

HB2415



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB2415

Introduced 2/4/2025, by Rep. Patrick Windhorst

SYNOPSIS AS INTRODUCED:

225 ILCS 10/4

Amends the Child Care Act of 1969. Provides that an applicant for a foster family home license who currently holds a valid foster family home license or its equivalent from another state without any pending violations or investigations shall be granted a temporary foster family home license in this State during the pendency of the Illinois application for a foster family home license.

LRB104 03375 AAS 13397 b

A BILL FOR

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 4 as follows:

6 (225 ILCS 10/4)

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

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

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

18 (a-5) Any agency, person, group of persons, association,
19 organization, corporation, institution, center, or group
20 providing adoption services must be licensed by the Department
21 as a child welfare agency as defined in Section 2.08 of this
22 Act. "Providing adoption services" as used in this Act,
23 includes facilitating or engaging in adoption services.

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

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

1 other than returning to a parent and the circumstances under
2 which 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
10 concerns are invalid, have been addressed or ameliorated, or
11 no longer apply and (2) affirmative documentation
12 demonstrating that the quality of care concerns applicant's
13 home does not pose a risk to children and that the family will
14 be able to meet the physical and emotional needs of children.
15 The Department shall verify the information in the preliminary
16 application and review (i) information regarding any prior
17 licensing complaints, (ii) information regarding any prior
18 child abuse or neglect investigations, (iii) information
19 regarding any involuntary foster home holds placed on the home
20 by the Department, and (iv) information regarding all child
21 exit interviews, as provided in Section 5.26 of the Children
22 and Family Services Act, regarding the home. Foster home
23 applicants with quality of care concerns are presumed
24 unsuitable for future licensure.

25 Notwithstanding the provisions of this subsection (b-5),
26 the Department may make an exception and issue a foster family

1 license to a quality of care concerns applicant if the
2 Department is satisfied that the foster family home does not
3 pose a risk to children and that the foster family will be able
4 to meet the physical and emotional needs of children. In
5 making this determination, the Department must obtain and
6 carefully review all relevant documents and shall obtain
7 consultation from its Clinical Division as appropriate and as
8 prescribed by Department rule and procedure. The Department
9 has the authority to deny a preliminary application based on
10 the record of quality of care concerns of the foster family
11 home. In the alternative, the Department may (i) approve the
12 preliminary application, (ii) approve the preliminary
13 application subject to obtaining additional information or
14 assessments, or (iii) approve the preliminary application for
15 purposes of placing a particular child or children only in the
16 foster family home. If the Department approves a preliminary
17 application, the foster family shall submit an application for
18 licensure as described in subsection (b) of this Section. The
19 Department shall notify the quality of care concerns applicant
20 of its decision and the basis for its decision in writing.

21 (c) The Department shall notify the public when a child
22 care institution, maternity center, or group home licensed by
23 the Department undergoes a change in (i) the range of care or
24 services offered at the facility or (ii) the type of children
25 served. The Department shall notify the public of the change
26 in a newspaper of general circulation in the county or

1 municipality in which the applicant's facility is or is
2 proposed to be located.

3 (c-5) When a child care institution, maternity center, or
4 a group home licensed by the Department undergoes a change in
5 (i) the age of children served or (ii) the area within the
6 facility used by children, the Department shall post
7 information regarding proposed changes on its website as
8 required by rule.

9 (d) If, upon examination of the facility and investigation
10 of persons responsible for care of children and, in the case of
11 a foster home, taking into account information obtained for
12 purposes of evaluating a preliminary application, if
13 applicable, the Department is satisfied that the facility and
14 responsible persons reasonably meet standards prescribed for
15 the type of facility for which application is made, it shall
16 issue a license in proper form, designating on that license
17 the type of child care facility and, except for a child welfare
18 agency, the number of children to be served at any one time.

19 (e) The Department shall not issue or renew the license of
20 any child welfare agency providing adoption services, unless
21 the agency (i) is officially recognized by the United States
22 Internal Revenue Service as a tax-exempt organization
23 described in Section 501(c)(3) of the Internal Revenue Code of
24 1986 (or any successor provision of federal tax law) and (ii)
25 is in compliance with all of the standards necessary to
26 maintain its status as an organization described in Section

1 501(c)(3) of the Internal Revenue Code of 1986 (or any
2 successor provision of federal tax law). The Department shall
3 grant a grace period of 24 months from August 15, 2005 (the
4 effective date of Public Act 94-586) ~~this amendatory Act of~~
5 ~~the 94th General Assembly~~ for existing child welfare agencies
6 providing adoption services to obtain 501(c)(3) status. The
7 Department shall permit an existing child welfare agency that
8 converts from its current structure in order to be recognized
9 as a 501(c)(3) organization as required by this Section to
10 either retain its current license or transfer its current
11 license to a newly formed entity, if the creation of a new
12 entity is required in order to comply with this Section,
13 provided that the child welfare agency demonstrates that it
14 continues to meet all other licensing requirements and that
15 the principal officers and directors and programs of the
16 converted child welfare agency or newly organized child
17 welfare agency are substantially the same as the original. The
18 Department shall have the sole discretion to grant a one-year
19 ~~one year~~ extension to any agency unable to obtain 501(c)(3)
20 status within the timeframe specified in this subsection (e),
21 provided that such agency has filed an application for
22 501(c)(3) status with the Internal Revenue Service within the
23 2-year timeframe specified in this subsection (e).

24 (f) The Department shall adopt rules to implement the
25 changes to this Section made by Public Act 103-770 ~~this~~
26 ~~amendatory Act of the 103rd General Assembly~~ no later than

1 January 1, 2025.

2 (g) After submitting an application for a foster family
3 home license, an applicant who currently holds a valid foster
4 family home license or its equivalent from another state
5 without any pending violations or investigations shall be
6 granted a temporary foster family home license in this State
7 during the pendency of the Illinois application for a foster
8 family home license. The temporary foster family home license
9 shall not have an effect on the permanent license being
10 granted or denied.

11 (Source: P.A. 102-763, eff. 1-1-23; 103-770, eff. 1-1-25;
12 revised 8-20-24.)

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

14 Sec. 4. License requirement; application; notice;
15 Department of Children and Family Services.

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

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2 organization, corporation, institution, center, or group
3 providing adoption services must be licensed by the Department
4 as a child welfare agency as defined in Section 2.08 of this
5 Act. "Providing adoption services"L as used in this Act,
6 includes facilitating or engaging in adoption services.

7 (b) Application for a license to operate a child care
8 facility (other than a day care center, day care home, or group
9 day care home) must be made to the Department in the manner and
10 on forms prescribed by it. An application to operate a foster
11 family home shall include, at a minimum: a completed written
12 form; written authorization by the applicant and all adult
13 members of the applicant's household to conduct a criminal
14 background investigation; medical evidence in the form of a
15 medical report, on forms prescribed by the Department, that
16 the applicant and all members of the household are free from
17 communicable diseases or physical and mental conditions that
18 affect their ability to provide care for the child or
19 children; the names and addresses of at least 3 persons not
20 related to the applicant who can attest to the applicant's
21 moral character; the name and address of at least one relative
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22 the principal officers and directors and programs of the
23 converted child welfare agency or newly organized child
24 welfare agency are substantially the same as the original. The
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15 family home license. The temporary foster family home license
16 shall not have an effect on the permanent license being
17 granted or denied.

18 (Source: P.A. 102-763, eff. 1-1-23; 103-594, eff. 7-1-26;
19 103-770, eff. 1-1-25; revised 11-26-24.)

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

1 Public Act.