

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, 5, 6, 7, 8, and 8.1 and by adding Section
6 3.2 as follows:

7 (225 ILCS 10/3.2 new)

8 Sec. 3.2. Licensing fees; fines; DCFS Children's Services
9 Fund.

10 (a) The Department shall charge a fee for issuing or
11 renewing a license on every child care facility, other than a
12 foster home. These fees shall be paid to the Department upon
13 the issuance or renewal of a license. The Department shall
14 adopt rules pursuant to the Illinois Administrative Procedure
15 Act pertaining to rate setting for licensing fees. Any fee for
16 licensure application or renewal for a day care home, as
17 defined in this Act, shall not exceed \$100 and any fee for a
18 day care center, as defined in this Act, shall not exceed \$500.

19 (b) The Department may assess a fine on any child care
20 facility, other than a foster home or day care home, for a
21 violation of this Act. The Department shall adopt rules
22 pursuant to the Illinois Administrative Procedure Act
23 pertaining to and setting the fines established under this Act.

1 No fine shall exceed \$500 per violation.

2 (c) All fees and fines collected by the Department under
3 this Act shall be deposited into the DCFS Children's Services
4 Fund and must be used to enhance services by the Department
5 pursuant to this Act.

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
24 facility must be made to the Department in the manner and on
25 forms prescribed by it. An application to operate a foster

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

13 (b-5) Application for a license to operate a child care
14 facility, other than a foster home, shall include a
15 non-refundable application fee. The Department shall adopt
16 rules and policies pursuant to the Illinois Administrative
17 Procedure Act to set a fee schedule.

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

1 (d) If, upon examination of the facility and investigation
2 of persons responsible for care of children, the Department is
3 satisfied that the facility and responsible persons reasonably
4 meet standards prescribed for the type of facility for which
5 application is made, and has paid the applicable application
6 fee, then the Department ~~it~~ shall issue a license in proper
7 form, designating on that license the type of child care
8 facility and, except for a child welfare agency, the number of
9 children to be served at any one time.

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

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

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

16 (225 ILCS 10/5) (from Ch. 23, par. 2215)

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

23 (b) In respect to foster family and day care homes,
24 applications may be filed on behalf of such homes by a licensed
25 child welfare agency, by a State agency authorized to place

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

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

18 (d) With the exception of day care centers, day care homes,
19 and group day care homes, licenses shall be issued in such form
20 and manner as prescribed by the Department and are valid for 4
21 years from the date issued, unless revoked by the Department or
22 voluntarily surrendered by the licensee. Licenses issued for
23 day care centers, day care homes, and group day care homes
24 shall be valid for 3 years from the date issued, unless revoked
25 by the Department or voluntarily surrendered by the licensee.
26 When a licensee has made timely and sufficient application for

1 the renewal of a license or a new license, including payment of
2 the required fee, with reference to any activity of a
3 continuing nature, the existing license shall continue in full
4 force and effect for up to 30 days until the final agency
5 decision on the application has been made. The Department may
6 further extend the period in which such decision must be made
7 in individual cases for up to 30 days, but such extensions
8 shall be only upon good cause shown. If for any reason, other
9 than Department delay, the renewal process is not completed
10 within 6 months of the submission of the renewal application,
11 then the license expires and under no circumstances shall an
12 additional extension be granted by the Department and the
13 facility must submit a new application for a new license.

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

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

1 facility receiving an emergency permit under this subsection
2 shall be required if that employee has previously been
3 investigated at another child care facility. No emergency
4 permit issued under this subsection shall be valid for more
5 than 90 days after the date of issuance.

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

11 (h) Day care centers, day care homes, and group day care
12 homes shall be monitored at least annually by a licensing
13 representative from the Department or the agency that
14 recommended licensure.

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

17 (225 ILCS 10/6) (from Ch. 23, par. 2216)

18 Sec. 6. (a) A licensed facility operating as a "child care
19 institution", "maternity center", "child welfare agency", "day
20 care agency" or "day care center" must apply for renewal of its
21 license held, the application to be made to the Department on
22 forms prescribed by it. The Department shall charge a fee for
23 the renewal of a license as required in Section 3.2 of this
24 Act.

25 (b) The Department, a duly licensed child welfare agency or

1 a suitable agency or person designated by the Department as its
2 agent to do so, must re-examine every child care facility for
3 renewal of license, including in that process the examination
4 of the premises and records of the facility as the Department
5 considers necessary to determine that minimum standards for
6 licensing continue to be met, and random surveys of parents or
7 legal guardians who are consumers of such facilities' services
8 to assess the quality of care at such facilities. In the case
9 of foster family homes, or day care homes under the supervision
10 of or otherwise required to be licensed by the Department, or
11 under supervision of a licensed child welfare agency or day
12 care agency, the examination shall be made by the Department,
13 or agency supervising such homes. If the Department is
14 satisfied that the facility continues to maintain minimum
15 standards which it prescribes and publishes, it shall renew the
16 license to operate the facility.

17 (c) If a child care facility's license is revoked, or if
18 the Department refuses to renew a facility's license, the
19 facility may not reapply for a license before the expiration of
20 12 months following the Department's action; provided,
21 however, that the denial of a reapplication for a license
22 pursuant to this subsection must be supported by evidence that
23 the prior revocation renders the applicant unqualified or
24 incapable of satisfying the standards and rules promulgated by
25 the Department pursuant to this Act or maintaining a facility
26 which adheres to such standards and rules.

1 (Source: P.A. 86-554.)

2 (225 ILCS 10/7) (from Ch. 23, par. 2217)

3 Sec. 7. (a) The Department must prescribe and publish
4 minimum standards for licensing that apply to the various types
5 of facilities for child care defined in this Act and that are
6 equally applicable to like institutions under the control of
7 the Department and to foster family homes used by and under the
8 direct supervision of the Department. The Department shall seek
9 the advice and assistance of persons representative of the
10 various types of child care facilities in establishing such
11 standards. The standards prescribed and published under this
12 Act take effect as provided in the Illinois Administrative
13 Procedure Act, and are restricted to regulations pertaining to
14 the following matters and to any rules and regulations required
15 or permitted by any other 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 care
21 center licensees and employees who are required to report
22 child abuse or neglect under the Abused and Neglected Child
23 Reporting Act shall be required to attend training on
24 recognizing child abuse and neglect, as prescribed by
25 Department rules;

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

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

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

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

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

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

14 (9) Filing of reports with the Department;

15 (10) Discipline of children;

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

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

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

25 (14) Provisions requiring that any firearm permitted
26 on day care home premises, except handguns in the

1 possession of peace officers, shall be kept in a
2 disassembled state, without ammunition, in locked storage,
3 inaccessible to children and that ammunition permitted on
4 day care home premises shall be kept in locked storage
5 separate from that of disassembled firearms, inaccessible
6 to children;

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

12 (a-5) The Department must prescribe and publish schedules
13 for licensure application and licensing renewal fees that apply
14 to the various types of child care facilities, other than
15 foster homes. The fee and fine schedules prescribed and
16 published under this Act take effect as provided in the
17 Illinois Administrative Procedure Act.

18 (a-10) The Department shall publish information on
19 substantiated violations found in all facilities licensed
20 under this Act, other than foster homes. The Department must
21 prescribe and publish schedules of fines that apply to the
22 various child care facilities, other than foster homes or day
23 care homes, for violations of this Act. The fine schedules
24 prescribed and published under this Act take effect as provided
25 in the Illinois Administrative Procedure Act.

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 Public Health, 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. 96-391, eff. 8-13-09.)

5 (225 ILCS 10/8) (from Ch. 23, par. 2218)

6 Sec. 8. The Department may revoke or refuse to renew the
7 license of any child care facility or child welfare agency or
8 refuse to issue full license to the holder of a permit should
9 the licensee or holder of a permit:

10 (1) fail to maintain standards prescribed and
11 published by the Department;

12 (2) violate any of the provisions of the license
13 issued;

14 (2.3) fail to pay a license renewal fee;

15 (2.5) fail to pay a fine owed to the Department;

16 (3) furnish or make any misleading or any false
17 statement or report to the Department;

18 (4) refuse to submit to the Department any reports or
19 refuse to make available to the Department any records
20 required by the Department in making investigation of the
21 facility for licensing purposes;

22 (5) fail or refuse to submit to an investigation by the
23 Department;

24 (6) fail or refuse to admit authorized representatives
25 of the Department at any reasonable time for the purpose of

1 investigation;

2 (7) fail to provide, maintain, equip and keep in safe
3 and sanitary condition premises established or used for
4 child care as required under standards prescribed by the
5 Department, or as otherwise required by any law, regulation
6 or ordinance applicable to the location of such facility;

7 (8) refuse to display its license or permit;

8 (9) be the subject of an indicated report under Section
9 3 of the Abused and Neglected Child Reporting Act or fail
10 to discharge or sever affiliation with the child care
11 facility of an employee or volunteer at the facility with
12 direct contact with children who is the subject of an
13 indicated report under Section 3 of that Act;

14 (10) fail to comply with the provisions of Section 7.1;

15 (11) fail to exercise reasonable care in the hiring,
16 training and supervision of facility personnel;

17 (12) fail to report suspected abuse or neglect of
18 children within the facility, as required by the Abused and
19 Neglected Child Reporting Act;

20 (12.5) fail to comply with subsection (c-5) of Section
21 7.4;

22 (13) fail to comply with Section 5.1 or 5.2 of this
23 Act; or

24 (14) be identified in an investigation by the
25 Department as an addict or alcoholic, as defined in the
26 Alcoholism and Other Drug Abuse and Dependency Act, or be a

1 person whom the Department knows has abused alcohol or
2 drugs, and has not successfully participated in treatment,
3 self-help groups or other suitable activities, and the
4 Department determines that because of such abuse the
5 licensee, holder of the permit, or any other person
6 directly responsible for the care and welfare of the
7 children served, does not comply with standards relating to
8 character, suitability or other qualifications established
9 under Section 7 of this Act.

10 (Source: P.A. 94-586, eff. 8-15-05; 94-1010, eff. 10-1-06.)

11 (225 ILCS 10/8.1) (from Ch. 23, par. 2218.1)

12 Sec. 8.1. The Department shall revoke or refuse to renew
13 the license of any child care facility or refuse to issue a
14 full license to the holder of a permit should the licensee or
15 holder of a permit:

16 (1) fail to correct any condition which jeopardizes the
17 health, safety, morals, or welfare of children served by the
18 facility;

19 (2) fail to correct any condition or occurrence relating to
20 the operation or maintenance of the facility comprising a
21 violation under Section 8 of this Act; ~~or~~

22 (3) fail to maintain financial resources adequate for the
23 satisfactory care of children served in regard to upkeep of
24 premises, and provisions for personal care, medical services,
25 clothing, education and other essentials in the proper care,

1 rearing and training of children;~~;~~

2 (4) fail to pay a license renewal fee; or

3 (5) fail to pay a fine owed to the Department.

4 (Source: P.A. 83-1362.)

5 Section 99. Effective date. This Act takes effect July 1,
6 2011.