



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0659

Introduced 2/6/2009, by Rep. Paul D. Froehlich

SYNOPSIS AS INTRODUCED:

225 ILCS 10/4	from Ch. 23, par. 2214
225 ILCS 10/5	from Ch. 23, par. 2215

Amends the Child Care Act of 1969. Requires the Department of Children and Family Services to send a notice to all parents of children residing within or being cared for by a child care facility upon any indicated finding made by the Department during an examination of the facility. Provides that upon any indicated finding by the Department during an examination of a day care center, day care home, or group day care home, a notice of such finding must be posted upon the main door of the day care center, day care home, or group day care home. Requires the Department to post information concerning any indicated findings made during an examination of a day care center, day care home, or group day care home on its Internet website.

LRB096 04767 ASK 14831 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 4 and 5 as follows:

6 (225 ILCS 10/4) (from Ch. 23, par. 2214)

7 Sec. 4. License requirement; application; notice.

8 (a) Any person, group of persons or corporation who or
9 which receives children or arranges for care or placement of
10 one or more children unrelated to the operator must apply for a
11 license to operate one of the types of facilities defined in
12 Sections 2.05 through 2.19 and in Section 2.22 of this Act. Any
13 relative who receives a child or children for placement by the
14 Department on a full-time basis may apply for a license to
15 operate a foster family home as defined in Section 2.17 of this
16 Act.

17 (a-5) Any agency, person, group of persons, association,
18 organization, corporation, institution, center, or group
19 providing adoption services must be licensed by the Department
20 as a child welfare agency as defined in Section 2.08 of this
21 Act. "Providing adoption services" as used in this Act,
22 includes facilitating or engaging in adoption services.

23 (b) Application for a license to operate a child care

1 facility must be made to the Department in the manner and on
2 forms prescribed by it. An application to operate a foster
3 family home shall include, at a minimum: a completed written
4 form; written authorization by the applicant and all adult
5 members of the applicant's household to conduct a criminal
6 background investigation; medical evidence in the form of a
7 medical report, on forms prescribed by the Department, that the
8 applicant and all members of the household are free from
9 communicable diseases or physical and mental conditions that
10 affect their ability to provide care for the child or children;
11 the names and addresses of at least 3 persons not related to
12 the applicant who can attest to the applicant's moral
13 character; and fingerprints submitted by the applicant and all
14 adult members of the applicant's household.

15 (c) The Department shall notify the public when a child
16 care institution, maternity center, or group home licensed by
17 the Department undergoes a change in (i) the range of care or
18 services offered at the facility, (ii) the age or type of
19 children served, or (iii) the area within the facility used by
20 children. The Department shall notify the public of the change
21 in a newspaper of general circulation in the county or
22 municipality in which the applicant's facility is or is
23 proposed to be located.

24 (c-5) Upon any indicated finding by the Department during
25 an examination of a child care facility, the Department must
26 send a notice to all parents of children residing within or

1 being cared for by that facility. This notice must provide the
2 parent with information on the exact nature of the finding, the
3 date the finding was made, and the corrective action that the
4 child care facility is required to take in response to the
5 finding.

6 (d) If, upon examination of the facility and investigation
7 of persons responsible for care of children, the Department is
8 satisfied that the facility and responsible persons reasonably
9 meet standards prescribed for the type of facility for which
10 application is made, it shall issue a license in proper form,
11 designating on that license the type of child care facility
12 and, except for a child welfare agency, the number of children
13 to be served at any one time.

14 (e) The Department shall not issue or renew the license of
15 any child welfare agency providing adoption services, unless
16 the agency (i) is officially recognized by the United States
17 Internal Revenue Service as a tax-exempt organization
18 described in Section 501(c)(3) of the Internal Revenue Code of
19 1986 (or any successor provision of federal tax law) and (ii)
20 is in compliance with all of the standards necessary to
21 maintain its status as an organization described in Section
22 501(c)(3) of the Internal Revenue Code of 1986 (or any
23 successor provision of federal tax law). The Department shall
24 grant a grace period of 24 months from the effective date of
25 this amendatory Act of the 94th General Assembly for existing
26 child welfare agencies providing adoption services to obtain

1 501(c)(3) status. The Department shall permit an existing child
2 welfare agency that converts from its current structure in
3 order to be recognized as a 501(c)(3) organization as required
4 by this Section to either retain its current license or
5 transfer its current license to a newly formed entity, if the
6 creation of a new entity is required in order to comply with
7 this Section, provided that the child welfare agency
8 demonstrates that it continues to meet all other licensing
9 requirements and that the principal officers and directors and
10 programs of the converted child welfare agency or newly
11 organized child welfare agency are substantially the same as
12 the original. The Department shall have the sole discretion to
13 grant a one year extension to any agency unable to obtain
14 501(c)(3) status within the timeframe specified in this
15 subsection (e), provided that such agency has filed an
16 application for 501(c)(3) status with the Internal Revenue
17 Service within the 2-year timeframe specified in this
18 subsection (e).

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

20 (225 ILCS 10/5) (from Ch. 23, par. 2215)

21 Sec. 5. (a) In respect to child care institutions,
22 maternity centers, child welfare agencies, day care centers,
23 day care agencies and group homes, the Department, upon
24 receiving application filed in proper order, shall examine the
25 facilities and persons responsible for care of children

1 therein.

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

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

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

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

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

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

1 investigated at another child care facility. No emergency
2 permit issued under this subsection shall be valid for more
3 than 90 days after the date of issuance.

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

9 (h) Day care centers, day care homes, and group day care
10 homes shall be monitored at least annually by a licensing
11 representative from the Department or the agency that
12 recommended licensure. Upon any indicated finding by the
13 Department during an examination of a day care center, day care
14 home, or group day care home, a notice of such finding must be
15 posted upon the main door of the day care center, day care
16 home, or group day care home. This notice must remain posted
17 until such time as the Department has deemed the finding
18 cleared or corrected and has instructed the center or home that
19 the notice may be removed. The Department shall post
20 information concerning any indicated findings made during an
21 examination of a day care center, day care home, or group day
22 care home on its Internet website.

23 (Source: P.A. 89-21, eff. 7-1-95; 89-263, eff. 8-10-95; 89-626,
24 eff. 8-9-96.)