**Section 383.100 Investigations of Complaints Concerning Unlicensed Facilities**

a) *Whenever the Department is advised, or has reason to believe, that any person, group of persons or corporation is operating a child welfare agency or a child care facility without a license or permit, it shall make an investigation to ascertain the fact. If the Department is denied access, it shall request intervention of local, county or State law enforcement agencies to seek an appropriate court order or warrant to examine the premises.* [225 ILCS 10/11]

b) The licensing representative shall begin a licensing complaint investigation within 2 business days after receipt of the complaint by the Department's licensing unit and shall complete the investigation within 30 days after receipt of the complaint. However, upon written notice to the licensee, the investigation may be extended for an additional 30 days.

c) The licensing representative shall:

1) interview the person making the complaint, if known, and other persons who may have direct information relevant to the complaint;

2) obtain and review any relevant documentation;

3) make one or more unannounced visits to the program or facility, during the hours of operation, to gather information and evidence relevant to the complaint, and to determine whether the program or facility is being or has operated without a valid permit or license, or is exempt from licensure under the Child Care Act; and

4) complete and document the licensing complaint investigation.

d) At the conclusion of the licensing complaint investigation, the licensing representative shall determine whether the program or facility is subject to licensure by the Department and is operating without a valid permit or license, or is exempt from licensure under the Child Care Act, and shall document this finding.

e) After supervisory approval of the determination, the Department shall notify the operator of the program or facility, in writing, of the finding. The licensing representative shall provide notice to the operator, by certified mail, when, by law, a license is required for the type of child care provided. The notice shall explain how to make an application for a license.

f) After supervisory approval of the determination, the licensing representative shall notify the complainant, in writing, of whether the program or facility is operating without a valid permit or license, or is exempt from licensure under the Child Care Act.

g) *If* the Department *finds that the child welfare agency or child care facility is being, or has been, operated without a license or permit,* the Department *shall report the results of its investigation to the Attorney General and to the appropriate State's Attorney for investigation and, if appropriate, prosecution.* [225 ILCS 10/11]

h) If the operator continues to operate the program or facility and does not make efforts to obtain a license, the Department may issue an administrative order of closure when the Department makes a finding in accordance with Section 383.105. The Department shall report the matter to the Attorney General, and to the State's Attorney for the county in which the program or facility is located, for prosecution.

(Source: Amended at 42 Ill. Reg. 8197, effective June 1, 2018)