



Rep. Kevin A. McCarthy

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09500HB5200ham002

LRB095 19705 RAS 49576 a

1 AMENDMENT TO HOUSE BILL 5200

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

5 "Section 5. The Child Care Act of 1969 is amended by
6 changing Section 7 as follows:

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

8 Sec. 7. (a) The Department must prescribe and publish
9 minimum standards for licensing that apply to the various types
10 of facilities for child care defined in this Act and that are
11 equally applicable to like institutions under the control of
12 the Department and to foster family homes used by and under the
13 direct supervision of the Department. The Department shall seek
14 the advice and assistance of persons representative of the
15 various types of child care facilities in establishing such
16 standards. The standards prescribed and published under this

1 Act take effect as provided in the Illinois Administrative
2 Procedure Act, and are restricted to regulations pertaining to
3 the following matters and to any rules and regulations required
4 or permitted by any other Section of this Act:

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

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

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

18 (4) The number of individuals or staff required to
19 insure adequate supervision and care of the children
20 received. The standards shall provide that each child care
21 institution, maternity center, day care center, group
22 home, day care home, and group day care home shall have on
23 its premises during its hours of operation at least one
24 staff member certified in first aid, in the Heimlich
25 maneuver and in cardiopulmonary resuscitation by the
26 American Red Cross or other organization approved by rule

1 of the Department. Child welfare agencies shall not be
2 subject to such a staffing requirement. The Department may
3 offer, or arrange for the offering, on a periodic basis in
4 each community in this State in cooperation with the
5 American Red Cross, the American Heart Association or other
6 appropriate organization, voluntary programs to train
7 operators of foster family homes and day care homes in
8 first aid and cardiopulmonary resuscitation;

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

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

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

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

1 Haemophilus Influenzae B (HIB);

2 (9) Filing of reports with the Department;

3 (10) Discipline of children;

4 (11) Protection and fostering of the particular
5 religious faith of the children served;

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

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

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

21 (15) Provisions requiring notification of parents or
22 guardians enrolling children at a day care home of the
23 presence in the day care home of any firearms and
24 ammunition and of the arrangements for the separate, locked
25 storage of such firearms and ammunition.

26 (b) If, in a facility for general child care, there are

1 children diagnosed as mentally ill, mentally retarded or
2 physically handicapped, who are determined to be in need of
3 special mental treatment or of nursing care, or both mental
4 treatment and nursing care, the Department shall seek the
5 advice and recommendation of the Department of Human Services,
6 the Department of Public Health, or both Departments regarding
7 the residential treatment and nursing care provided by the
8 institution.

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

20 (d) The Department, in applying standards prescribed and
21 published, as herein provided, shall offer consultation
22 through employed staff or other qualified persons to assist
23 applicants and licensees in meeting and maintaining minimum
24 requirements for a license and to help them otherwise to
25 achieve programs of excellence related to the care of children
26 served. Such consultation shall include providing information

1 concerning education and training in early childhood
2 development to providers of day care home services. The
3 Department may provide or arrange for such education and
4 training for those providers who request such assistance.

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

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

26 (g) The Department shall distribute to each licensee and

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

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

20 (i) The Department, in cooperation with the Department of
21 Human Services, shall work to increase immunization awareness
22 and participation among parents of children enrolled in day
23 care centers and day care homes by publishing on the
24 Department's website information about the benefits of annual
25 immunization against influenza for children 6 months of age to
26 5 years of age. The Department shall work with day care centers

1 and day care homes licensed under this Act to ensure that the
2 information is annually distributed to parents in August or
3 September.

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

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.".