**Section 401.141 License Transfer for Agencies Providing Adoption Services Seeking 501(c)(3) Status**

a) Licensed child welfare agencies providing adoption services shall obtain tax-exempt status from the Internal Revenue Service as described in section 501(c)(3) of the Internal Revenue Code of 1986.

b) An existing child welfare agency may retain its current structure and be recognized as a 501(c)(3) organization as required by this Section or complete the process of application as an entity, if the creation of a new entity is required in order to comply with this Section, provided that:

1) The agency provides to the Department a copy of the Internal Revenue Service ruling showing that the agency is officially recognized by the United States Internal Revenue Service as a tax-exempt organization under section 501(c)(3) of the Internal Revenue Code of 1986;

2) The child welfare agency demonstrates that it continues to meet all other licensing requirements; and

3) The principal officers and directors and programs of the converted child welfare agency or newly organized child welfare agency are substantially the same as the original.

c) The Department, at its sole discretion, may grant a one year extension to a child welfare agency unable to obtain 501(c)(3) status prior to August 15, 2007, provided that the agency has demonstrated good faith effort to obtain a 501(c)(3) status with the Internal Revenue Service prior to August 15, 2007 and presents documentation of that status to the Department.

(Source: Amended at 36 Ill. Reg. 2157, effective January 30, 2012)