



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3481

Introduced 2/14/2020, by Sen. Julie A. Morrison

SYNOPSIS AS INTRODUCED:

20 ILCS 1305/1-75 new
225 ILCS 10/5

from Ch. 23, par. 2215

Amends the Department of Human Services Act. Requires the Department of Human Services (DHS) to examine child care institutions, maternity centers, child welfare agencies, day care centers, day care agencies, and group homes, and the persons responsible for the care of children therein. Prohibits from allowing any person to examine those facilities who has not passed an examination demonstrating familiarity with the Act and appropriate standards. Provides that with the exception of day care centers, day care homes, and group day care homes, licenses shall be issued by DHS and shall be valid for 4 years. Provides that licenses issued for day care centers, day care homes, and group day care homes shall be valid for 3 years. Provides that DHS may issue one 6-month permit to a newly established facility to allow that facility reasonable time to become eligible for a full license. Permits DHS to issue an emergency permit to a child care facility taking in children as a result of the temporary closure of another facility due to a natural disaster. Permits DHS to visit facilities, without notice, to determine if they are compliant with the Act and rules. Amends the Child Care Act of 1969. Removes a provision requiring the Department of Children and Family Services (DCFS) to examine child care institutions, maternity centers, child welfare agencies, day care centers, day care agencies, and group homes. Removes a provision concerning the licensure of certain facilities by DCFS. Removes language permitting DCFS to issue an emergency permit to a child care facility taking in children because of a temporary closure due to a natural disaster. Requires DCFS to monitor foster family homes. Effective immediately.

LRB101 20487 KTG 70070 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning children.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Department of Human Services Act is amended
5 by adding Section 1-75 as follows:

6 (20 ILCS 1305/1-75 new)

7 Sec. 1-75. Child care facilities; licensure.

8 (a) In respect to child care institutions, maternity
9 centers, child welfare agencies, day care centers, day care
10 agencies, and group homes, the Department, upon receiving
11 application filed in proper order, shall examine the facilities
12 and persons responsible for the care of children therein.

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

18 (c) 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 shall be valid
21 for 4 years from the date issued, unless revoked by the
22 Department or voluntarily surrendered by the licensee.
23 Licenses issued for day care centers, day care homes, and group

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

12 (d) 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.

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

1 than 90 days after the date of issuance.

2 (f) During the hours of operation of any licensed child
3 care facility, authorized representatives of the Department
4 may, without notice, visit the facility for the purpose of
5 determining its continuing compliance with this Act or any
6 rules adopted in accordance with this Act.

7 (g) Day care centers, day care homes, and group day care
8 homes shall be monitored at least annually by a licensing
9 representative from the Department or the agency that
10 recommended licensure.

11 Section 10. The Child Care Act of 1969 is amended by
12 changing Section 5 as follows:

13 (225 ILCS 10/5) (from Ch. 23, par. 2215)

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

20 (b) In respect to foster family and day care homes,
21 applications may be filed on behalf of such homes by a licensed
22 child welfare agency, by a State agency authorized to place
23 children in foster care or by out-of-State agencies approved by
24 the Department to place children in this State. In respect to

1 day care homes, applications may be filed on behalf of such
2 homes by a licensed day care agency or licensed child welfare
3 agency. In applying for license in behalf of a home in which
4 children are placed by and remain under supervision of the
5 applicant agency, such agency shall certify that the home and
6 persons responsible for care of unrelated children therein, or
7 the home and relatives, as defined in Section 2.17 of this Act,
8 responsible for the care of related children therein, were
9 found to be in reasonable compliance with standards prescribed
10 by the Department for the type of care indicated.

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

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

1 continue in full force and effect for up to 30 days until the
2 final agency decision on the application has been made. The
3 Department may further extend the period in which such decision
4 must be made in individual cases for up to 30 days, but such
5 extensions shall be only upon good cause shown.

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

11 (f) (Blank). ~~The Department may issue an emergency permit~~
12 ~~to a child care facility taking in children as a result of the~~
13 ~~temporary closure for more than 2 weeks of a licensed child~~
14 ~~care facility due to a natural disaster. An emergency permit~~
15 ~~under this subsection shall be issued to a facility only if the~~
16 ~~persons providing child care services at the facility were~~
17 ~~employees of the temporarily closed day care center at the time~~
18 ~~it was closed. No investigation of an employee of a child care~~
19 ~~facility receiving an emergency permit under this subsection~~
20 ~~shall be required if that employee has previously been~~
21 ~~investigated at another child care facility. No emergency~~
22 ~~permit issued under this subsection shall be valid for more~~
23 ~~than 90 days after the date of issuance.~~

24 (g) During the hours of operation of any licensed child
25 care facility, authorized representatives of the Department
26 may without notice visit the facility for the purpose of

1 determining its continuing compliance with this Act or
2 regulations adopted pursuant thereto.

3 (h) Foster family ~~Day care centers, day care homes, and~~
4 ~~group day care~~ homes shall be monitored at least annually by a
5 licensing representative from the Department or the agency that
6 recommended licensure.

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

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.

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