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LRB095 19705 RAS 47202 a

1 AMENDMENT TO HOUSE BILL 5200

2 AMENDMENT NO. _____. Amend House Bill 5200 by replacing
3 everything after the enacting clause with the following:

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

1 Procedure Act, and are restricted to regulations pertaining to
2 the following matters and to any rules and regulations required
3 or permitted by any other Section of this Act:

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

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

14 (3) The general financial ability and competence of the
15 applicant to provide necessary care for children and to
16 maintain prescribed standards;

17 (4) The number of individuals or staff required to
18 insure adequate supervision and care of the children
19 received. The standards shall provide that each child care
20 institution, maternity center, day care center, group
21 home, day care home, and group day care home shall have on
22 its premises during its hours of operation at least one
23 staff member certified in first aid, in the Heimlich
24 maneuver and in cardiopulmonary resuscitation by the
25 American Red Cross or other organization approved by rule
26 of the Department. Child welfare agencies shall not be

1 subject to such a staffing requirement. The Department may
2 offer, or arrange for the offering, on a periodic basis in
3 each community in this State in cooperation with the
4 American Red Cross, the American Heart Association or other
5 appropriate organization, voluntary programs to train
6 operators of foster family homes and day care homes in
7 first aid and cardiopulmonary resuscitation;

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

14 (6) Provisions for food, clothing, educational
15 opportunities, program, equipment and individual supplies
16 to assure the healthy physical, mental and spiritual
17 development of children served;

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

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

1 vaccination against influenza in accordance with the
2 recommendations of the Advisory Committee on Immunization
3 Practices of the Centers for Disease Control and
4 Prevention;

5 (9) Filing of reports with the Department;

6 (10) Discipline of children;

7 (11) Protection and fostering of the particular
8 religious faith of the children served;

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

11 (13) Provisions prohibiting handguns on day care home
12 premises except in the possession of peace officers or
13 other adults who must possess a handgun as a condition of
14 employment and who reside on the premises of a day care
15 home;

16 (14) Provisions requiring that any firearm permitted
17 on day care home premises, except handguns in the
18 possession of peace officers, shall be kept in a
19 disassembled state, without ammunition, in locked storage,
20 inaccessible to children and that ammunition permitted on
21 day care home premises shall be kept in locked storage
22 separate from that of disassembled firearms, inaccessible
23 to children;

24 (15) Provisions requiring notification of parents or
25 guardians enrolling children at a day care home of the
26 presence in the day care home of any firearms and

1 ammunition and of the arrangements for the separate, locked
2 storage of such firearms and ammunition.

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

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

23 (d) The Department, in applying standards prescribed and
24 published, as herein provided, shall offer consultation
25 through employed staff or other qualified persons to assist
26 applicants and licensees in meeting and maintaining minimum

1 requirements for a license and to help them otherwise to
2 achieve programs of excellence related to the care of children
3 served. Such consultation shall include providing information
4 concerning education and training in early childhood
5 development to providers of day care home services. The
6 Department may provide or arrange for such education and
7 training for those providers who request such assistance.

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

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

1 shall be a part of the records of the facility and subject to
2 inspection by an authorized representative of the Department.

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

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

23 (Source: P.A. 94-586, eff. 8-15-05.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law."