

1 AN ACT concerning children.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Child Care Act of 1969 is amended by
5 changing Section 7 as follows:

6 (225 ILCS 10/7) (from Ch. 23, par. 2217)

7 Sec. 7. (a) The Department must prescribe and publish
8 minimum standards for licensing that apply to the various
9 types of facilities for child care defined in this Act and
10 that are equally applicable to like institutions under the
11 control of the Department and to foster family homes used by
12 and under the direct supervision of the Department. The
13 Department shall seek the advice and assistance of persons
14 representative of the various types of child care facilities
15 in establishing such standards. The standards prescribed and
16 published under this Act take effect as provided in the
17 Illinois Administrative Procedure Act, and are restricted to
18 regulations pertaining to:

19 (1) The operation and conduct of the facility and
20 responsibility it assumes for child care;

21 (2) The character, suitability and qualifications
22 of the applicant and other persons directly responsible
23 for the care and welfare of children served. All child
24 day care center licensees and employees who are required
25 to report child abuse or neglect under the Abused and
26 Neglected Child Reporting Act shall be required to attend
27 training on recognizing child abuse and neglect, as
28 prescribed by Department rules;

29 (3) The general financial ability and competence of
30 the applicant to provide necessary care for children and
31 to maintain prescribed standards;

1 (4) The number of individuals or staff required to
2 insure adequate supervision and care of the children
3 received. The standards shall provide that each child
4 care institution, maternity center, day care center,
5 group home, day care home, and group day care home shall
6 have on its premises during its hours of operation at
7 least one staff member certified in first aid, in the
8 Heimlich maneuver and in cardiopulmonary resuscitation by
9 the American Red Cross or other organization approved by
10 rule of the Department. Child welfare agencies shall not
11 be subject to such a staffing requirement. The
12 Department may offer, or arrange for the offering, on a
13 periodic basis in each community in this State in
14 cooperation with the American Red Cross, the American
15 Heart Association or other appropriate organization,
16 voluntary programs to train operators of foster family
17 homes and day care homes in first aid and cardiopulmonary
18 resuscitation;

19 (5) The appropriateness, safety, cleanliness and
20 general adequacy of the premises, including maintenance
21 of adequate fire prevention and health standards
22 conforming to State laws and municipal codes to provide
23 for the physical comfort, care and well-being of children
24 received;

25 (6) Provisions for food, clothing, educational
26 opportunities, program, equipment and individual supplies
27 to assure the healthy physical, mental and spiritual
28 development of children served;

29 (7) Provisions to safeguard the legal rights of
30 children served;

31 (8) Maintenance of records pertaining to the
32 admission, progress, health and discharge of children,
33 including, for day care centers and day care homes,
34 records indicating each child has been immunized as

1 required by State regulations. The Department shall
2 require proof that children enrolled in a facility have
3 been immunized against Haemophilus Influenzae B (HIB);

4 (9) Filing of reports with the Department;

5 (10) Discipline of children;

6 (11) Protection and fostering of the particular
7 religious faith of the children served;

8 (12) Provisions prohibiting firearms on day care
9 center premises except in the possession of peace
10 officers;

11 (13) Provisions prohibiting handguns on day care
12 home premises except in the possession of peace officers
13 or other adults who must possess a handgun as a condition
14 of employment and who reside on the premises of a day
15 care home;

16 (14) Provisions requiring that any firearm
17 permitted on day care home premises, except handguns in
18 the possession of peace officers, shall be kept in a
19 disassembled state, without ammunition, in locked
20 storage, inaccessible to children and that ammunition
21 permitted on day care home premises shall be kept in
22 locked storage separate from that of disassembled
23 firearms, inaccessible to children;

24 (15) Provisions requiring notification of parents
25 or guardians enrolling children at a day care home of the
26 presence in the day care home of any firearms and
27 ammunition and of the arrangements for the separate,
28 locked storage of such firearms and ammunition.

29 (b) If, in a facility for general child care, there are
30 children diagnosed as mentally ill, mentally retarded or
31 physically handicapped, who are determined to be in need of
32 special mental treatment or of nursing care, or both mental
33 treatment and nursing care, the Department shall seek the
34 advice and recommendation of the Department of Human

1 Services, the Department of Public Health, or both
2 Departments regarding the residential treatment and nursing
3 care provided by the institution.

4 (c) The Department shall investigate any person applying
5 to be licensed as a foster parent to determine whether there
6 is any evidence of current drug or alcohol abuse in the
7 prospective foster family. The Department shall not license
8 a person as a foster parent if drug or alcohol abuse has been
9 identified in the foster family or if a reasonable suspicion
10 of such abuse exists, except that the Department may grant a
11 foster parent license to an applicant identified with an
12 alcohol or drug problem if the applicant has successfully
13 participated in an alcohol or drug treatment program,
14 self-help group, or other suitable activities.

15 (d) The Department, in applying standards prescribed and
16 published, as herein provided, shall offer consultation
17 through employed staff or other qualified persons to assist
18 applicants and licensees in meeting and maintaining minimum
19 requirements for a license and to help them otherwise to
20 achieve programs of excellence related to the care of
21 children served. Such consultation shall include providing
22 information concerning education and training in early
23 childhood development to providers of day care home services.
24 The Department may provide or arrange for such education and
25 training for those providers who request such assistance.

26 (e) The Department shall distribute copies of licensing
27 standards to all licensees and applicants for a license.
28 Each licensee or holder of a permit shall distribute copies
29 of the appropriate licensing standards and any other
30 information required by the Department to child care
31 facilities under its supervision. Each licensee or holder of
32 a permit shall maintain appropriate documentation of the
33 distribution of the standards. Such documentation shall be
34 part of the records of the facility and subject to inspection

1 by authorized representatives of the Department.

2 (f) The Department shall prepare summaries of day care
3 licensing standards. Each licensee or holder of a permit for
4 a day care facility shall distribute a copy of the
5 appropriate summary and any other information required by the
6 Department, to the legal guardian of each child cared for in
7 that facility at the time when the child is enrolled or
8 initially placed in the facility. The licensee or holder of a
9 permit for a day care facility shall secure appropriate
10 documentation of the distribution of the summary and
11 brochure. Such documentation shall be a part of the records
12 of the facility and subject to inspection by an authorized
13 representative of the Department.

14 (g) The Department shall distribute to each licensee and
15 holder of a permit copies of the licensing or permit
16 standards applicable to such person's facility. Each
17 licensee or holder of a permit shall make available by
18 posting at all times in a common or otherwise accessible area
19 a complete and current set of licensing standards in order
20 that all employees of the facility may have unrestricted
21 access to such standards. All employees of the facility
22 shall have reviewed the standards and any subsequent changes.
23 Each licensee or holder of a permit shall maintain
24 appropriate documentation of the current review of licensing
25 standards by all employees. Such records shall be part of
26 the records of the facility and subject to inspection by
27 authorized representatives of the Department.

28 (h) ~~Any--standards--involving--physical---examinations,~~
29 ~~immunization,~~~~--or-medical-treatment-shall-include-appropriate~~
30 ~~exemptions-for-children-whose-parents-object-thereto--on--the~~
31 ~~grounds-that-they-conflict-with-the-tenets-and-practices-of-a~~
32 ~~recognized--church--or--religious--organization,~~~~-of-which-the~~
33 ~~parent-is-an-adherent-or-member,~~~~-and-for-children-who--should~~
34 ~~not--be--subjected-to-immunization-for-clinical-reasons.~~ The

1 objection by the parent or guardian of a child entering a
2 child care facility sets forth the specific religious belief
3 which conflicts with the immunization(s). The religious
4 exemption may be personal and need not be directed by the
5 tenants of an established religious organization. Deletes
6 language that provides that any standard involving
7 immunizations shall include appropriate exemptions for
8 children whose parents object thereto on the grounds that
9 they are conflicting.

10 (Source: P.A. 89-274, eff. 1-1-96; 89-507, eff. 7-1-97;
11 89-648, eff. 8-9-96; 90-14, eff. 7-1-97.)