

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 Children and Family Services Act is amended  
5 by changing Section 35.1 as follows:

6 (20 ILCS 505/35.1) (from Ch. 23, par. 5035.1)

7 Sec. 35.1. The case and clinical records of patients in  
8 Department supervised facilities, wards of the Department,  
9 children receiving or applying for child welfare services,  
10 persons receiving or applying for other services of the  
11 Department, and Department reports of injury or abuse to  
12 children shall not be open to the general public. Such case and  
13 clinical records and reports or the information contained  
14 therein shall be disclosed by the Director of the Department to  
15 juvenile authorities when necessary for the discharge of their  
16 official duties who request information concerning the minor  
17 and who certify in writing that the information will not be  
18 disclosed to any other party except as provided under law or  
19 order of court. For purposes of this Section, "juvenile  
20 authorities" means: (i) a judge of the circuit court and  
21 members of the staff of the court designated by the judge; (ii)  
22 parties to the proceedings under the Juvenile Court Act of 1987  
23 and their attorneys; (iii) probation officers and court

1 appointed advocates for the juvenile authorized by the judge  
2 hearing the case; (iv) any individual, public or private agency  
3 having custody of the child pursuant to court order or pursuant  
4 to placement of the child by the Department; (v) any  
5 individual, public or private agency providing education,  
6 medical or mental health service to the child when the  
7 requested information is needed to determine the appropriate  
8 service or treatment for the minor; (vi) any potential  
9 placement provider when such release is authorized by the court  
10 for the limited purpose of determining the appropriateness of  
11 the potential placement; (vii) law enforcement officers and  
12 prosecutors; (viii) adult and juvenile prisoner review boards;  
13 (ix) authorized military personnel; (x) individuals authorized  
14 by court; (xi) the Illinois General Assembly or any committee  
15 or commission thereof. This Section does not apply to the  
16 Department's fiscal records, other records of a purely  
17 administrative nature, or any forms, documents or other records  
18 required of facilities subject to licensure by the Department  
19 except as may otherwise be provided under the Child Care Act of  
20 1969. Notwithstanding any other provision of this Section, upon  
21 request, a guardian ad litem or attorney appointed to represent  
22 a child who is the subject of an action pursuant to Article II  
23 of the Juvenile Court Act of 1987 may obtain a copy of foster  
24 home licensing records, including all information related to  
25 licensing complaints and investigations, regarding a home in  
26 which the child is placed or regarding a home in which the

1 Department plans to place the child. Any information contained  
2 in foster home licensing records that is protected from  
3 disclosure by federal or State law may be obtained only in  
4 compliance with that law. Nothing in this Section restricts the  
5 authority of a court to order release of licensing records for  
6 purposes of discovery or as otherwise authorized by law.

7 Nothing contained in this Act prevents the sharing or  
8 disclosure of information or records relating or pertaining to  
9 juveniles subject to the provisions of the Serious Habitual  
10 Offender Comprehensive Action Program when that information is  
11 used to assist in the early identification and treatment of  
12 habitual juvenile offenders.

13 Nothing contained in this Act prevents the sharing or  
14 disclosure of information or records relating or pertaining to  
15 the death of a minor under the care of or receiving services  
16 from the Department and under the jurisdiction of the juvenile  
17 court with the juvenile court, the State's Attorney, and the  
18 minor's attorney.

19 Nothing contained in this Section prohibits or prevents any  
20 individual dealing with or providing services to a minor from  
21 sharing information with another individual dealing with or  
22 providing services to a minor for the purpose of coordinating  
23 efforts on behalf of the minor. The sharing of such information  
24 is only for the purpose stated herein and is to be consistent  
25 with the intent and purpose of the confidentiality provisions  
26 of the Juvenile Court Act of 1987. This provision does not

1 abrogate any recognized privilege. Sharing information does  
2 not include copying of records, reports or case files unless  
3 authorized herein.

4 Nothing in this Section prohibits or prevents the  
5 re-disclosure of records, reports, or other information that  
6 reveals malfeasance or nonfeasance on the part of the  
7 Department, its employees, or its agents. Nothing in this  
8 Section prohibits or prevents the Department or a party in a  
9 proceeding under the Juvenile Court Act of 1987 from copying  
10 records, reports, or case files for the purpose of sharing  
11 those documents with other parties to the litigation.

12 (Source: P.A. 94-1010, eff. 10-1-06.)

13 Section 10. The Child Care Act of 1969 is amended by  
14 changing Sections 4, 6, and 7 and by adding Section 2.22a as  
15 follows:

16 (225 ILCS 10/2.22a new)

17 Sec. 2.22a. Quality of care concerns applicant. "Quality of  
18 care concerns applicant" means an applicant for a foster care  
19 license or renewal of a foster care license where the applicant  
20 or any person living in the applicant's household:

21 (1) has had a license issued under this Act revoked;

22 (2) has surrendered a license issued under this Act for  
23 cause;

24 (3) has had a license issued under this Act expire or

1 has surrendered a license, while either an abuse or neglect  
2 investigation or licensing investigation was pending or an  
3 involuntary placement hold was placed on the home;

4 (4) has been the subject of allegations of abuse or  
5 neglect;

6 (5) has an indicated report of abuse or neglect; or

7 (6) has been the subject of certain types of  
8 involuntary placement holds or has been involved in certain  
9 types of substantiated licensing complaints, as specified  
10 and defined by Department rule.

11 (225 ILCS 10/4) (from Ch. 23, par. 2214)

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

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

22 (a-5) Any agency, person, group of persons, association,  
23 organization, corporation, institution, center, or group  
24 providing adoption services must be licensed by the Department  
25 as a child welfare agency as defined in Section 2.08 of this

1 Act. "Providing adoption services" as used in this Act,  
2 includes facilitating or engaging in adoption services.

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

18 (b-5) Prior to submitting an application for a foster  
19 family home license, a quality of care concerns applicant as  
20 defined in Section 2.22a of this Act must submit a preliminary  
21 application to the Department in the manner and on forms  
22 prescribed by it. The Department shall explain to the quality  
23 of care concerns applicant the grounds for requiring a  
24 preliminary application. The preliminary application shall  
25 include a list of (i) all children placed in the home by the  
26 Department who were removed by the Department for reasons other

1 than returning to a parent and the circumstances under which  
2 they were removed and (ii) all children placed by the  
3 Department who were subsequently adopted by or placed in the  
4 private guardianship of the quality of care concerns applicant  
5 who are currently under 18 and who no longer reside in the home  
6 and the reasons why they no longer reside in the home. The  
7 preliminary application shall also include, if the quality of  
8 care concerns applicant chooses to submit, (1) a response to  
9 the quality of care concerns, including any reason the concerns  
10 are invalid, have been addressed or ameliorated, or no longer  
11 apply and (2) affirmative documentation demonstrating that the  
12 quality of care concerns applicant's home does not pose a risk  
13 to children and that the family will be able to meet the  
14 physical and emotional needs of children. The Department shall  
15 verify the information in the preliminary application and  
16 review (i) information regarding any prior licensing  
17 complaints, (ii) information regarding any prior child abuse or  
18 neglect investigations, and (iii) information regarding any  
19 involuntary foster home holds placed on the home by the  
20 Department. Foster home applicants with quality of care  
21 concerns are presumed unsuitable for future licensure.

22 Notwithstanding the provisions of this subsection (b-5),  
23 the Department may make an exception and issue a foster family  
24 license to a quality of care concerns applicant if the  
25 Department is satisfied that the foster family home does not  
26 pose a risk to children and that the foster family will be able

1 to meet the physical and emotional needs of children. In making  
2 this determination, the Department must obtain and carefully  
3 review all relevant documents and shall obtain consultation  
4 from its Clinical Division as appropriate and as prescribed by  
5 Department rule and procedure. The Department has the authority  
6 to deny a preliminary application based on the record of  
7 quality of care concerns of the foster family home. In the  
8 alternative, the Department may (i) approve the preliminary  
9 application, (ii) approve the preliminary application subject  
10 to obtaining additional information or assessments, or (iii)  
11 approve the preliminary application for purposes of placing a  
12 particular child or children only in the foster family home. If  
13 the Department approves a preliminary application, the foster  
14 family shall submit an application for licensure as described  
15 in subsection (b) of this Section. The Department shall notify  
16 the quality of care concerns applicant of its decision and the  
17 basis for its decision in writing.

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 and, in the case of  
3 a foster home, taking into account information obtained for  
4 purposes of evaluating a preliminary application, if  
5 applicable, the Department is satisfied that the facility and  
6 responsible persons reasonably meet standards prescribed for  
7 the type of facility for which application is made, it shall  
8 issue a license in proper form, designating on that license the  
9 type of child care facility and, except for a child welfare  
10 agency, the number of children to be served at any one time.

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

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

16 (Source: P.A. 98-804, eff. 1-1-15.)

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.

23 (b) The Department, a duly licensed child welfare agency or  
24 a suitable agency or person designated by the Department as its  
25 agent to do so, must re-examine every child care facility for

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

15 (b-5) In the case of a quality of care concerns applicant  
16 as defined in Section 2.22a of this Act, in addition to the  
17 examination required in subsection (b) of this Section, the  
18 Department shall not renew the license of a quality of care  
19 concerns applicant unless the Department is satisfied that the  
20 foster family home does not pose a risk to children and that  
21 the foster family home will be able to meet the physical and  
22 emotional needs of children. In making this determination, the  
23 Department must obtain and carefully review all relevant  
24 documents and shall obtain consultation from its Clinical  
25 Division as appropriate and as prescribed by Department rule  
26 and procedure. The Department has the authority to deny an

1 application for renewal based on a record of quality of care  
2 concerns. In the alternative, the Department may (i) approve  
3 the application for renewal subject to obtaining additional  
4 information or assessments, (ii) approve the application for  
5 renewal for purposes of placing or maintaining only a  
6 particular child or children only in the foster home, or (iii)  
7 approve the application for renewal. The Department shall  
8 notify the quality of care concerns applicant of its decision  
9 and the basis for its decision in writing.

10 (c) If a child care facility's license, other than a  
11 license for a foster family home, is revoked, or if the  
12 Department refuses to renew a facility's license, the facility  
13 may not reapply for a license before the expiration of 12  
14 months following the Department's action; provided, however,  
15 that the denial of a reapplication for a license pursuant to  
16 this subsection must be supported by evidence that the prior  
17 revocation renders the applicant unqualified or incapable of  
18 satisfying the standards and rules promulgated by the  
19 Department pursuant to this Act or maintaining a facility which  
20 adheres to such standards and rules.

21 (d) If a foster family home license (i) is revoked, (ii) is  
22 surrendered for cause, or (iii) expires or is surrendered with  
23 either certain types of involuntary placement holds in place or  
24 while a licensing or child abuse or neglect investigation is  
25 pending, or if the Department refuses to renew a foster home  
26 license, the foster home may not reapply for a license before

1 the expiration of 5 years following the Department's action or  
2 following the expiration or surrender of the license.

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

4 (225 ILCS 10/7) (from Ch. 23, par. 2217)

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

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

20 (2) The character, suitability and qualifications of  
21 the applicant and other persons directly responsible for  
22 the care and welfare of children served. All child day care  
23 center licensees and employees who are required to report  
24 child abuse or neglect under the Abused and Neglected Child  
25 Reporting Act shall be required to attend training on

1 recognizing child abuse and neglect, as prescribed by  
2 Department rules;

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

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

23 (5) The appropriateness, safety, cleanliness and  
24 general adequacy of the premises, including maintenance of  
25 adequate fire prevention and health standards conforming  
26 to State laws and municipal codes to provide for the

1 physical comfort, care and well-being of children  
2 received;

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

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

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

16 (9) Filing of reports with the Department;

17 (10) Discipline of children;

18 (11) Protection and fostering of the particular  
19 religious faith of the children served;

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

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

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

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

14          (16) Provisions requiring all licensed child care  
15          facility employees who care for newborns and infants to  
16          complete training every 3 years on the nature of sudden  
17          unexpected infant death (SUID), sudden infant death  
18          syndrome (SIDS), and the safe sleep recommendations of the  
19          American Academy of Pediatrics.

20          (17) With respect to foster family homes, provisions  
21          requiring the Department to review quality of care concerns  
22          and to consider those concerns in determining whether a  
23          foster family home is qualified to care for children.

24          (b) If, in a facility for general child care, there are  
25          children diagnosed as mentally ill or children diagnosed as  
26          having an intellectual or physical disability, who are

1 determined to be in need of special mental treatment or of  
2 nursing care, or both mental treatment and nursing care, the  
3 Department shall seek the advice and recommendation of the  
4 Department of Human Services, the Department of Public Health,  
5 or both Departments regarding the residential treatment and  
6 nursing care provided by the institution.

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

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

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

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

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

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

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

21           (i) The Department, in cooperation with the Department of  
22 Public Health, shall work to increase immunization awareness  
23 and participation among parents of children enrolled in day  
24 care centers and day care homes by publishing on the  
25 Department's website information about the benefits of  
26 immunization against vaccine preventable diseases, including

1 influenza and pertussis. The information for vaccine  
2 preventable diseases shall include the incidence and severity  
3 of the diseases, the availability of vaccines, and the  
4 importance of immunizing children and persons who frequently  
5 have close contact with children. The website content shall be  
6 reviewed annually in collaboration with the Department of  
7 Public Health to reflect the most current recommendations of  
8 the Advisory Committee on Immunization Practices (ACIP). The  
9 Department shall work with day care centers and day care homes  
10 licensed under this Act to ensure that the information is  
11 annually distributed to parents in August or September.

12 (j) Any standard adopted by the Department that requires an  
13 applicant for a license to operate a day care home to include a  
14 copy of a high school diploma or equivalent certificate with  
15 his or her application shall be deemed to be satisfied if the  
16 applicant includes a copy of a high school diploma or  
17 equivalent certificate or a copy of a degree from an accredited  
18 institution of higher education or vocational institution or  
19 equivalent certificate.

20 (Source: P.A. 98-817, eff. 1-1-15; 99-143, eff. 7-27-15.)

21 Section 99. Effective date. This Act takes effect January  
22 1, 2017.