



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB3346

Introduced 2/18/2025, by Rep. Suzanne M. Ness

#### SYNOPSIS AS INTRODUCED:

225 ILCS 10/7

from Ch. 23, par. 2217

Amends the Child Care Act of 1969. Directs the Department of Children and Family Services to amend its rules establishing licensing standards for group day care homes to provide a revised maximum authorized extended capacity for group day care homes that is applicable through July 1, 2027. Provides that the revised maximum extended capacity rules adopted by the Department shall, at a minimum, allow one caregiver and 2 assistants to have the option of caring for 2 additional children who are 30 months of age or older, as well as 2 additional children who are attending school full-time, notwithstanding any other provision of the Act. Requires the revised rules not only to provide that the second full-time assistant shall be present at all times when there are more than 12 children in the home, but also to prohibit the total capacity of the group day care home from exceeding 16 children. Effective immediately.

LRB104 08351 BAB 18402 b

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 one  
18          staff member certified in first aid, in the Heimlich  
19          maneuver and in cardiopulmonary resuscitation by the  
20          American Red Cross or other organization approved by rule  
21          of the Department. Child welfare agencies shall not be  
22          subject to such a staffing requirement. The Department may  
23          offer, or arrange for the offering, on a periodic basis in  
24          each community in this State in cooperation with the  
25          American Red Cross, the American Heart Association or  
26          other appropriate organization, voluntary programs to

1 train operators of foster family homes and day care homes  
2 in first aid and cardiopulmonary resuscitation;

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

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

13 (7) Provisions to safeguard the legal rights of  
14 children served;

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

22 (9) Filing of reports with the Department;

23 (10) Discipline of children;

24 (11) Protection and fostering of the particular  
25 religious faith of the children served;

26 (12) Provisions prohibiting firearms on day care

1 center premises except in the possession of peace  
2 officers;

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

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

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

21 (16) Provisions requiring all licensed child care  
22 facility employees who care for newborns and infants to  
23 complete training every 3 years on the nature of sudden  
24 unexpected infant death (SUID), sudden infant death  
25 syndrome (SIDS), and the safe sleep recommendations of the  
26 American Academy of Pediatrics; and

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

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

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

25          (c) The Department shall investigate any person applying  
26          to be licensed as a foster parent to determine whether there is

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

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

24 (e) The Department shall distribute copies of licensing  
25 standards to all licensees and applicants for a license. Each  
26 licensee or holder of a permit shall distribute copies of the

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

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

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

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

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

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

1 Department shall work with day care centers and day care homes  
2 licensed under this Act to ensure that the information is  
3 annually distributed to parents in August or September.

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

12 (k) As soon as practical after the effective date of this  
13 amendatory Act of the 104th General Assembly, the Department  
14 shall amend its rules establishing licensing standards for  
15 group day care homes to provide a revised maximum authorized  
16 extended capacity for group day care homes that is applicable  
17 through July 1, 2027. The revised maximum extended capacity  
18 rules adopted by the Department in its amended rules shall  
19 allow one caregiver and 2 assistants to have the option of  
20 caring for 2 additional children who are 30 months of age or  
21 older, as well as 2 additional children who are attending  
22 school full-time, notwithstanding any other provision of this  
23 Act. The revised rules shall also provide that the second  
24 assistant shall be present at all times when there are more  
25 than 12 children in the home and shall prohibit the total  
26 capacity of the group day care home from exceeding 16

1 children.

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

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

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

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

21 (2) The character, suitability and qualifications of  
22 the applicant and other persons directly responsible for  
23 the care and welfare of children served.;

24 (3) The general financial ability and competence of  
25 the applicant to provide necessary care for children and

1 to maintain prescribed standards;

2 (4) The number of individuals or staff required to  
3 insure adequate supervision and care of the children  
4 received. The standards shall provide that each child care  
5 institution, maternity center, and group home shall have  
6 on its premises during its hours of operation at least one  
7 staff member certified in first aid, in the Heimlich  
8 maneuver and in cardiopulmonary resuscitation by the  
9 American Red Cross or other organization approved by rule  
10 of the Department. Child welfare agencies shall not be  
11 subject to such a staffing requirement. The Department may  
12 offer, or arrange for the offering, on a periodic basis in  
13 each community in this State in cooperation with the  
14 American Red Cross, the American Heart Association or  
15 other appropriate organization, voluntary programs to  
16 train operators of foster family homes and day care homes  
17 in first aid and cardiopulmonary resuscitation;

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

24 (6) Provisions for food, clothing, educational  
25 opportunities, program, equipment and individual supplies  
26 to assure the healthy physical, mental, and spiritual

1 development of children served;

2 (7) Provisions to safeguard the legal rights of  
3 children served;

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

10 (9) Filing of reports with the Department;

11 (10) Discipline of children;

12 (11) Protection and fostering of the particular  
13 religious faith of the children served;

14 (12) (Blank);

15 (13) (Blank);

16 (14) (Blank);

17 (15) (Blank);

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

26 (17) With respect to foster family homes, provisions

1           requiring the Department to review quality of care  
2           concerns and to consider those concerns in determining  
3           whether a foster family home is qualified to care for  
4           children.

5           (b) If, in a facility for general child care (other than a  
6           day care center, day care home, or group day care home), there  
7           are children diagnosed as mentally ill or children diagnosed  
8           as having an intellectual or physical disability, who are  
9           determined to be in need of special mental treatment or of  
10          nursing care, or both mental treatment and nursing care, the  
11          Department shall seek the advice and recommendation of the  
12          Department of Human Services, the Department of Public Health,  
13          or both Departments regarding the residential treatment and  
14          nursing care provided by the institution.

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

1 a safe, appropriate environment and meet the physical and  
2 emotional needs of children.

3 (d) The Department, in applying standards prescribed and  
4 published, as herein provided, shall offer consultation  
5 through employed staff or other qualified persons to assist  
6 applicants and licensees (other than applicants and licensees  
7 of a day care center, day care home, or group day care home) in  
8 meeting and maintaining minimum requirements for a license and  
9 to help them otherwise to achieve programs of excellence  
10 related to the care of children served. Such consultation  
11 shall include providing information concerning education and  
12 training in early childhood development to providers of day  
13 care home services. The Department may provide or arrange for  
14 such education and training for those providers who request  
15 such assistance (other than providers at a day care center,  
16 day care home, or group day care home).

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

1 inspection by authorized representatives of the Department.

2 (f) (Blank).

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

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

1 (i) (Blank).

2 (j) (Blank).

3 (k) As soon as practical after the effective date of this  
4 amendatory Act of the 104th General Assembly, the Department  
5 shall amend its rules establishing licensing standards for  
6 group day care homes to provide a revised maximum authorized  
7 extended capacity for group day care homes that is applicable  
8 through July 1, 2027. The revised maximum extended capacity  
9 rules adopted by the Department in its amended rules shall  
10 allow one caregiver and 2 assistants to have the option of  
11 caring for 2 additional children who are 30 months of age or  
12 older, as well as 2 additional children who are attending  
13 school full-time, notwithstanding any other provision of this  
14 Act. The revised rules shall also provide that the second  
15 assistant shall be present at all times when there are more  
16 than 12 children in the home and shall prohibit the total  
17 capacity of the group day care home from exceeding 16  
18 children.

19 (Source: P.A. 102-4, eff. 4-27-21; 103-22, eff. 8-8-23;  
20 103-594, eff. 7-1-26.)

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

1 made by this Act or (ii) provisions derived from any other  
2 Public Act.

3 Section 99. Effective date. This Act takes effect upon  
4 becoming law.