



Sen. Pamela J. Althoff

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LRB097 02711 CEL 52622 a

1 AMENDMENT TO SENATE BILL 104

2 AMENDMENT NO. _____. Amend Senate Bill 104 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 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 application for
11 or renewal of a license on every day care center, day care
12 home, or group day care home. These fees shall be paid to the
13 Department upon the application for or renewal of a license.
14 The Department shall adopt rules pursuant to the Illinois
15 Administrative Procedure Act pertaining to rate setting for
16 licensing fees. Any fee for licensure application or renewal

1 for a day care home or group day care home, as defined in this
2 Act, shall not exceed \$100 and any fee for a day care center,
3 as defined in this Act, shall not exceed \$500.

4 (b) The Department may assess a fine on any day care center
5 for a violation of this Act. The Department shall adopt rules
6 pursuant to the Illinois Administrative Procedure Act
7 pertaining to and setting the fines established under this Act.
8 No fine shall exceed \$500 per violation.

9 (c) All fees and fines collected by the Department under
10 this Act shall be deposited into the DCFS Children's Services
11 Fund and must be used to enhance services by the Department
12 pursuant to this Act.

13 (225 ILCS 10/4) (from Ch. 23, par. 2214)

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

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

24 (a-5) Any agency, person, group of persons, association,
25 organization, corporation, institution, center, or group

1 providing adoption services must be licensed by the Department
2 as a child welfare agency as defined in Section 2.08 of this
3 Act. "Providing adoption services" as used in this Act,
4 includes facilitating or engaging in adoption services.

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

20 (b-5) Application for a license to operate a day care
21 center, day care home, or group day care home shall include a
22 non-refundable application fee. The Department shall adopt
23 rules and policies pursuant to the Illinois Administrative
24 Procedure Act to set a fee schedule.

25 (c) The Department shall notify the public when a child
26 care institution, maternity center, or group home licensed by

1 the Department undergoes a change in (i) the range of care or
2 services offered at the facility, (ii) the age or type of
3 children served, or (iii) the area within the facility used by
4 children. The Department shall notify the public of the change
5 in a newspaper of general circulation in the county or
6 municipality in which the applicant's facility is or is
7 proposed to be located.

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

17 (e) The Department shall not issue or renew the license of
18 any child welfare agency providing adoption services, unless
19 the agency (i) is officially recognized by the United States
20 Internal Revenue Service as a tax-exempt organization
21 described in Section 501(c)(3) of the Internal Revenue Code of
22 1986 (or any successor provision of federal tax law) and (ii)
23 is in compliance with all of the standards necessary to
24 maintain its status as an organization described in Section
25 501(c)(3) of the Internal Revenue Code of 1986 (or any
26 successor provision of federal tax law). The Department shall

1 grant a grace period of 24 months from the effective date of
2 this amendatory Act of the 94th General Assembly for existing
3 child welfare agencies providing adoption services to obtain
4 501(c)(3) status. The Department shall permit an existing child
5 welfare agency that converts from its current structure in
6 order to be recognized as a 501(c)(3) organization as required
7 by this Section to either retain its current license or
8 transfer its current license to a newly formed entity, if the
9 creation of a new entity is required in order to comply with
10 this Section, provided that the child welfare agency
11 demonstrates that it continues to meet all other licensing
12 requirements and that the principal officers and directors and
13 programs of the converted child welfare agency or newly
14 organized child welfare agency are substantially the same as
15 the original. The Department shall have the sole discretion to
16 grant a one year extension to any agency unable to obtain
17 501(c)(3) status within the timeframe specified in this
18 subsection (e), provided that such agency has filed an
19 application for 501(c)(3) status with the Internal Revenue
20 Service within the 2-year timeframe specified in this
21 subsection (e).

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

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

24 Sec. 5. (a) In respect to child care institutions,
25 maternity centers, child welfare agencies, day care centers,

1 day care agencies, and group homes, the Department, upon
2 receiving application filed in proper order, shall examine the
3 facilities and persons responsible for care of children
4 therein.

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

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

25 (d) With the exception of day care centers, day care homes,
26 and group day care homes, licenses shall be issued in such form

1 and manner as prescribed by the Department and are valid for 4
2 years from the date issued, unless revoked by the Department or
3 voluntarily surrendered by the licensee. Licenses issued for
4 day care centers, day care homes, and group day care homes
5 shall be valid for 3 years from the date issued, unless revoked
6 by the Department or voluntarily surrendered by the licensee.
7 When a licensee has made timely and sufficient application for
8 the renewal of a license or a new license, including payment of
9 the required fee, with reference to any activity of a
10 continuing nature, the existing license shall continue in full
11 force and effect for up to 30 days until the final agency
12 decision on the application has been made. The Department may
13 further extend the period in which such decision must be made
14 in individual cases for up to 30 days, but such extensions
15 shall be only upon good cause shown. If for any reason, other
16 than Department delay, the renewal process is not completed
17 within 6 months of the submission of the renewal application,
18 then the license expires and under no circumstances shall an
19 additional extension be granted by the Department and the
20 facility must submit a new application for a new license.

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

26 (f) The Department may issue an emergency permit to a child

1 care facility taking in children as a result of the temporary
2 closure for more than 2 weeks of a licensed child care facility
3 due to a natural disaster. An emergency permit under this
4 subsection shall be issued to a facility only if the persons
5 providing child care services at the facility were employees of
6 the temporarily closed day care center at the time it was
7 closed. No investigation of an employee of a child care
8 facility receiving an emergency permit under this subsection
9 shall be required if that employee has previously been
10 investigated at another child care facility. No emergency
11 permit issued under this subsection shall be valid for more
12 than 90 days after the date of issuance.

13 (g) During the hours of operation of any licensed child
14 care facility, authorized representatives of the Department
15 may without notice visit the facility for the purpose of
16 determining its continuing compliance with this Act or
17 regulations adopted pursuant thereto.

18 (h) Day care centers, day care homes, and group day care
19 homes shall be monitored at least annually by a licensing
20 representative from the Department or the agency that
21 recommended licensure.

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

24 (225 ILCS 10/6) (from Ch. 23, par. 2216)

25 Sec. 6. (a) A licensed facility operating as a "child care

1 institution", "maternity center", "child welfare agency", "day
2 care agency" or "day care center" must apply for renewal of its
3 license held, the application to be made to the Department on
4 forms prescribed by it. The Department shall charge a fee for
5 the renewal of a license as required in Section 3.2 of this
6 Act.

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

24 (c) If a child care facility's license is revoked, or if
25 the Department refuses to renew a facility's license, the
26 facility may not reapply for a license before the expiration of

1 12 months following the Department's action; provided,
2 however, that the denial of a reapplication for a license
3 pursuant to this subsection must be supported by evidence that
4 the prior revocation renders the applicant unqualified or
5 incapable of satisfying the standards and rules promulgated by
6 the Department pursuant to this Act or maintaining a facility
7 which adheres to such standards and rules.

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

9 (225 ILCS 10/7) (from Ch. 23, par. 2217)

10 Sec. 7. (a) The Department must prescribe and publish
11 minimum standards for licensing that apply to the various types
12 of facilities for child care defined in this Act and that are
13 equally applicable to like institutions under the control of
14 the Department and to foster family homes used by and under the
15 direct supervision of the Department. The Department shall seek
16 the advice and assistance of persons representative of the
17 various types of child care facilities in establishing such
18 standards. The standards prescribed and published under this
19 Act take effect as provided in the Illinois Administrative
20 Procedure Act, and are restricted to regulations pertaining to
21 the following matters and to any rules and regulations required
22 or permitted by any other Section of this Act:

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

25 (2) The character, suitability and qualifications of

1 the applicant and other persons directly responsible for
2 the care and welfare of children served. All child day care
3 center licensees and employees who are required to report
4 child abuse or neglect under the Abused and Neglected Child
5 Reporting Act shall be required to attend training on
6 recognizing child abuse and neglect, as prescribed by
7 Department rules;

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

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

1 first aid and cardiopulmonary resuscitation;

2 (5) The appropriateness, safety, cleanliness and
3 general adequacy of the premises, including maintenance of
4 adequate fire prevention and health standards conforming
5 to State laws and municipal codes to provide for the
6 physical comfort, care and well-being of children
7 received;

8 (6) Provisions for food, clothing, educational
9 opportunities, program, equipment and individual supplies
10 to assure the healthy physical, mental and spiritual
11 development of children served;

12 (7) Provisions to safeguard the legal rights of
13 children served;

14 (8) Maintenance of records pertaining to the
15 admission, progress, health and discharge of children,
16 including, for day care centers and day care homes, records
17 indicating each child has been immunized as required by
18 State regulations. The Department shall require proof that
19 children enrolled in a facility have been immunized against
20 Haemophilus Influenzae B (HIB);

21 (9) Filing of reports with the Department;

22 (10) Discipline of children;

23 (11) Protection and fostering of the particular
24 religious faith of the children served;

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

1 (13) Provisions prohibiting handguns on day care home
2 premises except in the possession of peace officers or
3 other adults who must possess a handgun as a condition of
4 employment and who reside on the premises of a day care
5 home;

6 (14) Provisions requiring that any firearm permitted
7 on day care home premises, except handguns in the
8 possession of peace officers, shall be kept in a
9 disassembled state, without ammunition, in locked storage,
10 inaccessible to children and that ammunition permitted on
11 day care home premises shall be kept in locked storage
12 separate from that of disassembled firearms, inaccessible
13 to children;

14 (15) Provisions requiring notification of parents or
15 guardians enrolling children at a day care home of the
16 presence in the day care home of any firearms and
17 ammunition and of the arrangements for the separate, locked
18 storage of such firearms and ammunition.

19 (a-5) The Department must prescribe and publish schedules
20 for licensure application and licensing renewal fees that apply
21 to the various types of day care centers, day care homes, and
22 group day care homes. The fee and fine schedules prescribed and
23 published under this Act take effect as provided in the
24 Illinois Administrative Procedure Act.

25 (a-10) The Department shall publish information on
26 substantiated violations found in all day care centers, day

1 care homes, and group day care homes. The Department must
2 prescribe and publish schedules of fines that apply to day care
3 centers for violations of this Act. The fine schedules
4 prescribed and published under this Act take effect as provided
5 in the Illinois Administrative Procedure Act.

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

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

26 (d) The Department, in applying standards prescribed and

1 published, as herein provided, shall offer consultation
2 through employed staff or other qualified persons to assist
3 applicants and licensees in meeting and maintaining minimum
4 requirements for a license and to help them otherwise to
5 achieve programs of excellence related to the care of children
6 served. Such consultation shall include providing information
7 concerning education and training in early childhood
8 development to providers of day care home services. The
9 Department may provide or arrange for such education and
10 training for those providers who request such assistance.

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

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

1 the facility. The licensee or holder of a permit for a day care
2 facility shall secure appropriate documentation of the
3 distribution of the summary and brochure. Such documentation
4 shall be a part of the records of the facility and subject to
5 inspection by an authorized representative of the Department.

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

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

26 (i) The Department, in cooperation with the Department of

1 Public Health, shall work to increase immunization awareness
2 and participation among parents of children enrolled in day
3 care centers and day care homes by publishing on the
4 Department's website information about the benefits of annual
5 immunization against influenza for children 6 months of age to
6 5 years of age. The Department shall work with day care centers
7 and day care homes licensed under this Act to ensure that the
8 information is annually distributed to parents in August or
9 September.

10 (Source: P.A. 96-391, eff. 8-13-09.)

11 (225 ILCS 10/8) (from Ch. 23, par. 2218)

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

16 (1) fail to maintain standards prescribed and
17 published by the Department;

18 (2) violate any of the provisions of the license
19 issued;

20 (2.3) fail to pay a license renewal fee;

21 (2.5) fail to pay a fine owed to the Department;

22 (3) furnish or make any misleading or any false
23 statement or report to the Department;

24 (4) refuse to submit to the Department any reports or
25 refuse to make available to the Department any records

1 required by the Department in making investigation of the
2 facility for licensing purposes;

3 (5) fail or refuse to submit to an investigation by the
4 Department;

5 (6) fail or refuse to admit authorized representatives
6 of the Department at any reasonable time for the purpose of
7 investigation;

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

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

14 (9) be the subject of an indicated report under Section
15 3 of the Abused and Neglected Child Reporting Act or fail
16 to discharge or sever affiliation with the child care
17 facility of an employee or volunteer at the facility with
18 direct contact with children who is the subject of an
19 indicated report under Section 3 of that Act;

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

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

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

26 (12.5) fail to comply with subsection (c-5) of Section

1 7.4;

2 (13) fail to comply with Section 5.1 or 5.2 of this
3 Act; or

4 (14) be identified in an investigation by the
5 Department as an addict or alcoholic, as defined in the
6 Alcoholism and Other Drug Abuse and Dependency Act, or be a
7 person whom the Department knows has abused alcohol or
8 drugs, and has not successfully participated in treatment,
9 self-help groups or other suitable activities, and the
10 Department determines that because of such abuse the
11 licensee, holder of the permit, or any other person
12 directly responsible for the care and welfare of the
13 children served, does not comply with standards relating to
14 character, suitability or other qualifications established
15 under Section 7 of this Act.

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

17 (225 ILCS 10/8.1) (from Ch. 23, par. 2218.1)

18 Sec. 8.1. The Department shall revoke or refuse to renew
19 the license of any child care facility or refuse to issue a
20 full license to the holder of a permit should the licensee or
21 holder of a permit:

22 (1) fail to correct any condition which jeopardizes the
23 health, safety, morals, or welfare of children served by the
24 facility;

25 (2) fail to correct any condition or occurrence relating to

1 the operation or maintenance of the facility comprising a
2 violation under Section 8 of this Act; ~~or~~

3 (3) fail to maintain financial resources adequate for the
4 satisfactory care of children served in regard to upkeep of
5 premises, and provisions for personal care, medical services,
6 clothing, education and other essentials in the proper care,
7 rearing and training of children; ~~and~~

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

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

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

11 Section 99. Effective date. This Act takes effect July 1,
12 2013."