

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 Section 7 as follows:

6 (225 ILCS 10/7) (from Ch. 23, par. 2217)

7 (Text of Section before amendment by P.A. 103-594)

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

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

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

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

12 (4) The number of individuals or staff required to
13 insure adequate supervision and care of the children
14 received. The standards shall provide that each child care
15 institution, maternity center, day care center, group
16 home, day care home, and group day care home shall have on
17 its premises during its hours of operation at least 2
18 non-administrative ~~one~~ staff members ~~member~~ certified in
19 first aid, in the Heimlich maneuver, and in
20 cardiopulmonary resuscitation by the American Red Cross or
21 other organizations ~~organization~~ approved by rule of the
22 Department no later than 90 days after employment. Child
23 welfare agencies shall not be subject to such a staffing
24 requirement. The Department may offer, or arrange for the
25 offering, on a periodic basis in each community in this
26 State in cooperation with the American Red Cross, the

1 American Heart Association, or other appropriate
2 organizations ~~organization~~, voluntary programs to train
3 operators of foster family homes and day care homes in
4 first aid and cardiopulmonary resuscitation;

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

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

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

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

24 (9) Filing of reports with the Department;

25 (10) Discipline of children;

26 (11) Protection and fostering of the particular

1 religious faith of the children served;

2 (12) Provisions prohibiting firearms on day care
3 center premises except in the possession of peace
4 officers;

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

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

18 (15) Provisions requiring notification of parents or
19 guardians enrolling children at a day care home of the
20 presence in the day care home of any firearms and
21 ammunition and of the arrangements for the separate,
22 locked storage of such firearms and ammunition;

23 (16) Provisions requiring all licensed child care
24 facility employees who care for newborns and infants to
25 complete training every 3 years on the nature of sudden
26 unexpected infant death (SUID), sudden infant death

1 syndrome (SIDS), and the safe sleep recommendations of the
2 American Academy of Pediatrics; and

3 (17) With respect to foster family homes, provisions
4 requiring the Department to review quality of care
5 concerns and to consider those concerns in determining
6 whether a foster family home is qualified to care for
7 children.

8 By July 1, 2022, all licensed day care home providers,
9 licensed group day care home providers, and licensed day care
10 center directors and classroom staff shall participate in at
11 least one training that includes the topics of early childhood
12 social emotional learning, infant and early childhood mental
13 health, early childhood trauma, or adverse childhood
14 experiences. Current licensed providers, directors, and
15 classroom staff shall complete training by July 1, 2022 and
16 shall participate in training that includes the above topics
17 at least once every 3 years.

18 (b) If, in a facility for general child care, there are
19 children diagnosed as mentally ill or children diagnosed as
20 having an intellectual or physical disability, who are
21 determined to be in need of special mental treatment or of
22 nursing care, or both mental treatment and nursing care, the
23 Department shall seek the advice and recommendation of the
24 Department of Human Services, the Department of Public Health,
25 or both Departments regarding the residential treatment and
26 nursing care provided by the institution.

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

15 (d) The Department, in applying standards prescribed and
16 published, as herein provided, shall offer consultation
17 through employed staff or other qualified persons to assist
18 applicants and licensees in meeting and maintaining minimum
19 requirements for a license and to help them otherwise to
20 achieve programs of excellence related to the care of children
21 served. Such consultation shall include providing information
22 concerning education and training in early childhood
23 development to providers of day care home services. The
24 Department may provide or arrange for such education and
25 training for those providers who request such assistance.

26 (e) The Department shall distribute copies of licensing

1 standards to all licensees and applicants for a license. Each
2 licensee or holder of a permit shall distribute copies of the
3 appropriate licensing standards and any other information
4 required by the Department to child care facilities under its
5 supervision. Each licensee or holder of a permit shall
6 maintain appropriate documentation of the distribution of the
7 standards. Such documentation shall be part of the records of
8 the facility and subject to inspection by authorized
9 representatives of the Department.

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

21 (g) The Department shall distribute to each licensee and
22 holder of a permit copies of the licensing or permit standards
23 applicable to such person's facility. Each licensee or holder
24 of a permit shall make available by posting at all times in a
25 common or otherwise accessible area a complete and current set
26 of licensing standards in order that all employees of the

1 facility may have unrestricted access to such standards. All
2 employees of the facility shall have reviewed the standards
3 and any subsequent changes. Each licensee or holder of a
4 permit shall maintain appropriate documentation of the current
5 review of licensing standards by all employees. Such records
6 shall be part of the records of the facility and subject to
7 inspection by authorized representatives of the Department.

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

15 (i) The Department, in cooperation with the Department of
16 Public Health, shall work to increase immunization awareness
17 and participation among parents of children enrolled in day
18 care centers and day care homes by publishing on the
19 Department's website information about the benefits of
20 immunization against vaccine preventable diseases, including
21 influenza and pertussis. The information for vaccine
22 preventable diseases shall include the incidence and severity
23 of the diseases, the availability of vaccines, and the
24 importance of immunizing children and persons who frequently
25 have close contact with children. The website content shall be
26 reviewed annually in collaboration with the Department of

1 Public Health to reflect the most current recommendations of
2 the Advisory Committee on Immunization Practices (ACIP). The
3 Department shall work with day care centers and day care homes
4 licensed under this Act to ensure that the information is
5 annually distributed to parents in August or September.

6 (j) Any standard adopted by the Department that requires
7 an applicant for a license to operate a day care home to
8 include a copy of a high school diploma or equivalent
9 certificate with the person's application shall be deemed to
10 be satisfied if the applicant includes a copy of a high school
11 diploma or equivalent certificate or a copy of a degree from an
12 accredited institution of higher education or vocational
13 institution or equivalent certificate.

14 (Source: P.A. 102-4, eff. 4-27-21; 103-22, eff. 8-8-23.)

15 (Text of Section after amendment by P.A. 103-594)

16 Sec. 7. (a) The Department must prescribe and publish
17 minimum standards for licensing that apply to the various
18 types of facilities for child care defined in this Act (other
19 than a day care center, day care home, or group day care home)
20 and that are equally applicable to like institutions under the
21 control of the Department and to foster family homes used by
22 and under the direct supervision of the Department. The
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7 responsibility it assumes for child care;

8 (2) The character, suitability and qualifications of
9 the applicant and other persons directly responsible for
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24 welfare agencies shall not be subject to such a staffing
25 requirement. The Department may offer, or arrange for the
26 offering, on a periodic basis in each community in this

1 State in cooperation with the American Red Cross, the
2 American Heart Association, or other appropriate
3 organizations ~~organization~~, voluntary programs to train
4 operators of foster family homes and day care homes in
5 first aid and cardiopulmonary resuscitation;

6 (5) The appropriateness, safety, cleanliness, and
7 general adequacy of the premises, including maintenance of
8 adequate fire prevention and health standards conforming
9 to State laws and municipal codes to provide for the
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12 (6) Provisions for food, clothing, educational
13 opportunities, program, equipment and individual supplies
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15 development of children served;

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

18 (8) Maintenance of records pertaining to the
19 admission, progress, health, and discharge of children.
20 The Department shall require proof that children enrolled
21 in a facility (other than a day care center, day care home,
22 or group day care home) have been immunized against
23 Haemophilus Influenzae B (HIB);

24 (9) Filing of reports with the Department;

25 (10) Discipline of children;

26 (11) Protection and fostering of the particular

1 religious faith of the children served;

2 (12) (Blank);

3 (13) (Blank);

4 (14) (Blank);

5 (15) (Blank);

6 (16) Provisions requiring all licensed child care
7 facility employees who care for newborns and infants to
8 complete training every 3 years on the nature of sudden
9 unexpected infant death (SUID), sudden infant death
10 syndrome (SIDS), and the safe sleep recommendations of the
11 American Academy of Pediatrics (other than employees of a
12 day care center, day care home, or group day care home);
13 and

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16 concerns and to consider those concerns in determining
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20 day care center, day care home, or group day care home), there
21 are children diagnosed as mentally ill or children diagnosed
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24 nursing care, or both mental treatment and nursing care, the
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26 Department of Human Services, the Department of Public Health,

1 or both Departments regarding the residential treatment and
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4 to be licensed as a foster parent to determine whether there is
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10 foster parent license to an applicant identified with an
11 alcohol or drug problem if the applicant has successfully
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13 self-help group, or other suitable activities and if the
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16 emotional needs of children.

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19 through employed staff or other qualified persons to assist
20 applicants and licensees (other than applicants and licensees
21 of a day care center, day care home, or group day care home) in
22 meeting and maintaining minimum requirements for a license and
23 to help them otherwise to achieve programs of excellence
24 related to the care of children served. Such consultation
25 shall include providing information concerning education and
26 training in early childhood development to providers of day

1 care home services. The Department may provide or arrange for
2 such education and training for those providers who request
3 such assistance (other than providers at a day care center,
4 day care home, or group day care home).

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

16 (f) (Blank).

17 (g) The Department shall distribute to each licensee and
18 holder of a permit copies of the licensing or permit standards
19 applicable to such person's facility (other than a day care
20 center, day care home, or group day care home). Each licensee
21 or holder of a permit shall make available by posting at all
22 times in a common or otherwise accessible area a complete and
23 current set of licensing standards in order that all employees
24 of the facility may have unrestricted access to such
25 standards. All employees of the facility shall have reviewed
26 the standards and any subsequent changes. Each licensee or

1 holder of a permit shall maintain appropriate documentation of
2 the current review of licensing standards by all employees.
3 Such records shall be part of the records of the facility and
4 subject to inspection by authorized representatives of the
5 Department.

6 (h) Any standards (other than standards of a day care
7 center, day care home, or group day care home) involving
8 physical examinations, immunization, or medical treatment
9 shall include appropriate exemptions for children whose
10 parents object thereto on the grounds that they conflict with
11 the tenets and practices of a recognized church or religious
12 organization, of which the parent is an adherent or member,
13 and for children who should not be subjected to immunization
14 for clinical reasons.

15 (i) (Blank).

16 (j) (Blank).

17 (Source: P.A. 102-4, eff. 4-27-21; 103-22, eff. 8-8-23;
18 103-594, eff. 7-1-26.)

19 Section 95. No acceleration or delay. Where this Act makes
20 changes in a statute that is represented in this Act by text
21 that is not yet or no longer in effect (for example, a Section
22 represented by multiple versions), the use of that text does
23 not accelerate or delay the taking effect of (i) the changes
24 made by this Act or (ii) provisions derived from any other
25 Public Act.