



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB4521

Introduced 1/31/2024, by Rep. Martin McLaughlin

#### SYNOPSIS AS INTRODUCED:

225 ILCS 10/5.12 new  
225 ILCS 10/7

from Ch. 23, par. 2217

Amends the Child Care Act of 1969. Provides that, on or before January 1, 2025, the Department of Children and Family Services shall require each licensed day care center to maintain a video security system and maintain video surveillance of all public areas within the premises of the day care center, including, but not limited to, hallways, entrances, play areas, common rooms, and eating areas. Provides that video surveillance shall not take place in private areas within the day care center, including, but not limited to, bathrooms and changing areas. Provides that, if a video security system is deemed inadequate by the Department, the day care center shall have 30 days to correct the inadequacy. Provides that each licensed day care center must notify all parents of children attending the day care center that public areas are under video surveillance and must post a sign at the entrance of the day care center that informs visitors that the area is under video surveillance. Provides that the minimum standards for licensing shall require that each child care institution, maternity center, day care center, group home, day care home, and group day care home require that every staff member involved in the direct care of children be certified in first aid, in the Heimlich maneuver, and in cardiopulmonary resuscitation (rather than have on its premises during its hours of operation at least one staff member certified in first aid, in the Heimlich maneuver, and in cardiopulmonary resuscitation).

LRB103 34911 SPS 64783 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 Section 7 and by adding Section 5.12 as follows:

6 (225 ILCS 10/5.12 new)

7 Sec. 5.12. Video surveillance.

8 (a) On or before January 1, 2025, the Department shall  
9 require each licensed day care center to maintain a video  
10 security system and maintain video surveillance of all public  
11 areas within the premises of the day care center, including,  
12 but not limited to, hallways, entrances, play areas, common  
13 rooms, and eating areas. Video surveillance shall not take  
14 place in private areas within the day care center, including,  
15 but not limited to, bathrooms and changing areas. If a video  
16 security system is deemed inadequate by the Department, the  
17 day care center shall have 30 days to correct the inadequacy.

18 (b) Each licensed day care center must notify all parents  
19 of children attending the day care center that public areas  
20 are under video surveillance and must post a sign at the  
21 entrance of the day care center that informs visitors that the  
22 area is under video surveillance.

1 (225 ILCS 10/7) (from Ch. 23, par. 2217)

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

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

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

26 (3) The general financial ability and competence of

1 the applicant to provide necessary care for children and  
2 to maintain prescribed standards;

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

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

1 received;

2 (6) Provisions for food, clothing, educational  
3 opportunities, program, equipment and individual supplies  
4 to assure the healthy physical, mental, and spiritual  
5 development of children served;

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

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

15 (9) Filing of reports with the Department;

16 (10) Discipline of children;

17 (11) Protection and fostering of the particular  
18 religious faith of the children served;

19 (12) Provisions prohibiting firearms on day care  
20 center premises except in the possession of peace  
21 officers;

22 (13) Provisions prohibiting handguns on day care home  
23 premises except in the possession of peace officers or  
24 other adults who must possess a handgun as a condition of  
25 employment and who reside on the premises of a day care  
26 home;

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

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

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

20          (17) With respect to foster family homes, provisions  
21          requiring the Department to review quality of care  
22          concerns and to consider those concerns in determining  
23          whether a foster family home is qualified to care for  
24          children.

25          By July 1, 2022, all licensed day care home providers,  
26          licensed group day care home providers, and licensed day care

1 center directors and classroom staff shall participate in at  
2 least one training that includes the topics of early childhood  
3 social emotional learning, infant and early childhood mental  
4 health, early childhood trauma, or adverse childhood  
5 experiences. Current licensed providers, directors, and  
6 classroom staff shall complete training by July 1, 2022 and  
7 shall participate in training that includes the above topics  
8 at least once every 3 years.

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

18 (c) The Department shall investigate any person applying  
19 to be licensed as a foster parent to determine whether there is  
20 any evidence of current drug or alcohol abuse in the  
21 prospective foster family. The Department shall not license a  
22 person as a foster parent if drug or alcohol abuse has been  
23 identified in the foster family or if a reasonable suspicion  
24 of such abuse exists, except that the Department may grant a  
25 foster parent license to an applicant identified with an  
26 alcohol or drug problem if the applicant has successfully

1 participated in an alcohol or drug treatment program,  
2 self-help group, or other suitable activities and if the  
3 Department determines that the foster family home can provide  
4 a safe, appropriate environment and meet the physical and  
5 emotional needs of children.

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

17 (e) The Department shall distribute copies of licensing  
18 standards to all licensees and applicants for a license. Each  
19 licensee or holder of a permit shall distribute copies of the  
20 appropriate licensing standards and any other information  
21 required by the Department to child care facilities under its  
22 supervision. Each licensee or holder of a permit shall  
23 maintain appropriate documentation of the distribution of the  
24 standards. Such documentation shall be part of the records of  
25 the facility and subject to inspection by authorized  
26 representatives of the Department.



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

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

25 (h) Any standards involving physical examinations,  
26 immunization, or medical treatment shall include appropriate

1 exemptions for children whose parents object thereto on the  
2 grounds that they conflict with the tenets and practices of a  
3 recognized church or religious organization, of which the  
4 parent is an adherent or member, and for children who should  
5 not be subjected to immunization for clinical reasons.

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

23 (j) Any standard adopted by the Department that requires  
24 an applicant for a license to operate a day care home to  
25 include a copy of a high school diploma or equivalent  
26 certificate with the person's application shall be deemed to

1 be satisfied if the applicant includes a copy of a high school  
2 diploma or equivalent certificate or a copy of a degree from an  
3 accredited institution of higher education or vocational  
4 institution or equivalent certificate.

5 (Source: P.A. 102-4, eff. 4-27-21; 103-22, eff. 8-8-23.)