



Rep. Kevin A. McCarthy

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LRB095 00843 RAS 34664 a

1 AMENDMENT TO HOUSE BILL 2632

2 AMENDMENT NO. _____. Amend House Bill 2632 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 Sec. 7. (a) The Department must prescribe and publish
8 minimum standards for licensing that apply to the various types
9 of facilities for child care defined in this Act and that are
10 equally applicable to like institutions under the control of
11 the Department and to foster family homes used by and under the
12 direct supervision of the Department. The Department shall seek
13 the advice and assistance of persons representative of the
14 various types of child care facilities in establishing such
15 standards. The standards prescribed and published under this
16 Act take effect as provided in the Illinois Administrative

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

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

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

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

17 (4) The number of individuals or staff required to
18 insure adequate supervision and care of the children
19 received. The standards shall provide that each child care
20 institution, maternity center, day care center, group
21 home, day care home, and group day care home shall have on
22 its premises during its hours of operation at least one
23 staff member certified in first aid, in the Heimlich
24 maneuver and in cardiopulmonary resuscitation by the
25 American Red Cross or other organization approved by rule
26 of the Department. Child welfare agencies shall not be

1 subject to such a staffing requirement. The Department may
2 offer, or arrange for the offering, on a periodic basis in
3 each community in this State in cooperation with the
4 American Red Cross, the American Heart Association or other
5 appropriate organization, voluntary programs to train
6 operators of foster family homes and day care homes in
7 first aid and cardiopulmonary resuscitation;

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

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

18 (7) Provisions to safeguard the legal rights of
19 children served;

20 (8) Maintenance of records pertaining to the
21 admission, progress, health and discharge of children,
22 including, for day care centers and day care homes, records
23 indicating each child has been immunized as required by
24 State regulations and that an educational pamphlet on the
25 merits of Influenza immunization in accordance with the
26 recommendations of the Advisory Committee on Immunization

1 Practices of the Centers for Disease Control and Prevention
2 has been distributed to the parent or guardian of each
3 child. The Department shall require proof that children
4 enrolled in a facility have been immunized against
5 Haemophilus Influenzae B (HIB);

6 (9) Filing of reports with the Department;

7 (10) Discipline of children;

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

10 (12) Provisions prohibiting firearms on day care
11 center premises except in the possession of peace 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, locked
3 storage of such firearms and ammunition.

4 (b) If, in a facility for general child care, there are
5 children diagnosed as mentally ill, mentally retarded or
6 physically handicapped, who are determined to be in need of
7 special mental treatment or of nursing care, or both mental
8 treatment and nursing care, the Department shall seek the
9 advice and recommendation of the Department of Human Services,
10 the Department of Public Health, or both Departments regarding
11 the residential treatment and nursing care provided by the
12 institution.

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

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

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

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

1 distribution of the summary and brochure. Such documentation
2 shall be a part of the records of the facility and subject to
3 inspection by an authorized representative of the Department.

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

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

24 (Source: P.A. 94-586, eff. 8-15-05.)".