

HB0749



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB0749

by Rep. C.D. Davidsmeyer

SYNOPSIS AS INTRODUCED:

225 ILCS 10/7

from Ch. 23, par. 2217

Amends the Child Care Act of 1969. Allows adults who reside on the premises of a day care home to possess handguns on day care home premises (rather than adults who must possess a handgun as a condition of employment and who reside on the premises of a day care home) if the handgun and handgun ammunition are locked and inaccessible to children.

LRB100 05957 SMS 15985 b

A BILL FOR

1 AN ACT concerning regulation.

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 types
9 of facilities for child care defined in this Act and that are
10 equally applicable to like institutions under the control of
11 the Department and to foster family homes used by and under the
12 direct supervision of the Department. The Department shall seek
13 the advice and assistance of persons representative of the
14 various types of child care facilities in establishing such
15 standards. The standards prescribed and published under this
16 Act take effect as provided in the Illinois Administrative
17 Procedure Act, and are restricted to regulations pertaining to
18 the following matters and to any rules and regulations required
19 or permitted by any other Section of this Act:

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

22 (2) The character, suitability and qualifications of
23 the applicant and other persons directly responsible for

1 the care and welfare of children served. All child day care
2 center licensees and employees who are required to report
3 child abuse or neglect under the Abused and Neglected Child
4 Reporting Act shall be required to attend training on
5 recognizing child abuse and neglect, as prescribed by
6 Department rules;

7 (3) The general financial ability and competence of the
8 applicant to provide necessary care for children and to
9 maintain prescribed standards;

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

1 (5) The appropriateness, safety, cleanliness, and
2 general adequacy of the premises, including maintenance of
3 adequate fire prevention and health standards conforming
4 to State laws and municipal codes to provide for the
5 physical comfort, care, and well-being of children
6 received;

7 (6) Provisions for food, clothing, educational
8 opportunities, program, equipment and individual supplies
9 to assure the healthy physical, mental, and spiritual
10 development of children served;

11 (7) Provisions to safeguard the legal rights of
12 children served;

13 (8) Maintenance of records pertaining to the
14 admission, progress, health, and discharge of children,
15 including, for day care centers and day care homes, records
16 indicating each child has been immunized as required by
17 State regulations. The Department shall require proof that
18 children enrolled in a facility have been immunized against
19 Haemophilus Influenzae B (HIB);

20 (9) Filing of reports with the Department;

21 (10) Discipline of children;

22 (11) Protection and fostering of the particular
23 religious faith of the children served;

24 (12) Provisions prohibiting firearms on day care
25 center premises except in the possession of peace officers;

26 (13) Provisions prohibiting handguns on day care home

1 premises except: (i) in the possession of peace officers;
2 or (ii) in the possession of ~~or other~~ adults ~~who must~~
3 ~~possess a handgun as a condition of employment and~~ who
4 reside on the premises of a day care home;

5 (14) Provisions requiring that any firearm permitted
6 on day care home premises, except handguns in the
7 possession of peace officers, shall be kept in a
8 disassembled state, without ammunition, in locked storage,
9 inaccessible to children and that ammunition permitted on
10 day care home premises shall be kept in locked storage
11 separate from that of disassembled firearms, inaccessible
12 to children;

13 (15) Provisions requiring notification of parents or
14 guardians enrolling children at a day care home of the
15 presence in the day care home of any firearms and
16 ammunition and of the arrangements for the separate, locked
17 storage of such firearms and ammunition; ~~and~~

18 (16) Provisions requiring all licensed child care
19 facility employees who care for newborns and infants to
20 complete training every 3 years on the nature of sudden
21 unexpected infant death (SUID), sudden infant death
22 syndrome (SIDS), and the safe sleep recommendations of the
23 American Academy of Pediatrics; and.

24 (17) With respect to foster family homes, provisions
25 requiring the Department to review quality of care concerns
26 and to consider those concerns in determining whether a

1 foster family home is qualified to care for children.

2 (b) If, in a facility for general child care, there are
3 children diagnosed as mentally ill or children diagnosed as
4 having an intellectual or physical disability, who are
5 determined to be in need of special mental treatment or of
6 nursing care, or both mental treatment and nursing care, the
7 Department shall seek the advice and recommendation of the
8 Department of Human Services, the Department of Public Health,
9 or both Departments regarding the residential treatment and
10 nursing care provided by the institution.

11 (c) The Department shall investigate any person applying to
12 be licensed as a foster parent to determine whether there is
13 any evidence of current drug or alcohol abuse in the
14 prospective foster family. The Department shall not license a
15 person as a foster parent if drug or alcohol abuse has been
16 identified in the foster family or if a reasonable suspicion of
17 such abuse exists, except that the Department may grant a
18 foster parent license to an applicant identified with an
19 alcohol or drug problem if the applicant has successfully
20 participated in an alcohol or drug treatment program, self-help
21 group, or other suitable activities and if the Department
22 determines that the foster family home can provide a safe,
23 appropriate environment and meet the physical and emotional
24 needs of children.

25 (d) The Department, in applying standards prescribed and
26 published, as herein provided, shall offer consultation

1 through employed staff or other qualified persons to assist
2 applicants and licensees in meeting and maintaining minimum
3 requirements for a license and to help them otherwise to
4 achieve programs of excellence related to the care of children
5 served. Such consultation shall include providing information
6 concerning education and training in early childhood
7 development to providers of day care home services. The
8 Department may provide or arrange for such education and
9 training for those providers who request such assistance.

10 (e) The Department shall distribute copies of licensing
11 standards to all licensees and applicants for a license. Each
12 licensee or holder of a permit shall distribute copies of the
13 appropriate licensing standards and any other information
14 required by the Department to child care facilities under its
15 supervision. Each licensee or holder of a permit shall maintain
16 appropriate documentation of the distribution of the
17 standards. Such documentation shall be part of the records of
18 the facility and subject to inspection by authorized
19 representatives of the Department.

20 (f) The Department shall prepare summaries of day care
21 licensing standards. Each licensee or holder of a permit for a
22 day care facility shall distribute a copy of the appropriate
23 summary and any other information required by the Department,
24 to the legal guardian of each child cared for in that facility
25 at the time when the child is enrolled or initially placed in
26 the facility. The licensee or holder of a permit for a day care

1 facility shall secure appropriate documentation of the
2 distribution of the summary and brochure. Such documentation
3 shall be a part of the records of the facility and subject to
4 inspection by an authorized representative of the Department.

5 (g) The Department shall distribute to each licensee and
6 holder of a permit copies of the licensing or permit standards
7 applicable to such person's facility. Each licensee or holder
8 of a permit shall make available by posting at all times in a
9 common or otherwise accessible area a complete and current set
10 of licensing standards in order that all employees of the
11 facility may have unrestricted access to such standards. All
12 employees of the facility shall have reviewed the standards and
13 any subsequent changes. Each licensee or holder of a permit
14 shall maintain appropriate documentation of the current review
15 of licensing standards by all employees. Such records shall be
16 part of the records of the facility and subject to inspection
17 by authorized representatives of the Department.

18 (h) Any standards involving physical examinations,
19 immunization, or medical treatment shall include appropriate
20 exemptions for children whose parents object thereto on the
21 grounds that they conflict with the tenets and practices of a
22 recognized church or religious organization, of which the
23 parent is an adherent or member, and for children who should
24 not be subjected to immunization for clinical reasons.

25 (i) The Department, in cooperation with the Department of
26 Public Health, shall work to increase immunization awareness

1 and participation among parents of children enrolled in day
2 care centers and day care homes by publishing on the
3 Department's website information about the benefits of
4 immunization against vaccine preventable diseases, including
5 influenza and pertussis. The information for vaccine
6 preventable diseases shall include the incidence and severity
7 of the diseases, the availability of vaccines, and the
8 importance of immunizing children and persons who frequently
9 have close contact with children. The website content shall be
10 reviewed annually in collaboration with the Department of
11 Public Health to reflect the most current recommendations of
12 the Advisory Committee on Immunization Practices (ACIP). The
13 Department shall work with day care centers and day care homes
14 licensed under this Act to ensure that the information is
15 annually distributed to parents in August or September.

16 (j) Any standard adopted by the Department that requires an
17 applicant for a license to operate a day care home to include a
18 copy of a high school diploma or equivalent certificate with
19 his or her application shall be deemed to be satisfied if the
20 applicant includes a copy of a high school diploma or
21 equivalent certificate or a copy of a degree from an accredited
22 institution of higher education or vocational institution or
23 equivalent certificate.

24 (Source: P.A. 98-817, eff. 1-1-15; 99-143, eff. 7-27-15;
25 99-779, eff. 1-1-17; revised 10-27-16.)