**Section 401.120 Provisional Licenses**

a) The Department may restrict the operation of the child welfare agency by attaching provisions to the license, such as those identified in subsection (c) of this Section. Provisional licenses shall be issued for the first two years to applicants for initial license as a child welfare agency when the applicant successfully completes the six-month permit period and has achieved and maintained reasonable compliance with the standards in this Part. In addition, a provisional license may be issued when a former license holder seeks to reapply after the license was voluntarily surrendered or after the Department revoked or refused to renew the former license.

b) Good cause for issuing a provisional license to a former or current holder of a child welfare agency license is evidenced by, but not limited to:

1) an excessive number of indicated child abuse or neglect reports involving agency staff in their professional duties or foster family, relative, day care, and group homes supervised by the child welfare agency; or

2) lack of financial responsibility as evidenced by maintaining inadequate assets or by late payment (more than ten days after the scheduled payment date) of foster parents, tax obligations, bills or other evidence of financial instability; or

3) inadequate or missing records or reports, as required by this Part; or

4) failure to supervise foster family, relative, day care, and group homes, as required by Department of Children and Family Services rules, 89 Ill. Adm. Code 301 (Placement and Visitation Services), 89 Ill. Adm. Code 402 (Licensing Standards for Foster Family Homes), 89 Ill. Adm. Code 403 (Licensing Standards for Group Homes), 89 Ill. Adm. Code 406 (Licensing Standards for Day Care Homes) and 89 Ill. Adm. Code 408 (Licensing Standards for Group Day Care Homes), as applicable;

5) failure to promptly process foster parent licensing applications, provide required training of foster parents and adoptive parents, provide information to foster parents regarding policy and procedures applicable to foster parents and foster children or adoptive parents and adoptable children, or to recruit foster family and adoptive homes to care for the children served;

6) failure to recommend foster family and day care home licenses for renewal before the expiration date of the license when the licensee has made a timely and sufficient application for license renewal;

7) failure to submit an annual implementation plan pursuant to the Foster Parent Law [20 ILCS 505/7.2] and to implement the plan as submitted; or

8) other good cause when supported by adequate documentation that the agency is failing to operate in the interest of its clients or the general public.

c) The child welfare agency shall adhere to the provisions specified on the license which may include, but are not limited to:

1) establishing specific supervisor/child welfare staff ratios that the child welfare agency must maintain; or

2) requiring at least six bi-monthly meetings of the Board of Directors and greater involvement from the Board of Directors in agency operations; or

3) requiring oversight by a certified public auditor who provides periodic reports to the Department; or

4) requiring additional training of staff around specific deficiencies identified in a corrective plan; or

5) requiring other supportive or corrective measures as deemed necessary in writing by the Department.

(Source: Added at 22 Ill. Reg. 10329, effective May 26, 1998)