



Rep. Martin McLaughlin

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10400HB2190ham002

LRB104 11659 AAS 25201 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 have on
24 its premises during its hours of operation at least 2
25 non-administrative ~~one~~ staff members ~~member~~ certified in
26 first aid, in the Heimlich maneuver, and in

1 cardiopulmonary resuscitation by the American Red Cross or
2 other organizations ~~organization~~ approved by rule of the
3 Department no later than 90 days after employment. Child
4 welfare agencies shall not be subject to such a staffing
5 requirement. The Department may offer, or arrange for the
6 offering, on a periodic basis in each community in this
7 State in cooperation with the American Red Cross, the
8 American Heart Association, or other appropriate
9 organizations ~~organization~~, voluntary programs to train
10 operators of foster family homes and day care homes in
11 first aid and cardiopulmonary resuscitation;

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

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

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

24 (8) Maintenance of records pertaining to the
25 admission, progress, health, and discharge of children,
26 including, for day care centers and day care homes,

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

5 (9) Filing of reports with the Department;

6 (10) Discipline of children;

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

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

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

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

25 (15) Provisions requiring notification of parents or
26 guardians enrolling children at a day care home of the

1 presence in the day care home of any firearms and
2 ammunition and of the arrangements for the separate,
3 locked storage of such firearms and ammunition;

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

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

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

25 (b) If, in a facility for general child care, there are
26 children diagnosed as mentally ill or children diagnosed as

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

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

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

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

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

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

1 inspection by an authorized representative of the Department.

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

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

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

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

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

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

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

23 Sec. 7. (a) The Department must prescribe and publish
24 minimum standards for licensing that apply to the various
25 types of facilities for child care defined in this Act (other

1 than a day care center, day care home, or group day care home)
2 and that are equally applicable to like institutions under the
3 control of the Department and to foster family homes used by
4 and under the direct supervision of the Department. The
5 Department shall seek the advice and assistance of persons
6 representative of the various types of child care facilities
7 in establishing such standards. The standards prescribed and
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9 Illinois Administrative Procedure Act, and are restricted to
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14 responsibility it assumes for child care;

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

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

21 (4) The number of individuals or staff required to
22 insure adequate supervision and care of the children
23 received. The standards shall provide that each child care
24 institution, maternity center, and group home shall have
25 on its premises during its hours of operation at least 2
26 non-administrative ~~one~~ staff members ~~member~~ certified in

1 first aid, in the Heimlich maneuver, and in
2 cardiopulmonary resuscitation by the American Red Cross or
3 other organizations ~~organization~~ approved by rule of the
4 Department no later than 90 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 The Department shall require proof that children enrolled
2 in a facility (other than a day care center, day care home,
3 or group day care home) have been immunized against
4 Haemophilus Influenzae B (HIB);

5 (9) Filing of reports with the Department;

6 (10) Discipline of children;

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

9 (12) (Blank);

10 (13) (Blank);

11 (14) (Blank);

12 (15) (Blank);

13 (16) Provisions requiring all licensed child care
14 facility employees who care for newborns and infants to
15 complete training every 3 years on the nature of sudden
16 unexpected infant death (SUID), sudden infant death
17 syndrome (SIDS), and the safe sleep recommendations of the
18 American Academy of Pediatrics (other than employees of a
19 day care center, day care home, or group day care home);
20 and

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

26 (b) If, in a facility for general child care (other than a

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

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

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

1 applicants and licensees (other than applicants and licensees
2 of a day care center, day care home, or group day care home) in
3 meeting and maintaining minimum requirements for a license and
4 to help them otherwise to achieve programs of excellence
5 related to the care of children served. Such consultation
6 shall include providing information concerning education and
7 training in early childhood development to providers of day
8 care home services. The Department may provide or arrange for
9 such education and training for those providers who request
10 such assistance (other than providers at a day care center,
11 day care home, or group day care home).

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

23 (f) (Blank).

24 (g) The Department shall distribute to each licensee and
25 holder of a permit copies of the licensing or permit standards
26 applicable to such person's facility (other than a day care

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

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

22 (i) (Blank).

23 (j) (Blank).

24 (Source: P.A. 102-4, eff. 4-27-21; 103-22, eff. 8-8-23;
25 103-594, eff. 7-1-26.)

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