



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB1438

Introduced 1/31/2025, by Sen. Doris Turner

SYNOPSIS AS INTRODUCED:

225 ILCS 10/2.06	from Ch. 23, par. 2212.06
225 ILCS 10/2.16a new	
225 ILCS 10/2.16b new	
225 ILCS 10/5	from Ch. 23, par. 2215
225 ILCS 10/5.1	
225 ILCS 10/7	from Ch. 23, par. 2217
225 ILCS 10/7.11 new	

Amends the Child Care Act of 1969. Defines "group home for the developmentally or intellectually disabled" and "child who resides in a group home for the developmentally or intellectually disabled". Excludes a group home for the developmentally or intellectually disabled from the definition of "child care institution". Adds a group home for the developmentally or intellectually disabled to provisions concerning child care facility requirements, including licensing standards, license applications, and transportation. Provides that no group home for the developmentally or intellectually disabled shall hire a staff member who is under 19 years of age. Effective immediately.

LRB104 06258 AAS 16293 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 Sections 2.06, 5, 5.1, and 7 and by adding Sections
6 2.16a, 2.16b, and 7.11 as follows:

7 (225 ILCS 10/2.06) (from Ch. 23, par. 2212.06)

8 Sec. 2.06. "Child care institution" means a child care
9 facility where more than 7 children are received and
10 maintained for the purpose of providing them with care or
11 training or both. The term "child care institution" includes
12 residential schools, primarily serving ambulatory children
13 with disabilities, and those operating a full calendar year,
14 but does not include:

15 (a) any State-operated institution for child care
16 established by legislative action;

17 (b) any juvenile detention or shelter care home
18 established and operated by any county or child protection
19 district established under the "Child Protection Act";

20 (c) any institution, home, place or facility operating
21 under a license pursuant to the Nursing Home Care Act, the
22 Specialized Mental Health Rehabilitation Act of 2013, the
23 ID/DD Community Care Act, or the MC/DD Act;

1 (d) any bona fide boarding school in which children
2 are primarily taught branches of education corresponding
3 to those taught in public schools, grades one through 12,
4 or taught in public elementary schools, high schools, or
5 both elementary and high schools, and which operates on a
6 regular academic school year basis;

7 (e) any facility licensed as a "group home" as defined
8 in this Act; ~~or~~

9 (f) any qualified residential treatment program; or

10 (g) any facility licensed as a "group home for the
11 developmentally or intellectually disabled" as defined in
12 this Act.

13 (Source: P.A. 103-564, eff. 11-17-23.)

14 (225 ILCS 10/2.16a new)

15 Sec. 2.16a. Group home for the developmentally or
16 intellectually disabled. "Group home for the developmentally
17 or intellectually disabled" means a child care facility that
18 provides residential care to no more than 8 developmentally or
19 intellectually disabled children in a single location, which
20 is placed by and under the supervision of a licensed child
21 welfare agency, the Department of Human Services, or a school
22 district with the homes being owned, rented, staffed,
23 maintained, or otherwise operated by the agency.

24 (225 ILCS 10/2.16b new)

1 Sec. 2.16b. Child who resides in a group home for the
2 developmentally or intellectually disabled. "Child who resides
3 in a group home for the developmentally or intellectually
4 disabled" means a child up to the age of 22 who, due to a
5 developmental or intellectual disability, needs special
6 education and related services.

7 (225 ILCS 10/5) (from Ch. 23, par. 2215)

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

9 Sec. 5. (a) In respect to child care institutions,
10 maternity centers, child welfare agencies, day care centers,
11 day care agencies, ~~and~~ group homes, and group homes for the
12 developmentally or intellectually disabled, the Department,
13 upon receiving application filed in proper order, shall
14 examine the facilities and persons responsible for care of
15 children therein.

16 (b) In respect to foster family and day care homes,
17 applications may be filed on behalf of such homes by a licensed
18 child welfare agency, by a State agency authorized to place
19 children in foster care or by out-of-State agencies approved
20 by the Department to place children in this State. In respect
21 to day care homes, applications may be filed on behalf of such
22 homes by a licensed day care agency or licensed child welfare
23 agency. In applying for license in behalf of a home in which
24 children are placed by and remain under supervision of the
25 applicant agency, such agency shall certify that the home and

1 persons responsible for care of unrelated children therein, or
2 the home and relatives, as defined in Section 2.17 of this Act,
3 responsible for the care of related children therein, were
4 found to be in reasonable compliance with standards prescribed
5 by the Department for the type of care indicated.

6 (c) The Department shall not allow any person to examine
7 facilities under a provision of this Act who has not passed an
8 examination demonstrating that such person is familiar with
9 this Act and with the appropriate standards and regulations of
10 the Department.

11 (d) With the exception of day care centers, day care
12 homes, and group day care homes, licenses shall be issued in
13 such form and manner as prescribed by the Department and are
14 valid for 4 years from the date issued, unless revoked by the
15 Department or voluntarily surrendered by the licensee.
16 Licenses issued for day care centers, day care homes, and
17 group day care homes shall be valid for 3 years from the date
18 issued, unless revoked by the Department or voluntarily
19 surrendered by the licensee. When a licensee has made timely
20 and sufficient application for the renewal of a license or a
21 new license with reference to any activity of a continuing
22 nature, the existing license shall continue in full force and
23 effect for up to 30 days until the final agency decision on the
24 application has been made. The Department may further extend
25 the period in which such decision must be made in individual
26 cases for up to 30 days, but such extensions shall be only upon

1 good cause shown.

2 (e) The Department may issue one 6-month permit to a newly
3 established facility for child care to allow that facility
4 reasonable time to become eligible for a full license. If the
5 facility for child care is a foster family home, or day care
6 home the Department may issue one 2-month permit only.

7 (f) The Department may issue an emergency permit to a
8 child care facility taking in children as a result of the
9 temporary closure for more than 2 weeks of a licensed child
10 care facility due to a natural disaster. An emergency permit
11 under this subsection shall be issued to a facility only if the
12 persons providing child care services at the facility were
13 employees of the temporarily closed day care center at the
14 time it was closed. No investigation of an employee of a child
15 care facility receiving an emergency permit under this
16 subsection shall be required if that employee has previously
17 been investigated at another child care facility. No emergency
18 permit issued under this subsection shall be valid for more
19 than 90 days after the date of issuance.

20 (g) During the hours of operation of any licensed child
21 care facility, authorized representatives of the Department
22 may without notice visit the facility for the purpose of
23 determining its continuing compliance with this Act or
24 regulations adopted pursuant thereto.

25 (h) Day care centers, day care homes, and group day care
26 homes shall be monitored at least annually by a licensing

1 representative from the Department or the agency that
2 recommended licensure.

3 (Source: P.A. 98-804, eff. 1-1-15.)

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

5 Sec. 5. (a) This Section does not apply to any day care
6 center, day care home, or group day care home.

7 In respect to child care institutions, maternity centers,
8 child welfare agencies, ~~and~~ group homes, and group homes for
9 the developmentally or intellectually disabled, the
10 Department, upon receiving application filed in proper order,
11 shall examine the facilities and persons responsible for care
12 of children therein.

13 (b) In respect to foster family homes, applications may be
14 filed on behalf of such homes by a licensed child welfare
15 agency, by a State agency authorized to place children in
16 foster care or by out-of-State agencies approved by the
17 Department to place children in this State. In applying for
18 license in behalf of a home in which children are placed by and
19 remain under supervision of the applicant agency, such agency
20 shall certify that the home and persons responsible for care
21 of unrelated children therein, or the home and relatives, as
22 defined in Section 2.17 of this Act, responsible for the care
23 of related children therein, were found to be in reasonable
24 compliance with standards prescribed by the Department for the
25 type of care indicated.

1 (c) The Department shall not allow any person to examine
2 facilities under a provision of this Act who has not passed an
3 examination demonstrating that such person is familiar with
4 this Act and with the appropriate standards and regulations of
5 the Department.

6 (d) Licenses shall be issued in such form and manner as
7 prescribed by the Department and are valid for 4 years from the
8 date issued, unless revoked by the Department or voluntarily
9 surrendered by the licensee. When a licensee has made timely
10 and sufficient application for the renewal of a license or a
11 new license with reference to any activity of a continuing
12 nature, the existing license shall continue in full force and
13 effect for up to 30 days until the final agency decision on the
14 application has been made. The Department may further extend
15 the period in which such decision must be made in individual
16 cases for up to 30 days, but such extensions shall be only upon
17 good cause shown.

18 (e) The Department may issue one 6-month permit to a newly
19 established facility for child care to allow that facility
20 reasonable time to become eligible for a full license. If the
21 facility for child care is a foster family home, the
22 Department may issue one 2-month permit only.

23 (f) The Department may issue an emergency permit to a
24 child care facility taking in children as a result of the
25 temporary closure for more than 2 weeks of a licensed child
26 care facility due to a natural disaster. An emergency permit

1 under this subsection shall be issued to a facility only if the
2 persons providing child care services at the facility were
3 employees of the temporarily closed facility at the time it
4 was closed. No investigation of an employee of a child care
5 facility receiving an emergency permit under this subsection
6 shall be required if that employee has previously been
7 investigated at another child care facility. No emergency
8 permit issued under this subsection shall be valid for more
9 than 90 days after the date of issuance.

10 (g) During the hours of operation of any licensed child
11 care facility, authorized representatives of the Department
12 may without notice visit the facility for the purpose of
13 determining its continuing compliance with this Act or
14 regulations adopted pursuant thereto.

15 (h) (Blank).

16 (Source: P.A. 103-594, eff. 7-1-26.)

17 (225 ILCS 10/5.1)

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

19 Sec. 5.1. (a) The Department shall ensure that no day care
20 center, group home, group home for the developmentally or
21 intellectually disabled, or child care institution as defined
22 in this Act shall on a regular basis transport a child or
23 children with any motor vehicle unless such vehicle is
24 operated by a person who complies with the following
25 requirements:

- 1 1. is 21 years of age or older;
- 2 2. currently holds a valid driver's license, which has
- 3 not been revoked or suspended for one or more traffic
- 4 violations during the 3 years immediately prior to the
- 5 date of application;
- 6 3. demonstrates physical fitness to operate vehicles
- 7 by submitting the results of a medical examination
- 8 conducted by a licensed physician;
- 9 4. has not been convicted of more than 2 offenses
- 10 against traffic regulations governing the movement of
- 11 vehicles within a 12-month period;
- 12 5. has not been convicted of reckless driving or
- 13 driving under the influence or manslaughter or reckless
- 14 homicide resulting from the operation of a motor vehicle
- 15 within the past 3 years;
- 16 6. has signed and submitted a written statement
- 17 certifying that the person has not, through the unlawful
- 18 operation of a motor vehicle, caused a crash which
- 19 resulted in the death of any person within the 5 years
- 20 immediately prior to the date of application.

21 However, such day care centers, group homes, group homes
22 for the developmentally or intellectually disabled, and child
23 care institutions may provide for transportation of a child or
24 children for special outings, functions, or purposes that are
25 not scheduled on a regular basis without verification that
26 drivers for such purposes meet the requirements of this

1 Section.

2 (a-5) As a means of ensuring compliance with the
3 requirements set forth in subsection (a), the Department shall
4 implement appropriate measures to verify that every individual
5 who is employed at a group home, group home for the
6 developmentally or intellectually disabled, or child care
7 institution meets those requirements.

8 For every person employed at a group home, group home for
9 the developmentally or intellectually disabled, or child care
10 institution who regularly transports children in the course of
11 performing the person's duties, the Department must make the
12 verification every 2 years. Upon the Department's request, the
13 Secretary of State shall provide the Department with the
14 information necessary to enable the Department to make the
15 verifications required under subsection (a).

16 In the case of an individual employed at a group home,
17 group home for the developmentally or intellectually disabled,
18 or child care institution who becomes subject to subsection
19 (a) for the first time after January 1, 2007 (the effective
20 date of Public Act 94-943), the Department must make that
21 verification with the Secretary of State before the individual
22 operates a motor vehicle to transport a child or children
23 under the circumstances described in subsection (a).

24 In the case of an individual employed at a group home,
25 group home for the developmentally or intellectually disabled,
26 or child care institution who is subject to subsection (a) on

1 January 1, 2007 (the effective date of Public Act 94-943), the
2 Department must make that verification with the Secretary of
3 State within 30 days after January 1, 2007.

4 If the Department discovers that an individual fails to
5 meet the requirements set forth in subsection (a), the
6 Department shall promptly notify the appropriate group home,
7 group home for the developmentally or intellectually disabled,
8 or child care institution.

9 (b) Any individual who holds a valid Illinois school bus
10 driver permit issued by the Secretary of State pursuant to the
11 Illinois Vehicle Code, and who is currently employed by a
12 school district or parochial school, or by a contractor with a
13 school district or parochial school, to drive a school bus
14 transporting children to and from school, shall be deemed in
15 compliance with the requirements of subsection (a).

16 (c) The Department may, pursuant to Section 8 of this Act,
17 revoke the license of any day care center, group home, group
18 home for the developmentally or intellectually disabled, or
19 child care institution that fails to meet the requirements of
20 this Section.

21 (d) A group home or child care institution that fails to
22 meet the requirements of this Section is guilty of a petty
23 offense and is subject to a fine of not more than \$1,000. Each
24 day that a group home, group home for the developmentally or
25 intellectually disabled, or child care institution fails to
26 meet the requirements of this Section is a separate offense.

1 (Source: P.A. 102-982, eff. 7-1-23; 103-22, eff. 8-8-23;
2 103-605, eff. 7-1-24.)

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

4 Sec. 5.1. (a) The Department shall ensure that no group
5 home, group home for the developmentally or intellectually
6 disabled, or child care institution as defined in this Act
7 shall on a regular basis transport a child or children with any
8 motor vehicle unless such vehicle is operated by a person who
9 complies with the following requirements:

10 1. is 21 years of age or older;

11 2. currently holds a valid driver's license, which has
12 not been revoked or suspended for one or more traffic
13 violations during the 3 years immediately prior to the
14 date of application;

15 3. demonstrates physical fitness to operate vehicles
16 by submitting the results of a medical examination
17 conducted by a licensed physician;

18 4. has not been convicted of more than 2 offenses
19 against traffic regulations governing the movement of
20 vehicles within a 12-month period;

21 5. has not been convicted of reckless driving or
22 driving under the influence or manslaughter or reckless
23 homicide resulting from the operation of a motor vehicle
24 within the past 3 years;

25 6. has signed and submitted a written statement

1 certifying that the person has not, through the unlawful
2 operation of a motor vehicle, caused a crash which
3 resulted in the death of any person within the 5 years
4 immediately prior to the date of application.

5 However, such group homes, group homes for the
6 developmentally or intellectually disabled, and child care
7 institutions may provide for transportation of a child or
8 children for special outings, functions, or purposes that are
9 not scheduled on a regular basis without verification that
10 drivers for such purposes meet the requirements of this
11 Section.

12 (a-5) As a means of ensuring compliance with the
13 requirements set forth in subsection (a), the Department shall
14 implement appropriate measures to verify that every individual
15 who is employed at a group home, group home for the
16 developmentally or intellectually disabled, or child care
17 institution meets those requirements.

18 For every person employed at a group home, group home for
19 the developmentally or intellectually disabled, or child care
20 institution who regularly transports children in the course of
21 performing the person's duties, the Department must make the
22 verification every 2 years. Upon the Department's request, the
23 Secretary of State shall provide the Department with the
24 information necessary to enable the Department to make the
25 verifications required under subsection (a).

26 In the case of an individual employed at a group home,

1 group home for the developmentally or intellectually disabled,
2 or child care institution who becomes subject to subsection
3 (a) for the first time after January 1, 2007 (the effective
4 date of Public Act 94-943), the Department must make that
5 verification with the Secretary of State before the individual
6 operates a motor vehicle to transport a child or children
7 under the circumstances described in subsection (a).

8 In the case of an individual employed at a group home,
9 group home for the developmentally or intellectually disabled,
10 or child care institution who is subject to subsection (a) on
11 January 1, 2007 (the effective date of Public Act 94-943), the
12 Department must make that verification with the Secretary of
13 State within 30 days after January 1, 2007.

14 If the Department discovers that an individual fails to
15 meet the requirements set forth in subsection (a), the
16 Department shall promptly notify the appropriate group home,
17 group home for the developmentally or intellectually disabled,
18 or child care institution.

19 (b) Any individual who holds a valid Illinois school bus
20 driver permit issued by the Secretary of State pursuant to the
21 Illinois Vehicle Code, and who is currently employed by a
22 school district or parochial school, or by a contractor with a
23 school district or parochial school, to drive a school bus
24 transporting children to and from school, shall be deemed in
25 compliance with the requirements of subsection (a).

26 (c) The Department may, pursuant to Section 8 of this Act,

1 revoke the license of any group home, group home for the
2 developmentally or intellectually disabled, or child care
3 institution that fails to meet the requirements of this
4 Section.

5 (d) A group home, group home for the developmentally or
6 intellectually disabled, or child care institution that fails
7 to meet the requirements of this Section is guilty of a petty
8 offense and is subject to a fine of not more than \$1,000. Each
9 day that a group home, group home for the developmentally or
10 intellectually disabled, or child care institution fails to
11 meet the requirements of this Section is a separate offense.

12 (Source: P.A. 102-982, eff. 7-1-23; 103-22, eff. 8-8-23;
13 103-594, eff. 7-1-26; 103-605, eff. 7-1-24; revised 8-15-24.)

14 (225 ILCS 10/7) (from Ch. 23, par. 2217)

15 (Text of Section before 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 and that
19 are equally applicable to like institutions under the control
20 of the Department and to foster family homes used by and under
21 the direct supervision of the Department. The Department shall
22 seek the advice and assistance of persons representative of
23 the various types of child care facilities in establishing
24 such standards. The standards prescribed and published under
25 this Act take effect as provided in the Illinois

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

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

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

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

18 (4) The number of individuals or staff required to
19 insure adequate supervision and care of the children
20 received. The standards shall provide that each child care
21 institution, maternity center, day care center, group
22 home, group home for the developmentally or intellectually
23 disabled, day care home, and group day care home shall
24 have on its premises during its hours of operation at
25 least one staff member certified in first aid, in the
26 Heimlich maneuver and in cardiopulmonary resuscitation by

1 the American Red Cross or other organization approved by
2 rule of the Department. Child welfare agencies shall not
3 be subject to such a staffing requirement. The Department
4 may offer, or arrange for the offering, on a periodic
5 basis in each community in this State in cooperation with
6 the American Red Cross, the American Heart Association or
7 other appropriate organization, voluntary programs to
8 train operators of foster family homes and day care homes
9 in first aid and cardiopulmonary resuscitation;

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

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

20 (7) Provisions to safeguard the legal rights of
21 children served;

22 (8) Maintenance of records pertaining to the
23 admission, progress, health, and discharge of children,
24 including, for day care centers and day care homes,
25 records indicating each child has been immunized as
26 required by State regulations. The Department shall

1 require proof that children enrolled in a facility have
2 been immunized against Haemophilus Influenzae B (HIB);

3 (9) Filing of reports with the Department;

4 (10) Discipline of children;

5 (11) Protection and fostering of the particular
6 religious faith of the children served;

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

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

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

23 (15) Provisions requiring notification of parents or
24 guardians enrolling children at a day care home of the
25 presence in the day care home of any firearms and
26 ammunition and of the arrangements for the separate,

1 locked storage of such firearms and ammunition;

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

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

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

23 (b) If, in a facility for general child care, there are
24 children diagnosed as mentally ill or children diagnosed as
25 having an intellectual or physical disability, who are
26 determined to be in need of special mental treatment or of

1 nursing care, or both mental treatment and nursing care, the
2 Department shall seek the advice and recommendation of the
3 Department of Human Services, the Department of Public Health,
4 or both Departments regarding the residential treatment and
5 nursing care provided by the institution.

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

20 (d) The Department, in applying standards prescribed and
21 published, as herein provided, shall offer consultation
22 through employed staff or other qualified persons to assist
23 applicants and licensees in meeting and maintaining minimum
24 requirements for a license and to help them otherwise to
25 achieve programs of excellence related to the care of children
26 served. Such consultation shall include providing information

1 concerning education and training in early childhood
2 development to providers of day care home services. The
3 Department may provide or arrange for such education and
4 training for those providers who request such assistance.

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

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

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

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

20 (i) The Department, in cooperation with the Department of
21 Public Health, shall work to increase immunization awareness
22 and participation among parents of children enrolled in day
23 care centers and day care homes by publishing on the
24 Department's website information about the benefits of
25 immunization against vaccine preventable diseases, including
26 influenza and pertussis. The information for vaccine

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

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

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

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

21 Sec. 7. (a) The Department must prescribe and publish
22 minimum standards for licensing that apply to the various
23 types of facilities for child care defined in this Act (other
24 than a day care center, day care home, or group day care home)
25 and that are equally applicable to like institutions under the

1 control of the Department and to foster family homes used by
2 and under the direct supervision of the Department. The
3 Department shall seek the advice and assistance of persons
4 representative of the various types of child care facilities
5 in establishing such standards. The standards prescribed and
6 published under this Act take effect as provided in the
7 Illinois Administrative Procedure Act, and are restricted to
8 regulations pertaining to the following matters and to any
9 rules and regulations required or permitted by any other
10 Section of this Act:

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

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

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, ~~and~~ group home, and group
23 home for the developmentally or intellectually disabled
24 shall have on its premises during its hours of operation
25 at least one staff member certified in first aid, in the
26 Heimlich maneuver and in cardiopulmonary resuscitation by

1 the American Red Cross or other organization approved by
2 rule of the Department. Child welfare agencies shall not
3 be subject to such a staffing requirement. The Department
4 may offer, or arrange for the offering, on a periodic
5 basis in each community in this State in cooperation with
6 the American Red Cross, the American Heart Association or
7 other appropriate organization, voluntary programs to
8 train operators of foster family homes and day care homes
9 in first aid and cardiopulmonary resuscitation;

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

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

20 (7) Provisions to safeguard the legal rights of
21 children served;

22 (8) Maintenance of records pertaining to the
23 admission, progress, health, and discharge of children.
24 The Department shall require proof that children enrolled
25 in a facility (other than a day care center, day care home,
26 or group day care home) have been immunized against

- 1 Haemophilus Influenzae B (HIB);
- 2 (9) Filing of reports with the Department;
- 3 (10) Discipline of children;
- 4 (11) Protection and fostering of the particular
5 religious faith of the children served;
- 6 (12) (Blank);
- 7 (13) (Blank);
- 8 (14) (Blank);
- 9 (15) (Blank);
- 10 (16) Provisions requiring all licensed child care
11 facility employees who care for newborns and infants to
12 complete training every 3 years on the nature of sudden
13 unexpected infant death (SUID), sudden infant death
14 syndrome (SIDS), and the safe sleep recommendations of the
15 American Academy of Pediatrics (other than employees of a
16 day care center, day care home, or group day care home);
17 and
- 18 (17) With respect to foster family homes, provisions
19 requiring the Department to review quality of care
20 concerns and to consider those concerns in determining
21 whether a foster family home is qualified to care for
22 children.
- 23 (b) If, in a facility for general child care (other than a
24 day care center, day care home, or group day care home), there
25 are children diagnosed as mentally ill or children diagnosed
26 as having an intellectual or physical disability, who are

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

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

21 (d) The Department, in applying standards prescribed and
22 published, as herein provided, shall offer consultation
23 through employed staff or other qualified persons to assist
24 applicants and licensees (other than applicants and licensees
25 of a day care center, day care home, or group day care home) in
26 meeting and maintaining minimum requirements for a license and

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

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

20 (f) (Blank).

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 (other than a day care
24 center, day care home, or group day care home). Each licensee
25 or holder of a permit shall make available by posting at all
26 times in a common or otherwise accessible area a complete and

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

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

19 (i) (Blank).

20 (j) (Blank).

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

23 (225 ILCS 10/7.11 new)

24 Sec. 7.11. Staff age requirement at a group home for the
25 developmentally or intellectually disabled. No group home for

1 the developmentally or intellectually disabled shall hire a
2 staff member who is under 19 years of age.

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

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.