



Rep. Martin McLaughlin

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10400HB2190ham001

LRB104 11659 AAS 24814 a

1 AMENDMENT TO HOUSE BILL 2190

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2190 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 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

1 this Act take effect as provided in the Illinois  
2 Administrative Procedure Act, and are restricted to  
3 regulations pertaining to the following matters and to any  
4 rules and regulations required or permitted by any other  
5 Section of this Act:

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

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

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

19 (4) The number of individuals or staff required to  
20 insure adequate supervision and care of the children  
21 received. The standards shall provide that each child care  
22 institution, maternity center, day care center, group  
23 home, day care home, and group day care home shall require  
24 that every staff member involved in the direct care of  
25 children be have on its premises during its hours of  
26 operation at least one staff member certified in first

1 aid, in the Heimlich maneuver, and in cardiopulmonary  
2 resuscitation by the American Red Cross or other  
3 organizations ~~organization~~ approved by rule of the  
4 Department no later than 30 days after employment. Child  
5 welfare agencies shall not be subject to such a staffing  
6 requirement. The Department may offer, or arrange for the  
7 offering, on a periodic basis in each community in this  
8 State in cooperation with the American Red Cross, the  
9 American Heart Association, or other appropriate  
10 organizations ~~organization~~, voluntary programs to train  
11 operators of foster family homes and day care homes in  
12 first aid and cardiopulmonary resuscitation;

13 (5) The appropriateness, safety, cleanliness, and  
14 general adequacy of the premises, including maintenance of  
15 adequate fire prevention and health standards conforming  
16 to State laws and municipal codes to provide for the  
17 physical comfort, care, and well-being of children  
18 received;

19 (6) Provisions for food, clothing, educational  
20 opportunities, program, equipment and individual supplies  
21 to assure the healthy physical, mental, and spiritual  
22 development of children served;

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

25 (8) Maintenance of records pertaining to the  
26 admission, progress, health, and discharge of children,

1 including, for day care centers and day care homes,  
2 records indicating each child has been immunized as  
3 required by State regulations. The Department shall  
4 require proof that children enrolled in a facility have  
5 been immunized against Haemophilus Influenzae B (HIB);

6 (9) Filing of reports with the Department;

7 (10) Discipline of children;

8 (11) Protection and fostering of the particular  
9 religious faith of the children served;

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

13 (13) Provisions prohibiting handguns on day care home  
14 premises except in the possession of peace officers or  
15 other adults who must possess a handgun as a condition of  
16 employment and who reside on the premises of a day care  
17 home;

18 (14) Provisions requiring that any firearm permitted  
19 on day care home premises, except handguns in the  
20 possession of peace officers, shall be kept in a  
21 disassembled state, without ammunition, in locked storage,  
22 inaccessible to children and that ammunition permitted on  
23 day care home premises shall be kept in locked storage  
24 separate from that of disassembled firearms, inaccessible  
25 to children;

26 (15) Provisions requiring notification of parents or

1 guardians enrolling children at a day care home of the  
2 presence in the day care home of any firearms and  
3 ammunition and of the arrangements for the separate,  
4 locked storage of such firearms and ammunition;

5 (16) Provisions requiring all licensed child care  
6 facility employees who care for newborns and infants to  
7 complete training every 3 years on the nature of sudden  
8 unexpected infant death (SUID), sudden infant death  
9 syndrome (SIDS), and the safe sleep recommendations of the  
10 American Academy of Pediatrics; and

11 (17) With respect to foster family homes, provisions  
12 requiring the Department to review quality of care  
13 concerns and to consider those concerns in determining  
14 whether a foster family home is qualified to care for  
15 children.

16 By July 1, 2022, all licensed day care home providers,  
17 licensed group day care home providers, and licensed day care  
18 center directors and classroom staff shall participate in at  
19 least one training that includes the topics of early childhood  
20 social emotional learning, infant and early childhood mental  
21 health, early childhood trauma, or adverse childhood  
22 experiences. Current licensed providers, directors, and  
23 classroom staff shall complete training by July 1, 2022 and  
24 shall participate in training that includes the above topics  
25 at least once every 3 years.

26 (b) If, in a facility for general child care, there are

1 children diagnosed as mentally ill or children diagnosed as  
2 having an intellectual or physical disability, who are  
3 determined to be in need of special mental treatment or of  
4 nursing care, or both mental treatment and nursing care, the  
5 Department shall seek the advice and recommendation of the  
6 Department of Human Services, the Department of Public Health,  
7 or both Departments regarding the residential treatment and  
8 nursing care provided by the institution.

9 (c) The Department shall investigate any person applying  
10 to 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  
15 of 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,  
19 self-help group, or other suitable activities and if the  
20 Department determines that the foster family home can provide  
21 a safe, appropriate environment and meet the physical and  
22 emotional needs of children.

23 (d) The Department, in applying standards prescribed and  
24 published, as herein provided, shall offer consultation  
25 through employed staff or other qualified persons to assist  
26 applicants and licensees in meeting and maintaining minimum

1 requirements for a license and to help them otherwise to  
2 achieve programs of excellence related to the care of children  
3 served. Such consultation shall include providing information  
4 concerning education and training in early childhood  
5 development to providers of day care home services. The  
6 Department may provide or arrange for such education and  
7 training for those providers who request such assistance.

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

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

1 shall be a part of the records of the facility and subject to  
2 inspection by an authorized representative of the Department.

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

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

23 (i) The Department, in cooperation with the Department of  
24 Public Health, shall work to increase immunization awareness  
25 and participation among parents of children enrolled in day  
26 care centers and day care homes by publishing on the

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

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

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

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

24 Sec. 7. (a) The Department must prescribe and publish  
25 minimum standards for licensing that apply to the various

1 types of facilities for child care defined in this Act (other  
2 than a day care center, day care home, or group day care home)  
3 and that are equally applicable to like institutions under the  
4 control of the Department and to foster family homes used by  
5 and under the direct supervision of the Department. The  
6 Department shall seek the advice and assistance of persons  
7 representative of the various types of child care facilities  
8 in establishing such standards. The standards prescribed and  
9 published under this Act take effect as provided in the  
10 Illinois Administrative Procedure Act, and are restricted to  
11 regulations pertaining to the following matters and to any  
12 rules and regulations required or permitted by any other  
13 Section of this Act:

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15 responsibility it assumes for child care;

16 (2) The character, suitability and qualifications of  
17 the applicant and other persons directly responsible for  
18 the care and welfare of children served.;

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

22 (4) The number of individuals or staff required to  
23 insure adequate supervision and care of the children  
24 received. The standards shall provide that each child care  
25 institution, maternity center, and group home shall  
26 require that every staff member involved in the direct

1        care of children be ~~have on its premises during its hours~~  
2        ~~of operation at least one staff member~~ certified in first  
3        aid, in the Heimlich maneuver,  and in cardiopulmonary  
4        resuscitation by the American Red Cross or other  
5        organizations ~~organization~~ approved by rule of the  
6        Department no later than 30 days after employment. Child  
7        welfare agencies shall not be subject to such a staffing  
8        requirement. The Department may offer, or arrange for the  
9        offering, on a periodic basis in each community in this  
10       State in cooperation with the American Red Cross, the  
11       American Heart Association,  or other appropriate  
12       organizations ~~organization~~, voluntary programs to train  
13       operators of foster family homes and day care homes in  
14       first aid and cardiopulmonary resuscitation;

15        (5) The appropriateness, safety, cleanliness, and  
16        general adequacy of the premises, including maintenance of  
17        adequate fire prevention and health standards conforming  
18        to State laws and municipal codes to provide for the  
19        physical comfort, care, and well-being of children  
20        received;

21        (6) Provisions for food, clothing, educational  
22        opportunities, program, equipment and individual supplies  
23        to assure the healthy physical, mental, and spiritual  
24        development of children served;

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

1           (8) Maintenance of records pertaining to the  
2 admission, progress, health, and discharge of children.  
3 The Department shall require proof that children enrolled  
4 in a facility (other than a day care center, day care home,  
5 or group day care home) have been immunized against  
6 Haemophilus Influenzae B (HIB);

7           (9) Filing of reports with the Department;

8           (10) Discipline of children;

9           (11) Protection and fostering of the particular  
10 religious faith of the children served;

11           (12) (Blank);

12           (13) (Blank);

13           (14) (Blank);

14           (15) (Blank);

15           (16) Provisions requiring all licensed child care  
16 facility employees who care for newborns and infants to  
17 complete training every 3 years on the nature of sudden  
18 unexpected infant death (SUID), sudden infant death  
19 syndrome (SIDS), and the safe sleep recommendations of the  
20 American Academy of Pediatrics (other than employees of a  
21 day care center, day care home, or group day care home);  
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23           (17) With respect to foster family homes, provisions  
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25 concerns and to consider those concerns in determining  
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9 Department of Human Services, the Department of Public Health,  
10 or both Departments regarding the residential treatment and  
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25 emotional needs of children.

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 (other than applicants and licensees  
4 of a day care center, day care home, or group day care home) in  
5 meeting and maintaining minimum requirements for a license and  
6 to help them otherwise to achieve programs of excellence  
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8 shall include providing information concerning education and  
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10 care home services. The Department may provide or arrange for  
11 such education and training for those providers who request  
12 such assistance (other than providers at a day care center,  
13 day care home, or group day care home).

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

25 (f) (Blank).

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 (other than a day care  
3 center, day care home, or group day care home). Each licensee  
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5 times in a common or otherwise accessible area a complete and  
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9 the standards and any subsequent changes. Each licensee or  
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11 the current review of licensing standards by all employees.  
12 Such records shall be part of the records of the facility and  
13 subject to inspection by authorized representatives of the  
14 Department.

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

24 (i) (Blank).

25 (j) (Blank).

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

1 103-594, eff. 7-1-26.)

2 Section 95. No acceleration or delay. Where this Act makes  
3 changes in a statute that is represented in this Act by text  
4 that is not yet or no longer in effect (for example, a Section  
5 represented by multiple versions), the use of that text does  
6 not accelerate or delay the taking effect of (i) the changes  
7 made by this Act or (ii) provisions derived from any other  
8 Public Act.".