



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB1564

Introduced 2/8/2023, by Sen. Julie A. Morrison

#### SYNOPSIS AS INTRODUCED:

20 ILCS 1305/1-85 new  
225 ILCS 10/5

from Ch. 23, par. 2215

Amends the Department of Human Services Act. Requires the Department of Human Services (Department) to examine child care institutions, maternity centers, child welfare agencies, day care centers, day care agencies, and group homes, and the persons responsible for the care of children therein. Provides that the Department shall not allow any person to examine those facilities who has not passed an examination demonstrating familiarity with the Act and appropriate standards. Provides that with the exception of day care centers, day care homes, and group day care homes, licenses shall be issued by the Department and shall be valid for 4 years. Provides that licenses issued for day care centers, day care homes, and group day care homes shall be valid for 3 years. Provides that the Department may issue one 6-month permit to a newly established facility to allow that facility reasonable time to become eligible for a full license. Permits the Department to issue an emergency permit to a child care facility taking in children as a result of the temporary closure of another facility due to a natural disaster; and to visit facilities, without notice, to determine if they are compliant with the Act and rules. Amends the Child Care Act of 1969. Removes a provision requiring the Department of Children and Family Services to examine child care institutions, maternity centers, child welfare agencies, day care centers, day care agencies, and group homes. Removes a provision concerning the licensure of certain facilities by the Department of Children and Family Services. Removes language permitting the Department of Children and Family Services to issue an emergency permit to a child care facility taking in children because of a temporary closure due to a natural disaster. Requires the Department of Children and Family Services to monitor foster family homes. Effective immediately.

LRB103 27893 KTG 54271 b

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 Department of Human Services Act is amended  
5 by adding Section 1-85 as follows:

6 (20 ILCS 1305/1-85 new)

7 Sec. 1-85. Child care facilities; licensure.

8 (a) In respect to child care institutions, maternity  
9 centers, child welfare agencies, day care centers, day care  
10 agencies, and group homes, the Department, upon receiving  
11 application filed in proper order, shall examine the  
12 facilities and persons responsible for the care of children  
13 therein.

14 (b) The Department shall not allow any person to examine  
15 the facilities described in subsection (a) who has not passed  
16 an examination demonstrating that such person is familiar with  
17 this Act and with the appropriate standards and regulations of  
18 the Department.

19 (c) With the exception of day care centers, day care  
20 homes, and group day care homes, licenses shall be issued in  
21 such form and manner as prescribed by the Department and shall  
22 be valid for 4 years from the date issued, unless revoked by  
23 the Department or voluntarily surrendered by the licensee.

1 Licenses issued for day care centers, day care homes, and  
2 group day care homes shall be valid for 3 years from the date  
3 issued, unless revoked by the Department or voluntarily  
4 surrendered by the licensee. When a licensee has made timely  
5 and sufficient application for the renewal of a license or a  
6 new license with reference to any activity of a continuing  
7 nature, the existing license shall continue in full force and  
8 effect for up to 30 days until the final agency decision on the  
9 application has been made. The Department may further extend  
10 the period in which such decision must be made in individual  
11 cases for up to 30 days, but such extensions shall be only upon  
12 good cause shown.

13 (d) The Department may issue one 6-month permit to a newly  
14 established facility for child care to allow that facility  
15 reasonable time to become eligible for a full license.

16 (e) The Department may issue an emergency permit to a  
17 child care facility taking in children as a result of the  
18 temporary closure for more than 2 weeks of a licensed child  
19 care facility due to a natural disaster. An emergency permit  
20 under this subsection shall be issued to a facility only if the  
21 persons providing child care services at the facility were  
22 employees of the temporarily closed day care center at the  
23 time it was closed. No investigation of an employee of a child  
24 care facility receiving an emergency permit under this  
25 subsection shall be required if that employee has previously  
26 been investigated at another child care facility. No emergency

1 permit issued under this subsection shall be valid for more  
2 than 90 days after the date of issuance.

3 (f) During the hours of operation of any licensed child  
4 care facility, authorized representatives of the Department  
5 may, without notice, visit the facility for the purpose of  
6 determining its continuing compliance with this Act or any  
7 rules adopted in accordance with this Act.

8 (g) Day care centers, day care homes, and group day care  
9 homes shall be monitored at least annually by a licensing  
10 representative from the Department or the agency that  
11 recommended licensure.

12 Section 10. The Child Care Act of 1969 is amended by  
13 changing Section 5 as follows:

14 (225 ILCS 10/5) (from Ch. 23, par. 2215)

15 Sec. 5. (a) (Blank). ~~In respect to child care~~  
16 ~~institutions, maternity centers, child welfare agencies, day~~  
17 ~~care centers, day care agencies and group homes, the~~  
18 ~~Department, upon receiving application filed in proper order,~~  
19 ~~shall examine the facilities and persons responsible for care~~  
20 ~~of children therein.~~

21 (b) In respect to foster family and day care homes,  
22 applications may be filed on behalf of such homes by a licensed  
23 child welfare agency, by a State agency authorized to place  
24 children in foster care or by out-of-State agencies approved

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

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

17 ~~(d) With the exception of day care centers, day care~~  
18 ~~homes, and group day care homes, licenses shall be issued in~~  
19 ~~such form and manner as prescribed by the Department and are~~  
20 ~~valid for 4 years from the date issued, unless revoked by the~~  
21 ~~Department or voluntarily surrendered by the licensee.~~

22 Licenses issued for day care centers, day care homes, and  
23 group day care homes shall be valid for 3 years from the date  
24 issued, unless revoked by the Department or voluntarily  
25 surrendered by the licensee. When a licensee has made timely  
26 and sufficient application for the renewal of a license or a

1 new license with reference to any activity of a continuing  
2 nature, the existing license shall continue in full force and  
3 effect for up to 30 days until the final agency decision on the  
4 application has been made. The Department may further extend  
5 the period in which such decision must be made in individual  
6 cases for up to 30 days, but such extensions shall be only upon  
7 good cause shown.

8 (e) The Department may issue one 2-month ~~6-month~~ permit to  
9 a newly established facility for child care to allow that  
10 facility reasonable time to become eligible for a full  
11 license. ~~If the facility for child care is a foster family  
12 home, or day care home the Department may issue one 2-month  
13 permit only.~~

14 (f) (Blank). ~~The Department may issue an emergency permit  
15 to a child care facility taking in children as a result of the  
16 temporary closure for more than 2 weeks of a licensed child  
17 care facility due to a natural disaster. An emergency permit  
18 under this subsection shall be issued to a facility only if the  
19 persons providing child care services at the facility were  
20 employees of the temporarily closed day care center at the  
21 time it was closed. No investigation of an employee of a child  
22 care facility receiving an emergency permit under this  
23 subsection shall be required if that employee has previously  
24 been investigated at another child care facility. No emergency  
25 permit issued under this subsection shall be valid for more  
26 than 90 days after the date of issuance.~~

1           (g) During the hours of operation of any licensed child  
2 care facility, authorized representatives of the Department  
3 may without notice visit the facility for the purpose of  
4 determining its continuing compliance with this Act or  
5 regulations adopted pursuant thereto.

6           (h) Foster family ~~Day care centers, day care homes, and~~  
7 ~~group day care~~ homes shall be monitored at least annually by a  
8 licensing representative from the Department or the agency  
9 that recommended licensure.

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

11           Section 99. Effective date. This Act takes effect upon  
12 becoming law.