLE O	Frozen RC-028-Rates-of-Pay (Paraprofessional Human Services Employees, AFSCME) (Repealed)

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310.TABLE P	Frozen RC-029-Rates-of-Pay (Paraprofessional Investigatory and Law Enforcement Employees, IFPE) (Repealed)
310.TABLE R	Frozen RC-042-Rates-of-Pay (Residual Maintenance Workers, AFSCME) (Repealed)
310.TABLE S	Frozen VR-704-Rates-of-Pay (Departments of Corrections, Financial and Professional Regulation, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002) (Repealed)
310.TABLE T	Frozen HR-010-Rates-of-Pay (Teachers of Deaf, IFT) (Repealed)
310.TABLE V	Frozen CU-500-Rates-of-Pay (Corrections Meet and Confer Employees) (Repealed)
310.TABLE W	Frozen RC-062-Rates-of-Pay (Technical Employees, AFSCME) (Repealed)
310.TABLE X	Frozen RC-063-Rates-of-Pay (Professional Employees, AFSCME) (Repealed)
310.TABLE Y	Frozen RC-063-Rates-of-Pay (Educators and Educator Trainees, AFSCME) (Repealed)
310.TABLE Z	Frozen RC-063-Rates-of-Pay (Physicians, AFSCME) (Repealed)
310.TABLE AB	Frozen RC-150-Rates-of-Pay (Public Service Administrators Option 6, AFSCME) (Repealed)
310.TABLE AD	Frozen RC-184-Rates-of-Pay (Public Service Administrators Option 8X Department of Natural Resources, SEIU Local 73) (Repealed)
310.TABLE AE	Frozen RC-090-Rates-of-Pay (Internal Security Investigators, Metropolitan Alliance of Police Chapter 294) (Repealed)
310.APPENDIX C	Comparison of Pay Grades or Salary Ranges Assigned to Classifications
310.ILLUSTRATION A	Classification Comparison Flow Chart: Both Classes are Whole
310.ILLUSTRATION B	Classification Comparison Flow Chart: One Class is Whole and One is Divided
310.ILLUSTRATION C	Classification Comparison Flow Chart: Both Classes are Divided
310.APPENDIX D	Merit Compensation System Salary Schedule
310.APPENDIX E	Teaching Salary Schedule (Repealed)
310.APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G	Broad-Band Pay Range Classes Salary Schedule

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

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SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 3230, effective January 24, 1986; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory

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amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239,

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effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20

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Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000;

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peremptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; peremptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; peremptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; peremptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; peremptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; peremptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; peremptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; peremptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; peremptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; peremptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; peremptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; peremptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; peremptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; peremptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; peremptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 13, 2005; peremptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; peremptory amendment at 28 Ill. Reg. 15336, effective

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November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; preemptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; preemptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; preemptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; preemptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; preemptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; preemptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; preemptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; preemptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; preemptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; preemptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; preemptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; preemptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; preemptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; preemptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; preemptory amendment at 30 Ill. Reg. 6409, effective March 30, 2006; amended at 30 Ill. Reg. 7857, effective April 17, 2006; amended at 30 Ill. Reg. 9438, effective May 15, 2006; preemptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; preemptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006; amended at 30 Ill. Reg. 11336, effective July 1, 2006; emergency amendment at 30 Ill. Reg. 12340, effective July 1, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; preemptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; preemptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; preemptory amendment at 30 Ill. Reg. 16439, effective September 27, 2006; emergency amendment at 30 Ill. Reg. 16626, effective October 3, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; preemptory amendment at 30 Ill. Reg. 18823, effective November 21, 2006; preemptory amendment at 31 Ill. Reg. 230, effective December 20, 2006; emergency amendment at 31 Ill. Reg. 1483, effective January 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 2485, effective January 17, 2007; preemptory amendment at 31 Ill. Reg. 4445, effective February 28, 2007; amended at 31 Ill. Reg. 4982, effective March 15, 2007; preemptory amendment at 31 Ill. Reg. 7338, effective May 3, 2007; amended at 31 Ill. Reg. 8901, effective July 1, 2007; emergency amendment at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days;

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peremptory amendment at 31 Ill. Reg. 10496, effective July 6, 2007; peremptory amendment at 31 Ill. Reg. 12335, effective August 9, 2007; emergency amendment at 31 Ill. Reg. 12608, effective August 16, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 13220, effective August 30, 2007, for a maximum of 150 days; peremptory amendment at 31 Ill. Reg. 13357, effective August 29, 2007; amended at 31 Ill. Reg. 13981, effective September 21, 2007; peremptory amendment at 31 Ill. Reg. 14331, effective October 1, 2007; amended at 31 Ill. Reg. 16094, effective November 20, 2007; amended at 31 Ill. Reg. 16792, effective December 13, 2007; peremptory amendment at 32 Ill. Reg. 598, effective December 27, 2007; amended at 32 Ill. Reg. 1082, effective January 11, 2008; peremptory amendment at 32 Ill. Reg. 3095, effective February 13, 2008; peremptory amendment at 32 Ill. Reg. 6097, effective March 25, 2008; peremptory amendment at 32 Ill. Reg. 7154, effective April 17, 2008; expedited correction at 32 Ill. Reg. 9747, effective April 17, 2008; peremptory amendment at 32 Ill. Reg. 9360, effective June 13, 2008; amended at 32 Ill. Reg. 9881, effective July 1, 2008; peremptory amendment at 32 Ill. Reg. 12065, effective July 9, 2008; peremptory amendment at 32 Ill. Reg. 13861, effective August 8, 2008; peremptory amendment at 32 Ill. Reg. 16591, effective September 24, 2008; peremptory amendment at 32 Ill. Reg. 16872, effective October 3, 2008; peremptory amendment at 32 Ill. Reg. 18324, effective November 14, 2008; peremptory amendment at 33 Ill. Reg. 98, effective December 19, 2008; amended at 33 Ill. Reg. 2148, effective January 26, 2009; peremptory amendment at 33 Ill. Reg. 3530, effective February 6, 2009; peremptory amendment at 33 Ill. Reg. 4202, effective February 26, 2009; peremptory amendment at 33 Ill. Reg. 5501, effective March 25, 2009; peremptory amendment at 33 Ill. Reg. 6354, effective April 15, 2009; peremptory amendment at 33 Ill. Reg. 6724, effective May 1, 2009; peremptory amendment at 33 Ill. Reg. 9138, effective June 12, 2009; emergency amendment at 33 Ill. Reg. 9432, effective July 1, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 10211, effective July 1, 2009; peremptory amendment at 33 Ill. Reg. 10823, effective July 2, 2009; peremptory amendment at 33 Ill. Reg. 11082, effective July 10, 2009; peremptory amendment at 33 Ill. Reg. 11698, effective July 23, 2009; peremptory amendment at 33 Ill. Reg. 11895, effective July 31, 2009; peremptory amendment at 33 Ill. Reg. 12872, effective September 3, 2009; amended at 33 Ill. Reg. 14944, effective October 26, 2009; peremptory amendment at 33 Ill. Reg. 16598, effective November 13, 2009; peremptory amendment at 34 Ill. Reg. 305, effective December 18, 2009; emergency amendment at 34 Ill. Reg. 957, effective January 1, 2010, for a maximum of 150 days; peremptory amendment at 34 Ill. Reg. 1425, effective January 5, 2010; peremptory amendment at 34 Ill. Reg. 3684, effective March 5, 2010; peremptory amendment at 34 Ill. Reg. 5776, effective April 2, 2010; peremptory amendment at 34 Ill. Reg. 6214, effective April 16, 2010; amended at 34 Ill. Reg. 6583, effective April 30, 2010; peremptory amendment at 34 Ill. Reg. 7528, effective May 14, 2010; amended at 34 Ill. Reg. 7645, effective May 24, 2010; peremptory amendment at 34 Ill. Reg. 7947, effective May 26, 2010; peremptory amendment at 34 Ill. Reg. 8633, effective June 18, 2010; amended at 34 Ill. Reg. 9759, effective July 1, 2010; peremptory amendment at 34 Ill. Reg. 10536, effective

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July 9, 2010; preemptory amendment at 34 Ill. Reg. 11864, effective July 30, 2010; emergency amendment at 34 Ill. Reg. 12240, effective August 9, 2010, for a maximum of 150 days; preemptory amendment at 34 Ill. Reg. 13204, effective August 26, 2010; preemptory amendment at 34 Ill. Reg. 13657, effective September 8, 2010; preemptory amendment at 34 Ill. Reg. 15897, effective September 30, 2010; preemptory amendment at 34 Ill. Reg. 18912, effective November 15, 2010; preemptory amendment at 34 Ill. Reg. 19582, effective December 3, 2010; amended at 35 Ill. Reg. 765, effective December 30, 2010; emergency amendment at 35 Ill. Reg. 1092, effective January 1, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 2465, effective January 19, 2011; preemptory amendment at 35 Ill. Reg. 3577, effective February 10, 2011; emergency amendment at 35 Ill. Reg. 4412, effective February 23, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 4803, effective March 11, 2011; emergency amendment at 35 Ill. Reg. 5633, effective March 15, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 5677, effective March 18, 2011; amended at 35 Ill. Reg. 8419, effective May 23, 2011; amended at 35 Ill. Reg. 11245, effective June 28, 2011; emergency amendment at 35 Ill. Reg. 11657, effective July 1, 2011, for a maximum of 150 days; emergency expired November 27, 2011; preemptory amendment at 35 Ill. Reg. 12119, effective June 29, 2011; preemptory amendment at 35 Ill. Reg. 13966, effective July 29, 2011; preemptory amendment at 35 Ill. Reg. 15178, effective August 29, 2011; emergency amendment at 35 Ill. Reg. 15605, effective September 16, 2011, for a maximum of 150 days; preemptory amendment at 35 Ill. Reg. 15640, effective September 15, 2011; preemptory amendment at 35 Ill. Reg. 19707, effective November 23, 2011; amended at 35 Ill. Reg. 20144, effective December 6, 2011; amended at 36 Ill. Reg. 153, effective December 22, 2011; preemptory amendment at 36 Ill. Reg. 564, effective December 29, 2011; preemptory amendment at 36 Ill. Reg. 3957, effective February 24, 2012; preemptory amendment at 36 Ill. Reg. 4158, effective March 5, 2012; preemptory amendment at 36 Ill. Reg. 4437, effective March 9, 2012; amended at 36 Ill. Reg. 4707, effective March 19, 2012; amended at 36 Ill. Reg. 8460, effective May 24, 2012; preemptory amendment at 36 Ill. Reg. 10518, effective June 27, 2012; emergency amendment at 36 Ill. Reg. 11222, effective July 1, 2012, for a maximum of 150 days; preemptory amendment at 36 Ill. Reg. 13680, effective August 15, 2012; preemptory amendment at 36 Ill. Reg. 13973, effective August 22, 2012; preemptory amendment at 36 Ill. Reg. 15498, effective October 16, 2012; amended at 36 Ill. Reg. 16213, effective November 1, 2012; preemptory amendment at 36 Ill. Reg. 17138, effective November 20, 2012; preemptory amendment at 37 Ill. Reg. 3408, effective March 7, 2013; amended at 37 Ill. Reg. 4750, effective April 1, 2013; preemptory amendment at 37 Ill. Reg. 5925, effective April 18, 2013; preemptory amendment at 37 Ill. Reg. 9563, effective June 19, 2013; amended at 37 Ill. Reg. 9939, effective July 1, 2013; emergency amendment at 37 Ill. Reg. 11395, effective July 1, 2013, for a maximum of 150 days; preemptory amendment at 37 Ill. Reg. 11524, effective July 3, 2013; preemptory amendment at 37 Ill. Reg. 12588, effective July 19, 2013; preemptory amendment at 37 Ill. Reg. 13762, effective August 8, 2013; preemptory amendment at 37 Ill. Reg. 14219, effective August 23,

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2013; amended at 37 Ill. Reg. 16925, effective October 8, 2013; preemptory amendment at 37 Ill. Reg. 17164, effective October 18, 2013; preemptory amendment at 37 Ill. Reg. 20410, effective December 6, 2013; preemptory amendment at 38 Ill. Reg. 2974, effective January 9, 2014; amended at 38 Ill. Reg. 5250, effective February 4, 2014; preemptory amendment at 38 Ill. Reg. 6725, effective March 6, 2014; emergency amendment at 38 Ill. Reg. 9080, effective April 11, 2014, for a maximum of 150 days; preemptory amendment at 38 Ill. Reg. 9136, effective April 11, 2014; amended at 38 Ill. Reg. 9207, effective April 21, 2014; preemptory amendment at 38 Ill. Reg. 13416, effective June 11, 2014; amended at 38 Ill. Reg. 14818, effective July 1, 2014; preemptory amendment at 38 Ill. Reg. 15739, effective July 2, 2014; preemptory amendment at 38 Ill. Reg. 17481, effective July 29, 2014; amended at 38 Ill. Reg. 17556, effective August 6, 2014; preemptory amendment at 38 Ill. Reg. 18791, effective August 26, 2014; preemptory amendment at 38 Ill. Reg. 19806, effective September 26, 2014; amended at 38 Ill. Reg. 20695, effective October 14, 2014; amended at 38 Ill. Reg. 24005, effective December 9, 2014; preemptory amendment at 39 Ill. Reg. 728, effective December 23, 2014; emergency amendment at 39 Ill. Reg. 708, effective December 26, 2014, for a maximum of 150 days; preemptory amendment at 39 Ill. Reg. 6964, effective April 29, 2015; amended at 39 Ill. Reg. 7878, effective May 22, 2015; amended at 39 Ill. Reg. 11220, effective July 28, 2015; preemptory amendment at 39 Ill. Reg. 12004, effective August 13, 2015; preemptory amendment at 39 Ill. Reg. 15807, effective November 25, 2015; amended at 40 Ill. Reg. 5893, effective March 28, 2016; preemptory amendment at 40 Ill. Reg. 8462, effective June 1, 2016; preemptory amendment at 40 Ill. Reg. 9658, effective June 30, 2016; amended at 40 Ill. Reg. 9356, effective July 1, 2016; preemptory amendment at 40 Ill. Reg. 11207, effective August 5, 2016; preemptory amendment at 41 Ill. Reg. 1210, effective January 19, 2017; amended at 41 Ill. Reg. 1695, effective January 25, 2017; preemptory amendment at 41 Ill. Reg. 2078, effective February 2, 2017.

SUBPART A: NARRATIVE

Section 310.47 In-Hire Rate

- a) Use – No employee in a position in which the position and/or the employee meet the criteria of an in-hire rate receives less than the in-hire rate. The in-hire rate is used when a candidate only meets the minimum requirements of the class specification upon entry to State service (Section 310.100(b)(1), 310.490(b)(1) or 310.495(b)(1)), when an employee moves to a vacant position (Section 310.45) or when an MS salary range is assigned to a Trainee Program (Section 310.415(b)).
- b) Request – An agency head may request in writing that the Director of Central Management Services approve or negotiate an in-hire rate. The in-hire rate is a Step or dollar amount depending on whether the classification title is assigned to a

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negotiated full scale rate, negotiated pay grade, merit compensation salary range or broad-band salary range. The in-hire rate may be for the classification title or limited within the classification title to the agency, facilities, counties or other criteria. The supporting justifications for the requested in-hire rate and the limitations are included in the agency request. An effective date may be included in the request.

- c) Review – The Director of Central Management Services shall review the supporting justifications, the turnover rate, the length of vacancies, the currently filled positions for the classification title, and the market starting rates for similar classes, and consult with other agencies using the classification title. Other factors may be included in the review and negotiation of negotiated in-hire rates.
- d) Approval or Negotiated –
 - 1) Approval – The Director of Central Management Services indicates in writing the approved in-hire rate and effective date, which is either the date requested by the agency or the beginning of the next pay period after the approval.
 - 2) Negotiated – The Director of Central Management Services and the bargaining unit representative indicate in writing the in-hire rates and effective date, which is either the date indicated in the agreement, the date of the agreement's signature or the beginning of the next pay period after the signatures are secured on the agreement.
- e) Implementation – In the classification title or within the limitations of the classification title and when the in-hire rate is above the normal minimum of the assigned salary range or pay grade, an employee paid below the in-hire rate receives the in-hire rate on the approved effective date. The in-hire rate remains in effect for any employee entering the title or the limits within the title until the title is abolished or an agency request to rescind the in-hire rate is approved by the Director of Central Management Services or negotiated by the Director of Central Management Services and the bargaining unit representative.
- f) Approved or Negotiated In-Hire Rates –
 - 1) Assigned to a Classification –

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A) Approved and Assigned to a Pay Grade or Salary Range –

Title	Pay Grade or Salary Range	Effective Date	In-Hire Rate
Commerce Commission Police Officer Trainee	MS-10	January 1, 2008	\$2,943
Correctional Officer	RC-006-09	January 1, 2008	Step 1
Correctional Officer Trainee	RC-006-05	January 1, 2008	Step 1
Environmental Engineer I	RC-063-15	January 1, 2008	Step 2
Environmental Protection Engineer I	RC-063-15	January 1, 2008	Step 5
Environmental Protection Engineer II	RC-063-17	January 1, 2008	Step 4
Internal Auditor Trainee	MS-09	January 1, 2008	\$2,854

B) Negotiated and Assigned to a Full Scale Rate – The rates are located in Appendix A Table D for bargaining unit HR-001, in Appendix A Table E for bargaining unit RC-020, in Appendix A Table F for RC-019 and in Appendix A Table G for bargaining unit RC-045.

Title	Bargaining Unit	Effective Date	In-Hire Rate
Auto & Body Repairer	RC-045	July 1, 2013	75%
Automotive Attendant I	RC-045	July 1, 2013	75%
Automotive Attendant II	RC-045	July 1, 2013	75%
Automotive Mechanic	RC-045	July 1, 2013	75%
Automotive Parts Warehouse Specialist	RC-045	July 1, 2013	75%
Automotive Parts Warehouse	RC-045	July 1, 2013	75%
Bridge Mechanic	RC-019	July 8, 2013	75%
Bridge Mechanic	RC-020	June 26, 2013	75%
Bridge Tender	RC-019	July 8, 2013	75%
Bridge Tender	RC-020	June 26, 2013	75%
Building Services Worker	HR-001	July 24, 2013	75%
Deck Hand	RC-019	July 8, 2013	75%

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Elevator Operator	HR-001	July 24, 2013	75%
Ferry Operator I	RC-019	July 8, 2013	75%
Ferry Operator II	RC-019	July 8, 2013	75%
Grounds Supervisor	HR-001	July 24, 2013	75%
Heavy Construction Equipment Operator	HR-001	July 24, 2013	75%
Heavy Construction Equipment Operator	RC-020	June 26, 2013	75%
Highway Maintainer	HR-001	November 1, 2009	75%
Highway Maintainer	RC-019	July 8, 2013	75%
Highway Maintainer	RC-020	June 26, 2013	75%
Highway Maintenance Lead Worker	HR-001	July 24, 2013	75%
Highway Maintenance Lead Worker	RC-019	July 8, 2013	75%
Highway Maintenance Lead Worker	RC-020	June 26, 2013	75%
Highway Maintenance Lead Worker (Lead Lead Worker)	RC-019	July 8, 2013	75%
Highway Maintenance Lead Worker (Lead Lead Worker)	RC-020	June 26, 2013	75%
Janitor I (Including Office of Administration)	RC-019	July 8, 2013	75%
Janitor II (Including Office of Administration)	RC-019	July 8, 2013	75%
Labor Maintenance Lead Worker	RC-019	July 8, 2013	75%
Labor Maintenance Lead Worker	RC-020	June 26, 2013	75%
Laborer (Maintenance)	HR-001	July 24, 2013	75%
Laborer (Maintenance)	RC-019	July 8, 2013	75%
Laborer (Maintenance)	RC-020	June 26, 2013	75%
Maintenance Equipment Operator	HR-001	July 24, 2013	75%
Maintenance Equipment Operator	RC-019	July 8, 2013	75%
Maintenance Equipment Operator	RC-020	June 26, 2013	75%
Maintenance Worker	HR-001	July 24, 2013	75%

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Maintenance Worker	RC-019	July 8, 2013	75%
Maintenance Worker	RC-020	June 26, 2013	75%
Power Shovel Operator (Maintenance)	HR-001	July 24, 2013	75%
Power Shovel Operator (Maintenance)	RC-019	July 8, 2013	75%
Power Shovel Operator (Maintenance)	RC-020	June 26, 2013	75%
Security Guard I	RC-019	July 8, 2013	75%
Security Guard II	RC-019	July 8, 2013	75%
Silk Screen Operator	RC-019	July 8, 2013	75%
Silk Screen Operator	RC-020	June 26, 2013	75%
Small Engine Mechanic	RC-045	July 1, 2013	75%
Storekeeper I*	RC-045	July 1, 2013	75%
Storekeeper II*	RC-045	July 1, 2013	75%

*Storekeeper I & Storekeeper II serving as Automotive Parts Warehouse in Cook County.

- 2) Based on the Position's Work Location or Employee's Credential or Residency –

Title	Pay Grade or Salary Range	Location or Residency	Credential	Effective Date	In-Hire Rate
Civil Engineer Trainee	NR-916	None identified	Bachelor's degree in accredited civil engineering program	January 1, 2008	Add to minimum monthly rate \$40/quarter work experience up to 8
Civil Engineer Trainee	NR-916	None identified	Passed Engineering Intern exam	January 1, 2008	Add to minimum monthly rate \$60/month

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Civil Engineer Trainee	NR-916	None identified	Job-Related Master's degree	January 1, 2012	Add to minimum monthly rate \$40/month for each year of full-time graduate study as a substitute for job-related experience up to two years
Clerical Trainee	MS-01	Work in City of Chicago	None identified beyond class requirements	July 1, 2016	\$10.50/hour or \$1,713/month
Conservation/ Historic Preservation Worker	MS-01	Work in City of Chicago	None identified beyond class requirements	July 1, 2016	\$10.50/hour or \$1,713/month
Engineering Technician I	NR-916	None identified	Completed 2 years of college in civil engineering or job related technical/ science curriculum (60 semester /90 quarter hours credit)	January 1, 2012	\$2,845
Engineering Technician I	NR-916	None identified	Completed 3 years of college in areas other than civil engineering or job related technical/ science curriculum	January 1, 2012	\$2,730

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(90 semester
/135 quarter
hours credit)

Engineering Technician I	NR-916	None identified	Associate Degree from an accredited 2 year civil engineering technology program	January 1, 2012	\$2,975
Engineering Technician I	NR-916	None identified	Completed 3 years of college courses in civil engineering or job related technical/ science curriculum (90 semester /135 quarter hours credit)	January 1, 2012	\$2,975
Engineering Technician I	NR-916	None identified	Completed 4 years of college courses in areas other than civil engineering or job related technical/ science curriculum (120 semester /180 quarter hours credit)	January 1, 2012	\$2,845

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Engineering Technician I	NR-916	None identified	Completed 4 years of college in civil engineering or job related technical/science curriculum (120 semester/180 quarter hours credit includes appointees from unaccredited engineering programs and those who have not yet obtained a degree)	January 1, 2012	\$3,095
Engineering Technician I and II	NR-916	None identified	Bachelor of Science Degree from an accredited 4 year program in civil engineering technology, industrial technology, and construction technology	January 1, 2012	\$3,510
Forensic Scientist Trainee	RC-062-15	None identified	Meets minimum class requirements	January 1, 2008	Step 1

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Information Services Intern	RC-063-15	Work outside Cook County	Computer Science degree at 4-year college or completed Forensic Science Residency Program at the U of I-Chicago	January 1, 2008	Step 4
Information Services Intern	RC-063-15	Work in Cook County	Computer Science degree at 4-year college	January 1, 2008	Step 6
Information Services Intern	RC-063-15	Work outside Cook County	Computer Science degree at 2-year technical school	January 1, 2008	Step 2
Information Services Intern	RC-063-15	Work in Cook County	Computer Science degree at 2-year technical school	January 1, 2008	Step 4
Information Services Intern	RC-063-15	Work in Cook County	Non-Computer Science degree at 4-year college	January 1, 2008	Step 3
Information Services Specialist I	RC-063-17	Work in Cook County	None identified beyond class requirements	January 1, 2008	Step 2

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Juvenile Justice Specialist	RC-006-14	None identified	Master's degree	September 1, 2008	Step 2
Juvenile Justice Specialist Intern	RC-006-11	None identified	Master's degree	September 1, 2008	Step 2
Meat & Poultry Inspector Trainee	RC-029RC-033	Work in Regions 1 and 6	None identified beyond class requirements	January 1, 2008 <u>May 15, 2014</u>	Step 1
Office Occupations Trainee	MS-01	Work in City of Chicago	None identified beyond class requirements	July 1, 2016	\$10.50/hour or \$1,713/month
Physician Specialist, Option C	RC-063-MD-C	Work in Singer, McFarland, Choate, Chester, Alton, Murray, and Mabley facilities	None identified beyond class requirements	January 1, 2008	Step 5
Physician Specialist, Option D	RC-063-MD-D	Work in Singer, McFarland, Choate, Chester, Alton, Murray, and Mabley facilities	None identified beyond class requirements	January 1, 2008	Step 5
Products & Standards Inspector Trainee	MS-09	Work in Cook, DuPage, Lake, Kane, and	None identified beyond class requirements	January 1, 2008	\$3,057

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		Will counties			
Products & Standards Inspector Trainee	MS-09	Work in counties outside Cook, DuPage, Lake, Kane, and Will counties	None identified beyond class requirements	January 1, 2008	\$2,854
Public Service Trainee	MS-01	Work in City of Chicago	None identified beyond class requirements	July 1, 2016	\$10.50/hour or \$1,713/month
Student Intern (includes Governor's Natural Resources Fellowship Program)	MS-01	Work in City of Chicago	None identified beyond class requirements	July 1, 2016	\$10.50/hour or \$1,713/month
Student Intern (Governor's Natural Resources Fellowship Program)	MS-01	Department of Natural Resources	Bachelor's degree in plant or animal ecology, botany, forestry, wildlife biology, ecology or environmental zoology and enrolled in Master's program	September 16, 2013	\$1,600

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Student Worker	MS-01	Work in City of Chicago	None identified beyond class requirements	July 1, 2016	\$10.50/hour or \$1,713/month
Telecommunicator	RC-014-12	Work in District 2	None identified beyond class requirements	January 1, 2008	Step 2
Telecommunicator Trainee	RC-014-10	Work in Kane County	None identified beyond class requirements	January 1, 2008	Step 3
Telecommunicator Trainee	RC-014-10	Work in Cook County	None identified beyond class requirements	January 1, 2008	Step 7

(Source: Amended by peremptory rulemaking at 41 Ill. Reg. 2078, effective February 2, 2017)

SUBPART B: SCHEDULE OF RATES

Section 310.260 Trainee Rate

Rates of pay for employees working in classes pursuant to a Trainee Program (80 Ill. Adm. Code 302.170) shall conform to those set forth in negotiated pay grades within Negotiated Rates of Pay (Appendix A) unless the rate is red-circled (Section 310.220(e)) or salary ranges within the Merit Compensation System Salary Schedule (Appendix D). The process of assigning merit compensation salary ranges to Trainee Program classifications is in Section 310.415. The Trainee Program classifications are:

Title	Title Code	Negotiated Pay Grade	Merit Compensation Salary Range
Account Technician Trainee	00118	None	MS-04

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Accounting and Fiscal Administration Career Trainee	00140	RC-062-12	MS-09
Actuarial Examiner Trainee	00196	RC-062-13	MS-10
Administrative Services Worker Trainee	00600	RC-014-02	MS-02
Animal and Animal Products Investigator Trainee	01075	None	MS-09
Appraisal Specialist Trainee	01255	None	MS-09
Arson Investigations Trainee	01485	None	MS-12
Behavioral Analyst Associate	04355	RC-062-15	MS-12
Child Support Specialist Trainee	07200	RC-062-12	MS-09
Children and Family Service Intern, Option 1	07241	RC-062-12	MS-09
Children and Family Service Intern, Option 2	07242	RC-062-15	MS-12
Civil Engineer Trainee	07607	NR-916	MS-16
Clerical Trainee	08050	RC-014-TR	MS-01
Clinical Laboratory Technologist Trainee	08229	RC-062-14	MS-11
Clinical Psychology Associate	08255	RC-063-18	MS-19
Commerce Commission Police Officer Trainee	08455	None	MS-10
Conservation Police Officer Trainee	09345	RC-110	MS-06
Correctional Officer Trainee	09676	RC-006-05	MS-08
Corrections Nurse Trainee	09838	RC-023-17	MS-16
Criminal Justice Specialist Trainee	10236	RC-062-13	MS-10
Data Processing Operator Trainee	11428	RC-014-02	MS-02
Data Processing Technician Trainee	11443	RC-028-06	MS-04
Disability Claims Adjudicator Trainee	12539	RC-062-13	MS-10
Economic Development Representative Trainee	12939	None	MS-10
Educator Intern	13135	None	MS-10
Energy and Natural Resources Specialist Trainee	13715	RC-062-12	MS-09

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Financial Institutions Examiner Trainee	14978	RC-062-13	MS-10
Fingerprint Technician Trainee	15209	None	MS-05
Fire Prevention Inspector Trainee	15320	RC-029-12	MS-10
Firearms Eligibility Analyst Trainee	15375	Pending Negotiations	
Forensic Scientist Trainee	15897	RC-062-15	MS-12
Gaming Special Agent Trainee	17195	RC-062-14	MS-11
Geographic Information Trainee	17276	RC-063-15	MS-12
Governmental Career Trainee	17325	None	MS-09
Graduate Pharmacist	17345	RC-063-20	MS-23
Hearing and Speech Associate	18231	RC-063-18	MS-19
Human Resources Trainee	19694	RC-014-07	MS-04
Human Rights Investigator Trainee	19768	None	MS-09
Human Services Grants Coordinator Trainee	19796	RC-062-12	MS-09
Industrial Services Consultant Trainee	21125	RC-062-11	MS-08
Industrial Services Hygienist Trainee	21133	RC-062-12	MS-09
Information Services Intern	21160	RC-063-15	MS-12
Insurance Analyst Trainee	21566	RC-014-07	MS-04
Insurance Company Financial Examiner Trainee	21610	RC-062-13	MS-10
Internal Auditor Trainee	21726	None	MS-09
Juvenile Justice Specialist Intern	21976	RC-006-11	MS-13
Land Reclamation Specialist Trainee	23137	None	MS-09
Liability Claims Adjuster Trainee	23375	None	MS-09
Life Sciences Career Trainee	23600	RC-062-12	MS-09
Management Operations Analyst Trainee	25545	None	MS-12
Manpower Planner Trainee	25597	RC-062-12	MS-09

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Meat and Poultry Inspector Trainee	26075	RC-029 RC-033	MS-07
Medicaid Management Intern	26305	None	MS-13
Mental Health Administrator Trainee	26817	RC-062-16	MS-12
Mental Health Specialist Trainee	26928	RC-062-11	MS-08
Mental Health Technician Trainee	27020	RC-009-01	MS-03
Methods and Procedures Career Associate Trainee	27137	RC-062-09	MS-06
Natural Resources Coordinator Trainee	28830	None	MS-09
Office Occupations Trainee	30075	None	MS-01
Polygraph Examiner Trainee	33005	None	MS-12
Products and Standards Inspector Trainee	34605	None	MS-09
Program Integrity Auditor Trainee	34635	RC-062-12	MS-09
Psychologist Associate	35626	RC-063-15	MS-12
Psychology Intern	35660	None	MS-15
Public Administration Intern	35700	None	MS-11
Public Aid Investigator Trainee	35874	RC-062-14	MS-11
Public Health Program Specialist Trainee	36615	RC-062-12	MS-09
Public Safety Inspector Trainee	37010	RC-062-10	MS-07
Public Service Trainee	37025	None	MS-01
Rehabilitation Counselor Trainee	38159	RC-062-15	MS-12
Rehabilitation/Mobility Instructor Trainee	38167	RC-063-15	MS-12
Research Fellow, Option B	38211	None	MS-19
Resident Physician	38270	None	MS-15
Residential Care Worker Trainee	38279	RC-009-11	MS-05
Revenue Auditor Trainee (IL)	38375	RC-062-12	MS-09

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Revenue Auditor Trainee (states other than IL and not assigned to RC-062-15)	38375	RC-062-13	MS-09
Revenue Auditor Trainee (see Note in Appendix A Table W)	38375	RC-062-15	MS-09
Revenue Collection Officer Trainee	38405	RC-062-12	MS-09
Revenue Special Agent Trainee	38565	RC-062-14	MS-11
Revenue Tax Specialist Trainee	38575	RC-062-10	MS-07
Security Therapy Aide Trainee	39905	RC-009-13	MS-06
Seed Analyst Trainee	39953	None	MS-07
Social Service Aide Trainee	41285	RC-006-01 RC-009-02	MS-03
Social Services Career Trainee	41320	RC-062-12	MS-09
Social Worker Intern	41430	None	MS-15
Student Intern	43190	None	MS-01
Student Worker	43200	None	MS-01
Telecommunications Systems Technician Trainee	45314	None	MS-05
Telecommunicator Trainee	45325	RC-014-10	MS-07
Terrorism Research Specialist Trainee	45375	RC-062-14	MS-11
Weatherization Specialist Trainee	49105	RC-062-12	MS-09
Well Inspector Trainee	49425	None	MS-09

(Source: Amended by peremptory rulemaking at 41 Ill. Reg. 2078, effective February 2, 2017)

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Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE P RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, Meat and Poultry Inspectors and Meat and Poultry Inspector Trainees, IFPE)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Grade</u>
Agricultural Products Promoter (See Note)	00815	RC-029	13
Animal and Animal Products Investigator	01072	RC-029	14
Apiary Inspector	01215	RC-029	04
Apiary Inspector (hourly)	01215	RC-029	04H
Arson Investigator I (See Note)	01481	RC-029	16
Arson Investigator II (See Note)	01482	RC-029	18
Arson Investigator II (Lead Worker) (See Note)	01482	RC-029	19
Breath Alcohol Analysis Technician (See Note)	05170	RC-029	16
Commerce Commission Police Officer I (See Note)	08451	RC-029	16
Commerce Commission Police Officer II (See Note)	08452	RC-029	18
Commodities Inspector	08770	RC-029	10
Drug Compliance Investigator	12778	RC-029	25
Elevator Inspector	13495	RC-029	18.5
Environmental Protection Legal Investigator I (See Note)	13811	RC-029	12
Environmental Protection Legal Investigator II	13812	RC-029	14
Environmental Protection Legal Investigator Specialist	13815	RC-029	15
Explosives Inspector I	14051	RC-029	14
Explosives Inspector II	14052	RC-029	17
Fingerprint Technician (See Note)	15204	RC-029	12
Fingerprint Technician Supervisor	15208	RC-029	17
Fire Prevention Inspector I	15316	RC-029	15
Fire Prevention Inspector II (See Note)	15317	RC-029	18
Fire Prevention Inspector Trainee (See Note)	15320	RC-029	12
Guard I	17681	RC-029	05
Guard II	17682	RC-029	08
Guard III	17683	RC-029	11
Licensing Assistant	23568	RC-029	07
Licensing Investigator I (See Note)	23571	RC-029	12
Licensing Investigator II	23572	RC-029	15
Licensing Investigator III (See Note)	23573	RC-029	16
Licensing Investigator IV (See Note)	23574	RC-029	18

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Liquor Control Special Agent I	23751	RC-029	15
Meat and Poultry Inspector	26070	RC-029	13.5
Meat and Poultry Inspector Trainee	26075	RC-029	09
Motorist Assistance Specialist	28490	RC-029	07
Plant and Pesticide Specialist I (See Note)	32501	RC-029	16
Plant and Pesticide Specialist II (See Note)	32502	RC-029	18
Plumbing Inspector (See Note)	32915	RC-029	19
Police Officer I (See Note)	32981	RC-029	16
Police Officer II (See Note)	32982	RC-029	18
Police Officer III (See Note)	32983	RC-029	20
Polygraph Examiner I (See Note)	33001	RC-029	18
Polygraph Examiner II (See Note)	33002	RC-029	20
Polygraph Examiner III (See Note)	33003	RC-029	22
Products and Standards Inspector	34603	RC-029	14
Security Officer (See Note)	39870	RC-029	12
Security Officer Sergeant (See Note)	39877	RC-029	13
Seed Analyst I	39951	RC-029	11
Seed Analyst II (See Note)	39952	RC-029	12
Site Security Officer	41115	RC-029	08
Truck Weighing Inspector (See Note)	46100	RC-029	12
Vehicle Compliance Inspector (See Note)	47570	RC-029	16
Vehicle Emissions Compliance Inspector (See Note)	47580	RC-029	12
Vehicle Emissions Quality Assurance Auditor (See Note)	47584	RC-029	13
Vital Records Quality Control Inspector (See Note)	48000	RC-029	12
Warehouse Claims Specialist (See Note)	48780	RC-029	19
Warehouse Examiner	48881	RC-029	15
Warehouse Examiner Specialist	48882	RC-029	17
Well Inspector I	49421	RC-029	14
Well Inspector II	49422	RC-029	17

NOTES: Shift Differential Pay – [For titles other than the Meat and Poultry Inspector and Meat and Poultry Inspector Trainee titles, employees](#) shall be paid a shift differential of \$0.50 per hour in addition to their base salary rate for all hours worked if their regular schedule for that day excluding overtime provides that they are scheduled to work and they work ½ or more of the work hours before 7 a.m. or after 3 p.m. Employees in positions having an indeterminate work schedule are not eligible for shift differential. Effective July 1, 2003, employees shall be paid a shift differential of \$0.67 per hour in addition to their base salary based on the criteria in this Note.

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Effective January 1, 2009, employees shall be paid a shift differential of \$0.75 per hour in addition to their base salary based on the criteria in this Note. Effective July 1, 2009, employees shall be paid a shift differential of \$0.80 per hour in addition to their base salary based on the criteria in this Note. Employees who currently receive a percentage shift differential providing more than the per hour based indicated in this Note on the base rate of pay prior to the effective date shall have that percentage converted to the cents per hour equivalent rounded to the nearest cent and shall continue to receive the higher cents per hour rate. For Meat and Poultry Inspector and Meat and Poultry Inspector Trainee titles, employees shall be paid a shift differential of \$0.50 per hour in addition to their base salary rate for all hours worked if their normal work schedule for that day provides that they are scheduled to work and they work ½ or more of the hours before 8:00 a.m. or after 4:00 p.m. Effective July 1, 2009, shift differential shall be increased to \$0.80 per hour.

Longevity Pay – For titles other than the Meat and Poultry Inspector and Meat and Poultry Inspector Trainee titles, effective Effective July 1, 1998, the Step 7 rate shall be increased ~~increases~~ by \$50 per month for those employees (non-sworn) who attain 15 years of service and have three or more years of creditable service on Step 7 in the same pay grade. Effective July 1, 2010, the Step 8 rate shall be increased by \$50 per month for those employees (non-sworn) who attain 10 years of service and have three or more years of creditable service at Step 8 in the same pay grade. Effective July 1, 2010, the Step 8 rate shall be increased by \$75 per month for those employees (non-sworn) who attain 15 years of service and have three or more years of creditable service on Step 8. Effective July 1, 2013, the Step 8 rate shall be increased \$75 per month for those employees (non-sworn) who attain 10 years of service and have three or more years of creditable service at Step 8 in the same pay grade. Effective July 1, 2013, the Step 8 rate shall be increased \$100 per month for those employees (non-sworn) who attain 15 years of service and have three or more years of creditable service on Step 8. Effective July 1, 1998, employees in the following classifications: Arson Investigator I and II; Commerce Commission Police Officer I and II; and Police Officer I, II and III. Effective July 1, 2003, employees in the following classification: Arson Investigator I and II; Commerce Commission Police Officer I and II; and Police Officer I, II and III shall be placed in a longevity schedule receiving a salary increase of \$50 per month upon reaching 10 years, 13 years, and 15 years of service in the same classification series. Employees shall be placed in a longevity schedule receiving a salary increase of \$75 per month upon reaching 17 years of service in the same classification series. Effective July 1, 2011, employees in the following classifications: Arson Investigator I and II; Commerce Commission Police Officer I and II; and Police Officer I, II and III shall be placed in a longevity schedule receiving a salary increase

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of \$50 per month upon reaching 10 years, 13 years, and 15 years of service in the same classification series. Employees shall be placed in a longevity schedule receiving a salary increase of \$100 per month upon reaching 17 years of service in the same classification series. For Meat and Poultry Inspector and Meat and Poultry Inspector Trainee titles, employees who are eligible for longevity pay at Step 7 on or before July 1, 2007 shall continue to receive longevity pay after being placed on Step 8 while they remain in the same pay grade. For employees not eligible to receive longevity pay on or before July 1, 2007, the Step 8 rate shall be increased by \$25 per month for those employees who attain 10 years of continuous service and have three or more years of creditable service on Step 8 in the same pay grade. For those employees who attain 15 years of continuous service and have three or more years creditable service on Step 8 on the same pay grade, the Step 8 rate shall be increased by \$50 per month. Effective July 1, 2013, the Step 8 rate shall be increased by \$75 per month for those employees who attain 10 years continuous service and have three or more years of creditable service on Step 8 of the same pay grade. For those employees who attain 15 years of continuous service and have 3 or more years of creditable service on the same pay grade, the Step 8 rate shall be increased by \$100 per month.

Pension Formula Change – An employee newly hired to a position that was previously covered by the alternative formula for pension benefits prior to January 1, 2011 and, effective January 1, 2011, is covered by the standard formula for pension benefits (see the Illinois Pension Code [40 ILCS 5/1-160(g) and 14-110(b)]) shall be placed on the Pay Plan Code B salary grade assigned to the classification to which the position is allocated. An employee newly hired is an employee hired on or after January 1, 2011 who has never been a member of the State Employees' Retirement System (SERS) or any other reciprocal retirement system. Other reciprocal retirement systems are the Chicago Teachers' Pension Fund, County Employees' Annuity and Benefit Fund of Cook County, Forest Preserve District Employees' Annuity and Benefit Fund of Cook County, General Assembly Retirement System (GARS), Illinois Municipal Retirement Fund (IMRF), Judges Retirement System (JRS), Laborers' Annuity and Benefit Fund of Chicago, Metropolitan Water Reclamation District Retirement Fund, Municipal Employees Annuity and Benefit Fund of Chicago, State Universities Retirement System (SURS) and Teachers' Retirement System of the State of Illinois (TRS).

Clothing Reimbursement and Allowance – For Meat and Poultry Inspector and Meat and Poultry Inspector Trainee titles, the State provides each employee the following articles of clothing: 2 frocks, 1 apron (kill floor use), and 1 pair of OSHA approved boots (kill floor use). Employees may locally purchase rubberized boots, steel toe or

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insulated, and submit the voucher to the State for payment. Each fiscal year employees are allotted an allowance equal to the standard issue boot in the approved vendor catalog to replace their damaged or worn boots. Any deviation from this policy requires approval from the Division Manager. Maintenance and laundry of clothing furnished is provided by the employee in such a fashion to present a neat and clean appearance. Replacement of worn or damaged clothing is determined by the State. Clothing issued remains the property of the State and shall not be used by the employee at any time other than while the employee is on duty.

Effective May 15, 2014
Bargaining Unit: RC-029

<u>Pay Grade</u>	<u>Pay Plan Code</u>	<u>STEPS</u>										
		<u>1c</u>	<u>1b</u>	<u>1a</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
09	B	3099	3202	3304	3405	3530	3664	3796	3930	4146	4227	4270
13.5	B	3654	3774	3894	4015	4190	4357	4523	4698	4961	5062	5113

Effective July 1, 2014
Bargaining Unit: RC-029

<u>Pay Grade</u>	<u>Pay Plan Code</u>	<u>STEPS</u>										
		<u>1c</u>	<u>1b</u>	<u>1a</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
04	B	2705	2794	2884	2972	3050	3119	3207	3278	3419	3474	3613
04-H	B	15.55	16.06	16.57	17.08							
05	B	2781	2872	2964	3056	3132	3214	3293	3373	3514	3572	3716
07	B	2934	3029	3126	3223	3318	3414	3502	3603	3767	3832	3987
08	B	3025	3124	3224	3324	3424	3532	3627	3729	3907	3976	4137
09	B	3099	3202	3304	3405	3530	3664	3796	3930	4146	4227	4270
10	B	3236	3344	3450	3557	3662	3783	3902	4024	4229	4307	4480
11	B	3349	3460	3570	3680	3798	3937	4064	4193	4413	4497	4679
12	B	3492	3608	3723	3838	3964	4112	4246	4403	4639	4727	4913
12	Q	3636	3757	3876	3996	4128	4287	4434	4595	4844	4943	5141
13	B	3625	3744	3864	3983	4134	4288	4444	4612	4868	4963	5161

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<u>13.5</u>	<u>B</u>	<u>3654</u>	<u>3774</u>	<u>3894</u>	<u>4015</u>	<u>4190</u>	<u>4357</u>	<u>4523</u>	<u>4698</u>	<u>4961</u>	<u>5062</u>	<u>5113</u>
13	Q	3773	3897	4022	4146	4311	4480	4643	4814	5088	5187	5396
14	B	3784	3909	4034	4159	4321	4510	4674	4850	5134	5237	5448
15	B	3958	4088	4219	4349	4528	4705	4897	5078	5386	5487	5708
16	B	4144	4281	4418	4554	4756	4953	5161	5367	5683	5802	6033
16	Q	4523	4673	4822	4970	5179	5393	5609	5943	6061	6184	6433
17	B	4347	4491	4634	4778	4999	5210	5421	5641	5976	6099	6342
18	B	4585	4737	4888	5039	5275	5513	5736	5969	6325	6449	6710
18	Q	5016	5182	5347	5512	5763	5998	6236	6611	6742	6877	7151
18.5	B	4609	4761	4913	5065	5323	5575	5832	6080	6333	6719	6988
19	B	4844	5004	5163	5323	5575	5832	6080	6333	6719	6849	7124
19	Q	5182	5352	5523	5694	5946	6182	6420	6792	6923	7059	7341
20	B	5117	5286	5455	5623	5884	6163	6434	6701	7105	7246	7535
20	Q	5348	5523	5700	5876	6153	6443	6721	7002	7428	7572	7874
22	B	5721	5910	6099	6287	6594	6905	7227	7525	7995	8154	8481
22	Q	5978	6176	6373	6570	6895	7217	7550	7865	8355	8524	8864
25	B	6465	6678	6891	7104	7479	7835	8197	8567	9104	9288	9659

(Source: Amended by peremptory rulemaking at 41 Ill. Reg. 2078, effective February 2, 2017)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE Q RC-033 (Meat Inspectors, IFPE) (Repealed)**

<u>Title</u>	<u>Title Code</u>	<u>Bargaining Unit</u>	<u>Pay Plan Code</u>
Meat and Poultry Inspector	26070	RC-033	B
Meat and Poultry Inspector Trainee	26075	RC-033	B

Effective July 1, 2014

<u>Title</u>	<u>STEPS</u>										
	<u>1e</u>	<u>1b</u>	<u>1a</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
Meat and Poultry Inspector	3654	3774	3894	4015	4190	4357	4523	4698	4961	5062	5113
Meat and Poultry Inspector Trainee	3099	3202	3304	3405	3530	3664	3796	3930	4146	4227	4270

~~NOTES: Shift Differential Pay—Employees shall be paid a shift differential of \$0.50 per hour in addition to their base salary rate for all hours worked if their normal work schedule for that day provides that they are scheduled to work and they work ½ or more of the hours before 8:00 a.m. or after 4:00 p.m. Effective July 1, 2009, shift differential shall be increased to \$0.80 per hour.~~

~~Pension Formula Change—An employee newly hired to a position that was previously covered by the alternative formula for pension benefits prior to January 1, 2011 and, effective January 1, 2011, is covered by the standard formula for pension benefits (see the Illinois Pension Code [40 ILCS 5/1-160(g) and 14-110(b)]) shall be placed on the Pay Plan Code B salary grade assigned to the classification to which the position is allocated. An employee newly hired is an employee hired on or after January 1, 2011 who has never been a member of the State Employees' Retirement System (SERS) or any other reciprocal retirement system. Other reciprocal retirement systems are the Chicago Teachers' Pension Fund, County Employees' Annuity and Benefit Fund of Cook County, Forest Preserve District Employees' Annuity and Benefit Fund of Cook County, General Assembly Retirement System (GARS), Illinois Municipal Retirement Fund (IMRF), Judges Retirement System (JRS), Laborers' Annuity and Benefit Fund of Chicago, Metropolitan Water Reclamation District Retirement Fund, Municipal~~

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

~~Employees Annuity and Benefit Fund of Chicago, State Universities Retirement System (SURS) and Teachers' Retirement System of the State of Illinois (TRS).~~

~~Cook County Step Increase – Employees whose official work county is Cook County and are on Step 1 through 7 as of July 1, 2011, receive a one-time step increase to be effective July 1, 2011.~~

~~Longevity Pay – Employees who are eligible for longevity pay at Step 7 on or before July 1, 2007 shall continue to receive longevity pay after being placed on Step 8 while they remain in the same pay grade. For employees not eligible to receive longevity pay on or before July 1, 2007, the Step 8 rate shall be increased by \$25 per month for those employees who attain 10 years of continuous service and have 3 or more years of creditable service on Step 8 in the same pay grade. For those employees who attain 15 years of continuous service and have three or more years creditable service on Step 8 on the same pay grade, the Step 8 rate shall be increased by \$50 per month. Effective July 1, 2013, the Step 8 rate shall be increased by \$75 per month for those employees who attain 10 years continuous service and have three or more years of creditable service on Step 8 of the same pay grade. For those employees who attain 15 years of continuous service and have three or more years of creditable service on the same pay grade, the Step 8 rate shall be increased by \$100 per month.~~

(Source: Repealed by preemptory rulemaking at 41 Ill. Reg. 2078, effective February 2, 2017)

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

- 1) Heading of the Part: Illinois Health Insurance Portability and Accountability Standards
- 2) Code Citation: 50 Ill. Adm. Code 2025
- 3) Date of Administrative Code Division Review: February 6, 2017
- 4) Purpose of Recodification: DOI is recodifying the Part to reflect the July 1, 2009 transfer of the powers, duties, rights and responsibilities of the Department of Financial and Professional Regulation-Division of Insurance to the Department of Insurance pursuant to PA 96-811. The Part number and all Section numbers remain the same.

- 5) Headings and Section Numbers of the Part Being Recodified:

<u>Section Numbers:</u>	<u>Headings:</u>
2025.10	Purpose
2025.20	Applicability and Scope
2025.30	Definitions
2025.40	Notice Requirement to the Division
2025.50	Uniform Modification of Coverage
2025.60	Uniform Termination of Coverage
2025.70	Discontinuance of a Market
2025.80	Rescission in the Small Group Market
2025.90	Certificates of Creditable Coverage
2025.100	Penalty Provisions

- 6) Outline of the Section Numbers and Headings of the Part as Recodified:

<u>Section Numbers:</u>	<u>Headings:</u>
2025.10	Purpose
2025.20	Applicability and Scope
2025.30	Definitions
2025.40	Notice Requirement to the Division
2025.50	Uniform Modification of Coverage
2025.60	Uniform Termination of Coverage
2025.70	Discontinuance of a Market
2025.80	Rescission in the Small Group Market
2025.90	Certificates of Creditable Coverage
2025.100	Penalty Provisions

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

7) Conversion Table of Present and Recodified Sections:

<u>Present Sections:</u>	<u>Recodified Sections:</u>
2025.10	2025.10
2025.20	2025.20
2025.30	2025.30
2025.40	2025.40
2025.50	2025.50
2025.60	2025.60
2025.70	2025.70
2025.80	2025.80
2025.90	2025.90
2025.100	2025.100

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

- 1) Heading of the Part: Registration of Workers' Compensation Utilization Review Organizations
- 2) Code Citation: 50 Ill. Adm. Code 2905
- 3) Date of Administrative Code Division Review: February 6, 2017
- 4) Reason for Recodification: DOI is recodifying the Part to reflect the July 1, 2009 transfer of the powers, duties, rights and responsibilities of the Department of Financial and Professional Regulation-Division of Insurance to the Department of Insurance pursuant to PA 96-811. The Part number and all Section numbers remain the same.
- 5) Headings and Section Numbers of the Part Being Recodified:

<u>Section Numbers:</u>	<u>Headings:</u>
2905.10	Definitions
2905.20	Registration
2905.30	Fees
2905.40	Material Changes
2905.50	Renewals and Appeals
2905.EXHIBIT A	Application for Registration of a Utilization Review Organization
2905.EXHIBIT B	Utilization Review Organization Officers and Directors Biographical Affidavit

- 6) Outline of the Section Numbers and Headings of the Part as Recodified:

<u>Section Numbers:</u>	<u>Headings:</u>
2905.10	Definitions
2905.20	Registration
2905.30	Fees
2905.40	Material Changes
2905.50	Renewals and Appeals
2905.EXHIBIT A	Application for Registration of a Utilization Review Organization
2905.EXHIBIT B	Utilization Review Organization Officers and Directors Biographical Affidavit

- 7) Conversion Table of Present and Recodified Sections:

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

Present Part:

2905.10

2905.20

2905.30

2905.40

2905.50

2905.EXHIBIT A

2905.EXHIBIT B

Recodified Part:

2905.10

2905.20

2905.30

2905.40

2905.50

2905.EXHIBIT A

2905.EXHIBIT B

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

- 1) Heading of the Part: Managed Care Dental Plans
- 2) Code Citation: 50 Ill. Adm. Code 5425
- 3) Date of Administrative Code Division Review: February 6, 2017
- 4) Headings and Section Numbers of the Part Being Recodified: DOI is recodifying the Part to reflect the July 1, 2009 transfer of the powers, duties, rights and responsibilities of the Department of Financial and Professional Regulation-Division of Insurance to the Department of Insurance pursuant to PA 96-811. The Part number and all Section numbers remain the same.

Section Numbers:

5425.10

5425.20

5425.30

5425.40

5425.50

5425.60

5425.70

5425.80

5425.90

Headings:

Purpose

Applicability

Definitions

Dental Managed Care Advisory Committee

Filing and Approval of Summary Description

Filing and Approval of Grievance Procedure

Filing and Approval of Point of Service Plan Requirements

Material Modification to Summary Description, Grievance Procedure or Point of Service Plan

Enforcement and Penalties

- 5) Outline of the Section Numbers and Headings of the Part as Recodified:

Section Numbers:

5425.10

5425.20

5425.30

5425.40

5425.50

5425.60

5425.70

5425.80

5425.90

Headings:

Purpose

Applicability

Definitions

Dental Managed Care Advisory Committee

Filing and Approval of Summary Description

Filing and Approval of Grievance Procedure

Filing and Approval of Point of Service Plan Requirements

Material Modification to Summary Description, Grievance Procedure or Point of Service Plan

Enforcement and Penalties

- 6) Conversion Table of Present and Recodified Sections:

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

Present Part:

5425.10
5425.20
5425.30
5425.40
5425.50
5425.60
5425.70
5425.80
5425.90

Recodified Part:

5425.10
5425.20
5425.30
5425.40
5425.50
5425.60
5425.70
5425.80
5425.90

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

- 1) Heading of the Part: Internal Security Standards and Fidelity Bonds
- 2) Code Citation: 50 Ill. Adm. Code 5501
- 3) Date of Administrative Code Division Review: February 6, 2017
- 4) Reason for the Recodification: The Index Department requested the re-codification of Part 5501 which was formerly found in Subchapter III: Farm Mutual Insurance Company Act of 1986. Part 5501 is being recodified to Subchapter mm: Farm Mutual Insurance Company Act of 1986 Part 3501 to update the codification format.
- 5) Headings and Section Numbers of the Part Being Recodified:

SUBCHAPTER III: FARM MUTUAL INSURANCE COMPANY ACT OF 1986

<u>Section Numbers</u> :	<u>Headings</u> :
5501.5	Introduction
5501.10	Registration of Securities
5501.20	Custody Care and Disposition of Securities
5501.30	Signature to Checks – Facsimile Signatures
5501.40	Bank Balance Verification
5501.50	Bond Requirements
5501.60	Records
5501.EXHIBIT A	Bond Amounts For Amount of Assets

- 6) Outline of the Section Numbers and Headings of the Part as Recodified:

SUBCHAPTER mm: FARM MUTUAL INSURANCE COMPANY ACT OF 1986

<u>Section Numbers</u> :	<u>Headings</u> :
3501.5	Introduction
3501.10	Registration of Securities
3501.20	Custody Care and Disposition of Securities
3501.30	Signature to Checks – Facsimile Signatures
3501.40	Bank Balance Verification
3501.50	Bond Requirements
3501.60	Records
3501.EXHIBIT A	Bond Amounts For Amount of Assets

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

7) Conversion Table of Present and Recodified Parts:

<u>Present Part:</u>	<u>Recodified Part:</u>
5501.5	3501.5
5501.10	3501.10
5501.20	3501.20
5501.30	3501.30
5501.40	3501.40
5501.50	3501.50
5501.60	3501.60
5501.EXHIBIT A	3501.EXHIBIT A

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

- 1) Heading of the Part: Destruction of Records
- 2) Code Citation: 50 Ill. Adm. Code 5502
- 3) Date of Administrative Code Division Review: February 6, 2017
- 4) Reason for the Recodification: The Index Department requested the re-codification of Part 5502 which was formerly found in Subchapter III: Farm Mutual Insurance Company Act of 1986. Part 5502 is being recodified to Subchapter mm: Farm Mutual Insurance Company Act of 1986 Part 3502 to update the codification format.
- 5) Headings and Section Numbers of the Part Being Recodified:

SUBCHAPTER III: FARM MUTUAL INSURANCE COMPANY ACT OF 1986

<u>Section Numbers:</u>	<u>Headings:</u>
5502.5	Authority
5502.10	Written Application
5502.20	Affidavit For Permission to Destroy Records
5502.30	Original List of Records
5502.40	Officially Filed Examination or Brief Explanation of Reasons For Destruction

- 6) Outline of the Section Numbers and Headings of the Part as Recodified:

SUBCHAPTER mm: FARM MUTUAL INSURANCE COMPANY ACT OF 1986

<u>Section Numbers:</u>	<u>Headings:</u>
3502.5	Authority
3502.10	Written Application
3502.20	Affidavit For Permission to Destroy Records
3502.30	Original List of Records
3502.40	Officially Filed Examination or Brief Explanation of Reasons For Destruction

- 7) Conversion Table of Present and Recodified Parts:

<u>Present Part:</u>	<u>Recodified Part:</u>
5502.5	3502.5

DEPARTMENT OF INSURANCE

NOTICE OF RECODIFICATION

5502.10

3502.10

5502.20

3502.20

5502.30

3502.30

5502.40

3502.40

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received during the period of January 31, 2017 through February 6, 2017. The rulemakings are scheduled for review at the Committee's March 14, 2017 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>JCAR Meeting</u>
3/16/17	<u>Department of Healthcare and Family Services, Practice in Administrative Hearings (89 Ill. Adm. Code 104)</u>	7/22/16 40 Ill. Reg. 9900	3/14/16
3/17/17	<u>State Employees' Retirement System of Illinois, Public Information, Rulemaking and Organization (2 Ill. Adm. Code 2375)</u>	11/14/16 40 Ill. Reg. 15337	3/14/16
3/17/17	<u>State Employees' Retirement System of Illinois, The Administration and Operation of the State Employees' Retirement System of Illinois (80 Ill. Adm. Code 1540)</u>	11/14/16 40 Ill. Reg. 15342	3/14/16
3/18/17	<u>Illinois Racing Board, Programs (11 Ill. Adm. Code 415)</u>	12/16/16 40 Ill. Reg. 16095	3/14/16
3/18/17	<u>Illinois Racing Board, Race Track Operators and Their Duties (11 Ill. Adm. Code 1305)</u>	12/16/16 40 Ill. Reg. 16099	3/14/16
3/18/17	<u>Illinois Racing Board, Race Officials (11 Ill. Adm. Code 415)</u>	12/16/16 40 Ill. Reg. 16103	3/14/16

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3/18/17	<u>Illinois Racing Board</u> , Regulations for Meetings (Thoroughbred) (11 Ill. Adm. Code 1424)	12/16/16 40 Ill. Reg. 16108	3/14/16
3/18/17	<u>Illinois Racing Board</u> , Admissions and Credentials (11 Ill. Adm. Code 1428)	12/16/16 40 Ill. Reg. 16113	3/14/16

ILLINOIS STUDENT ASSISTANCE COMMISSION

AGENCY RESPONSE TO JOINT COMMITTEE ON ADMINISTRATIVE RULES
STATEMENT OF RECOMMENDATION TO PROPOSED RULEMAKING

- 1) Heading of the Part: Illinois Prepaid Tuition Program
- 2) Code Citation: 23 Ill. Adm. Code 2775
- 3)

<u>Section Numbers</u> :	<u>Proposed Actions</u> :
2775.20	Amendment
2775.30	Amendment
- 4) Date Proposed Rulemaking published in the *Illinois Register*: 40 Ill. Reg. 12942; September 9, 2016
- 5) Date the Joint Committee on Administrative Rules Statement of Recommendation to Proposed Rulemaking published in the *Illinois Register*: 40 Ill. Reg. 15987; December 2, 2016
- 6) Summary of Action Taken by the Agency: At its meeting on November 15, 2016, the Joint Committee on Administrative Rules considered the above-referenced rulemaking and recommended that the ISAC seek a statutory resolution to the conflict between Section 10 and Section 25(2) of the Illinois Prepaid Tuition Act [110 ILCS 979].

In response to this Recommendation, ISAC's response is as follows:

ISAC accepts JCAR's Recommendation and shall propose statutory changes to clarify this inconsistency when other modifications to the Illinois Prepaid Tuition Act [110 ILCS 979] are proposed.

PROCLAMATION

2016-316 (Revised)
Illinois Representatives and Senators

WHEREAS, On the 8th day of November, 2016, an election was held in the State of Illinois for the election of the following officers, to-wit:

Eighteen (18) Representatives in Congress, to-wit: One (1) Representative in Congress from each of the eighteen (18) Congressional Districts of the State for the full term of two years.

Forty (40) State Senators, to-wit: One (1) State Senator from the 2nd, 5th, 8th, 11th, 14th, 17th, 20th, 23rd, 26th, 29th, 32nd, 35th, 38th, 41st, 44th, 47th, 50th, 53rd, 56th, 59th Legislative District for the full term of two years; one (1) State Senator from the 1st, 4th, 7th, 10th, 13th, 16th, 19th, 22nd, 25th, 28th, 31st, 34th, 37th, 40th, 43rd, 46th, 49th, 52nd, 55th, 58th Legislative District for the full term of four years.

One Hundred Eighteen (118) Representatives in the General Assembly, to wit: One (1) Representative in Congress from each of the one hundred eighteen (118) Representative Districts of the State for the full term of two years.

WHEREAS, In pursuance of Law, the State Board of Elections appointed to canvass the returns of such election and to declare the results thereof, did, on this the 6th day of December, 2016, canvass the same, and as a result of such canvass, did declare elected the following named persons to the following named offices:

**REPRESENTATIVES TO REPRESENT THE PEOPLE OF THE STATE OF ILLINOIS
IN THE 115th CONGRESS OF THE UNITED STATES**

FIRST CONGRESSIONAL DISTRICT

Bobby L. Rush

SECOND CONGRESSIONAL DISTRICT

Robin Kelly

THIRD CONGRESSIONAL DISTRICT

Daniel William Lipinski

FOURTH CONGRESSIONAL DISTRICT

Luis V. Gutierrez

FIFTH CONGRESSIONAL DISTRICT

Mike Quigley

PROCLAMATION

SIXTH CONGRESSIONAL DISTRICT

Peter J. Roskam

SEVENTH CONGRESSIONAL DISTRICT

Danny K. Davis

EIGHTH CONGRESSIONAL DISTRICT

Raja Krishnamoorthi

NINTH CONGRESSIONAL DISTRICT

Janice D. Schakowsky

TENTH CONGRESSIONAL DISTRICT

Brad Schneider

ELEVENTH CONGRESSIONAL DISTRICT

Bill Foster

TWELFTH CONGRESSIONAL DISTRICT

Michael Bost

THIRTEENTH CONGRESSIONAL DISTRICT

Rodney Davis

FOURTEENTH CONGRESSIONAL DISTRICT

Randall M. "Randy" Hultgren

FIFTEENTH CONGRESSIONAL DISTRICT

John M. Shimkus

SIXTEENTH CONGRESSIONAL DISTRICT

Adam Kinzinger

SEVENTEENTH CONGRESSIONAL DISTRICT

Cheri Bustos

EIGHTEENTH CONGRESSIONAL DISTRICT

Darin LaHood

**STATE SENATORS TO REPRESENT THE PEOPLE OF THE STATE OF ILLINOIS
IN THE 100th GENERAL ASSEMBLY OF THE STATE**

PROCLAMATION

FIRST LEGISLATIVE DISTRICT

Antonio “Tony” Munoz

SECOND LEGISLATIVE DISTRICT

Omar Aquino

FOURTH LEGISLATIVE DISTRICT

Kimberly A. Lightford

FIFTH LEGISLATIVE DISTRICT

Patricia Van Pelt

SEVENTH LEGISLATIVE DISTRICT

Heather A. Steans

EIGHTH LEGISLATIVE DISTRICT

Ira I. Silverstein

TENTH LEGISLATIVE DISTRICT

John G. Mulroe

ELEVENTH LEGISLATIVE DISTRICT

Martin A. Sandoval

THIRTEENTH LEGISLATIVE DISTRICT

Kwame Raoul

FOURTEENTH LEGISLATIVE DISTRICT

Emil Jones III

SIXTEENTH LEGISLATIVE DISTRICT

Jacqueline “Jacqui” Collins

SEVENTEENTH LEGISLATIVE DISTRICT

Donne E. Trotter

NINETEENTH LEGISLATIVE DISTRICT

Michael E. Hastings

TWENTIETH LEGISLATIVE DISTRICT

PROCLAMATION

Iris Y. Martinez

TWENTY-SECOND LEGISLATIVE DISTRICT

Cristina Castro

TWENTY-THIRD LEGISLATIVE DISTRICT

Thomas E. Cullerton

TWENTY-FIFTH LEGISLATIVE DISTRICT

Jim Oberweis

TWENTY-SIXTH LEGISLATIVE DISTRICT

Dan McConchie

TWENTY-EIGHTH LEGISLATIVE DISTRICT

Laura Murphy

TWENTY-NINTH LEGISLATIVE DISTRICT

Julie A. Morrison

THIRTY-FIRST LEGISLATIVE DISTRICT

Melinda Bush

THIRTY-SECOND LEGISLATIVE DISTRICT

Pamela Althoff

THIRTY-FOURTH LEGISLATIVE DISTRICT

Steve Stadelman

THIRTY-FIFTH LEGISLATIVE DISTRICT

Dave Syverson

THIRTY-SEVENTH LEGISLATIVE DISTRICT

Chuck Weaver

THIRTY-EIGHTH LEGISLATIVE DISTRICT

Sue Rezin

FORTIETH LEGISLATIVE DISTRICT

Toi W. Hutchinson

PROCLAMATION

FORTY-FIRST LEGISLATIVE DISTRICT

Christine Radogno

FORTY-THIRD LEGISLATIVE DISTRICT

Pat McGuire

FORTY-FOURTH LEGISLATIVE DISTRICT

Bill Brady

FORTY-SIXTH LEGISLATIVE DISTRICT

Dave Koehler

FORTY-SEVENTH LEGISLATIVE DISTRICT

Jil Tracy

FORTY-NINTH LEGISLATIVE DISTRICT

Jennifer Bertino-Tarrant

FIFTIETH LEGISLATIVE DISTRICT

William "Sam" McCann

FIFTY-SECOND LEGISLATIVE DISTRICT

Scott M. Bennett

FIFTY-THIRD LEGISLATIVE DISTRICT

Jason Barickman

FIFTY-FIFTH LEGISLATIVE DISTRICT

Dale A. Righter

FIFTY-SIXTH LEGISLATIVE DISTRICT

William "Bill" Haine

FIFTY-EIGHTH LEGISLATIVE DISTRICT

Paul Schimpf

FIFTY-NINTH LEGISLATIVE DISTRICT

Dale Fowler

**STATE REPRESENTATIVES TO REPRESENT THE PEOPLE OF
THE STATE OF ILLINOIS**

PROCLAMATION

IN THE 100th GENERAL ASSEMBLY OF THE STATE

FIRST REPRESENTATIVE DISTRICT

Daniel J. Burke

SECOND REPRESENTATIVE DISTRICT

Theresa Mah

THIRD REPRESENTATIVE DISTRICT

Luis Arroyo

FOURTH REPRESENTATIVE DISTRICT

Cynthia Soto

FIFTH REPRESENTATIVE DISTRICT

Juliana Stratton

SIXTH REPRESENTATIVE DISTRICT

Sonya Marie Harper

SEVENTH REPRESENTATIVE DISTRICT

Emanuel "Chris" Welch

EIGHTH REPRESENTATIVE DISTRICT

La Shawn K. Ford

NINTH REPRESENTATIVE DISTRICT

Arthur Turner

TENTH REPRESENTATIVE DISTRICT

Melissa Conyears

ELEVENTH REPRESENTATIVE DISTRICT

Ann M. Williams

TWELFTH REPRESENTATIVE DISTRICT

Sara Feigenholtz

THIRTEENTH REPRESENTATIVE DISTRICT

Gregory Harris

PROCLAMATION

FOURTEENTH REPRESENTATIVE DISTRICT

Kelly M. Cassidy

FIFTEENTH REPRESENTATIVE DISTRICT

John C. D'Amico

SIXTEENTH REPRESENTATIVE DISTRICT

Lou Lang

SEVENTEENTH REPRESENTATIVE DISTRICT

Laura Fine

EIGHTEENTH REPRESENTATIVE DISTRICT

Robyn Gabel

NINETEENTH REPRESENTATIVE DISTRICT

Robert Martwick

TWENTIETH REPRESENTATIVE DISTRICT

Michael P. McAuliffe

TWENTY-FIRST REPRESENTATIVE DISTRICT

Silvana Tabares

TWENTY-SECOND REPRESENTATIVE DISTRICT

Michael J. Madigan

TWENTY-THIRD REPRESENTATIVE DISTRICT

Michael J. Zalewski

TWENTY-FOURTH REPRESENTATIVE DISTRICT

Elizabeth "Lisa" Hernandez

TWENTY-FIFTH REPRESENTATIVE DISTRICT

Barbara Flynn Currie

TWENTY-SIXTH REPRESENTATIVE DISTRICT

Christian L. Mitchell

TWENTY-SEVENTH REPRESENTATIVE DISTRICT

Monique D. Davis

PROCLAMATION

TWENTY-EIGHTH REPRESENTATIVE DISTRICT

Robert "Bob" Rita

TWENTY-NINTH REPRESENTATIVE DISTRICT

Thaddeus Jones

THIRTIETH REPRESENTATIVE DISTRICT

William "Will" Davis

THIRTY-FIRST REPRESENTATIVE DISTRICT

Mary E. Flowers

THIRTY-SECOND REPRESENTATIVE DISTRICT

André Thapedi

THIRTY-THIRD REPRESENTATIVE DISTRICT

Marcus C. Evans, Jr.

THIRTY-FOURTH REPRESENTATIVE DISTRICT

Elgie R. Sims, Jr.

THIRTY-FIFTH REPRESENTATIVE DISTRICT

Frances Ann Hurley

THIRTY-SIXTH REPRESENTATIVE DISTRICT

Kelly M. Burke

THIRTY-SEVENTH REPRESENTATIVE DISTRICT

Margo McDermed

THIRTY-EIGHTH REPRESENTATIVE DISTRICT

Al Riley

THIRTY-NINTH REPRESENTATIVE DISTRICT

Will Guzzardi

FORTIETH REPRESENTATIVE DISTRICT

Jaime M. Andrade, Jr.

FORTY-FIRST REPRESENTATIVE DISTRICT

PROCLAMATION

Grant Wehrli

FORTY-SECOND REPRESENTATIVE DISTRICT

Jeanne M. Ives

FORTY-THIRD REPRESENTATIVE DISTRICT

Anna Moeller

FORTY-FOURTH REPRESENTATIVE DISTRICT

Fred Crespo

FORTY-FIFTH REPRESENTATIVE DISTRICT

Christine Jennifer Winger

FORTY-SIXTH REPRESENTATIVE DISTRICT

Deb Conroy

FORTY-SEVENTH REPRESENTATIVE DISTRICT

Patricia R. "Patti" Bellock

FORTY-EIGHTH REPRESENTATIVE DISTRICT

Peter Breen

FORTY-NINTH REPRESENTATIVE DISTRICT

Mike Fortner

FIFTIETH REPRESENTATIVE DISTRICT

Keith R. Wheeler

FIFTY-FIRST REPRESENTATIVE DISTRICT

Nick Sauer

FIFTY-SECOND REPRESENTATIVE DISTRICT

David McSweeney

FIFTY-THIRD REPRESENTATIVE DISTRICT

David Harris

FIFTY-FOURTH REPRESENTATIVE DISTRICT

Tom Morrison

PROCLAMATION

FIFTY-FIFTH REPRESENTATIVE DISTRICT

Martin J. Moylan

FIFTY-SIXTH REPRESENTATIVE DISTRICT

Michelle Mussman

FIFTY-SEVENTH REPRESENTATIVE DISTRICT

Elaine Nekritz

FIFTY-EIGHTH REPRESENTATIVE DISTRICT

Scott Drury

FIFTY-NINTH REPRESENTATIVE DISTRICT

Carol Sente

SIXTIETH REPRESENTATIVE DISTRICT

Rita Mayfield

SIXTY-FIRST REPRESENTATIVE DISTRICT

Sheri Jesiel

SIXTY-SECOND REPRESENTATIVE DISTRICT

Sam Yingling

SIXTY-THIRD REPRESENTATIVE DISTRICT

Steven Reick

SIXTY-FOURTH REPRESENTATIVE DISTRICT

Barbara Wheeler

SIXTY-FIFTH REPRESENTATIVE DISTRICT

Steven A. Andersson

SIXTY-SIXTH REPRESENTATIVE DISTRICT

Allen Skillicorn

SIXTY-SEVENTH REPRESENTATIVE DISTRICT

Litesa E. Wallace

SIXTY-EIGHTH REPRESENTATIVE DISTRICT

John M. Cabello

PROCLAMATION

SIXTY-NINTH REPRESENTATIVE DISTRICT

Joe Sosnowski

SEVENTIETH REPRESENTATIVE DISTRICT

Robert W. Pritchard

SEVENTY-FIRST REPRESENTATIVE DISTRICT

Tony M. McCombie

SEVENTY-SECOND REPRESENTATIVE DISTRICT

Michael W. Halpin

SEVENTY-THIRD REPRESENTATIVE DISTRICT

Ryan Spain

SEVENTY-FOURTH REPRESENTATIVE DISTRICT

Daniel M. Swanson

SEVENTY-FIFTH REPRESENTATIVE DISTRICT

David Allen Welter

SEVENTY-SIXTH REPRESENTATIVE DISTRICT

Jerry Lee Long

SEVENTY-SEVENTH REPRESENTATIVE DISTRICT

Kathleen Willis

SEVENTY-EIGHTH REPRESENTATIVE DISTRICT

Camille Lilly

SEVENTY-NINTH REPRESENTATIVE DISTRICT

Lindsay Parkhurst

EIGHTIETH REPRESENTATIVE DISTRICT

Anthony DeLuca

EIGHTY-FIRST REPRESENTATIVE DISTRICT

David S. Olsen

EIGHTY-SECOND REPRESENTATIVE DISTRICT

PROCLAMATION

Jim Durkin

EIGHTY-THIRD REPRESENTATIVE DISTRICT

Linda Chapa LaVia

EIGHTY-FOURTH REPRESENTATIVE DISTRICT

Stephanie A. Kifowit

EIGHTY-FIFTH REPRESENTATIVE DISTRICT

Emily McAsey

EIGHTY-SIXTH REPRESENTATIVE DISTRICT

Lawrence "Larry" Walsh, Jr.

EIGHTY-SEVENTH REPRESENTATIVE DISTRICT

Tim Butler

EIGHTY-EIGHTH REPRESENTATIVE DISTRICT

Keith P. Sommer

EIGHTY-NINTH REPRESENTATIVE DISTRICT

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NINETIETH REPRESENTATIVE DISTRICT

Tom Demmer

NINETY-FIRST REPRESENTATIVE DISTRICT

Michael D. Unes

NINETY-SECOND REPRESENTATIVE DISTRICT

Jehan Gordon-Booth

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Norine K. Hammond

NINETY-FOURTH REPRESENTATIVE DISTRICT

Randy E. Frese

NINETY-FIFTH REPRESENTATIVE DISTRICT

Avery Bourne

PROCLAMATION

NINETY-SIXTH REPRESENTATIVE DISTRICT

Sue Scherer

NINETY-SEVENTH REPRESENTATIVE DISTRICT

Mark Batinick

NINETY-EIGHTH REPRESENTATIVE DISTRICT

Natalie A. Manley

NINETY-NINTH REPRESENTATIVE DISTRICT

Sara Wojcicki Jimenez

ONE HUNDREDTH REPRESENTATIVE DISTRICT

Christopher "C.D." Davidsmeyer

ONE HUNDRED AND FIRST REPRESENTATIVE DISTRICT

Bill Mitchell

ONE HUNDRED AND SECOND REPRESENTATIVE DISTRICT

Brad Halbrook

ONE HUNDRED AND THIRD REPRESENTATIVE DISTRICT

Carol Ammons

ONE HUNDRED AND FOURTH REPRESENTATIVE DISTRICT

Chad Hays

ONE HUNDRED AND FIFTH REPRESENTATIVE DISTRICT

Dan Brady

ONE HUNDRED AND SIXTH REPRESENTATIVE DISTRICT

Thomas M. Bennett

ONE HUNDRED AND SEVENTH REPRESENTATIVE DISTRICT

John Cavaletto

ONE HUNDRED AND EIGHTH REPRESENTATIVE DISTRICT

Charles Meier

ONE HUNDRED AND NINTH REPRESENTATIVE DISTRICT

David B. Reis

PROCLAMATION

ONE HUNDRED AND TENTH REPRESENTATIVE DISTRICT
Reginald "Reggie" Phillips

ONE HUNDRED AND ELEVENTH REPRESENTATIVE DISTRICT
Daniel V. Beiser

ONE HUNDRED AND TWELFTH REPRESENTATIVE DISTRICT
Katie Stuart

ONE HUNDRED AND THIRTEENTH REPRESENTATIVE DISTRICT
Jay Hoffman

ONE HUNDRED AND FOURTEENTH REPRESENTATIVE DISTRICT
LaToya N. Greenwood

ONE HUNDRED AND FIFTEENTH REPRESENTATIVE DISTRICT
Terri Bryant

ONE HUNDRED AND SIXTEENTH REPRESENTATIVE DISTRICT
Jerry Costello II

ONE HUNDRED AND SEVENTEENTH REPRESENTATIVE DISTRICT
Dave Severin

ONE HUNDRED AND EIGHTEENTH REPRESENTATIVE DISTRICT
Brandon W. Phelps

NOW, THEREFORE, I, BRUCE RAUNER, Governor of the State of Illinois, in conformity to statute in such case made and provided, do hereby make public proclamation, declaring as a result of such canvass the foregoing persons duly elected to the offices as set out above.

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the State of Illinois to be affixed.

Done at the Capitol, in the City of Springfield, this sixth day of December, in the Year of Our Lord two thousand and sixteen, and of the State of Illinois, the one hundred and ninety-eighth.

Issued by the Governor December 6, 2016
Filed by the Secretary of State January 31, 2017

ILLINOIS ADMINISTRATIVE CODE
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