



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB4189

Introduced 3/4/2022, by Sen. Sue Rezin, Sally J. Turner, Dan McConchie, Steve McClure and Win Stoller

#### SYNOPSIS AS INTRODUCED:

225 ILCS 10/2.02	from Ch. 23, par. 2212.02
225 ILCS 10/3.7 new	
225 ILCS 10/5	from Ch. 23, par. 2215
225 ILCS 10/7	from Ch. 23, par. 2217
225 ILCS 10/7.10	
225 ILCS 10/9.1c	
225 ILCS 10/9.2	

Amends the Child Care Act of 1969. Provides for the transfer of day care center licensing, as well as part day child care facility licensing, from the Department of Children and Family Services to the Department of Financial and Professional Regulation. Specifies that the Department of Children and Family Services shall continue to conduct examinations of day care centers but shall report the results of those examinations to the Department of Financial and Professional Regulation for licensing purposes. Makes other corresponding changes.

LRB102 26570 AMQ 37264 b

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 Sections 2.02, 5, 7, 7.10, 9.1c, and 9.2 and adding  
6 Section 3.7 as follows:

7 (225 ILCS 10/2.02) (from Ch. 23, par. 2212.02)

8 Sec. 2.02. "Department" means the ~~Illinois~~ Department of  
9 Children and Family Services, except that "Department" means  
10 the Department of Financial and Professional Regulation in  
11 those provisions of this Act concerning the issuance, renewal,  
12 refusal, or revocation of licenses for day care centers or  
13 part day child care facilities, including, but not limited to,  
14 those provisions of the Act setting forth standards or  
15 procedures for the issuance, renewal, refusal, or revocation  
16 of licenses for day care centers or part day child care  
17 facilities.

18 (Source: P.A. 76-63.)

19 (225 ILCS 10/3.7 new)

20 Sec. 3.7. Transfer of day care center and part day child  
21 care facility licensing functions.

22 (a) Responsibility for the licensing of day care centers

1 and part day child care facilities under this Act is  
2 transferred from the Department of Children and Family  
3 Services to the Department of Financial and Professional  
4 Regulation on the effective date of this amendatory Act of the  
5 102nd General Assembly.

6 (b) The Department of Financial and Professional  
7 Regulation may adopt any rules and execute any  
8 intergovernmental agreements necessary to assume  
9 responsibility for the licensure of day care centers and part  
10 day child care facilities under this Act.

11 (225 ILCS 10/5) (from Ch. 23, par. 2215)

12 Sec. 5. Examination of facilities.

13 (a) In respect to child care institutions, maternity  
14 centers, child welfare agencies, day care centers, day care  
15 agencies and group homes, the Department of Children and  
16 Family Services, upon receiving notice of an application filed  
17 in proper order, shall examine the facilities and persons  
18 responsible for care of children therein. Upon completing the  
19 examination of any day care center, the Department of Children  
20 and Family Services shall provide the results of the  
21 examination to the Department of Financial and Professional  
22 Regulation.

23 (b) In respect to foster family and day care homes,  
24 applications may be filed on behalf of such homes by a licensed  
25 child welfare agency, by a State agency authorized to place

1 children in foster care or by out-of-State agencies approved  
2 by the Department of Children and Family Services to place  
3 children in this State. In respect to day care homes,  
4 applications may be filed on behalf of such homes by a licensed  
5 day care agency or licensed child welfare agency. In applying  
6 for license in behalf of a home in which children are placed by  
7 and remain under supervision of the applicant agency, such  
8 agency shall certify that the home and persons responsible for  
9 care of unrelated children therein, or the home and relatives,  
10 as defined in Section 2.17 of this Act, responsible for the  
11 care of related children therein, were found to be in  
12 reasonable compliance with standards prescribed by the  
13 Department for the type of care indicated.

14 (c) The Department of Children and Family Services shall  
15 not allow any person to examine facilities under a provision  
16 of this Act who has not passed an examination demonstrating  
17 that such person is familiar with this Act and with the  
18 appropriate standards and regulations of the Department.

19 (d) With the exception of day care centers, part day child  
20 care facilities, day care homes, and group day care homes,  
21 licenses shall be issued in such form and manner as prescribed  
22 by the Department of Children and Family Services and are  
23 valid for 4 years from the date issued, unless revoked by the  
24 Department of Children and Family Services or voluntarily  
25 surrendered by the licensee. Licenses issued for ~~day care~~  
26 ~~centers,~~ day care homes, and group day care homes shall be

1 valid for 3 years from the date issued, unless revoked by the  
2 Department of Children and Family Services or voluntarily  
3 surrendered by the licensee. Licenses for day care centers and  
4 part day child care facilities shall be issued in such form and  
5 manner as prescribed by the Department of Financial and  
6 Professional Regulation and are valid for 3 years from the  
7 date issued in the case of day care centers and 4 years from  
8 the date issued in the case of part day child care facilities.

9 When a licensee has made timely and sufficient application for  
10 the renewal of a license or a new license with reference to any  
11 activity of a continuing nature, the existing license shall  
12 continue in full force and effect for up to 30 days until the  
13 final agency decision on the application has been made. The  
14 Department of Children and Family Services and the Department  
15 of Financial and Professional Regulation may further extend  
16 the period in which such decision must be made in individual  
17 cases for up to 30 days, but such extensions shall be only upon  
18 good cause shown.

19 (e) The Department of Children and Family Services may  
20 issue one 6-month permit to a newly established facility for  
21 child care, other than a day care center or part day child care  
22 facility, to allow that facility reasonable time to become  
23 eligible for a full license. If the facility for child care is  
24 a foster family home, or day care home the Department may issue  
25 one 2-month permit only.

26 (e-5) The Department of Financial and Professional

1 Regulation may issue one 6-month permit to a day care center or  
2 part day child care facility to allow the center or the  
3 facility reasonable time to become eligible for a full  
4 license.

5 (f) The Department may issue an emergency permit to a  
6 child care facility taking in children as a result of the  
7 temporary closure for more than 2 weeks of a licensed child  
8 care facility due to a natural disaster. An emergency permit  
9 under this subsection shall be issued to a facility only if the  
10 persons providing child care services at the facility were  
11 employees of the temporarily closed day care center at the  
12 time it was closed. No investigation of an employee of a child  
13 care facility receiving an emergency permit under this  
14 subsection shall be required if that employee has previously  
15 been investigated at another child care facility. No emergency  
16 permit issued under this subsection shall be valid for more  
17 than 90 days after the date of issuance.

18 (g) During the hours of operation of any licensed child  
19 care facility, authorized representatives of the Department of  
20 Children and Family Services may without notice visit the  
21 facility for the purpose of determining its continuing  
22 compliance with this Act or regulations adopted pursuant  
23 thereto.

24 (h) Day care centers, day care homes, and group day care  
25 homes shall be monitored at least annually by a licensing  
26 representative from the Department of Children and Family

1 Services or the agency that recommended licensure.

2 (i) Upon completing any visit to a day care center under  
3 subsection (g) or the annual monitoring of day care centers  
4 under subsection (h), the Department of Children and Family  
5 Services shall deliver a report of its findings to the  
6 Department of Financial and Professional Regulation for use in  
7 licensing determinations.

8 (Source: P.A. 98-804, eff. 1-1-15.)

9 (225 ILCS 10/7) (from Ch. 23, par. 2217)

10 Sec. 7. Minimum standards for licensure.

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

25 (1) The operation and conduct of the facility and

1 responsibility it assumes for child care;

2 (2) The character, suitability and qualifications of  
3 the applicant and other persons directly responsible for  
4 the care and welfare of children served. All child day  
5 care center licensees and employees who are required to  
6 report child abuse or neglect under the Abused and  
7 Neglected Child Reporting Act shall be required to attend  
8 training on recognizing child abuse and neglect, as  
9 prescribed by Department rules;

10 (3) The general financial ability and competence of  
11 the applicant to provide necessary care for children and  
12 to maintain prescribed standards;

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



1 other appropriate organization, voluntary programs to  
2 train operators of foster family homes and day care homes  
3 in first aid and cardiopulmonary resuscitation;

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

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

14 (7) Provisions to safeguard the legal rights of  
15 children served;

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

23 (9) Filing of reports with the Department;

24 (10) Discipline of children;

25 (11) Protection and fostering of the particular  
26 religious faith of the children served;

1           (12) Provisions prohibiting firearms on day care  
2 center premises except in the possession of peace  
3 officers;

4           (13) Provisions prohibiting handguns on day care home  
5 premises except in the possession of peace officers or  
6 other adults who must possess a handgun as a condition of  
7 employment and who reside on the premises of a day care  
8 home;

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

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

22           (16) Provisions requiring all licensed child care  
23 facility employees who care for newborns and infants to  
24 complete training every 3 years on the nature of sudden  
25 unexpected infant death (SUID), sudden infant death  
26 syndrome (SIDS), and the safe sleep recommendations of the

1 American Academy of Pediatrics; and

2 (17) With respect to foster family homes, provisions  
3 requiring the Department to review quality of care  
4 concerns and to consider those concerns in determining  
5 whether a foster family home is qualified to care for  
6 children.

7 By July 1, 2022, all licensed day care home providers,  
8 licensed group day care home providers, and licensed day care  
9 center directors and classroom staff shall participate in at  
10 least one training that includes the topics of early childhood  
11 social emotional learning, infant and early childhood mental  
12 health, early childhood trauma, or adverse childhood  
13 experiences. Current licensed providers, directors, and  
14 classroom staff shall complete training by July 1, 2022 and  
15 shall participate in training that includes the above topics  
16 at least once every 3 years.

17 (b) If, in a facility for general child care, there are  
18 children diagnosed as mentally ill or children diagnosed as  
19 having an intellectual or physical disability, who are  
20 determined to be in need of special mental treatment or of  
21 nursing care, or both mental treatment and nursing care, the  
22 Department shall seek the advice and recommendation of the  
23 Department of Human Services, the Department of Public Health,  
24 or both Departments regarding the residential treatment and  
25 nursing care provided by the institution.

26 (c) The Department shall investigate any person applying

1 to be licensed as a foster parent to determine whether there is  
2 any evidence of current drug or alcohol abuse in the  
3 prospective foster family. The Department shall not license a  
4 person as a foster parent if drug or alcohol abuse has been  
5 identified in the foster family or if a reasonable suspicion  
6 of such abuse exists, except that the Department may grant a  
7 foster parent license to an applicant identified with an  
8 alcohol or drug problem if the applicant has successfully  
9 participated in an alcohol or drug treatment program,  
10 self-help group, or other suitable activities and if the  
11 Department determines that the foster family home can provide  
12 a safe, appropriate environment and meet the physical and  
13 emotional needs of children.

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

25 (e) The Department shall distribute copies of licensing  
26 standards to all licensees and applicants for a license. Each

1 licensee or holder of a permit shall distribute copies of the  
2 appropriate licensing standards and any other information  
3 required by the Department to child care facilities under its  
4 supervision. Each licensee or holder of a permit shall  
5 maintain appropriate documentation of the distribution of the  
6 standards. Such documentation shall be part of the records of  
7 the facility and subject to inspection by authorized  
8 representatives of the Department.

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

20 (g) The Department shall distribute to each licensee and  
21 holder of a permit copies of the licensing or permit standards  
22 applicable to such person's facility. Each licensee or holder  
23 of a permit shall make available by posting at all times in a  
24 common or otherwise accessible area a complete and current set  
25 of licensing standards in order that all employees of the  
26 facility may have unrestricted access to such standards. All

1 employees of the facility shall have reviewed the standards  
2 and any subsequent changes. Each licensee or holder of a  
3 permit shall maintain appropriate documentation of the current  
4 review of licensing standards by all employees. Such records  
5 shall be part of the records of the facility and subject to  
6 inspection by authorized representatives of the Department.

7 (h) Any standards involving physical examinations,  
8 immunization, or medical treatment shall include appropriate  
9 exemptions for children whose parents object thereto on the  
10 grounds that they conflict with the tenets and practices of a  
11 recognized church or religious organization, of which the  
12 parent is an adherent or member, and for children who should  
13 not be subjected to immunization for clinical reasons.

14 (i) The Department of Children and Family Services, in  
15 cooperation with the Department of Public Health and the  
16 Department of Financial and Professional Regulation, shall  
17 work to increase immunization awareness and participation  
18 among parents of children enrolled in day care centers and day  
19 care homes by publishing on the ~~Department's~~ website of the  
20 Department of Children and Family Services information about  
21 the benefits of immunization against vaccine preventable  
22 diseases, including influenza and pertussis. The information  
23 for vaccine preventable diseases shall include the incidence  
24 and severity of the diseases, the availability of vaccines,  
25 and the importance of immunizing children and persons who  
26 frequently have close contact with children. The website

1 content shall be reviewed annually in collaboration with the  
2 Department of Public Health to reflect the most current  
3 recommendations of the Advisory Committee on Immunization  
4 Practices (ACIP). The Department of Children and Family  
5 Services, in consultation with the Department of Financial and  
6 Professional Regulation, shall work with day care centers and  
7 day care homes licensed under this Act to ensure that the  
8 information is annually distributed to parents in August or  
9 September.

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

18 (Source: P.A. 102-4, eff. 4-27-21.)

19 (225 ILCS 10/7.10)

20 Sec. 7.10. Progress report.

21 (a) For the purposes of this Section, "child day care  
22 licensing" or "day care licensing" means licensing of day care  
23 centers, day care homes, and group day care homes.

24 (b) No later than September 30th of each year, the  
25 Department, in consultation with the Department of Financial

1 and Professional Regulation, shall provide the General  
2 Assembly with a comprehensive report on its progress in  
3 meeting performance measures and goals related to child day  
4 care licensing.

5 (c) The report shall include:

6 (1) details on the funding for child day care  
7 licensing, including:

8 (A) the total number of full-time employees  
9 working on child day care licensing;

10 (B) the names of all sources of revenue used to  
11 support child day care licensing;

12 (C) the amount of expenditures that is claimed  
13 against federal funding sources;

14 (D) the identity of federal funding sources; and

15 (E) how funds are appropriated, including  
16 appropriations for line staff, support staff,  
17 supervisory staff, and training and other expenses and  
18 the funding history of such licensing since fiscal  
19 year 2010;

20 (2) current staffing qualifications of day care  
21 licensing representatives and day care licensing  
22 supervisors in comparison with staffing qualifications  
23 specified in the job description;

24 (3) data history for fiscal year 2010 to the current  
25 fiscal year on day care licensing representative caseloads  
26 and staffing levels in all areas of the State;



1           (4) per the DCFS Child Day Care Licensing Advisory  
2 Council's work plan, quarterly data on the following  
3 measures:

4           (A) the percentage of new applications disposed of  
5 within 90 days;

6           (B) the percentage of licenses renewed on time;

7           (C) the percentage of day care centers receiving  
8 timely annual monitoring visits;

9           (D) the percentage of day care homes receiving  
10 timely annual monitoring visits;

11           (E) the percentage of group day care homes  
12 receiving timely annual monitoring visits;

13           (F) the percentage of provider requests for  
14 supervisory review;

15           (G) the progress on adopting a key indicator  
16 system;

17           (H) the percentage of complaints disposed of  
18 within 30 days;

19           (I) the average number of days a day care center  
20 applicant must wait to attend a licensing orientation;

21           (J) the number of licensing orientation sessions  
22 available per region in the past year; and

23           (K) the number of Department trainings related to  
24 licensing and child development available to providers  
25 in the past year; and

26           (5) efforts to coordinate with the Department of Human

1 Services and the State Board of Education on professional  
2 development, credentialing issues, and child developers,  
3 including training registry, child developers, and Quality  
4 Rating and Improvement Systems (QRIS).

5 (d) The Department, in consultation with the Department of  
6 Financial and Professional Regulation, shall work with the  
7 Governor's appointed Early Learning Council on issues related  
8 to and concerning child day care.

9 (Source: P.A. 97-1096, eff. 8-24-12; 98-839, eff. 1-1-15.)

10 (225 ILCS 10/9.1c)

11 Sec. 9.1c. Public database of day care homes, group day  
12 care homes, and day care centers; license status. No later  
13 than July 1, 2018, the Department of Children and Family  
14 Services shall establish and maintain on its official website  
15 a searchable database, freely accessible to the public, that  
16 provides the following information on each day care home,  
17 group day care home, and day care center licensed by the  
18 Department of Children and Family Services or the Department  
19 of Financial and Professional Regulation: whether, within the  
20 past 5 years, the day care home, group day care home, or day  
21 care center has had its license revoked by or surrendered to  
22 the Department of Children and Family Services or the  
23 Department of Financial and Professional Regulation during a  
24 child abuse or neglect investigation or its application for a  
25 renewal of its license was denied by the Department of

1 Children and Family Services or the Department of Financial  
2 and Professional Regulation, and, if so, the dates upon which  
3 the license was revoked by or surrendered to the Department of  
4 Children and Family Services or the Department of Financial  
5 and Professional Regulation or the application for a renewal  
6 of the license was denied by the Department of Children and  
7 Family Services or the Department of Financial and  
8 Professional Regulation. The Department of Children and Family  
9 Services may adopt any rules necessary to implement this  
10 Section. Nothing in this Section shall be construed to allow  
11 or authorize the Department of Children and Family Services to  
12 release or disclose any information that is prohibited from  
13 public disclosure under this Act or under any other State or  
14 federal law. The Department of Financial and Professional  
15 Regulation shall provide information concerning the issuance,  
16 renewal, refusal, or revocation of licenses for day care  
17 centers and part day child care facilities to the Department  
18 of Child and Family Services.

19 (Source: P.A. 100-52, eff. 1-1-18.)

20 (225 ILCS 10/9.2)

21 Sec. 9.2. Toll free number; day care information. The  
22 Department of Children and Family Services, in consultation  
23 with the Department of Financial and Professional Regulation,  
24 shall establish and maintain a statewide toll-free telephone  
25 number that all persons may use to inquire about the past

1 history and record of a day care facility operating in this  
2 State. The past history and record shall include, but shall  
3 not be limited to, Department substantiated complaints against  
4 a day care facility and Department staff findings of license  
5 violations by a day care facility. Information disclosed in  
6 accordance with this Section shall be subject to the  
7 confidentiality requirements provided in this Act.

8 (Source: P.A. 90-671, eff. 1-1-99.)